

2022

A Year of Human Rights Covenants

Great Leap for Taiwan

Annual Report

National
Human
Rights
Commission
Taiwan



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List of Abbreviations

APF	The Asia Pacific Forum of National Human Rights Institutions	
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	
CRC	Convention on the Rights of the Child	
CRPD	Convention on the Rights of Persons with Disabilities	
ICCPR & ICESCR	International Covenant on Civil and Political Rights & International Covenant on Economic, Social and Cultural Rights	Two Covenants
ICCPR	International Covenant on Civil and Political Rights	
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	
ICESCR	International Covenant on Economic, Social and Cultural Rights	
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	
ILO	International Labour Organization	
NHRC	National Human Rights Commission (Taiwan)	
NHRI	National Human Rights Institution	
NPM	National Preventive Mechanism	

From the Chairperson Toward A Human Rights Paradigm: Setting up the Taiwan Human Rights Commission



It has been three years since the National Human Rights Commission (hereafter “the Commission” or the NHRC) was established. The concerted efforts of all our staff members made it possible to bring to you this first NHRC annual report. It also marked a new way of communication between the NHRC and society.

From the call for establishment of a NHRC by the civil society organizations in 1999 through the passage of the *Organic Act of the Control Yuan National Human Rights Commission* on December 10, 2019 to the establishment of the NHRC on August 1, 2020, it took 20 years of hard work to succeed. In compliance with the UN’s *Principles Relating to the Status of National Human Rights Institutions* (Paris Principles), the NHRC is founded upon organizational independence, accountability, and membership diversity. It is also expected to connect with the international human rights system. Such an institution is the first of its kind among our government structure. Hence, neither the nature nor the duties of the NHRC were well-known to the public at the beginning.

Nonetheless, I am honored to be working with all our staff members. While COVID-19 was posing such threat and challenges to the whole world, we managed to accomplish various difficult tasks and to build our internal system through trials and errors.

First, we issued a “NHRC Special Report on Foreign Fishermen’s Human Rights Situation”, which was of great concern to the international community and to urge the administrative departments to propose a fisheries and human rights action plan; we also were engaged in the process concerning the implementation of five international human rights covenants; then came the presentation to the constitutional court as an expert witness; lastly we embarked on a number of research projects, systemic inquiries and investigations, and research on sexual assaults in children and adolescent’s placement institutions and campus, problems facing migrant workers in child-rearing, as well as the national preventive mechanism (NPM) pilot project. In the field of human rights education, we promoted measures in collaboration with schools and government agencies according to the UN’s World Programme for Human Rights Education.

In international liaison and cooperation, we have signed the agreement with the Expertise France and the French Office in Taipei (Bureau Français de Taipei) and invited the French human rights advisor to give us professional advice. Furthermore, on December 10, 2022, the Human Rights Day, I led a delegation to France and Germany to visit their human rights institutions. We were also invited to share our experience and progress in human rights promotion at the Institute of France (Institut de France) and the Committee on Human Rights and Humanitarian Aid (Ausschuss für Menschenrechte und humanitäre Hilfe) of the German Parliament (Deutscher Bundestag). These international exchanges and collaborations on human rights affairs were all unprecedented to Taiwan.

Although deliberation on the “special chapter on the NHRC’s powers and functions” is still pending in the Legislative Yuan, by formulating internal rules and regulations, we also have progressively reached consensus through repeated discussions, evaluations and revisions so that Commissioners from various backgrounds and staff can move forward together. However imperfect and bumpy the process might have been, I believe these trials and errors were indispensable for working as a team.

I have participated in Taiwan’s democratic movement since the 1970s. Having been jailed for six years as a political prisoner, I worked with various civil social organizations. When I became a government official, both in the central and local governments, I continued to uphold my faith in human rights, advocating labor human rights, gender equality and environmental protection. I was deeply moved and echo a Latin American poet that my most ardent wish is when the doorbell rings in the morning, it is the milkman instead of secret agents coming for me.

Now democratization has been completed in Taiwan, and the fear of the White Terror is long gone. Taiwan has been ranked top in various human rights fields among Asian communities. To keep up with the rapid social development, however, we also need to confront the challenges from emerging human rights issues, such as the right to privacy by digital technology, the unfavorable impact of climate change, ethnic discrimination arising from social diversity, and others. We need the NHRC to protect our human rights, taking an independent, professional, and objective perspective.

I would like to thank all my colleagues for their persistent efforts. We are a groundbreaking agency with new and difficult tasks assigned to us. Granted it is challenging, frustrating and unrewarding, we can turn it around using this opportunity to construct a human rights regime. The NHRC has been advancing slowly over the past three years, I believe that our efforts will bear fruit and I am looking forward to continuously working with all of you.

Chairperson



From the Executive Secretary

Our Challenges and Breakthroughs

“Even if I cannot work for the whole six-year term with members of the NHRC’s first cohort, as soon as a functioning structure has been built, we can at least break free from the current predicament.”

As the highest-level human rights institution in Taiwan, the NHRC has comprehensive powers and functions and has been receiving assistance from all walks of society at home and abroad since our inception. We are well aware of the need to step up and forge ahead. Through this report, we hope our readers will understand more about the operation of the NHRC and the foci of our work over the past one and a half years.

Over my civil service career of more than forty years, accepting the position of the NHRC’s executive secretary was the toughest decision I have ever made. In January 2022 I came to the NHRC with a sense of unease: its unclear role, ill-defined responsibilities, and lack of an agreement upon working procedure worried me most. I was wondering if I could improve its work routine by drawing upon my past experience with other agencies. This is also the challenge I gave myself before retirement.

My first task was to tackle the administrative procedure of the NHRC within the Control Yuan (監察院). Based on my experience, I was well aware of the tension, contradictions, and even conflicts between new and existing units. Through the concerted efforts with all the division chiefs, we found the problems and resolved the bottlenecks in time. By 2022 we could handle more tasks than in the previous year. I am grateful to the Control Yuan for its tolerance and support for me. I firmly believe that after my retirement at the beginning of the next year, the administrative units of both the NHRC and the Control Yuan will perform better through sincere cooperation.

While COVID-19 was not yet completely subsided in 2022, Taiwan held review meetings on the national reports of five human rights covenants in quick succession. To improve the local review mechanism, we spent nearly 80% of our workforce and time on completing the independent reviews of the national reports of the five human rights covenants. In addition, we participated in the process of the new constitutional court for the first time in accordance with the *Constitutional Court Procedure Act* so that international human rights standards would be incorporated into Taiwan’s judicial system. The NHRC also kept track of the human rights situation of vulnerable and disadvantaged groups. So far we have embarked on six human rights projects. In 2022 we completed the preliminary reports on the human rights of persons with disabilities in workplace and



The NHRC staff

the human rights of foreign fishermen. We also conducted a special inquiry (專案訪查) into migrant workers' child-rearing problems. Lastly, although human rights education has been advocated in Taiwan for 20 years, no comprehensive national human rights education plan has ever been adopted. In 2022 we completed an analysis of Taiwan's human rights education in primary and secondary schools, aiming at facilitating and prioritizing our tasks in human rights education.

Our readers can certainly understand more about the NHRC's work through this report. There are indeed challenges and dilemmas. Currently, the NHRC is at a stage of self-examination. How to interact with the administrative units of the Control Yuan and whether a working relationship with the NHRC members could be established are our immediate problems. Over the past three years, besides a series of projects and investigations dictated by the NHRC resolutions, we have also engaged in human rights promotion programs as directed by individual members. Yet due to our limited capacity, the progress and degree of completeness of individual projects varied. As the workforce was gradually filled at the end of last year, we started facing challenges including new staff training and keeping up their enthusiasm. As the NHRC's executive secretary, I hope that the NHRC can have a better understanding of its role and functions, and the members can better coordinate and reach a consensus on the priorities of their work.

Lastly, I want to thank the members of the editorial advisory board for their participation in several editorial meetings and their suggestions concerning the structure and contents of this report. Through this report, the NHRC hopes to faithfully explain to the public its missions, achievements as well as determination to resolve the dilemma and predicaments. We call for unity, solidarity, and the realization of the *Universal Declaration of Human Rights*.

Executive Secretary *Su Jui-hui*

❖ The Seven Firsts

Important Changes Promoted in the Past 3 Years

1

First-time presentation of independent opinions to international review committees on national reports

After the NHRC was established, we embarked on preparing independent opinions on human rights conventions state reports for the first time. In 2022 we attended a series of four reviews on the implementation of five human rights conventions under Taiwan's reporting mechanism. Most of our opinions were taken into account by international experts and included in their concluding observations.

In demonstrating the commitment to human rights as our national foundation, Taiwan not only voluntarily implemented human rights conventions, but also invited international experts to review our national reports in Taiwan. Taiwan began with the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) in 2009, the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (hereinafter referred to as the "Two Covenants") in 2013. Progressively we aimed at developing Taiwan's national reporting mechanism.

2

First-time participation in Constitutional Court as an expert witness

The *Constitutional Court Procedure Act* was implemented on January 4, 2022. We were appointed as the "expert agency" at the oral argument by the constitutional court to state our opinion on international human rights and present "written comments". Before the Act was implemented, we had assisted in the constitutional interpretation proceeding as a "friend of the court" (*amicus curiae*), such as the constitutional interpretation on compulsory labor on October 12, 2021. In 2022 we appeared in the court oral argument of four cases on indigenous identity, national health insurance research database, Sirayan identity, and the gender equality concerning women's leadership position in ancestor worship guilds. Additionally, we also wrote a comment on the case regarding the recusal of judges from criminal litigation procedure. No court decision has yet been made by the closing time of the annual report.

If judged only by our participation in the oral argument at the Constitutional Court, the court decisions and our views on international human rights standards are generally consistent. Please refer to “Participation in the Procedure of the Constitutional Court” in Part II for the details of the above cases.

3

Carrying out a full inspection of the status of implementation of human rights education in primary and secondary education for the first time

For a comprehensive understanding of the promotion and implementation of human rights education undertaken in Taiwan, and for ensuring Taiwan’s human rights education policies are in compliance with international standards, we teamed up with the National Academy for Educational Research in November 2021 to conduct interviews and questionnaire surveys across Taiwan. The investigation taken was under the framework and assessment principles of the UN’s first phase (2005–2009) of the World Programme for Human Rights Education and *Human Rights Education in Primary and Secondary School Systems: A Self-assessment Guide for Governments*. After seven and a half months, we completed the first systemic analysis and made preliminary recommendations for planning future human rights education policies.

4

Pushing the legislature to include “administrative wrongs” through amendment for the MOJ to pass the political rehabilitation of Lin Shui-chuan for the first time

In Taiwan the political rehabilitation and compensation of victims began after the abolition of the martial law in 1987. Due to the limited applicability to judicial cases only, many political victims, such as Mr. Lin Shui-chuan (林水泉), who were directly transferred to the reformatory facilities on Liuqiu Island after being reported as hooligan by the police in accordance with the *Anti-Hooligan Ordinances for the Period of Communist Rebellion* (動員戡亂時期檢肅流氓條例) were deprived from political rehabilitation.

In July 2021 we published an investigative report with various recommendations. In the following year, we urged the Legislative Yuan to pass the amendment to the *Act on Promoting Transitional Justice* (促進轉型正義條例) by including administrative wrongs in the act. In accordance with the amendment and our investigation report, the Ministry of Justice (MOJ) approved the political rehabilitation of Mr. Lin Shui-chuan after review.

5

First-time establishment of the “reasonable accommodation” guidelines for persons with disabilities

Through concerns and follow-ups, we have urged the Ministry of Education (MOE) to consider the actual needs of students with disabilities more actively, revise the relevant examination rules, and amend Article 10 of the *Special Education Act* by including “reasonable accommodation” for the legislature to deliberate. Additionally, we also urged the Directorate-General of Personnel Administration, Executive Yuan, to complete the “Manual for Employees with Disabilities” for making the employment and workplace environment friendlier to persons with disabilities in 2021.

Based partly on overseas experiences and cases, we are now establishing the “Guidelines of Reasonable Accommodation for Persons with Disabilities”. This project aims to urge government agencies to understand the concept and implications of reasonable accommodation. Through advocacy and education, it is hoped to encourage them to develop relevant guidelines appropriate to their functions.

6

First-time systemic review of the human rights issues of foreign fishermen, with the NHRC special report accepted by the government

Human rights issues of foreign fishermen have been the international focus for years and they are also our special concern. Through the NHRC special report, we made our points and recommendations. During the execution of our project, we urged the relevant authorities to report their efforts and make feasibility assessment of “stopping forced labor in distant water fisheries” as advocated by civic groups. Additionally, we visited Cianjhen Fishing Harbor in Kaohsiung and Nanfanggao Fishing Harbor in Yilan to exchange opinions and hold professional forums on human rights with fishing crew. We also held four discussions with the relevant government agencies, civic groups, and related industries. After all these, we completed the first NHRC Special Report on important human rights issues, published *Road to Migrant Fishers’ Rights*, and made specific recommendations.

Aside from urging the Executive Yuan to accelerate the establishment of the “Action Plan for Fisheries & Human Rights,” we also pushed the Fisheries Agency to amend all 12 articles of the *Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels* (投資經營非我國籍漁船管理條例), adding standards for fishing crew labor conditions on flag of convenience vessels, and banning investments in foreign flag fishing vessels involving forced labor. Our recommendations have been accepted; and amendments to the *Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members* (境外僱用非我國籍船員許可及管理辦法) were adopted in terms of stipulation of progressive salary raise and principles of direct payment, the eligibility of foreign agents, the management of local agents, and the need for inspection of labor rights in fisheries when fishing vessels enter a domestic fishing harbor.

7

First-time international cooperation on human rights as a National Human Rights Institution (NHRI)

The representative offices of the UK, France, the US, Germany, the EU, and Indonesia in Taiwan regularly visit us for exchanging opinions on various human rights issues and for promoting bilateral institutional exchange on human rights. In September 2022 the French Office in Taipei (Bureau Français de Taipei) and the French Ministry of Europe and Foreign Affairs (Ministère de l'Europe et des Affaires étrangères, MEAE) assigned the Expertise France to send a human rights expert to Taiwan for providing professional consultation service helping the NHRIs of Taiwan and France to develop a dialogue mechanism, and seeking opportunities for multilateral collaboration.

The Asia Pacific Forum of National Human Rights Institutions (APF) highly recognizes Taiwan's democracy and cares about Taiwan's human rights development over time. After the establishment of the NHRC, we have held numbers of webinars and high-level dialogues for sharing APF's experience in operation and development regardless of the COVID-19 pandemic.

Overview of Achievements

Unless otherwise specified, the following data was taken from August 1, 2021 to December 31, 2022.



Number of recommendations for governments at all levels

Recommendations
for ICCPR & ICESCR

263 items

Recommendations
for CRC

88 items

Recommendations
for CRPD

137 items

Recommendations
for CEDAW

25 items



Participation in the Constitutional Court Procedure

6 cases



Systemic Inquiry, Investigation, and Research

2 projects



Human Rights Special Reports¹

1 project

¹ Reports on special projects.



Number of Accepted Grievances

53 grievances

Table 1 Number of Complaints ²

Handling Method	Number of Cases
Request for re-investigation or handling by responsible authorities by mail	20
Reply to claimants by mail	9
Incorporation complaints into the NHRC's consideration for dealing with NPM and CRPD related services	8
Referral to the Control Yuan for handling	16



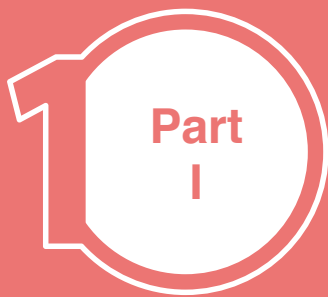
Partnership

Table 2 List of Dialogues Between the NHRC and NGOs ³

Category of Important Issues	Number of NGOs Participating	Number of Meetings
1. Provision of independent opinions on international human rights conventions	287	40
2. Important human right issues	176	112
3. Systemic inquiries, investigation, and research on children and adolescents placement agencies and campus sexual assaults	4	4
4. Large important events	79	3
Total	546	159

² Statistics from the NHRC's establishment to December 31, 2022.

³ The types of social dialogues include focus group interviews, seminars, visits, talks, forums, and representations, statistics from the NHRC's establishment to January 31, 2023.



Our Role and Responsibilities





1

What Can the NHRC Do for You?

Aiming to promote and protect human rights, the functions and powers vested in accordance with international standards and domestic laws of the NHRC are as follows:

- a. To investigate incidents involving torture, human rights violations, or various forms of discrimination in accordance with its authority or in response to petition from the general public, and to handle them and provide remedy according to the law.
- b. To study and review national human rights policies and make recommendations.
- c. To publish special reports or annual reports on countrywide human rights issues for understanding and assessing the domestic human rights situation.
- d. To assist government agencies in the signing or ratification of international human rights conventions and their incorporation into domestic laws, so as to ensure the conformity of domestic laws, regulations, directives, and administrative measures with international human rights norms.
- e. To conduct systematic studies of the Constitution and legal statutes based on international human rights standards for the purpose of offering necessary and feasible recommendations for legislation, amending the Constitution and the law.
- f. To monitor the effectiveness of government agencies in promoting human rights education, enhancing human rights awareness, and handling matters involving human rights.
- g. To cooperate with domestic institutions, civic groups, international organizations, national human rights institutes, and non-governmental organizations for promoting the protection of human rights.
- h. To provide independent opinions for national reports submitted by the government in accordance with the provisions of international human rights conventions.
- i. Other matters related to the promotion and protection of human rights.

2

Who Are We?

The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure....

“Composition and Guarantees of Independence and Pluralism,” Paris Principles

The first NHRC is formed with eight ex-officio members, including the president of the Control Yuan and seven specially qualified Control Yuan members, and two other Control Yuan members appointed by the president of the Control Yuan. The tenure of the ex-officio members is six years (from August 1, 2020 to July 31, 2026), and the tenure of appointed members is one year. The ex-officio members of the NHRC are nominated by the president of the Republic of China and approved by the Legislative Yuan. They come from different areas of specialization, such as environmental protection and the judiciary, or represent different social groups, such as laborers, women, children and adolescents, persons with disabilities, and indigenous peoples.

The president of the Republic of China appoints the president of the Control Yuan to chair the NHRC concurrently, and the vice chairperson will be elected among all 10

NHRC members (including the chairperson). The decision on all matters within the NHRC authority shall be discussed and reviewed by the NHRC. Resolutions of a NHRC meeting shall be approved by over one half of all NHRC members.

The staff work is led by the executive secretary and the deputy executive secretary and operated by a group formed by 37 members (currently) from the civil service system, civic professional human rights activists and practitioners, and persons with civic group experience.⁴

We also have human rights consultants with a tenure of two years. With the approval of the chairperson, they may be civil servants, scholars, experts, or representatives of civic groups. They are commissioned to provide independent opinions, assist in promoting human rights, and disentangle human rights issues.

⁴ Number of active members by December 2022.



Chen Chu Chairperson



Wang Jung-chang Vice-Chairperson



Wang Yu-ling Member



Tien Chiu-chin Member



Chi Hui-jung Member



Kao Yung-cheng Member



Yeh Ta-hua Member



Upay Radiw Kanasaw Member



Fan Sun-lu Member

2021.08.01 - 2022.07.31



Jao Yung-ching Member

2021.08.01 - 2022.07.31 Vice-Chairperson



Su Li-chiung Member

2022.08.01 - 2023.07.31



Lai Chen-chang Member

2022.08.01 - 2023.07.31



3

How Do We Work?

In accordance with the *Paris Principles*, the duties of an NHRI are twofold: (1) to develop a comprehensive social understanding and respect for human rights through education, training, consultation, and publicity, namely the duty to promote human rights; and (2) to handle cases and prevent violations of human rights through acceptance of complaints, monitoring, investigation, and reporting, namely the duty to protect human rights. As stated in the *Paris Principles*, and in accordance with the *Organic Act of the Control Yuan National Human Rights Commission (the "Organic Act")*, the NHRC is vested with various powers, for which it has issued administrative norms as operating guidelines (Table 3).

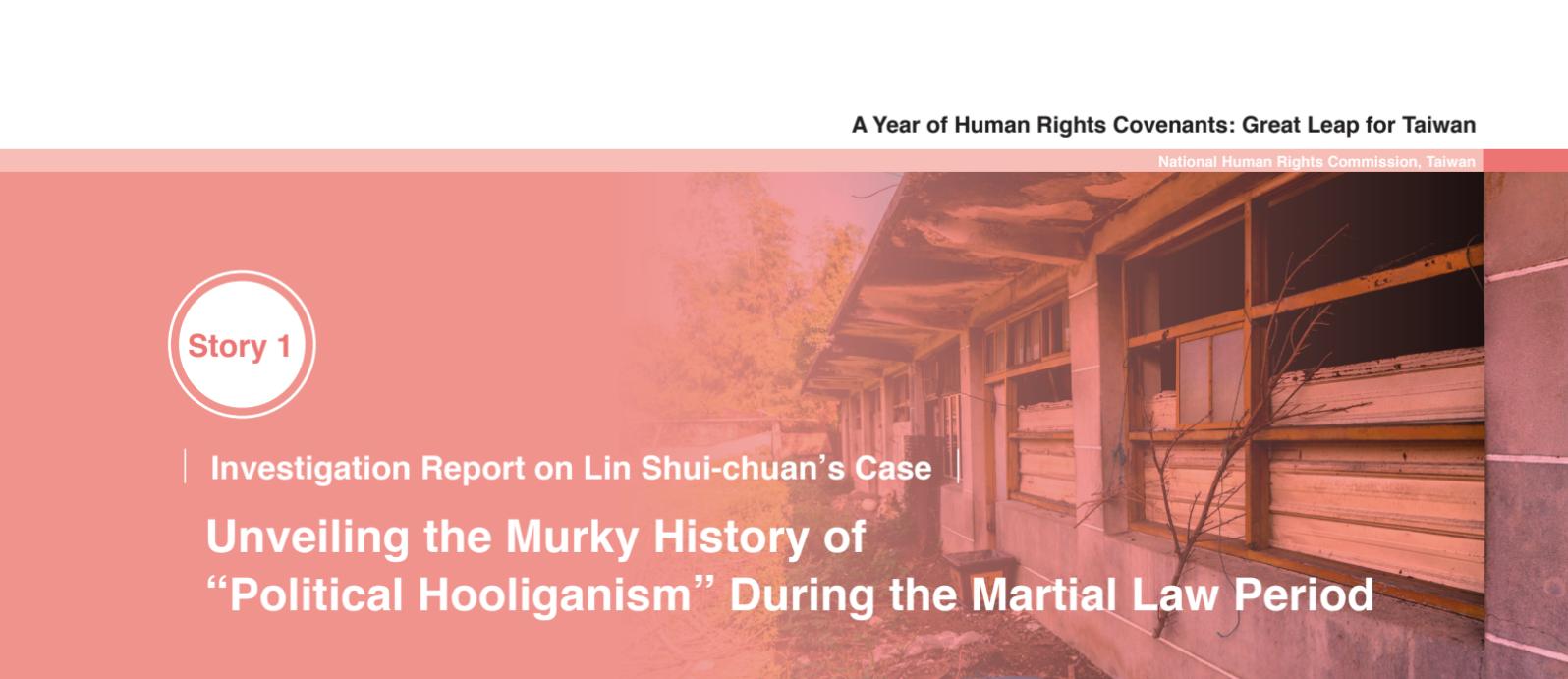
As yet, these administrative norms are but one small step in setting up a proper, fully operational, juridical structure. For example, since the *Organic Act* stipulates that decisions regarding matters involving the Commission's powers must be discussed and determined at a meeting of the members,

the precise scope of the powers of the meeting still await categorization and standardization. To ensure operational efficiency, it should be clearly delineated what requires to be first delegated to ad hoc task forces and what to executive staff before the meeting of the commissioners makes a final decision.

It is worth mentioning that, to further determine the operation of the powers of this Commission, a special chapter on the "Exercise of the Powers of the NHRC" was added to the partial revision of the *Control Act (Draft)* and submitted to the Legislative Yuan for deliberation on October 12, 2021. On May 26, 2022 the Judiciary and Organic Laws and Statutes Committee of the Legislative Yuan completed its deliberation of the draft amendment and passed it for consultation to political parties. Once this draft amendment has been passed, the Commission will adopt further means for promoting and protecting human rights.

Table 3 Administrative Norms of the NHRC

Date	Title of Norms
Aug 2021	NHRC Standard Operating Procedure for Offering Professional Assistance in Handling Human Rights Related Cases
Sep 2021	NHRC Reference Principles and Determination Mechanism for Assignment of Additional Case Handlers
Feb 2022	NHRC Pilot Plan for Participation in Constitutional Court Proceedings
Mar 2022	NHRC Principles for Establishment and Operation of Legal Team
Apr 2022	NHRC Standard Operating Procedure for Handling Matters Relating to Human Rights Protection and Promotion in Collaboration with Institutions and Groups
Apr 2022	NHRC Regulations for Receiving Earmarked Donations
Jun 2022	NHRC Manual for Preparation of Independent Opinions for Human Rights Conventions and Participation in International Review Meetings for Implementation of Human Rights Conventions
Aug 2022	NHRC Standard Operating Procedure for Handling Human Rights Petitions and Grievances


 Story 1

Investigation Report on Lin Shui-chuan's Case

Unveiling the Murky History of “Political Hooliganism” During the Martial Law Period

Archaeological site of the Third Corps. (Source: The NHRC)

Complainant Lin Shui-chuan called on the NHRC to “speak out” as its prime mission. Interviewed by the media in 2021, Lin made his appeal for political rehabilitation.

*Plainly I was not a (hooligan)... (yet) can you just allow white to be painted black without rectifying it?*⁵

Mr. Lin was already 83-years-old when he came to the NHRC. Only after 20 years of longing for exoneration from his official classification as a hooligan, did light begin to shine for him. Discredit and anxiety for the future had been with him for much longer, ever since he was first vilified as a young man in his early twenties.

To investigate Lin Shui-chuan's complaint, in late autumn 2020, members of the newly-established NHRC, along with the Ministry of Justice (MOJ), members of the Transitional Justice Commission (TJC), and officials of the Land Administration Division of Pingtung County Government gathered on Liugu Island, Pingtung, and conducted an on-site investigation of the site where, under martial law, the Taiwan Garrison Command (臺灣警備總司令部), in the name of Hooligan Reformation (Forced

Labor), had set up the Third Professional Discipline Corps (hereafter the Third Corps 職業訓導第三總隊) where political and other dissidents were held.

At the time of the White Terror, prisons and forced labor institutions were set up not only at the Xindian Military Prison (新店軍監), Jing-Mei Military Detention Center of the Taiwan Garrison Command (警備總部景美看守所), Green Island New Life Correction Center and Green Island Lodge (綠島新生訓導處及綠洲山莊), and Taiyuan Prison (泰源監獄) in Taitung, but the Taiwan Garrison Command (臺灣警備總司令部) also set up the little-known Third Corps on a remote offshore island.

Given that nearly sixty years have passed and because the relevant material has been lost, Mr. Lin was unable to be rehabilitated or obtain compensation. Therefore members of the NHRC interviewed three victims of the White Terror and investigated surviving documents along with land administration and household administration archives, in the hope of clarifying political cases under martial law that were stigmatized as hooliganism whilst also exploring what remains on the site occupied by the Third Corps so as to determine the actual situation.

⁵ The NHRC. From Black to Grey: Only for My Human Rights (Full Version). NHRC Official YouTube Account, September 6, 2022.



Mr. Lin was born in 1937 in Taipei, then under Japanese rule. In his interview with the NHRC members on September 1, 2021, he especially mentioned why he entered politics when he was young. As the child of a rice-mill owner, Mr. Lin often met the Songshan local government officials and policemen. He had the impression that the government officials then were highly corrupt and often took advantage of the illiteracy of his parents, so he began to criticize current events, which naturally led him to stand for election as a councilor. He said,

My family ran a rice mill, and government officials (often) came to our home.... For example, they borrowed rice coupons without returning them. Because my parents were illiterate, subsidization officers even took advantage of this and stole rice coupons from us.

...when I delivered rice to the police station...I often heard people screaming because they were being beaten and tortured.... So I hated the government [at that time]. This was the reason for my entering politics.⁶

In 1961 Mr. Lin was arrested as a “hooligan” immediately after he lost the election for Taipei City councilor. Accused of violating the *Anti-Hooligan Ordinances for the Period of Communist Rebellion* (動員戡亂時期檢肅流氓條例) and the *Act Governing the Punishment of Police Offenses* (違警罰法), he was directly transferred to the Third Corps to undergo reformation for 20 months. From the surviving files and data held by the MOJ, we could only find a brief note about Mr. Lin during the elections: “Voicing remarks that government agencies acted unfairly.” He not only did not obtain any chance to defend himself that year, but also, since his case was not submitted to judgment by any judicial procedure, rehabilitation has been virtually impossible until now.



Appellant: Mr. Lin Shui-chuan

Following the progress of Taiwan’s democratization, political rehabilitation and compensation of victims of the 2/28 Incident were granted in 1995, then, in 1998, passage of the *Compensation Act for Wrongful Trials on Charges of Sedition and Espionage during the Martial Law Period* (戒嚴時期不當叛亂暨匪諜審判案件補償條例), commonly called the *Compensation Act for Wrongful Trials*, allowed a start to be made in the political rehabilitation of victims of the White Terror. With the first transfer of power to a new Party in 2000, the authoritarian Party lost its hold on the administration, and the second amendment of the *Compensation Act for Wrongful Trials* began.

Mr. Lin filed a grievance based on the new amendment. However, it took Mr. Lin more than 20 years to win exoneration from his stigmatization as a “hooligan” and from his being submitted to reform through labor for over 500 days. His previous attempts to seek political rehabilitation from the Taipei District Court and the TJC by legal means failed or were rejected, because the aforementioned laws in practice were limited to wrongful judicial judgment and thus unable to handle extra-judicial administrative judgments such as in Mr Lin’s case.

⁶ Verbatim record of Mr. Lin’s statement from the NHRC.

During the course of the investigation, the NHRC found that Mr. Lin's was not the only case. Based on surviving documents, there were at least 25 political prisoners who were directly transferred to Dapeng Farm or Liuqiu Island based on the *Guidelines for Cracking down on Hooligans during the Period of Martial Law in Taiwan Province* (臺灣省戒嚴時期取締流氓辦法), such as Mr. Huang Hua (黃華) and Mr. Chang Che-chou (張則周) who accompanied members of the NHRC on its visit to Liuqiu Island.

The first investigative report that the NHRC published, on July 14, 2021, deemed that handling political dissidents under martial law as hooligans requiring reformation violated the due process in the protection of personal liberty which is set out in both the *Constitution and the International Covenant on Civil and Political Rights* (ICCPR), and as such is a major breach of human rights. To reject a complaint on the grounds that the matter is not one of a wrongful judicial judgment is at variance with the spirit of transitional justice. The investigative report specifically recommended amendments to the *Act on Promoting Transitional Justice* (促進轉型正義條例).

The investigative report led to amending the law such that it is now possible to rehabilitate persons condemned by extra-judicial administrative acts

After the publication of the human rights investigative report on the cases of Lin and others, the Legislative Yuan added Article 6-1 to the *Act on Promoting Transitional Justice* on May 17, 2022:

Dispositions or conducts done by government agencies or public officials in violation of the liberal democratic constitutional order resulting in the infringement of an individual's life, personal freedom or ownership of property that occurred during the period of authoritarian rule shall be determined by TJC, acting ex officio or upon application, to be wrong in order to redress administrative wrongs.

The MOJ immediately accepted Mr. Lin's grievance in accordance with the amendment and, after deliberation, passed the first redress for an extra-judicial administrative judgment under martial law on March 8, 2023. Apart from publishing the results in the *Executive Yuan Gazette* and on the MOJ website, the MOJ also requested the competent authorities to erase Mr. Lin's criminal record as quickly as possible.

This case of an extremely late rehabilitation for an extra-judicial administrative act during the martial law era eventually closed through the NHRC's persistent effort.



NHRC Classroom

Human Rights Investigation

In accordance with Article 2, paragraph 1, of the *Organic Act*, the NHRC may investigate incidents involving torture, human rights violations, or various forms of discrimination in accordance with its authority or in response to petitions from the general public. To comply with the powers and responsibilities of NHRIs as specified in the *Paris Principles* and to provide a reference for members to exercise their powers as stipulated in Article 2 of the *Organic Act*, the "NHRC's powers and functions" (國家人權委員會職權之行使) was drafted as Chapter V-1 to the partial revision of the *Control Act* (監察法部分條文修正草案) to stipulate the types, methods, and procedures of investigation and the need to submit an investigative report afterwards. The draft has been submitted to the relevant agencies for review.



Our Efforts and Transformation



4

Listening and Learning: Our Goals for 2022

Three Goals

- To complete the legislation of the NHRC's powers and functions; continue with systemic inquiries and investigations, as well as research and projects on the prevention of torture. Lastly, advocate for the rights of vulnerable and disadvantaged groups on the basis of enhanced powers and functions.
- Establish a monitoring mechanism and conduct impartial assessments on the implementation of human rights based on international conventions while demonstrating independence and professionalism.
- Strengthen social dialogue and communication, conduct research into human rights issues, continue engaging in international exchanges, and deepen human rights education.

Six Core Strategies



5

Our Actions

Measured by the annual strategic targets of 2022, the achievements of our work over the past one and a half years were as follows:

I. Independent Evaluation of National Reports and Participation in International Review on the Implementation of Human Rights Covenants

A national institution shall...contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence.

“Competence and Responsibilities,” Paris Principles

In accordance with Article 2, paragraph 8, of the *Organic Act*, the NHRC may provide independent opinions on national reports submitted by the government.

In order to give the United Nations core human rights conventions domestic legal effect, Taiwan had passed the *Act to Implement the*

International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Two Covenants Implementation Act), *Enforcement Act of Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW Enforcement Act), *Implementation Act of the Convention on the Rights of the Child* (CRC Implementation Act), and *Act to Implement the Convention on the Rights of Persons with Disabilities* (CRPD Implementation Act) from 2009 onwards. With Taiwan’s unique “localized review model,” the government takes the initiative to invite international human rights experts to examine our national reports in Taiwan, and provide an opportunity for members of the International Review Committee (IRC) to conduct in-depth dialogues with governmental agencies and non-governmental organizations (NGOs). Each local review session lasts one week, including pre-session meetings and formal meetings, the agenda having been determined through the discussion of government agencies and the IRC members. Compared to the UN treaty bodies’ review sessions held in New York City or Geneva, in which several member states are reviewed within a single session, Taiwan’s local review model has the advantage in terms of time spent and thoroughness of discussions.

Since the NHRC’s establishment in 2020, we have offered our independent opinions concerning the third National Report on the

Table 4 Participation in the 2022 International Review Meetings on the Implementation on Human Rights Covenants

Date	Name of Human Rights Convention	Review Term
May 9–13	International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights	Third National Report
August 1–6	Convention on the Rights of Persons with Disabilities	Second National Report
November 14–18	Convention on the Rights of Children	Second National Report
November 28–December 2	Convention on the Elimination of All Forms of Discrimination Against Women	Fourth National Report

Source: The NHRC



Figure 1 Procedure of International Review Meetings on the Implementation of Human Rights Covenants

Two Covenants, the second National Report on the *Convention on the Rights of Persons with Disabilities* (CRPD), the second National Report on the *Convention on the Rights of the Child* (CRC), and the fourth National Report on the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), and responded to the IRC's List of Issues (Table 4). We have also invited IRC experts to take part in interactive discussion and seminars, and collaborated with NGOs to organize international expert forums in 2022 (Figure 1).

a. International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights

Although the international review meetings of the third national report on the Two Covenants were not held until May 2022 after repeated postponement due to the COVID-19 pandemic, the government had submitted the national report in 2020, and the NHRC its *Independent Opinion on the Third National Report on the ICCPR and ICESCR (Independent Opinions on the Two Covenants)* on December 10 in the same year and the response to the "List of Issues" to the IRC on February 28, 2022. When the NHRC met the IRC members for the first time in May 2022, IRC members specifically mentioned that the *Independent Opinions on the Two Covenants* had helped them understand the status of implementation of human rights protection in Taiwan, thus affirming the NHRC's oversight function in Taiwan.

In her remarks to the IRC meeting on May 9, 2022, Chairperson Chen Chu pointed out that Taiwan had experienced a martial-law period for 38 years and had a difficult democratization process. With Taiwan on the road towards freedom and democracy in the pursuit of human rights, her responsibility as the first chairperson of

the NHRC was especially heavy. The independent opinion covered human rights during the years of the pandemic, digital rights, the right to adequate housing and migrant workers.

In the "Exchange meeting between the NHRC and the IRC for the third National Report on the Two Covenants" on May 13, we sought to learn from international experience, understand the functions and operation of national human rights institutions and the best practices for overseeing the government's implementation of concluding observations. Dr. Eibe Riedel, IRC chair of the third review on the implementation of the ICESCR, stated that our independent opinion had spoken truly. He also looked forward to seeing the NHRC take a more proactive approach to monitor the relevant responsible agencies and ensure complete implementation of the international human rights law. Dr. Manfred Nowak affirmed Taiwan's establishment of the NHRC and expected that its pluralism and independence will help further its work. The NHRC's agenda should include legislation on prohibition of torture, protection of migrant worker and refugees, as well as prevention of enforced disappearances as recommended by the review committee. They also proposed unilateral acceptance of international obligations.

On May 14, we invited Chairman Nowak, Chairman Riedel, and Ms. Rosslyn Noonan (member of the ICESCR Review Committee) to a seminar on "Local Implementation of Human Rights Conventions: Role and Responsibilities of the NHRC and the Judiciary", co-sponsored with the Judges Academy and Covenants Watch. Chairman Nowak urged that the government of Taiwan should continue promoting the abolishment of death penalty, and conducting impartial investigations into any allegations of potential torture through legal amendment in compliance with the UN's *Convention Against*



The NHRC and the IRC members at the 2022 international review of the Third National Report on Two Covenants.

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). He also recommended that Taiwan should look to the experiences of other countries in providing independent budgets and workforce for the NPM. They should visit detention facilities either regularly or irregularly with external experts and professionals, such as healthcare professionals, physicians, forensic scientists, psychologists, and social workers, while ensuring their full control and privacy over where and whom to visit. The NPM should cover prisons, police stations, and psychiatric centers, where personal freedom is deprived.

Chairman Riedel talked about the importance of collaboration between the UN's human rights mechanisms and international human rights networks. As the Economic, Social and Cultural Rights Committee is merely a consultative unit that lacks enforcement powers, States parties tend to make little contribution in this field. Hence,

the International Court of Arbitration, Permanent Court of Arbitration, and civic societies are seeking ways to remedy this situation.

Ms. Noonan mentioned that although neither the NHRC nor relevant governmental agencies could address all issues in relation to economic, social, and cultural rights, they should prioritize strategies focusing on marginalized, disadvantaged and the vulnerable groups to facilitate the active engagement of the victims, based on international human rights standards.

After the government's presentation of the national report, the NHRC should follow up and continue to advocate the realization of social equality and justice.

b. Convention on the Rights of Persons with Disabilities

In response to the international review meetings of the second national report on the CRPD, we issued our *Opinions on the Second National*

Report of Republic of China (Taiwan) on the Rights of Persons with Disabilities (Independent Opinions on the CRPD) on September 15, 2021, submitted our parallel responses to the “List of Issues” in June 2022, and participated in the international review meeting held in Taipei on August 1–3 of the same year. The IRC members praised our written opinions and the sense of purpose and commitment demonstrated in the meeting.

It took us six months to prepare for the *Independent Opinions on the CRPD*, gathering opinions from all stakeholders distributed questionnaires to 21 agencies, holding three regional seminars, five focus group interviews, one webinar, seven agency seminars, and two expert and scholar consultation meetings. The *CRPD Independent Opinion* covered key issues such as reasonable accommodation, judicial access, inclusive education system, accessibility, and retirement security.



Cover of the easy-read version of the Independent Opinions on the Second National Report on CRPD.



The NHRC production team of the easy-read version of the Independent Opinions on the Second National Report on CRPD.



When attending the international review meeting on August 1, 2022, we made the following statements:

- i. After the NHRC's establishment, we immediately prepared the independent opinions for the second national report of the CRPD. We organized many regional seminars, focus group discussion, key issues seminars, and agency seminars to gather opinions and data to understand the status of CRPD implementation in Taiwan. Through the independent opinions, we comprehensively responded to the second national report of CRPD and submitted a parallel response to the List of Issues proposed by IRC members. In addition to the Traditional Chinese and English versions, we have also prepared various accessible versions including that of Braille and sign language, as well as an audio book and easy to read version.
- ii. In 2021 we announced that we would establish an oversight mechanism in compliance with the requirements of Article 33 of CRPD which was included in the 2022 strategic planning. However, as the "special chapter on the NHRC's powers and functions" was still under deliberation in the legislature, we substituted with the "Plan to implement CRPD oversight implementation." The plan covered the key performance indicators (KPIs), grievance acceptance and investigation, assisting the participation of persons with disabilities throughout the process.
- iii. We are also aware of the difficulties that students with affective disorders face within the education system. When students with emotional and behavioral disorders (EBD) and autism spectrum disorder (ASD) have a meltdown in public, schools often call for disciplinary action (demerits), suppression,

compulsory removal, parental supervision in class or disciplinary action at home, and suspension. Students may even be requested to receive compulsory medical treatment or charged with causing bodily harm. However, none of these methods are helpful for the students with EBD to gain control over their symptoms, nor do they comply with the principle of positive support. We emphasize that only inclusive education can make an inclusive society a reality. As current methods are only reliant on medicinal treatment, it is not conducive to building a positive atmosphere of acceptance in schools, and we suggest relevant authorities should confront the problem of insufficient expertise in the education system.

After the international review meetings, we invited IRC members to a seminar at the NHRC. IRC Chair Osamu Nagase affirmed Taiwan's establishment of the NHRC and hoped that we can make a greater effort in human rights education to change the wide-spread charity-based conception of people with disabilities, and accomplish a paradigm shift from the medical approach towards the human rights approach of the CRPD. IRC member Hyung Shik Kim suggested that we should focus on talent development and improve the research capability of our staff to consistently produce high-quality parallel reports, parallel responses, and various oversight reports. Additionally, IRC member Janet Meagher reminded us to pay attention to collaboration and coordination with government departments to develop the capability of overseeing CRPD implementation. She also hoped that the NHRC can keep close, consistent contact with the civil society, especially with regards to promoting the full participation of persons with disabilities and the organizations representing them.

After the IRC issued the concluding observations on Taiwan's second national report on CRPD, we immediately held a post-session forum with the League for Persons with Disabilities; Eden Social Welfare Foundation; and Taiwan Society for Disability Studies to exchange opinions on topics including (1) the dispute over deinstitutionalization: the feasibility of practicing the CRPD General Comment No. 5 (2017) and the incremental preparation for institutional transition; (2) the requirements to promote accessibility in public and private spheres and General Comment No. 2 (2014); (3) the supported decision-making (SDM) for neurocognitive disorder / development of right to freedom of expression, legal behavior and other topics; and (4) implementation and oversight mechanism of CRPD: exploration of the role of the government and the public and General Comment No. 7 (2018). We invited three IRC experts of the CRPD national report to the forum as objective third parties to share the experience of their own countries and exchange opinions with people with disabilities, group representatives, experts, and scholars in Taiwan.

To oversee the implementation, we would continue to track the progress of the executive action plans based on the concluding observations of international reviews. We would propose specific recommendations and collaboration, establish an oversight framework based on the concluding observations as quickly as possible and ensure the full participation of the civil society groups, particularly persons with disabilities and the organizations representing them.

c. *Convention on the Rights of Children*

We published the *Independent Opinion on the Second National Report on the CRC* (*Independent Opinions on the CRC*) on April 1,

2022 and participated in the international review committee of the Second National Report on CRC during November 14–16, 2022.

It was the first time we assessed Taiwan's fulfillment of its obligations for the CRC and made recommendations of improvement for legislation and policies non-conforming to the CRC. We also submitted our independent opinion to the IRC members.

In order to draw up our *Independent Opinions on the CRC*, we made reference to the *Concluding Observations on the First Report of the ROC/Taiwan on the Implementation of CRC* (2017) and the *Second CRC National Report* (2021). Moreover, starting from September 2021, we widely invited children, adolescents, experts and academics of children rights, and agency representatives to participate in meetings organized by us across Taiwan. The topics discussed were child labor, rights of persons with disabilities, student rights, rights of minority groups, and children's digital rights. First-hand opinions from children, adolescents, and civic groups were therefore collected. Based on efforts mentioned and Control Yuan's reports on the human rights of children and adolescents in the past decade, we focused on analyzing and understanding of current challenges for the CRC and possible difficulties embedded in the system.

The main points of our *Independent Opinions on the CRC* are as follows:

- i. Marking out by special reports the importance of the following three major topics regarding COVID-19 pandemic and newly emergent children's rights:
 - Children's rights under COVID-19 pandemic
 - Children's digital rights
 - Alternative care for children

ii. Proposing 24 important issues relating to children's rights, with particular concerns about:

- The right to education, right to express, and right to leisure recreation and cultural activities of children with disabilities
- Fair trial in the juvenile justice system, juvenile detention house and juvenile reformatory school treatment, and risk exposure teenagers
- Friendly grievance mechanisms
- Teaching normalization
- Elimination of all forms of violence
- Civil rights of children from minority groups
- Suicide and mental health in children and adolescents

During the review meeting period, IRC members were pleased to see our efforts in protecting the rights of children and adolescents since our establishment. However, they also expressed their concerns about our capability to fully promote the rights of children and adolescents in accordance with the CRC General Comment No. 2 (2002) and to handle the violations of the rights of children and adolescents. The IRC recommended that a well-trained unit with sufficient workforce and budget should be established within the NHRC to take full charge of issues relating to the rights of children and adolescents. Alternatively, the establishment of an independent institution for the rights of children and adolescents should be considered. The following issues also concerned the IRC members, which include: if a child or adolescent is the victim of a domestic sexual assault, instead of relocating the child or adolescent off the premises, whether or not the suspected perpetrator can be ordered to move out of the premises; the effects of climate change on children rights; the specific contents regarding the supplement of a special chapter on the rights

of students to the *Educational Fundamental Act* we recommended for resolving the problems in handling grievances filed by children and adolescents in the education system. The IRC announced 72 concluding observations at the press conference on November 18, 2022. On the same day we also invited IRC members to the NHRC for in-depth opinion exchange.

Further, on November 19, we co-organized the "2022 Post-Review Forum on the CRC International Review" with the Youth Rights Alliance Taiwan and invited representatives of children and adolescents, experts, scholars, and civilian groups caring about children rights to the forum. Jakob Doek, Nigel Cantwell, and Nevena Vuckovic Sahovic, three IRC members, participating in the meeting exchanged opinions and shared experiences on issues concerning the suffrage for 18-year-olds, right to exemption from campus maltreatment of students, right to development of school children and adolescents, and the CRC implementation and monitoring mechanisms. Their contributions are valuable to the practice of CRC in Taiwan.

Additionally, in the *Concluding Observations on the Second Report of the ROC (Taiwan) on the Implementation of CRC*, IRC members were specifically concerned about the right to reunion and right to visitation of juvenile criminals at correctional facilities in Taiwan. As the promoter of the rights of children and adolescents, it is also our responsibility to maintain communication across ministries and commissions, and between the public and private sectors. Hence, we organized the "Seminar on the Treatment Status, Reformation, and Outlook of Juvenile Reformatory Facilities" on November 21, 2022. We also invited representatives from government agencies (including the Juvenile and Family Department of the Judicial Yuan, Agency of Corrections of



2022 Seminar on the Treatment Status, Reformation, and Outlook of Juvenile Reformatory Facilities.

the Ministry of Justice, Department of Protective Services of the Ministry of Health and Welfare, and the Ministry of Education), National Taipei University, Judicial Reform Foundation, Prison Watch, experts, scholars, and interested parties (stakeholders) from different parts of society to review the treatment mechanisms of Taiwan's juvenile reformatory facilities.

Coinciding with MOJ's notification of the establishment of the *Regulations for Implementation of Treatment at Juvenile Reformatory Schools* in February 2022, the seminar attracted much social attention. The seminar focused on three major topics: how to comply with the related human rights conventions and international standards, how to implement the idea of "education as the core of treatment", and how to effectively promote and implement the transition mechanism of communities accepting rehabilitated youth.

Mr. Tu Chi-hung, the principal of Ming Yang High School, also shared with participants the idea that the voluntariness of children is the core value of reformatory education on the ground that

voluntariness breeds value which further builds self-confidence. Mr. Tu also emphasized that the goal of reformatory school is not academic achievement but students' physical and mental accommodation. It is hoped the reformatory environment can make students feel accepted and cared for.

According to Lin Wei-ting, a project researcher of the Judicial Reform Foundation, since MOJ has made frequent references to the Prison Act when drafting the *Regulations for Implementation of Treatment at Juvenile Reformatory Schools*, the draft naturally brings in the idea of "guard and control". Lin recommended that treatment, education, and guidance should be the moving forces for making the reformatory school as a general educational institution.

In addition to the transitional education plan of reformatory schools, rehabilitated youth rely more on the regular guidance and counseling services of teachers, mentors, psychologists, and social workers at school and the subsequent resource networks for effective inclusion in communities



and society when they leave the reformatory schools. According to Chairperson Lin Yue-chin of the Youth Rights Alliance Taiwan, the absence of network-based collaboration among ministries and commissions is the main problem in the transition mechanism at the present stage. A robust transition network should be built upon the full integration of youth and family participation, community integration, and transition team formation.

According to Chairperson Chen Chu, the NHRC will actively develop cross-sector collaboration. Specifically, the NHRC will endeavor to coordinate the Judicial Yuan, the Executive Yuan, and various government ministries and commissions, and will incorporate social powers to help children change successfully and soothe their scars so as to protect the basic human rights of children of reformatory schools and enable them to return to society smoothly.

d. *Convention on the Elimination of All Forms of Discrimination Against Women*

We published the *Independent Opinion on Taiwan's Fourth Report on the Implementation of CEDAW (Independent Opinions on the CEDAW)* on June 30, 2022 and participated in the international review committee of the Fourth National Report on CEDAW during November 28–29, 2022.

It was the first time we assessed Taiwan government's fulfillment of its obligations for the CEDAW and made recommendations of improvement for laws, regulations, and policies non-conforming to CEDAW. We also submitted our independent opinion to the IRC members.

To prepare the *Independent Opinions on the CEDAW*, we gathered the relevant government statistics and research reports, meeting minutes, Control Yuan project reports, relevant court

rulings, and legislative bills during 2017–2020. From December 2021 to February 2022, apart from holding two expert consultation meetings, seven civic group seminars, and three agency seminars, we also requested 14 government agencies to give explanations and provide statistics. All these efforts were meant to understand whether women's rights are properly protected by laws and government's policies and actions, and to know what difficulties government agencies encountered in the implementation of CEDAW.

Since the initial report on CEDAW submitted in 2009, Taiwan has gone through the international review of three CEDAW national reports, in which both government and NGOs were deeply involved. Considerable improvement in women's rights and gender equality has been made over the past four years, such as the first Asian country to legitimate same-sex marriage (2019), the number of women legislators exceeding 40% (2020), the decriminalization of adultery (2020), and the passage of the *Stalking and Harassment Prevention Act* (2021). That said, we are still aware of the fact that the implementation of CEDAW is far from satisfactory, and that there are some emerging and challenging issues waiting to be confronted. We set all those findings as the foci of the current *Independent Opinions on the CEDAW*.

- Incomplete protection of judicial remedies for battered women.
- Difficulty in achieving work-life balance for women.
- Inadequate legal protection for the labor rights of live-in foreign workers.
- Inequalities in the marriage and family rights of women from disadvantaged groups.
- Unprotected right to sexual health and reproductive health and inequalities in full suffrage for women in remote townships.

- Difficulty in the comprehensive analysis on the impacts of COVID-19 and the post-COVID-19 recovery plans due to insufficient gender statistics of women from disadvantaged groups.

The IRC for the Fourth National Report on CEDAW was formed by five members, including Chair Heisoo Shin, Niklas Bruun, Ayşe Feride Acar, Ruth Halperin-Kaddari, and Esther Eghobamien-Mshelia. During the universal review period, they were concerned about issues including the NHRC's independence and separation from the Control Yuan, the status of grievances affairs, and how the NHRC engaged with the Constitutional Court, the follow-up actions for the NHRC's promotion of participation in the Asia Pacific Forum of National Human Rights Institutions (APF), and the incorporation of the pension plan in the distribution of marital property after divorce. They also requested us to answer their concerns on-site or in writing by a time-limit.

The IRC announced 86 concluding observations at the press conference on December 2, 2022. We also invited IRC members to the NHRC for an in-depth opinion exchange that afternoon. Apart from recognizing the quality of our *Independent Opinions on the CEDAW*, IRC Chair Heisoo Shin, based on the experience of the National Human Rights Commission of Korea, reminded that NHRIs must defend their independence and show their willingness to accept challenges from without. In the meeting, the IRC members and the NHRC further exchanged opinions on issues including the NHRC's engagement with the Constitutional Court, the NHRC's relation to the legislature, investigation and grievance mechanisms, gender equality and sexual harassment prevention in business, and the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).



IRC members of the 2022 International Review of the National Report on CEDAW at the NHRC.

II. Participation in the Procedure of the Constitutional Court

The *Constitutional Court Procedure Act* coming into effect on January 4, 2022, approximates the judicial proceedings with court hearings and verdicts. Before this new system, the NHRC had already served as the friend of the court (*amicus curiae*) in the case of compulsory labor in 2021. Later the Commission was appointed as an “expert agency” to participate in the court debate and to answer the questions of the grand justices, petitioners, and related parties in four cases, they are indigenous identity, national health insurance database, Sirayan identity, and the gender equality concerning women’s leadership position in ancestor worship guilds. Additionally, regarding the recusal of judges from criminal litigation procedure, the NHRC was instructed to offer a written comment in accordance with the international human rights standards. Moreover,

based on the powers bestowed by the *Paris Principles and Organic Act*, the Commission has the right to examine and understand the existing laws and their functions so as to make “necessary and feasible” recommendations for revision in the future.

Over the years the Constitutional Court usually recognized our viewpoints on human rights—except for the indigenous identity case—and made decisions in consistency with our opinion, which demonstrated our expertise. From August 1, 2021 to December 31, 2022, we participated in the oral argument of five cases and proposed a letter of opinion for one case (Table 5). Our engagement in the Constitutional Court cases is listed as follows:

a. Case on Compulsory Labor (Judicial Yuan Interpretation No. 812)

The question in this case is whether compulsory labor as a penalty for specific offences

Table 5 Participation in the Constitutional Court Procedure

No.	Session of Oral Argument/ Presentation	Case No.	Case Title	Interpretation / Holding Release Date
1	2021.10.12	Judicial Yuan Interpretation No. 812	Case on compulsory labor	2021.12.10
2	2022.01.17	TCC Judgment 111-Hsien-Pan-4 (2022)	The indigenous peoples status of children of intermarriage between indigenous and non-indigenous peoples case	2022.04.01
3	2022.04.26	TCC Judgment 111-Hsien-Pan-13 (2022)	Case on the national health insurance research database	2022.08.12
4	2022.06.28	TCC Judgment 111-Hsien-Pan-17 (2022)	Case on the indigenous peoples status for the Siraya people	2022.10.28
5	2022.10.18	TCC Judgment 112-Hsien-Pan-1 (2023)	Case on gender equality concerning women’s leadership position in ancestor worship guilds	2023.01.13
6	2022.10.24	Pending	Case on recusal of judges from criminal litigation procedure	Pending

Source: The NHRC

stipulated in the *Criminal Code* Article 90, and in the *Rehabilitative Measures for Burglar and Fence Criminals* Article 3 paragraph 1 and Article 5 paragraph 1; and the *Organized Crime Prevention Act* Article 3 paragraph 3, limit personal freedom as defined in Article 8 of the Constitution.

Another question this case aims to answer is whether compulsory labor as a rehabilitative measure in addition to a sentence constitutes double jeopardy therefore violating the principle of not allowing two punishments for the same offence (*ne bis in idem*), and whether such labor constitutes an excessive infringement on personal freedom.

Finally, the case aims to determine whether this practice is in line with the principles of due process of law and proportionality as defined in Articles 8 and 23 of the Constitution.

On October 12, 2021, the NHRC attended the oral argument of the case as a friend of the court (*amicus curiae*) to express its opinion from the standpoint of international human rights norms.

The reason given to justify the co-existence of both rehabilitative measures and a criminal penalty in the dual litigation system whilst avoiding double jeopardy is to prevent crime. However, not only does compulsory labor fail to either rehabilitate or reform, it constitutes a covert imprisonment that extends the infringement of a person's freedom and violates the principle of proportionality. In terms of protection of personal freedom, compulsory labor goes against Article 9 of the ICCPR.

To fulfill the accused's right to be heard, rehabilitative measures should comply with the following: "In the determination of any criminal charge against him (*sic*), or of his rights and

obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law." (Article 14, ICCPR) When a court sentences a person to compulsory labor, regardless of whether it subsequently annuls this or dispenses from its implementation, it has already injured the party's right to be heard and violated the principle of "a fair and public hearing by a competent, independent and impartial tribunal established by law".

Compulsory labor as a measure of general rehabilitation infringes upon an individual's personal freedom. Hence, in order to comply with the principle of due process of law, a judge should be empowered to use discretion in determining the duration of compulsory labor under the *Organized Crime Prevention Act* in each particular case.

Compulsory labor cannot actually attain the goals of preventing recidivism, fostering reform or enabling reintegration into society. Hence, it is necessary to provide appropriate support, such as rehabilitation education and protection, job opportunities, or social assistance, to help a person develop self-reliance and return to society. Imposing cruel, inhuman or degrading treatment or punishment which violates human dignity, such as compulsory labor, violates Articles 7, 8, and 10 of the ICCPR and the United Nations Standard Minimum Rules for the Treatment of Prisoners (2015).

The Taiwan Constitutional Court holds that a limitation on the personal freedom of a person liable to penalty as stipulated in Article 90, paragraph 1 and opening section of paragraph 2 of the *Criminal Code* and Article 3, paragraph 1, and Article 5, opening section of paragraph 1 of the *Rehabilitative Measures for Burglar*

and *Fence Criminals Act* violates the principle of proportionality prescribed in Article 23 of the Constitution and contravenes the intent that “personal freedom shall be guaranteed to the people” stipulated in Article 8 of the Constitution. The limitation of a criminal’s personal freedom as stipulated in Article 3, paragraph 3 of the *Organized Crime Prevention Act* also violates the principles of constitutional proportionality and significant distinction as well as article 8 of the Constitution according to which “personal freedom shall be guaranteed to the people”. These conclusions largely coincide with our interpretation.

b. The Indigenous Peoples Status of Children of Intermarriage Between Indigenous and Non-indigenous Peoples Case (TCC Judgment 111-Hsien-Pan-4, 2022)

This case concerns the difficulties children born from a marriage between an indigenous person and a non-indigenous person face in acquiring recognition as “indigenous people”. The case aims to discuss the provisions set out in Article 4, paragraph 2 of the *Status Act for Indigenous Peoples* (SAIP), which prescribe that, in order to acquire recognition as an indigenous person, a child must inherit either their father’s or mother’s surname or their traditional indigenous name.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), stipulates that indigenous peoples are entitled to the right to non-discrimination and the right to self-determination. The argument the NHRC set forth before the Constitutional Court on January 17, 2022, was founded on these and other principles prescribed by international human rights law.

i. The NHRC argued that the legal intent (*mens legis*) of Article 4, Paragraph 2 of the SAIP was not to say that the acquisition of

“indigenous” status depended on registration or any form of governmental recognition, but rather that it depended on the two cumulative criteria of heredity (*jus sanguinis*) and self-acknowledgment. Determining the concrete implications of these principles should be the task of legislators, who may also take into account the transmission of indigenous languages and cultures, as well as the national resources available.

ii. Legislators naturally have room for deliberation in the task of drawing up the law, whilst given the principle of separation of powers, judicial bodies and executive agencies must ensure they respect this. Thus, as applied to the above case, it is unlikely that SAIP Article 4 paragraph 2 is unconstitutional.

However, the Taiwan Constitutional Court decided differently and considered that Article 4, paragraph 2, of the SAIP, was unconstitutional as it infringed upon the right to identity and the legal intent of equality.

c. Case on the National Health Insurance Research Database (TCC Judgment 111-Hsien-Pan-13, 2022)

The question in this case deals with whether the National Health Insurance Administration (NHIA) of the Ministry of Health and Welfare (MOHW) may transmit data held in the research database of National Health Insurance (NHI) established by the National Health Research Institute (NHRI) to the Health and Welfare Data Science Center (HWDC), and whether both bodies should be allowed to grant use of this data by others.

Tsai Tzung-jen and others of the Taiwan Association for Human Rights (TAHR) petitioned for constitutional interpretation because, without the consent of the concerned party, the provision

of NHI data for use by a third party (including the use of such data for business purposes by government agencies or for research purposes by academic research institutions and other professional institutions) already exceeds the NHIA's original purpose of data collection. Moreover, the various stipulations of the exceptions set out in subparagraph 4 of Article 6 paragraph 1 of the *Personal Data Protection Act*, are against the Constitution's protection of the right to privacy.

On April 26, 2021, the NHRC attended the oral argument of the case to express its opinion from the standpoint of international human rights norms.

Citizens' health and personal privacy are neither an all-in nor an all-out zero-sum game. Personal health data is critical to the correct diagnosis and prevention of disease by physicians, it is, thus, more sensitive than other types of private data.

The progress of contemporary public health relies to a great extent on collecting, dealing with and using personal health data. Furthermore,

statistics and the results of research are highly important for the health of the people. Nonetheless, even though the public interest is sought, yet there should be respect for the substantive right of protection of personal data of the persons concerned, through appropriate and concrete measures of protection.

The NHRC pointed out that currently the legal rights afforded the health database are insufficiently precise, the demands for declassification are insufficiently clear, and whether the security of the relevant information and the material therein conform to the principle of least necessity accorded to a legally-approved task is unclear—all lack adequate systems of monitoring.

Although administrative agencies lower the risk of leakage of private details by adopting relevant orders, yet, given the inadequacy of the existing legal framework and the limited protection of privacy, to completely deprive a concerned party from withdrawing personal data violates the principle of proportionality.



The NHRC at the Taiwan Constitutional Court as an expert witness.

The Taiwan Constitutional Court held that the inadequate protection of personal data and privacy due to the absence of a mechanism for the independent oversight of personal data use of the NHI database would seem to be unconstitutional.

The lack of well-defined regulations governing the external use of NHI data and the lack of regulations allowing a concerned party to request cessation of the use of their data violate the principle of legal reservation and the intent to protect personal data and privacy in the Constitution. These views are generally consistent with those of the NHRC.

d. Case on the Indigenous Peoples Status for the Siraya People (TCC Judgment 111-Hsien-Pan-17, 2022)

This case concerns the administrative suit filed by Uma Talavan and 112 other Sirayans after their request to be recognized as plains indigenous people was contested. In accordance with Article 2 of the *Status Act for Indigenous Peoples* (SAIP) and the interpretation of the Council of Indigenous Peoples (CIP), indigenous peoples marked as “civilized savages” in the household registration system under Japanese rule were given the opportunity to be registered as plains indigenous peoples four times: in 1956, 1957, 1959, and 1963. Part of the Sirayan people failed to register with the household registration authority by these deadlines, and consequently lost their status as indigenous people.

The Taipei High Administrative Court ruled that Article 2, paragraph 2, SAIP, would seem to be unconstitutional and thus petitioned the Constitutional Court for a constitutional interpretation declaring the article unconstitutional.

The plaintiff held that for indigenous people who belong to the same plains indigenous group

to become members of another ethnic group simply because they had failed to register within the limit of the four times set by the government; and, that family members who belong to the same plains indigenous group, simply because of the effect of whether or not they had applied to register within the limit set by the government—such that those who applied to register are plains indigenous peoples whilst those who had not applied to register are plains indigenous people who do not come within the regulations for indigenous status—leads to a bizarre outcome. This infringes the principle of equality set out in Article 7 of the Constitution.

The NHRC attended the oral argument of the Taiwan Constitutional Court on June 28, 2022, to present its opinion based on international conventions and international human rights norms, holding that, based on the ICCPR and the UNDRIP, indigenous peoples are entitled to the right to self-identification and the right to self-determination. The two conditions to realize these rights are that a person self-identifies as an indigenous person and that State laws include procedures for immediate recognition of this self-identification. Therefore, the additional conditions set in Article 2, paragraph 2 of the SAIP cannot be considered “reasonable and objective reasons” and therefore violate the rights set forth in the ICCPR. These conditions have deprived plains indigenous peoples of their rights to self-identification and self-determination and been detrimental to their overall subsistence and wellbeing.

The Taiwan Constitutional Court holds that the constitutional protection for indigenous peoples should cover all of Taiwan’s Austronesian peoples currently existing in Taiwan. Besides the mountain indigenous peoples and plains indigenous peoples already named as such

in constitutional regulations, on the grounds of ethnic intent, all may apply to be registered as indigenous people and obtain indigenous status.

Hence, the Taiwan Constitutional Court ruled that Article 2 of the SAIP betrays the constitutional intent to protect the right to identification and culture of indigenous peoples. This largely conforms to our interpretation.

e. Case on Gender Equality Concerning Women's Leadership Position in Ancestor Worship Guilds (TCC Judgment 112-Hsien-Pan-1, 2023)

The point of contention in this case is whether the final section of paragraph 1, Article 4, of the *Act for Ancestor Worship Guild* "For guilds existing before the implementation of the Act...in the absence of any agreement or any designation in the agreement, the founder or a male offspring (including adopted children) should be the successor" and the opening section of paragraph 2, Article 1, of the same Act "In the absence of any male offspring, an unmarried female offspring may be the successor" are constitutional.

At the oral argument of the Taiwan Constitutional Court on October 18, 2022, the NHRC argued that, according to articles 2 and 5 of CEDAW, States should take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. These measures include modification or abolition of existing laws, regulations, customs, and practices or any other measures meant to eliminate prejudice resulting from customs or other practices based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

By 2020 a total of 995 ancestor worship guilds across Taiwan completed government

registration. Although there are over 190,000 successors, only some 10,000 of them are women. Despite the shared obligation for ancestor worship, women are less likely to enjoy the right of succession. The *Act for Ancestor Worship Guilds* gives direct legal force to traditional Taiwanese customs which establish a differential treatment unfavorable to women. Taiwan's Legislature passed the *Enforcement Act of the Convention on the Elimination of All Forms of Discrimination Against Women* in 2011 making CEDAW effective in Taiwan. Therefore, the State must now actively take measures to end gender inequality and eliminate prejudice based on the idea of the inferiority or the superiority of either of the sexes.

The Taiwan Constitutional Court holds that, in accordance with the intent of the constitutional regulation: "The State shall protect the dignity of women...eliminate sexual discrimination, and promote substantive gender equality", the State itself has the duty to actively eliminate sexual discrimination, hence it should not be willing to allow legislation that recognizes sexually discriminatory traditions or old customs.

Therefore, the article in dispute in the *Act for Ancestor Worship Guilds* would seem to constitute undue differential treatment based on sexual discrimination and historical stereotypes, thus contravening the principle of equality prescribed in Article 7 of the Constitution. This ruling is generally consistent with our view.

f. Case on Recusal of Judges from Criminal Litigation Procedure

The point of contention in this case is judges who take part in, or judge, a case in ordinary criminal proceedings, second instance proceedings, third instance proceedings, retrial of the second instance, retrial of the third instance,



and extraordinary appeal and do not recuse themselves; and whether or not Article 2 of the *Directions for Implementation of Criminal Appeal Allotment After the Second Reversal of the Supreme Court* (1991) and Article 17, paragraph 8 of the *Code of Criminal Procedure* are in conformity with Articles 7, 16, 23, and 171 of the Constitution. The doubts raised were submitted to interpretation.

From international human rights standards, collection of relevant data and comparative analysis, the NHRC presented its opinion in writing to the Taiwan Constitutional Court. The NHRC holds that Article 14, paragraph 1, and General Comment No. 32 of the ICCPR; Article 6 of the *European Convention on Human Rights* (ECHR); Article 8 of the *American Convention on Human Rights* (Pact of San José); Articles 7 and 26 of the *African Charter on Human and Peoples' Rights* (Banjul Charter); Article 10 of the *Universal Declaration of Human Rights*; the *UN Basic Principles on the Independence of the Judiciary*; the *Universal Charter of the Judge*; and the *UN Bangalore Principles of Judicial Conduct* stipulate that the judiciary is the guardian of the rule of law aimed at checking and balancing State power.

Therefore, in order to realise the ideals of justice and equality, the State needs to ensure that neither laws passed by the legislative branch nor directives passed by the executive deviate from legal standards or international human rights standards. Hence, in order to ensure effective and equal protection of human rights, realise democracy and the rule of law, and seek sustainable development for humankind, it is essential that the judiciary upholds the core values of independence and objectiveness when fulfilling its role.

The NHRC holds that when judges engage in the ordinary criminal proceedings and judgment of a specific case and then fail to recuse themselves from the extraordinary appeal of the same case, they may betray the principle of impartiality. Similarly, when judges engage in the criminal proceedings and judgment of the second instance of a specific case and then fail to recuse themselves from the retrial of the second instance reversed by the third trial of the same case, they may also violate that same principle.

Therefore, whether a judge has already participated in a case's proceedings should be a criterion for deciding to appoint judges to courts of appeal or to retrials. When, for a specific case, judges engage in the criminal judgment of the third instance at the Supreme Court and then fail to recuse themselves from the proceedings when this same case is sent to the Supreme Court again following a retrial, if it is verified, after overall observation, that the Supreme Court has violated the "principle of legal reservation" or the "principle of the legal judge" during the trial of the case in dispute, these are all considered to be "supreme court allotment rules" that violate the principle of impartiality.

The Taiwan Constitutional Court has not ruled on this case.

III. From Social Welfare to Human Rights Protection

In traditional society, social welfare measures tended to treat the disadvantaged or vulnerable groups as the object of care, management, and charity, if not of fear. In practice, the demand for resources is often higher than the supply. However, as resources are never enough, allocation matters. Aimed at developing the basic dignity of individuals, the international standards of human rights support social pluralism of humankind. Persons with disabilities and migrant workers in Taiwan were the focus of our concerns in 2022. For persons with disabilities, we aimed at discerning if they have enjoyed equality at work and access to justice. We also conducted an in-depth investigation into the issues, which had attracted global attention, regarding work environment of foreign fishing crew and female migrant workers.

Persons with disabilities

a. Promoting examination and workplace equality: Special projects on reasonable accommodation

Based on three investigation reports transferred from the Control Yuan, the “reasonable accommodation of national examinations for persons with disabilities,” “reasonable accommodation of college entrance examinations—General Scholastic Ability Test and Advanced Subjects Test—for students with disabilities,” and “reasonable accommodation of Performance Evaluation for Civil Servants with Disabilities,” we followed up with the administrative agencies, achieving the following concrete results:

- i. The Directorate-General of Personnel Administration of the Executive Yuan completed the *Manual for Employees with Disabilities* in



Visit of visually impaired youth groups.

collaboration with the Ministry of Labor, Ministry of Health and Welfare, and Civil Service Protection and Training Commission for use by employees with disabilities and the hiring agencies.

- ii. In academic year 2021–2022, the Ministry of Education extended the examination time for the college entrance exams, General Scholastic Ability Test, and Advanced Subjects Test by 30 minutes for students with disabilities. In the following academic year 2022–2023, it further extended the time of subject tests by 50 minutes for students with disabilities.
- iii. The Ministry of Civil Service amended the *Organic Regulations of Performance Evaluation Committee* to specify that when the number of employees with disabilities in the public sectors reaches a certain threshold, at least one member with disabilities should have a seat in that committee.
- iv. With reference to the CRPD, the draft of the amendment to the *Special Education Act* stipulates that service items adopted should comply with the spirit of reasonable accommodation, and discrimination should be eliminated relating to learning and teaching activities on-campus and off-campus.

Additionally, we also collected guidelines, manuals, and cases of reasonable accommodation from home and abroad and issued our principle-based guidelines for the reference of the administrative agencies thus helping them understand the implications of reasonable accommodation and develop guidelines in their fields. In 2022 we extensively consulted with experts, scholars, persons with disabilities groups, and administrative agencies regarding the contents of those guidelines. In the future, we will continue to provide them for the reference of the administrative agencies.

b. Promoting the human rights for offenders with psychosocial disabilities: Oversight of the modified treatment approaches

In response to the implementation of various new measures, including “custodial protection”, “temporary placements”, and “multiple programs” in 2022, the initiation of the citizen judge system in 2023, and the coming into effect of the 2022 amendment to the *Mental Health Act* two years later, the treatments for offenders with psychosocial disabilities would be facing change in terms of either the practice of criminal procedure or the actual implementation of treatment measures. In the concluding observations of the second report on CRPD in August 2022, the IRC also expressed various concerns and made recommendations on this topic.

To oversee the impacts of these new treatment systems on human rights, we formed the “treatment system for offenders with psychosocial disabilities” project working group based on the resolution made in the January monthly meeting of 2022. It set out to study and analyze the obstacles confronting offenders with psychosocial disabilities in Taiwan’s judicial, correctional, health administration,

and social welfare administration systems, so as to make recommendations for policy improvement or law amendments to comply with the CRPD. In addition to starting the project, we also invited Professor Chang Li-ching of the National University of Kaohsiung to form an interdisciplinary research team to collect and compare data regarding the legal system of custodial protection of Germany, Japan, the US, the UK, and Taiwan, as well as a preliminary analysis of Taiwan’s judgements for custodial protection. This project was completed in November, 2022.

From November 7–11, 2022, some NHRC members accompanied by staff and experts visited Japan to observe the situation there, including location of facilities and resource allocation, and listened to the different perspectives of stakeholders, such as persons with disabilities groups, government representatives, psychiatric facility representatives, scholars and experts. Additionally, the visited organizations also provided relevant cases for our team to exchange views on the challenges and difficulties in both countries.

Considering the strengths and weaknesses of the practice in Japan, our findings and recommendations are as follows:

- i. Although the competent authorities of Japan have invested considerable resources and man-power in medical treatment and supervision, the treatment still fell short of the requirements of international human rights conventions. Hence, Taiwan should learn from Japan’s experience and seek to strengthen the supporting measures for human rights protection.

- ii. Japan adopts a program of ranking and division in drawing up the treatment plan and adjustment for individual cases to facilitate social reentry.
- iii. The competent authorities of Japan also provided for the “probation officers” to coordinate various support resources and help offenders re-enter communities for independent living. Taiwan should probably consider such an arrangement.
- iv. Offenders still need to be treated fairly to prevent discrimination and violation of their human rights.
- v. Eliminating social bias through diversification and deinstitutionalization of treatment to progressively bridge the reality-ideal gap.
- vi. NGO initiatives and international review are the driving force to advance the human rights of offenders with mental disabilities.

vii. In Japan a rental system is introduced to promote resource sharing and circulation among persons with disabilities. It reduces the procurement cost, becoming a tool for helping independent living.

c. Human rights project for inmates with disabilities

This project owes its origin to the 2018 investigation on whether or not correctional facilities can help inmates with neurocognitive disorder access the required services during their terms to achieve the goal of “habilitation and rehabilitation” as specified in Article 26 of the CRPD. Moreover, in terms of Article 9, the proportion of “inmates holding disability ID and unable to work” accounted for 8.29%, 6.78%, and 5.90% respectively of “inmates with disability ID” from 2016 to 2018.

Currently, persons with disabilities holding a disability ID and meeting specific requirements



Discussion and seminar with the reviewers of the international review on the “Second International Review on the Implementation of CRPD.”

(e.g., low-income family) will receive a living allowance in accordance with Article 2 of the “Regulations of living assistance for persons with disabilities”. Yet when a person with disabilities is serving his term, this living allowance will be suspended in accordance with Article 4 of the same Regulations. Hence, no ameliorating measures will be implemented on inmates with disabilities who can handle the activities of daily living in the prison. Based on this rule, however, those who cannot work at the prison’s factory due to severe physical disabilities will suffer much difficulty in their daily lives. Based on the MOJ statistics, we found 28 inmates suffering from this situation in our investigation.

Although the suspension of living allowance for persons with disabilities under specific circumstances (e.g., imprisonment) is lawful, this was detrimental to human rights and violated the spirit of international human rights conventions, such as the CRPD. Hence, we initiated the

“special project on the rights and interests of inmates with disabilities” on June 28, 2022.

So far, we have held seminars with the Executive Yuan, MOJ, and Ministry of Health and Welfare in December 2022. Between December 2022 and March 2023, we visited inmates with disabilities in Hsinchu Prison, Chiayi Prison, Pingtung Detention Center, Taoyuan Prison, Taoyuan Women’s Prison, Tainan Detention Center, and Tainan Second Prison.

d. Plan for the oversight mechanisms of CRPD: Developing related independent oversight mechanisms

On September 15, 2021 we announced the establishment of an oversight mechanism that would comply with Article 33 of the CRPD and included it in our 2022 strategic plan. In June 2022 we issued the “Plan for the oversight mechanism of CRPD”, with major contents including:



Discussion with groups representing persons with disabilities between the IRC members and the NHRC at the post-review forum of the international review on the “Second National Report on the Implementation of CRPD”.

- i. Monitoring the human rights index of persons with disabilities: We developed the indicators and evaluation framework in reference to international documents relating to the CRPD and the National Human Rights Action Plan to periodically follow up on the CRPD implementation. Focusing on the role of the CRPD coordination mechanism in supervising the implementation of action plans by individual governmental agencies based on the corresponding concluding observations of the national report, we made concrete recommendations for collaboration and improvement. We also consulted with persons with disabilities and organizations representing them regarding the monitoring indicators and invited them to engage in the monitoring work.
- ii. Handling and investigating grievances of persons with disabilities: We handled related grievances in accordance with the “National Human Rights Commission Procedures for the Handling of Human Rights Petitions and Appeals”.
- iii. Enhancing the involvement of persons with disabilities: Besides consulting with persons with disabilities and the organizations representing them regarding the setup of our oversight mechanism, we also organized workshops and international activities, in accordance with the CRPD General Comment No. 7 and drawing upon the experience of foreign human rights institutions to ensure their effective participation.

Based on our plan, we will build an independent oversight mechanism that complies with Article 33 of the CRPD to promote, protect, and oversee CRPD implementation. We will also hold forums, interview focus groups, and conduct surveys to seek the opinion and advice of the stakeholders.

Migrant workers

a. Concerns with the rights situation of foreign fishing crew and supervise activities to promote their rights

In April 2022 we published the *Road to Migrant Fishers' Rights*, the first of its kind on the rights of foreign fishing crew in Taiwan. We made claims and recommendations for reforms that earned us public acclaim.

On March 17, 2023 the Organization for Migrant Fishers Rights (OMFR) and five NHRC staff members traveled to Yanpu Fishing Port in Donggang to visit the Taiwan Tuna Longline Association (TTLA). Yanpu Fishing Port in Donggang is located in the southwest corner of Pingtung. It is a traditional fishing harbor with small to medium fishing vessels practicing aquaculture, coastal and offshore fisheries (offshore tuna longline fishing and trawl fishery), and distant water fisheries, the major catches being the tuna, billfish, and shark. As Taiwan's largest offshore fisheries base and a distant water fisheries center, there are over 1,500 fishing vessels of different sizes operating in three oceans around the world.

To implement the “action and dialogue with interested parties on the human rights issues of foreign fishing crew” co-organized by both parties, we interviewed ship owners, ship captains, and brokers in the office of TTLA by the harbor. Then, we interviewed a Filipino fishing crew member who just got off the ship in a karaoke inside a roadside tin-sheet grocery store.

This collaboration project originated from the first special report, *Road to Migrant Fishers' Rights*. To continue following up on the implementation of the recommendations made in the special report, we expanded the interested party network organized three forums and conducted in-



depth interview with 10 key informants to gather information so as to understand the operation and working conditions of foreign fishing crew.

The *NHRC Foreign Fishermen's Human Rights Special Report* was based on six investigation reports transferred from the Control Yuan and completed in collaboration with administrative departments and civil society groups. Through professional forums, visits, inter-agency conferences and focus group seminars, this report revealed the foreign fishermen's human rights situation. Taking into account the demands of the NGOs, it made recommendations requiring the improvement of related policies. It was the first attempt for the Control Yuan to transfer reports to the NHRC, thus establishing a collaboration model. It is also the first important special report on rights issues.

While preparing this report, we have, through trials and errors, incorporated various collaboration methods. Upholding the role as a bridge between the government and the civil society organizations, we the Commission stood for the people. As for the proposal to "end forced labor in distant water fisheries" championed by the civil society groups, we first sent letters to the relevant agencies to request them to conduct a feasibility survey. This appeal was made through a joint declaration issued on the eve of World Fisheries Day in November 2020 from the civil society groups of 34 countries around the world to request the government and industries of Taiwan to take related actions to improve forced labor. On March 24, 2021 the Coalition for Human Rights for Migrant Fishers again issued a joint press release to urge the Fisheries Agency to press on with reforms so as to remove Taiwan from the "List of Goods Produced by Child Labor or Forced Labor".

In addition to gathering opinions from the NGOs, we also tried to collaborate with government agencies. After integrating the six investigation reports, we categorized the related issues and focused on eight aspects. After studying the information on implementation and the feasibility of the appeal to "end forced labor in distant water fisheries," the project team drew up a list of issues for communication with government agencies. To discern the actual living condition of foreign fishing crew in distant water fisheries, the project team visited the Cijin and Cianjhen fishing harbors in Kaohsiung. And for the onshore accommodation of domestic fishing crew, we conducted an onsite investigation in Suao, Yilan, and held seminars with local fisheries associations and fishermen's associations.

Lastly, in institutional collaboration, the project team first visited the minister without portfolio of the Executive Yuan to present plan for co-organizing agency seminars. After reaching a consensus on collaboration, we held three inter-agency conferences, and one focus group seminar. In addition to the related government agencies, we also consulted with various NGOs, the Bankers Association, foreign fishing crew recruitment agencies, the Indonesia Economic and Trade Office to Taipei, and Bank Rakyat Indonesia.

The *NHRC Foreign Fishermen's Human Rights Special Report* was approved by resolution at the 24th meeting of the first cohort of the NHRC on December 27, 2021, and the entire report has been published on the NHRC website. In this report, we made the following recommendations:

- i. Effective improvement of working conditions and protection of equal rights for foreign fishermen: Instead of being dictated by market mechanism, we emphasize that working



Participants after the presentation of the "NHRC Foreign Fishermen's Human Rights Special Report."

conditions must comply with the standards of basic human rights. Hence, the differential treatment for foreign fishing crew in the existing laws and regulations have clearly violated the equality in rights as specified in the ICESCR. The government must amend the *Act for Distant Water Fisheries* and the relevant regulations; implementing compulsory social insurance, labor insurance, occupational accident insurance, and national health insurance; as well as establishing the occupational accident prevention and compensation plans and providing safety and health equipment and basic safety training.

- ii. Control of flags of convenience (FOC) through international cooperation: We understand that the Fisheries Agency implements total quantity control and does not support FOCs in order to combat human trafficking. However, we believe that more positive actions should be

taken to combat FOCs engaging in illegal, unreported, and unregulated catch and labor exploitation through the pressure from the countries of fisheries products. How to prevent the human rights violation of fishing crew is the issue that concerns us most. The government should further establish a monitoring mechanism to conduct labor rights inspections of vessels at port.

- iii. Prevention of double exploitation through enhanced recruitment agency management: Multinational "manning" agencies act more like the actual employers of foreign fishing crews. The range of services they offer include fishing crew management, local training, and wage payment. These tasks also provide opportunities for malicious agencies to deduct wages and impose different charges on the foreign fishing crew. Even worse, agencies and employers shift the blame onto each



other when there is violation of rights. We are aware that the Fisheries Agency and Ministry of Labor will strengthen the evaluation and oversight of multinational fishing crew agencies through close collaboration. However, we recommended banning domestic fishing crew agencies from recruiting foreign fishing crew through illegal foreign fishing crew agencies. Additionally, like many rights groups, we suggest direct wage payment to foreign fishing crew without going through the agencies and that the government should solve the problems in international currency exchange by inter-ministrial or transnational collaboration to reduce high-amount service charges and loss on current exchange.

- iv. Combating forced labor at sea and timely grievance handling: Diversified channels should be established on distant water fishing vessels so that fishing crew could timely and effectively file grievances. Forced labor on fishing vessels involves many government agencies. Hence, an inter-agency joint investigation platform should be established and frontline staff and law-enforcement officers should be trained and be sensitive to human trafficking so as to take charge of the situation and make timely decisions in the first instance.

We have distributed widely, extensively both the Mandarin and English versions of *Road to Migrant Fishers' Rights* for promotion. With this special report we urged the Executive Yuan to speed up the establishment of a "Action Plan for Fishers & Human Rights" which was approved on May 20, 2022. In reference to international conventions, we proposed seven strategies, e.g. the improvement of working conditions, of living conditions, of social security, of brokerage management, of the capacity of the monitoring and management mechanism, of FOC supervision, development

and deepening of international cooperation, and advocacy of good partnership, to systemically optimize the rights and interests of fishing crew. We will continue to follow up on the recommendations made in the special report and oversee the Fisheries Agency in amending the relevant regulations.

Through continuous reform, we are committed to protect the rights of fishing crew by taking vigorous actions in the road to migrant fishers' rights.

b. Protection of the right to childcare for migrant workers in Taiwan

The investigation of the Control Yuan in recent years found that the number of issues relating to the right to work and the right to childcare of migrant workers after getting pregnant in Taiwan is increasing. Despite the investigation and corrective measures of the Control Yuan, issues relating to the right to nationality, health, and education of stateless or homeless children and youth remain unsolved due to the hiding of missing pregnant migrant workers or the absence of a marital relationship between their biological parents. These groups of children and youth would only be assisted through individual cases by government departments after being exposed by the media or in critical moments needing desperate help. However, such expediency can never address the root cause brought by current laws. Using our powers, we initiated a special inquiry into migrant workers' child-rearing problems in Taiwan by resolution at the 13th meeting of the first cohort of the NHRC on February 8, 2021.

We are well aware that ensuring the labor rights and the reproductive rights and easing the worries about dismissal after pregnancy are essential to prevent migrant workers from missing after pregnancy and the subsequent birth and stateless children issues. Despite the

implementation of the *Labor Standards Act* and the *Act of Gender Equality in Employment*, the protection of pregnant migrant workers is still not satisfactory due to the ineffective implementation of the law.

It was in this context that we investigated, through individual interviews, questionnaire surveys, consultation meetings, and data retrieval from various government agencies, the actual situations regarding the right to work and the social support network of pregnant migrant workers in Taiwan. After cross-checking their actual situations with international human rights conventions as well as domestic laws and regulations, we straightened up the actual situations and difficulties in the right to work and the support for pregnancy and childcare of pregnant migrant workers in Taiwan.

Our investigation found that pregnant migrant workers are entitled to tocolysis leave, recuperation leave, prenatal visit leave,

maternity leave and unpaid parental leave, no discrimination due to pregnancy, and job accommodation under the *Labor Standards Act* and the *Act of Gender Equality in Employment*. However, these rights are not properly protected due to language barriers, information insufficiency, restriction on job change, and lack of family support. In accordance with the relevant laws, regulations, and mechanisms in force, although the responsibility relating to maternity health is imposed on employers, most employers believe that pregnant migrant workers will bring many troubles to business operations and management, particularly to employers of home caregivers. Due to workplace limitations and the nature of work, it is more difficult for employers of home caregivers to dispatch labor compared to industry employers. As a result, conflicts between pregnant migrant workers and employers may arise and cause many more difficulties to pregnant migrant workers.



The NHRC visits children of migrant workers at the placement institution.

As the number of migrant workers increases, the difficulties that pregnant migrant workers face also emerge gradually. This fact points at the incompleteness or inflexibility of the relevant laws, regulations, and implementing mechanisms in force. Even though the law allows migrant workers to continue working after pregnancy and their children to stay in Taiwan, it is still difficult for them to balance work and childcare in reality. In respect of the intent of related human rights conventions and general comments, although Taiwan has relevant laws, regulations, and implementing mechanisms, greater efforts are still required in terms of practice. Based on the above findings, the following recommendations were made by our project.

- i. Grasp situations concerning the pregnancy and childcare of migrant workers.
- ii. Establish a cross-ministry platform for information and resource integration so as to dispatch service resources.
- iii. Strengthen legal protection mechanisms, including:
 - Ensure the communication of correct legal knowledge to prevent information gap.
 - Optimize the verification system of contract rescission.
 - Strengthen the mechanism for consultation and grievance handling.
 - Provide guidance for migrant workers to form labor union and consolidate cooperation with it.
- iv. Protect the rights of pregnant migrant workers, including:
 - Enhance the use of pregnancy placement measures for migrant workers.
 - Encourage the use of assistance measures based on the “principles for handling pregnant migrant workers.”

- Build and expand continuously the resources platform for pregnant migrant workers.
 - Eliminate the barriers that hinder migrant workers from taking their children back to their hometown for placement.
- v. Protect the rights of children of migrant workers, including:
 - Fund the childcare needs of migrant workers.
 - Help “unregistered children” of hidden missing migrant-worker parents to walk out of the shadows; a) to renounce reporting and cracking down for serving the best interests of the child, b) to optimize the placement and assistance for children of migrant workers under the *Protection of Children and Youths Welfare and Rights Act*.
 - Establish a mechanism for cooperation on childcare and placement with the source countries of migrant workers.
 - vi. Oversee migrant worker agencies to carry out their duties and state clearly their service items and the range of service charges.
 - vii. Fill up the service window of employers when pregnant migrant caregivers take bed rest or maternity leave.
 - viii. Protect the right to marriage and the right to family reunion of migrant workers.

After the end of the project, we will continue our dialogue with the general public for enhancing their human rights awareness and will oversee the relevant competent authorities to seek improvement solutions.

c. Promoting the human rights of migrant workers through dialogue with experts

The “Forum on Migrant Workers’ Human Rights in Taiwan” on December 7, 2022 that caught public attention was a dialogue on human rights that

covered labor market control, migrant workers in social welfare and public long-term care system, supply chain responsibility, and the sustainable development of global economy and trade. In addition to the experts and scholars in different areas and government officials, participants also included NGOs, people from different sectors and trades, students, and media workers. Due to the overwhelming response to the forum, registrants before the deadline already outnumbered the designated vacancies. On the forum date, all 120 seats were filled, and over half of them still stayed with the event in the afternoon to exchange opinions with online participants. As the policy on the human rights of migrant workers is also an important issue in international development, officials from the representative offices of Indonesia, Thailand, the Philippines, the US, and New Zealand also joined the forum for gathering information.

The human rights of migrant workers have been one of our main concerns since the NHRC was established, and many incumbent members of the NHRC are experts in this area. The issue of

migrant workers was one of the six prioritized concerns in the annual strategic planning of 2022. For a better understanding of migrant workers' social circumstances in Taiwan, we spent one whole year on studying and analyzing their situations in production and social welfare sectors from the angle of international human rights conventions through collaboration with Associate Professor Lin Jia-he, College of Law, National Chengchi University, and Associate Professor Liuhuang Li-chuan, Department of Labor Relations, National Chung Cheng University. We also invited scholars, international experts, representatives of civilian groups, and representatives of relevant government agencies to discuss human rights protection for migrant workers in Taiwan in the forum.

Confined by the long-standing notion that migrant workers are supplementary labor, the government simply imposes controls and restrictions on the related labor markets and overlooks the basic personal needs of migrant workers. As a result, the society does not actually understand their working conditions and their



Participants at the 2022 Forum on Migrant Workers' Human Rights in Taiwan.



living and cultural situations in an alien country. As this group of over 700,000 migrant workers is mainly working in rural villages, factories, fishing vessels, and civilian homes not easily seen by the general public over time, the general impression about them mostly comes from personal experiences or stereotypes. There is a lack of proper understanding of them.

As the competent authority of migrant worker management, instead of simply limiting the rights and freedom of migrant workers, the MOL must “fully and effectively address” problems concerning the migrant workers’ rights, the legitimacy of differential treatment, and the limitation of some specific rights. In the forum, representatives of the Workforce Development Agency (WDA) of MOL maintained that the MOL was integrating the positions of different ministries and commissions so as to actively promote the domestication of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Migrant Workers Convention) in Taiwan.

Although local domestic caregivers are the target workforce of Taiwan’s long-term care system, migrant workers in social welfare are the actual caregiver workforce in Taiwan. Currently, a dual-track phenomenon is observed in Taiwan’s care system and care workforce, i.e., Taiwan’s long-term care system and foreign domestic helper employment system. As both systems run almost in parallel, marking out the problems in this dual-track care labor market and the defects in migrant worker protection legislation. Starting out from the C189—Domestic Workers Convention (2011) of the International Labour Organization (ILO), Professor Liuhuang Li-chuan argued favorably for human rights, she reviewed the situation of foreign caregivers, and pointed out that the inadequacy of making long-term care as

a public service has led to a lose-lose situation arising from the conflicts between families in need of long-term care service and foreign home caregivers, leaving the human rights issue of migrant workers in social welfare unattended.

No labor issues can be separated from business operations. Based on the development of globalization, when a business forms its workforce with more workers from different countries, the sustainable development of the business and the human rights protection of migrant workers will never run in parallel but go hand in hand. In accordance with Article 11 of the *United Nations Guiding Principles on Business and Human Rights* (UNGPs), “Business enterprises should respect human rights.” In the forum, panelists introduced the development potential of related systems in different countries, such as the latest human rights due diligence laws and the human rights risk elimination systems of Germany, France, and the EU. They also reminded the relevant government departments that the sustainable development of businesses, human rights of migrant workers, and environmental sustainability are immediate, important issues in the global supply chain.

From our investigation to the forum, we continuously gathered information from different parts of society and spared no efforts in inviting interested parties and related government agencies to discuss the relevant issues. Through the set-up of the forum agenda and the feedback of participants, we verified the next working plan of the NHRC. Although it was only a one-day forum, we hope to turn the event outcomes into the materials of human rights education and make discussion on the human rights of migrant workers more popular.

IV. Human Rights Education

A national human rights institution shall...assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

“Competence and Responsibilities,” Paris Principles

a. Status of human rights education in Taiwan’s primary and secondary education

In order to grasp the status and outcomes of implementation of human rights education in Taiwan’s primary and secondary education and to draw up the policy for the next-stage human rights education, we started the government self-assessment program in 2021 through the planning and implementation by the National Academy for Educational Research. To comply with the international standards, we made reference mainly to the review principles and frameworks of the “Plan of Action for the First Phase of the World Programme for Human Rights Education” and the “Human Rights Education in Primary and Secondary School Systems: A Self-assessment Guide for Governments” published respectively by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UN Human Rights Office of the

High Commissioner (OHCHR). After considering Taiwan’s situation and the program schedule, we proposed the review plan that suited the case of Taiwan. Apart from depicting the status of promotion and implementation of human rights education in Taiwan, we also made preliminary recommendations for the direction of policy planning for Taiwan’s human rights education. Please refer to Part IV Essays on Human Rights for the research outcomes.

b. Assistance in professional training for human rights

Provide the National Academy of Civil Service (NACS) with teaching materials, case study examples, and seminar questions.

Including human rights issues in the orientation (pre-service) and on-the-job (in-service) training courses is the prime mission for ensuring frontline civil servants’ compliance with human rights regulations while carrying out their duties.

In 2020 we began to provide the NACS with the case study examples on “human rights and development” for the promotion training and fundamental training. So far six of the 18 examples provided have been adopted by the NACS, accounting for 33% of the total, while the remaining 12 examples will be used in good time when the NACS adjusts its teaching materials (Table 6).

Table 6 Providing “Case Study Materials” for Training Program for Promotion of the National Academy of Civil Service

Number of Seminar Questions Provided by the NHRC		Number of Seminar Questions Adopted by NACS
2020–2021	18	6 (2 for each of the elementary, junior, and senior ranks)
Total	18	6

In 2020 we began to provide the Civil Service Protection and Training Commission (CSPTC) with questions of the “human rights issues seminar” for the fundamental training of senior examination. By 2022 eight of the total of 12 questions were adopted by the CSPTC, accounting for 66% of the total (Table 7).

In 2021 we began to provide the CSPTC with questions of the “human rights issues and development seminar” for the training of promotion from the junior rank to the senior rank (Table 8) and from the elementary rank to the junior rank (Table 9). By 2022 eight of the total of 11 questions were adopted by the CSPTC, accounting for 73% of the total.

In addition to the issues relating to human rights development, emerging human rights issues, and the five major human rights conventions (ICCPR, ICESCR, CEDAW, CRC, and CRPD), we have also incorporated human rights cases which happened in Taiwan in teaching materials and seminar topics. To ensure that the teaching materials for human rights education go with the development of Taiwan’s human rights and are relevant to the duties of civil services, the issues of these teaching materials cover: consideration of the special needs of children in the infection control measures of communicable diseases, reasonable accommodation for persons with disabilities in the workplace, gender equality

Table 7 Seminars on the Basic Training of Successful Candidates of Civil Officials

Number of Seminar Questions Provided by the NHRC		Number of Seminar Questions Adopted by CSPTC
2020	4	4
2021	4	2
2022	4	2
Total	12	8

Table 8 Seminars on the Training Courses for Promotion from Junior Rank to Senior Rank

Number of Seminar Questions Provided by the NHRC		Number of Seminar Questions Adopted by CSPTC
2021	3	3
2022	3	3
Total	6	6

Table 9 Seminars on the Training Courses for Civil Servants with Elementary Rank Seeking Promotion to Junior Rank

Number of Seminar Questions Provided by the NHRC		Number of Seminar Questions Adopted by CSPTC
2021–2022	5	2
Total	5	2

Source: The NHRC.



Members of the NHRC and the NACS at the "cooperative education campaign to promote human rights awareness among civil servants."

concerning women's leadership position in ancestor worship guilds, protection of personal freedom, human rights protection for offenders with psychosocial disabilities under custodial protection, alleged violation of the freedom of marriage of domestic spouses when foreign spouses are unable to enter Taiwan for reunion, due procedure for handling campus bullying, revelation of the lack of awareness of the rights for persons with disabilities when autism spectrum disorder (ASD) sufferers are maltreated in the mass rapid transit system, health and safety concerning the packaged soy sauce labeling regulations, disaster prevention plan for the emergency escape of persons with disabilities, blaming children with Tourette syndrome as troublemakers, the situation and right to family reunion of children with PRC spouses under COVID-19 pandemic, the childcare difficulties of children of migrant workers in Taiwan, and whether it is reasonable

to terminate the employment contracts of migrant workers causing fatalities to others when jaywalking on the vehicle lane against the law.

NHRC staff training

The human rights education of the national civil service system begins from the NHRC. Since the NHRC was established, we have spared no efforts in providing professional human rights training for NHRC staff. During August 1, 2021 to December 31, 2022, we arranged a total of 57 hours of training courses for over 952 attendees. Additionally, aiming to improve organizational effectiveness and resilience, we invited scholars to plan courses and develop the training syllabus of the NHRC that combined the services we offered over the past two years, including experiences exchange between domestic and foreign human rights institutions. In 2022 we planned the learning map for the institutionalization of human rights, human rights

conventions, and NHRI operation for our staff members to acquire human rights knowledge by combining theory with practice (Figure 2).

c. Youth human rights education: Universities in northern, central, southern, and eastern regions

In accordance with the “Plan of Action for the Fourth Phase of the World Programme for Human Rights Education” passed by the UN General Assembly, we implemented the Youth Human Rights Education Empowerment and Promotion Plan for youth aged 15–24 years old. This plan aimed to publicize human rights concepts through mutual learning, promote mutual respect among social groups in youths, enhance their human rights awareness, and realize social equality and justice. In 2022 we implemented the Youth Human Rights

Education Empowerment and Promotion Plan in collaboration with four universities: National Chengchi University (NCCU), National Chung Hsing University (NCHU), National Cheng Kung University (NCKU), and National Dong Hwa University (NDHU), with over a dozen of students from each school engaging in the planning and implementation and a total of 172 students participating in the plan. The related contents are summarized as follows:

- i. The NCCU organized the program “Lights and Shadows of Local Energy Politics: Checking Out Nuclear in Northern Coast.” Starting from the transitional justice of nuclear power plants (NPPs), participants discussed how to balance local economic development, ecological conservation, and the right to housing while using green power



Figure 2 The NHRC Internal Training Courses 2022

at the same time in terms of the geothermal resources in Jinshan and Wanli. Participants included 6 senior high school students, 30 undergraduate students, and 2 graduate students. All of them concerned themselves about issues relating to environmental human rights. They visited the Taipower Second NPP, Taipower Exhibit Center in Northern Taiwan, and Zhongjiao Bay Fault to discern the local industrial and environmental changes after the NPP construction. With “Site Selection for Nuclear Waste” as the topic of the role-playing workshop, participants transformed themselves into the NPP operator, experts and scholars, and citizens living around the candidate sites to figure out issues about property right, right to housing, and environmental human rights. After the public hearing, group consultation, and proposal



Discussion among NHRC employees at training and education.

presentation, they voted for the most suitable site. Through this workshop, it was hoped that students could experience the complete policy-making process.

- ii. The NCHU project “Reading Human Rights and Writing Justice” focused on the close relation between human rights education and local community practices, and through



Co-organized the “Lights and Shadows of Local Energy Politics: A Nuclear trip to the Northern Coast” under the Youth Human Rights Education Empowerment and Promotion Plan with National Chengchi University.

empowerment of the community aimed at changing the living conditions and improving quality of life. Moreover, this project paid attention to local talents' capacity to access national human rights resources and their right to information as stipulated in the *Freedom of Government Information Law*. Participants of this workshop included 42 senior high school students and 15 undergraduate students. They were requested to prepare a work in advance. Their works were required to be based on their actual experiences concerning human rights. The topics of their works were the eight related human rights issues set by the NHRC, which can be derived from real-life observations and records, book reviews, comments on social events, personal interviews, etc. The works could be done in the form of poetry, prose, essay, flash fiction, and multimedia.

- iii. The NCKU organized the "Ethnic Culture and Human Rights Issue Workshop: From Ljungkiaw to Hengchun—A reflection through the time-space of ethnic history." Based on the tradition, culture, and historic view of the Paiwan people, through retrospection, fieldwork study, listening, and dialogue, participants discerned the spatial and land control and changes in domination contained in Hengchun and the loss of power, culture, and subjectivity of indigenous peoples in the process. Participants included nine senior high school students, nine undergraduate students, eight graduate students, and two citizens, who concerned themselves a lot in ethnic culture, land justice, and many other contemporary issues of indigenous peoples. Through fieldwork study and experiences sharing with local senior citizens and Paiwan people, participants investigated the ancient

territories and the modern living perimeters of Paiwan people so as to figure out the changes in the living environment of local ethnic groups and develop a model to investigate land and ethnic group issues, which include: regional and spatial shift; the interaction, rises, and declines of ethnic groups in history; and human rights involved in the previous two issues.

- iv. The NDHU organized the Indigenous Human Rights Education Workshop. The concerned party Mr. Tama Talum (Chinese name: Wang Guang-lu) of the J. Y. Interpretation No. 803 (Aboriginal Hunting Case) was invited to spell out the conflicts between the Interpretation and indigenous traditions. Participants also visited the Cikasuan community. All participants were postgraduate students who participated in the seminar-like workshop to discuss with experts, scholars, lawyers, and the concerned party, rethink how to protect the rights and care about the daily-life issues of indigenous peoples from the legal point of view.

d. Human Rights Promotion to the General Public

To exercise the powers bestowed under Article 2, paragraph 7 of the *Organic Act*, we promote the protection of human rights in collaboration with domestic agencies, schools, civil groups, international organizations, NHRIs, and NGOs. In April 2022 we established the "Standard Operating Procedures for Handling Matters relating to Human Rights Protection and Promotion between the NHRC and Agencies and NGOs" to define the criteria for assessment of projects and partners. Between August 1, 2021 and December 31, 2022, our partners included

government agencies, civil groups, and schools. Please refer to the Major Events (Appendix) for details of events. The three examples below present a few of our achievements with different partners:

- i. “Pandemic Response and Human Rights Debate in the Digital Age” Conference with the Academia Sinica

When COVID-19 began to have a significant political, economic, social, and cultural impact around the globe in 2020, governments of the world managed the daily life of their citizens with various monitoring techniques, employing digital technology to ensure more effective control of the pandemic. Taiwan also implemented various measures to bring the epidemic under control and protect the health of Taiwanese people. These measures included a name-based mask distribution system, a name-based vaccination system, an electronic fence, contact tracing, and case investigation. However, despite the positive value of using information technology and big data to monitor the disease, it is undeniable that such technology does impact basic human rights to a certain degree.

Regulation of the conflict between the public interest and public health in such a time of crisis poses a question. By sharing in discussion with the government, NGOs, and academic institutions in the “Pandemic Response and Human Rights Debate in the Digital Age” Conference, we sought to find a common solution. This International Conference was held in collaboration with the Institutum Iurisprudentiae of the Academia Sinica joined by experts and scholars from NGOs in Germany and South Korea. The first session started with from the Constitution, laws dealing with privacy

rights, and international human rights laws. It investigated the challenges and possible solutions in maintaining a balance between the needs of public health and protection of human rights. A second session focused on a review of the mechanism for contact tracing, hoping to develop Taiwan’s countermeasures for handling public health crises in the future based on the experience of other countries. A total of 943 participants joined the symposium either onsite or online.

- ii. “Between Life and Death: A Human Rights Screening Tour” with Taiwan Alliance to End the Death Penalty

According to the jurisprudence of the ICCPR, the death penalty is a form of cruel and inhuman punishment. Hence, abolition of the death penalty is a goal of the NHRC. By organizing a screening tour of the film “Between Life and Death” with the Taiwan Alliance to End the Death Penalty—which has been advocating abolition of the death penalty for years—we hoped that all aspects of the abolition or continuation of the death penalty could be discussed rationally, including understanding victims, family members of both perpetrators and victims, other feasible alternative forms of punishment, a review of the parole system and of the correctional system. The tour with 24 sessions was held from October 22 to November 30, 2022, and attracted over 1,800 viewers. A total of over 50 speakers were also invited to share their opinion after watching the film.

- iii. “The Torch of Human Rights Across Boundaries” poster exhibition with Amnesty International

On January 7, 2022, we held “The Torch of Human Rights Across Boundaries” poster

exhibition at the Formosa Boulevard Station of Kaohsiung Metro in collaboration with Amnesty International Taiwan and with the participation of The Taiwan Association for Human Rights, Taiwan Tongzhi (LGBTQ+) Hotline Association, and Kaohsiung Women Awakening Association. Amnesty International (AI) is an international human rights organization focusing on human rights. It also earned the Nobel Peace Prize in 1977.

The human rights poster exhibition included 12 posters made by worldwide artists for AI, posters on gender-based violence from AI Mexico, and posters of cases of the “Write for Rights” launched by AI in recent years. Through

the poster exhibition, we aimed to let the public look into the different aspects of human rights. The poster exhibition also linked to the history of human rights rescue during the White Terror period.

With the archives of the National Archives Administration and Kaohsiung Museum of History and the historical correspondence of AI, we depicted how AI engaged in the rescue overseas with letters from different parts of the world and how AI even sent staff to audit the court martial after the Kaohsiung (Formosa) Incident (1979), bringing a lesson of democracy and liberty to Taiwan at that time.



“The Torch of Human Rights Across Boundaries” poster exhibition.

V. International Exchange and Cooperation

A national human rights institution shall...cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights.

“Competence and Responsibilities,” *Paris Principles*

a. Building platforms for human rights development and exchange: 2021 International Conference on Human Rights Development and 2022 Human Rights Thematic Forum

The 2021 International Conference on Human Rights Development in November 2021 focused on topics such as ethnic equality and development, gender and human rights, human rights protection during the pandemic, systemic national inquiries, and human rights education. Vice-President Chen Chien-jen of the Republic of China was invited to give a keynote speech on “COVID-19 Control and Human Rights Protection”. A total of 11 NHRI representatives and human rights scholars and experts from 9 countries were the keynote speakers joining the conference either onsite or online to investigate the development of important human rights issues today and plan the direction for future human rights development together with representatives from domestic government agencies, scholars, experts, and NGOs. The two-day conference was attended by over 450 participants.

The 2022 Human Rights Thematic Forum held by the Commission in November 2022 invited



High-level dialogue of the Asia Pacific Forum of National Human Rights Institutions.

human rights experts from the Asia Pacific Forum of National Human Rights Institutions (APF), France, Japan, and Taiwan to exchange opinions and share experience in human rights issues, such as “National Human Rights Institution’s Cooperation with Government Agencies and Civil Society” and the “Equality and Non-Discrimination—Human Rights Protection for the Disadvantaged: Starting with the Human Rights of the Elderly.” A total of over 150 participants attended the forum, including representatives from the foreign representative offices in Taiwan, such as the American Institute in Taiwan, the British Office Taipei, the German Institute Taipei, the French Office in Taipei, the Australian Office in Taipei, and the Israel Economic and Cultural Office in Taipei.

b. The Asia Pacific Forum of National Human Rights Institutions (APF)

As an important platform for human rights exchange among NHRIs in Asia, the APF is a highly influential regional human rights organization within the global human rights network with members of up to 25 countries so far. It aims at assisting Asian-Pacific countries

in establishing their own NHRIs and provides them with professional training to empower the practical capability of member states.

The APF has sent experts to exchange opinions and experience in Taiwan. In its report, it pointed out that it would be most appropriate and feasible to establish an NHRI in the Control Yuan based on the five-power division of Taiwan's constitutional framework. In 2017 the APF recommended a significant amendment to the *Organic Law of the Control Yuan* and *Control Act* so as to comply with the *Paris Principles*. As their recommendations for amendment are significant to the NHRC we have already filed a legal amendment to the legislature.

After the NHRC was established in 2020, we have been maintaining dialogue and exchange with the APF. At the high-level dialogue on May 16–17, 2022, we invited APF ambassador and NHRI expert Ms. Rosslyn Noonan participating in the international review of our national reports on the Two Covenants to the meeting to discuss the following three issues: the objectives and priorities of the NHRC, the interaction and cooperation with the national human rights system, and cooperation with other interested parties, such as the government, legislature, and civic groups.

Additionally, the APF also sent Dr. Dnyaneshwar Manohar Mulay, a member of the National Human Rights Commission of India to the 2022 Human Rights Thematic Forum in November 2022 to give a keynote address on “Implementing the Human Rights-Based Sustainable Development Goals: The Role of National Human Rights Institutions.”

To further develop partnership and build a dialogue and cooperation mechanism, we will plan high-level dialogue and training programs with the APF based on the priorities of themes to develop a regular exchange mechanism.

c. French Office in Taipei: Signing the Human Rights Cooperation MOU

To strengthen cooperation and human rights exchange on human rights issues between Taiwan and France, we signed a Memorandum of Understanding (MOU) for cooperation with the French Office in Taipei in July 2022. Based on this MOU, the Ministry for Europe and Foreign Affairs (Ministère de l'Europe et des Affaires étrangères, MEAE) assigned the Expertise France to send a human rights expert to be stationed in the NHRC in September 2022 to provide a professional consultation service and assist the NHRC to promote services, as well as helping the NHRIs of Taiwan and France develop a dialogue mechanism and seek opportunities for multilateral collaboration.

d. Promoting Cooperation with Taiwan-EU Human Rights Cooperation and Human Rights Exchange

Taiwan and the EU began to hold a Taiwan-EU Human Rights Consultation in 2018. This has continued on an annual basis. It reviews the recent status, policies, and advancement of actions on human rights and reiterates the unchanged commitment to the promotion and promotion of human rights, democracy, and the rule of law. After the NHRC was established, we held the fourth and fifth Taiwan-EU Human Rights Consultation in 2021 and 2022 to explain the working of the NHRC and express our intent to maintain cooperation on various human rights issues with the EU.

Additionally, Filip Grzegorzewski, Head of the European Economic and Trade Office, visited the NHRC in September 2022 to exchange opinions regarding the “EU Taiwan Engagement Support Facility”. Grzegorzewski praised Taiwan's human rights development as a model in the Asia-Pacific. He also hoped that Taiwan and the EU

could engage in more cooperation and human rights exchange on international human rights issues, such as migrant workers, abolition of the death penalty, and freedom of the press. Chairperson Chen also expressed the intent of the NHRC to engage in such cooperation.

e. Visits to the Parliaments and Human Rights Institutions and Groups in France and Germany

At the invitation of the International Federation for Human Rights (FIDH), the Institute of France, the German Bundestag's Committee on Human Rights and Humanitarian Aid, the German-Taiwanese Association e.V. (DTG), and Europa Union Frankfurt and in fulfillment of her statutory duties to promote international human rights exchange, Chairperson Chen of the NHRC led a delegation to visit the independent human rights institutions, members of parliaments, and human rights executives of France and Germany. The delegation also held a seminar on human rights issues with FIDH members to exchange ideas

and share the experience of Taiwan's human rights promotion and learn from the experience of other countries.

As France was the first stop of the trip, we visited the French National Consultative Commission on Human Rights to hold a dialogue on human rights issues. This French trip was also made under the MOU for cooperation with the French Office signed in Taipei in July 2022. The Expertise France's stationing of a human rights expert in the NHRC in September 2022 led to the first concrete step in this Taiwan-France human rights cooperation. We will continue to promote the establishment of a substantive human rights exchange and cooperation between both parties.

Germany was the next stop. As both Taiwan and Germany have similar views on human rights, we could share the core values of liberty, democracy, human rights, and the rule of law. Additionally, Germany experienced a disintegration in 1949 after WWII and reunification in 1990. The persecution of



Remarks at the German Bundestag's Committee on Human Rights and Humanitarian Aid and meeting with committee members of different parties.

protesting and would-be fugitive East Germans under the East German regime was similar to the exercise of authoritarian rule that lasted for 38 years in Taiwan under martial law. Additionally, measures for transitional justice and human rights education including the gathering and disclosing of all records of the Ministry for State Security (1950–1990) of East Germany after German reunification under the *Stasi Records Act* (Das Stasi-Unterlagen-Gesetz, StUG) provided Taiwan with an example to follow.

f. Participation in Global Cooperation and Training Framework (GCTF) Conference

Taiwan and the US signed an MOU in 2015 to establish a Global Cooperation and Training Framework (GCTF), aiming to demonstrate Taiwan's advantages and expertise. Officials and experts from Asian-Pacific countries were also invited to the conference to further expand Taiwan's international space.

In 2021 we participated in two GCTF webinars. The first webinar on "Road to Parity: Women's Participation in Public Life" was held in October by five countries, including Taiwan, the US, Japan, Australia, and Canada. The second one on "The Implementation of the Rights of Persons with Disabilities" was held in November by Taiwan, the US, Japan, Australia, and Israel. The GCTF Conference on Ending Gender-Based Violence in May 2022 was held by the Gender Equality Committee and Ministry of Foreign Affairs of the Executive Yuan together with six countries including the US, Japan, Australia, the UK, Canada, and Israel and the European Economic and Trade Office. We reported on the relevant laws and regulations for preventing gender-based violence and their inadequacy, on issues of child and youth sexual assault, and the questions that concerned the IRC members of our national reports on international human rights.



NHRC members visited French human rights ambassador Delphine Borione.



Reflection on Teaching Aids Production for A Story of Island Untitled: Building “Memories of Tomorrow” by a Teacher of National Tainan Girls’ Senior High School

Educational opportunities with examples of real case studies

“The more we know about authoritarianism, the better we know how to build democracy.” This was the quote from the Stasi Records Archive website displayed on the projector’s screen when Executive Secretary Lee Yi-fang of the Center for Human Rights Education Resources of National Tainan Girls’ Senior High School introduced “A Story of Island Untitled: Building Memories of Tomorrow” human rights education toolbox in class.

Bringing human rights education into the classroom

The heated debates triggered by the release of the films—*Detention* and *Untold Herstory*—suggest that both artists and audience have begun to look at Taiwan’s martial-law period from a new angle. However, “human rights” and “transitional justice” are still sensitive political issues for many frontline teachers. When teaching the history of the White Terror, teachers may face questioning from their schools, peers, parents, and students about the necessity of learning about this period of history from a specific standpoint. Hence, how to continuously open the space for social dialogue and translate the history of the country’s persecution of human rights into teaching resources suitable for schools has become an urgent issue in human rights education.



To prevent the recurrence of historical mistakes and to popularize liberty and democracy more effectively through the efforts of pioneers, the NHRC openly recruited Miss Wang Chung-chuan, a teacher from Sincheng Junior High School in Hualien, and Miss Huang Chia-shan, a teacher from Minsheng Junior High School in Chiayi, to co-develop a human rights teaching aid based on the true history of the period of authoritarian rule in the hope of helping students explore what illegal acts committed by the state look like, and to teach them how to approach tensions between “national security” and “human rights protection” with an inquisitive mind.

During the production of “A Story of Island Untitled: Building Memories of Tomorrow”, all participants experienced a playgroup environment of human rights education. First, the two seed teachers participating in the project used a prototype of the teaching toolbox in class so that they could modify it based on the response of the students. Once the design and production were completed and the toolbox was available for general use, teachers from schools at all levels could apply to the NHRC to take part either onsite or online in the preparation of course material.

At the end of each semester, teachers exchanged their teaching experience in the learning group of the “NHRC-Seed Teacher-Classroom.”

Ten schools borrowed the teaching toolbox. Some followed the lesson plan provided in their class, while some developed different teaching activities, such as adding discussions related to democracy and the rule of law to guide students to think about the relation between State power and issues such as information security, national security, misinformation, and freedom of

speech. Additionally, some teachers developed interdisciplinary courses by incorporating the teaching toolbox into social studies and performing arts and invited students to act out the roles in the toolbox in the form of a drama.

Ms. Lee Yi-fang, the former director of student affairs at National Tainan Girls’ Senior High School, began to take part in the “Human Rights Education Resources Center’s” integration of human rights education into the curriculum in 2019. She participated in the board game development for human rights education and the training of teachers for human rights courses. She shared her reflections after trying the “A Story of Island Untitled” teaching aid.

In addition to the elaborate build and rigorous production, this teaching aid is highly accepted by students.

Through three different roles: government, revolutionaries, and citizens, the teaching aid enables students to engage in critical thinking and put themselves in someone else’s shoes and realize that the liberty and democracy enjoyed by Taiwan today never came as naturally as sunlight and water do.

Ms. Lee also recommended that the NHRC integrate the medium- and long-term promotion of human rights in future toolkits and provide this for the reference of all schools. In this way teachers will be helped to plan courses relating to human rights issues such that real human rights education might take place on campus.

In 2021 the Center for Human Rights Education Resources produced a board game based on the novel “The Steelyard” by Loa Ho, so that students can understand the colonial persecution carried out during the Japanese colonization of Taiwan. In 2022, the Center published the “No-

Loss Map to White Terror” for Tainan to explore the history of the White Terror in Tainan in the 1950s. According to Ms. Lee, it is not easy to produce teaching aids that can arouse empathy in students.

Regarding many recent incidents on senior high school and university campuses of inappropriate speech discriminating in terms of race and gender, Ms. Lee emphasized the importance of both character education and human rights education. Laws and regulations are, she felt, insufficient alone. Elimination of all forms of discrimination demands the use of real case studies so as to clarify misconceptions and highlight respect for the values of pluralism and equality.

“A Story of Island Untitled: Building Memories of Tomorrow” seeks to build the future of an island

by reflecting on historical memories. Hence, we developed a lesson plan by virtualizing the characters and plots in the *After the Missing* short-film series. Based on the scenarios in the teaching aids, students take on different roles, face different incidents, make different choices and ultimately build their own “islands” based on the results of their choices. After the experience, teachers can also ask students to explain their reason for making a specific choice and explore which actions a government or its people took led the country towards authoritarianism or towards democracy. They can also reflect on the role of the state in the contemporary world. Building on these reflections, human rights thinking can thoroughly permeate the whole of education and provide points for discussion in the classroom.



A teacher of National Tainan Girls' Senior High School ingrain human rights education with the “A Story of Island Untitled” teaching aid.



Transparency and Accountability: Practice What You Preach



6

Financial Report

The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

“Composition and guarantees of independence and pluralism,” Paris Principles

Our 2022 budget at NT\$ 131,388,000 is 10.95% higher than that of 2021 (NT\$ 118,422,000).⁷ About 88.03% of the budget was implemented (NT\$ 115,664,588), which is 16.23% higher than

the previous year (the amount budgeted for implementation in 2021 was NT\$ 99,510,321 with NT\$ 21,790,869 reserved for implementation in 2022).

Figure 3 Budget Plans of 2021 and 2022

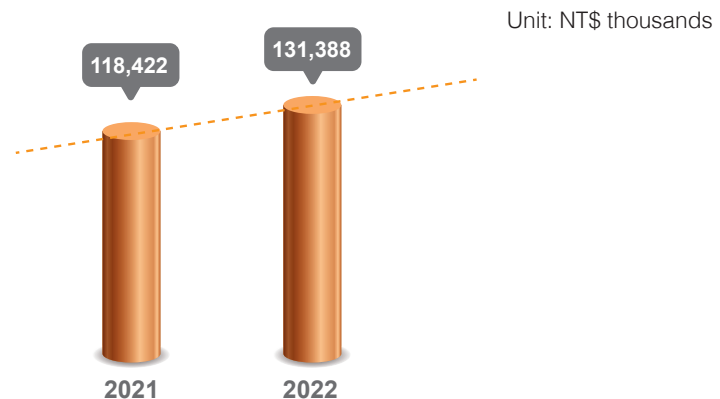
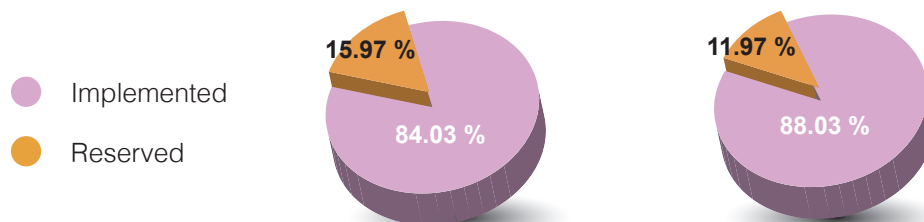


Figure 4 Execution of Budget Plans 2021 and 2022



⁷ The budget included here only covers the current account and capital account of the NHRC, not the personnel budget.

7

Members and Remuneration

I. Members

a. Members

The NHRC is composed of 10 members, with the president of the Control Yuan and seven members of the Control Yuan as ex-officio members (Article 3-1, paragraph 1, subparagraph 7, Control Yuan *Organic Act*). The president of the Control Yuan acts concurrently as the chairperson of the NHRC, while whole members elect one vice chairperson from among themselves. Each year the Control Yuan president may appoint two Control Yuan members other than the ex-officio members as members of the NHRC for one term only.

b. Staff

In accordance with Articles 7 and 8 of the *Organic Act*, we have established a Research and Planning Division, an Enquiries and Investigation Division, and an Education and Promotion Division, with 32–45 members of staff in all including the executive secretary to take charge of administrative affairs assigned to the NHRC. Additionally, we may hire 6–12 staff

members specializing in research of human rights issues and human rights protection or with experience in civilian human rights groups as necessitated by the workload.

In 2022 the number of personnel allowable was 42 persons (including 32 staff members and 10 contracted employees). By the end of 2022, the actual number of active staff was 37 persons, leaving 5 places still unoccupied. Together with one assistant assigned from the Control Yuan, the total number of personnel was 38 persons

c. Human Rights Consultants

In accordance with Article 8 of the *Organic Act*, the NHRC may hire a number of domestic or overseas human rights consultants based on the regulations established by the NHRC. To take account of external professional opinion, we have drawn up the NHRC Regulations for Consultant Selection and Employment, and hired 15 human rights consultants with a tenure of two years from December 1, 2020 to November 30, 2022. Their names are listed in the table below in alphabetical order.

Table 10 NHRC Human Rights Consultants (2020–2022)

Human Rights Consultant		Area of Specialization
1	Chen Chun-hung	Human rights theory, human rights education and promotion, democratic theory, and deliberative democracy
2	Chen Yi-chien	Women and gender issues

Human Rights Consultant		Area of Specialization
3	Ho Jung-shin	Journalism and communications, non-profit media
4	Hsiao Hsin-huang	Sociology and ethnic issues
5	Huang Mab	Political Philosophy, human rights theory, human rights issues, and public international law
6	Huang Song-lih	Public health, human rights issues, and international human rights exchanges
7	Hung Sheng-wei	Law, international law, and international organizations
8	Lan Pei-chia	Sociology, women, gender, and immigrants
9	Liao Fu-te	Law, public international law, and human rights issues and initiatives
10	Liu Chin-hsin	Labor issues
11	Liu Shu-chiung	Child and youth protection, and domestic violence prevention
12	Sun Nai-yi	Law, public international law, and physical and mental disabilities
13	Teng Yean-sen	Law, public international law, and international human rights law
14	Tu Wen-ling	Environmental policy, environmental information, sustainable development, technology and society, civic engagement
15	Wei Chien-feng	Law and human rights issues and initiatives covering labor, religion, and education

II. Remuneration

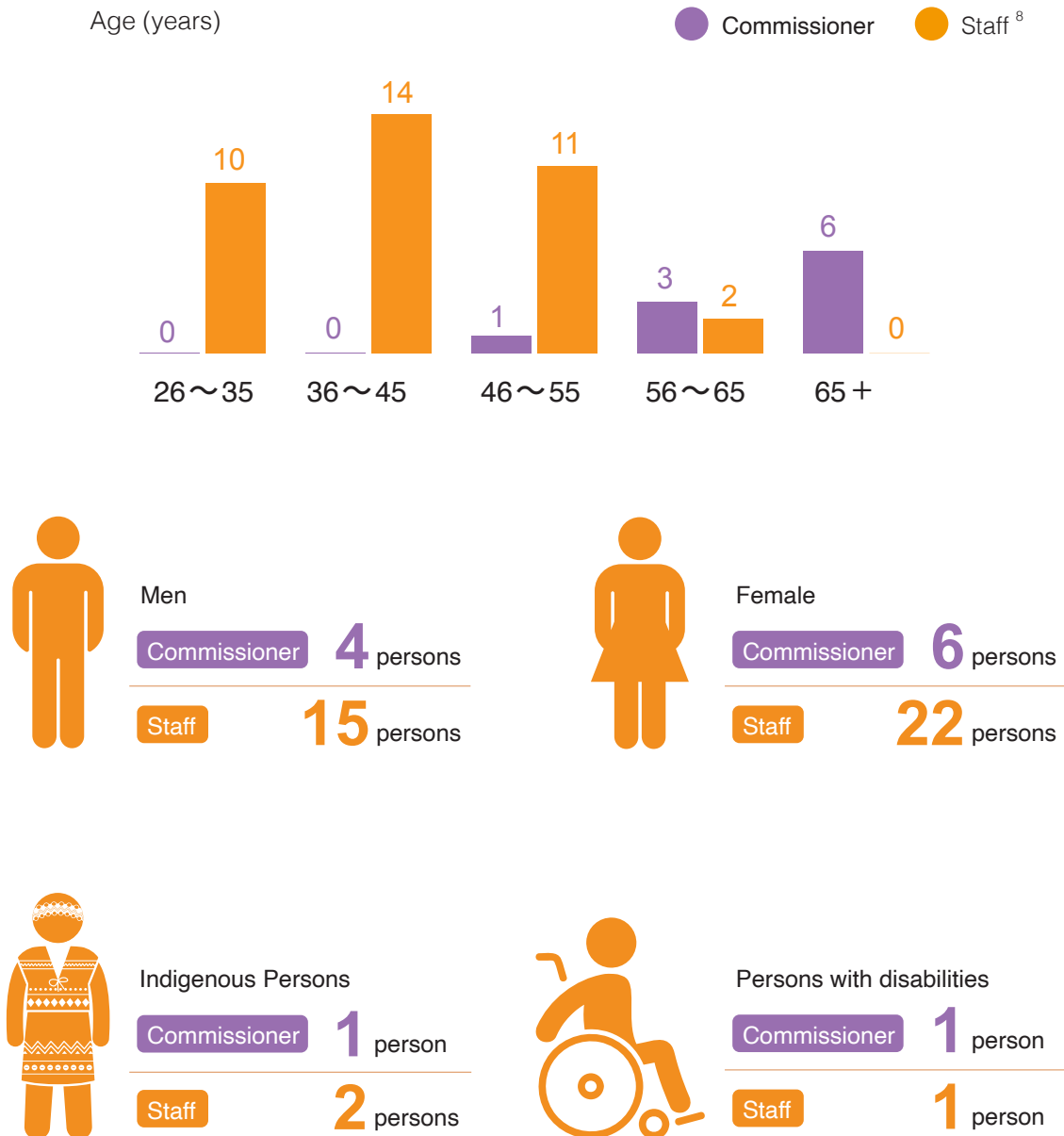
- The NHRI members and staff are remunerated in accordance with the *Public Functionaries Remuneration Act*, *Civil Service Allowance Distribution Regulations*, and *Regulations Governing the Payment of Remuneration to Military, Public and Teaching Personnel*.
- Contractual employees are remunerated in accordance with Control Yuan regulations on the employment of contractual personnel.

III. Membership Diversity

a. Flexibility in Workforce Deployment

Category		Subtotal
Commissioner		10
Civil Service	Senior Rank	7
	Junior Rank	21
	Elementary Rank	1
Contracted Employee		8
Total number of active members		37
Other members of the workforce		3

b. Pluralism



⁸ The number of members and staff includes those active in December 2022.



Essays on Human Rights



8

Discrepancies in Campus Human Rights Promotion and Need for Rights in Family Education: A Report on the Status of Human Rights Education in Taiwan's Primary and Secondary Education *

Through a literature review, questionnaire survey, visits, a walk through, and focus group interviews held between November 2021 and June 2022, we gathered opinions from school administrative staff members, teachers and students from schools below senior high (vocational) schools, experts and scholars, and civilian groups. In collaboration with the National Academy for Educational Research (NAER) we systemically reviewed the content and implementation, learning environment, and teaching process and methods of Taiwan's human rights education. The research team found that human rights education has overall become important across Taiwan and in schools at all levels. Many schools, teachers, and students actively engage in human rights educational activities in different ways and endeavor to work out the spirit and concepts of human rights education on campus, in class, and in daily life. However, the lack of a planning mechanism and an overall policy roadmap has led to differing outcomes in regions and among schools in human rights education promotion. A competence gap in human rights education was

also found among teachers. Other contributing factors are: evaluation by the Ministry of Education tends to emphasize quantity rather than quality, a lack of effective oversight of the implementation of laws and regulations related to human rights protection on campus. This is aggravated by a lack of competence among the persons who implement the policy and inadequate allocation of labor and funds.

In general, although schoolteachers have a largely improved understanding of human rights, they need better administrative support to receive in-service training and develop courses. Additionally, although the guidance system at all levels for human rights education works well, contents should aim at developing the awareness of human rights for a broader range of students, and different training courses should be designed for different groups of students (*e.g.*, course instructors and designers, educational administrative staff, and textbook writers should be differentiated). Currently, "respect" and "tolerance" are the two main principles

* The contents are excerpted from the "Status Review of Human Rights Education in Taiwan's Primary and Secondary Education Project". This project was planned and implemented by the NHRC in collaboration with the National Academy for Educational Research in reference to the UN's Human Rights Education Development and Instruction Framework and in consideration of the status and schedule of Taiwan in proposing a review plan suitable for Taiwan and making recommendations for the preliminary planning of Taiwan's human rights education policy. The project period was from November 19, 2021 to June 30, 2022.

linking course design and instruction, while the development of the awareness of human rights is less emphasized. To make things worse, a great number of instructors confuse law-abiding education with human rights education. Moreover, although both teachers and textbook writers are able to include different issues in human rights education, little has been done to link human rights, education to the values and principles of the *Universal Declaration of Human Rights* (UDHR) or other important literature on international human rights, which has a negative impact on the actual teaching. The research team also observed that although students' right to expression has been advancing progressively, their right to be heard is not respected, and although there are groups advocating student rights, the mechanisms for student engagement in policy-making or campus governance are still unfriendly.

I. Re-assessing the labor and resource requirements related to human rights education

To resolve the problems we currently face in promoting human rights education at the primary and secondary levels, we can begin with the following three items: policy planning and implementation, course planning and teacher training, and the human rights environment on campus. In policy planning and implementation, the MOE is first advised to re-assess the labor and resources requirements for human rights education and adjust the corresponding planning for labor and funding. Currently, the MOE plans and implements human rights education for primary and secondary education in accordance with the "MOE Human Rights and Civic Education Mid-Range Plan" (renamed the "MOE Human

Rights and Civic Education Promotion Plan" in 2022). Due to changes in the situation in recent years, such as the introduction of various major international human rights conventions into Taiwan and the concern about the promotion of human rights education expressed in the concluding observations and recommendations in each of at least two international reviews of the related national reports, and the establishment of the NHRC in 2020, with overseeing the promotion human rights education of government departments as one of its duties, and the "National Human Rights Action Plan" which listed human rights education as one of the eight major human rights issues, with the MOE being the responsible agency, promulgated by the Executive Yuan in 2022, and the establishment of the Department of Human Rights and Transitional Justice by the Executive Yuan to start drafting the "National Transitional Justice Education Action Guidelines", and also with the MOE being the responsible unit for transitional justice education, the MOE is advised to re-assess the services related to human rights education and examine if the "MOE Human Rights and Civic Education Promotion Plan" is sufficient to cover implantation of the requirements suggested by the factors listed above.

II. Engaging participation in policy planning and implementation and reporting the accomplishments to the public regularly

Furthermore, civil society groups and student groups should be invited to participate in policy planning and implementation of human rights education. The MOE should design

substantive indicators for efficacy evaluation and publish implementation reports and accept external supervision periodically. According to civil society groups, although the MOE has meticulously prepared its MOE Human Rights and Civic Education Promotion Plan, it is still necessary to find ways to improve implementation efficacy. Many student rights problems have long existed (e.g., excessive schooling time, inappropriate use of class time, arbitrary dress code, and inadequate understanding of human rights concepts by the teachers). Although measures to tackle them have been made, these problems remain unresolved. According to civil society groups, there are three reasons for the ineffectiveness of policy. First, the serious deficiency of manpower for policy implementation. Second, the lack of more substantive assessment indicators. For example, in the planning of human rights

courses, the current indicators can measure quantity but not quality, and the number of persons receiving various training programs but not the percentage of those who should have received the training. Third, the lack of an external oversight mechanism led to the absence of compulsive follow-ups and control. According to the “Plan of Action for the First Phase of the World Programme for Human Rights Education”, the stakeholders should be invited to participate in the planning and implementation of human rights education. Therefore, civil society groups and student groups with involvement in promoting human rights education or experience in handling campus human rights issues should be invited to do so.



The NAER research team visited Kaohsiung Municipal Ling Ya Junior High School (Source: NAER).

III. Enhancing the instructional guidance system

Additionally, the guidance system at all levels for human rights education should connect with one another. Currently, both the “curriculum and instruction counseling teams” for human rights education at the primary and secondary schools levels have functioned quite well, while the central counseling group and its counterparts in the counties and cities also have accumulated much experience. However, in response to the implementation of the 12-Year Basic Education Curriculum Guidelines, both central and local human rights curriculum and instruction counseling groups at primary and secondary education should connect with the Center for Human Rights Education Resources for senior high school education to enhance mutual cooperation and exchange of ideas. Moreover, the scope should cover different types of schools, such as special education schools and transition schools. Human rights topics to be taught for the year can be discussed at the joint meeting of the elementary, junior high, and secondary high schools convened the each year by the K-12 Education Administration. In designing the lesson plans and related activities for different levels of schools to meet the needs of learners, the “National Human Rights Action Plan” should be consulted to ensure that the curriculum and teaching take into account the rapidly changing situation in Taiwan. The planning of human rights education for vocational senior high schools should be enhanced, including teaching resources and teacher training. Further, quality teaching materials and lesson plans can be selected for presentation periodically; and scholars, civil society groups, and teachers invited to give comments; international human rights education experts can also be invited to visit or sponsor workshops.

IV. Understanding domestic and global trends and introducing universal values and principles

When planning human rights courses, the focus should be on important domestic issues and emerging international development trends, emphasizing the human rights values and principles advocated in international human rights documents. Currently, conflicts in interpersonal relationships, co-existence of different ethnic groups, legal compliance, and assistance for socially disadvantaged groups are the focus of many human rights lesson plans.

Although they all involve the respect, care, and inclusion of people, if lesson plans are designed only to channel children’s behavior to legal and ethics compliance rather than improving their understanding and practice of human rights, this can deviate from the objectives of human rights education. In the three international reviews of our national reports on the Two Covenants, IRC members proposed in the concluding observations and recommendations that Taiwan’s human rights education fails to fully focus on the values and principles of the UDHR and Two Covenants. In the concluding observations for the third national report on the Two Covenants, IRC members “strongly advised” that Taiwan should systemically design human rights education courses starting with the UDHR and the Two Covenants. To do so, we should first select appropriate issues, including the eight major human rights issues of the “National Human Rights Action Plan”, and emerging issues, such as DNA technology, misinformation or fake news, COVID-19, and others. The MOE or related institutions can compile instructional handbooks based on the above issues for coursework

development, and the planning of teaching materials and teaching venue design. In addition to explaining the various issues, the handbook must clarify how to understand and analyze these issues in terms of the values and principles of human rights advocated in the UDHR, CRC, and other international human rights documents. It should be emphasized that the handbook should be prepared in ways that teachers of different backgrounds can understand, while preventing overemphasis on citation of legal rules and regulations.

V. Expanding talents recruitment and fostering professional competencies

In teacher training, it is necessary to optimize the training system for human rights teachers and improve the support measures. Although training activities for human rights teachers have been held for some time in Taiwan, there is still room for improvement in understanding the human rights concept. It is recommended that the training courses should be based on the different life experiences of citizens of different genders, ethnicity, cultures, and socioeconomic backgrounds. They should avoid overemphasis on legal codes and concepts, and the investigation should include broader ideas, such as what is dignity; what are rights; and the universality, indivisibility, and interdependency of human rights. And as human rights issues are interdisciplinary and incorporated into existing courses, it is necessary to empower teachers in different areas and of different subjects and to plan diversified, systemic training modules based on the needs of teachers at different levels and types of schools, as well as to provide necessary resources. Additionally, it is necessary to extend

training to students of teacher's colleges, school staff, and textbook publishers to improve their awareness and understanding of human rights issues. Moreover, administrative support should be so arranged, as much as possible, to help teachers eliminate the barriers of participation, for example, by offering the pay for substitute teachers and travel expenses.

VI. Improving rights and workplace environment for teachers

Regarding the campus human rights environment, it is necessary to improve teacher rights and their workplace. According to the "Plan of Action for the First Phase of the World Programme for Human Rights Education," for the teachers to promote human rights education effectively, teachers must first be rights-holders: "The recognition of and respect for their professional status and the upholding of their self-esteem are a prerequisite for them to promote human rights education." Due to a labor shortage and long teaching hours problems, the MOE should fill up staff shortage as quickly as possible, particularly for schools in remote townships and offshore islands and schools of students with special needs. The goal is to reduce teacher-student ratio or increase the number of teaching assistants. Apart from relieving the stress of teachers, more personnel means better care for students, better teacher placement and better guidance. Additionally, it is also necessary to provide training courses in international human rights conventions for the teacher counseling and consultation systems in local counties and cities to help teachers identify and handle campus human rights problems.

VII. Strengthening the NHRC's human rights education function

The NHRC is advised to conduct an overall assessment and plan comprehensively to help government agencies implement human rights education. In accordance with The *Paris Principles*, a national human rights institution shall

assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles.

In accordance with the *Organic Act*, the NHRC shall have the responsibility of

monitor[ing] the effectiveness of government agencies in promoting human rights education, enhancing human rights awareness, and handling matters involving human rights.

Additionally, Article 9 of the United Nations Declaration on Human Rights Education and Training stipulates States should

recognize that national human rights institutions can play an important role, including, where necessary, a coordinating role, in promoting human rights education and training by, inter alia, raising awareness and mobilizing relevant public and private actors.

The APF explicitly states that a national human rights institution should meet the following three requirements to provide human rights education:

- (a) a strategic human rights education plan supported by sufficient resources;
- (b) human rights education workers equipped with professional competencies; and
- (c) effective resources, including education workers and teaching materials.

In other words, the NHRC should develop its own professional competencies, including policy recommendation, engagement in teaching and teaching materials design, so as to provide government agencies with professional assistance. The “assistant” and “overseer” roles of the NHRC can be considered as a continuous and complementary relationship. Hence, the NHRC should oversee the government's human rights education plan and assist the government in improving services so as to fulfill its human rights obligations.

VIII. Addressing student human rights in a multicultural social environment and promoting human rights education in familie

In our research process, student and parent groups reflected on the many imperfections of campus student rights implementation, and recommend the NHRC launch a systemic investigation, as well as oversee authorities to draw up improvement plans, addressing the generally poor student rights compliance in private schools. Student and parent groups also pointed out that there were insufficient interventions and corrections from authorities. Although existing student grievance systems are generally comprehensive, students lack necessary support when filing grievances. The unfriendliness of the system for students, particularly the time-consuming grievance process, can cause troubles. Furthermore, when a teacher is evaluated, student opinion is not considered. This deprives students of their ability to speak up against unqualified teachers. Additionally, some schools still imposed barriers

on student self-governance organizations (e.g., academic achievement or no demerit record), even though those barriers are illegal. Based on the current social development in Taiwan, campus cultural diversity must be addressed in future human rights education policies. This is particularly important. On one hand, there have been a growing number of immigrants. On the other hand, indigenous cultures are continuously reconstructing their autonomy. Cultural pluralism is now the main trend. However, little response has been made to current issues of human rights education. The human rights situation of indigenous or immigrant students on campus had received very little attention. There is a need to renovate human rights education.

What is even more problematic is that the government has not invested much in family human rights education. A great number of family human rights issues are involved among the international human rights conventions currently introduced into Taiwan, particularly the ICESCR, CEDAW, and CRC. The protection of family human rights requires education, and the idea of family human rights needs to be sowed into the social fabric, so as to render complementary policies effective.

國民基本教育階段人權教育實施現況檢視問卷調查

親愛的老師，您好！

為瞭解國民基本教育階段各級學校教師對於人權的認知狀況，以及對人權教育推廣之現況及看法，做為日後推動人權教育及師資培育相關政策與制度建立之參考，故刻正進行「國民基本教育階段人權教育實施現況檢視」計畫研究。

懇請各位老師就您個人所知及意見回答這份問卷，並請於填寫完畢後交回原發卷者。問卷中的所有資料僅用於統計分析使用，所有資料將以統計數據呈現，絕不會將您的個人資料洩漏給他人，請您放心作答！

您寶貴的意見對我們非常重要，再次感謝您的協助，謝謝您！

1 政府應保障無戶籍登記的兒少享有與一般兒少同等之受教育權。

☐ (1) 非常不同意

☐ (2) 不同意

☐ (3) 同意

☐ (4) 非常同意

2 政府應保障18歲以下身心障礙學生繼續升學。

☐ (1) 非常不同意

☐ (2) 不同意

☐ (3) 同意

☐ (4) 非常同意

A questionnaire for measuring the status of human rights education in Taiwan's primary and secondary education (Source: NAER).



NHRC-Expertise France Cooperation Program: Clarifying the Role of an NHRI Through Peer to Peer Exchange

Author: Jérémie Beja

International Human Rights and Government Expert
National Human Rights Commission of Taiwan

I joined the Taiwanese National Human Rights Commission (NHRC) as a special advisor in September 2022. My positioning is the result of a cooperation agreement between the NHRC, Expertise France and the French Bureau of Taipei and aims at developing the relationships between the NHRC and its French counterparts, as well as providing technical support to the NHRC, two years after it was established by an organic law passed by the Legislative Yuan.

I. Human Rights institutions in France and Taiwan: Different administrative structures but similar mandates

During these first few months I started getting familiar with the NHRC's organization, its work and its position in the Taiwanese administrative infrastructure. Moreover, the foundations for the strengthening of the bilateral cooperation between the NHRC and the French national institutions in charge of protecting different types of Human Rights were laid. Unlike Taiwan,

France does not have only one independent institution whose mandate is related to the protection of Human Rights but three. The French National Consultative Commission on Human Rights (CNCDH) is the oldest Human Rights Commission in the world and was originally founded in 1947. Unlike the NHRC, it is not mandated to take individual complaints. Its main work is to monitor the Human Rights situation in France by issuing public opinions and reports on a wide range of Human Rights issues (racism, disabled people rights, refugee rights, women's rights, environment protection, rights of LGBTQI people, fight against human trafficking, etc.) and promote Human Rights culture through public education activities and joint programs with schools, universities and civil servants training schools. It also plays an important role in writing opinions on bills discussed in Parliament and national policies promoted by the government. Furthermore, The CNCDH participates in the UN treaty monitoring system for all Human Rights Conventions signed by France by providing independent opinions and participating in the various' Committees' sessions.

The Rights Defender (Défenseur des droits), on the other hand, mainly deals with individual cases and has five areas of competence: children's rights, access to public services, fight against discrimination, ethical behavior of security personnel and protection of whistleblowers. This institution receives over 100,000 complaints a year and also publishes analytical reports with key policy recommendations based on the numerous cases it receives on a daily basis. Because of its area of expertise, the Rights Defender usually provides an independent opinion to the UN Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities.

Lastly, the Controller of Places of Deprivation of Liberty (CGLPL) monitors the human rights situation of persons detained in such places (prisons, detention centers, psychiatric hospitals, juvenile detention centers, etc.). It receives complaint letters from detainees and patients and carries out regular, impromptu visits across the nation. It is also in charge of monitoring the implementation of the Convention Against Torture in France.

At the end of 2022, two series of exchanges between the French National Consultative Commission on Human Rights and the Taiwanese NHRC were organized. In November, a representative from the CNCDH came to Taipei to give a keynote speech about the positioning (定位) of national human rights institutions and their relationships at the annual conference organized by the NHRC. It was also an opportunity to have internal discussions with Commissioners and staff to deepen the ideas presented during the conference and discuss more thoroughly about working methodologies

and organizational issues faced by human rights institutions. A human rights institution's positioning is always a much-debated issue, especially in the early days of its existence. In Taiwan, as elsewhere, all the stakeholders who interact with the Commission are concerned with this issue, from NGOs, scholars, officials and MPs to members of international convention review committees and representative offices in Taiwan.

These initial discussions were further developed when a delegation of the NHRC, led by its President Chen Chu, went to Paris a month later and met with the President of the CNCDH as well as with the CGLPL. The delegation also met with several French NGOs and unions working on human rights internationally as well. It provided an opportunity to talk about human rights issues in Taiwan such as the abolition of death penalty, migrant workers' rights or indigenous rights.

As mentioned above, there are a few differences between the Taiwanese and French way of setting up human rights institutions. Firstly, France has set up different human rights institutions with different mandates while, for now, Taiwan has chosen to establish one institution, the NHRC, with a very wide mandate roughly equivalent to the three French institutions. Therefore, the mandates of the CNCDH and the NHRC do not fully overlap. Moreover, the number of members is quite different given the CNCDH has many more members (60 to be precise), half of which come from the main NGOs and unions in France while the other half are human rights experts (academics, former Special Rapporteurs, former judges, lawyers, etc.) while the NHRC has eight full members and two that rotate on

a yearly basis. Staff size is also quite different as the CNCDH has a Secretariat of merely 10 full time staff while the NHRC has roughly 40. But the three French Human Rights institutions have a cumulated staff of over 300 people as the Rights Defenders has 250 staff and the CGLPL around 40.

Despite these differences, the essential features of the NHRC and the CNCDH which are to independently monitor the Human Rights situation in their respective countries, produce reports with recommendations mainly to State institutions but also to other concerned stakeholders (companies, professional associations or even the public at large) and promote Human Rights culture and education are the same.

II. Peer to peer exchanges: a valuable tool to question one's practices

These meetings were important for the NHRC as it was the first time it went abroad to meet its peers. It gave it an opportunity to present the work it has already done in its very short history as well as understand what peer to peer exchanges between national human rights institutions entail. It has also allowed it to hear from the experience of more established institutions and how they fulfill their responsibilities to monitor and promote human rights in an independent manner from the State apparatus despite being part of it. The principle



The NHRC signed a four-party agreement on human rights cooperation with France.

of independence, an essential one for human rights institutions, is embedded in the organic laws that establish these institutions and is translated in their daily work, whether in the way they gather information for the reports they publish, the content of the recommendations they write or the way they position themselves towards other State institutions, in public and in media interviews.

The visit to France allowed NHRC Commissioners and staff to have a better grasp of a Human Rights institution's role, its interactions with public authorities and Parliament, the way it publicly alerts Parliament or responsible ministries on the potential risks new laws may bring to human rights protection in a country and how it brings human rights issues in the public debate. It also allowed them to develop initial inter-personal relationships with their members, an indispensable aspect for developing future cooperation. They had a glimpse of the way a human rights institution monitors a particular issue over a long period of time and the different methods it uses to do so through the example of the report of the CNCDH on racism in France which has been published annually since 1992.

This trip allowed the NHRC to evaluate its needs more precisely as well. On the way back and while developing its workplan for 2023–2026, it realized it needed specific training on the monitoring of places of deprivation of liberty as Taiwan's Legislative Yuan is discussing the incorporation of the Convention Against Torture in domestic law. Thanks to the Parisian meeting with the CGLPL we could plan a four-day training session with two CGLPL experts in Taipei in July 2023. They shared the specifics of the NPM mandates, the way to implement prevention work, identify risks of human rights abuse in places of deprivation of liberty, carry out interviews and maintain an ethical behavior throughout a visit. The length of the workshop, its limited size and interactive nature allowed participants to delve deep into this topic, question their practices and learn best practices. It made the NHRC leadership realize the importance of making the time for this type of activities as the NHRC being new, both Commissioners and staff need to have available time to have practical training.

III. The NHRC, a gateway to international human rights expertise

Beyond this cooperation with French institutions, it will be important for the NHRC to tap into the expertise of the wider international human rights movement especially among its peers in the Asia-Pacific region. In fact, because of Taiwan's specific status in the international community, it has been difficult to mainstream international human rights standards among officials and academics. Since the end of martial law in 1987, Taiwanese democratization and the progressive structuring of civil society have made remarkable progress. Thanks to pioneering activists, politicians and scholars, the use of international human rights law in the Taiwanese State system, although more recent, has made important progress since the gradual integration of international human rights conventions into domestic law (*guoneifahua*) has started in 2009. The creation of an ad-hoc regular monitoring system inspired by the UN treaty bodies monitoring system to monitor the "nationalized" conventions has been an important achievement and allowed Taiwan to keep track of the evolution of international human rights law despite not being a member state of the UN. In certain aspects, this localized system has been considered by IRC members as even better than the UN's mostly because it allows them to have much longer sessions to question State representatives on their implementation of the Convention and gives more space for NGO participation than the UN system. But in other aspects, its impacts are more limited.

International experts are not mandate holders when they come to Taiwan and are usually appointed only for one review. After the review is done, there is nothing formally to maintain a link between IRC members and the Taiwanese Human Rights community nor any way for Taiwanese activists to send information to these experts (other than interpersonal relationships). The NHRC could try to find ways to maintain these international experts engaged in Taiwanese human rights issues and gradually develop a network of experts that could be sought for advice and recommendations in between treaty reviews.

Furthermore, there is still a need to strengthen the study, understanding and mainstreaming of international human rights law as well as the independent monitoring function of NHRIs in Taiwan, especially among officials and academics. By creating permanent channels of discussion with other NHRIs and human rights experts in the world, the NHRC should be the institution that allows human rights standards to be continuously integrated in policy debates and their enforcement discussed in public instead of being considered only when the IRCs come to review the conventions once every four to five years.

Finally, through its reports, recommendations and human rights education activities, the NHRC should spark or widen public debates on sometimes controversial human rights issues, such as children's well-being under a highly stressful education system, the abolition of death penalty, refugees and migrant workers' rights or racial and other discriminations. Beyond solving individual

cases, which should not take up too much of its resources and time, it should focus on its main role and function which is to analyze and identify structural issues that result in the State's failure in its responsibility to protect, promote and implement human rights.

After writing independent opinions to contribute to the review processes of five international conventions in 2021 and 2022, the NHRC has set out to work in that direction by deciding to develop a strategic workplan for the last three years of the current Commissioners' mandate in order to follow up on IRCs concluding observations and better define the areas of work to focus on. Some important issues stand out in the plan, such as promoting the abolition of death penalty,

providing a systemic analysis of evictions and displacement in Taiwan, addressing violence against children in schools or evaluating the impact of women's disproportionate role in family care activities on their right to work. It is an ambitious workplan and carrying it out will allow the NHRC to increase its interactions with civil society organizations and human rights defenders in order to become more familiar with these issues and refine its positioning as an independent monitoring mechanism of Human Rights in Taiwan. By playing its cards right, it will also be able to rely on a growing pool of human rights experts and practitioners from international NGOs and academia as the interest in Taiwan grows internationally and institutions are more open to cooperation.



The NHRC visited Mr. Jean-Marie Burguburu, president of the French National Consultative Commission on Human Rights.

IV. Towards an expert and independent NHRC

A National Human Rights Institution was arguably the cherry on the cake of the Taiwanese human rights monitoring system. But it is also the most challenging one. A Human Rights Institution brings the human rights monitoring system home and makes it permanent, not once every four years. It is also meant to preserve its independence from the State while being part of it which can sometimes be challenging. As explained throughout this article, its job is to make consistent and systematic analysis of a very varied set of human rights issues mainly through interactions with society (inquiries, dialogues with civil society actors and rights holders, public hearings, etc.), assess them through the lens of all the available

instruments in international human rights law, identify the responsibility of State actors and formulate recommendations to alert on abuse and provide recommendations for systemic reforms to make rights protection and promotion more effective.

Taiwanese civil society has long pushed for the establishment of an NHRC. Expectations are high. The NHRC is still a young organization and I am convinced that time and the commitment of the NHRC's team in the long run will allow it to live up to these expectations. But the future starts now and the way the NHRC will tackle some of the important issues listed in its strategic work plan in the next three years will be a first indicator of how much closer it has gone to strengthening human rights in Taiwan and amplify the voices of marginalized communities.



The author and the NHRC visited the French National Consultative Commission on Human Rights.



Appendix

Major Events



Major Events

Aug 2021

2nd	<ul style="list-style-type: none"> Held the “Power of warmth: Let’s begin with an embrace of human rights” press conference (webcast). Held the 19th commission meeting of the first cohort of the NHRC.
5th	<ul style="list-style-type: none"> Visited the Tainan Juvenile Detention House, Agency of Corrections, Ministry of Justice, from August 5–6.
11th	<ul style="list-style-type: none"> Held the first consultation meeting of the “Amendment to Part of the <i>Control Act</i> (special chapter on the NHRC’s powers and functions).”
16th	<ul style="list-style-type: none"> Held the second consultation meeting of the “Amendment to Part of the <i>Control Act</i> (special chapter on the NHRC’s powers and functions).”
23rd	<ul style="list-style-type: none"> Held the third consultation meeting of the “Amendment to Part of the <i>Control Act</i> (special chapter on the NHRC’s powers and functions).”
24th	<ul style="list-style-type: none"> Held the 20th commission meeting of the first cohort of the NHRC.

Sep 2021

4th	<ul style="list-style-type: none"> Held the “Hai-Kuang Human Rights Lecture—Human Rights Promotion Practice Workshop: 12-Year Basic Education Curriculum Guidelines and Human Rights Education.”
6th	<ul style="list-style-type: none"> Held the forum, “Social Dialogue—Human Rights Hub: Youth Housing Justice.”
8th	<ul style="list-style-type: none"> Visited Lo Ping-cheng, Minister without Portfolio of the Executive Yuan to discuss the collaboration between the Executive Yuan and the NHRC in “Promoting Foreign Fishermen’s Rights.”
10th	<ul style="list-style-type: none"> Visited the Changhua Reform School (now Li Zhi High School) under the Agency of Corrections, MOJ, from September 10–11.
11th	<ul style="list-style-type: none"> Visited the Flags of Convenience and Taiwanese distant water fishing vessels. Held the industry-government-academia joint-seat forum in Cianjhen Fishing Harbor, Kaohsiung.
15th	<ul style="list-style-type: none"> Held the “<i>Independent Opinions on the CRPD</i>” publication press conference.
17th	<ul style="list-style-type: none"> Visited the Nanfangao Onshore Placement Center and held the foreign fishing crew forum in Yilan.
24th	<ul style="list-style-type: none"> Held the “Children and Youth Regional Forum” (first session: Northern Region) for the Independent Opinions on the Second National Report on the CRC.

25th	<ul style="list-style-type: none"> Held the “Hai-Kuang Human Rights Lecture—Identifying Human Rights Injuries in Daily Life.”
28th	<ul style="list-style-type: none"> Held the 21st commission meeting of the first cohort of the NHRC.
30th	<ul style="list-style-type: none"> Held the first government agency seminar on the collaboration between the Executive Yuan and the NHRC in “Promoting Foreign Fishermen’s Rights.”

Oct 2021

1st	<ul style="list-style-type: none"> Held the forum, “Social Dialogue—Human Rights Hub: Indigenous Groups.” Conducted interviews at the True Jesus Church, Taichung division, and Nantou Shelter to facilitate research for a study, “Special inquiry into migrant workers’ child-rearing problems in Taiwan.”
2nd	<ul style="list-style-type: none"> Held the “Hai-Kuang Human Rights Lecture—Marketing and Promoting Human Rights Issues: Getting Public Attention on Concerned Issues”
6th	<ul style="list-style-type: none"> Held the “Human Rights Film Appreciation—<i>Deepest Uprising</i> at Ambassador Theatres in Taipei City.
7th	<ul style="list-style-type: none"> Visited Chengjheng High School from October 7–8.
8th	<ul style="list-style-type: none"> Held the second government agency seminar on the collaboration between the Executive Yuan and the NHRC in “Promoting Foreign Fishermen’s Rights.”
9th	<ul style="list-style-type: none"> Held the “Hai-Kuang Human Rights Lecture: Talking Your Way Out—Dealing with Conflicts When Discussing Human Rights Issues.”
12th	<ul style="list-style-type: none"> Attended the oral argument of the Case on Compulsory Labor (J. Y. Interpretation No. 812) of the Taiwan Constitutional Court.
14th	<ul style="list-style-type: none"> Held a focus group seminar (labor rights session) for the Independent Opinions on the Second National Report on the CRC.
15th	<ul style="list-style-type: none"> Interviewed victims regarding “Human Rights Issues During the SARS Lockdown of the Taipei City Hospital-Heping Branch.”
18th	<ul style="list-style-type: none"> Held the third government agency seminar on the collaboration between the Executive Yuan and the NHRC in “Promoting Foreign Fishermen’s Rights.” Held the “Children and Youth Regional Forum” (second session: Central Region) for the Independent Opinions on the Second National Report on the CRC. Held the “Human Rights Film Appreciation—<i>A Letter to A’ma</i>” at SPOT-Huashan.

20th	<ul style="list-style-type: none"> The president and vice presidents of the National Academy for Educational Research visited the NHRC for a discussion on human rights education.
21st	<ul style="list-style-type: none"> Pierre Goulange, Head of Political Affairs, Press and Communication Section of the French Office in Taipei, visited the NHRC for discussion on human rights.
24th	<ul style="list-style-type: none"> Conducted interviews in Taoyuan and Neili to facilitate research for “Special inquiry into migrant workers’ child-rearing problems in Taiwan.” Conducted interviews in Wuqi of Taichung to facilitate research for “Special inquiry into migrant workers’ child-rearing problems in Taiwan.”
25th	<ul style="list-style-type: none"> Interviewed the victims regarding the “human rights issues on the Taipei City Hospital-Heping Fuyou Branch Lockdown due to Severe Acute Respiratory Syndrome (SARS) cluster infection.” Interviewed stakeholders in Chungli, Taoyuan for the “Special inquiry into migrant workers’ child-rearing problems in Taiwan.”
26th	<ul style="list-style-type: none"> Held the 22nd commission meeting of the first cohort of the NHRC.
27th	<ul style="list-style-type: none"> Held the fourth focus group forum on the collaboration between the Executive Yuan and the NHRC in “Promoting Foreign Fishermen’s Rights.”
28th	<ul style="list-style-type: none"> Visited the Adolescent’s Home under the Ministry of Health and Welfare from October 28–29.

Nov 2021

1st	<ul style="list-style-type: none"> Held the “Children and Youth Regional Forum” (third session: Southern Region) for the Independent Opinions on the Second National Report on the CRC.
2nd	<ul style="list-style-type: none"> Held a focus group seminar (dedicated to persons with disabilities) for the Independent Opinions on the Second National Report on the CRC.
3rd	<ul style="list-style-type: none"> Attended the third review meeting on the <i>Draft for the Act to Restore Victim’s Rights Infringed by Illegal Acts of the State During the Period of Authoritarian Rule</i> held by the Executive Yuan. Held the focus group seminar (dedicated to student rights) for the Independent Opinions on the Second National Report on the CRC.
4th	<ul style="list-style-type: none"> Held a forum, “Global Cooperation and Training Framework (GCTF): The Implementation of the Rights of Persons with Disabilities,” from November 4–5. Visited Dun Pin High School in Taoyuan City from November 4–5.
8th	<ul style="list-style-type: none"> Held the “Children and Youth Regional Forum” (fourth session: Eastern Region) for the Independent Opinions on the Second National Report on the CRC.

9th	<ul style="list-style-type: none"> Held a seminar on “Child and Adolescent Sexual Assault—Practical Experience and Precautions in Handling Child and Adolescent Sexual Assault Cases and Structural Problems in Power-Abused Child and Adolescent Sexual Assault.”
15th	<ul style="list-style-type: none"> Held a seminar on “Child and Adolescent Sexual Assault—Placement Practical Experience, Sexual Trauma Awareness and Recovery.” Representative John Dennis of British Office Taipei visited the NHRC for discussion on human rights.
16th	<ul style="list-style-type: none"> Held the “2021 International Conference on Human Rights Development” press conference.
17th	<ul style="list-style-type: none"> Held a focus group seminar (session for rights in the digital age) for the Independent Opinion on the Second National Report on the CRC. Held a focus group seminar (session for ethnic minorities) for the Independent Opinions on the Second National Report on the CRC.
19th	<ul style="list-style-type: none"> Attended a press conference, “Second National Report on the CRC,” held by the Promotional Team for Children and Youth Welfare and Rights, Executive Yuan. Held a forum, “Be a Whole Person—Hai-Kuang Human Rights Forum.”
23rd	<ul style="list-style-type: none"> Attended the “Fourth National Report on the CEDAW Forum (Round 2),” first session held by the Gender Equality Committee of the Executive Yuan. Held the “2021 International Conference on HUMAN RIGHTS Development” from November 23–24.
24th	<ul style="list-style-type: none"> Attended the “Canada-Taiwan GBA Plus Seminar” held by the Gender Equality Committee of the Executive Yuan.
25th	<ul style="list-style-type: none"> Held a seminar on “Child and Adolescent Sexual Assault—Professional Competencies for Interviewing Child Victims and Victims with Disabilities.” Visited the Youth Education Institute located in the Senior Citizens’ Home of the Southern Region, Ministry of Health and Welfare, from November 25–26.
29th	<ul style="list-style-type: none"> Held an event press conference for “2021 Human Rights Day—Taiwan Human Rights Plus.” Held the 23rd commission meeting of the first cohort of the NHRC.
30th	<ul style="list-style-type: none"> Organized a presentation for the “NHRC Foreign Fishermen’s Human Rights Special Report.”

Dec 2021	
3rd	<ul style="list-style-type: none"> Co-organized the Human Rights Education Film Festival on December 3, 4, and 17 with the Ministry of Education throughout Taiwan to broadcast three documentaries: <i>A Letter to A'ma: Collective Memories of the island</i>, <i>Gwangju Video: The Missing 4 Hours</i>, and <i>Deepest Uprising</i>.
4th	<ul style="list-style-type: none"> Collaborated with Amnesty International Taiwan for a poster exhibition, "The Torch of Human Rights Across Boundaries," at the Taipei Metro Art Gallery, B1 of Zhongxiao Fuxing Station, December 4–30.
6th	<ul style="list-style-type: none"> Held the "2021 Taiwan Human Rights and Business Action Forum."
8th	<ul style="list-style-type: none"> Held a press conference for the "Holocaust Thematic Photograph Exhibition—SHOAH: the Utmost Evil of Humanity." Conducted interviews for the Chungli Migrant Workers Placement Center to facilitate research for the "Special inquiry on migrant workers' child-rearing problems in Taiwan."
9th	<ul style="list-style-type: none"> Held the first expert consultation meeting (Session A) for the "Independent Opinions on the Fourth National Report on the CEDAW."
10th	<ul style="list-style-type: none"> Held the first expert consultation meeting (Session B) for the "Independent Opinions of Fourth National Report on the CEDAW." Organized the Human Rights Education Film Festival and broadcasted a documentary, <i>Gwangju Video: The Missing 4 Hours</i>.
14th	<ul style="list-style-type: none"> Organized the Human Rights Education Film Festival and broadcasted a documentary, <i>A Letter to A'ma: Collective Memories of the island</i>.
15th	<ul style="list-style-type: none"> Conducted interviews at the Chungli Migrant Workers Placement Center to facilitate research for "Special inquiry into migrant workers' child-rearing problems in Taiwan."
17th	<ul style="list-style-type: none"> Held a seminar on "Child and Adolescent Sexual Assault—Introduction to the Resource Network and Referral Mechanisms for Victims of Childhood Sexual Assault."
20th	<ul style="list-style-type: none"> Organized the Human Rights Education Film Festival and broadcasted <i>A Letter to A'ma: Collective Memories of the Island</i>.
21st	<ul style="list-style-type: none"> Held a seminar on "Child and Adolescent Sexual Assault—Avoiding Suggestive Questions: Start from the Judicial Interview System for Sexual Assault."
22nd	<ul style="list-style-type: none"> Organized the Human Rights Education Film Festival and broadcasted <i>Deepest Uprising</i>.
23rd	<ul style="list-style-type: none"> Held a focus group seminar (first session) for the "Independent Opinions on the Fourth National Report on the CEDAW."
24th	<ul style="list-style-type: none"> Organized the Human Rights Education Film Festival and broadcasted <i>A Letter to A'ma: Collective Memories of the Island</i>.

27th	<ul style="list-style-type: none"> Held the 24th commission meeting of the first cohort of the NHRC.
29th	<ul style="list-style-type: none"> Visited the Southern Region Adolescent's Home of the Ministry of Health and Welfare from December 29–30.

Jan 2022

1st	<ul style="list-style-type: none"> Conducted interviews at Nangang to facilitate research for "Special inquiry into migrant workers' child-rearing problems in Taiwan."
3rd	<ul style="list-style-type: none"> Held a focus group seminar (second session) for the "Independent Opinions on the Fourth National Report on the CEDAW."
4th	<ul style="list-style-type: none"> Held an inter-agency seminar (first session) for the "Independent Opinions on the Second National Report on the CRC."
5th	<ul style="list-style-type: none"> Held a seminar on "Systemic National Inquiry."
6th	<ul style="list-style-type: none"> Held an inter-agency seminar (second session) for the "Independent Opinions on the Second National Report on the CRC."
7th	<ul style="list-style-type: none"> Collaborated with Amnesty International Taiwan for a poster exhibition, "The Torch of Human Rights Across Boundaries," at the Formosa Boulevard Station of Kaohsiung Metro, from January 7–February 6. Held a focus group seminar (third session) for the "Independent Opinions on the Fourth National Report on the CEDAW."
10th	<ul style="list-style-type: none"> Held an inter-agency seminar (third session) for the "Independent Opinions on the Second National Report on the CRC."
14th	<ul style="list-style-type: none"> Held an inter-agency seminar (fourth session) for the "Independent Opinions on the Second National Report on the CRC."
17th	<ul style="list-style-type: none"> Held a focus group seminar (fourth session) for the "Independent Opinion on the Fourth National Report on the CEDAW." Attended the oral argument of the Indigenous Peoples Status of Children of Intermarriage Between Indigenous and Non-indigenous Peoples Case (TCC Judgment 111-Hsien-Pan-4, 2022) of the Taiwan Constitutional Court.
19th	<ul style="list-style-type: none"> Visited the Ming Yang High School of the Agency of Corrections, MOJ, from January 19–20.
20th	<ul style="list-style-type: none"> Co-organized the "Human Rights in Digital Age Conference" (first session) in collaboration with the Digital Trade and Data Protection Association.

24th	<ul style="list-style-type: none"> Held a focus group seminar (fifth and sixth sessions) for the “Independent Opinions on the Fourth National Report on the CEDAW.”
25th	<ul style="list-style-type: none"> Held the 25th commission meeting of the first cohort of the NHRC.
27th	<ul style="list-style-type: none"> Held a focus group seminar (seventh session) for the “Independent Opinions on the Fourth National Report on the CEDAW.”

Feb 2022

14th	<ul style="list-style-type: none"> Co-organized the “Human Rights in Digital Age Conference” (second session) in collaboration with Digital Trade and Data Protection Association.
15th	<ul style="list-style-type: none"> Held the expert seminar (first session) for the “Independent Opinions on the Second National Report on the CRC.”
21st	<ul style="list-style-type: none"> Held inter-agency seminars (first and second sessions) for the “Independent Opinions on the Fourth National Report on the CEDAW.”
22nd	<ul style="list-style-type: none"> Held an expert seminar (second session) for the “Independent Opinions on the Second National Report on the CRC.” Held the 26th commission meeting of the first cohort of the NHRC.
23rd	<ul style="list-style-type: none"> Held the inter-agency seminar (third session) for the “Independent Opinions on the Fourth National Report on the CEDAW.”
25th	<ul style="list-style-type: none"> Held an expert seminar (third session) for the “Independent Opinions on the Second National Report on the CRC.”

Mar 2022

3rd	<ul style="list-style-type: none"> Co-organized the “Human Rights in Digital Age Conference” (third session) in collaboration with Digital Trade and Data Protection Association.
16th	<ul style="list-style-type: none"> Co-organized the “Human Rights in Digital Age Conference” (fourth session) in collaboration with Digital Trade and Data Protection Association.
21st	<ul style="list-style-type: none"> Engaged in the public hearing on the amendment to the Mental Health Act of the Social Welfare and Environmental Hygiene Committee, Legislative Yuan, on March 21 and March 24.
22nd	<ul style="list-style-type: none"> Held the 27th commission meeting of the first cohort of the NHRC.
29th	<ul style="list-style-type: none"> Organized “Human Rights Films Appreciation: <i>Revolution of Our Times</i>.”

Apr 2022

1st	<ul style="list-style-type: none"> Held a seminar on the “Independent Opinions on the Second National Report on the CRC.”
11th	<ul style="list-style-type: none"> Held a draft review meeting (session A) for the “Independent Opinions on the Fourth National Report on the CEDAW.”
13th	<ul style="list-style-type: none"> Held a draft review meeting (session B) for the “Independent Opinions on the Fourth National Report on the CEDAW.”
21st	<ul style="list-style-type: none"> Held a seminar on the “Two Covenants International Review.”
26th	<ul style="list-style-type: none"> Held the 28th commission meeting of the first cohort of the NHRC. Attended the oral argument of the case on the National Health Insurance Research Database (TCC Judgment 111-Hsien-Pan-13, 2022) of the Taiwan Constitutional Court.

May 2022

6th	<ul style="list-style-type: none"> Held the “2022 ICERD Implementation and Independent Opinions Preparation Workshop.”
9th	<ul style="list-style-type: none"> Attended the “International Review Meeting on the Third International Report on the Two Covenants” from May 9–11.
13th	<ul style="list-style-type: none"> Attended a discussion session with international reviewers on the “Third International Report on the Two Covenants.”
14th	<ul style="list-style-type: none"> Co-organized “Local Implementation of Human Rights Conventions: Role and Responsibilities of the NHRC and the Judiciary” in collaboration with the Judges Academy, Judicial Yuan, and Covenants Watch.
16th	<ul style="list-style-type: none"> Led conversations (both physical and virtual) at the Asia Pacific Forum of National Human Rights Institutions (APF) from May 16–17.
23rd	<ul style="list-style-type: none"> Traveled to Penghu for onsite inspection and interviews for “Illegal Acts of the State During the Period of Authoritarian Rule: July 13 Penghu Incident (Shandong Yantai Joint Secondary School in Penghu Incident) from May 23–24.
24th	<ul style="list-style-type: none"> Attended “2022 Global Cooperation and Training Framework (GCTF): Ending Gender-Based Violence.” Co-organized with the Ministry of Foreign Affairs, Gender Equality Committee, and representative offices from the US, Canada, Japan, Australia, the UK, the European Economic and Trade Office, and others. Held the 29th commission meeting of the first cohort of the NHRC.
26th	<ul style="list-style-type: none"> Attended the 22nd meeting of the Judiciary and Organic Laws and Statutes Committee, fifth legislative session, tenth-term Legislative Yuan, for the combined review of (1) the Control Yuan’s request for defibrillation and (2) “Amendment to Part of the Control Act” filed by 16 legislators led by Legislator Tang Hui-Jen.

June 2022	
1st	<ul style="list-style-type: none"> • Attended the expert representative and trial reading member meeting for the “Easy-Read Version of the Independent Opinions on the Second National Report on the CRPD).
17th	<ul style="list-style-type: none"> • Held a seminar on “International Practice on Monitoring of Human Rights Conventions Implementation by NHRIs.”
22nd	<ul style="list-style-type: none"> • Co-organized a lecture with the Yin Hai-Kuang Foundation on “Be a Whole Person—2022 Hai-Kuang Human Rights Lecture: ‘Provision is made for the aged till their death: Rights of the Elderly and Foreign Caregivers in Aged Society’ Forum.” • Offered an internal training course on Taiwan and the International Human Rights Regimes. Lesson One, “Introduction: What are Rights? What are Human Rights?”
23rd	<ul style="list-style-type: none"> • Co-organized the “Human Rights Exchange Seminar and Visits on Human Rights Sites” with the Ministry of Education, K-12 Education Administration, and Human Rights Resources Center in Tainan from June 23–24.
28th	<ul style="list-style-type: none"> • Attended the oral argument of the Case on the Indigenous Peoples Status for the Siraya People (TCC Judgment 111-Hsien-Pan-17 (2022)) of the Taiwan Constitutional Court. • Held the 30th commission meeting of the first cohort of the NHRC.
29th	<ul style="list-style-type: none"> • Offered an internal training course on Taiwan and the International Human Rights Regime. Lesson Two, “Origins of Modern Human Rights Movements: the Universal Declaration of Human Rights, 1946–1948.”
30th	<ul style="list-style-type: none"> • Held a press conference for the publication of the “Independent Opinions on the Fourth National Report on the CEDAW.” • Held a consultation meeting for the “Treatment System for Offender with Mental Disabilities Project.” • Organized a children and adolescent book reading seminar, “Listen, the scar speaks.”

Jul 2022	
4th	<ul style="list-style-type: none"> • Held the kickoff press conference of the “Systemic Inquiry, Investigation, and Research on Children and Adolescents Placement Agencies and Campus Sexual Assault.”
6th	<ul style="list-style-type: none"> • Offered an internal training course on Taiwan and the International Human Rights Regime. Lesson Three, “Development of International Human Rights Law and Human Rights Mechanisms, 1960s–1990s.”
12th	<ul style="list-style-type: none"> • Signed an MOU with the French Office in Taipei.
13th	<ul style="list-style-type: none"> • Offered an internal training course on Taiwan and the International Human Rights Regime. Lesson Four, “Introduction to Contemporary Human Rights Theories: John Rawls, Martha Nussbaum, and Alan Dershowitz (I).”

20th	<ul style="list-style-type: none"> Offered an internal training course on Taiwan and the International Human Rights Regime. Lesson Five, "Introduction to Contemporary Human Rights Theories: John Rawls, Martha Nussbaum, and Alan Dershowitz (II)."
26th	<ul style="list-style-type: none"> Held the 31st commission meeting of the first cohort of the NHRC.
27th	<ul style="list-style-type: none"> Offered an internal training course on Taiwan and the International Human Rights Regime. Lesson Six, "Democratic Crisis and the Rule of Law in Postwar Asia: China, Taiwan, Myanmar, Indonesia, and the Philippines."
29th	<ul style="list-style-type: none"> Organized the "2022 Taiwan Human Rights Photography Special Exhibition: Quest for Equality" from July 29–August 15. Co-organized "Be a Whole Person—2022 Hai-Kuang Human Rights Lecture: 'A Human Rights Excursion: Arrest of the Kaohsiung Incident'" with the Yin Hai-Kuang Foundation.

Aug 2022

1st	<ul style="list-style-type: none"> Co-organized the "2022 Indigenous Rights of Indigenous Peoples Forum" with the Council of Indigenous Peoples. Held the "Photography Exhibition on Human Rights in Taiwan: Quest for Equality." Attended the "International Review Meeting on the Second International Report on the CRPD" from August 1–3.
3rd	<ul style="list-style-type: none"> Offered an internal training course on Taiwan and the International Human Rights Regime. Lesson Seven, "The Asian Values Debate."
6th	<ul style="list-style-type: none"> Attended seminar with IRC members for the "National Report on the CRPD."
7th	<ul style="list-style-type: none"> Co-organized the "Be a Whole Person—2022 Hai-Kuang Human Rights Lecture: 'Rural Villages and Environmental Rights'" with the Yin Hai-Kuang Foundation. Co-organized "Pluralism and Local Practice of the CRPD in Taiwan: Post-Review Forum of the Second National Report on the CRPD 2022" with civic groups such as the League for Persons with Disabilities, R.O.C.
10th	<ul style="list-style-type: none"> Offered an internal training course on Taiwan and the International Human Rights Regime. Lesson Eight, "Positioning the NHRC."
17th	<ul style="list-style-type: none"> Offered an internal training course on Taiwan and the International Human Rights Regime. Lesson Nine, "UN Advocacy of Human Rights Education and Twenty Years of Human Rights Education in Taiwan."
18th	<ul style="list-style-type: none"> Co-organized "Reading Human Rights and Writing Justice" under the Youth Human Rights Education Empowerment and Promotion Plan with National Chung Hsing University from August 18–19.

23rd	<ul style="list-style-type: none"> Held the 32nd commission meeting of the first cohort of the NHRC.
24th	<ul style="list-style-type: none"> Offered an internal training course on Taiwan and the International Human Rights Regime. Lesson Ten, "Conclusion: the Present and Future of Human Rights in Taiwan."
25th	<ul style="list-style-type: none"> Organized the "Environmental Rights and Civic Participation Forum."
26th	<ul style="list-style-type: none"> Held a seminar on "ILO C188 Work in Fishing Convention (2007)."
28th	<ul style="list-style-type: none"> Co-organized the "Lights and Shadows of Local Energy Politics: Checking Out Nuclear in the Northern Coast" under the Youth Human Rights Education Empowerment and Promotion Plan with National Chengchi University from August 28–29.
31st	<ul style="list-style-type: none"> Offered an internal training course on "International Connections of UN Human Rights Mechanisms and Example of Human Rights Implementation of National Human Rights Commission of Korea." Lesson One, "Introduction to the UN human rights mechanisms and Taiwan's international connections."

Sep 2022

2nd	<ul style="list-style-type: none"> Co-organized the "Voting Rights Protection Mechanism for Prisons" symposium with National Chung Cheng University.
5th	<ul style="list-style-type: none"> The French Office in Taipei appointed Mr. Jérémie Beja to be the French international human rights and management technical expert at the NHRC to promote NHRI cooperation between France and Taiwan.
8th	<ul style="list-style-type: none"> Organized seminar on "A Friendly Workplace for Business Inclusion and Sustainability."
14th	<ul style="list-style-type: none"> Offered an internal training course on "International Connections of UN Human Rights Mechanisms and Example of Human Rights Implementation of National Human Rights Commission of Korea." Lesson Two, "Practice experience of National Human Rights Commission of Korea (I)."
21st	<ul style="list-style-type: none"> Offered an online training course on ILO and Its Core Conventions. Lesson One, "Introduction to ILO Standards and Supervisory Systems."
23rd	<ul style="list-style-type: none"> Co-organized the "Ethnic Culture and Human Rights Issue Workshop: From Ljungkiaw to Hengchun—A reflection through the time-space of ethnic history" under the Youth Human Rights Education Empowerment and Promotion Plan with National Cheng Kung University from September 23–25.
27th	<ul style="list-style-type: none"> Held the 33rd commission meeting of the first cohort of the NHRC.
28th	<ul style="list-style-type: none"> Offered an online training course on ILO and Its Core Conventions. Lesson Two, "Core Labor Standards: Forced Labor and Trafficking."

Oct 2022	
3rd	<ul style="list-style-type: none"> Organized “Human Rights Films Appreciation: <i>Unsilenced</i>.”
7th	<ul style="list-style-type: none"> Co-organized “Be a Whole Person—2022 Hai-Kuang Human Rights Lecture: ‘Children and Youth Right, Say Aloud’” with the Yin Hai-Kuang Foundation.
12th	<ul style="list-style-type: none"> Offered an online training course on ILO and Its Core Conventions Lesson Three, “International Migration (with a special reference to domestic workers).”
13th	<ul style="list-style-type: none"> Held the first expert consultation meeting for the “Independent Opinions on the National Report on the ICERD.”
18th	<ul style="list-style-type: none"> Attended the oral argument of the Case on Gender Equality Concerning Women’s Leadership Position in Ancestor Worship Guilds (TCC Judgment 112-Hsien-Pan-1, 2023) of the Taiwan Constitutional Court.
19th	<ul style="list-style-type: none"> Offered an online training course on ILO and Its Core Conventions Lesson Four, “Discrimination and Gender Equality.”
21st	<ul style="list-style-type: none"> Held opening press conference for “Between Life and Death: A Human Rights Screening Tour.”
25th	<ul style="list-style-type: none"> Held the 34th commission meeting of the first cohort of the NHRC.
26th	<ul style="list-style-type: none"> Offered an internal training course on International Connections of UN Human Rights Mechanisms and Example of Human Rights Implementation of National Human Rights Commission of Korea. Lesson Three and Four, “Practice experience of National Human Rights Commission of Korea (II) and (III).”

Nov 2022	
1st	<ul style="list-style-type: none"> Organized the “Paint for Human Rights 2022 Poster Design Competition” from November 1–30.
2nd	<ul style="list-style-type: none"> Offered an online training course on ILO and Its Core Conventions. Lesson Five, “Introductory Course on Freedom of Association and Social Dialogue: Right to Organize and Related Issues.”
3rd	<ul style="list-style-type: none"> Held the first public opinion forum for the “Independent Opinions on the National Report on the ICERD.” Signed a four-party agreement with the Expertise France, French Office in Taipei, and the French human rights expert at NHRC.
7th	<ul style="list-style-type: none"> Visited Japan to inspect the legislation and practice of treatment for offenders with psychosocial disabilities from November 7–11. Organized “Human Rights Films Appreciation: <i>Untold Herstory</i>.”

8th	<ul style="list-style-type: none"> Organized topic course of the National Consultative Commission on Human Rights.
9th	<ul style="list-style-type: none"> Offered an online training course on ILO and Its Core Conventions Lesson Six, "Occupational Safety and Its Promotional Framework."
14th	<ul style="list-style-type: none"> Attended the "International Review Meeting on the Second National Report on the CRC" from November 14–16.
14th	<ul style="list-style-type: none"> Visited Germany to participate in the 8th World Congress against the Death Penalty and for onsite visit from November 14–23.
16th	<ul style="list-style-type: none"> Offered an online training course on ILO and Its Core Conventions. Lesson Seven, "ILO and Taiwan: How to Keep Enforcing ILO Labor Standards?"
18th	<ul style="list-style-type: none"> Attended the "Concluding Observations on the Second National Report on the CRC" publication press conference. Organized a discussion with international reviewers for the national reports on the CRC.
19th	<ul style="list-style-type: none"> Co-organized the "2022 Post-Review Forum on the CRC International Review" with the Taiwan Alliance for Advancement of Youth Rights and Welfare. Co-organized the "Tracing Cikasuan: Indigenous Human Rights Education Workshop" under the Youth Human Rights Education Empowerment and Promotion Plan with National Dong Hwa University (NDHU) from November 19–20.
21st	<ul style="list-style-type: none"> Co-organized stakeholder focus group forum on "Action and Dialogue with Interested Parties on the Human Rights Issues of Foreign Fishing Crew" with the Organization for Migrant Fishers Rights. Organized the "Seminar on the Status, Reformation, and Outlook of the Legislation of Placement and Treatment Juvenile Reformatory Facilities."
22nd	<ul style="list-style-type: none"> Held the 35th commission meeting of the first cohort of the NHRC.
23rd	<ul style="list-style-type: none"> Co-organized with Sinica Academia for an international symposium, "Pandemic Response and Human Rights Debate in the Digital Age."
25th	<ul style="list-style-type: none"> Organized the "2022 Human Rights Thematic Forum."
28th	<ul style="list-style-type: none"> Attended an international review on the "Fourth National Report on the CEDAW" from November 28–29.
29th	<ul style="list-style-type: none"> Held a public opinion forum for the "Independent Opinions on the National Report on ICERD" (second session).

Dec 2022	
2nd	<ul style="list-style-type: none"> • Attended the press conference for the Executive Yuan's "Concluding Observations on the Fourth National Report on the CEDAW." • Organized an exchange with international reviewers for the national report on the CEDAW.
4th	<ul style="list-style-type: none"> • Visited France and Germany and to observe their parliaments and human rights institutions from December 4–16.
7th	<ul style="list-style-type: none"> • Held a professional forum, "2022 Forum on Migrant Workers' Human Rights in Taiwan."
9th	<ul style="list-style-type: none"> • Held an online forum, "Webinar on Human Rights Conventions."
14th	<ul style="list-style-type: none"> • Held the public opinion forum for the "Independent Opinions on the National Report on the ICERD" (third session).
18th	<ul style="list-style-type: none"> • Organized the prize presentation ceremony of the "Paint for Human Rights 2022 Poster Design Competition."
19th	<ul style="list-style-type: none"> • Held an inter-agency seminar for the "Inmates with Disabilities Human Rights Project."
20th	<ul style="list-style-type: none"> • Held a public opinion forum for the "Independent Opinions on the National Report on the ICERD" (fourth session).
26th	<ul style="list-style-type: none"> • Held an exchange meeting for the "2021 National Preventive Mechanism Visit and Pilot Project."
27th	<ul style="list-style-type: none"> • Held the 36th commission meeting of the first cohort of the NHRC.
29th	<ul style="list-style-type: none"> • Visited the Hsinchu Prison for the "Inmates with Disabilities Human Rights Project."

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A light gray map of Taiwan serves as a background. Overlaid on the map are several white-outlined circles and rectangles of varying sizes, arranged to suggest the silhouettes of human figures standing together.

2022 Annual Report

National Human Rights Commission, Taiwan



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