

National Human Rights Commission 2023-2026 Medium-Term Strategic Plan

July 2023

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National Human Rights Commission 2023-2026 Medium-Term Strategic Plan

I. Preface

1. Background

In 1993, the Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (commonly known as “the Paris Principles”) were passed by the United Nations (UN) and quickly gained widespread support in the UN human rights system, spurring member states to establish national human rights institutions. In Taiwan, civic organizations have been advocating the establishment of a dedicated, independent national human rights institution under the Paris Principles since 1999.

Thanks to the hard work of everyone involved, the Organic Act of the Control Yuan National Human Rights Commission (the “Organic Act”) was finally passed by the Legislative Yuan on December 10 (National Human Rights Day), 2019, promulgated on January 8, 2020, and implemented on May 1 of the same year. Later that year, on August 1, the National Human Rights Commission (NHRC) was inaugurated. As Taiwan’s national human rights institution, the NHRC’s mission is to promote human rights, support the disadvantaged, and become the conscience of Taiwan, in accordance with the fundamental principle of being an independent, dedicated, and diverse agency.

In 2021, the NHRC began to publish annual strategic plans detailing its undertakings to safeguard and promote human rights in realization of Article 2 of the Organic Act.

The NHRC works to promote human rights in accordance with the Organic Act and the guidelines for national human rights institutions provided in General Comment No. 10 on the International Covenant on Economic, Social and Cultural Rights. Because the strategic plan is a crucial document to be submitted for accreditation, developed countries that value human rights all formulate medium-term strategic plans or plans for the next three to four years for their national human rights institution, which determine the direction of each country's human rights initiatives and outline human rights issues to be addressed over the near future. Compared to the national human rights institutions of those countries, the NHRC is understaffed and underfunded. In order to deal with the most pressing human rights issues under the constraint of limited resources, the NHRC has made reference to medium-term strategic plans or 3- or 4-year human rights topics of concern reports, the contents and key human rights issues outlined in the Executive Yuan's National Human Rights Action Plan (2022-2024), key issues derived from the opinions of and feedback from civic organizations, topics of concern delineated in independent evaluation reports, and issues discussed in the concluding observations on international covenants. This plan, which contains the priority human rights topics the Commission chooses to focus on in the next three to four years, the key

strategies to be implemented, and the key issues to be addressed, will serve as a roadmap for the NHRC's operations and development.

2. Brief introduction to the NHRC

1) Regulatory basis

The Commission was established in accordance with the Organic Act and Article 3, Paragraph 2 of the Organic Law of the Control Yuan.

2) Organization

a. Membership

Pursuant to Article 3 of the Organic Act, the NHRC consists of 10 members, with the president of the Control Yuan and seven members who qualify under Article 3-1, Paragraph 1, Subparagraph 7 of the Organic Law of the Control Yuan as ex officio members. The NHRC is chaired by the president of the Control Yuan, and the vice chairperson is elected from among the NHRC members. Two members of the Control Yuan (other than the ex officio members of the NHRC) may also be appointed to serve a one-year term on the Commission by the president of the Control Yuan, but such members may not be reappointed.

Pursuant to Article 3-1, Paragraph 1, Subparagraph 7 of the Organic Law of the Control Yuan, members of the NHRC must be individuals with an outstanding reputation who specialize as researchers into or who are dedicated to human rights protection, or individuals with actual experience serving in civil society organizations involved in the promotion and protection of human

rights. Pursuant to Paragraph 2 of the same article, seven members must meet the criteria stipulated in the aforementioned Subparagraph 7, and there can be no vacancies. The composition of the seven members must be diverse and must include representatives from different ethnic groups and professional fields. No gender shall constitute less than one third of the Members, and prior to their nominations, recommendations from civil society organizations must be publicly solicited.

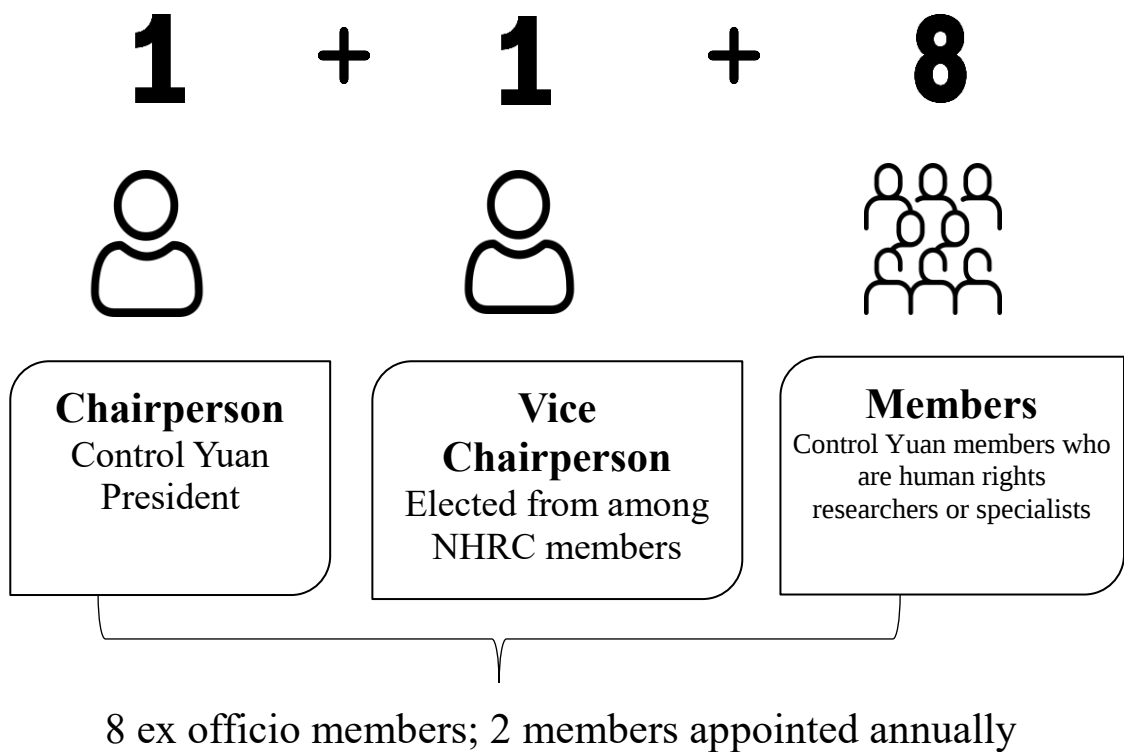


Figure 1 NHRC organizational structure

b. Staff

Pursuant to Articles 7 and 8 of the Organic Act, the NHRC has established the following three divisions: the Research and Planning Division, the Enquiries and Investigation Division, and the Education and Promotion Division. The Commission relies on a staff of 32 to 45 employees, including an executive secretary, to

manage its administrative affairs. When needed, the NHRC may, on a contractual basis, employ 6 to 12 persons who are specialists in human rights issues and human rights protections or have experience working with civic groups concerned with human rights. The NHRC has a budget for 42 employees and currently employs 38.

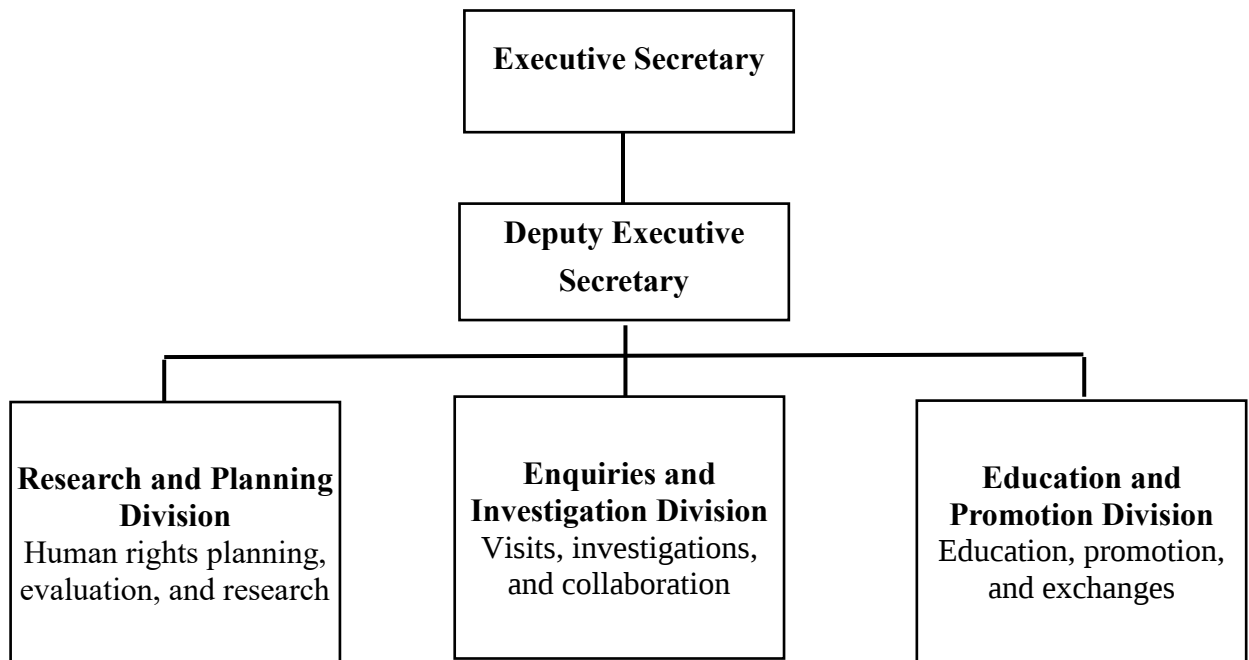


Figure 2 NHRC staff chart

3) NHRC Operations

1. Guidelines

The NHRC fulfills the requirements set forth in the Paris Principles for a national human rights institution in that it has broad powers to uphold international human rights standards, it is independent and diverse, and it has sufficient resources:

- a) The NHRC has its own Organic Act that gives the Commission legal status as an independent agency.
- b) Members of the NHRC come from diverse backgrounds,

ethnicities, and professional fields.

- c) The NHRC is funded by a dedicated government budget (the national human rights budget).
- d) The NHRC has an official seal issued by the Office of the President and has the authority to issue official letters.

2. Commission meetings

Pursuant to Articles 5 and 6 of the Organic Act and Article 4 of the Commission's Meeting Rules, the NHRC convenes once a month, and if necessary, additional meetings may be convened at the request of three or more members. Meetings may only be convened with more than half of the members in attendance, and resolutions may only be made with the approval of the majority. Resolutions for matters described in Article 2 of the Organic Act are deliberated and reviewed by the Commission's meetings.

3. The medium-term strategic plan and how it is related to other key human rights covenants and plans

1) Relationship to the Executive Yuan's National Human Rights Action Plan (2022-2024)

In May 2022, the Executive Yuan announced Taiwan's first ever National Human Rights Action Plan, which identified eight priority human rights issues: strengthening human rights protection, human rights education, equality and non-discrimination, strengthening the right to life protections, housing justice, climate change and human rights, digital human rights, and refugee rights protections. In total, the plan addressed 154 specific goals and KPIs with corresponding

timelines for their execution. The action plan was closely tied in with the quadrennial National Development Plan, and took an inventory of current human rights issues, identified issues in dire need of addressing, and outlined the direction of the country's human rights initiatives.

The NHRC's medium-term strategic plan, on the other hand, focuses on the commission's mandate to select priority issues in the protection and promotion of human rights in the next three to four years based on the Commission's authority. However, since the NHRC is responsible for the oversight of the National Human Rights Action Plan and all human rights-related government policies, the medium-term strategic plan is also informed by the National Human Rights Action Plan to ensure that it is consistent with the direction in which the country is heading in terms of human rights initiatives.

2) Relationship to key human rights covenants

In compliance with international human rights conventions, Taiwan adopted the ICCPR and ICESCR (the "Two Covenants") through national legislation in 2009. The Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights makes the Two Covenants legally binding domestic law in Taiwan. The NHRC prepares regular national reports based on timelines stipulated by treaty bodies. The reports are submitted for self-imposed review, and the competent government agency also invites international human rights

experts to conduct on-site audits to ensure that Taiwan's human rights practices are in compliance with international covenants. Pursuant to Article 2, Paragraph 8 of the Organic Act, the NHRC provides independent opinions on national reports submitted by the government in accordance with the provisions of international human rights treaties, prepares a parallel response to address questions raised by international reviewers, and participates in international audits, after which the international review committee will publish concluding observations as a basis for improving human rights in Taiwan.

In the process of preparing independent opinions as a reference for international review committees, the NHRC collects opinions from all corners of society, including government agencies, experts and scholars, and civic organizations, in order to form a better understanding of the current status of and shortcomings in Taiwan's human rights development. The concluding observations released by international review committees also bring up human rights issues that the NHRC and the Taiwanese government need to address. The NHRC has limited resources with which to address to the volume of content and multiple points of concern in the Commission's independent opinions and concluding observations, and has to select human rights issues with the highest priority to focus on in its medium-term strategic plan.

3) Relationship with work plans

Because the medium-term strategic plan is the

Commission’s roadmap for the next three to four years, the NHRC will also formulate work plans to set out the specific tasks to be completed each year and ensure the proper allocation of available resources, so that the strategic plan can be realized year by year.

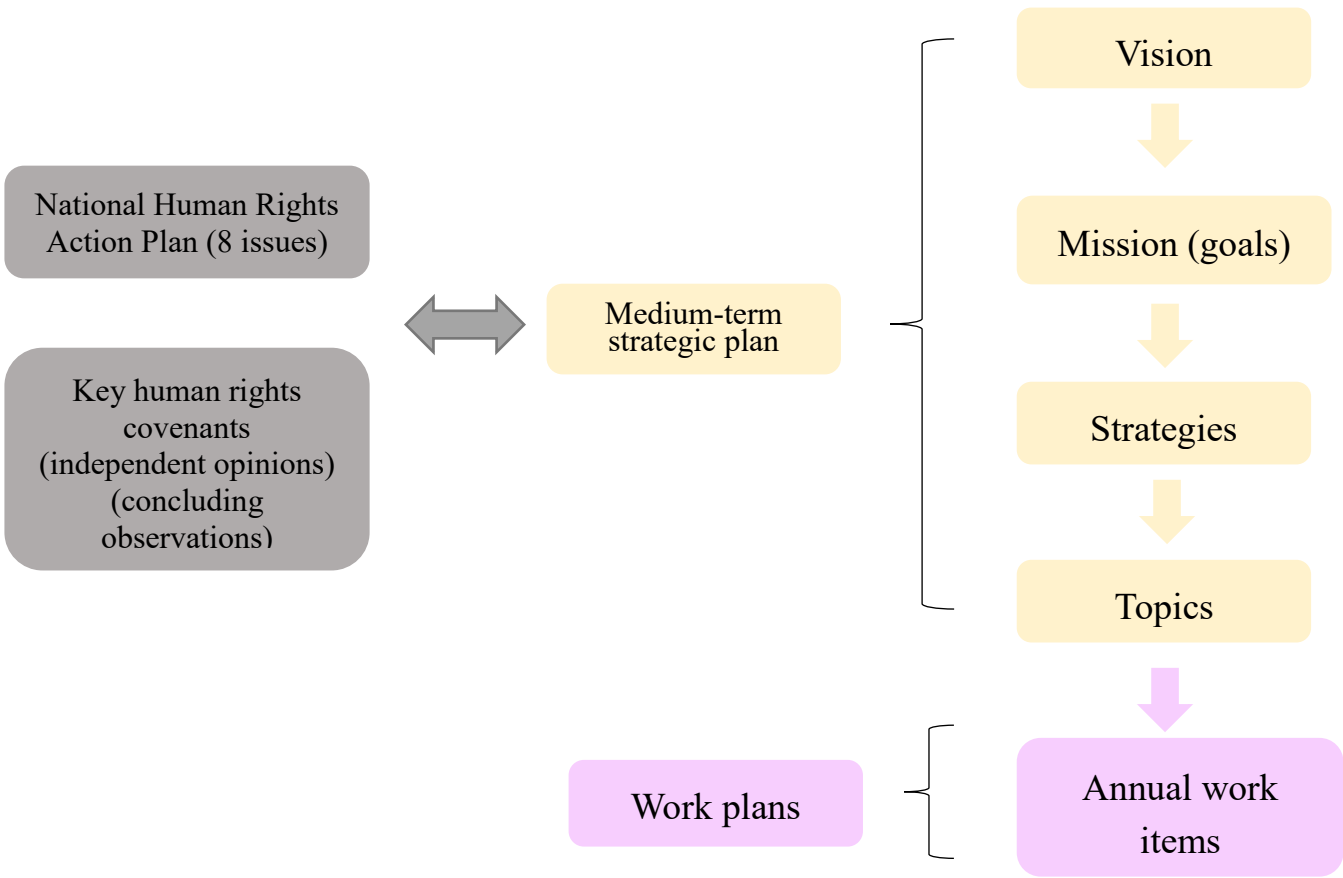


Figure 3 Relational diagram illustrating the medium-term strategic plan’s relationship to the Executive Yuan’s National Human Rights Action Plan, key human rights covenants, and other plans

4) Definitions

1. Vision: The ideal future that the NHRC is pursuing.
2. Mission: Goals to be achieved during the plan execution period.
3. Strategies: Directions and focuses set for the realization of the goals.
4. Topics: Human rights issues that require urgent attention in order to realize the strategies.
5. Annual work items: Key tasks that needed to be completed in a given year in order to address the topics.

II. Formulation of the plan

1. Data collection

1) Collection of background information

In order to get a better picture of domestic and international human rights trends, the NHRC referred to the medium-term strategic plans and priority tasks formulated by the UK, Australia, South Korea, and other countries, the five major topics selected by the Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as the major human rights issues identified in the Executive Yuan's National Human Rights Action Plan (2022-2024), and the implementation status of the Commission's own 2021/2022 annual strategic plan.

2) Clarification of the relationship between the NHRC's strategic plan and the government's National Human Rights Action Plan

In order to clarify the distinct roles and functions of the strategic plan and the National Human Rights Action Plan, the NHRC collected data from the UK (Scotland), Australia, and South Korea. These countries take a top-down approach in their national human rights action plans, which address a wide scope of human rights issues and cover a variety of disadvantaged groups and human rights issues. The strategic plans of these countries' national human rights institutions, on the other hand, mostly focus on the operation of the institutions themselves from the perspective of their mandate regarding human rights protection and promotion. In conclusion, the roles of the two plans are different.

2. Selection of topics and formulation of strategies

1) Identifying topics of concern among civic organizations and NHRC members

While preparing independent opinions and executing human rights projects, the NHRC engages in frequent dialogue and interaction with civil organizations. By May 2023, the NHRC has held 203 hearings and had exchanges with 577 organizations in an effort to understand the topics of concern among such organizations. The Commission provided 263 independent opinions on the Third National Report on the Two Covenants, 137 independent opinions on the Second National Report on the CRPD, 142 independent opinions on the Second National Report on the CRC, 36 independent opinions on the Fourth National Report on CEDAW, and 140 independent opinions on the Initial National Report on ICERD. The NHRC took an inventory of these independent opinions and issues of concern in the concluding observations of each covenant as a reference for the formulation of medium-term strategies and topics of concern.

2) Preliminary opinions from the NHRC's human rights consultants and members

The NHRC referenced the aforementioned domestic and foreign sources and gave consideration to which groups were at higher risk of human rights violations, the impact of emerging human rights issues in major international countries, and the need to construct a comprehensive framework of operations, and then selected six preliminary topics of concern—improving

the NHRC's operational framework, monitoring human rights issues among vulnerable groups, keeping track of the impact of human rights in the post-pandemic era, emphasizing the impact of digital technology developments on human rights, continuing to promote human rights education, and focusing on exchanges with international human rights institutions. Between September and December of 2022, the NHRC asked its consultants for their thoughts, studied their opinions, and took an inventory of key future tasks in order to prepare a draft of the plan, which was sent to NHRC members for review.

3) NHRC members convene and reach consensus

i. Three NHRC general assemblies

In January and February 2023, the NHRC convened three meetings to discuss the draft plan. The focus of the meetings was on optimizing the efficiency of the NHRC, monitoring and improving human rights conditions for disadvantaged groups, monitoring and promoting human rights education, and actively participating in collaborative international human rights networks. In total, 28 extensive and diverse topics under the four major strategies were discussed extensively, including the concluding observations of each covenant, matters that the NHRC should implement, continuity in the NHRC's multi-year human rights work, the NHRC's assistance in implementing and promoting the government's national human rights action plans, and important emerging human rights issues.

ii. Discussion by the NHRC Members and Consultants Advisory Meeting

The NHRC referred the four major strategies and 28 topics to the NHRC Members and Consultants Advisory Meeting, during which some consultants shared their concerns that the extensiveness and number of topics might make it difficult to achieve our goals within four years and suggested that the NHRC evaluate the immediacy and significance of the topics.

iii. Forging a consensus

To address the various concerns raised by the consultants, the NHRC held a two-day consensus workshop on April 30 and May 1, 2023 during which all NHRC members took part in in-depth discussion and ultimately selected 21 topics to give priority to due to the limited manpower and capacity of the Commission. These topics were derived from six major categories: matters requiring the NHRC's execution according to the concluding observations on each international covenant, the NHRC's topics of concern from the concluding observations on each international covenant, independent opinions, research and planning projects, regulatory improvements, and matters pertaining to the NHRC's authority and operations.

iv. Confirmation of topic significance and expected outcomes by the entire NHRC membership body

Over the course of May 2023, the entire NHRC body

discussed the specific tasks, significance, and expected outcomes for each of the identified topics, based on which a preliminary plan for the next three to four years was drafted.

3. Public opinion

The NHRC sought public feedback on the preliminary plan through its official website and Facebook page and consulted human rights consultants and 19 alliances, associations, foundations, and other NGOs (as well as organizations referred to the NHRC by such NGOs) on the various international covenants between June 12 and June 30, 2023.

4. Passage by the NHRC

Following the public opinion collection period, the NHRC referenced both the opinions of its human rights consultants and the external feedback from the public and proposed an amended draft, which was presented to and passed by the 43rd General Assembly of the 1st NHRC on July 25, 2023.

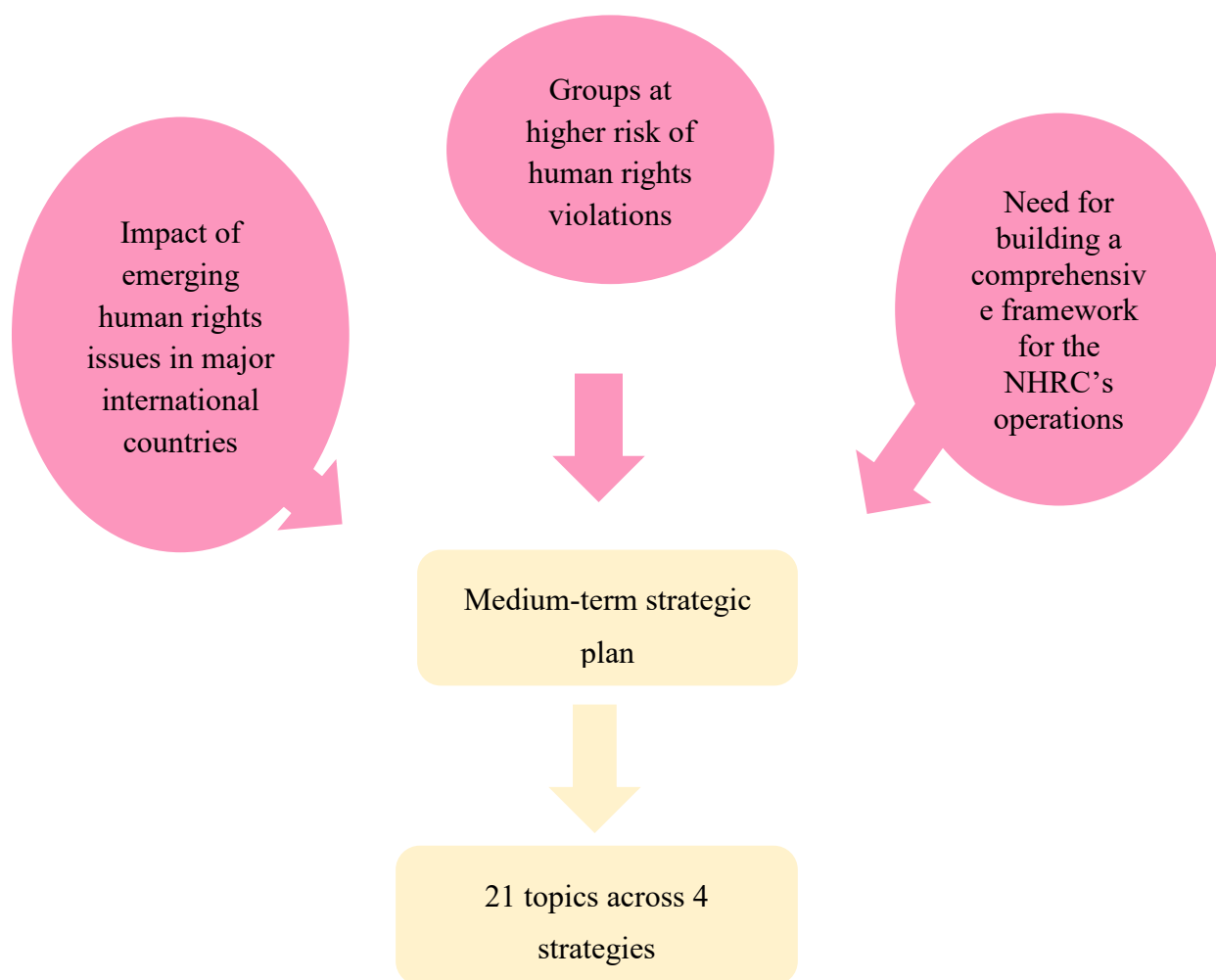


Figure 4 Principles for selecting strategies and topics for the medium-term strategic plan

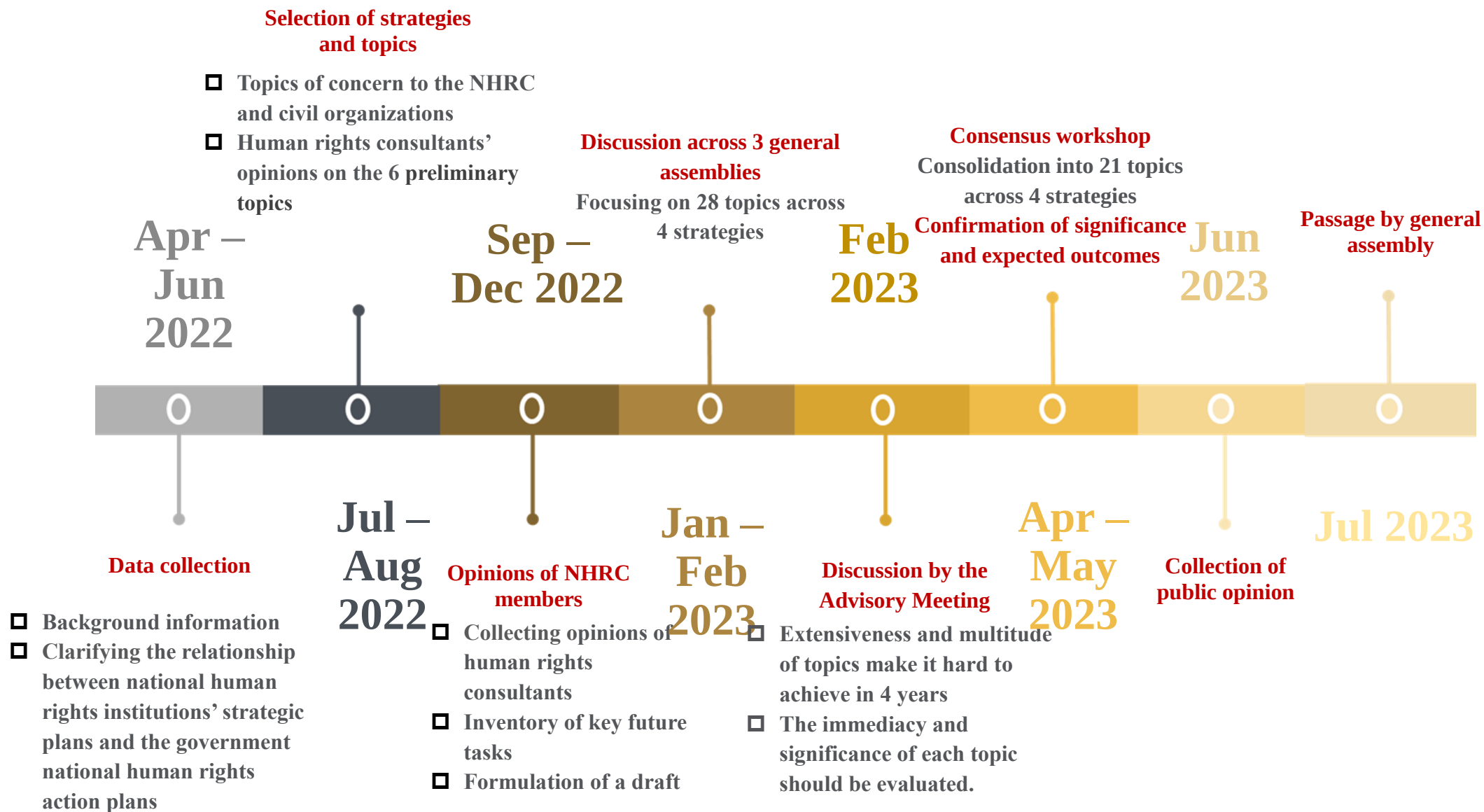


Figure 5 Plan development timeline

III. Timeline

The plan will be carried out over a period of four years between January 1, 2023 and December 31, 2026.

IV. Framework

1. Vision

The NHRC envisions itself as the conscience of Taiwan and an advocate for the disadvantaged.

2. Goals

Promoting human rights awareness for a free and equal society.

3. 21 topics across 4 major strategies

Strategy	Topic
Strategy I Optimizing the efficiency of the NHRC	1.1 Ensuring a robust regulatory basis for the NHRC's operations.
	1.2 Creating a mechanism for monitoring the implementation of the CRPD and exploring the monitoring of children's rights.
	1.3 Step-by-step preparations for the GANHRI evaluation system.
	1.4 Strengthening monitoring of the implementation of national human rights affairs and international covenants.
	1.5 Establishing a mechanism for dialogue with and participation by civic organizations.
	1.6 Strengthening channels for human rights complaints.

Strategy	Topic
Strategy II Monitoring and improving human rights conditions for disadvantaged groups	2.1 Lobbying for national legislation for the implementation of the Convention Against Torture and its Optional Protocol.
	2.2 Discussing the right to an adequate standard of housing for people forcibly removed from their homes due to land expropriation.
	2.3 Lobbying for the gradual phase-out of the death penalty.
	2.4 Promoting equal access to the justice system.
	2.5 Improving the employment and financial security of female caretakers.
	2.6 Monitoring human rights safeguards for criminal offenders with mental disabilities.
	2.7 Monitoring human rights safeguards for migrant workers.
	2.8 Promoting ethnic mainstreaming and monitoring human rights safeguards concerning indigenous peoples.
	2.9 Reviewing mechanisms for handling teacher-student violence on campus.
	2.10 Exploring and discussing the impacts of emerging human rights topics.
Strategy III Monitoring and promoting	3.1 Promoting human rights awareness among public servants, the police, corrections officers, the justice system, and military

Strategy	Topic
human rights education	personnel.
	3.2 Encouraging the media to help safeguard human rights.
	3.3 Establishing a human rights database to keep track of international human rights trends and disseminate human rights information.
Strategy IV Actively participating in collaborative international human rights networks	4.1 Participating in international reviews of national reports on ICERD in keeping with international human rights systems.
	4.2 Actively participating in international human rights initiatives and cultivating talent for international human rights affairs.

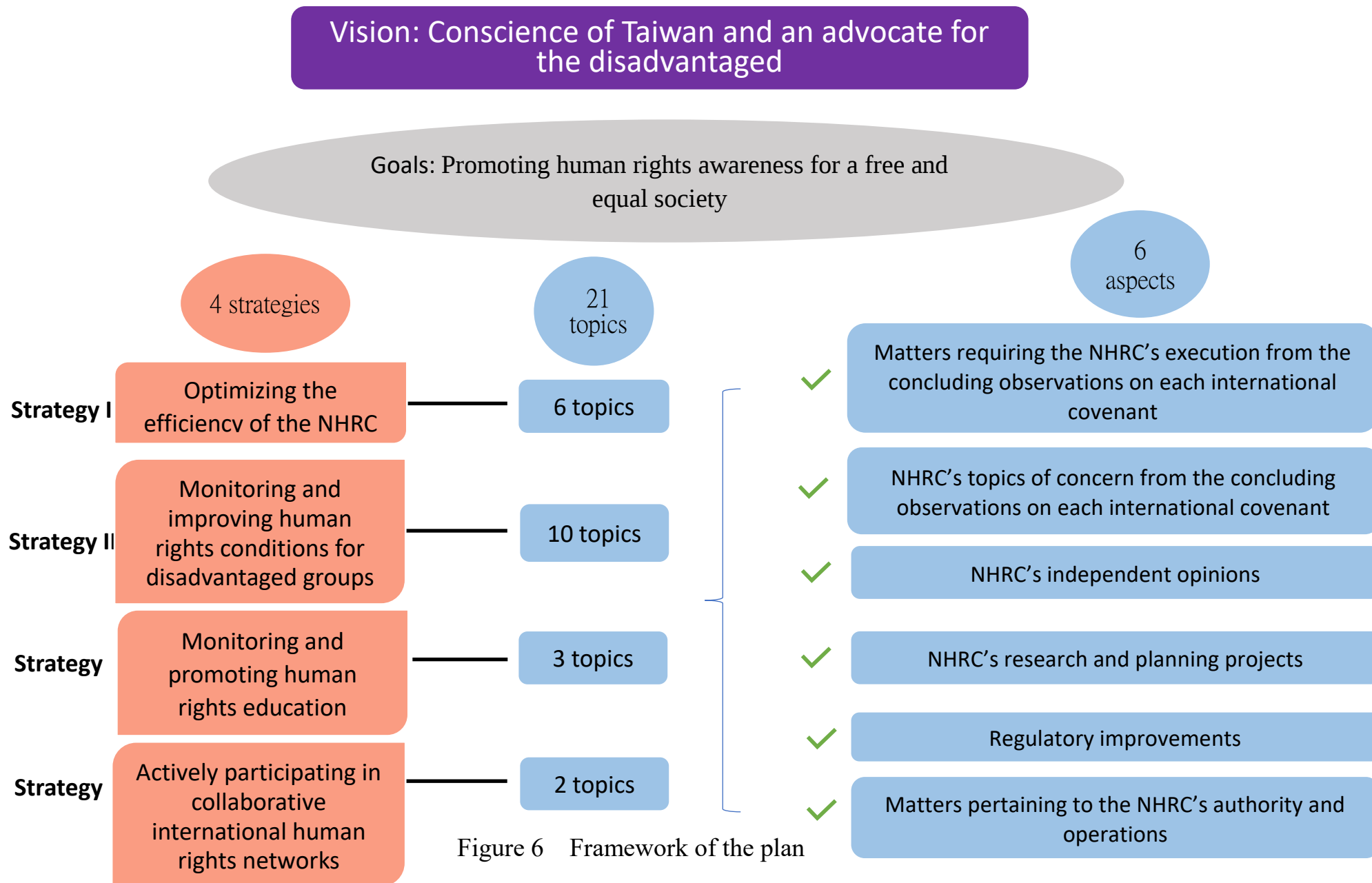


Figure 6 Framework of the plan

V. Topic details

1.1 Ensuring a robust regulatory basis for the NHRC's operations
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1. Reason for selection

The NHRC's ability to exercise its full authority hinges on the passing of Chapter 5-1 ("National Human Rights Commission's Authority") of the bill for the partial amendment of the Control Act, which is currently under deliberation in the Legislative Yuan. To ensure that the NHRC's authority has a sound regulatory basis, the Commission must continue to lobby for the passage of the bill and the formulation of other administrative rules that govern its operations.

2. Significance

The NHRC will continue to work with the Legislative Yuan to ensure the passage of the amendments and the formulation of related laws and regulations. The NHRC will also propose annual administrative rules formulation plans to develop a complete set of internal regulations governing its organization, division of labor, handling of tasks, and management of human resources.

3. Expected outcomes

Ensuring that the NHRC has a solid regulatory basis for the exercise of its authority; formulating standard operating procedures to streamline the NHRC's operations.

1.2 Creating a mechanism for monitoring the implementation of the CRPD and exploring the monitoring of children's rights

1. Reason for selection

- 1) In Points 113c and 114b of the concluding observations on Taiwan's Second National Report on the CRPD, the international review committee (IRC) expressed concerns that neither Taiwan nor the NHRC has established a framework to ensure that the general public, especially persons with disabilities and their representative organizations, can adequately participate in the monitoring of human rights safeguards. The IRC believes that the NHRC must strengthen its ability to act as an independent monitoring mechanism for CRPD compliance in order to review national human rights policies pertaining to those with disabilities and put forward recommendations in accordance with the Paris Principles.
- 2) In Point 12 of the concluding observations on Taiwan's Second National Report on the CRC, the IRC expressed concerns over whether the NHRC is able to lead the way to improving children's rights and handling children's rights infringement cases in a meaningful manner in accordance with CRC General Comment No. 2. The IRC recommends that the government either establish a fully staffed, funded, and trained unit under the NHRC or establish a separate agency to handle issues related to children's rights in a comprehensive manner.

2. Significance

- 1) Creating a mechanism for monitoring CRPD compliance:

1. Identifying topics of concern among persons with disabilities and their representative organizations; implementing the CRPD Compliance Monitoring Plan; working jointly with persons with disabilities and their representative organizations on topics of concern; keeping track of the CRPD compliance monitoring mechanisms and preparing regular monitoring reports.
 2. Formulating empowerment initiatives to allow persons with disabilities and their representative organizations to participate in CRPD compliance monitoring.
- 2) Exploring the monitoring of children's rights:
1. Providing regulatory and policy recommendations for the Executive Yuan and Legislative Yuan based on the experience of other countries and the actual human rights situation in Taiwan to create a mechanism for monitoring children's rights that is in line with international standards.
 2. Reviewing the comprehensiveness of the Executive Yuan's six major human rights indicators and providing concrete recommendations based on important international CRC indices.
 3. Inviting children and youth representatives, disadvantaged youth groups, stakeholders, NGOs, experts, and scholars to discuss key indicators involving important rights of children and disadvantaged youth groups that are not on the Executive Yuan's list of priority human rights indicators, with a view to ensuring that the NHRC's overall/interdepartmental

monitoring indicators are in compliance with the CRC and other international human rights indices.

4. In line with Goal 1.6 (“strengthening channels for human rights complaints”) of this plan, cooperating with the competent authority for children’s rights complaints to improve the NHRC’s corresponding complaint channels.
5. Planning for visits to other national human rights institutions or exchanges with the United Nations CRC International Review Committee.

3. Expected outcomes

- 1) Creating a mechanism for monitoring CRPD compliance:
Creating an independent mechanism for monitoring CRPD compliance and implementation in accordance with Article 33 of the CRPD and Article 5 of its Implementation Act; preparing regular monitoring reports.
- 2) Exploring the monitoring of children’s rights:
 1. Providing feasible strategic and policy recommendations for the establishment of a mechanism for monitoring children’s rights in Taiwan.
 2. Reviewing the comprehensiveness of the Executive Yuan’s six major human rights indicators and providing concrete recommendations.
 3. Formulating key children’s rights monitoring indicators based on the United Nation’s CRC monitoring indices.
 4. Fostering accessible, user-friendly channels for children’s rights complaints.

5. Fostering international exchanges to enhance the NHRC's professional capacity to promote and protect children's rights.

1.3 Step-by-step preparations for the GANHRI evaluation system

1. Reason for selection

Point 13 of the concluding observations on Taiwan's Third National Report on the Two Covenants and Point 24 of the concluding observations on Taiwan's Fourth National Report on CEDAW both recommended that the NHRC should establish a relationship with GANHRI and that the Asia Pacific Forum (APF) should assist the NHRC in undergoing an accreditation process similar to that of the GANHRI-SCA before the next review in order to evaluate the Commission's compliance with the Paris Principles.

2. Significance

The Paris Principles provide a basis for consensus in assessing the independence and effectiveness of a national human rights institution. The GANHRI determines such institutions' international ratings through the SCA. The NHRC will collaborate with international human rights experts and the APF for familiarization with GANHRI's accreditation system and the documents necessary for GANHRI-SCA accreditation and in previewing accreditation documents prepared by the NHRC to facilitate its participation in the GANHRI accreditation system.

3. Expected outcomes

Introduction of the GANHRI certification system to evaluate the NHRC's compliance with the Paris Principles.

1.4 Strengthening monitoring of the implementation of national human rights affairs and international covenants

1. Reason for selection

One of the duties of the NHRC is to monitor government action as it relates to human rights. The NHRC should oversee the implementation of the Executive Yuan's Common Guidelines for the Management and Planning Related to Concluding Observations and Recommendations Issued by the International Review Committees for International Human Rights Covenants, the Plan for the Management and Review of National Human Rights Action Plans.

2. Significance

Strengthening NHRC monitoring of the implementation of national human rights action plans and concluding observations through the use of a systematic, codified system:

- 1) Monitoring the implementation of national human rights action plans: Formulation of monitoring plans and implementing the monitoring plans based on international human rights standards, the concluding observations on each covenant, and the NHRC's independent opinions, special reports, and project outcomes to monitor the implementation of national human rights action plans; releasing monitoring reports.
- 2) Monitoring the implementation of concluding observations: Formulation of the Common Guidelines for the NHRC's Monitoring of the Implementation of the Concluding Observations on Human Rights Covenants; preparation of monitoring plans and result reports.

3. Expected outcomes

The establishment and fostering of a monitoring mechanism for the implementation of concluding observations and national human rights action plans to ensure that the government complies with international human rights standards.

1.5 Establishing a mechanism for dialogue with and participation by civic organizations

1. Reason for selection

In formulating its independent opinions and carrying out its projects, the NHRC has always included civic organizations in the conversation and welcomed feedback from the general public. The NHRC hopes to establish a comprehensive bilateral mechanism to encourage dialogue with and participation by civic organizations.

2. Significance

In accordance with the APF's fact sheet "The Role and Functions of NHRIs," national human rights institutions should build rapport with the community, professionals, professional associations, labor unions, industry guilds, academia, and society at large to encourage the participation of the general public. Therefore, the NHRC will create a mechanism to actively foster strategic partnerships with NGOs to hold regular dialogue, forums, and exchanges.

3. Expected outcomes

Establishment of a mechanism for communication and collaboration with civic organizations in regard to the human rights topics emphasized by the NHRC.

1.6 Strengthening channels for human rights complaints

1. Reason for selection

- 1) In Point 12 of the concluding observations on Taiwan's Third National Report on the Two Covenants, the IRC recommended that the NHRC should foster trust and respect among the people by carefully handling human rights complaints and investigating persistently recurring human rights infringement accusations.
- 2) In Point 79f of its concluding observations on Taiwan's Second National Report on the CRPD, the IRC recommended the establishment of an independent system for handling complaints of abuse, violence, and maltreatment targeted at persons with disabilities.
- 3) In Points 10, 23, and 24 of the concluding observations on Taiwan's Fourth National Report on CEDAW, the IRC recommended that the NHRC should establish an independent system for accepting and handling human rights complaints as soon as possible, with the possibility of offering immediate relief and remedy to victims of human rights infringement.
- 4) In Point 14 of the concluding observations on Taiwan's Second National Report on the CRC, the IRC recommended that the government continue to improve the complaint mechanism to ensure ease of access, confidentiality, and independence, and that the appropriate relief and remedial measures are provided to young people.

2. Significance

The NHRC should handle petitions and complaints pertaining to

torture, human rights infringements, and all forms of discrimination in accordance with the NHRC's Standard Operating Procedures for Handling Human Rights Petitions and Grievances and should launch a pilot program for accessible services. If a case is eligible for administrative appeal, litigation, or state compensation under other regulations, the NHRC should refer the case to the competent authority for processing to ensure that victims receive actual remedy. Furthermore, psychological and legal counseling services should be provided for victims of human rights infringements.

3. Expected outcomes

Finding a solution to prevent human rights infringements through careful handling of human rights petitions and complaints, with the ultimate goal of improving human rights in Taiwan.

2.1 Lobbying for national legislation for the implementation of the Convention Against Torture and its Optional Protocol

1. Reason for selection

- 1) In Points 74, 75, and 76 of the concluding observations on Taiwan's Third National Report on the Two Covenants, the IRC reaffirmed its previous recommendation that the government should ensure that there is a special institution completely independent of other government agencies (especially the police and prosecutor's office) that conducts criminal investigations into accusations of cruelty in a speedy manner. However, said institution should be fully authorized to conduct criminal investigations.
- 2) In Point 75c of the concluding observations on Taiwan's Second National Report on the CRPD, the IRC recommends that Taiwan should establish an independent review system to prevent acts of torture, cruelty, inhumane or degrading treatment or punishment, in a similar vein to the national preventive system described in the UN Optional Protocol to the Convention Against Torture, with the ultimate goal of preventing and eliminating restrictive practices including seclusion and restraints.

2. Significance

- 1) The Executive Yuan has sent the bill for the Act for the Implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol to the Legislative Yuan for deliberation. The NHRC will keep track of the legislative progress and provide its professional opinions whenever appropriate. Meanwhile, the NHRC will continue to collect and analyze cases and

judgments from the UN Committee Against Torture and the EU Court of Human Rights (ECHR).

- 2) The NHRC should invite international experts to help implement training for a nationwide torture prevention system, which should be formulated through research and discussion.

3. Expected outcomes

- 1) Clarifying the classification, concepts, and real-world use of torture through collecting, analyzing, and categorizing cases of torture throughout the world as a reference for carrying out future anti-torture work.
- 2) Proposing a torture prevention mechanism that meets Taiwan's needs based on the results of research and discussion.

2.2 Discussing the right to an adequate standard of housing for people forcibly removed from their homes due to land expropriation

1. Reason for selection

In Point 53 of the concluding observations on Taiwan's Third National Report on the Two Covenants, the IRC recommended that the NHRC should conduct a nationwide inquiry into systemic eviction and forced relocation, including the negotiation process, cases referred to the review committee, and issues of civil lawsuits against "informal settlers". The IRC also recommended that the NHRC should set out clear supporting guidelines for international human rights standards (such as General Comment No. 7 issued by the UN Committee on Economic, Social and Cultural Rights) as the basis for its inquiry.

2. Significance

The NHRC should collect and analyze cases of and opinions from people forcibly removed from their homes due to systemic eviction and forced relocation, monitor Taiwan's compliance with General Comment No. 7 issued by the UN Committee on Economic, Social and Cultural Rights, and review the safeguards provided under the current laws and policies for people forcibly removed from their homes to determine whether such safeguards meet international human rights standards and supporting guidelines. The NHRC should also take an inventory of points of contention and invite international experts to discuss the right to adequate housing for people forcibly removed from their homes.

3. Expected outcomes

Promoting awareness of the right to adequate housing among

government agencies; ensuring compliance with housing rights-related provisions in the Two Covenants.

2.3 Lobbying for the gradual phase-out of the death penalty

1. Reason for selection

In Points 68–70, 72, and 73 of the concluding observations on Taiwan’s Third National Report on the Two Covenants, the IRC noted that Taiwan has yet to impose an official moratorium on the death penalty in accordance with previous concluding observations, and it strongly urged the government to do so or even take a step further to abolish the death penalty. The IRC has in its previous concluding observations pointed out that public opinion should not be a reason for failing to suspend the death penalty.

2. Significance

Taiwan should view the abolishment of the death penalty as an ultimate goal and should amend its laws and regulations to make it a reality as soon as possible. For its part, the NHRC established a Death Penalty Abolition Task Force, organize internal training, and, to the best of its ability, urge the government to stop carrying out death sentences. The NHRC hopes to reduce death sentences, review amendments to the Amnesty Act, and work with international organizations in exchanges and collaborations.

3. Expected outcomes

Development of a sound argument against the death penalty; garnering public support for abolishing the death penalty; reducing the number of criminal offenses that can trigger the death penalty; moving robustly towards a death penalty-free country; ensuring the implementation of national legislation pertaining to the ICCPR; providing effective policy recommendations.

2.4 Promoting equal access to the justice system

1. Reason for selection

Effective access to justice is a topic discussed in multiple covenants. The concluding observations on Taiwan's national reports on CEDAW, the CRC, and the CRPD all include recommendations regarding this topic.

2. Significance

- 1) Reviewing the interpreting services provided in Taiwan's justice system to ensure that people of different races, ethnicities, and classes are treated equally in a court of law; coordinating with government agencies to improve interpreting services.
- 2) Working with the Judicial Yuan and Ministry of Justice to implement an effective counsel/public defender assignment system to safeguard the human rights of criminal defendants.

3. Expected outcomes:

- 1) Providing recommendations for improving the interpreting service in Taiwan's justice system.
- 2) Providing recommendations for the counsel/public defender assignment system.

2.5 Improving the employment and financial security of female caretakers

1. Reason for selection

- 1) In Points 51 and 52 of the concluding observations on Taiwan's Fourth National Report on CEDAW, the IRC recommended that the government should continue to expand its initiative to provide public childcare services that are affordable, high quality, easily accessible, and not for profit as a means to increasing the fertility rate and female employment rate.
- 2) In Points 84 and 85 of the concluding observations on Taiwan's Fourth National Report on CEDAW, the IRC recommended that in order to protect the financial security of female divorcees, the government should delete the provisions in Article 1057-1, Subparagraphs 1 and 3 in the bill of amendment to the Civil Code, which would allow alimony payers to request a reduction of or exemption from payments with the court.

2. Significance

- 1) Continuing to collect feedback from the public in order to monitor safeguards for women's employment and financial security.
- 2) Collecting, analyzing, and comparing domestic and international research and statistics on the impacts of marriage, childbirth, long-term care, and divorce on women's employment and financial security; collaborating with domestic and international CEDAW experts/scholars, institutions, and NGOs to review government regulations/policies and structural sociocultural issues.

3. Expected outcomes

Providing legislative or policy recommendations regarding work-

family balance and post-divorce financial repercussions to safeguard women's employment and financial security.

2.6 Monitoring human rights safeguards for criminal offenders with mental disabilities

1. Reason for selection

- 1) In Points 63–75 of the concluding observations on Taiwan’s Second National Report on the CRPD, the IRC expressed concern that current temporary placement and custodial protection measures violate the CRPD in that detainees can be held in custody for disproportionate periods of time, sometimes even indefinitely, which prevents their reintegration into the community. The IRC also expressed concern over the lack of mental health professionals at prisons and correctional facilities.
- 2) The NHRC should monitor whether the implementation of measures stipulated in the Criminal Code, Code of Criminal Procedure, Rehabilitative Disposition Execution Act, and other related laws complies with CRPD requirements in terms of personal freedom and other Constitutional rights for those with mental or social disabilities who violate the law. The NHRC should also offer provisional recommendations regarding issues and doubts arising from the implementation of new policies.

2. Significance

Increased understanding of the human rights issues facing those with mental or social disabilities who violate the law in the judicial, correctional, health, and sociopolitical system; monitoring new policies and providing recommendations.

3. Expected outcomes

- 1) Increasing society's awareness of human rights protection for those with mental or social disabilities who violate the law; ending discrimination.
- 2) Urging the government to address human rights issues facing criminal offenders with mental or social disabilities.

2.7 Monitoring human rights safeguards for migrant workers

1. Reason for selection

- 1) The NHRC released the Special Report on Foreign Fishers' Human Rights in 2021. The report contained concrete policy recommendations to improve foreign fishers' human rights in four major areas—promoting equal work conditions, the registration of flags of convenience, strengthening management of agencies for international fishers, and cracking down on forced labor. In 2022, the NHRC also pushed the competent authority to propose the Fisheries and Human Rights Action Plan and to amend the relevant regulations. The NHRC will continue to follow up on these initiatives.
- 2) In Points 42 and 43 of the concluding observations on Taiwan's Third National Report on the Two Covenants, the IRC acknowledged that the government has taken some steps towards protecting migrant domestic workers but pointed out that these improvements fall far short of ensuring equal treatment of migrant and local domestic workers. In Points 55 and 56 of the concluding observations on Taiwan's Fourth National Report on CEDAW, the IRC recommended that the government should propose legislation to implement the International Labour Organization's Convention No. 189 (ILO-C189: Domestic Workers Convention) in Taiwan in order to provide a legal basis for safeguarding migrant domestic workers. The IRC also suggested that the government take immediate action to minimize the pay gap between migrant domestic workers and

their local counterparts, using policy instruments such as considering supporting households or individuals with a strong need for a caretaker and including migrant domestic workers in the long-term care program promised by the government.

2. Significance

- 1) Continuing to monitor the implementation status of the Fisheries and Human Rights Action Plan; organizing seminars and in-depth interviews with stakeholders; publishing a results report.
- 2) Through research projects and special reports commissioned by the NHRC, holding public dialogue regarding issues involving migrant domestic workers and proposing corresponding improvement measures.

3. Expected outcomes

- 1) Lobbying for domestic legislation to adopt ILO-C188 (Work in Fishing Convention).
- 2) Lobbying for domestic legislation to adopt the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).
- 3) Lobbying for domestic legislation to adopt ILO-C189 (Domestic Workers Convention).

2.8 Promoting ethnic mainstreaming and monitoring human rights safeguards concerning indigenous peoples

1. Reason for selection

- 1) In Point 24 of its independent opinion on Taiwan's Initial National Report on ICERD, the NHRC opined that the current policies and bills related to ethnic mainstreaming leave a lot to be desired, particularly in terms of the discrepancy between policies for different ethnic groups.
- 2) According to Article 21, Paragraph 1 of the UN Declaration on the Rights of Indigenous Peoples, "Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security."
- 3) In Point 36 of the concluding observations on Taiwan's Third National Report on the Two Covenants, the IRC recommended that the government foster a collaborative relationship with indigenous peoples as soon as possible to modify the system that is currently in place. This is to ensure that the indigenous peoples' free and prior informed consent is obtained at the conceptualization and planning stages of any development projects that might affect them. Other related mechanisms include providing fair compensation and returning ancestral lands to indigenous peoples.

2. Significance

Monitoring Taiwan's regulations and policies to ensure their

implementation is a realization of antidiscrimination policies and is conducive to ethnic mainstreaming and the protection of important indigenous rights.

3. Expected outcomes

- 1) Ensuring equal opportunities for all ethnic groups.
- 2) Ensuring progress in key indigenous rights issues of concern to Indigenous Peoples.

2.9 Reviewing mechanisms for handling teacher-student violence on campus

1. Reason for selection

In Point 32 of the concluding observations on Taiwan's Second National Report on the CRC, the IRC recommends that the government continue to invest in training teachers, social workers, and other professionals skilled in dealing with children and the youth. The IRC also recommends that the government conduct a study to explore the root causes of violence against children and the percentage of violent incidents that were actually reported.

2. Significance

Pursuant to Point 32 of the IRC's concluding observations and Point 79, 81, and 82 of the NHRC's independent opinions on Taiwan's Second National Report on the CRC, the government should conduct research into bullying incidents, corporal punishment, discriminatory behavior, and inappropriate disciplinary measures imposed by educators and student club teachers on K-12 campuses in order to understand the root cause and typology of violent incidents and review whether the current reporting, investigation, and counseling channels are effective in preventing such incidents.

3. Expected outcomes

- 1) Policy recommendations: Investigation into and analysis of the root causes and typologies of teacher-student violence on campus; policy recommendation proposals (including guidelines for the Ministry of Education pertaining to teacher training and positive reinforcement, as well as a teacher support system) to prevent

violence on campus.

- 2) Legislative recommendations: Conduct of a review and evaluation of the effectiveness of current reporting, investigation, and counseling channels for violence on campus and proposing recommendations for improvement as well as for the amendment of the Education Fundamental Act and other related regulations.

2.10 Exploring and discussing the impacts of emerging human rights topics

1. Reason for selection

As humanity progresses, emerging human rights issues come to light. In addition to individual rights, we are shifting our focus to human rights in relation to interethnic and intergenerational justice and climate change, as well as digital human rights, all of which are topics that affect our daily lives. We must form a better understanding of these topics in order to stay on top of global trends.

2. Significance

- 1) Climate change: Collecting information on climate change-related environmental rights and international covenants on the environment in order to develop educational materials and organize workshops that can help the general public understand the impacts of environmental change on basic human rights, especially for disadvantaged groups and those who are vulnerable to natural disasters.
- 2) Digital human rights: The speed at which technology is advancing is leading to widespread impacts on humanity. Artificial intelligence, in particular, saw a breakthrough in the latter half of 2022. How generative AI and its related technologies will affect human rights remains to be seen. In order to stay on top of emerging technologies, the NHRC collects preliminary information on how generative technologies are impacting human rights in other parts of the world.

3. Expected outcomes

- 1) Climate change: Through promoting awareness of international environmental covenants and organizing educational seminars, the NHRC can help the general public understand the impacts of a changing environment on basic human rights, especially for disadvantaged groups and those who are vulnerable to natural disasters.
- 2) Digital human rights: The NHRC will provide the relevant recommendations based on the results of its preliminary research, the development of generative AI technologies and the guidelines and monitoring regulations proposed by government agencies for such technologies.

3.1 Promoting human rights awareness among public servants, the police, corrections officers, the justice system, and military personnel

1. Reason for selection

The purpose of human rights education is to promote awareness of human rights values and beliefs among the general public, foster mutual respect between classes and ethnic groups, and ultimately, achieve the goal of human rights protection. In Point 66 of the concluding observations on Taiwan's Third National Report on the Two Covenants, the IRC recommended that the NHRC should take the lead in designing and introducing human rights education curricula at all educational levels. Furthermore, in Points 17 and 18 of the concluding observations on Taiwan's Fourth National Report on CEDAW, the IRC recommended that all judiciary personnel should undergo human rights training. Therefore, human rights education is one of the most crucial tasks for the NHRC.

2. Significance

- 1) Working with the Executive Yuan, Examination Yuan, and Judicial Yuan to develop tailored yet systematic human rights education lesson plans, teaching materials, and teacher training programs.
- 2) Monitoring the execution of the National Human Rights Action Plan, based on which the Executive Yuan will establish a human rights education monitoring and evaluation system in accordance with the UN's Human Rights Education Training Handbook; monitoring the implementation of the system based on Topic 1.4 of this plan.

3. Expected outcomes

Developing an effective human rights education program for civil servants and law enforcement personnel based on the guidelines published by the APF.

3.2 Encouraging the media to help safeguard human rights

1. Reason for selection

With the rapid expansion of the media industry, media personnel's knowledge of human rights can have a profound impact on the quality of news reporting and programs in general, which in turn shape the general public's understanding of human rights. Therefore, news reports and programs that are consistent with human rights standards can play a significant role in human rights education. In Point 66 of the concluding observations on Taiwan's Third National Report on the Two Covenants, the IRC recommended that the NHRC should take the lead in designing and introducing human rights education curricula at all educational levels, which extends to human rights education among media personnel.

2. Significance

Working and communicating with professional media associations or media self-regulation organizations to guide the media in producing reports and programs that are conducive to human rights promotion and protection:

- 1) Taking an inventory of current laws and self-regulation guidelines governing the media industry.
- 2) Holding dialogue and forums with professional media associations, media self-regulation organizations, and media oversight organizations to promote understanding of and support for human rights topics; encouraging the media to produce news and formulate programming guidelines that are consistent with human rights standards.

- 3) Working with professional media organizations, experts, and scholars to organize lectures and workshops designed to improve human rights literacy among media personnel.
- 4) Working with media organizations to publish and release news magazines/programs whose reporting and programming are consistent with human rights standards.

3. Expected outcomes

- 1) Implementing APF guidelines and Phase III of the UN World Programme for Human Rights Education; developing an effective human rights education program for media personnel.
- 2) Working with media organizations to formulate self-regulation guidelines that are consistent with human rights standards.

3.3 Establishing a human rights database to keep track of international human rights trends and disseminate human rights information

1. Reason for selection

In order to showcase the Commission's unique role in human rights affairs and its global perspective, the NHRC plans to create the Center for Human Rights Information, where a wide range of human rights materials will be curated. In addition to being an invaluable source of information for the NHRC's research projects, the Center will be tasked with translating human rights literature and disseminating human rights information, allowing Taiwan stay on top of international human rights trends.

2. Significance

To facilitate research and foster a global perspective, the NHRC is actively seeking to introduce new software and hardware facilities to its library, expand its collection of books, e-books, case studies, papers, and multimedia materials, translate and publish important human rights literature, keep track of global human rights trends, and promote human rights-related writings, picture books, and teaching materials.

3. Expected outcomes

By leveraging digital technology, the NHRC will continue to expand its human rights database and library collection, turning them into a crucial source of reference, a homebase for human rights research, and a foundation for the popularization and promotion of human rights knowledge.

4.1 Participating in international reviews of national reports on ICERD in keeping with international human rights systems

1. Reason for selection

In June 2023, the NHRC submitted its independent opinions on Taiwan's Initial National Report on ICERD. The Commission was required to take part in the international review, submit a parallel response, and handle the necessary follow-up measures based on the IRC's concluding observations.

2. Significance

- 1) Participating in the international review for Taiwan's National Report on ICERD; conducting collaborative research projects for topics discussed in the concluding observations; ensuring ethnic equality and compliance with international human rights standards.
- 2) Working with IRC members for participation in international parallel meetings, on-site visits, and exchanges regarding the NHRC's independent opinions and the IRC's concluding observations on Taiwan's National Report on ICERD.

3. Expected outcomes

Establishing a cooperative network with the IRC through participation in the international review meeting for Taiwan's National Report on ICERD.

4.2 Actively participating in international human rights initiatives and cultivating talent for international human rights affairs

1. Reason for selection

In addition to human rights initiatives within in Taiwan, the NHRC understands the need to engage in collaboration and exchanges with international human rights organizations to listen to other countries' opinions and learn from their practical experience, which can ensure that the NHRC stays informed of international human rights standards.

2. Significance

1) Active participation in international human rights initiatives:

1. Establishing an international affairs advisory team to increase participation in international human rights initiatives.
2. Fostering collaboration and exchanges with international organizations and other national human rights institutions on important topics in human rights covenants and the NHRC's topics of concern through participation in international seminars, international organizations/meetings, and on-site visits.
3. Encouraging young students in Taiwan to study abroad and inviting foreign young students and young human rights volunteers to participate in human rights workshops, research projects, and on-site visits in Taiwan for experience sharing and international bonding.

2) Cultivation of international professional human rights talent: Organizing training programs to cultivate international human rights talent; working with international human rights organizations and other national human rights institutions to create a system for

sharing human rights talent:

1. Taking an inventory of personnel capable of handling international affairs; expanding the NHRC's personnel.
2. Providing foreign language courses for current NHRC employees to help improve their proficiency in foreign languages and ability to review international documents.
3. Working with the APF and other national human rights institutions/organizations to create an exchange mechanism; holding of training programs for personnel involved in international collaborations.

3. Expected outcomes

- 1) Active participation in international human rights initiatives: Participating in exchange and collaboration with international organizations and other national human rights institutions on selected human rights topics; building an international network for human rights exchanges.
- 2) Cultivation of international professional human rights talent: Strengthening the skills of personnel in charge of international collaborations; working with international human rights organizations and other national human rights institutions to build a network for sharing human rights talent.