



## SDG 16+ Report Format

### Monitoring and Review of SDG 16 Plus at the National and Regional Level ( 2015-2020) in Asia

#### CSOs perspective

##### Chapter 1

###### 1. What is Goal 16 Plus in your national context (maximum 500 words)

(This will seek to explain the relevance of Goal 16 + as the core of the 2030 Agenda’s Peaceful, Just and Inclusive pillar, SDG 16+ as a catalyst to fully realize the 2030 Agenda, as an integrated and mutually-reinforcing whole focused on advancing government accountability, building trust, and sustaining peace, at the national level)

According to SDGs, Goal 16 is to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”<sup>1</sup> The SDG 16+ has 10 outcomes that include reduce violence, protect children, promote rule of law and equal access to justice, combat organized crimes and armed flows, reduce corruption and bribery, develop accountable and transparent institutions, ensure responsive and inclusive/representative decision-making, strengthen the participation in global governance, provide universal legal identity, ensure public access to information and protect fundamental freedoms. In order to achieve the SDG16+, two “means” are necessary: “strengthen national institutions to prevent violence and combat crime and terrorism,” as well as “promote and enforce non-discriminatory laws and policies.”

Taiwan, with the official name Republic of China, is not a member of the UN, nor the member of most of the international organizations. However, Taiwan’s CSOs and government still have endeavored to follow the conventions, laws or principles enacted/declared by international organizations/conferences. In response to the UN Earth Summit of 1992, Taiwan’s Executive Yuan established the National Council for Sustainable Development (NCSD) in August 1997<sup>2</sup>. NCSD is responsible for drafting Taiwan’s Sustainable Development Goals Action Plan. Not alone has civil society been implementing SDGs, but more and more companies incorporate them into their corporate social responsibility strategies. Since the issues involved are quite extensive, each country needs to identify their own key challenges. It is

<sup>1</sup> United Nations Official Website on SDGs, <https://sustainabledevelopment.un.org/sdg16>. Accessed on 2020/12/13.

<sup>2</sup> **National Sustainable Development Network (國家永續發展委員會)**, <https://nsdn.epa.gov.tw/年度主要業務/國家永續發展指標系統評量-2>, accessed on 2020/12/19.



necessary to make the sustainable development truly implemented through the joint participation across all sectors. As a results, SDGs had been taken by Taiwan authorities as the principles to make policies. Taiwan government, in accordance with the SDGs principle as well as Taiwan's own environment and context, even made its own indicators to evaluate whether or not the SDGs are to the most degree practiced. But, the SDG 16+ seems not been widely known by the different levels of authorities and many CSOs. Therefore, the SDG 16+ itself is not adopted as the principle for the enactment/implementation of laws/policies yet. In addition, some of the SDG 16+ are not the serious concern in Taiwan. For example, Taiwan has never faced terrorist attacks probably due to the fact that it is not the Christianized country and the so-called clash of civilization, the term proposed by S. Huntington, has not affected it. The armed flows is not as serious as it in the USA or other Western countries since guns are strictly forbidden to be traded in market.<sup>3</sup> There is no civil war or communal conflict resulted from severe social divide, so the conflict-related deaths are not present in Taiwan.

Nevertheless, Taiwan used to be engulfed by white terror since 1945 until late 1980s. During the white terror period, government committed a lot of human rights abuses and there was no transparent governance. The principle of rule of law is inscribed in the Constitution, but is had not been respected and practiced. After the end of white terror, the CSOs sprang up. In order to play the role of buffer zone between state and society, the critical role of civil society, as well as to arouse people's subjectivity, many of them have campaigned for the governance reform by requiring government to enact and enforce human-rights-related laws. The CSOs and democrats are in alliance together appealing for the built of human rights institutions to avoid the reformation setback. It is indeed that discrimination, abuse of children and unjust judicial cases are present. But, these situations more or less are understood as the human rights issues and that will be redressed by political and law reforms. In this regard, it can be understood that the spirit of the SDG 16+ to the most degree should be practiced by domesticizing the human-rights-related international law, establishing human rights institutions, as well as consolidating political and law reforms. By doing so, an inclusive and just society might be built on the land of Formosa.<sup>4</sup>

## Chapter II

Please refer to the Regional report

## Chapter III

### 2. Understanding SDG 16 Plus (1000 words maximum)

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<sup>3</sup> This does not mean that guns are not sold in the black market. It simply means that the illegal sell-and-buy of guns is not as serious as the USA and other Western countries where people can legally buy it in the gun shop.

<sup>4</sup> The ancient name of Taiwan.



- 24 targets from seven other goals directly measure, using a total of 33 additional indicators, at least one aspect of peace, inclusion, or access to justice. Though not
- directly, SDG 16 is also inseparably linked with all other SDGs; their related targets and indicators are leveraged to enhance all facets of SDG 16+.
- Looking at the available data for all the national level data , share data gaps, if any data collected by the CSOs and other stakeholders - Citizens led data is available, if yes, Please highlight them

### **Target 16.1: Reduce Violence Everywhere**

*Indicator 16.1.1 Number of victims of intentional homicide per 100,000 population, by sex and age.*

There is no such statistics. But the total numbers of the victims of intentional homicide are 279, in which 205 are male and 74 are female.

*Indicator 16.1.2 Conflict-related deaths per 100,000 population, by sex, age and cause.* Because civil war or community-based conflict is not present, there is no conflict-related deaths.

*Indicator 16.1.3 Proportion of population subjected to (a) physical violence, (b) psychological violence and (c) sexual violence in the previous 12 months.*

We can not find the statistics in conformity with Indicator 16.1.3. According to the *Violent Crime Statistics*, the 2020 toll of the victims of crimes are 170,540. The crimes include murder, robbery, physical violence, larceny, kidnaping, intimidation & extortion, rape and others. The male victims are 96,740 while female are 73,800. The clearance ratio of these violence is over 90%.<sup>5</sup> However, we believe that the black numbers must exist even though it is hard to collect the data of black numbers.

### **Target 16.2: Protect Children from Abuse, Exploitation, Trafficking and Violence**

*Indicator 16.2.1: Proportion of children aged 1–17 years who experienced any physical punishment and/or psychological aggression by caregivers in the past month.*

We can not find the statistics until submitting this paper.

*Indicator 16.2.2: Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation.*

According to the *2020 Trafficking in Persons Report – Taiwan* by the American Institute in Taiwan, “the Human Trafficking Prevention and Control Act (HTPCA) criminalized all forms of trafficking and prescribed penalties of up to seven years’ imprisonment and fines up to five million New Taiwan Dollars (NT) (\$166,990).” “The HTPCA amendments enacted in 2018 increased penalties to a maximum of one year in prison and a possible fine of 300,000 NT (\$10,020) for

<sup>5</sup> The data of Target 16.2 is from National Police Agency, MOI (内政部警政署), 2020, *2020 Statistics Report*, file:///C:/Users/flyingeagle/Downloads/f1607482492140.pdf, retrieved on 2020/12/16.



individuals who, ‘through recruitment, seduction, shelter, arrangement, assistance, exploitation, or other means, cause a child to act as a host or hostess in a bar or club or engage in acts associated with tour escort and singing or dancing companion services that involve sexual activities.’” “Authorities continued to demonstrate serious and sustained efforts during the reporting period; therefore Taiwan remained on Tier 1.”<sup>6</sup>

We can not find the data regarding the sex and/or children abuse exactly resulted from human trafficking. Yet, to force females/adolescents to supply their sex service by drugs and/or physical confinement can be seen on newspapers occasionally. It is thus not unreasonable to presume that there must existing black numbers of the sex exploitation due to human trafficking.

*Indicator 16.2.3: Proportion of young women and men aged 18–29 years who experienced sexual violence by age 18.*

From 2020 January to November, 134 females and 8 males, are the victims of sex exploitation/rape. 2,953 females and 339 males used to experience obscene. There is no statistics of proportion by age.<sup>7</sup>

In addition to the physical sex violence, Taiwan government enacted the laws to prevent people, regardless of gender, from sexual harassment in workplace and on campus years ago. Then, government led the amendment to the laws in order to more effectively combat sex sexual harassment, which are the *Act of Gender Equality in Employment* amended on 2016 May 08, the *Gender Equity Education Act* amended on 2018 December 28.

### **Target 16.3: Promote the Rule of Law and Ensure Equal Access to Justice**

*Indicator 16.3.1: Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms.*

We can not find the statistics until the submission of this paper.

*Indicator 16.3.2: Unsented detainees as a proportion of overall prison population.*

We can not find the statistics until the submission of this paper, probably due to the democratic consolidation has been rooted in Taiwan and the authorities dare not to commit unsented detainees that seriously violates the principle of rule of law.

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<sup>6</sup> American Institute in Taiwan (美國在台協會), 2020, *2020 Trafficking in Persons Report – Taiwan*, [https://www.ait.org.tw/2020-trafficking-in-persons-report-taiwan/?\\_ga=2.180718306.412452642.1608090484-712869027.1608090484](https://www.ait.org.tw/2020-trafficking-in-persons-report-taiwan/?_ga=2.180718306.412452642.1608090484-712869027.1608090484), accessed on 2020/12/16.

<sup>7</sup> National Police Agency, MOI (內政部警政署), 2020, *2020 Statistics Report*, file:///C:/Users/flyingeagle/Downloads/f1607482492140.pdf, p. 1, retrieved on 2020/12/16.



*Indicator 16.3.3: Proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism.*

The verdicts have to be opened to the publics after they are affirmed in the trial proceedings.<sup>8</sup>

The *Legal Aid Act* (《法律扶助法》) was passed on December 23, 2003 and was promulgated by the President on January 7, 2004. The Legal Aid Foundation (LAF, 法律扶助基金會) commenced operations on July 1, 2004. The LAF “provides the general public with legal aid, with the purpose of defending people's basic litigation rights. Legal aid recipients are those who lack financial means and are unable to receive proper legal protection or exercise their rights; or those who may not lack financial means but should be given aid according to the law, such as those involved in compulsory defense cases (where the minimum punishment of the crime is not less than three years imprisonment; or where the individual's ability to express in court is impeded by intellectual disability). The services of LAF include legal consultation, mediation and settlement, legal documents drafting and representation in court proceedings.” The statistics that the LAF in 2019 assisted civics, particularly the lower social status citizens, to access to justices are as the followings:

In 2019, LAF accepted a total of 3,836 applications proposed by labors. “The branch Examining Committees granted aid for 3,055 cases and rejected 781 cases. 135 of the rejected applicants appealed for review; and decisions were reversed on 21 cases following review. 80.19% of all applications were approved for aid. Applications received through the Ministry of Labor mostly concerned civil matters, which comprised 97.95% of the total number of applications (which has to be booked in advance) that enables legal consultation for the disabled.”

“Since April 2019, the LAF has established 49 service centers for the disabled persons, which offers accessibility facilities and communication means including sign language translation and simultaneous transcript. Since December 1, 2019, the LAF provides services of offering legal

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<sup>8</sup> National Sustainable Development Network (國家永續發展委員會), 2019, *Yearly Report of Taiwan Sustainable Development Goal (SDG) Review* (《台灣永續發展目標年度檢討報告》), <https://nsdn.epa.gov.tw/wp-content/uploads/2020/11/2019台灣永續發展目標年度檢討報告.pdf>, p. 367–369, retrieved on 2020/12/17.



representation, providing legal defense and issuing written petitions. Until the end of 2019, such services were offered in 13 cases.”

“The LAF and the Council of Indigenous Peoples (CIP) signed an entrustment contract on March 21, 2013 and launched the Legal Aid for Indigenous People Program on April 1 of the same year. Service Outcomes Applications received through the Indigenous People Program mostly concerned civil matters, which comprise 55.33%, followed by those involving family matters, which comprise 21.96%, and were mostly granted aid for court representation and defense. The top three categories in terms of approved cases for aid were torts, ownership disputes, and loans.”<sup>9</sup>

The important cases regarding the defense of justice such like “Workers Group Class Action against RCA Taiwan for Pollution,” “Tamazuan Tribe's Fight against Mining,” “Truku People Against the Asia Cement Corporation.”<sup>10</sup>

#### **Target 16.4: Combat Organized Crime and illicit Financial and Arms Flows**

*Indicator 16.4.1: Total value of inward and outward illicit financial flows (in current United States dollars).*

*Indicator 16.4.2: Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.*

According to the 2019 January statistics of the MOI, with the National Police Agency (警政署) continuously reinforcing its crime crackdown, the number of criminal cases in the first half of 2019 totaled 132,489 cases, a decrease of 9,597 cases compared to the same period in 2018. The seizure rate was 96.05%. The number of fraud decreased by 958 cases, accounting for a decrease of 8.03%. The losses from frauds decreased by nearly NT\$50 million compared to the same period of the previous year, indicating the effectiveness of the anti-fraud policy.

“Third National Synchronized Money Picker Fraud Syndicate Investigation Mobilization Plan” and the “National Synchronized Fraud Crackdown Plan” were launched to crack against fraud ring members, and to return fraud money to victims.

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<sup>9</sup> The LAF Website, <https://www.laf.org.tw/en/index.php?action=about&Sn=1>, accessed on 2020/12/19.

<sup>10</sup> The statistics about the aid of LAF are abstracted from 2019 *Legal Aid Foundation Annual Report* (《2019法律扶助基金會年度報告》), <https://www.laf.org.tw/en/upload/2020/05/20200522084750.pdf>, accessed on 2020/12/19.



In order to implement the government's anti-drug policy goals, during March 5th to 19th, 2019, the National Police Agency, in cooperation with the Taiwan High Prosecutors Office, executed Operation 'safe home' with compliant officers. The said crackdown results have been the best results of the operation over the years. In addition, the National Police Agency launched "Systematic Anti-Gangster Operations" through the "three-oneness" reinforced crackdown approach, namely, cracking down on illegal guns, money laundering, and gangster, curbing the sources of crimes to demonstrate public security-clearing effectiveness.<sup>11</sup>

### **Target 16.5: Substantially Reduce Corruption and Bribery**

*Indicator 16.5.1: Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months.*

*Indicator 16.5.2: Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months.*

We can not find the statistics in conformity with the above indicators. Other related statistics and reports are as the followings:

The Ministry of Justice's Agency Against Corruption (法務部廉政署), established on 2011 July 20, is responsible for cracking down corruption and bribery. The total numbers of prosecuted bribe cases decreased from 375 in 2011 to 271 in 2018. The prosecuted objects include public servants, representatives and citizens. According to the 2019 Yearly Report of Taiwan Sustainable Development Goal (SDG) Review, in 2019, the prosecuted cases are 279, totally amount to 805 individuals. The conviction rate in 2019 was 67.2% and it is expected to reach 73% in 2020.<sup>12</sup> However, we have not seen the latest statistics of the 2020 conviction rate until submitting this paper.

<sup>11</sup> Target 16.4 is abstracted from Central Investigation Bureau of the MOI (內政部警政署 刑事警察局), 2019/08/01, "Reinforcing Crime Crackdown for Continuity and Stability of Public, Security," <https://www.cib.gov.tw/English/News/Detail/42827>, accessed on 2020/12/17. Also can be referred to National Sustainable Development Network (國家永續發展委員會), 2019, 2019 Yearly Report of Taiwan Sustainable Development Goal (SDG) Review (《台灣永續發展目標年度檢討報告》), <https://nsdn.epa.gov.tw/wp-content/uploads/2020/11/2019台灣永續發展目標年度檢討報告.pdf>, pp. 367–369.

<sup>12</sup> Agency against Corruption, Ministry of Justice (法務部廉政署), 2019, *Statistics of Corruption Cases Investigated from July 2000 to December 2018*,



### **Target 16.6: Develop Effective, Accountable and Transparent Institutions**

*Indicator 16.6.1: Primary government expenditures as a proportion of original approved budget, by sector (or by budget codes or similar).*

We can not find the statistics in conformity with this indicator.

*Indicator 16.6.2: Proportion of population satisfied with their last experience of public services.*

We can not find the statistics in conformity with this indicator. But, according to a survey conducted by the Academia Sinica (中央研究院), the ratio of people's satisfactions towards Taiwan central authorities are 45.8% (President), 40.5 (Executive Yuan) and 29.6 (Legislative Yuan), 32.4 (all policies). In addition, in the past years, it occurred some interest conflicts related to eminent domain. City-level authorities usually take the side of compulsory demolition and relocation, which resulted demonstration supported by CSOs. The same survey shows that 58.6% of people can accept the compulsory demolition and relocation so long as it is for public interests while 45.7% of people can not accept it.<sup>13</sup>

### **Target 16.7: Ensure Responsive, Inclusive and Representative Decision-Making**

*Indicator 16.7.1: Proportions of positions in national and local institutions, including (a) the legislatures; (b) the public service; and (c) the judiciary, compared to national distributions, by sex, age, persons with disabilities and population groups.*

According to the *Current Endeavors of Gender Equality in Taiwan*, “proportions of women serving as local government heads and elected representatives has increased, further expanding women’s power and political participation.” Female accounted for 16.7% of special municipal mayors while accounting for 37.5% of county/city magistrates/mayors, which is a significant increase of 31.2 percentage points compared to the previous election. “In 2018, women accounted for 35.8% of special municipal councilors, 32.1% of county/city councilors, and 24.9% of

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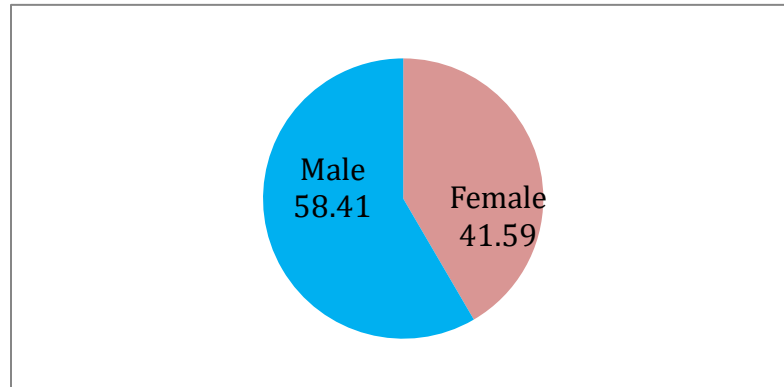
<https://www.aac.moj.gov.tw/media/199115/statistics-of-corruption-cases-investigated-from-july-2000-to-december-2018.pdf?mediaDL=true>, retrieved on 2020/12/17.

<sup>13</sup> Academia Sinica (中央研究院), 2016, *2016 Social Image Survey II* (《台灣社會意象調查II》), <file:///C:/Users/flyingeagle/Downloads/C00322r.pdf>, pp. 11-12, accessed on 2020/12/18. It's the latest published survey.





township/city representatives.”<sup>14</sup> In terms of female in the legislature, the numbers amount to 47 persons (41.59%).<sup>15</sup>



Source: Legislative Yuan, 2020, *Gender Statistics and Analysis Report* (《立法院性別統計與圖像及實質分析》), <https://www.ly.gov.tw/Pages/Detail.aspx?nodeid=308&pid=201706>, p. 42, retrieved on 2020/12/19.

We can not find out the statistics about the proportions of position in national and local institutions by persons with disabilities until submitting this paper. We neither can find out the proportion of population who believe decision-making is inclusive and responsive by sex, age, disability and population group.

*Indicator 16.7.2: Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group.*

We can not find the statistics in conformity with this indicator. But, according to a survey conducted by the Academia Sinica (中央研究院), the ratio of people’s satisfactions towards Taiwan central

<sup>14</sup> Gender Equality Committee of Executive Yuan (行政院性平會), 2020, *Current Endeavors of Gender Equality in Taiwan*, [file:///C:/Users/flyingeagle/Downloads/Current%20Endeavors%20of%20Gender%20Equality%20in%20Taiwan%200 slides.pdf](file:///C:/Users/flyingeagle/Downloads/Current%20Endeavors%20of%20Gender%20Equality%20in%20Taiwan%200%20slides.pdf), p. 11, accessed on 2020/12/18.

<sup>15</sup> Legislative Yuan (立法院), 2020, *Gender Statistics and Analysis Report* (《立法院性別統計與圖像及實質分析》), <https://www.ly.gov.tw/Pages/Detail.aspx?nodeid=308&pid=201706>, p. 42, retrieved on 2020/12/19.



authorities are 45.8% (President), 40.5 (Executive Yuan) and 29.6 (Legislative Yuan), 32.4 (all policies). In addition, in the past years, it occurred some interest conflicts related to eminent domain. City-level authorities usually take the side of compulsory demolition and relocation, which resulted demonstration supported by CSOs. The same survey shows that 58.6% of people can accept the compulsory demolition and relocation so long as it is for public interests while 45.7% of people can not accept it.<sup>16</sup>

### **Target 16.8: Strengthen the Participation in Global Governance**

*Indicator 16.8.1 is the “Proportion of members and voting rights of developing countries in international organizations.”*

Taiwan government in 2018 September 14 declared that Taiwan would not request the special treatment exclusively entitled to developing countries. The latest report published by the Directorate General of Budget, Accounting and Statistics (DGBAS) of Executive Yuan (行政院主計總處) suggested that Taiwan would march onto the stage of developed country in 2021. But, even Taiwan is still the developing country, it always face difficulties to join international organization due to the One-China Policy imposed by the People’s Republic of China. So, no exact data can be found about the proportion of members and voting in international organizations.

### **Target 16.9: Provide Universal Legal Identity**

*Indicator 16.9.1 is the “Proportion of children under 5 years of age whose births have been registered with a civil authority, by age.”*

The full text of Target 16.9 is to “provide legal identity for all, including birth registration. By the rule of *Household Registration Act* (《戶籍法》), “any nationals under 12

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<sup>16</sup> Academia Sinica (中央研究院), 2016, *2016 Social Image Survey II* (《台灣社會意象調查II》), <file:///C:/Users/flyingeagle/Downloads/C00322r.pdf>, pp. 11-12, accessed on 2020/12/18. It’s the latest published survey.



years of age born in the ROC, shall be subject to Birth Registration, the same applies to abandoned or helpless children who have not yet applied for household registration” (article 6). It is thus no one shall be left in terms of birth registration. Acquiring from the *Statics of Birth Reporting System*, the ratio of birth registration already reached 100% in 2008. Many Taiwanese married the females from China, Hong Kong, Thailand and other Southeast Asian countries, the babies delivered by the foreign females are also all registered with the authorities. In addition, the sex ratio of, birth defects of, types of birth defects of the live births are also 100% registered.<sup>17</sup>

All nationals are required to have household registration for governing purpose such as taxation, compulsory education admission notice.....etc. When nationals under 12 years of age are registered their birth, their parents/families also need to register their household. Therefore the ration of Household Registration is also supposed reach 100%.

*Jus sanguinis* is the main principal to acquire Taiwan’s National Identity. According to the *Nationality Act* (《國籍法》), “a person shall have the nationality of the ROC under any of the conditions provided by the following Subparagraphs: 1. His/her father or mother was a national of the ROC when he/she was born; 2. He/she was born after the death of his/her father or mother, and his/her father or mother was a national of the ROC at the time of death.” Orphans whose parents’ nationality can not be identified can also entitled the nationality based on the same law that “he/she was born in the territory of the ROC, and his/her parents can’t be ascertained or both were stateless persons” (article 2). However, children/babies without nay National Identity are still present in Taiwan. For example, many exiled Tibetans live in Taiwan. They are stateless people. Even though their children born in Taiwan, those children/babies do not have Taiwan’s nationality. In addition, many Southeast Asian migrant workers working here. If a female does not change the employer in accordance with related regulations and

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<sup>17</sup> Health Promotion Registration, Ministry of Health and Welfare (衛福部國民健康署), 2018, *2018 Statics of Birth Reporting System* (《2018出生通報統計年報》), [file:///C:/Users/flyingeagle/Downloads/107年出生通報統計年報+\(衛生福利部+國民健康署+編印\).pdf](file:///C:/Users/flyingeagle/Downloads/107年出生通報統計年報+(衛生福利部+國民健康署+編印).pdf), retrieved on 2020/12/16.



contracts and thus leave her workplace, she becomes the illegal or run-away migrant workers. In such case, if he gets pregnancy, she might deliver her baby at home without doing birth registration. Even she delivers baby in hospital, she might leave her baby to the hospital or private welfare institute, and run away again to avoid been reported her case to police. After all, it means that she, as the run-away migrant worker, will be detained and deported. In fact, in 2018 and 2019, mass media did the news report about the issues. The Harmony Home Foundation Taiwan (台灣關愛之家) recorded 734 stateless children in Taiwan in 2019.<sup>18</sup> The CSOs appeal to government that the legal principle to acquire nationality should be based on both of *jus sanguinis* and *jus soli* to solve the problem of stateless babies/children.<sup>19</sup> So far, no discussions of the amendment of *Nationality Act*.

**Target 16.10: Ensure Public Access to Information and Protect Fundamental Freedoms**

*Indicator 16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.*

After more than 30 years political transition, the so-called political consolidation has grounded in Taiwan. Thus, there is no killing, kidnapping and other tortures imposed on journalists, trade unionists and human rights workers, which usually seen in the authoritarian countries.

*Indicator 16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.*

Since the *Freedom of Government Information Law* (《政府資訊公開法》) was put in effect in 2005, “government information shall be made available to the public in accordance with the Law, except which regulated in other laws, the provisions of that law shall prevail” (article 2). Not only the

<sup>18</sup> Harmony Home Foundation Taiwan (台灣關愛之家), 〈移民局局長宣布關於「無國籍」兒童的數據報告〉, <https://www.twhhf.org/archives/8711>, accessed on 2020/12/16.

<sup>19</sup> 徐品蓁、林琬蓉、阮珮慈, 2019/11/15, 〈無國籍兒童如幽靈人口 移工後代權益問題仍未解〉, <https://unews.nccu.edu.tw/unews/%E7%84%A1%E5%9C%8B%E7%B1%8D%E5%85%92%E7%AB%A5%E5%A6%82%E5%B9%BD%E9%9D%88%E4%BA%BA%E5%8F%A3%E3%80%80%E7%A7%BB%E5%B7%A5%E5%BE%8C%E4%BB%A3%E6%AC%8A%E7%9B%8A%E5%95%8F%E9%A1%8C%E4%BB%8D%E6%9C%AA%E8%A7%A3/>, accessed on 2020/12/16.



authorities are obligated to actively publish the information related to governance and policies (chapter 2), but Taiwan's nationals also are entitled to request government for providing the related information (chapter 3). Foreigners may request government information in accordance with this Law only when the laws of their countries do not restrict the nationals of the Republic of China from requesting government information of such country (article 9, chapter 3). In 2019, 43,000 data bases were open to the public, and they were downloaded 1.2 million times.<sup>20</sup>

Besides, in order to avoid that someone may take advantage of this Law to collect the other persons' information, the *Personal Data Protection Act* (《個人資料保護法》) was implemented on 2015 December 30 to protect persons from the malicious information gathering.

### **Target 16.a: Strengthen National Institutions to Prevent Violence and Combat Crime and Terrorism**

*Indicator 16.a.1 is the "Existence of independent national human rights institutions in compliance with the Paris Principles."*

On 2017 December 17, the Act on Promoting Transitional Justice (《促進轉型正義條例》) was put in effect. Since then, the Transitional Justice Commission (促進轉型正義委員會) was established with the commission to redress the human rights abuse and/or injustice judicial cases occurred during the white terror period to recover the justice deprived from the victims.

On 2019 December 10, the Legislative Yuan (行政院) approved the *National Human Rights Commission Organization Act* (《國家人權委員會組織法》), which further allows the establishment of the National Human Rights Commission (NHRC) on 2020 August 1. The NHRC is the sub-commission under the Control Yuan (監察院). The aim of the NHCR is to ensure

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<sup>20</sup> National Sustainable Development Network, 2019, *Yearly Report of Taiwan Sustainable Development Goal (SDG) Review* (《台灣永續發展目標年度檢討報告》), <https://nsdn.epa.gov.tw/wp-content/uploads/2020/11/2019台灣永續發展目標年度檢討報告.pdf>, p. 365, retrieved on 2020/12/17.



social fairness and justice, to voice for disadvantaged groups, and to monitor Taiwan's human rights in a systematic and comprehensive manner. After the NHRC established, the Covenants Watch on 2020 November 10 in alliance with the congressmen from both of ruling and opposition parties organized a press conference appealing for establishing the Legislative Yuan Human Rights Committee (LYHRC) under the Legislative Yuan.<sup>21</sup>

### **Target 16.b: Promote and Enforce Non-Discriminatory Laws and Policies for Sustainable Development**

*Indicator 16.b.1 is the “Proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.”*

No statistics in conformity with the indicator can be found. However, the discrimination or harassment resulted from ethnic/class/gender stereotype/hostility are actually present. The news can be seen on newspapers, particularly the discrimination/hostility towards Southeast Asian migrant workers/immigrants, indigenous and the LGBT. In order to combat the discrimination/hostility, government enacts some specific law to promote or protect the rights specifically entitled to the discriminated group.

For example, two years after the Constitutional Court of the Judicial Yuan (司法院憲法法庭) in Taiwan released “Judicial Yuan Interpretation No. 748” (〈司法院釋字748號解釋〉) ruling that the marriage law which did not grant same-sex couples the right to marry unconstitutional in 2017, a draft bill to include same-sex marriage under the *Civil Code* (《民法》) was proposed by the Executive Yuan and signed by the President in Taiwan after it is passed by the Legislative Yuan. On 2019 May 24, same-sex marriage became legal in Taiwan and made Taiwan the first Asian country to recognize same-sex marriages.

Taiwan stipulated the *Indigenous Basic Law* in 2005 (《原住民族基本法》) to promote indigenous rights. The *Basic Law* is based on the principle of free prior

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王揚宇, 〈民團與部分朝野立委推動立院設立人權委員會〉, <https://www.cna.com.tw/news/aip/202011100167.aspx>, accessed on 2020/12/14.



informed consent to invite the indigenous to join at most extent on occasions of any developments on the indigenous lands. Article 21 in the *Basic Law* says, “When governments or private parties engage in land development, resource utilization, ecology conservation and academic research in indigenous land, tribe and their adjoin-land which owned by governments, they shall consult and obtain consent by indigenous peoples or tribes, even their participation, and share benefits with indigenous people.” This article echoes the Target 16.7 to “ensure responsive, inclusive and representative decision-making” in the SDG 16+ to leave no indigenous behind any development agenda.

#### Chapter IV

3. How SDG 16 Plus encompasses Whole of Society approach or Leave no one Behind  
You may analyse the role of various stakeholders in the Goal 16 Plus progress (in reference to monitoring and indicators) in last 5 year (1000 words max)

On the International Human Rights Day (December 10) in 2009, the **Covenants Watch** (人權公約監督施行聯盟) was founded with the mission to call on human rights groups/workers, lawyers and scholars to join in alliance to monitor the domestic implementation of UN human rights conventions that have obtained legal status in Taiwan,<sup>22</sup> such as the *International Covenant on Civil and Political Rights* (ICCPR), the *International Covenant on Economic, Social and Cultural Rights* (ICESC), the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) and many others. The Covenants Watch since then has worked with 60-80 CSOs to co-watch the legalization and implementation of these international conventions. By doing so, the Covenants Watch hopes that Taiwan can to the most degree catch up with the international standard of human rights, which will bring to Taiwan an inclusive society with a just legal system.

For example, Taiwan (R.O.C.) was the signatory of the ICRED. However, it has been the discrimination against the Indigenous Nations, the immigrants/migrant workers from Southeast Asia, LGBT and many other groups with lower social status. The ICRED has never been implemented by domesticized legalization. In the case of discrimination against SE migrant

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<sup>22</sup> Covenants Watch (人權公約監督施行聯盟), 2022, *2020 Parallel Report* (《2020平行報告》), [https://covenantswatch.org.tw/wp-content/uploads/2015/12/CW\\_2020-parallel-report-on-ICCPR-and-ICESCR\\_online\\_EN\\_REV.1.pdf](https://covenantswatch.org.tw/wp-content/uploads/2015/12/CW_2020-parallel-report-on-ICCPR-and-ICESCR_online_EN_REV.1.pdf), p.1, retrieved on 2020/12/15.



workers, the total of SE migrant workers had run into 701,240 until 2020 October,<sup>23</sup> and many of them experienced hostility or discrimination by Taiwanese. They were usually projected as the agents of deicide, potential thieves (particularly domestic workers) or the ones with lower civilization. Many female domestic SE migrant workers also possibly face sexual harassment/abuse by their employers. Even, many Taiwanese simply treat them unfriendly due to their dark skin.<sup>24</sup>

Thanks to the campaigns of CSOs, the Presidential Office's Human Rights Consultative Committee made a resolution leading the MOI of Taiwan in 2013 to begin to promote the ICRED. The Executive Yuan in 2021 will launch four operations which are "(1) reviewing laws and regulations on its compliance with the ICERD, (2) education and training, including teacher training, training materials and agency courses, (3) the national report on ICERD and international review, (4) promotion, including website construction, advocacy operations."<sup>25</sup>

However, government and the whole society can and should do more. Firstly, take the enactment of the *Anti-Discrimination Act* (《反歧視法》) as an example, the *Anti-Discrimination Act* should not be a declarative law that can not be really enforced. It is supposed to be the one that can clarify the various discriminations, regulate the duties of the authorities in combatting the discriminations and provide judicial remedies. Since the discriminated targets are not only the lower social status groups but also Indigenous Nations, SE migrant workers/immigrants and LGBTQ, the MOI, the Council of Indigenous Peoples, the Ministry of Labor, the Ministry of Immigration, and the Gender Equality Committee of Executive Yuan need to be the active parties in the enactment process. In addition, the relevant groups, unions, and associations also need to be invited to take part in the legalization process. In all, the authorities need to fully shoulder the responsibility to do the job.

Secondly, education can be a tool of and universities can be the locomotive of practicing social responsibilities. The Ministry of Education (教育部) of Taiwan, beginning in 2018, has been promoting the idea University Social Responsibility (USR) by encouraging

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<sup>23</sup> Please refer to the official website of Taiwan's Ministry of Labor (勞動部), <https://statfy.mol.gov.tw/index12.aspx>, accessed on 2020/12/15.

<sup>24</sup> 余曉涵, 2018/07/15, 〈歧視無所不在 移工異鄉辛酸淚〉, <https://dq.yam.com/post.php?id=9615>, accessed on 2020/12/15. 艾厲森, 2019/10/05, 〈移工罪與罰：那些血淚交織的在台工作日〉, <https://opinion.udn.com/opinion/story/6785/4087674>, accessed on 2020/12/15.

<sup>25</sup> Covenants Watch (人權公約監督施行聯盟), 2002, *2020 Parallel Report* (《2020平行報告》), [https://covenantswatch.org.tw/wp-content/uploads/2015/12/CW\\_2020-parallel-report-on-ICCPR-and-ICESCR\\_online\\_EN\\_REV.1.pdf](https://covenantswatch.org.tw/wp-content/uploads/2015/12/CW_2020-parallel-report-on-ICCPR-and-ICESCR_online_EN_REV.1.pdf), pp. 35-36, retrieved on 2020/12/15.





universities to submit the projects to more actively engage in sustainability.<sup>26</sup> According to the idea, universities should be the agent contributing to local sustainability rather than simply the learning and socialization facility. The idea of USR steers schools to design projects by the people-centered and local-grounded approaches. Borrowing the concepts from two sociological research methods, the grounded-theory and action-theory, the people-centered and local-grounded approach requires school teams to consult and incorporate stake-holders' opinions in the process of designing and practicing a project. It is indeed that applying for government's financial supports by submitting the USR projects equate to assisting the implementation of government's policies. However, due to the spirit and idea of the approach, the agency and subjectivity of the local will be created and lighted up. They might further voice out their needs of open information access, more transparent governance and accountability, as well as pay more attention to their rights. And, an ensured responsive, inclusive and representative decision-making process might be formed.

Thirdly, the legalization of the same-sex marriage in Taiwan contributes to building a stronger institution to protect the fundamental rights of people of both homosexuals and heterosexuals equally in enjoying their freedom of marriage. The legalization of same-sex marriage shows the transformation of the Taiwanese society towards homosexual populations over the years. However, it was a long and arduous way before the legal rights of same-sex marriage was finally recognized institutionally. During the two-year-time between the ruling of the Constitutional Court in 2017 and the passing of the law in 2019, the implementation of the same-sex marriage law was strongly opposed by conservative groups among the Taiwanese society. In 2018, a referendum on this issue were initiated by anti-gay groups, aiming to overturn the ruling of the Constitutional Court in granting homosexuals the equal rights to the freedom of marriage. The referendum exacerbated the divide of the society and reinforced discrimination on the sexual minority populations through spreading misinformation, fear and even hatred towards LGBT community. Although the referendums to exclude same-sex marriage in the *Civil Code* were passed in the voting results, the Judicial Yuan responded by confirming that the rights of the LGBT community have been protected by court ruling, and that the referendums could not surpass the Constitutional Interpretation.<sup>27</sup> In order to advance people's consciousness of LGBT rights, school needs to play critical role of enlightenment.

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<sup>26</sup> Department of Information Services, Executive Yuan, 2019/05/19, "University Social Responsibility Program Promoting Sustainable Local development," <https://english.ey.gov.tw/Page/61BF20C3E89B856/243a330f-788e-418d-af89-17fbbb7b90d9>, accessed on 2020/10/18.

<sup>27</sup> Taipei Times, "Marriage Law 'Cannot Contradict' Ruling," 2018 November 30, <http://www.taipeitimes.com/News/front/archives/2018/11/30/2003705194>, accessed on 2020 December 17.



## Chapter V

4. How SDG 16+ is instrumental in protecting fundamental freedoms in your country? -Please provide reference in respect to the available data (both qualitative and or quantitative) (1000 words max)

As aforementioned, the value and spirit of SDG16+ is to the most degree practiced by implementing human rights laws and establishing human rights institutions. The SDG 16+ itself does not be instrumental in protecting fundamental freedoms in Taiwan. After over 30 years' democratization, Taiwan's authorities have endeavored to follow the international human rights laws, conventions and declarations either by the domestic legislation procedure or direct apply into policies. In this regard, CSOs play the critical role in campaigning for it.

In March 2021, Taiwan's government will convene the third review meeting of *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESC).

In terms of the USR, there are two phases. The first phase (2018 and 2019), universities are encouraged to propose projects from among five themes: care for the surrounding locale, industrial collaboration, a sustainable environment, food safety and long-term care, and other social obligations. The proposed projects should produce tangible results in building local connections and delivering the benefits of enhanced regional development.

The second phase (2020 to 2022) introduces two additional project themes: regional revitalization and global connections. These themes are aimed at achieving a balanced Taiwan and motivating domestic universities to expand the horizons of international cooperation by connecting with other institutions from around the world.

2019 is the inaugural year of Taiwan's "regional revitalization" policy. The National Development Council was required to help the MOE in imparting greater responsibility and significance to USR projects by taking stock of local needs that universities can focus on, match solutions to, and propose regional rejuvenation-type USR projects for. The schools can then partner with local governments and smaller towns in regional development and rejuvenation efforts as they bring the creative abilities and strengths of young people into nearby communities. By integrating industrial, government, academic and research resources to the service of local



culture, tourism and economies, the program can help resolve challenges facing communities and create new opportunities for growth.<sup>28</sup>

## Chapter VI

5. Please give 5 examples of Goal 16 plus progress or lack of progress in your country and explain (maximum 1000 words) by concrete examples. This could be in the form of data (both official and citizen's led data), pictures, graphs

According to Belgrade Principle on the Relationship between National Human Rights Institutions (NHRI) and Parliament, parliament should have competence to legislate for the establishment of a NHRI (article 1-1, para. 1).<sup>29</sup> On 2019 December 10, the Legislative Yuan (行政院) approved *National Human Rights Commission Organization Act* (《國家人權委員會組織法》), which further allows the establishment of the National Human Rights Commission (NHRC) on 2020 August 1.<sup>30</sup> The NHRC is the sub-commission under the Control Yuan (監察院). The aim of the NHCR is to ensure social fairness and justice, to voice for disadvantaged groups, and to monitor Taiwan's human rights in a systematic and comprehensive manner. According to the NHRC website, "the NHRC should also provide consultation on human rights, conduct inspections, receive complaints, offer training, investigate discrimination and human rights infringements, promote human rights education, and develop indicators to assess whether government policies are in line with human rights standards. In addition, it should raise awareness of human rights and mechanisms for the protection thereof among government agencies at all levels, aligning Taiwan with

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<sup>28</sup> The parts of USR are abstracted from the Executive Yuan (行政院) website, <https://english.ey.gov.tw/News3/9E5540D592A5FECD/0bf4aaf5-7332-44d7-bc6c-55d9a4e2a590>, accessed on 2020/12/18.

<sup>29</sup> *Belgrade Principle on the Relationship between National Human Rights Institutions (NHRI) and Parliament*, <https://www.humanrights.moj.gov.tw/media/12952/312152412691.pdf?mediaDL=true>, retrieved on 2020/12/15.

<sup>30</sup> Official News on the Control Yuan Website, 2020/01/08, "Enactment of NHRC Constituent Law" (〈制定監察院國家人權委員會組織法〉), <https://www.ly.gov.tw/Pages/Detail.aspx?nodeid=33324&pid=190938>, accessed on 2020/12/10.



international human rights norms and standards.” However, the NHCR was just established recently, whether it works as expected by the authorities and CSOs still needs to be deliberately watched.

The ROC’s Executive Yuan in 2005 proposed the draft of *Refugee Law*. The definition of refugee, the procedure and institution for reviewing refugee status, as well as the sorts of necessary provision of humanitarian assistances are written in the draft. However, the draft of *Refugee Law* still waits to be discussed and read by the Congress. Strikingly, when present President TSAI Ying-Wen (蔡英文) was in the position of vice-prime minister from 2006–2007, she used to support the enactment of *Refugee Law*. But, she changed her stand after taking the position of Presidency in 2016.<sup>31</sup> After the political demonstration cracked down by the authorities in Hong Kong in the end of 2019, many HK dissidents would like to take exile in Taiwan. It was the time for the Congress to pass the *Refugee Law* since the number of ruling party’s congressmen take the absolute majority. Unsatisfactorily, President TSAI Ying-Wen even said that it was unnecessary to enact *Refugee Law*, since the issues related to HK dissidents’ taking exile in Taiwan could be dealt with by the *Laws and Regulations Regarding Hong Kong & Macao Affairs* (《香港澳門關係條例》).

Taiwan’s government declared that it would apply the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESC) into our domestic law system. But, many defects related to the legal system need to be redressed. For example, the authorities has not denounced the death penalty. Even the death penalty to a certain degree is necessary in the social context of Taiwan, the *Prison Act* (《監獄行刑法》) and the *Regulations on the Execution of the Death Penalty* (《執行死刑規則》) are not enacted based on the General Comment No. 36 of the ICCPR, which ensured the sentenced-to-death-prisoner and his family to receive reasonable prior notice before the execution. “According to government practice, persons sentenced to the death penalty are notified on the day of execution and are executed on the exact day, and their family members are notified only after the execution is completed. That is, not only can the persons sentenced to death not be able to file for effective legal remedies for the execution (execution

<sup>31</sup> “Draft of Refugee Law” (〈難民法草案〉),

<https://zh.wikipedia.org/wiki/%E9%9B%A3%E6%B0%91%E6%B3%95%E8%8D%89%E6%A1%88>, accessed on 2020/12/16.



orders) or apply for a final pardon, their chances for the last interview with their family members are also not guaranteed.”<sup>32</sup>

Based on the principles of gender equality of the ICESCR, of the *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW), and thanks to the CSOs years campaigns, the Constitutional Court of Judicial Yuan made the “Judicial Yuan Interpretation No. 748” of the legality of same-sex marriage as the followings: “The provisions of Chapter II on Marriage of Part IV on Family of the *Civil Code* (《民法》親屬篇) do not allow two persons of the same sex to create a permanent union of intimate and exclusive nature for the purpose of living a common life. The said provisions, to the extent of such failure, are in violation of the *Constitution*’s guarantees of both the people’s freedom of marriage under Article 22 and the people’s right to equality under Article 7. The authorities concerned shall amend or enact the laws as appropriate in accordance with the ruling of this Interpretation within two years from the date of announcement of this Interpretation.” The authorities began the proceedings of making a specific law for same-sex marriage in 2019.

With the increasing supports of the people and the media, the shift of attitude of the authorities, as well as greater visibility and better representation of the LGBT populations,<sup>33</sup> the *Enforcement Act of Judicial Yuan Interpretation No. 748* was finally passed in 2019. Even though the new law grants same-sex married couples almost all the rights available to heterosexual married couples, the restrictions under this law still pose several challenges for the LGBT population in enjoying their rights. For example, the law allows a person to adopt only the biological children of their spouse but forbids the couple to jointly adopt non-biological children. Moreover, spouses from foreign countries where same-sex marriages are not legal cannot register a marriage and are denied other rights and protections arising from marriage in Taiwan. The imposed restrictions on the adoption rights of same-sex married couples and inadequate legal protection for transnational same-sex couples still shows the institutional failures to guarantee the full rights of same-sex couples and its discrimination on the basis of nationality and sexual orientation.<sup>34</sup>

The following table is the ratio of female at different level of representative institutes:

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<sup>32</sup> Covenants Watch (人權公約監督施行聯盟), 2002, *2020 Parallel Report* (《2020平行報告》), [https://covenantwatch.org.tw/wp-content/uploads/2015/12/CW\\_2020-parallel-report-on-ICCPR-and-ICESCR\\_online\\_EN\\_REV.1.pdf](https://covenantwatch.org.tw/wp-content/uploads/2015/12/CW_2020-parallel-report-on-ICCPR-and-ICESCR_online_EN_REV.1.pdf), p143, retrieved on 2020/12/19.

<sup>33</sup> LEE Po-Han, 2019, “First in Asia, Now What? Taiwan and Marriage Quasi-Equality,” *Kyoto Journal*, 96: 36-39.

<sup>34</sup> *2020 Shadow Report on the Third National Report on the ICCPR and ICESCR*.



Women’s Seats	1998	Now
Legislative Yuan	19.1%	41.6% (2020)
Municipal Councils	22.9%	35.8% (2018)
Magistrates (Mayors) of Counties (Cities)	13.0%	37.5% (2018)

Source: Department of Gender Equality, Executive Yuan, 2020, *Current Endeavors of Gender Equality in Taiwan*,

[file:///C:/Users/flyingeagle/Downloads/Current%20Endeavors%20of%20Gender%20Equality%20in%20Taiwan%20\\_slides.pdf](file:///C:/Users/flyingeagle/Downloads/Current%20Endeavors%20of%20Gender%20Equality%20in%20Taiwan%20_slides.pdf), retrieved on 2020/12/18.

The percentage of elected female mayors are over 35%, which complies with the Executive Yuan's Gender Equality Policy Guidelines that set the goal of “either gender should account for one-third of the public sector.”<sup>35</sup> In all, Taiwan ranked No. 9 on the latest Gender Inequality Index (GII), No. 1 in Asia, according to the *Gender at a Glance* published by the Gender Equality Committee of the Executive Yuan. Gender equality seems much more taking ground in Taiwan. But it is not true.

The 2020 Women and Men in R.O.C. Facts and Figures, a report compiled by the Executive Yuan, indicated, women only make up 6.9% of the Cabinet, 342 ranking the 165th in the world. The number, criticized by the Gender Equality Commission of the Executive Yuan (GEC) and other civic groups, falls short of the Executive Yuan's Gender Equality Policy Guidelines that set the goal of “either gender should account for one-third of the public sector.”<sup>36</sup>

In addition, according to a news written based on 2020 *Gender at a Glance* (《2020性別圖像》) published by the Gender Equality Committee of the Executive Yuan, “the Female entrepreneurs led 36.8 percent of small- and medium-sized businesses in Taiwan, of which 40 percent were in the service industry. As for labor market participation, around 91.8 percent of women aged 25 to 29 joined the labor market, but the rate plunged and no longer rebounded as age increased — less than 50 percent of women above 55 years old were still working. This trend

<sup>35</sup> Covenants Watch (人權公約監督施行聯盟), 2002, *2020 Parallel Report* (《2020平行報告》), [https://covenantswatch.org.tw/wp-content/uploads/2015/12/CW\\_2020-parallel-report-on-ICCPR-and-ICESCR\\_online\\_EN\\_REV.1.pdf](https://covenantswatch.org.tw/wp-content/uploads/2015/12/CW_2020-parallel-report-on-ICCPR-and-ICESCR_online_EN_REV.1.pdf), p. 223-224, retrieved on 2020/12/19.

<sup>36</sup> Covenants Watch (人權公約監督施行聯盟), 2002, *2020 Parallel Report* (《2020平行報告》), [https://covenantswatch.org.tw/wp-content/uploads/2015/12/CW\\_2020-parallel-report-on-ICCPR-and-ICESCR\\_online\\_EN\\_REV.1.pdf](https://covenantswatch.org.tw/wp-content/uploads/2015/12/CW_2020-parallel-report-on-ICCPR-and-ICESCR_online_EN_REV.1.pdf), pp.223-224, retrieved on 2020/12/19.



differed from Japan and South Korea, where women re-entered the job market from the age of 35 to 39 after giving birth.”<sup>37</sup>

It has been almost 15 years since the Indigenous Basic law was passed, and here we might brief some of the developments and predicaments. Concerning the land right, the idea of ‘traditional territory’ is still under investigation to make sure where and when the territory belongs to any particular indigenous entities. Though there are overlapping territories among different entities, indigenous people would agree on a negotiation base. But since the 2016 DPP governance, the investigation was stuck on the problem whether to include lands that are now privatized. If private lands are out of the evidence frame of history, the indigenous people would deem the investigation as injustice not to mention to bring a transitional justice. This would delay the actualization of right of access to the natural resources that had been confiscated since the Japanese colonial time.

Thus for example the hunting right is still limited by the rules to provide the quantity and timing of hunting beforehand that frustrates hunters who consider disclosure as taboo, that should be submitted as application document to be checked by the Forestry Bureau. In order to response to the indigenous needs, since 2019, the Forestry Bureau brings a schema of autonomous governance of hunting among indigenous entities like the Tsou people in Alishan Township or the Paiwan people belongs to the Lai-I Township. More and more indigenous entities are applying for a autonomous rules on the hunting rights inside their specific territories. But indigenous areas inside national parks are not included in this policy that differentiate and still discriminate indigenous rights to hunting.

The bureau of Forestry also stipulates a new way of livelihood under forest that is called Agroforestry Policy in 2018 that allows indigenous people to apply for the development of bee farming, mushroom farming and Anoectochilus, commonly known as marbled jewel orchid or filigree orchids gathering. These 3 items are open for application but under heavy monitoring on the environment protection. So far we see the Saisiat people has brought a co-op of honey bee that seems to make a scale economy but we don’t see clear report on the economic effect. What is expected is the coffee to be allowed as item of agroforestry because coffee has been developed as a marvel industry in some indigenous communities that worry the planting of coffee in forestry land is illegal.

The fourth case hotly debated is the mining scenario that used to be exploitive in indigenous lands by capitalists. Mining rights seems to be above indigenous land rights that a company

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<sup>37</sup> Chris Chang, 2020/01/07, “Taiwan ranks No. 9 in world for gender equality,” *Taiwan News*, <https://www.taiwannews.com.tw/en/news/3852132>, accessed on 2020/12/19. The *2020 Gender at a Glance* (《2020性別圖像》) was published in 2020 January.



holding a mining right could excavate indigenous lands that are lacking development power. The famous case of Asia Cement Co. was under the cancellation of indigenous lands to transfer to capitalists as mining right. A recent appeal from the recipients to stop the mining rights still failed and indigenous lands especially reservation lands are still in lack of development energy from the indigenous communities.

The fifth issue but not the least important one is the education policy to promote ethno-education among the overwhelming general education. In 2019, the DPP government brought an amendment to the 20-year-old Indigenous Education Law that hope to bring more energy to promote ethno-education and ethno-mainstreaming. We have witnessed a trend of ethno-education among indigenous elementary schools under the experimental scheme but still lacking a clear policy to promote ethno-education on high school or higher education levels. Take the example of indigenous special class in some universities, the staff in the department is almost less than 2 that is far way less than the numbers of teachers a proper department needs that is at least 7 staff. Educational equipment seems to be developed in section but not in a continued train that holds the need of whole life indigenous spirit to be actualized through education.

## Chapter VII

6. Engagement and Roles of Parliamentarians in national SDGs mechanism and Review process (especially on SDG 16 Plus) in the last 5 years
7. Role of CSOs in implementation, progress, Monitoring and Review of Goal 16 Plus in your country

As aforementioned, Taiwan used to be engulfed by white terror during which the government committed a lot of abuse of human rights. In order to redress what the government had done and further to promote transitional justice, the *Act on Promoting Transitional Justice* (促進轉型正義條例) was officially proclaimed on 2017 December 27. As most the countries, indigenous/national minorities as stateless nations always faced the exploitation by the states, such as the nationalization of their traditional territory and cultural loss resulted from the assimilative policies.

However, the *Act on Promoting Transitional Justice* ignores the injustice on indigenous. The Association for Taiwan Indigenous Peoples' Policy (台灣原住民族政策協會) appealed that the transitional justice can not ignore





the injustice imposed on the indigenous. After several times of public hearings, a Draft of *Indigenous Historical Justice and Recovery of Rights* (《原住民族歷史正義與權利回復條例草案》) was sent to the Legislative Yuan in 2018, but it is not passed and proclaimed yet.

In order for indigenous to safeguard their dignity and honor through the education based on indigenous subjectivity, the Legislative Yuan approved the amendment of the *Education Act for Indigenous Peoples* (《原住民族教育法》) on 2019 Jun 19. According to the Law, “the government shall protect the right of indigenous peoples to education, and train and educate the skilled people they require” (article 1). “The government shall promote indigenous education based on the principles of diversity, equality, autonomy, and respect and shall give priority to giving serious consideration to the requirements of indigenous peoples for historical justice and transitional justice” (article 2). “Despite having enacted the Education Act for Indigenous Peoples, established the Indigenous Curriculum Development Collaboration Center and the indigenous education policy meetings, the government still fails to establish an indigenous peoples-centered educational system with the core concept of indigenous peoples as subjectivity. According to art. 15 of the Education Act for Indigenous Peoples, governments at all levels can set up schools for indigenous peoples as needed. However, the most important sub-law, the Indigenous School Act, has yet been passed. Some educators can only set up ‘experimental schools’ centered on the culture and knowledge of the indigenous peoples, trying to break through the restrictions through ‘experimental education’.”<sup>38</sup>

In terms of the LGBT rights, the *Act for Implementation of J.Y. Interpretation No. 748* (《司法院釋字748號施行法》) was passed by the Congress in 2019, which allows the same-sex marriage and grants Taiwan the reputation as the first Asian country legally accepting same-sex marriage.

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<sup>38</sup> Quoted from the *2020 Parallel Report* (《2020平行報告》), [https://covenantwatch.org.tw/wp-content/uploads/2015/12/CW\\_2020-parallel-report-on-ICCPR-and-ICESCR\\_online\\_EN\\_REV.1.pdf](https://covenantwatch.org.tw/wp-content/uploads/2015/12/CW_2020-parallel-report-on-ICCPR-and-ICESCR_online_EN_REV.1.pdf), p. 27, retrieved on 2020/12/19.



After the NHRC established, the Covenants Watch on 2020 November 10 in alliance with the congressmen from both of ruling and opposition parties organized a press conference appealing for establishing the Legislative Yuan Human Rights Committee (LYHRC) under the Legislative Yuan.<sup>39</sup> CHIU Hsien-Chi, the opposition's legislator, suggested that the formal cooperative relations between NHRI and LYHRC should be established. CHIU Hsien-Chi believed that the establishment of the LYHRC can allow the Congress more actively to enact/amend human-rights-related laws and make the Control Yuan's NHRC work more efficiently.<sup>40</sup> Legislator WANG Wan-Yu suggests that children protection, gender equality and the judicial remedies of crime victims are actually the human rights issues. So, if the LYHRC can be established successfully, the two human rights institutes can collaborative successfully to combat the violation of human rights.<sup>41</sup>

So far, it seems that no CSOs in Taiwan pay much attention to and try to design their project or campaign or monitor government in accordance with the SDG 16+, except for Taiwan AID. Probably because, in Taiwan, most of the CSOs are the ones with social welfare or environmental protection orientations. Indeed the human rights CSOs have campaign for the enactment of the related laws, judicial remedies, but, according to our understandings, the SDG 16+ itself is not exactly incorporated into the ideas of their programs/campaigns.

Although the SDG16+ itself so far has not been incorporated into government policies and CSOs campaigns/programs, the SDG does become the guideline for government and most of CSOs. For example, the Legislative Yuan' UN Sustainable Development Goals Committee was established on 2020 October 16 for the realization of UN's SDG 17 Goals,<sup>42</sup> while many CSOs already took the development goals as the principle to design their programs early in 2000 when the Millennium Development Goals were proposed.

## Chapter VIII

### 8. Concrete Recommendations (minimum 3 in each section) for

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王揚宇, 〈民團與部分朝野立委推動立院設立人權委員會〉, <https://www.cna.com.tw/news/aip/202011100167.aspx>, accessed on 2020/12/14.

<sup>40</sup> 祝潤霖, 2020/11/10, 〈立院設人權委員會 盼補強監察院不足〉, <https://anntw.com/articles/20201110-aGww>, accessed on 2020/12/15.

<sup>41</sup> 民視新聞網, 2020/11/10, 〈推動立法院設人權委員會 王婉諭盼與監察院全面性合作〉 <https://www.ftvnews.com.tw/news/detail/2020B10W0089>, accessed on 2020/12/15.

<sup>42</sup> 范正祥, 2020/10/16, 〈蔡其昌號召, 立院聯合國永續發展目標策進會成立〉, <https://www.cna.com.tw/news/aip/202010160163.aspx>, accessed on 2020/12/16.



In the end, we have some recommendations for Taiwan authorities, regional institutions and global institutions.

Taiwan government needs to be more actively in enacting the laws related to human rights in the context of Taiwan, such as the Anti-discrimination Law, Refugee Law, and others. In addition, the USR is a good way to achieve the practice of SDG 16+. After all, the law is not enough on its own while education can change the collective understandings of the society. Then, in order to the most degree see the SDG 16+ achieved in Taiwan, government's actively engagement in making law making and implementing USR is necessary.

Because Taiwan so far can not have the membership of most of international organizations due to the One-Chine Policy imposed by China. Even the Covid-19 pandemic engulfed the world, Taiwan is still more or less the orphan left behind by the international health system, the WHO. The CSOs indeed can attend the international CSOs conferences/seminars. However, if the CSOs from China are also present in the same conferences/seminars, Taiwan CSOs nationhood does not be officially recognized. Therefore, one of our recommendations to regional and global institutions is to appeal that they should courageously recognize Taiwan's nationhood by name of either Taiwan or its official name R.O.C. with no fears of P.R.C. irrational and unreasonable protests/intimidations. In addition, we realize that both of the MDGs and SDGs are declarative principles. There are indicators to evaluate if and/or to which degree they are achieved, indeed. The political and law contexts are different in different countries in terms of the degrees of development, democracy and others. Therefore, different indicators designed in accordance with such different context perhaps will bring more fruits to the promotion of the SDG 16+.