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Parallel Report on CEDAW

**Regarding Articles: 1, 2, 3, 5, 7,
9, 10, 11, 12, 13, 14, 15 and 16**

Coordinated by



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2022 Parallel Report on CEDAW

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(in alphabetical order)

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環境法律人協會	Environmental Jurists Association (EJA)
台灣關愛之家	Harmony Home Association Taiwan, Harmony Home Taiwan
西藏台灣人權連線	Human Rights Network for Tibet and Taiwan
台灣身心障礙者自立生活聯盟	Independent Living Taiwan
民間司法改革基金會	Judicial Reform Foundation
屏東縣好好婦女權益發展協會	Juridical Association for the Development of Women's Right in Pingtung (JADWRP)
現代婦女基金會	Modern Women's Foundation
台北市新活力自立生活協會	New Vitality Independent Living Association, Taipei
嘉義市新世界自立生活協會	New World Independent Living Association, Chiayi.
桃園市群眾服務協會	Serve the People Association, Taoyuan (SPA)
高雄市向陽自立生活協會	Sunny Independent Living Association, Kaohsiung
台北市婦女救援社會福利事業基金會	Taipei Women's Rescue Foundation
台北市行無礙資源推廣協會	Taiwan Access For All Association
台灣廢除死刑推動聯盟	Taiwan Alliance to End the Death Penalty
台灣伴侶權益推動聯盟	Taiwan Alliance to Promote Civil Partnership Rights, TAPCPR

台灣障礙者權益促進會	Taiwan Association for Disability Rights (TADR)
台灣人權促進會	Taiwan Association for Human Rights (TAHR)
台灣刑事辯護律師協會	Taiwan Criminal Defense Attorney Association (TWCDAA)
台灣障礙女性平權連線	Taiwan Disabled Women's Alliance for Equal Rights
社團法人臺灣教育協會	Taiwan Education Association
彩虹平權大平台	Taiwan Equality Campaign
台灣性別平等教育協會	Taiwan Gender Equity Education Association
台灣國際醫學聯盟	Taiwan International Medical Alliance (TIMA)
台灣同志家庭權益促進會	Taiwan LGBT Family Rights Advocacy
台灣同志諮詢熱線協會	Taiwan Tongzhi (LGBTQ+) Hotline Association
勵馨社會福利事業基金會	The Garden of Hope Foundation

Regarding Arts. 1, 2, 3, 5, 7, 9, 10, 11, 12, 13, 14, 15 and 16

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Taiwan

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Art. 1 Definition of Discrimination against

Sex and Gender

1. The biggest problem about the terminology of “sex” and “gender” is not the confusion of their definition or misuse but that sex/gender is perceived based on sex organs and the diversity of both “sex” and “gender” is ignored. Sex/gender is oversimplified and categorized into the binary framework of male and female. Under such circumstances, the authority uses such binary categorization in legal and public documentation such as ID, drivers’ license, school enrollment data and employment record. These measures have overlooked gender identity of each individual and the biological changes that arise during the transition period of transgender who receive hormone therapy.
2. Some people in Taiwan insist on defining sex/gender based on sex organs and thus infringing on the right of transgender to live as their identified gender. For example, some transgender women though under hormone therapy and have developed female sex characteristics are still forced to live in male dorms or use male restrooms based on the legal gender recorded on their ID card.
3. We suggest: The State should promote the diversity of sex/gender with relevant sex/gender education and change the existing binary framework in household gender registration.

Art. 2 Policy Measures

A lack of a comprehensive anti-discrimination law results in failures to regulate hate speech toward LGBTI

4. In Taiwan, Gender Equality Education Act and Gender Equality in Employment Act are two major laws that explicitly protect LGBTI community from discrimination in schools and workplace. However, there are no similar laws and regulations in place in daily lives such as house rental, commercial transactions and services. For example, landlords might refuse to rent their houses to indigenous females, lesbians or trans women or store owners might refuse to provide services to indigenous females, lesbians or trans women. This would cause severe infringement on women’s rights and without proper laws to correct such injustice.
5. In addition, there are no effective laws available to counter hate speech in Taiwan. For example, some anti-gay groups initiated anti-gay referenda in 2018 and spread massively homophobia hate speech and disinformation before the referenda took place. On the other hand, many anti-transgender individuals also spread hate speech on the internet against transgender in recent years. However, no laws are available to counter such hate speech effectively.
6. We suggest: Taiwan should pass a comprehensive anti-discrimination law to

regulate hate speech against women, gender minorities (LGBTI+) and address gender inequality issues in general as soon as possible.

Mandatory surgery to remove sex organs to change legal gender

7. The administrative order to force transgender persons to remove sex organs before changing their legal gender has no legal grounds and we strongly believe that it is unconstitutional. The legal team of the TAPCPR has voluntarily represented several transgender persons to proceed with litigation to change their legal gender based on their gender identity and without providing proof of surgery, as we believe that the state should not force transgender persons to undergo these medical procedures. In one case's ruling in 2021, the Administrative Court ruled that the administrative order to demand transgender persons to remove sex organs before changing their legal gender constituted gross infringement to the integrity and dignity of the individual and lacks legal authorization and is thus unconstitutional. The ruling also affirms the rights of people to determine their gender identity. In another case ruling, the court ruled that the administrative order might have violated the Constitution, and therefore, suspended the litigation and requested the Constitutional Court to review whether the "directive of mandatory surgery to change legal gender" has violated the Constitution.
8. Given the strict household registration system in Taiwan, people need to present their ID card as proof of identification constantly. And the household office only accepts binary gender registration in "male" or "female" without other options such as X, blank or others. Therefore, non-binary and intersex or persons of unspecified gender are forced into the binary framework of male/female. In addition, the coding mechanism of Taiwan's household registration forcibly reveals citizens' gender (male as 1 and female as 2 on the specific set of code assigned to every citizen). There is also a column to identify gender on the ID card. On the other hand, secondary legal documents such as National Healthcare card and driver's license are also tightly tied to the household registration system and lack the flexibility to allow gender identification other than the binary ones. As a result, transgender persons are continually forced to reveal their privacy (i.e., the situation of their gender incongruence).
9. In terms of intersex minors, they are forced to be categorized into male or female during gender registration at the household registration office. For example, intersex children would be forced to do chromosome analysis tests to "confirm" their gender. The lack of diversity and flexibility of gender registration results in many newborns being forced to receive unnecessary sex reassignment surgery prematurely which grossly infringes on the rights of intersex and transgender persons. The Ministry of Health and Welfare (MOHW), though, claimed to have published intersex medical guidance suggesting hospitals not perform unnecessary

sex surgery on intersex children. However, there is no mechanism to ensure its full implementation. For example, the MOHW does not have any mechanism to monitor the implementation of the above guidance (e.g., the number of intersex minors receiving sex reassignment surgery; the counseling/guidance provided before and after such surgeries and the proper procedures to protect these minors and affirm their genuine consent).

10. The government agencies though claimed they would revise existing requirements to change legal gender; still, such legislative efforts are still under internal discussion. The agencies didn't even propose a draft bill to the Legislature until now.
11. We suggest:
 - (1) The government shall recognize the diversity of gender and propose relevant policies such as X gender as an alternative.
 - (2) The government shall immediately abolish the administrative order of "mandatory surgery to change legal gender" and provide phased options before legalization, such as changing legal gender based on certificates issued by psychiatrists or proof of receiving hormone therapy, etc.
 - (3) The government shall pass a law to regulate gender registration and change of legal gender.

There is an apparent lack of government resources for LGBTI+ intimate partner violence prevention

12. According to the 4th CEDAW national report paragraph 2.13, in 2020, the victims of intimate partner violence in a same-sex relationship account for only 1.6% of all reported cases, which means for 100 reported cases that a protective services social worker handles, only 1-2 of them are LGBTI+. However, protective services social workers in each city and county's domestic violence and sexual violence prevention centers handled more than 170,000 cases in 2020. The extreme workload and high stress led to a high turnover rate. Protective services social workers also lack adequate understanding of LGBTI+'s specific concerns, such as the fear of being out, low willingness to seek help, and not trusting the professionals to really understand their situation, which hinders social workers from providing help adequately.
13. In the case of severe physical violence or threat to personal safety, LGBTI+ victims of intimate partner violence might go to the police or hospital directly, but police force and hospital staff lack sensitivity training on LGBTI+ intimate partner violence. This could cause LGBTI+ cases not to trust professionals in their initial encounters with formal professional services, leading to lowered willingness to receive help from social workers.
14. Almost all resources provided in the intimate partner violence service networks, including counseling, psychotherapy, legal consultation, sheltering, support group,

and respondent service, are exclusively designed for heterosexual married couples. LGBTI+-friendly intimate partner violence services are scarce. For example, the shelters mentioned in the 4th CEDAW national report paragraph 2.23 are mostly restricted to biological females only. The majority of cases staying in the shelters are heterosexual married women with children. These places cannot accommodate transgender women, and difficult for lesbians to fit it. The high-risk cases identification evaluation system and the risk assessment survey used by social workers mentioned in the 4th CEDAW national report paragraph 2.21 are completely inapplicable to LGBTI+ cases.

15. We suggest:

- (1) The central government should ask local governments and private intimate partner violence services to highlight supportive LGBTI+-friendly texts and images on their websites. They should also include LGBTI+ images in their planning and production of intimate partner violence prevention programs and public advertisements in order to increase LGBTI+ people's awareness of intimate partner violence and willingness to seek professional help.
- (2) Given the limited cases of LGBTI+ intimate partner violence victims, the government should implement systematic planning and assistance for local government and private intimate partner violence services to establish LGBTI+ service practices. In this way, social workers can increase their competence and knowledge in helping LGBTI+ clients.
- (3) The government should create a systematic plan to increase resources and cultural competence in intimate partner violence networks for LGBTI+ cases, including counseling, psychotherapy, legal consultation, sheltering, support groups, and respondent services.
- (4) The government should create a systematic plan to increase the sensitivity training and competence of the police force and hospital staff to provide services for LGBTI+ cases to improve their willingness to reach out and accept help from social workers.

Covid-19 Response Measures Increase Women with Disabilities' Risk of Domestic Violence

16. The pandemic's impact on Taiwan's overall economy has led to an increase in unemployed or underemployed workers.¹ Groups that are economically vulnerable suddenly found their primary source of income compromised, creating hidden domestic stress factors. Furthermore, as people are enclosed in their homes, with severely reduced breathing space, an increase in familial conflicts and even

¹ Between mid-February and end of June, 2020, the number of workers affected by "management-labor agreed reduced hours" increased from 869 to 31,816. Source: <https://statfy.mol.gov.tw/index04.aspx>

domestic violence might occur.²

17. The State's disease control measures prohibit police or social worker visits for domestic violence cases if the individual is in home isolation/quarantine. The only available approach under these circumstances is a non-binding, verbal agreement that separates the perpetrator and the victim in different rooms during the quarantine and requests each use communal spaces at separate times. However, if any one party is unwilling to observe the agreement, this non-binding approach is easily compromised and rendered useless. As police and social workers are restricted from visiting or understanding the victim's situation, applying for a protection order would be a challenge, thereby violating the victim's right to be free of domestic violence.
18. The groups vulnerable to domestic violence are often those especially sensitive groups in an already disadvantaged position. In addition to women, children and juveniles mentioned above, these also include persons with disabilities and indigenous peoples.
19. We suggest:
 - (1) As para. 25 of 2017 Covenants Concluding Observations noted: The Review Committee further reiterates its earlier recommendation that the impact of the various initiatives be assessed, and on the basis of this assessment a comprehensive plan be developed to address domestic violence by adopting an interdisciplinary and multi-sectoral approach. It also recommends that the Government pay additional attention to the vulnerable groups of women, such as women with disabilities and the new immigrants who arrive as brides.
 - (2) According to the UN's statement,³ the State ought to attach additional importance to preventing and addressing domestic violence. Existing assistance resources for domestic violence victims must not be suspended, and additional police human resources must be allocated to respond to emergency incidents. In addition, using a telephone helpline would create risk exposure concerns for domestic violence victims under home isolation. The government may consider online or texting services, or other new channels to assist domestic violence victims.
 - (3) The State ought to enhance the awareness of first line service personnel (teachers, judicial workers, social workers, medical workers, etc.), and offer

² A press release by the Ministry of Health and Welfare indicates that the number of reported domestic violence cases between January, when the pandemic first occurred in Taiwan, and March, 2020, was approximately 32,000, an increase of about 5% compared to the same period in 2019: <https://www.mohw.gov.tw/cp-4633-52850-1.html>

³ UNOHCHR, States must combat domestic violence in the context of COVID-19 lockdowns - UN rights expert (2020): <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25749&LangID=E>

training on sexuality of persons with disabilities and gender equality, which would enable them to detect danger and understand various protective and assistance measures. In addition, relevant government services such as various channels for assistance, emergency shelters, protective relocation, physical and mental healthcare and legal assistance also ought to be reviewed for consideration of the varying needs of persons with disabilities, and ought to be promoted more expansively via a wide range of media and channels.

- (4) The above also applies to other vulnerable groups such as women, children and indigenous peoples.
- (5) The State is advised to, emulating the “quarantine hotel” measure, offer (potential) victims “quarantine shelter” which removes both disease and exposure to violence, in order to safeguard the disadvantaged from suffering domestic violence.
- (6) The state should begin to aggregate, organize and analyze issues the people have encountered due to the pandemic, formulate corresponding measures in advanced deployment for potential future pandemic intensification for similar emergencies. Additional attention be given to challenges and needs of women, persons with disabilities, children, the elderly and indigenous peoples in statistics aggregation, in order to ensure that the solutions formulated effectively safeguard the rights of these vulnerable groups.

Women with disabilities are severely affected by domestic violence and sexual assault

20. According to statistics on reported domestic violence cases compiled by the Ministry of Health and Welfare, the number of reported domestic violence cases had dramatically increased from 2016 to 2020.⁴ The increase is in part due to the amendment to the Domestic Violence Prevention Act which expanded the inclusion of children and adolescents who witness intimate violence, unmarried cohabitants, and non-cohabiting current or previous intimate partners; while also reflecting the deficiencies and ineffectiveness of government policies. According to the 2019 statistics on the general situation of domestic violence victims and respondents, there were 70,362 female victims of domestic violence, accounting for approximately 67.7% of the total amount,⁵ indicating domestic violence is still a form of violence concerning gender power relations.
21. According to statistics released by the Ministry of Health and Welfare by the categories of nationality and disabilities, from 1,725 people in 2007 to 8,240 people

⁴ Ministry of Health and Welfare, Statistics on Reported Domestic Violence Cases: <https://www.mohw.gov.tw/dl-22334-37cdd105-2256-420c-995f-42e8684c13f6.html>

⁵ Ministry of Health and Welfare, Summary of the Situation of Reported Domestic Violence Victims and Respondents: <https://www.mohw.gov.tw/dl-22336-aac7b855-e5db-4309-b829-31bbc7289057.html>

in 2019, the number of persons with disabilities fell victim to incidents of domestic violence has been incessantly increasing.⁶

22. Although the State has established a reporting system, according to the statistics of the Overview of Victim and Offender Status in Reporting Sexual Assault Cases and the Overview of Victim and Offender Status in Reporting Cases of Domestic Violence provided by the Ministry of Health and Welfare, the number of cases shows female victims surpass their male counterparts. The rates of domestic violence and sexual assault suggest that cases reported by persons with disabilities exceed those of persons without disabilities, both by gender and by total population. For more details, please refer to the table 1 and 2 below.⁷

Table 1 An overview of victims of reported domestic violence cases in 2020

Victims	Total		Male		Female		Gender unknow		National Total Population	Total		Male		Female		Rate of domestic violence		
	Number (A)	Number (B)	Proportion (B/A)	Number (C)	Proportion (C/A)	Number (D)	Proportion (D/A)	Number (E)		Number (F)	Number (G)	Total (A/E)	Male (B/F)	Female (C/G)				
Total	114,381	39,225	34.29%	75,083	65.64%	73	0.06%	Total	23,561,236	11,673,765	11,887,471	0.485%	0.336%	0.632%				
Persons without Disabilities	102,860	34,581	33.62%	68,241	66.34%	38	0.04%	Persons without Disabilities	22,363,297	11,007,989	11,355,308	0.460%	0.314%	0.601%				
Persons with Disabilities	11,521	4,644	40.31%	6,842	59.39%	35	0.30%	Persons with Disabilities	1,197,939	665,776	532,163	0.962%	0.698%	1.286%				

Table 2 An overview of victims of reported domestic sexual assault cases in 2020

Victims	Total		Male		Female		Gender unknow		National Total Population	Total		Male		Female		Rate of sexual assault		
	Number (A)	Number (B)	Proportion (B/A)	Number (C)	Proportion (C/A)	Number (D)	Proportion (D/A)	Number (E)		Number (F)	Number (G)	Total (A/E)	Male (B/F)	Female (C/G)				
Total	9,212	1,773	19.25%	7,406	80.40%	33	0.36%	Total	23,561,236	11,673,765	11,887,471	0.039%	0.015%	0.062%				
Persons without Disabilities	7,989	1,559	19.51%	6,405	80.17%	25	0.31%	Persons without Disabilities	22,363,297	11,007,989	11,355,308	0.036%	0.014%	0.056%				
Persons with Disabilities	1,223	214	17.50%	1,001	81.85%	8	0.65%	Persons with Disabilities	1,197,939	665,776	532,163	0.102%	0.032%	0.188%				

23. Statistics on persons with multiple identities incomprehensive: At present, statistics on domestic violence disclosed by the Ministry of Health and Welfare can only indicate the original nationality, age, education level, occupation, type of disability and form of domestic violence, rather than the manifestation of violence experienced by persons in intersectional circumstances, including but not limited to women with disabilities, persons with multiple and extensive disabilities, or new immigrant women with disabilities.

24. We suggest:

- (1) Statistical data on reported cases of domestic violence shall disclose the intersectional analysis across various identities and variables. Data collection, statistics, analysis and disclosure regarding intersectional violence experienced

⁶ Ministry of Health and Welfare, Victims of Domestic Violence with disabilities, from 2007 to 2019: <https://dep.mohw.gov.tw/dops/cp-1303-59318-105.html>

⁷ Source: Ministry of Health and Welfare, Overview of Victim and Offender Status in Reporting Cases of Domestic Violence: <https://reurl.cc/ra4kXZ> . Source: Ministry of Health and Welfare, Overview of Victim and Offender Status in Reporting Cases of Sexual Assault: <https://dep.mohw.gov.tw/DOPS/lp-1303-105-xCat-cat02.html>

- by victims shall also be included in the extensive research programs the State had commissioned from scholars and experts.
- (2) In addition to descriptive statistics, the State shall improve its awareness of the manifestation of violence in reported cases and its sensitivity regarding diverse forms of intimate relations. In addition to actively intervening in domestic violence prevention, the State shall also update its domestic violence prevention programs in accordance with current research on domestic/intimate violence, to comply with the norms of CEDAW and the Covenants.
 - (3) The Ministry of Health and Welfare should provide the complete statistics of 2020 on the overview of sexual assault and domestic violence victims.
 - (4) Sex education and gender equality education should be provided to persons with disabilities so that they are alerted to dangerous situations and informed of various protection and assistance resources.
 - (5) Increase the level of sensitivity in handling victims with trauma experience of first-line personnel such as teachers, judicial officers, social workers and medical professionals.
 - (6) Review the helplines, emergency shelters, protection placement, physical and mental care and consultation, legal aid and other relevant measures provided by the government and see if the different needs of persons with disabilities are properly considered.

Statistics unable to reflect the severity of the cases

25. According to statistics on reported domestic violence cases compiled by the Ministry of Health and Welfare,⁸ the number of reported domestic violence cases had dramatically increased from 2016 to 2020. The increase is in part due to the amendment to the *Domestic Violence Prevention Act* which expanded the inclusion of children and adolescents who witness intimate violence, unmarried cohabitants, and non-cohabiting current or previous intimate partners; while also reflecting the deficiencies and ineffectiveness of government policies.
26. According to statistics released by the Ministry of Health and Welfare by the categories of nationality and disabilities, from 1,725 people in 2007 to 8,240 people in 2019, the number of persons with disabilities fell victim to incidents of domestic violence has been incessantly increasing.⁹ However, the State was not committed to conduct further analysis on the form of domestic violence suffered by persons with disabilities. Incomplete statistics on persons with multiple identities: At present, statistics on domestic violence disclosed by the Ministry of Health and Welfare can

⁸ Ministry of Health and Welfare, Statistics on Reported Domestic Violence Cases: <https://www.mohw.gov.tw/dl-22334-37cdd105-2256-420c-995f-42e8684c13f6.html>

⁹ Ministry of Health and Welfare, Victims of Domestic Violence with disabilities, from 2007 to 2019: <https://www.mohw.gov.tw/dl-22336-aac7b855-e5db-4309-b829-31bbc7289057.html>

only indicate the original nationality, age, education level, occupation, type of disability and form of domestic violence, rather than the manifestation of violence experienced by persons in intersectional circumstances, including but not limited to women with disabilities, persons with multiple and extensive disabilities, or new immigrant women with disabilities.

27. We suggest: In addition to descriptive statistics, the State shall improve its awareness of the manifestation of violence in reported cases and its sensitivity regarding diverse forms of intimate relations. In addition to actively intervening in domestic violence prevention, the State shall also update its domestic violence prevention programs in accordance with current research on domestic/intimate violence, to comply with the norms of CEDAW and the Covenants.

Persisted shortcomings in the domestic violence safety net

28. The public-private cooperation had adversely overburdened civil organizations: the State had prolonged cooperation with civil organizations which are experienced in frontline service for victims of domestic violence, through the forms of commission contracts and providing subsidies for resettling services. Yet, civil organizations are often understaffed and in financial predicaments, detailed reasons are as follows:

- (1) To apply for subsidies, civil organizations are still required to raise part of the subsidy fund. Currently the maximum subsidy ratio for domestic violence resettlement projects is 80%, rendering civil organizations in need to raise a considerable amount of at least 20% of the total fund. During the pandemic, the accounting procedure of the State still requires organizations to advance the expected subsidized amount, forcing civil organizations to reduce the number of resettlement cases, even resulting in the deterioration of quality of services.
- (2) Insufficient space for contract negotiation between the State and commissioned civil organizations: if the number of resettled cases were to be lowered under the necessary quota by reasons of cases falling ill, for instance, the government will directly attribute the responsibility to the commissioned organization. The Taipei City Government has levied fees on the basis of “breaching contract” with similar events. Though commissioned organizations and governmental agencies had agreed on the negotiated and discussed content, governmental agencies had never arranged discussions between agencies and the commissioned organizations, shrinking the space for negotiations upon constituting the contract.

29. Application for protection orders

- (1) Average halt for application of protection orders has not decreased: According

to the statistics of the Judicial Yuan,¹⁰ the average number of days waited for the issuance of protection orders has remained at approximately 40 days in the past five years. Although the Judicial Yuan has claimed to have increased the number of family judges, the exact figure was not disclosed in its official website or the State report. Based on the aforementioned data, the increase in family judges did not remarkably reduce the cost of time for protection order applicants.

- (2) Children and adolescents who witnessed intimate violence still need family members to apply for protection orders, and the issuance rate is low: The State bears the obligation to exhaust all efforts to minimize the pressure endured by children and adolescents who have witnessed intimate violence to apply for protection orders, however the provisions nevertheless require their parents to act as representatives when applying for said order. However, parents acting as representatives might be involved in incidents of domestic or intimate violence themselves, thus reducing the willingness to present themselves for the application. In addition to the existing thresholds for application, the issuance rate of protection orders for children and adolescents who witnessed intimate violence is still relatively low. It is improbable for children and adolescents who witnessed domestic or intimate violence to obtain protection orders if the concerned case was deemed as “not serious”.
 - (3) Application and the procedure for appearing in courts: Protection orders can be divided into three categories: general, temporary and urgent, with the general protection order being the most complete in terms of protective measures. However, the general protection application process requires victims to appear in courts for review and issuance, potentially exposing the whereabouts of the victim to the respondent. This potential exposure can intimidate the victim from appearing in court, inducing the potential for them to obtain a protection order. The hostility of the statutory design of the State has resulted in a serious lapse of protection.
30. Shelters malfunctioned while the government regarded victims of domestic or intimate violence as a dependency population: The sheltering environment of domestic/intimate violence shelters has been persistently worrying. In addition to the lack of training resources on legal affairs, psychological counselling and vocational training, according to 2015 statistics, most of the victims of domestic/intimate violence only stayed in the shelter for around 2 weeks before returning to their original domiciles.¹¹This indicates that the sheltering and

¹⁰ Statistics from the Judicial Yuan: <https://www.judicial.gov.tw/tw/dl-143905-0043b0216ea64ca7817bf983d2392427.html>

¹¹ See “Special column: women suffered domestic/intimate violence need diverse forms of

empowerment function of shelters are not in effect. As of 2018, there are 41 emergency short-term shelters and 15 mediums to long-term shelters in Taiwan. Certain administrative areas (Hsinchu County, Kinmen County, and Lienchiang County) were not furnished with a long-term shelter. Because of the limited number of beds in most local shelters, the victims are often asked prematurely to draw up a return plan, creating a situation wherein the victims may be unable to be financially independent, and leaving the victims outside of the social safety net despite their departure from a violent environment, which also adversely affects the rights or their children.

New immigrants under domestic violence

31. New immigrants may be repatriated consequent to filing a divorce: although the State amended article 31 of the Immigration Act,¹² permitting spouses of foreign nationality with children to be able to continue their residency status in Taiwan after filing a divorce due to instances of domestic violence. For new immigrants who have lived in Taiwan for less than 5 years and are childless, however, since they do not meet the qualification to apply for permanent residency, should they suffer domestic violence at this stage, they may lose their residency status, even face repatriation. For new immigrants from Vietnam, Indonesia and other countries, filing for divorce while in the process of naturalization might result in statelessness for the individual as a result of having lost their original citizenship and were denied legal residency status in Taiwan.

Kurds from Syria are repatriated

32. In March 2018, two male Kurds and one female Kurds from Syria had just flown from Malaysia to Taiwan. They intended to have a transfer to Europe, where they planned to apply for asylum. The National Immigration Agency spotted their fake passports, and they were sent to Yilan Foreigner Detention Center. Later, they were prosecuted for forgery. Their lawyer argued in the pleading that the defendants had taken a transit flight to Taiwan as asylum seekers, so the state should be bound to the principle of non-refoulement. However, the defendants were still convicted. They were expelled from Taiwan and returned to Malaysia, their last point of departure after completing serving the sentence. During the process, the Taiwanese government turned a deaf ear to the female defendant's safety concerns that the Syrians in power regarded Kurds as enemies, and women were likely to be exposed to violence and sexual assault in Syria. This is the second repatriation case about Syrian Kurds that came to civic groups' knowledge.

shelters", published by the Garden of Hope Foundation on Thinking Taiwan (in Mandarin)
<https://www.thinkingtaiwan.com/content/6559>

¹² *The Immigration Act*: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080132>

33. We suggest:

- (1) Improve the labor conditions of protective social workers and increase the number of workers in accordance with the number of cases: the State shall assist recruitment of social workers for local governments in accordance with professional opinion on the maximum burden for each social worker and the number of cases in local administrative areas. In addition, regular reviews of work content of protective social workers shall be conducted, to discern the main reasons for the excessively high turnover rate, and to ensure a reasonable workload for protective social workers.
- (2) Reduce the economic burden and reasonable mandate of the commissioned organizations: The commissioned civil organizations should be admitted to spaces for negotiation on the contents of said commissions on a regular basis, and the content of the contract must not include provisions on liquidated damages on the basis of insufficient cases of resettlement. The proportion of autonomous fundraising in subsidizing contracts shall be reduced, the administration process of review and issuance shall also be accelerated, to avoid overburden for civil organizations.
- (3) Reduce the cost of time for applying for protection orders: The State shall disclose the number of increases of family judges and propose long-term programs and comprehensive measures to lower the average hold up time to acquire a protection order, provide various corresponding measures with all levels of courts.
- (4) Establish an alternative mechanism for obtaining a protection order without appearing in court: For victims of domestic/intimate violence whose risk of exposure has been assessed as immense by social workers, relevant security and support measures shall be provided, the State shall ensure relevant awareness and sensitivity of social workers when handling cases in need of resettlement, and formulate temporary alternatives before the issuance of protection order to ensure that victims are free from the risk of exposure.
- (5) Extend the duration of shelter and establish long-term shelters: The State shall cease the habitual regard of victims of domestic/intimate violence as a dependency population, and assist their reintroduction to community and workplaces in order to live independently by extending the duration of sheltering and provide mid or long-term shelters and accommodations for empowerment of self-reliance. At the same time, the sheltering system shall provide more training on psychological counselling, legal resources, vocational training for the victims to live independently, and education and childcare resources for children who have suffered from domestic violence
- (6) Residency status of new immigrant divorcees who suffered domestic/intimate violence shall not be adversely affected by their parental status. Amend

provisions to relax restrictions on the residency status for childless divorcees who suffered domestic/intimate violence, enable extension of residency status depending on their circumstances, and provide vocational training and job-matching programs equivalent without regard to their original nationality, to enable their financial self-reliance when residing in Taiwan.

- (7) Permit temporary residency status for new immigrants who filed divorce and were disallowed to retain their original nationality, and relevant restrictions to naturalization should be reduced by, for instance, enabling time spent in marriage residency calculated in naturalization qualification.

Specific laws on digital sexual violence shall be expeditiously legislated

34. Response to No. 28-29 of the International Review Committee's conclusions and recommendations on Taiwan's Third Report on the Implementation of CEDAW (hereafter the conclusions) and sections 2.42-2.48 of the state report. Gender-based cyberviolence remains a major issue to date. An online survey conducted by the Modern Women's Foundation in 2019 found that, of the 397 valid responses received, 96 respondents (24.2%) had experienced technology-facilitated stalking, 69 of which were women (78.4%).¹³ Furthermore, according to data from the Executive Yuan, in 2020, of all processed reports of sexual harassment under the Sexual Harassment Prevention Act, 172 cases (18.9%) occurred "in a virtual environment/through the use of technology (e.g. online, via cellular text messaging, etc.)." This data reflects a marked increase in such incidents from merely two years ago.¹⁴
35. Though the general public has become more aware of the issue of sharing intimate photos online, Taiwan still has no comprehensive legal regulations in place to address victim needs. Relevant measures must consider the unique nature of gender-based cyberviolence—i.e. transmission is rapid, broad and responses often incur secondary victimization of the involved party. To date, the Executive Yuan has defined and outlined gender-based cyberviolence and completed a review of all relevant regulations; however, their definition is not comprehensive enough and omits several forms of cyberviolence. Furthermore, the Executive Yuan has yet to fully amend necessary legislation and current proposals are incapable of fully addressing the needs of victims.¹⁵ Such legislation must be established to ensure intimate images and videos shared online are taken down within a set amount of time, to require overseas network operators to take down content, to establish education programs for perpetrators, and to allow victims to be able to directly

¹³ Modern Women's Foundation, *Online Survey on Technology-Facilitated Stalking*, 2019.

¹⁴ Department of Gender Equality, Executive Yuan, *Gender in Taiwan (Image)*, 2022.

¹⁵ Executive Yuan, Department of Gender Equality, *Definition, Types, and Scope of Gender-based Digital/Cyberviolence*, 2021.

apply for protective orders.¹⁶

36. The State Report on Covenants currently does not provide any account on its policy against an emerging form of cybercrime – digital sexual violence. According to the 2018 Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective published by the UN Human Rights Council, the definition of digital sexual violence is “any acts of gender based violence against women that is partially or fully implemented, assisted or aggravated by information and communicative technologies”, the report also indicated that digital sexual violence can be manifested in many forms.¹⁷ In Taiwan, the two most common forms are ‘nonconsensual pornography’:¹⁸the intentional dissemination, broadcasting, posting, or in any way allowing a third person to view images or videos of sexual intercourse or exposed sexual organs of the person concerned without the consent of the person concerned; and ‘sextortion’: the act of using intimate imageries of persons concerned as the basis of threat against the person concerned.
37. According to statistics from Taipei Women’s Rescue Foundation (hereinafter “TWRP”), since 2015, TWRP began its consultation and assistance hotline service for victims of digital sexual violence and served 345 cases as of the end of 2019.¹⁹ Among said cases, as high as 48.57% of them suffered threats from the perpetrator. It can be observed that offences of nonconsensual pornography are often accompanied by offences of sextortion. According to the statistics, the channels for the perpetrators to obtain sexually intimate videos include consensual shooting (32.59%), the victim’s self-portrait (27.48%), and sneak shots (19.49%).

¹⁶ Taipei Women's Rescue Foundation, Press conference on the physical and mental harm of gender-based cyber violence and practical response measures. 2022.04.28. URL: <https://www.twrf.org.tw/info/title/1211>

¹⁷ United Nations (2018). ‘Human Rights Council, Report of the Special Rapporteur on Violence against women, its causes and consequences on online violence against women and girls from a human rights perspective’. UN.Doc. A/HRC/38/47, <https://undocs.org/en/A/HRC/38/47>

¹⁸ The original report worded the said act as “Revenge Porn”. However, the non-consensual distribution of intimate sexual content on the internet might not always be motivated with the intention of “revenge”, the nature of said content also cannot be categorized as “porn”. Hence, we implement the wording “nonconsensual pornography”. https://www.iwomenweb.org.tw/Upload/UserFiles/files/32%E6%9C%9F%E9%80%9A%E8%A8%8A_%E5%9C%8B%E9%9A%9B%E4%BA%BA%E6%AC%8A%E8%A6%96%E8%A7%92%EF%BC%9A%E6%96%B0%E8%88%88%E6%95%B8%E4%BD%8D%E6%80%A7%E5%88%A5%E6%9A%B4%E5%8A%9B%E8%88%87%E9%98%B2%E5%88%B6.pdf

¹⁹ See the Voiceless Victims: Conditions, Needs, and Intervention Services for Victims of Digital Gender Based Violence, published by TU Ying-chiu and CHENG Hsiao-shan at “Build supportive and safe environments with professionalism - Empirical research and innovative services for protective services” conference held by National Union for Licensed Social Workers, 2020.

38. However, at present, the legal system does not provide sufficient protection for adult women against digital sexual violence.
- (1) Regarding the statistics above, sneak shots can be prosecuted as offences against privacy according to article 315-1, paragraph 2 of the Criminal Code.
²⁰However, should the material the perpetrator possesses be acquired through consensual shooting or the concerned parties' self-portrait, the perpetrator cannot be charged (for mere possession/for possession with the intention of extortion) rendering more than half of the cases in the said statistics inapplicable to article 315-1, paragraph 2 of the Criminal Code. ²¹Only after the perpetrator undertakes the act of distributing can it constitute the crime of distribution of obscene articles in article 235 of the Criminal Code. ²²
 - (2) Furthermore, article 11-1 of the Communication Security and Surveillance Act stipulates that prosecutors can only apply for an access warrant when the offence is punishable by term imprisonment of more than 3 years,²³ offences against privacy and distribution of obscene articles, respectively stated in article 315-2 paragraph 2 and article 235 of the Criminal Code, had term imprisonment of less than 3 years, hence, even if the prosecutors possess facts leading to the belief that communications records and information are necessary and relevant to the investigation of the case, statutory limitations made them incapable to apply for an access warrant from the court. In addition, operations of search and seizure stipulated in Chapter 11 of the Code of Criminal Procedure were legislated to protect the evidence from being destroyed and altered.²⁴However, in cases where images or videos of sexual intimacy were disseminated, the proposition of search and seizure was based on the plaintiffs' intention to prevent the circulation of said imagery, which is the exact opposite of the legislative purpose, hence prone to be rejected by the court.
 - (3) In addition, in the judicial process, cases involving children, domestic violence (from former or current spouse or partner) or sexual assault will be provided with relevant asylum mechanisms and procedural non-disclosure in accordance with the Child and Youth Sexual Exploitation Prevention Act, the Domestic

²⁰ The Criminal Code, art.315-1

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=C0000001>

²¹ The sum of consensual shooting (32.59%) and self portrait of the victim (27.48%) is 60.07%.

²² *The Criminal Code*, Art. 235,

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=C0000001>

²³ *The Communication Security and Surveillance Act*:

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=K0060044>

²⁴ *Code of Criminal Procedure*:

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=C0010001>

Violence Prevention Act, and the Sexual Assault Crime Prevention Act.²⁵ Other cases will not be regulated by said regulations. However, for the victims of aforementioned offences of article 315-1, paragraph 2 and article 235 of Criminal Code, only public litigation can be accessed without corresponding protective measures. In many cases, victims were reluctant to take judicial proceedings for the fear of their intimate information being disclosed.

39. In addition to insufficient legal protection, the existing practical prevention, protective mechanisms and social awareness are also insufficient:
- (1) The inadequate awareness of the government on the solemnity of digital sexual violence and its subsequent lapse of statistical coverage had left the aforementioned statistics of TWRP the only existing statistics on digital sexual violence.
 - (2) Furthermore, police officers and schoolteachers are not sufficiently sensitive to digital sexual violence, which can lead to improper handling of cases. For instance, there is a case where a female passenger on the MRT was harassed by an unknown person using AirDrop²⁶ to send obscene pictures, but encountered police officers who did not know what AirDrop was when reporting the case. This case made it palpable that front-line police officers are not familiar with new forms of cybercrime.²⁷ In September 2020, a news report indicated that incidents of sexual assault between classmates occurred in a high school in Nantou, the video of said occurrences even circulated around the class. However, after the school was notified about the incident, it did not actively address the incident and kept both the perpetrator and victim in the same class, nor did it address the fact that the classmates shared and reposted the videos. The school's hasty behavior is equivalent to causing secondary harm to the victim.²⁸
 - (3) At present, the only protective agency which can accept complaints and remove

²⁵ Chapter 2 Rescue and Protection, Chapter 3 Placement and Services of *Child and Youth Sexual Exploitation Prevention Act*
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0050023> , Art. 13 of *Domestic Violence Prevention Act*,
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0050071>, Arts. 12, 13, 15 of *Sexual Assault Crime Prevention Act*
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080079>

²⁶ AirDrop is a trademark of Apple Inc., registered in the U.S. and other countries.

²⁷ Joint statement from the victim and Women in Digital Initiative: "The "AirDrop sexual predator" Hard to Investigate, Emerging Digital Gender-based Harassment Requires Attention"
<https://www.facebook.com/gogowidigo/posts/pfbid03DvuusrYBP4Gei8WWxh8xs1ag3d1SZoWvnp5TdcfQvvShXGX6gpLM3YQHVeHCtzzl>

²⁸ "[High school sexual assault incident] School Confirmed the Male Student was Suspended, the Victim waiting for Transferrance on a Long Leave" from UDN
<https://udn.com/news/story/7317/4852107> (News link has expired.)

sexually intimate content with the assistance of telecommunications providers from the internet, is the iWIN, authorized by article 46 of the Protection of Children and Youth Welfare and Rights Act,²⁹ and congregated by the National Communications Commission with the joint participation of Ministry of Health and Welfare, Ministry of Education, Ministry of Culture, Ministry of Interior, Ministry of Economic Affairs, and commissioned participation of civil organizations. However, since iWIN was not equipped with public authority, should the telecommunication provider decline to remove said content, there is no existing regulation to authorize direct sanctions, rendering the iWIN only able to transfer said complaints to the competent authority of the respective business for arbitration. In addition, if said contents were distributed to foreign websites or platforms, it is unlikely for the content to be successfully removed, along with being less feasible supposing the lack of mutual legal assistance agreement between Taiwan and the location of said telecommunication provider. Furthermore, authorized by the Protection of Children and Youth Welfare and Rights Act, iWIN cannot handle cases involving adult women, aggregating an even more difficult removal.

- (4) Victim blaming is pervasive in society. When a case of nonconsensual pornography occurred, media and social commentaries often chose to criticize the victim who produced the images themselves or consented when the video was being recorded. This causes victims to spiral down into self-condemnation and denial while unaware to possible remedies. The State has not addressed and redressed such a social atmosphere.
40. We suggest the State to improve its policies on digital sexual violence in accordance with Report of the Special Rapporteur on violence against women, as well as its causes and consequences toward online violence against women and girls from a human rights perspective published by the United Nations:
- (1) The DGE shall conduct national statistical surveys and trend monitoring on various types of cases, observe monthly and yearly trends, and propose corresponding preventive and resolute measures. Furthermore, the DGE shall submit training programs for public agencies on the prevention of and response to digital sexual violence, especially for judicial officers and school teachers on the frontlines.
- (2) Expeditiously legislate a specific law on digital sexual violence to illustrate and address various forms of digital sexual violence, and reserve flexibility to respond to its emerging forms. Clearly outline protective and remedy-seeking mechanisms, formulate effective measures to prevent and urgently remove concerned content from being distributed on the internet such as authorizing

²⁹ *The Protection of Children and Youth Welfare and Rights Act*:
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0050001>

prosecutors to carry out preventive deletion and seizure while the case is under investigation.

- (3) The concealment of the case should be ensured in the judicial process, procedural nondisclosure shall be applied to protect personal information of the victims, corresponding protection mechanisms such as social worker escorts or psychological consultation shall be provided.
- (4) Establish a dedicated agency for the internet. The State can refer to the practice of the Australian Communications and Media Authority (ACMA) of imposing fines on telecommunication providers which declined to remove concerned contents through administrative penalties.
- (5) Public-civil cooperation: relevant government agencies shall cooperate with the National Human Rights Commission and civil organizations to formulate procedures to address the pervasive social atmosphere of victim blaming through education, audio-visual works, and advertising marketing.

Gender-related dimensions of disaster risk reduction in the context of climate change

41. Regarding equality and non-discrimination prioritizing the most marginalized groups of women and children:
 - (1) In the IPCC's Sixth Report, climate disaster response has become an unavoidable priority, and the likelihood of low latitude populations seeking climate asylum in mid-latitude countries will increase as the climate warms. As Taiwan has not enacted a refugee law, there is no policies and laws to address issues related to asylum-seekers out of political reasons or climate disasters that may arise in the future.
 - (2) There are about 650,000 new immigrants in Taiwan who have obtained their nationality and identity cards. However, most of those immigrated through marriage encounter problems such as language, cultural adaptation, weak emotional attachment to the new family, domestic violence, poverty and un/under-employments, and child rearing. Many of the new immigrants are single-parents, and due to their poor economic conditions, their living conditions do not reach an adequate standard of living. The social security and assistance system is closely connected to citizenship. For those who do not have Taiwanese nationality, it's difficult to get social support to improve their living conditions.
42. Participation and empowerment to ensure the participation of different groups of women in policy formulation, implementation and monitoring at all levels of government:
 - (1) There is no clear legal guarantee for women's participation in the formulation, implementation and monitoring of government policies at all levels, and the implementation of women's rights in this part, especially women and children

in vulnerable groups, because of their closed and crude living conditions, there is no way to Learn about government-related social assistance information or access channels for living assistance.

- (2) Regarding policies related to climate change adaptation and disaster prevention, there is no policy formulation, implementation and monitoring for women and children to face climate adaptation and disaster prevention.
43. Accountability and Remedy: Under the climate disasters of global warming, women are often more incapable of bearing disaster risks than men. Furthermore, the government is still developing large-scale land without specific consideration of the response to climate disasters. marginalized groups of women and children) may face forced evictions and lack of adequate housing, increasing women's vulnerability to climate hazards. In this regard, except for the addition of judicial remedies for urban planning in the Administrative Litigation Law, there is no substantive legal protection of women's substantive rights, so that judicial remedies may not be able to play their actual function.
44. The ability of female migrant workers to withstand climate disasters is insufficient: According to the statistics of the Ministry of Labor in March 2021, the number of migrant workers in Taiwan reached 719,000, of which 456,000 were industrial migrants, mainly 323,000 men; There are 263,000 workers, most of whom are women, accounting for 99.2%. However, the working conditions of migrant workers in social welfare are often overtime and underpayment. From 2016 to 2021, the Ministry of Statistics has received a total of 1,553 cases of sexual harassment complaints by migrant workers on the 1955 special line, including 51 industrial migrant workers and 1,502 social welfare migrant workers; a total of 199 sexual assault cases, including industrial migrant workers. 16 workers and 183 social welfare migrant workers. It can be seen that Taiwan's human rights protection for social welfare migrant workers is still quite backward, resulting in serious violations of migrant workers' rights, resulting in migrant workers "fleeing" and "hiding" becoming "invisible population" in Taiwan. In the face of climate disasters, it is even more difficult to ensure the disaster-bearing capacity of female migrant workers in disaster prevention.
45. We suggest: The government should formulate policies to address gender-related dimensions of disaster risk reduction in the context of climate change as advised by the CEDAW General Recommendations No. 37 and publish relevant schedules to monitor the status and progress of its implementation.

Art. 3 Equality

46. The Gender Equality Policy Guidelines amendments have included equal rights for the disadvantaged; however, we suggest that further amendments of the chapters of the Gender Equality Policy Guidelines should include comprehensive and

concrete measures and action plans to address the disadvantages faced by women with disabilities in their private and public lives.

47. Recommendations Relevant statistics and indicators are required, as well as concrete policies and measures to protect the rights of women with disabilities.

Art. 5 Stereotypes

Lacking of holistic planning on promoting gender equity in indigenous customary and all other practices

48. The 4th CEDAW national report paragraph 5.3 concerning indigenous people mentioned the leading role the government played in the following ceremonies: “the Amis Lidaw Sikawasays,” “the Amis Lidaw Sikawasays ceremony culture booklet editing program,” and “Sikawasay ceremony record-keeping,” one key purpose is to keep a record of how women play a leading role in these ceremonies. However, the government lacks initiation in promoting gender equity in the indigenous customary and all other practices. They usually wait until civil groups apply for funding rather than proactively create a comprehensive plan and consolidate resources. Furthermore, there were only records of the Amis’ application, but not other indigenous tribes in Taiwan.
49. We suggest:
- (1) The government should subsidize indigenous tribes to eliminate prejudices and customary and all other practices, and it should promote the subsidy on various channels to increase the application rate.
 - (2) The government should collaborate with local government to promote gender equity in various traditions, such as major local events like the harvest festival, the gratitude festival, and the Malahtangia (ear-shooting ceremony) should address the concern of gender equity.

Art. 7 Right to Political and Public Life

Insufficient representation of women with disabilities in policy making

50. Regarding to para. 12 of the CRPD State’s response to 2017 COR, despite the fact that governments of all levels are currently equipped with a committee for the promotion of the rights of persons with disabilities, the degree of participation of persons with disabilities is extremely low in actuality.
51. The proportion of persons with disabilities in the aforementioned committees was stipulated in the People with Disabilities Rights Protection Act, which is still low. Should the committee be a small one, then it’s possible to only one or no member who is a person with disability. In addition, when the People with Disabilities Rights Protection Act was amended in 2020, the proportion of members with disabilities of all committees at all levels was not revised, which is incapable to

ensure the participation of people with various types of disabilities, children with disabilities, and women with disabilities.

Insufficient participation of persons with disabilities in independent living services

52. Regarding to paragraph 138 of the 2021 CRPD Convention-specific document, disabled persons' organizations (DPOs) as administration teams are, at present, absent in the vast majority of institutions administering independent living services. The policymaking process, in addition, does not provide persons with disabilities with sufficient information or agency, where those invited are mostly to give comments without substantive participation in planning or decision making.
53. Lack of appropriate evaluation, supervision, review and grievance mechanisms: At present, evaluation and review of Taiwan's independent living centers or supportive service providers are commissioned by local governments to external experts without participation from persons with disabilities or their representative groups (as described in CRPD General Comment No.7). In addition, assessments to the number of utilized service hours are unilaterally performed by local governments without objective tools being applied, a transparent process, or effective channels with which user grievances may be addressed.
54. We suggest:
 - (1) Adopts CRPD General Comment No.5, consult representative organizations as described by CRPD General Comment No.7 and facilitate their proactive participation and collaboration.
 - (2) Decision making processes at all levels must incorporate the proactive participation of organizations representing persons with different forms of disabilities, which include: women with disabilities, elderly with disabilities, children with disabilities, indigenous peoples, persons with psychosocial disabilities, and persons with mental disabilities.
 - (3) Ensure that a specified proportion of independent living centres' administration teams are composed of persons with different forms of disabilities, and that relevant policymaking also sees a specified portion of such participation.

Insufficient protection for women in civil servants' elections

55. On central government elections: although Taiwan has a female president and the proportion of women elected to the 10th parliament in 2020 hit 41.59%, the highest in the country's history, it still remains to be seen whether this level of female participation is maintainable or if an over 50% women-represented parliament is achievable in the future. Furthermore, it has been clearly set out that at least 50% of the candidates on the legislator-at-large candidate list from each party must be women. However, only 34.25% of the regional legislators elected are women this year, which shows that without the requirement, the number would have been

even lower.³⁰In addition, there are only 34 legislator-at-large seats, which is barely enough to be allotted to vulnerable and disadvantaged groups, such as workers, farmers, people with disabilities or new residents.

56. On local elections:

(1) It is stipulated in art. 33, para. 5 and 6 of the Local Government Act that in the event that there is a total of four representatives to be elected in a district, there should be at least one female among the elected.³¹ However, this is only applicable to larger electoral districts where more than four are elected. Requirement on the number of women elected is not enforced for other districts. The article also stated “if the total number of the seats to be elected exceeds four, an additional female shall be among the elected for every additional four persons elected”. However, when the total number of the seats to be elected is not a multiple of four in a district, the required number of women to be elected can easily be less than 25% of the total. According to the reverse interpretation in para. 16, CEDAW General Recommendation No. 23,³²if the number of women elected is less than 30 - 35%, it becomes much harder for them to have a tangible impact on political solutions or decision-making. It’s obvious that the 25% requirement is far from enough to enable women to affect in substance the political decision-making.

(2) According to the chart from the “2020 Women and Men in R.O.C. Facts and Figures”, in 2018, 37.5% of the magistrates/mayors from different counties/cities are women, which is a lot better than 2014.³³However, there are still very few women working as mayors of special municipalities or mayors of townships/cities. Regarding local representatives, across different special municipalities and counties/cities, more than 30% of the councilors are women. However, the proportion in smaller electoral districts, such as townships/cities and indigenous districts, is less than 30%. This shows the aforementioned flaw in the Local Government Act.

³⁰ *Additional Articles of the Constitution of the Republic of China*, Art.4.2:

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0000002>; *Civil Servants Election And Recall Act*, Art.67.3:

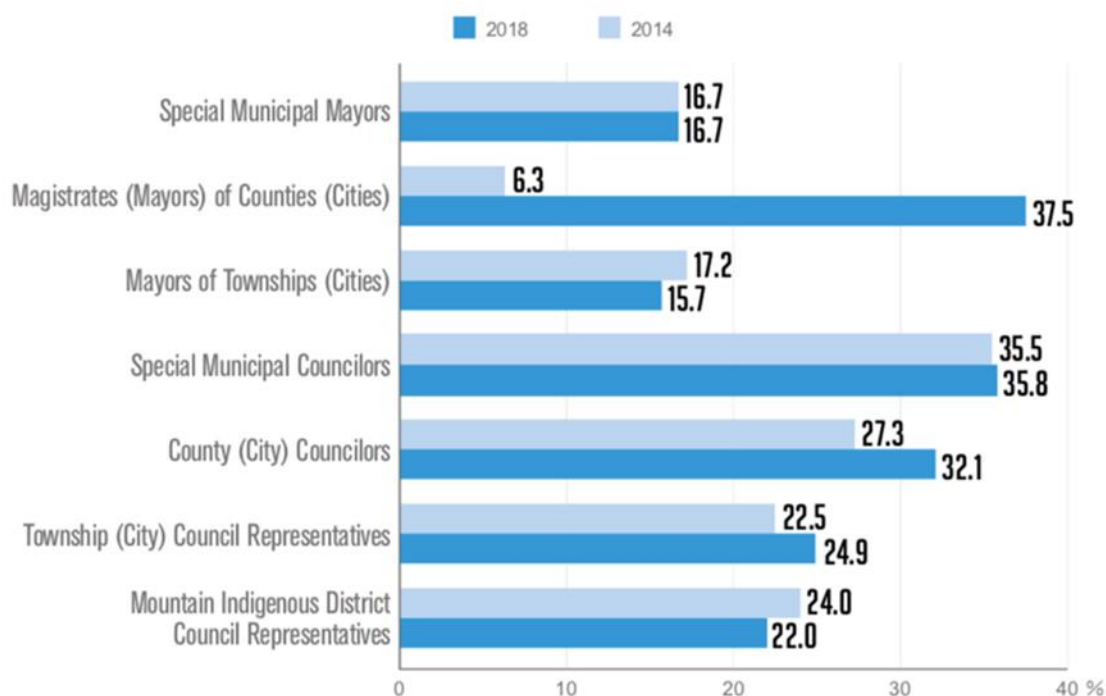
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0020010>

³¹ *Local Government Act*:

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0040003>

³² CEDAW, GC No.23 (1997): https://covenantwatch.org.tw/wp-content/uploads/2015/12/CEDAW_GC_23_ZH_TW_EYGEC.pdf

³³ 2020 Gender at a Glance in R.O.C. (Taiwan), by Department of Gender Equality, Executive Yuan, January 2020 <https://gec.ey.gov.tw/Page/8996A23EDB9871BE>



Source: Central Election Commission.

Figure 1 Percentages of Women Serving as Local Government Heads and Elected Representatives

Low participation rate by women in public sector decision-making

57. According to “2020 Women and Men in R.O.C. Facts and Figures”, a report compiled by the Executive Yuan, women only make up 6.9% of the Cabinet,³⁴ ranking the 165th in the world. The number, criticized by the Gender Equality Commission of the Executive Yuan (GEC) and other civic groups,³⁵ falls short of the Executive Yuan’s Gender Equality Policy Guidelines. While the Guidelines set the goal of “either gender should account for one-third of the public sector”,³⁶ the reality is far from it. Only 26.6% of the Grand Justices in the Judicial Yuan are women.³⁷ Per the Department of Gender Equality, Executive Yuan,³⁸ from

³⁴ The scope of these statistics cover institutions and important positions under the Executive Yuan according to the “Organizational Act of the Executive Yuan”, including the President of the Executive Yuan, Vice President of the Executive Yuan, Ministers without Portfolio, the Secretary-General, the Spokesperson, and Heads of second-level agencies and equivalent central-level independent agencies (currently includes 31 Ministries and Agencies according to organizational adjustments, and excludes the Transitional Justice Commission, Taiwan Council for U.S. Affairs, Ill-gotten Party Assets Settlement Committee, and Fujian Provincial Government). Each position is counted only once.

³⁵ PTS News Website: Only 3 women in new cabinet, hitting new all-time low.
<https://news.pts.org.tw/article/485042>

³⁶ Gender Equality Policy Guidelines, as amended in January 2017.
<https://ws.exam.gov.tw/Download.ashx?u=LzAwMS9VcGxvYWQvMS9yZWxmaWxlLzEyMDkzLzM5%20NzU0L2U5YjA5MjJhLTNhYzQtNDU5Zi1iYTRkLWw0NTI2N2lzMjc3My5wZGY%3d&n=MDItMjAxOSB%20HZW5kZXIzU3RhdGJlZGJlcy5wZGY%3d>

³⁷ Currently, among 15 Grand Justices, only 4 are women.

³⁸ Gender equality in the participation in decision-making in public/private sectors.
<https://gec.ey.gov.tw/Page/8F04E73DC96E5F11>

2016 to 2019, only 21-23% of the local government primary unit managers and correspondent directors are women, it is obvious that a “glass ceiling” exists at different levels of government agencies.

58. In addition, according to the 2019 Women and Men in R.O.C. Facts and Figures by the Ministry of Examination, by the end of 2019, 56.5% of civil servants were female. By rank, only 35.5% of seniors (ranking the highest) were female, whereas more than half of the juniors were women.³⁹The Facts and Figures also indicates that, during 2015-2019, there were 6 to 7 times more women who applied for parental leave than men. This proves that domestic responsibilities still fall mostly on women, creating a glass ceiling.

Weakness of gender equality mechanisms

59. Lack of diversity and representation in the GEC: historically, members in the GEC consist of people from mainstream society, such as those from metropolitan areas, elites and heterosexuals. However, according to paras. 24 and 25 of the 2018 CEDAW Concluding Observations, women from disadvantaged groups should be represented in all aspects in the GEC, including those from rural or remote areas, women with disabilities, indigenous women, elderly women, immigrants, homosexual, bisexual or transgender women. It also noted that the member quota for scholars and experts should only be of representative nature, ensuring diversity and representation in civic members’ opinion.
60. At present, only the Executive Yuan has a unit for reviewing and improving gender mainstreaming. While the other branches of government have also established gender equality mechanisms to implement CEDAW, it’s not really effective and needs reinforcement. The Legislative Yuan presented a gender analysis report based on the bills passed in each session. However, the report only stated that the bills have “a positive impact on gender equality” but did not show any possible gender impact other bills may bring.⁴⁰ Furthermore, although the President leads the coordination and cooperation between the five Yuan branches of government, the Office of the President has yet to set up a gender equality mechanism to implement CEDAW.
61. Local gender equality mechanisms have mixed results: Setting up an Office for Gender Equality is a way for local mayors/magistrates to express their political will, which has inspired administrative heads of other mayors/magistrates to do the same. However, the number of dedicated staff in each county/city varies,

³⁹ 2019 Gender at a Glance in R.O.C. (Taiwan) by Ministry of Examination.

<https://ws.exam.gov.tw/Download.ashx?u=LzAwMS9VcGxvYWQvMS9yZWxmaWxlLzEyMDkzLzM5%20NzU0L2U5YjA5MjJhLTNhYzQtNDU5Zi1iYTRkLWw0NTI2N2IzMjc5My5wZGY%3d&n=MDItMjAxOSB%20HZW5kZXI3RhZGlzdGljcy5wZGY%3d>

⁴⁰ Gender analysis report based on the bills passed by the Legislative Yuan.

<https://www.ly.gov.tw/Pages/Detail.aspx?nodeid=5249&pid=195802>

therefore we are seeing different levels of impact in different regions. Moreover, it is sometimes unclear exactly how each local Gender Equality Office is doing, because of insufficient monitoring and supervision from civil society in some regions.

Traditional misogynistic culture hinders women's participation in public affairs

62. Attacks on female politicians often stem from women's traditional cultural status and their expected domestic responsibilities. Female politicians are also often marginalized, depicted in an essentialist manner, and objectified in the media. With the development of the internet, such attacks have become more and more prevalent whilst its nature and severity are also changing.⁴¹Taiwan's traditional political culture also exposes women participating in public affairs to misogynistic comments from all walks of life. Discriminatory remarks by public figures is a leading cause of the deteriorating misogyny phenomenon.
63. With the popularization of the internet and social networking platforms, the public is now much closer to politicians than ever. But this also allows politicians to be more exposed to hate speech, which can be generated and spread much faster with the help of social networking sites. Under the traditional perspective, women are expected to shoulder domestic responsibilities. Additionally, the double standards on what counts as "immoral behaviors" imposed by society have led to disproportionate and acute attacks on female public figures.⁴²Such attacks not only hurt women but also silence them and discourage them from participating in the political process and public affairs.⁴³
64. We suggest
 - (1) Amend the Additional Articles of the Constitution to increase the number of legislators-at-large.
 - (2) Amend Article 33 of the Local Government Act to increase the number of reserving seats as per Point 25 (c) in the 2018 CEDAW Concluding Observations -- increase the proportion of seats reserved for women to 40% or even 50% to comply with the gender balance principle.
 - (3) In order to increase the female percentage in central and regional administration at a faster rate, the laws, including the Basic Code Governing

⁴¹ UNOHCHR, Violence against Women in Politics: IFES Submission to the OHCHR Special Rapporteur (2018): <https://www.iknowpolitics.org/sites/default/files/ifes.pdf>

⁴² iKNOWPOLITICS, Summary of the e-Discussion on Violence Against Women in Politics (2019): https://www.iknowpolitics.org/sites/default/files/summary_e-discussion_on_online_vawp.pdf

⁴³ Council of Europe Gender Equality Strategy, Factsheet on Combating Sexist Hate Speech, <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680651592>

Central Administrative Agencies Organizations and Basic Code Governing Local Administrative Agencies Organizations, should be amended to temporary measures, ensuring the proportion of either gender as the heads of first-level agencies both in the cabinet and in local governments is no less than one-third. The GEC should also urge all ministries to break the glass ceiling in the public sector and choose to promote gender minorities when candidates have matching qualifications, raise gender awareness among the highest-ranking administrative and executive officers, and create a gender-friendly workplace.

- (4) The central and local GECs should welcome the diversity and representation of women from different disadvantaged groups and improve accountability by setting up a gender equal professional qualification and “openness and transparency” system for the selection of Committee members. Establish an “Advisory Panel on Gender Mainstreaming in the Office of the President in Taiwan” to strengthen the gender equality mechanism function in the five Yuans branches of government. Local governments should also train using more gender equality resources to promote capacity in the Office for Gender Equality.
- (5) A comprehensive anti-discrimination law should be enacted to combat against misogyny. Gender equality training based on CEDAW should involve legislators, other elected public officers and staff in political groups, and analyze the results.

Art. 9 Nationality

Active issuance of legal residency status of stateless children and their birth mothers

65. As quoted in paragraph 73 of State’s 2020 Report on the Implementation of the ICESCR, albeit stipulated in the Article 46, paragraph 3 of Employment Service Act that labor contracts for migrant workers only applied to fixed-term contracts, which barred contents in violation with Act of Gender Equality in Employment,⁴⁴ including repatriation upon pregnancy, listed in the contractual agreement, until

⁴⁴ According to the Ministry of Labor’s statement on the protection of the right to work for pregnant migrant workers in Taiwan, the content of labor contracts for migrant workers must not violate relevant labor laws and regulations and employers must not terminate the contract or force the migrant worker to leave the country due to pregnancy. Statement: <https://www.mol.gov.tw/announcement/33702/26461/?cprint=pt>. *The Act of Gender Equality in Employment* also stipulated that “Work rules, labor contracts and collective bargaining agreements shall not stipulate or arrange in advance that when employees marry, become pregnant, engage in childbirth or child care activities, they have to sever or leave of absence without payment. Employers also shall not use the above-mentioned factors as excuses for termination.” Text of the Act: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030014>

the end of 2019, the Control Yuan had yet to propose corrective measures to the Executive Yuan, the National Immigration Agency of the Ministry of Interior, and the Ministry of Labor on the matters of the failure to implement the protection of identity rights for the children of migrant workers, and the exclusionary outcome of the Act of Gender Equality in Employment.⁴⁵ According to investigations, article 15 of the Act of Gender Equality in Employment, which addresses maternity leave, the employer's obligation to administer childcare facilities and maternity protection were not implemented for the sake of migrant workers. Once a migrant worker becomes pregnant, it is very likely for the employer to terminate her employment status due to lack of manpower, resulting in repatriation. Fearful of being repatriated, pregnant migrant workers might become undocumented migrant workers with illegal residency status.

66. Illegal residency status of birth mothers adversely affects their children: Article 38-1 Paragraph 1 Subparagraph 3 of the Immigration Act stipulates that relevant social welfare agencies must be notified to provide shelter for children under the age of 12.⁴⁶ However, whether the sheltered children can obtain legal residency status correlates with the residency status of the child's birth parents. According to Article 2 Paragraph 1 Subparagraph 3 of the Nationality Act, a person born within the territory of the ROC with both of his/her parents unascertainable or stateless, can be granted the nationality of the ROC.⁴⁷ At present, birth mothers of a large number of cases are undocumented migrant workers, even if the state is made aware of their identity, the birth mothers would not be willing to come forward for the fear of repatriation or the inability to support said children, causing the children to only be able to obtain, at most, one year of residency status with an Alien Resident Certificate,⁴⁸ (applied by local Departments of Social Welfare and issued by the National Immigration Agency) in lieu of acquiring legal residency status. If the birth mother is still unascertainable, in principle, the court shall deprive the birth parents of their parental rights in accordance with Article 1094 of the Civil Code, and then grant the child Taiwanese nationality with adoptive parents in accordance with Article 4 of the Nationality Act. At present, however,

⁴⁵ See the press release of the Control Yuan: "on the matters of the lack of implementing conducts for the protection of identity rights of the children of migrant workers and the exclusionary outcome of the Act of Gender Equality in Employment, the Control Yuan propose corrective measures to the Executive Yuan, the National Immigration Agency of the Ministry of Interior, and the Ministry of Labor"
https://www.cy.gov.tw/News_Content.aspx?n=124&s=14906 The text of corrective
<https://www.cy.gov.tw/CyBsBoxContent.aspx?n=134&s=3924>

⁴⁶ Section 38-1 of the *Entry into and Immigration Act*:
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080132>

⁴⁷ *Nationality Act*: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0030001>

⁴⁸ *Regulations Governing Visiting, Residency, and Permanent Residency of Aliens*, Art.6:
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080129>

only a minority of cases have been established where the parental rights of said children were deprived and processed through adoptive procedures. Most of the cases have been related to birth mothers unwilling to come forward, rendering the children to be taken care of by children's institutions, foster families, and caregivers. Not only do these children not have legal residency status, they are also not entitled to National Health Insurance (hereinafter the "NHI"), education services and related social welfare resources.

67. There is a gap between the actual number of stateless children and reported cases, the actual number being unbeknownst by the state. According to paragraph 182 of the State Report, there are 372 cases of stateless children registered by the State since June 2019, of which 178 are unregistered due to adulthood or repatriation. However, this number can only describe the reported cases. As revealed in multiple news reports about stateless children and pregnant migrant workers, the state registered a mere fraction of the total population of stateless children in Taiwan.⁴⁹ Unreported by the birth mother and unregistered by the state, some of the stateless children were revealed to have died prematurely due to diseases after their birth mothers were arrested, indicating a gap in the reported population data of stateless children in the country.
68. We suggest:
- (1) Implement maternal protection in the workplace for pregnant migrant workers and redraw the quota policy: the rights and interests of birth mothers and children cannot be separated. If the rights of pregnant migrant workers in the labor force are not protected, migrant workers will have to constantly face the risk of unemployment and repatriation, causing their children to become unregistered. Therefore, the rights of pregnant migrant workers promulgated in the Act of Gender Equality in Employment must be implemented, including adjusting contents of work during pregnancy and the obligation for employers of more than 100 people to administer childcare facilities, and enable migrant workers to have the right to await the delivery of their child in Taiwan or return to her country of origin for resettlement, whilst retaining her position at work. The unfavorable circumstances faced by pregnant migrant workers are partly caused by statutory quota restrictions on migrant workers. Under quota restrictions, employers are unwilling to and unable to find alternative labor power. Therefore, it is recommended for the state to consider the reality that female migrant workers may become pregnant, redraw the quota policy of migrant workers, and formulate a more flexible hiring system for migrant

⁴⁹ According to a report by the Storm Media "Discrimination kills! Pregnant migrant workers were forced to flee, perils of unregistered children: died from inaccessible vaccination, the mother wished to bury him at a mosque....." Text of the report: <https://www.storm.mg/article/1546158?page=1>

workers.

- (2) Normalize the legal right of residence for migrant workers who have children after coming to Taiwan: it is highly recommended for the state to grant temporary legal residency rights to unregistered migrant workers, to ensure migrant workers and their children have the right to family unity which was guaranteed by the Covenants, to refrain from presenting a dilemma of self-perseverance and rights of children to migrant workers, and to fully comply with Article 16 of the ICCPR and Article 7 of the CRC which concerned the right of children to bear name and nationality, to recognize their parents, and the right to enjoy parental care.
- (3) Accelerate the process of granting stateless children temporary residency status: although, the Executive Yuan has adopted the principle of facile evaluation since 2017 and stated it will exhaust all possible measures to grant children whose birth parents are unascertainable of nationality of ROC in accordance with article 2 of the Nationality Act.⁵⁰ Children with a known mother who are not willing to come forward still have to go through a long “search” process to obtain a one-year residency status with an “Alien Resident Certificate”, and are still deprived of their right to health and education during the waiting period. Therefore, it is recommended for the state to issue an “Alien Resident Certificate” directly to the children after the case is reported, and consider revising Article 2 of the Regulations Governing Visiting, Residency,⁵¹ and Permanent Residency of Aliens to relax the restrictions for the children to extend their residence period.
- (4) It is prohibited to repatriate children of non-nationality when it is not in their best interest: the state should ensure that children of non-nationality are not separated from their parents and their original environment of upbringing. In recent years, Taiwan’s primary method of handling children born to migrant workers primarily is to repatriate them to social welfare institutions of the country of origin with the consent of the birth mother. This may result in the child being only able to reunite with the birth mother after she returns to the country for adoption. Relatives in the country of origin might also be unwilling to claim the child for social stigmatization from the country’s religious or cultural prejudice for children born out of wedlock. This contradicts with

⁵⁰ See report from Upmedia, Jan. 25th, 2017: “[Exclusive] Stateless children born to migrant workers might be able to acquire ID, terminating their legal limbo”:
https://www.upmedia.mg/news_info.php?SerialNo=11234

⁵¹ According to the article 2 of *Regulations Governing Visiting, Residency, and Permanent Residency of Aliens*, in principle, extension shall not surpass six months; however, on the basis of pregnancy, disease or natural disaster, said extension can be further lengthened. We recommend the state to include stateless children in the concession. Text of the Regulation:
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080129>

Article 24 of the ICESCR which guarantees that all children have the right to birth registration and acquisition of nationality without discrimination, and with articles 3, 10, and 18 of the CRC which disclosed the right of family unity and the best interests of children. The decision on whether to return children of non-nationality to their country of origin for resettlement must be assessed in the best interests of the child. The state shall also cooperate with the social affairs unit of the country of origin to regularly and continuously monitor the conditions of said cases, to ensure the compliance with article 27 of the 6th General Comment of CRC,⁵² and to ensure the child is protected from torture or disadvantageous circumstances.

Art. 10 Right to Education

Sexual abuse and maltreatment in special education schools and institutions

69. No independent mechanisms of the State, such as the National Human Rights Commission, the Control Yuan, or other independent mechanisms, have yet to systematically review and address instances of sexual abuse and maltreatment in special education schools and institutions. For instance, the subsequent improvements regarding the sexual abuse occurrences in special education schools and institutions which were publicized by the Humanistic Education Foundation and mentioned in paras. 45-49 of the 2017 parallel report coordinated by Covenants Watch,⁵³ were obscured, which was induced by the lack of an effective follow-up monitoring mechanism; the specific ameliorations made to address the said cases, became unidentifiable after the Control Yuan conducted an investigation, released corrective measures against the Affiliated School for Students with Hearing Impairments of National University of Tainan (formerly the Tainan School for the Hearing Impaired), the Ministry of Education, the Ministry of the Interior, and the Tainan City Government, and impeached 16 persons who it deemed culpable of

⁵² Furthermore, in fulfilling obligations under the Convention, States shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child, such as, but by no means limited to, those contemplated under articles 6 and 37 of the Convention, either in the country to which removal is to be affected or in any country to which the child may subsequently be removed. Such non-refoulement obligations apply irrespective of whether serious violations of those rights guaranteed under the Convention originate from non-State actors or whether such violations are directly intended or are the indirect consequence of action or inaction. The assessment of the risk of such serious violations should be conducted in an age and gender-sensitive manner and should, for example, take into account the particularly serious consequences for children of the insufficient provision of food or health services.”

⁵³ Parallel Report on the Implementation of the Convention on the Rights of Persons with Disabilities, Coordinated by Covenants Watch, June 2017, <https://reurl.cc/ZQN8OA>

dereliction of duty or illicit behavior.⁵⁴ Despite the fact that the State conducted investigations regarding individual cases, the function of said inquisition was limited to administrative supervision, and was unable to further examine and address the internal institutional and structural problems of special education institutions.

70. Structural factors contributing to the sequestration of incidents of sexual abuse and maltreatment in special education schools or institutions: According to the empirical experience of the Humanistic Education Foundation, special education schools and institutions frequently utilize systematic pressuring to avert informed faculties from reporting what they have seen, even ousted teachers or staff who legally participated in the investigation or the complaint relief mechanism through coercion. Take the Tainan School for the Hearing-Impaired Sexual Abuse Case for instance, the teacher who participated in the investigation later faced retaliation in the form of being secluded by the faculty, and receiving the only “B grade” performance appraisal in the entire school, leading to their premature (of 10 years) retirement. Moreover, should gender equity complaint mechanisms be introduced to special education schools and institutions, the effectiveness of it would also be nevertheless limited due to obstacles in communication (gender equity committee members being unfamiliar with sign languages) which leads to difficulties in gaining the trust of the students, or the adversities in obtaining suitable information due to committee members’ incapability to properly perceive the communicative methods of students with disabilities.⁵⁵ Finally, special education schools or institutions are also prone to leniently handling or even concealing cases of sexual abuse and maltreatment, in fear of cases affecting fundraising abilities and funding sources.
71. Inadequate implementation of sex education, gender education, and sexual abuse prevention measures in special education schools and institutions, the inability of establishing appropriate sex/gender awareness and approaching methods has rendered students unable to properly express their encounters with gender equity incidents, and the faculty unable to provide effective assistance to those who encountered such events. Despite the fact that the Ministry of Education has provided category-sensitive gender equity materials for students with disabilities after the incidents regarding the Tainan School for the Hearing Impaired, it has not

⁵⁴ Press release of the Control Yuan, “The Control Yuan Publishes Corrective Measures Against Four Entities Including the Tainan School for the Hearing Impaired, Regarding the Tainan School for the Hearing-Impaired Sexual Abuse Case”, August 2012 <https://reurl.cc/e9klWM>

⁵⁵ In Schools for the Hearing Impaired, the use of sign language to communicate is the key to gaining the trust of the deaf students or students with hearing disabilities; in special education institutions, conceptualization of the modes and characteristics of the students with disabilities in understanding and perceiving information is the necessary antecedent of engaging in an understandable conversation.

been updated since 2017,⁵⁶ and has not issued reports regarding the effectiveness of said materials. Furthermore, in para. 33 of the CRPD State's response to 2017 COR it was mentioned that a "Project for Gender Empowerment and Gender-Equity Incident Prevention in Special Education Schools and Institutions" was in effect since 2018 with the intent to improve students' gender awareness, the implementation was hindered by practical adversities.

72. The counseling and consulting groups of the Ministry of Education are incapable of adequately correcting the internal predicaments of special education schools and institutions, due to inconsistent exit mechanisms. The Taipei City Government and the Ministry of Education had established counseling and consulting groups in response to occurrences of sexual abuse incidents in the Taipei School for the Hearing Impaired and the Tainan School for the Hearing Impaired, to go to the site, apprehend the situation, and propose time-limited commendations of improvement. In terms of result, with continued stationing and intervening across a timeframe of 3 years, the counseling and consulting had effectively terminated ineligible faculty members of the Taipei School for the Hearing Impaired, and improved gender equity circumstances of the campus; contrastingly, with its members merely engaged in periodic visits, it being deprived of independent and authentic authorization, its eventual merger with the university and the resulting transformation into the "Campus Gender-Equity Professional Advisory Group" after the school recognized into the Affiliated School for Students with Hearing Impairments of National University of Tainan, and its dissolution into inactivity without issuing a closure report, the result and outcome of the improvements yielded by the counseling and consulting group of the Tainan School for the Hearing Impaired remained unknown.
73. Under the special education system, parents cannot unscrupulously express their opinions which will not be attended to anyway. Concerned about the straight promotion system of special education schools and institutions, and the high association between academic performance and career options, parents are less inclined to report incidents of sexual abuse, sexual harassment, or maltreatment in fear of it affecting the career development of their children. Furthermore, the inadequacy of inclusive education in general schools and institutions has limited the educational options of students with disabilities, leading to parents believing that special education schools and institutions are somehow advantageous for students with disabilities, which in turn emboldened special education schools and institutions and enabled them to be inadvertent to the opinions of the parents.
74. Recurrent incidents of improper discipline in special education schools and institutions: The Humanistic Education Foundation had received multiple cases of

⁵⁶ Ministry of Education, Gender Equality Education Global Information Network Special Education Teaching Resources: <https://reurl.cc/zbKX17>

improper discipline from special education schools and institutions across the nation, such as the National Chiayi Special School, the National Tainan Special School, the Kaohsiung Municipal Special School, and the Taichung Special School for the Student with Hearing Impairments:

- (1) Take the case of National Chiayi Special School for instance, using “teaching and discipline” as an alibi, the teachers had engaged in maltreatments, such as physical violence, verbal and behavioral intimidation against students; including force feeding “facing heaven peppers”, prolonged running on treadmills as punishment, threatening to chop students’ hands off with a butcher’s knife, forcing students to wear diapers on their heads while attending classes, and forcing students to destroy their beloved Pikachu plush toys, to name a few. These abuses had caused devastating physical and psychological harm and abuse of students. The Control Yuan had conducted investigations and issued corrective measures against the National Chiayi Special School in 2019,⁵⁷ and the school had responded with dismissing, demeriting, and issuing admonitions against faculty members who were involved in the abuses; however, the charge on coercion was deemed not guilty by the trial court on the grounds of insufficient evidence at the end of 2020, after a prosecutor had prosecuted two teachers who were accused of dereliction of duty.⁵⁸
- (2) In National Tainan Special School, teachers in the preschool section, the junior high section, and the senior high section were all involved in abusive behaviors against the students: a teacher in the preschool had twice wounded a four-year-old, with swollen sores and bruise around their eyes; a teacher in the junior high school was engaged in physical brawl against schoolboys; and a teacher in the senior high school had marred a schoolgirl with bruises all over her thighs and hips, shortly after they broke her arm. The victim in the junior high school had lost both criminal and civil litigations after filing, which ironically fits his teachers’ mockery: “You’re dumb, no one will believe what you say.”
- (3) Such cases had indicated that the State had failed to recognize the power imbalance between students and teachers, and neglected the intersecting vulnerabilities experienced by children with disabilities, which subsequently exposed them to the risk of torture or cruel, inhuman or degrading treatment or punishment, and abided the harm against their physical health, mental

⁵⁷ Press release, the Control Yuan: Incident of Abusive Behavior Against Students Had Occurred in the National Chiayi Special School, Causing Severe Trauma on the Students. Control Yuan Member Wang Yu-Ling and Kao Yung-Cheng Proposed Corrective Measures, and Requested the Ministry of Education to Carefully Examine the Eligibility of Incompetent Administrators and Teachers who Violated the Intent of Special Education. February 2019
<https://reurl.cc/6yXv2d>

⁵⁸ Judgment: Chiayi District Court [(109) Yi Zhi No.572] Criminal Judgment, December 30, 2020:
<https://reurl.cc/a58Ol3>

integrity, and their human dignity.

75. As mentioned in the above paragraphs, despite the fact that some of the derelict teachers were convicted and terminated, most ineligible teachers remained in special education schools and institutions as the result of inconsistent exit mechanisms. The schools were also prone to be dismissive to factual elements of the case, and handled the complaints with procrastination, avoidance and passivity; such lethargy had rendered students fearful of the school and lowered their willingness to attend, in turn affecting their right to education.
76. We suggest:
- (1) The National Human Rights Commission (NHRC) shall initiate a national inquiry to comprehensively and systematically comprehend the status of sexual abuses and maltreatment in special education schools and institutions, conduct analysis on the basis of relevant human rights laws, and propose recommendations to oblige the State for comprehensive, systemic, and structural improvements.
 - (2) The State shall formulate and execute relevant regulations and policies in accordance with the COR paras. 53 and 57 of the first CRC international review: per the guidelines and instructions of General Comment No.13 of the CRC,⁵⁹ sustain the strengthening of preventive measures of violence against children, draft and implement a long-term comprehensive national action plan in order to prevent and protect children from all forms of violence in all environments (including families); in accordance with the General Comment No.8 of the CRC, enable public entities, enforcement agencies, students, and parents to be aware of the negative effects of corporal punishment and dehumanizing treatments and their alternatives, and the importance of eliminating corporal punishment and reporting such cases; via legislation and amendments, policy implementation, information disclosure, and education and training. It must be particularly emphasized that in the process of discussing, formulating and implementing relevant laws and policies, it is necessary to ensure the participation of persons with disabilities, and children with disabilities.
 - (3) The Ministry of Education shall jointly work with relevant authorities such as the Social and Family Affairs Administration of the Ministry of Health and Welfare, and Gender Equality Committee of the Executive Yuan, to develop and regularly update the monitoring mechanism for the planning and teaching circumstances of sex education and gender education; and to ensure the rights of students with disabilities of preschool education, schools at all levels, higher

⁵⁹ Concluding Observations and Recommendations Adopted by the International Review Committee on the Initial Report of Taiwan on the Implementation of the Convention on the Rights of the Child, Jan. 29th, 2018. Social and Family Affairs Administration, Ministry of Health and Welfare: <https://reurl.cc/W3aajO>

education and lifelong education, to access complaint mechanism for incidents that concerns gender-equity, maltreatment, and improper discipline. Should the State learn that a school or institution is incapable of undertaking such obligations, it should be considered to enable external professional entities to assume control, equipped with explicit standards and mechanism for the exiting.

- (4) The State shall re-examine the allocation of special education resources and funds and the targets of funding, and redistribute resources and funds accordingly. Special education resources should be allocated according to the demands of students with special education needs, the direct allocation of relevant resources to the individual in need. The control of resources of special education schools and institutions shall also be reduced to ensure equal opportunities and non-discrimination for students with disabilities.
- (5) The State shall establish an exit mechanism for faculties members who are deemed culpable of dereliction of duty or illicit behaviors; the state shall undertake its obligation to serve, care and educate all students (including students with disabilities) through clearly stipulated sanctions and aggravated amercements, dismissal, or permanent interdiction.

Education participation rate of women with disabilities is low, especially in the tertiary education system

77. According to the Report of Disabled People's Living Condition and Demand Survey in 2016, among women with disabilities, the percentage of them completing elementary school is the largest, which is 36.64%, and the percentage of them with a high school diploma is the second largest, which is 23.67%.⁶⁰ Look closer at the gender ratio in the education level of persons with disabilities, the percentages of women with disabilities who are illiterate, those who are self-taught to be literate, and those who completed elementary school are higher than the percentages of men with disabilities in these three categories. However, in other categories of education levels, the percentages of women with disabilities are lower than the percentages of men with disabilities. The higher the education levels are, the wider disparities in the gender ratio would be (Refer to Table 1. Percentages of education levels of persons with disabilities by gender). It is evident that the participation rate in the education of women with disabilities is generally lower than that of men with disabilities, and the overall education level of women with disabilities is also relatively lower than that of their counterparts.

⁶⁰ 2016 Report of Disabled People's Living Condition and Demand Survey, Department of Statistics, Ministry of Health and Welfare, December 2018: <https://www.mohw.gov.tw/dl-15903-559e7d0b-5b5a-4178-9128-a9045f078654.html>

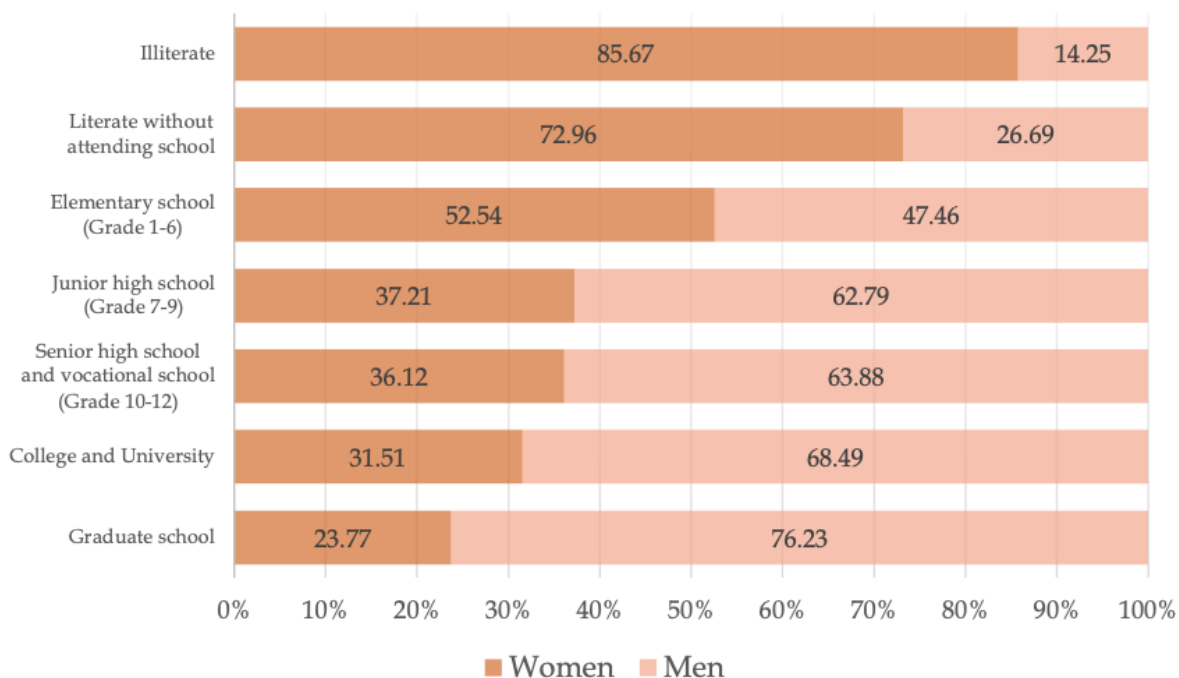


Figure 2 Percentages of education levels of persons with disabilities by gender

78. It is worth noting that women with disabilities account for 43.36% of persons with disabilities, slightly lower than that of men with disabilities. However, the disparity in education levels beyond junior high school (Grade 7-9) between two genders is more considerable than the gender gap in the total population of persons with disabilities. In the tertiary education system, the disparity is greater.

Students with specific disabilities don’t have equal access to tertiary education

79. College admission quotas are only available for particular groups of persons with disabilities, which substantially excludes or screens out other groups of persons with disabilities and those who don’t fall into any disability categories. For example, students with disabilities attempting to enter the tertiary education system through the process of College Admission for Students with Disabilities, and the examinations in the admission process are categorized into seven types of disabilities, namely visual impairments, hearing impairments, cerebral palsy, autism, learning disabilities, physical disabilities, and others. Colleges and universities can select particular categories above to offer admission quotas, which substantially excludes other students with disabilities. The classification lacks reasonable grounds. It not only lacks sufficient support of academic research or theories, but it also arbitrarily imposes limitations that are not specified by law. Among the seven categories, the category of “others” includes the potential candidates who are not covered in the other six categories, so it is possible to have multiple types of disabilities. Colleges and universities are less willing to offer admission quotas for the category of “others” because they want to avoid the admission of those who they cannot anticipate. The categories of autism and

learning disabilities are also not favored by colleges and universities. In the categories of autism and learning disabilities, there is an obvious lack of diverse fields, and only limited departments offer quotas. The unreasonable classification of disabilities in the admission process leads to unequal opportunities among different categories, which means particular groups of persons with disabilities are deliberately excluded from the process. This constitutes the “discrimination of any kind” stated in Article 2.2 of ICESCR and para. 5 of the ICESCR General Comment No. 5. Overall, there is inadequacy in exclusive opportunities of college admission for students with disabilities and diversity of fields available.

80. As stated in the previous paragraph, according to the statistics of the education level of persons with disabilities released by the Ministry of Health and Welfare, the percentages of persons with disabilities with a tertiary education degree (including colleges, universities, and graduate schools) of the seven out of 17 categories of disabilities are lower than the percentage of total persons with disabilities with a tertiary education degree (14.68%). Among the seven categories, the percentage of the categories of intellectual disabilities (4.03%) and dementia (8.54%) are the lowest.⁶¹ Upon closer inspection of the populations of persons with intellectual disabilities and dementia, and how many of them hold a tertiary education degree; then look at the said data among the total population of persons with disabilities, it can be noted that, in higher education settings, the percentage of persons with intellectual disabilities among persons with disabilities is far lower than that of persons with intellectual disabilities among the total population of persons with disabilities (Refer to Table 2. Percentages of persons with intellectual disabilities and dementia among persons with disabilities in higher education settings). What’s worse, the percentage of persons with intellectual disabilities completing graduate school is 0%. The statistics indicate that currently, persons with intellectual disabilities still cannot enjoy equal opportunities in the tertiary education system.

⁶¹ 2016 Report of Disabled People’s Living Condition and Demand Survey, Department of Statistics, Ministry of Health and Welfare, December 2018: <https://www.mohw.gov.tw/dl-15903-559e7d0b-5b5a-4178-9128-a9045f078654.html>.

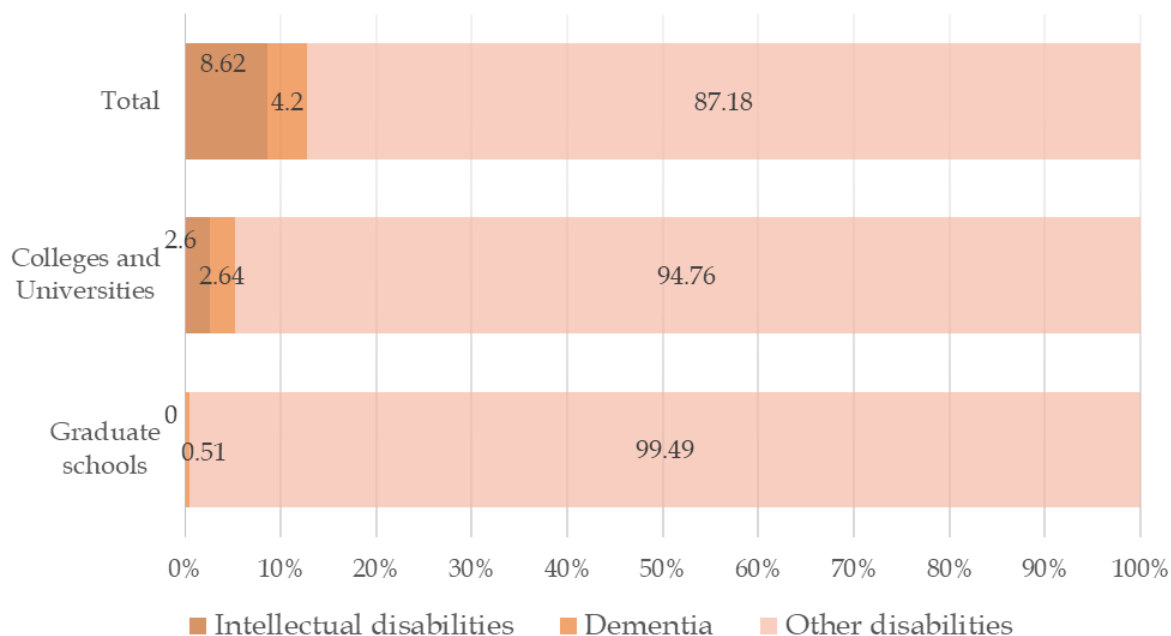


Figure 3 Percentages of persons with intellectual disabilities and dementia among persons with disabilities in higher education settings

81. We Suggest:

- (1) The State should, according to paras. 27 and 64 of the CRPD General Comment No. 3, incorporate the promotion of the awareness of women with disabilities and their demands into all the national action plans, strategies, and policies, and all the department programs regarding gender equality, health, violence, education, political participation, employment, access to justice, and social protection. The government should also conduct specific monitoring programs and measures focusing on the interventions of women with disabilities to improve the status of women with disabilities from a comprehensive perspective, and meanwhile, promote their education participation rate.

Challenges to Implementing Gender Equity Education in Schools

82. Responds to the 44th and 45th points of the International Review Committee’s Conclusions and Recommendations of the Review of Taiwan’s Third Report on the Implementation of CEDAW and state report sections 10.23-10.30:

- (1) School curricula should provide students with comprehensive sex education on sexual health, reproductive health, and reproductive rights that is age-appropriate, scientifically accurate, and up-to date. The committee also urged the Ministry of Education to resolve internal conflicts on sex education, to provide clear guidelines and courses, and to provide teachers with necessary training. Despite this requirement, a lack of general understanding and awareness among teachers presents a significant obstacle to implementation. While there are some knowledgeable teachers who do strive to implement sexuality education, they, too, often struggle with successful implementation

due to both internal and external backlash (e.g., accusations and legal proceedings for “offenses against morality”).⁶²

- (2) The government’s sexual health promotion policies and sexual education programs, including curricula, websites, and organizations, still focus on heterosexual sex and reproductive health while ignoring the existence and needs of the LGBTI+ community. For example, the Youth Sexual Health website mentioned in the 4th CEDAW national report paragraph 10.27 only has one article about LGBTI+.
83. Organizations affiliated with the religious right-wing, in the name of parents, have actively obstructed gender-diversity education in schools at all levels, as well as materials and teachings for positive sex education. Published by Taiwan Gender Equity Education Association in 2011, “Shall We Swim (青春水漾)” is an educational film discussing sex, body, and intimate relations from the perspective of a teenage girl. This film has been continuously discredited by religious right-wing groups. In 2017, a teacher in an elementary school in Kaohsiung, after understanding the needs of students and having consulted with class parents, taught condom-related topics in sex education courses, but was litigated by parents and organizations outside the school⁶³. This event had produced a chilling effect among schools and their teachers.
84. Teaching in many schools has become increasingly conservative under pressure from anti-LGBTI+ groups and parents. For instance, some schoolteachers have avoided teaching about using condoms fearing potential legal risk. Some schools and health bureau officers have requested teachers not to mention condoms when instructing about safe sex practices and not to mention LGBTI+ people when teaching about AIDS. Religious groups and/or lecturers have conducted “abstinence-only sex education” in the name of conducting “life education”, “family education”, or “moral/character education” with the emphasis on “two sexes”, treating premarital sex as a negative stain, and asking students to sign a pledge for virginity before marriage.⁶⁴

⁶² Up Media, “Wave of Homophobia Continues: Kaohsiung Primary School Teacher Sued for ‘Offense Against Morality.’” 2017.08.02:
https://www.upmedia.mg/news_info.php?Type=1&SerialNo=21992

⁶³ In 2017, Liu Yu-hao, a teacher from Ganghe Elementary School in Kaohsiung City, with the consent of the parents, taught students how to use a condom in the classroom. However, his intentions were later distorted by certain groups that opposed gender-equity education, even litigated with “distribution of obscene materials” (dictated as no prosecution in 2019). Subsequently homophobic groups had used this footage to mislead students and the general public at the 2018 referendum TV conference.
<https://www.mirrormedia.mg/story/20190726pol004/>

⁶⁴ Taiwan Gender Equity Education Association still received complaints as of April, 2020, regarding the parents’ company had received a proposal for teacher’s salary fundraising. This

85. Taiwan's textbooks not only lack LGBTI+ related information on sex education, but also affect the development and rights of LGBTI+ children's sexual orientation, gender identity, intimate relations, and sexual health, and as long as any LGBTI+ related contents are found in textbooks, regardless of whether it is in relation to sex education, it will be pressured and protested by anti-LGBTI+ groups, city councilors and legislators, despite the Ministry of Education having provided subsequent clarifications. However, in the absence of explicit guarantees, most publishers will still delete LGBTI+ related information because of these unsubstantiated protests, which seriously affects the learning of all students.
86. According to the Taiwan Tongzhi Hotline Association's 2021 survey of 1,226 LGBTI+ who are in middle school, high school, and junior college, only 45% had had any exposure to formal LGBTI+ sexual education that was framed in a positive light, while 34.9% had not had that experience, while 9.3% of them had never had any sexual education in school whatsoever. It can also be seen from the practical experience of NGOs that many young LGBTI+ people were still unable to obtain sex education which includes different sexual orientations from the school curriculum. The content of current sex education curriculums obviously excludes the educational needs of LGBTI+ children. In other words, LGBTI+ children cannot obtain knowledge about their own sexual orientation and gender identity, as well as sexual health information pertinent to their personal needs.
87. The state report points out that the National Academy for Educational Research (NAER) adopted Comprehensive Sexuality Education (CSE) into the compulsory education curriculum for health and physical education in January 2022. However, according to national course handbooks developed by the NAER, CSE must be incorporated into all of the following subjects and not just health and physical education: civics and society, home economics, advisory activities, natural biology, and communication technology courses. Therefore, teachers at all levels and all disciplines must thoroughly understand CSE and be able to integrate related topics into their different disciplines.⁶⁵
88. The current sex education textbooks cannot meet the needs of students with disabilities, nor can ordinary students understand the sex-related issues of people with disabilities.

proposal is from an organization with a religious background to promote "abstinence education". According to the proposal, from February 2019 to January 2020, a total of 90 schools, 19 churches, and 6 organizations, a total of 1,408 classes, and a total of 42,240 students had accepted this course, with 73.9% of the students having signed a pledge.

⁶⁵ According to the curriculum manual, at least include: "Society/Civic and Society", "Integrated Activities/Home Economics, Counseling Activities", "Natural Science/Biology" and "Technology/Information Technology, Life Technology" and other subjects.

Artificial reproduction

89. According to the General Comment No. 22 of the ICESCR, the right to sexual and reproductive health is an indispensable part of the right to health in Article 12 of the ICESCR. Certain individuals and groups, such as lesbians, gays, bisexuals, transgender and intersex persons, and persons with disabilities, suffer multiple and intersecting discrimination, which exacerbates their exclusion in law and practices. Therefore, they were further restricted of the right to full enjoyment of sexual health and reproductive health.
90. After Taiwan passed the *Act for Implementation of J.Y. Interpretation No.748* in 2019, married same-sex spouses are still unable to use artificial reproductive technology in accordance with the provisions of *Assisted Reproduction Act*. According to the General Comment No. 22 of the ICESCR, reproductive health refers to the ability to reproduce and the ability to make informed, free and responsive choices regarding procreation. This also includes access to a variety of reproductive health information, materials, facilities and services, so that individuals can make informed, free and responsible decisions about their reproductive behavior. However, because of their LGBTI+ identity, same-sex spouses are still unable to access the artificial reproduction services equally as heterosexual spouses.

Sexual rights of persons with disabilities

91. Most people with disabilities face great difficulties in developing intimate relationships, and the state has not formulated any active support policies for the sexual rights of people with disabilities.
92. We suggest:
- (1) The State should follow the General Comment No. 22 of the ICESCR, and United Nations' International Technical Guidance on Sexuality Education. Taiwan's educational authorities must establish an expert panel on CSE tasked with providing relevant training to teachers and school staff at all levels and for all disciplines.
 - (2) Sex education should be close to the real-life experiences and needs of students, and must include diverse perspectives. In addition to the conveying of sexual knowledge, it should also focus on emotional education and issues in intimate relationships. The examination and discussion of power relations must also be included.
 - (3) Sex education courses should not evade students' need for sex or intimacy, and blindly instill in students the single value of "true love is worth waiting for." On the contrary, through courses and teaching, students should be assisted to establish new morals, such as helping students understand how to fully express oneself in intimate relationships, how to negotiate with each other and reach a consensus; assist students in finding balance between "freedom and

- responsibility”, “autonomy and respect for others”, and “privacy and openness”.
- (4) We should actively develop sex education content that includes diverse sexual orientations and gender identities. When presenting sex education content in textbooks, we should pay attention to the experiences and needs of LGBTI+ students and bring relevant topics into the classroom.
 - (5) The compilation process of sex education teaching materials should include people with different disabilities, and sex education teaching materials should include sex-related topics for people with disabilities.
 - (6) The central and local education authorities should actively deal with the chilling effect caused by the complaints against teachers who provided courses on safe sex, so that teachers can positively talk about sex and LGBTI+ issues when conducting sex education and AIDS education.
 - (7) The State should not restrict the reproductive freedom of same-sex spouses. Under the premise of not endangering their lives and others, the State should allow same-sex spouses to use artificial reproductive technology, and enable same-sex spouses to make informed, free and responsible choices on their reproductive behavior in accordance to information and services of artificial reproduction.
 - (8) The state should face up to the intimacy and sexual needs of persons with disabilities, actively legalize sex work, remove restrictions on pleasure districts to cope with the mobility difficulties of persons with disabilities, and reduce obstacles for persons with disabilities to meet their sexual needs.

CSE and Gender Equity Education in Tertiary Education

93. Response to conclusions No. 44-45 and section 10.24 of the state report. Though there are courses on sexuality or gender education in the Taiwanese tertiary education system, these subjects are vastly elective. In the 2017 school year alone, 923,213 undergraduate and postgraduate students were enrolled in a tertiary institution; however, the state report states that between 2017 to 2020, there were only 211,938 course enrollments in subjects related to gender equity education.⁶⁶ In other words, only a small proportion of students at the tertiary level have received gender equity education. Yet, there is a great need for such education, as was highlighted by a recent incident at National Taiwan University where several students running for election to the NTU Gender Equity Education Committee openly campaigned under the promise that they would “knock out those ‘cherry-

⁶⁶ MOE (2022). Statistics on Students Enrolled in Tertiary Education. Retrieved on 5 Apr. 2022. <https://stats.moe.gov.tw/statedu/chart.aspx?pvalue=32>

picker' feminists."⁶⁷ Therefore, to address this issue and prevent pervasive sexual harassment and sexual bullying on such campuses, these institutions must do more to enhance student understanding of gender equity.

94. We suggest: The educational authorities must incentivize tertiary education institutions to expand courses related to gender equity education and work to increase related course enrollment rates.

Lacking the content of understanding different sexual orientations in current new edition of textbooks

95. Response to conclusions No. 46-47 and sections 10.25-10.26 of the state report. In 2017, in the name of reviewing textbooks, some parent groups pressured the Ministry of Education and textbook publishers to delete content related to gender equality education, such as teaching students "multiple gender" and "gender spectrum" in comprehensive textbooks,⁶⁸ which eventually led to some publishers. The textbook dispute section will be deleted in the next semester.
96. The new version of the curriculum syllabus implemented in 2019⁶⁹ has stipulated that the learning content of sexuality education at all stages of primary and secondary schools should include "basic concepts of different sexual orientations" and "respectful attitudes of different sexual orientations",⁷⁰ but Taiwan's textbooks have the largest market share. Of the three publishers,⁷¹ with the exception of Kang Xuan's mention of "sexual orientation troubles" in the textbooks for the first grade of middle school,⁷² the other two publishers still did not mention the content related to sexual orientation in the textbooks for middle school. The three textbooks

⁶⁷ Newtalk, "NTU GEEC Student Rep Candidates Spark Outrage: Wake Up, MOE", 2022.05.04. <https://newtalk.tw/news/view/2022-05-04/749774>

⁶⁸ Fong News, "Protecting Our Children's Education: Parent Group Spends Past Four Years Examining Primary School Textbooks for Controversial Content," 2021.06.27. URL: <https://reurl.cc/x9OM2N>

⁶⁹ The curriculum syllabus mainly regulates the subjects and content that need to be compiled in the textbooks of primary and secondary schools. It has been reviewed and approved by the Curriculum Review Committee of the Ministry of Education and issued by the Ministry of Education. It is the main axis of Taiwan's education reform. The "Nine-Year Consistent Curriculum Outline for National Primary and Secondary Schools" was implemented from 2004 to 2018, and the "Twelve-Year National Basic Education Curriculum Outline" has been implemented since 2019.

⁷⁰ Curriculum Guidelines of 12-Year Basic Education stipulates that sexuality education during the third learning phase (grades 5-6) should include: "introduction to different sexual orientations and the impact of gender stereotypes and how to combat them" (Db-III-2), and during the fourth learning phase (grades 7-9), students are expected to learn how to "respect diverse gender temperaments, roles, and sexual orientations" (Db-IV-3).

⁷¹ Kangxuan, Nanyi, and Hanlin have the largest market share of textbooks in Taiwan's primary and secondary schools, with a total market share of over 90%.

⁷² Kang Hsuan Educational Publishing Corp., Year 7, Semester 1, Physical Education Textbook, pp. 12-13.

only focus on breaking gender stereotypes in the presentation of fitness textbooks, and lack the learning content stipulated in the curriculum syllabus.

97. We suggest:

- (1) The Advisory Group on Gender Equity Education in Primary and Secondary Schools must demand textbook publishers create educational materials on gender diversity and sexual orientation as stipulated by the Gender Equity Education Act and the Curriculum Guidelines of 12-Year Basic Education (including all content of Appendix II).
- (2) NAER should base all textbook review on the MOE's Curriculum Guidelines of 12-Year Basic Education. NAER should require editors and reviewers of textbooks to undergo training and professional development in order to improve their understanding of gender equity.

Educator Awareness and Training

98. Response to conclusions No. 46-47. Many sexual and gender minority students still feel unsafe or uncomfortable on campus. One of the major reasons for this issue is a lack of awareness and understanding of gender equity among school administrators, teachers, and staff. In fact, according to a survey conducted by the Taiwan Tongzhi Hotline Association, 68.6% of sexual minority students surveyed had heard a school administrator,⁷³ teacher, or staff member make homophobic comments and 74.0% had heard an administrator,⁷⁴ teacher, or staff member make a negative comment about gender temperament.

99. One reason for such may be teacher education. Most teacher education centers do not require pre-service teachers to take courses related to gender equity education, and these new teachers do not receive relevant training after entering schools. Unfortunately, there is no measure in place to rectify this situation; though article 17, clause 2 of the Gender Equity Education Act clearly stipulates that all primary and secondary school students should receive at least four hours of gender equity classes or activities, there is no requirement given for pre-service or in-service teachers or staff. Yet, there is precedent for doing so. For example, the Environmental Education Act, article 19, clause 1 states: "Institutions, state-run business institutions, high schools and secondary schools, and statutory bodies with over 50% of the funds sponsored by the government shall formulate environmental education programs every year to promote environmental education. All employees, teachers, and students shall attend an environmental education program for more than four hours." Thus, we believe a similar requirement should be put in place for gender equity education.

⁷³ Taiwan Tongzhi Hotline Association, 2020 Survey on the Campus Experience of Taiwanese LGBTQ+ Students, 2021.

⁷⁴ Including teachers, staff, instructors, etc.

100. In addition, at present, the educational authorities do offer in-service training courses on gender equity education, but they do not track participation and do not evaluate the effectiveness of such training. Statistics available on such in-service training are vague and only present the number of hours and location of the event. TGEEA found that of the total 6,963 in-service training sessions in Taiwan over the past three months, only 116 (1.66%) were related to gender equity education. Furthermore, of those sessions related to gender equity education, only 6 (0.086%) addressed gender diversity.⁷⁵ These findings highlight what TGEEA has long observed: school teachers and staff have an insufficient understanding of gender diversity and lack related training.

101. We suggest:

- (1) Gender equity education should be required training for all teachers and staff.
- (2) The *Gender Equity Education Act* should be amended to clearly stipulate school administrators, teachers, and staff must complete at least four hours of gender equity education training each year. These hours should be recorded and verified. It may refer to *The Environmental Education Act*.⁷⁶
- (3) The educational authorities should provide training on gender equity education that requires teachers to apply what they learned in the classroom and return for a second session to debrief.
- (4) In-service training should include topics on gender diversity and avoid focusing solely on sexual harassment and assault.
- (5) In-service training statistics should be analyzed to determine and track the availability of training related to gender equity.

Gender-binary campus policies make it difficult for transgender students to adapt

102. The campus space in Taiwan has been designed based on binary gender framework which often forces transgender students to reveal their gender incongruence privacy. As a result, they are often sexual harassed, discriminated and bullied as in the following cases:

- (1) In Taiwan, schools often use binary gender categorization to manage students and record students' profiles based on their legal gender on ID in the student enrollment system. For example, male students should wear short hair and female students should wear skirts; students are grouped into different classes or student numbers based on gender. Under such circumstances, transgender students are forced to reveal their gender which further increases the risk of being sexually harassed, discriminated, or bullied.

⁷⁵ Retrieved from the Statistics page of the MOE Inservice website:

<https://www3.inservice.edu.tw/index2-3.aspx> . Statistics from 2022.04.29-2022.08.05

⁷⁶ *The Environmental Education Act* Art. 19.

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=O0120001>

- (2) In the above binary gender management system, public spaces on campus such as restrooms, dorms, or locker rooms are categorized into male or female and are highly gender segregated. As a result, transgender students are forced to use facilities that are not in line with their identified gender. In addition, gender-friendly space is only available based on schools' discretion and is not universal. The above reasons have forced transgender students unable to live in the way as their identified gender. They are also under the pressure to be examined by others whether their appearance aligns with their legal gender. Under certain circumstances, transgender students are forced to reveal their gender which further increases the risk of being sexually harassed, discriminated against, or bullied.
- (3) According to a survey conducted by Taiwan Tongzhi (LGBTQ+) Hotline Association on LGBTQ+ students' experiences on campus, transgender students are more likely to be harassed and attacked because of their gender identity (transgender: 50.0% vs. cisgender: 25.1%) and gender appearance (transgender: 51.2% vs. cisgender: 30.5%) as compared with cisgender gay students.

103. We suggest: The Ministry of Education (MoE) shall introduce a comprehensive guidance for transgender students:

- (1) The education authority should state that transgender students have the right to record their enrollment status based on their identified gender (with options other than male or female) and such record should be detached from that of personal ID. The documents used by students on campuses such as student ID, transcripts should also be aligned with students' identified gender.
- (2) Schools should abolish the binary gender system in the form of uniforms, school numbers, and gender-segregated classes. Gender should not be the only determinant in such an arrangement for students.
- (3) Transgender students should have the right to access public spaces such as school restrooms, dorms, and locker rooms based on their identified gender. The schools cannot refuse the above requests of transgender students or oblige them to use segregated facilities such as unisex toilets.
- (4) Schools at all levels should encourage the establishment of more inclusive spaces and facilities, including improving existing spaces and facilities and increasing the number and availability of such spaces and facilities.
- (5) We urge the government agencies and schools to form anti-bullying policies on campus for elementary, middle and high/vocational high schools and monitor the progress. At the same time, the relevant authorities shall actively indicate the anti-bullying measures that should be taken in terms of gender, sexual orientation, gender identity, and gender expression.

Art. 11 Right to Work

Labor force participation rate of persons with disabilities has not increased

104. The 2019 Survey of the Labor Status of Persons with Disabilities had shown that the labor force participation rate of persons with disabilities was 20.7% as of May, with the overall unemployment rate of 8.1%,⁷⁷ the national statistics of labor force participation rate at the meantime is 59.07%⁷⁸, with an unemployment rate of 3.67%.⁷⁹ This shows that the State has yet to increase the smooth integration of persons with disabilities into the labor market. In addition, in terms of the gender disparity, the labor force participation rate of men with disabilities (25.5%) is higher than that of women with disabilities (14.7%), it is self-evident that women with disabilities are more disadvantaged in employment.

Lack of reasonable adjustments in the workplace

105. The lack of awareness of disabilities has rendered employers in the public and private sectors incapable of making reasonable accommodations for the attendance and performance appraisal of persons with disabilities, based on their individual differences. For instance, frequent clinical visits or psychological consultations might be a crucial part of the lives of persons with disabilities; employers, however, often require persons with disabilities to go for visits or consultations during non-working hours such as weekday evenings or holidays. Should persons with disabilities be unable to cooperate with overtime requirements due to the need for clinical visits, it may affect their performance appraisal, while should they have to make clinical visits during working hours, persons with disabilities have not been attended to by mechanisms similar to the menstrual leave provision under the Article 14 of the Act of Gender Equality in Employment,⁸⁰ and can only utilize sick leave, which might affect their work attendance record and performance appraisal.

Insufficient protection and support for jobs, minority rights overlooked

106. In terms of specific worker groups, female non-conventional workers are one of the groups most severely impacted by the pandemic. Non-conventional workers are already profoundly affected by the pandemic due to insufficient labor protection laws or exclusion from the employment insurance system. And as more households face income decreases due to reductions in pay and hours, women are often forced to quit their job and go home to assume their responsibility to take

⁷⁷ Ministry of Labor, 2019 Survey of the Labor Status of Persons with Disabilities, Table 1. <https://reurl.cc/DvLv9R>

⁷⁸ National labor force participation rate, gender-disaggregated <https://reurl.cc/E2L2zK>

⁷⁹ National unemployment rate, gender-disaggregated <https://reurl.cc/Q7G739>

⁸⁰ Article 14, *Act of Gender Equality in Employment* <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030014>

care of the family because of traditional stereotypes.

107. We suggest: It is suggested that the government review current laws and regulations, amend deficiencies, and integrate resources in labor and social administrations to provide essential social welfare support to non-conventional workers impacted by the pandemic, women in particular, as well as those employed at host and hostess clubs and ballrooms which were temporarily shut down during the pandemic per CDC orders.⁸¹

Extremely poor working conditions for migrant works without significant improvement for years

108. By the end of 2019, there were nearly 718,000 industrial and social welfare migrant workers in Taiwan, of which 246,000 were family caregivers and domestic helpers.⁸² According to the Legislative Yuan's 2019 report,⁸³ there were nearly 80,000 people with disabilities and elders with dementia in Taiwan, of which 30% had hired foreign caregivers.

109. While the Covenants Review Committee repeatedly raised serious concerns regarding the situation of foreign workers in the household category in 2013 and 2017, little has changed.

(1) Regarding salary, according to the Ministry of Labor,⁸⁴ the monthly salary for a foreign caregiver averaged NT\$ 17,550 in 2019, significantly lower than the basic wage requirement stipulated in the Labor Standards Act, which was NT\$23,800 the same year. Comparatively, the minimum monthly cost for living in 2019 in Taipei and New Taipei City, the two cities with the highest number of foreign social welfare workers, was NT\$16,580 and NT\$14,666 respectively.⁸⁵ Current minimum wage requirements for foreign domestic workers fail to fulfill the right to an adequate standard of living as stated in art. 14 of ICESCR.

(2) Furthermore, Paragraph 73 of the State's response to the 2017 Covenants Concluding Observations and Recommendations mentioned that the

⁸¹ CDC, All host/hostess clubs and ballrooms to suspend operations starting April 9, https://www.cdc.gov.tw/Bulletin/Detail/okBaT5_NvR9vqYIAHIPVBg?typeid=9

⁸² Statistics of Industrial and Social Welfare Migrant Workers from the Ministry of Labor : <https://statdb.mol.gov.tw/evta/JspProxy.aspx?sys=220&yym=10908&yymt=10908&kind=21&type=1&funid=wq1401&cycle=1&outmode=0&compmode=0&outkind=11&fldspc=24,6,&rdm=efmmjjiN>

⁸³ the Legislative Yuan, Study on Respite Care for Family Caregivers: <https://www.ly.gov.tw/Pages/Detail.aspx?nodeid=6590&pid=189428>

⁸⁴ Press release on the 2019 Report on the management and employment of foreign labor: <https://www.mol.gov.tw/1607/1632/1640/44811/> ; 2019 Report on the management and employment of foreign labor: <https://statdb.mol.gov.tw/html/svy08/0842all.pdf>

⁸⁵ List of minimum cost of living, review criteria for middle and low-income households in 2019; list of category and conditions of low-income households in 2019: <https://dep.mohw.gov.tw/dosaasw/cp-566-49606-103.html>

government would “continue to review their salaries relative to their countries of origin, referencing consumer price indices and other data while also giving due consideration to employers’ economic burden.” However, the fact is that the legal minimum wage for domestic migrant workers remained the same for years: at NT\$17,000 per month since 2015, while the basic wage for regular laborers under the Labor Standards Act was raised from NT\$20,008 to NT\$23,800 in 2019, growing 19.9%.⁸⁶ To make the situation worse, the health insurance premiums for domestic foreign workers have continued to increase along with the minimum insured salary.⁸⁷

- (3) Regarding daily hours, according to the aforementioned report, foreign family caregivers work approximately 10.4 hours per day. Though the government claimed in para. 72 in its response to the 2017 Covenants CO that sufficient rest time and at least one rest day every seven days are mandated in the written labor contract, which employers must sign when hiring domestic foreign workers, and again in para. 70 of the 2020 ICESCR State Report that “the migrant worker labor contracts specify working hours and days off”, up to 81% respondents of the aforementioned report said that they did not specify daily working hours in their labor contracts.⁸⁸
- (4) Regarding rest time, the same report showed that 34.4% of foreign domestic caregivers have no holiday breaks at all, and 54.2% get some days off. This is not in compliance with art. 36 of the Labor Standards Act,⁸⁹ which states “(a) worker shall have two regular days off every seven days. One day is a regular leave and the other one is a rest day.” For those who do not get days off at all, 86.5% of their employers claim that the reason for this is because “the caregivers want to earn overtime pay.” While more than 98% of the employers stated that they do pay for overtime, the amount is less than NT\$600 a day.

110. On educating employers, the State mentioned in para. 74 in its response to 2017 Covenants CO that first-time employers of domestic migrant workers must attend a mandatory seminar before hiring as required by art. 2 of the Implementation Regulations of Employers’ Orientation Program Before Hiring a Foreign Worker to

⁸⁶ The History of Enacting and Adjusting the Minimum Wage Policy
<https://www.mol.gov.tw/topic/3067/5990/13171/19154/>

⁸⁷ The health insurance coverage of domestic migrant workers as mandated in Articles 8 and 9 of the *National Health Insurance Act*:
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=L0060001>

⁸⁸ Statistics on working hours, rest time, etc. of foreign domestic workers by the Ministry of Labor:
https://www.mol.gov.tw/media/idydomco/1090113%E5%8B%9E%E5%8B%95%E9%83%A8%E7%B5%B1%E8%A8%88%E8%99%95%E6%96%B0%E8%81%9E%E7%A8%BF_%E7%B5%B1%E8%A8%88%E5%9C%96%E8%A1%A8.pdf?mediaDL=true

⁸⁹ Article 36 of *Labor Standards Act*:
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030001>

Render Home Care or Household Assistance.⁹⁰ However, the format and content of such seminars are insufficient and incomprehensive, and has failed to effectively enhance employers' understanding of the culture and the rights of the foreign workers.

- (1) In terms of format, the seminar takes merely one hour at minimum, and employers have the option to complete the training online - through watching a short video.
- (2) In terms of content, the seminars touch upon only administrative matters such as relevant laws, of which the government has failed to provide accurate and detailed clarifications.⁹¹ Furthermore, the courses do not include lectures on the cultures, languages, religions of foreign workers.

111. In para. 75 of the State's Response to 2017 CO, it stated that the government expanded respite care services for families with foreign caregivers. However, only 641 people enrolled in the respite care services program, which was less than 0.26% of the total number of domestic workers. It goes to show how limited the results are.

112. Sexual harassment in the workplace: According to statistics compiled by the Ministry of Health and Welfare, between 2007 and 2019, a total of 1,141 sexual assault cases concerning foreign victims were reported, and about 70% of the victims were domestic caregivers.⁹² In 2018, a report by the Control Yuan showed that some of the foreign workers who were victims of sexual assaults or harassment had no income and were burdened with huge loans while being placed in a shelter and were waiting for a new job.⁹³ Moreover, prior to their temporary placement, they still had to confront and deal with their predators -- the employers, who would demand outstanding wages, retrieve their identification documents, and sign conversion documents after applying for official mediations on labor disputes.⁹⁴ In 2018, the Control Yuan demanded the Ministry of Labor and the Ministry of Health and Welfare to build an effective monitoring mechanism to accurately compile and integrate the data and analyze the reasons behind the sexual assaults of foreign workers. At the same time, both ministries should

⁹⁰ Art. 2 of the Implementation Regulations of Employers' Orientation Program Before Hiring a Foreign Worker to Render Home Care or Household Assistance:
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090049>

⁹¹ Executive Yuan's press release on laborers' safety and welfare:
<https://www.ey.gov.tw/state/11AF2B1C6FB2676/1f08a03d-f2df-4a41-8e1c-97812bdde217>

⁹² Statistics of nationality and industry of foreign victims of sexual assault cases reported to the Ministry of Health and Welfare : <https://dep.mohw.gov.tw/dops/cp-1303-59310-105.html>

⁹³ The Control Yuan's investigation report urging the Executive Yuan to take a serious look into the processing of cases of foreign female workers' sexual assaults in order to protect the labor rights and their safety:
https://www.cy.gov.tw/News_Content.aspx?n=124&sms=8912&s=12830

⁹⁴ Ibid

develop supportive measures for the conversion of the foreign workers victimized in these cases. Nevertheless, there has been little to no improvement in this aspect.

No progress achieved on the legislation of “Domestic Workers Protection Act”

113. As stated in paragraph 76 of the State’s response to 2017 Covenants CO, the Ministry of Labor has finalized the draft of “Domestic Workers Protection Act” on March 15, 2011 and submitted it to the Executive Yuan for further review on September 13, 2013. The Act has since been pending. The government has made excuses such as “the draft needs to be further reviewed in collaboration with the policy of Long-Term Care System” and “the lack of public consensus” to delay any further actions on the Act. The pending of the legislation means that 246,000 domestic workers’ human rights continue to be ignored. It should be the obligation of the State to proactively promote, fulfill and protect human rights through legislation instead of passively waiting for public consensus.
114. Furthermore, the Domestic Workers Protection Task Force as mentioned in para. 76 of the State’s Response to 2017 Covenants CO, failed to engage civil society or foreign domestic workers. It raises the concern of whether the voices of migrant workers are being taken into account. Besides, there are no minutes of said meetings, making it impossible for NGOs to garner a comprehensive understanding of the situation, let alone propose any policy recommendations related to this matter.
115. In addition to the lack of progress on the legislation, the government has failed to provide a detailed account of the progress achieved on this issue or the impact assessment of the legislation on migrant workers’ rights. NGOs have no information regarding exactly why the bill is pending or its progress (if any), making it difficult for NGOs to provide policy recommendations.
116. We suggest:
- (1) The government should enact the Domestic Workers Protection Act without further delay, and apply domestic migrant workers to the Labor Standards Act. The Domestic Workers Protection Act should incorporate personal safety protections to address and prevent the high frequency of sexual harassment in the workplace and the current issue of inadequate protection and safety measures.
 - (2) Regarding employer education, the option of watching online videos should be taken out. The content should include the comprehensive and precise labor-employment laws and regulations, administrative procedures, and the information about lives and cultures of migrant workers to protect the rights of both parties.
 - (3) The task force of domestic workers’ protection should actively engage foreign workers’ organizations. The meeting materials should be made public with

detailed meeting minutes so that the public can understand and follow up on the progress of government policies and legislation.

- (4) The government should proactively and regularly investigate the working conditions, physical and mental health, and occupational injury status of foreign domestic workers. The results of these investigations should be made public for the public to monitor and follow-up.
- (5) The government should forbid individuals or individual households from hiring foreign caregivers themselves, but vigorously integrate foreign domestic care workers into the long-term care system. At the same time, it must be mandated that long-term care case managers pay monthly visits to households that hire domestic care migrant workers to understand the needs of the employers, the caregivers and the persons in need of care. The government should provide subsidies to employers to increase the incentives for them to apply for professional caregivers in respite care during foreign workers' day-offs, so as to avoid a gap in the caring for those in need while also ensuring foreign domestic workers' rights to rest.

Gender pays gap still persists

117. While gender pay gap at 14.2% in 2019 marks a reduction from 18.6% in 2008,⁹⁵as mentioned in para. 52 of the 2020 ICESCR State Report, the margin in reduction is limited, additionally, pay gaps as a result of occupational segregation are still somewhat severe:

- (1) According to the Ministry of Labor's 2019 report on gender and labor, the biggest pay gap among different industries is to be found in average hourly wages within the Healthcare industry, with NT\$645 for men and NT\$357 for women, amounting to a gap as high as 44.7%. This is followed by the Arts, Entertainment and Recreation sector, with a gap of 34.8%. The Manufacturing industry comes in third, with a gap of 25.8%.⁹⁶
- (2) In terms of the main monthly income of workers, the same report indicates that salaries for men and women employed as skilled workers, plant and machine operators and laborers, average at NT\$35,376 and NT\$26,762 respectively, amounting to a gap of 24.4%. The gender pay gap is also relatively high among professionals and among service and sales workers, at 22.0% and 19.2% respectively.
- (3) In terms of job hierarchy as professionals, women who are in a middle- or upper-level white-collar jobs, or occupy an important position in an

⁹⁵ Ministry of Labor, Report on gender pay gap (2019):
<https://www.mol.gov.tw/media/s3rlr550/108%E5%B9%B4%E6%88%91%E5%9C%8B%E5%85%A9%E6%80%A7%E8%96%AA%E8%B3%87%E5%B7%AE%E8%B7%9D.pdf>

⁹⁶ Ministry of Labor, Statistics on gender and labor (2019):
<https://statdb.mol.gov.tw/html/woman/108/108woanalyze02.pdf>

organization, are far fewer than men in both proportion and absolute numbers. According to data in the 2019 White Paper on Small and Medium-sized Enterprises, 36.8% of small and medium-sized enterprises in Taiwan have women as business owners, whereas the proportion among large businesses would be 21.9%.⁹⁷

Equal pay for equal work, or equal pay for work of equal value: lack of clarity in legal definition and legal protection

118. As mentioned in para. 25 of the 2020 ICESCR State Report, art.10 of the Act of Gender Equality in Employment clearly stipulates that “Employers shall not discriminate against employees because of their gender or sexual orientation in the case of paying wages. Employees shall receive equal pay for equal work or equal value.”⁹⁸ However, the law does not clarify as to how “equal work or equal value” should be defined, and the law in Taiwan has no clear punishment for employers who violate the article as mentioned. This makes the law ineffective or even meaningless.
119. Furthermore, while art. 25 in the Labor Standards Act stipulates that “[a]n employer shall under no condition discriminate between the sexes in the payment of wages” and that a “worker shall receive equal wages for equal work of equal efficiency”,⁹⁹ and under art. 79 of the Labor Standards Act,¹⁰⁰ violations against art. 25 are punishable to between NT\$20,000 and NT\$300,000 in fines. The penalty is too light and the burden of proof lies with the employees who, in general, lack resources and tend to be less advantaged. Therefore, this law is not effective in solving the problem of unequal pay for equal work. Female labor force participation rate is relatively low, while the number of nonconventional workers is on the rise.

Female labor force participation is low and the number of atypical workers is rising

120. According to statistics of the Ministry of Labor, while the female labor force participation rate has increased over the years, it remains relatively low compared to other democratic and advanced countries. It is also significantly lower than the

⁹⁷ Ministry of Economic Affairs, White paper on small and medium-sized enterprises (2019), p. 49:
https://book.moeasmea.gov.tw/book/doc_detail.jsp?pub_SerialNo=2019A01634&click=2019A01634#

⁹⁸ *Act of Gender Equality in Employment*, Art.10,
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030014>

⁹⁹ *Labor Standards Act*, Art. 25.
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030001>

¹⁰⁰ *Labor Standards Act*, Art. 79.
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030001>

male labor force participation rate in Taiwan, as seen in the graph below:¹⁰¹

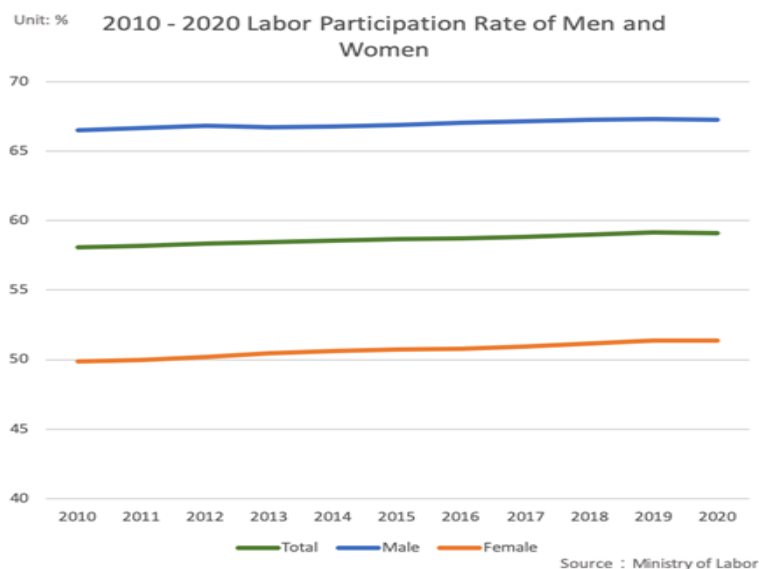


Figure 4 2010-2020 Labor Participation Rate of Men and Women

121. The female labor force participation rate peaks between 25 to 29 years-old, then begins to drop during the age of marriage and childbirth between 30 and 34.¹⁰² According to a survey by the Labor Ministry, as much as 50.42% of the female non-worker population cite “to take care of the family” for the reason not to participate in the labor force, an increase by 1.65% from year 2009, and 26 times the figure for men (1.83%).¹⁰³

122. In the meantime, the number of female non-conventional workers (including part-time, temporary and dispatch labor) has continued to increase in the last 10 years. According to a survey by the Labor Ministry, the number of female non-conventional workers has increased from 330,000 in 2009 to 386,000 in 2019.¹⁰⁴ In terms of the proportion, female non-conventional workers constituted 7.54% of working women in 2019, higher than 6.8% for men. Survey reports of the Labor Ministry also indicate that taking care of housework has been the second most cited reason for women to be engaged in non-conventional employment, constituting 28.51% of all female non-conventional workers, just slightly lower than the top reason of being unable to find full-time, standard employment (28.54%). Both of these are significantly higher than the same reasons cited among men, namely

¹⁰¹ Ministry of Labor, Labor statistics: <https://statfy.mol.gov.tw/index01.aspx>

¹⁰² Ministry of Labor, Female participation in the country’s labor force in recent years (2019): <https://www.mol.gov.tw/media/2fhmmxre/%E8%BF%91%E5%B9%B4%E5%A5%B3%E6%80%A7%E5%8B%9E%E5%8B%95%E5%8F%83%E8%88%87%E7%8B%80%E6%B3%81.pdf>

¹⁰³ Ministry of Labor, Statistical analysis on gender and labor: <https://statdb.mol.gov.tw/html/woman/108/108woanalyze01.pdf>

¹⁰⁴ Ministry of Labor, Statistics on “number of part-time, temporary or dispatch workers”: <https://statdb.mol.gov.tw/statis/jspProxy.aspx?sys=210&kind=21&type=1&funid=q02112&rdm=Wlxi mddy>

1.14% (for taking care of housework) and 14.32% (unable to find full-time, standard employment).¹⁰⁵

Insufficient progress in eliminating gender division

123. In response to para. 84 of the State's response to 2017 Covenants CO, the Directorate-General of Budget, Accounting and Statistics, Executive Yuan, included in its report on women's marriage and employment for the first time in 2016, data on "time spent in daily unpaid care work". It found that among women aged 15 and above who have partners (including cohabitation), the average time spent on daily unpaid care work was 3.82 hours, which is three times that spent by the husbands (including partners in cohabitation). The latest report indicates that in 2019, women with spouses or partners in cohabitation spend an average of 4.41 hours in daily unpaid care work, which still is triple that of their spouses or partners in cohabitation who spend an average of 1.48 hours.¹⁰⁶ This shows that from 2016 to 2019, policies in eliminating gender stereotypes and leveling the workload among men and women in household responsibilities has not yielded significant results.
124. Measures taken by the government to induce better participation among fathers in household responsibilities have been inadequate. For example, art. 15 in the Act of Gender Equality in Employment stipulates 5 days of paid paternity leave for spouses of women giving birth, but there is no paid "paternity leave for pregnancy check-ups".¹⁰⁷ Only women are entitled to paid maternity leave for pregnancy check-ups. Spouses who wish to be present during pregnancy check-ups would have to apply for special leave or personal leave, which may not be paid. This may lead to spouses having difficulty in taking part in the process of the pregnancy if they are unable to take leave or their families are in desperate need of wages, thereby compromising the willingness or ability of fathers in participation of household responsibilities.
125. We suggest:
- (1) Complete the checklist in equal pay for equal work as mentioned in para. 82 of the State's response to 2017 Covenants CO, by developing a "scale in calculation of work values" based on content of profession and nature of work, in order to evaluate and resolve the problem of unequal pay for work of equal value, and to stipulate clearly the definitions of equal pay for equal work and equal pay for equal value of work.

¹⁰⁵ Executive Yuan, Statistics of survey on use of manpower, May 2019:

<https://www.dgbas.gov.tw/public/Attachment/91127145944J204GCI5.pdf>

¹⁰⁶ Ministry of Health and Welfare, Survey on lives of women aged 15-64 (2019):

<https://dep.mohw.gov.tw/dos/lp-5097-113-xCat-y108.html>

¹⁰⁷ *Act of Gender Equality in Employment*, Art.15.

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030014>

- (2) Incorporate “equal pay for equal work and equal pay for equal value” as items subject to labor inspection, and to encourage employers of professions dominated by women to increase wages; also, to promote a system of pay transparency, so as to prevent pay gaps due to lack of transparency in information.
- (3) According to data from the Labor Ministry, more women have taken unpaid parental leave to take care of the newborn (82.8%) than men (17.2%).¹⁰⁸We recommend that the government should not only advocate on this issue, but also introduce “effective law and economic incentives to encourage fathers to apply for parental leave”, and incorporate this idea in policy measures.¹⁰⁹This should include an amendment to art. 15 of the Act of Gender Equality in Employment as soon as possible, in order to stipulate that the spouse of a pregnant woman should also enjoy 5 days of paid paternity leave for check-ups.
- (4) With reference to the provision in art. 4 and 5 of Convention No. 183 of the International Labor Organization (Maternity Protection Convention),¹¹⁰the government should extend maternity leave to no less than 14 weeks. At the same time, fulfill the requirements of art. 6 of the Maternity Protection Convention by amending art. 50 of Labor Standards Act, to ensure female employees who have worked for less than 6 months at the company and wish to take maternity leave receive wages no lower than $\frac{2}{3}$ of the person’s salary during the leave.
- (5) In order to ensure that female employees reserve the option of continuing to work while pregnant or taking care of their families, the government should improve public childcare facilities. This includes providing incentives such as subsidies to encourage childcare centers to adjust their business hours flexibly, or encourage community development organizations to assist in the functioning of childcare, so as to meet the needs of female employees who are required to go to work during public holidays or at night during weekdays.
- (6) As non-conventional workers face greater uncertainties and lack the same comprehensive labor insurance opportunities that workers in standard employment have, the government should legislate protection for workers in non-conventional employment as soon as possible. The government should also

¹⁰⁸ Ministry of Labor, Summary report on statistics of employment, termination and reinstatement for workers upon childbearing (2019):
<https://statdb.mol.gov.tw/html/svy08/0822summary.pdf>

¹⁰⁹ Gender Equality Department, 3rd CEDAW state report mid-term review: collation of written feedback, p. 298: <https://gec.ey.gov.tw/Page/5950AEA34211CEE3/dc0474ce-1bf7-4354-a286-ef6b32b60ebc>

¹¹⁰ ILO, C183 - Maternity Protection Convention, 2000 (No. 183):
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183

periodically conduct extensive gender impact assessment studies in non-conventional employment in order to prevent female non-conventional workers from being exploited in more ways than one.

Sexual harassment in the workplace

126. According to a survey on workplace equality conducted by the Labor Ministry in September 2019, 4% of female respondents indicated that they encountered sexual harassment in the recent year, which was 3% higher than male respondents, marking an increase of 2.4% from 1.6% in 2015.¹¹¹ Among women sexually harassed in the workplace, as many as 77.5% have not lodged any complaint. The main reason for not lodging complaints was “ignoring it as a form of joke”, which makes up 45.1% of all cases who did not lodge complaints; the second major reason cited was “fear of losing the job”, making up 19.4%; another 3.2% cite that they “do not know the channel for lodging a complaint”.
127. In Taiwan, art. 13 in Act of Gender Equality in Employment clearly requires employers to prevent any incident of sexual harassment; for employers with above 30 employees, “measures for preventing, correcting sexual harassment, related complaint procedures and disciplinary measures shall be established.¹¹² All these measures mentioned above shall be openly displayed in the workplace.” Yet according to a 2019 survey of the Labor Ministry, in the period between 2015 and 2019, among enterprises or institutions with more than 30 employees, only 85% or 86% have taken measures to prevent and counter sexual harassment by their own initiative or upon prompting. This suggests that 15% of enterprises or institutions have yet to adopt any measure against sexual harassment, without the government demanding them to make improvements within a certain timeframe. Furthermore, this provision of the law cannot provide protection to employees in small-sized enterprises.
128. Where the perpetrator of sexual harassment happens to be the employer, current law and regulations make no provision for the employer’s recusal, possibly leading to the victim feeling afraid to lodge any complaint, or even where complaint is lodged as per the law, one would not be able to receive effective help.
129. As stipulated in art. 29 of Act of Gender Equality in Employment, employees or applicants may claim compensation for damage which is not pecuniary loss,¹¹³ but with noneconomic damages being difficult to prove, and compensation for mental distress tending to be low, it is difficult to protect the rights and interests of the

¹¹¹ Ministry of Labor, Survey report on employment equality in hiring and workplace (2019): <https://statdb.mol.gov.tw/html/svy08/0825report.pdf>

¹¹² *Act of Gender Equality in Employment*, Art. 13. <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030014>

¹¹³ *Act of Gender Equality in Employment*, Art. 29. <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030014>

victim.

130. We suggest:

- (1) Consolidate the Act of Gender Equality in Employment, Sexual Harassment Prevention Act and the Employment Service Act as soon as possible, to formulate a comprehensive and holistic anti-discrimination act. Considering that a comprehensive anti-discrimination act will take some time, it is recommended that the Act of Gender Equality in Employment be revised in the meantime.
- (2) Amend art. 13 of the Act of Gender Equality in Employment, to require all employers, regardless of the size of their enterprises or institutions, to set up preventive and corrective measures against sexual harassment, related complaint procedures and disciplinary measures, to be openly displayed at the workplace. The “immediate and effective correctional and remedial measures” to be implemented according to the same article should be clearly defined, for example, measures to prevent recurrence of sexual harassment, assistance to employees in lodging complaints and in receiving medical or psychological consultation, and other supporting measures.
- (3) While the current Act of Gender Equality in Employment places the responsibility in prevention, complaint and punishment of sexual harassment in the workplace on the employer, it does not take into account the situation where the employer or the highest-ranking person in charge is the perpetrator. In view of this, we recommend the government to specify in Act of Gender Equality in Employment the mechanism for investigation where the perpetrator is the employer or the highest-ranking person in charge, and to specify that the victim may file a complaint with relevant authorities of the municipality or county (city) where the institution, unit, school, organization or employer is located. Upon receiving the complaint, the local authorities responsible should hand over the case to the Committee on Gender Equality in Employment for investigation. art. 38 of the Act of Gender Equality in Employment should be amended to include penalties where the employer is a perpetrator;¹¹⁴ art. 21 of the Sexual Harassment Prevention Act may serve as reference for increase of penalty.¹¹⁵
- (4) Amend art. 29 of the Act of Gender Equality in Employment, in order to specify the basis in deciding “reasonable amounts of compensation”, such as the severity in the act of injury and damage, the effects on the victim’s work and life, the likelihood of repeat offence by the perpetrator and so on.

¹¹⁴ *Act of Gender Equality in Employment*, Art.38.

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030014>

¹¹⁵ *Sexual Harassment Prevention Act*, Art.21:

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0050074>

The number of discriminations against sexual orientation and gender identities is too low

131. In response to the 4th CEDAW national report, paragraphs 11.11-11.12. According to the government statistics, from 2017 to 2021, there were about 3,000 to 4,000 cases of gender discrimination complaints each year, and there were only less than 5 cases per year related to sexual orientation and gender identities. According to the 4th CEDAW national report, there were 628 sexual harassment complaints, but only 2 were from LGBTI+. There is an obvious problem with underreporting.
132. According to Taiwan Tongzhi Hotline Association and Taiwan Equality Campaign's 2020 LGBTI+ workplace survey of 2,121 LGBTI+, only 75% were aware of the protection of sexual orientations and gender expressions in the Employment Service Act and Act of Gender Equality in Employment, and 30% did not know the complaint filing procedure. About 25% did not trust such procedures. About 60% percent reported that complaints were left unresponded or did not lead to any action in their workplace. These results indicate that, despite the laws and the complaint filing mechanisms, if there is a lack of proper execution from the companies, then LGBTI+ will not have enough trust for this system.
133. We suggest:
- (1) The government should investigate the underreporting problem and understand why employees are unwilling or unable to file a complaint so this mechanism could actually work.
 - (2) The government should provide labor education which includes protection of various sexual orientations and gender identities.

lacking of an LGBTI+-friendly work environment.

134. The 4th CEDAW national report paragraphs 11.39-11.4 reported that there were gender-friendly work environment policies. However, what these paragraphs were referring to were only about male-female workplace equality, but not for LGBTI+.
135. According to Taiwan Tongzhi Hotline Association and Taiwan Equality Campaign's 2020 LGBTI+ workplace survey of 2,121 LGBTI+, only 35.4% reported that their workplace had internally or externally expressed a positive opinion about LGBTI+, 10.8% had obvious policies that were LGBTI+-friendly, 7.7% provided any LGBTI+ friendly education training, 7.7% could freely choose a uniform, and 7.2% reported having all-gender bathrooms. However, most of the numbers are from transnational companies with more than 500 employees, and there is a severe lack of LGBTI+-friendly policies and facilities in the local small and medium enterprises.
136. We suggest:
- (1) The government should take action to make sure laws are implemented. They should make sure LGBTI+-friendly issues be included in labor training

curricula, create concrete gender equity policies, and provide resources to follow the procedure to small companies.

- (2) Currently, the government's focus on Corporate Social Responsibility only looks at environmental impact and environmental sustainability policies, but the government should also ask corporates to have gender equity sustainable development plans.

Article 12 Right to Health

Persons with disabilities often face strong recommendations for induced abortion and sterilization

137. As of March of 2021, no amendment has been made to the Genetic Health Act.

According to the current regulations, if a pregnant woman or her spouse "acquires genetic, infectious or psychiatric disease detrimental to reproductive health", induced abortion (Article 9) and sterilization (Article 10) may be conducted for that pregnant woman, subject to her own accord. A doctor, on the other hand, has the obligation to "advise" her to receive medical treatment, and if the disease is incurable and thus sterilization is considered necessary, the doctor should advise her to receive induced abortion or sterilization.¹¹⁶

138. The aforementioned regulations are especially discriminatory towards persons with psychosocial disabilities. Even though it is not yet medically proven whether certain mental diseases are hereditary or contagious, persons with psychosocial disabilities are already regarded as groups unfit for reproduction.¹¹⁷ For persons with orders of guardianship or assistance, if they are to receive induced abortion or sterilization, the consent of their guardians or assisting person should be obtained. However, in practice, guardians, assisting person, and spouses can forcibly "recommend" the persons to accept sterilization and abortion operation. The autonomy of persons with disabilities is not protected.

¹¹⁶ Articles 9 to 11 of the *Genetic Health Act*: <https://reurl.cc/W3a9px>

¹¹⁷ In principle, this Report will refer to persons with psychosocial disabilities as such, in compliance with the Committee on the Rights of Persons with Disabilities. The laws and regulations in effect, however, did not utilize a unified term. In order to highlight the current conditions on the implementation of the laws and regulations under the Taiwanese context, the terms contained in the laws and regulations will be used when discussing the following laws: (1) Article 19 of the Criminal Code of Republic of China stipulated that "an offense is not punishable if it is committed by a person who is mentally disorder or defects and, as a result, is unable or less able to judge his act or lack the ability to act according to his judgement"(sic), Covenants Watch's Second CRPD PR will employ the term "persons with mental disabilities". (2) Article 3 of the Mental Health Act stipulated that all subjects or "patients" described in the Act are persons diagnosed with mental illnesses, excluding antisocial personality disorder diagnoses, this Report will employ the term "persons with mental disabilities".

139. We suggest:

- (1) It is recommended that the Ministry of Health and Welfare investigate whether persons with disabilities are well-informed when they undergo sterilization, induced abortion and even uterine removal operations, and analyze the legal status of persons with disabilities and their agents in the process of “informed consent” and the possibility of actual participation.
- (2) It is recommended that the Ministry of Health and Welfare and the Judicial Yuan study how to develop mechanisms such as public advocates so that persons with disabilities do not face double pressure from medical professionals and family members.

Women with disabilities face difficulties accessing community-based preventive healthcare services

140. According to the Survey on the Patient Experience of Women with Disabilities in Gynecological, Obstetrical and, Breast Care released by Taiwan Disabled Women’s Alliance for Equal Rights in 2019,¹¹⁸ a woman with disabilities was unable to receive the screening due to the steps on the touring medical trailers. After she was referred to a medical facility, she still did not receive the screening because the equipment could not be lowered. The survey shows that women with disabilities face the following difficulties when receiving healthcare:

- (1) Unable to get onto the examination tables themselves because the tables are too high and transfer aids are unavailable;
- (2) Unable to use the changing rooms (limited space, lack of instructions on clothes storage and disposal locations, etc.);
- (3) Unable to be examined by equipment and modes that accommodate them; and
- (4) Unable to communicate well with medical professionals (some persons with disabilities are unable to fully understand the content of the examinations or find it difficult to communicate).

141. The Health Promotion Administration under the Ministry of Health and Welfare, together with the health bureaus/offices, and hospitals of each city and county have adopted Mammography Vehicles, Pap Smear Vehicles, and other similar programs to tour communities and provide cervical and breast cancer screening. However, these touring medical trailers all have physical steps, which prevent women with disabilities from boarding and receiving the appropriate screening. There are currently only seven fully accessible vehicles throughout the country.¹¹⁹

¹¹⁸ Survey on the Patient Experience of Women with Disabilities in Gynecological, Obstetrical and, Breast Care, Taiwan Disabled Women's Alliance for Equal Rights, December 17, 2019: <https://reurl.cc/W3amV9>

¹¹⁹ Table of Accessible Mammography Services on Touring Medical Trailers, Health Promotion Administration, October, 2020: <https://reurl.cc/ra4xbZ>

142. Even though the Health Promotion Administration has had mammography equipment fit the spatial and height requirements in medical facilities,¹²⁰ the equipment has not been confirmed by a person with disabilities, and there are no plans for further improvements. In addition, there are currently no accessible versions of mammography-related health education materials designed for individuals with different disabilities.
143. The State has not fully assessed the accessibility of medical facilities: In fact, many women with disabilities are unable to receive pelvic examinations and pap smear screening because the examination tables are too high and transfer aids are unavailable. Suppose women with disabilities wish to go to a hospital or health office for examinations. In that case, the limited accessibility of equipment and resources of rehabilitation buses mean that seeking preventive healthcare services remain inconvenient.
144. According to the 2018 Cervical Cancer Screening Registry System Annual Report, the participation rate in pap smear screening throughout the country was 26.7%, and the participation rate of women with disabilities was 15.1%.¹²¹ However, the report did not provide details on the types of disabilities of the participants, so it was impossible to tell if differences existed across disability types. The report also did not give a plan to increase the participation of women with disabilities in cervical cancer screening.
145. We suggest:
- (1) The Ministry of Health and Welfare should lay out a plan for “increasing the participation of women with disabilities in cervical cancer screening”, and provide resources to improve accessibility facilities, including screening equipment, community touring medical trailers, hospital community shuttle buses, etc. The Ministry should also provide accessible versions of health education materials designed for different types of disabilities.
 - (2) The Ministry of Health and Welfare should gather data on the number and proportion of women with disabilities who receive breast cancer screening. The data should be categorized according to disability types so as to find out any differences across them, and plans for improvement should be proposed.

Reproductive health and healthcare are not fully accessible

146. The government has not regulated the accessibility of relevant medical equipment in medical facilities: In the Survey on the Patient Experience of Women with Disabilities in Gynecological, Obstetrical and, Breast Care released by Taiwan

¹²⁰ Table of Accessible Mammography Services in Medical Facilities, Health Promotion Administration, October, 2020, <https://reurl.cc/DvrlNQ>

¹²¹ 2018 Cervical Cancer Screening Registry System Annual Report, Health Promotion Administration, November, 2019: <https://reurl.cc/YWk8zn>

Disabled Women's Alliance for Equal Rights in 2019,¹²² a woman with hearing impairment was unable to lipread to understand the state of her fetus because her doctor refused to remove their mask due to inconvenience. Later during delivery, the delivery room was short-staffed with no one assisting with lipreading, resulting in anesthesia failure. Another woman with physical disabilities found no transfer aids to help her get onto the examination table and birthing bed that were too high for her, and the equipment was unsuited to measure the weight of a pregnant woman with disabilities.

147. Para. 213 in the 2021 Convention-Specific Document mentions that the State is in the process of producing an accessibility guide for medical facilities. However, the guide is only for reference, and the State has yet to clarify how medical facilities will be required to offer inclusive design and equipment. In addition, the free phone line for pregnant women mentioned in para. 216 fails to take into account the needs of pregnant women with hearing impairment. The Manual of Sexual and Reproductive Health for Caregivers of Teenagers with Intellectual Disabilities also lacks an easy-to-read version for persons with intellectual disabilities.

148. We suggest:

- (1) Medical facilities in Taiwan should implement accessible medical services and reasonable accommodation: The Ministry of Health and Welfare should assess whether the examination tables, birthing beds, transfer aids, and weight measuring equipment meet the accessibility requirements. The Ministry should provide relevant resources to improve the accessibility of the equipment in question as well as training for medical professionals on the reasonable accommodation and accessible medical services for persons with disabilities.
- (2) When the accessibility guide for medical facilities is completed, the Ministry of Health and Welfare should assist medical facilities in improving their barrier-free medical environment, which should be examined by persons with disabilities in person. Future assessments and relevant amendments to medical regulations will continue to ensure that medical facilities provide inclusive design and equipment.
- (3) The State should provide accessible versions of pregnancy information designed for different types of disabilities, and an easy-to-read version for pregnant women with intellectual disabilities

¹²² Survey on the Patient Experience of Women with Disabilities in Gynecological, Obstetrical and, Breast Care, Taiwan Disabled Women's Alliance for Equal Rights, December 17, 2019: <https://reurl.cc/W3amV9>

Rather than transferring the responsibility to civil organizations, the state shall undertake the obligation to provide resettlement for stateless children and pregnant migrant workers

149. Article 22 of The Protection of Children and Youth Welfare and Rights Act stipulates that household registration and immigration authorities shall assist stateless children in household registration,¹²³ naturalization, residence or settlement. However, on the frontline, most tasks, including contacting pregnant migrant workers and resettlement, are still undertaken by civil organizations (such as Harmony Home Association Taiwan). As a result, the state's responsibility to stateless children was transferred to private organizations. Because of the high number of cases and the high cost of site operation, The Harmony Home can only provide about 50 beds as legal accommodations for resettlement.¹²⁴ Despite having accumulated extensive trust among migrant workers in the form of halfway houses for women and children, resettlement facilities have been stuck in legal ambiguity. Characterized as "resettlement institutions", the sites also face exclusion and discrimination in the communities they have been stationed in.¹²⁵
150. In lieu of being listed as a specific expenditure, at present, the budget for resettlement of stateless children is listed in the annual budget of the Ministry of Labor,¹²⁶ under the item "Employment Stability Fund", not to mention that there

¹²³ "Authorized agencies shall ask for assistance from the authorized agencies in charge of household registration and immigration in the household registration, naturalization, residence, or settlement for children and youth who do not apply for household registration, are stateless, or fail to acquire a residence or settlement permit. Before the completion of household registration or the acquisition of a residence or fixed abode permit mentioned in the preceding paragraph, the social welfare services, medical care, and schooling rights and interests of the children and youth shall be protected in accordance with the law."

¹²⁴ Contradicts with the State Report and its accusation that the statutory standard prohibits undocumented migrant workers to live with underage children, Harmony Home Association Taiwan. The establishment of sites and the act of resettlement is fully compliant with article 2 paragraph 3 subparagraph 3 of the Standards for Establishing Children and Youth Welfare Institutes. Article 2 of the *Standards for Establishing Children and Youth Welfare Institutes*: Children and youth welfare institutes referred to in the Act are defined as follows: 3. Placement and educational institutes mean institutes that offer placement and educational services to the following placement objects (3) Women and babies who encounter hardship due to unmarried pregnancies or deliveries.
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0050015>

¹²⁵ Taiwanese society has deep rooted discriminatory and stereotypical tendencies against people of Southeast Asian nationality. In addition, most of the cases accommodated by the Harmony Home Association Taiwan were regarded as "fled" migrant workers and their children, resulting in the fact that Harmony Homes often have experienced rejection and unacceptance from the communities it is stationed in.
<https://www.storm.mg/article/1546171?page=1>

¹²⁶ The Employment Stability Fund deals exclusively with labor and labor-related expenditures. From 2018 and onwards, it began to pay attention to the issue of resettlement of stateless

has never been an exclusive budget for resettlement of undocumented migrant workers who are pregnant. In addition, the “Employment Stability Fund” witnessed a gradual decrease over the years. The budget started with 26 million NTD in 2018, and dropped sharply to 10.5 million NTD in 2020. Making the prospects for resettlement funds even more dire.

151. We suggest:

- (1) Establish a fixed resettlement process for pregnant migrant workers waiting for delivery: As stated in the preceding paragraph, the rights of mothers and children shall not be separated. Part of the cases served by the Harmony Home were documented migrant workers with a legal residency status, however the burden of care while awaiting delivery and resettlement was still undertaken by the Association, instead of employers who the state ought to regulate.
- (2) Amend article 22 of the Protection of Children and Youth Welfare and Rights Act, systematically regulate standard procedures and obligations for the resettlement of stateless children from the legal dimension. At the same time, a fixed budget for the resettlement of stateless children and pregnant migrant workers shall be established. Thus, the current practice of tackling the issue with a non-fixed budget such as the Employment Stability Fund can be changed.
- (3) Civil organizations such as the Harmony Home Association Taiwan have long been pressed to assume the government’s responsibility for conducting resettlements, the situation must be improved immediately. It is recommended that the Departments of Social Welfare provide expeditive guidance for the Harmony Home Association Taiwan to acquire the status as a legal institution, to equip it with responsibilities and powers on resettlement for stateless children and pregnant migrant workers equivalent with social affairs units. At the same time, allow civil children and youth organizations, such as the Harmony Home Association Taiwan, to join the deliberative processes of resettlement policy in the central level, thus protecting the right to the decision of civil organizations as stakeholders, and to reverse the current situation where civil organizations can only passively participate in local government cases.

Induced miscarriage

152. At present, article 9 of the Genetic Health Act stipulates that married women need to obtain the approval of their spouses to terminate a pregnancy,¹²⁷ despite its violation to women’s reproductive autonomy, and its contravention with article 12

children. The name of the expenditure item is “Subsidies to the Ministry of Health and Welfare for the resettlement services of children born to migrant workers whom were introduced to Taiwan on the basis of the *Employment Service Act*”

¹²⁷ *Genetic Health Act*: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=L0070001>

of CEDAW on the right to health, and article 16 on eliminating discrimination against women in all matters relating to marriage and family relations. If the two parties were in a state of disharmony or in disagreement, the approval of the spouse is prone to become leverage to threaten women into compromises. For women who suffered sexual or domestic violence, socioeconomically or culturally underprivileged women who lack access to resources and support systems, it is even more onerous to immediately obtain proper medical care and services.

153. In November 2019, opponents of induced abortion proposed two referendum proposals for “limiting induced abortion to early stages of gestation”, and “6 days waiting period with mandatory counseling” which clearly violated the Covenants and CEDAW, indicating that Taiwan’s conservatives may propose public policies which violate human rights. In the two referendum proposals, the former intends to limit the legality for induced abortion under cases in 8 weeks of gestation, and the latter escalated procedural barriers to induced abortions in the name of protecting women’s health. If women who wish to terminate pregnancy cannot complete the procedure with the proposed legal timeframe, induced abortion cannot be legally proceeded.

154. We suggest:

- (1) The State shall abolish the provision of spouse approval in the Genetic Health Act for married women, and expeditiously propose amendments to the Genetic Health Act to ensure reproductive autonomy of women.
- (2) Regarding the referendum proposals for “limiting induced abortion to early stages of gestation” and “6 days waiting period with mandatory counseling”, the State shall increase the openness and diversity of referendum hearings by inviting civil organizations that have focused on gender equality and reproductive reform to participate in the hearing for similar proposals in the future, rather than appeal to groups with certain religious backgrounds to speak on behalf of women. In addition, the government shall also openly clarify to the society that the referendum proposal violated the resolve of the Covenants and CEDAW by claiming restrictions to induced abortion with reason of lowering the abortion rate. The genuine method to ensure a woman’s right to health and reproductive autonomy is composed of child rearing-friendly childcare policies and labor conditions, and the comprehensive implementation of gender equality education.

Transgender health care resources are insufficient and unequal

155. There is a great discrepancy of access to medical services between transgender women and cisgender women. Not every hospital has resources such as hormone therapy or psychiatry. Therefore, transgender women in rural areas have little or no access to such medical resources.

156. In addition, medical resources provided to transgender is limited to visitations to psychiatry. Other medical needs such as hormone therapy and sex reassignment surgery cannot be covered by National Healthcare system and can be very expensive. As a result, transgender will bear economic burdens for receiving such treatments. Nevertheless, transgender women often lose their jobs or have little income because of social discrimination; many of them are in dire economic situations.

157. We suggest:

- (1) The government shall protect transgender women's access to healthcare and provide accessible healthcare services for trans people in the public hospitals of all cities and counties.
- (2) We urge the government to include transgender hormone medication, sex reassignment surgery in national healthcare insurance payment and establish reasonable and standardized fees and charges for gender affirming care.

Lacking of LGBTI+ general health survey and a friendly health care environment.

158. In response to the 4th CEDAW national report, paragraphs 12.7-12.10. The government's routine data and research on public health and epidemiology rarely focus on lesbian and transgender communities. The government has not created a local database on these populations' health and medical experiences.

159. Medical staff often assume patients are cisgender heterosexual and address them as either male or female. Patient forms, bathrooms, and other facilities are also based on the gender binary.

160. According to the Taiwan Tongzhi Hotline Association's 2011 survey of 2,219 lesbians on lesbian sexual and health experiences, 13% of those who had been to an OB/GYN clinic reported negative experiences due to the doctor or medical staff's lack of gender awareness. 37% reported a decreased willingness to go to an OB/GYN clinic due to having had "same-sex experience," while 34% reported their gender expression as the reason for their decreased willingness.

161. We suggest:

- (1) The government should commission scholars with extensive experience in lesbian and transgender health to conduct local studies and research.
- (2) The training of medical professionals, including public health professionals and counselors, should include LGBTI+ health and gender-friendly health care. The Continuous Education (on-the-job training) programs should include sensitivity training on the LGBTI+ community to increase their gender-friendly competence.
- (3) The government should devote resources to the physical and mental health of the broader LGBTI+ community, rather than only focusing on HIV/AIDS prevention for gay men.

Underage Pregnancy and the Right to Education

162. Response to conclusions No. 48-49 and sections 10.31-10.39 of the state report. In Taiwan, approximately 2000 underage girls give birth each year. Yet, government agencies lack integrative statistical and follow-up analyses and, therefore, are unable to better understand the numbers of girls who become pregnant or end pregnancies. As a result, they are also not able to evaluate the educational or basic everyday needs of young/adolescent mothers. However, this population clearly faces unique challenges and requires assistance. For instance, the MOE has reported that nearly 70% of the students reported as pregnant during the 2018-2019 school year, took a leave of absence from school.¹²⁸ While the MOE has amended the Guidelines to Protect Students' Right to Education and Provide Support During Pregnancy, existing childcare and welfare benefits are insufficient to meet the needs of young mothers who are in school.¹²⁹ Under the Act of Assistance for Family in Hardship, for instance, emergency assistance only provides short-term economic assistance for up to three months. Furthermore, in order to apply, young women or girls of low/moderate income households must include their parents' assets and income on the application form; as a result, many applicants do not qualify for assistance. In addition, while there are some programs available to help single parent families find employment, most are solely focused on providing vocational training and childcare. These programs are not tailored for adolescent mothers who have not completed their basic education.

163. Lastly, the high birth rates of underage girls in rural and indigenous communities reflects intersectional discrimination involving the right to education, access to health care, access to childcare, and economic disadvantages.¹³⁰

164. We suggest:

- (1) The government must make statistics and data available across departments/agencies in order to better inform policy. This data should include statistics on pregnancy, terminations, and births to underage girls.
- (2) Special measures, including temporary measures, must be implemented in order to provide pregnant underage girls and young mothers with adequate

¹²⁸ According to statistics from the Ministry of Education, 3,927 pregnant students were notified in the 107 academic year (2018-2019), of which 2,737 were suspended from school, accounting for nearly 70% of the pregnant students.

¹²⁹ Please note there is no official English translation for this document as of time of translation

¹³⁰ In 2020, the national average of percentage of births to underage girls was 4‰. Below the national average were urban centers such as Taipei City and Kaohsiung City were both 3‰; in rural areas and indigenous communities, however, this percentage was markedly higher and reported as follows: Hualien County 9‰, Taitung County 7‰, Yilan County 6‰, Chiayi County 6‰, Pingtung County 6‰, and Nantou County 7‰. Worth noting is that the indigenous population in Hualien County only constitutes 28.81% of the total population but 57% of underage mothers are indigenous.

access to education and child care.

- (3) Measures aimed at rural and indigenous pregnant adolescents and young mothers must be established in order to support their education, child care, and everyday needs.

Article 13 Economic, Social, and Cultural Rights

Insufficient resources for single mothers

165. As mentioned in para. 114 in the State's Response to 2017 COR, in 2019, there were seven low rent, short-term homes provided for single parents nationwide. By comparison, in the same year, there were 56 emergency short-term, medium- and long-term shelters for women who were victims of violence.
166. When women return to the housing market to rent a house, the problem of long-term unresolved landlords makes it difficult to apply for rent subsidies, coupled with the discrimination of landlords, increases the housing burden that single mothers face. While it mainly provides "affordable housing" that meets the qualifications of low-income households, there is only one "Yanji Flat House" left to apply for. The waiting time is as long as 5 years, and the rest will gradually be transformed into "social housing". The 30% of social housing in the vulnerable part of the residence adopts the "evaluation system" of the Social Bureau for evaluation. For a single mothers to be eligible to be placed in a social housing unit, the evaluation of her application is based on various evaluation points culminating in a total score. However, the total score of single mothers tends to be far lower than the scores of impoverished, elderly, and disabled people. These housing resources are not available to women.¹³¹

Homeless women

167. According to statistics from the Ministry of Health and Welfare, there are 419 homeless women in Taiwan, constituting 14% of all homeless individuals.¹³² These statistics are primarily gathered from individuals that reside on streets or in shelters. Due to women's high need for personal privacy and safe space, in addition to street sleepers, female homeless people will also temporarily stay in 24-hour business places at night (such as fast-food stores, Internet cafes, convenience stores, etc.). If these places are also included in the statistics, the number of the female homeless population is estimated to be closer to 30%.

¹³¹ Department of Social Welfare, Taipei City Government, Evaluation Form for Residents with Special Status Protection in Public Housing https://dosw.gov.taipei/News_Content.aspx?n=E1B29235859C01AA&sms=B97F09C2FCF4E002&s=C2C4B01BE4F89617&ccms_cs=1

¹³² Ministry of Health and Welfare, Department of Statistics, <https://www.mohw.gov.tw/dl-72045-b1a389c6-64da-484a-8a76-2f11dd14b65d.html>

168. The main cause of Taiwan women becoming homeless is due to the loss of family support (leaving home due to domestic violence, divorce, etc.). However, escaping from the harm of domestic violence and sleeping on the streets once again exposes oneself to high-risk situations where personal safety is threatened in ways such as violence, sexual discrimination, bullying, eviction, starvation, etc., affecting physical and mental health.
169. There are currently only two private facilities in Taiwan that provide same-sex shelter and placement services for women. Although Taiwan's public and private institutions provide some beds for women, most of them are occupied by men. The management of these facilities is based on humanitarian safety considerations, and women are more likely to be restricted in their activities. Taiwan's current homeless policies and services are clearly designed for the male homeless population, and the resettlement institutions are also mainly designed for homeless men; there is a serious lack of shelter and residential service measures built according to the special housing needs of female homeless people.
170. We suggest: Accommodate the housing needs of homeless women, provide sufficient safety, privacy, and friendly residential resources for women including shelters, rental subsidies, and social housing facilities.

Comfort women (military sex slaves) – Gender human rights and cultural heritage preservation overlooked by the Government

171. Article 15.1 of the ICESCR requires that the States Parties recognize the right of everyone to take part in cultural life, enjoy the benefits of scientific progress and its applications, and benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. It also specifies that the steps to be taken by the States Parties to achieve the full realization of said rights shall include those necessary for the conservation, the development and the diffusion of science and culture.
172. On August 14 1991, Kim Hak-soon, a South Korean comfort woman, revealed to the world the military sexual slavery system ("comfort women" system) that existed during World War II. The following year, Taipei Women's Rescue Foundation (TWRP) began the "Comfort Women: Survivors of Military Sexual Slavery" service and advocacy. It's estimated that there are nearly 2,000 comfort women in Taiwan. The Ama Museum, Taiwan's first museum dedicated to comfort women, was opened in March 2016. The museum collected the life stories of 59 "grandmas", the former comfort women, who have endured tremendous hardships, as well as 5,057 images and multimedia materials, 750 objects, as well as documents related to the judicial proceedings against Japan during the 2000 Tokyo Tribunal. Since its establishment, the museum has been committed to the promotion and education of gender and human rights issues concerning "comfort women", and engaging actively in international gender rights communication. To

date, the museum has seen 125,529 visitors.

173. “Comfort Women”, or military sexual slavery, is a historical event of sexual violence committed by the Japanese Army during World War II in Taiwan. This is a historical trauma the country cannot erase. The valuable historical source and artwork by the survivors should be considered a part of the country’s public property, its history and cultural heritage. The Government should also shoulder the responsibility to preserve it. However, the Government has yet to attach any importance to the museum, excluding it from being considered as a national history, human rights or women museum. Civic organizations were left to operate and maintain the museum through fund-raising. However, since the preservation of historic objects and raising awareness regarding gender rights issues require professional equipment and substantial financial support, civic organizations had been overwhelmed and were forced to temporarily shut down the museum. For this, Taiwan is not only absent on the list of military sexual slavery museums worldwide, but also lost a historic landmark for women’s rights.
174. According to the UN Security Council’s definition, “comfort women” are victims of military sexual slavery. However, even nowadays, the belief that “comfort women were voluntary” still exists among some Taiwanese people and in history education. While the survivors and their families suffer from stigma and discrimination, the government is not taking any initiative to correct the wrong.
175. We suggest:
- (1) The government should attach importance to the preservation of “comfort women” (military sexual slavery)-related cultural heritage and establish a national “Gender Rights Museum”. In addition to preserving historical materials on the victims and survivors of military sexual slavery, the history of women’s rights in Taiwan during Japanese colonial rule, as well as contemporary violence on the basis of gender should also be preserved at the museum, so that everyone can visit and learn about the history.
 - (2) The history of military sexual slavery is not only a part of the national history but also a gender and human rights issue. The government should actively raise awareness and include it in textbooks to restore the truth and to avoid students from learning inaccurately about their own history.

Sexism and Gendering in Athletics

176. Response to conclusions No. 46-47 and sections 10.18-10.22 of the state report. In the field of athletics, gender equity is often overlooked and masculinity praised. Basic issues, such as the excessive gendering of athletic uniforms and prioritizing of competitions create an unwelcoming environment for women and girls who want to participate in athletics. Moreover, within schools, different testing standards serve to reinforce gender stereotypes. For example, the running portion of the

physical fitness exam requires girls to run 800 meters while boys must run 1600 meters. As a result, there is a significantly smaller percentage of girls who regularly take part in athletics. According to Taiwan's Sports Administration, 55.7% of boys and 33.9% of girls between 13-17 regularly take part in athletics, a difference of 21.8%.¹³³ Furthermore, this participation gap appears to grow as students get older. At the elementary level, 59.3% of boys and 40.7% of girls participate in school sports; however, at the high school level, 72.6% of boys and only 27.4% of girls participate in school sports.¹³⁴

177. We suggest:

- (1) Sports education authorities should allow for a greater diversity of sports in athletic venues and encourage women and girls to participate by establishing times specifically dedicated to them or by providing other incentives.
- (2) Education authorities should modify the standards for the running portion of the school physical fitness test. Rather than differentiating standards by gender, the standards should be based on ability.
- (3) School uniforms requiring girls to wear skirts should be abolished. Girls should be allowed to wear clothing that allows them to participate in sports/athletics.
- (4) Any spaces separated by the traditional gender binary, such as swimming pool changing rooms, should be reassessed in a way that allows students of all genders to have a space to use where they feel comfortable.

Article 14 Rights of Rural Women

Farming still dominated by men

178. According to the 2022 National Statistics Bulletin of the General Accounting Office of the Executive Yuan, Taiwan's agricultural population will be about 542,000 in 2021, a decrease of 6,000 compared with 2020. In 2021, the male and female population will be 393,000 (72.5%) respectively, and the female population will be 149,000 (27.5%).

179. According to the content of the 2018 special report of the General Accounting Office of the Executive Yuan on "The Transformation of Farm Women's Roles from the General Survey of Agriculture", Taiwan's agricultural women are faced with the following problems:

- (1) Women manage arable land on a smaller scale than men.
- (2) About 292,000 women (accounting for 64.3%) are higher than men in agricultural decision-making. However, in terms of inheritance of management rights, only 16,000 women (accounting for 10.2%) are women who undertake agricultural affairs, which is much lower than the 141,000 men (141,000). 89.8%),

¹³³ Sports Administration, 2020 Athletics Report, 2021.

¹³⁴ Sports Administration, Statistics on Campus Sports, 2015.

indicating that agricultural women are still weak in the inheritance of management rights.

- (3) About 60.7% of the labor force employed in agriculture is women: The agricultural labor force in Taiwan is mainly composed of self-employed farmers and their family members, supplemented by hired workers when there is a shortage of manpower. In terms of self-employed manpower, at the end of 2015, there were 1.399 million farm workers, including 850,000 men and 549,000 women. The farming industry employs 138,000 people, of which 84,000 (60.7%) are women.

180. It can be seen from the above that Taiwan's agricultural management has traditionally continued to be dominated by men, with women in auxiliary roles. However, agricultural women are still at a disadvantage in terms of land ownership and land management rights. Compared with men, women enjoy less farming resources, whether it is the scale of farming land, management rights, education rights and skills. The labour force in agriculture of Taiwan is mostly composed of small farming families, and women assist the family in farming, usually without pay, or with low wages. As a result, agricultural women in our country often become a relatively disadvantaged group.
181. However, from the perspective of climate change, the ratio of female agricultural managers to friendly farming is relatively high, indicating that women attach great importance to issues of health, environment and sustainability. According to Drawdown by Paul Hawken, it is also believed that increasing agricultural women's access to agricultural resources and men's equality will help improve the health and life of women and children, and develop diverse farming systems for female smallholders, which will help restore Land fertility, avoiding continued deforestation and developing arable land, will help reduce greenhouse gas emissions.
182. We suggest: The government should actively assist women smallholders to have equal access to agricultural resources with men.

Article 15 Equality before the Law

Reducing the number of times victims of sexual assault give statements

183. It should be avoided for sexual assault victims to give statements multiple times to prevent secondary victimization. However, at present, first-line personnel are not sensitive enough. In practice, when victims file for cases at the police station, they are often faced with situations where there are no female police officers present¹³⁵, the inquiry is not conducted in a private space, or police officers are impatient or

¹³⁵ Possible reasons include there are no female police officers in the police station in the first place, or there are only very few female police officers and none of them are on site.

show bad attitude. In addition, first-line personnel are unfamiliar with the “one-stop service” implemented by local governments and therefore, do not initiate the procedure.

184. We suggest:

- (1) The Ministry of Health and Welfare should provide the complete statistics of 2020 on the overview of sexual assault and domestic violence victims.
- (2) Sex education and gender equality education should be provided to persons with disabilities so that they are alerted to dangerous situations and informed of various protection and assistance resources.
- (3) Increase the level of sensitivity in handling victims with trauma experience of first-line personnel such as teachers, judicial officers, social workers and medical professionals.
- (4) Review the helplines, emergency shelters, protection placement, physical and mental care and consultation, legal aid and other relevant measures provided by the government and see if the different needs of persons with disabilities are properly considered.

The legal system for intimate sexual images is not yet complete, and the protection of victims is not adequate

185. According to the 655 digital sexual violence cases served by the Women’s Rescue Foundation from 2015 to 2021, 29% of the cases in which the perpetrator threatened to release intimate sexual images had been threatened but not yet released; the next highest percentage was 28% for direct release without threat; and the third was 14% for release with threat. Thus, the most immediate and fundamental way to prevent perpetrators from distributing digital images is to order the person that post the originals to hand over the images in his or her possession before they are distributed and while they are still in the threatening stage. Therefore, the obligation to surrender the images should be imposed on the perpetrator, and the penalty for violation should be clearly regulated. In particular, it is not possible to directly punish the perpetrator through the criminal procedure law if the images are posted on oversea websites, so imposing an obligation on the violators to hand over the images is a more feasible way to prevent the circulation of intimate sexual images. However, the Sexual Assault Prevention and Control Act has not yet been amended and passed.

186. At present, the criminal law has not yet adopted the norms for the crime of distributing private intimate images and the amendment of the protection orders of the Law on the Protection of the Rights and Interests of Criminal Victims has not yet been adopted. According to the official proposal, the protection order can only be issued by the court under the authority or upon the request of the prosecutor, and the victims cannot apply for it on their own, and the content of the protection order does not specify that the images shall not be reproduced, distributed, or

require the images to be removed from the relevant online platforms.

187. We Suggest: To expeditiously enact both substantive and procedural laws that can immediately enable victims to preserve evidence and take down private sexual images, and to provide for the protection order for victims of crime with clear content that allows victims to be the claimants.

Victims of sexual assault and domestic violence cases do not have adequate privacy protection in litigation

188. The last paragraph of the No. 110-SiDiao-0038 investigation report of the Control Yuan pointed out that the legal data retrieval system managed by the Judicial Yuan did not conceal the names of the victims in the relevant judgments on the crime of false accusations involving the victims of sexual assault cases, and thus indirectly exposed the sexual assault case history, which made it difficult to ensure the privacy of the victim and provided inadequate protection to the victim. This case highlights the chaos in the current judicial and administrative practice of de-identification of privacy, which often requires the parties to respond separately after the information is disclosed.
189. According to Article 14(1)(12) and Article 16(3) of the Domestic Violence Prevention and Control Act, the court may issue a protection order to prohibit the other party from accessing the household information of the victim and the minor children under his or her temporary custody. However, after the issuance of the protective order, the trial system of the Judicial Yuan does not provide any indication of the relevant information of the opponent or the victim, and there is no warning mechanism, thus there is a risk that the opponent may inadvertently have access to the personal information of the victim or the minor children such as their domicile or residence in another case.
190. We suggest: To review the privacy protection mechanism in the judicial system in general, and to delete the entries of gender, residence and domicile in the judgment, indictment and self-report, so as to avoid unnecessary leakage of personal information in legal documents; and to establish an inter-civil, family and criminal warning system for domestic violence to prevent leakage of victims' personal information.

Monitoring the effectiveness of the Stalking and Harassment Prevention Act after its implementation

191. The "Stalking and Harassment Prevention Act" was passed in November 2021 and will take effect in June 2022. This law defines stalking as repeated or persistent conduct against a specific person that is sexually or gender related through a person, vehicle, tool, device, electronic communication, internet, or other method. In the legislative process, considering the capacity of the police system to receive cases, the definition of harassment is limited to "sex and gender related" behaviors,

which will require continuous observation after implementation to determine whether it may cause difficulties in the definition of harassment, and therefore, no immediate assistance to the victim.

192. We suggest: The competent authorities should closely monitor whether the protection of immediacy is implemented after the implementation of the law, and based on the evaluation of the effectiveness of the law after implementation, they should consider whether to amend the law again after one year to adjust the requirements.

Accountability mechanisms for judicial personnel

193. Although paras. 15.23 and 15.24 of the state report refer to the relevant laws on the accountability of judges and prosecutors, they do not show specific punishments. In fact, after the implementation of the new system of the Judges Law on July 17, 2020, neither the Judges Evaluation Committee nor the Prosecutors Evaluation Committee has been established in cases petitioned by civilians.

194. Former Taipei High Administrative Court judge Chen Hongbin was dismissed from his position by the Disciplinary Court's duty court in 2016 for forcibly kissing and sexually harassing his assistant, but after Chen Hongbin submitted a retrial to the competence court. In 2018, the retrial court ignored the asymmetry of power between Judge Chen Hongbin and his assistant, and found that the circumstances of the case were minor. The court went so far as to take the incidence where Judge Chen Hongbin once tried to introduce a man to the assistant as Chen's gesture of "deep remorse" and changed the sentence from removing the judge from his post to a one-year fine.¹³⁶ What's more, Judge Chen Zhixiang of the aforesaid Disciplinary Court accepted a total of 8 interviews with the media after the verdict was pronounced, and the content of the interview went beyond the text of the judgment, and he even made remarks that lacked gender awareness, such as describing the case as an "attempted extramarital affairs" instead of "a sexual harassment case in the workplace. However, Judge Chen Zhixiang escaped the impeachment by the Control Yuan and was issued a written warning by the Judicial Yuan.

195. In another case¹³⁷, when the disciplinary court determined whether the perpetrator's act of uploading photos constituted sexual harassment, it only looked at it in the form of "photos" and judged whether sexual harassment was made in an out-of-context manner, and did not consider the power relationship between the

¹³⁶ The 105th Annual Punishment of the Duty Court No. 1 Punishment Case. Only later did the civil society protest against the lack of gender awareness of the verdict and the Retrial initiated by the Control Yuan, the Court of Justice abandoned the original retrial judgment in 2019 and rejected the retrial proposed by Judge Chen Hongbin (The Court of Justice ruled 107 Annual Punishment Re-Character No. 1).

¹³⁷ The Disciplinary Court's 110th Annual Chengzi No. 1 Judgment.

two parties, the purpose of the perpetrator for posting the disputed photo on Facebook, the substantial impact on the other party, the continuous concern after posting the photo, the connection between the expression of the purpose of pursuing and the posting of the disputed photo, etc., and did not evaluate whether the act of the person constituted offenses in the Sexual Harassment Prevention Act from the perspective of ensuring substantive equality of women. The first instance judgement found that this case did not constitute sexual harassment, and the case is still on appeal.

196. We suggest: In addition to strengthening gender awareness education in the fact-finding courts, judges of disciplinary courts are supposed to be responsible for hearing ethical and disciplinary incidents for judicial officers and civil servants, and should strengthen their sensitivity to gender power asymmetry and apply laws accordingly.

The police and judicial systems lack gender diversity

197. The statement in paragraph 15.41 of the state report that as of 2020, no violation of CEDAW norms had been reported by police personnel, was incorrect. Take the case of police officer Ip Ki Yuen (a biological male) as an example. He was reprimanded by the Second General Staff of the Police Department in 2015 for growing long hair, and was graded C in the annual performance appraisal (which amounted to a punishment) in 2014. He filed a complaint under the Gender Equality Act to revoke the C grade performance appraisal, and in the Supreme Administrative Court decided that he lost the lawsuit in 2019.¹³⁸ According to article 7 of the Act of Gender Equality in Employment, “Employers shall not discriminate in the recruitment, screening, use, distribution, allocation, appraisal or relocation of job applicants or employees on the basis of sex or sexual orientation.” The reason for the amending article 7 of the Act in 2007 was that “in addition to referring to the biological characteristics of the sex, the term “sex” shall also contain stereotypes of gender “. In this case, perhaps because of the particular masculinity of the police corps, it lacked the awareness for gender diversity, however, the ruling by the Administrative Court that the different requirements for hairstyles of the male and female police officers did not violate the gender equality norm and demonstrated that the court failed to correct the gender discrimination of the administrative agencies, making remedies impossible.
198. We suggest: Comprehensively review and revise the binary gender code of etiquette for police personnel, and fully implement gender diversity education in the police and judicial systems.

¹³⁸ The Supreme Administrative Court rendered judgment No. 22 of the 2019 and the Supreme Administrative Court ruled no. 46 of the 2019.

Article 16 Marriage and Family Life

Inequal marriage age

199. Inequality in the legal age of marriage: On August 12, 2020, the Executive Yuan passed the draft amendment to the Civil Code proposed by the Ministry of Justice, and the legal age of marriage for women will be adjusted to 18, the same as that of men. At the same time, the draft also revised Article 12 of the Civil Code to lower the age of majority from 20 to 18, and Article 980 stipulates that minors may not marry. Although the draft passed the legislative process at the end of the same year, the implementation date is January 1, 2023, and the government has not explained how children's rights and gender equality will be implemented during this period.¹³⁹

200. The problem of adolescent pregnancy persists:

- (1) According to current statistics of the Executive Yuan, the number of babies born to women under 20 was 2,331 in year 2019; the figure over the past 10 years had also been at least 2,000 babies per year.¹⁴⁰ Between 2015 and 2019, the fertility rate among women between 15 and 19 of age has constituted 4‰ of that for the total population.¹⁴¹ According to the 2017 report of the Control Yuan, awareness of adolescent pregnancy on the part of the government is seriously disconnected with reality, and for 10 years, the number of underage mothers in Taiwan has not been effectively reduced.¹⁴²
- (2) For underage mothers who wish to marry, there is no mechanism for their protection or corresponding measures, whether under current regulations or the draft revised law. Whether this infringes on women's autonomy in marriage and the rights and interests of children born to underage girls is a question that remains to be discussed.

¹³⁹ Executive Yuan, Executive Yuan passes Item 38 of draft partial revision for *Civil Code* to amend legal age of marriage to 18 for protection of youths.

<https://www.ey.gov.tw/Page/9277F759E41CCD91/655b2cd1-64e5-4bbe-9d5d-786df090bb69>

¹⁴⁰ Gender Equality Department, Number of babies born by date.

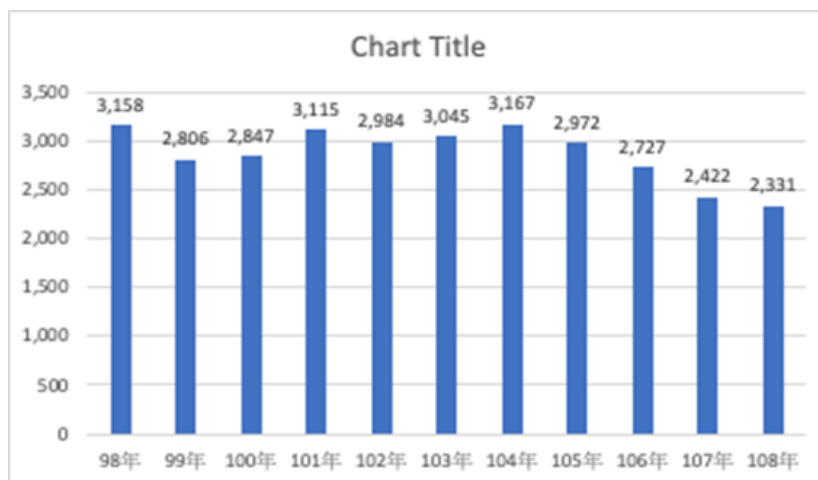
https://www.gender.ey.gov.tw/gecdb/Stat_Statistics_Query.aspx?sn=TChStJr9NFNg2PrBQzib3Q%3d%3d&statsn=81ca3xOmQ7PeQ19JLb29nw%3d%3d&d=m9ww9odNZAz2Rc5Ooj%2fwIQ%3d%3d&n=37325

¹⁴¹ Gender Equality Department, Fertility rate of underage mothers (aged 15-19).

https://www.gender.ey.gov.tw/gecdb/Stat_Statistics_DetailData.aspx?sn=eYfJTJ8IWIZHmsjuPNtodA%3D%3D

¹⁴² Control Yuan, Underage mothers in the news; Control Yuan urges Ministry of Health and Welfare and Ministry of Education to seek review (11/10/2017).

https://www.cy.gov.tw/News_Content.aspx?n=124&sms=8912&s=12659



201. In terms of statistics, as the government is currently not conducting any survey pertaining to the number of girls under 18 who are pregnant, or the number of women above 16 but under 18 who are married, the scope and extent of social impact remains unclear, making it even more difficult for civil society to come up with policy recommendations.

202. We suggest: Clarify how the rights and interests of children may be safeguarded and how gender equality may be realized before implementing the amendment of the *Civil Code*. Also compile statistics on the number of mothers under the age of 18, and the number of girls who got married between ages 16 and 18, so as to provide the reference data to implement policies.

Transnational same-sex couples' right to marry is not thoroughly protected and thus causes infringement on the right to family reunification

203. The legal basis for rejecting the registration of marriage of transnational same-sex couples cited by the National Report had already been ruled illegal in 2021 in three different rulings by the Taipei High Administrative Court. However, the government of Taiwan still refuses to revise its legal interpretation which results in the continued fight for the right to marry through litigation by transnational same-sex couples.

204. The government agencies though claimed they would amend existing laws to protect the right to marry of transnational same-sex couples, however, the draft amendment is still pending approval since January 2021. In addition, the amendment only protects the transnational same-sex couples of which one partner is Taiwan citizen but not foreign same-sex couples who reside in Taiwan (such as migrant workers).

205. In addition, the same-sex marriage between cross straits (the PRC and ROC Taiwan) is also worth our attention. Based on the current regulations, the cross-strait same-sex marriage does already have a legal basis but currently lacks necessary administrative measures such as cross-strait same-sex couples interview mechanism. The government of Taiwan has failed to provide such administrative

measures and forces many cross-strait same-sex couples to be deprived of their right to marry in Taiwan. In one court ruling by Taipei High Administrative Court in April 2022, it demands relevant administrative agencies to grant the request of the plaintiff (who is a PRC citizen and married with his Taiwanese partner in the U.S.) to reunite in Taiwan. However, we haven't seen any concrete administrative measures to grant such requests.

206. As for transnational same-sex couples who cannot legally get married in Taiwan, the government of Taiwan denies their status as a spouse or partner and rejects their request for a family resident visitor visa. As a result, many transnational same-sex couples cannot live together in Taiwan or can only stay in Taiwan with student visa, work permit, visitor visa and thus cannot enjoy social welfare and benefits such as National Healthcare Insurance and childcare services.
207. Since the outbreak of Covid-19 pandemic, the government of Taiwan has tightened border control measures which resulted in forced departures or denial of entry of transnational same-sex couples for as long as more than two years. Furthermore, a Taiwanese lesbian was even forced to conduct sterilization surgery to change legal gender in order to marry her foreign partner as a "heterosexual" and then successfully got a family resident visitor visa for her wife to live in Taiwan.
208. The Control Yuan had provided its investigative report on transnational same-sex marriage in March 2022 and urged relevant government agencies to take actions, however, the government agencies failed to fulfil its obligations. We haven't seen any real progress in the protection of transnational same-sex marriage so far.
209. We suggest:
 - (1) The administration should amend laws or change their illegal interpretation of existing laws to protect the right to marry of transnational same-sex couples.
 - (2) Before the legalization of relevant laws and regulations, the government should also consider transnational same-sex couples as families and provide corresponding resident certificates and actively protect their right to reunite and live with their families in Taiwan.

Lack of Joint Adoption Rights for Same-Sex Couples and Inconsistencies in the Legal Establishment of Parent-Child Relationships

210. Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) states that the premise for the child's best interest is that both parents, should have the same rights and responsibilities as parents, irrespective of their marital status. They should also have the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children. In addition, The Ministry of the Interior under the Executive Yuan has revised and approved the 'Guiding Principles for R.O.C. Centenary Social Welfare Policy', which states 'supporting diverse families: The promotion of public policies should respect the differences in family types and values due to different sexual

orientations, races, marital relationships, family sizes and structure'. Nevertheless, there are still differences between the rights of heterosexual and same-sex couples, which result in violations of family rights.

211. The 'Act for Implementation of J.Y. Interpretation No. 748' allows two persons of the same-sex to enter into marriage. However, article 20 of the statute intentionally retains a distinction between same-sex marriage and heterosexual marriage, which prevents same-sex couples in Taiwan from acquiring the same marriage and family legal protections as heterosexual couples. For example, a same-sex couple is only allowed to adopt their spouse's biological children. In other words, same-sex couples cannot jointly adopt unrelated children, nor can they continue to adopt unrelated children of their spouse (That is, a child adopted by one spouse before marriage cannot be adopted by the other spouse after marriage). This deprives adopted children of the right to establish a parent-child relationship with same-sex parents and impairs the adoption rights of same-sex families, which violates the norms of gender equality and family rights in Article 16 of CEDAW.
212. We recommend that: In light of the requirements of CEDAW and the R.O.C Constitution, the state should review the current legal distinction between same-sex marriage and heterosexual marriage, and amend the 'Act for Implementation of J.Y. Interpretation No. 748' as soon as possible, to allow same-sex couples to jointly adopt unrelated children. As a result, children of heterosexual families and same-sex families will have the same protection.
213. In addition, heterosexual marriages and same-sex marriages are implemented through different laws and relations, which leads to spouses having different legal rights and obligations due to their gender and sexual orientation. Furthermore, the inconsistent use of legal terms such as husband, wife and spouse has resulted in instability within the legal system. The reason for discriminatory treatment must be clearly explained and it is inappropriate to reserve and continue the use of Article 20 of the 'Act for Implementation of J.Y. Interpretation No. 748'.
214. Take the acquisition of nationality as an example: When a child is born from a heterosexual marriage, a parent-child relationship is established with the mother upon childbirth, and the parent-child relationship is established with the father by relying on the provision of the civil law, and accordingly the child acquires the nationality of the father. In comparison, for a child born in a lesbian marriage, even if the spouse who is not biologically related to the child is managing the family affairs together with the biological mother, the spouse is still required to undergo adoption to establish a parent-child relationship. Moreover, the child still cannot acquire the nationality of the non-biological parent even if the child is adopted.
215. We suggest: the state should eradicate the difference in the rights of children in acquiring nationality due to the sexual orientation of their mothers in same-sex marriage and heterosexual marriage. The state should also consider amending the

civil law so that all marriages can be addressed by the same laws and regulations. Marriage should be implemented in accordance with the civil law, and should not be differentiated due to the sexual orientation of the participants.

Same-sex spouses cannot use Taiwan's artificial reproductive resources

216. In response to Article 16.5 in the National Report, the "Act for Implementation of J.Y. Interpretation No. 748" had passed in 2019, however, the Artificial Reproduction Act is not applicable for same-sex spouses and thus lesbian spouses cannot use artificial reproductive technology in Taiwan.
217. Lesbians in Taiwan can only leverage artificial reproductive technology overseas and shoulder the high costs by themselves. In Taiwan, the cost of artificial reproduction is only around \$NT150,000-200,000 (\$US5,000-6,667). However, the cost for the same procedures overseas can be as high as \$NT600,000-1,000,000 (\$US20,000-33,333). The cost difference between heterosexual and same-sex couples for the same procedures because of sexual orientation can be up to 5 times.
218. In 2022, the Executive Yuan put forward a set of policies titled "fostering a safe and friendly environment for pregnancy and childrearing" that greatly expands subsidies and eligibility for infertility (in vitro fertilization) treatments. Heterosexual couples can enjoy subsidies on infertility (in vitro fertilization) treatments up to \$NT400,000 (\$US13,333). However, same-sex couples are not covered by such policies.
219. Since the outbreak of Covid-19, lesbian couples in Taiwan are restricted by the Artificial Reproduction Act and cannot leverage artificial reproductive technology in Taiwan. On the other hand, these couples also fear that they will not be able to receive such treatments overseas because of the pandemic. The government of Taiwan does not expediate the amendment to the existing laws, instead, it further releases such measures to foreign heterosexual couples to enter Taiwan to receive such treatments. Given the above, we can tell that this restriction is discrimination based on sexual orientation. The Artificial Reproduction Act applies to all heterosexual couples regardless of nationalities; however, same-sex families are excluded.
220. In addition to the difference of economic costs based on sexual orientation in access to artificial reproductive technology, we've found that lesbians need to take more risks in legal and medical aspects if they choose to use artificial reproductive technology overseas. The risks include broker's fraud and medical disputes when arranging treatments. Whenever such disputes arise, many lesbian couples cannot obtain immediate legal assistance from Taiwan because of their nationalities and thus cannot remedy the damage caused.
221. In response to the policies to address low birth rate put forward by the Executive Yuan's Ministry of Health and Welfare that do not include same-sex couples, civic

groups proposed suggestions to include same-sex families in tackling low birth rate policies on “Public Policy Online Participation Network Platform” established by National Development Council. The suggestions include “including same-sex couples in artificial reproduction act,” “same-sex couples can co-adopt children without consanguinity” and so on. The suggestions had gathered 5,176 signatories in 10 days. However, the relevant agencies only responded that “they would cautiously research on the feasibility of amending relevant laws” and failed to provide an estimated timeline for such an amendment.

222. We suggest:

- (1) In summary of the Covenants and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) as well as the equality principles as stated in Taiwan’s Constitution, Taiwan’s government shall examine the gap in the existing laws regulating same-sex and heterosexual marriages and provide a concrete timeline for closing such a gap with a draft amendment.
- (2) The government shall not restrict the reproductive freedom of same-sex couples. On the premises of not endangering the lives of the individual and others, it’s necessary to allow same-sex couples to use artificial reproductive technology and let them make an informed, free and responsible reproduction decision by themselves based on the artificial reproductive medical resources and services available.

Appendix 1: Introduction of Participating NGOs (in alphabetical order)

1. Covenants Watch

Established on December 10, 2009 and convened by democracy forerunner Mr. Peter Huang (Huang Wen-shiung), Covenants Watch is comprised of more than 40 human rights organizations, lawyers and scholars, and was officially registered in 2016.

Through human rights advocacy, monitoring, research and education, we are committed to the promotion of the ratification of the 9 core human rights instruments designated by the UN. We notably utilized Taiwan's "self-made" international review mechanism to oversee the government's proactive measures for the consummation of human rights through domestic legal and policy reforms; we also coordinated, empowered, facilitated civil society organizations to participate in the quadrennial international review of human rights instruments, and jointly provide critical observations and reform suggestions independent of the government; from 2013 to 2020, we regularly coordinated civil society organizations to submit a parallel/shadow report, of which covered diverse dimensions, include: places of detention, judicial justice, death penalty, labor, migrant workers, persons with disabilities, transitional justice, children, women, LGBTI, and business and human rights.

Covenants Watch also participated in rescue actions; including the case of Li Ming-Che, which Covenants Watch, alongside with all members of the Li Ming-Che Rescue Committee, filed a complaint to the United Nations which was successfully received, and later reported on this case to the UN and the European Parliament. Covenants Watch also jointly drafted the bill of the Refugee Act with other NGOs, and requested the government to incorporate the intent of the Refugee Act in its laws and regulations regarding China, Hong Kong, and Macau. Human Rights Wednesdays, our monthly event which aims to expand society's concern and imagination for human rights, was also held monthly for five consecutive years. Meanwhile, we also joined international human rights networks, to discuss with international human rights organizations and their human rights workers on the practical experience of advocating, implementing and monitoring human rights conventions in various countries.

Since our establishment, Covenants Watch has continued to promote the implementation and deepening of Taiwan's local human rights mechanisms through domestic and international human rights initiatives.

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2. Disabled Children's Rights and Advocacy Association in Taiwan (DCRAAT)

The Disabled Children's Rights and Advocacy Association in Taiwan (DCRAAT) is composed of children with disabilities and their parents, to espouse the basic human rights of children with disabilities. Since birth, children with disabilities are compelled to face various problems and challenges in their lives; due to lack of resources, unsound policies, and incomplete implementation, children with disabilities and their families face many obstacles in their lives. Children with disabilities are not found on the playgrounds, because of the inaccessibility of the places for play; they are not found on the campus, because of the unsoundness of inclusive education policies; they are not seen by you and me, because of the hostilities of traffic and the environment; since their needs have long been ignored, the support that is essential for the equal right to enjoy things has also been lost. Although there is the People with Disabilities Rights Protection Act domestically, and the consecutive ratification of the Convention on the Rights of Children and the Convention on the Rights of Persons with Disabilities of the UN, DCRAAT remained active at supervising the government to participate in the formulation of relevant policies, to ensure the implementation of human rights ideals, thus ensure the assurance of the basic rights of children with disabilities and the deliverance of an environment of equal opportunity and full participation.

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CHENG, Shu Chuan, Joy.sccheng@gmail.com

3. Environmental Jurists Association (EJA)

Environmental Jurists Association (EJA) was founded by a group of lawyers who care about the environment on January 30, 2010. With consolidated power within the organization, over the past decade, EJA has worked hard to close legal loopholes related to environmental litigations. The association provides legal advisories and aids for cases related to environmental public interest, supports residents' participation in the process of environmental impact assessment and litigations, and closely monitors the development of cases. Bringing lawyers into the communities, we learn the deep connection between the litigants and environment, and help bring the cases into the court. We connect citizens, scholars, and partner organizations to conduct research on and participate in the discussions of environmental issues. Through examining the loopholes and inadequacies of current regulations, EJA takes action on advocacy and legislative changes. We also organize training sessions for environmental lawyers and work in tandem with universities to provide internship opportunities and encourage young lawyers to join the force of environmental public interest. We look forward to seeing environmental law become an important field of focus in the legal world, to ensure the intergenerational fairness and sustainable development of natural, economic, and cultural environments.

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4. Harmony Home Taiwan

Today, Harmony Home has established 5 AIDS halfway houses in Taiwan. So far, it has assisted in receiving nearly 600 of those infected and provided assistance and consultation for more than 2,500 infected individuals. At present, we have received more than 200 infected persons and children affected by AIDS in total. In addition, Harmony Home has long been devoted to visiting prisons and schools of all levels. We also cooperate with the Ministry of Education, the Ministry of Justice, and the CDC in providing AIDS education, anti-discrimination campaigns, and drug prevention education to the public in order to eliminate public stigma and discrimination against AIDS.

In recent years, the number of migrant workers in Taiwan has risen rapidly. Since 1997, the service work of Harmony Home has been extended to foreign victims, new immigrants, and female migrant workers. Children of migrant workers are among the most vulnerable individuals in society as they have difficulty in obtaining medical, social welfare, and education-related resources due to not being registered under a household. Therefore, taking care of and sheltering those children, as well as those infected or affected by AIDS, have become some of the main services at Harmony Home, Taiwan.

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5. Human Rights Network for Tibet and Taiwan

Human Rights Network for Tibet and Taiwan is a coalition comprising Taiwan-based NGOs. Individual members include Tibetan and Taiwanese social activists, college professors, writers, students and legislators, amongst people of many other professions. Although the members work on different issues, the common concern is human rights. Members of the HRNTT realize that the value of human rights is universal, and that the suffering of one person in any part of the world is a burden on the whole world. On the other hand, improving the rights of one person anywhere in the world is an inspiration for people everywhere. We also recognize that Taiwan and Tibet share many common grounds, for historical reasons. Both of us need to struggle to protect and improve our rights. There is a lot to be learnt from each other.

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6. Independent Living Taiwan

Five independent living associations, including Taipei, Chiayi, Tainan, Kaohsiung, and Hualien, finally co-hosted the inaugural meeting of "Independent Living Taiwan" on April 1, 2018 after years of operation. This alliance connects independent living associations across Taiwan to formulate appropriate policies for

community life support services for persons with disabilities, to improve social physical and service facilities, and to establish the social value of anti-discrimination, which responds to the intent of the international movement of persons with disabilities: “Nothing about us without us.” Mission of this alliance includes:

1. Connect independent living associations, groups, and promotion groups across the country.
2. Promote the concept of independent living, and emphasize that persons with disabilities can make “self-selection, self-determination, and self-responsibility” according to their needs.
3. To enshrine the subjectivity of persons with disabilities, and to emphasize that for all initiatives and organizations, persons with disabilities shall meet the $\frac{1}{2}$ quota, with different categories of disabilities.
4. Strive for the rights and interests of persons with disabilities. Urge the government to ensure the rights and interests of persons with disabilities, and protect the rights and interests of persons with disabilities in social participation, human support, accessible environment, economic security, and career development.
5. Break the “professional myth” and emphasize that people with disabilities are the experts in solving their own problems.
6. Conduct international exchanges, to form connections with foreign independent living organizations and disabled peoples’ organizations (DPOs) and learn from one another.
7. Cultivate talents with disabilities, encourage self-voicing, connect needs, and advocate rights.
8. Realize a nation built on human rights, and jointly create a better society.

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7. Judicial Reform Foundation

The Judicial Reform Foundation is committed to advancing legal reform by uniting the power of the people in order to establish a fair, just, and trustworthy judiciary for the people.

In realizing its mission, the Judicial Reform Foundation embraces the following core values:

- Fairness and Justice.
- Diversity and Accessibility.
- Professionalism. Innovation. Criticism.

The vision of the Judicial Reform Foundation is to ensure a society in which all people benefit from a fair, just and trustworthy judiciary.

- The principal objectives of the Judicial Reform foundation are:
- To harness the power of civil society to advance judicial reform.
- To improve the justice, transparency, and democracy of the judicial system.
- To end unfair and negligent treatment of the people by the judiciary.

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8. Modern Women's Foundation

The Modern Women's Foundation (MWF) was established in 1987. Having pioneered Taiwan's first women's protection center in 1977, we provide professional legal service, medical treatment, reporting, court counseling, and escort services for female victims of violence. We became Taiwan's first public interest group to serve women and children who have been subjected to sexual assault, domestic violence, and sexual harassment. MWF assists more than 8,000 victims of domestic violence, sexual assault, and sexual harassment annually. We also assist nearly 3,000 high-conflict families in the courts each year.

Over the years, we have continued to care for women who have suffered violence, and have developed into a professional social work organization with practical actions. From direct case counseling services, preventive advocacy, to legal promotion and other indirect services and advocacy work, we continue to strive for an equal, safe, and dignified social environment for women who are victims of domestic violence, sexual assault, and sexual harassment. The Foundation actively promotes various forward-looking systems and service programs.

Because we believe that all people are equal, and that everyone deserves to be respected and own freedom and autonomy, we do not distinguish our clients between nationality, gender, and sexual orientation.

Our goal is to build a friendly environment of equality, safety, dignity, and development, and to debunk social myths. MWF hopes to end gender violence and achieve gender justice in a society.

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9. New Vitality Independent Living Association, Taipei

New Vitality Independent Living Association is an organization run by and for people with different types of physical and mental disabilities. Founded in 2007, the organization is devoted to helping people with disabilities to live in the community

with dignity by offering them personal assistance to engage in their life activities, aiming to enable people with disabilities to realize their full potential, live independently, and reduce the obstacles and discrimination in their lives.

The biggest difference that sets the organization apart from others is that the majority of the decision makers (including the board) are with physical or mental disabilities and have cross-disabilities. From our own experience, characters can be shifted from being the receiver of care, to being the provider of care for other persons with disabilities, to bring together our strengths, to change this inaccessible world, and to eliminate discrimination. We believe that persons with disabilities were “disabled” by the environment and attitudes, should the society accept the existence of diverse groups, many disabilities will be eliminated, and all can independently live in communities.

Our mission includes: (1) Personal assistance services; (2) Planning for independent living; (3) Peer support services; (4) Promotion of accessibility; (5) Education and promotion; and (6) Striving for rights.

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10. New World Independent Living Association, Chiayi.

We came across the idea of independent living, and identified strongly with the notion of “self-selection, self-determination, and self-responsibility” of persons with disabilities, after receiving relevant information. We decided to formally establish the Association on July 6, 2012; we uphold the autonomous rights of persons with disabilities, and hold that deinstitutionalization and integration into the community are the path to values of lives with disabilities.

In addition to serving persons with disabilities in the Chiayi area and conducting local initiatives, the organization also actively participated in CRPD-relevant meetings in recent years, with the aim of implementing human rights and fundamental freedoms of locals with disabilities with the power of international human rights instruments. We also recognize that persons with disabilities are the experts to address their own issues, thus more than 90% of our staff are persons with disabilities. The mission of the Association are as follows:

1. Raise the self-awareness of persons with disabilities and enable them to strive for their due rights.
2. Provide peer psychological support and develop independent living plans for persons with disabilities.
3. Provide housing and transportation information.
4. Host regular lectures and networking activities, to foster solidarity and obtain new knowledge.
5. Improve accessibility of the environment.

6. Promote and educate the importance of independent living to the public.
7. Communicate with domestic and foreign independent living organizations and join resources.

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11. Serve the People Association, Taoyuan (SPA)

Serve the People Association (SPA) is an independent non-governmental organization and was founded in 2008 with the purpose of improving the working conditions of grassroots workers and helping to protect the human rights of vulnerable groups. In the beginning, it helped local laborers who were caught in labor disputes to fight against the management to protect the rights and interests of laborers. With the aging population, Taiwan is increasingly relying on foreign labor to make up for the shortage of domestic labor; however, imperfect laws and social prejudice make these migrant workers who come to Taiwan often face unequal treatment. From long-term care work in ordinary families, basic labor in bottom-floor factories, to offshore and distant-water fishing, these migrant workers silently support Taiwan's economic development. However, incidents of occupational accidents, injuries, and sexual harassment are frequent. Because of language barriers and fear, migrant workers often have nowhere to turn to when they encounter difficulties in Taiwan. Migrant workers take care of Taiwan's elders, fill factory labor needs, and when they need help, we must step up. We believe that everyone deserves to be treated with dignity and equality.

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12. Sunny Independent Living Association, Kaohsiung

This association was established in March 2012 with the aim to promote independent living of persons with disabilities in the Kaohsiung region. We uphold the spirit of "self-selection, self-determination, and self-responsibility", and provide services for persons with disabilities to be independent in communities. When it comes to "independence", the conventional wisdom of the society is retained on the notion of "self-reliance, striving to be successful, and relying on yourself in everything.", which has rendered persons with disabilities to simplify their needs on all factors of life, to not become a "burden" of others. This includes going to the toilet, taking baths, going out, or even having meals. Persons with disabilities were often implied to cooperate with the lifestyle of the caregiver (relatives, caregivers or institutional staff), which made them lose their autonomy and their own life. We emphasize that persons with disabilities are the subject of rights; with more than half of the directors, supervisors and staff are persons with disabilities, we jointly

initiate campaigns, run conferences, provide cross-category services, gather forces of peers to speak to the public, and strive for due rights and opportunities for persons with disabilities. We will continue to promote this concept, and hope that persons with disabilities can ultimately truly integrate into the society.

Contact E-mail: prosunny168@gmail.com

Contact person and personal E-mail: YANG, Yuanning, ningeryoung@gmail.com

YANG, Poyu, winniebird0519@gmail.com

13. Taipei Women's Rescue Foundation

Taipei Women's Rescue Foundation (TWRF) was established in 1987. In the 1980s, child prostitution was a prevalent problem in Taiwan. A group of passionate attorneys, scholars, and women's rights, in response, advocated for the establishment of a foundation to rescue victims. TWRF has continued its victim-rescuing work, focusing on domestic violence, child witnesses, human trafficking, and Taiwanese "comfort women" issues. It has been the only civic organization supporting comfort women's rights movements long-term in Taiwan. In addition to providing victims with rescue, care, and empowerment services, TWRF also reaches out to communities and campuses to promote awareness and provide preventative education, and has worked to legislate sexual exploitation and sexual violence issues. With these efforts, TWRF hopes to create an equal, respectful and violence-free future in Taiwan.

Contact E-mail: master@twrf.org.tw

Contact person and personal E-mail: TU, Ying Chiu, tuyingchiu@twrf.org.tw

14. Taiwan Access For All Association

From the initiation to the operation, Taiwan Access for All Association has jointly participated with persons with disabilities, families and citizens who care about this issue. Founded in August 2004, this Association aims to combine societal resources and strengths to promote a fully accessible life, we encourage persons with disabilities to speak up, and to participate in relevant governmental entities. We hold that accessible life, in its definition, must be comprehensive with the inclusion of hardware and software dimensions; so that persons with disabilities can participate in societal matters, integrate within the society, and freely be themselves on an equal basis. Therefore, the Association conducts regular surveys to understand the inaccessible dimensions of life, and present persons with disabilities through tourism, art, and various dynamic or static leisure activities, so they can be seen and serve as a starting point for social participation and social change. We believe that the external process of improving accessible environments is also an internal project of transforming people's minds. To move towards a more peaceful

and inclusive society, strengths contributed by persons with disabilities are absolutely crucial.

Contact E-mail: sunable.net@gmail.com

Contact person and personal E-mail: YU, LiChi, [sylviaayu1971@gmail.com](mailto:sylviayu1971@gmail.com)

15. Taiwan Alliance to End the Death Penalty

The Taiwan Alliance to End the Death Penalty (TAEDP) was founded in 2003 by local NGOs and academics. The Alliance was formed to stress and promote the absolute value of life and human dignity as core to the protection and promotion of human rights. Profoundly understanding that the society has yet to be exposed to the debate concerning death penalty abolition, and that the general public seems to support capital punishment as a form of revenge against perpetrators of major crimes, the alliance aims to create an open discussion forum for society on various abolition issues. Furthermore, it advocates shaping a better penal system that both respects the value of life while truly compensating the victims so as to really uphold justice and safeguard human rights for all.

Our work includes:

1. **Death Watch:** The TAEDP works on individual death penalty cases with pro bono lawyers. Meanwhile, we provide criminal defense training for lawyers to ensure defense quality, and monitor the trial procedure to ensure that every defendant receives a fair trial.
2. **Research:** The TAEDP conducts interviews, writes articles and makes video clips for specific issues and cases. In 2014, for instance, we conducted a face-to-face public opinion survey, interviewing more than 2,000 citizens around Taiwan.
3. **Public Dialogue and Education:** In order to better communicate with the public, the TAEDP regularly holds seminars and discussions. The TAEDP also holds triennial film festivals, and the TAEDP Thursday Forum.
4. The TAEDP mobilizes school teachers and has formed an Education Team to develop abolition education materials which can be used in the classroom. We also publish TAEDP online newsletters on a regular basis.
5. **Promotion for Social Security:** The TAEDP takes part in advocating prison reform and promoting crime victims' rights and support. A working group consisting of victims' families, NGO workers, social workers, and counselling experts was formed in 2012, to understand the needs of the victims' families and to promote the rights of victims and their families.
6. **International Networking:** The TAEDP promotes regional and international networking as a way introducing Taiwan to the latest information on the abolition movement. The TAEDP has been participating in the World Congress against the Death Penalty since 2004, and is one of the founding members of the

Anti-Death Penalty Asia Network (ADPAN) and an active member of the World Coalition against the Death Penalty (WCADP), where it has served as a Steering Committee member since 2009.

Contact E-mail: info@taedp.org.tw

Contact person and personal E-mail: LIN, TzuWei, linadi1208@taedp.org.tw

16. Taiwan Alliance to Promote Civil Partnership Rights, TAPCPR

The Taiwan Alliance to Promote Civil Partnership Rights (“TAPCPR”) was founded in 2009, and registered with the Ministry of the Interior in August 2012. We drafted three bills of diversified family formation in 2012, which laid the foundation for future legislation. In 2017, we represented Chi Chia-Wei and won the same-sex marriage case (“Judicial Yuan Interpretation No. 748”), making Taiwan the first country in Asia to legalize same-sex marriage. Our main tasks include lobbying and social initiatives, litigation, monitoring gender policies, volunteers and local cooperation, public speaking on gender/sexuality rights, and cultural events.

Although Taiwan legalized same-sex marriage in May 2019, there is still a legal gap in true equality. Therefore, we continue to promote follow-up amendments regarding assisted reproduction and full adoption rights (currently same-sex couples are only allowed to adopt the biological children of their spouses), marriage rights for transnational couples (when one partner is from a country where same-sex marriage has not yet been legalized), and household registration regardless of gender, among others. And we are also dedicated to gender recognition and gender change and anti-discrimination issues recent years.

Contact E-mail: contact@tapcpr.org

Contact person and personal E-mail: HSIEH, Meng Chao, mh@tapcpr.org

CHIEN, Chih Chieh, cc@tapcpr.org

17. Taiwan Association for Disability Rights (TADR)

With more than half of its directors and supervisors being persons with disabilities, Taiwan Association for Disability Rights complies with the definition of disabled persons’ organization (DPO) as stipulated in Article 33 of the CRPD, and are committed to the promotion and safeguarding of equal rights of persons with disabilities, as disclosed by the CRPD. We achieve our mission through international exchanges and cooperation, direct exchange of opinions with international disability forerunners and leaders, introduction of more efficient implementation plans, lobbying legislators and suggesting the government, and training Taiwanese advocates on disability rights to visit countries with good practices with the aim of accelerate the promotion of rights of persons with disabilities. In order to eliminate discrimination against people with disabilities, the Association has especially strengthened the promotion and social education, combining musicals and rap

songs to raise the public's awareness of human rights of persons with disabilities. In addition, it also provides legal advice to accelerate the development of assistive technology, and conducts promotion of cultural creativity, to foster the participation in society, cultural lives, and public policies, thus persons with disabilities can fully integrate with the society and enjoy rights and freedoms on an equal basis.

Contact person and personal E-mail: WU, Hung-Lai, crpd.tadr@gmail.com

18. Taiwan Association for Human Rights (TAHR)

Taiwan Association for Human Rights (TAHR) is an independent non-governmental organization founded on 10th December 1984 (International Human Rights Day). It is a member-based NGO and run by full time activists and volunteers. The Taiwan Association for Human Rights is committed to:

1. Remaining independent from the government, all political parties, corporations, and other interest groups;
2. Promoting the spirit of human rights and enhancing human rights standards and protections;
3. Fighting for all people without regard for class, race, gender, religion, or nationality; and
4. Cooperating with NGOs worldwide to improve domestic and global human rights.

Contact E-mail: info@tahr.org.tw

Contact person and personal E-mail: YU, Yichia, yichiayu@tahr.org.tw

19. Taiwan Criminal Defense Attorney Association (TWCDA)

Founded in 2017 with a vision to safeguard human rights and enhance the structure of the criminal law system, Taiwan Criminal Defense Attorney Association (TWCDA) commits to refine attorneys' criminal defense skills, to raise public awareness, and to facilitate researches on the topic of criminal defense.

To handle the great pressure in defense practice, raise the society's knowledge of criminal defense, and better the criminal system, it is essential to form solidarity among criminal defense attorneys. Through exchange and accumulation of collective experiences and a more in-depth and effective educational training, we are devoted to strengthening attorneys' criminal defense capabilities and assisting them with their defense practice. Ultimately, we wish to contribute to the rule of law and human rights.

Contact E-mail: twcdaa@gmail.com

Contact person and personal E-mail: LIN, Chun Hung, jl.attorneys@gmail.com

20. Taiwan Disabled Women's Alliance for Equal Rights

The Taiwan Disabled Women's Alliance for Equal Rights is an organization mainly composed of persons with disabilities. Women with disabilities often suffer multiple discriminations as a result of their dual identities being disabled and being women. In the process of implementing gender equality, issues regarding disabilities are often overlooked, and in the promotion of disability rights, the dimension of gender differences has rarely been taken into account. Thus, the Convention on the Rights of Persons with Disabilities (CRPD) emphasizes the multiple disadvantages women with disabilities are subjected to. While implementing CRPD in Taiwan, we hope to gather the voices of women with disabilities and promote equal rights for women with disabilities.

Contact person and personal E-mail: CHOU, Chien Ju, DWERA.tw@gmail.com

21. Taiwan Education Association

Taiwan Education Association (TEA) is a non-government organization founded in 2021. It has been committed to promoting education, ensuring and enhancing the rights of the learners. In addition, it creates an inclusive learning environment in order to protect the rights of marginalized groups and to eliminate the inequalities regarding the social structure and education system.

Contact person and personal E-mail: CHEN, Jian Ying, twedua@gmail.com

22. Taiwan Equality Campaign

Taiwan Equality Campaign, previously named "Marriage Equality Coalition Taiwan," was formerly a task-oriented coalition formed by 5 different SOGI rights organizations in November 2016. The coalition played a key role in same-sex marriage advocacy, through the journey of lobby, Constitutional Court and referendum, the coalition integrated the power from civil society and dedicated to advocacy, social education, grassroots organizing and international collaboration. The coalition has officially registered as an independent organization, Taiwan Equality Campaign, in May 2020. Taiwan Equality Campaign will continue projects that include enhancing political participation of the LGBTQ+ community, social education and international collaboration, aiming to create a discrimination-free society for the LGBTQ+ community and to make Taiwan an inclusive and friendly country.

Contact E-mail: equallovetw@gmail.com

Contact person and personal E-mail: TENG, Chu Yuan, cyteng@equallove.tw

23. Taiwan Gender Equity Education Association

The Taiwan Gender Equity Education Association (TGEEA) was founded in 2002 by a cohort of teachers and activists. TGEEA aspires to achieve gender justice and promote gender diversity through education.

A non-governmental organization, TGEEA has dedicated itself to the following endeavors: providing outreach programs to all stakeholders in primary and secondary education that are focused on gender justice, developing effective instructional materials and praxis for Gender Inclusive Education, and vigilantly monitoring the implementation and enforcement of the Gender Equity Education Act. In addition to the above domestic undertakings, TGEEA has actively participated in international networking with similar NGOs abroad and has been a principal contributor in writing a comprehensive CEDAW shadow report since 2010. The shadow reports evaluate the Taiwanese government's accomplishments and deficiencies in the efforts to achieve inclusive gender justice.

Contact E-mail: info@tgeea.org.tw

Contact person and personal E-mail: HAN, Yi Chen, hyc@tgeea.org.tw

24. Taiwan International Medical Alliance (TIMA)

Founded in January 2001, the Taiwan International Medical Alliance (TIMA) is dedicated to promoting the right to health and alleviating the health inequalities among different social strata and classes, both domestically and regionally. TIMA has been working with Cambodian partners on the development and enforcement of health-related policies, including tobacco control. As a member organization of Covenants Watch, TIMA takes up the responsibility of developing human rights policies and quantitative human rights methods, such as human rights indicators and impact assessment.

Contact person and personal E-mail: songlih@gmail.com

25. Taiwan LGBT Family Rights Advocacy

Taiwan LGBT Family Rights Advocacy (hereinafter as "TLFRA") originally sprung from an MSN group called the Alliance of Lesbian Mothers (hereinafter as "ALM") in 2005.

ALM members include lesbians who left their previous heterosexual marriage with children, lesbian couples with children and lesbian couples who planned to have children.

With increasing demands from various types of LGBT families and the needs to call for actions to enhance the recognition of LGBT family, the ALM was later regrouped and renamed as TLFRA in 2006 to broaden the service to all LGBT families in Taiwan.

Contact E-mail: registration@lgbtfamily.org.tw

Contact person and personal E-mail: LI, Hsuan Ping, secretariat@lgbtfamily.org.tw

26. Taiwan Tongzhi (LGBTQ+) Hotline Association

Taiwan Tongzhi (LGBTQ+) Hotline Association was founded in 1998 and is now one of the most longstanding and the largest lesbian, gay, bisexual, and transgender (LGBTQ+) organizations in Taiwan. Our mission is to promote a healthier and freer society for LGBTQ+ individuals. We provide peer support and resources for the Taiwan's LGBTQ community. While combating discrimination and inequality, we also foster an inclusive and diverse support network within the community at large.

Hotline's work includes four areas:

Community services to LGBTQ+ people, their families and allies.

LGBTQ+ education to students, teachers, professionals and general public.

Advocacy work to deal with LGBTQ+ related policies and regulations.

International connection and collaboration.

Contact E-mail: hotline@hotline.org.tw

Contact person and personal E-mail: DU, Sih Cheng, xiaodu@hotline.org.tw

27. The Garden of Hope Foundation

Following in Jesus' footsteps, The Garden of Hope Foundation looks to pursue the determination and courage required to realize justice and love, to prevent and eliminate the trauma of women and children who survived sexual abuse, sexual exploitation, and sexual harassment. We have been committed to social reform and creating a friendly environment for women and children. The Foundation hopes to end all actions subjected to sexual and gender-based violence and oppression and to realize a society with gender justice.

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