

# CEDAW

Convention on the **E**limination of All Forms of **D**iscrimination **A**gainst **W**omen



**Initial Report of  
Republic of China  
(Taiwan)**

## General Introduction

### Overview of the R.O.C. (Taiwan)

#### 1. Territory and People

Taiwan is an island in East Asia and the northwest side of Pacific Ocean. Taiwan lies on a complex tectonic area between the Eurasian Plate and the Philippine Plate and occupies an area of about 36,188 square kilometers. Until the end of November 2008, Taiwan's population has been estimated to be 23,027,672 persons, including the Hoklo ethnic group, the most, and Hakka ethnic group, mainlanders, and 14 aboriginal tribes recognized officially in Taiwan. Traditional Chinese is defined as the official written language. Other languages include Minnan (Taiwanese), Standard Mandarin (officially recognized in Taiwan), Hakka and the various aboriginal tribes' native languages.

#### 2. Politics

On July 14, 1987, the then President, Chiang Ching-kuo, announced the suspension of "martial law". His successor, President Lee Teng-hui, announced the end of "Temporary Provisions Effective During the Period of Communist Rebellion" on May 1, 1991 and ended operation of the "ten-thousand year legislature". After that, he even decided to hold the first presidential election by popular vote in 1996. On March 23, 1996, Lee Teng-hui and Lien Chan won the presidential election and became the 9th-term President and Vice President of the R.O.C. They were also the first President and Vice President elected by the people directly in the history of the R.O.C. On March 18, 2000, Chen Shui-bian and Annette Lu, as nominated by Democratic Progressive Party (DPP), were elected as the 10th-term President and Vice President of the R.O.C., and made the record for the first party alternation in the R.O.C.. In 2004, both were reelected the President and Vice President successfully in the third presidential election by popular vote. On March 22, 2008, Ma Ying-jeou and Vincent Siew, nominated by Kuomintang (KMT), were elected as

the 12th-term President and Vice President, and fulfilled the second party alternation in the democratic politics of Taiwan.

#### 3. Economic condition

According to the statistics of Directorate General of Budget, Accounting and Statistics, Executive Yuan, R.O.C., the GDP in the territory of Taiwan was US\$153 in 1961 and increased to US\$18,000 in 2008. Taiwan's foreign reserves are the world's fourth largest. Taiwan's human development index ("HDI") is in 25th place in the world and it is identified as a "developed country" in the world.

#### 4. Development of gender equality

The following gender-related development index based on the data generated in Taiwan for the latest decade show some improvements:

(a) Increase in adult literacy rate – female:

In 1997, the adult literacy rate of females over 15 years old was 91.1%, which was increased by 4.8% and became 95.9% in 2007.

(b) Extension of life expectancy at birth:

The life expectancy at birth of females was 78.6 years old in 1997, and 81.7 years old in 2007, an increase of 3.1 years old and also 4%. The life expectancy at birth of males was increased by 2.5 years old in the same period.

(c) Increase in gross enrolment ratio-female:

The gross enrolment ratio of female from 6-21 years old was 87.4% in 1997, and 102.4% in 2007, an increase of about 15%. The gross enrolment ratio of males was increased from 83.4% to 101.4%, an increase of 18%, in the same period.

(d) Increase in GDP per capita (ppp):

The GDP per capita (ppp) of females in Taiwan increased from US\$15,112 in 2000 to US\$21,098 in 2005, an increase of US\$5,986 and also 40% approximately. The GDP per capita (ppp) of males increased from US\$28,883 to US\$35,865, an increase of US\$6,982 and also 24%, in the same period.

By comparing the gender-related development index based on the values referred to



in the preceding four paragraphs with the latest scores of states announced by the UN in 2005 and the data calculated by Directorate General of Budget, Accounting and Statistics, Executive Yuan, R.O.C. based on specific formula, the R.O.C. receives a score of 0.931, ranking 20th in the world.

## **Characteristics of Taiwan:**

### **Government and NGOs work with each other to promote gender equality**

The role played by the country is an important indicator of gender equality development in the R.O.C. The major strategies of the world second women's movement were implemented in two manners simultaneously, namely consciousness raising and promotion of system reform. Compared with other countries, the women's movements in Taiwan have already been oriented towards institutionalization, leading the most countries.

In 1995, the Fourth World Conference on Women, Beijing officially declared the concept about "gender mainstreaming". Since then, all of the women groups in the various countries have followed the concept and asked their governments to take "gender" into consideration whenever they design, implement, supervise and judge the policies in the fields of politics, economy and society. Such concept highlights the role to be played by the government in the promotion of gender equality and also boosts women groups to participate in the movements inside the government's system.

The R.O.C. Government has already opened the system and enrolled the women groups. In 1997, the Executive Yuan established the Committee of Women's Rights Promotion and officially include the initiatives of the representatives from women's groups, scholars and experts into the national supreme policy-making mechanism. The Committee consists of 27-31 commissioners. The Premier of the Executive Yuan assumes the commissioner and convener, and the other commissioners include one minister without portfolio, the relevant ministerial directors (Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Education, Ministry of Justice, Ministry of Economic Affairs, Central Personnel

Administration, Government Information Office, Department of Health, Council of Labor Affairs and Council of Indigenous Peoples), 7-9 social experts and 7-9 representatives from women's group.

The Committee distinguishes itself by enrolling representatives from women's groups. Meanwhile, because the Premier assumes the convener, the various ministries and departments are used to valuing the resolutions about promotion of gender equality made by the Committee. Any resolutions made by the Committees' meetings have a binding effect on the various ministries/departments. With the Government's efforts in the promotion of gender equality, we can see that the R.O.C. has made some progress in "Gender Empowerment Measure (GEM)" values:

- (a) Increase in seats in parliament held by women by 11%:  
 The seats of legislators held by women in the R.O.C. increased from 19.1% in 1998 to 30.1% in 2008. Though the total seats of legislators in the Parliament declined, the seats held by women were increased instead.
- (b) Increase in the percentage of female senior officials and managers:  
 The percentage of female senior officials and managers in the R.O.C. was 14.5% of the total management in 1997, an increase of 17.5% in 2007.
- (c) Year-by-year reduction in the percentages of female and male professional and technical workers:  
 In 1997, the female professional and technical workers accounted for 42.3% of the total professional and technical workers (including specialists, technicians and assistant specialists) in the R.O.C. The percentage increased to 46.4% in 2007. In other words, the difference in the percentages of female and male workers was reduced from 15.4% to 7.2%.
- (d) Year-by-year increase in the percentage of GDP per capita (PPP) for females in GDP per capita (PPP) for males:  
 In 2000, the GDP per capita (PPP) for females in the R.O.C. was \$15,112 and the GDP per capita (PPP) for males was \$28,883. The GDP per capita (PPP) for females accounted for 52.3% of the GDP per capita (PPP) for males. In 2005, the GDP per capita (PPP) for females increased to \$21,098, the percentage of which in the GDP per capita (PPP) for males increased to 58.8%.



## Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### Non-discrimination

- 1.1 According to Article 7 of the Constitution of the R.O.C., all citizens of the R.O.C., irrespective of gender, religion, race, class, or political party, shall be equal before the law.
- 1.2 According to Article 5 of Employment Services 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, gender, appearance, facial features, disability, or past membership in any labor union. "

### Efforts in fulfilling the "Convention"

- 1.3 The R.O.C. Government has developed numerous activities to propagate and promote "conventions" to the public officials. For example, the Committee of Women's Rights Promotion, Executive Yuan has host three workshops to preparing the drafting of the country report.
- 1.4 The Government has been engaged in the domestic legislation of the "Convention".
- 1.5 The Central Government has already called five multi-ministerial CEDAW project meetings.
- 1.6 The Foundation for Women's Rights Promotion and Development ("FWRPD"), sponsored by the Committee of Women's Rights Promotion and Ministry of Interior, has been engaged in the promotional activities for the "Convention", and also organized workshops with the women's groups in North, Central and South Taiwan.
- 1.7 In the process of propagating the "Convention", the women's groups worked with the governmental authorities and communities (including the women on off-shore islands) and played a very important role. The Private Sector CEDAW Promotion League continues supervising and assisting the Government to fulfill various tasks concerning the "Convention".

## Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

### Legal actions taken to remove discrimination

2.1 The Constitution of the R.O.C. and other laws all prohibit the gender-based discrimination. For example:

- (a) Amend Civil Code Book Family: The Civil Code was enacted in 1929. As far as matrimonial property regimes required under the Code is concerned, the Code provided that the ownership and right to manage of the wife's property shall be vested in the husband after the marriage. The Code has been amended five times, in 1985, 1996, 1998, 2000 and 2002 respectively, and the amended Code provides that the ownership and right to manage the property shall be vested in the husband and wife jointly (see Article 16 herein).
- (b) Employment Services Act passed in 1992, which provides that “equal pay for equal work” for men and women (see Article 11 herein).
- (c) Gender Equality in Employment Law passed in 2002 and renamed as “Gender Equality in Employment Act” after 2008 (see Article 11 herein).
- (d) Civil Code initially provided that children should assume the father's surname. Article 49 of Household Registration Law amended and promulgated on May 28, 2008 provides that in case the family name of the party of the birth registration is uncertain according to related laws, if the child is legitimate, the applicant can decide the child to be registered with the father's or mother's family name upon taking a draw at the household administration office; if the child is illegitimate, the child is registered with the mother's family name; if the child is abandoned or helpless, the child is registered with the guardian's family name (Paragraph 1). In case of the household office registers a child according to the fourth paragraph of the previous Article, if the child is legitimate, the applicant can decide the child to be registered with the father's or mother's family name upon taking a draw; if the child is illegitimate, the child is registered with the mother's family name; if the child is abandoned or helpless, the child is registered with the guardian's family name and the Head of the office should give the child a first name (Paragraph 2) (see Article 16 herein).
- (e) Article 1000 of Civil Code initially provided that unless otherwise agreed upon by the parties, a wife shall prefix to her surname that of the husband, and a “chui-fu”



shall prefix to his surname that of the wife. Considering that such provision was against the gender equality principle, the provision was amended in June 1998 as providing that “the husband and the wife should keep his or her own surname, unless one party agrees in writing to prefix to his or her surname that of the spouse and registers the agreement at the household administration authority” (see Article 16 herein).

(f) Article 1002 of Civil Code initially provided that “a wife takes the domicile of the husband as her domicile..... unless it has been agreed that the husband takes the domicile of the wife as his domicile.....” Considering that such provision was against the gender equality principle, it was amended in June 1998 as providing that “the domicile of the husband and the wife shall be agreed by mutual agreement; if it has not been agreed or cannot be agreed, it may depend on the court by application”.

(g) The Civil Code initially was more in favor of the husband with respect to the guardianship of children. Considering that such provisions were against the gender equality principle, the provisions about exercise of parental rights were amended drastically on September 27, 1996. Now the court shall take the children’s interest into consideration when rendering any rulings. Usually, the judge will decide the children’s guardianship pursuant to the five circumstances referred to in Article 1055-1 of Civil Code, namely the age, gender, healthy condition and will of the children, and the age, economic condition, occupation, character and will of the parents, and by taking into consideration the social worker’s visit report and the children’s best interest.

**Taiwan’s efforts to remove discrimination**

2.2 In order to take the concept of gender equality into consideration when planning, coordinating, executing, appraising, preparing budget for, the various policies, Taiwan established the “Committee of Women’s Rights Promotion” of Executive Yuan in 1997 (see General Introduction).

2.3 In July 2005, Office of the President established the Advisory Panel on Gender Mainstreaming.

2.4 Since 2004, the various ministries and departments of Executive Yuan have started to establish their “task force dedicated to gender equality”. So far, 38 ministries/ departments have established such mechanism.

2.5 The Committee of Women’s Rights Promotion passed the “implementation plan for promotion of gender mainstreaming by ministries/departments of Executive Yuan” at its 23rd committee meeting on December 9, 2005, requiring that the percentage of commissioners of either gender in any committee subordinated to the various ministries/departments of Executive Yuan shall be no less than one-third of the whole commissioners.

2.6 The Committee of Women’s Rights Promotion established the “Gender Equality Support Team” in 2007, which is responsible for researching gender mainstreaming tools and multi-ministerial coordination.

2.7 The local governments throughout Taiwan established their committees of women’s rights promotion consisting of the director-generals of bureaus and agencies of the county or city governments, and retained representatives from women’s groups, scholars and experts.

2.8 In order to prevent sexual assault and domestic violence and to protect victims’ basic rights, “ Sexual Assault Prevention Act ” was enacted on January 22, 1997 and “ Domestic Violence Prevention Act ” enacted on June 24, 1998. The Ministry of the Interior established Sexual Assault Prevention Committee and Domestic Violence Prevention Committee pursuant to laws on May 9, 1997 and April 23, 1999 respectively, and the two committees were consolidated into the Domestic Violence and Sexual Assault Prevention Committee on July 24, 2002. The Committee is primarily dedicated to coordinating the judicial, police, health, social political,



education and information authorities to found the national sexual assault and domestic violence prevention system and to guide the governments of municipalities directly under jurisdiction of the Central Government, counties and cities to found domestic violence and sexual assault prevention centers.

2.9 The Council of Labor Affairs established the Employment Discrimination Evaluation Committee according to Article 5 of Employment Services Act. The Committee's function is to protect nationals' equal opportunity in employment and judge whether the employer is against the provision that "An 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, gender, appearance, facial features, disability, or past membership in any labor union". Further, according to Article 5 of the Enforcement Rules of Employment Services Act, the governments of municipalities directly under jurisdiction of the Central Government and counties/cities shall be responsible for identifying the discrimination, and in order to identify the discrimination in employment, may invite the relevant governmental authorities, representatives from labor organizations and employer organizations, and scholars and experts to form the employment discrimination evaluation committees.

2.10 The gender equity education committee was established pursuant to Paragraph 2 of Article 7 of Gender Equity Education Act passed in 2004. The committee shall consist of seventeen to twenty-three commissioners. The Minister of Education shall be the chairman of the committee, and the other commissioners shall be appointed by the Minister. At least half of the commissioners shall be women. Experts, scholars, NGO/NPO representatives and practitioners from fields related to gender equity education shall make up at least two-thirds of the whole commissioners.

2.11 The Examination Yuan established the "Advisory Committee on Gender Equality in National Examination" in 2005.

2.12 Taiwan Women's Center was founded on March 8, 2008 for the purpose of promoting

the connection and communication between women organizations in Taiwan and international women organizations, to present the achievement of women's rights promotion in Taiwan and to establish a platform for women organizations in Taiwan to participate in the worldwide women's rights development.

### **National Women's Policy**

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2.13 The Committee of Women's Rights Promotion, Executive Yuan passed the "Women's Policy Guideline" at its 18th committee meeting on January 9, 2004, declaring that it would adhere to the concept about equal participation and decision-making and promoting the following:

- (a) Create a "Mutual Respect and Objective/Subjective Shifting" Structure.
- (b) Create a political mechanism that encourages wiser use of resources, equal decision-making and interest sharing, and democratic participation.
- (c) Implement a dual and complementary economic mechanism.

2.14 President Ma Ying-jeou, elected in 2008, has proposed a white paper for women's policy in his presidential campaign, showing that as soon as he was elected, the Government will include the concept about gender into the policy-making to create a society of safety, equal respect and resource sharing.

### **Mission**

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2.15 The Government will continue the national mechanism dedicated to dealing with the issue and development on gender. The Committee of Women's Rights Promotion, Executive Yuan will also continue working with the Government and women's organizations to promote the "gender mainstreaming" in a multi-ministerial manner, particularly the training about operation of the gender mainstreaming, including



“gender statistics”, “gender analysis of budget”, “gender impact assessment” and “gender consciousness training for public officials”, to enhance the public officials’ gender consciousness and to change all aspects and the most fundamental social values of the policy enforcement.

- 2.16 For the time being, we are working hard to ensure that all legislation is consistent with the provisions in the “Convention” and also reviewing the effects and defects of the existing policies with due diligence, so as to take the required corrective actions to comply with the “Convention”.

## Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

### Actions taken to enhance the status of women

- 3.1 Enhancement of status of women is identified as an issue penetrating all fields when the Government executes the “Convention”. “Enactment of National Women’s Policy” and the cooperation between Government and NGOs are done in order to enhance the status of women.
- 3.2 The Committee of Women’s Rights Promotion, Executive Yuan establishes several task forces, including employment, economic and welfare task force, health and medical treatment task force, education, media and culture task force, personal safety task force, and international involvement task force, each of which is formed by the representatives from the relevant governmental departments and women’s organizations dedicated to enhancing the status of women in the various fields.
- 3.3 Since the World Conference on Women, UN advocated the gender mainstreaming in 1995, the R.O.C. Government has accelerated the relevant legislations to secure women’s basic human rights and to promote the women’s development and improvement. The legislations enacted include the following:





- (a) Child and Youth Sexual Transaction Prevention Act passed in 1995, which deals with the issues on human trafficking and child-girl sex workers (see Article 6 herein).
- (b) Sexual Assault Prevention Act passed in 1997.
- (c) Domestic Violence Prevention Act passed in 1998 (see Article 15 herein).
- (d) Special Assistance for Women under Special Circumstances Act passed in 2000 to provide the women and families which have difficulty in living with urgent assistance.
- (e) Family Education Law passed in 2003.
- (f) Gender Equity Education Act passed in 2004 (see Article 10 herein).
- (g) Sexual Harassment Prevention Act passed in 2005.
- (h) Artificial Reproduction Act passed in 2007 to protect the interests and rights of infertile couples, children conceived through artificial reproduction, and donors.
- (i) Human Trafficking Prevention and Control Law passed in January 2009 (see Article 6 herein).

## Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.
  - 4.1 The Government has taken certain active actions, e.g. enactment of laws highlighting the diversity of gender in employment in some fields and policies requiring the diversity of gender in employment or granting of scholarship in committees subordinated to governments.
  - 4.2 The issues on the protection of motherhood are illustrated in Article 11 herein.

### Mission

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- 4.3 The Government will continue paying attention to the status of the R.O.C. women and will seek female input before taking any temporary or special actions.



## Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

### Eliminate culture and gender prejudice

Value women's cultural arts and re-create women's historical status

#### 5.1 Background and current status:

- (a) Value of traditional faith: Some folk custom and faith or legend highlights taboos about gender.
- (b) Inherence of women's role: Traditional arts and folk custom integrate the value and life style of traditional society and are used to creating a women's role as a monotonous one secondary to men and seldom feature women as the leading role.
- (c) Art legacy discrimination: Most arts were controlled by male members. The achievements of female art workers in traditional drama were not recognized and signified in the past.

#### 5.2 Response policies and actions:

- (a) Protection of traditional arts and care for female artistic topics and artists: To execute the "Plan for the Preservation and Transmission of Folk Arts" and publish

the results thereof; so far, there are a total of 33 publications about female artists or female topics out of more than 400 publications.

- (b) Re-create women's traditional image from the viewpoint of modern arts and women: To change the concept of specific groups (e.g. Hakka Group) about male-dominant and reflect the autonomous consciousness of women from such groups via books, 3-D crafts, dramas and TV programs.
- (c) Promote historical research and re-orientate women's contribution: the Council for Hakka Affairs, Executive Yuan worked with the Academia Historica on the special study on Hakka women-related issues and studied or investigated Hakka women in terms of history, culture and society in the form of on-site survey to reflect the actual presence of Hakka women.

#### 5.3 Difficulty and cause for fulfillment of reform:

- (a) Given that the traditional culture is based on the specific social values, if the so-called taboo is intended to be reformed by force, some conflict will arise between the reform and faith.
- (b) Given that the art legacy was inherited primarily by men, the literature shows that there were few records about female artistic workers.

- 5.4 Continuous orientation: To review whether gender prejudice still exists in art legacy based on the gender layout in the preserved/preserved groups; to propagate avoidance of gender discrimination against the practices and titles of gender roles created by the different customs; to collect the literature and data about female artists actively; to utilize the subsidy from the governmental resources to encourage the performance and creativity of female artists and traditional arts and folk customs highlighting female topics.

### **Promote the media's self-regulation and reduction of information about gender discrimination**

- 5.5 Background and current status: The traditional and monotonous gender impression



confines the public's thought about gender. The thoughts, concepts and information transmitted by the broadcasting media affect the public's personal reading about the information.

5.6 Response policies and actions:

- (a) To encourage the media to include gender equality consciousness into the broadcast programs with subsidy;
- (b) To hold cable TV talent training programs including the issues on gender equality and elimination of gender discrimination;
- (c) To prepare the "Regulations Governing Self-Regulation of Media from the Various Countries" and send the Regulations to the media for reference to call on them to respect the gender;
- (d) To hold the "Child and Youth News Media Literacy Workshop" enabling the civil groups to have a dialogue with the media providers on gender roles and issues on media and gender;
- (e) To install a hot line for complaints to provide the public with the channel for participation in supervision of the media; the Government Information Office will convey the public opinion to the accused media and media self-regulation organizations to urge the media and organizations to help the correction;
- (f) To establish and promote the Internet rating system pursuant to Children and Youth Welfare Act and Regulations for the Rating of Internet Content;
- (g) To urge Satellite Television Broadcasting Association R.O.C. to include the "treatment of news related to gender and disadvantaged group" into Paragraph 11 of Press Self-Regulation Working Guideline, as an instructor.

5.7 Difficulty and cause for execution:

- (a) Conflict between award/honor and freedom of creation: To avoid narrowing the providers' freedom of creation and causing the misunderstanding that "the Government intervenes in the creation of program contents and manipulates social ideology", the "gender equality" is still not included into the various award/

honor guidelines and principles for the time being.

- (b) Tension between supervision of media and freedom of speech: The stereotypes about gender still prevail in the media. It is somewhat difficult for the Government Information Office to seek a balance between freedom of speech and protection of gender equality.

5.8 Continuous orientation:

- (a) Promotion of citizens' equal participation in control: National Communications Commission ("NCC") promotes the "Civil Groups' Participation in Communications and Broadcasting Supervision Mechanism" to identify the "supervision and management of communication contents involving protection of child and youth and women's interests and rights" as the business in which the citizens may participate, which will work with this Committee's "broadcasting and TV programs and advertisements advisory meeting"
- (b) Promotion of the public media literacy: To have the public's involuntary acceptance transformed to voluntary reading, enabling the public to verify the potential value orientation concealed in the media, including the monotonous impression gender.
- (c) Promotion of social voluntary supervision: The Government Information Office considers working with the various colleges to ask the students taking gender equality and journalism courses to participate in the supervision of image about gender reflected by the media and post the result on website, providing it to the various media and medial self-regulation organizations for reference.
- (d) Encouragement of the creation of the female image: To recommend the relevant review committees dedicated to domestic film guidance fund to consider admitting film proposals that reflect the female role positively as the first priority; to help hold the female-oriented movie festivals and awards; to encourage the domestic female workers in image creation; to promote the public balanced and completed awareness about the female role.



## Change gender discrimination in workplace

Create the environment for equality in employment and improve employment laws and systems

### 5.9 Background and current status:

- (a) Women often suffer salary reduction, transfer or even layoff by employers for childbirth and children raising.
- (b) The discrimination suffered by women in the workplace is primarily that against difference in salary and promotion. According to the investigative report of Council of Labor Affairs, 18.36% of the enterprises have discrimination on the pay to employees.
- (c) Women have to bear family care and workplace job at the same time: For the time being, though the dual earner family prevails at present, the roles in the traditional family remain unchanged, as the housework and family caring is still assumed by women mostly.

### 5.10 Response policies and actions:

#### 5.10.1 Enactment of "Gender Equality in Employment Act" and "Employment Services Act"

- (a) Equal job opportunity: Employers are prohibited from discriminating job applicants or employees in enrollment, selection, employment, assignment, dispatch, performance appraisal or promotion, or education and employees' benefit training courses, due to gender or sex-orientation.
- (b) Equal pay for equal work: No discrimination shall be in employees' salary due to gender or sex-orientation. Equal pay shall be granted to the equal work or work of equal value.
- (c) Promotion of women's employment: The Government shall define specific plans dedicated to urging the voluntary women who have to bear the living expenses and have the ability to work to get jobs.

- (d) Protection of interests and rights of motherhood: Enterprises shall be required to provide employees with menstruation leave, paternity leave, parental leave without pay, breast-feeding hours, adjustment of working hours and family leave, and also be encouraged to install day-care facilities or provide proper day-care measures.

### 5.10.2 Concrete administrative measures:

- (a) To establish the employment discrimination identification criteria and system; to promote, control and inspect the media recruitment pages and guide enterprises to prohibit the gender discrimination in recruitment advertisements;
- (b) To inspect the trades and occupations full of serious discrimination and to propose the corrective actions; to provide women with individualized and professional employment services by executing the "employment of disadvantaged groups' promotion project";
- (c) To hold symposiums for the prevention of employment discrimination, legal system education and business; to assess the local governments' performance in prevention of discrimination;
- (d) To establish a complaint channel and mechanism, provide assistance in judicial remedies, and define the "Regulations for Handling Complaints Concerning Gender Equality in Employment" and "Regulations for Providing Legal Aid in Lawsuits Concerning Gender Equality in Employment" to help laborers whose interests and rights are injured seek relief.

### 5.11 Difficulty and cause for execution:

- (a) Surviving pregnancy discrimination: Some employers still discriminate against, and even dismiss pregnant employees with excuses to evade the statutory employer's liability.
- (b) Difficulty in the burden of proof about equal pay for equal work and equal pay for work of equal value: Enterprises are likely to provide laborers with different labor conditions due to working experience and seniority, et al. In practice, it is not easy to prove the "gender-based" discrimination.



(c) Difficulty in breaking through traditional concepts: It is not easy to break through the traditional concept. Women still have to raise children and do housework most of the time. Therefore, though men and women are both entitled to the parental leave without pay, most of the applicants are still actually women.

5.12 Continuous orientation:

- (a) Promotion of equality concept: To utilize the electronic media and policy manuals to promote the protection of interest and right of motherhood and encourage enterprises to fulfill the Gender Equality in Employment Act.
- (b) Fulfillment of regulated inspection: In addition to enterprises' self-assessment, it is necessary to conduct the assessment on the different trades and complaints, and to ask the local government to include the equality laws into the scope of labor inspection and engage in the study on identification criteria of "equal pay for equal work".
- (c) Enrichment of supporting channels: To plan and install the exclusive websites for gender equality in employment to provide the relevant laws and regulations, social resources for assistance to victims and advisory network services.

**Reform specific occupational areas and reduce gender division of job**

5.13 Background and current status:

Due to the nature of job responsibilities, some governmental departments (e.g. national defense, coastal guard, police and firemen) have gender discrimination in the occupational areas. The various ministries/departments engage in planning the various corrective actions in order to remove the fixed impression about gender roles and to address the issue on gender percentages.

5.14 Response policies and actions:

- (a) Reform of the examination system: No gender discrimination in quota, mission and pay will be in the special examination for coastal guard, harbor police and

policemen. Some authorities that initially provided the restrictions on gender-based quota are also engaged in the reformation. For example, they defined the "Policewomen Policy" to increase the percentage of policewomen year by year, and researched the physical strength test to be included into the firemen examination. For national defense, the "Military Woman Human Resource Recruitment Implementation Plan" was drafted to increase the percentage of recruited women year by year.

- (b) Equal opportunity for promotion: In addition to reforming the gender restrictions on examinees, the national defense, police and coastal guard authorities also pay attention to the percentage of women in the middle- and high-ranking management.
- (c) Creation of friendly environment: Owing to the fact that these jobs were primarily assumed by men in the past, governmental departments also increasingly changed the hardware and equipment simultaneously when recruiting women, e.g. allocation of dormitory spaces and uniforms, and organizational culture – to found the concept about gender equality to prevent the single gender from becoming so advantaged that sex harassment and assault might arise in workplace and to establish an environment in which men and women have the equal opportunity to engage in the jobs.

5.15 Difficulty and cause for execution:

Though the Government has severed the connection between these jobs and monotonous gender impression and traditional roles step by step, it is still impossible for some women to adapt themselves into the environment after taking the jobs. Therefore, the relevant government authorities have to face such issues as how to maintain the gender equality in these job responsibilities and take care of the difference in individuals.

5.16 Continuous orientation:

Because the gender restrictions on these jobs have been or will be canceled, in order to ensure that workers have the competency as required, the relevant

entities will highlight the contents of work in the recruitment advertisement and also plan the mode of examination to establish the equal family system based on ability instead of gender.

## **Establishment of equal family system**

### **Enhance gender equality in law and remove gender discrimination in inheritance**

#### 5.17 Background and current status:

- (a) Traditional family values are male-dominant: The concepts about male-dominant and patriarchy in traditional culture are significant in the systems provided under some status acts.
- (b) Ancestral worshipping in favor of male heirs: The ancestral worshipping right has remained vested in male descendants succeeding to the legacy. Therefore, the property installed to meet the need for worshipping, if any, will remain vested in the male descendants in the clan. The same happens in the ancestral worshipping property in Taiwan. Except in some special circumstances, women are not entitled to the right of succession.

#### 5.18 Response policies and actions:

- 5.18.1 In order to remove the gender inequality in marriage and family provided under status acts, The Civil Code Part IV Family has been amended many times. The amendments include:
  - (a) Change of ceremonial nuptials to registered nuptials: To highlight the legal publication of marriage in order to ensure the rights of both parties in marriages.
  - (b) Equal status in marriage: Both parties in marriage may retain their respective surnames and agree on the residence after marriage equally. The legal

matrimonial property regimes are founded under the basic structure of “separate property”. Meanwhile, the provision about “free funds” is added, expressly defining that couples may agree on specific money, in addition to the family living expenses, spendable subject to the husband’s or wife’s sole discretion as the reward for recognition of the family work performance.

- 5.18.2 In 2007, enactment of the “The Statute For Ancestral Estates In Joint Ownership” to include the concept about gender equality: Expressly define that “in the case of inheritance of successors in ancestral worshipping property and ancestral worshipping property corporations, the heirs shall be identified as the successors sharing the worship, to remove the exclusion of female inheritance and to fulfill the gender equality spirit referred to in the Constitution and Civil Code.

#### 5.19 Effect, difficulty and improvement:

- (a) Continuous promotion of the legal concept about registration of marriage: In order to help its people to understand the new regulation of marriage, the government has propagated to the public the registration of marriage and system under protection of laws through the various channels. Because the new regulation begins just recently, to respect the traditional customs valuing the marriage ceremonies and wedding on an “auspicious day”, the public authorities which executing the registration thus amend the same household registration regulation to make marriage registration easy for people.
- (b) Take care of legal reform and while respecting existing tradition: “The Statute For Ancestral Estates In Joint Ownership” was enacted in order to fulfill filial piety and fraternal duty and continue the clan’s tradition, and well-found the ancestral worshipping property land administration. Therefore, the relevant provisions therein shall evaluate the traditional customs to avoid interfering with the status of existing rights and to include the gender equality spirit referred to in the Constitution and Civil Code.



**Value equal parental liability and follow child interest-based principles**

5.20 With reference to the judgment about children's surnames, please see Article 16 herein.

**Terminate domestic violence and support parental roles**

5.21 Domestic violence

5.21.1 Current status and background of domestic violence: Domestic violence is not just a family affair: From 2002 to 2007, 36120 reported domestic violence cases have increased to 72606, nearly double of 36120. Apparently, the traditional concept highlighting domestic violence as the family affair has been increasingly eliminated.

5.21.2 Response policies and actions:

- (a) Enact the various laws and regulations to deal with domestic violence cases: Domestic Violence Prevention Act and the Enforcement Rules thereof, Regulations on Establishment, Management and Use of Domestic Violence Electronic Database, Regulations for the Administrative Authorities to Enforce Protection Orders and to Deal With Domestic Violence Cases and Rules for Granting of Loans to Domestic Violence Victims to Start Business were enacted.
- (b) Establish a domestic violence database: To establish a domestic violence prevention database and integrate the information management systems of domestic violence, sexual assault and protection of children and youth.
- (c) Install advisory and report hotline: Including a 24-hour "113 women-and-children's protection hotline" and "0800-0139999 male hotline " installed to provide the care, support and the general advice, and the referral service with respect to specific issues and needs.
- (d) Supplement human resources and materials, and enhance the guidance

bases: The local governments provide the protection and aid to victims of domestic violence, 18 domestic violence service centers of district courts are established, and additional 190 social workers are recruited to fully promote the installation of "community domestic violence prevention officer" system.

- (e) Extend the scope of case intervention: To develop the service projects for children witnessing domestic violence, and also enforce the domestic violence danger rating policy on a trial basis to strengthen the screening of dangerous cases and the intervention to be provided to highly dangerous cases, and have policemen enhance investigation to prevent the offender and upgrade the prevention network service performance; to enhance the domestic violence prevention of foreign and Mainland spouses.

5.21.3 Existing difficulty and barrier

- (a) Human resource remaining insufficient: Social workers are insufficient, the labor turnover rate is high and the personal safety needs to be enhanced, thus it is difficult to raise the depth of services. All of these issues shall be resolved in whole.
- (b) Gender consciousness required to be raised: As the prevention networks involve the various fields, the persons including judges, prosecutors, policemen, medical treatment and education personnel need to raise their gender consciousness.

5.21.4 Continuous orientation

- (a) To increase resources, enrich reasonable social worker human resource and enhance social workers' safety protection measures;
- (b) To provide diversified relief channels, fulfill direct service to victims and upgrade the performance of protection and aid;
- (c) To promote the preventive actions against offenders to strengthen the conviction and performance of intervention plans for offenders;
- (d) To enhance the prevention propagation to the public and develop the prevention education and promotion projects against the specific counterparts.



5.22 Support parental care

5.22.1 Background and current status: Children are a common asset and the future human resource of the society. The Government sets about the basic protection (personal safety), promotion of parental liability and support of parental liability when promoting the policies related to children's interests and rights.

5.22.2 Response policies and actions:

(a) Enactment of laws and policies: "Children and Youth Welfare Act" was enacted to provide the mandatory reporting of protection cases and urgent protection and shelter in individual cases, requiring that parents or custodians shall be responsible for protecting and educating children and the youth. Meanwhile, the "Community Autonomous Kindergarten Funding Implementation Plan" was passed to guide the local governments.

(b) Administrative measures and actions: Including high-risk family guidance intervention plans and propagation of parental liability via manual, website and civil groups, and working with the local societies and community resources to enforce the community autonomous kindergarten plans.

5.22.3 Difficulty and barrier in execution:

(a) Shortage of human resources: The local government's human resources for children protection social workers are insufficient and difficult to bear the increasing number of cases.

(b) Conflict of interest among providers: The Government intends to support the local governments to promote universal day-care facilities, which are objected by the private day-care providers due to conflict of interest.

5.22.4 Continuous orientation: To increase the local government's social worker human resource under the project granted by the Central Government and to continue encouraging communities or civil groups to participate in the "Community Autonomous Kindergarten Funding Implementation Plan" actively to establish the

equal and universal day-care system under a non-profit-making organization.

**Establish family education and social education including gender equality in education**

5.23 Family and marriage education

5.23.1 Protection of legal system and current status

(a) According to Family Education Law, "family education" shall mean parent education, marriage education, filial education, ethical education and education on family resources and management. Marriage education activities include those at pre-marital and marriage cancelling stages to help women of marital age prepare for married life.

(b) According to Article 12: The senior high schools and below, addition to the regular curriculums, must arrange 4 hours learning and activities on family education, and are encouraged to emphasize on parent education with the support of parents committee.

(c) Regarding Article 4 and 5 of Gender Equality Education Law, the task to promote gender equality in family education and society education on both national and local administrative levels has been delegated respectively to the committee of Gender Equality Education being set in central and local government. The ultimate goal is to unroot the preconceived notion about gender status in the society.

5.23.2 Result

(a) Under the government's supervision, together with the subsidiary provided to the family education activities, the local governments have fulfilled their establishing family centers. The engaged 16,000 ~ 50,000 people are benefited from this program.

(b) To facilitate people's interests and social workers' needs, government has





published various family education materials including parent education and pre-marital and marriage education in order to enhance the knowledge of gender equality, household work sharing, communication skills between couples and filial education. For the specific issues like foreign spouse, aboriginal, single father and old age women are taken into consideration, and are prioritized for their future publication.

- (c) Among the subsidized events held by local governments and non-government groups of community-based women's education and skill trainings, about 70% applications were associated with women's multi-role play issues and gender-related issues.

### 5.23.3 Perspectives

- (a) It is necessary for family centers to be highly aware of gender issues when conducting the volunteer training and case studies. Meanwhile, family centers are required to top-prioritize the gender issues when programming.
- (b) Make gender equality a must-to-do task in all kinds of family education promotions. The aim is to upgrade parents' knowledge of the filial education.
- (c) In consideration of the low men's participation rate in family education activities, men are induced to participate in the pre-marital/marriage education activities exclusive for lovers or couples. Meanwhile, some city/county governments also held the paternal (male) growth education activities and also worked with the police and military, factories and enterprises to hold family education activities that primarily targeted men.
- (d) Provide the various family education centers with the checklist for picture books and films about the local gender equality; hold the gender equality parent and children shared reading activities to enable children to discuss the relevant issue about parents since their childhood.
- (e) Enhance the fulfillment of family education programs and activities for senior high schools below, in hopes of enabling male students to establish their motive and interest in thinking about such issue and to learn the relevant knowledge since they are young.

## Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

- 6.1 In order to protect the human right of victims of human trafficking and prevent the crime of human trafficking effectively, the Executive Yuan passed the "Main Points to Establishment of Coordination Meeting for Combating Human Trafficking by Executive Yuan" in January 2007, dedicated to calling a multi-ministerial liaison meeting between the Judicial and Executive Yuan periodically every two months and drafting the "Action Against Human Trafficking by Executive Yuan" as the basis for Taiwan Government to execute the action against human trafficking.

### Relevant laws against human trafficking

- 6.2 In order to combat multi-national (border) human trafficking and protect the trafficking victims, the Government amended the "Immigration Act" in December 2007 to expressly define concrete actions against prosecution, protection and prevention of the trafficking. Meanwhile, the Government enacted "Rules for Combating Multi-national Human Trafficking and Protecting Trafficking Victims" based on Article 46 of the Act and also amended "Rules Governing Permits for People in Mainland China Entering Taiwan" accordingly to protect the human rights of the trafficking victims and relieve the victims from the administrative penalty against the victims' misconduct caused by the trafficking.



- 6.3 With respect to employment and management of foreign workers, the Government has amended the “Employment Services Act”, “Regulations Regarding the Permission and Administration of the Employment of Foreign Workers” and “Employment Services Act Governing Employment of Foreigners” to define the work period, work procedure, change of employers, life and legal interest of foreign workers in Taiwan to prevent foreign workers from any infringement on their personal safety and to protect the interest and right of victim workers in human trafficking from 2007 to 2008.
- 6.4 In order to curb the crime of human trafficking aggressively and to establish the safe testimony mechanism and protection network for the victims, the Government has passed “Human Trafficking Prevention and Control Law” at the Legislative Yuan upon the final reading in January 2008, which builds an important milestone for human trafficking control in Taiwan.
- 6.5 In order to prevent children and juveniles from being the counterparts in the sex trade, this country has already promulgated and enforced “Child and Youth Sexual Transaction Prevention Act” in 1995, which produced remarkable effect on the control of children's and juveniles' engagement in the sex trade. Meanwhile, this country is also one of the few countries which have enacted laws to protect children and juveniles exclusively in the world.
- 6.6 “Statue for the Development of Tourism” provides that if the tourist hotel industry, hotel industry, travel agency, amusement park industry or home stay provider is involved in human trafficking or serves as the place of sex trade, it shall be sentenced to penalty, shutdown or revocation of its business license or registration subject to the circumstances. Its employees engaging in said activities, if any, shall also be punished with fine. Meanwhile, the Legislative Yuan amended Article 231 of the Criminal Code in April 1999 to increase the criminal responsibility of any persons engaging in red-light houses.

- 6.7 “Money Laundering Control Act” was amended and promulgated in July 2007. Article 16 therein added the provision providing that with regard to the request for assistance by foreign governments, institutions or international organizations, information of declarations or reporting and investigation result may be provided based on the principle of reciprocity, in order to enhance the international cooperation and money laundering control in human trafficking.

### **Victim protection**

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- 6.8. Voluntary and active identification: In order to enable law-enforcement staff to identify the trafficking victims immediately upon uncovering any cases, the Government (Ministry of Justice) has amended the “Concrete Action Against Human Trafficking Cases” and “Principles for Identification of Human Trafficking Victims” from 2006 to 2007. The victims who are identified through the active and voluntary mechanism will be sheltered and provided with any other necessary assistance in accordance with the operating procedure of human trafficking.
- 6.9 Proper shelter: The Government will order the various authorities to provide the trafficking victims with proper shelter subject to their identity. Nevertheless, the existing sites providing shelter and the relevant protection mechanism are not so well-founded that it is necessary to enhance the planning of the shelter to be provided to such victims. The Government is planning three sites providing shelter to human trafficking victims and will contract NGOs to engage in the shelter service in public, in hopes of introducing professional teams to provide such service to meet the victim's actual needs and strengthen their willingness to cooperate in the investigation of cases.



**Table 6-1 Overview of shelter provided to human trafficking victims from 2007 to 2008**

Identity	Shelter	Number of victims
1.Suffer sex exploitation without work visa	25 local governments throughout the country have integrated the beds in the existing shelter houses for victims of domestic violence and rape.	41 victims have been sheltered from 2007 to 2008.
2.Labor exploitation without work visa	Ministry of Interior commissioned NGOs to help with the shelter.	48 victims have been sheltered from 2007 to 2008.
3.With work visa	14 shelter entities for foreign workers of Council of Labor Affairs	43 victims have been sheltered from 2007 to November of 2008, including 5 victims suffering from sex exploitation and 38 victims suffering from labor exploitation.
4.Sex trade of children and juveniles	Ministry of Interior installed 17 urgent and short-term shelter houses throughout the country.	798 victims have been sheltered from 2007 to June of 2008.

6.10 Provide protection services: The Government primarily provides the following protection services:

(a) Supportive service: Work with NGOs to engage in victim support and treatment groups and intellectual growth courses and other service activities dedicated to providing the mental guidance activities, and helping victims contact their family members in the duration of investigation and informing the governmental agencies in Taiwan of the victims' home countries voluntarily to help their family members understand the protection and safety actions provided by Taiwan Government.

(b) Economic reimbursement: The Government will provide the necessary economic reimbursement pursuant to the relevant laws, including urgent living support, children's education reimbursement, shelter reimbursement, legal action reimbursement, medical treatment reimbursement and mental healing reimbursement, et al.

(c) Legal assistance: The various local governments have retained attorneys-at-law dedicated to providing the legal advice and helping filing of complaints subject to the individual cases. For foreign workers, the county/city governments set up the foreign worker inquiry service centers to help resolution of dispute between labor and employer and provide the relevant legal advice and legal action reimbursement, including legal advice fees, attorney fees for attendance in hearings, attorney fees for drafting written statement, and civil procedural fees. In this regard, a total of NT\$141,670,000 has been invested from 2007 to 2008.

(d) Work visa: Define and release work visas to foreigners to vest the human trafficking victims of foreign nationality with short-term working right in accordance with "Rules for Combating Multi-national Human Trafficking and Protecting Trafficking Victims" in 2008.

6.11 Fulfill the protection in the duration of investigation and trial: In order to enhance protection to victims in the duration of investigation and trial, the Government established (a) the investigation under an escort mechanism to permit that human trafficking victims or foreign workers may be escorted by social workers or NGO staff in the duration of investigation, (b) safe testimony mechanism to allow the police authorities to escort victims to ensure the victims' safety in the duration of testimony and (c) translator and interpreter resource network to provide the victims with translation and simultaneous interpretation service to help the investigation.

6.12 Plan the safe repatriation mechanism: The Government passed "Operating Procedure for Safe Repatriation of Human Trafficking Victims Back to Home Countries/Hometowns" in 2008.

6.13 Despite the fact that the Government has set up the victim protection network and provides the various protection services actively, there are still shortcomings in alternative laws and protection work on the interest and right of domestic labors, because the domestic labors' work types are on a case-by-case basis and diversified, and it is not easy to distinguish the work hours, stand-by hours and



break time. Therefore, the protection on interest and right of domestic labors will be the first priority in the future research dedicated to continuing the discussion about the feasibility of inclusion of domestic labors into the Labor Standard Law and the relevant alternative policies.

### **Preventive strategies**

6.14 In order to prevent human trafficking, the Government produced the promotional leaflets and advertisement films via the academic systems, TV, news and magazines and network to propagate the education about human right, gender equality and laws to the nationals.

6.15 To produce rescue cards available to foreign nationals in their native languages, including Chinese, English, Vietnamese language, Philippine language, Thai and Cambodian, in addition to the relevant newspaper and printed publications and TV media, et al., to enhance the knowledge of sex exploitation of potential human trafficking victims in foreign labors and spouses; to install a 0800088885 foreign spouse toll-free advisory hotline to provide the relevant information about applicable laws and regulations in Taiwan, statement of their interest and right and care service in six languages, which has served a total of 10,139 persons in 2007; to install the toll-free phone line, foreign labor advisory service centers and foreign labor advisory service stations at the international airport to provide foreign labors with the complaining and advisory channels; from 2007 to 2008, a total of 23,820 cases reported by phone were accepted, and the service centers have served a total of 254,365 persons, and a total of 521 cases were accepted by the service stations at the airport.

6.16 In order to enhance the governmental staff's knowledge and expertise about the issue on human trafficking, the various ministries/departments are engaged in holding the training programs on the staff's functions: (a) Ministry of Interior held the

prevention training and practicing workshop for the social and political workers and basic workers of the Central Government and local governments, receiving a total of 3570 trainees from 2007 to 2008; (b) a total of 101 rounds for propagation of laws applicable to employers, brokers and foreign labors; (c) the identification training program on human trafficking provided to foreign labor advisory staff, receiving a total of 800 trainees from 2007 to 2008; (d) the professional training program on evidence collection, wound examination and reporting of sexual assault offense provided to medical treatment personnel, receiving a total of 478 medical treatment personnel as trainees in 2007; (e) the symposium about issues on sexual transaction and human trafficking provided to workers in tourism (tour guides, leaders and the management of hotels), receiving a total of 6,750 trainees; (f) 250 simultaneous interpreters trained.

6.17 In order to expand the effect of service and to integrate private resources in the prevention of human trafficking, the various ministries/departments worked with other NGOs dedicated to the relevant issues to provide victims with the services and to help the Government conduct the professional training and research of laws and regulations, and participate in the international NGOs or international exchange.

6.18 Considering that the issue on human trafficking and foreign labors' human rights has been concerned by the various sectors increasingly, the Government started reviewing and amending foreign labor policies, including (a) in order to prevent foreign labors' whereabouts from being uncertain because of illegal intermediary agency, the Government amended the relevant laws to increase the punishment imposed on illegal intermediary agents and to provide that overcharge shall be subject to the order of business suspension in 2007; (b) given that foreign intermediary agents' charges vary all the times, foreign laborers' were often charged additional expenses, which caused heavy burden to them, or were forced to apply for loan by signing the "Foreign Worker's Affidavit Regarding Expenses Incurred for Entry into The Republic of China to Work and The Wage/Salary", which caused them to bear obligation without justified cause. In the future, the direct employment will be



the priority. In addition to maintaining that the same foreign nursing worker shall be the first priority of recruitment, the Government will also extend the same policy to the recruitment of workers in the manufacturing and construction industries in 2009 to achieve the objective to simplify the application procedure and prevent foreign labors from bearing foreign intermediary fees and to help improve the management of foreign intermediaries. On July 29, 2008, the Government negotiated with the home countries of foreign laborers to define the official intermediary rate for foreign labor working in Taiwan and fulfill the authentication procedure to prevent forged or false written undertaking for pay, and also planned to amend the contents of the written undertaking for pay to eliminate the publication of foreign intermediary fees and to prohibit the foreign intermediaries from charging the private loans.

6.19 Meanwhile, in order to protect foreign labors' privacy and personal safety, enhance gender equality and address the amendments to "Sexual Assault Prevention Act" and Sexual Harassment Prevention Act", the discretionary criteria of foreign labors' life care service guidebook also require that the residence design for foreign labor shall take the gender consciousness into consideration and respect the labors' privacy. Further, foreign laborers who are victims of human trafficking victims are entitled to temporary shelter service for two months, which may be extended for another two months upon request. Temporary shelter houses are also required to pay attention to personal safety and privacy and to take the gender consciousness into consideration when planning and designing the internal space to make it adjustable depending on the difference in gender.

6.20 Despite that the Government has installed toll-free hotlines and foreign labor advisory hotlines, it is still impossible for foreign laborers to call the hotlines immediately upon occurrence of any incident, thereby missing the rescue time, because no service is provided on weekends and holidays and beyond the working hours on weekdays and the hotline numbers are different and unmemorable. Accordingly, in 2009, the Government plans to install 24-hour hotlines integrating the existing 0800 foreign labor toll-free hotlines and city/county governments' foreign labor advisory service

centers' hotlines to provide 24-hour (including holidays) complaining and advisory hotlines, assign cases to the competent county/city governments in electronic form and follow up the development of complaints.

### **Crime investigation**

6.21 From November 2007 to November 2008, the judicial and police authorities seized a total of 285 suspected human trafficking cases, including 195 cases concerning sex exploitation and 90 cases of labor exploitation. Meanwhile, a total of 17,545 foreign laborers whose whereabouts were uncertain were uncovered. From November 2007 to November 2008, a total of 409 illegal immigrants from Mainland China were uncovered.

6.22 Concerning the judicial trial and punishment, from 2007 to 2008 a total of 953 persons have been prosecuted because of committing the crimes related to human trafficking. 340 persons out of them have been convicted guilty. Concerning the investigation against employers and intermediaries engaged in exploiting foreign labor in 2007: a total of 1,389 cases in which employers were fined, and a total of 137 cases in which employers were imposed the administrative punishment for revocation of work permit; for intermediaries, a total of 127 cases of intermediaries were fined, and a total of 28 cases in which intermediaries were imposed an administrative punishment for business suspension. In practice, human trafficking victims are likely to be unaware of the injury and have no idea about it even if they are exploited and, therefore, the following treatment will be affected; or, the victims, concerning about their family members' safety, refuse to accept the shelter service and cooperate in the investigation and, therefore, it is difficult to convict the human trafficking syndicates of the crime. This will be an important issue requiring continuous propagation and education.

6.23 In order to establish the crime investigation standard operating procedure and



human trafficking identification criteria, the “Human Trafficking Treatment Procedure”, “Principles for Identification of Human Trafficking Victims”, “Human Trafficking Case Checklist” and “Human Trafficking Case Type and Applicable Provisions Schedule” were enacted and prepared in 2007 and included into the annual education training programs.

- 6.24 Considering that the human trafficking has not yet been defined expressly, it is difficult to identify “victims” in law. Besides, the types of trafficking are diversified, and the victims might also be the suspects. Therefore, it is usually hard to identify the human trafficking victims immediately. Notwithstanding said requirements, for lack of specific concepts and definitions, it is necessary to review and amend the relevant rules and regulations to make the identification criteria of “human trafficking cases” and “human trafficking victims” consistent, and also to enhance law-enforcers’ knowledge about dynamic identification of human trafficking victims and continue the identification of victims subject to the development of the case.
- 6.25 The prosecutor offices of the various district courts have designated dedicated prosecutors to consolidate and command the immigration, police and coastal guard authorities effectively as of 2007, and integrated civil groups and foreign embassies or representative offices in good time to investigate human trafficking cases effectively. Meanwhile, Taiwan High Prosecutors Office has established the supervision task force in 2007 dedicated to supervising the human trafficking cases handled by the various prosecutors offices, so as to upgrade the performance of investigation and enhance the liaison among the relevant authorities, and also prepared the compilation of human trafficking guiding cases in order to enhance prosecutors’ knowledge about human trafficking cases and distributed it to the prosecuting authorities for reference in December 2007.
- 6.26 In order to stop criminal syndicates from recruiting victims illegally under disguise and prevent human trafficking from arising, the short-term visa held by Mainland spouses and Southeast Asian nationals were examined strictly. In 2007, a total of 1,798 holders were interviewed, 200 persons were found suspected and underwent

a second interview. Therefore, the supervision and control mechanism about entry and exit permit will continuously be dedicated to enhancement of interview, strict inspection of visa and aggressive investigation against smugglers and illegal immigrants, in order to reduce illegal immigrants and stop human trafficking.

- 6.27 Hold professional competency training programs for official crime investigators and prosecutors, including (a) a total of 2,130 police and coastal guard staff trained from 2007 to 2008; (b) hold Prosecutors’ Judicial Practices Workshop for Human Trafficking in 2007, and discuss about how to enhance the investigation against human trafficking and protection of victims in the national chief prosecutors’ meeting; (c) co-sponsor the “Discussion Meeting for Human Trafficking Guiding Cases” with AIT in September 2007, and invite Mr. T. March Bell, Senior Special Counsel for Trafficking issues in the Civil Rights Division at the U.S. Department of Justice to host the Meeting and guide the simulation exercise for guiding cases, and also hold the “Symposium for Raid Action Against Human Traffickers and Identification of Certificates” and “Forum for Enhancement of Identification of Human Trafficking Victims” in November, attended by the personnel from the police, judicial and prosecuting and investigating authorities and airlines, and government representatives in Taiwan and custom officers.
- 6.28 Human trafficking involves crime syndicates engaged in human smuggling and trading, illegal immigration and drug trafficking and smuggling. Therefore, it is a complicated issue. The general public has no idea about the issue of human trafficking and will even be cheated by the human trafficking syndicates. In order to encourage the public to report human trafficking voluntarily, the Ministry of Interior installed “02-23883095” hotline and “110” hotline in December 2007, and also enhance the propagation to potential victims in the various public places and media to prevent them from becoming the human trafficking victims physically. In the future, it will also establish effective promotional channels to enhance the public’s knowledge and information about the nature and types of human trafficking to prevent human trafficking crimes altogether.



## International cooperation

- 6.29 Work and exchange with the territories including the U.S.A., Japan, Indonesia, Thailand and APEC through the various agreements and meetings: In December 2007, the R.O.C. representative office in Japan attended 4th-term Human Trafficking Meeting in Japan and negotiated with the competent authorities in Japan for the cooperation in prevention of human trafficking. In 2008, the cooperation mechanism combating human trafficking is proposed to be included into the Labor Cooperation Memorandum entered into between Taiwan and Indonesia, and will be signed after Indonesia gives its response. Further, the inclusion of cooperation mechanism combating human trafficking into the Direct Employment Treaty between Taiwan and Thailand is under research and negotiation.
- 6.30 Hold an international conference and promote international exchange and cooperation: In July 2007, “International Academic Conference on Human Trafficking Prevention” was held, and Ms. Grace Chung Becker, Deputy Assistant Attorney General of the U.S. Department of Justice was invited to give a speech on special topic. The international workshop and forum for human trafficking prevention were held respectively in August and October 2007, in which the Government has worked hard in communicating and exchanging with the U.S. government officials physically dedicated to the issue on human trafficking and NGOs from Vietnam and Cambodian on the practices of human trafficking prevention.
- 6.31 Considering that most of the human trafficking victims in Taiwan come from Vietnam, the Ministry of Foreign Affairs and Ministry of Justice have negotiated for an agreement on mutual legal assistance since November 2006. In 2008, the two countries negotiated with each other in order to conclude the “Agreement on Mutual Legal Assistance in Criminal Matters Between Taiwan and Vietnam” and had the common consensus on enhancement of the international mutual legal assistance.
- 6.32 To prevent human trafficking, it is necessary for the countries that import and export to work with each other to attack the criminal activities. For the time being, though the countries of origin have a consensus on prevention of the trafficking, the Government will still continue enhancing the negotiations with the countries of origin to develop diversified cooperative models, struggle for the international cooperation and enable the international society to understand our value on the issue, in consideration of the various countries' will and thee affect of the objective environment in the international scene.
- 6.33 To address the access policy between Taiwan and Mainland China, frequent cross-strait exchange and the issue on safety of Mainland tourists, the Government will achieve the Management Mechanism for Mainland People's Safety in Taiwan by “continuing establishing the cross-strait institutionalized cooperative mechanism combating crimes”, “fulfilling fingerprint database and match” and “planning the enforcement of biological authentication system”.
- 6.34 Considering that Taiwan is isolated diplomatically, it is impossible for Taiwan to exchange with the other countries in the world equally due to political reasons and for lack of substantial diplomatic relations. The Government shall strengthen the exchange of civil groups to help achieve the substantial international exchange and cooperation, and shall enhance the development of diplomatic relations by increasing the relevant budgets.



## Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

### Gender equality in politic participation

#### 7.1. Background and current status

None of the election laws and regulations applicable in Taiwan restricts women's right to elect, be elected and vote. The Constitution is the base of all laws. Since it was promulgated in 1947, it has provided various protection measures with respect to the gender right in political participation:

- (a) Basic human right: Article 17 of the Constitution provides that "the people shall have the right of election, recall, initiative and referendum".
- (b) Equality in right: Article 129 of the Constitution provides that "the various kinds of elections prescribed in this Constitution, except as otherwise provided by this Constitution, shall be by universal, equal, and direct suffrage and by secret ballot".
- (c) Protection of freedom: Article 132 of the Constitution provides that "intimidation or

inducement shall be strictly forbidden in elections, showing that the election shall also protect the civilians' freedom for political participation".

- (d) Support in politic participation: Article 134 of the Constitution provides that "in the various elections, the number of women to be elected shall be fixed".

#### 7.2 Response policies and laws

In order to ensure that the Constitution can expressly define the women's right in political participation to secure the specific percentage of women representatives in elected organizations, the laws and regulations of Taiwan further provide the following:

- (a) Seats in parliament: Article 4 of the Constitution was amended and added in 2005, providing that seats in parliament held by women elected in proportion to the votes won by a political party shall be no less than a half of the total seats. Therefore, the women representatives of the various political parties nominated in proportion to the parties shall be more than a half.
- (b) Local council: If the quota of councilors of any local government attains 4 persons, there shall be one women councilor elected. If the quota is more than 4 persons, one additional women councilor shall be elected per increase of 4 persons. The same requirement shall apply to the councilors elected by aboriginals.

#### 7.3 Enforcement

- (a) Upgrading in seats in parliament held by women as percentage of total: In 2008, women legislators accounted for 30.09% of the total legislators elected (a total of 113 legislators, including 34 women legislators), drastically increasing by 21% more than that in the previous election (a total of 225 legislators, including 47 women legislators).
- (b) Enthusiastic women voter turnout rate: The female voter turnout rate was 77.65% in the presidential election in 2008, slightly higher than the male voter turnout rate. Apparently, women political participation was enthusiastic.





7.4 Prospective

The Constitution provides the protection of people's freedom in political participation. Namely, the people who meet the minimum requirements of age and mental condition may be entitled to be elected and re-elected, free from gender inequality. In order to provide more comprehensive protection, the Government also defines the draft of "Human Rights Act" pursuant to the "Universal Declaration of Human Rights" resolved by the United Nations, expressly providing that the civilians shall be free from any unreasonable restrictions in "participation in public affairs, in a direct manner or via free election", "exercise of voting right in the amendments to public policies, laws and Constitution and motion for change of national territory", "voting and election in the various public officials' elections" and "assumption of public office under equality". It also expressly provides that "People shall be entitled to freedom of assembly, and the freedom shall be free from any restrictions, unless provided by laws and required by preservation of national security, public peace, public health or good morals or by protection of others' freedom and right in a democratic society." And "People shall be entitled to freedom of association, including the right to organize and participate in labor unions, and the freedom shall be free from any restrictions, unless provided by laws and required by preservation of national security, public peace, public order, public health or good morals or by protection of others' freedom and right in a democratic society.", in order to protect the right to public participation.

**Equal participation in policy-making and assuming official positions**

7.5 Background and current status

(a) The administrative departments fulfill gender mainstreaming: Promote the various human resource management actions dedicated to gender equality and raise gender consciousness pursuant to resolution made by the Committee of Women's Rights Promotion meeting.

(b) Reform the gender quota of national examination: For the time being, Taiwan does not impose any qualification restrictions on civil service examinations, provides that only few public offices (special examination for national security special agents, special examination for judicial personnel and special examination for policemen, et al.) are subject to the restriction on gender quota. In this regard, please consult with Advisory Committee on Gender Equality in National Examination".

7.6 Response policies and laws

(a) Promote women's participation in decision making: The various authorities are encouraged to employ female public officials to assume middle- and high-rank supervisors and to assume critical functions. In 2003, the Executive Yuan authorized the "Encouragement Plan for the Excellent Performance of the Promotion of Women's Participation in Decision Making by Executive Yuan and its Subordinated Authorities and Local Authorities" to select and encourage the authorities which works hard to employ women staff.

(b) Improve the gender proportion in committees: 26.09% of the ministers/directors-general of the supreme administrative authorities of the Central Government are women by December 26, 2008. Further, the Government is also dedicated to the policy achieving one-third of either gender in committees subordinated to the various ministries/departments. The Central Personnel Administration identifies the corrective action against the gender proportion of committee members of the various authorities as one of the items in the annual performance appraisal of personnel agencies of competent authorities and follow and appraise it periodically.

(c) Raise gender consciousness of public human resources: Hold the academic forum for the "Observation of the Present and Future of Public Human Resource Management from the Point of View of Gender" on December 22, 2008. Strengthen the exchange in experience of the task forces dedicated to gender equality of the various ministries/departments.

(d) Gender equality in the examination system: In consideration of the Gender



Equality in Employment Act, the Government released the “White Paper for Gender Equality in National Examination” to specify the actions and result of protection of gender equality in national examinations.

7.7 Enforcement and difficulty

(a) Gender proportion in committees remaining improved: Until January 2009, 79 of the 481 committees under the control failed to achieve one-thirds of either gender proportion. The rate is about 16.42%. The administrative departments will continue requiring corrective actions to be taken.

(b) Continue promoting gender equality in all national examinations: In 2007, the gender enrollment rate in national examinations:

Type of examination	Women	Men
Level 1 & Level 2 Senior Examination	33%	67%
Level 3 Senior Examination	51%	49%
Common Examination	42%	58%
Elementary Examination	68%	32%

Said examinations are all free from any restrictions on gender quota. However, a few examinations, such as the special examination for national security special agents, special examination for policemen, and special examination for judicial personnel for prison officers and controllers, are still subject to the gender enrollment quota.

(c) Equality in public service personnel recruitment and pay system: From 1998 to 2007, the women public official proportion has increased from 32.57% to 37.26% year by year.

7.8 Prospective

(a) Continue improving gender proportion and raise gender consciousness: The various authorities are continuously encouraged to employ women to participate

in decision making and to help the achievement of one-thirds of either gender in the committees subordinated to the various ministries/departments. Meanwhile, the relevant symposiums and forums are held periodically each year to enhance the exchange of experience of the task forces dedicated to gender equality of the various ministries/departments and the gender consciousness of the task force members, and to promote the gender mainstreaming policy comprehensively.

(b) Cancel the gender restrictions in all national examinations step by step: To enhance the functions of “Advisory Committee on Gender Equality in National Examination” of Examination Yuan; to negotiate with the hiring authorities of special examinations to cancel the gender restrictions step by step and to research the adoption of diversified examination to recruit competent personnel; to suggest the various authorities to improve working environment, fulfill the result of performance appraisal training, establish the “exit mechanism” and take care of the special requirements in the authorities’ mission and gender equality.

## Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

### The relevant legal systems and execution thereof

8.1 In consideration of gender equality, the R.O.C. governmental authorities are used to employing personnel free from any gender restrictions and completely based on the concerned parties' academic degree, working experience and competence. Nevertheless, the female governmental officials expatriated in foreign countries will still be subject to some restrictions in promotion or expatriation overseas due to family or marriage reasons. In order to protect gender equality in employment and in consideration of family and marriage, the Ministry of Foreign Affairs has enforced the "couples working in the same consulate" system as of 2005. So far, there have been 21 couples (including 5 couples in the Ministry and 16 couples in foreign consulates) working in the same consulate voluntarily and such system received remarkable performance. Accordingly, the system has been officially included into the Ministry's Regulations for Assignment of Staff Expatriated Overseas.

**Table 8-1 Proportion of women supervisors in Ministry of Foreign Affairs**

Year Type	2005		2006		2007		2008	
	Delegated-rank supervisors (directors-general of chambers and divisions)	2	4.00%	2	4.55%	5	11.36%	8
Recommended-rank supervisors (heads of sections/teams)	15	16.18%	19	21.35%	28	29.47%	29	30.53%
Subtotal (%)	17	11.64%	21	15.44%	34	23.94%	37	24.67%

Source from: Department of Personnel, Ministry of Foreign Affairs

**Table 8-2 Proportion of women supervisors in embassies or missions of the Ministry of Foreign Affairs**

Year Type	2005		2006		2007		2008	
	Chief	6	5.31%	4	3.7%	4	3.81%	8
Vice chief	3	9.68%	3	8.57%	3	7.69%	4	10.26%
Team head (vice team head)	10	11.36%	9	10.00%	11	11.22%	11	11.83%
Subtotal (%)	19	8.19%	16	6.87%	18	7.44%	23	9.78%

Source from: Department of Personnel, Ministry of Foreign Affairs

8.2 Employment of commercial representatives of the Ministry of Economic Affairs in foreign countries: the Ministry of Economic Affairs is used to assigning and transferring staff expatriated overseas in terms of work performance, specialization in languages and personal will, in order to enable men and women staff to assume the job responsibilities in the embassies or missions and participate in the various international affairs on behalf of the country. So far, the commercial representatives overseas sent by the Government have totaled 227 persons, including 46 women, accounting for 20.26% of the total representatives.

8.3 Representatives for meetings of international organizations are chosen based on professional needs. There is no limitation to female participation. Here we would like to cite the participation of female representatives in APEC meetings as an example. There is a GFPN established under the structure of the APEC. The responsibility of this special institution is to raise the attention of gender mainstreaming among member economies, and to promote equal participation of female representatives in all meetings and conferences of the APEC. The APEC also hold the WLN annually. Women's participation in international conferences and forums on behalf of the Government: The Government has continually supported GFPN and WLN. In 2006 and 2007, the Government has sent women workers in specific proportion to attend



APEC Leaders Meeting, APEC Ministerial Meeting, APEC Senior Officials' Meeting and task force meetings. The Government has been working hard to help domestic women groups attend international meetings and events to promote Taiwan NGOs to connect with the international and to struggle for important functions in some NGOs. For aboriginals, the Government is also working hard to facilitate women's participation in international affairs, e.g. the 7th UN Permanent Forum on Indigenous Issues held in New York and practice working in Metis in Canada.

8.4 Since the Ministry of Foreign Affairs canceled the quota on women diplomatic and consular personnel in 1996, the women enrollment rate has been 40%-50% per year. In 2006, the total enrolled personnel were 40 persons, including 23 women, accounting for 57.5% of the total enrolled personnel. In 2007, the total enrolled personnel were 39 persons, including 19 women, accounting for 48.72% of the total enrolled personnel. In 2008, the total enrolled personnel were 30 persons, including 19 women, accounting for 63.33% of the total enrolled personnel, showing that the women enrollment rate has exceeded the men enrollment rate. In the future, more and more woman workers will be enrolled to assume important functions.

**Table 8-3 Women enrollment rate of Level 3 Civil Service Special Examination for Diplomatic and Consular Personnel**

Year Type	Total	Women	Men	Proportion of women
2005	30	12	18	40.00 %
2006	40	23	17	57.50 %
2007	39	19	20	48.72 %

Source from: Department of Personnel, Ministry of Foreign Affairs

## Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

### The relevant legal systems and execution thereof

9.1 In consideration of gender equality, Taiwan's Nationality Act provides the same requirements about acquisition, change or reservation of nationality for women and men. According to the Nationality Act, a foreign national or stateless person who meets the specific requirements can apply for nationalization, and the native nationals who meet the specific requirements can apply for loss, restoration, and withdrawal of loss of nationality, if they file the application with the local household administration office in the jurisdiction where they are domiciled with the relevant certified documents and subject to the approval of approval from the Ministry of Interior after the application is transferred to the Ministry via the municipality under direct jurisdiction of the Central Government or county (city) level; where the native nationals who apply for loss or withdrawal of loss of nationality reside overseas, they may file the application with the embassy or mission to seek the approval from Ministry of Interior after the application is transferred by the embassy or mission to the Ministry of Interior via the Ministry of Foreign Affairs. Therefore, the women's



R.O.C. nationality will not be altered upon marriage with foreign nationals or after their husbands change nationality in the duration of marriage, and if they wish to change nationality, it is not necessary for them to seek the consent from any others (including their spouses).

- 9.2 Further, according to Nationality Act amended and promulgated on February 9, 2000, if either of the parents has R.O.C. nationality, the children, if any, shall have R.O.C. nationality, which changed patrilineal jus sanguinis to parental jus sanguinis. Therefore, children of R.O.C. women who marry foreign nationals shall have R.O.C. nationality. Meanwhile, minor children who wish to change nationality with their parents shall submit the statutory agents' written agreement. The statutory agents include parents. Therefore, women are entitled to the equality in the right of nationality with R.O.C. males.

## Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.



10.1 Article 2 of National Education Act provides that “nationals of 6-15 years old shall accept national education; nationals beyond 6-15 years old who have not accepted national education shall accept the national supplementary education; compulsory school entrance of nationals of 6-15 years old shall be provided under laws separately (namely, Compulsory School Entrance Regulations).” Nine-year compulsory education was enforced for the purpose of upgrading the national education level and meeting the need for national development. The mode of such education: elementary school for the first six years, and junior high school for the remaining three years. With respect to the school enrollment number of nine-year compulsory education, the statistics in the academic year of 2008 showed that elementary school boy students were 875,044 persons, elementary school girl students 802,288 persons, junior high school boy students 494,877 persons and junior high school girl students 457,099 persons, and the proportion of boy students were 52.10% and that of girl students 47.89%.

**Establish the environment for equality in education resources**

10.2 School enrollment rates for men and women are very close at the stage of elementary and junior high school, senior high school and senior vocational high school and college/university education (Table 10-1). Nevertheless, the school enrollment rates for men and women at the stage of graduate school (Table 10-2) and special academic subjects (e.g. military and police school, see Table 10-3) appear to be distinguished from each other, and present a wide gap in gender proportions. Additionally, other education institutes also provide women with equal conditions for learning and acquisition of diplomas, and guidance and training courses. The Government also holds that various competency training programs must meet the needs from the different groups and provide women with the opportunity to accept the various training courses and attend professional training programs.

**Table 10-1 School enrollment rate by gender in the academic year of 2007**

	Elementary school students Net enrollment rate (%)	Junior school students Net enrollment rate (%)	Percentage of seeking higher education after graduation from junior high school Net enrollment rate (%)	Percentage of seeking higher education after graduation from senior high school Net enrollment rate (%)	Percentage of seeking higher education after graduation from senior vocational high school Net enrollment rate (%)
Men	99.4	96.7	95.5	87.6	82.6
Women	99.2	96.4	97.1	87.8	84.7

**Table 10-2 Percentage of graduated school students by gender in the academic year of 2007**

	Master program	Doctor program
Male (%)	59.6	72.7
Women (%)	40.4	27.3
Total (%)	100	100

**Table 10-3 Number of the enrolled in basic national military education, graduated school and advanced education and number of the recruited in Taiwan Police College by gender in the academic year of 2007**

	Basic national military education	National military graduated school	National military advanced education	Recruited in Taiwan Police College
Men (%)	92.8 (2,162)	70.2 (99)	79.2 (396)	84.3 (2,139)
Women (%)	7.2 (168)	29.8 (42)	20.8 (104)	15.7 (399)
Total (%)	100 (2330)	100 (141)	100 (500)	100 (2538)



10.3 Article 21 of “the Constitution of the R.O.C.” provides for gender equality in national education. According to Article 13 and Article 14 of the “Gender Equity Education Act”, the school shall not discriminate against students in enrollment and admission, teaching, activities, assessment, reward and punishment, welfare and services based on gender or sexual orientation, but shall affirmatively provide assistance to students who are disadvantaged due to gender or sex orientation in order to improve their situation.

10.4 As far as school education is concerned, there are still a great number of senior high schools dedicated to recruiting students of a single gender. Though such recruitment is conducted with justified reasons including historical tradition, special education objectives or any factors other than gender, it is still disputable and may be changed. As far as the competency training is concerned, some women seeking re-employment have been away from the labor market too long to possess the competency required by the employment market, and it is impossible for some foreign nationals and Mainland spouses to attend the training programs due to economic problems and, therefore, some competency training actions are taken in vain and fail to receive the expected effect.

10.5 The Government has taken women's need into consideration and expanded the competency training programs applicable to women to increase women's possibility to attend the training. Meanwhile, the Government reimburses the training expenses in full to the foreign national spouses who have not yet acquired R.O.C. nationality but possessed valid residence visa and jobless Mainland spouses who were approved to accompany relatives with a work permit in the duration of legal stay, or to reside or domicile permanently, since 2008.

**Eradicate stereotypes about gender**

10.6 To eradicate stereotypes about gender, Taiwan has included the issue on gender

equality in education into the curriculum of education at the various school levels, and prepared the teaching material reflecting the historical contribution and life experience of men and women and also the diversified concept about gender. The courses and activities are planned and designed to encourage students to exert their potential to study the non-traditional academic subjects about gender and to eradicate the predetermined concept about gender missions in education.

10.7 According to Article 14 and Article 15 of “Enforcement Rules for Gender Equity Education Act”, the participation of teachers with gender equality consciousness is required in the compilation, evaluation and selection of teaching materials. The materials shall be free from gender prejudice and the male-dominant concept in order to reflect the value of gender equality and diversity; teachers shall encourage a diversified and individualized development in their guidance and assistance to students' course taking, major selection or exploration in career development and avoid making specific academic subjects gendered.

10.8 The “Gender Equity Education Courses and Teaching Guidance and Advisory Task Force” was established in February 2008 to help the enforcement of gender equality courses and teaching at the national education level. As of the academic year of 2006, the “Senior High School Curriculum” expressly defined that courses shall be designed to include the issue on gender equality in education. The Ministry of Education was engaged in holding the selection of teaching plans for the various academic subjects including the issue on gender equality in education from June to December 2008.

10.9 Gender equality consciousness is rising and teaching materials are increasing in type and quantity in Taiwan. However, there is barely anyone able to play the role of checking on the quality of teaching materials given the diversified options and, therefore, there are no sufficient medias to translate and promote the excellent works of other countries to the public. Meanwhile, the teaching materials with localization and life remain developed. As far as the teaching is concerned, the teaching plans



and samples for gender equality in education at school are under development but are not promoted and exchanged sufficiently. With respect to teacher training, it also appears to be difficult to seek trainers specialized in symposiums and workshops about gender equality in education. In January 2008, the Ministry of Education held the “Academic Sex Education Enforcement Plan” to enhance students’ ability to deal with the issue of sex education. The Department of Health is dedicated to promoting school sex education by virtue of enactment of school health policies, provision of health service, conducting health education and activities, creating a healthy social environment, preparing the material environment and utilizing community relations.

10.10 Family and marriage education  
 Please refer to 5.23

10.11 The Central Government works with local governments and civic groups to solicit experts and scholars to recommend and translate teaching materials on a commission or reimbursement basis. The teaching methods may apply regional and national teaching presentation activities, or regional and national information platforms may be created to exchange experience adequately. Training of gender trainers may be achieved via the cooperation of local governments and trainer training universities. For sex education, it is necessary to enhance the education about living techniques required by the juveniles’ gender relations and to continue promoting that the counterparts of sex education shall include juveniles and to enhance propagating the concept about “men shall not be relieved from young girls’ unexpected pregnancy caused by them”.

**Current status about receiving scholarship and research grants**

10.12 The scholarship offered to overseas study is conducted by the Bureau of International Cultural and Educational Relations R.O.C.

**Table 10-4 Number of scholarships for qualifiers to study abroad approved by the Ministry of Education by gender in the academic year 2008**

	Qualifier on Full-scholarship	Qualifier on scholarship
Male (%)	49.5 (51)	48.9 (136)
female (%)	50.5 (52)	51.1 (142)
Total (%)	100	100

10.13 In order to encourage women to engage in special research projects and attend workshops/forums, the National Science Council takes expertise and competency as the first priority when selecting the convener, examination commissioners and funded projects, provided that when men and women have equal performance, the “lady first” principle shall apply (see Table 10-5 for the actual applications and approved cases). Further, in order to eliminate the disadvantaged factors to women, the time limit for appraisal on research result of women teachers who were pregnant and experienced childbirth is extended to be 7 years at most.

**Table 10-5 Number of special research projects and cases for attendance to international academic forums granted by National Science Council by gender in the academic year of 2008**

	Special research project		Experts'/scholars' attendance to international forums	
	Application	Approved	Application	Approved
Men (%)	78.3	79.4	64.56	60.02
Women (%)	21.7	20.6	35.44	39.98
Total (%)	100	100	100	100





- 10.14 National Science Council resolved in the “Science Meeting” in April 2006 that the day-care service expenses may be listed and granted subject to the need when it grants fund to any domestic forums, and prepared the annual budget for “gender and science research” as from 2007 to promote the gender mainstreaming plan.
- 10.15 The National Science Council prepared the budget in 2008 to sponsor the plan of speech given by scientists in North, Central and South Taiwan in an attempt to upgrade senior high school students’ interest in science and engineering courses or life sciences.

**Current status about adult education**

- 10.16 To bridge the gap in between the educated male and uneducated female, which stems from the unequal gender status in early society, and to eliminate the newly-immigrants’ illiteracy, the “Enforcement Rules for Adult Basic Education Sponsored by Ministry of Education” was enacted. It sponsors the establishment of adult basic education classes to train school dropouts (mostly older women), foreign spouses and Mainland spouses (mostly women) to have listening, speaking, reading, writing and calculating ability and to enrich their basic knowledge about life, enhance their language and communication ability, develop their interpersonal relationship, adapt themselves into the modern social environment, and upgrade their life quality.
- 10.17 In 2008, the Government sponsored a total of 2,326 adult basic education classes, including 1,245 foreign spouse classes attended by 25,000 trainees.
- 10.18 Meanwhile, the government worked hard to promote and guide the various cities/ counties to hold foreign spouse family education, literacy education, national supplementary education and diversified cultural discovery activities. In 2008, 47,844 people participated this program, equivalent to 34% of total foreign

spouses (excluding those from mainland China, Hong Kong and Macao). The low participation rate is attributed to their lacking of time because of the burden of their daily duty such as children care, elderly parents-in-law care, long travel and disapproval received from their families.

- 10.19 The various county/city governments have identified how to enhance foreign spouse education service measures as the priority of the tasks in 2008. The contents of the tasks include establishment of 27 education centers subsidized by government for the newly-immigrants, promotion of education service to home, utilization of digital opportunity centers and national computers and integration with communities to plan voluntary learning activities enabling foreign spouses who cannot attend the activities personally to have access to the various resources and to commend the personal models of foreign spouses attending the lifetime learning activities.
- 10.20 Providing the public with the chance to unlock knowledge and form a civil society. Therefore, the community universities are primarily engaged in the modern citizenship education and highlight the cultivation of general education competency and discussion of public issues. The trainees attending community universities were 27:73 for men and women in 2008, and a total of 305 courses on women/gender were established, taking a total of 7,678 hours in the same year.

**Protect pregnant students’ interests and rights in education**

- 10.21 Pregnancy is one of the key factors for women’s dropping out of school. The Taiwan education authority has started to provide pregnant students with adequate sex education and necessary assistance, taking flexible actions subject to the relevant requirements about student status, performance appraisal or assessment and also improving school hardware and facilities, application for



budget, and network resources of integrated health and medical, social and political, police and civil social welfare, and mental hygiene organizations, so as to protect the interests and rights of pregnant students or students who raise children. Additionally, it will also enhance the guidance to the resumption of interrupted studies of students dropping out of junior high schools and elementary schools to reduce the dropout rate.

- 10.22 Stated in the paragraph 3 of Article 14 of Gender Equality Education Law: schools are obligated to guard the pregnant students' rights in education and provide assistance if it's required. "Rules of Counseling and Handling Students' Pregnancy" was enacted by Ministry of Education in 2005. It provides the guidance of education, consultation and assistance for schools' implementation.
- (a) Target users include education administrations, public and private schools and students (general students, pregnant students, students undergoing abortion, miscarriage and adoption, students who raise children).
  - (b) Establishing the processing mechanism (as hoc committee, delegated contact person, cross-functional cooperation on counseling and administration).
  - (c) Incorporating gender equality and sex education into school programs to instruct students in having correct perspective about sex, and to educate teachers and parents to be attentive to the pregnant students.
  - (d) Taking flexible actions subject to the relevant requirements about student status, performance appraisal or assessment. School should consider providing alternative education with integrated resources.
  - (e) School is prohibited from discriminating pregnant students at any rate. Students subjected to the discrimination entitle to appeal against it.
  - (f) "The Rules of Counseling and Handling Students' Pregnancy" was executed to prevent students' pregnancy and to enhance efficiency of counseling and handling process. By practicing, the delegated team can learn how to conduct the assistance to the pregnant students including improving school hardware and facilities, application for budget, and network resources of integrated

health and medical, social and political, police and civil social welfare, and mental hygiene organizations, so as to protect the interests and rights of pregnant students or students who raise children.

- 10.23 In 2007, the "University Director of Academic Affairs Association" was held. The notion to extend the expiry of dropout period of pregnant students was emphasized in the meeting. According to the official document issued on 31, December, 2007, schools were indicated to amend the regulations of school leave in consideration of the special conditions of pregnant students including their leave application and performance assessment. The regulations are recommended to include reserving the qualification of resumption, lengthening the study period, adjusting the standards of students' s attendance and performance assessment, extending the expiry of dropout period. The checking list and schedule also were made for the accomplishment over the schools. There are, so far, 164 (70%) universities and colleges have fulfilled the Amendment.
- 10.24 The Ministry of Education passed the amendment of "Rules of Senior High Students Performance Assessment" in 2008, June. The pregnant students (to follow the precedent of rules subject to adult women including prenatal leave, delivery leave, miscarriage leave, maternity leave and menstrual leave) is considered to be given the make-up exam and adjusted standard of performance assessment. The amendment is also adapted into vocational schools.
- 10.25 According to Article 21 of the "Constitution of the R.O.C", Article 2 of the "National Education Law", all citizens of R.O.C. have equal right to education; Article 11 of "Prevention of Children and Youth Sex Trading", the "Rules of Elementary and Junior High School Dropouts Report and Resumption", schools should promptly report the missing students to the relevant administrations and proceed the forceful schooling programs. Local government and schools are obligated to provide the counseling service for the dropouts' resumption. The monitoring



system has been set in the Ministry of Education for tracking the dropouts' status. The regular meetings are also conducted to update the latest status.

10.26 Status overview

10.26.1 Strategies of implementation:

- (a) Enhancement of organizational corporation: Set up a cross-functional model involving central and local governments with their relevant departments.
- (b) Efficient updating and management mechanism: Establish the "Dropouts Updating System," tightly working with National Police Agency, Ministry of the Interior, by helping update the data of missing students.
- (c) Involving searching: Actively to conduct family enquiries, pressurize the school committee to execute forceful schooling, leverage the network of police force for searching the missing dropouts, recruit the professional counselors.
- (d) Resumption policy for interrupted studies: the alternatives include continuing the study level, taking intensive care class, joining the learning-aid class (resource-type and corporate-type), or choosing the part-time schooling. The government has funded the local government to increase the capacity of intensive care class, which has delivered 33 classes in 10 school covering 696 students; 79 learning-aid (resource-type) class covering 1,310 students; 23 learning-aid (corporate-type) class covering 365 students.
- (e) Counseling service: Promote counseling service to the need, intensive counseling, intelligence development education, future career development, artistry and workmanship education, remedial teaching programs, flexible class proposals.

10.26.2 Achievement:

According to the statistics published by the Ministry of Education, with the endeavors contributed by government at vary levels, schools and non-official groups, the number of dropouts decreased from 4,165 (0.145%) in academic

year 2004 to 1,498 (0.056%) in academic year 2007. It remains declining according to the comparison of January in academic year 2008/1,752 (0.066%) dropouts and 2009/1,498 (0.055%).

**Creation of sport-friendly environment to women**

10.27 The Ministry of Education encourages various level schools to add diversified sports in PE courses and clubs to increase women students' opportunity to participate in PE (see Table 10-6 for the actual participation) and to improve the need for women students' sports.

**Table 10-6 School students' participation in sports by gender**

	Sport club (%)	Class sport Representative team (%)	School sport Representative team (%)	Class sport competition (%)	National sport competition (%)
Men	33.2	28.1	13.7	26.1	2.4
Women	22.3	23.7	8.9	26.0	1.4

10.28 The selection, training, competition, conditions, norms and reward system of athletes are according to the Regulations for the Awarding of Professional Medals by The National Council on Physical Fitness and Sports (NCPFS).

10.29 There are two main policies of Sports Affairs Council (SAC). The first one is sports for all and promoting and enhancing awareness of participation in sport. The second one is strengthening the competitive sports, and to win better prizes in each competition. On the one hand, the SAC focuses on the following



works, namely, actively promoting sports for all; enhancing the right to exercise; protecting of all people to have the right and opportunities to participate in sports, and encouraging women to participate more in sports. On the other hand, the SAC also strengthens the training of outstanding athletes, and according to the types of exercise and sports for the selection of training which aims to increase the competitive strength.

- 10.30 According to the "Top Sports Cities Survey," in the 2007, 24.7% of women and 20.2% of men did not exercise. In 2008, the statistics decreased, and there were 22.2% of women and 17.2% of men who did not exercise. The three main reasons that cause the not-to-exercise population are lack of time, not bother to exercise, and too tired from their works.
- 10.31 The conditions of norms, training foster and reward system, are all impartiality followed relatively regulations, and are all in accordance to the gender equality.
- 10.32 The numbers of national sports players who were trained in the National Sports Training Center are listed in table 10-7.

- 10.33 The organization strategy of Sports Affair Council, Executive Yuan is to promote the participation of citizen in sports, to enhance athletic spirit, to improve athletic standards and to raise competitiveness in sports and athletics. The two major areas the SAC has been working on are: 1) promotion of civil participation in sports, sports law and regulation, equality of sports participation and right and women's interests of taking up sports; 2) upgrading the training of potential athletes depending on various sports and its competitions to improve athletes' competitiveness.
- 10.34 Emphasizing the equality of male and female athletes in the right of participation, athletic standards, training and awarding policies.
- 10.35 More about the protection of women's right in participating sports please refers to 13.8.

**Table 10-7 Statistics of national sports players trained in National Sports Training Center**

	2007		2008	
	Number	Percentage %	Number	Percentage %
Male Athlete	721	60.6	637	52.3
Female Athlete	469	39.4	349	28.7
Total	1,190	100.0	1217	100.0



## Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
  - (a) The right to work as an inalienable right of all human beings;
  - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
  - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
  - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
  - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
  - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
  - (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
  - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
  - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
  - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.
  - 11.1 The R.O.C. defines the relevant laws and regulations about the protection of women's equal right in employment in accordance with the Constitution of the R.O.C., including the "Labor Standards Act" (1984), "Gender Equality in Employment Act" (Gender Equality in Employment Law enacted in 2002, amended as Gender Equality in Employment Act in 2008), "Employment Services Act" (1992), "Labor Insurance Act", "Employment Insurance Act", "Occupational Accident Labor Protection Law" and "Labor Safety and Health Act".
  - 11.2 The women's interest and right in work specified in this Article are primarily applicable to women labor protected under "Labor Insurance Act", including the women military and police officers' interest and right in work. The interest and



right of women shall apply to the “Public Functionaries Insurance Act”. Please refer to Article 7 herein for details.

### **Labor participation**

11.3 The number of employed women was around 3,907,000 in 2002. The number was 4,718,000 persons in 2008. The number of employed persons increased year by year, and by 22.5% in one decade, higher than the increase rate of men in the same period (5.5%). Women’s labor participation rate, from 46.1% in 2002 increasing to 49.83% in 2008, increased by 3.73% in six years, ahead of Japan and following Korea. Meanwhile, the gap in regular monthly salary between men and women employed for the first time was shortened from 5% prior to enforcement of Gender Equality in Employment Act to 2.5% afterwards.

11.4 Women working in departments of the service business accounted for 69.2% of the total workers, higher than men workers for 49.4%. Women working in industrial departments accounted for 27.0% of the total workers, lower than men workers for 44.2%. Women engaged in elected representative, enterprise management and managers accounted for 1.8% of the total workers, lower than men workers for 6.5%. Women engaged in service work and sale representatives accounted for 25.2% of the total workers, and women engaged in general affairs was 19.8%, higher than men workers for 14.5% and 4.4%.

### **Eliminate discrimination against women in employment**

11.5 Basic protection of work terms and conditions:

11.5.1 Article 11 of Gender Equality in Employment Act provides that “employers shall not treat discriminate against employees because of their gender or sexual

orientation in the case of retirement, severance, job leaving and termination; work rules, labor contracts and collective bargaining agreements shall not stipulate or arrange in advance that when employees marry, become pregnant, engage in child-birth or child-raising activities, they have to leave their jobs or apply for leave without payment; employers also shall not use the above-mentioned factors as reasons for termination; any prescription or arrangement that contravenes the stipulations of the two preceding Paragraphs shall be deemed as null and void; the termination of the labor contract shall also be deemed as null and void.”

11.5.2 In order to propagate the relevant requirements under Gender Equality in Employment Act effectively, Council of Labor Affairs has designed the “Self-assessment Template for Compliance of Enterprises/Entities With Gender Equality in Employment Act”, asking the ministries/departments to conduct the self-assessment and requesting the authorities subordinated to them or enterprises regulated by them in writing to comply with the self-assessment.

11.5.3 In order to ease the limit on the working hours, eliminate the trouble in enterprises’ human resource utilization and promote women’s employment, Article 32 of Labor Standards Act was amended on December 25, 2002 so that the standards on extension of working hours for men and women labors were consistent; the normal working hours in addition to extended working hours per day shall be no more than 12 hours and extended working hours shall be no more than 46 hours within one month. Further, Article 49 of the same Act also provides the requirements about night working hours and the restrictions on women labor were eliminated at the same time.

11.5.4 The Council of Labor Affairs defines multiple positive actions against gender discrimination in employment seekers and dedicated to promoting employment according to the Employment Services Act, including:

(a) Inspect the recruitment pages in newspapers and magazines irregularly and guide enterprises to prohibit the recruitment advertisements from involving



gender discrimination.

- (b) Enhance the prevention of employment discrimination and perform special labor inspections.
- (c) Establish employment discrimination identification criteria and system.
- (d) Inspect the trades and occupations found with serious discrimination, propose corrective actions, increase women's employment opportunity for industrial departments, and reduce the gap between gender occupations.
- (e) Utilize the mass media to propagate the prevention of employment discrimination and establish the concept about equality in employment.
- (f) Provide women with individualized and professional employment services by executing the "Employment Disadvantaged Groups' Promotion Project"; until the end of 2008, employment services have been provided to 47,628 persons, and 9,663 women were referred to in employment.
- (g) "Career Learning and Re-accommodation Plan" reimburses women under special circumstances NT\$17,280 per month, for three months at most, to provide them with the opportunity to learn experience and competence in workplace directly and achieve the goal of work rehabilitation.

11.5.5 The number of policewomen has been increasing in the recent years and the number of policewomen who were assigned to frontline field duty as well. The National Police Agency adopted multiple concrete measures to enable the law-enforcement authorities to take care of gender equality when planning and executing the duty and achieving the police mission. For example, the purchase of policewomen's outfit shall take into consideration the difference in figure and ergonomics between policemen and policewomen. In order to meet the policewomen's need in shape and build, the National Police Agency purchased small-sized 9mm guns for policewomen and lighter police motorcycles. Meanwhile, it conducted surveys on the workplaces where policewomen are performing, or will perform, the duty, and defined the corrective actions against the independent offices, toilets and bathrooms and breasting rooms in "quality" and "quantity", to make them remain usable and clean, so as to create the

friendly working environment to meet the policewomen's needs.

11.5.6 The Labor Safety and Health Act defines the type and scope of certain dangerous and hazardous work which women are prohibited from engaging in. The initial legislation is referred to be the result based on protection of women and thought about reproduction. However, the number of woman workers engaged in the industries has been increasing significantly and a lot of woman workers are engaged in the service, electronics, foods, fabric and medicine business. In consideration of the physique, mentality and work conditions and environment in the entire society, e.g. reproduction system, body structure and artificial factors, the existing safety and health laws and regulations to deal with the criticism on the "restrictions" on women labor resulting from the clauses about protection of women, are intended to take the relevant requirements of international labor organizations and European countries and the U.S.A. into consideration and to inspect the work restrictions and protection measures on women labors under Labor Safety and Health Act and other laws, in hopes of creating the gender equality environment and fulfill women's protection in the work environment.

11.5.7 In terms of the proportion of women receiving pensions from the labor pension reserve fund by gender in the past two decades, the rate was 12.55% in 1987, increasing to 36.17% in 2006. The highest rate was 39.46% in 2005, still lower than that for men. In the past, women often withdrew from the labor market in order to take care of the family life after marriage, or were engaged in part-time jobs or the jobs of irregular working hours and, therefore, it was difficult for women to meet the requirements for retirement and it was impossible for them to receive the pension provided by employers, and women became disadvantaged labors accordingly. After the new system for labor pension applied the defined benefit plan, the labor seniority applicable to a pension was no longer limited to that in the same enterprise/entity. Employers shall contribute to the pension fund for each year of the labors' seniority. Each employee (particularly women) will benefit from the new system and secure their life after retirement.



#### 11.6 Employment and promotion

- (a) Article 7 of the Gender Equality in Employment Act provides that “employers shall not discriminate against applicants or employees because of their gender or sexual orientation in the course of recruitment, examination, appointment, assignment, designation, evaluation and promotion.”
- (b) The quota of men and women recruited by military schools is defined subject to the various combat needs and nature of mission, free from violation of the gender equality doctrine. In order to utilize the women human resource fully, the Ministry of Defense, by referring to the utilization of women human resource in other advanced democratic countries, promulgated the “National Military Woman Human Resource Recruitment Implementation Plan” scheduled to increase the women recruitment proportion at two stages within 5 years (from 2007-2011).
- (c) The quota of women recruitment for the full-term class of military schools in 2008 was increased to be 15% of the total new students. In 2007, the woman workers at the various levels in national military officers accounted for 4.21% of the total national military officers, which was increased to be 5.8% in December 2008. The national military increases the proportion of recruited women year by year, in hopes of utilizing the human resource more effectively.
- (d) The military has expanded the recruitment of women members year by year after 1991. At present, recruited women promoted to middle-rank and high-rank officers (major above) account for 14.15% of the total military women, higher than middle- and high-rank male officers (major above) for 10.68% in the total military men. Meanwhile, there are two general officers and tens of women officers ranking the major above assuming important functions. Apparently, the national military recognizes and values women members very much.
- (e) With respect to the police, the number of policewomen has attained 4.7% in December 2008. In order to address the duration of the Policewomen Policy, National Police Agency is engaged in increasing the quota of enrolled policewomen year by year in a step-by-step manner, in hopes of achieving the

various scheduled objectives.

- (f) Regarding the Coast Guard Administration: For the time being, the staff of Coastal Patrol Directorate General are primarily assumed by military officers. In order to enhance the opportunity of woman workers in the Directorate General to develop and to promote woman workers with excellent performance, the competent woman workers have been included into the roster of candidates for 2008. At present, there are a total of 19 women supervisors in the Administration and authorities subordinated to it, including four supervisors assuming the Director-General of Secretariat of the Administration, Director-General of Deputy Command Center of Coastal Patrol Directorate General, Deputy Director-General of Department of Intelligence and Deputy Director-General of Personnel Office of Coastal Patrol Directorate General respectively, the high-rank functions, and the rest 15 supervisors assuming middle-rank functions.
- (g) The National Police Agency planned and completed the “Women Policy” in March 2004. The Policy, based on the idea about gender equality, is dedicated to discussing the issues on recruitment, training and education, in-service training, assignment of work, life and welfare and creation of friendly space in workplace and to defining feasible short-term, mid-term and long-term objectives. The proportion of policewomen defined in the short-term objective (from 2004 to 2007) is 4%, and 4.5% in the mid-term objective (from 2007 to 2009). The proportion of policewomen in the long-term objective (after 2010) will be adjusted step by step free from any limits.

#### 11.7 Work hard to help women employed

- (a) Work hard to help women employed, e.g. such disadvantaged women such as re-employed women, middle-aged and elderly women, single parent and low-income women, and plan the utilization of women human resource; provide women having trouble in employment with professional advisory service to strengthen their confidence about employment; open working hours on holidays or weekdays or at night to meet the individual needs for working





hours in order to help women start business, and enhance the propagation via the mass media or resources of county/city governments' township offices and civil groups; the Council on Labor Affairs and banks also invited SME credit guarantee funds, banks and applicants to call the coordination meeting to negotiate for the defects in applicants' credit, to help women with the intent to start business acquire the funds required to start their business; encourage women organizations to propose an application for diversified plan to help disadvantaged women employed.

(b) For women's employment, please refer to Article 13 herein.

**Concrete actions about protection of motherhood**

11.8 In consideration of the protection of women and adverse effect produced to pregnant workers by certain dangerous or hazardous work in their pregnancy, childbirth and rearing, the existing Labor Safety and Health Act and Labor Standards Act provides that women employees, pregnant woman workers, or woman workers who experienced childbirth for under one year shall not engage in dangerous or hazardous work, and also requires enterprises/entities to provide adequate installation of toilets and bathrooms to meet women employees' needs.

11.9 Article 21 of Labor Safety and Health Act provides that employers shall not employ woman workers to perform any of the following potentially dangerous or hazardous work: (a) Working in a tunnel; (b) Working in an environment contaminated by lead, mercury, chromium, arsenic, yellow phosphorous, chlorine gas, hydrogen cyanide, aniline or other potentially hazardous substances; (c) Operating a rock drill or other machinery involving excessive vibration; (d) Work involving the handling of objects above a specific weight; (e) Working in an environment with harmful levels of radiation.

11.10 Article 22 of Labor Safety and Health Act provides that employers shall not employ

pregnant woman workers or those who have given birth within the previous twelve months from performing any of the following potentially dangerous or hazardous work: (a) Work involving the handling of smelted material or slag; (b) Operating a crane, or crank arm; (c) Operating a dynamic cable hoist, power lift or cableway; (d) Operating rolling mills for rubber compounds, or synthetic resins; restrictions specified in the first paragraph may be waived for a woman worker, six months after delivery, with documentation from a physician testifying no harm to the health of the worker, and a voluntary request to be engaged in the work with the employer.

11.11 Concrete actions taken to promote women's healthy employment:

(a) Installation of occupational injury and disease on-line reporting system: Establish the occupational injury and disease service management center website as the platform for occupational injury and disease reporting, and enhance analysis on special occupational injury and disease of women based on the reported information.

(b) Create a workplace free from smoking or contamination.

(c) Upgrade quality and advisory service of health examination.

(d) Continue the research and study on the issue about safety and health of women swarm business and work, and improve, and promote the utilization of, the research and study: In consideration of woman workers' special physiology and function and mother's body, the relevant studies on hazard to safety and health of women in Taiwan shall be enhanced, and the studies on preventive and corrective actions shall be proposed based on the hazardous factors of high-risk business.

11.12 Paragraph 1 of Article 50 of Labor Standards Act and Article 15 of Gender Equality in Employment Act provide that a woman worker shall be granted maternity leave before and after childbirth for a combined period of eight weeks. Paragraph 2 of Article 50 of Labor Standards Act provides that where the woman worker referred to in the preceding paragraph has been in service for more than six months, she shall be paid wages for maternity leave: if her service has been



less than six months, she shall be paid wages at half her regular rate.

11.13 Article 49 of Labor Standards Act expressly provides that woman workers are prohibited from working at night in the duration of pregnancy or breast breeding. In order to promote the gender equality in workplace, the restriction on woman workers' working at night as defined in Article 49 of Labor Standards Act has been eased on December 25, 2002. If employers meet the specific requirements, woman workers may work at night without approval from the competent authority. Nevertheless, in order to fulfill the spirit for protection of motherhood required under the Constitution, Article 49 of Labor Standards Act still expressly provides that woman workers are prohibited from working at night in the duration of pregnancy or breast breeding.

11.14 In order to enhance the protection of pregnant woman workers' life, and in consideration of the common consensus on "Salary for Maternity Leave Included into Maternity Benefits under Labor Insurance Program" concluded in the Conference on Sustainable Development of Taiwan's Economy in 2006, the draft of amendments to Labor Insurance Act is under research so as to raise the terms of maternity benefits from one month to three months and require that the maternity reimbursement of two months shall be excluded from the wage payable by employers pursuant to laws, which is expected to be helpful to reduce the problems in pregnancy discrimination.

**Create friendly workplace**

11.15 Gender Equality in Employment Committee was established to review and advise issues on gender equality in employment, conduct gender equality in employment project inspection and certify friendly workplaces in order to enforce Gender Equality in Employment Act, and further amend laws to expand the scope of applicability of parental leave without pay. The project inspection under

Gender Equality in Employment Act enforced in 2007 showed that enterprises/entities have made significant progress in the actions against sexual harassment and about equality in employment.

11.16 According to the woman worker statistic report of Department of Statistics, Council of Labor Affairs dated July 22, 2008, 73% of woman workers believed that Gender Equality in Employment Act should be helpful for the elimination of the blocks to women's employment in 2007.

11.17 The total childbirth rate of women in Taiwan was 1.72 persons in 1981, dropping to 1.12 persons in 2006, lower than that of most industrial advanced countries.

11.18 The social insurance premium to be borne by employers for employees who apply for parental leave without pay pursuant to Gender Equality in Employment Act will be reimbursed. From March 2002 to the end of October 2008, the number of applicants for parental leave without pay receiving the benefit was 1,138 persons for men and 25,318 for women, a total of 26,456 persons, and the reimbursement totaled NT\$521,300,000. The statistics of applications for parental leave without pay in the competent authorities (including their subordinated authorities) of the R.O.C. by gender from 2004 to 2008 are specified as following:

**Table 11-1 Applications for Parental Leave Without Pay from 2004 to 2008**

(Unit: person)

Year	Sex	
	Men	Women
2004	55	1,100
2005	68	1,320
2006	75	1,295
2007	80	1,443
2008	86	1,453



11.19 Article 16 of Gender Equality in Employment Act provides that employees who are hired by employers owning more than 30 persons may, after being in service for more than one year, apply for parental leave without pay before any of their children reach the age of three years old; payment of the allowance for parental leave without pay shall be provided by laws separately. Nevertheless, no such laws have been provided so far and, therefore, the gender equality in employment and the raise in childbirth rate are affected.

11.20 Installation of supplementary social service and children's day care centers

- (a) In order to prevent women from being discriminated against for marriage or childbirth, Child Welfare Bureau of Ministry of Interior has defined the "Implementation Scheme of Creating Friendly Day Care Environment – Babysitting Management and Day Care Reimbursement" to establish the fair-price, fine-quality and universal children's day care center and community babysitting system. As of April 2008, it opened the babysitting reimbursement, encouraging and helping dual earner families (or single parent families) who raised any child less than two years old to seek the relevant reimbursement to mitigate the family burden for raising children.
- (b) In order to promote woman workers' employment and to help employers establish day care centers or provide adequate day-care measures and resolve children's day-care problem for employees to stabilize the production and enhance the enterprise's competitiveness, Council of Labor Affairs defined "the Rules For The Standards of Establishing Child-Care Facilities and Providing Subsidies" pursuant to Paragraph 3 of Article 23 of Gender Equality in Employment Act, and also promulgated the "Instructions to Reimburse Day-Care Facilities and Measures" to provide the institutionalized reimbursement to encourage and guide employers to install or provide the children's daycare facilities or measures.
- (c) According to the "Women Employment Management Investigation" conducted by Council of Labor Affairs from the end of 2007 to the beginning of 2008, 5.6%

of the enterprises/entities with more than 250 employees have established the day care center, and 36.0% have concluded contract with "day care centers to provide the day-care premium". Therefore, a total of 41.6% of enterprises/entities have established "children's day care facilities" or provided "day care measures", an increase of 5.3% more than that identified in the investigation conducted in 2002.

- (d) The Coast Guard Administration and Coastal Patrol Directorate General have entered into preferential children's day care service contract with qualified kindergartens in the neighborhood pursuant to Gender Equality in Employment Act. The Administration and authorities subordinated to it are also equipped with breast breeding rooms available to all colleagues.
- (e) In order to prevent woman workers in the military from being discriminated after marriage or childbirth and to protect their right to work effectively, the Ministry of Defense has promulgated the relevant requirements about women's application for parental leave without pay pursuant to "Gender Equality in Employment Act" to protect the various interests and rights in the duration of parental leave without pay. Meanwhile, it also promulgated the "Instructions to Planning of Facilities of National Woman Military Officer, Non-Commissioned Officer and Solider Dormitory" in order to cope with the Policy about "Elimination of Blocks in Women's Employment and Creation of Friendly and Gender Equality in Employment Environment", discussing the need for improvement of the facilities in woman workers' life and working environment to improve the facilities effectively.
- (f) In the academic year 2006, there were a total of 1,507 public kindergartens, increasing to 1,528 in the academic year of 2007, while the total kindergarten children in the nation in the academic year of 2006, 201,815 persons, were decreased to 191,773 persons in the academic year of 2007. The Ministry of Education still guided the installation of public kindergartens to provide more preschool services under the few childrenization. The Ministry of Education and Ministry of Interior are working with each other to promote



the policy for the integration of kindergartens and children’s daycare centers, in hopes of providing quality preschool services. The Ministry of Education also defined the “Guideline for After-School Service of Public Kindergartens Sponsored by the Ministry of Education” and enforced the after-school service of public kindergartens as of June 2006, encouraging the various county/city governments to help promote the service and reimburse economically disadvantaged children’s attendance to the after-school courses in full amount.

11.21 According to Article 6-1 of the Gender Equality in Employment Act, the scope of labor inspection being executed by the competent authorities shall include the content of prohibition of sex or sexual orientation discrimination, prevention and correction of sexual harassment, measures for promoting equality in employment of the Act. The Council of Labor Affairs has asked the various county/city governments in writing to include the requirements provided under Gender Equality in Employment Act into the scope of labor inspection, and also executed the project inspection about gender equality in employment in the different trades and performed gender equality in employment inspection against the complained cases.

11.22 The Council of Labor Affairs has planned to amend Employment Insurance Act to promote the merit for granting of allowance for parental leave without pay. In the future, either party of any couple may apply for the allowance for six months, or a combined period of one year for both of the couple, so as to help the fulfillment of gender equality.

11.23 The Department of Health is dedicated to promoting the accessible and gender-sensitive occupation injury and disease services, including (a) development of regional occupational health care service network to enhance the convenience of working women’s occupational injury and disease treatment; (b) training of

medical treatment and nursing staff in factory of the knowledge about prevention of women’s occupational injury and disease and gender sensitivity; (c) upgrading of the quality and level of occupational health service provided by nursing staff of the medical treatment and health units installed by enterprises/entities.

- 11.24 Prevention of sexual harassment in workplace
- (a) According to Article 6-1 of the Gender Equality in Employment Act, “the scope of labor inspection being executed by the competent authorities shall include the content of prohibition of sex or sexual orientation discrimination, prevention and correction of sexual harassment, measures for promoting equality in employment of the Act.”
  - (b) The Ministry of Defense amended and promulgated the “Enforcement Rules for Treatment of National Military Officers’ Sexual Harassment” in August 2007 to prevent and eradicate “sexual harassment”.
  - (c) After including the “Sexual Harassment Prevention Actions” into the “Police Practices” in 2006, the National Police Agency also included the “Gender Mainstreaming and Police Work” into practice in 2007 and 2008.



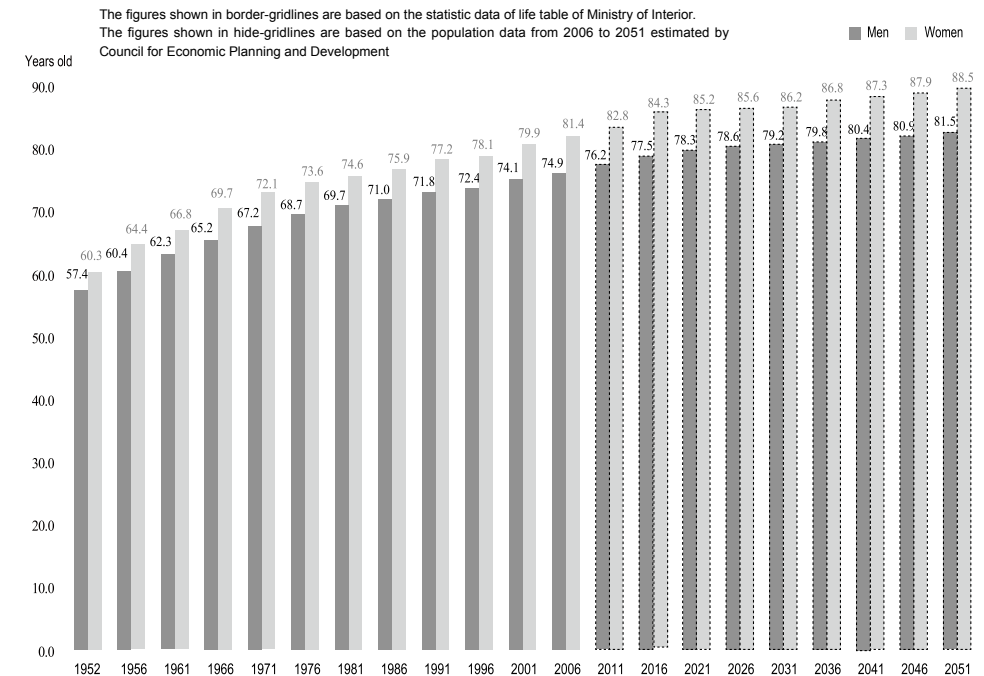
## Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

12.1 Due to increase in the GDP, improvement in life environment and national nutrition, improvement in medical health and upgrading in healthcare levels, Taiwan life expectancy at birth has been extended year by year. In the past decade, the average life expectancy at birth increased from 75.0 years old to 77.5 years old. The life expectancy at birth of females was increased from 78.1 years to 80.8 years old, and from 72.4 years old to 74.6 years old for male. Apparently, the average life expectancy at birth for females is higher than that for males (see Fig. 12-1). The average life expectancy at birth for male and female in 2051 will be 81.5 years old and 88.5 years old respectively.

### Preventive health care

12.2 Taiwan provides free preventive health care services to meet the special needs for female physiology, including prenatal examination, Cervical Pap smears screen for women of more than 30 years old, and Mammography service for women of more than 50 years old but less than 70 years old.



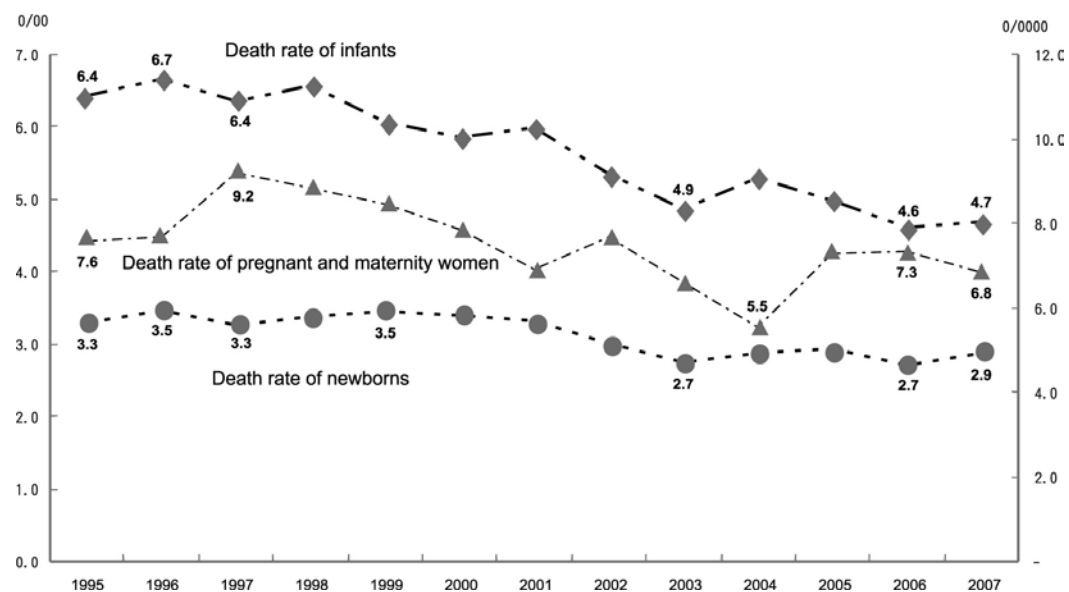
**Figure. 12-1 Changes in tendency of average life expectancy at birth for men and women of 0 year old in Taiwan**

(Note: The figures after 2011 are based on the population data from 2006 to 2051 estimated by Council for Economic Planning and Development)

### Reproductive health

#### 12.3 Current status

Following the improvement in the public health, the death rate of infants (less than one year old) and newborns (less than four weeks after birth) is declining. In 2007, the death rate of newborns declined to 2.9/1,000, and the death rate of infants to 4.7/1,000 (Fig. 12-2). Another important indicator of childbirth health care – death rate of pregnant and maternity women has declined to 6.8/100,000 in 2007 (see Fig. 12-2).



**Figure. 12-2 Changes in the death rate of infants and death rate of pregnant and maternity women in Taiwan**

12.4 Laws and regulations

(a) National Health Insurance Act

The National Health Insurance Act provides nationals with complete medical treatment and health care services and also provides women with the medical treatment and care from pregnancy and delivery to childbirth. Any woman enrolled in the insurance program may be entitled to the services provided under the health insurance program to reduce medical treatment expenses to be incurred by the pregnancy and delivery. Taiwan also defined the “Regulations for NHI Medical Care” to provide that, in the event of sickness, injury or childbirth incidents suffered by the subjects enrolled in the insurance program, the medical care service organizations under the insurance program shall provide out-patient or in-patient service pursuant to the Regulations, and

the prenatal and postnatal examination and medical care service for delivery and newborn caring of clinics, out-patient service and urgent in-patient service, in order to provide pregnant and maternity women with more positive health care.

(b) Genetic Health Law

After the Genetic Health Law was promulgated and enforced in 1985, Taiwan has worked with health offices, medical treatment organizations and civil groups to promote pregnant and baby children health care business and plan multiple hereditary disease examination and service, including pre-marital health examination, pre-maternity hereditary diagnosis, neonatal screening, hereditary advice and special group childbirth adjustment, and also provide medical care service and reimbursement, and conduct assessment and research to enrich and strengthen the service quality to reduce the number of congenitally abnormal children. In order to address the drastic transformation in the development of medical technology and structure of society and family, the Government is working hard to promote amendments to the Law. Considering that the term “genetic” referred to in the Law implies discrimination, the title of the Law is intended to amended as “Childbirth Health Care Law” upon suggestion of legislators and women organizations to reflect the doctrine of the amendments. Meanwhile, amendments to requirements about induced abortion and ligature are also made simultaneously.

12.5 Present difficulty

(a) The caesarian section rate of Taiwan has come out on top in the world in the recent years, increasing from 30.6% in 1996 to 35.1% in 2007 (the acceptable Caesarian Section Rate suggested by WHO is 10-15%). Meanwhile, the breastfeeding rate of Taiwan (54.17%) is still lower than that of Norway, Sweden and Denmark (98%) and Japan (70-75%), or UK, the USA and Italy (59-63%). The promotion of breastfeeding is also one of the important tasks at present.



- (b) Apparently, the pregnant and maternity women's care is still over-medicalized in Taiwan. Therefore, it is necessary to provide the different groups with adequate empowerment, enhance the knowledge and independence about women's childbirth health and self-health care and create a friendly maternity and breastfeeding environment to maintain domestic women's interest and right in childbirth health by virtue of the establishment of pregnant and maternity women community care network providing care from pregnancy to delivery.
- (c) The marriage rate of foreign and Mainland spouses and nationals is increasing year by year. In 2007, couples of nationals and non-native spouses accounted for 18.3% of the total couples in the nation, and the number of children born by them was more than 10% of the total children born in wedlock in the nation. Due to the differences in language, culture, disadvantaged family economic and weakness of supportive networks, it is necessary to provide new immigrant families with adequate service and assistance subject to the cultural characteristics with respect to the childbirth health and children's education, to respect the doctrine of diversity.

12.6 Corrective actions

12.6.1 Empowerment of issues on women's childbirth health and self-health care

- (a) Integrate the civil resources to establish childbirth health care advisory service network and provide women with advice about childbirth.
- (b) Provide knowledge about childbirth health care applicable subject to different cultures.
- (c) Enhance women's independence in decision making towards childbirth.

12.6.2 Building of environment supporting gender participation in childbirth

- (a) Enhance the role played by men in pregnancy and delivery.
- (b) Provide pregnant women-oriented friendly and diversified maternity service.
- (c) Build the supportive model of pregnant and maternity women's health care

- and breastfeeding based on the community force.
- (d) Train medical treatment personnel the ability to provide service and advice about gender.
- (e) Enhance childbirth family members' knowledge about maternity.
- (f) Enhance research investigation and evaluation on childbirth health and breastfeeding.

**Artificial reproduction**

12.7 The first test-tube baby in Taiwan was born in 1985. The rapid transformation of artificial reproduction technology brings new hope to couples who have trouble with childbirth. Nevertheless, the impact brought by reproduction technology with respect to life is beyond the scope of traditional medical ethics. The Department of Health, Executive Yuan has regulated the enforcement of artificial reproduction technologies by orders or administrative rules as of 1986. However, the effect of such orders or administrative rules was so weak that it was impossible for them to regulate the enforcement of artificial reproduction technologies sufficiently and to protect the interest and right of commissioning couples and children born by artificial reproduction perfectly. Further, the concept about "having a son to carry on the family name" valued in society in Taiwan contributed to the gender inequality in newborns, and women suffer from more pressure for sterility than men. Therefore, it is badly necessary to institutionalize the artificial reproduction involving concepts about gender equality to meet women's needs.

12.8 On March 21, 2007, the Government promoted and completed the legislation of "Artificial Reproduction Act" involving concepts about gender equality, and successively promulgated the "Regulations for Artificial Reproduction Institution Permit", "Regulations for Query on Kinship of Artificial Reproduction Child", "Regulations for Verification on Kinship of Sperm/Oocyte Donors and Receptors"



and “Regulations for Artificial Reproduction Information Notification and Administration”, in order to establish the development of artificial reproduction, protect the interest and right of sterile couples, artificial reproduced children and donors, enhance the medical treatment quality of artificial reproduction technology enforced by medical institutions and maintain the national morality and health.

## **Sexually transmitted diseases and HIV/AIDS**

### 12.9 Current status

12.9.1 Sexually transmitted diseases are communicated primarily via sexual behavior. At present, only AIDS, syphilis and gonorrhea are designated as the venereal diseases to be reported. Up to December 2008, the proportion of infection between AIDS and gonorrhea was 10:1 for men against women, and the proportion for infection of syphilis 2:1 for men against women. Apparently, the possibility for men’s infection of venereal diseases was higher than that of women, probably because (a) women were more hesitant to seek treatment than men; (b) it was easier to diagnose men’s infection of venereal diseases than women’s; (c) it was not easy for women to feel the infection due to the structure of body and the treatment was delayed; (d) gay sexual behavior was more likely to cause infection.

12.9.2 The male-female proportion for infection of syphilis has increased from 1.9 in the year 2003 to 2.44 in the year 2008. Despite the decline in the proportion of women infecting venereal diseases, it is still necessary to keep concern about the issue on women’s infection of venereal diseases, because (a) the possibility for men’s communication of venereal diseases to women is double that for women’s

communication to men; (b) women may access internet to make friends easily and have more chances to suffer a “one night stand”.

### 12.10 Difficulty

- (a) For the time being, it is impossible to cure AIDS completely. Public discrimination against AIDS patients means the high-risk group has to face strong pressure from society when taking a blood test, and is even unwilling to provide the information about their sexual contact persons and mates upon confirmation of the infection. In the 14,506 surviving cases reported until the end of December 2008, excluding gays and lesbians, men accounted for 58.4% of the total. Therefore, women’s health still faces considerable threat, and the gender relationship, particularly the equality in family, causes it impossible for women to take any protective actions voluntarily.
- (b) At present, though Cocktail Medication improves the survival of AIDS patients, the patients still faces the pressure from the difficulty in, e.g., medical treatment, employment, education, residence and economy, and frustration in interpersonal relationship and issue on human rights. Meanwhile, women AIDS patients might also have to bear the liability for family caring.

### 12.11 Corrective actions

- 12.11.1 Enhance the prevention of women’s infection of venereal diseases/AIDS
  - (a) Enact a gender friendly venereal disease/AIDS communication prevention policy.
  - (b) Eliminate a discrimination against women venereal disease/AIDS patients in society.
  - (c) Establish diversified health education and propagation channels via the various media to provide women with the relevant information about prevention of venereal diseases/AIDS.
  - (d) Enhance women’s knowledge about venereal diseases/AIDS.





- (e) Enhance the cooperation and promotion with civil organizations to prevent venereal diseases/AIDS.
- (f) Provide the venereal disease/AIDS screening and health service friendly to women

12.11.2 Build venereal disease/AIDS medical treatment and care system friendly to women

- (a) Integrate resources of the communities and civil organizations to participate in the assistance and support of women venereal disease/AIDS patients
- (b) Enhance women venereal disease/AIDS patients' self-care ability
- (c) Establish AIDS patients' medical care and advisory service network friendly to women

## Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

### Eradication of women's poverty

#### 13.1 Analysis on problems

Women's employment is liable to be affected by marriage, childbirth and family caring. In 2007, women's labor participation rate was 49.44% in Taiwan, 67.24% lower than for men. Besides, due to the career segment, the average salary for woman employees was NT\$38,560, i.e. 79.2% of that for male employees, NT\$48,661. According to the investigation on family revenue and expenditure conducted by Directorate General of Budget, Accounting and Statistics, Executive Yuan, R.O.C. in 2007, the average yearly revenue for women was NT\$502,636 per person, i.e. 71.39% of that for men per person, NT\$704,080. Apparently, women's economic income was less. Meanwhile, the life expectancy at birth for females in Taiwan was 81.41 years old in 2006, 6.55 years more than 74.86 years old for men. Therefore, it is also necessary to value the issue on economic safety of elderly women.



13.2 Development and result of existing policies, actions and projects

(a) Low-income family assistance

In 2007, there were 90,682 low-income families, consisting of 220,990 persons (including 110,639 men and 110,351 women). The rate of low-income families in which women are registered as the head of family has been decreasing year by year; however, the number of women is increasing year by year and, therefore, it is still necessary to keep concerning about the issue on women's poverty.

**Table 13-1 Head of family and number of family members of low-income families from 2003 to 2007:**

End	Head of family		Number of members	
	Men	Women	Men	Women
2003	40,247	36,159 (47.32%)	92,793	95,082 (50.60%)
2004	44,606	38,177 (46.12%)	101,366	102,850 (50.36%)
2005	45,634	39,189 (46.20%)	104,745	106,547 (50.42%)
2006	49,755	40,145 (44.66%)	108,097	110,069 (50.45%)
2007	50,593	40,089 (44.21%)	110,639	110,351 (49.93%)

(b) Enforcement of national pension system

The System was enforced as of October 1, 2008, which enrolls individuals as the subjects and enables unemployed women (e.g. housewives) to be enrolled in the program without being dependent on their spouses. At the beginning of planning, the program has taken into consideration the basic economic life protection of unemployed women. The subjects enrolled in the national pension program are limited to nationals of more than 25 years old but less than 65 years old never covered by military insurance, public employee insurance, labor

insurance and farmer insurance programs or receiving the elderly benefits under the relevant social insurance programs, including about 4.7 million persons, and most of them are women. Upon enforcement of national pension, elderly women's basic economic safety may be protected better. Further, the National Pension Act also expressly provides that spouses shall bear the premium mutually to protect economically disadvantaged women.

(c) Assistance for families of women in hardship

Act of Assistance for women in hardship passed in 2000 to provide the women under special circumstances and their children with assistance, including urgent living assistance, children's living allowance, children's education reimbursement, injury and sickness medical treatment reimbursement, children's day care allowance and loan for start of business. In 2007, a total of 10,283 women under special circumstances were identified, and the reimbursement totaled NT\$285,473,390, an increase of 4.6% in the number of women under special circumstances more than that in 2006 and 14.9% in the budget more than that in 2006.

**Support to woman entrepreneurship**

13.3 Analysis on problems

According to the statistics in November 2008, women's labor participation rate was less than 50% (only 49.83%) in Taiwan, while men's labor participation rate was nearly 70% (67.06%). The peak women labor participation rate resides in women 25-29 years old, and the labor participation rate of women of over 29 years old is declining increasingly. According to the analysis on granted business start-up loans for young entrepreneurs, woman entrepreneurs who were granted the loans in the past accounted for 20% only. The proportion of women attending any start-up loans presentations was apparently less than that of men.



13.4 Development and result of existing policies, actions and projects

To support women's start-up of business, the Government protects women's basic right to acquire loans and also takes women's economic and social conditions into consideration, and works hard to promote the various projects including "Free and Young Program" and "Business Startup Phoenix".

(a) Protect women's basic right to acquire loans

Wages and economic and social conditions are critical to women's acquisition of the loans. According to the consolidated income tax return information 2006 of Ministry of Finance, men accounted for 47.4% and women 52.6% in the number of income taxpayers. Apparently, the number of female taxpayers was 1.1 times that of male. Men accounted for 61.2% and women 38.8% in the tax payment. The withholding tax payment of women was 0.6 that of men (Table 13-2 and Fig. 13-1).

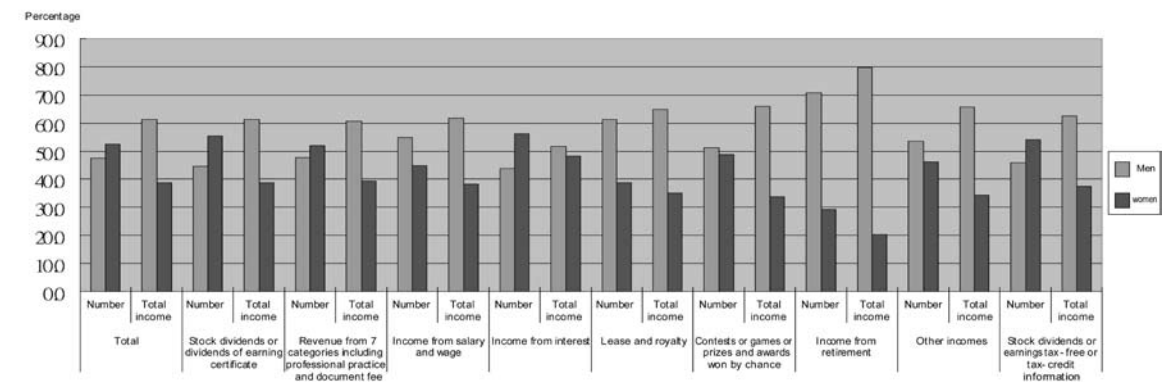
	Lease and royalty		Contests or games or prizes and awards won by chance		Income from retirement		Other incomes		Stock dividends or earnings tax-free or tax-credit information	
	Number	Income	Number	Income	Number	Income	Number	Income	Number	Income
Men	61.1	64.8	51.2	66.1	70.7	79.8	53.7	65.8	45.8	62.5
Women	38.9	35.2	48.8	33.9	29.3	20.2	46.3	34.2	54.2	37.5
Multiple (Women /men)	0.6	0.5	1.0	0.5	0.4	0.3	0.9	0.5	1.2	0.6

Fig. 13-1 Number of consolidated income taxpayers and proportion of tax payment for men and women in 2006

Table 13-2 Number of taxpayers and proportion of tax payment for men and women in 2006

	Wages		Stock dividends or dividends of earning certificate		Revenue from 7 categories including professional practice and document fee		Income from salary and wage		Income from interest	
	Number	Income	Number	Income	Number	Income	Number	Income	Number	Income
Men	47.4	61.2	44.7	61.3	47.9	60.8	55	61.8	43.7	51.7
Women	52.6	38.8	55.3	38.7	52.1	39.2	45	38.2	56.3	48.3
Multiple (Women /men)	1.1	0.6	1.2	0.6	1.1	0.6	0.8	0.6	1.3	0.9

Consolidated income tax withholding proportion





(b) Free and Young Program

Since the National Youth Commission promoted the “Free and Young Program” in 2002, 20% of the women in more than 10,000 trainees attending the programs and activities have started their business, and the rate of women receiving business start-up loans for youth entrepreneurs, which was less than 30% in the past, has increased to 33%. The Program includes the business start-up courses planned for woman at the different stages. From 2000 to 2008, there were more than 18,800 women attending the women business start-up courses and activities under the Program. Further, it also provided free training opportunities to some women specifically (single parents, low-income and domestic violence victims) and sufficient guidance plans after the business start-up, and installed the toll-free 0800 hotline and conducted the women career exhibitions. It recommended and reimbursed woman entrepreneurs to attend “Global Summit of Women”, “APEC WLN” and “OECD” meetings, et al. From 2002 to 2008, a total of 22 trainees in the Program have been recommended and reimbursed to attend the meetings. It established the Women Entrepreneurship Guidance Network to provide women who intend to start business and have started business with the relevant information and knowledge, and also to release women entrepreneurship e-news periodically. Additionally, the Program also helped its trainees of various terms to incorporate associations in all parts of the country, to integrate the power of women intending to start business as well as the social resources.

(c) Business Start-up Phoenix Program- Micro loans for Women’s business start-up

The Council of Labor Affairs and Small and Medium Business Credit Guarantee Fund was engaged in promoting “Business Start-up Phoenix Program” in 2007 to provide women with 95% credit guarantee to help woman entrepreneurs acquire loans, and build the financing environment exclusively for women to help them start businesses. The Project has five characteristics, including low interest rate, guarantor-free, attendance to training courses, guidance-orientation and alternative measures. The credit limit is one million New Taiwan Dollars and

the preferential treatment for interest-free for the first two years is granted. The interest rate is 2.83% plus the Fund’s service charge rate, 0.5%, totaling 3.33%. It also provides women under special circumstances, occupational disaster families and victims in crimes with the preferential treatment for interest-free for the first three years. Since it was established, a total of 1,525 women have been helped to start business cumulatively, including 348 women receiving the business start-up loans, creating the employment opportunity for 1,267 persons. In order to enhance women’s knowledge about business start-up and increase the successful rate of business start-up, the Project, tied with the entrepreneurship guidance and service plan, established six service bases in Taipei, Taoyuan, Taichung, Tainan, Hualien and Kaohsiung and installed the 0800 advisory hotline and website specialized for the Project to provide individuals or groups with advisory services and to held entrepreneurship courses.

(d) Assistance for woman entrepreneurs’ participation in economic and trading activities

In order to help woman entrepreneurs capable of exporting develop international markets, Taiwan Women’s Business Network (<http://womenbusiness.taiwantrade.com.tw/>) was installed in 2007 to enable woman entrepreneurs to enter the information about products on line. So far, it has successfully recruited 1,247 woman entrepreneurs. The website may link women’s business websites in Canada, et al.

## **Bridging digital divide for women**

### 13.5 Analysis on problems

- (a) In Taiwan, the computer utilization rate is 72.8% for men and 69.2% for women. The internet utilization rate is 67.7% for men and 63.5% for women. Apparently, the digital utilization rate for women is less than that of men by 3-5% (about



460,000 persons). The gender digital divide appears to be particularly significant in mid-aged and elderly women, which is disputable. According to our study, the proportion of mid-aged and elderly women who are unable to utilize digital information is higher than that of mid-aged and elderly men who are unable to utilize digital information, while the proportion of mid-aged and elderly women who are willing to seek the chance to learn utilization of digital information is higher than that of mid-aged and elderly men who are willing to seek the chance to learn utilization of digital information.

- (b) The counties/cities of significant gender divide in utilization of network: Hsinchu City (9.6%), Chiayi City (8.3%), Tainan City (7.5%), Kaohsiung City/County (12.9%), Kinmen County (10.6%) and Lienchiang County (17.2%)
- (c) Men utilize the internet for 175 minutes per day, and women utilize it for 149 minutes per day. The regular utilization rate of information equipment at home for women is less than that for men. The average time spent by women in utilization of the internet per day is less than that spent by men for 26 minutes.
- (d) Men utilize the internet primarily to spend leisure time and provide knowledge and empirical answers, while women utilize the internet primarily for e-shopping and visit to blogs. The on-line statements are mostly made by men.
- (e) The computer utilization of working women in business is 61.1%, higher than 47.7% for men; however, the utilization rate is primarily related to paper work, less than that for men in design and development, collection of information and contact with clients.

13.6 Development and result of existing policies, actions and projects

(a) Promote "Bridging Digital Divide for Women Project" in 2007

"Bridging Digital Divide for Women Project" was promoted in 2007, which enrolled non-metropolitan women as the priority to provide them with 24-hour basic training for utilization of computer. In 2007, it provided 10,000 women with free training. In 2008, it provided about 16,000 women with free training.

**Promote gender equality in culture**

13.7 Development and result of existing policies, actions and projects

(a) "Taiwan Women Website" planning and installation plan

"Taiwan Women Website" is planned and installed in order to collect women's literature and show the difference presence and roles played by women in the process of Taiwan's development. The various issues are designed through words, historical relics and pictures to establish database and exchange platform for women in Taiwan, and aim at establishing the digital museum to enable the world to know about the transformation of women's interests and rights in Taiwan.

(b) South East Asia Multicultural Education Promotion Program

In consideration of transformation in the population structure of the society and the increase of new immigrants in Taiwan, "South East Asia Multicultural Education Promotion Program" has been planned as of 2006 to give lectures to women from South East Asia and train woman seed trainers. It expects to train about 25 persons per year and promote the social multicultural education gradually to show the respect to different cultures.

(c) Arts and Crafts Skills Learning Program for Women

Arts and Crafts Skills Courses have been planned annually since 2006 to help women learn the professional skills about arts and crafts, develop social relationships, and to enhance women's independent employment ability and create the opportunity for self-growth. Meanwhile, various arts and crafts training programs that are localized and applicable to women are held to provide disadvantaged women with the chance to learn skills nearby to enhance their ability and value. The participants include re-employed women, aboriginal women and new female immigrants, et al.

(d) Statistics for relevant cultural activities by gender



**Table 13-3 The statistics for cultural and recreational activities by gender in 2007:**

		Literary, historical and philosophic activities	General community construction	Cultural assets preservation and maintenance seminar courses
Promotion	Population	1,196	1927	---
	Women	697	789	---
	Percentage	58%	40%	---
Enrollment	Population	22,418	7398	3846
	Women	13,443	3101	3066
	Percentage	60%	41%	80%

**Protection of women's interests and rights in sports**

- 13.8 Development and result of existing policies, actions and projects
  - 13.8.1 Relevant laws and regulations
    - (a) Article 20 of provides that "in order to enhance the nationals' physical fitness and strength, the Government shall encourage nationals to strengthen physical strength activities....."
    - (b) Paragraph 2-1 of Article 27 of the Regulations Governing Subsidies for Private National Athletic Groups provides the subsidies for national athletic activities, such as recreational sports for infant children, youth, women, parents and children, mid-aged and elderly people and workers.
  - 13.8.2 Plans to increase participation in sports
    - (a) The National Council on Physical Fitness and Sports has been engaged in promoting the "plans to increase participation in sports" of six-year term as of 2003, guiding the various city/county governments and private national athletic groups to hold the recreational sports for infant children, youth, women, parents and children, mid-aged and elderly people and workers,

and particularly enhancing the recreational sports for women to encourage women to participate in more sports for physical and mental health.

- (b) The promotion of the 7-year term "Sport Population Increasing Plan" and "Love Sport Plan" has enhanced women's habit of doing exercise. According to the investigation on "Sport City Chart" commissioned by the Council, the woman population of doing exercise regularly tended to grow stably (see Table 13-4). Meanwhile, in 2007, 75.3% women and 79.8% men showed that they had habit of doing exercise. Apparently, the gender divide in sports is increasingly shortened.

**Table 13-4 Rate for Population of doing exercise regularly in "Sport City Chart"**

	2003	2004	2005	2006	2007	2008
National population of doing exercise regularly	12.80%	13.14%	15.50%	18.80%	20.20%	24.20%
Men population of doing exercise regularly	15.30%	16.80%	19.20%	22.40%	24.00%	29.10%
Women population of doing exercise regularly	10.20%	9.60%	11.70%	15.20%	16.40%	19.20%

- 13.8.3 Build environment friendly to women's sports
 

In order to build the environment friendly to women's sports, the Council integrated the recreational resources of communities, schools and public/private organizations to provide women with diversified, convenient and fair-price recreational activities and to enhance the availability and utilization of recreational sport facilities for women. Meanwhile, the Council takes women's needs into consideration and engages in improving the safety conditions of the life environment when establishing public recreational and sport facilities. As of 2008, the Council has reimbursed local governments to build (renovate) women recreational sport and lighting facilities as the first priority.



## Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
  - (a) To participate in the elaboration and implementation of development planning at all levels;
  - (b) To have access to adequate health care facilities, including information, counseling and services in family planning;
  - (c) To benefit directly from social security programmes;
  - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
  - (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
  - (f) To participate in all community activities;
  - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
  - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

### Enhance rural women's health and welfare

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- 14.1 Enrollment of farmers' health insurance
  - (a) The R.O.C. Government has enforced the national health insurance program as of 1995. In order to enhance the national health, the national health insurance program will grant the insurance benefits to the insured who suffer any disease, injury and childbirth incident in the duration of the insurance pursuant to the National Health Insurance Act.
  - (b) In order to maintain farmers' health, the Government enacted and promulgated "Farmer Health Insurance Act" in 1989. Until October 2008, 1,580,738 farmers enrolled in the insurance program, in which women accounted for 48.6%.
- 14.2 Provide medical treatment guidance for foreign spouses:

In consideration of the increase of foreign spouses in rural area, the Government works hard to provide foreign spouses with medical treatment guidance.

  - (a) Fulfill the national health insurance card management of childbearing age foreign spouses and Mainland spouses: "Foreign and Mainland Spouse Childbirth Health Management Program" was defined in 2003 to provide well-founded medical treatment and care service.
  - (b) Provide prenatal medical care subsidy: the subsidy for prenatal examination before the foreign spouses pay the health insurance premium and register the household, and the subsidy for disadvantaged foreign spouses' reproduction regulation.
  - (c) Enforce the "Training of Volunteer Workers Dedicated to Promoting Foreign Spouse Childbirth Health Care Service Program" to train foreign simultaneous interpreter to resolve the problem in languages.



## **Guide rural women's capacity building**

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This is to enhance women's life learning and guide the relevant agricultural technology education, occupational education and life education in rural area.

### 14.3 Agricultural professional capacity training:

- (a) Enforce "farmers' agricultural professional training Program: It is designed subject to the farmers' needs in the various districts to upgrade the agricultural competitiveness. In 2008, a total of 57 classes for crop cultivation management technology, management and administration, and marketing planning have been provided. The trainees completing the courses totaled 1,744 persons, in which women accounted for 24.5%.
- (b) Hold "Gardener Program Training": These are held to promote the reformation of farmers' concept and teach an introductory study to the public engaged in the agricultural industry. A total of 51 study sessions have been provided in 2008, and the trainees completing the courses totaled 1,790 persons, in which women accounted for 33%. Meanwhile, it provides the following advanced training and relevant services.
- (c) According to Monthly Bulletin of Manpower Statistics of Directorate General of Budget, Accounting and Statistics, Executive Yuan, R.O.C., the agricultural workers totaled 538,000 persons in December 2008, including 166,000 women, accounting for 30.9%, similar to the proportion of women completing the courses in said-mentioned training programs.

### 14.4 Shorten the digital divide

- (a) Please see Article 13 for the Bridging Women Digital Divide Project.
- (b) Enforce "Farmer's Computer Network Skill Training Program": It is designed to provide farmers with the basic computer usage and internet skill training courses, enrolling 5,222 trainees in 2007, in which women in rural area accounted for 69.6%.

14.5 Housekeeping training: To enhance rural women's skills other than agricultural skills, the training courses include those about caregivers, home-based service givers, housekeepers and Tian Mama training. In 2008, a total of 3,140 rural women have been trained.

14.6 Life knowledge and skill training: It is intended to shorten the knowledge divide with the issues on nutrition and health care, promotion of domestic-made agricultural product and health meal, aging in place and gender mainstreaming. A total of 59,500 women in rural area have been trained in 2008.

## **Provide rural women's welfare service**

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### 14.7 Protect elderly farmers' economic safety

- (a) Enactment of the Provisional Statute For Senior Farmer's Welfare And Subsidy: "Provisional Statute for Senior Farmer's Welfare And Subsidy" was enacted and promulgated in 1995. Meanwhile, the senior farmer's subsidy, NT\$3,000 per month, was granted as of the same year. So far, the Statute has been amended for three times, and the subsidy is NT\$6,000 per month now. A total of 709,556 senior farmers were granted the subsidy in 2008, in which women accounted for 55.2%.
- (b) The insurance incidents covered under "Farmer Health Insurance Act" include childbirth, injury, sickness, handicapped and death. The Act also provides the childbirth benefit, medical care benefit, handicapped benefit and funeral subsidy.

## **Guide transformation of agricultural employment / entrepreneurship**

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14.8 Expand participation in employment





14.8.1 Hold the “farmers’/fishermen’s second skills training”: Guide farmers and fishermen to learn the skills helpful for them to change their career or take part-time jobs; the courses include Chinese food cooking, baking, processing of rice foods, preparation of drinks and beverages, Chinese snacks and caregiving. Farmers/fishermen and their spouses who received the training courses totaled 2,582 persons in 2008, in which rural women accounted for 92.6%. A total of 1,129 trainees have acquired the license, in which woman trainees accounted for 91.9%.

14.8.2 Enforce “Rural Employment Promotion Program”: To provide rural women with agricultural skills and any skills other than agricultural skills, organize rural women and utilize the local agricultural resources to operate sidelines or start up new business collectively.

(a) Enactment of “Guideline for Award and Prize to Rural Women Developing Side Line”: The Guideline was enacted in 2001 to guide rural women to exert the potential for managing business and develop the new income source.

(b) Enactment of “Principle for Incentive to Tian Mama Expansion of Guidance and Management”: “Tian Mama classes” were incorporated by housekeeping classes guided by township farmers’ associations voluntarily to integrate the local agricultural products to develop localized rural meals, local creative agricultural gifts and handicrafts, based on the principle of self-production and self-marketing. It integrates the local rural women groups and the local tourism to boost the local economy and create the opportunity for employment. In 2008, Tian Mama had helped establish some 152 unique businesses, consisting of 1,400 persons, in which woman trainees accounted for 97.1%, and its turnover amounted to NT\$407 million.

(c) Take the relevant actions to promote aboriginals’ employment and provide the aboriginals with short-term employment. In 2007, 986 aboriginals were enrolled, in which women accounted for 87%.

14.9 Agricultural credit loans

Granting of agricultural loans: To provide farmers (fishermen) with required funds; to provide those with insufficient guarantee agricultural credit guarantee fund to help them acquire the required funds; more than 200 thousand farmers (fishermen) has benefited from the loans in 2008.

### **Promote rural women’s public community participation**

14.10 Women’s participation in agricultural policies, agricultural development planning and execution thereof

Women accounted for 39.1% of the total 4,450 staff of Council of Agriculture. Women accounted for 30.5% of the staff dedicated to enacting agricultural policies and planning agricultural development. The Task Force for Gender Equality of Council of Agriculture was established in 2006, consisting of 11 members including 7 women.

14.11 Guide the incorporation of organizations and groups

14.11.1 Hold training courses to enhance rural women’s ability to deal with problems and participate in important family decision making voluntarily; a total of 59,500 rural women have been guided in 2008.

14.11.2 Organize cooperative associations:

(a) Merit: Article 145 of the Constitution of the R.O.C. provides that cooperative enterprises shall receive encouragement and assistance from the Country. Article 1 of Cooperatives Act provides that “cooperatives” are organized based on the principle of equality and mutual aid, with a view to improve the economic benefit and living standards of the members by means of joint operating.



(b) Rural women's participation:

- i. There are a total of 973 agricultural cooperatives and cooperative farms, consisting of 166,314 members, in which rural women accounted for 20%, totaling 30,000 persons.
- ii. There are a total of 213 rural savings cooperatives, consisting of 126,037 members, in which rural women accounted for 25%, totaling 31,000 persons.

14.12 Promote women's participation in communities

14.12.1 Promote the "Rural Rebirth and Rooting Program": To help rural community inhabitants know about their homeland, and plan the community view, build rural characteristics and resolve the local problems through professional training; the training courses divided into "care", "advanced" and "core" stages; 510 sessions have been provided from 2004 to 2007, enrolling a total of 13,466 persons, in which women accounted for 33.3%; about 120 women acquiring the rural rebirth specialist's qualification.

14.12.2 Hold the "Campaign of cleaning up our homeland with everyone's participation": To encourage rural women to assume environmental protection volunteer workers.

14.12.3 Enforce "Community University Guidance Program":

- (a) Establish the local community university: In 2001, the first community university, "Community College of Cishan District in Kaohsiung", in rural of Taiwan was established under guidance in 2001, which provides courses with agricultural characteristics to respond to the local requests.
- (b) Work with public welfare organizations and resources: For example, work with "TransAsia Sisters Association, Taiwan" to establish "Foreign Spouses' Chinese Literacy and Life Adaption Class" to interchange with the various

rural organizations through teaching demonstration.

14.12.4 Promote the development in aboriginal districts:

- (a) Reimburse "Aboriginal family and woman service center": From 2002 to 2008, a total of 50 woman service centers have been established to provide the accessibility of aboriginal families and women welfare services. 50 aboriginal social workers (including 84% women) and 100 social worker assistants (including 98% women) were employed to train aboriginal women's participation in public affairs.
- (b) Enforce "Aboriginal Women Communication Platform Implementation Program": In 2008, 3 civil groups and 50 aboriginal family and female service centers were reimbursed, and the proposals submitted in meetings were delivered to Council of Indigenous Peoples for policy-enforcing reference.

14.13 Talent training

- (a) Enforce "Aboriginal Woman Leadership Training Program": A total of 323 aboriginal women have been trained from 2004 to 2008 to lead the women to deal with the diversity in groups, cultures and geographic regions and establish the fair and justified life space in terms of feminism and gender mainstreaming strategy.
- (b) Enforce "Community Development Seminar Training" and "Specialist Cultivation Program": To include "gender mainstreaming" courses to promote the concept about gender equality; the "Community Development Task Member Seminar" enrolled a total of 360 trainees in 2007; the "Community Development Business Administrative Staff Seminar" and "Community Development Worker Seminar" enrolled a total of 600 trainees in 2008.
- (c) Hold community development seminars and mobile inspection tours for excellent communities: To invite woman members of excellent communities to share their experience to encourage more women to assume the community development association members.



## Article 15

### Shorten the life quality divide between urban and rural areas

- 14.14 Taiwan is a developed country in which the postal service, power, running water and mass transportation are available nationwide.
- 14.15 Establish the solitary elderly community care system: To integrate the city/county governments, township offices or social welfare organizations to perform the care service for solitary old people, to those identified in the roster as first priority.
- 14.16 Shorten the digital divide between city and rural: "Village with ADSL" was one of the important policies in 2006. ADSL has been installed in 46 rural areas. Meanwhile, the "Disadvantaged Group Communication Preferential Reimbursement Program" was enforced to develop the digital information and communication resource in disadvantaged districts.
- 14.17 Tourism: To guide aboriginals to develop cultural handicrafts and upgrade the quality of restaurants; meanwhile, the construction work in some national scenic areas were also commissioned to the local aboriginals to protect their employment and traditional handicraft.

- 1. States Parties shall accord to women equality with men before the law.
- 2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
- 3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
- 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### Protect gender equality in protection under laws

- 15.1 Related laws and regulations
  - 15.1.1 Protection of basic rights: Article 7 of the Constitution of the R.O.C. provides that all citizens of the Republic of China, irrespective of gender, shall be equal before the law. Article 10 of the Constitution was added to expressly provide that the nation shall maintain women's personality and dignity and protect women's personal safety, eliminate gender discrimination and promote the substantial gender equality.
  - 15.1.2 Protection of disposing capacity and legal capacity: Article 6 of the Civil Code provides that "the legal capacity of a person begins from the moment of birth and



terminates at the moment of death.” Article 12 of the same Code provides that majority begins with the completion of the twentieth year of age. Majority has the disposing capacity. Therefore, the existing Civil Code provides that men and women shall have the equal legal capacity and disposing capacity.

15.1.3 Protection of right of action

(a) Paragraph 1 of Article 40 of the Code of Civil Procedure provides that “whoever has legal capacity has the capacity to be a party to an action.” Article 45 of the same Code provides that “a person capable of undertaking liabilities by his own juristic acts has procedural capacity.”

(b) In order to fulfill the right of action and equality protected under the Constitution, the procedural laws in Taiwan provide the gender equality requirements to protect the interest and right of parties or interest parties who utilize the procedure. Meanwhile, as long as the relevant requirements are met, the parties may receive the necessary legal aid from attorneys-at-law, irrespective of gender. Therefore, women are entitled to the treatment free from gender discrimination in the procedural remedy in Taiwan.

**Protection of women’s right to move and freedom of residence**

15.2 Women suffering domestic violence often have trouble in completing the household registration after acquiring the protective order issued by courts, because it is necessary to submit the household register of the old residence and the head of family refuses to provide the household register or the offender is unwilling to cooperate in the case. In order to resolve domestic violence women victims’ difficulty in changing of residence, the household administration authorities enforced the following policies:

(a) The following requirement was added to Household Registration Law: Paragraph 2 of Article 56 of the Household Registration Law was added into the Law amended and promulgated on May 28, 2008 to resolve any

household member’s trouble in completing the household registration as the head of family refuses to provide the household register, providing that when a household member is proceeding with household registration, the head shall provide the household register and may not refuse. Further, if the head of family is proven to detain the household register, he/she shall be fined more than NT\$1,000 but less than NT\$3,000 pursuant to Article 80 of Household Registration Law.

(b) Applications for change of residence with protective order may be accepted as the first priority: To prevent the situation that the domestic violence victim who acquires a court’s protective order cannot complete the registration of change of residence upon the refusal of the head of family to provide the household register, the Ministry of Interior has informed the municipality directly under jurisdiction of the Central Government and county(city) governments on Feb. 12 and April 11, 2008 to accept such applications as the first priority, if any, and take the opportunity to record the change in the register when the head of family proceeds with the relevant household registration with the household register. Meanwhile, the household administration offices shall avoid disclosing the concerned parties’ household information in accordance with Article 6 of Regulations for the Administrative Authorities to Enforce Protective Orders and to Deal with Domestic Violence Cases when dealing with the applications for household registration in similar domestic violence cases, in order to ensure the victim’s safety.

**Protection of women’s and children’s personal safety**

15.3 Related laws and regulations

15.3.1 Domestic Violence Prevention Act : Article 14 of Domestic Violence Prevention Act provides that upon concluding the trial and domestic violence is established, the Court shall, based on the facts and as required, issue one or more than one



of the following ordinary protective orders either as petitioned or by its functional authorities:

- (a) To restrict the respondent from exercising domestic violence against the victim or any particular members in the family.
- (b) To restrict the respondent from exercising any direct or indirect harassment, contact, follow, communication, correspondence or any other unnecessary means of contact.
- (c) To order the respondent to vacate the victim's residence; and, if required, to restrict the respondent from disposing of said property, i.e. the victim's residence or any other temporary disposition.
- (d) To order the respondent to stay a specified distance away from the following places: the victim's residence, school, work place or any other places regularly accessible by the victim or any of specific family members of the victim.
- (e) To specify the right to use an automobile, motorcycle, and any other necessities in daily life, occupation or education requirement; furthermore, if required, to deliver any and all of said necessities by an order.
- (f) To specify either party separately or both parties of the concerned jointly what and how to temporarily exercise or bear the rights and duties of his/her or their minor(s) and such provisional exercise or rights may be delivered to said minor(s) if required.
- (g) To specify the exercise of visitation time, locations and means by the respondent and whenever needed, such visitation shall be restricted.
- (h) To order the respondent to pay for the rental of the residence of the victim, or to pay for the support to the victim and his/her minor.
- (i) To order the respondent to pay for the medical care, consultation, sanctuary or any property damage costs incurred from the victim or any particular family members of the victim.
- (j) To order the respondent to complete the relocation program for the victim.
- (k) The respondent shall be responsible for the corresponding attorney fees.
- (l) The respondent is not allowed to check for the information of census registration, school registration and source of income of the victim and the

minors under victim's guardianship.

(m) To prescribe any other order(s) that is/are required for the protection of the victim and of any particular family members of the victim.

Before the determination of the preceding clause 10, the Court shall have the respondent take the examination of whether to receive the offender treatment program.

15.3.2 Child and Youth Sexual Transaction Prevention Act: In order to prevent children and youth from being the counterparts in sexual transactions, Taiwan enacted the Child and Youth Sexual Transaction Prevention Act in 1995, which effectively prevents children and youth from engaging in sexual transactions and protects the personal safety and physical/mental health development. Article 25 of the Act provides that "One who intends to have a person under the age of 18 engage in sexual transaction, and to deliver or accept him/her to or from other person by means of dealing, impawning or other ways, shall be punished by a sentence of more than seven years in prison....", expressly providing that any person endangering the youth personal life shall be punished to prevent such cases.

15.3.3 Other related requirements about protection of children and youth: In order to secure the care and protection of children and youth not protected under parenthood, the requirements about guardianship of juveniles in the Civil Code were amended on May 23, 2008:

(a) Article 1094-1 of the Civil Code is added, providing that "When electing or changing guardians, for the best interest of the ward, the court shall take everything into consideration and the following things shall be paid attention to: A. the ward's age, gender, willingness, health, and the need of developing the ward's personality; B. the guardian's age, employment, personality, willingness, attitude, health, finance, status of life and criminal records; C. relations between the guardian and the ward or relations between the ward and others living in the same household; D. when a juristic person is the guardian, the category and content of its business, and relations between



the juristic person and its representative and the ward.”. In addition to the requirements implied therein, it also expressly provides that the best interest of children or youth shall be the first priority when the court selects (or re-appoints) the guardian, and particularly includes “criminal record” into the circumstances which the court shall take into consideration when selecting (or reappointing) the guardian, in order to prevent the person who has a criminal record of domestic violence and drug abuse from assuming the guardian and eliminate any unqualified person to prevent domestic violence.

(b) In order to enable children and youth to secure the guardian who may act for their best interest, Article 1106-1 of the Civil Code was added, providing that “If there is sufficient facts to indicate that the guardian does not act in the best interest of the ward, or other reasons indicate that the guardian should not be the guardian, the court may order guardianship to other proper person based on application.”

15.4 Results

- (a) The Domestic Violence Prevention Act is referred to as the civil protective order system to maintain the domestic violence victims’ personal safety, providing the equal protection to victims, irrespective of men and women. As of June 1999 to April 2008, a total of 86,687 civil protective orders have been issued.
- (b) Upon enforcement of Child and Youth Sexual Transaction Prevention Act, the victims rescued by the prosecutors and police have been 6,364 persons from 1995 to 2007, and 6,275 persons were escorted by social workers in the duration of investigation and 5,550 persons were sheltered.

## Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## Protection of women's freedom of marriage and equality in family

### 16.1 Women's freedom of marriage

#### 16.1.1 Protection under laws

(a) Minimum age for marriage: Article 980 of the Civil Code provides that "a man who has not completed his eighteenth year of age and a woman her sixteenth may not conclude a marriage." Article 989 of the same Code provides that where a marriage is concluded contrary to the provision of Article 980, the party concerned or his statutory agent may apply to the court for its annulment. Said right to invalidate the marriage may be exercised at any time, provided that where the party concerned has attained the age specified in Article 980 or where the woman has become pregnant, such application may not be made.

(b) Legal requirements for marriage (manner): The requirements about marriage (manner) have provided the ceremonial nuptials since the Civil Code was enforced in 1931. However, due to certain defects in the ceremonial nuptials, the Government referred to the legislations applicable in advanced countries and amended the formality about marriage defined in Article 982 of the Civil Code after thorough evaluation to change the ceremonial nuptials to registered nuptials. As of May 23, 2008, Article 982 of the Civil Code provides that "A marriage shall be affected in writing, which requires the signatures of at least two witnesses, and by the registration at the Household Administration Authority."

#### (c) Women's right of choosing spouse

i. Protection of right of marriage: Article 972 of the Civil Code provides that "an agreement to marry shall be made by the male and the female parties of their own accord." Article 995 and Article 996 of the same Code provide that the concerned parties in a marriage shall be free from the condition of absence of discernment or mental disorder when getting married, or not

induced by fraud or by duress to conclude a marriage, in order to protect the independence of the concerned parties' intent of marriage, provided that if the concerned parties are juveniles, Article 981 of the Code specially provides that the statutory agent's prior consent shall be obtained.

ii. Protection of right of divorce: The Civil Code of Taiwan adopts "divorce by mutual agreement" and "divorce by ruling". The "divorce by ruling" applies when the circumstances referred to in Paragraph 1 or Paragraph 2 of Article 1052 of the Civil Code are met, in which case either spouse may apply to the court for a divorce. "Divorce by mutual agreement" is intended to protect concerned parties' right of voluntary divorce. Article 1049 of the Code provides that husband and wife may affect a divorce themselves where they mutually consent to it. Concerned parties are entitled to gender equality in the right of voluntary divorce, provided that in the case of a minor, the consent of his or her statutory agent must be obtained.

16.1.2 Results : In order to address the registered nuptials adopted upon enforcement of the amendments to Article 982 of the Civil Code as of May 23, 2008, Ministry of Justice has worked hard to take the various promotional actions to enable the public to know about the contents of the new law to protect their interest and right as of the date of promulgation (May 23, 2007).

16.1.3 Perspective: Though the registered nuptial has been applied, some newly weds still consider that the traditional ceremony should be applied and hold the wedding without registering the marriage at the same time. Therefore, it is likely that no effect of marriage is produced even upon completion of the wedding and the concerned parties' interest and right are affected accordingly. Or, some newly weds still apply the traditional customs and ask for registration of marriage on a lucky day chosen by them and, therefore, the household administration authority has to work with them to accept the registration on holidays and the manpower load is increased accordingly. The Ministry of Justice will continue promoting the relevant laws and enhancing the public knowledge about the laws.



16.2 Protection of equality in the duration of marriage and after divorce

16.2.1 Protection under laws

(a) Protection of identity

- i. Wife/husband prefix of husband's/wife's surname: Article 1000 of Civil Code initially provided that "Unless otherwise agreed upon by the parties, a wife shall prefix to her surname that of the husband and a "chui-fu" shall prefix to his surname that of the wife." Considering that such provision was against the gender equality principle, the provision was amended in June 1998 as providing that "the husband and the wife should keep his or her own surname, unless one party agrees in writing to prefix to his or her surname that of the spouse and registers the agreement at the household administration authority."
- ii. Couples' residence: Article 1002 of Civil Code initially provided that "A wife takes the domicile of the husband as her domicile, unless it has been agreed that the husband takes the domicile of the wife as his domicile....". Considering that such provision was against the gender equality principle, it was amended in June 1998 as providing that "The domicile of the husband and the wife shall be agreed by mutual agreement; if it has not been agreed or cannot be agreed, it may depend on the court by application."

(b) Protection of property

- i. Marital property regimes: Before the amendments to the Civil Code, Book Family in 2002, many provisions referred to therein were against the gender equality principle. After the amendments made in 2002, some provisions were added to recognize the family labor value, fulfill the allocation of residual property, promote the harmony of marriage life and take care of the transaction safety.
- ii. Contents of protection:
  - a. Marital property regimes include the statutory marital property regime, common property regime and separate property regime.
  - b. Couples may choose to apply the common property regime or separate

property regime by contract prior to or after marriage and register it at the court, or the statutory property regime shall apply.

- c. The property applicable to the statutory property regime is categorized as the property before and after marriage. Couples applying the statutory property regime shall identify the scope of property before and after the marriage.
- d. Substantial benefit in identifying property before and after marriage: The property after the marriage shall be subject to allocation of residual property when the legal property regime extinguishes and is shared by the couple equally, provided that where the equal allocation result is disadvantageous to either of the couple, he/she may apply with the court for adjustment or exemption.
- e. The right to manage under the statutory property regime was vested in either of the couple. As of promulgation and enforcement of the new law, the ownership of property before or after marriage shall be vested in the husband and wife respectively, who may manage, use, utilize (e.g. lease) and dispose of (e.g. realize) the property respectively, and bear the obligation, if any, respectively.
- f. Family living expenses shall be borne by the husband and wife depending on his/her ability. The same shall apply to the housework.
- g. Couples may agree on specific money, in addition to the family living expenses, spendable subject to the husband's or wife's sole discretion.
- h. If either party of the couple transfers his/her property in the duration of the marriage, the future allocation of property will be endangered. Irrespective of the transfer with or without consideration, if the specific requirements are met, the other party may petition with the court to revoke the transfer with or without consideration to secure the allocation of residual property.
- i. When the couple divorces or the statutory property regime extinguishes, the residual property shall be the property after marriage less that irrelevant to contribution of the marriage (including legacy, gift and





benefit), and be shared equally.

- j. The residual property shall be calculated from the time when the statutory property regime extinguishes, provided that the property after marriage disposed of in the first five years shall be included into the allocation.

(c) Equality in children's affairs

i. Exercise of rights and assumption of duties in regard to minor children:

The relevant provisions under the Civil Code before the amendments with respect to parents' disagreement on the exercise of right in regard to minor children were against the gender equality principle. Therefore, Article 1089 of the Civil Code was amended as providing that the father and mother shall jointly exercise their rights and assume their duties in regard to a minor child unless it is otherwise provided for by law.

ii. Children's surname:

a. Paragraph 1 of Article 1059 of the Civil Code provides that parents shall agree in writing before filing the child's birth registration about whether the child shall assume the father's or mother's surname.

b. Related requirements about children's surname added into Household Registration Law

(1) Extension of the time limit for birth registration: To allow parents to have sufficient to consider their children's surname, Paragraph 1 of Article 48 of Household Registration Law amended and promulgated on May 28, 2008 provides that the applications of household registrations should be made within thirty (30) days after the cases concerned occur or are ascertained, provided that the birth registration must be made within 60 days.

(2) In order to prevent a dispute over birth registration of newborns arising from parents' failure to reach agreement with each other, Article 49 of Household Registration Law amended and promulgated on May 28, 2008 provides that in case the family name of the party of the birth registration is uncertain according to related laws, if the child is legitimate, the applicant can decide the child to be registered

with the father's or mother's family name upon taking a draw at the household administration office; if the child is illegitimate, the child is registered with the mother's family name; if the child is abandoned or helpless, the child is registered with the guardian's family name (Paragraph 1). In case of the household office registers a child according to the fourth paragraph of the previous Article, if the child is legitimate, the applicant can decide the child to be registered with the father's or mother's family name upon taking a draw; if the child is illegitimate, the child is registered with the mother's family name; if the child is abandoned or helpless, the child is registered with the guardian's family name and the Head of the office should give the child a first name (Paragraph 2).

iii. Adoption

a. The purpose of the adoption system has been transformed from "having a son to carry on the family name" for the "parents" to having "the best interests" of the "children", upon transformation of the type of society.

b. The Civil Code, Book Family amended and promulgated on May 23, 2008 provides that the interest of adopted minor children shall be the first priority.

c. The adoption shall take children's best interest into consideration and has protected women's equality in status.

iv. General succession is amended to minor children's limited succession:

a. Given the fixed concept about a "son must pay the father's debt", the Civil Code, Book Succession before the amendment provides that unless the heir applies for limited succession or presents the waiver of inheritance within the specific time limit, he/she shall succeed to the right and obligation about the deceased's property generally as of the inheritance.

b. In order to protect the personality and development of heirs lacking legal capacity or with limited legal capacity (mostly children and youth) from being affected because the heirs succeed to the obligation directly upon the deceased's death, Paragraph 2 of Article 1153 of the Civil Code was



amended and promulgated on January 2, 2008, providing that “An heir lacking legal capacity or with limited legal capacity shall be liable for the obligation of the decedent only to the extent of the property acquired from the estate.” Meanwhile, Paragraph 2 of article 1-1 of Enforcement Law for Part V, Succession Law of the Civil Code was amended, providing that “If the succession commences before December 14, 2007, the effective date of the amended the Civil Code, Book Succession, heirs, who lack legal capacity or have limited legal capacity at the commencement of the succession, do not limit or waive their succession, after the commencement becomes effective, if continuous performance of the inherited obligations is obviously unfair to the heirs, the heirs are liable for the obligations of the estate only to the extent of the property acquired from the estate.” Therefore, the succession cases prior to the enforcement are also under protection.

16.2.2 Results:

- (a) The statistics show the cases in which couples have applied with the court for separate property regime in the recent years: 1,151 cases in 2002, 1,062 cases in 2003, 987 cases in 2004, 1,178 cases in 2005, 1,183 cases in 2006 and 1,105 cases in 2007. Said data show that the amendments to marital property regimes provided in the Civil Code made in 2002 tended to adopt the separate property regime for the statutory property regime, expressly providing that husband and wife shall retain their right to use, manage, utilize and dispose of their own property respectively in the duration of the marriage. Therefore, the applications for separate property regime have never been increased or decreased significantly due to the amendments to the law.
- (b) From May 25, 2007 to the end of November 2008, in the applications for birth registration and assumption of surname not by agreement (totaling 10,712 cases), a total of 95 cases in which the child was registered with the father’s family name upon taking a draw, i.e. 0.89%; a total of 310 cases in

which the child was registered with the mother’s family name upon taking a draw, i.e. 2.89%; a total of 222 cases in which the child was registered with the guardian’s family name, i.e. 2.07%; a total of 9,512 cases in which the illegitimate child was registered with the mother’s family name, i.e. 88.80%; a total of 183 cases in which the child was registered with the father’s family name directly at the Household Administration Office, i.e. 1.71%; a total of 390 cases in which the child was registered with the mother’s family name directly at the Household Administration Office, i.e. 3.64%.

16.2.3 Perspective

- (a) The Ministry of Justice is researching and drafting amendments to Paragraph 1 of Article 1059 of the Civil Code, providing that “Parents shall agree in writing before filing the child’s birth registration about whether the child shall assume the father’s or mother’s surname; where parents fail to agree or it is impossible for parents to reach agreement, it shall be decided upon taking a draw at the Household Administration Office.”. The draft of amendments have been reported to the Executive and Judicial Yuan and submitted to the Legislative Yuan for examination on November 12, 2008.
- (b) If either party of the parents inflicts sexual assault or domestic violence on children or fails to fulfill his/her obligation to protect and educate the children, thereby causing adverse effect to the children’s physical and mental development and personality development, and it is impossible to change the agreed surname, the existing provisions provide that no application may be filed with the court to change the surname. Apparently, children’s interest cannot be protected perfectly. In this regard, the Ministry of Justice has proposed in the amendments to Article 1059 of Civil Code that Paragraph 5-4 of the Article about the cause for application with the court to change children’s surname shall be amended as “where either party of the parent fails to fulfill his/her obligation to protect or educate the children”, in order to protect minor children more perfectly.



**Women’s equality in deciding the number of children and interval between births freely and responsibly**

16.3 Health and medical treatment

16.3.1 Protection of legal system

(a) According to Item 1 of Article 7 of Genetic Health Law, the Government shall provide the service and guidance for reproduction regulation to enable women to decide the number of children and interval between births freely and responsibly, to protect women’s independence in childbirth.

(b) As of enforcement of Genetic Health Law in 1985, the various health bureaus and offices, medical institutions and civil groups have worked with each other to promote the pregnant/lying-in women and baby children health care business and plan multiple hereditary disease examinations and services to reduce congenital abnormal children. However, considering that the term “genetic” referred to in the Law implies discrimination, the title of the Law is intended to be amended as “Childbirth Health Care Law” upon suggestion of legislators and women organizations to eliminate the discrimination.

16.3.2 Current status : According to KAP 9 Knowledge, Attitude, and Practice of Contraception) of the Bureau of Health Promotion, Department of Health, the rate of contraception of currently married women of 20-49 years old was 79.2%. The total fertility rate (TFR) of women in Taiwan was 1.23 persons only in 2003, making Taiwan become one of the countries with “super minimum fertility rate”. The TFR dropped to 1.12 persons, a new record, in 2006.

16.3.3 Perspective: The response action to the few-childrenization in Taiwan is not intended to increase the fertility rate by the Government’s intervention, but to establish well-founded family policies to enable nationals to seek balance between housework and career to reduce the burden for raising children. The increase in the fertility rate is a result of well-founded family function. Ultimately,

it is expected to balance the relationship between housework and career to relieve women from bearing the family repression alone and help upgrade women’s willingness to participate in the employment market. In order to fulfill the action concretely, women are required to participate in the policy making and the Government shall work with the citizens to reach the common consensus on the actions to mitigate the few-childrenization tendency.

16.4 Education and propagation

16.4.1 Protection of legal system

(a) The Ministry of Education defined the “School Sex Education Implementation Program”, which was enforced as of January 2008 to be dedicated to enhancing students’ ability to deal with the issue of sex education to promote the school sex education, enhance students’ knowledge about sex education and strengthen teachers’ professional knowledge about sex education.

(b) The Ministry of Education defined the “Guideline for Encouragement to Schools with Excellent Performance in Sex Education by Ministry of Education” to encourage teachers or schools with excellent performance in promotion of sex education as the models for promotion.

16.4.2 Results

(a) The Ministry of Education established the National Sex Education Resource Center, installed websites providing teaching resources, worked with Department of Health, Executive Yuan to promote sex education, encourage and reimburse school teachers to develop creative and excellent curriculum, teaching materials and media, and promote the relevant creative performance, sex education R&D and evaluation related to sex education, and also commissioned professional teams to execute sex education projects and programs.

(b) The Ministry of Education discussed the orientation program for elementary school teachers in accordance with the junior high school and elementary



school curriculum to upgrade teachers' healthy education ability.

- (c) Subsidizing universities to hold "Junior High Student Sex Education Seminar", "Gender Equality and Prevention of Sexual Harassment Seminar", "Gender Equality Education Seminar/Inspection for Teachers and Educational Administrators", and high schools by conducting three classes of "Gender Education", "Youth Development and Behavior"(including teenager's sexual life and gender education) for high school teacher's learning the gender subject. There are 150 people in the recruitment plan.

- (d) Provide funding, NT\$ 2,067,923 in total in 2008, to local governments on adding gender equality education curriculum into regular classes. Total 22 classes were achieved.

16.4.3 Perspective: There are more than 4,000 teachers in the area of junior high school PE, and most of them never underwent any sex education programs and training. Therefore, it is still necessary to enhance the sex education seed teachers' training.

**Prevent gender discrimination and violence in family or marriage**

16.5 Protection of legal system

- (a) Domestic Violence Prevention Act
- (b) Enforcement Rules of Domestic Violence Prevention Act
- (c) Regulations on Establishment, Management and Use of Domestic Violence Electronic Database
- (d) Regulations for the Administrative Authorities to Enforce Protection Orders and to Deal With Domestic Violence Cases
- (e) Rules for Granting of Loans to Domestic Violence Victims to Start Business

16.6 Execution

16.6.1 Domestic violence prevention

- (a) The "113" women-and-children's protection hotline ("113" for short) was installed on January 13, 2001. The "113" centralized operator center was founded as of September 1, 2007. Since then, a total of 717,376 effective calls have been received until February 2008.
- (b) From 2003 to 2008, a total of 1,029,142 victims have been provided the protection subsidy. The subsidy totaled 590,714,212.
- (c) the end of 2008, 18 domestic violence service centers of district courts have been established, and provided service to 277,600 persons.
- (d) From June 2007, the Central Government reimbursed 40% of the budget and the local governments raised funds for 60% of the budget, in order to help the local governments increase 190 social workers dedicated to providing direct service.
- (e) The 0800-013999 male-care hotline was installed in June 2004. A total of 60,487 calls have been received by the hotline since the end of December 2008. The hotline provided the care, support and general advice, and the referral service with respect to specific issues and needs

16.6.2 Enhance domestic violence prevention for foreign and Mainland spouses:

- (a) Publish the "Domestic Violence Prevention Manual" and "Law Q&A Book" in six languages including Chinese, English, Indonesian, Thai, Vietnamese and Cambodian, which have been distributed to foreign and Mainland spouses in Taiwan.
- (b) Expand the simultaneous interpretation function of the "113" women-and-children's protection hotline, and enroll the simultaneous interpreters specialized in English, Indonesia language, Vietnamese language, Thai and Cambodian to provide 24-hour simultaneous interpretation service.
- (c) Guide the local governments to work with civil groups to provide foreign and Mainland spouses suffering from domestic violence with the shelter service,



and provide the subsidy for extension of shelter, simultaneous interpretation and flight tickets for repatriation.

- (d) Work hard to research the amendments to “Instructions for Ministry of Interior to Deal With Domestic Violence Cases of Mainland and Foreign Spouses” to urge the policemen to enhance the safety and prevention actions and reporting of transient population, and work with National Immigration Agency to help Mainland and foreign spouses suffering from domestic violence deal with the following entry/exit procedures and extension of residence visa.
- (e) Hold foreign spouse personal safety propagation programs and enhance the propagation about laws and resource channels applicable to foreign spouses.

16.7 Perspective

16.7.1 Current status and difficulty

- (a) Except Taipei City Government, Kaohsiung City Government, Taipei County Government, Taoyuan County Government and Taichung County Government, which established the independent authority subordinated to the bureau (division) of social affairs, the other city/county governments only organized the task forces. Therefore, there is still the difficulty in insufficient authority and promotion of network cooperation.
- (b) Social workers are insufficient, it is difficult to organize the workers officially, the labor turnover rate is high, the pay and welfare is poor, and the personal safety needs to be enhanced, thus it is difficult to raise the depth of services. All of these issues shall be resolved in whole.
- (c) The gender equality consciousness of judges, prosecutors, policemen, medical treatment and education personnel involved in the prevention network still needs to be raised. It is still necessary to work with the relevant competent authorities to continue enhancing the consciousness.

16.7.2 Discussion and corrective action

- (a) Continue increasing resources dedicated to the prevention, enrolling

reasonable human resource for social workers and enhancing social workers' safety protective actions.

- (b) Provide victims with diversified rescue channels, fulfill the direct service to victims and enhance the performance of protection and assistance.
- (c) Work hard to promote domestic violence offender preventive service programs and upgrade the effect of offender treatment programs and execution thereof.
- (d) Continue enhancing the propagation to the public in the society, and develop the prevention education propagation programs with respect to specific counterparts and establish the gender equality culture.