



Republic of China (Taiwan)

ICERD

## Implementation of the ICERD

Initial Report on the  
International Convention on the  
Elimination of All Forms of  
Racial Discrimination





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## **Abbreviations**

CECC	Central Epidemic Command Center
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIP	Council of Indigenous Peoples, Executive Yuan
COA	Council of Agriculture, Executive Yuan
Coordination Committee	Executive Yuan Coordination Committee on the Prevention of Human Trafficking and Elimination of Racial Discrimination
COVID-19	Coronavirus disease 2019
CRC	Convention on the Rights of the Child
Cross-Strait Act	Act Governing Relations between the People of the Taiwan Area and the Mainland Area
CRPD	Convention on the Rights of Persons with Disabilities
General guidelines	General Guidelines of the 12-Year Basic Education Curriculum
HAC	Hakka Affairs Council, Executive Yuan
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
LAF	Legal Aid Foundation
MAC	Mainland Affairs Council
MOC	Ministry of Culture
MOE	Ministry of Education
MOHW	Ministry of Health and Welfare
MOI	Ministry of the Interior
MOL	Ministry of Labor
MOU	Memorandum of understanding
NCC	National Communications Commission
NGO	Nongovernmental organization
NIA	National Immigration Agency, MOI
NHI	National Health Insurance
Participation regulations	Regulations Governing Consultation with Indigenous Tribes to Obtain Their Consent for Participation
SEF	Straits Exchange Foundation

Transitional Justice  
Committee  
WTO

Presidential Office Indigenous Historical Justice and Transitional  
Justice Committee  
World Trade Organization

## Introduction

1. This is the initial report submitted by the Republic of China (Taiwan) pursuant to Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
2. The Republic of China (Taiwan) signed the ICERD on March 31, 1966. It was ratified on November 14, 1970, deposited on December 10, 1970, and came into effect in Taiwan on January 9, 1971. Government agencies should refer to the spirit of the ICERD and its general recommendations when implementing relevant policies. In order to uphold the principles of the ICERD, the government initiated the ICERD Action Plan on May 8, 2020. Based on the Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, this plan establishes a human rights reporting system and reviews domestic laws and administrative measures for compliance with the ICERD. As part of this effort, the initial national report is expected to be submitted within three years from the commencement of the Action Plan. The report should be prepared in accordance with the Guidelines for Reporting on International Human Rights Treaties and the Guidelines for the Preparation of ICERD National Reports, following the prescribed format and guidelines provided.
3. The Constitution of the Republic of China (Taiwan) explicitly upholds the values and principles of equality for all races and ethnicities.<sup>1</sup> During the previous era of authoritarian rule, monolingual and monocultural policies impacted the overall development of certain ethnic groups in Taiwan. However, since the lifting of martial law in 1987, Taiwan's society has gradually moved towards democracy and openness, leading to higher ethnic awareness.<sup>2</sup> Since the 1990s, with the influx of new immigrants and the introduction of migrant workers, Taiwan's society has become more diverse in terms of population composition. To guarantee the survival and development of the various races and ethnicities, the government has implemented policies to promote racial equality. In 1997, the Constitution was amended to explicitly recognize multiculturalism as a fundamental national policy. By affirming multiculturalism and respecting cultural differences between races and ethnicities, Taiwan seeks to foster an environment of mutual understanding, where different races and ethnicities can jointly participate in mainstream society. This demonstrates Taiwan's commitment to eliminating racial discrimination, promoting racial equality, and fostering the shared prosperity of diverse ethnicities.

## Overview of Taiwan's population composition

4. All individuals residing in Taiwan, regardless of citizenship, are protected by the ICERD and

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<sup>1</sup> The terms *races* and *ethnicities* in this report have the same meaning as the terms *race* and *ethnic groups* in Paragraphs 1 and 4 of Article 1 of the ICERD and the terms *racial groups* and *race* in Articles 5 and 7 of the Constitution.

<sup>2</sup> Examples include the Hakka Language Restoration Movement and the Land Return Movement launched in 1988 by the Hakka ethnic group and Taiwan's indigenous peoples, respectively.

entitled to the right to freedom from discrimination, as defined in Paragraph 1 of Article 1. Restrictions on noncitizens must align with Article 1 and General Recommendation No. 30 of the ICERD and the requirements regarding the rights of noncitizens as stipulated in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In addition, according to Paragraph 4 of the Article 1 of the ICERD, special measures may be taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection. The groups that require protection typically refer to indigenous peoples and minority racial or ethnic groups. In Taiwan, these include government-recognized indigenous peoples and Mongolians and Tibetans.<sup>3</sup> Minority racial and ethnic groups who use nondominant languages include indigenous peoples,<sup>4</sup> Hakka people,<sup>5</sup> Mongolians and Tibetans,<sup>6</sup> new immigrants,<sup>7</sup> and migrant workers.<sup>8</sup> The population statistics for these various racial and ethnic groups is shown in Table 1.

5. In Taiwan, the tasks of the various racial and ethnic groups are managed by various agencies. The Council of Indigenous Peoples (CIP) and the Hakka Affairs Council (HAC) are the governing institutions responsible for specific ethnic group affairs. Both the CIP and the HAC are responsible for the promotion of ethnic languages, traditional knowledge, and cultural resurgence. The CIP has an additional responsibility of addressing historical justice and transitional justice for indigenous peoples. For Mongolians, Tibetans, and new immigrants, the Mongolian and Tibetan Cultural Center; the Ministry of Culture (MOC); and the National Immigration Agency (NIA), Ministry of the Interior (MOI), are respectively responsible for the promotion of language and culture, the adaption and integration of these groups into society, and other matters. Foreign nationals residing in Taiwan with valid Alien Resident Certificates (Table 2) primarily consist of approximately 80 percent migrant workers (Table 4). The Ministry of Labor (MOL) is responsible for major policy revisions and the protection of the basic human rights of migrant workers. As for the protection of

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<sup>3</sup> See Note 275 of Article 27 (Respect and Preservation of Minorities) in Taiwan's third national report on the ICCPR.

<sup>4</sup> According to Article 2 of the Indigenous Peoples Basic Law, the term *indigenous peoples* refers to the traditional peoples who have inhabited Taiwan and are subject to the state's jurisdiction. Currently, there are 16 indigenous peoples recognized by the government: Amis, Atayal, Paiwan, Bunun, Pinuyumayan, Rukai, Tsou, Saisiat, Yami/Tao, Thao, Kavalan, Truku, Sakizaya, Seediq, Hla'alua, and Kanakanavu.

<sup>5</sup> According to Article 2 of the Hakka Basic Act, the Hakka ethnic group refers to the group that consists of those who have Hakka blood or are of Hakka origin, and those who identify as Hakka.

<sup>6</sup> According to the Mongolian and Tibetan Ethnic Identity Certification Act, a person of Mongolian or Tibetan ethnic identity refers to a national of Taiwan with a registered household in the territory of Taiwan who is ethnically Mongolian or Tibetan. If either side of an individual's biological parents is a person of Mongolian or Tibetan ethnic identity, the individual may obtain Mongolian or Tibetan ethnic identity.

<sup>7</sup> According to Article 1 of the Regulations on the Revenues, Expenditures, Custody and Utilization of the New Immigrants Development Fund, new immigrants are defined as "the spouses of people of the Taiwan Area who are foreign nationals, stateless persons, people of the Mainland Area, or residents of Hong Kong and Macao."

<sup>8</sup> According to the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the term *migrant worker* refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which they are not a national. The term *migrant workers* in this report particularly refers to foreign workers employed to engage in the work specified in Subparagraph 8 to 11 of Paragraph 1 of Article 46 of the Employment Service Act.

the judicial, economic, social, cultural, and other rights and interests of other nonnationals, matters are handled by the responsible agencies, according to the nature of the task. Please refer to Article 5 of this report for more information.<sup>9</sup>

6. The annual budget allocation for the various minority racial and ethnic groups in Taiwan, taking 2022 as an example (Table 5), includes the expenses for the personnel and institutional maintenance of the dedicated agencies for indigenous peoples and Hakka people. It also includes funds allocated for the cross-agency implementation of tasks related to these ethnic groups (e.g., by the Ministry of Education [MOE], MOC, Ministry of Health and Welfare [MOHW]). The budgets for Mongolians and Tibetans and new immigrants only include funds for the operation of the Mongolian and Tibetan Cultural Center and funds to cover subsidies under the New Immigrants Development Fund, respectively.<sup>10</sup> Funding for migrant workers is allocated under the Employment Security Fund.<sup>11</sup> The following notes provide a brief overview of the population and the use of budget resources for the aforementioned racial and ethnic groups.
7. The population of indigenous peoples in Taiwan exceeds 580,000 people, with over 280,000 individuals residing in urban areas, accounting for nearly 50 percent of the total indigenous population. In response to the needs of indigenous peoples and in line with global trends, the government established the Council of Aboriginal Affairs, Executive Yuan, in 1996 (restructured as the CIP in 2014). Annual budget funds are mainly used for implementing the Indigenous Peoples Basic Law; facilitating the subsistence and development of indigenous peoples; protecting the rights to education, language, culture, and basic housing of indigenous peoples; promoting the transformation and upgrading of indigenous industries; enhancing social security and care systems; reinforcing the infrastructure of tribal communities; and creating models for revitalization of tribal communities.
8. For the Hakka community, the government established the Council for Hakka Affairs, Executive Yuan, in 2001 (restructured as the HAC in 2012) with the aim of revitalizing the Hakka language and culture, preserving Hakka traditions, and ensuring the continuity of Hakka cultural heritage.

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<sup>9</sup> These include stateless persons, nonnational children born to undocumented migrant workers, stateless Tibetan people, asylum seekers, and refugees.

<sup>10</sup> The New Immigrants Development Fund was formerly the Guidance and Assistance Fund for Foreign Spouses. It was established to effectively integrate the resources of all levels of government agencies and civil organizations to jointly provide care services for new immigrants, for which it raised NT\$3 billion in 10 years from 2005. The fund was extended upon the resolution of the first coordination meeting on immigration affairs on August 4, 2015. Renamed the New Immigrants Development Fund in 2016, the fund is kept at a level of NT\$1 billion per year, with the required funds allocated by the national treasury through budgetary procedures.

<sup>11</sup> To maintain a balance between the supply and demand of labor in Taiwan while facilitating the secure employment of nationals, Chapter V of the Employment Service Act stipulates that an employer may employ a foreign worker upon the approval of the central competent authority or the competent authority administering the work in question. However, when employing a foreign worker to engage in the work referred to in Subparagraphs 8 to 10 of Paragraph 1 of Article 46 of the Employment Service Act, the employer is required to pay employment security fees. In order to ensure the appropriate use of the employment security fees paid for the employment of foreign workers, the Employment Security Fund was established in 1994 in accordance with the regulations of the Employment Service Act and the Budget Act. It has been included in the budgets of the subordinate agencies since 1998.

The HAC conducts regular surveys on the nationwide Hakka population and language use. According to the latest survey in 2021, the national Hakka population in Taiwan is approximately 4.67 million people, a slight increase compared to previous years. However, the overall Hakka language proficiency among the Hakka population has shown a declining trend. Approximately 56.4 percent of Hakka people understand the Hakka language, while 38.3 percent of Hakka people claim to speak fluent Hakka. Annual budget funds are mainly used to promote policies that aim to integrate the Hakka community into the mainstream society. This includes reconstructing Hakka cultural citizenship; creating a native language community for Hakka people; establishing settlements with Hakka characteristics; enhancing the competitiveness of Hakka culture within the humanities; improving the global visibility of the Hakka community; so as to encourage young Hakka people to return to their hometowns or stimulating population inflow.

9. Regarding new immigrants, the number of new immigrants in Taiwan has exceeded 570,000 people (Table 3). Over the past 30 years, the majority of new immigrants have come from mainland China, followed by Vietnam, Indonesia, Hong Kong, Macao, and the Philippines. Please refer to Note 186 of this report for information on the racial self-identification of new immigrants and the preservation of their native languages and cultures. In order to understand the needs of new immigrants in Taiwan, the MOI has conducted the Survey of New Immigrants' Living Needs every five years since 2003.<sup>12</sup> The fifth survey, currently ongoing, is expected to be completed in 2023. The latest survey report was completed in 2018, with a sample size of 18,260 valid responses. For the survey results on new immigrants' labor force participation, job satisfaction, social insurance coverage, and other related information, please refer to Note 170 of this report. Annual budget funding under the New Immigrants Development Fund is mainly used to subsidize the implementation of social security network services, family learning and growth programs, childcare services, multicultural promotion, and talent development.
10. For the Mongolian and Tibetan ethnic groups, the MOC formed the Mongolian and Tibetan Cultural Center on September 15, 2017, to take over the tasks related to the preservation and promotion of Mongolian and Tibetan cultures previously handled by the Mongolian and Tibetan Affairs Commission. Currently, the MOC provides service to 210 households of 450 individuals of Mongolian ethnicity and 347 households of 652 individuals of Tibetan ethnicity in Taiwan (including legal residents and registered settlers). Annual budget funds are mainly used for the planning, promotion, and development of Mongolian and Tibetan cultures, as well as the utilization

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<sup>12</sup>The Department of Household Registration, MOI, conducted the Survey of Foreign and Mainland Chinese Spouses' Living Needs in 2003. The Entry and Exit, and Immigration Agency, MOI, established in 2007 (renamed the National Immigration Agency in 2015) conducted the Survey of Foreign and Mainland Chinese Spouses' Living Needs again in 2008 and 2013, and the Survey of New Immigrants' Living Needs in 2018. Previous survey reports and summary reports—also available in English, Vietnamese, Indonesian, Thai, Khmer, and Burmese—can be downloaded at <https://www.immigration.gov.tw/5385/7445/7451/7457/7460/7469/>.

of Mongolian and Tibetan cultural resources for social education and archival purposes.

11. In response to economic development needs, Taiwan began to bring in migrant workers in 1989. In principle, the workers are supplementary to the local workforce, restricted to certain industries, and their numbers are limited. Today, there are over 710,000 migrant workers in Taiwan (Table 4). They play a crucial role in filling the labor demands of various industries and supporting the social development of Taiwan. The government continuously reviews and seeks to improve the policy and management to safeguard the basic human rights of migrant workers. For other information such as the rights to residency, nationality, health, and education of children and youths of undocumented migrant workers, please refer to Notes 147 and 148 of this report. For the rights to residency, nationality, and family reunion for stateless people and stateless Tibetans, please refer to Notes 144 to 146 of this report. For the relevant non-refoulement principles related to asylum seekers and refugees, please refer to Notes 121 to 124 of this report.

**Table 1: Minority racial and ethnic groups in Taiwan as a percentage of the total population, 2022**

Unit: persons, %

Item	Indigenous peoples	Hakka people	Mongolians and Tibetans	New immigrants	Migrant workers	Total population
Number of people	583,299	4,971,464	1,102	575,779	717,101	24,219,297
Percentage	2.41%	20.53%	0.005%	2.38%	2.96%	100.0%

Source: MOI (Department of Household Registration, NIA), CIP, HAC, MOC, MOL

Note: The total population refers to the number of people with registered permanent residency (23,212,056), the number of foreigners with a currently valid Alien Resident Certificate or Alien Permanent Resident Certificate (894,313), and the number of people from mainland China, Hong Kong, and Macao, or nationals without registered permanent residency holding a currently valid residence permit (112,928) as of October 2022.

**Table 2: Foreigners holding a currently valid Alien Resident Certificate by nationality and gender**

Unit: persons

Year	Gender	All	Indonesian	Vietnamese	Philippine	Thai	Malaysian	Japanese	Other
2019	Total	925,401	292,546	273,307	177,688	82,759	24,671	18,851	55,579
	Male	431,720	75,907	161,947	69,285	65,206	12,489	10,969	35,917
	Female	493,681	216,639	111,360	108,403	17,553	12,182	7,882	19,662
2020	Total	875,830	273,416	260,073	165,558	76,571	23,144	19,138	57,930
	Male	410,671	70,980	153,095	64,702	60,263	11,721	11,433	38,477
	Female	465,159	202,436	106,978	100,856	16,308	11,423	7,705	19,453
2021	Total	829,846	247,311	247,197	155,693	72,532	26,521	19,430	61,162
	Male	394,770	66,870	144,391	61,367	56,341	13,448	11,521	40,832
	Female	435,076	180,441	102,806	94,326	16,191	13,073	7,909	20,330
2022 (to October)	Total	894,313	254,423	271,678	168,614	82,762	27,801	21,111	67,924
	Male	448,267	82,875	161,833	67,328	64,233	14,152	12,492	45,354
	Female	446,046	171,548	109,845	101,286	18,529	13,649	8,619	22,570

Source: NIA

Note: The data in these tables were collected at the time the data were produced. Year refers to year-end data, while data for a period of less than a year are shown as “2022 (to October).” For tables in this report referring to data accumulated over a year, data for a full year refers to data accumulated from January to December over the year, while the data for a period of less than a year are shown as “2022 (Jan.-Oct.)”

**Table 3: New immigrants (spouses of foreign ethnicities, foreign nationalities, and from mainland China including Hong Kong and Macao) by nationality and gender**

Unit: persons

Year	Gender	All	(Original) nationality of spouses of foreign ethnicity or nationality						Spouses from mainland China or Hong Kong and Macao
			Total	Vietnamese	Indonesian	Thai	Philippine	Other	
2019	Total	557,450	190,736	108,997	30,483	9,126	10,102	32,028	366,714
	Male	48,268	21,850	1,962	719	2,953	718	15,498	26,418
	Female	509,182	168,886	107,035	29,764	6,173	9,384	16,530	340,296
2020	Total	565,299	195,442	110,659	30,840	9,328	10,375	34,240	369,857
	Male	33,864	23,696	2,223	772	3,018	745	16,938	27,485
	Female	514,118	171,746	108,436	30,068	6,310	9,630	17,302	342,372
2021	Total	569,851	198,029	111,374	31,038	9,501	10,488	35,628	371,822
	Male	53,002	24,786	2,346	802	3,048	762	17,828	28,216
	Female	516,849	173,243	109,028	30,236	6,453	9,726	17,800	343,606
2022	Total	575,779	200,929	112,374	31,268	9,673	10,664	36,950	374,850



Year	Gender	All	(Original) nationality of spouses of foreign ethnicity or nationality					Spouses from mainland	
			Total	Vietnamese	Indonesian	Thai	Philippine	Other	China or Hong Kong and Macao
(to October)	Male	55,066	25,926	2,567	826	3,081	770	18,682	29,140
	Female	520,713	175,003	109,807	30,442	6,592	9,894	18,268	345,710

Source: NIA

Note: Spouses of foreign ethnicity and foreign nationality in this table include those naturalized (having acquired R.O.C. nationality) (for which statistics date back to August 1989) and those residing as alien residents. Persons who have naturalized (having acquired R.O.C. nationality) are double-counted as alien residents before applying for and obtaining a Taiwan Area residence certificate.

**Table 4: Migrant workers in Taiwan by nationality**

Unit: persons

Year	All	Vietnamese	Indonesian	Philippine	Thai	Other
2019	718,058	224,713	276,411	157,487	59,445	2
2020	709,123	236,835	263,358	150,786	58,135	9
2021	669,992	234,054	237,168	141,808	56,954	8
2022 (to October)	717,101	254,112	243,268	153,396	66,321	4
Industry workers	500,731	226,617	82,205	126,036	65,869	4
Social welfare workers	216,370	27,495	161,063	27,360	452	0

Source: MOL

**Table 5: Percentages of annual budgets allotted to support minority racial and ethnic groups in Taiwan, 2022**

Unit: NT\$100 million; %

Item	Indigenous peoples	Hakka people	Mongolians and Tibetans	New immigrants	Migrant workers	Total budget	
Annual budget	General budget (A)				Employment Security Fund (B)	General budget (C)	Employment Security Fund (D)
	329.97	43.1	0.218	5.01	18.07	22,621	317.71
Percentage (A/C) × 100; (B/D) × 100	1.46	0.19	0.001	0.02	5.69	100.0	100.0

Source: MOI (NIA), CIP, HAC, MOC, MOL

Note: Annual budgets allotted to support migrant workers are calculated according to the Employment Security Fund budget proposal, which is itself based on the budgets of subordinate agencies. The percentage is calculated by dividing the budget for the Foreign Worker Employment Management and Permit Program under the 2022 Employment Security Fund by the total budget of the 2022 Employment Security Fund. The budgets for each of

Taiwan's other minority racial and ethnic groups are calculated according to the 2022 central government general budget proposal. Percentages are calculated by dividing the general budget for each ethnic group by the total general budget for 2022.

## **Relationship between gender and racial discrimination**

12. Measures have been taken to prevent the specific impacts of racial discrimination on women. For example, in order to protect the health and reproductive rights of new immigrant women, if they become pregnant before qualifying for coverage under the National Health Insurance (NHI) scheme, they are provided with the same prenatal examination subsidies as Taiwanese citizens. In 2021, a total of 1,928 cases were subsidized, amounting to NT\$1.14 million. If new immigrant women face financial difficulties due to medical expenses incurred during pregnancy and childbirth, local governments can assist them by applying for subsidies from the New Immigrants Development Fund after conducting visits and assessments. Furthermore, in case of gender-based violence that occurs within Taiwan, local governments can provide relevant service and assistance (see Note 208). In addition, to empower grassroots organizations of indigenous women, leadership training programs for indigenous women are held annually. In 2022, a total of 30 individuals participated in these programs.
13. To protect pregnant migrant workers' right to work and prevent forced termination of their contracts and repatriation by employers, the MOL has established a contract termination verification mechanism. It actively supervises local governments to investigate the true reasons for contract terminations when employers and migrant workers apply for early contract termination. When a migrant worker has been wrongfully terminated by an employer due to pregnancy, the termination will not be approved and the employer will be held legally responsible or the case will be dealt with through the labor dispute procedures. Additionally, the MOL continues to raise awareness that employers are not allowed to dismiss workers when they become pregnant and that pregnant migrant workers can access follow-up referral services and resources.<sup>13</sup> If an employer's conduct is found to be illegal, their employment permit will be revoked in accordance with the law, while the migrant worker will receive assistance to change employers. Furthermore, to provide consultation and protect the right to work of pregnant migrant workers, the MOL has subsidized a pregnancy resource platform in Taoyuan City since October 2021. In January 2022, a partnership with private organizations led to the establishment of the Foreign Women and Children Consultation Service Center, which facilitates consultations and necessary assistance for pregnant

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<sup>13</sup> Channels include lectures on laws and regulations at airports, multilingual websites, broadcasts, and the Line account Line@E-LINE. A migrant worker whose employer arbitrarily terminates their job may call the 1955 toll-free counseling and protection hotline. The MOL will immediately activate the complaint investigation, placement, and protection mechanisms.

migrant workers.<sup>14</sup>

## Article 1 Definition of racial discrimination

### A. Definition of racial discrimination in domestic laws

14. The Constitution of the ROC (Taiwan), which is Taiwan's supreme law, stipulates in Article 5 that there shall be equality among the various racial groups in Taiwan and in Article 7 that all citizens, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law. Although the terms *color* and *descent* are not included in the Constitution as in the ICERD, it is important to note that Taiwan does not have a caste or hereditary system based on bloodline or lineage. Since equality among all races has been enshrined in the Constitution, no members of a caste or hereditary group have been deprived of the equal enjoyment of human rights or otherwise impacted due to their social status. For more information regarding national and ethnic origin, please refer to Note 34 of this report.
15. The spirit of racial equality is reflected in multiple existing laws and regulations. For example, Article 1 of the Indigenous Peoples Basic Law guarantees the fundamental rights of indigenous peoples, and Article 1 of the Hakka Basic Act protects the collective rights and interests of the Hakka ethnic group. These laws and regulations fulfill the spirit of Article 10 of the Additional Articles of the Constitution, which recognizes the diversity of cultures and actively promotes the preservation and development of indigenous languages and cultures. In addition, Article 62 of the Immigration Act<sup>15</sup> and Paragraph 1 of Article 5 of the Employment Service Act<sup>16</sup> explicitly prohibit racial discrimination. Other laws and regulations, such as the Educational Fundamental Act, the Act of the Cooperative Education Implementation in Senior High Schools and the Protection of Student Participants' Right, the Prison Act, and the Detention Act, as well as the Code of Conduct for Expert Lay Judges, the Code of Conduct for Judges, and the Code of Conduct for Court Interpreters, also contain provisions on racial equality.
16. While the existing laws in Taiwan may not specifically define discrimination, the ICCPR, the ICESCR, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD), and the ICERD all have legal effect in domestic law. The

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<sup>14</sup> The Garden of Hope Foundation has been commissioned to take charge of a pilot project to provide migrant workers with integrated services covering consultation and education about the rights to reproductive and work, supportive companions, emergency placement, employment continuity, and changing jobs.

<sup>15</sup> Article 62 of the Immigration Act: "No person may discriminate against people residing in the Taiwan Area on the basis of nationality, race, color, class and place of birth."

<sup>16</sup> Paragraph 1 of Article 5 of the Employment Service Act: "For the purpose of ensuring national's equal opportunity in employment, employer is prohibited from discriminating against any job applicant or employee on the basis of race, class, language, thought, religion, political party, place of origin, place of birth, gender, gender orientation, age, marital status, appearance, facial features, disability, horoscope, blood type, or past membership in any labor union; matters stated clearly in other laws shall be followed in priority."

conventions all contain definitions of discrimination in their respective texts. Article 1 of the ICERD provides a definition of racial discrimination that can be directly applied in Taiwan. These international conventions ensure women, children and youths, persons with disabilities, and various racial and ethnic groups enjoy the basic human rights of equality and freedom from discrimination.

## **B. Direct and indirect discrimination**

17. Racial discrimination includes both direct and indirect discrimination.<sup>17</sup> In the legal practice of Taiwan, the understanding of direct and indirect discrimination is primarily based on the distinction between formal equality and substantive equality. For example, Judicial Yuan Interpretation No. 666 refers to the principle of equality in Article 7 of the Constitution, and emphasizes that equality is not an absolute or rigid formal equality but rather the guarantee of substantive equality in legal status of the people. It requires that matters that are the same in nature should be treated the same and not be subject to arbitrary different treatment without justification.<sup>18</sup>
18. Judicial Yuan Interpretations Nos. 760 and 791 further establish that if the application of a provision results in institutionalized unfairness or disproportionate representation of specific groups, it constitutes indirect discrimination. These established principles have long served as indicators and standards for government agencies and judicial reviews of equal rights remedies.
19. To prevent discrimination, Taiwan has established a gender and human rights impact assessment mechanism. When an agency amends or enacts a law, it is required to conduct a law and gender impact assessment. This process involves soliciting public opinions, consulting with relevant agencies and local self-governing bodies, and examining the human rights impact of the proposed legislation. The law is assessed for compliance with the Constitution, the ICCPR, and the ICESCR, and whether it may result in direct or indirect discrimination, thus eliminating discrimination at the inception of legislation.
20. The Plan for CEDAW Education, Training, and Performance Assessment was implemented from 2015 to 2019. It focused on direct and indirect discrimination and temporary special measures. The goal was to ensure that over 50 percent of central and local government civil servants completed at least three hours of training sessions. By the end of 2019, 74.7 percent of civil servants in Taiwan had been trained. In 2020, the Plan for CEDAW Education, Training, and Promotion was launched, continuing to prioritize training on direct, indirect, and intersectional discrimination as well as temporary special measures. Running from 2020 to 2023, the plan aims to provide education and

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<sup>17</sup> According to the definition of direct and indirect discrimination in Taiwan's third national CEDAW report, direct discrimination includes clear differential treatment given on the basis of racial differences. Indirect discrimination refers to laws, policies, programs, or measures that appear to show no racial discrimination but in effect lead to discrimination against specific races or racial majorities, the underlying cause being that seemingly neutral measures do not take existing racial inequality into account; moreover, the failure to acknowledge discriminatory structures and historical patterns, as well as overlooking racial inequality in power relations, might exacerbate indirect discrimination.

<sup>18</sup> See Judicial Yuan Interpretation No. 666.

training for central and local government civil servants and uses diverse channels, including social media, to disseminate information among the general public, media, and members of professional bodies (e.g., teacher and parent organizations, health care and social welfare organizations, judicial personnel, and lawyers).

### **C. Protection of the right to nondiscrimination in public life**

21. In Taiwan, public life is understood to include various aspects of politics, economics, society, and culture. It covers activities and services provided or managed by the government or its agents, as well as activities and services offered to the general public by private institutions or individuals, whether for profit or nonprofit purposes.<sup>19</sup> In this report, this understanding is taken to imply that every individual has the right to participate in the activities of government agencies, communities, or private agencies on a fair and nondiscriminatory basis. Racial discrimination by any person, group, or organization should be addressed by the government through mandatory measures. Should a person's abovementioned rights be restricted by the government or a group, organization, or individual on the grounds of racial discrimination, they should be provided with access to remedies.
22. With regard to efforts to eliminate government discrimination, if individuals believe that illegal or improper administrative actions of the government involve discrimination that may harm their rights or interests, they may, in accordance with the Administrative Appeal Act, file an administrative appeal within 30 days from one day after the date when the administrative action is served or the expiration date of its publication period. If they are not satisfied with the decision on their appeal, they may file an administrative lawsuit with the administrative court within two months from the day after receiving the decision. Furthermore, according to the Administrative Litigation Act, if individuals have filed an appeal and are dissatisfied with the decision, or if the appeal has been pending for over three months without a decision, or if the decision on the appeal has been delayed for more than two months without a decision, they may seek relief from the Administrative Court. For relevant cases of remedies for individuals who have experienced discrimination, please refer to Note 237 of this report.
23. In cases of government procurement, if it is found that a supplier has discriminated against indigenous peoples, the agency should first provide the supplier with an opportunity to explain their position orally or in written. A procurement working and evaluation group should then be established to evaluate the situation and decide whether to notify the supplier that the aforementioned circumstances will be published in the *Government Procurement Gazette* in

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<sup>19</sup> According to General Recommendation No. 32 of the ICERD, the reference to public life, as in Paragraph 1 of Article 1 of the ICERD, does not limit the scope of the nondiscrimination principle to acts of the public administration but should be read in the light of the provisions in the ICERD mandating measures by state parties to address racial discrimination "by any persons, group or organization."

accordance with the Government Procurement Act. The supplier shall be prohibited from participating in tenders or being awarded contracts or subcontracts within a period specified by the agency.<sup>20</sup> Since the implementation of these provisions on May 27, 1999, no cases of suppliers discriminating against indigenous peoples have been published in the *Government Procurement Gazette*.

24. In terms of the elimination of discrimination in the private sector, an individual being discriminated against in fields including education, culture, transportation, the environment, health care, economics, business, leisure, and entertainment may seek assistance through relevant regulations, petition, or complaint channels provided by the competent authorities. Taking employment discrimination as an example, if an employer places a recruitment advertisement that violates Article 5, Paragraph 1 of the Employment Service Act, which prohibits employment discrimination, job applicants or employees can file a complaint with the local labor authority. Complaint cases established by the Employment Discrimination Review Committee may result in fines of not less than NT\$300,000 and not more than NT\$1.5 million imposed on the employer, public disclosure of their name or title, and an order to make improvements within a specified period. If improvement is not made within the given period, subsequent penalties may be imposed. The provision on prohibiting employment discrimination by an employer against a job applicant or employee is also applicable to temporary personnel employed by government agencies.
25. In order to protect people residing in Taiwan from racial discrimination, the government has established a mechanism for filing discrimination complaints.<sup>21</sup> Any person who discriminates against individuals residing in Taiwan on the basis of nationality, race, color, class, place of birth, or other reasons may be subject to a discrimination complaint filed with the MOI. If it is found that discrimination-related provisions have been violated, the government will immediately notify the offending party to take necessary corrective action within a prescribed time, unless otherwise specified by other laws. Failure to make the necessary improvements by the deadline may result in a fine ranging from NT\$5,000 to NT\$30,000.

#### **D. Differential treatment on the basis of citizenship and nationality**

26. As with most countries, Taiwan has different regulations regarding the rights and obligations of its nationals and foreign nationals. Nationals receive more protection from welfare policies and rights than foreign nationals. However, nationals also bear corresponding obligations, such as the constitutional requirement to fulfill military service, pay taxes, and receive compulsory education.
27. The differential treatment of nationals and foreign nationals by the government should be legitimate,

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<sup>20</sup> See Articles 101 to 103 of the Government Procurement Act.

<sup>21</sup> See Article 62 of the Immigration Act and the Regulation for Petitions against Discrimination against People Residing in the Taiwan Area.

reasonable, and necessary, in accordance with General Recommendation No. 30 of the ICERD. Explanations regarding the rights to health, freedom of association, land use, election, and entitlements to survivor benefits are described below.

28. Regarding the right to health, foreign nationals are required to join the NHI six months after obtaining a residency permit and residing in Taiwan, except for certain conditions where they should participate in the NHI from the date of employment or date of birth.<sup>22</sup> In addition, the New Immigrants Development Fund provides subsidies for the self-payment of health insurance premiums to eligible preregistered new immigrants from low- and middle-income families. From 2019 to October 2022, a total of 10,577 individuals received such subsidies (Table 6). Foreign national children and youths under local government projects are eligible to participate in the NHI upon obtaining a residency permit without being subject to the six-month waiting period. Before obtaining NHI coverage, they can also receive routine vaccinations and preventive health care services through local government health centers. However, considering the limited social resources and the need for fair distribution, this excludes foreigners who are temporarily staying in Taiwan.

**Table 6: New Immigrants Development Fund subsidies for NHI premiums for new immigrants prior to obtaining registered residency**

Unit: persons; NT\$

Year	Number of beneficiaries	Subsidized amount
2019	2,412	12,275,889
2020	2,754	15,286,720
2021	3,028	17,589,422
2022 (Jan.-Oct.)	2,383	12,604,253
Total	10,577	57,756,284

Source: MOHW

29. Regarding the right to freedom of association, the establishment and operations of general civil organizations are governed by the Civil Associations Act. Its Article 37 stipulates that occupational association should have members engaged in respective professions within their organizational jurisdiction and should not obstruct qualified individuals from becoming members.<sup>23</sup> Therefore, foreign nationals who qualify for membership may participate in relevant organizations without restrictions. However, the Industrial Group Act and the Commercial Group Act state that a director general of an industrial or commercial group should be of a national of Taiwan and have residence within its territory. For directors, supervisors, standing directors, and standing supervisors, at least

<sup>22</sup>For those holding an Alien Resident Certificate in Taiwan while being employed by a regular employer or for newborns in Taiwan, participation in the NHI starts from the date of employment or the date of birth, respectively.

<sup>23</sup> See Paragraphs 1 and 2 of Article 37 of the Civil Associations Act.

two-thirds should be nationals of Taiwan and have residency within its territory.<sup>24</sup> Moreover, the Farmers Association Act and the Fishermen Association Act restrict membership to nationals of Taiwan due to the practical operations, industrial development, and statutory responsibilities of industrial groups, commercial groups, farmers' associations, and fishermen's associations, which involve national interests and sovereignty considerations.

30. Regarding to the right to land use, the Land Act stipulates that forest land, fisheries, hunting grounds, salt fields, mining areas, water source areas, fortress military zones, and territorial borders, may not be transferred, encumbered, or leased to foreign nationals. This restriction is based on national economic interests, national land policies, and national defense and security. It is deemed necessary to safeguard these interests.
31. The right of election is exclusively granted to citizens. Article 130 of the Constitution stipulates that citizens of the R.O.C. (Taiwan) who have reached the age of 20 have the right to participate in elections, and those who have reached the age of 23 have the right to be elected, unless otherwise provided by the Constitution or other laws. Article 3 of the Constitution further clarifies that persons who possess the nationality of the R.O.C. (Taiwan) are considered nationals of the R.O.C. (Taiwan). Therefore, the exercise of the right of election is limited to individuals who hold the nationality of the R.O.C. (Taiwan). Foreigners may acquire citizenship through naturalization to enjoy the right of election. To extend the right of election to residents or permanent residents, constitutional amendments would be necessary. For other rights relevant to political participation, such as foreigners' rights to file petitions or take part in legal assemblies and processions, please refer to Note 199.
32. Regarding entitlement to survivor benefits, there have been concerns in recent years about provisions of the existing Civil Service Retirement, Severance, and Survivor Relief Act<sup>25</sup> and the Political Appointee Termination and Survivor Relief Act<sup>26</sup>, which exclude individuals who have lost or do not possess R.O.C. (Taiwan) nationality from applying for such benefits. This raises concerns that the principle of equality may be violated. In 2012, the Examination Yuan and its Human Rights Protection Task Force requested the Ministry of Civil Service to study and amend the relevant provisions. Starting from 2020, the Human Rights Protection Task Force once again requested the Ministry of Civil Service to study whether to continue listing loss or absence of nationality as disqualification for the receipt of survivor benefits for dependents of civil servants, funeral benefits, and interest on public deposits for dependents of second category political appointees. Since this is a significant policy issue in the retirement and welfare system, and opinions from all parties will

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<sup>24</sup> See Paragraphs 1 and 2 of Article 22 of the Industrial Group Act and Paragraphs 1 and 2 of Article 22 of the Commercial Group Act.

<sup>25</sup> See Article 75 of the Civil Service Retirement, Severance, and Survivor Relief Act.

<sup>26</sup> See Article 31 of the Political Appointee Termination and Survivor Relief Act.



continue to be gathered to establish the policy direction for further actions.

#### **E. Affirmative action for minority racial and ethnic groups or specific races and ethnicities**

33. Indigenous peoples, Hakka people, Mongolians, Tibetans, new immigrants, and migrant workers require human rights protection with different levels of urgency. Therefore, Taiwan distinguishes between these groups and provides equal rights measures to ensure their full development as well as equal enjoyment and exercise of human rights and fundamental freedoms. For detailed information, please refer to the points under Articles 2 and 5 of this report.

#### **F. Regulations concerning nationality, citizenship, and naturalization**

34. The acquisition, loss, restoration, and revocation of R.O.C. (Taiwan) nationality are regulated by the Nationality Act. Anyone who meets the requirements specified therein may apply for naturalization and acquire nationality from the date of approval. If an applicant fails to meet the requirements, their application will be rejected regardless of their nationality, region, or race (see Tables 7 to 9). To protect the rights of new immigrants, the Nationality Act was amended in 2016 to remove the requirement for foreign spouses to provide proof of guaranteed livelihood when applying for naturalization. The amendments also relaxed residency and financial proof requirements for foreign spouses who experienced divorce due to domestic violence, the loss of a spouse, or are raising minor children of R.O.C. (Taiwan) nationality. To prevent individuals from losing their original nationality and being unable to naturalize, the process was amended to first grant permission for naturalization and then require the submission of proof of loss of original nationality. Additionally, to protect the rights of the person involved, the amendments established a period during which the revocation of naturalization rights cannot be exercised, and also mandated the holding of a review meeting and the opportunity for the individual to present their case before revocation.
35. To protect the human rights of new immigrants, the MOI has drafted amendments to Articles 23 and 31 of the Immigration Act. These amendments aim to relax the residency requirements for immigrants through marriage who have divorced due to domestic violence and have not remarried, and those who have divorced and have minor children who possess R.O.C. (Taiwan) nationality. Such individuals will be granted the right to residency or to reapply for residency, thereby protecting their right to family reunion. The Executive Yuan has completed seven review meetings on the draft amendments and is following the remaining procedures according to the law.
36. To respect the original names of foreigners and stateless persons who have naturalized, the Name Act stipulates that when a foreign national or stateless person marries an R.O.C. (Taiwan) national, they should adopt a Mandarin name. The same applies to those applying for naturalization. The

Romanized form of their original name may be registered alongside their Mandarin name and they may choose to use their original Mandarin name or a transliteration.<sup>27</sup> When a foreigner or stateless person takes a Mandarin name to marry a Taiwan national or be naturalized, the current practice allows for diverse approaches. This is done out of consideration and respect for multiculturalism and the customs of Taiwan, without imposing restrictions on name changes or the adoption of Sincized names.

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<sup>27</sup> See the Enforcement Rules of the Name Act.

**Table 7: People naturalized in Taiwan by reason**

Unit: persons

Year	All			Voluntary naturalization		Spouse of R.O.C. (Taiwan) national		Other reasons	
	Total	Male	Female	Male	Female	Male	Female	Male	Female
2019	3,438	341	3,097	56	42	173	2,935	112	120
2020	3,818	348	3,470	59	47	200	3,328	89	95
2021	4,079	396	3,683	71	48	239	3,558	86	77
2022 (Jan.-Oct.)	3,004	336	2,668	51	30	208	2,567	77	71

Source: Department of Household Registration, MOI

Note: *Spouse of R.O.C. (Taiwan) national* includes individuals who have divorced due to domestic violence and have not since remarried; individuals whose Taiwanese spouse has died and who have not remarried, and who can demonstrate that they remain in contact with family members of the deceased spouse or whose marriage lasted for at least two years before the spouse's death; and individuals who support children of R.O.C. (Taiwan) nationality, where such children are legally incompetent or have limited legal competence and where it is necessary to exercise rights and obligations on behalf of such children and meet and interact with them in person.

**Table 8: People naturalized and number of applications for naturalization dismissed by nationality**

Unit: persons; applications; %

Year	Application results	All	Vietnamese	Philippine	Indonesian	Thailand	Malaysian	Myanmar	Japanese	US	Cambodian	Other nationality
2019	Number of people naturalized	3,438	2,325	362	350	72	69	45	46	15	6	142
	Number of applications dismissed	41	31	1	2	1	1	0	0	2	0	2
	Percentage of dismissals	1.18	1.32	0.28	0.57	1.37	1.43	0.00	0.00	16.67	0.00	1.39
2020	Number of people naturalized	3,818	2,801	327	344	58	58	32	30	20	5	131
	Number of applications dismissed	58	43	1	3	3	1	1	0	1	0	5
	Percentage of dismissals	1.50	1.51	0.30	0.86	4.92	1.69	3.03	0.00	4.76	0.00	3.68
2021	Number of people naturalized	4,079	2,908	431	367	70	51	41	46	26	3	125
	Number of applications dismissed	87	65	4	8	2	1	1	0	0	0	6
	Percentage of dismissals	2.09	2.19	0.92	2.13	2.78	1.92	2.38	0.00	0.00	0.00	4.58
2022 (Jan-Oct)	Number of people naturalized	3,004	2,103	306	267	53	42	62	23	12	10	126
	Number of applications dismissed	62	43	1	9	3	1	2	1	1	0	1
	Percentage of dismissals	2.02	2.00	0.33	3.26	5.36	2.33	3.13	4.17	7.69	0.00	0.79

Source: Department of Household Registration, MOI

Note: 1. Percentage of dismissals = number of applications dismissed / (total number of applications = number of people naturalized + number of applications dismissed) × 100

2. The dismissed cases are calculated based on the number of dismissed applications.

**Table 9: Applications for naturalization dismissed by reason**

Unit: applications; %

Year	All			Illegally residing in Taiwan or not meeting statutory requirements for years/days of residency	Illicit or illegal behavior or possessing criminal record	Insufficient documentation to prove that the applicant is capable of making a living	Existing doubts about the veracity or duration of a marriage	Not recognized as having made special contributions to the R.O.C. (Taiwan)	Revoked by the applicant	Other
	Total	Male	Female							
2019	41	10	31	1	2	0	24	5	1	8
2020	58	10	48	6	8	0	31	3	1	9
2021	87	17	70	6	6	2	58	2	1	12
2022 (Jan.-Oct.)	62	12	50	3	8	3	35	3	1	9

Source: Department of Household Registration, MOI

Note: *Other* includes such reasons as already possessing inherent nationality; not residing at the registered address; required documents being incomplete or deficient in content; and case pending divorce agreement, mediation, or litigation.

## Article 2 Elimination of racial discrimination

### A. Legal framework and general policies for the elimination of racial discrimination (including affirmative action)

#### (A) Legal framework for the elimination of racial discrimination

37. The powers of government in Taiwan are separated into five branches. The existing legal framework is designed to prevent government agencies from engaging in racial discrimination in specific areas. For instance, the Constitution, the highest law of the country, stipulates in Article 5 that all ethnic groups in Taiwan shall be equal, and Article 7 guarantees the right to equality. If the legislature or executive branch enacts regulations that violate the principle of equality under the Constitution, and any person whose rights have been infringed by such regulations have exhausted all available legal remedies without obtaining satisfaction, they may petition the Constitutional Court for a ruling declaring the impugned legal provision unconstitutional. Once the regulations are declared unconstitutional and therefore invalid, appropriate compensation or remedies can be requested.<sup>28</sup> Additionally, Article 10, Paragraph 11 of the Additional Articles of the Constitution states: “The State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures.” Through the provisions of the Constitution, a constitutional safeguard is

<sup>28</sup> See Paragraph 1 of Article 59 of the Constitutional Court Procedure Act.

established for the construction of a multicultural country, thereby obliging the state to protect cultural differences and diversity.

38. In 2018, Taiwan commissioned a comprehensive study for the formulation of an antidiscrimination law. It was completed in June 2019. Although the study proposed enactment of such legislation, after meetings and discussions between the Executive Yuan and relevant departments, it was concluded that further research and policy evaluations are needed regarding the relationship between an equality law and existing laws, the establishment of complaint mechanisms, and the functions of related organizations. The enactment of an equality law is listed as a priority in the National Human Rights Action Plan that was announced in May 2022. The Executive Yuan will consult with experts and NGOs to strengthen public participation. The bill for the equality law is expected to be submitted to the Legislative Yuan for deliberation before 2024.
39. Historical factors have undermined the development of the languages of various ethnic groups and endangered many local ethnic languages. To ensure the sustainable inheritance and development of endangered languages and cultures in Taiwan, the natural languages used by native ethnic groups in Taiwan are legally protected to essentially realize language rights as fundamental human rights. On January 9, 2019, the government promulgated the Development of National Languages Act, aiming to preserve and maintain the development of diverse language cultures and protect the rights of ethnic language users to education, communication, and public services. This takes into consideration the preservation and sustainable development of languages, respecting language and cultural diversity and fulfilling the spirit of cultural equality.
40. In 2020, the MOI released a preliminary list of 109 items in national laws and regulations related to the ICERD for priority review. The items covered various legal issues including nationality (e.g., foreign nationality, naturalization or loss of R.O.C. (Taiwan) nationality, statelessness), race (e.g., color, place of birth, religion, consanguinity), ethnicity (e.g., minority or specific ethnic groups), communities, and organizations. In October 2020, a working group was formed to review ICERD-related legal provisions. By 2022, the group had held eight meetings and engaged in discussions with relevant agencies. They identified 28 regulations with a potential breach of the ICERD, among which 11 were agreed to be included in future appraisals of legal amendments or partially included for reference in future appraisals of legal amendments. Seventeen items are still under discussion. The review process will continue on a rolling basis, according to the established procedures.
41. For actions concerning the elimination of discriminatory practices by government agencies, please refer to Note 22 and Article 4, Sections A to B of this report. For actions concerning the elimination of discrimination by any person, group, or organization, please refer to Note 24 and Article 4, Sections C to D of this report.

**(B) General policies for the elimination of racial discrimination (including affirmative action)**

42. Taiwan's multiracial and multiethnic society requires the support of the legislative and executive branches of government as well as the private sector and civil society. The core values of multiculturalism and constitutional democracy are underpinned by mutual respect and dialogue among different races and ethnic groups. In order to eliminate racial discrimination and promote substantive equality regardless of economic and social status, Taiwan has adopted specific policies and measures and established institutions to protect the rights of minority groups and foster general understanding and respect for cultural differences.

**(a) Indigenous peoples**

43. Due to a lack of comprehensive understanding of indigenous culture, knowledge, and traditional customs, misunderstandings have led to years of repression and discrimination against indigenous peoples. To compensate indigenous peoples for the historical deprivation and infringement of their resources, the current government is committed to a policy of multicultural coexistence and prosperity. Through legislation and institutionalized planning, active efforts are being made to advocate for the rights of indigenous peoples and promote their autonomous development. The following notes explain the protection of indigenous peoples' rights and the implementation of laws, regulations, and policies in areas such as the right to informed consent, culturally grounded hunting practices, traditional medicinal knowledge and transfer, financial loans for tribe members, and maritime resources. For information regarding indigenous education, please see Notes 183 and 276 of this report.

44. The Indigenous Peoples Basic Law underlines the importance of respecting the collective will of indigenous peoples, emphasizing that certain matters should be carried out in consultation with and with the approval of indigenous peoples and should not contradict their will. According to the Regulations Governing Consultations with Indigenous Tribes to Obtain their Consent and Participation, the adoption of mechanisms such as household representation, delegated voting, and proxy convening is based on the needs of tribal members and the practical feasibility observed by frontline staff. To understand how the mechanism was working in practice, the CIP conducted a comprehensive review of participation regulations and relevant interpretations issued in the past six years in collaboration with experts and scholars in 2022. They also conducted regular visits to tribes to strengthen local support systems. In cases involving more complex circumstances, municipal offices were requested to actively establish an accompanying support system. Additionally, workshops were organized for the chairpersons of tribal councils and civil servants of municipal offices to increase their awareness of the regulations. During the implementation of participation regulations up to October 2022, municipal offices reported a total of 97 cases concerning matters

requiring consent. Consent was obtained in 64 cases, not obtained in seven cases, and 26 cases were deferred.

45. Indigenous peoples are entitled to engage in hunting and harvesting activities based on their cultures. The government should respect their right to choose their own way of life. With regard to the definition of homemade hunting guns and ammunition, the government is drafting relevant regulations in accordance with Judicial Yuan Interpretation No. 803 to safeguard the cultural rights and ensure the safe and progressive use of hunting firearms by indigenous peoples, as are protected by the Constitution.<sup>29</sup> Furthermore, the government is currently promulgating amendments and regulations governing wildlife conservation.<sup>30</sup> The goal is to establish an administrative contract model based on mutual trust, equality, and indigenous self-governance to manage indigenous hunting. Several seminars were held in March, April, and July of 2022, to address the differing perspectives of animal protection organizations and indigenous groups on the utilization of wildlife. Scholars, experts, indigenous peoples, and animal protection groups were invited to engage in ongoing discussions and exchanges of ideas.
46. To revitalize the internalization of social norms within indigenous communities and demonstrate the rich cultural and forward-looking aspects of ethnic health, the CIP and the MOHW National Research Institute of Chinese Medicine collaborated on the promotion of an indigenous traditional medicine revitalization project from 2020 to 2022. The initiative focused on three aspects—preservation and protection, maintenance and transfer, and application and innovation. It aims to revitalize the traditional medical knowledge of indigenous peoples. A database of indigenous traditional medicines has been set up, comprising 1,768 entries. Two seminars on indigenous traditional medicine and medicinal plants have also been conducted.
47. To create a favorable economic environment for indigenous peoples in Taiwan and facilitate their economic development, the Indigenous Comprehensive Development Fund has been set up to provide preferential loan measures for tribal members. Additionally, the implementation of a financial counseling and support system has been put in place to assist tribal members in realizing their entrepreneurial ambitions and contribute to the social development of indigenous communities. From 2019 to October 2022, a total of 7,127 loan applications were approved and disbursed.
48. To protect the maritime rights and interests of indigenous peoples, the government, in accordance

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<sup>29</sup> With regard to definitions of homemade hunting rifles and ammunition, the specifications of homemade hunting rifles, production and support mechanisms, and supplementary measures including mechanisms for subsequent safety certification and training, the Ministry of National Defense, the Ministry of the Interior, and the CIP have held a number of interministerial consultative meetings and sought opinions from tribal members in accordance with Paragraph 3 of Article 20 of the Controlling Guns, Ammunition and Knives Act and the meaning of Judicial Yuan Interpretation No. 803. Subsequently, relevant regulations will be enacted pursuant to Judicial Yuan Interpretation No. 803, which recognizes that the protection of the cultural rights of indigenous peoples and their safe exercise of such rights are required by the Constitution.

<sup>30</sup> See regulations governing the hunting, slaughter and use of wild animals for the needs of traditional culture and the rituals of indigenous peoples.

with the Regional Plan Act and the Nonurban Land Use Control Regulations, issued a permit for the designated sea areas of traditional indigenous fishing grounds in Taitung County in 2020. This measure aims to guarantee the rights of indigenous peoples to engage in fishing, hunting, and harvesting activities in these maritime areas. The government has thus implemented Article 10 of the Ocean Basic Act, which requires it to safeguard and preserve the traditional sea-use culture and rights of indigenous peoples.

**(b) Hakka people**

49. The Hakka Basic Act primarily safeguards the collective rights of the Hakka people. In 2018, mechanisms for the protection of personal rights were incorporated into the law, and the use of the Hakka language as a means of communication and instruction was emphasized. This has established a diverse range of Hakka policies, with a focus on the preservation and promotion of the Hakka language via the enactment of laws. The Regulations for Implementation of the Hakka Language as the Common Language stipulate that in Hakka-speaking areas, government agencies should guarantee people's right to use the local Hakka language in administrative, legislative, and judicial procedures.<sup>31</sup> In 2021, the National Hakka Development Plan was further introduced, with the core objectives of mainstreaming the Hakka people and pursuing equality. Various policies and measures promoting ethnic equality were formulated. All levels of government were also guided to increase their ethnic sensitivity in laws, regulations, plans, policies, and measures. This ensures the sustainable development of the Hakka community and creates an interethnic public sphere. The plan includes key strategies to strengthen Hakka language and culture and eliminate ethnic discrimination in the media. Relevant agencies are jointly promoting the concept of ethnic equality and countering the irresponsible spread of ethnic stereotypes and prejudices against Hakka people.

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<sup>31</sup> See Article 4 of the Regulations for Implementation of the Hakka Language as the Common Language (promulgated on November 26, 2018).



### **(c) Mongolians and Tibetans**

50. The MOC has commissioned civil organizations and professional social workers to implement the Program on Care for Tibetan Expatriates and Residents in Taiwan. This program offers services such as telephone consultation, counseling visits, resource referrals, financial aid, employment matchmaking, legal consultation, and medical care to assist in resolving various issues regarding adaptation in daily life. As of October 2022, a total of 1,204 counseling services and 225 counseling visits have been provided. Additionally, the Mongolian and Tibetan Foundation is subsidized to implement the Special Account for the Education and Emergency Relief of Tibetan Residents' Children in Taiwan, which provides living allowances, educational grants, and emergency aid to economically disadvantaged Tibetan families residing in Taiwan. As of October 2022, a total of 156 people have received subsidies.

### **(d) New immigrants**

51. For the protection of the identity and family reunion rights of new immigrants, please refer to Notes 34 and 35 of this report. In 2009, the requirement for financial proof was eliminated for mainland Chinese spouses applying for residency in Taiwan. Furthermore, in 2019, a legal amendment was made to allow divorced mainland Chinese spouses who have registered biological minor children in Taiwan and have evidence of providing support or maintaining regular contact, or who face the risk of significant and irreparable damage to their children if they are forcibly deported, to continue to reside in Taiwan. These measures aim to strengthen naturalization and residency rights protection for foreign and mainland Chinese spouses.
52. Regarding the protection of new immigrants' rights to existence, the MOI established the Foreign Spouse Assistance Fund in 2005, which was renamed the New Immigrants Development Fund in 2016. The budget for the fund is NT\$1 billion, with an annual allocation of NT\$300 million. The fund aims to support new immigrants and enhance multicultural exchanges. From 2019 to October 2022, a total of 938 cases have been subsidized (see Table 10), amounting to approximately NT\$1.3 billion.
53. To assist new immigrants in adapting to life in Taiwan and to stabilize cross-national families, the MOI established the Caring Service Program for Foreign and Mainland Chinese Spouses in 2003. In 2016, it was renamed the Caring Service Program for New Immigrants. The program focuses on eight main tasks—life adaptation counseling, medical and fertility health care services, protection of employment rights, enhancement of education and culture, assistance in child education and care, personal safety protection, improvement of legal systems, and dissemination of public policies. Concrete measures have been implemented by relevant central and local government agencies.
54. To build a multicultural society, the MOI has promulgated the Directions Governing Funding for

Assistance to New Immigrants in Adaptation. Each year, all 22 special municipality and county (city) governments organize counseling courses on adaptation, training-of-trainer workshops for counselors, and the promotion of adaption awareness and multicultural activities (see Table 11).

55. Previous surveys of new immigrants indicate that those who have been in Taiwan for a longer period gradually adapt to society after receiving assistance from their families, relatives, friends, civil organizations, or government agencies. In addition to their family and work responsibilities, they also express a willingness to participate in public affairs and contribute to society. To further understand the extent of public participation among new immigrants, the upcoming 2023 survey will include questions on their involvement in public activities. The aim is to empower new immigrants as new stakeholders who enrich the society and culture of Taiwan.

**Table 10: Aid granted from the New Immigrants Development Fund**

Unit: cases

Year	Number of cases approved
2019	238
2020	276
2021	227
2022 (Jan-Oct)	197

Source: NIA

**Table 11: Analysis of the number of persons benefiting from counseling courses on adaptation organized by local governments by course type**

Unit: number of sessions; persons

Year	Counseling course on adaptation			Workshop for seed counselors			Event for promotion of cultural diversity			Awareness session on adaptation		
	Number of sessions	Male	Female	Number of sessions	Male	Female	Number of sessions	Male	Female	Number of sessions	Male	Female
2019	87	586	4,027	2	251	511	11	4,803	9,170	38	293	922
2020	75	715	3,522	1	64	143	7	2,976	5,457	38	146	807
2021	74	468	2,883	1	17	37	13	310	1,162	47	59	638

Source: NIA

Note: 1. In 2020 and 2021, the respective number of course attendees decreased due to COVID-19.

2. This table shows the data of annual statistics. The 2022 statistics will be completed in early 2023.

**(e) Migrant workers**

56. Regarding the protection of migrant workers’ rights, Taiwan has been introducing industrial and social welfare migrant workers since 1989 in order to alleviate the demand for laborers in certain industries, as well as to help reduce the burden of care on Taiwanese families. The number of migrant workers in Taiwan has grown annually from 425,000 at the end of 2011 to 718,000 at the end of 2019. However, the numbers decreased in 2020 and 2021 due to the COVID-19 pandemic. With the easing of border controls and the introduction of new migrant worker programs, the numbers have gradually rebounded. As of October 2022, there were 717,000 migrant workers in Taiwan (see Table 4). The MOL has established a comprehensive system to protect migrant workers before their arrival, during their stay in Taiwan, and before their departure. This includes mandatory pre-employment training for employers who are hiring live-in migrant domestic workers for the first time to raise their awareness of relevant laws and regulations. A toll-free hotline, 1955, is available 24 hours a day in five different languages to provide legal consultations and process complaints from migrant workers in their mother tongues.<sup>32</sup> A verification mechanism has also been established to verify cases of early termination of employment, aiming to prevent employers from forcibly repatriating migrant workers. For additional measures designed to ensure respect and care for migrant workers and promote mutual racial understanding, please refer to Notes 75 and 176 of this report on religious activities.

<sup>32</sup> Chinese, Vietnamese, Indonesian, Thai, and English.

## **B. Mechanism to ensure fair representation of racial groups in the decision-making processes of government agencies**

57. With regard to the protection of the rights of indigenous peoples, considering the international trends of protecting indigenous rights and reflecting on history, Taiwan has learned from the experiences of other countries. On Indigenous Peoples' Day on August 1, 2016, President Tsai Ing-wen issued an apology on behalf of the government to indigenous peoples. She also announced the establishment of the Presidential Office Indigenous Historical Justice and Transitional Justice Committee to promote historical and transitional justice and implement the Indigenous Peoples Basic Law. The president serves as the convener of the committee, which holds meetings every three months. The committee includes representatives elected by various indigenous groups, provides a platform for indigenous voices, and enhances their participation in the process of transitional justice. This initiative aims to deepen the engagement of indigenous peoples in transitional justice and advocate for their rights.
58. The CIP consists of representatives from all 16 indigenous groups. Recommended by their peoples, the representatives collect the opinions of groups on relevant CIP policies. According to the Indigenous Peoples Basic Law, local governments are required to establish specialized units for indigenous affairs and appoint indigenous individuals to lead them. The Education Act for Indigenous Peoples stipulates that the competent authority for education and the CIP shall jointly convene meetings to discuss and develop indigenous education policies, with the participation of indigenous people accounting for no less than half of the attendees.
59. The government continues to encourage indigenous tribes to form tribal councils. The aim is to raise the self-awareness of indigenous peoples, revitalize the practice of tribal members participating in tribal affairs, and enhance tribal governance of traditional indigenous culture through the establishment and reformation of tribal organizations. As of October 2022, 545 tribes (74 percent) had formed tribal councils to fulfill the goal of tribal autonomy and self-determination.
60. For the consultation and participation rights of indigenous peoples, please refer to Notes 44 and 153 to 155 of this report.
61. Agencies (institutions) for Hakka affairs focuses primarily on the revitalization of the Hakka language and culture. All members of the agency (institution) are encouraged to be familiar with the Hakka language and capable of maintaining the development of Hakka culture. Please see Note 298 of this report.
62. To encourage the participation of new immigrants in public affairs, the New Immigrants Development Fund Management Committee ensures that at least half of its experts/scholars, representatives of new immigrants, and relevant civil groups are comprised of new immigrants or

their children.<sup>33</sup> The percentage of representatives of new immigrants in the committee has increased over the years. In the first and second terms of the committee, its members included four and five new immigrants, respectively. In its third term, there were seven new immigrants, accounting for 21 percent of committee members. In its fourth term, nine of its members were new immigrants and children of new immigrants, accounting for 53 percent of the nongovernment members and 31 percent of all members. On June 16, 2015, the Executive Yuan established the New Immigrant Affairs Coordination Committee, to strengthen services for new immigrants through an interministerial approach. The committee is composed of one minister without portfolio as the convener; 14 deputy heads of relevant ministries and commissions; six deputy mayors of special municipalities and counties (cities); and 10 academics, experts, or representatives of social groups, six of whom have new immigrant backgrounds. As of October 2022, the committee has held 13 meetings.

63. To avoid any gaps in the cultural accessibility of citizens due to identity, age, gender, location, ethnicity, or physical/mental disability, and to protect the public's right to equal participation in cultural activities, the MOC established the Cultural Equality Promotion Committee in 2016. The committee is composed of experts and academics or civil society representatives, including representatives of multiethnic groups and representatives of the departments and affiliated agencies of the MOC. By discussing essential measures for the promotion of cultural equality, the committee aims to realize the spirit of cultural equality in the daily lives of citizens. As of October 2022, the committee has held seven meetings.

### **C. Human rights agencies (departments) and mechanisms**

64. Taiwan understands that human rights protection is a key issue in promoting social harmony and cultural diversity. To independently and fairly carry out human rights protection, an independent and dedicated body must be established to prevent such work from being reduced to a mere formality.

#### **(A) National Human Rights Commission**

65. To establish a national human rights institution in compliance with the Paris Principles, the Legislative Yuan passed the Organic Act of the Control Yuan National Human Rights Commission on its third reading and the amended Organic Law of the Control Yuan on Human Rights Day on December 10, 2019. Both laws were promulgated by the president on January 8, 2020. The National Human Rights Commission formally began operations on August 1, 2020, the day on which the members of the 6th Control Yuan took office. This marked a new milestone in the promotion and

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<sup>33</sup> See Paragraph 2 of Article 5 of the Regulations on the Revenues, Expenditures, Custody and Utilization of the New Immigrants Development Fund.

protection of human rights in Taiwan and realized the ideal of a nation founded on human rights. To fully define the functions of the National Human Rights Commission under the law and to strengthen its independence and professionalism in fulfilling its mandate, the Control Yuan adopted a draft amendment to certain provisions of the Control Act on October 12, 2021. The amended act has an added chapter on performing the mandate for the National Human Rights Commission. It has been submitted to the Legislative Yuan for review.

66. The National Human Rights Commission is an independent body that meets the standards and functions underlined in the Paris Principles. Its legal mandate includes addressing and investigating cases involving torture, human rights violations, and various forms of discrimination; submitting recommendations and reports on human rights policies and actions to government agencies; preparing and publishing special human rights reports and annual national human rights reports; assisting in the incorporation of international human rights instruments into domestic law to ensure that laws and administrative measures accord with international human rights norms; engaging in systematic research and recommendations to bring the Constitution and other laws into accord with international human rights standards; monitoring and promoting human rights education; facilitating international and domestic exchanges and cooperation on human rights issues; and providing independent opinions on the national report for each human rights convention.
67. The 10-member National Human Rights Commission is made up of the president of the Control Yuan and nine of its members, seven of whom are ex officio members with expertise in various areas of human rights, such as the rights of indigenous peoples, persons with disabilities, women, laborers, and children and youths. The commission has three divisions in charge of research and planning, inquiries and investigations, and education and promotion. Each division has its own organization and staff and is charged with addressing and investigating cases involving all forms of discrimination in accordance with the law. In keeping with its mandate and to effectively carry out its role as Taiwan's national human rights institution in supervising government implementation of the ICERD, the commission will also provide independent opinions on this national report.

**(B) Human rights departments under the Executive Yuan**

68. Currently, Taiwan does not have a comprehensive antidiscrimination law or equality law. Activities to eliminate racial discrimination are carried out by relevant agencies, depending on the nature of the cases in question. To implement the provisions of the UN human rights conventions, the Executive Yuan has formed several task forces to deal with different issues. In 2022, the Executive Yuan set up the Department of Human Rights and Transitional Justice, which oversees researching and developing human rights policies and coordinating and supervising the promotion of human rights protection by all government agencies.

### **(C) Departments responsible for the implementation of the ICERD**

69. To address matters concerning the implementation of the ICERD, a steering group for the elimination of racial discrimination has been established under the Executive Yuan Coordination Committee on Prevention of Human Trafficking and Elimination of Racial Discrimination. In 2021, the committee reappointed its members. The committee has 23 to 27 members in total, including a convener who is a minister without portfolio at the Executive Yuan and a deputy convener who is a deputy minister at the MOI. The remaining members are designated (appointed) by the Executive Yuan from representatives of the Judicial Yuan, deputy heads of the relevant government agencies (including a deputy minister at the CIP), and eight to 12 experts and academics. The committee is tasked with planning and coordinating human rights protection policies and key measures for the elimination of all forms of racial discrimination; organizing research, reviews, and consultations on the ICERD; supervising and supporting measures for the implementation of the ICERD; discussing education policies related to the ICERD; and promoting of the concept of racial rights protection. The committee aims to ensure effective interministerial coordination and improve relevant measures for human rights protection.

### **D. Measures adopted by nongovernmental organizations and government agencies to promote mutual understanding between races**

70. Nongovernmental organizations (NGOs) are the bedrock of civil society and the key to democratic development in Taiwan. Taiwan's NGOs are recognized internationally for taking action on issues including indigenous rights, the rights of immigrants and migrant workers, and transitional justice. By addressing the historical scars created in Taiwan's authoritarian past, some NGOs have helped the public reassess history, foster understanding, and move toward true democracy. The vibrancy and energy of these NGOs in promoting racial and ethnic understanding contribute to the attainment of an ideal civic society. Civil organizations have been very active participants during the implementation of the National Human Rights Action Plan, ICCPR, ICESCR, CEDAW, CRC, CRPD, and ICERD. To ensure the government truthfully presents the results of its human rights promotion efforts, the ICERD encourages NGOs fighting racial discrimination and promoting mutual understanding to submit parallel reports, parallel responses to the lists of issues, and follow-up information on the concluding recommendations.
71. The Department of NGO International Affairs under the Ministry of Foreign Affairs (MOFA) facilitates the participation of a variety of local active civil organizations in international NGOs, international conferences, and exchange events, thereby enhancing the alignment between NGOs

in Taiwan and the international community.<sup>34</sup> For example, to encourage the participation of specific racial and ethnic groups such as indigenous peoples, Hakka people, and new immigrants in international affairs, MOFA provides financial assistance to relevant civil organizations to participate in international conferences and events. This initiative aims to increase the global visibility of the racial and ethnic groups of Taiwan.<sup>35</sup> From 2019 to October 2022, a total of 70 cases were funded—primarily exchange activities in the areas of culture, art, sports, and indigenous issues. Additionally, the Taiwan Foundation for Democracy was founded in 2003 as the first national democracy foundation in Asia. The foundation serves as a nonpartisan organization that promotes Taiwan’s global democratic engagement and consolidate its democratic achievements by fostering cooperation between political parties and NGOs.

72. To align Taiwan’s indigenous policies with global indigenous issues and trends, the government actively participates in international indigenous activities and seeks to sign international cooperation agreements:

- (1) In 2013, Taiwan signed a cooperation agreement with New Zealand, which included a dedicated chapter on collaboration on indigenous issues.<sup>36</sup> This was a pioneering step in the context of free trade agreements signed by the countries and highlighted the importance of the indigenous peoples in Taiwan and New Zealand.
- (2) Since 2015, Taiwan and New Zealand have held annual meetings alternating between the countries to coordinate on the above chapter.<sup>37</sup> To date, six meetings have been conducted, ensuring stable development of various cooperation programs.
- (3) In 2021, the four economies of Taiwan, New Zealand, Australia, and Canada jointly announced a unique global cooperation arrangement, which was the first nonbinding, government-led multilateral agreement to center on indigenous economic issues.<sup>38</sup>
- (4) In 2018, the Austronesian Forum resumed its activities. It currently has 14 member countries and one observer. The forum is a permanent organization in the Austronesian region that implements relevant cooperation and development programs.<sup>39</sup>

73. To achieve ethnic harmony and equality and foster cooperation and interactions between indigenous peoples and Hakka people, the HAC has organized a series of events titled Hakka People Salute

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<sup>34</sup>The Committee on NGO International Affairs established in October 2000 was renamed the Department of NGO International Affairs in September 2012 as a result of a reorganization of agencies under the Executive Yuan.

<sup>35</sup> Pursuant to the Directions for the Provision of Subsidies by the Ministry of Foreign Affairs to Civil Associations Engaged in International Exchanges and Activities.

<sup>36</sup> See the Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Cooperation.

<sup>37</sup> The CIP of Taiwan and the Ministry of Māori Development (Te Puni Kōkiri) of New Zealand.

<sup>38</sup> See the Indigenous Peoples Economic and Trade Cooperation Arrangement.

<sup>39</sup> Taiwan has concluded international cooperation agreements and memorandums of understanding (MOUs) and formed sister organization arrangements with many countries. In 2022, the Austronesian Forum and the First Nations Tax Commission concluded a cooperation MOU, which is the first external MOU signed by the Austronesian Forum following the resumption of its activities.



Indigenous Peoples since Indigenous Peoples’ Day in 2020. This initiative aims to promote transitional justice and establish a historical perspective that recognizes the interconnectedness of indigenous and Hakka peoples. Events such as basketball games and exhibitions encourage interactions and promote coexistence and co-prosperity among Taiwan’s diverse ethnic groups.

74. To help new immigrants adapt to Taiwan’s society, protect their rights, enhance the provision of care and assistance services, and build a multicultural society, the government has established the New Immigrants Development Fund (see Note 52 of this report). The fund aims to subsidize government agencies and civil organizations in implementing relevant care and counseling service programs. Information on funding is published on the websites of the NIA and the IFI Network (Table 12).

**Table 12: Cultural diversity awareness events organized by civil organizations with grants from the New Immigrants Development Fund**

Unit: cases

Year	Number of cases approved
2019	20
2020	27
2021	26
2022 (Jan.-Oct.)	23

Source: NIA

75. In order to promote mutual understanding between races and ensure equal treatment, respect, and care for migrant and local workers, the MOL provides subsidies to civil organizations to organize legal awareness events, workshops, cultural exchanges, festivals, and Mandarin language courses for employers, migrant workers, and labor agencies. From 2018 to October 2022, a total of 129 workshops were attended by 5,329 managers of migrant worker, and 427 language training courses were attended by 4,276 migrant workers. Subsidies were also granted to civil organizations to organize a total of 19 advocacy events to promote the rights of foreign nationals, with a total of 62,340 attendees.
76. To facilitate exchanges between people across the Taiwan Strait, safeguard their rights and interests, and assist mainland Chinese spouses living in Taiwan, the Mainland Affairs Council (MAC) commissioned the Straits Exchange Foundation (SEF) as a key intermediary in managing cross-strait affairs. This includes establishing an institutionalized system for cross-strait document authentication and setting up a legal service hotline, where volunteer lawyers provide free legal consultation. Furthermore, the MAC and the SEF jointly organize events on relevant government laws and regulations and provide appropriate guidance and information to help mainland Chinese spouses quickly adapt to life in Taiwan. The SEF has also set up a service center for Taiwanese

businesses, which integrates government and private resources to provide services such as emergency aid for personal safety, mediation and settlement of trade disputes, and legal assistance. A service hotline for Taiwanese businesses has also been set up to provide prompt assistance.

### **Article 3. Prohibition of racial segregation**

77. Taiwan is a small island with a high population density, where different racial and ethnic groups live together and enjoy access to a convenient transportation system. There has been no racial segregation or overtly race-based settlements.

#### **A. Differentiating rights protections by geographic areas**

78. To protect the rights of indigenous peoples and preserve their traditional cultures, the government has designated areas where the indigenous peoples in Taiwan have traditionally lived as indigenous regions. Currently, there are 55 townships (cities, districts) with indigenous historical roots and cultural features (Table 13). Indigenous reservations have also been established to protect the livelihoods of indigenous peoples and implement the administration of indigenous affairs. Indigenous peoples who meet the criteria can apply to acquire ownership of these lands without charge. Regulations governing the development and management of these lands are coordinated and administered by the CIP. This policy is designed to fulfill the principle of returning land to indigenous peoples and has nothing to do with racial segregation.

**Table 13: Indigenous regions (55 townships, cities, and districts)**

<b>Mountain townships (30)</b>				
Wulai District, New Taipei City	Fuxing District, Taoyuan City	Jianshi Township, Hsinchu County	Wufeng Township, Hsinchu County	Tai'an Township, Miaoli County
Heping District, Taichung City	Xinyi Township, Nantou County	Ren'ai Township, Nantou County	Alishan Township, Chiayi County	Taoyuan District, Kaohsiung City
Namasia District, Kaohsiung City	Maolin District, Kaohsiung City	Sandimen Township, Pingtung County	Majia Township, Pingtung County	Wutai Township, Pingtung County
Mudan Township, Pingtung County	Laiyi Township, Pingtung County	Taiwu Township, Pingtung County	Chunri Township, Pingtung County	Shizi Township, Pingtung County
Daren Township, Taitung County	Jinfeng Township, Taitung County	Yanping Township, Taitung County	Haiduan Township, Taitung County	Lanyu Township, Taitung County
Zhuoxi Township, Hualien County	Xiulin Township, Hualien County	Wanrong Township, Hualien County	Datong Township, Yilan County	Nan'ao Township, Yilan County
<b>Plains townships (25)</b>				
Guanxi Township, Hsinchu County	Nanzhuang Township, Miaoli County	Shitan Township, Miaoli County	Yuchi Township, Nantou County	Manzhou Township, Pingtung County
Hualien City, Hualien County	Guangfu Township, Hualien County	Ruisui Township, Hualien County	Fengbin Township, Hualien County	Ji'an Township, Hualien County
Shoufeng Township, Hualien County	Fenglin Township, Hualien County	Yuli Township, Hualien County	Xincheng Township, Hualien County	Fuli Township, Hualien County
Taitung City, Taitung County	Chenggong Township, Taitung County	Guanshan Township, Taitung County	Dawu Township, Taitung County	Taimali Township, Taitung County
Beinan Township, Taitung County	Donghe Township, Taitung County	Changbin Township, Taitung County	Luye Township, Taitung County	Chishang Township, Taitung County

Source: CIP

79. To protect the rights of indigenous peoples to work, Article 4 of the Indigenous Peoples Employment Rights Protection Act requires government agencies of all levels, public schools, and government-run enterprises to hire a certain percentage of indigenous employees. The act excludes the counties of Penghu, Kinmen, and Lienchiang because indigenous peoples are less likely to move to these remote outlying islands in sufficient numbers to implement the law in practice. To increase employment opportunities for indigenous peoples and protect their rights to work and welfare, the

CIP has appointed an indigenous employment service representative in each of the above outlying islands to provide employment matchmaking services and help implement employment assistance policies.

**B. Measures for preferential housing**

80. To foster substantive equality among all social classes, races, and ethnicities and protect their housing rights, the Housing Act requires at least 40 percent of any social housing to be rented to economically and socially vulnerable people. As of October 2022, a total of 64,096 units of social housing have been made available. As of June 2022, 17,192 households were occupied by tenants, of which 7,963 were economically and socially vulnerable (46 percent), including 1,799 indigenous households (11 percent). Additionally, by October 2022, funding had been granted to leasing companies to search for landlords to rent out privately owned apartments as social housing to a maximum of 65,530 units, with 51,880 units successfully matched. Among the matched units, 28,717 units were for economically and socially vulnerable tenants (55 percent), including 6,928 for indigenous tenants (13 percent). The foregoing data indicate that units of social housing are provided in equal numbers to both ordinary tenants and economically and socially vulnerable tenants. Moreover, most social housing units are conveniently located and integrated into ordinary communities, which helps to prevent the formation of slums. The opportunity for indigenous and other vulnerable groups to live in social housing contributes to the promotion of substantive equality.

**C. Measures for preventing the concentration of vulnerable groups in school districts**

81. The governments of special municipalities and counties (cities) define public elementary and junior high school districts based on factors including local population, transportation, communities, cultural environment, administrative divisions, and distribution of school facilities. No distinctions are made based on specific or vulnerable groups or race. To promote equality in educational opportunities and ensure balanced educational development across regions, efforts are made to strengthen education measures in rural areas, allocate sufficient funds and flexible personnel deployment, and improve teacher welfare. Statistics for the 2021 school year show that students in rural areas accounted for only 4.7 percent of the total student population nationwide. As most rural schools are located in indigenous or adjacent townships, indigenous students account for 18.1 percent of the total student population in rural schools, which is significantly higher than the percentage of indigenous students nationally (3.7 percent) (Table 14).

**Table 14: Overview of classes and students of high schools and below in rural areas in the 2021 school year**

Unit: classes; persons; %

Item	Number of	Average number	Number of
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	classes	of students per class	students (A)	Number of indigenous students (B)	Percentage (B/A) × 100
Nationally					
All	92,246	25.6	2,363,860	86,981	3.7
Rural areas					
All	8,578	12.8	109,993	19,895	18.1

Source: MOE

#### **D. Protection of the rights of indigenous students to school education**

82. In recent years, around half of the indigenous population has moved to urban areas for education, employment, and other needs, leading to a concentration of indigenous residents in some urban areas. To protect the right to education of indigenous students, any public senior high school or below with a certain percentage or number of indigenous students may request the competent education authority to designate it as an indigenous key school. Indigenous key schools at different levels are required to hire a certain proportion of indigenous teachers. This provides more resources for indigenous students, allowing them to become more familiar with their own cultures and develop their diverse forms of learning potential. By enhancing learning competitiveness, this approach facilitates self-realization of indigenous students.
83. To resolve the difficulties of some schools in hiring indigenous language teachers and ensure the rights of indigenous students to learn indigenous languages, the CIP has implemented a program for the collective learning of indigenous languages since 2016. The program assists schools unable to hire indigenous language teachers by forming a collective learning alliance to teach indigenous languages via livestreaming using videoconferencing equipment. The program started in 29 schools with 10 classes, and by 2022 had expanded to 332 schools with 272 classes, benefiting a total of 1,172 students. The program seeks to connect tribal resources with cultural heritage; create a pool of shared teachers, teaching materials, and peers; and increase the effective use of learning resources. It also aims to protect the education rights of indigenous students by providing opportunities for indigenous students in urban areas to learn indigenous languages.

#### **E. Protection of the rights to residence and personal freedom of migrant workers**

84. The protection of the rights to residence and personal freedom of migrant workers is laid out in Article 10 of the Constitution, Paragraph 1 of Article 12 of the ICCPR, and Article 2 of the ICESCR. No person, organization, or authority may, without a legal basis and due process, directly or indirectly restrict the freedom of movement of migrant workers through forcible means. To protect the right to residence of migrant workers, the Regulations on the Permission and Administration of

the Employment of Foreign Workers require employers of foreign nationals to adhere to a Foreign Worker Living Care Service Plan. In addition, to protect the right of migrant workers to choose where they live, the regulations stipulate that a migrant worker may choose to live in accommodation not arranged for by an employer. However, the local competent authority, upon receiving a legal notice of a change in a migrant worker's place of accommodation from an employer, is required to visit the migrant worker to determine their true intention in such matters, thereby protecting their freedom of movement and residential safety.

## **Article 4. Legislation and measures for the prohibition of racial hatred**

### **A. Legislation for the prohibition of racial hatred**

85. The current laws of Taiwan do not provide for sentence aggravation for crimes motivated by racial discrimination. The key requirements for determining such crimes, deciding the level of sentence aggravation, and meeting the burden of proof are under consideration. Given that there is no social consensus on this issue, before relevant legislation can be drafted, opinions of all concerned parties will be collected, a policy direction will be formulated, and other related matters will subsequently be addressed.
86. Regarding legislation for the prohibition of racial hatred, any speech involving racial discrimination is punishable under Articles 153 (inciting others to commit a crime), 309 (crime of public insult), and 310 (crime of slander) of the Criminal Code. This is consistent with the view that penalties under the criminal laws of Taiwan are based on the protection of legal interest. In the last three years, there have been cases where the defendant insulted the plaintiff by calling the latter “indigenous shit” or “a disgrace to indigenous peoples,” with the defendant found guilty of public insult under Paragraph 1 of Article 309 of the Criminal Code. Such cases indicate that Articles 309 and 310 of the Criminal Code form an effective legal basis for protecting citizens against racial discrimination.
87. Regarding additional punishment for hate crime, legislation across nations differs due to historical context and sociocultural background, leading to varying interpretations and methods of addressing the *hate* in hate crimes.<sup>40</sup> Further study and evaluation of the sociocultural context of Taiwan is needed before the enactment of hate crime legislation. The local context should be considered when analyzing the laws and practices of other countries, along with a prudent and comprehensive assessment of the feasibility of such legislation.
88. Regarding harm against any race, actions of destroying or harming and incitement to destroy or

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<sup>40</sup> The United States focuses on dealing with attacks motivated by race, color, or sexual orientation. Germany addresses this issue under its political context. In Japan, understanding is largely associated with the ICERD.

harm any national, racial, or religious group are punishable under the laws of Taiwan. On May 5, 1951, Taiwan signed and ratified the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. On May 22, 1953, the Act on Punishment of the Crime of Genocide was promulgated and came into effect to incorporate the convention into domestic law.<sup>41</sup> Article 3 of the Act makes publicly inciting others to commit the crime of genocide a punishable offense, which already covers any speech involving racial hatred or genocide. Thus, Taiwan has enacted legislation that specifically provides for the prevention and punishment of such grave international crimes.

## **B. Prohibition of dissemination of racial hatred**

89. As freedom of speech is protected by the Constitution, the National Communications Commission (NCC) does not engage in prior review of the content of any radio/television broadcast, but instead seeking to protect the rights of citizens through self-regulation, external regulation, and legal regulation. Television associations have issued self-regulation rules prohibiting the broadcast of any content involving racial or ethnic discrimination. To strengthen self-regulation, the NCC organized training courses in 2022 on the prevention of racial discrimination for operators. In terms of external regulation, any citizen may file a complaint to the NCC and relevant radio/television operators regarding improper content. Upon receiving a complaint, the NCC will refer it to a programs and commercials consultation committee formed by civil groups, experts, academics, and operators' representatives to make recommendations on the handling of the complaint. A review will follow and the case will be processed by the NCC in accordance with the law. Any illegal radio/television content involving racial discrimination may be dealt with according to the provisions governing harm to the public order or good morals under the Radio and Television Act and the Satellite Broadcasting Act. From 2018 to 2022, among the complaints received against radio/television content, no case was penalized for racial discrimination.
90. Judicial Yuan Interpretation No. 445 states that the rights of assembly and demonstration are protected by the Constitution, constitute freedom of expression, and are an important basic human right in the implementation of democracy. On the prior review of acts of freedom of expression, the interpretation holds that it is unconstitutional for a competent authority to assess people's political speech before issuing a permit for an assembly/parade. Therefore, the Assembly and Parade Act does not preemptively censor racist or other expressions and does not contain provisions to reject such permit applications.
91. In Taiwan, there have not been any reports of any applications for assemblies or demonstrations

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<sup>41</sup> The crime of genocide (or crime of racial destruction) includes acts committed with the intent to destroy, in whole or in part, any national, racial, or religious group by killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, abducting children from the group of which they are members, and damaging the group with other means of conspiracy calculated to bring about its destruction.

calling for racial discrimination, racial hatred, or racial superiority, or any similar incidents that resemble such demands during any approved assemblies or demonstrations in the past decade. If the competent authorities discover such incidents cause violent conflict during an assembly or demonstration, the incidents will be stopped and referred to the police. When such incidents do not cause violence but are likely to involve racial discrimination, the concerned parties may legally seek remedy from the relevant authorities.

92. In order to prevent situations where any media report of the ethnicity of a defendant, criminal suspect, or litigating party leads to unnecessary public hatred or bias, the Regulations Governing the Non-disclosure of Investigations prohibit, without exception, the publication or disclosure of the sexual orientation, family relationship, ethnicity, friendship, or religion of the defendant, criminal suspect, or litigating party, or any other private information unrelated to the case concerned or public interest. Thus, the race of a defendant, criminal suspect, or litigating party is absolutely prohibited from publication or disclosure.

### **C. Prohibition of organizations that promote racial hatred**

93. According to Paragraph 4 of Section 6 of the Regulations Governing the Approval for Registration of Social Association, applications for the registration of any social association, whose name contains discriminatory or hateful text shall be rejected. Article 58 of the Civil Associations Act states that the competent authority may apply the preceding provisions to any civil association that violates the law or harms the public interest. This indicates that Taiwan has enacted regulations on the establishment of organizations that promote racial hatred and to prevent organizations carrying out acts of racial hatred. From 2018 to 2022, no petitions or complaints were received in relation to any acts of racial discrimination, racial hatred, or racial superiority conducted by any civil association or the dissemination of relevant information by any such association.

### **D. Prohibition of trademarks involving racial discrimination**

94. Under related laws in Taiwan, trademarks involving racial discrimination are subject to an examination mechanism. Subparagraph 7 of Paragraph 1 of Article 30 of the Trademark Act stipulates that a trademark contrary to public policy or to accepted principles of morality should not be registered. Furthermore, according to section 4.2 of the Examination Guidelines on Trademark Contrary to Public Policy or to Accepted Principles of Morality, trademarks with text or graphics that offend the dignity of the nation or its people, leading to a negative perception or impression that defames the dignity of the nation or its people and seriously disrupt the social order of the country, are not eligible for registration. Trademarks with text or graphics that involve racial discrimination or create a negative perception or impression that defames ethnic minorities are also prohibited. Additionally, trademarks that insult, ridicule, discriminate against, or show disrespect



towards other countries or races fall under the contrary to public policy or to accepted principles of morality and should not be registered. These regulations are consistent with the spirit and intent of the ICERD.

95. From 1983 to October 2022, three trademark registration applications were refused for involving racial discrimination. The applications concerned a trademark with the text “Huan-a Fried” designated for use in restaurants and venue rental services in 2017; a graphical trademark with the text “Huan-a Flavor From Taiwan” designated for use in restaurant services in 2018; and a graphical trademark with the text “Huan-a Flavor From Taiwan” designated for use in products including tea leaves, desserts, and ice creams. After the examination on designated products/services, these three applications were refused because the term which *huan-a* (番仔 or 蕃仔, a derogatory term for indigenous peoples) was designated for use was likely to create a negative perception, impression of defamation, or racial discrimination. Thus, they were deemed contrary to public policy or to accepted principles of morality. Since 2019, there have been no refusals of any applications for registration due to the involvement of racial discrimination, indicating improvement in cases of trademark applications harmful to the public order or good morals.

## **Article 5. Measures for the protection of all kinds of rights**

96. All people of Taiwan, regardless of gender, religion, race, class, or party affiliation, are equal before the law. Protection of the rights of noncitizens must, in principle, be in line with the requirements concerning noncitizens under ICERD General Recommendation No. 30, the ICCPR, and the ICESCR.

### **A. Litigation procedures and special protection of the rights of inmates to correspondence**

97. A complaint or lawsuit filed by any person in Taiwan regarding any racially discriminatory or racist activities, whether in pursuit of judicial or administrative remedy, will be reviewed through legal procedures. For relevant information, please refer to the notes under Article 6 in this report.
98. Regarding the promotion of equal rights in litigation, both the Code of Ethics for Expert Lay Judges in the Disciplinary Chamber of the Judiciary and the Code of Ethics for Judges explicitly stipulate that judges or expert lay judges, during the performance of their duties, may not exhibit prejudice, discrimination, differential treatment, or any other improper acts based on gender, race, region, religion, nationality, age, physical condition, sexual orientation, marital status, socioeconomic status, political relationship, cultural background, or any other factors.
99. On January 1, 2013, nine district courts in Taoyuan, Hsinchu, Miaoli, Nantou, Chiayi, Kaohsiung, Pingtung, Taitung, and Hualien were designated by the Judicial Yuan to establish specialized divisions (units) for indigenous peoples to hear cases involving indigenous peoples. Considering

that the establishment of a specialized division (unit) could enhance a judge's understanding of traditional indigenous cultures, and that indigenous populations are not only present in the areas of jurisdiction of the aforementioned nine district courts, all district courts in Taiwan (except for the courts of offshore islands), the Taiwan High Court and its branches, and all high administrative courts began to establish specialized divisions (units) for indigenous peoples on September 3, 2014. This aims to ensure the protection of the judicial rights of indigenous peoples. Furthermore, any judge handling cases involving indigenous peoples is required to attend a total of no less than 12 hours of relevant training a year.<sup>42</sup> In principle, each court must suspend the assignment of cases to any judge handling such cases for at least seven days per year for the judge to attend training workshops to regularly acquire new knowledge and improve their expertise.

100. In terms of jurisdictional protection, to make it convenient for indigenous peoples or designated tribes to seek remedy concerning their rights from a nearby administrative court, the Legislative Yuan adopted an amendment to the Administrative Litigation Act on May 31, 2022, adding Article 15-3, which will become effective on August 15, 2023, as decided by the Judicial Yuan. According to the article, any action concerning the rights or legal relations of indigenous peoples or tribes under public law may, except where both parties are indigenous peoples or tribes, be subject to the jurisdiction of the administrative court in the place of domicile or residence of the indigenous person who is the plaintiff or one in the place where the designated tribe is located. In addition, since February 14, 2018, the Judicial Yuan has accepted applications from judges for certificates of specialization in civil or criminal cases involving indigenous persons. Cases involving indigenous peoples will be heard by judges with such certificates to facilitate substantive equality for indigenous peoples in litigation procedures. To date, two such certificates have been issued.
101. Under the litigation procedures of Taiwan, measures have been established to protect the equal rights of different racial and ethnic groups before a court or judicial body. For instance, the Code of Civil Procedure, the Code of Criminal Procedure, and the Administrative Litigation Act all include assistant systems.<sup>43</sup> Moreover, according to Article 98 of the Court Organization Act, any person participating in proceedings who is not familiar with Mandarin shall be given assistance by the court to communicate through an interpreter. If they have a hearing or speech impairment, they

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<sup>42</sup> See Paragraph 4 of Article 12 and Paragraph 1 of Article 20 of the regulations governing the assignment of annual judicial matters to judges handling cases at courts of all levels.

<sup>43</sup> According to Article 76 of the Code of Civil Procedure, all acts of litigation which a party may perform during an oral argument session may also be performed by an assistant. The same shall apply *mutatis mutandis* to any family case. Article 35 of the Code of Criminal Procedure stipulates that an assistant may perform any act of litigation or make any statement before the court, provided that such act or statement does not contradict the express intent of the defendant or private prosecutor. Such acts may include filing a motion for investigation of evidence, examining any witness or expert witness or the defendant and issuing any objection in order to ensure the protection of the rights of a party to criminal proceedings. Under the provisions of Article 55 of the Administrative Litigation Act concerning assistants, a party or their attorney may, subject to permission from the presiding judge, appear with an assistant during a court session. Whenever deemed necessary, the presiding judge may order a party or their attorney to appear with an assistant during a court session. The same shall apply *mutatis mutandis* to any proceedings before the Constitutional Court.

may, in addition to communicating through an interpreter, be examined with any text of their choice, or be allowed to give statements in writing.

102. With regard to the right to counsel, the Code of Criminal Procedure requires the presiding judge to appoint a counsel for the defendant if the latter is an indigenous person charged or tried under normal procedures. The same shall apply to juvenile cases and appointed assistants for a juvenile in any juvenile protection case under the Juvenile Justice Act. These requirements are specifically designed to protect the rights of indigenous peoples. In Taiwan, the system of mandatory defense functions with the support of three pillars: public defenders, duty counsels, and legal aid attorneys. With respect to the reason for appointing a duty counsel, the numbers of defendants per year for whom a counsel was appointed by district courts with “the defendant being an indigenous person charged or tried under normal procedures” from 2019 to October 2022 were 2,251, 2,381, 1,997, and 2,163, respectively, with public defenders accounting for 31.64 percent of these cases and duty counsels 17.84 percent. Taiwan will continue to improve and implement relevant measures to protect the rights of defendants to trial under due legal process.
103. In terms of compensation for wrongful convictions, the Criminal Compensation Act, based on the principles of equality and reciprocity, states that any foreign national is entitled to claim compensation only if a Taiwanese national is entitled to the same right under an international treaty or the law of the country of the foreign national. Nevertheless, considering the fact that basic human rights are generally respected and protected worldwide, and to ensure reasonable and equal treatment of all persons (including foreign nationals and stateless persons) within territories under the sovereignty of the R.O.C. (Taiwan), the Judicial Yuan decided to adopt a draft amendment on August 17, 2021, to remove this restriction. Therefore, where the physical freedom of any person (including any foreign national or stateless person) within the territory of the R.O.C. (Taiwan) is subject to legal restrictions by any government authority, if the restrictions go beyond a level tolerable for citizens under general circumstances, resulting in a sacrifice on the part of the person, they shall be legally entitled to claim reasonable compensation.<sup>44</sup> Reparations are based on the ideal of a nation based on human rights; humanitarianism; and implementing the ICCPR, the ICESCR, and the ICERD.
104. Regarding mutual legal assistance, Paragraph 1 of Article 10 of the Mutual Legal Assistance in Criminal Matters Act stipulates that upon receipt of a request for mutual legal assistance in criminal matters from any foreign government, agency, or international organization, the Ministry of Justice (MOJ) shall deny such assistance if its provision is likely to result in any punishment or other detrimental infliction against any person due to their race, ethnic origin, nationality, gender, religion,

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<sup>44</sup> Restrictions include detention, custody, and placement.

social class, or political opinion. Additionally, the government reviewed and adopted a draft amendment to the Law of Extradition in 2022—Subparagraph 9 of Article 9 of the draft is based on Subparagraph (b) of Article 3 of the UN Model Treaty on Extradition. This includes, as grounds for refusal of extradition, the circumstance where a person may be subject to any punishment or detrimental infliction by the requesting country on account of their race, ethnic origin, nationality, gender, or status.

105. To protect the rights of foreign inmates to visits and correspondence, the Prison Act stipulates that a prison may not prevent/limit inmates from receiving visitors or correspondence, except where it is otherwise stipulated by law or where the inmate voluntarily refuses a visitor or correspondence. And foreign inmates must be treated the same as any race or ethnicity in Taiwan. In addition, upon the request of any inmate, a prison shall assist the inmate in meeting and corresponding with diplomatic or consular personnel of the inmate's country or region or persons who can represent the inmate's country or region. The inmate shall be permitted to use any text or language commonly used in their country of origin or internationally for such meeting or correspondence, while the maximum number of visitors or length of time allowed for such meeting shall be increased appropriately on a case-by-case basis. Vietnamese nationals form the largest group of foreign inmates held in correctional facilities, followed by people from Thailand, Indonesia, mainland China, and Malaysia. The foregoing requirements regarding visits and correspondence also apply to any prison inmate of any race or ethnicity in Taiwan. Moreover, to make it more convenient for an inmate to receive visitors, a prison may permit an inmate to receive visitors via telephone or other means of communication other than meeting them in person.

## **B. Legal aid measures**

106. To protect the rights of vulnerable racial and ethnic groups litigation, the Judicial Yuan amended the Legal Aid Act in 2015 to expand the categories of recipients and scope of legal aid. This has allowed any defendant or criminal suspect who is an indigenous person and who fails to retain counsel during investigation or criminal proceedings to apply for legal aid from the Legal Aid Foundation (LAF). The Legal Aid Act is also applicable to any foreign national legally residing in the territory of the R.O.C. Any foreign national subject to deportation may also, if they meet certain requirements, receive aid under the act. In reviewing the financial eligibility of any new immigrant suffering from domestic violence who intends to apply for legal aid, the LAF excludes the property of any spouse or family member in a litigating relationship with the new immigrant from calculations concerning household population in accordance with the relevant requirements.<sup>45</sup> Even if they share the same household, related property will not be included in calculations due to

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<sup>45</sup> See Article 6 of the Legal Aid Foundation Criteria for Determination of the Financial Eligibility of Legal Aid Recipients.

the nonexistence of continued support. For statistics on cases where aid was granted by the LAF from 2020 to October 2022, see Table 15.

**Table 15: General cases of aid granted by the LAF**

Unit: cases; %

Year	Total number of cases (A)	Indigenous persons (B)	Percentage of indigenous persons (B/A) × 100	Foreign nationals (C)	Percentage of foreign nationals (C/A) × 100
2020	57,304	6,775	11.82	1,699	2.96
2021	51,424	7,211	14.02	1,742	3.39
2022 (Jan.-Oct.)	46,363	7,254	15.65	1,413	3.05

Source: Judicial Yuan

107. To ensure the judicial rights of indigenous peoples and protect their lives, property, safety, and traditional cultures and customs, the CIP has adopted the Directions for the Provision of Legal Services to Indigenous Peoples and has commissioned the LAF to provide legal services to indigenous peoples since 2013. Such services include representation, defense, or assistance for litigious, nonlitigious, arbitral, and other cases, representation for mediation or settlement, preparation of legal documents, and legal consultation. From 2013 to October 2022, such services were granted in a total of 25,362 cases.
108. In terms of legal aid for new immigrants, all service centers of the NIA and the LAF have signed agreements on regular exchanges and cooperation on matters including legal consultation and the promotion of understanding of laws. The New Immigrants Development Fund also provides funding for legal consultation and assistance services, with funding granted to a total of 15 cases from 2009 to October 2022. In addition, the service centers of district prosecutors' offices cooperate with the LAF in providing consultation and other assistance to litigants. Any new immigrant in need of assistance for litigation may contact the service center of any district prosecutors' office for help.
109. For foreign nationals employed in Taiwan subject to the Employment Service Act, the MOL provides funding to local governments for legal aid in cases involving labor disputes and sexual assault. From 2021 to October 2022, NT\$422,000 was provided to local governments to fund legal aid for migrant workers in 11 cases. Foreign nationals or fishermen introduced under the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members and foreign spouses who are economically disadvantaged and have not been naturalized or have yet to establish household registration after naturalization are deemed financially eligible by affidavit and are not required to undergo a financial eligibility review. Unless the case is deemed

to lack reasonable grounds, legal assistance may be provided.

110. For cases involving labor disputes, all persons, regardless of race or ethnicity—including migrant workers—who meet the relevant requirements of the Regulations on Aids for Legal Service and Living Expenses of Labor-Management Disputes, may apply for aid for attorney compensation or for necessary living expenses or costs during the processing of their cases. From 2019 to October 2022, aid was granted for attorney compensation in 13,500 cases, for necessary living expenses to 473 persons, and for necessary costs in 168 cases. For disputes involving remittance or exchange of money by foreign migrant workers, the Financial Consumer Protection Act is applicable. Any foreign migrant worker may use, free of charge, a nonlitigation dispute settlement mechanism by filing a complaint and submitting an application to the Financial Ombudsman Institution to initiate an ombudsman case. The institution website is available in multiple languages—including English, Vietnamese, Indonesian, and Thai—to provide guidance for foreign migrant workers on how to complete an online complaint form.
111. When the police conduct interrogations involving a suspect identified as an indigenous person, the Operating Procedures for Questioning Criminal Suspects specifically stipulate that, during the investigation, if no defense counsel is appointed, the National Police Agency (NPA) shall, in accordance with Paragraph 5 of Article 31 of the Code of Criminal Procedure, notify a legally established legal aid organization to assign a lawyer to be present for their defense (the statistics on the number of indigenous suspects accompanied during interrogations are shown in Table 16). This requirement is also emphasized in in-service training and other relevant courses. Should citizens feel that their legal rights have been infringed upon, they may, in accordance with Article 95 of the Code of Criminal Procedure, remain silent after identity has been verified or they may reassert their need for a defense attorney when the police make audio or video recordings during the process of taking statements. In addition, they may also file a complaint with inspectors from the police departments to carry out an investigation.

**Table 16: Number of indigenous persons questioned by the police in the presence of an attorney**

Unit: persons; %

Year	Statistics on the number of indigenous persons questioned by the police in the presence of an attorney		
	Number of criminal suspects identified as indigenous persons (A)	Number of persons who requested the presence of an attorney (B)	Percentage $(B/A) \times 100$
2019	4,382	76	1.7

2020	3,481	169	4.9
2021	2,598	65	2.5
2022 (Jan.-Oct.)	2,303	74	3.2

Source: NPA

### C. System of court interpreters

112. Regulations governing the hiring of designated court interpreters have been promulgated to protect the right to litigate of people unfamiliar with specific languages. Courts at all levels implement a system of designated interpreters. If the court interpreters are not adequate, the court must hire designated interpreters on a case-by-case basis. Such requirement is in line with Paragraph 1 of Article 11 of the Development of National Languages Act and Paragraph 1 of Article 13 of the Indigenous Languages Development Act. Moreover, where the designated interpreters at a court are not adequate in number or for other reasons, the court may request the relevant authority or agency to assist in appointing an ad hoc interpreter, or an interpreter agreed upon by the parties concerned may be appointed.
113. To ensure the quality of interpretation, designated court interpreters are required to complete 22 hours of training and pass a review. As of October 2022, 19 languages and 253 designated interpreters were available for courts (including seven indigenous languages and 18 indigenous designated interpreter candidates). Whenever a need for interpretation arises during a hearing, the court may appoint an interpreter from the list to assist litigants or related parties with interpretation. In 2021, interpreters were appointed for 6,766 court hearings.
114. The Taiwan High Prosecutors Office and its branches maintain lists of designated interpreters for hire in accordance with the relevant requirements.<sup>46</sup> To ensure the quality of interpretation, designated interpreters are required to complete at least 12 hours of training courses. A prosecutors' office may, depending on its needs, increase the scope and hours of training courses, and may hold an exam to test the Mandarin proficiency of interpreter candidates prior to any training course, with only those passing the exam allowed to attend the course. In 2021, a total of 218 interpreters proficient in 25 languages were appointed by prosecutors' offices at all levels, with actual interpretation conducted in 7,184 sessions. For any case in which a summary judgment has been requested, the court may enter a judgment without holding a hearing. If no hearing is held, an interpreter will not be needed. In closing a case, the prosecutors' office will append a written notice on the relevant rights regarding case closure so that foreign parties to the case can understand the nature of the case closure documents received from the prosecutor as well as the way and legal

<sup>46</sup> See Sections 3, 5, and 14 of the Directions Governing the Maintenance of Lists of Designated Interpreters by the Taiwan High Prosecutors Office and Its Branches and the Payment of Daily and Travel Expenses and Compensation for Interpreters.

period in which they can exercise their rights.<sup>47</sup> Moreover, when a prosecutor holds an investigatory session via videoconference, an interpreter may be invited to assist with interpretation through physical attendance or via videoconference.

115. To ensure the judicial rights of the parties concerned, local police departments across the country maintain a list of interpreters and hire them based on the language used by the parties concerned. As of October 2022, the list included a total of 1,546 interpreters using 24 different languages. Police departments may also select interpreters when necessary by using the NIA's interpreter database and the list of interpreters designated by all levels of courts as well as prosecutors' offices. The payments for interpretation services provided by police departments are based on government directions established by the MOL on hiring NGOs to accompany foreign laborers to questioning.
116. To maintain the quality of interpretation services, the Judicial Yuan, prosecutors' offices, and police departments have created feedback forms.<sup>48</sup> Feedback is reported to the courts, prosecutors' offices, and police departments for reference in recruiting. If an interpreter is deemed incompetent, their contract shall be terminated.
117. To protect the rights of migrant workers, the MOL has promulgated directions for governments to hire NGOs to accompany foreigners to questioning. These provide guidelines on using interpreters from consultation service centers and NGOs who are familiar with the native languages of migrant workers to accompany and provide support during interviews or investigations. This service improves information provision to victims on their legal rights and obligations. From 2019 to October 2022, representatives of nonprofit organizations engaged by local governments were present in 2,842 cases during the taking of statements. The Council of Agriculture hires full-time interpreters or uses the NIA database to find native language interpreters and teachers for migrant fishermen.<sup>49</sup> To cater the translation needs of migrant fishermen, the council cooperates with religious organizations such as the Taiwan Seamen and Fishermen's Service Center and Stella Maris to conduct interviews with fishermen. From 2019 to October 2022, a total of 3,525 interviews with migrant fishermen employed overseas were conducted.

#### **D. Counterterrorism measures**

118. Current counterterrorism measures in Taiwan focus on taking precautions to crack down on actors or organizations intending to commit offenses listed in Paragraph 1 of Article 8 of the Counter-Terrorism Financing Act. These offenses involve causing death or serious bodily harm to

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<sup>47</sup> The written notice includes translations in five languages commonly used for interpretation during case hearings, namely English, Vietnamese, Indonesian, Thai, and Japanese.

<sup>48</sup> The interpretation service feedback forms of the Judicial Yuan and police agencies are available in multiple languages.

<sup>49</sup> System improvements to the National Immigration Agency's interpreter database went online in July 2020. It has interpreters proficient in 20 languages, including English, Vietnamese, Indonesian, Khmer, and Thai, and provides eight categories of services, including police investigation, care assistance, presence of interpreters during questioning and hearings, and health and medical care. As of October 2022, a total of 1,265 interpreters were available.



unspecified persons to intimidate the public or pressure the government, foreign governments, institutions, or international organizations. Follow-up evidence collection and investigations are carried out on perpetrators or organizations suspected of committing crimes under the Criminal Code, including homicide, personal injury, restriction of freedom, intimidation, and kidnapping for ransom.

119. The NPA conducts antiterrorism training courses, information campaigns, and drills to ensure swift and comprehensive protection against terrorist activities in Taiwan aimed at foreign nationals and persons from mainland China, Hong Kong, and Macao. These measures aim to enhance police officers' awareness and strengthen their counterterrorism capabilities. Moreover, the NPA conducts overseas visits and engages in international cooperation to ensure that its practices to gather and process counterterrorism intelligence are in line with international trends. These efforts aim to ensure that foreign nationals and people from mainland China, Hong Kong, and Macao receive equal protection.
120. Provisions on prohibiting the entry to Taiwan of foreign individuals who are believed to engage in terrorist activities is based on the information provided by national security agencies on persons involved in terrorism.<sup>50</sup> As of October 2022, suspected terrorists have been denied entry in a total of 5,105 cases.

#### **E. Asylum system for refugees**

121. A draft refugee act underwent deliberations during the 6th to 9th sessions of the Legislative Yuan but has not been passed, reflecting the need to build consensus among the public. The government will continue to collect examples from other countries and assess the content of the draft act in accordance with Taiwan's circumstances. The draft is planned to be submitted to the Legislative Yuan for review between 2022 and 2024.
122. Currently, asylum seekers are handled by the government on a case-by-case basis, taking into account international practices, the ICCPR, the ICESCR, and relevant domestic laws. Appropriate assistance is provided after comprehensive consideration. To date, no asylum seekers have been returned to a country or region where they may face torture or inhuman treatment. This is in strict adherence to the international principle of non-refoulement. Although a refugee act has yet to be enacted, Taiwan processed an asylum request from a Ugandan woman between 2019 and 2022. However, during her stay in Taiwan, she made new career plans and qualified to apply for residency, in accordance with existing regulations.
123. With regard to mechanisms to assist residents of Hong Kong and Macao, the Laws and Regulations

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<sup>50</sup> See Subparagraph 15 of Paragraph 1 of Article 18 of the Immigration Act. Entry and exit inspection procedures for citizens, nationals without household registration, foreign nationals, and people from Mainland China, Hong Kong, and Macao are subject to the Immigration Act and the Regulations Governing Immigration Inspection and Data Collection and Utilization.

Regarding Hong Kong and Macao Affairs stipulate that necessary assistance may be provided to residents of Hong Kong or Macao whose safety and freedom are imminently threatened for political reasons. Cases of Hong Kong or Macao residents who need assistance for political reasons may be handled in accordance with the foregoing provisions.

124. With regard to the mechanism for supporting and handling people from mainland China, none of the current regulations related to cross-strait relations contain the term *political asylum*. The government generally handles requests from people from mainland China seeking asylum in Taiwan in accordance with the Act Governing Relations between the People of the Taiwan Area and the Mainland Area (Cross-Strait Act), which grants people from mainland China long-term residency in Taiwan on a case-by-case basis. Alternatively, if asylum seekers have demonstrated outstanding performance in leading a democracy movement and face imminent risk of persecution, their requests are handled under the Regulations Governing the Dependent Residency, Long-term Residency or Permanent Residency for Naturalization of the People of the Mainland China Area Living in the Taiwan Area. If the person is not qualified under the abovementioned regulations, the government will review the request based on the spirit of the Cross-Strait Act, the ICCPR, and the ICESCR, and assist the person to seek asylum in a third country in accordance with their wishes.

## F. Right to personal safety

125. Law enforcement officials in the police and coast guard must exercise their powers according to applicable laws and regulations.<sup>51</sup> All their administrative actions must meet the relevant legal requirements. Checks may only be conducted on people if there are sufficient reasons to indicate that they have knowledge that a crime has occurred or will occur, or if other similar requirements have been met.<sup>52</sup> ICERD General Recommendation No. 36 underlines that racial profiling by law enforcement officials has become a serious issue in recent years.<sup>53</sup> Taiwan acknowledges the importance of work related to this issue and, in addition to improving routine law enforcement training, holds educational activities to promote the elimination of discrimination. Training is designed to prevent police officers or other law enforcement officials, in the process of enforcing the law, from conducting a check or investigation on a person or makes a judgment on whether a person is involved in criminal activity based on their race, color, ethnicity, or nationality. From 2019 to October 2022, foreign nationals accounted for only 1.1 percent of the total checks conducted in Taiwan (Table 17), indicating that police checks are not conducted based on nationality, race, or status.

**Table 17: Statistics on the number of police checks**

Unit: checks; %

Year	Police checks on citizens and foreign nationals				
	Total number of checks (A)	Number of checks on citizens (B)	Percentage (B/A) × 100	Number of checks on foreign nationals (C)	Percentage (C/A) × 100
2019	56,827,007	56,397,164	99.2	429,843	0.8
2020	52,626,870	52,148,551	99	478,319	1
2021	38,593,085	37,946,650	98.3	646,435	1.7
2022 (Jan.-Oct.)	35,220,905	34,539,715	98.1	681,190	1.9

Source: NPA

126. To address the problem of missing migrant workers, the MOL, the NIA, and other relevant agencies have continued to implement prevention, investigation, and penalty-related measures. In

<sup>51</sup> See the Police Power Exercise Act, the Coast Guard Act, the Cross-Strait Act, and the Code of Criminal Procedure.

<sup>52</sup> For example, swift coercive measures (such as physical restraint) may be taken against anyone who is or appears to be insane or intoxicated, or who is engaging or appears to be engaging in a suicide attempt, violence, or a fistfight. Mainland Chinese vessels and persons entering prohibited or restricted waters of Taiwan without permission will be subject to seizure and detention. In criminal cases involving smuggling and stowaways, suspects of all nationalities who have been detained or arrested in accordance with the relevant provisions of Articles 71 to 93 of the Code of Criminal Procedure will be subject to prompt questioning and escorted to designated places within 24 hours.

<sup>53</sup> Racial profiling, also known as judgment by racial appearance, refers to the belief that a person has committed a crime or is involved in a certain type of activity based on their racial or ethnic characteristics.

accordance with Article 94 of the Immigration Act and Article 62 of the Employment Service Act, the NIA has been working with national security teams since July 2012 to improve the investigation of cases involving missing migrant workers, illegal employers, and illegal brokers. The MOL has instructed local governments to impose penalties on illegal employers and brokers. It has also developed measures to address the problem at the source to reduce the number of cases of missing migrant workers. The MOL has continued to organize legal training workshops and uses multiple channels—such as Line@E-LINE, migrant workers’ Facebook groups, and a multilingual labor rights website for foreign nationals—to underline the importance of legal employment to employers, migrant workers, and brokers. These measures aim to prevent migrant workers from suffering the consequences of losing government protection after they go missing, such as being paid severely reduced wages by illegal employers, suffering personal injury, and becoming victims of human trafficking by unscrupulous operators. For statistics on the number of missing migrant workers by nationality and gender, see Table 18.

**Table 18: Number of missing migrant workers by nationality and gender**

Unit: persons

Year	Gender	All	Indonesia	Vietnam	Philippines	Thailand	Malaysia
2019	Total	48,491	23,318	22,006	2,372	794	1
	Male	18,362	3,893	13,396	416	656	1
	Female	30,129	19,425	8,610	1,956	138	0
2020	Total	52,199	24,665	24,260	2,384	889	1
	Male	20,564	4,127	15,234	461	741	1
	Female	31,635	20,538	9,026	1,923	148	0
2021	Total	55,805	26,006	26,179	2,452	1,167	1
	Male	23,465	4,405	17,538	543	978	1
	Female	32,340	21,601	8,641	1,909	189	0
2022 (as of October)	Total	77,782	26,888	46,689	2,569	1,635	1
	Male	39,914	4,822	33,097	612	1,382	1
	Female	37,868	22,066	13,592	1,957	253	0

Source: NIA

Note: *Total* in this table means the current number of missing migrant workers in Taiwan as of the end of the year.

127. To prevent human trafficking and protect the rights of victims, the Human Trafficking Prevention Act was promulgated and came into effect in 2009. According to Article 28, if the personal safety of victims of human trafficking is likely to be jeopardized after repatriation to their country (area) of origin due to their assistance in investigations or trials, they may be granted a special permit for residency or be allowed to stay. However, as there have been no cases of foreigners facing personal

safety risks after returning to their countries, no special residency permits have been granted. In terms of the placement and protection of victims, the relevant authorities are responsible for providing personal safety protection, necessary medical assistance, interpretation services, legal assistance, psychological counseling, accompaniment throughout investigations or trials, and other necessary assistance to foreigner nationals and residents of mainland China, Hong Kong, and Macao. For statistics on foreign victims or alleged foreign victims of human trafficking subject to placement from 2018 to 2021 by nationality and gender, see Table 19.

**Table 19: The placement of foreign victims or alleged foreign victims of human trafficking, by nationality and gender**

Unit: persons

Year \ Nationality	All	Indonesia		Thailand		Philippines		Vietnam		Others	
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
2018	120	21	63	1	3	4	0	9	16	1	2
2019	92	11	44	0	11	4	0	8	11	1	2
2020	108	5	36	0	23	3	7	24	10	0	0
2021	121	13	49	0	0	1	0	37	21	0	0

Source: NIA

### G. Rights to election and participation in government policymaking

128. Any citizen of Taiwan, regardless of race or ethnicity, aged above 20 years old, shall have the right of suffrage. They may register as a candidate for president or vice president if they are aged above 40 years old. An elector who is aged above 23 years old may apply to register as a candidate for public offices in the electoral district where they exercise their right of suffrage. A candidate for mayor of a special municipality or a county (city) shall be aged above 30 years old, and a candidate for the chief of a township (city) or an indigenous district shall be aged above 26 years old. Moreover, anyone who has held R.O.C. (Taiwan) nationality acquired by naturalization for 10 years may register as a candidate for the election of various public offices. Such requirements constitute reasonable differential treatment to ensure the overall national interests and public welfare and maintain a free and democratic constitutional order, based on the reason that once a naturalized citizen has become a public official of Taiwan by exercising their right to political participation, the performance of their duties will involve state acts and decisions.
129. To protect the status and political participation of indigenous peoples, since the election for the 7th Legislative Yuan, of its 113 members, three shall be plains indigenous peoples and three shall be mountain indigenous peoples. For the elections of heads of local governments, the chiefs of mountain townships and mountain indigenous districts of special municipalities shall be mountain

indigenous peoples. In special municipalities where the plains indigenous population or the mountain indigenous population equals or exceeds 2,000, there shall be councilors elected from the plains indigenous population or mountain indigenous population. In areas with mountain indigenous townships before a change in status, there shall be seats reserved for elected representatives of mountain indigenous peoples. In counties (cities) or townships (county-administered cities) where the plains indigenous population equals or exceeds 1,500, there shall be councilors elected from the plains indigenous population among all elected councilors. In counties that includes mountain indigenous townships, there shall be councilors elected from the mountain indigenous population. In addition, the draft act governing absentee voting for nationwide referendums is applicable to indigenous persons. Once the system for absentee voting has been implemented for national referendums, its implementation may serve as reference for the inclusion of absentee voting into the whole election system.

130. To ensure the equal participation of citizens, regardless of gender, race, or ethnicity, in elections and voting during an election period, the Central Election Commission releases short promotional videos and radio broadcasts in Mandarin, Taiwanese Hokkien, and Hakka, as well as newspaper copy and posters using these materials, it raises awareness about all phases of an election through television, radio, the internet, and social media. To reach out to new immigrants during an election, relevant materials—including short promotional videos and pamphlets—are appropriately translated into the languages of the countries of origin of new immigrants.<sup>54</sup> The new immigrant group TransAsia Sisters Association and several new immigrant online influencers have been invited to share election-related information on their Facebook pages. To increase the awareness of indigenous peoples, promotional posters for local elections and constitutional amendment referendums in 2022 will be translated into 16 indigenous tribal languages. Local governments will be instructed to deliver the posters to indigenous organizations, tribal councils, and cultural and health centers within their jurisdiction. The Taiwan Indigenous TV and the radio station Alian 96.3 have also been entrusted with communicating relevant information of election affairs in indigenous languages.
131. For the mechanism to ensure fair racial representation in the decision-making process of government agencies, see Notes 57 to 63. For the facilitation of appropriate representation of all racial and ethnic groups in the police and judicial institutions, see Notes 133 and 134. Furthermore, the first National Human Rights Action Plan of Taiwan includes the issue of guaranteeing and enhancing citizens' rights to participate in public affairs. For future indigenous rights and other issues, case studies of the people and groups affected by relevant policies will be used to engage

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<sup>54</sup> Including English, Vietnamese, Indonesian, Thai, Burmese, and Khmer.

the competent authorities in a direct dialogue at all stages of policy-making. The aims of these efforts are to examine procedures at all levels of government to give the public access to information and data during the policy-making process, provide suggestions with regard to the issue of the practical implementation of current transparency policies, and review and assess the necessity of revising the aforesaid strategies, mechanisms, and requirements.

## **H. Right to take civil service exams and enter the civil service**

132. According to the Constitution, citizens are entitled to take civil service exams and enter the civil service. In Taiwan, civil service qualifications are obtained through an objective and fair exam system.<sup>55</sup> To achieve objectivity based on fairness, and ensure equality among all racial and ethnic groups, the Civil Service Examinations Act stipulates that the calculation of exam scores may not be subject to special requirements in connection with personal identity/status.
133. To protect the right to employment of indigenous peoples and train competent personnel for indigenous self-government, Taiwan has designed a special civil service exam that is open only to indigenous candidates. Based on the practical needs of government agencies and considering different indigenous cultures, tribes, and local conditions, 92 categories including indigenous administrators (such as bailiffs, prison officers, and other judicial personnel categories) are open to candidates, with appropriate exam subjects designed for each category. To further protect the rights of indigenous civil servants, Article 28 of the Civil Service Employment Act, as amended and promulgated on April 3, 2019, stipulates that any person passing the special civil service exam for indigenous peoples who do not have or have lost indigenous status shall be removed from office after their appointment. When such a person has passed another exam, they may continue to be employed under that qualification.
134. To ensure that indigenous peoples have equal employment opportunities,<sup>56</sup> the Central Police University and Taiwan Police College actively recruit indigenous peoples into the police force (see Table 20 for the ratio of indigenous police officers). In addition, considering the special transportation and geographic conditions of areas where indigenous peoples live and the needs of individuals to care for their families, indigenous police officers are encouraged to serve in their hometowns. The NPA added regulations in 2016 to give priority consideration to indigenous police officers when they request a transfer to their hometowns.<sup>57</sup> When selecting and appointing officers to take over the positions of chiefs and deputy chiefs of police stations in indigenous areas, county (city) government police departments that have indigenous areas within their jurisdictions shall, out

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<sup>55</sup> See Articles 7 and 18 of the Constitution.

<sup>56</sup> To implement ICERD General Recommendation No. 31, each state party shall strive to achieve its goals, including promoting an adequate quota for all racial and ethnic groups in police and judicial institutions.

<sup>57</sup> See Paragraph 3 of Article 22 of the Regulations Governing the Promotion and Transfer of Police Personnel.

of discretion and after evaluating public security and manpower conditions, give priority to officers who are qualified and have an indigenous status. This makes use of their advantages such as being familiar with the indigenous native language and local culture, so as to facilitate the promotion of police work in indigenous areas, and allows indigenous police officers to act as a bridge between the police and indigenous tribes.

**Table 20: Statistics of police personnel in Taiwan**

Unit: persons; %

Year	Police officers in Taiwan (A)	Indigenous police officers in Taiwan (B)	
			Percentage (B/A) × 100
2019	69,151	2,272	3.29
2020	70,844	2,271	3.21
2021	69,885	2,228	3.19
2022 (Jan.-Oct.)	69,872	2,205	3.16

Source: NPA

135. Persons who have acquired R.O.C. (Taiwan) nationality through naturalization, regardless of race or ethnicity, are entitled to enter the civil service, except certain key public offices where the Nationality Act requires a period of 10 years after their naturalization (such as the president and vice president, heads of the five Yuans, and ministers). Considering that such key offices involve national decisions, holders must have a comprehensive understanding of the country’s overall interests, public welfare, socioeconomic context, and cultural practices. As the political, economic, and social systems of the country of origin of a naturalized citizen likely differ significantly from those of Taiwan, it is difficult for a citizen to become familiar with the society of Taiwan without sufficient adaptation and integration. Thus, the foregoing restriction is necessary.
136. For residents of mainland China, considering the continued reality of separate governance across the two sides; tension across the Taiwan Strait; and significant differences in the political, economic, and social systems; as well as to ensure the security and public welfare of Taiwan and maintain its free and democratic constitutional order, the Cross-Strait Act prohibits residents of mainland China who have household registration in Taiwan for less than 10 years from registering as a candidate for public office, serving as a civil servant/teacher or an employee of any government-owned enterprise agency (institution), or forming a political party. Only residents who have held household registration in Taiwan for no less than 20 years may hold a relevant position at any intelligence or national defense agency. Notwithstanding, any resident who has household registration in Taiwan



may serve as a faculty member of a college, a research fellow at an academic research institution, or a professional worker at a social education organization. They may do so in line with relevant laws and without being subject to the requirement of having household registration for no less than 10 years. In addition, to seek a balance between national security and the protection of the rights and opportunities of mainland Chinese residents in Taiwan to enter the civil service, mainland Chinese who have residency based on family, long-term residency, or household registration in Taiwan may serve as temporary employees at an agency (institution) or school.<sup>58</sup>

## **I. Right to freedom of entry into and departure from the country**

137. Subject to relevant laws and regulations, inbound visitors are welcome to enter Taiwan regardless of race, ethnicity, or nationality. Except for nationals of countries eligible for visa exemption, people entering Taiwan are required to apply for a visa (or entry permit) from the competent authority in Taiwan, which will review applications in accordance with the law. In line with international practices, if visitors do not meet entry requirements, they may be repatriated to the country of departure (the previous country of entry).
138. Due to Taiwan's unique international status and its historical context, regulations governing entry and departure are separated into categories for nationals with and without household registration; foreign nationals; and residents of mainland China, Hong Kong, and Macao. Different legal requirements apply to these travelers. Nationals with household registration enjoy freedom of residency and movement under the Constitution, and may not be prohibited from entering Taiwan. Entry and departure for other categories are subject to the Immigration Act, the Cross-Strait Act, the Laws and Regulations Regarding Hong Kong and Macao Affairs, and other applicable laws and regulations.
139. The legal requirements that apply to residents of mainland China entering Taiwan are different from those applying to other foreign nationals.<sup>59</sup> Given the continued reality of separate governance across the two sides and tension across the Taiwan Strait, such special requirements are designed to ensure the security and public welfare of Taiwan and maintain the order of cross-strait people-to-people exchanges. Additionally, considering that Hong Kong and Macao maintained their free economic systems and autonomous status following their handovers in 1997 and 1999 respectively, they have been designated by the government as special regions, distinct from other areas of mainland China. For residents of Hong Kong and Macao applying for residency or permanent residency in Taiwan, as their identity and nature are different from those of foreign nationals and

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<sup>58</sup> Judicial Yuan Interpretation No. 618.

<sup>59</sup> See the Regulations Governing Approval of the Entry of Residents of Mainland China into Taiwan, the Regulations Governing Approval of the Entry of Residents of Mainland China into Taiwan for Tourist Activities, the Regulations Governing the Dependent Residency, Long-term Residency or Permanent Residency for Naturalization of the People of the Mainland China Area Living in the Taiwan Area, and the Principles Governing the Periods for Rejection of the Entry of Residents of Mainland China into Taiwan.

people from mainland China, specific regulations have been promulgated to provide for the handling of their applications to maintain regular exchanges between Taiwan, Hong Kong, and Macao.<sup>60</sup>

140. Issuance of visas by MOFA and Taiwan's overseas missions is based on the reasons and purposes of the applicant entering Taiwan, regardless of gender or race. However, some nationalities are at higher risk of using false identities, holding forged or altered documents, staying or reside in Taiwan beyond the permitted period, and engaging in activities inconsistent with the purpose of their visas. Moreover, applying for family-based residency in Taiwan involves bilateral legal issues and concerns rights and obligations such as employment, health insurance, and naturalization. In order to protect the rights of R.O.C. (Taiwan) nationals and prevent illegal overseas travel, measures have been established to verify visa application documents and document authentication for people of certain countries who are marrying R.O.C. (Taiwan) nationals.<sup>61</sup> Overseas interviews are also conducted to clarify the purpose of a foreign spouse coming to Taiwan. The selection of certain countries is based on considerations including previous cases, border security preservation, human trafficking prevention, and the impact on public security in Taiwan. The list of such countries is subject to regular review in cooperation with police, immigration, and national security agencies, without any consideration of race.
141. During the interviews conducted by Taiwan's overseas missions involving foreign spouses, the focus is on the background of the individuals, the nature of their relationship, the truthfulness of their identities and application documents, whether there is a history of staying or residing in Taiwan beyond the permitted period, criminal record in Taiwan, previous marital status, statements of key facts concerning their marriage, and NIA visit records. To protect the rights of married couples, MOFA or the overseas mission will, in accordance with Article 13 of the Guidelines for the Ministry of Foreign Affairs and Overseas Missions of the Republic of Taiwan (Taiwan) Regarding Interviews with Foreigners Applying for Entry into Taiwan on the Basis of Marriage to an R.O.C. Citizen, give written explanations for rejecting or denying an application for document certification and an entry visa. The explanation will include information about available remedies and notification procedures for the applicants.<sup>62</sup> For applications rejected after an interview, the relevant mission will accept an appointment for further interviews if the applicants are able to provide new evidence about their relationship which the mission considers useful in clarifying

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<sup>60</sup> See the Regulations Governing Approval of the Entry of Residents of Hong Kong and Macao into Taiwan and Applications for Residency.

<sup>61</sup> See the Guidelines for the Ministry of Foreign Affairs and Overseas Missions of the Republic of China (Taiwan) Regarding Interviews with Foreigners Applying for Entry into Taiwan on the Basis of Marriage to an R.O.C. Citizen.

<sup>62</sup> According to the relevant provisions of the Administrative Appeal Act, a written appeal shall be submitted to the overseas mission within 30 days following the date of receipt of a notice of an administrative decision from one of Taiwan's overseas missions, which will refer the appeal to the Executive Yuan.

doubts.

## J. Right to acquire nationality or residency

142. According to the Nationality Act, any foreign national or stateless person residing in the territory of the R.O.C. (Taiwan) may apply for naturalization if they meet the following requirements: they have maintained residency in Taiwan for a certain period of time, possess legal capacity in accordance with the laws of Taiwan and their country of origin, have good conduct without criminal record as certified by a police clearance certificate, possess sufficient property or professional skills to support themselves or ensure their livelihood, possess basic proficiency in the national language, and have basic knowledge of civil rights and obligations.<sup>63</sup> Applications should be submitted to the household registration office in the district of residence and will be assessed by the MOI. There are no quotas or limits on nationalities or regions. The foregoing requirements show that foreign nationals of different races or countries are subject to the same procedures and criteria regarding the application for acquisition of R.O.C. (Taiwan) nationality through naturalization (Table 21).

**Table 21: Number of persons acquiring R.O.C. (Taiwan) nationality through naturalization, by nationality and gender**

Unit: persons

Year	Gender	All	Vietnam	Indonesia	Philippines	Thailand	Malaysia	Japan	Myanmar	US	South Korea	Cambodia	Other countries
2019	Male	341	95	27	23	9	30	20	9	13	4	—	111
	Female	3,097	2,230	323	339	63	39	26	36	2	2	6	31
2020	Male	348	116	29	21	12	21	17	7	16	5	1	103
	Female	3,470	2,685	315	306	46	37	13	25	4	7	4	28
2021	Male	396	126	38	31	12	25	27	8	22	6	—	101
	Female	3,683	2,781	329	400	58	26	19	33	4	5	3	25
2022 (Jan.-Oct.)	Male	336	101	43	33	10	19	5	14	10	2	1	98
	Female	2,668	2,002	224	273	43	23	18	48	2	2	9	24

Source: Department of Household Registration

143. According to the Cross-Strait Act, the distinction between residents of Taiwan and mainland China is based on household registration.<sup>64</sup> Applications from people of mainland China to settle and establish household registration in Taiwan are governed by the Regulations Governing the Dependent Residency, Long-term Residency or Permanent Residency for Naturalization of the People of the Mainland China Area Living in the Taiwan Area, rather than the regulations for naturalization under the Nationality Act. The regulations and requirements for these two cases are

<sup>63</sup> See Article 3 of the Nationality Act.

<sup>64</sup> A resident of Taiwan means any person with household registration in Taiwan. A resident of mainland China means any person with household registration in mainland China.

different due to the unique relationship between Taiwan and mainland China and the historical background.<sup>65</sup> Nevertheless, the government has long attended to the needs of mainland Chinese spouses and is dedicated to enhancing their rights and benefits.

144. For historical reasons and humanitarian considerations, the president promulgated amendments to Paragraph 3 of Article 16 of the Immigration Act to address the issue of descendants of former R.O.C. servicemen from Thailand and Myanmar residing in Taiwan. The amendment requires the NIA to permit the residency of such descendants who have returned to Taiwan for education or technical training approved by the MOE or the Overseas Community Affairs Council and are unable to be forcibly repatriated. On February 5, 2009, the MOI issued relevant notices, outlining the application process for residence permits for students from Thailand and Myanmar who lack Thai or Myanmar citizenship, possess counterfeit or forged passports, and cannot be repatriated.<sup>66</sup> A total of 2,552 applications for residency from Thai and Myanmar students have been approved.
145. In consideration of stateless Tibetans who have been staying in Taiwan for a long time but are unable to obtain legal residency, the president promulgated amendments to Paragraph 4 of Article 16 of the Immigration Act on November 16, 2016. The amendment relaxed the requirements for stateless persons from India or Nepal who entered Taiwan before June 29, 2016, were unable to be repatriated, and were recognized by the competent authority for Mongolian and Tibetan affairs through a review committee (hereinafter referred to as Tibetans in Taiwan). In such cases, the NIA shall grant them permission to remain in Taiwan. Since December 1, 2016, the MOI has accepted applications for residency from Tibetans in Taiwan. As of October 2022, a total of 20 Tibetans in Taiwan have submitted applications, of which 13 were granted stateless Alien Resident Certificates on June 3, 2019, while six applicants did not meet the criteria. The 20th was a Nepalese national who had the status of an alien overstaying in Taiwan.<sup>67</sup>
146. In consideration of the right to family reunion, since 2016, Tibetan spouses of R.O.C. (Taiwan) nationals are no longer subject to the principles of joint review of applications for residency filed by the Tibetan spouses of R.O.C. (Taiwan) nationals holding Indian travel documents. They may now apply for residency in Taiwan, following the same procedures as other foreign spouses. They are granted the right to reside in Taiwan after undergoing the review and approval process in

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<sup>65</sup> Any resident of mainland China who has stayed in Taiwan for four consecutive years may acquire long-term residency and may apply for permanent residency after two consecutive years of long-term residency. Under the Nationality Act, any foreign national who has resided in the territory of the R.O.C. for a certain period of time may apply for naturalization. Following their acquisition of nationality through naturalization, they may apply for permanent residency after residing in Taiwan as a national without household registration for a certain period of time.

<sup>66</sup> See notices on the submission of applications for Taiwan resident certificates by nationals of Taiwan from Thailand or Myanmar who remain in Taiwan without household registration and on the submission of applications for stateless resident certificates by stateless persons from Thailand and Myanmar.

<sup>67</sup> The six Tibetans in Taiwan whose applications for residency were rejected due to their failure to meet the requirements sought administrative remedies through appeals and lawsuits. They also petitioned the court for a stay of enforcement of their forced departure from Taiwan, which has been granted until a final judgment is issued in their administrative lawsuits.

coordination with relevant authorities.<sup>68</sup> As of October 2022, a total of 19 Tibetan spouses have been granted residency. Furthermore, since 2017, Tibetan minor children are also eligible to apply for residency under Article 23 of the Immigration Act, similar to the foreign minor children of R.O.C. (Taiwan) nationals. As of October 2022, one Tibetan child has received approval for residency.

147. The MOI adopted relevant operating procedures in 2017 for orphaned children and youth born in Taiwan who are nonnationals.<sup>69</sup> If the birth father is unknown and the birth mother is unreachable, a social administration agency will assist with placement during the search for the mother. Cases are temporarily granted an Alien Resident Certificate based on the nationality of the birth mother. In the event of failure to locate the birth mother, and where the MOI determines their statelessness, they are eligible to be placed for adoption and can apply for naturalization. This protects the rights of orphaned children or youths. As of October 2022, a total of 100 resident certificates have been issued, and 24 children and youths have been recognized as stateless, of which 18 have been naturalized and granted R.O.C. (Taiwan) nationality.
148. The MOI has prepared an amendment to the Nationality Act to protect the right of children to acquire nationality. The amendment stipulates that when a competent social welfare authority (agency) has guardianship over a foreign or stateless minor, it may file an application for naturalization on the minor's behalf. The minor may also receive the same vaccinations and health check services provided to other children in Taiwan. Moreover, children or youths born in Taiwan who are not nationals may receive assistance from the local education bureau (department) to be enrolled in elementary/junior high school in Taiwan prior to completing household registration or receiving a residency or long-term residency permit. In 2022, a draft amendment to certain provisions of the Primary and Junior High School Act was adopted, which added a legal basis for the enrollment of stateless students. This amendment aims to fully protect the rights to health and education of nonnational orphaned children and youth.<sup>70</sup>
149. On April 30, 2022, the MOL launched the Retention of Foreign Intermediate Skilled Workforce

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<sup>68</sup> An application for residency may be filed to the NIA in accordance with the provisions of Article 23 of the Immigration Act governing the application for an Alien Resident Certificate by any visitor visa holder entering Taiwan, and the provisions of Paragraph 4 of Article 6 of the Regulations Governing the Visiting, Residency, and Permanent Residency of Aliens.

<sup>69</sup> One of the following four circumstances may apply to children or youths who are not Taiwan nationals: 1. Where the birth mother is a foreign national and the birth father is a Taiwan national, the child or youth may be deemed to be a Taiwan national after acknowledgment by the birth father. 2. Where the birth mother is a foreign national and the birth father is also a foreign national or is unknown, the child or youth will be deemed to possess the same foreign nationality as the birth father or mother. 3. Where the birth father and mother are both unknown, the child or youth may be deemed to be a Taiwan national in accordance with Subparagraph 3 of Paragraph 1 of Article 2 of the Nationality Act. 4. Where the birth father is unknown and the birth mother is a foreign national who is missing, and where the MOFA or the NIA has failed to locate the birth mother, if the country of origin of the birth mother does not deem the child or youth to be its national or has failed to respond, the MOI will deem the child or youth to be stateless according to the relevant procedures, and an application for naturalization as a Taiwan national may be filed on the individual's behalf by an adoptive father or mother who is a Taiwan national or by the competent social welfare authority.

<sup>70</sup> On May 12, 2022, the Executive Yuan adopted a draft amendment to certain provisions of the Primary and Junior High School Act, adding a legal basis for the enrollment of stateless students to Article 30.

Program to strengthen the retention of outstanding, experienced migrant workers as well as foreign and overseas compatriot students who have attained a bachelor's (junior college) or higher degree in Taiwan. The program also seeks to retain foreign and overseas compatriot students and skilled migrant workers to engage in intermediate skilled work in Taiwan and thereby boost the workforce needed by domestic industries. Foreign nationals who have been working in Taiwan for at least six years as well as foreign and overseas compatriot students who have received an associate (junior college) or higher degree in Taiwan and meet related salary and skills requirements can apply for redesignation as intermediate skilled workers. As of October 2022, a total of 468 intermediate skilled foreign workers have been approved for retention. Any foreign national who has engaged in intermediate skilled technical work for at least five years can also apply for permanent residency in accordance with the Immigration Act and access other immigration services.

#### **K. Right to property (the right to own property solely or jointly with others)**

150. Property rights under the Civil Code may be held solely or jointly by multiple persons, without discrimination based on race, color, country of origin, or ethnic origin regarding the requirements for acquisition or protection. Nonetheless, according to Article 18 of the Land Act, foreign nationals may acquire or create land rights in Taiwan only if the conditions of equality and reciprocity are met. Under Article 69 of the Cross-Strait Act, no resident of mainland China may acquire, create, or transfer any right over any real property in Taiwan without the permission of a competent authority. Given the continued separation of the two sides and tension across the Taiwan Strait, this is designed to ensure the security and public welfare of Taiwan and maintain the order of real property transactions between the people of both sides.
151. In Taiwan, the protection of the intellectual property rights of foreign nationals and residents of mainland China is based on the principle of reciprocity in accordance with the Patent Act, the Trademark Act, the Copyright Act, and other relevant regulations. If Taiwanese Citizens are entitled to intellectual property rights protection in a foreign country, according to any treaty or agreement concluded between Taiwan and the country or its laws or practices, then its citizens' intellectual property rights are also protected in Taiwan. Since Taiwan joined the World Trade Organization in 2002, the principle of reciprocity has been applicable to intellectual property rights between WTO members and Taiwan in accordance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). As a result, people from WTO member countries are also entitled to the protection of intellectual property rights in Taiwan. Additionally, according to the Cross-Strait Agreement on the Protection of Intellectual Property Rights concluded between the SEF and the Association for Relations Across the Taiwan Straits in 2010, Taiwan recognizes the priority claims of mainland China regarding patents, trademarks, and plant variety rights. The

agreement also established an institutionalized mechanism for cooperation and coordination between the competent authorities of both sides for assistance in law enforcement. If residents of mainland China are involved in matters concerning the protection of intellectual property rights in Taiwan, they can seek assistance from the government of Taiwan through the foregoing mechanism.

152. The Protection Act for the Traditional Intellectual Creations of Indigenous Peoples was promulgated to achieve collective cultural rights under the Indigenous Peoples Basic Law, construct a spirit of indigenous self-governance, and protect indigenous culture. The act fosters the development of indigenous cultures, protects the intellectual creations of indigenous peoples, and effectively prevents improper use. As of October 2022, 150 applications for the proprietary rights of traditional intellectual creations by indigenous groups and communities have been processed. They were consolidated into 120 cases. A total of 83 cases have been registered and granted exclusive intellectual property rights for the use of the intellectual creations. This enables creators to claim their moral rights and authorizes the use of such intellectual creations by others.
153. To return land to indigenous peoples, Paragraphs 1 and 2 of Article 37 of the Slopeland Conservation and Utilization Act stipulate that indigenous peoples shall be assisted in acquiring the leasehold or ownership rights gratis to reservation land within slopeland areas, unless private ownership is prohibited by law. The ownership of indigenous reservation lands acquired by indigenous peoples may only be transferred to other indigenous people. This policy is designed to achieve the specific objectives and purposes of designating indigenous reservation lands, protecting the land rights of indigenous peoples, and stabilizing indigenous peoples' lives.
154. Government or individuals engaged in activities on public indigenous lands and their surrounding areas that limit their use by indigenous peoples, such as land development, resource use, ecological conservation, and academic research are required by law to prioritize the protection of indigenous peoples' rights to land and natural resource. Efforts should be made to consult the indigenous peoples, obtain their consent and engagement, and share relevant benefits with them. Regarding the establishment of national parks, the MOI is currently preparing a draft amendment to the National Park Law. Article 5 of the draft requires that national parks in indigenous regions should be established with the consent of the indigenous peoples. Additionally, Article 27 of the same draft, pursuant to Article 21 of the Indigenous Peoples Basic Law, stipulates that indigenous peoples must be consulted and their consent obtained for any fees related to national park activities in an indigenous region.
155. In July 2020, the directions governing the mechanism for comanagement of indigenous resources in national forest areas administered by the district offices of the Forestry Bureau was adopted as the basis for comanagement with indigenous peoples and the establishment of a comanagement

platform with tribes. An indigenous tribe-centered and issue-oriented approach was followed to fulfill the spirit of shared rights and responsibilities and implement a policy of comanagement of relevant affairs with indigenous peoples.

#### **L. Right to indigenous status**

156. In 2010, the CIP formed a task force on the affairs of plains indigenous peoples. To address their needs, representatives are invited into the task force to provide opinions. Since 2016, relevant budgets have been significantly increased to promote the revival of plains indigenous cultures and languages.
157. With respect to the petition to include plains indigenous status into the national system, the CIP will comply with the October 28, 2022, ruling of the Constitutional Court and gather opinions from various sectors. The Status Act for Indigenous Peoples will be revised or a special law will be enacted to appropriately address the identity issues of Austronesian peoples other than mountain and plains indigenous peoples. The goal is to complete the legislative process within the specified timeframe.

#### **M. Right to inheritance**

158. According to the Civil Code, an heir shall assume all property rights and obligations of the deceased at the time of commencement of succession. There are no differential requirements for the inheritance of estate based on race, color, country of origin, or ethnic origin. As to the inheritance of real estate in Taiwan by any foreign national or resident of Hong Kong or Macao, there are no restrictions except for any special restrictions under the conditions of equality and reciprocity of the country concerned. Residents of mainland China are subject to more restrictions under the Cross-Strait Act and may not inherit real estate. These special provisions aim to prevent the prolonged uncertainty of residents of mainland China inheriting Taiwanese estates—which could potentially impact the stability of Taiwan’s economic order and the rights of joint heirs—and prevent a large flow of funds from Taiwan into mainland China, which could pose risks to national security and social stability.

#### **N. Rights to freedom of thought, conscience, and religion**

159. There is no state religion in Taiwan. According to Articles 7 and 13 of the Constitution, all people, irrespective of religion, shall be equal before the law and shall have freedom of religious belief. Taiwan adheres to the principle of separation of government and religion, and does not subsidize, prohibit, or penalize any specific faith. Moreover, cultural inclusiveness promotes mutual respect and inclusion of all religions, rather than religious hatred or discrimination, enabling harmonious coexistence among followers of folk beliefs, Confucianism, Buddhism, Taoism, Christianity, Islam,



and new religions. To date, no members of any religious group have been discriminated against because of their religion, nor has the faith of members of any religious group been subject to discrimination on account of race.

160. Since the lifting of martial law in 1987, government protections for religious freedom and equality have been set out in the Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, the Judicial Yuan's constitutional interpretations, and other applicable laws. Religious freedom in Taiwan is constitutionally protected and all people are legally entitled to freedom of belief, preaching, and religious association. Inner freedom of belief, which involves the freedom of thought, speech, faith, and the spiritual realm, is absolutely guaranteed and may not be violated or deprived by the state. Religious behavior and subsequent freedom of religious association are also regulated and likewise protected by the Constitution. If there are any overlapping and conflicting norms within the right to religious freedom and other basic rights, their constitutionality will be addressed by the responsible or judicial authority on a case-by-case basis.

## **O. Right to work**

161. Paragraph 1 of Article 5 of the Employment Service Act stipulates that unless expressly provided for by another law, an employer may not discriminate against job applicants or employees on account of race. Where an employer has engaged in discrimination against a job applicant or employee on account of race, and where such discrimination has been confirmed by an employment discrimination review committee, a fine of NT\$300,000 to NT\$1,500,000 will be imposed on the employer, the names of the person or company and the company's owner will be published, and they shall be ordered to make improvements within a specified period of time. If the employer fails to make improvements within that period, a penalty shall be imposed for each such failure. Aside from the foregoing prohibition on racial discrimination in employment, different assistance measures have been established for different sectors to foster substantive equality among all racial and ethnic groups.

### **(A) Indigenous peoples**

162. To promote employment of indigenous peoples, Articles 4 and 5 of the Indigenous Peoples Employment Rights Protection Act stipulate that government at all levels, public schools, and government-owned enterprises, indigenous peoples shall account for a certain percentage of the five categories of personnel, including contract employees and civil servants.<sup>71</sup> Where the

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<sup>71</sup> According to Paragraph 1 and 2 of Article 4 of the Indigenous Peoples Employment Rights Protection Act, government agencies at all levels, public schools, or government-owned enterprises with a staff of between 50 and 100 people shall have one indigenous person for every 100 personnel of the five categories of hired personnel, including contract employees. Paragraph 1 of Article 5 of the same act states that at government agencies at all levels, public schools, or government-owned enterprises in any indigenous region, indigenous people shall account for no less than one-third of the total number of personnel of the five categories of hired personnel,

proportion of indigenous peoples falls below the legally required percentage, a contribution must be paid to the employment fund under the Indigenous Peoples' Development Fund. From 2018 to October 2022, a total of 36,456 indigenous peoples have been employed by requisite agencies (institutions).

163. Indigenous peoples are included as targets for employment promotion under Article 24 of the Employment Service Act, which requires public employment service agencies to provide personalized employment services based on their needs and assist them in finding jobs with employment promotion allowances. From 2019 to October 2022, employment assistance was provided to a total of 76,861 indigenous people.
164. According to a CIP survey on indigenous employment done in June 2022, the indigenous workforce totaled 279,477 people, including 268,376 employed and 11,101 unemployed. The workforce participation rate was 62.24 percent—higher than the 59.12 percent of the entire population—and the rate of enrollment in labor insurance was 83.59 percent. The unemployment rate was 3.97 percent—higher than the 3.74 percent of the entire population. The average monthly income of indigenous employees from their primary jobs was NT\$31,772, with those earning between NT\$30,000 and NT\$40,000 accounting for the largest group at 34.10 percent. Those working as service and sales agents (24.95 percent) constituted the largest group, followed by skill-related workers (16.45 percent). A survey of the economic circumstances of indigenous peoples in Taiwan is conducted every four years. In 2017, the average income of an indigenous household was NT\$727,683, an increase of 10.57 percent compared to 2014.
165. Indigenous people who participates in civil service exams are eligible for a 50 percent discount on the registration fee. Candidates registering for a skill certification exam can also apply for a grant for written (field) test fees, enrollment qualification review fees, and technical license fees. From 2019 to October 2022, a total of 39,579 people received such grants. To encourage indigenous peoples to develop expertise in specific areas, technician certificate holders can apply for awards based on the level of certification. From 2018 to October 2022, awards were granted to 84 holders of level-A certificates, 2,106 holders of level-B certificates, and 14,108 holders of level-C certificates.<sup>72</sup>

## **(B) New immigrants**

166. Foreign nationals and residents of mainland China, Hong Kong, and Macao who are married to Taiwanese nationals with household registration in Taiwan and who have been issued resident certificates by a competent authority may work in Taiwan without applying for permission.

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including contract employees. Paragraph 3 of the same article requires that the number of hired indigenous people be no less than two percent of the current number of employees qualified for civil service.

<sup>72</sup> See the Regulations Governing Awards to Indigenous People Receiving Technician Certificates.

167. Starting from January 1, 2019, eligible new immigrants can apply for grants when registering for skill certifications.<sup>73</sup> From 2019 to October 2022, a total of 1,355 people received grants.
168. Regulations on employment promotion subsidies for new immigrants have been adopted to encourage employers to hire new immigrants. Employers who hire new immigrants recommended by public employment service agencies and who have been unemployed for a period of 30 consecutive days or more are eligible for employment grants. From 2019 to October 2022, a total of 366 people received employment grants. Assistance for the employment of new immigrants is also available in the form of temporary job allowances, living allowances for vocational training, and job application transportation allowances for job seekers.
169. The MOL plans and organizes a variety of occupational training courses for new immigrants. Trainees can sign up through public employment service institutions, occupational training institutions, and the TaiwanJobs website.<sup>74</sup> On average, approximately 1,000 new immigrants can be trained each year.
170. According to the employment survey in the 2018 Survey Report of New Immigrants' Living Needs, most new immigrants in Taiwan work in the service sector, accounting for 59.6 percent. The overall workforce participation rate is 70.92 percent, significantly higher than the 59.19 percent of local citizens. The average monthly income of their families is NT\$52,574, which is a 13.9 percent or NT\$6,401 increase compared to the previous survey in 2013. With various measures implemented by the government to provide a variety of employment opportunities for new immigrants, their satisfaction with their current jobs has reached 89.8 percent. Most new immigrants (57.5 percent) receive a monthly salary and those earning NT\$20,000 to NT\$30,000 from their main source of income form the largest group at 52.1 percent. During the job-seeking process, 82.3 percent of new immigrants have encountered no difficulties, while approximately 17.7 percent reported facing problems. For mainland Chinese spouses, the main difficulties are workplace discrimination and unwillingness of employers to hire them due to lack of identity documents. Foreign spouses, on the other hand, face challenges primarily related to verbal communication and literacy skills when job seeking.
171. In response to the employment issues raised in the Survey Report of New Immigrants' Living Needs, the MOI has printed the *Handbook for New Immigrants Living in Taiwan* in multiple languages. It includes information concerning the protection of employment rights, counseling for adaptation,

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<sup>73</sup> For example, those who financially support their families alone, middle-aged-to-senior or senior unemployed persons, long-term unemployed persons, physically or mentally disabled persons, those who are from low-income or middle-to-low-income households, rehabilitated persons under protection, women returning to work after a career break, victims of domestic violence, or youth aged 15 to 18 who are not in school or employed.

<sup>74</sup> <https://www.taiwanjobs.gov.tw>.

and language courses.<sup>75</sup> The handbook is distributed by the NIA during interviews with new immigrants entering Taiwan. It focuses on employment requirements, the protection of rights, and courses on counseling for adaptation. The abovementioned report indicates that 73.4 percent of new immigrants are willing to allow their children to learn their native language at school, and 53.2 percent support the return of their children to their countries of origin for employment. This shows that new immigrants maintain a positive and open attitude toward their children learning their native language, seeking employment in other countries, or interacting with relatives and friends from their countries of origin.

### **(C) Migrant workers**

172. The Employment Service Act contains provisions governing the hiring of foreign nationals by employers. If an employer violates the regulations, resulting in an infringement of the labor rights of a foreign worker, penalties and fines will be imposed and employment permits will be revoked as required by the law. Migrant workers account for a significant proportion of domestic workers. The Employment Service Act requires a migrant worker to sign a written employment contract with their employer before entering Taiwan. The contract must be certified by the migrant worker's country of origin and the employer must abide by the provisions of the contract. This includes providing adequate rest time, granting one day off every seven days, specifying the salary amount and payment method, and providing the protections of the Employment Service Act and other related laws. In addition, the MOL holds regular task force meetings on the protection of domestic workers, inviting academics, experts, relevant ministries, and the MOHW to discuss ways to enhance the protection of the rights of domestic workers and continue to improve related measures.
173. According to the MOL Survey on Foreign Workers Management and Utilization of 2021, the average monthly salary for foreign workers in the manufacturing and construction industries is NT\$30,541 (for laborers in the domestic sector it is NT\$33,000), and the average monthly salary for foreign domestic caretakers is NT\$20,209.
174. The COA has adopted relevant regulations regarding foreign crew members employed overseas on distant water fishing vessels.<sup>76</sup> If the labor rights of migrant fishermen are compromised due to violation of such regulations by employers or employment agencies, penalties and fines will be imposed, along with the revocation of fishing licenses, termination of agency permits, or cessation of operations, in accordance with the law. Additionally, the COA has allocated funding for civil organizations to set up service centers in Cijin District, Kaohsiung City, to provide free consultation and rights awareness services, and cooperates with civil organizations in holding legal and rights

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<sup>75</sup> Including Mandarin, English, Vietnamese, Indonesian, Japanese, Korean, Thai, Burmese, and Khmer.

<sup>76</sup> See the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, promulgated pursuant to authorization under the Act for Distant Water Fisheries.

awareness events for migrant fishermen in Pingtung and Kaohsiung. During the mediation of disputes between migrant fishermen and their employers, fishermen may be temporarily accommodated in officially approved placement locations. Currently, the Stella Maris International Service Center for Migrant Workers and the worker’s shelter of the Indonesian Economic and Trade Office to Taipei have been engaged to assist in the placement of migrant fishermen. In the event of early termination of contracts, fishermen or employers are required to sign an affidavit for such a termination and submit it to the COA to ensure the right to work of migrant fishermen employed overseas.

175. The MOL allocates funding for local governments to set up migrant worker consultation service centers to provide psychological counseling, legal consultation, labor dispute settlement, and other assistance. To ensure the well-being of migrant workers during labor disputes or situations where employers are unable to provide accommodation or meals, the MOL has established measures for emergency placement, with the assistance of charities, religious organizations, and the representative offices of such workers. To prevent employers from arbitrarily repatriating migrant workers without legitimate reasons, the Regulations on the Permission and Administration of the Employment of Foreign Workers stipulate that if an employer terminates a contract with a migrant worker before the contract ends, they must go through a verification procedure with the local government to ascertain the genuine intent of both parties and ensure the right to work of the migrant worker is protected.
176. Various promotional programs have been launched to encourage respect for different faiths and reduce discrimination and illegal practices among employers hiring foreign workers for the first time as family caregivers or domestic helpers. These include mandatory pre-employment training sessions for statutory employers. A total of 47,567 participants were trained from 2021 to October 2022. To protect the rights of migrant workers in Taiwan to participate in religious activities, the *Handbook for Foreign Workers in Taiwan*—which includes information on religious activities—is distributed to migrant workers. Local governments and civil organizations receive funding to organize religious festival events (such as the Thai Water Festival and Eid Al-Fitr) to maintain the religious freedom of migrant workers. Table 22 presents statistics on the results of relevant promotional activities.

**Table 22: Statistics on the participation of migrant workers employed in Taiwan in religious activities**

Unit: persons; sessions

Year	Listening to radio programs	Browsing multilingual websites	Organizing legal awareness and festival

	(Number of persons)	(Number of persons)	events (Number of sessions)
2021-2022 (Jan.-Oct.)	8,695,000	4,072,535	70

Source: MOL

## **P. Right to education**

177. The MOE annually publishes summary statistics on its website on indigenous students, overseas compatriot students, students from Hong Kong and Macao, and new immigrant children studying in all levels of schools. It publishes statistics on noncitizen students in universities, colleges, and junior colleges on data.gov.tw.<sup>77</sup> In line with the General Guidelines of the 12-Year Basic Education Curriculum, the MOE designs courses on the native languages of new immigrants and issues notices on native language courses offered by elementary and junior high schools.

### **(A) Indigenous peoples**

178. Article 10 of the Additional Articles of the Constitution, which concerns the protection of indigenous cultures and status, explicitly states that indigenous cultures are essential assets of the state. Since 1998, a work plan on indigenous education statistics and surveys has been implemented. Surveys are conducted each academic year regarding the enrollment of indigenous students in schools, their performance in pursuing higher education, the percentage of indigenous teachers at schools of all levels, and the current situation and needs of schools in indigenous regions. The goal of the work plan is to understand the issues and year-by-year trends and changes in indigenous education to improve the competitiveness of indigenous students at all levels. In the 2020 academic year, the percentage of enrolled indigenous students increased slightly from that of 2019, with the percentage of indigenous students enrolled in master's degree programs seeing the highest rate of growth. Of all indigenous groups, the Amis people accounted for the highest proportion of indigenous college students in the 2020 academic year.

179. Regarding scholarships offered to indigenous college students, students from the Tao (Yami) people with household registration in Lanyu Township and Taitung County or students from low-income and middle-to-low-income households do not take up the recipient quotas of schools.<sup>78</sup> Indigenous students who meet the criteria are eligible to receive such scholarships. Scholarships are awarded twice for each academic year in the first and second semesters, with total awards amounting to around NT\$165 million to 8,200 recipients annually.

180. For indigenous students who have not applied for grants from the MOE's student aid fund and

<sup>77</sup> <https://data.gov.tw/en>

<sup>78</sup> See the Directions Governing Scholarships from the Council of Indigenous Peoples Awarded to Indigenous Students at Colleges and Universities.

whose parents' total income is under NT\$400,000, elementary school students will each receive a grant of NT\$2,000 and junior high school student will each receive a grant of NT\$4,000.<sup>79</sup> In the 2021 academic year, 16,291 students received grants totaling NT\$43,188,000.

181. To protect the rights of indigenous students to pursue higher education, each school is given an additional quota for indigenous students not included in the enrollment quota approved by the competent education authority at the relevant level. Moreover, the central competent authority for education shall reserve a number of scholarships for indigenous people in Government Scholarships for Overseas Studies.<sup>80</sup>
182. To meet the needs for childcare in indigenous regions, local governments receive funding to increase public kindergartens. Before kindergartens become widely available in areas where it is difficult to find venues and staff to set up a kindergarten due to geographical conditions, services may be provided to children through community cooperation in accordance with the law and to demonstrate the spirit of tribal care.<sup>81</sup> As of 2022, 11 community cooperation centers for educational services had been set up, with funding provided to cover the costs of their establishment and operations. The centers aim to protect the right to employment of indigenous women and the right to education of indigenous children; offer opportunities for children to learn indigenous languages, history, and culture; and fulfill the care service needs of families. The centers are open to anyone who meets the requirements, including high-income families.
183. Based on the spirit of diversity, equality, autonomy, and respect, and taking into account the principle of promoting school-specific courses, schools are encouraged to develop school-specific courses featuring ethnic education to integrate community and tribal cultural resources, promote indigenous values, and demonstrate ethnic characteristics. The aim is to build a learning environment that suits the learning needs of indigenous students and nurtures a new generation of indigenous people with ethnic consciousness. According to a survey of indigenous education for the 2020 academic year, a total of 364 schools responded to questions about curricula featuring indigenous cultures available at indigenous elementary and junior high schools throughout Taiwan.<sup>82</sup> Additionally, to ensure the passing on traditional indigenous cultures and implement the relevant requirements of the Education Act for Indigenous Peoples and the three acts on experimental education, the MOE and the CIP have jointly promoted school-based experimental

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<sup>79</sup> See the Directions Governing Grants from the Council of Indigenous Peoples to Low-income Indigenous Students at Elementary and Junior High Schools.

<sup>80</sup> See the Regulations Regarding Secured Admission for Indigenous Students and Government Scholarships for Indigenous People to Study Overseas.

<sup>81</sup> See the Early Childhood Education and Care Act and the Regulations Governing Educational Services through Community and Tribal Cooperation.

<sup>82</sup> A total of 298 key elementary schools and 66 key junior high schools, including 29 elementary schools and five junior high schools, are implementing experimental education. The most commonly taught subject is music and dance culture at 165 schools, followed by food culture at 156 schools, weaving culture at 136 schools, and tribal history at 136 schools.

education for indigenous peoples at senior high schools and below since 2016 to protect the right of indigenous students to learn. As of the 2021 academic year, experimental education for indigenous peoples was available in 36 schools.<sup>83</sup>

**(B) Hakka people**

184. Considering that the Hakka language is key to the revival of Hakka culture in Taiwan and plays a vital role in the survival of the Hakka people, the government actively promotes Hakka education and organizes proficiency tests. To revive Hakka culture, the government is committed to increasing the usage and visibility of the Hakka language and building a Hakka-friendly environment, with the aim of making it a common language in key Hakka culture development areas. Since 2020, a trial program of joint teaching of minority Hakka accents has been implemented to help elementary schools find suitable teachers, enabling students to learn Hakka via livestreaming across multiple schools.
185. On January 31, 2018, the amended Hakka Basic Act of 21 articles was promulgated and came into effect, setting a key milestone in promoting the core values of cultural diversity. To promote the use of the Hakka language for teaching, relevant programs such as Hakka school life, immersive teaching in Hakka, and Hakka courses for 12-year basic education are being implemented at elementary and high schools and kindergartens. The programs allow teachers and students to get used to speaking Hakka naturally at school through inclusive or immersive courses and educational activities conducted in the language. A strategic alliance of core schools has been formed for counseling advisors and other applicant schools to share resources, cooperate on courses and teaching, provide administrative support, and enhance the expertise of teachers. The alliance creates an environment where Hakka is used by teachers, students, and peers to influence their families. The use of Hakka in formal courses is designed to improve the learning of the language by students both quantitatively and qualitatively, lay the foundations for the recovery of the Hakka language, and establish a Taiwanese Hakka corpus.

**(C) New immigrants**

186. With globalization, new immigrants have become an important part of Taiwan society. Residents of mainland China account for the largest proportion of new immigrants, followed by nationals of Southeast Asian countries such as Vietnam and Indonesia. In line with the 12-year basic education policy, the MOE has added native languages of new immigrants under its general guidelines. It has published 126 textbook sets covering the languages of seven countries and actively trains new

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<sup>83</sup> See the Regulations Governing the Experimental Education for Indigenous People in Certain Classes at Public Senior High Schools and Below. (This footnote has been deleted due to its citation of regulations being unrelated to the content of note 183.)



immigrants to support native languages instruction.<sup>84</sup> As of 2022, 3,419 new immigrants have received training. The MOE aims to create a learning environment that enables the children of new immigrants to acquire their native languages and cultures, helping them understand and respect multiculturalism and develop global competence. Since 2020, the MOE has translated documents to promote the general guidelines into seven languages and distributed them with questionnaires to survey the willingness of new immigrants to take language courses to strengthen their identification with their own backgrounds and help them pass on their native languages and cultures.

187. In order to provide appropriate care, support, and incentives for low-income and outstanding new immigrants and their children, the Empowerment and Scholarship (Grant) Program for New Immigrants and Their Children was launched in 2012 and reinforced in 2019 to include the presidential education grant for new immigrant children and the new immigrant certificate grant. Scholarships (grants) are awarded to qualified applicants. In 2020, the 25 categories of grants for new immigrant children with special talents were increased to 33 by adding eight new categories, including grants for members of the national team for the International Junior Science Olympiad. Holders of single-class skills certification were included as eligible recipients of the new immigrant certificate grant in addition to the holders of class-A, class-B, and class-C certificates.
188. Grants awarded under the program above include grants for new immigrant children with special talents, the presidential education grant for new immigrant children, the new immigrant certificate grant, the scholarship for outstanding new immigrants and their children, and the grant for low-income new immigrants and their children. Awards range from NT\$3,000 to NT\$30,000, depending on the grant applied for. From 2018 to 2022, 59,692 people were awarded grants totaling NT\$282,994,000. Among them, 3,754 new immigrants were awarded NT\$22,919,000 and 26,092 children of new immigrants were awarded NT\$118,578,000.

#### **(D) Migrant workers**

189. To encourage the further education of migrant workers,<sup>85</sup> starting from August 15, 2022, foreign employees may, during their employment period, take relevant courses offered by associate or higher degree programs for part-time students at colleges and universities in Taiwan, with a minimum of nine credits each semester.<sup>86</sup> In line with the policy plans of the MOL and the results of surveys conducted by relevant ministries on the demand for further education among migrant workers, the MOE has assisted nearby technical and vocational colleges that meet the needs of

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<sup>84</sup> The languages of the seven countries are the official languages of Vietnam, Indonesia, Thailand, Myanmar, Cambodia, the Philippines, and Malaysia—the seven southeast Asian countries whose nationals currently account for the largest proportion of marriage-based immigrants in Taiwan and their children.

<sup>85</sup> See the requirements and review criteria for foreign nationals engaging in the activities under Subparagraphs 8 to 11 of Paragraph 1 of Article 46 of the Employment Service Act.

<sup>86</sup> For example, courses on manufacturing, construction, agriculture, and long-term care.

business talent training to set up special classes by directly discussing their needs with businesses. In the 2022 academic year, three part-time two-year junior college programs and four part-time four-year college programs were made available at China University of Science and Technology, Cheng Shiu University, Chienkuo Technology University, and Far East University. The MOL not only provides incentives for employers in the manufacturing sector to hire additional migrant workers, but also offers, based on the number of migrant workers receiving further education, a 50 percent discount in employment security fees for employers who not need to hire migrant workers, whose migrant workers already account for 40 percent of the employees, or employers in the construction, agriculture, fishery, and animal husbandry sectors or at care institutions.

**(E) Correctional education**

190. The school children of inmates from qualifying middle-to-low income households are entitled, regardless of race or ethnicity, to receive information from correctional facilities on how to apply for educational aid and scholarships under the Program for Educational Aid to the Children of Inmates at Prisons Administered by the MOJ each year. Article 6 of the draft Act Governing the Treatment of Students at Juvenile Reformatory Schools further prohibits juvenile reformatory schools from discriminating against students on account of race, color, nationality, ethnicity, or any other identity/status. This ensures the individualized and equal treatment of juvenile inmates of all races and nationalities with respect to education, counseling, recreation, food, medical care, and sports, as well as access to resources and referrals after leaving such schools.

**Q. Right to housing**

191. According to Article 4 of the Housing Act, at least 40 percent of social housing built by the government and the private sector shall be rented to economically or socially disadvantaged people, including indigenous peoples. Article 53 stipulates that housing is a fundamental human right, underlining the importance of housing for the homeless. The Act further stipulates that a certain percentage of housing shall be rented to economically or socially disadvantaged people to protect their right to housing.

192. Under its social housing development plan, the MOI drives the implementation of providing 200,000 households with social housing over eight years through directly constructing properties for 120,000 households, and the sublease of properties to 80,000 households. See Note 80 for more information.

193. Based on the MOI integrated housing subsidy program, the main considerations in the housing subsidy system are household income and other disadvantaging factors. Indigenous households are given additional weight to prioritize their access to relevant subsidies. Statistics for households granted housing subsidies in 2021 show that 9,864 indigenous households were provided with rent

subsidies, 256 indigenous households were provided with mortgage interest subsidies for housing purchases, and 46 indigenous households were provided with mortgage interest subsidies for housing renovations. Since 2022, the central government has expanded the rent subsidy project by NT\$30 billion, increasing the subsidies for indigenous households by 20 percent. As of October 2022, 16,760 indigenous households had been approved subsidies.

194. To ensure migrant workers' right to accommodation and other living rights in Taiwan, employers must provide basic accommodation and management of the premises in accordance with the Foreign Worker Living Care Service Plan. Moreover, since January 1, 2021, all employers are required to clarify whether the accommodation is separate from the workplace, whether it is located in a hazardous workplace, and whether the building has undergone public safety inspections and maintenance of fire safety equipment. These measures are aimed to ensure the safety of housing for migrant workers and enhance their quality of life.

## **R. Right to environment**

195. In response to the challenges of climate change, the government has composed draft amendments to the Greenhouse Gas Reduction and Management Act (to be renamed the Climate Change Adaptation Act). The draft amendments were submitted to the Legislative Yuan in April 2022 for deliberation. They include an additional chapter on climate change adaptation. The amendments focus on bolstering the capacity of vulnerable groups to address the impact of climate change, improving information disclosure, and incorporating mechanisms for civic engagement. It also provides that citizens, industries, and organizations should proactively take part in climate change adaptation actions.
196. In May 2022, the Ministry of Economic Affairs submitted draft amendments to the Mining Act to the Legislative Yuan for review. The changes aim to promote the conservation of resources on land under government jurisdiction, sustainable development, and protection of the right to consultation and consent of indigenous peoples. According to the draft amendments, when an application is submitted to mine indigenous land or tribal land and nearby public land, the applicant shall consult with the concerned indigenous peoples and obtain their consent, pursuant to Article 21 of the Indigenous Peoples Basic Law. Before the amendments enter effect, if approval is granted to mine indigenous land without consulting and obtaining the consent of the indigenous peoples, the procedure shall be conducted within a specified period after the amendment takes effect. As of October 2022, there were 79 instances of early-stage mining that involved indigenous land. Before the act is amended, those engaged in the mining industry are encouraged to consult with concerned indigenous peoples to obtain their consent. Thus far, 47 consultations have been initiated, with 13 cases of consent obtained.

197. In 2021, a development plan for hot spring industries in indigenous areas was launched. It has assisted 21 township/city/district offices in indigenous areas that have the potential for hot spring development. A total of 72 hot spring demonstration areas with indigenous characteristics have been developed using subsidies under the plan. Furthermore, the Jinfeng Township Office and the Eastern Rukai Culture and Education Assistance Association, both in Taitung County, were subsidized in 2016 and 2019, respectively, to help tribes develop talents for the renewable energy sector, boosting the capacity of indigenous communities to respond to the impact of climate change and natural disasters.<sup>87</sup>
198. The traditional knowledge of indigenous peoples is the knowledge and wisdom that indigenous peoples have developed and accumulated in their daily interactions with nature. It is based on coexistence and coprosperity with their lands. Based on the Indigenous Peoples Basic Law, international covenants, and the concept of just transition in response to climate change, community energy independence has been promoted in indigenous areas. To encourage the installation of renewable energy power generation facilities in indigenous areas, directions governing subsidies for renewable energy installation in indigenous areas were promulgated in 2018. Thus far, 17 township/city/district offices in indigenous areas have received subsidies. Since the Renewable Energy Development Act was amended in 2019, new directions governing such subsidies and regulations governing rewards have been made to protect the rights of indigenous peoples to develop renewable energy and support its development in indigenous areas. As a result, 11 township/city/district offices in indigenous areas have been subsidized. To date, a total of 28 township/city/district offices in indigenous areas have been subsidized to plan and evaluate renewable energy potential in their areas.

## **S. Rights to peaceful assembly and freedom of association**

199. Article 21 of the ICCPR stipulates that the right to peaceful assembly shall be recognized. Judicial Yuan Interpretation No. 718 renders unconstitutional the provisions of the Assembly and Parade Act requiring outdoor assemblies and demonstrations to obtain permission from the competent authority without excluding urgent or incidental assemblies/demonstrations. Draft amendments to the act have been introduced and are proceeding in compliance with legal procedures.<sup>88</sup> Until the amendments enter into force, principles for handling incidental and urgent public assemblies and demonstrations have been devised to provide a standard for the police and the general public to

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<sup>87</sup> The Jinfeng Township Office, Taitung, underwent a Geothermal Power Resource and Benefit Feasibility Assessment for hot springs in Jinfeng, while the Eastern Rukai Culture and Education Assistance Association in Taitung implemented the three-year Taromak green energy-based millet and *Chenopodium formosanum* industrial settlement program.

<sup>88</sup> The draft amendment to the act was submitted to the Legislative Yuan in 2016 for deliberation. As a rule, a new term of legislators cannot review cases that are left unresolved by legislators of the preceding term. Thus, the draft amendments were sent back to the administrative unit in 2019 for another round of deliberation. Nevertheless, the direction of the amendments remains unchanged.

manage and identify such events. The principles require no prior approval for incidental assemblies and demonstrations and that the application for a permit for urgent assemblies and processions shall be reviewed immediately in order to protect people's freedom of assembly and demonstration. Also, foreigners' rights to file petitions or take part in lawful assemblies and demonstrations during their legal stay in Taiwan are protected by the law.<sup>89</sup>

200. For the right to association, please refer to Note 29 under Article 1 of this report.

#### **T. Right to organize and join labor unions**

201. The Labor Union Act stipulates that all workers have the right to organize and join labor unions and that members 18 years old or above may be elected as a union director or supervisor.<sup>90</sup> Pursuant to the act, all migrant workers working within the territory of Taiwan, irrespective of nationality, race, and ethnicity, have the right to organize or join labor unions.

202. As stipulated in the Farmers Association Act and the Fishermen Association Act, the exclusion of foreign nationals from joining farmer and fishermen associations in Taiwan is based on considerations of practical operations, industrial development, and statutory missions. It involves matters of national interests and sovereignty. Hence, the reasonable restrictions imposed by these laws are legitimate and necessary.

#### **U. Rights to access to public health, medical care, social protection, and social services**

203. According to MOI statistics, the average life expectancy of indigenous peoples in 2021 was 73.92 years, 6.94 years lower than the national average. The gap has been reduced by 1.23 years compared to the average life expectancy gap of 8.17 years in 2017. During this period, the MOHW improved access to health and medical care in indigenous areas, implemented the indigenous village health inequality improvement action plan, strengthened medical facilities, promoted telehealth services, and enhanced medical resources and capacities. The CIP also established cultural health stations in indigenous areas and urban indigenous communities nationwide. As of October 2022, such stations had been set up in 480 locations, with 1,271 local indigenous peoples appointed as care workers, providing care services to 15,018 elderly indigenous peoples. These services are provided based on the principle of addressing ethnic differences, ensuring continuity and accessibility, and meeting the care needs of elderly persons.

204. Cases where it is difficult to establish long-term care institutions that meet standard requirements in indigenous areas may be reported to the competent authority.<sup>91</sup> Representatives of indigenous peoples or experts and scholars will be invited to conduct a joint review, carried out with the

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<sup>89</sup> See Article 29 of the Immigration Act.

<sup>90</sup> See the amended Article 19 of the Labor Union Act, which is scheduled to enter into effect on January 1, 2023.

<sup>91</sup> See Article 19 of the Standards for the Establishment of Long-Term Care Institutions.

approval of the central competent authority. When applying to plan a long-term care institution that does not offer residential care services in indigenous areas, the required architectural documentation may be substituted with the specified documents set forth in Article 16 of the Regulations for the Establishment, Approval and Management of Long-Term Care Institutions, in order to accommodate the concerned indigenous tribe.

205. A new system for long-term care benefits and payments was introduced in 2018. Additional payments are now available for contracted long-term care providers serving residents in indigenous areas or outlying islands. Incentives are also available for local governments to work with local providers to offer adult day care services, transportation services, temporary care, and other services. These efforts aim to strengthen the capacity of long-term care services in indigenous areas and outlying islands. As of September 2022, 41 day care centers (including small-size multifunctional centers), 58 adult foster care, and 55 long-term care management branch stations have been set up in 55 indigenous areas. Furthermore, the age requirement for long-term care service recipients among indigenous people has been lowered by 10 years, compared to the general recipients. As of September 2022, a total of 12,837 indigenous persons aged 55 and above have received long-term care benefits and payments services during the year, with a coverage rate of 68.27 percent, approaching the average national service coverage rate of 68.34 percent.
206. The CIP has formulated directions governing subsidies for the promotion of indigenous community health care services. These directions aim to encourage and connect private medical institutions, hospitals, universities, and colleges to jointly promote disease prevention and medical services for indigenous peoples, so that the health of indigenous peoples can be improved and monitored.
207. In Taiwan, Southeast Asian migrant workers are the main group affected by imported intestinal infectious diseases that include *Entamoeba histolytica* infections and shigellosis. Considering the lower socioeconomic status and limited resources of migrant workers, they are less able to access medical care compared to the general population. Language barriers and differences in hygiene standards further complicate the situation. Taking these factors into account, the MOHW subsidizes local governments to carry out intestinal infectious disease prevention plans. In addition, community volunteers are trained to conduct awareness-raising activities and home visits. Health education classes for intestinal infectious disease prevention are also provided to migrant workers and employers. Thanks to these efforts, awareness among participants has increased by over 20 percent.
208. Taiwan actively promotes the prevention and control of domestic violence, sexual assault, and sexual harassment, as well as the protection of children and youths. If individuals within Taiwan experience gender-based violence or other problems, they are entitled to access to the same service

resources and assistance as Taiwanese nationals. Access to relevant services, social welfare, and medical resources is not differentiated based on nationality, race, or culture. The number of victims of domestic violence from 2019 to October 2022 showed a rising trend. The numbers of victims from mainland China, Hong Kong, and Macao, foreign nationals, and stateless persons totaled 2,588, 2,440, 2,450, and 1,930 in each year, respectively (Table 23). To provide new immigrants with information on domestic violence and sexual assault prevention services and other related welfare resources, as well as to eliminate language barriers, the 113 protection hotline offers interpretation services in English, Vietnamese, Indonesian, Thai, and Japanese. NIA specialized operation corps and service center personnel in different cities and counties also work to increase domestic violence prevention among new immigrants and are responsible for the mandatory reporting and referral of related cases.

**Table 23: Victims of reported domestic violence cases by gender and nationality**

Unit: persons

Year	Gender	Number of victims						
		Nationality/identity						
		Total	Nonindigenous victims with R.O.C. nationality	Indigenous victims with R.O.C. nationality	People from mainland China, Hong Kong, and Macao	Foreign nationals	Stateless persons	Unknown
2019	Total	103,860	93,597	5,520	1,231	1,329	28	2,155
	Male	33,498	31,151	1,567	44	126	13	597
	Female	70,362	62,446	3,953	1,187	1,203	15	1,558
2020	Total	114,308	103,666	5,967	1,191	1,232	17	2,235
	Male	39,225	36,444	1,791	48	142	3	797
	Female	75,083	67,222	4,176	1,143	1,090	14	1,438
2021	Total	118,463	107,559	6,274	993	1,430	27	2,180
	Male	42,274	39,200	2,062	52	202	13	745
	Female	76,189	68,359	4,212	941	1,228	14	1,435
2022 (Jan-Oct)	Total	105,343	96,051	5,531	809	1,101	20	1,831
	Male	38,012	35,383	1,814	34	161	10	610
	Female	67,331	60,668	3,717	775	940	10	1,221

Source: MOHW

209. The MOHW has released the *Maternal Health Handbook*, *Maternal Health Education Handbook*,

and *Children Health Handbook* in multiple languages.<sup>92</sup> It has also published *Diabetes and Me* in English and Vietnamese. These publications allow new immigrants to acquire knowledge related to infants and children, diabetes care, and so forth. This ensures access to health education and services is not differentiated based on nationality, race, or cultural differences, thereby reducing inequality caused by language barriers. To assist transnational marriage families in appropriately dealing with disputes over the guardianship of minor children, and to prevent the unauthorized removal of children from home, which may disrupt their right to maintain relations with the other parent, the MOHW has produced radio broadcasting materials in English, Vietnamese, and Indonesian to promote the concept of friendly parenting.

210. According to regulations, employers must provide labor insurance and labor occupational accident insurance coverage to employees, regardless of their nationality. When accidents covered by these insurance schemes occur (including injury, illness, disability, or death), the insured persons and their beneficiaries are entitled to insurance benefits according to the regulations, regardless of nationality. As of September 2022, 9,871,924 Taiwanese nationals and 560,580 foreign nationals were covered by labor insurance, and 10,315,461 Taiwanese nationals and 711,978 foreign nationals were covered by labor occupational accident insurance.
211. Regarding correctional facilities, nonnational inmates who meet the requirements under Articles 9 and 10 of the National Health Insurance Act are eligible for the NHI. For foreign inmates who are not eligible for the NHI but have medical needs, medical services are primarily arranged through public clinics within the correctional facility where they are confined. If the inmate intends to seek medical treatment at their own expense within the prison, the correctional facility will assist in providing them with the same medical rights as Taiwanese inmates. If an inmate cannot afford medical expenses, the facility may consider their circumstances and use medical subsidies for the underprivileged under the facility's operational fund or living subsidies for inmates to ensure the inmate's right to receive medical care.

## **V. Right to equal participation in culture**

212. The Cultural Fundamental Act has been enacted to protect the cultural rights of the people, expand cultural participation, realize multiculturalism, promote the diverse development of culture, and set fundamental principles and policy directions for national cultural development. Article 4 of the act states: "People shall not suffer discrimination or be subject to unduly different treatment based on ethnic group, language, sex/gender, sexual orientation, age, location, religious belief, infirmity, socioeconomic status, or any other condition in the enjoyment of their cultural rights." Article 5 states: "The people have the right to participate in, appreciate, and enjoy access to culture. The

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<sup>92</sup> English, Vietnamese, Indonesian, Thai, and Khmer.



nation shall construct a cultural environment conducive to equal rights, so as to ensure people's right to participate in and enjoy cultural life." The act provides robust legal protection to respect and safeguard cultural diversity and promote discrimination-free participation in cultural life for all in Taiwan.

213. To facilitate and guarantee the public's equal rights to participate in and access culture and to ensure that no Taiwanese nationals experience differences on the ground of identity, gender, mental/physical status, age, location, ethnicity, and other conditions, the MOC formulated the Directions on Subsidizing for Cultural Rights in 2018. The subsidies aim to promote the concept of equal cultural rights, access to culture, and other relevant activities.
214. With a view to increasing the participation of new immigrants in community development initiatives, the New Immigrants Art and Culture Promotion and Community Building and Participation Project has been set in motion. Through professional assistance and practical operations, the project aims for all sectors of society to have a greater understanding and acceptance of cultural diversity. By participating in community development initiatives, new immigrants can better establish their cultural subjectivity, achieve equal cultural rights, and show Taiwanese nationals their life stories, as well as their native countries' cultures and characteristics. In addition, the promotion of the Indigenous Village Cultural Development Project empowers indigenous peoples to address issues concerning their cultural development. By involving indigenous youth and encouraging self-initiated actions, this project contributes to the cultural preservation and development of indigenous peoples in both urban areas and indigenous villages. It aims to promote multiculturalism and equal protection in cultural activities.
215. Regarding equal language rights, to protect people's right to use the Hakka language, the HAC actively promotes Hakka in public affairs, encouraging private enterprises to use Hakka and facilitating the establishment of Hakka-language communities. These measures aim to create a Hakka-friendly environment where people have more opportunities to use the language in both public and private sectors. Examples include real-time Hakka interpretation in public services, barrier-free facilities, cultural exhibitions, large events, and conferences. To ensure equal participation and nondiscrimination in cultural activities, efforts have been made in the production of picture books and animated videos with multilingual voice-overs in Hakka, Mandarin, English, and Japanese, as well as digital archives of cultural artifacts on the internet. A special exhibition *Hidden Meanings behind Indigenous and Hakka Traditional Clothing Patterns* in 2021 featured Taiwanese Hakka and indigenous fashions, which illustrated the mutual respect and reciprocal learning that had taken place between the two groups during their long interactions.
216. Since the 17th century, indigenous peoples in Taiwan have been ruled by foreign regimes and

marginalized by society. To protect indigenous peoples, encourage them to enhance their self-identification, and pass down their culture and history, the CIP has formulated the Directions Governing Subsidies for the Promotion of Indigenous Education and Culture to motivate indigenous peoples to write down, study, develop, and promote local indigenous culture and their personal experiences. Work such as the study of history, compilation of literature, and promotion of languages related to indigenous peoples has been actively carried out to progressively construct history from the perspective of indigenous peoples. In addition, plains indigenous peoples in Taiwan have requested the rectification of their names in pursuit of self-identification and revitalization of their languages and cultures. The CIP fully supports these initiatives and implements key measures such as the reconstruction of villages and the revitalization of the languages and cultures of plains indigenous peoples.

## **W. Right to media**

217. To guarantee the right to media for people using different languages and of different cultural identities, Hakka TV and Taiwan Indigenous TV were launched in 2003 and 2005 respectively, for the Hakka ethnic group and indigenous peoples to receive information. In 2018, the channel PTS2 was transformed into PTS Taigi with all programs in Taiwanese Hokkien to promote equal cultural rights and the access to culture. Regarding radio broadcasting, Hakka Radio and Alian 96.3 were introduced in 2017 to facilitate the equal cultural rights and the access to media for the Hakka ethnic group and indigenous peoples.
218. To encourage and facilitate the Hakka ethnic group's access to media content, the Hakka TV and Hakka Radio channels have developed programming based on the linguistic and cultural identity needs of the Hakka ethnic group, as well as the need to access media. Audiences are attracted by the stations' refined, youthful, and cross-cultural programs, which help preserve and revitalize the Hakka language and culture. These efforts contribute to making Hakka a mainstream language in Taiwan.
219. To protect indigenous languages, the production and broadcasting of television programs in indigenous languages is encouraged. In 2021, a total of 4,770 hours of shows in indigenous languages were produced and broadcast on Taiwan Indigenous TV, accounting for 54.45 percent of the total programming. On August 9, 2017, the radio station Alian 96.3 was officially launched, with the mission to safeguard indigenous peoples' access to indigenous language radio services; protect indigenous peoples' right to access media; and preserve indigenous languages, cultures, and education. In 2021, 55 radio programs totaling 8,760 hours were produced, with a 100 percent self-production rate. Among these, 5,971 hours were indigenous language programs, accounting for 68.16 percent of the total programming.

## **X. Right to equal participation in sports and competitions**

220. To prevent racial hatred and prejudice in the field of competitive sports, Taiwan prohibits the establishment of regulations that involve hatred and prejudice in the training of athletes, coaches, and referees. Various student sports leagues organized by the MOE specifically require that all enrolled students in participating schools are eligible to register and participate, which guarantees the right to equal participation in sports and competitions of students of different races. Where a player commits a serious breach of discipline or the law during a competition, the case will be sent to the Technical Commission for review. For example, personal attacks using inappropriate words against a player with a different skin color in a basketball game are considered unsportsmanlike conduct and deemed as a disqualifying foul as per the rules of the International Basketball Federation. Depending on the situation, language involving suspected racial discrimination may also be considered as a technical foul or lead to a warning. To raise understanding among coaches and referees of the value of racial equality, the MOE plans to include courses on racial equality in the curricula of professional training programs for certified referees and coaches in specific sports organizations.

## **Y. Right to access to service premises**

221. To ensure people of different racial and ethnic groups enjoy equal access to and use of transportation, all land, sea, and air stations and ports under the jurisdiction of the Ministry of Transportation and Communications (MOTC) are subject to the related regulations in the ICERD. Stations and ports must provide universal and user-friendly facilities (equipment) and services to protect the right to access to transportation services of all racial and ethnic groups. For example, railway and highway transportation operators may not refuse a passenger, except in circumstances set forth in Article 4 of the Railroad Transportation Regulations, Article 6 of the Passenger Transportation Contract of the Taiwan Railways Administration, MOTC, and Article 57 of the Regulations for Automobile Transportation Operators. Thus far, no passenger has been refused by any railway and highway transportation operators on the grounds of race or ethnicity.

222. Taiwan has created a friendly, sustainable environment for racial and ethnic diversity in public settings such as hotels, restaurants, hospitals, and transportation stations. The promotion of interaction with Muslims in the sectors of tourism, trade, culture, medical care, and so forth is one such example. In line with the government's efforts to improve people's understanding of Muslim culture and customs and to build a Muslim-friendly environment, the MOTC provides guidance to set up Muslim-friendly facilities in transportation stations and scenic areas, encourages accommodation providers and caterers to obtain Muslim-friendly environment certification, and promotes halal food certification. In 2022, Taiwan was again placed second on the Global Muslim

Travel Index list of non-Organisation of Islamic Cooperation destinations. Taiwan offers convenient options for daily life and travel to nearly 280,000 long-term Muslim residents. Moreover, Muslim prayer rooms are available in many transportation hubs (such as Taipei Main Station and Taiwan High Speed Rail Taichung Station).

223. To build a Muslim-friendly medical care environment, the MOHW granted subsidies to several hospitals to implement a halal certification program in 2019. This initiative aims to enhance the sense of security and trust of Muslim patients and make it easier for Muslims to seek medical care or carry out care work.

## **Z. Right to marry and choose a spouse**

224. Since the Constitution guarantees people's freedom of marriage in Article 22 and people's equal rights in Article 7, the Judicial Yuan ruled in Interpretation No. 748 on May 24, 2017, that the right to freedom of same-sex marriage is also protected by the Constitution. To present a society that embraces sexual and gender diversity and shows respect and attention for equal rights, the Act for Implementation of J.Y. Interpretation No. 748 came into effect on May 24, 2019.<sup>93</sup> The number of same-sex marriages as of October 2022 can be found in Table 24. In addition, as love has no national boundaries, each Taiwanese national should be protected by the state equally, regardless of whether the spouse they choose is a Taiwanese national, foreigner, or resident of Hong Kong or Macao. The Judicial Yuan, therefore, has developed a draft amendment to the Act Governing the Choice of Law in Civil Matters Involving Foreign Elements, which will be submitted to the Legislative Yuan for deliberation. If the draft amendment is passed by the Legislative Yuan, even in cases where the home country of one of the parties does not recognize the marriage, as long as the other party is Taiwanese, the marriage will be recognized under the law of Taiwan. As for cross-strait couples of the same sex, the MAC is currently discussing draft amendments to the Cross-Strait Act, aiming to align the regulations governing foreign nationals and mainland China residents. However, opinions vary in different sectors of society. These opinions will be further studied, referenced, harmonized, and thoroughly assessed to serve as a reference for policy making and law amendments.

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<sup>93</sup> Taiwan has become the first country in Asia and the 27th country in the world to legalize same-sex marriage. According to the law of Taiwan, same-sex couples, with both parties aged 18 or above, may enter into a same-sex marriage, and they are entitled to inherit the property and adopt the biological children of their spouses under the Civil Code.

**Table 24: Number of people entering into a same-sex marriage by original nationality of both parties**

Unit: persons

Year	Gender	Total	Original nationality (area)						
			R.O.C. (Taiwan) nationality	Mainland China, Hong Kong, and Macao			Foreign ethnicities/nationalities		
				Total	Mainland Area	Hong Kong and Macao	Total	Southeast Asia	Others
2019	Total	5,878	5,719	12	2	10	147	9	138
	Male	1,856	1,734	2	—	2	120	2	118
	Female	4,022	3,985	10	2	8	27	7	20
2020	Total	4,774	4,646	11	3	8	117	4	113
	Male	1,348	1,254	4	—	4	90	1	89
	Female	3,426	3,392	7	3	4	27	3	24
2021	Total	3,712	3,633	13	3	10	66	6	60
	Male	1,070	1,017	7	1	6	46	—	46
	Female	2,642	2,616	6	2	4	20	6	14
2022 (Jan.- Oct.)	Total	3,866	3,775	13	5	8	78	11	67
	Male	1,052	997	2	—	2	53	3	50
	Female	2,814	2,778	11	5	6	25	8	17

Source: Department of Household Registration, MOI

Note: The original nationality (area) entry of the statistics in this table refers to the nationality (area) that each individual originally had (were originally from) instead of the nationality (area) at the time of marriage registration.

## Article 6. Remedies for victims of racial discrimination

225. Judicial, Control Yuan (ombudsman institution), and administrative remedies, which operate independently, are available for victims of racial discrimination in Taiwan.<sup>94</sup> Government agencies under the Executive Yuan are supervised by higher-level organs and administrative appeal or litigation can be utilized where there are objections to a decision. A supervision function also exists among the five Yuans at the highest level of government in Taiwan. For example, based on the result of investigations, the Control Yuan may request related competent authorities to make

<sup>94</sup> Judicial remedies are filed in accordance with the Code of Criminal Procedure, the Code of Civil Procedure, and the Administrative Litigation Act. The Control Yuan and its members may receive people's written complaints in accordance with Article 4 of the Control Act. The National Human Rights Commission has the power to investigate complaints involving various forms of discrimination from the general public and to handle them and provide remedies according to the law, as specified in Paragraph 1 of Article 2 of the Organic Act of the Control Yuan National Human Rights Commission. People are entitled to make complaints to competent government agencies pursuant to Articles 168 to 173 of the Administrative Procedure Act. The administration has established special laws (such as the Employment Service Act and Article 62 of the Immigration Act), and citizens may present petitions according to the respective procedures.

improvements or it may propose corrective measures to address improper actions. Public servants who have severely violated the law or neglected their duties may face impeachment or censure. As for judicial remedies, racial discrimination is governed under the right of reputation and offenses against reputation, respectively in the Civil Code and the Criminal Code. Thus, there are no systematic statistics on racial discrimination cases. Table 25 provides details on racial discrimination cases handled by the Control Yuan, the MOL, and the MOI.

**Table 25: Racial discrimination cases handled by the Control Yuan, MOL, and MOI**

	Control Yuan		MOL	MOI
Legal basis	Article 4 of the Control Act		Article 5 of the Employment Service Act	Article 62 of the Immigration Act
Cases accepted	Statistical period	2010 to Oct. 2022	2018 to Oct. 2022	2008 to Oct. 2022
	Cases accepted	3	14	29
	Outcome	Justified: 2 cases Not Justified: 1 case	Justified: 1 case Not justified: 13 cases (under review: 9 cases)	Justified: 0 cases Not justified: 23 cases Rejected: 5 cases Withdrawn: 1 case
	Description:	Of the three cases, two complainants were by Taiwanese nationals and one by a Pakistani national. Two cases were found justified, and one case was found not justified. The success rate for such complaints is approximately 66 percent.	One case was found justified, and a fine of NT\$300,000 was imposed. The reasons that cases were found not justified included not being determined as an employment discrimination case, withdrawal by the petitioner, no legal violations as demonstrated in the investigation, transfer of jurisdiction to another agency, or other factors.	Reasons that cases were found not justified or rejected (as reviewed and resolved by the Taiwan Area Residents Discrimination Petition Review Committee): 1. The purpose of the petition did not involve the factors of nationality, ethnicity, skin color, class, or birthplace: 4 cases. 2. No evidence was presented to describe any substantial infringement of rights: 14 cases. 3. The petition was

	Control Yuan		MOL	MOI
				determined as beyond the scope of discrimination: 11 cases.

Source: Control Yuan, MOL, and NIA

## A. Introduction to the judicial remedy system

226. Judicial procedures, including court proceedings, are available in Taiwan to ensure that victims of racial discrimination can seek judicial remedies to protect their rights. Article 16 of the Constitution guarantees people’s right to institute legal proceedings. People have the right to seek judicial remedies when their rights or legal interests have been violated.
227. Victims of racial discrimination due to religion, race, lineage, or birthplace may seek remedies through various legal procedures. In addition to filing civil lawsuits based on the facts of each case according to the Civil Procedure Code, contract, or torts, people can also file a criminal complaint against the offender under the Code of Criminal Procedure. Where a case involves the exercise of state authority, victims may seek compensation from government agencies in accordance with the State Compensation Law.
228. To protect victims, including in racial discrimination cases, and ensure their participation in proceedings as specified in the Code of Criminal Procedure, the Judicial Yuan has taken administrative actions to ensure that remedies can be utilized by victims of racial discrimination. Specific measures include legal aid for victims who cannot afford litigation fees;<sup>95</sup> protection of the privacy of victims of racial discrimination (such as shelter facilities and other protection measures, prevention of disclosure of victims’ personal data, masking victims’ names in judgments to avoid secondary harm, etc.);<sup>96</sup> the right to have a person accompanying victims in proceedings;<sup>97</sup> victims’ participation in criminal proceedings;<sup>98</sup> and the Victims Platform of Access to Criminal Proceeding Information.<sup>99</sup>
229. The Judicial Yuan has established referral systems for mediation and restorative justice to ensure

<sup>95</sup> See Articles 1 and 27 of the Legal Aid Act.

<sup>96</sup> See Article 271-2 of the Code of Criminal Procedure.

<sup>97</sup> See Article 271-3 of the Code of Criminal Procedure and Article 2 of the Court Seats Layout Rules.

<sup>98</sup> The Judicial Yuan announced the latest version of the notice of rights for victims and complainants in September 2021 and provided updated information on the rights and protection of victims. The notice is sent by the court to victims of racial discrimination who file actions. It can also be obtained from the official website of the Judicial Yuan. See Articles 35 and 455-38 to 47 of the Code of Criminal Procedure.

<sup>99</sup> The Judicial Yuan worked with the Ministry of Justice to build the Victims Platform of Access to Criminal Proceeding Information. Victims may fill out petitions for criminal proceeding information and submit them to the governing prosecutors’ office during investigations or to the court in charge of the case in question during the trial. On the platform, they can, upon approval, inquire about the progress of their cases, compulsive measures, judgment results, and execution of criminal matters to better understand how the proceedings are progressing and the content of the proceedings.

that victims, including those of racial discrimination, can make effective use of remedies in the Code of Criminal Procedure<sup>100</sup> to streamline and clarify the process of referral to restorative justice in criminal trials. Specific measures include issuing directions on transfer of criminal cases to mediation during trial; providing the criminal court a mediation referral order for reference so as to clarify the process of mediation in criminal cases; and compiling a list of restorative groups, along with points of attention on relevant matters. The Judicial Yuan has issued the Instructions on Referral to Restorative Justice during Trial as well as the Diversified Promotion Plan for Referral to Restorative Justice during Criminal Trial. From January to October 2022, there were five cases in district courts and one case in the high court in which restorative justice was requested in criminal proceedings.

## **B. Judicial arrangement and judgment of racial discrimination cases**

230. In Taiwan, acts of racial discrimination against individuals or ethnic groups are primarily dealt with in accordance with the provisions involving the right of reputation in the Civil Code and those stipulated in the chapter governing offense against reputation in the Criminal Code. Articles 309 and 310 of the Criminal Code pertain to the offenses of public insult and defamation, respectively. These provisions stipulate penalties for discriminatory speech and are in line with the penalties under the criminal laws of Taiwan, which aim to protect legal interests. Articles 309 and 310 of the Criminal Code can be applied to punish offenses against the reputation of specific ethnic groups. In the Civil Code, the most common form of addressing infringement of the right to reputation is the court's consideration of factors such as the intellectual level, economic condition, and extent of damage of both parties involved. The court may then issue a ruling ordering the offenders to compensate the victims with a certain amount of solatium as a means of redress. In previous cases, the amount ranged from thousands to tens of thousands of New Taiwanese dollars. The victim may also request proper measures be taken to restore their reputation. The crime of offense against reputation specified in the Criminal Code may be punished with imprisonment of no more than two years. In summary, a person committing racial discrimination may be punished with imprisonment and held responsible for monetary compensation and restoration of reputation.
231. Civil servants (i.e., agents of the state) involved in racial discrimination or racial hatred may be punished according to Article 134 of the Criminal Code, which states that a public official who takes advantage of their authority, opportunity, or means afforded by their official position to intentionally commit an offense not provided for in Chapter 4 of the Criminal Code shall be subject to the punishment prescribed for such offense increasing up to one half, unless special provisions have been made for such punishment because of their status as a public official. Where a civil

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<sup>100</sup> See Article 271-4 of the Code of Criminal Procedure.



servant commits racial discrimination against the public, the punishments in this article and Articles 309 (offense of public insult) and 310 (offense of defamation) of the Criminal Code may apply.

232. When managing indigenous affairs, enacting laws, or executing judicial and administrative remedy procedures, notarization, mediation, arbitration or similar procedures, the government must respect the native languages, traditions, customs, cultures, and values of indigenous peoples and protect their legal rights. For indigenous persons who do not speak Mandarin, a person proficient in their native language shall be appointed as an interpreter. When dealing with cases related to indigenous peoples, prosecutors must observe Article 23 of the Indigenous Peoples Basic Law, which states: “The government shall respect indigenous peoples’ rights to choose their lifestyle, customs, clothing, modes of social and economic institutions, methods of resource utilization and types of land ownership and management.” The spirit of other laws and special regulations—such as Article 21-1 of the Wildlife Conservation Act and Article 20 of the Controlling Guns, Ammunition and Knives Act—must also be properly observed. The MOJ also holds workshops and seminars to raise awareness about investigations into violations by indigenous peoples of the Slopeland Conservation and Utilization Act. In such cases, to protect the legal rights of indigenous peoples, attention should be paid to whether they have lived on reservation lands and used them for generations. Statistics on convictions in cases involving persons of indigenous identity in the last four years are shown in Table 26.

**Table 26: Statistics on convictions in cases involving persons of indigenous identity as executed by local prosecutors’ offices**

Unit: persons; %

Year	Controlling Guns, Ammunition and Knives Act					Wildlife Conservation Act					Slopeland Conservation and Utilization Act				
	Number of guilty persons (A)	Cases under summary judgment (B)		Cases under plea bargain (C)		Number of guilty persons (D)	Cases under summary judgment (E)		Cases under plea bargain (F)		Number of guilty persons (G)	Cases under summary judgment (H)		Cases under plea bargain (I)	
		Ratio (B/A) × 100	Ratio (C/A) × 100	Ratio (E/D) × 100	Ratio (F/D) × 100		Ratio (H/G) × 100	Ratio (I/G) × 100							
2019	1,502	223	14.8	14	0.9	49	25	51.0	2	4.1	5	1	20.0	1	20.0
2020	1,486	200	13.5	13	0.9	24	11	45.8	3	12.5	4	3	75.0	1	25.0
2021	1,208	198	16.4	17	1.4	35	11	31.4	22	62.9	5	1	20.0	-	-
2022 (Jan.-Oct.)	1,082	204	18.9	7	0.6	38	17	44.7	11	28.9	1	-	-	-	-

Source: MOJ

Note: The statistics of the cases under summary judgment are obtained based on final judgment case numbers containing *Jian*.

233. According to Judgment 2022-Xian-Pan-4 of the Constitutional Court, the additional requirement of taking the surname of the indigenous father or mother, or using traditional indigenous names for children of intermarriages between indigenous and nonindigenous people to acquire indigenous status, as specified in Paragraph 2 of Article 4 of the Status Act for Indigenous Peoples, restricted the right to acquire indigenous identity of a person with indigenous lineage. This restriction does not conform to the principle of proportionality under Article 23 of the Constitution and is therefore unconstitutional. The additional requirement directly establishes differential treatment between the children of marriages between indigenous peoples and the children of intermarriages between indigenous and nonindigenous people. It is neither necessary nor indispensable and violates the principle of racial equality enshrined in Article 7 of the Constitution.
234. The spirit of the 2022 judgment of the Constitutional Court includes the following principles: using an indigenous person's traditional name helps the promotion of identity; taking the Han person's surname of the nonindigenous father or mother with an indigenous name can also objectively express identity; representation of indigenous identity should be determined autonomously by each indigenous group; and appropriate distinctions should be made based on the nature of preferential measures. The CIP will invite experts, scholars, and representatives of indigenous peoples to discuss subsequent measures with respect to the aforementioned judgment. After extensive consultation with indigenous groups, the CIP will propose a bill that meets their expectations.
235. In current practice, courts generally recognize that the use of scornful or disagreeable nicknames against other races or ethnic groups constitutes racial discrimination and shall restore a victim's reputation. For example, the high court of Taiwan has recognized the word *fan* (番) as an outdated term applied to marginalized ethnic minorities and foreign countries. The original meaning of *huan-a* (番仔) referred to uncivilized barbarians. It was the name applied to indigenous people by the Holo and Hakka people from Southern Fujian or Han people in the past, meant to indicate that they were civilized. Thus, the word *huan-a* implies discrimination with respect to the lineage and status of indigenous peoples, rather than a mere reference to an unreasonable person. Therefore, the character and reputation of a victim of indigenous lineage are damaged when an offender insults them using *huan-a*. The final decision of the court required the offender to pay a fixed amount of money to the victim for restoration of their reputation.<sup>101</sup>
236. The court has also ruled that when police officers, during the performance of their duties, make

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<sup>101</sup> See Decision 2013-Shang-Yi-Zi No. 896 of the Taiwan High Court.

remarks such as “You run away when you see the police, are you from Thailand?” to indigenous people who refuse to be questioned, it constitutes racial discrimination, and the police officers are responsible for compensation.<sup>102</sup> This demonstrates that the determination of the existence of racial discrimination in Taiwan’s courts does not solely rely on a formal assessment of whether the language used is scornful or disagreeable, but rather takes into consideration the specific social and cultural backgrounds of the time and the status and feelings of the victim.

237. In practice, the court has also cited General Recommendation No. 35 of the ICERD in a case where the Taipei City government was penalized for unpaid venue fees in a protest on transitional justice initiated by indigenous peoples.<sup>103</sup> The court found that the socioeconomic status of the indigenous peoples had not been fully reversed as of 2019, and that the Constitution should actively protect socioeconomically vulnerable groups. The payment requirement exceeded the economic means of indigenous peoples considered to be socioeconomically disadvantaged, and amounted to depriving them of the opportunity to use parks as traditional public forums to express their opinions. As a result, the administrative decision of the Taipei City government was revoked in the final decision.

### **C. Control Yuan remedies and the acceptance of racial discrimination complaints**

238. The Control Yuan serves as Taiwan’s highest ombudsman. It is mandated to exercise the powers of censure and impeachment over administrative agencies and civil servants and also accepts complaints from the public. On December 10, 2019, the Organic Act of the Control Yuan National Human Rights Commission was adopted. On August 1, 2020, the commission was officially established with a total of 10 members, including one chairperson, one vice chairperson, and eight commissioners.

239. From 2010 to October 2020, the Control Yuan received three individual complaints involving racial discrimination. Among these cases, two involved Taiwanese nationals and one involved a Pakistani. Two cases were found justified and one case was found to have no legal violations, making the success rate for such complaints approximately 66 percent. In the cases where the complaints were successful, the relevant persons responsible for misconduct received disciplinary actions, including two demerits and one reprimand. After the Control Yuan’s investigations and the agencies’ response and improvements, the complainants did not further pursue the disputed matters.

### **D. Administrative remedies and the acceptance of racial discrimination petition cases**

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<sup>102</sup> See Decision 2009-Miao-Jian-Zi No. 318 of the Taiwan Miaoli District Court.

<sup>103</sup> General Recommendation No. 35 of the ICERD states: “Freedom of expression, indispensable for the articulation of human rights and the dissemination of knowledge regarding the state of enjoyment of civil, political, economic, social and cultural rights, assists vulnerable groups in redressing the balance of power among the components of society, promotes intercultural understanding and tolerance, assists in the deconstruction of racial stereotypes, facilitates the free exchange of ideas, and offers alternative views and counterpoints. States parties should adopt policies empowering all groups within the purview of the Convention to exercise their right to freedom of expression.”

240. In addition to the aforementioned judicial remedies and the remedies taken by the Control Yuan and the National Human Rights Commission, various administrative bodies in Taiwan have established different petition mechanisms according to the nature of their operations, such as human rights mailboxes.
241. Regarding administrative remedies to racial discrimination petition cases (the petition review process is shown in Figure 1), the MOI has set up the Petitions and Appeals Committee to carry out reviews and make decisions. If a case is determined to have violated Article 62 of the Immigration Act, the MOI will immediately notify the offender to make improvements within a specified period of time. Failure to comply within the given period may result in fines from NT\$5,000 to NT\$30,000. For information on remedies related to employment discrimination, please refer to Notes 247 to 249.
242. According to statistics, the Petitions and Appeals Committee has received a total of 29 cases from August 1, 2008, to October 2022, among which 23 were determined to be unsubstantiated, five were rejected, and one was withdrawn. The main reasons for petitions being deemed unsubstantiated were inexplicit statements of the facts and inability to provide evidence proving substantive infringement of rights. However, if the Petitions and Appeals Committee decides to reject a case or deems it unsubstantiated, the petitioner may, within 30 days from the day following the receipt of the decision, file an appeal to the Executive Yuan through the MOI in accordance with Paragraph 1 of Article 14 and Paragraph 1 of Article 58 of the Administrative Appeal Act.
243. In Taiwan, hospitals and clinics must provide emergency patients with immediate treatment and care or undertake necessary measures within their capacity. These requirements are applicable regardless of nationality, race, gender, religion, and class. People who encounter racial discrimination during medical treatment may file a petition through the petition mechanisms of the medical institution or to the mailbox of the commissioner of the local department of health, the head of the central competent authority, the premier of the Executive Yuan, or the president.
244. To ensure health security in pandemic prevention efforts, the Central Epidemic Command Center (CECC) continues to monitor changes in the global pandemic and adjust border control measures in a timely manner. The visa exemption mechanism was fully restored on September 29, 2022, and visa applications for general social visits and tourism have been made available to people from countries not eligible for visa exemptions since October 13, 2022.
245. The above measures also apply to nonnationals holding valid resident certificates in Taiwan (including foreigners and people from mainland China, Hong Kong, and Macao) and citizens of Taiwan when entering Taiwan. This conforms to Article 12 of the ICCPR, requiring that everyone lawfully within the territory of a state shall, within that territory, have the right to liberty of

movement and freedom to choose their residence. It also conforms to the principle of anti-discrimination. In the event of an emergency or due to humanitarian considerations during the period of strict border controls, a central competent authority could apply to the CECC for the entry of nonnationals, who could enter Taiwan after the CECC granted approval. However, 44 people lodged complaints on behalf of their Chinese spouses and children whose entry was restricted or postponed. After investigation, the Control Yuan requested that the Executive Yuan review the cases and make improvements. It also required that pandemic prevention measures meet the human rights standards of the ICCPR, ICESCR, and CRC; be free of discrimination; and observe the principles of least infringement and transparency. The CECC has gradually loosened control measurements to better ensure equality among racial and ethnic groups.

#### **E. Burden of proof in criminal and civil procedures of racial discrimination cases**

246. Codes of Civil and Criminal Procedures are applicable to procedures racial discrimination cases in Taiwan. The principle of presumption of innocence applies in accordance with the Code of Criminal Procedure and the accused does not need to bear the burden of proof. Only when alleging non-existence of the constituent elements and facts of the crime during the proceedings does the accused have to request or apply to the court for investigation of the evidence. The burden of proof remains the same irrespective of the status or ethnicity of the accused. Article 277 of the Code of Civil Procedure states that a party bears the burden of proof with regard to the facts which he/she alleges in his/her favor.<sup>104</sup> The reduction, exception and exemption to the burden of proof, the action in response to any party's improper prevention of raising evidence, and the investigation of evidence by the court on its own are specified in the provisions from the proviso of Article 277 to Article 288. Since assigning the burden of proof is complicated in a civil procedure, it is up to the judge to make a decision at their discretion in consideration of individual cases.

#### **F. Remedies for victims of employment discrimination**

247. If an employer violates the prohibition of employment discrimination specified in Paragraph 1 of Article 5 of the Employment Service Act (e.g., publication of a recruitment advertisement that violates the regulations), a job applicant or employee may file a petition to the competent labor authority of any local government for remedy. If the Employment Discrimination Review Committee determines that a violation has occurred, the employer may face a fine ranging from NT\$300,000 to NT\$1,500,000, their names or titles will be publicly disclosed, and they will be required to make improvements within a specified period. Failure to make the required improvements shall result in consecutive fines for each violation after the aforementioned period

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<sup>104</sup> Article 277 of the Code of Civil Procedure states: "A party bears the burden of proof with regard to the facts which he/she alleges in his/her favor, except either where the law provides otherwise or where the circumstances render it manifestly unfair."

expires. If they disagree with the decision, the petitioner may file an appeal with the local competent authority and further initiate administrative litigation to challenge the decision of the appeal. See Figure 2 for the petition process. According to MOL statistics, 14 employment discrimination cases were received, nine were reviewed, and one was granted during from 2018 to October 2022. Fines of NT\$300,000 were imposed.

248. Some of the migrant fishermen hired in response to the labor shortage in Taiwan's distant water fishing industry have been exposed to the risk of discrimination due to their race or ethnicity. To prevent potential racial discrimination, the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members require that operators respect the traditional culture of the migrant fishermen and ensure equal treatment. An inspection mechanism has been established to ensure that operators observe relevant regulations. The COA conducted inspections on 619 fishing vessels and 3,252 persons from 2019 to October 2022.
249. Any migrant fisher whose rights are infringed can call the 24-hour toll-free 1955 hotline. The case will be forwarded to the local competent authority, fisheries authority, or the NIA. In 2021 and from January to October 2022, 498 and 347 cases, respectively, were filed by migrant fishermen. Among these, the numbers of petitions filed by domestically hired migrant fishermen were 434 and 299, respectively. According to the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, fishermen must be informed of their rights and obligations when employment contracts are signed, and records of the fact must be made accordingly. The operation and management regulations applicable to ocean fishing areas were amended in 2022, including a limit of 10 months continuously at sea for distant water fishing vessels and increased opportunities for fishermen to file complaints and establish contact while onshore. The COA works with the Taiwan Seamen and Fishermen's Service Center and Stella Maris to handle petitions from fishermen. Cases received from different channels are managed appropriately. From 2019 to October 2022, a total of 229 petitions filed by migrant fishermen were received through the 1955 hotline, resulting in the recovery of wages amounting to US\$106,806, security deposits of US\$13,759, and the return of 78 passports. If migrant fishermen experience racial discrimination, they can also utilize the aforementioned hotline and mechanisms to obtain prompt and effective assistance.

## **G. Remedies for victims of discrimination in the rental housing market**

250. The regulations governing potential discrimination in Taiwan's rental housing market vary depending on the types of discrimination involved. There are no specific regulations limiting the selection of tenants by landlords independently leasing their property. This is out of respect for the principle of freedom of contract and avoids excessive interference that may affect the willingness

of landlords to rent their property. However, for property leased through a real estate broker, the Chinese Association of Real Estate Brokers added a provision to the Real Estate Brokers Code of Ethics on November 25, 2021, stipulating that the brokerage industry and brokers may not engage in any form of discrimination when carrying out their work. If a real estate broker engages in racial discrimination, a petition may be filed to the association. Where the case is accepted after review, evidence may be collected and submitted to the competent authority of the relevant municipality or county (city), which may impose a fine of NT\$60,000 to NT\$300,000. To date, no rental property brokers have been reported to be involved in racial discrimination.

## H. Remedies for victims of discrimination on campus

251. Though no special petition channels regarding racial discrimination have been set up for schools, students may file petitions to the school in accordance with the Senior High School Education Act and the University Act. To challenge a decision, college students may file an administrative appeal and students at the senior high school level or below may file a second appeal, in accordance with the relevant laws.
252. Instances of discrimination or bullying on campus may be reported through the campus safety reporting system. Prompt action will be taken after receipt of a report. Bullying is dealt with in accordance with the Regulations Governing Prevention and Control of Bullying on Campuses. According to these regulations, schools must establish rules to prevent bullying. Where an improper act involving bullying occurs inside or outside the school, a complaint may be filed through the dedicated mailbox of the school or the antibullying hotline (1953) of the MOE. The campus bullying prevention and response group of the school is responsible for investigating, and confirming cases, as well as counseling the students involved (Table 27). The Protection of Children and Youths Welfare and Rights Act and other relevant regulations require cases to be reported to the competent social welfare authority of the relevant municipality or county (city). A counseling mechanism shall be activated to ensure that students can learn in a safe campus environment.

**Table 27: Campus bullying reported by schools at different levels and statistics of confirmed cases**

Unit: cases

Year	Item	All	Senior high school	Vocational high school	Junior high school	Elementary school
2019	Cases reported	767	91	65	243	368
	Cases confirmed	204	19	32	84	69
2020	Cases reported	975	108	75	374	418

	Cases confirmed	237	23	22	123	69
2021	Cases reported	1,229	132	109	435	553
	Cases confirmed	239	15	21	122	81
2022 (Jan.-Oct.)	Cases reported	1,272	180	121	449	522
	Cases confirmed	152	14	8	76	54

Source: MOE

253. The MOE helps colleges hire professional counselors to enhance their psychological counseling capabilities and establish a robust three-level counseling system.<sup>105</sup> Schools with more than 100 indigenous students may be given priority for subsidies.
254. To improve counseling for indigenous students, the MOE continues to urge schools to enhance coordination and cooperation among relevant school units and indigenous student resource centers.<sup>106</sup> Workshops and courses are arranged for faculty and students to improve awareness of and sensitivity to indigenous culture, establish a support system for indigenous students learning and living on campus, and promote a friendly environment for all ethnic groups.
255. For statistics on students from different racial and ethnic groups, please see Note 177. Constant efforts are made to encourage schools at different levels to strive to eliminate all forms of racial discrimination.

## **Article 7. Elimination of prejudice and promotion of mutual understanding among races**

256. Taiwan has not only adopted a variety of measures to combat discrimination but also prevents discrimination by eliminating prejudice and promoting better understanding of cultural differences among different races and ethnic groups. Related details in the aspects of education, culture, and the media are provided in the following points.

### **A. Education and training**

#### **(A) Elimination of prejudice through education**

257. The MOE has established standards for preservice teacher education courses, which serve as a reference for universities that provide teacher training courses to incorporate various subjects

<sup>105</sup> See the MOE guidelines for subsidization of colleges for appointment of professional counselors.

<sup>106</sup> Such as the student affairs division, academic affairs division, and guidance and counseling center.



(including human rights education) into their curricula.<sup>107</sup> In addition, the MOE is committed to annually promoting and investigating the inclusion of significant subjects, including human rights education and human rights conventions, in universities that provide teacher training courses. This aims to train prospective teachers in antidiscrimination and equality education.

### **(B) School curricula**

258. Regarding classes offered in the 2021 academic year by universities providing teacher training courses, 54 departments of 35 universities provided human rights educational seminars to a total of 3,583 students, and 232 departments of 48 universities provided courses related to human rights education as general elective courses to a total of 21,884 students. In addition, overseas Taiwanese schools are encouraged to hold discussions with students on topics such as human rights, eliminating racial discrimination and prejudice, and other related issues through moral, legal, and civil education classes.

259. To further promote human rights and civic education, four overseas Taiwanese schools were subsidized in 2022 to implement programs for guidance on character education under the General Guidelines, parent-teacher-student human rights education under the General Guidelines, and international exchange volunteer training. Consequently, the students in these schools have developed greater awareness of human rights and the elimination of racial prejudice through student clubs, student council activities, parent-teacher conferences, debate competitions, and international volunteer exchanges.

### **(C) Review of teaching materials**

260. In 2019, the MOE published the *Workbook for Indigenous Student Resource Centers of Colleges and Universities* containing information on how to avoid stereotyping indigenous students.

261. According to the General Guidelines, human rights education must be appropriately incorporated into the curricula design in Taiwan, and literacy-based courses and teaching practices must be adopted. To achieve the best teaching results the MOE creates content on relevant issues that integrates knowledge, passion, and skills based on the course requirements of each educational stage. The MOE encourages teachers to guide students to think and engage in discussions to increase their awareness, understanding and respect for human rights as well as tolerance.

### **(D) Cross-border transition issues faced by children of new immigrants**

262. Cross-border transition issues faced by the children of new immigrants refers to learning gaps, adaptation challenges, language barriers, and cultural differences experienced when these children return to Taiwan for education after living abroad for several years. Unlike previous generations of

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<sup>107</sup> See indicator 3-4 (understanding the trends and issues of the society and incorporating them into courses and teaching practices) of the Republic of China Directions Regarding Teachers' Professionalism: Stages of Pre-service Teacher Education and Criteria Governing Pre-service Teacher Education Programs.

overseas students, whose parents or families had the financial means to support them in overcoming these challenges, the new immigrant parents often lack the ability to help them. They rely on assistance from schools, leading to a failure of schools and competent education authorities of city/county governments when transnational students experience learning issues.

263. The MOE has designed a series of measures to enable transnational students to smoothly adapt to Taiwan’s educational environment. These include providing Mandarin enhancement courses, establishing a learning service system for transnational students, developing a digital platform for Mandarin learning, setting up a database of tutors who speak the language of new immigrants, and compiling a handbook that introduces the learning services and resources for transnational students. As of October 2022, 428 cases were funded and supported. Cases can also be reported to the MOE for further assistance. In the 2021 academic year, there were 1,235 transnational students in total. In 2022, NT\$11,826,902 was granted in subsidies for Mandarin enhancement courses. Aimed at the children of new immigrants who have lived in other countries for many years before returning to Taiwan and lack the basic ability to express themselves and communicate in Mandarin, the Mandarin enhancement courses are taught by teachers employed by the schools. Interpreting assistants may also be employed to provide timely interpreting services during teacher-student conversations, if required, to facilitate the language learning process.

**(E) Empowerment of new immigrants and their children**

264. An immigrant-friendly environment has been created to enable new immigrants and their children to be fully incorporated into national human capital with their language ability and cultural understanding. Relevant programs such as the Cultivation Program for First- and Second-Generation New Immigrants—Living and Learning Abroad Experience, domestic seminars/workshops for second-generation new immigrants, the Dream-Building Program for New Immigrants and Their Children, and empowerment and scholarships/incentives for new immigrants and their children have continuously been implemented (Table 28).

**Table 28: Statistics on the results of empowerment of new immigrants and their children**

Unit: teams; persons

Year	Cultivation Program for First- and Second-Generation New Immigrants—Living and Learning Abroad Experience/Multicultural LOHAS Innovation Action	Domestic seminars/workshops for second-generation new immigrants	Dream-Building Program for New Immigrants and Their Children	Empowerment and scholarships/incentives for new immigrants and their children

	Plan Competition <sup>108</sup>			
	Number of participants	Number of participants	Number of award winners	Number of beneficiaries
2018	104 teams (223 persons)	42 persons	24 teams (34 persons)	2,910 persons
2019	98 teams (207 persons)	60 persons	25 teams (42 persons)	6,910 persons
2020	36 teams (77 persons)	59 persons	28 teams (63 persons)	6,426 persons
2021	-	-	32 teams (85 persons)	7,131 persons
2022	34 teams (135 persons)	29 persons	30 teams (94 persons)	7,191 persons

Source: NIA

#### (F) Antidiscrimination education and training for education personnel

265. For secondary education, the MOE holds national teacher training workshops to improve teachers' expertise in instruction and promote courses related to human rights education. The training results are presented in Table 29.

**Table 29: Statistics on the results of antidiscrimination education and training for teachers**

Unit: sessions

Year	Training workshop	Number of sessions
2021	Thematic workshops for human rights education (digital gender-based violence, democracy, human rights, etc.)	13
	Advanced training-of-trainer workshops	3
	Activities related to human rights issues	14
	Online workshops on human rights educational issues of indigenous peoples	3
	Online workshops on community empowerment for antidiscrimination education	6
	Workshops related to human rights education	16

<sup>108</sup> Owing to the continued impact of COVID-19, the Cultivation Program for First- and Second-Generation New Immigrants—Living and Learning Abroad Experience was transformed into the Multicultural LOHAS Innovation Action Plan Competition in 2022 to foster the inclusion in schools and communities through multicultural innovation plans. Besides new immigrants and their children, foreign nationals were also invited to take part in the program, so that the multicultural interaction with the countries targeted by the New Southbound Policy and the talent training could be enhanced, and the influence of new immigrants could be brought into play.

266. To increase teachers' knowledge of cultural diversity and end potential discrimination on campus, the MOE organizes workshops on the knowledge of indigenous peoples at the senior high school level, training-of-trainer camps. This allows teachers to gain a better understanding of cultural diversity and indigenous culture when they teach and incorporate such elements into their lessons. Meanwhile, reference materials on education about indigenous peoples continue to be compiled. Modules cover topics including the affirmative action system for admission to higher education for indigenous students, differential treatment, equity, and justice. The compiled materials can be used as reference by teachers.
267. To ensure that teachers in indigenous key schools properly understand the educational issues of indigenous peoples, break stereotypes, and incorporate indigenous culture into courses to create a teaching context suitable for indigenous students, training workshops have been provided in various cities and counties since July 1, 2015. As of October 2022, 384 training sessions had been held, with 8,602 teachers completing the full set of courses. In addition, 14,181 teachers took in-person training courses. The issue of stereotypes about indigenous peoples will be included in future training programs so teachers can develop an appropriate pedagogical mindset based on cultural diversity.

**(G) Antidiscrimination education and training for civil servants**

268. Human rights education for civil servants is a key focus of the national effort to promote human rights. To raise civil servants' awareness of human rights, administrative bodies in Taiwan are required to annually hold human rights education courses. Using performance evaluation and other means, civil servants are encouraged to take relevant training courses, either online or in-person. Such training helps civil servants develop the concept of treating everyone equally, irrespective of race, gender, language, or religion in the performance of their duties. The program also enhances respect for human rights and fundamental freedoms.
269. To enable civil servants to understand the spirit of the ICERD and how to draw upon the ICERD to protect the rights of victims of racial discrimination, the MOI organized four training-of-trainer sessions for personnel in the northern, central, and southern regions of Taiwan in 2021. Due to the impact of COVID-19, the number of participants was limited. A total of 109 representatives of government agencies and nine individuals from NGOs received training. Meanwhile, digital teaching materials have been produced and made widely available for online learning. They can be found in the Civil Servant e-Learning Park and the ICERD section of the NIA website.<sup>109</sup> The

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<sup>109</sup> <https://www.immigration.gov.tw/5385/7445/250283/250330/281931/>.

training courses chiefly explain each article of the ICERD, give case studies, and review laws and regulations. They enable trainees to gain an overall understanding of the core of the ICERD and current developments and help them better perform their duties.

**(H) Antidiscrimination education and training for judicial and law enforcement personnel**

270. The Judges Academy organizes a variety of educational trainings, antidiscrimination trainings, and thematic lectures on human rights and gender equality each year so as to enhance the awareness of judicial staff regarding the importance of the human rights of defendants and victims, antidiscrimination concepts, multicultural sensitivity, and gender equality. From January to October 2022, a total of 2,656 people received training.
271. Each year, the Judges Academy offers a series of thematic lectures on the protection of indigenous human rights, discrimination issues, and human rights. Examples of topics include issues and cases related to indigenous peoples, trial practices in human trafficking and sexual exploitation cases, cultural diversity, the protection of multiracial rights—including discussion on the Indigenous Peoples Basic Law, and case studies of how court decisions can impact the lives and parent-child relationships of foreign spouses. From 2019 to October 2022, the annual numbers of participants were 777, 659, 863, and 803, respectively.
272. To enhance the expertise of practicing prosecutors in the investigation of cases related to indigenous peoples, the MOJ has held workshops on investigation practices increase their knowledge of the traditions and cultural values of indigenous peoples, and protect the fundamental rights of indigenous peoples. Such workshops have been held on an annual basis since 2012. Prosecutors have also been sent to indigenous communities to experience tribal life, gain a deeper understanding of their culture, and listen to indigenous elders explaining and sharing local indigenous customs. Through face-to-face interactions, prosecutors can learn more about indigenous cultures and customs and the current challenges indigenous peoples are facing. Improved understanding of indigenous traditions and culture helps the prosecutors eliminate prejudice against indigenous peoples.
273. Each year, frontline law enforcement personnel in Taiwan are trained to ensure that they respect and protect human dignity for all when carrying out their duties, regardless of race, color, ethnicity, and nationality.
  - (1) New recruits and security guards at the Ministry of Justice Investigation Bureau (MJIB): Courses on human rights and development are incorporated into annual training. Participants' awareness of human rights is enhanced through sharing and discussions. Through the courses, MJIB investigators will have a better understanding of different cultural backgrounds while carrying out their duties. Security guards also learn to incorporate such human rights concepts

as antidiscrimination. In addition, the Hakka Language Club of the MJIB Training Academy was founded in 2019 to introduce the Hakka culture, language, and common phrases to trainee investigators. These aim to equip investigators with a multicultural perspective so that laws can be enforced fairly and justly, thereby consolidating procedural justice.

- (2) Police law enforcement personnel: To train frontline law enforcement officers, regular academic courses now include instruction on matters such as police officer attitude in the performance of their duties, training on communication skills and language, and courses on the rule of law. Emphasis is placed on the proportional use of force and respecting the principles of equality and nondiscrimination towards individuals of different races and ethnicities during identity checks and other law enforcement actions. Law enforcement personnel are required to follow the rules applicable to the use of interpreters when dealing with cases involving foreign nationals to ensure a balance between law enforcement and human rights, thereby elevating the quality of law enforcement. The NPA and its subordinate police departments have arranged training courses that strengthen officers' understanding of and ability to protect human rights. Training results from 2019 to 2022 are summarized in Table 30.

**Table 30: Results of courses aimed at strengthening police officers' knowledge of human rights protection**

Unit: sessions; participants

Year	Course	Participation	
		Number of sessions	Number of participants
2019-2022	Protection of ICCPR, ICESCR, and CRPD Rights while Enforcing the Law	2,872	146,745
	Guidelines on Use of Translation Services in Cases Involving Migrant Workers and Foreigners	773	25,739
	Refined Investigation Practices and Protection of Human Rights	690	24,719
	Case Studies of Police Discipline, Conduct, and Techniques in Law Enforcement Operations	2,660	116,203
	Enhancement of Techniques and Quality in Traffic Enforcement Operations	1,460	58,209

Source: NPA

- (3) National border inspection personnel: Personnel receive annual education and training on the

identification of travel documents and service attitude. This enables law enforcement personnel to develop better professional techniques for inspecting travel documents as well as good manners and service attitude during inspections. Training also helps immigration officers respect and treat passengers of different races, ethnicities, skin tones, and nationalities equally when performing their duties. For regular training on identification of travel documents for in-service personnel from 2019 to 2022, the number of sessions and trainees each year were 53 sessions with 1,759 trainees, 56 sessions with 1,878 trainees, 57 sessions with 1,932 trainees, and 27 sessions with 1,153 trainees, respectively.

- (4) Coast Guard Administration law enforcement personnel: To prevent infringements of human rights by coast guard law enforcement personnel while carrying out their duties, the Education, Training and Testing Center of the Coast Guard Administration provides courses and thematic lectures on human rights and antidiscrimination in their certificate programs.<sup>110</sup> From 2018 to October 2022, the total number of participating trainees for each year was 835, 595, 565, 291, and 733, respectively. Respect for multiculturalism, gender equality, and antidiscrimination are also promoted during assemblies and other occasions.
- (5) Correctional personnel: Since 2014, courses on multiculturalism have been incorporated into the training of new correctional officers to ensure that trainees gain an understanding of diversity and inclusion. In line with the MOE's policy on local languages in Taiwan, teacher training and education as well as local language courses are provided. These arrangements help trainees form a deeper understanding of the diverse cultures of different racial and ethnic groups, including indigenous peoples, Hakka people, new immigrants, and foreign nationals.
- (6) Probation officers: Local prosecutors' offices under the MOJ offer professional training courses to selected and appointed volunteer probation officers each year.<sup>111</sup> The courses include volunteer service ethics instruction, empathy training, counseling, and treatment of crime victims and rehabilitated prisoners, and learning about the cultures of indigenous peoples and new immigrants. In addition, the Taiwan After-Care Association has included the elimination of racial prejudice in its staff training courses. The Association for Victims Support has also designed rehabilitation facilitation training courses on sensitivity to gender, culture, and diverse values, as well as the capacity for self-awareness. These courses aim to prevent all forms of discrimination by deepening mutual understanding among races, enhancing respect for cultural diversity, and fostering awareness of possible prejudices resulting from one's cultural and

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<sup>110</sup> The certificate programs provide education and training courses to newly appointed coast guard military personnel and judicial police so that they can better understand their future work, as well as to military, police, and civil servant personnel who are qualified for promotion.

<sup>111</sup> The Directions Governing Prosecutorial Agencies' Selection and Appointment of Volunteer Probation Officers serve as the basis.

professional background.

**(I) Antidiscrimination education for public health affairs and social affairs personnel**

274. As part of the program to strengthen Taiwan's social safety net, course on multicultural sensitivity have been included in all levels of general training to enhance the relevant knowledge of professionals:

- (1) Social welfare institution professionals: Courses on topics related to cultural diversity have been designed and included in the annual education and training for the professional personnel of social welfare institutions. This aims to help them show greater cultural sensitivity and deliver professional services based on substantive equality. For social workers who conduct investigations and make visits in cases involving the guardianship and adoption of children and youth, topics such as the influence of multicultural households on the physical and mental development of children and youth and the need for parent education in nontraditional families (single-parent families, blended families, grandparent families, and families with foreign spouses) are incorporated in education and training courses. This aims to help social workers adopt a multicultural perspective when providing services. The results of relevant education and training are presented in Table 31.



**Table 31: Statistics on professional education and training held by social welfare institutions**

Unit: sessions; persons

Year	Number of sessions	Welfare institutions for senior citizens (A)	Welfare institutions for children and youths (B)	Welfare institutions for disabled people (C)	All (A+B+C)	Education and training for social workers conducting investigations and making visits for cases involving the guardianship and adoption of children and youths
	Number of trainees					
2019	Number of sessions	2	5	1	8	1
	Total	167	1,122	47	1,336	32
	Male	49	374	4	427	6
	Female	118	748	43	909	26
2020	Number of sessions	2	4	1	7	Suspended due to COVID-19
	Total	114	885	58	1,057	-
	Male	32	440	14	486	-
	Female	82	445	44	571	-
2021	Number of sessions	2	4	1	7	Suspended due to COVID-19
	Total	183	885	69	1,137	-
	Male	41	440	8	489	-
	Female	142	445	61	648	-
2022 (Jan.- Oct.)	Number of sessions	2	9	1	12	1
	Total	294	1,486	75	1,855	52
	Male	67	446	18	531	5
	Female	227	1,040	57	1,324	47

Source: MOHW

- (2) Social workers: The MOHW has developed the Protection Social Worker Training Implementation Program to bolster the professional core competencies of protection social workers. Topics related to gender diversity and family diversity are covered in courses on domestic violence and sexual assault prevention. From 2020 to October 2022, the number of training sessions and trainees each year were 33 sessions with 1,110 trainees, 33 sessions with 1,336 trainees, and 32 sessions with 1,346 trainees, respectively. Furthermore, in 2022, 1,303 people completed training included in the common courses at different levels for professionals

in the program to strengthen the social safety net. To enhance the multicultural sensitivity and expertise of social workers, the CIP provides annual education and training for around 220 social workers in Taiwan's Indigenous Family Service Centers. The 24 service centers under the NIA organize interpretation education and training for volunteers and outstanding volunteer commendation events every year.

- (3) Care workers: An introduction to indigenous cultural security has been included in the core courses under the training implementation program for care workers. In 2020 and 2021, the numbers of people who completed the training were 19,024 and 15,529, respectively.
- (4) Long-term care personnel: To improve care quality, the training regulations were amended and promulgated in September 2022 to include multiethnic cultural sensitivity and relevant skills.<sup>112</sup> This allows long-term care personnel to develop cultural sensitivity and provide services according to the needs of different people.
- (5) Medical personnel and nurse-midwives: Courses on gender and cultural diversity are provided for medical personnel and nurse-midwives each year. They are also included in the Continuing Education Credit Management System of medical personnel and nurse-midwives. From 2019 to October 2022, 1,760 sessions were offered.

## **B. Cultural understanding**

### **(A) Respect for cultural diversity and enhancement of cultural understanding**

275. The MOC published over 80 posts on the elimination of racial discrimination on its Facebook page from 2019 to October 2022. The posts drew on current affairs and included phrases in Taiwan's national languages (including Mandarin, Hokkien, Hakka, and indigenous languages) in the titles and texts, with the Romanized pronunciation provided and the context in which the words are used to highlight the characteristics of the different national languages. There are also posts introducing cultural issues related to Han people, indigenous peoples, and new immigrants to enrich public understanding of the cultures of different ethnicities and generate positive discussions. Over seven million people have been reached.
276. To ensure respect for cultural diversity and promote cultural understanding, the Education Act for Indigenous Peoples and the general guidelines require schools at all levels to plan courses on indigenous knowledge in their curricula and appropriately include topics on cultural diversity and education on indigenous peoples. If necessary, schools may develop their own curricula. The program aims to improve students' understanding of cultural diversity. A total of 13 workshops on course design to teach students about indigenous peoples were held in 2022.

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<sup>112</sup> See Article 9 of the Regulations for the Training, Certification, Continuous Education Program and Registration Conditions for Long-term Care Personnel.

277. To improve the quality of basic data on Hakka culture, the HAC commissions local organizations to carry out a multistage census on the cultural resources of Hakka villages. Through this census and in-depth thematic surveys over the years, basic knowledge of the cultural resources of Hakka villages in Taiwan has been developed. The HAC also engages in interdisciplinary and cross-ministerial collaboration with the CIP and local governments, combining resources in the humanities, industry, and environmental education to jointly promote ecotourism and further ensure respect for cultural diversity.
278. To encourage new immigrants and their children to engage in public affairs, the NIA integrates government and civil society resources to train trainers in multiculturalism and encourage participation in exchanges between different cultures within communities. In 2021, 92 people obtained qualifications to become instructors under the New Immigrant Multicultural Talent Training Program. A list of multicultural trainers has been prepared for the use of relevant organizations.
279. To build a multicultural society, the New Immigrants Development Fund provides subsidy programs for the promotion of cultural diversity. Central and local government agencies and civil organizations may apply for funding to assist people in understanding and respecting cultural diversity (Table 32).<sup>113</sup>

**Table 32: Results of the New Immigrants Development Fund’s subsidization for the promotion of cultural diversity (by media programs)**

Unit: cases

Year	Number of cases approved
2019	10
2020	11
2021	10
2022 (Jan.-Oct.)	7

Source: NIA

280. To further understanding of the diverse cultures of racial and ethnic groups, commemorative days have been declared for indigenous peoples, the Hakka ethnic group, and new immigrants to celebrate or highlight their influence on Taiwanese culture. For example, the annual Indigenous Peoples’ Day on August 1 commemorates the name rectification and self-identification of indigenous peoples in Taiwan. In accordance with the Hakka Basic Act, the government established a National Hakka Day to encourage each ethnic group to get to know and share Hakka cultural

<sup>113</sup> See Note 12 (promotion programs) and Note 15 (programs for publications about care and assistance for new immigrants) of the Items and Criteria of the Application for Subsidies of the New Immigrants Development Fund.

values. The day celebrates the Hakka ethnic group's contribution to cultural diversity in Taiwan. In 2022, the HAC set December 28 as National Hakka Day in commemoration of the Hakka Language Restoration Movement launched by members of the Hakka ethnic group on December 28, 1988. To show how local communities respect new immigrants and appreciate their contributions, the MOI declared in 2001 that International Migrants Day on December 18 would also serve as Taiwan's Migrants Day. Celebration activities are organized on the day to present different cultural characteristics and views, demonstrate the cultural diversity of society, and deliver a positive message of how new immigrants contribute to society and the people. In addition, the MOC holds traditional events and commemorations of Mongolians and Tibetans every year to promote their traditional cultures. These activities encourage the development and integration of culturally diverse ethnic groups in Taiwan.

**(B) Transnational marriages and new immigrant family care programs**

281. To bolster the professionalism of transnational marriage-matching agencies and protect the rights of the people who marry through these services, the NIA provides transnational marriage-matching agencies with annual education and training courses to enhance their awareness of the rule of law and their legal responsibilities and also increase their respect for cultural diversity.<sup>114</sup>
282. To improve assistance for immigrants, when new immigrants apply for an Alien Resident Certificate after entering Taiwan, the NIA conducts an interview with them. These interviews aim to help new immigrants better understand the laws and regulations related to residency in Taiwan and provide useful information for their daily lives. To foster respect for cultural diversity and the concept of gender equality in transnational marriage families, the Program for Family Education and Announcement of Laws and Regulations for New Immigrants has been implemented to foster better family interrelationships. From 2018 to October 2022, 1,443 sessions were attended by 32,797 participants.
283. The MOI has set up a nationwide new immigrant care network in 22 municipalities, counties, and cities throughout Taiwan. The network convenes meetings with central government ministries and their units related to civil, social, educational, labor, and public health affairs as well as civil organizations, new immigrant family service centers, and new immigrant community service stations. By holding meetings for these units and linking central and local immigration assistance networks, the concerns of new immigrants are addressed. Thematic reports are also presented and case studies are discussed to develop resource utilization functions.
284. To offer real-time multilingual consultation services to foreigners on everyday issues, the Life Advisory Service Hotline for Foreigners in Taiwan (1990, formerly 0800-024-111) was established

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<sup>114</sup> The education and training sessions were suspended in 2020 and 2021 due to COVID-19.

in 2004. The hotline has seven language options (Mandarin, English, Japanese, Vietnamese, Indonesian, Thai, and Khmer) and gives foreign nationals and new immigrants with living needs and adaptation issues in Taiwan toll-free advisory services. Callers can seek advice on issues related to visas, residency, entry/exit, work, taxation, NHI, transportation, social welfare, children’s education, health and medical care, personal safety, and other topics. The 1922 hotline has been available since 2020 to offer advice on entry/exit matters during the COVID-19 pandemic. Statistics on the results of hotline services from 2019 to October 2022 are presented in Table 33.

**Table 33: Statistics on the results of the 1990 Life Advisory Service Hotline for Foreigners in Taiwan and the 1922 support hotline**

Unit: cases

Year	Total	Number of cases	
		1990 hotline	1922 support hotline
2019	38,320	38,320	-
2020	336,470	50,653	285,817
2021	362,007	39,847	322,160
2022 (Jan.-Oct.)	278,602	31,662	246,940

Source: NIA

- 285. To integrate information related to new immigrants from all ministries and municipality/county/city governments, the NIA has launched the IFI Network in seven languages and set up a LINE account for general use.<sup>115</sup> As of October 2022, the website (including the different language versions) had reached more than 13 million views.
- 286. To ensure services for new immigrants are accessible and flexible so as to bridge the urban-rural gap and balance regional development, the NIA’s service centers visit rural areas using mobile service vehicles. They disseminate information on services for new immigrants and provide assistance including residency extensions, legal advice, and change of address registration. Mobile service centers also refer cases that require assistance to local social welfare organizations in a timely manner. From 2018 to October 2022, 2,000 mobile outreach services were delivered and 26,621 households with new immigrants were visited.
- 287. To give new immigrants equal access to the internet, free internet and wireless internet facilities have been installed in NIA service centers since the end of 2017. To build a friendly internet environment, the service centers provide new immigrants with mobile devices and mobile networks

<sup>115</sup> <https://ifi.immigration.gov.tw>. The website has seven language options: Mandarin, English, Vietnamese, Thai, Indonesian, Burmese, and Khmer. Its official LINE account is @ifitw.

without charge so as to reduce the digital divide vis-à-vis new immigrants. From 2018 to October 2022, facilities were used upon request 14,495 times and assistance was provided by telephone 5,568 times, with a service satisfaction rate of 99.4 percent. To further promote the digital capabilities of new immigrants, special IT education courses are held according to the needs of new immigrants. Free in-person courses are also offered in rural areas through a mobile learning service and digital courses are available in multiple languages for new immigrants to learn online anytime, anywhere. Such courses are also offered to new immigrants who will become seed teachers who can teach relevant materials in their native languages. From 2016 to 2021, 36 people were trained to become instructors.

### **(C) Promotion of indigenous cultures**

288. As part of ongoing efforts to mainstream indigenous cultures, the CIP works with the MOE to incorporate major events in the history of indigenous peoples into the scope of the General Guidelines as key reference materials, continuously providing students with access to indigenous history and culture.
289. To increase awareness of and respect for indigenous peoples, the government gives encouragement and subsidies to nonprofit organizations, foundations, and other groups to educate the public about indigenous peoples and multiculturalism.<sup>116</sup> The media are also encouraged to strengthen the production and broadcasting of discussion forums and videos on multiculturalism to promote public understanding of indigenous cultures.
290. To promote indigenous education and preserve indigenous cultures, directions have been formulated for indigenous peoples, civil organizations, schools, and government agencies to apply for subsidies.<sup>117</sup> Each year around 400 cases are subsidized with about NT\$2.8 million.
291. Indigenous peoples are encouraged to submit literary work for the Taiwanese Indigenous Peoples Literature Award. Since 2009, the award has been an additional channel for the public to learn about indigenous cultures. A total of 82 works were submitted for the 13th literature awards in 2022. The Makapah Arts Award, organized since 2013, includes two categories of participants: indigenous and nonindigenous peoples. Individuals interested in indigenous culture are invited to record the real lives of people in indigenous villages through photography and painting to present the spirit and culture of indigenous peoples. A total of 169 paintings and 997 photographs were submitted for the ninth arts awards in 2022.
292. To foster the development of indigenous films, television programs, and music in the cultural and creative industries, and to encourage creative talent in relevant fields, subsidy directions have been

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<sup>116</sup> See Article 43 of the Education Act for Indigenous Peoples.

<sup>117</sup> See the CIP Directions Governing Subsidies for Promotion of Indigenous Education and Culture.

established for such works.<sup>118</sup> In 2022, subsidies were granted to one indigenous movie script development project, eight indigenous documentaries, four indigenous television programs (including new episodes), 24 music-recording and marketing projects, and five marketing projects for indigenous music and audiovisual creations.

#### **(D) Promotion of Hakka culture**

293. To deepen Taiwan's connections with the New Southbound Policy partner countries, the HAC launched the Hakka Community and New Southbound Policy Collaboration Program. Colleges, universities, and civil organizations were selected under the program to visit partner countries and engage in academic, artistic, and cultural interactions, with a view to bringing about more collaboration. The HAC also provides subsidies for Hakka organizations to hold multicultural Hakka exchange events and demonstrate Taiwanese Hakka culture. In addition, it organizes the Singing Competition for Overseas Compatriot School Students and Overseas Compatriot Students Studying in Taiwan in tandem with the Overseas Community Affairs Council and the MOC to promote the visibility of Hakka language, music, and culture.

294. The global citizenship of the Taiwanese Hakka ethnic group is promoted through international ethnic and cultural activities. In 2018, the exhibition *Golden Era of Tin Mining—Tin Mining and Hakka* in Malaysia was held in collaboration with a Malaysian university. In 2021, the special exhibition *About Hakka Community in Singapore* took place. The *A Never-Ending Stream—Taiwan Hakka and Japan International Exhibition* jointly organized with Japan's National Museum of Ethnology and the College of Hakka Studies at National Yang Ming Chiao Tung University as well as the special exhibition *Hakka Meets Christianity* both traced the history of Hakka people in Taiwan.

#### **(E) Language policies**

295. In order to address the endangered national languages, priority is given to promoting preservation, revitalization, and development through special protective measures.<sup>119</sup> To revitalize national languages, government agencies collaboratively promote national language affairs in accordance with the law, coordinating operations through relevant platforms and fulfilling their responsibilities of cultural preservation and development.

296. The Indigenous Languages Development Act was promulgated and put into effect on June 14, 2017, to ensure the preservation and development of indigenous languages. Training of indigenous languages teachers continues to be conducted, targeting teachers in indigenous schools, indigenous key schools, and indigenous classes.<sup>120</sup> As of October 2022, the cumulative number of teachers

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<sup>118</sup> See the Directions Governing Subsidies for Promotion of Indigenous Audiovisual and Music Industries.

<sup>119</sup> See Article 7 of the Development of National Languages Act.

<sup>120</sup> See Article 4 of the Education Act for Indigenous Peoples.

who have completed online and in-person courses was 8,779—6,552 at primary and junior high school levels and 2,227 at senior and vocational high school levels.

297. Regarding the Hakka language, a survey in 2021 showed that only 38.3 percent of Hakka people can speak fluent Hakka. According to UNESCO's assessment of language vitality, the Hakka language is severely endangered. To embody the principle that all languages are equal, defend the human dignity represented by the mother tongue rights of Taiwan's local languages, prevent intergenerational language loss, and assist the preservation and development of the Hakka language, the HAC is formulating a draft Hakka Language Development Act. The act will cover measures such as enhancing the capacity of Hakka language services, promoting education in the Hakka language, and creating an environment conducive to the development of the Hakka language. The HAC also urges competent education authorities at all levels to adopt specific measures to encourage students with Hakka as their native language to master the language, recognize Hakka as a national language, and respect and affirm their Hakka identity. Meanwhile, integrating or immersing the Hakka language into the preschool, elementary school, and junior high school curricula and educational activities will gradually foster the natural use of the Hakka language among teachers and students on school campuses.
298. The Hakka Basic Act stipulates that certain percentages of civil servants and teachers who serve in designated agencies (institutions) for Hakka affairs under the central government or local governments at all levels must have accreditation in the Hakka language. The percentages must accord with the proportion of the Hakka population in the areas where the agencies (institutions) are located. Civil servants and teachers of designated agencies (institutions) are encouraged to learn the Hakka language to develop Hakka culture to provide more opportunities to use the language and improve service quality. There are also plans to introduce a mechanism to assess the impact of promotion on the Hakka people. This will help government agencies examine the impact of policies or legislation on the Hakka ethnic group, ensuring that measures are adopted based on ethnic equality.
299. Regarding the promotion of the Mongolian and Tibetan languages and cultures, the MOC arranges Mongolian/Tibetan language classes on a regular basis and encourages ethnic Mongolian and Tibetan students in Taiwan to learn their languages and cultures to preserve the traditional Mongolian and Tibetan languages, writing systems, and customs, and to enhance people's understanding of Mongolian and Tibetan cultures. From 2019 to 2022, the number of participants in the classes each year was 31, 25, 19, and 39, respectively.
300. To promote the native languages of new immigrants, the MOE has included seven languages of new immigrants in the general guidelines since 2019. As of October 2022, new immigrant language



courses had been attended by 11,532 students, with 3,597 sessions organized and 3,419 teachers trained.

### **C. Media promotion of anti-racial discrimination policy**

301. The MOC continuously consolidates and updates regulations related to the media each year. It periodically requests special municipality, county, and city governments to assist and urge the media associations under their jurisdictions to enhance journalistic self-discipline, respect ethnic and cultural diversity, make reports based on the spirit of ethnic equality, and avoid comments that could lead to ethnic hatred, discrimination, or stigmatization. The MOC also provides ongoing assistance to civil organizations and media associations by holding media literacy awareness events, education and training courses, and general meetings to raise awareness of gender-based violence, hate speech on the internet, and other digital environments. At least three such events are held each year.
302. To improve the public's understanding of indigenous history and culture, 10 books about major historical events involving indigenous peoples were published in 2020. These have been included as important references for teaching materials on indigenous peoples under the 12-year basic education curriculum. Meanwhile, Taiwan Indigenous TV and the radio station Alian 96.3 were established to produce programs to improve public understanding of indigenous cultures and raise overall awareness.
303. To encourage the media to take on the social responsibility of preserving native languages, the Hakka Public Communication Foundation was set up to pass on the Hakka language and Hakka culture, ensure the individuality of the Hakka broadcast media, and further promote the concept of including multiple languages in radio and television programs. Radio and television stations are encouraged to enhance the use of the Hakka language within reason to reflect cultural diversity. The Hakka Language Development Act, which is currently being drafted, contains provisions on allowing service recipients to use Hakka to actively protect people's right to speak the language, exclude all forms of encroachment or discrimination, and subscribe appropriate penalties.
304. To reduce racial prejudice and discrimination, government agencies such as the HAC, MOE, MOC, CIP, and NIA jointly organized online activities to connect people on the International Day for the Elimination of Racial Discrimination on March 21, 2022. Based on the concepts of eradicating racial discrimination and creating shared prosperity throughout the diverse range of ethnic groups, campaign activities were launched online to correct the racially discriminatory content often seen on the internet or in the media. Awareness of the need to stop discrimination was promoted by leveraging the strength of social media.
305. To promote multiculturalism, television programs about new immigrants continue to be produced

and broadcast. The series *We Are Family* is supported by the New Immigrants Development Fund and records the stories of how new immigrants have persevered in Taiwan. It provides a channel for affective communication between Taiwanese and new immigrants, offers insights into the cultural diversity of daily life, and disseminates information on policies and support measures for new immigrants. A private television station was commissioned to produce and broadcast the program *We Are Family Plus* in 2019 and 2020, and the program *We are Family TAIWAN BRAVO!* in 2021 and 2022. A total of 730 episodes featuring new immigrant stories have been produced, with a broadcast frequency of 106 times a week.

306. To protect new immigrants' access to information, the website Taiwan Immigrants' Global News Network offers news in multiple languages (Mandarin, English, Vietnamese, Indonesian, and Thai).<sup>121</sup> The site is constantly being improved. It collects, compiles, and translates relevant information and conducts interviews to produce news articles, videos, and other useful content. The website serves as an integrated news and information platform for new immigrants. As of October 2022, the website's various multilanguage versions had accumulated more than 13.3 million views.
307. To raise public awareness about the prevention of employment discrimination and enhance respect for cultural diversity among employers and migrant workers, the MOL annually organizes 25 workshops on laws and regulations regarding equality at work for members of the public as well as relevant personnel in the public and private sectors. It also provides lectures for employers before they hire migrant workers to remind them about the regulations prohibiting racial discrimination in the workplace. Information is disseminated to employers and migrant workers through a variety of channels such as pamphlets, the *Handbook for Foreign Workers in Taiwan*, radio shows in Mandarin and foreign languages, the Foreign National Labor Rights Portal (in Mandarin, English, Vietnamese, Indonesian, and Thai), and social media for migrant workers (Line@E-LINE, Facebook).
308. To ensure that people of all races understand tax-related information in Taiwan, the regional national taxation bureaus under the Ministry of Finance organize or co-organize with other agencies (organizations) awareness-raising events every year on the topics of taxation and gender equality as well as multicultural competitions for indigenous peoples and new immigrants. From 2018 to October 2022, a total of 249 activities were held. Furthermore, the website of each regional national taxation bureau has dedicated sections for foreign nationals, providing information in multiple languages such as Indonesian, Vietnamese, and Thai. This helps safeguard the right to access information of non-Mandarin speaking racial and ethnic groups.
309. To protect the right of spouses from mainland China to access relevant information, the MAC

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<sup>121</sup> <https://news.immigration.gov.tw/>.

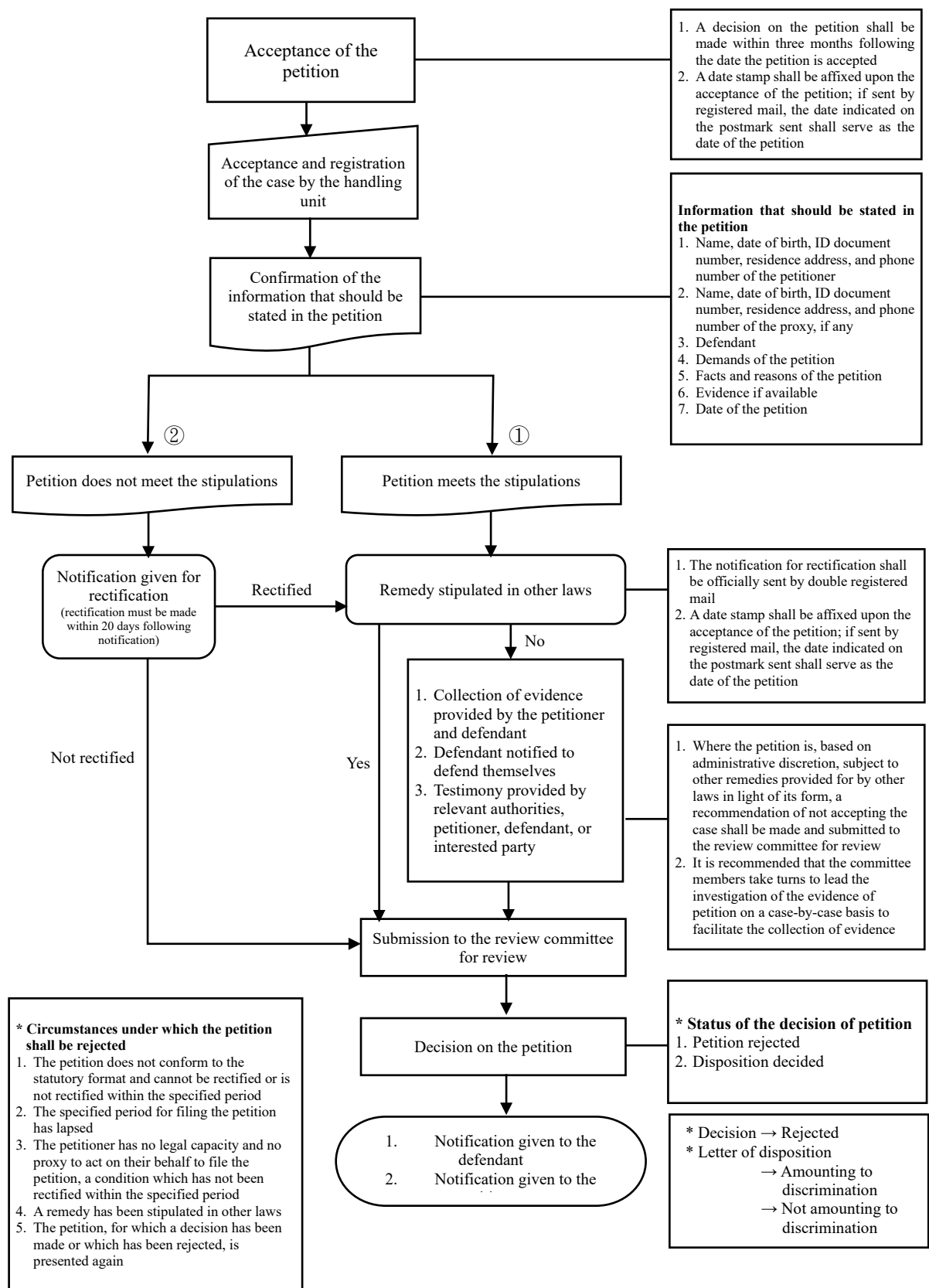
website has a dedicated section providing information on laws and regulations, FAQs, COVID-19 prevention measures, regulations on entry to Taiwan for people from mainland China.<sup>122</sup> Moreover, workshops on cross-strait marriage and activities for spouses from mainland China are organized to listen to their voices. Outreach services are conducted in collaboration with the NIA to assist spouses from mainland China in rural areas and increase mutual understanding among different ethnic groups.

310. To facilitate the prompt and smooth integration of residents from Hong Kong and Macao into life in Taiwan after settlement, the MAC provides an FAQ section and other materials on its website. Apart from written information, workshops are also held to engage in conversations with Hong Kong and Macao people of all backgrounds. Meanwhile, collaboration with the liaison units of local governments in charge of services for Hong Kong and Macao people are actively pursued to promote mutual understanding and relationships among different ethnic groups.

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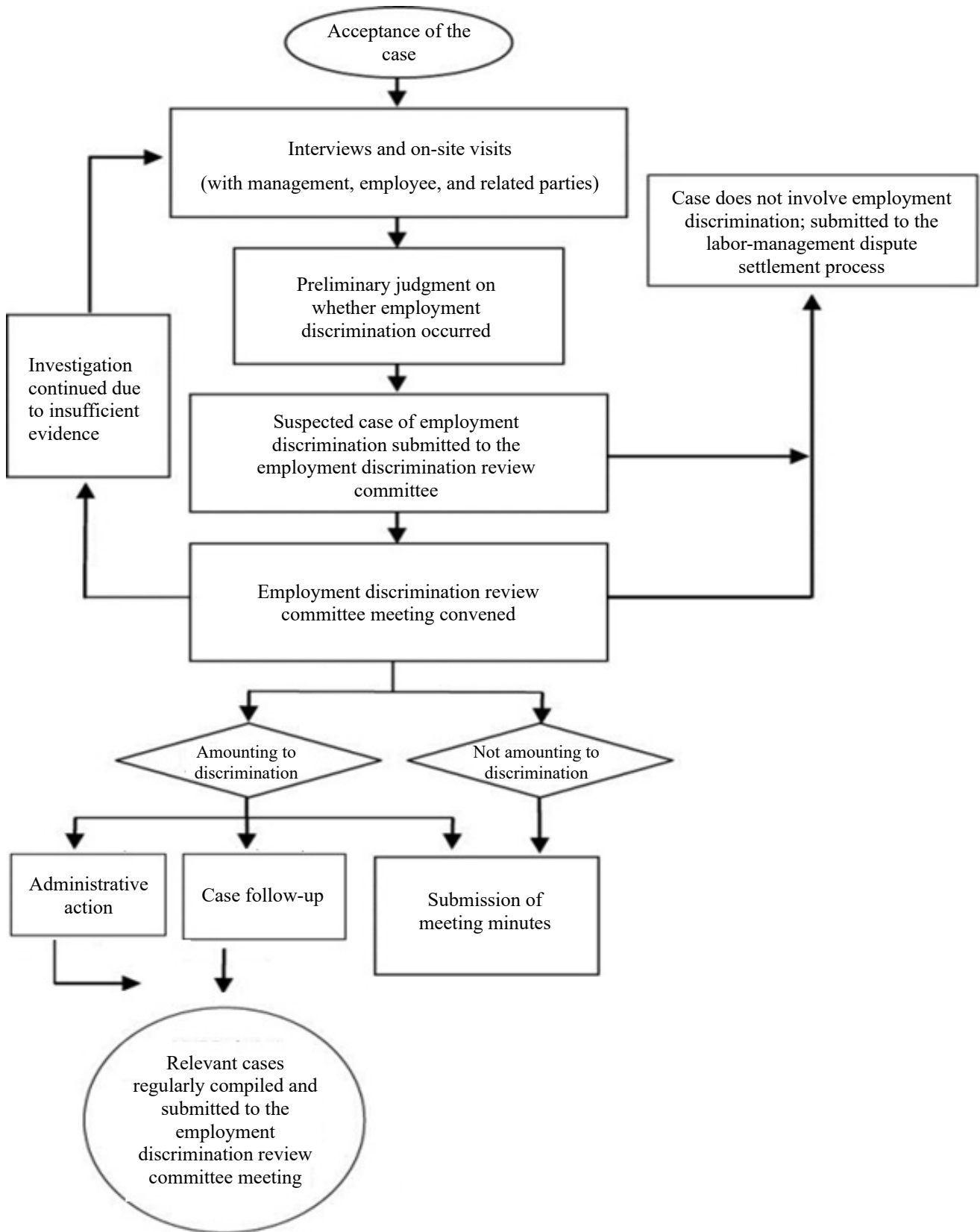
<sup>122</sup> [https://www.mac.gov.tw/Content\\_List.aspx?n=976CD661277CD91E](https://www.mac.gov.tw/Content_List.aspx?n=976CD661277CD91E).

**Figure 1: Review process for petitions against discrimination against people residing in the Taiwan Area**



Source: NIA

**Figure 2: Petition process for employment discrimination**



Source: MOL





# 行政院

Executive Yuan

