

# THE THIRD REVIEW OF TAIWAN'S CEDAW IMPLEMENTATION

## LIST OF ISSUES AND QUESTIONS

By the 2018 International Review Committee

### Articles 1 and 2

1. In 2014 when the 2<sup>nd</sup> Report by Taiwan on the implementation of the CEDAW was reviewed, the Review Committee raised criticism that there was no general or constitutional definition of sex- and gender-based discrimination in the legislation. The only relevant constitutional provision is Art. 7 of the Constitution which contains a guarantee of equality before the law. What legislative measures is Taiwan planning to enact a comprehensive legislation covering all aspects of gender equality and prohibiting all forms of discrimination? The reports from alternative sources, which are indicating that basic political and civil rights of female protesters in demonstrations have been violated, seem to indicate an urgent need for such a legislative framework.
2. Please explain how the Enforcement Act of the CEDAW Convention (2011), which incorporates the Convention into national law, operates in practice. Can an individual woman claim her rights in a Taiwanese Court based on an article of CEDAW according to this Act?
3. How has protection against intersectional and multiple forms of discrimination against women improved since 2014? For instance, how is it ensured that women with disabilities are not facing discrimination on the basis of both disability and gender?
4. Despite the number of references to CEDAW in Court cases, the numbers are still small compared with other human rights instruments. How are the judges trained to make sure that CEDAW is adequately applied in Courts?

### Women's Access to Justice

5. While acknowledging the various steps taken in response to the Recommendations given by the 2<sup>nd</sup> Review Committee on women's right of access to justice, as well as taking into consideration its Recommendations 10, 11, 12 and 17, please provide initial outcomes of those various measures. Is there any example available about gender statistics webpage? (paras. 2.7 and 15.22) Please share information on the responses provided on the questionnaire applied by Judges Academy. (para. 15.19)
6. Please inform if the government conducted or is conducting any study on the impediments for women in fully accessing the courts and remedies, as requested by the 2<sup>nd</sup> Review Committee in its Recommendation 12.
7. On the annual CEDAW Seminar and Workshop on Gender Equality, as well as other courses organized, is there any topic dedicated for gender stereotyping, misconception of gender-based crimes, credibility and weight given to women's voices, and inflexible standards about appropriate behavior for a woman? (para. 15.18)

8. Please indicate what measures have been taken to raise awareness about the availability of justice mechanisms, procedures and remedies for women to claim their rights under CEDAW, particularly for women with disabilities and migrants? Are internet and other information and communication technologies (ICTs) being considered as a tool to improve women's access to justice at all levels?

### **Article 3**

9. Please specify whether the term sex/gender as referred to in paragraph 3.1 of the Report is duly taking into account the definition given by the CEDAW Committee's General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of CEDAW, in particular in the General Recommendation's paragraph 5 on the meanings of sex and gender and paragraph 18 on intersectionality?
10. Referring to paragraphs 3.8 to 3.10 of the Report, please give more information on the indicators on women's human rights and on the measures taken to establish an independent national human rights institution to implement paragraphs 7 and 8 of the recommendations of the 2<sup>nd</sup> Review Committee.
11. In line with the Conclusions and Recommendations of the 2<sup>nd</sup> Review on "gender budgeting," as well as paragraph 3.15 of the 3<sup>rd</sup> Report, please specify what methodology of gender budgeting has been undertaken (in line with the criteria of the 2030 Agenda and the Addis Ababa Action Agenda on financing for development). Please also provide information on the last five years' flow of resources dedicated at national and local level to the gender mainstreaming policies (paras. 3.15 to 3.18), the monitoring criteria used and the impact (outcomes) of such policies.

### **Article 4**

12. The Report refers to the Implementation of the Plan for CEDAW Education, Training, and Performance Assessments which was formulated and promulgated in 2015 and indicates that "direct and indirect discrimination" and "temporary special measures" (TSM) are designated as the primary focus of this training (para. 2.7). Please provide information on the contents of training on TSM, specify the purpose for which such measures are addressed in training and clarify whether training corresponds to the interpretation of meaning and scope of TSM in the CEDAW Committee's General Recommendation No. 25.
13. The Report indicates that prior to completion of the Anti-Discrimination Act, the Department of Gender Equality under the Executive Yuan will *inter alia* continue to encourage formulation of TSM by government ministries and agencies to further advance the cause of gender equality in Taiwan (para. 3.1). Please explain whether any additional TSM have been introduced since the adoption of the 3<sup>rd</sup> Report, in particular TSM aimed at accelerating the equal participation of women belonging to disadvantaged groups, such as women with disabilities, low income women, women in agricultural and fishing villages, rural and indigenous women, older women and women survivors of

gender-based violence, trafficking and exploitation of prostitution, in the political, public, economic, social, cultural, civil and any other field.

14. As indicated in the Report, the one-third gender rule has been unevenly satisfied (in some policy-making bodies the representation of women exceeded the one-third principle while in others it remained significantly below the target). Please indicate whether the appropriateness of the one-third rule has been reviewed, and whether the parity principle is considered as a positive and results-oriented alternative to the one-third target that is not in accordance with CEDAW regarding equal representation and participation of women and men.

#### **Article 5**

15. The Report acknowledges the persistence of deep-rooted gender stereotypes in family and society and mentions that various measures have been taken to eliminate gender stereotyping in society, culture and customs (paras. 5.1 - 5.35). Particularly pervasive and persistent are stereotypes prescribing that women should be caregivers. Such gender role stereotypes structure the division between paid productive labour and unpaid and domestic labour, assigning women primary responsibility for the latter (paras. 5.17 - 5.24), as well as the division within paid labour (paras. 5.9 - 5.13) and in educational choices of women and men (paras. 5.14 - 5.16). The traditional concept that men are superior to women affects also women's right of inheritance, since according to alternative sources of information in spite of equal inheritance rights real estates have been mostly inherited by men. This phenomenon may have pernicious effects on women's exercise of other human rights and fundamental freedoms under CEDAW. Please provide information whether there are any plans to develop a large scale, comprehensive and coordinated policy to change social and cultural patterns which have been central to the perpetuating and legitimating of women's legal and social subordination and assigning women and men distinct yet mutually reinforcing attributes, characteristics and roles in family and society.
16. Please provide updated information on formulation and adoption of active guidance to companies in the fields of broadcast media, print media, online media, online games, and advertising on the production of media programs that respect and promote gender equality, and any plan to reviewing and devising legislation to prompt creation and maintenance of media platforms which promote gender equality culture.

#### **Violence against women and girls**

17. While acknowledging the various steps taken in response to the Recommendations by the 2<sup>nd</sup> Review Committee on violence against women and girls, how does the government explain the increase of the numbers of domestic violence cases reported since 2013? (paras. 2.13 - 2.14)
18. Please inform if the government plans to increase the domestic violence and sexual assault prevention fund? (para. 2.20) Also, regarding domestic violence programs and

other programs tailored to the needs of immigrants, is there any assessment on the effectiveness of these measures? (paras. 2.24 - 2.25)

19. Please provide information on geographic distribution of violence referral centers, as well as adequate shelters for women and their children and other family members, including LGBTI survivors of violence.
20. Please provide detailed information and statistics on violence against elderly women and on the protective measures provided for victims of sexual assaults involving military personnel, foreign workers and homeless women.

## **Article 6**

21. Data in the Report indicate that from 2013 to 2016, protective placement were arranged for 772 women victims of cross-border trafficking, and that during this period a total of 486 temporary stay permits and 564 work permits were granted to women victims of trafficking in human beings (paras. 6.2 - 6.3). Please explain the gap between these data and provide updated information on draft amendments to the Human Trafficking Prevention Act referred to in paragraphs 6.10 - 6.12 of the Report.
22. The Report mentions the creation of high-tech crime units within police departments of each local government (para. 6.22) and indicates that the Principles and Procedures for Social Welfare Authorities Handling Web Content that Violates the Relevant Laws and Regulations on Children and Youth were issued in 2014. (para. 6.23) Given that with high-tech crimes advances made in ICT the risk of women of becoming victims of online crimes, such as revenge porn (the distribution of sexually explicit images or video of individuals without their consent), is increasing, please provide data on this form of violence against women and information on actions taken to address it.
23. The Report is silent about current situation of women in prostitution and exploitation of prostitution of women. Please provide information on the implementation of the Social Order Maintenance Act, which was revised in 2011 to allow prostitution within designated areas. Please also provide data on women in prostitution and explain how violations of the Criminal Code prohibition of the third parties to encourage, accommodate or broker sexual transactions have been dealt with. Please also inform whether there are any measures available or envisaged to help women who want to leave prostitution, such as provision of adequate medical, psychological and legal support, as well as rehabilitation and reintegration programs.

## **Article 7**

24. The information in the Report on achieving equality of women and men in political and public life and economic decision-making indicates that progress with respect to women's participation in political and public leadership and decision-making has been uneven. Please provide information on measures envisaged to effectively address underrepresentation of women in political representative positions at lower levels,

women's underrepresentation at the levels of political executives and deputy chiefs employed in the Executive Yuan and its subordinate agencies and women's underrepresentation among directors of state-owned enterprises that meet the one-third gender rule. Please also provide data on women's representation at the highest level of leadership of justice system, of educational, cultural and health care institutions.

25. Please explain whether the government is planning to reduce the amount of electoral deposits or to introduce a mixed system involving both petitions and electoral deposits, so that women may have better opportunities to pursue political careers.

### **Article 8**

26. Given that over the 20 years since the elimination of quota restrictions on women in the diplomatic special examination, the proportion of women entering the foreign service has been increasing (para. 8.2), please explain the reasons for the very low proportion of women serving as heads of overseas missions and provide information on measures taken or envisaged to address this issue.

### **Article 9**

27. Regarding the new immigrants' residency rights and right to family reunion, a draft amendment to the Immigration Act was presented to the Executive Yuan in 2016 with the intention of providing more protections. (para. 9.3) Please provide updated information whether the Immigration Act was actually revised as intended, and what positive effects it would bring to women immigrants.
28. According to an alternative report, the marriage immigrants who have been living with the Taiwanese national veterans in government housing are faced with the risk of being evicted upon their husbands' death and the expiration of the limited 11 year residency period. Please provide information and data on the situation of housing of marriage immigrants who are dependent on their husbands and what measures are in place to protect their equality in housing rights and security of tenure.

### **Article 10**

29. Despite efforts by the government, there is still a high degree of gender segregation in the areas of study, with the high percentage of female students in education field and low in areas such as engineering, manufacturing and construction. (paras. 10.3 - 10.4) What are the government's measures, including temporary special measures, to counter the traditional choice of disciplines by the male and female students?
30. In preparation of the 12-year basic education to be realized in 2019, what is the current status of the curriculum guidelines for gender equality at all levels of education? How does the Gender Equity Education Act play in the curriculum guidelines and directives for the teachers? How is the government planning to provide a balanced education on

sexual and reproductive health and rights, respecting rights of all groups with diverse forms of family and sexual orientation and gender identity?

31. The Report says that “the Educational Fundamental Act guarantees people’s equal opportunities to receive an education, and extends special protections to indigenous peoples, people with disabilities, and other disadvantaged groups based on their level of autonomy and other specific conditions.”(p. 62 on Article 10) However, the Common Core Document, in Tables 8, 9 and 10, does not provide any information on the general situation of education of indigenous women or women with disabilities, nor the CEDAW Specific Report. Please provide statistics on literacy, enrollment and dropout rates at all levels of education disaggregated by sex, disability and indigenous background, and information on measures to provide equal education to women of all groups.

### **Article 11**

32. In the efforts to improve equality on the Taiwanese labour market, it is a step forward that the Ministry of Labour did conduct a study on the Issue regarding Equal Pay for Work of Equal Value. The reported outcome of this study seems to be rather alarming. There is no consistent definition in Taiwan on the basic concepts of equal work, equal value and equal pay. Are there any clear policies in place to improve the situation and will the Taiwanese government demand real action for equal pay in the work places? The Report refers very generally to awareness raising efforts, although the women’s labour force participation is very low.
33. There is a high child care deficit for small children, which explains that most women with children below the age of two years take care of them at home. Is the government planning to improve the subsidy systems that were set up in 2008 (and 2012) and also improve the supply of child care for women with small children? How does Taiwan fulfil Article 11, paragraph 2.b of CEDAW, which requires the State to make sure that women can access maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances? What is the situation in this regard for women working in the informal sector?
34. The legal position of domestic female workers in the labour market has been a long lasting concern and in 2014 the 2<sup>nd</sup> Review Committee asked for full compliance with the International Convention on the Rights of All Migrant Workers and Members of their Families and the ILO Convention concerning Decent Work for Domestic Workers (ILO 189, 2011). We learn that there are ongoing plans for a new Domestic Workers Protection Act. What is the concrete plan for a final adoption of this Act, does it fully comply with the standard set out in the ILO Convention and what is the treatment of domestic female workers who become pregnant?
35. The situation for domestic workers seems to reflect the weak position of disadvantaged groups of women in the labour market more generally. What kind of positive measures are in place or planned in order to improve the situation for these groups in the labour market?

## **Article 12**

36. In response to the Recommendations by the 2<sup>nd</sup> Review Committee on the expansion of the right to health, various steps were taken, which is acknowledged. Regarding the draft Women's Health Policy and the related budget described in the Report, please provide updated information whether the Policy was adopted at the end of 2017 as planned and the needed budget was appropriated by the relevant authorities as envisaged. (para. 12.18)
37. Please provide data about forced abortion and sterilization for women with disabilities, as well as information about abortion cases when the fetuses are suspected to be abnormal. Do all health centers provide clarification, counseling services, and financial support for women considering abortion? (para. 12.24)
38. How is the government monitoring the performance of counselors and teachers, as well as students assessments regarding sexuality education provided in schools and universities, including prevention of sexually transmitted diseases? (paras. 12.40 - 12.44)
39. Please share information about the geographic distribution of health centers, including the 23 rural community service centers, as well as statistical information about types of specialty care provided in each one (frequency of services, number of patients served, frequency and reason for service suspension, availability of prenatal care, access to medical equipment for childbirth, and preparation to attend women with disabilities and women belonging to other disadvantaged and marginalized groups). (para. 14.34)

## **Article 13**

40. In reference to the information in paragraphs 13.1- 13.30 of the Report, please specify whether temporary special measures have been provided, according to the criteria issued in the CEDAW Committee's General Recommendation No. 25 (Article 4, paragraph 1, of the Convention) to accelerate the equal participation of women in the political, economic, social, cultural, civil or any other field. Under CEDAW, the application of these measures should be seen as a necessary strategy by States parties directed towards the achievement of de facto or substantive equality of women with men in particular for women exposed to multiple and intersecting forms of discrimination. Therefore more information are needed in particular for analysing whether temporary special measures (such as poverty alleviation measures focusing on the needs of women) have been taken by the government to exercise the due diligence towards the high rate of women applying for the emergency financial assistance. (para. 13.11)
41. Referring to the information given on the economic empowerment of women (paras. 13.15 - 13.18), and considering the high number of women-led small and micro enterprises, please specify the measures taken to guarantee that these micro and small business can survive the first five years and provide data on the survival rate.

42. In paragraphs 13.21 - 13.22 of the Report, information is provided on the mortgage loan approval in terms of Indigenous Youth Entrepreneurship Loans and Indigenous Microfinance Loans under Indigenous Integrated Development Fund and the percentage of women receiving such loans. However, such statistics seem to lack a specific gender analysis of the applicants and the analysis of the usage of the loan. Please provide more information on the number of women applying, the percentage of denial and the number of Indigenous women who arrive to clear off the debts through the help of Consumer Debt Clean up Regulation.

#### **Article 14**

43. In the Report the data on rural women's participation (paras. 14.1 - 14.11 and 14.17 - 14.33) clearly demonstrate that the one-third principle, as requested by the 2<sup>nd</sup> Review Committee, has not been met. Please specify whether the government has conducted specific analysis on the impact of the measures taken to enhance the equal participation of women in the management of rural and fisheries activities. Please give more information on the training programs for rural women other than the "home economics" classes which seem to maintain and/or strengthen rather than overcome gender stereotypes in rural areas. Please also inform if the Government has taken consideration of the implementation of the CEDAW Committee's General Recommendation No. 34 on Rural Women.
44. Please provide more information and data on the indigenous women's participation in community and Government's decision-making mechanism, specifying the different Indigenous Nations/communities and traditional decision-making mechanism in rural areas and urban areas (paras. 14.12 -14.16) in order to review and evaluate the real opportunities which are offered to indigenous women and girls.
45. The Report is silent on the incidence of gender based violence against women in rural areas (paras. 14.34 - 14.43), as indicated in targets 5.2 and 5.3 of the Sustainable Development Goal 5 of the 2030 Agenda for Sustainable Development. Please give more information on data, as for instance, the ratio of the proportion of women aged 15-49 subjected to physical violence by an intimate partner in the last 12 months in rural areas to urban ones, which would allow evaluation of the implementation of CEDAW article 14 for women living in rural areas.

#### **Article 15**

46. Regarding women's right in property inheritance, please explain whether the government measures, such as placing instructional materials at various locations and providing the sample Petition Letter for Waiver of Inheritance, brought any positive effects. (paras. 15.6 - 15.7)
47. It is unimaginable that "consensual sexual intercourse takes place with a victim aged seven years and older but under the age of 14." (para. 15.24) What is the legal age set for statutory rape in Taiwan's Criminal Code?

## **Article 16**

48. The Report mentions that the legal regulations governing the minimum age of marriage and engagement have not yet been put in line with CEDAW (pp. 154 - 155). Please provide information whether the meaning and scope of obligations to prevent and eliminate child and/or forced marriage (a marriage where at least one of the parties is under 18 years of age), as interpreted in the Joint General Recommendation No. 31 of the CEDAW Committee and General Comment No. 18 of the Committee on the Rights of the Child on harmful practices, is being dully considered in deliberation on amending the Civil Code. Please, also provide any updated information on efforts made to set the minimum age of marriage at 18 years for both, woman and man, which accords to women equality with men before the law.