



Human Rights

are Continuously
Advancing Forward

NATIONAL HUMAN RIGHTS COMMISSION, TAIWAN



NATIONAL HUMAN RIGHTS
COMMISSION, TAIWAN

1st Anniversary Special Edition

August 1, 2020 — July 31, 2021



A photo of the War and Peace Memorial Park in Cijin, Kaohsiung

Human Rights are Continuously Advancing Forward

The process of establishing the National Human Rights Commission started more than 20 years ago thanks to the advocacy of human rights groups. The establishment of the National Human Rights Commission was supported by several presidents over the years and the legislation was finally passed. The National Human Rights Commission was officially inaugurated in August 2020. For the past year, commissioners and staff of the National Human Rights Commission worked together arduously to actively supervise the nation's human rights policies and affairs, conduct international human rights exchanges, promote human rights education, conduct research on human rights issues, interpret human rights conventions, carry out investigations and social dialogue, and organize forums and seminars, etc.

The Commissioners of the National Human Rights Commission hail from different backgrounds and have different and distinct areas of expertise. With the diverse composition of the Commission, we expect to create a macro perspective and thinking to facilitate communication and dialogue between human rights groups and policymakers and to develop mechanisms to help underprivileged people. Even during this fraught COVID-19 pandemic, we continued to conduct video conferences with human rights institutions in Australia, the United Kingdom, and New Zealand to learn and exchange professional experience regarding human rights issues.

The mission of the National Human Rights

Commission is to be the conscience of Taiwan and the champion for the vulnerable. Despite limited manpower, resources, and experience, we have cooperated with the Examination Yuan and the Ministry of Education in the past year to collaboratively integrate the spirit of the human rights conventions into the civil service and education system to cultivate a deeper understanding of human rights in our public service and education system.

For nearly half a century, the people of Taiwan have had to endure living in the gloomy depths of darkness – void of human rights; those days, under authoritarian rule, people lived in fear, and mutual suspicion and mistrust were rampant. Back then, human rights were akin to dim light in a dark room. We give our deepest and most sincere gratitude to those who fought for democracy, freedom, and human rights in Taiwan. These heroes fought tirelessly and sacrificed themselves one after another until the dim light grew so shiny that it chased away the darkness. They established the democratic constitutional reform so that the people of Taiwan no longer lived in fear.

The air of freedom that Taiwanese people breathe every day as well as the human rights that we enjoy did not come easily. The National Human Rights Commission will continue to carry that torch of freedom given to us by our brave predecessors and continue to advocate and promote universal human rights in Taiwan. Let us work together to fight for and safeguard Taiwan's human rights.

Chairperson Chen Chu,
National Human Rights Commission

National Human Rights Commission

Introduction of Commissioners



Chen Chu Chairperson

“Protecting human rights is an ongoing pursuit.
We will never give up and will strive unceasingly to achieve our goals.”



Kao Yung-cheng Vice Chairperson

Areas of expertise: judicial human rights, torture, international human rights

“By adopting international human rights standards,
we can ensure the security of Taiwanese peoples.”



Upay R. Kanasaw Commissioner

Areas of expertise: the right to health, environmental rights, racial and ethnic equality and development

“In addition to ensuring the people’s rights to life, civil and political rights, as well
as economic, social and cultural rights, the National Human Rights Commission
also focuses on medical treatment, health, energy, environmental protection,
and the right of all ethnic groups to equality and development.”



Wang Jung-chang Commissioner

Area of expertise: rights of persons with disabilities

“It is our shared responsibility to ensure
that everyone lives with equal and dignity.”



Wang Yu-ling Commissioner

Areas of expertise: rights of persons with disabilities, rights of migrant workers,
rights of prisoners and detainees

“Human rights entail that everyone in Taiwan
has the opportunity to live, grow, and develop safely and without fear.”



Tien Chiu-chin Commissioner

Areas of expertise: the right to health, environmental rights

“Building a country based on human rights will
make Taiwan the beacon of Chinese-speaking world.”



Chi Hui-jung Commissioner

Areas of expertise: rights of women and children

“Human rights are the foundation of a country.
They make Taiwan a better place.”



Yeh Ta-hua Commissioner

Areas of expertise: rights of children and youth

“Human rights are the building blocks of a
democratic society. The National Human Rights
Commission works with you to support human rights.”



Hsiao Tzu-yu Commissioner

Areas of expertise: rights of patients and health care

“The sound development and progress
of a country rely on human rights implementation.”



Chang Chu-fang Commissioner

Areas of expertise: judicial human rights, gender equality, rights of children and youth

“We must make human rights the cornerstone
of national policy.”

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The National Human Rights Commission Was Established After 20 Years of Advocacy

After the "Organic Act" was passed on December 10, 2019, the National Human Rights Commission (NHRC) was officially inaugurated on August 1, 2020. The NHRC was established within the Control Yuan and has 10 Commissioners in total, including one Chairperson, one Vice Chairperson, and eight commissioners.

The process of establishing the NHRC in Taiwan started in 1997 thanks to the advocacy of human rights scholar, Professor Mab Huang and civil society organizations. In 1999, Mr. Peter Huang, the chairperson of the "Taiwan Association for Human Rights" founded the "National Human Rights Commission Advocacy Alliance" which consisted of 22 non-governmental organizations (NGOs) and started a social movement to facilitate the establishment of a national human rights institution. During this period of time, Taiwan established the democratic constitutional reform and at the same time, the United Nations started to pay more attention to the establishment and implementation of the national human rights mechanisms.

In 1946, the Economic and Social Council (ECOSOC) considered the issue of national institutions, two years before the "Universal Declaration of Human Rights (UDHR)" became the common standard of achievement for all peoples and all nations. Member States were invited to consider establishing information groups or local human rights committees. In 1966, the "International Covenant on Civil and Political Rights (ICCPR)" and the "International Covenant on Economic, Social and Cultural Rights (ICESCR)" were adopted and issues regarding human rights became an important task of the United Nations ever since.

In 1978, the United Nations Commission on Human Rights (the predecessor of the United Nations Human Rights Council, UNHRC) organized a seminar which resulted in draft guidelines for the structure and functioning of the institutions. After that, the United Nations General Assembly adopted various international human rights conventions for women, prevention of torture, children, migrant workers, and persons with disabilities.

The United Nations urges the States to take appropriate steps to establish national human rights institutions for the implementation of such international human rights conventions.

UN General Assembly Adopts the “Paris Principles” and Sets Standards That Frame and Guide the Work of National Human Rights Institutions

In 1990, the United Nations Commission on Human Rights requested a workshop to be held and attended by the representatives of national and regional institutions engaging in advocacy and protection of human rights. The first workshop was held in Paris from October 7 to 9, 1991. The Principles relating to the Status of National Institutions for the Protection and Promotion of Human Rights (the Paris Principles) were then adopted by the UN General Assembly on December 20, 1993, and they encouraged all states in the world to set up their own national human rights institutions. The national human rights institutions are created by states through their constitution or law, with the mandate to promote and protect human rights. These institutions are independent institutions with pluralism and a wide range of functions and authorities based on international human rights standards. After that, the UN established the “International Coordinating Committee of National Institutions for the Promotion

and Protection of Human Rights (ICC).” Based on statistics collected by scholar Fort Fu-Te Liao, 112 national human rights institutions were successively established from 1990 to 2009 thanks to the proactive promotion of the ICC. During this period of time, Taiwan established the democratic constitutional reform in 1990, achieved the entire re-election of parliament in 1992, held the first direct presidential election in 1996, and realized the first transition of political power in 2000. Since then, the NGOs and the government have proactively started the process of establishing a national human rights institution and Taiwan’s National Human Rights Commission (NHRC) was officially founded on August 1, 2020.

In accordance with the Paris Principles and the Global Alliance of National Human Rights Institutions (GANHRI, formerly the ICC), the accreditation status as of 20 January 2021 is as follow: a total of 127 national human rights institutions have been reviewed and accredited, 84 of them are accredited as fully compliant with the Paris Principles (accredited with an ‘A’ Status and they are allowed to participate in the United Nations Human Rights Council and its mechanisms), 33 of them are accredited as partially compliant with the Paris Principles (‘B’ Status); both ‘A’ and ‘B’ Status are considered members of the GANHRI. However, there are still 10 non-compliant institutions (‘C’ Status).

GANHRI’s Classifications for Accreditation of National Human Rights Institutions

	Asia and the Pacific	Central Asia	Africa	Americas	Europe	Total
‘A’ Status	16	0	23	15	30	84
‘B’ Status	8	3	10	3	9	33
‘C’ Status	2	0	2	3	3	10
Total	26	3	35	21	42	127

The Power of Evolution The Process of Continuously Advancing Forward



1999 • The civic alliance for the promotion of the National Human Rights Commission was established

- Twenty-two groups, including the Taiwan Association for Human Rights, formed the “National Human Rights Commission Advocacy Alliance” and together an initiative was developed. In response to public opinion, the “Human Rights Protection Committee” was established under the Control Yuan at the Presidency of Lee Teng-hui in March 2000.



2000 • The First Transition of Political Power

- President Chen Shui-bian announced in his inauguration speech that an independently operated National Human Rights Commission will be established.
- In June, the draft “Organic Act of the National Human Rights Commission” was released by the private sector; in October, the Presidential Office founded a “Human Rights Consultative Group” to facilitate the establishment of the National Human Rights Commission.



2004 • In April, the Presidential Office “Human Rights Consultative Group” was expanded and became the “Human Rights Consultative Committee.” It was dismissed due to the Legislative Yuan’s resolution in 2006.

2008 • The Second Transition of Political Power

2009 •

- The Act to Implement the ICCPR and ICESCR was promulgated in April.
- On December 10, President Ma Ying-jeou restarted the Presidential Office “Human Rights Consultative Committee.”

2013 • International human rights experts were invited to Taiwan to review the “Initial State Reports on ICCPR & ICESCR” and they provided a list of 81 concluding observations and recommendations. For the first time, Taiwan was urged to establish a National Human Rights Commission in accordance with the Paris Principles as soon as possible.

2014 • In July, the Presidential Office Human Rights Consultative Committee made three proposals regarding the establishment of the “National Human Rights Commission” under the Presidential Office, under the Executive Yuan, or establishing an independent institution, but none of these proposals were adopted.

2016 • The Third Transition of Political Power

2017 •

- During the review meeting of the “Second National Report on the ICCPR and ICESCR” held in January, international human rights experts once again urged Taiwan to establish a National Human Rights Commission and President Tsai Ing-wen promised to finalize the plan as soon as possible.
- In July, the Covenants Watch invited international human rights experts, including the former Chief Commissioner of the New Zealand Human Rights Commission, Rosslyn Noonan, to Taiwan to assist in evaluating the plans for establishing a national human rights institution in Taiwan.
- In November, international experts released a formal assessment report in the name of the “Asia Pacific Forum of National Human Rights Institutions (APF),” and indicated that “the best option for establishing a national human rights institution in a timely manner is to make it part of the Control Yuan.”
- During the review meeting of the “Initial Report on CPRD,” international human rights experts requested the establishment of a national human rights institution as an independent monitoring mechanism.



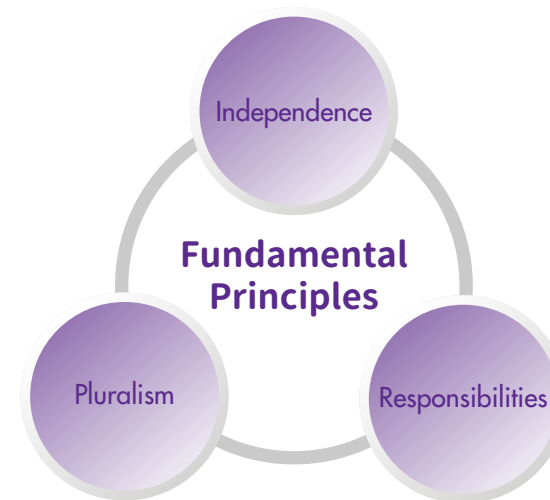
2019 • The Legislative Yuan concurrently reviewed the draft organic act proposed by the Control Yuan as well as by legislators Koo Li-hsiung, Yu Mei-nu, and Chou Chun-mi. On December 10, the Legislative Yuan passed the draft “Organic Act of the Control Yuan National Human Rights Commission.”



2020 • The National Human Rights Commission was officially established on August 1.

Paris Principles

The "Paris Principles" set forth the essential mission of national human rights institutions as promoting and protection human rights. Their mandate specifies national human rights institutions' sphere of competence, which shall encompass the following fundamental principles:



Structure of the National Human Rights Commission

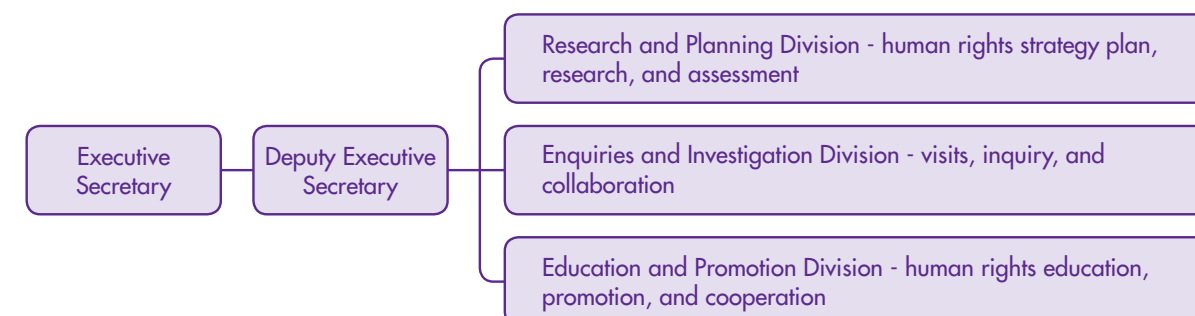
Commission

On August 1, 2020, the NHRC's first terms of commissioners were inaugurated; these representatives comprise of different professional fields and ethnic groups, including justice, women, children, environmental protection, persons with disabilities, indigenous peoples, gender, medical care, etc.



Staff Unit

At present, there are 26 staff members from the public and private sectors, with respective professional expertise in law, education, human rights, labor, social welfare, indigenous peoples, gender, and health and environment, etc. Moreover, 15 human rights consultants were appointed to gather various opinions from experts and scholars to fulfill the requirement of pluralism.



The official inauguration of the National Human Rights Commission where President Tsai expressed her enthusiasm in deepening Taiwan's democracy, freedom, and human rights.

Functions and Powers

The Paris Principles require that a national institution shall be vested with competence to promote and protect human rights and shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

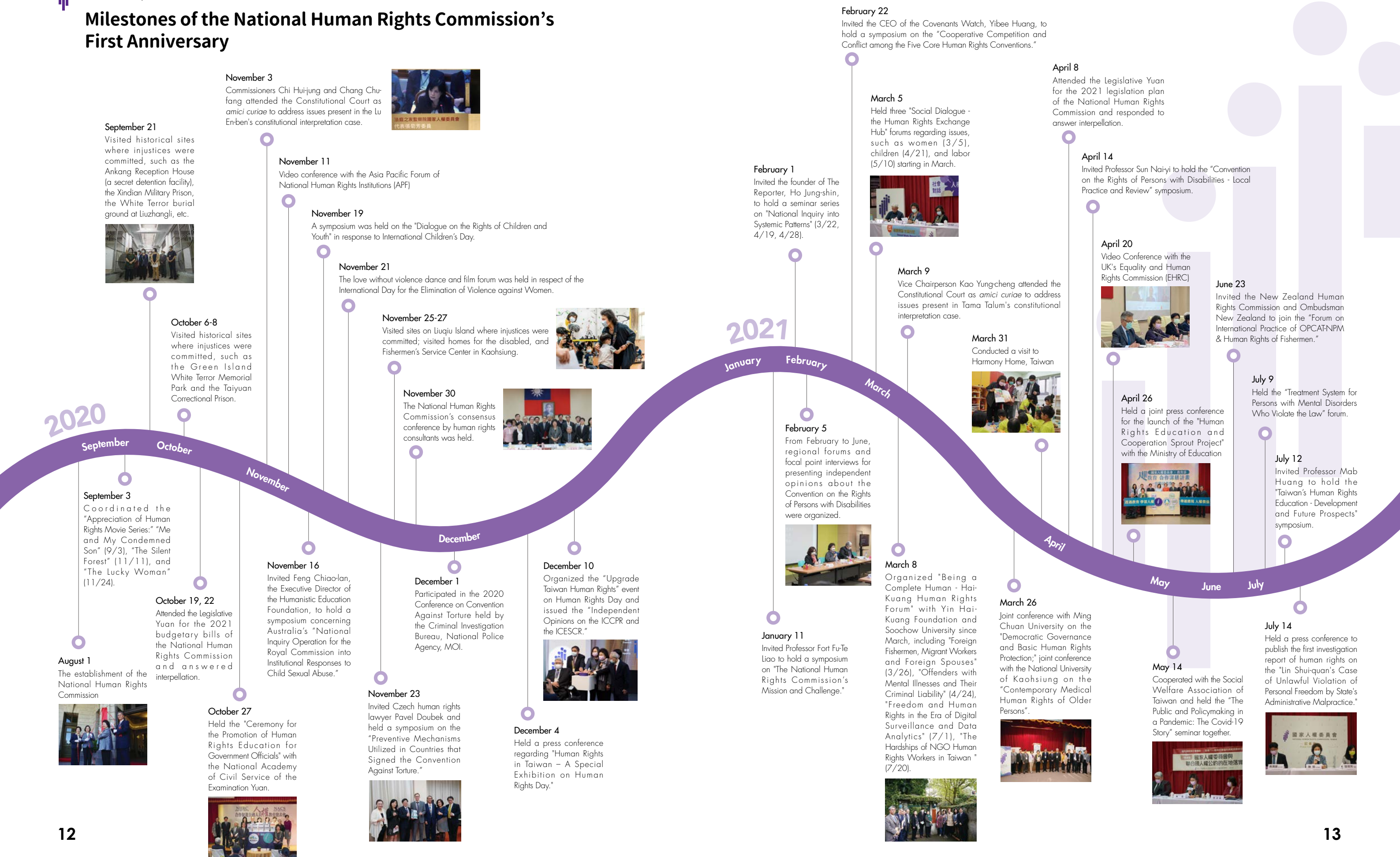
According to the "Organic Act of the Control Yuan National Human Rights Commission," the functions and powers of the National Human Rights Commission are as follows:

1. 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.
2. To study and review national human rights policies and make recommendations.
3. To publish thematic reports on major human rights issues or annual reports on the state of human rights in the nation to understand and

assess the domestic human rights situation.

4. To assist government agencies in the signing or ratification of international human rights instruments and their incorporation, and to ensure the conformity of domestic laws, regulations, directives, and administrative measures with international human rights norms.
5. To conduct systematic studies of the Constitution and legal statutes based on international human rights standards in order to propose necessary and feasible recommendations to amend the Constitution, legislation and laws.
6. To monitor the effectiveness of government agencies in promoting human rights education, enhancing human rights awareness, and handling matters involving human rights.
7. To cooperate with domestic institutions and civic groups, international organizations, national human rights institutes, and non-governmental organizations to promote the protection of human rights.
8. To provide independent opinions for national reports submitted by the government in accordance with the provisions of international human rights treaties.
9. Other matters related to the protection and promotion of human rights.

Milestones of the National Human Rights Commission's First Anniversary



Shining Light into Dark Corners

Shining Light into Dark Corners

Peace can only last where human rights are respected.
— The 14th Dalai Lama

Injustice anywhere is a threat to justice everywhere.
— Martin Luther King Jr.

Let's work together to spread our loves and warmth
to every dark corner, so that people in need of help
regarding human rights issues can be cared for.
Everyone shall have equal human rights and we
should never give up fighting for human rights.

Lin Shui-quan, a victim of political persecution, recalled how his criticism of the government while he was running for public office resulted in his designation as a "hoodlum." He was then sent to Pengtsun Farm for forced labor. The sentry tower is the only remnant of Pengtsun Farm today. Photographed at Pengtsun Farm.



On June 23, 2021, the National Human Rights Commission held the "Forum on International Practice of OPCAT-NPM & Human Rights of Fishermen."

Human
Rights
Issue

1

Protecting the Rights and Interests of Foreign Fishermen Enhancing a Friendly Working Environment

The National Human Rights Commission (NHRC) was forced to cancel or postpone a number of forums and symposiums scheduled for late May and June when the epidemic alert level in Taiwan was raised to Level 3. The "Forum on International Practice of OPCAT-NPM & Human Rights of Fishermen" held on June 23 was one of the few events to be conducted as a live stream conference. An English language channel was provided throughout the event for interested overseas NGOs.

A resolution had already been passed at a meeting of the NHRC on February 8 of this year to compile the 6 reports involving migrant fishermen produced by Control Yuan Members into a thematic report on "the human rights of migrant fishermen." The report would also be the first project undertaken by the NHRC under one of its functions to "publish thematic reports on major human rights issues." The convener was Chen Chu, the Chairperson of NHRC, with the members that conducted the original investigations

Wang Yu-ling, Chi Hui-jung and Wang Mei-yu as *ex officio* members.

A Workforce Indispensable to Taiwan's Distant Water Fishing Fleets

Migrant fishermen employed by Taiwanese fishing boats can be divided into either domestic employment (coastal fishing boats) or overseas employment (distant water fishing ships). The domestic employment of migrant fishermen must follow the Employment Services Act. They must also comply with domestic labor legislation such as the Labor Standards Act, Occupational Safety and Health Act, and Labor Insurance Act with the Ministry of Labor as the competent authority. There are also migrant fishermen employed on "FOC" vessels registered in foreign countries. As Taiwan is not the country of registration for these FOC vessels, the migrant fishermen are often left without proper legal protection, a situation that has attracted widespread attention and strong protests from local and foreign human rights organizations.

Taiwan is one of the top six distant water fishery nations in the world with more than 1,100 distant water fishing ships operating in three oceans. Their annual production is worth nearly NT\$40 billion with most being destined for export markets. As of June 1, 2021, there were still 247 fishing boats with a non-Taiwan registration (FOC) that are owned or operated by Taiwanese nationals with the permission of the Council of Agriculture. Due to the unique environment and hardships of trawling operations, people in Taiwan are unwilling to work in the industry resulting in serious labor shortages. Around 21,000 migrant fishermen are currently employed overseas with most coming from Indonesia (60%), the Philippines (30%) and Vietnam (5%). Migrant fishermen have become the main source of labor for Taiwan's distant water fisheries over the last decade or so.

"Flags of Convenience" Operate Without Administrative Oversight or Judicial Intervention

The working environment aboard the ships is difficult enough as it is. Fishing ships spend extended periods of time at sea so the captain must establish a good working relationship with the crew. Inadequate induction training and language barriers mean that there have been reports of migrant fishermen being subjected to violence and abuse as tensions run high and fights break out. Some Taiwanese nationals also register their ships with countries that have weak or non-existent regulatory regimes to reduce their operating costs and bypass Taiwan's domestic regulations on fishing vessel construction limits, crew sizes and qualifications, operating procedures, and taxation. According to the United Nations Convention on the Law of the Sea, FOC vessels fall under the jurisdiction of their country of registration. Taiwan has no legal jurisdiction over such FOC vessels if it is not the country of registration. Most FOC countries have no management capability either resulting in "extra-legal ships." Illegal fishing or violation of fishermen's human rights have become an endemic problem.

The Control Yuan investigated 6 major cases on the human rights of migrant fishermen between 2016 and 2021. Corrective measures were subsequently ordered for a number of government agencies including the Council of Agriculture and Fisheries Agency under the Executive Yuan, the National Immigration Agency of the Ministry of the Interior, the Ocean Affairs Council, the Ministry of Foreign Affairs, and the Ministry of Labor.

EU Issued the IUU Yellow Card Warning Amendments to the Three Relevant Laws Regarding Distant Water Fisheries

Member Wang Mei-yu initiated an investigation case on the human rights of foreign fishermen. The first case occurred during the period of July to August 2015. An Indonesian fisherman was



On November 27, 2020, Chairperson Chen Chu and commissioners of the NHRC visited the Presbyterian Church in Taiwan Seamen and Fishermen's Service Center in Kaohsiung. The second from the right is Pastor Joshua Chen, the director of the Presbyterian Church in Taiwan Seamen and Fishermen's Service Center in Kaohsiung.

suffering from long-term abuse to death while working on the fishing vessel "Fu Tsz Chiun" from Kaohsiung and another fisherman who fell into the sea and went missing. The case attracted widespread negative attention as well as criticism from international bodies.

At that time, the European Union listed Taiwan as an Illegal, Unreported and Unregulated (IUU) fishing country and put forward 11 suggestions for improvement. On October 1, 2015, Taiwan was issued a "yellow card" warning by the European Commission for the following reasons: incomplete legal framework for fisheries, the fine is disproportionate to the illegal gains, ineffective management on distant water vessels, failure to comply with the relevant obligations of international fisheries organizations, and so on.

To prevent Taiwan from being subjected to EU trade sanctions that prohibit Taiwanese fishery products from entering the EU market, which will have a negative impact on Taiwan's fisheries, the Taiwan government quickly introduced legislation and proposed amendments to fishery laws. The three relevant laws regarding "Distant Water Fisheries" include the newly legalized "Act for

Distant Water Fisheries," the fully amended "Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels," and parts of regulations under the "Fisheries Act." The three relevant laws regarding distant fisheries were passed by the Legislative Yuan on July 5, and promulgated by the President on July 20, 2016, and entered into force on January 20, 2017. The foreign crews of fishing vessels now have legal claims to their rights and interests. The "Act for Distant Water Fisheries" and its related sub-law regulations have become the foundation for fishermen's labor rights regulations.

After the three relevant laws regarding "Distant Water Fisheries" took effect in January 2017, the Fisheries Agency strictly executed them. Within 2 years, more than a hundred violations were imposed and the total amount of these penalties exceeded 120 million. On June 27, 2019, after 3 years and 9 months of consistent hard work, the EU's IUU "yellow card" warning was finally lifted.

Inclusion in the US's List of Goods Produced by Child Labor or Forced Labor Affects Taiwan's Distant Water Fisheries Exports

In recent years, Taiwanese fisheries have faced a lot of international pressure due to its ineffective

management of overseas fishing affairs, which has severely tarnished Taiwan's international reputation and has even affected the entire fishery product export supply chain. In 2018, "Fu Shen No.11" violated the C188 - Work in Fishing Convention and thus was detained in Cape Town, South Africa. It was the first fishing vessel to have been internationally detained. Member Wang Mei-yu and Wang Yu-ling initiated an investigation case and proposed corrections. Over the last few years, the US State Department's annual "Country Reports on Human Rights Practices" and "Trafficking in Persons Report (TIP Report)" have consistently highlighted Taiwan's distant water fishing vessels' issues, such as human trafficking and exploitation problems. In 2020, Taiwan's distant water fishing vessels' catches were once again included in the US's "List of Goods Produced by Child Labor or Forced Labor."

The "List of Goods Produced by Child Labor or Forced Labor" is generally deemed as a credible source of information on forced labor in the United States, and it is also the basis for US enterprises to make purchase decisions and formulate social responsibilities policies. Moreover, the United States is one of the major export markets of Taiwan's fishery products, which are mainly sold to supermarkets, buffets, and restaurants. In the future, the exports of Taiwan's distant water fishery will face demanding restrictions, which will affect the entire distant water fishery product supply chain.

The third investigation case is about the incident of collapsed Yilan Nanfang'ao bridge in 2019, which caused multiple injuries and deaths of fishermen. Member Wang Mei-yu and Wang Yu-ling initiated an investigation case and found that foreign fishermen are requested to safeguard the fishing vessels while they were not operating at sea; as a result, they do not have the opportunity to go ashore, which causes them to have poor working and living environment as well as low insurance coverage rate.

To understand the actual situation of fishermen, Chairperson Chen Chu and other Commissioners of the NHRC went to the Presbyterian Church in Taiwan Seamen and Fishermen's Service Center in Kaohsiung on November 27, 2020, to have a discussion with the Fisheries Agency and the Pastor of the Presbyterian Church (PCT), Joshua Chen, who has paid close attention to the affairs regarding foreign fishermen for a long time.

Joshua Chen mentioned that although it is not possible that the amendments to these three relevant laws regarding "Distant Water Fisheries" can immediately solve all the problems since they officially took effect, it was a good start for improving the status of human trafficking, salary slashing, labor exploitation, and abuse in the past.

The NHRC to Become a Communication Bridge between the Government and the NGOs

In May 2021, the Control Yuan published three investigation reports concerning the human rights of foreign fishermen, including the case that caused Taiwan to be included in the US's "List of Goods Produced by Child Labor or Forced Labor." After the investigations, it was discovered that there were indeed violations, such as unlawful deduction of pay, excessive working hours, withholding of identification and documents, and the labor brokerage agency may have forced the foreign



On November 27, 2020, Chairperson Chen Chu and commissioners of the NHRC joined a symposium held in the Presbyterian Church in Taiwan Seamen and Fishermen's Service Center in Kaohsiung.

fishermen to sign exploitative contracts. In the "FOC Vessel Management Policy Case," two FOC vessels, both registered in Vanuatu, Da Wang and Chin Chun No.12, were accused of violations against fishermen, such as physical abuse, long working hours, unlawful deduction of wages, and forced labor.

In the "Foreign Fishermen Labor Brokerage Agency Management Policy Case," there was a Taiwanese agency that took advantage of the fishermen's inability to understand relevant laws and directed them to the black market for personal profit. As a consequence, that agency was indicted by the Prosecutor's Office; this shone a light on the government's inefficient review and management of labor brokerage agencies.

Chang Chih-sheng, the Director-General of the Fisheries Agency, Council of Agriculture, Executive Yuan, was invited to attend the forum held by the NHRC on June 23. He presented the Fisheries Agency's current measures to improve the management of FOC vessels and enhance the labor brokerage management system in great detail. In addition, he repeatedly and profusely thanked the many NGOs for their valuable opinions and suggestions. The Fisheries Agency would continuously and proactively follow their action plans, including enhancing their inspection capacity, prohibiting fishermen from getting paid via the brokerage agencies, and disclosing the operating information of fishing vessels.

In addition to the Control Yuan members, the competent officials of the Ministry of Labor and the Council of Agriculture; the NHRC consultants, Senior Advisor Hsin-Huang Michael Hsiao, and Lawyer John C.F. Wei; Moffy Chen, the Ocean Project Lead of Greenpeace; Shih Yi-hsiang, the Secretary General of the Taiwan Association for Human Rights were also invited to this forum.



The second session "Fishermen's Rights—FOC and Brokerage System" of the forum. From left to right: Chang Chih-sheng, the Director-General of the Fisheries Agency, Council of Agriculture, Executive Yuan; Moffy Chen, the Ocean Project Lead of Greenpeace; NHRC Commissioner Wang Yu-ling; Hsin-Huang Michael Hsiao, NHRC the Consultant of NHRC; Control Yuan Member Wang Mei-yu.



The third session "Fishermen's Rights — Working Conditions, Health Care and Social Security" of the forum. From left to right: Shih Chen-yang, the Director General of Workforce Development Agency, Ministry of Labor; Shih Yi-hsiang, the Secretary General of the Taiwan Association for Human Rights; NHRC Commissioner Chi Hui-jung; John C.F. Wei, the Consultant of NHRC; Control Yuan Member Tsai Chung-yi.

If 2017 was the first year of human rights for foreign fishermen, the significance and the establishment of NHRC is to become the bridge between governmental departments and human rights organizations to improve human rights, promote domestic legislation of related conventions on fishermen's rights, and facilitate the formulation of marine policies that are in compliance with international human rights standards. We hope that our continuous efforts and reforms will change the erroneous international perception of Taiwan and have Taiwan removed from the blacklist of countries that violate the human rights of fishermen.



NHRC commissioners inspected Ankang Reception House (a secret detention facility) on September 21, 2020, accompanied by Minister of Justice Tsai Ching-hsiang and Transitional Justice Commission Chairperson Yang Tsui. The facility followed the mountain slope and a corridor linked the interrogation space with the detention space. Restrictions on the movements of political prisoners meant they never saw the building's exterior. The sensation of walking downhill meant they thought they were held in the "basement."

Human Rights Issue 2

Visiting Historical Sites where Injustices were Committed Inclusion of Human Rights Education

The NHRC visited a number of historical sites where injustices were committed during 2020. These included the Ankang Reception House of the Investigation Bureau, the former Xindian Military Prison, the Liuzhangli Cemeteries (now the Memorial Park for the Victims of Political Persecution during the Martial Law Period), former Jingmei Detention Center (now the Jing-Mei White Terror Memorial Park), former New Life Correction Center and Oasis Villa (now the Green Island White Terror Memorial Park), former Taiyuan

Correctional Prison of the Ministry of Defense, and the former 3rd Occupational Training Headquarters of Taiwan Garrison Command on Liugu Island (also known as the 3rd Occupational Training Headquarters on Liugu Island). The NHRC hoped that the educational and historical value offered by the historical sites where injustices were committed will provide a window to international human rights conventions and an understanding of the ideals behind transitional justice and human rights.

38-Year-Long Martial Law:

Living in Constant Terror

Martial Law in Taiwan refers to the period between May 20, 1949, and July 15, 1987, in which the government severely violated fundamental and constitutional human rights by denying the right of free speech, assembly, and publication. During that time, political criminals, even though they were civilians and not soldiers, were tried in a military court.

At that time, the government closely monitored citizens through a massive intelligence system where the informants or whistle-blowers were lured, menaced, or encouraged by “patriotism” to betray their friends and relatives and even fabricated crimes, thus fostering an atmosphere of mistrust among the people and overall dread of politics. This had a huge negative impact on Taiwanese society. Political criminals were frequently mentally and physically tortured via secret imprisonments, coerced confessions, and deprived of fair trials. Sentences or detentions were often arbitrarily extended or even changed to death penalties, and while in detention, many were tortured or held in solitary confinement. Furthermore, the families of political prisoners were under surveillance, monitored, and their rights to work and freedom of movement were restricted; basically, they were akin to prisoners in an invisible jail.



NHRC Chairperson Chen Chu returned to Ankang Reception House on September 21, 2020. The round view port on the cell door allowed the guards to see every inch of the cell. For the detainees exhausted by hours of questioning, the faces that appeared at random in the monitoring port induced fear and hallucination.



Testimony on detention at Ankang Reception House

Yao Chia-wen

(sentenced to 12 years of imprisonment over the Formosa Incident): We were deprived of sleep during the interrogation... We spent all days sitting on chairs and were not allowed to sleep for more than ten days. I don't know if it was a basement or the light was blocked out. It was always pitch dark.

Chen Chu

(sentenced to 12 years of imprisonment over the Formosa Incident): We were brought here in blindfolds and handcuffs. I have no memory of the layout or the routes in this place. I don't even know what this place looked out. Once we got here, we were subjected to about 72 hours of non-stop interrogation.

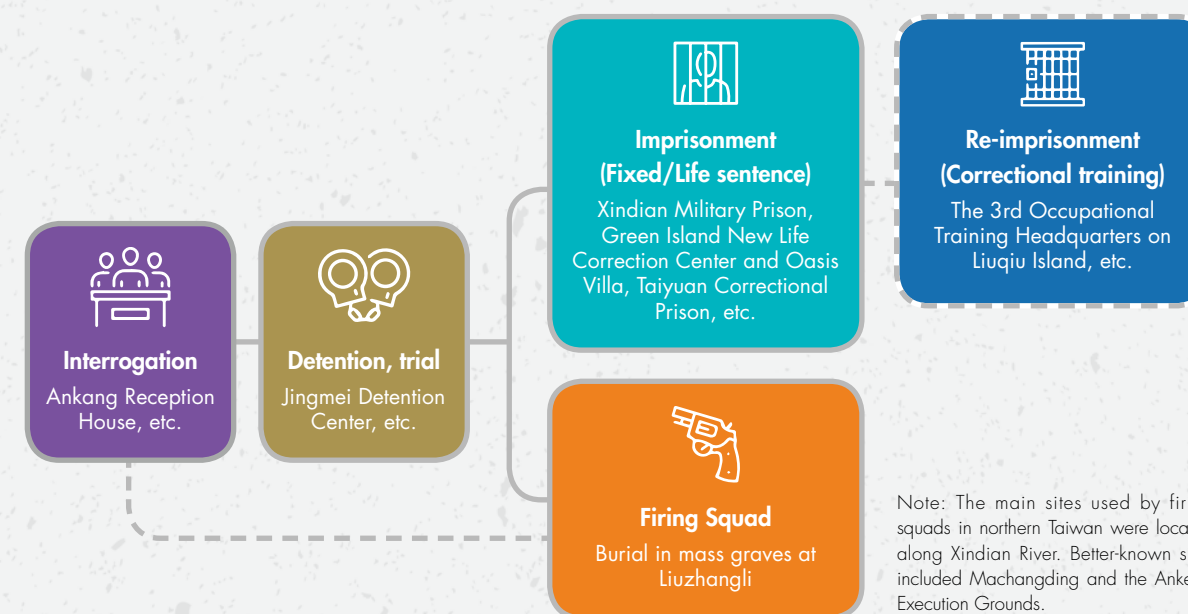
The 38-year-long Martial Law changed the lives and destinies of countless people and their families; it left deep scars that influenced following generations and severely curbed the development of democracy and freedom in Taiwan. Coincidentally, this period of time also turned out to be an era of vigorous developments for international human rights conventions.

The victims of political violence were interrogated, put into detention, put on trial, imprisoned, re-imprisoned in reformatory institutions, or immediately executed. In this process, the authorities broke the constitutional order of liberal democracy and the principle of fair trial. In addition, they also violated Article 7 of the International Covenant on Civil and Political Rights (ICCPR): “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment;” Article 9 which protects liberty and security of person; Article 14 which ensures fair and public hearings; and Article 2 of the Convention against Torture and Other Cruel, Inhuman or



On September 21, 2020, the NHRC commissioners visited the former Xindian Military Prison of the Ministry of Defense accompanied by Transitional Justice Commission Chairperson Yang Tsui and Deputy Minister of Justice Chen Ming-tang. The prison was the longest-serving of all the sites used for holding political prisoners (1952-1989). Former inmates recalled how between 20 to 30 people were packed into each cell.

The NHRC inspecting the facilities used for processing political prisoners during the Martial Law period





On October 7, 2020, Commissioners of the NHRC and former political prisoners Tsai Kuan-yu, Fred Him-San Chin and Chen Lie had their photograph taken together in front of the Monument for Human Rights on Green Island (Lyudao). The inscription on the monument by Bo Yang read: "In those times, mothers wept through the long night for their children imprisoned on this island."



A list of those executed by firing squad during the Martial Law period is on display within the Green Island Human Rights Memorial Park.



On September 21, 2020, the NHRC held a minute of silence to commemorate the victims buried at the Liuzhangli Cemeteries.



The Liuzhangli Cemeteries became widely known after Tseng Meilan's search for the remains of his brother Hsu Ching-lan. The cemeteries are divided into three areas and around two hundred victims of political persecution are interred here. In 2016, the area was designated as a cultural landscape by the Department of Cultural Affairs, Taipei City Government.

Degrading Treatment or Punishment (CAT): "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."

Letting Memories See the Light of Day

Many countries such as South Africa, Germany, and South Korea have experience with transitional justice. The NHRC uses three approaches to convert the history of past injustices into teaching materials for human rights education:

1. Preservation of historical sites where injustices were committed

The NHRC discovered after its visit to the Ankang Reception House that the site was representative of how security agencies interrogated political prisoners during the 1970s and 1980s. At such locations, injustices such as the extensive use of torture were committed. Most of the other places once used by the security agencies to extract confessions have been demolished or built over. The NHRC is therefore actively working with the Ministry of Justice, Transitional Justice Commission and National Human Rights Museum on the preservation of the site.



Victim of political persecution Chang Tse-chou (right), National Human Rights Museum Director Chen Chun-hung and NHRC Commissioners revisited the 3rd Occupational Training Headquarters on Liuqiu Island on November 26, 2020. They described how they were made to break up, move and carry rocks while shackled under the blazing sun as part of reformation training. Huang Hua said they were like the slaves in movies about Ancient Rome.



Lin Shui-quan (left) and Huang Hua (right) were victims of political persecution branded as "hoodlums" by the government and sent to the 3rd Occupational Training Headquarters on Liuqiu Island for reformation training without a trial.

In their investigation into the case of Lin Shui-quan, Vice Chairperson Kao Yung-cheng and Commissioner Chang Chu-fang found that political dissidents may have been branded as "hoodlums" by the authoritarian rulers and sent directly to the 3rd Occupational Training Headquarters on Liuqiu Island for reformation training. Alternatively, political prisoners that had already completed their sentences were also sent there for further reformation training and forced labor without court-ordered sentences. The site should therefore be designated a historical site of injustice due to the serious human rights abuses that took place.

2. Shooting of the documentary Stumbling through the Darkness

Stumbling *through* the Darkness is a documentary filmed by the NHRC on historical sites of injustice. It is available on YouTube and has also been played at the special exhibition for Human Rights Day and other events. The documentary introduces society to the memories associated with historical sites of injustice and their implications for human rights education. It also helps people understand how core UN human rights conventions including the International Covenant on Civil and Political Rights, the Convention against Torture (CAT), and the International Convention for the Protection of



"Fengshan Guest House" in Kaohsiung was an important location for White Terror in the Navy. The space has been converted into a component of human rights education to help teachers and students learn about local human rights events and international guidelines on human rights.

All Persons from Enforced Disappearance serve to protect personal safety and due process, as well as the prohibition against enforced disappearance, secret detention, and forced labor. A version of the documentary with English subtitles was also produced to promote a greater international understanding of Taiwan's hard-won democracy and human rights.

3. Development of human rights teaching plans and materials

The NHRC commissioned the National University of Kaohsiung to develop human rights teaching plans and materials suitable for universities and

colleges based on local historical sites of injustice, the Navy's history during the White Terror, and core articles of UN human rights conventions. Teaching equipment including historical sites of injustice in VR and tabletop games were developed through the examination of case studies and interdisciplinary collaboration. Interactive experiences helped teachers and students learn about local human rights violations in order to strengthen their understanding of human rights and the rule of law. The development of the teaching plan and materials paved the way for grassroots human rights education and an appreciation for universal human rights.

Human Rights Issue 3

Defending Human Dignity Promoting the National Preventive Mechanism against Torture

Since the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) was adopted by the UN General Assembly on December 10, 1984, the convention has been widely ratified by the majority of countries around the world, amounting to 171 countries so far. According to CAT, the term "torture" refers to any act or acts by which severe mental or physical pain is intentionally inflicted upon a person for a specific purpose, such as punishment, intimidation, coercion, discrimination, etc., by

someone, either directly or indirectly, acting in an official capacity.

In the past, under an authoritarian regime, Taiwanese people suffered a myriad of cruel torture and oppression that violated human rights. Despite the freedom and democracy that we have today, the Control Yuan found that torture and other cruel, inhuman, or degrading treatments or punishments (hereinafter torture and other mistreatments) still existed and can be found in places where personal freedom is restricted, such as prisons, military



On December 1, 2020, the NHRC took part in a conference on Convention Against Torture. Photo provided by: Criminal Investigation Bureau

barracks, child and youth placement agencies, long-term care facilities, special needs schools, alien detention centers, etc. It is clear that we are not out of the darkness yet as torture and other mistreatments are still taking place in our society.

The following are some of the cases the Control Yuan has investigated:

- In 2016, an inmate of Lyudao Prison was held in solitary confinement for over 14 years.
- In 2018, a special needs teacher in Chiayi threatened to chop off students' hands and forced students to consume hot chili peppers.
- In 2017, a Taipei Juvenile Detention House fettered the ankles of a teenage boy with mental and physical disabilities and held him, alone, in the pacification ward for 101 days.

Torture preventive measures are important for Taiwan since torture and other mistreatments still exist. Nowadays, many developed countries have established the National Preventive Mechanism (NPM) to prevent torture, protect, and promote human rights. Unlike supervision and auditing powers that are usually exercised in the aftermath of such events, the NPM authorizes prevention in advance without the need for petitions, appeals, or victims.

National Preventive Mechanism (NPM)

Bring Light to the Dark Corners of Human Rights

The UN Optional Protocol of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) came into force on June 22, 2006. OPCAT called for signatory nations to establish a National Preventive Mechanism (NPM) to prevent torture and other ill-treatment effectively. 91 countries have become OPCAT signatories to date. NPM activities include regular inspection of detention institutions and facilities, issuing of recommendations and opinions, the gathering of all related information, engaging with relevant domestic institutions, and

the publication of annual NPM reports. Article 3 of OPCAT states that "Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment."

The Draft Act to Implement the UN Convention and Optional Protocol against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was passed by the Executive Yuan on December 10, 2020, and sent to the Legislative Yuan for review. The draft called for a dedicated NPM to be established by the NHRC. An NPM pilot program will therefore be launched by the NHRC in 2021, a first in Taiwan. The NHRC has made the following preparations for the launch of the NPM:



Human Rights Lawyer Pavel Doubek from Czech Was Invited to Give a Speech That Reveals the Dark Side of Immigration Shelters

On November 23, 2020, the NHRC invited Dr. Pavel Doubek, a Czech human rights lawyer, to give a speech on the Czech Republic's National Preventive Mechanism (NPM) for Anti-Torture Convention Consenting Countries. Dr. Doubek is a Czech human rights lawyer and postdoctoral researcher at Academia Sinica's Institutum Iurisprudentiae. Doubek has a wealth of experience and his area of specialization includes the UN's Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), national preventive mechanisms, and he also participated in the Czech Republic's NPM project.

As an example, Dr. Doubek used Bělá Jezová, an immigration shelter exposed by the Czech's NPM in 2015; meanwhile, the NHRC has translated this NPM report into Chinese*. An overview of this report: the Czech Republic, in Central Europe,

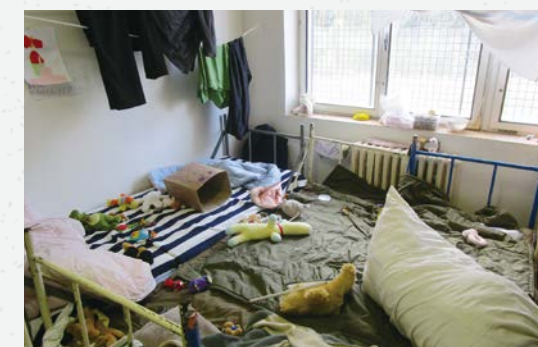
became a transit country for immigrants heading towards Western and Northern Europe. While some immigrants successfully passed through Czech's national border without being noticed, others were caught and detained by the police. Czech police officers did not take the differences in various immigration cases into consideration, which caused families with children to be detained as well.

During a raid conducted by the NPM investigation team, they were shocked to discover the number of children at the facilities; the police in charge of the shelter thought only thirty children were accepted into the shelter, but the number was five times that. In addition, the overall environment was unacceptable and far below the required human rights standard. The shelter's maximum capacity was 270 beds, but the team found a total of 659 individuals, and many of them were not provided with clothes or shoes and hadn't eaten a hot meal for eleven days straight. In addition, the environment was not only like a prison. It was also unkempt and dirty, causing an outbreak of salmonella infection – it was no place for children to be in.



On November 23, 2020, the Czech human rights lawyer Dr. Pavel Doubek gave a speech on the Czech Republic's NPM for Anti-Torture Convention Consenting Countries.

*The "Report on Visit to the Facility for Detention of Foreigners in Bělá-Jezová" was published by the Czech Office of the Public Defender of Rights on September 9, 2015.



In 2015, the Czech NPM visited the facility for the detention of foreigners. The photo is provided by the official website of the Office of the Public Defender of Rights of the Czech Republic.

In 2016, the Czech NPM team revisited Bělá Jezová and found that the number of female immigrants had dropped to nine and the living conditions improved. While these improvements might be credited to the overall decrease in the flow of immigrants, it is undeniable that if the NPM did not raid the shelter when it did, the truth about the degrading treatment of these immigrants who were kept deep in the woods might never see the light of day.



CAT Conference Lets Grievances from Disadvantaged Groups be Heard

The Criminal Investigation Bureau of the National Police Agency, Ministry of the Interior, invited the NHRC to take part in a conference on prevention of torture and ill-treatment

(CAT) on December 1, 2020, as part of its efforts to promote the incorporation of CAT into domestic legislation. A platform for communication was also set up for the academia, government agencies, non-government organizations and members of the public to help prevent torture and ill-treatment in Taiwan together.

During the conference, Chen Chu, the Chairperson of NHRC, said that freedom from torture was a fundamental human right. Every effort will therefore be made to improve the operating mechanisms of the NHRC and provide assurances at the national level so that even the weakest and most humble segments of society can be heard. The NHRC will also take on the role of the NPM to eliminate torture and other ill-treatment.

Preparation 3 Inter-ministerial Talks on NPM between the Executive Yuan, Ministry of Justice, and Ministry of Health and Welfare

There are currently more than ten thousand people in detention or shelters in Taiwan. These include corrections agencies under the Ministry of Justice or social welfare and care institutions under the Ministry of Health and Welfare. In addition to permanent detention facilities, NPM is empowered to inspect temporary holding facilities such as pre-trial detention, transit areas of international airports, inside courts, or modes of transportation that restrict the freedom of passengers.

To ensure the quality of monitoring activities during the NPM pilot program, the NHRC invited Minister without Portfolio Lo Ping-cheng from the Executive Yuan, Deputy Minister of Justice Chen Ming-tang, Deputy Minister of Health and Welfare Lee Li-feng, as well as officials from the relevant competent authorities such as the Agency of Corrections and the Social and Family Affairs Administration to study the implementation details for the NPM pilot program jointly. The agencies to be inspected were also invited to take part in a video conferencing



On December 1, 2020, the Chairperson of the National Human Rights Commission, Chen Chu, took part in a conference on Convention Against Torture and gave a speech.



On April 7, 2021, the Executive Yuan, Ministry of Justice, and Ministry of Health and Welfare held an inter-ministerial meeting regarding NPM.

session on June 11 to collect their input on the promotion of human rights and establish a framework for NPM inspections.

Preparation 4 NPM Forum New Zealand's Sharing of its Experience with NPM Monitoring during the COVID-19 Pandemic

The "Forum on International Practice of OPCAT - NPM & Human Rights of Fishermen" was held by the NHRC on June 23, 2021, to learn from international experience. In addition to a video recorded by Chief Ombudsman Peter Boshier from the Office of the Ombudsman New Zealand to send his regards to the forum, Jaimee Paenga, Legal Advisor to the New Zealand Human Rights Commission as well as Ruth Nichols, Principal Advisor to the Office of the Ombudsman New Zealand, took part in the video conference for the

first time to share New Zealand's experience with the implementation of NPM. They also reported on the role they played in the New Zealand parliament and how NPM monitoring was conducted in New Zealand during the COVID-19 pandemic.

New Zealand had first established its multiple body NPM as early as 2007. The New Zealand Human Rights Commission has been responsible for coordinating with the Office of the Ombudsman and other agencies on the joint implementation of NPM for the past 14 years. Jaimee Paenga plays a significant role as the Legal Advisor to the NZ Human Rights Commission. Her primary responsibilities are the overall management and coordination of NPM activities in New Zealand. At the same time, she is also the Human Rights

Commission's representative to New Zealand's "Children's Convention Monitoring Group." Advisor Ruth Nichols had previously worked for New Zealand's Ministry of Foreign Affairs and Trade and was also an academic involved with the health sector.

The NHRC hopes that the draft act on implementation of NPM and its associated legislation will be approved by the Legislative Yuan as soon as possible. The mechanism for prevention of torture and ill-treatment can then be implemented effectively to gradually reform risk factors in human rights, shine the light on dark corners, and eliminate all forms of torture and other ill-treatment in Taiwan. The integration of international best practices will help realize the ideal of a nation founded upon human rights.



On June 23, 2021, Ruth Nichols, the Principal Advisor on OPCAT, Office of the Ombudsman New Zealand shared her NPM operational experience in the "Forum on International Practice of OPCAT-NPM & Human Rights of Fishermen."



A forum was held in the northern region on April 9, 2021.

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4

Protecting the Human Rights of Persons with Disabilities Presenting Independent Opinions

Nothing About Us Without Us

In December 2020, the Executive Yuan published the second national report on the Convention on the Rights of Persons with Disabilities (CRPD). The National Human Rights Commission appointed two human rights commissioners, Wang Jung-chang and Wang Yu-ling, who have long been concerned about the rights and interests of persons with disabilities, to be responsible for composing the documents related to the independent opinions. This is the second presentation after the first independent opinion on the two human rights covenants (the International Covenant on Civil and Political Rights and the International Covenant on

Economic, Social and Cultural Rights) proposed by the Vice Chairperson, Kao Yung-cheng, and commissioners, Yeh Da-hua, Chi Hui-jung, and Chang Chu-fang on December 10, 2020. The second independent opinion that is about to be published is also an important function and power stated in Article 2 of the Organic Act of the Control Yuan National Human Rights Commission.

Commissioner Wang Jung-chang and Wang Yu-ling, first pointed out 251 issues that needed to be clarified with regard to the CRPD's second national report, and then contacted 21 relevant

government agencies via letter to further explain and solicit responses. Then the second questioning in writing was carried out according to the agencies' responses, and 7 forums for face-to-face discussions with the agencies were held.

To canvass opinions from persons with disabilities and associations for persons with disabilities, the NHRC arranged three regional forums in northern, central, and southern Taiwan; a total of 105 association representatives participated in the events. In addition, 5 focus group discussions, for different types of disability barriers, were held and 39 members attended those discussions.

Commissioner Wang Jung-chang shared that the CRPD upholds the spirit of "Nothing about us without us!" For that reason, each event was conducted by following the Disability Inclusive

Meetings An Operational Guide published by the UN. Where each participant's requirements will be acknowledged in advance during the invitation stage in order to provide support and services to people with different needs, such as a physical disability, visual disability, hearing and speaking disability, social disability, and mental disability.

Placing Emphasis on "Accessibility" and "Reasonable Accommodation," which are the Fundamental Bases for Collecting "Independent Opinions"

At present, when it comes to the needs of the disabled in attending conferences, most people think of barrier-free environments and facilities, sign language interpretation services and real-time transcription services used in conferences, which are all necessary for wheelchair users and the visually impaired. However, through many



A forum was held in the central region on February 5, 2021.



Ke Kun-nan, Director of the Spinal Injury Association in Taichung.



A forum was held in the southern region on February 19, 2021.



Luo Shu-xia, Deputy CEO of Children Are Us Foundation.



The red and yellow cards are prepared in the meetings. The participants in the meeting could hold up the cards to signal to the host that either someone is speaking too fast or that the content is too difficult to understand.

discussions and interviews over the months, the staff and two commissioners of the NHRC found many shortcomings. For example, the optimal heights for electric wheelchairs and manual wheelchairs are different. If conference rooms are only equipped with tables of the same height without height adjusting capabilities, this becomes physically taxing for people who attend conferences for long periods of time and have physical disabilities.

Furthermore, the sign language interpretation service provided in general meetings is primarily “oral interpretation” that places emphasis on translating the spoken message delivered by the speakers into sign language. However, since the majority of people in the focus group of hearing impaired people were proficient at sign language, the National Human Rights Commission intentionally arranged two groups of sign language interpreters. One of the groups focused on oral interpretation while the other group which had microphones were responsible for “sign language interpretation” which were responsible for translating sign language into the spoken language, to ensure that both sides communicated

effectively.

In addition, we specifically prepared red and yellow cards for the meetings. The participants in the meeting could hold up the cards to signal to the host that either someone is speaking too fast or that the content is too difficult to understand. Regarding written documents, apart from translating content into formats that are accessible to the disabled, whether or not the standards of discussion topics need to be changed into a format that is easy to read is also an essential element of preparation.

Commissioner Wang Yu-ling has emphasized, these accumulated experiences from current studies could be utilized in the future in related conferences and activities held by the National Human Rights Commission. Additionally, we hope to promote such insight and experiences to conferences and activities held by other government agencies and groups.

Owing to the wide range of CRPD, through these focus groups, we collected the opinions of the disabled. In the process, we found that

currently, the main problem for the disabled is that their needs have not been considered in terms of preventative disease measures, such that disabled workers are not able to retire earlier, even with their disabilities and physical circumstances. The other problem is the improvement and enhancement of public awareness.

With the Pandemic Worsening in Taiwan, there is the Emergence of the Disabled in Various Underprivileged Situations.

With pandemic worsening in Taiwan after mid-May, the Central Epidemic Command Center has announced that the nationwide alert for COVID-19 will rise to Level 3. Many groups for the disabled have lodged a complaint with the National Human Rights Commission. The successive outbreak in healthcare-associated organizations, illustrates that health care providers are at high risk of contracting the coronavirus. For disease prevention, the government implements essential preventative measures, including suspending social support services and community support programs, without providing the necessary assistance to the disabled at home. Furthermore, the needs of those with chronic diseases were overlooked and psychological counseling services were also suspended, all of which significantly impacted the survivability and safety of the disabled.



During the epidemic prevention period, the NHRC Chairperson Chen Chu along with Commissioners Wang Jung-chang and Wang Yu-ling wore transparent face masks to facilitate lip-reading by the hearing-impaired.

The coronavirus has spread around the world since it first emerged in late 2019. The Committee on the Rights of Persons with Disabilities of the UN and a special envoy who is in charge of the physically and mentally disabled and accessibility issues of the secretary-general announced in a joint declaration to appeal to each state to implement CRPD, which could ensure the personal safety of the disabled in an emergency situation. The World Health Organization proposed “Disability Considerations during the COVID-19 Outbreak” to highlight that the disabled are at higher risk of contracting the coronavirus with a higher chance of becoming critical patients.

The ILO Monitor: COVID-19 and the world of work published by the International Labor Organization described that the worldwide pandemic leads to the disabled falling victim to circumstances of rising inequality. Moreover, if disease prevention measures taken by each country such as lockdowns and telecommuting are not in accordance with reasonable accommodation under the CRPD, implementing social security measures will further negatively impact physically and mentally disabled workers and their families who have insufficient incomes.

Therefore, the measures taken by the government during the pandemic should be in accordance with public demand, with disability inclusion, to ensure that persons with disabilities can access assistance and protection with fair treatment instead of being neglected, or even quarantined because of their disability. For instance, information, brochures and other printed materials related to the COVID-19 pandemic should be produced in various formats that are accessible to persons with disabilities. In addition, the procedure of coronavirus testing, transportation and quarantine locations should be implemented with the principle of accessibility in accordance with CRPD, while offering the necessary facilities to safeguard the fundamental rights of persons with disabilities.

Where statutory support services were suspended due to the needs of epidemic prevention, appropriate support measures should be put into place so that assistance could be provided through internal or private-sector resources. Sufficient epidemic prevention supplies and protective equipment should also be supplied as well rather than placing the responsibility of care on individual families. This is in line with the right to independent living and community inclusion for persons with disabilities proclaimed by CRPD.

The core principle of "reasonable accommodation" in CRPD should be implemented across the board in response to school closures, remote learning, or working from home. This is to protect the right to education and work for persons with disabilities. The relief measures planned by the government should also consider the incomes of persons with disabilities and the special nature of some jobs in order to meet the CRPD requirements on adequate standard of living and social protection.

Issues Related to Offenders with Mental Illness Gather Opinions from All Sectors

In recent years, several serious criminal cases related to individuals with mental disorders have raised social concern and public worries. The government agencies seek to reinforce the legal foundation and plan to build a forensic psychiatric hospital. Besides, the Judicial Yuan and the Ministry of Justice have also proposed relevant law draft amendments and tried to improve systems. The objective is to strengthen social safety net and prevent the occurrence of similar incidents. However, the issue regarding the human rights of persons with mental disorders has become the focus of public attention.

To gather opinions from all sectors, the National Human Rights Commission hosted a forum on July 9, 2021, to discuss issues regarding the "Treatment System for Persons with Mental Disorders Who Violate the Law." The conference was conducted online in response to the Covid-19 pandemic. The conference was held in two venues and



Panelist Zhang Li-qing, Distinguished Professor of the Department of Political Law, National University of Kaohsiung.



Panelist Yang Tian-wei, executive director of the Taiwan Academy of Psychiatry and the Law.



Panelist Zhou Han-wei, Chief Executive Officer of the Legal Aid Foundation.



Panelist Teng Xi-hua, chair of the Taiwan Association for Psycho-Social Rehabilitation (TAPR).



The "Treatment System for Persons with Mental Disorders Who Violate the Law" forum was held on July 9, 2021, and the Judicial Yuan, the Ministry of Justice and the Ministry of Health and Welfare were invited to give a speech.

sign language translation and simultaneous transcription with subtitle service were provided. The representatives of the Judicial Yuan, the Ministry of Justice, and the Ministry of Health and Welfare were invited, as well as Zhang Li-qing, the distinguished professor of the Department of Government and Law of National University of Kaohsiung; Zhou Han-wei, the Executive Director of the Legal Aid Foundation; Yang Tian-wei, the executive director of Taiwan Academy of Psychiatry and the Law(TAPL); Teng Xi-hua, the president of the Taiwan Association For Psychosocial Rehabilitation, and other scholars and experts in the fields of law, medical care, and social work. The presentation of opinions from different perspectives is able to facilitate social dialogue as well as to improve and ensure the protection of human rights.

After hosting several regional forums and group interviews, two commissioners of the National Human Rights Commission would inspect the implementation of CRPD to ensure the protection of human rights for persons with disabilities during the pandemic period. The results would be included in the Opinions on the Second National Report on the CRPD and submitted to the NHRC meeting for discussion. The final version would be made in various accessibility editions, including sign language edition, braille edition, easy-to-read edition, and audio books for persons with disabilities. Moreover, the publication would be translated into English and submitted to the International Review Committee for reference, to facilitate the implementation of the UN human rights treaties in Taiwan as well as coordinate government agencies to jointly promote the protection of human rights.



Children's session of the Human Rights Exchange Hub on April 21, 2021

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5

Human Rights Exchange Hub Promoting Social Dialogue

The Universal Declaration of Human Rights (UDHR) passed by the United Nations in 1948 set out common and equal rights applicable to all mankind. It pioneered the protection of universal human rights through international law by the UN after World War II. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) passed by the UN in 1966 are known as the "Two Covenants." The establishment of international covenants on human rights that govern the implementation of human

rights protections by governments represented a new stage in the international development of human rights.

Nevertheless, the effectiveness of international conventions as guiding principles for the protection of human rights by governments is hobbled if their articles have no connection with local human rights issues in each country. The UN Paris Principles therefore emphasize the need for national human rights bodies monitoring the implementation of human rights conventions to embrace diversity and

openness as well as expand their connections with the civic society. They should cooperate with front-line human rights workers and non-government organizations (NGOs) in particular to learn about actual human rights issues in their local society from a civilian perspective. Such communication and dialogue can also help national human rights bodies adopt measures to prevent more serious human rights problems in the future. At the same time, national human rights bodies can provide information to the civic society as well. These include the mechanisms available for resolving such problems, adopting a broader view to human rights topics, or enhancing of professional knowledge in certain fields.

Become the Bridge between the Government and the Public

The democratization of Taiwan built up strong support for human rights issues in the civic society. Taiwan's growing number of NGOs not only keep watch on government agencies but are also an important partner in the government's efforts to improve human rights protections.

The NHRC launched the "Social Dialogue - Human Rights Exchange Hub" project in March 2021. The NHRC members engaged with NGOs through face-to-face interactive forums to introduce them to the organization, statutory role and activities of the NHRC. NGOs were also invited to state the human rights issues that they are currently focused on and offer their suggestions on related policies. After each forum, highlights from NGO statements were compiled by the NHRC. These provide an important reference for the opening of future investigations, national inquiries, policy research on human rights issues, and the compiling of independent opinions for national reports submitted by the government in accordance with the provisions of international human rights treaties.



What is the Hub?

In the IT sector, a hub is a relay with multiple ports. The "Social Dialogue - Human Rights Exchange Hub" series of forums was therefore held by the NHRC in order to become a platform for international and local exchanges. Conversations with civilian groups related to each human rights issue helped to connect the requirements of international human rights conventions with local human rights issues in the hopes of creating new outputs.



Planning and Hosting of Human Rights Exchange Hub Sessions

Sessions were planned and held for women and gender, children and youths, labor, new immigrants, indigenous people, and housing justice for young people (the last three sessions were postponed due to COVID-19) from March 2021 onwards. For each session, up to 20 NGOs were invited to take part in the dialogue. The human rights issues of concern to each group and their policy recommendations as well as the opinions of civilian experts were compiled by the NHRC to serve as background information or a reference for preparing independent opinions for national reports submitted by the government, launching national inquiries, research into human rights issues, or the opening of new investigations in the future.

The NHRC hoped that the "Social Dialogue - Human Rights Exchange Hub" project will open the door for discussions with local NGOs in Taiwan, promote cooperation between the NHRC and civilian groups, as well as promote openness and diversity in the national human rights body in accordance with the UN Paris Principles. The NHRC will then become a bridge between human rights groups and government agencies.

Forum 1

Women and Gender Groups Forum on Sexual Harassment in the Workplace, Long-term Care and Childcare, Gender Equality, and Emerging Digital Privacy Rights.

Taiwan took it upon itself to sign the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2007. The legalization of the CEDAW act in 2011 showed that domestic women's human rights movements were in line with international standards, a significant milestone for domestic women's human rights. The incorporation of international human rights conventions into domestic law has seen the universal values of human rights outlined in the articles of such conventions, which become a key indicator for non-government organizations to review government policies.

The first session for women and gender groups as part of the NHRC "Social Dialogue - Human

Rights Exchange Hub" series of forums was held on March 5, 2021. 24 NGOs throughout Taiwan took part in the dialogue with Commissioner Chi Hui-jung as the moderator. The topics of concern for women's groups at the forum included sexual harassment in the workplace complaints, implementation of support mechanisms for victims of sexual assault, as well as long-term care and childcare policies. A number of NGOs also called for the government to improve its protection of digital privacy rights as advances in network and digital communication technologies have led to malicious dissemination of personal imagery.

Taiwan's passing of the Act for Implementation of J.Y. Interpretation No. 748 in 2019 meant we



The NHRC sat down to exchange opinions with women's and transgender groups in order to promote human rights through the power of collective care.



Women's session of the Human Rights Exchange Hub on March 5, 2021.

became the first nation in Asia to legalize same-sex marriage. Nevertheless, supporting legislation have not kept up. For example, a child could previously be adopted by an unmarried person. Same-sex couples however cannot jointly adopt a child and form a family at the present. The reason for this is that the Act only permits adoption for "the genetic child of the other party." In other words, the children must be related by blood. We now have a ridiculous situation where a single person can adopt but same-sex couples cannot.

To obtain an in-depth understanding of the human rights topics on gender minorities (LGBTQIA+), the relevant NGOs were invited to take part in this forum as well. Topics of concern included gender equality education on campus, the right to education for gay and transgender students, and the requirements for transgender people seeking to change their national ID.



Women's session of the Human Rights Exchange Hub was chaired by Commissioner Chi Hui-jung.

Forum 2

Children and Youth Groups Forum

on Personal Safety, Discrimination,
and School Bullying

In 2014, Taiwan enacted the Implementation Act of the Convention on the Rights of the Child, which stipulates that the United Nations Convention on the Rights of Children (CRC) has the effect of domestic law. Different from the previous laws and regulations for children and adolescents in Taiwan, which mainly focus on welfare or protection of their rights and interests, the CRC takes the fundamental rights of persons below 18 years old as its starting point and emphasizes the subjectivity of children and adolescents. Governments should adopt proactive legislative or administrative measures to achieve human rights for children and youths as stipulated in the CRC.

On April 21, 2021, the NHRC hosted the “Social Dialogue – The Human Rights Exchange Hub:” Children and Youth Groups Forum. The event was moderated by Commissioner Yeh Ta-hua, and 22 NGOs for child rights and protection were invited. To implement Article 12 “the child who is capable of forming his or her own views has the right to express those views freely” and Article 13 “the right to freedom of expression” as stipulated in the CRC, the forum invited the participating NGOs to discuss “How to Establish a Complaint Mechanism for Children and Youth” and to elicit suggestions. With the NGOs’ first-hand observations and experiences with policy advocacy on children and youth’s human rights issues, such as safety, discrimination, school bullying, sexual harassment, sexual assault, placement, and guardianship, the forum wanted the various groups to share their top and current children and youth human rights issues and concerns.



The Children's session of the Human Rights Exchange Hub was hosted by Commissioner Yeh Ta-hua.

Several representatives from NGOs for child rights and protection have suggested that the government should provide comprehensive privacy protection to protect whistleblowers from retaliation. Moreover, the complaint mechanism and the information in response to complaints should be clear and accessible for children and youths. The promotion of the complaint mechanism, assistance in complaint for children and youths with disabilities, and dissemination of children's human rights knowledge are indispensable complementary measures for children's complaint mechanism.

Due to the popularization of smart phones, tablets, and the Internet, children and youths are accustomed to using social media and communication apps from an early age. The participating NGOs called on the government to set up an agency to protect children and youths from Internet fraud, abduction, and harassment.

Forum 3

Labor Groups Forum

with Respect to Excessive Working Hours, Threshold Restrictions for Unionization, Employment Discrimination, Abuse of Police Criminal Record Certificates, Work Safety, and Occupational Injuries.

Since the 19th century, attention to and implementation of labor rights have gradually become one of the most important core values of international human rights development. With a series of advocacy and social movements for labor rights, it has become a crucial force of social reform for democratic development worldwide. The United Nations International Covenant on Economic, Social, and Cultural Rights (ICESCR) states that governments should proactively protect people's right to freely choose their jobs and ensure that they can have just and favorable conditions of work. To protect their rights, the government shall ensure the rights of everyone to form or join trade union and to strike.

On May 10, 2021, the NHRC held a labor forum, chaired by Commissioner Wang Yu-ling, who is adept in labor issues. A total of 13 national trade unions and NGOs that paid close attention to occupational safety, labor health, and youth labor issues participated in the discussion.

Trade unions that have been promoting labor rights in the public sector also participated in the forum, which included prison administrators, police officers, and firefighters. They pointed out issues such as unreasonable shift systems, workplace bullying, restrictions on the collective labor rights, workplace safety, and labor health all of which have been largely neglected by the government. President Huang Yu-xiang, the only firefighter who survived the Bowling Alley Fire incident, spoke on behalf of the National Association for Firefighters' Rights (NAFR). He not only emphasized the

importance of protecting collective labor rights but also mentioned that civil servants' occupational safety must be taken seriously. In addition, the Secretary-General of the Taiwan Labor Front, Sun You-lian, also mentioned that it is becoming more and more common for job seekers to be asked to provide a police criminal record certificate. Is it legal to make such a request? Does it infringe on employment discrimination? Or is it a violation of privacy?

Other representatives also pointed out other issues, such as excessive working hours, restriction of threshold to form a trade unions, employment discrimination preventive mechanisms, workplace safety, and occupational injuries should be prioritized. They also presented a number of specific proposals and research findings, which provide important references for the NHRC on labor rights.



Chairperson Chen Chu participated in all the labor's session of the Human Rights Exchange Hub.



On November 20, 2020, the NHRC visited the National Academy for Educational Research to learn about current status of the Ministry of Education's promotion for national human rights.

Human
Rights
Issue

6

Implementing Human Rights Education Collaborating with Civil Service and Education System

Based on an overview of key human rights-related conventions of the United Nations, it has been stated in the "International Covenant on Civil and Political Rights," "International Covenant on Economic, Social, and Cultural Rights," "Convention on the Elimination of All Forms of Discrimination against Women," "Convention on the Rights of the Child," and "Convention on the Rights of Persons with Disabilities" that it is the obligation of a country to ensure that everyone has fair entitlement to the rights mentioned in the conventions, and government agencies and public institutions cannot act against these obligations. The

United Nations "Paris Principles" (1993) stipulates that National Human Rights Institutions have the obligations to promote human rights education and increasing the public's awareness towards human rights.

Connecting the World and Complying with International Human Rights Guidelines

The "United Nations Declaration on Human Rights Education and Training" in 2011 also outlined the importance of human rights education and training to the enhancement, protection, and enforcement of human rights. Article 1 of the declaration opens

with the statement: "Everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training." In other words, receiving human rights education, on its own, is a human right.

For this reason, the NHRC observed Article 2 of "Organic Act of the Control Yuan National Human Rights Commission" as well as the rationale and practices of United Nation's "World Programme for Human Rights Education," and took the initiative to collaborate with the Examination Yuan and the Ministry of Education on promoting human rights education. Case studies and terms of human rights conventions have been incorporated into training materials and courses to help build respect and awareness for human rights among civil servants and educators, through whom the nation may enforce human rights protection in people's everyday life.

Asserting Human Rights into the DNA of Civil Servants in Collaboration with the Examination Yuan

Civil servants are the driver behind a nation's progress; they exercise authorities on behalf of a nation and have the most direct impact on people's rights through planning and enforcement of regulations and policies. The NHRC has been actively engaging the National Academy of Civil Service, Examination Yuan, in raising human rights awareness and promoting human rights education among civil servants since it was first founded. To date, the commission has engaged the national academy on many forms of collaboration including: enhancement of course materials, referral of human rights instructors, and convention of human rights seminars.

With respect to the enhancement of course materials, the NHRC contributes by selecting appropriate cases from previous human rights-



World Programme for Human Rights Education

During the General Assembly held in December 2004, the United Nations announced its "World Programme for Human Rights Education" - a stage-by-stage action plan to provide human rights education for different groups of people. Based on the programme, the United Nations Human Rights Council proposed a 4-phase action plan in 2004, 2010, 2014, and 2019 that targeted the primary and secondary education, tertiary education, and civil servants, military personnel, media, and youths.



related investigations or corrections of the Control Yuan that can be used by the National Academy of Civil Service as human rights course materials. In November 2020, the commission compiled 11 cases that were included in the basic training of new civil servants and used as training material for civil servants with elementary rank seeking promotion to junior rank. The commission contributed 7 additional cases later in March 2021 that were used as training material for civil servants with junior rank seeking promotion to senior rank.

For each case, the commission provides clear explanation on the point of dispute, the investigation outcome or cause of correction by the Control Yuan, and association with UN human rights conventions. By compiling cases and making associations with relevant international human rights conventions, the commission hopes to materialize the concept of human rights in ways that raise human rights awareness and mission among civil servants, which in turn helps realize human rights protection.



To strengthen the cultivation of "human rights" awareness among public servants, the NHRC and the National Academy of Civil Service, Examination Yuan formed a cross-branch partnership to use past cases as the teaching materials for human rights education.

An example was the case of "Home foreclosure over unpaid traffic fines" from the teaching materials. Mr. A, a middle-aged single parent with a widowed mother was raising a son and a daughter all by himself. He made his living as a casual laborer and he often neglected to pay his traffic fines due to economic stress. Overdue payment penalties had snowballed to more than NT\$18,000 when the Administrative Enforcement Agency (AEA) of the Ministry of Justice (MOJ) seized his house. If he had paid the fines before the foreclosure auction, the matter would have ended there. Mr. A was working away from home however and his mother didn't realize the gravity of the situation so threw the notices away. The foreclosure auction was carried out and the family was now threatened with eviction.

An appeal launched by a retired professor of law from the National Taiwan University drew

widespread attention. An investigation was launched by the Control Yuan Members as the right to housing may have been violated. The AEA eventually admitted that proper procedures had not been followed. In addition to revoking the auction and canceling the ownership transfer, it also promised to make improvements to its enforcement procedure. In the future, the AEA will not only follow the letter of the law but also do its best to locate the person in question through visits outside of office hours or mobile phone notifications to ensure they understood the gravity of the situation.

The Control Yuan investigation report noted that the execution of the case threatened to render citizens homeless and the action taken was disproportionate to the offense. The Ministry of Justice was therefore asked to learn from this mistake and establish guidelines to review the human rights impact of administrative enforcement



Partnership with Ministry of Education on the introduction of human rights education in teacher training.

so that similar human rights violations do not occur again. In response, the MOJ drew up review principles and a SOP checklist for related enforcement procedures. Education and training were also hosted, with branches directed to protect human rights and follow the principle of proportionality during enforcement. Support should also be offered to the economically disadvantaged.

The lesson to draw from the case was that if there was a violation of the law that should be punished, if the severity and scope of punishment far exceeded the original offense then it may become a serious violation of human rights. Civil servants should therefore take human rights into consideration because enforcement of the law is not the only standard. A balance must be struck between public and private interest by paying attention to the appropriateness, necessity and balance of enforcement methods. The case therefore serves as an example to all civil servants.

Collaboration with the Ministry of Education to Strengthen Educators' Concept of Human Rights
Education is a long-term policy and primary and secondary education systems are used worldwide as the starting point for promoting human rights. The United Nations World Programme for Human



Profile of Commissioner Tien Chiu-chin and the cooperation program with Ministry of Education.

Rights Education (WPHRE) prioritizes the inclusion of primary and secondary school systems in the first phase of the plan. The Plan of Action requires action in the following five areas: policies, policy implementation, learning environment, teaching and learning, and education and professional development of teachers and other personnel.



NHRC Chairperson Chen Chu (front, second from the left) and Minister of Education Pan Wen-chung (front, third from the right) jointly launches the "Collaborative Sprout Project on Human Rights Education."

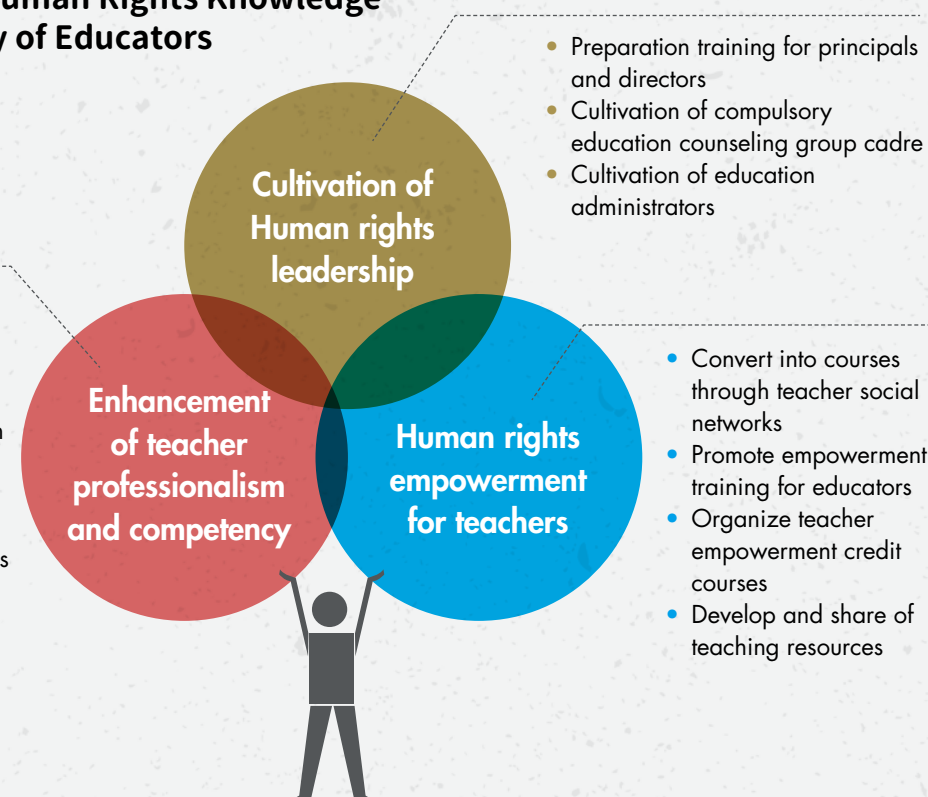
Therefore, the National Human Rights Commission (NHRC), in cooperation with the Ministry of Education (MOE) has incorporated the first phase of the plan and the investigation cases of the Control Yuan in the field of education into the pre-service and in-service training programs for principals, directors, and teachers. This program helps teachers and staff to comprehend the United Nations (UN) human rights treaties from local cases so that they can become human rights promoters and work together to create a human rights-based educational environment.

Take the case of "Please Give Students with Muscular Dystrophy a Fair Chance to Take the Exam" as an example. Student A, who suffers from muscular dystrophy, has difficulty with writing when compared to other students because of his or her physical disability. This student needs more time for math and science calculations and

endured significant overload muscular endurance burden when writing Chinese and English essays. In the general regulations of national university entrance examinations, such as the General Scholastic Ability Test (GSAT), the Technological and Vocational Education joint college entrance examinations (TVE), and the Advanced Subjects Test (AST), it states that students are allowed to apply for an extended examination time according to their physical needs; however, the maximum extension is 20 minutes. For student A, even if he or she tries very hard to complete the test answers, it is almost impossible for him or her to finish the test even within the extra 20 minutes. The investigation of the Control Yuan indicated that some students with certain physical disabilities require more time to answer because of their writing impediment. Nevertheless, the extended examination time provided by the College Entrance Examination Center (CEEC)

Multi-pronged approach with proactive implementation Enhancing the Human Rights Knowledge and Competency of Educators

- Encouraging related courses at universities with teacher training programs
- Collaborative program on teacher training
- Incorporation of international human rights convention issues



is still limited to 20 minutes, which does not meet the requirements of Article 2 of the Convention on the Rights of Persons with Disabilities (CRPD) for reasonable accommodation. Hence, the CEEC was requested to protect the rights of disabled students while maintaining the fairness of the examination.

This case is not just limited to the CEEC policy but it also aims to inspire front-line educators to think deeply about the issue. It is imperative to make reasonable accommodation in teaching, testing, and activity planning to protect the rights and interests of students with disabilities. Moreover, it is equally essential to cultivate human rights literacy among students and create a human rights-based campus so that the learning environment is fair, wholesome, and kind, where students respect, tolerate, and care for each other.



Article 2 of the Convention on the Rights of Persons with Disabilities

defined "reasonable accommodation" as: necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.



Connecting with the Global Community Incorporation of International Human Rights Conventions into Domestic Legislation

An important function of national human rights institutions is the fulfillment of international human rights conventions that each country has signed up to, joined, or approved. As Taiwan is not a member of the United Nations, whether the approval letter can be submitted to the UN Secretary-General after Taiwan signs, joins or approves and international human rights convention still remains a challenge. International human

rights conventions are therefore “incorporated into domestic legislation” by Taiwan instead. In other words, Taiwan fulfills its commitment to international human rights conventions by passing acts of implementation for each convention through the Legislative Yuan.

75% of all countries have now signed four or more of the nine core UN human rights conventions. Five



The Second ICCPR & ICESCR Report Review Meeting. Photo provided by: Ministry of Justice

has been incorporated into domestic legislation by Taiwan through acts of implementation (see table below for details). The “Draft Implementation Act of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

and its Optional Protocol” was also proposed by the Executive Yuan in 2020. The draft act has been submitted to the Legislative Yuan for examination and may become the next human rights convention to be incorporated into domestic legislation.

Progress on the Incorporation of the Nine Core UN Human Rights Conventions into Domestic Legislation

Convention name	Effective date	Signatory nations		Incorporation into domestic legislation and date of proclamation	National reporting schedule	Competent authority of convention	Reporting cycle
1 International Covenant on Civil and Political Rights (ICCPR)	1976.3.23	173		Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (2009.4.22)	3rd time (2020)	Ministry of Justice	Every 4 years (Note 1)
2 International Covenant on Economic, Social and Cultural Rights (ICESCR)	1976.1.3	171			2nd time (2016) 1st time (2012)		
3 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1981.9.3	189		Enforcement Act of Convention on the Elimination of All Forms of Discrimination against Women (2011.6.8)	4th time (2021) 3rd time (2017) 2nd time (2013) 1st time (2009)	Gender Equality Committee, Executive Yuan	Every 4 years
4 Convention on the Rights of the Child (CRC)	1990.9.2	196		Implementation Act of the Convention on the Rights of the Child (2014.6.4)	2nd time (2021) 1st time (2016)	Ministry of Health and Welfare	Every 5 years
5 Convention on the Rights of Persons with Disabilities (CRPD)	2008.5.3	182		Act to Implement the Convention on the Rights of Persons with Disabilities (2014.8.20)	2nd time (2020) 1st time (2016)	Ministry of Health and Welfare	Every 4 years
6 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	1969.1.4	182		(Note 2)	Expected in 2023	National Immigration Agency, MOI	Every 4 years
7 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1987.6.26	171		Submitted to the Legislative Yuan for deliberation in 2020	—	—	—
8 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	2003.7.1	56		Under discussion	—	—	—
9 International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)	2010.12.23	63		Under discussion	—	—	—

Note 1: A report is submitted every 4 years for ICCPR, and every 5 years for ICESCR. To reduce the burden on administrative and government resources, concurrent reviews are conducted based on the advice of international human rights experts. Submission deadlines differing from that of the UN were also defined based on local conditions.

Note 2: Taiwan had already signed and approved the Convention on the Elimination of All Forms of Racial Discrimination before withdrawing from the United Nations. Instruments of ratification was deposited with the Secretary-General of the United Nations in 1970.
Source: https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=_en Date browsed: 2021.6.22



Article 5 of the Implementation Act (draft) stipulates that "the National Human Rights Commission shall develop specific measures against torture," which empowers the National Human Rights Commission with more important duties.

Establishment of National Reporting System and Invitation of International Review Committee to Taiwan

It has been stipulated in UN human rights conventions that all States Parties are obligated

to submit reports explaining the measures taken and the progresses made with respect to various conventions to relevant institutions of the United Nations, including: UN Human Rights Committee (Article 40 of ICCPR), UN Economic and Social Council (Articles 16 and 17 of ICESCR), Committee on the Elimination of Discrimination against Women (Article 18 of CEDAW), UN Committee on the Rights of the Child (Article 44 of CRC), and Committee on the Rights of Persons with Disabilities (Article 35 of CRPD).



December 10, 2020 – Commissioner of National Human Rights Commission Yeh Ta-hua released Independent Opinion on the Third National Report on the ICCPR and ICESCR on behalf of the National Human Rights Commission.

How should Taiwan fulfill the two Covenants when it is not a member of the United Nations? Taiwan adopted a distinctive and exclusive international review system when making its first national report of the two Covenants. In 2013, international human rights experts were invited to Taiwan to review the national report, which followed the same procedures as UN; these experts then gave advice on the current state of human rights in Taiwan, and published concluding observations and recommendations.

Members of the International Review Committee had to qualify for one of the following:

- (1) Current or former member of a human rights-related core committee under the United Nations.
- (2) Current or former member of a non-government organization under the United Nations.
- (3) Current or former special rapporteur for a core human rights-related convention of the United Nations.

- (4) World-renowned human rights expert/scholar.
- (5) Previous involvement in reviewing human rights report of other countries.

Via this system, government agencies and non-governmental organizations can engage in constructive dialogues and exchanges with international human rights experts to enable Taiwan to voluntarily adhere to and implement core human rights convention practices. This approach is well-recognized and accepted by the international community.

After the National Human Rights Commission was founded, the commission presented the "Independent Opinion on the Third National Report on the ICCPR and ICESCR" on December 10, 2020, and submitted the report to the International Review Committee for review. The NHRC also plans to present "Independent Opinion of the National Human Rights Commission on the Second National Report on the Convention on the CRPD" in 2021.



Video conference between the NHRC and the APF on November 11, 2020.

Cooperating with the APF to Gain National Inquiry Operational Experience

With the assistance of UN, many regional National Human Rights Institutions have been founded, such as the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the European Coordination Group of National Human Rights Institutions, and the Asia Pacific Forum of National Human Rights Institutions (APF), which has long history of interaction with Taiwan.

The Asia Pacific Forum (APF) is a regional network of human rights institutions and the most high-profile representative of the 25 national human rights

institutions in the Asia-Pacific region. The APF has long been engaged in international cooperation and exchanges to support operations associated with the protection and advocacy of human rights. To encourage the establishment of independent national human rights institutions, the APF proactively presents counsel and suggestions to governments and non-governmental organizations of numerous countries.

The APF had sent many delegations to Taiwan and has closely monitored the progress of Taiwan's establishment of the National Human

Rights Commission (NHRC). And in turn, the Control Yuan and other Taiwanese human rights organizations have attended and participated in many of the APF international conferences. In 2017, the APF issued a formal assessment report to state that: "the best option for establishing a national human rights institution in a timely manner is to make it part of the Control Yuan." Upon the establishment of Taiwan's NHRC, Kieren Fitzpatrick, the Director of the APF Secretariat, wrote to Chen Chu, the President of the Control Yuan, to congratulate her on becoming the first chairperson of the NHRC and express his wish to learn more about the priorities of the NHRC.

On November 11, 2020, the National Human Rights Commission held a discussion with the Secretariat via video conference for the first time due to the pandemic. Attendees from NHRC included all Commissioners of the NHRC, Consultant of NHRC Huang Song-lih, Secretary-General Judy, Fu-meei Ju of the Supervisory Office, and attendees from the APF included Kieren Fitzpatrick, the Director of the APF Secretariat, Special Envoy Rosslyn Noonan, Principal Advisor Pip Dargan, Legal and Policy Manager Phillip Wardle, etc.



Members of the APF

16 full members

Afghanistan Independent Human Rights Commission, Australian Human Rights Commission, National Human Rights Commission of India, Indonesian National Commission on Human Rights, Jordan National Centre for Human Rights, National Human Rights Commission of Korea, Human Rights Commission of Malaysia, National Human Rights Commission of Mongolia, National Human Rights Commission of Nepal, New Zealand Human Rights Commission, Palestinian Independent Commission for Human Rights, Commission on Human Rights of the Philippines, National Human Rights Committee of Qatar, Ombudsman of Samoa, Human Rights Commission of Sri Lanka, Provedor for Human Rights and Justice of Timor-Leste.

9 associate members

National Institution for Human Rights in the Kingdom of Bahrain, National Human Rights Commission of Bangladesh, High Commission for Human Rights of Iraq, National Centre for Human Rights of Kazakhstan, Ombudsman of the Kyrgyz Republic, Human Rights Commission of the Maldives, Myanmar National Human Rights Commission, Oman Human Rights Commission, National Human Rights Commission of Thailand.



The National Human Rights Commission and the APF held a video conference on November 11, 2020.

National Inquiries Thoroughly Research the Issues of Social Policies and Structure, and Aim to Find Solutions

Several Commissioners of the NHRC have mentioned topics related to the systemic national inquiry, including the selection of issues. In response, Noonan indicated that it is necessary to consider various factors and conditions to prioritize the issues as each national inquiry requires a vast amount of manpower, material resources, and time. For the NHRC, coordination with and the support of civic groups are crucial.

The national inquiry was initially developed by the Australian Human Rights Commission (AHRC). Different from Members of the Control Yuan who focus on cases of human rights violation or dereliction of duty, the national inquiry targets systemic violation of human rights, thoroughly researching the issues of social policies and structure, and aims to find solutions for problems.

Features of a National Inquiry:

NGOs, local social organizations, professional institutions, and agencies related to the occurrence or consequences of the incident will be invited to join an open session for the victims and their families to share their experience; they will then provide their observation results and their proposed plans for improvements.

Subjects of a National Inquiry:

The national inquiry is not implemented nor initiated by members of the NHRC individually. Each year, the NHRC selects and concentrates on a couple (1 to 2) of topics after large-scale discussions, collection and analysis of opinions; the NHRC also communicates and educates people through the media and performs follow-up tracking. The national inquiry aims for multiple goals, such as unearthing truths, traumas consolation, human rights educations, raising awareness, and advocating policies.



Commissioners of the National Human Rights Commission took a group photo with the UK's Equality and Human Rights Commission.



The National Human Rights Commission held a video conference with the UK's Equality and Human Rights Commission (EHRC).

The UK's Equality and Human Rights Commission Shared the Investigation Results of Structural Discrimination Cases

On April 20, 2021, all commissioners of the National Human Rights Commission and two consultants of NHRC, Teng Yean-sen and Fort Fu-Te Liao, conducted a video conference with the UK's Equality and Human Rights Commission (EHRC) for the first time. The representatives of EHRC have participated in the meeting, including the Acting Chief Executive Officer, Alastair Pringle; head of the Stakeholder Engagement

Department, Laura Miggins; Senior Associate of the Inquiries and Intelligence Department, Neil Martin; head of the Enforcement Department, Joanna Gregson, and senior associate of the Human Rights Monitoring Department, Matthew Blow. The representative of the British Office Taipei, John Dennis, and the head of the Political Section, Mark Fletcher, have also joined the conference.



The National Human Rights Commission held a video conference with the UK's Equality and Human Rights Commission. John Dennis, the representative of the British Office Taipei also joined the conference.

EHRC was founded in 2007 according to the Equality Act 2006. It has integrated with the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission. As a public statutory authority, EHRC operates independently with around 170 personnel and an annual budget of over GBP 17 million.

Committed to Improving Inequality and Investigating Gender Wage Gap and Discrimination against Jewish People

During a video conference, the EHRC shared its experience with communicating with governmental agencies, media, congress, and civil society organizations and demonstrated an online tool the "Human Rights Tracker" (<https://humanrightstracker.com>).

com). The "Human Rights Tracker" monitors and keeps track of the UK government's implementation of international human rights treaties and at the same time, it also comprehensively monitors and evaluates the country's six major human rights-related domains, such as education, work, the standard of living, health, security and justice, freedom and personal safety, and as well as the degree of participation.

Furthermore, the EHRC also shared two crucial investigations that involved corporate organizations and political parties: one is whether the BBC (British Broadcasting Corporation) paid men and women equally for the same work; and the other is whether the Labour Party discriminated



A discussion forum between the National Human Rights Commission and the UK's Equality and Human Rights Commission.

against Jewish people. The EHRC indicated that many organizations, including enterprises, value their reputations and want to improve their brand images and thus making it easier for the EHRC to approach them, and most of them are willing to cooperate with EHRC investigations and accept their improvement suggestions.

Not long after the EHRC's establishment, it was accredited as fully compliant with the Paris Principles and gained "A Status" from the GANHRI. This accreditation is held every 5 years. The EHRC was to be evaluated again in 2021, but due to the COVID-19 pandemic it will be postponed to 2022. Mr. Pringle, the acting Chief Executive Officer of the EHRC, indicated the importance of getting A

Status; it not only provides a nation with the right of speech at UN Assemblies and other international organizations, but it also enhances the EHRC's credibility and reputation within the nation.

Representative of BOT John Dennis denoted that when it comes to human rights, no single country or government can comprehensively put human rights into practice alone; this requires a team of national and international organizations working together. The UK and Taiwan share many of the same values when it comes to democracy, human rights, and freedom. The National Human Rights Commission and the EHRC should continue to deepen exchanges and cooperation based on our shared values.



Committed to International Exchanges

The establishment of the NHRC signifies Taiwan's promise to shoulder the responsibility of fulfilling the International Human Rights Conventions and to contribute as an active member of the international human rights community. The realization of human rights, whether cross-border or in cyberspace, depends on international cooperation. Since the establishment of the NHRC, representatives of many countries have visited Taiwan to exchange and share experiences on human rights issues, including the human rights of fishermen, gender equality, labor rights, regional cooperation of human rights promotions, etc. Last year, on December 10 – International Human Rights Day – the NHRC invited delegations around the world to attend the “Upgrade Taiwan Human Rights” event to share details on the establishment process and upcoming projects of the commission.

In addition, many international conferences this year have been postponed or canceled in

response to the COVID-19 pandemic. Therefore, the Human Rights Commission has switched to virtual mode using video conferences to exchange experiences and other exchanges with other countries and international organizations, including the Asia-Pacific Forum of National Human Rights Institutions (APF), the UK's Equality and Human Rights Commission (EHRC), and the Ombudsman New Zealand and the New Zealand Human Rights Commission.



The Representatives of various countries joined the “Upgrade Taiwan Human Rights” event and special exhibition.



Left: William Brent Christensen, former Director of the American Institute in Taiwan.
Right: Jordan Reeves, Executive Director of the Canadian Trade Office in Taipei.



Left: John Dennis, Representative of the British Office Taipei.



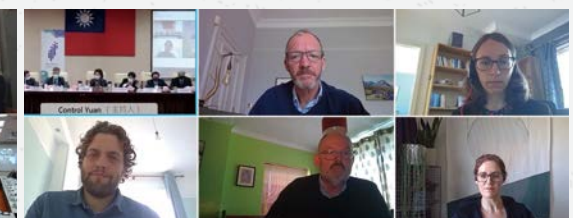
Right: Teddy Surachmat, Deputy Representative of the Indonesian Economic and Trade Office (IETO) to Taipei.



Left: Jean-François CASABONNE-MASONNAVE, Director of the French Office in Taipei.
Right: Jenny Bloomfield, Representative of the Australian Office in Taipei.



Left: Video conference with the Asia Pacific Forum (APF) of National Human Rights Institutions.
Right: Video Conference with the UK's Equality and Human Rights Commission (EHRC).



Left: Video conference with Peter Boshier, Chief Ombudsman from the New Zealand Ombudsman and the New Zealand Human Rights Commission.
Right: Dr. Pavel Doubek, human rights lawyer from Czech.





The Power of Unity: Society as a Whole

Sometimes, just the term “human rights” alone inadvertently give some people the impression of obscurity; therefore, if the provisions of international human rights treaties are too difficult to achieve or fail to fulfil domestic requirements then these provisions cannot be practically implemented in the society.

The NHRC has actively organized various meetings and events since its establishment. Through these

events, they listened to suggestions and opinions from scholars, experts, and even NGOs from different fields. The NHRC visited social welfare facilities to observe the implementation and current status of human rights issues. Through the extensive collection of opinions and inspections, the NHRC gradually amasses a database of various human rights issues for evaluation and to verify the fulfilments of the International Human Rights Conventions in Taiwan are met.

2020 World Children’s Day: “Dialogue on the Rights of Children and Youth”

To celebrate the 2020 World Children’s Day and to see from the perspectives of children and youths on human rights issues in schools, the NHRC invited children and youth representatives from different municipalities to visit the Control Yuan. Through the method of “World Café,” to provide a comfy and informal ambiance, the young representatives participated in discussions on children and youth human rights issues and freely shared their thoughts and concerns. Commissioner Yeh Ta-hua served as the host, and Commissioners Wang Yuling, Tien Chiu-chin, Wang Jung-chang, Chi Hui-jung, and Yeh Yi-jin served as chairpersons to provide guidance as needed by the youngsters.



2020 International Day for the Elimination of Violence against Women: Purple Ribbon – Love Is Without Violence – Dance Performance and Film Screening Seminar

On the eve of the 2020 International Day for the Elimination of Violence against Women, the NHRC organized an event at the Tsai Jui-yueh Dance Foundation (now a municipal historic site) and invited representatives from women’s organizations, dance artist Hsiao Wo-ting, famous directors Chen Lih-kuei and Wei Te-sheng, and Li Min-yong a poet and cultural critic to join the discussions. The event was hosted by Commissioner Chi Hui-jung, commencing with a rendition of The Puppet, a theatrical dance piece produced by Tsai Jui-yueh; Tsai was a brilliant dance artist as well as a victim of the White Terror. Next, the film *Rose and the dancing Moon* was screened, this is a documentary about Tsai’s personal life and the suffering she endured as a political criminal.



2020 International Human Rights Day: The “Upgrade Taiwan Human Rights” Event

The “Upgrade Taiwan Human Rights” event was held on International Human Rights Day on December 10, 2020. The NHRC held a human rights exhibition to introduce the establishment process of the NHRC. The “EyeMusic Orchestra,” composed of visually impaired musicians, and New Taipei Municipal Jin-Shan High School’s aboriginal performance art class provided the entertainment for the event. Commissioner Yeh Ta-hua took to stage to briefly introduce the Independent Opinions on the Third National Report on the ICCPR and ICESCR.

President Tsai Ing-wen was in attendance and delivered a speech. While on stage, Lin Che-ying, the chairperson of the National Association of the Deaf R.O.C. (Taiwan), taught President Tsai some Taiwan Sign Language (TSL), and together they signed “Continuously upgrade human rights in Taiwan.” President Tsai, along with Chairperson Chen Chu, Commissioner Wang Jung-chang, political victim Tsai Kuan-yu, Kao Ing-chieh (a Taiwanese indigenous person), and Tran Thi Hoang Phuong (a new immigrant) launched the NHRC’s Logo. More than 30 NGOs and international organizations from numerous countries attended the ceremony.



Human Rights Promotional Project “Being a Complete Human - Hai-Kuang Human Rights Forum”

“Being a Complete Human - Hai-Kuang Human Rights Forum” was the NHRC’s first-ever project in cooperation with NGOs and academic organizations since the NHRC’s establishment. The name “Hai-Kuang” paid tribute to Professor Yin Hai-Kuang. In 1958, Professor Yin published the critique “Do you want to be a fulfilled human or not?” that was featured in the *Free China Journal*. At the end of the article, he left these profound words, “Whether or not we are fulfilled human



beings depends on the obtainment of human rights. Whoever wishes to live as a human being shall fight for their rights.”

This is a series of cooperative activities and events that started to roll out in March 2021. The project was coordinated by the NHRC, the Yin Hai-Kuang Foundation, and Soochow University’s Chang Fo-Chuan Center for the Study of Human Rights. The succession of events is divided into four categories: 2020 Human Rights Memorabilia Chronicles, Human Rights Promotional Workshops, Human Rights Forums, and Human Rights Book Club. Scholars, experts, and NGO workers were invited to discuss the current human rights issues and share practical advocacy experiences. All individuals or civic groups who are interested in human rights issues are welcome to participate in the events. Thus far, we have completed 4 sessions: “Migrant Worker, Fishermen, and Foreign Spouses” on March 26; “Criminal Liability of Offenders with Mental Illness” on April 24; “Human Rights in the Digital Surveillance and Data Collection Era” on July 1; “The Bitter-Sweet Success of NGO Workers in Taiwan” on July 20.



Conference on the Contemporary Medical Human Rights of the Elderly

On March 26, 2021, a Conference on the Contemporary Medical Human Rights of the Elderly was held in conjunction with the NHRC and the National University of Kaohsiung (NUK). Director Chen Chun-hung of the National Human Rights Museum was invited to give a speech and many scholars and experts in the field participated in the forum, including Chairperson Chen Chu; Vice Chairperson Kao, Yung-Cheng; human rights consultant, Professor Mab Huang; Professor Teng Yean-sen; researcher Fort Fu-Te Liao; Chen Yueh-tuan, President of NUK; Chen Cheng-ken, Dean of the College of Law, NUK; Jong Juh-jyh, President of Kaohsiung Medical University.





National Human Rights Commission is Continuously Advancing Forward

The National Human Rights Commission was founded in 2020 not only as a new government agency, but a new system for promoting and protecting human rights at the national level. In the last year, the National Human Rights Commission has been actively gathering issues and engaging local and foreign parties in various exchange and collaboration, and spent a great amount of time discussing, consulting, training, and exploring the models, strategies, and plans by which the National Human Rights Commission should operate.

During the meeting held on January 20 this year, the National Human Rights Commission passed its "2021 Strategic Plan - Annual Task Plan" that encompasses six strategies:

1. Resolution and remedy of human rights violation: to assist in the investigation of torture, human rights violation, and incidents that involve any form of discrimination; to conduct national inquiries on investigative cases, such as "Minors who have been sexually assaulted in places such as campuses, shelters, correctional schools, and youth detention centers" and "How migrant workers raise their children when working in a foreign country;" and to organize NPM related operations by assembling a specialized panel which conducts regular visits to eight locations.

2. Establishment of human rights database and indicators for study and review of national human rights policy: to create a human rights database and a set of indicators and systems for reviewing compliance with human rights conventions; and to examine existing regulations including current projects on rights of foreign fishermen, lockdown of the Hoping Branch of Taipei City Hospital, rights of

civil servants with physical or mental disability, and follow-up actions.

3. Expression of independent opinions on national report of human rights conventions: to express independent opinions on "Convention on the Rights of Persons with Disabilities"; and to gather and analyze information that is essential for expressing independent opinions on "Convention on the Rights of the Child" and "Convention on the Elimination of All Forms of Discrimination against Women."

4. To cooperate and interact with public and private organizations for the enhancement of human rights protection.

5. Connecting to the international human rights network: to exchange with international organizations and human rights institutions of various countries and cooperate with them on events such as training programs and human rights conferences.

6. Enhancement of social communication, human rights awareness, and human rights education: to cooperate with government agencies on promoting human rights education; to develop innovative teaching materials and programs for human rights; to produce promotional materials in multiple languages; and to create an accessible NHRC official website.

The mission of the National Human Rights Commission is to be a pillar of support for the disadvantaged and become a champion of integrity for the nation. Its first anniversary marks only the beginning of a long journey ahead, one that the National Human Rights Commission is committed to devote more efforts into raising human rights standards in Taiwan.



NATIONAL HUMAN RIGHTS
COMMISSION, TAIWAN

The logo of National Human Rights Commission is inspired by Taiwan's five main ethnic groups and has been designed to resemble the geographic outline of Taiwan. The five separate lines also represent Taiwanese people's persistent pursuit for equality, freedom, diversity, justice, and democracy, and feature a purple color theme (the color of victimization).



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