

Review of Taiwan's Third Report on the Implementation of CEDAW

Conclusions and Recommendations of the International Review Committee

20 July 2018

A. INTRODUCTION

1. The review of Taiwan's Third Report on the Implementation of CEDAW was conducted on 16-20 July 2018 at the Howard Civil Service International House in Taipei. This was the continuation of the first review in 2009 and the second one in 2014. The government of Taiwan signed CEDAW in 2007 and promulgated the Enforcement Act of CEDAW in 2011, which became effective on 1 January 2012. According to the Act, the government of Taiwan is required to establish a reporting system for eliminating all forms of discrimination against women, provide a national report every four years, and invite all relevant experts and representatives of non-governmental organizations to review such report.

2. Upon the invitation of the Taiwanese government, five experts participated as members of the International Review Committee (IRC). They were Mr. Niklas Bruun (Finland), Ms. Violeta Neubauer (Slovenia), Ms. Silvia Pimentel (Brazil), Ms. Bianca Maria Pomeranzi (Italy) and Ms. Heisoo Shin, Chairperson (Republic of Korea), all of whom were former CEDAW members. They participated in the IRC in their individual capacity.

3. The IRC members received the Third CEDAW Report on 20 March 2018. The IRC was pleased with the information that the Report was produced with the involvement of all five Yuans, a result of nearly a year of intensive discussions and consultations, with 23 workshops and 12 public forums and hearings conducted. The IRC also received 23 alternative reports from NGOs. Upon examining the Third Report, the IRC formulated the List of Issues and sent it to the Taiwanese government on 9 May 2018. The Taiwanese government in turn sent their Replies on 26 June 2018.

4. The Review consisted of two days of intensive interaction: open sessions of dialogues with the government representatives on 16-17 July, with the participation of 453 officials from the five Yuans. It also included three meetings with NGOs, with the participation of representatives of 121 NGOs. On 18-19 July, the IRC members had private meetings to formulate the Conclusions and Recommendations. In the morning of 20 July, the press conference was held to present the Conclusions and Recommendations of the Review.

5. The IRC appreciate the work done by the Department of Gender Equality of the Executive Yuan to facilitate the review process and in particular the work of the IRC. The IRC also appreciates the active involvement of the main high level officials of Taiwan government and

active participation of NGOs.

B. CONCERNS AND RECOMMENDATIONS

The legal status of the CEDAW Convention

6. The Enforcement Act of Convention on the Elimination of All forms of Discrimination against Women, which came into force in Taiwan from January 1, 2012, states that all substantial terms and conditions in the Act shall have the same effect as domestic laws in Taiwan (Art. 2) and that the interpretations and explanations provided by the UN CEDAW Committee shall be used as reference for the application of “all rules, regulations ordinances and administrative measures applicable to the Convention” (Art. 3). Furthermore, according to Art. 8 of the Act all possible conflicting rules shall be reviewed and removed during a period of three years starting from January 1, 2012. While the IRC appreciates that the CEDAW Convention as such in its substantial entirety has been integrated into the domestic law of Taiwan, it is concerned that those articles in the CEDAW Convention, which give rights to individual women, have not been used or invoked in practice. There also seems to be some unclarity on how the Taiwanese courts might handle situations where there exists a conflict between a provision in national legislation and the Convention since both are on the same level in the legal hierarchy, although the Taiwanese Constitution might support the superiority of the provisions emanating from CEDAW.

7. The IRC urges the Government to issue, without delay, guidelines clarifying how the CEDAW Convention can be directly invoked by individual women in courts and administrative bodies in Taiwan.

Comprehensive legislation on Gender Equality

8. The IRC is deeply concerned that earlier longstanding recommendations to adopt a comprehensive legislation covering all fields of gender equality which should include the definition of discrimination in accordance with article 1 of CEDAW and address multiple and intersecting forms of discrimination, has not been implemented although the first drafts for legislation were prepared already in 2012. The IRC is also concerned that the government’s decision to commission research on this topic during 2018-19 and also to widen the legislative project to cover all grounds of discrimination will further delay the adoption of legislation on sex- and gender-based discrimination against women and girls.

9. The IRC recommends that a comprehensive legislation on gender equality is prepared expeditiously and that experts on gender equality law are included in the drafting team. If the legislation is integrated in a general framework of anti-discrimination law the government must make sure that the regulation regarding sex and gender is not diluted within this framework and that the preparation and adoption of the legislative

framework can take place without delay.

Meaning and use of the terms “sex” and “gender”

10. The IRC is concerned with the inappropriate conceptual and practical use of the terms “sex” and “gender” in Taiwan. In the CEDAW jurisprudence the Convention refers to sex-based discrimination, but also covers gender-based discrimination against women. The term sex refers to biological differences between men and women. The term “gender” refers to socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favoring men and disadvantaging women.

11. The IRC recommends the Government to align all the legislative texts and policy documents and promote the correct and consistent understanding of the terms “sex” and “gender” in line with CEDAW Convention and the Committee’s General Recommendation no. 28.

National Human Rights Institution

12. The IRC is concerned that despite long time discussions, Taiwan still lacks an independent National Human Rights Institution with the wide mandate to protect and promote women’s rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), annexed to General Assembly resolution 48/134.

13. The IRC reiterates the recommendations from earlier CEDAW reviews and reviews of other human rights instruments in Taiwan that the government without any further delay decides to establish an independent monitoring mechanism in the form of a Human Rights Institution in conformity with the Paris Principles. Since such a monitoring mechanism should be fully independent, it should preferably not be established within the Presidential Office, the Control Yuan or any other part of the existing government structure. If the government decides to integrate such a body into the Control Yuan, it is absolutely necessary to restructure the Control Yuan and establish an independent unit within it in order to fulfill the tasks of promoting, monitoring and protecting human rights, including women’s rights and gender equality, in full accordance with the Paris Principles.

CEDAW training and dissemination

14. The IRC is concerned that the knowledge of CEDAW and its application is still very limited in Taiwan.

15. The IRC requests the government to adopt and implement a comprehensive program for making the CEDAW Convention, CEDAW Committee's General Recommendations and its jurisprudence largely known among the Judicial Yuan, the Legislative Yuan, the Executive Yuan, the Control Yuan and the Examination Yuan, as well as among local authorities and general public, in particular women and girls. The IRC also recommends the government to disseminate the IRC recommendations for consideration and action to members of the national and local government and legislative bodies, officials in relevant ministries and members of relevant professional groups such as education, health and legal professionals, as well as media, using modern ICT and social networks. The IRC also recommends that the report is made available in national and minority languages, including Taiwanese sign language, and in accessible format also on the government website on human rights. The IRC finally strongly encourages the Government to involve civil society organizations in the training and dissemination of the CEDAW Convention.

Access to Justice

16. While commending the government's efforts to improve the availability and accessibility for women, the IRC is concerned that women don't have full access to courts, tribunals and remedies. It is also concerned with the lengthy procedures in the justice system due to the shortage of judges, particularly in cases of family issues, as well as lack of explicit reference to women and girls in the Legal Aid Act. The IRC is concerned on the accountability of the justice system and the application of disciplinary sanctions.

17. The IRC recommends that the government:

(a) increase the number of courts serving women in rural and remote areas, including small islands, and also urgently increase the number of judges, especially in the family courts;

(b) provide a comprehensive and sustainable legal aid that is responsive to the needs of women and ensure that legal aid providers are competent, gender-sensitive and that they are granted adequate time to defend their women client;

(c) provide appropriate gender-sensitive and effective remedies in a timely manner; and

(d) apply adequate disciplinary sanctions to the professionals in the justice system, when their decision contradicts CEDAW Convention and other international human rights standards.

18. Even acknowledging the numerous trainings conducted for the officials of Judicial and Executive Yuan, the IRC is concerned with stereotyping and gender bias still existing in the justice system.

19. The IRC recommends that the Government:

(a) improve indicators and conduct a broad study on the prevalence of stereotypes and wrongful application of law by prosecutors and judges, as recommended in the second review;

(b) extend systematic and mandatory capacity-building on women's human rights and gender equality for all judges, prosecutors, public defenders, lawyers, law enforcement officers, administrators and expert practitioners;

(c) ensure capacity building is interactive and contextualized, in order to develop critical thinking through the analysis of intersectional discrimination in real cases, highlighting best practices and wrongful application of laws. Special attention should be given to indigenous, migrant women, older women, women with disabilities, LBT women and intersex persons; and

(d) ensure that capacity-building programmes address the issue of the credibility of women's voices as parties and witnesses.

CEDAW and the United Nations 2030 Agenda for Sustainable Development

20. The IRC draws attention to the links between the CEDAW provisions and the United Nations 2030 Agenda for Sustainable Development, in particular target 5.1 of the Sustainable Development Goals, to “end all forms of discrimination against all women and girls everywhere”.

21. The IRC recommends the government to accelerate its law reform process, repeal all discriminatory provisions within a specific time frame and ensure the effective implementation of the CEDAW Convention.

National machinery on the advancement of women

22. The IRC acknowledges the efforts made by the government with the “Trial Implementation of the Revised Gender Budgeting System”. However the IRC is concerned about the decrease in the human and financial resources allocated to the Department of Gender Equality and the lack of information about the impact and the outcomes of the budgetary program. It also notes the lack of effective and transparent monitoring of the implementation of gender equality programmes. The IRC is also concerned about the absence of an overall national strategy and multiyear plan on gender equality.

23. The IRC, referring to the CEDAW General Recommendation No. 6 on effective national machinery and publicity and to the guidance provided in the Beijing Platform for Action recommends the government to:

(a) further strengthen the Department of Gender Equality in the Executive Yuan by providing adequate human and financial resources;

(b) ensure effective coordination and collaboration among all relevant entities of the Executive Yuan, including by considering to establish a national strategy and/or a multiyear plan for gender equality and women’s empowerment, for the achievement of substantive equality of women with men in all aspects of life, aligned with the principles of the 2030 Agenda for Sustainable Development and with time bound and specific targets; and

(c) establish a clear monitoring and accountability mechanisms of the abovementioned strategy and/or plan defining indicators and collecting statistical data and share information on the implementation and impact of the gender budgeting programme, with the aim to promote the full participation of women’s NGOs and civil society organizations.

Temporary Special Measures

24. The IRC notes the existing, albeit rather limited, efforts to accelerate substantive equality of women and men by introducing various forms of temporary special measures. The IRC also notes that the Executive Yuan sets “Gender Equality in Decision-Making of Public and Private Sectors” as an important issue for 2018. However, the IRC is concerned that:

(a) temporary special measures to accelerate substantive gender equality, in particular as regards the representation of women in public and political life, as well as the situation of women from disadvantaged groups who are subjected to intersecting and multiple forms of discrimination, such as rural women and women in remote areas, women with disabilities, indigenous women, older women, migrant women and LBT women and intersex person have been underutilized;

(b) rather than statutory quotas, less effective voluntary initiatives and other incentives are being used; and

(c) the limited use of temporary special measures may indicate that the government’s understanding of this concept may not be fully in line with the concept of these measures as outlined in article 4, paragraph 1, of the Convention and in the Committee’s General Recommendation No. 25.

25. The IRC recommends that the government:

(a) take steps to promote understanding of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s General Recommendation No. 25, as a necessary strategy to accelerate the achievement of the substantive equality for women, in particular women from disadvantaged groups, in all areas of the Convention;

(b) introduce new temporary special measures, such as targeted recruitment, hiring and promotion, quotas and numerical goals associated with time frames, in areas in which women continue to be underrepresented or disadvantaged, including to improve the representation of women in senior management and decision-making position in the education sector and to increase the number of women professors,

women in the diplomatic service and women in top management positions of the public and private companies;

(c) consider raising the one-third gender rule to 40 per cent target or replacing it with gender parity rule (50:50) so as to avoid that the one-third numerical target sets in practice a ceiling to women's representation in public, political and economic decision-making; and

(d) consider introducing statutory gender quotas where voluntary initiatives and incentives do not lead towards ensuring equal participation and representation of women in public, political and economic decision-making.

Stereotypes

26. The IRC notes the government's initiatives to eliminate discriminatory gender stereotypes in society, culture and custom, including by introducing relevant policies and measures in Gender Equality Policy Guideline. The IRC is, however, concerned at the persistence of stereotyped attitudes towards women and their role in the family and society, which contribute to women's disadvantaged position in a number of areas, as well as to widespread gender-based violence against women. In this respect, the IRC notes the government's own acknowledgement of the situation and of sporadic nature of projects aimed at breaking discriminatory gender stereotypes, expressed during the dialogue with the IRC. The IRC is particularly concerned about:

(a) the impact on educational choices and the unequal sharing of family and domestic responsibilities between women and men;

(b) the persistence of these stereotypes in the media, in particular broadcast media, social networks, advertisements, and that self-regulation does not sufficiently address them;

(c) the absence of plans to systematically address various forms of stereotypes stemming from negative attitudes about women and girls belonging to certain disadvantaged groups, leading to multiple forms of discrimination.

27. The IRC recommends that the government:

(a) Adopt a comprehensive strategy and implement a coordinated policy to modify or eliminate patriarchal attitudes and gender stereotypes that discriminate against women, with special focus on women belonging to disadvantaged groups. Such strategy should include policy measures, such as public education campaigns, in the media and elsewhere, fostering respect for women's equality and dignity, programmes to encourage girls and boys to pursue education and employment in non-traditional fields, steps to ensure impartial and objective investigations into allegations of violence and temporary special measures to help eliminate occupational segregation based on gender stereotypes;

(b) engage with relevant actors and use other innovative measures to enhance a positive and non-stereotypical portrayal of women in the media and in advertisements.

Gender-based violence against women

28. The IRC expresses its concern on the persistent high rates of gender-based violence against women, including physical, psychological, sexual and economic violence and contemporary forms of violence occurring online and in other digital environments. The IRC is also concerned with the reportedly high number of justice system professionals that do not recognize domestic violence as a gender issue. It is also concerned with the fact that the Domestic Violence Prevention Act does not have any reference to the specificity of domestic violence against women.

29. The IRC recommends that the government:

(a) amend the Domestic Violence Prevention Act to specify gender based violence against women, in accordance with General Recommendation no. 35.

(b) raise awareness on online violence and develop measures against hate speech, which should provide for a monitoring mechanism to assess the impact of the measures taken and design remedial action, with a special focus on women facing intersecting forms of discrimination based on gender and ideologically motivated hate speech, such as lesbian, bisexual and transgender women and intersex persons.

(c) encourage women to report cases of violence and abuse by destigmatizing victims and raising awareness about the criminal nature of such acts, and ensure that all reported cases are effectively investigated and that perpetrators are prosecuted and adequately punished;

(d) ensure that all legal proceedings, protective and support measures and services concerning victims/survivors respect and strengthen their autonomy.

(e) systematically collect statistical data on all forms of violence against women, disaggregated by form of violence, age, disability, ethnicity and relationship between the perpetrator and the victim, and on the number of complaints, prosecutions, convictions and sentences imposed on perpetrators, as well as on reparations provided to victims.

Trafficking in women and girls and exploitation of prostitution

30. The IRC notes that prostitution is punishable under article 80 of the Social Order Maintenance Act. It also notes that encouraging, accommodating or brokering sexual transactions constitute a criminal act under the Penal Code. Data on persons prosecuted and convicted under the article 231 of the Criminal Code and persons punished under the Social Order Maintenance Act indicate that the number of women in prostitution is considerable. The IRC regrets the lack of sex-disaggregated data on persons convicted and on the extent of prostitution and any measures taken to reduce the demand for prostitution as well as the absence of specific exit programme for women who wish to leave prostitution.

31. The IRC recommends that the Government:

(a) amend the article 80 of the Social Order Maintenance Act and article 231 of the Criminal Code so that women in prostitution are not fined or criminalized for the sale of sexual activity and sexual acts, including for acts that currently amount to criminal acts of “promotion of prostitution”; and

(b) compile information on women in prostitution and use them to design measures to discourage the demand for prostitution and provide assistance to women who wish to leave prostitution, including by providing them alternative income-generating opportunities.

Participation in political, public and economic decision-making

32. The IRC notes the progress made in the representation of women in political and public life, including increase of number of women elected legislators, as well as the first women President of Taiwan elected in 2016. The IRC also notes the significant increase of proportion of women in the Control Yuan. Nevertheless, the IRC is concerned that women continue to be underrepresented among the judges of the Constitutional Court and other high positions in the judicial system, municipality mayors and other elected local leaders, directors of boards and supervisors of public companies, senior foreign service officers, heads of overseas missions as well as in the medical institutions and in education and research institutions, in particular among chief administrators.

33. The IRC recommends that the Government:

(a) ensure the effective implementation of the existing measures to further increase representation of women in political and public life, in particular in decision-making at all levels, and leadership positions in public and private institutions and companies;

(b) accelerate women’s full and equal participation in elected and appointed positions in public, political and economic decision-making, including through adoption of more effective temporary special measures, such as statutory quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee’s General Recommendations No. 25 and No. 23;

(c) take specific measures, including temporary special measures, to promote the representation of women with disabilities and other women from disadvantaged groups in decision-making positions.

Marriage immigrant women

34. While acknowledging the draft amendment to some provisions of the Immigration Act was prepared by the Executive Yuan in August 2016, which is expected to bring some relaxation of the restrictions on the residency and visitation right to children of the divorced immigrant women, the IRC is concerned that the draft amendment to the Immigration Act is still not

presented to the Legislative Yuan, due to further consideration of decoupling of the immigration policy from entry and exit management policy.

35. The IRC recommends that the government expedites the process of amending the Immigration Act, with a view to ensuring the immigrant women's rights to residency and family reunion and study the impacts of such amendment.

Housing for veteran's wives

36. The IRC is concerned that the new immigrant women who are widows of deceased veterans are faced with eviction from the public housing upon their husbands' death and the expiration of the limited 11 years' residency period. Many of them do not qualify for other benefits because they do not have children.

37. The IRC recommends that the government address the situation of marriage immigrants who are dependent on their husbands, including in particular housing situation of those who married with veterans, and take measures to protect their right to security of tenure and basic social security.

Stateless children

38. While the stateless children are entitled to support services and the local government provides them foster homes or other care facilities, the IRC is concerned with the information that social welfare and healthcare departments do not consistently provide help, especially for children of non-national mothers.

39. The IRC recommends the government to ensure that the stateless children receive the necessary support in their upbringing, including healthcare, education, family and other needs in a consistent manner, in particular children of non-national mothers. The IRC further recommends that the government provide data, disaggregated by sex and age, on the number of stateless children and services provided to them.

Gender Equity Education Act

40. The IRC is concerned that the English title of the Gender Equity Education Act does not correctly reflect the terminology of CEDAW and that the translation creates confusion in understanding the concept of gender equality in education.

41. The IRC recommends that the government change the translated name of the legislation into Gender Equality Education Act.

Equal education for all and data collection

42. The IRC is concerned that the disadvantaged groups of girls are not provided the equal opportunity for education. Girls with disabilities in special education are far less than the number of boys with disabilities at all levels of education. The IRC is further concerned that the data does not provide overall picture of enrollment or dropout rates on children with disabilities, indigenous children and children with immigrant background, disaggregated by sex.

43. The IRC recommends that the government study the reason for the very low enrollment of girls with disabilities in schools and take measures that all girls with disabilities are provided with education. The IRC further recommends that the data collection on education includes enrollment rates and dropout rates of children with disabilities, indigenous children and children with immigration background, disaggregated by sex and levels of education. The IRC refers the government to CEDAW Committee's General Recommendation no. 36.

Education on sexual and reproductive health and rights

44. The IRC is deeply concerned that there is no comprehensive education on sexual and reproductive health and rights provided in school curriculum, which is age appropriate, scientifically accurate and up-to-date, considering the evolving capacities of children, adolescents and youths. The IRC is also concerned about conflicts and attacks among different parental, religious and educational groups, and the lack of adequate responses from the government to resolve them and provide guidance for school curriculum.

45. The IRC urges the government to find solutions to this antagonistic situation as expeditiously as possible, involving all stakeholders, prepare clear guidelines and curriculum on the appropriate contents of sexual and reproductive health and rights education and provide necessary training for teachers.

Sexual harassment, sexual assault and sexual bullying

46. The IRC is concerned that sexual harassment, assault and bullying continue on school campuses, in particular against girls, students with disabilities, LGBTI students and foreigners among others.

47. The IRC urges the government to step up its efforts to prevent sexual harassment, sexual assault and sexual bullying in schools, providing strengthened policy measures and educational programs. The IRC recommends that surveys are regularly conducted and analyzed, and proactive policy measures are taken to tackle the problems, which are focused and customized to curve the aggression, in particular, against girls and people

with hearing and speaking impairments and intellectual disability.

Education for pregnant girls and young mothers

48. Despite the amendments in 2015 to the Directions Governing the Safeguarding of Pregnant Students' Right to Continue Receiving Education and the Provision of Counseling and Assistance, the IRC is concerned with the information that schools are not equipped to cater the needs of pregnant girls and young mothers.

49. The IRC recommends that the government take measures to ease the burden of pregnant students and young mothers, such as providing the option to retake exams, meet their childcare needs, increase scholarship or other appropriate support. The IRC recommends the government to review the effectiveness of the amended Directions, with a view to further introduce the necessary changes and increase funding and focused resource allocation as necessary.

Labour market participation, segregation and equal pay

50. The IRC notes that the participation of women in the labour force has increased only slowly between 2013-16 and that the increase does not exceed that of men. Both the vertical and horizontal gender segregation of the labour market are significant. The IRC further notes that the pay gap between earnings for women compared to men is estimated to be 14 %. The IRC is also concerned that Taiwan seems to lack policies for promotion of equal pay. According to a study commissioned by the Ministry of Labor between 2015 and 2016, there are many hurdles for achieving equal pay for equal work and work of equal value.

51. The IRC recommends the government to continue its efforts to increase female participation in the labour market and decrease sex segregation, not only by promoting women's recruitment to traditional male-dominated sectors, such as ICT, scientific and mathematics and technological careers, but also by promoting the recruitment of men into female dominated sectors as caregiving and educational field. It further recommends the government to clarify concepts relating to equal pay and to introduce evaluation schemes for the comparison of different types of work that might be of equal value and to develop tools in order to eliminate discriminatory elements from existing wage structures. The IRC also urges the government to improve the data collection on wages by collecting information on wages by sex, skill level, sector, occupation, age and ethnicity.

Combining work and family life

52. The IRC appreciates the government's efforts to promote the return of female employees to work after parental leave. The IRC is, however, concerned that the measures taken are not

sufficient and that the low birthrate in Taiwan should be an alarm clock to call for radical efforts to improve women's possibilities to combine work and family life. These possibilities are now hampered by a very short maternity leave of 8 weeks and the limited remuneration for parental leave, lack of accessible, affordable and reliable child care services and by the fact that very few men are sharing family responsibilities.

53. The IRC recommends the government to extend the length of maternity leave in accordance with international standards laid down in the Maternity Protection Convention adopted by the International Labour Organization (ILO) in 2000 and to introduce additional leave and compensation for multiple births. The efforts to increase accessible, affordable and publicly controlled childcare services must be further enhanced. Furthermore, strong legal and economic incentives are needed in order to establish practices for encouraging fathers to take parental leave.

Domestic workers

54. The IRC notes that there are around 230.000 foreign domestic workers working as caregivers in private homes in Taiwan. The IRC further notes that the recommendation made by the previous second review to introduce comprehensive legislation in order to protect the rights of domestic workers in accordance with the ILO Convention 189 concerning decent work for domestic workers has not been implemented and that the draft Domestic Workers Protection Act has been put on hold due to disagreements regarding how to regulate the working time for domestic workers. The IRC is concerned about the situation of foreign domestic workers without protection, especially the lack of right to take up work for another employer in Taiwan as well as the lack of any national minimum wage applicable for them.

55. The IRC reiterates the recommendation that the legal protection for foreign domestic female workers in Taiwan must be provided in compliance with the ILO Convention 189. The IRC request the government to speedily adopt the Domestic Workers Protection Act and to ensure the right of foreign domestic workers to take up new jobs and change employer in Taiwan as well as to guarantee minimum wages for these workers.

Disadvantaged groups of workers

56. The IRC is concerned about the lack of information regarding women in the informal labour market in Taiwan. The IRC is also concerned about the low participation rate of women with disabilities in the labour market and also about their high unemployment rate.

57. The IRC urges the government to study the situation of women in the informal labour market and to collect the relevant data concerning these women. The IRC also recommends that the government develop measures, intensify efforts and allocate sufficient resources to promote the employment in the open labour market for women

with disabilities.

Women's health policy

58. The IRC recognizes the Government's efforts to improve women's health, such as the training of the majority of healthcare professionals on gender issues and the creation of integrated outpatient clinics fostering a women-friendly healthcare environment. Nevertheless, the IRC is concerned with the lack of a comprehensive and effective women's health policy.

59. The IRC recommends the government to increase the human, technical and financial resources for the implementation of the national action plan for women's health policy and establish monitoring mechanisms, including measureable indicators, to ensure that it functions in practice.

Sterilization and Abortion

60. The IRC is concerned about the lack of reliable and sufficient information on sterilization and abortion cases in the government report and reply to the list of issues, as well as about the difficulties to access safe abortion and post-abortion care services, including psychological support for women and girls in need. The IRC is also concerned about the reported cases of women forced to undergo sterilization or induced abortion by medical professionals, due to diagnosed genetic diseases.

61. The IRC strongly recommends that the government undertake a study on cases of sterilization and abortion, disaggregated by age, area, nationality, mental health or disability. Also, the IRC recommends the government to provide everyone age-appropriate education on sexual and reproductive health and rights, including education on women's right to autonomy.

The right to proper healthcare for women with disabilities

62. The IRC is concerned with the lack of accessibility to health services, including mental health, for women with disabilities. It received alternative information about numerous situations of government's failure to comply with the obligation to respect, protect and fulfil the rights of women with disabilities to receive health care appropriate to their special needs.

63. The IRC recommends that healthcare services should be responsive and sensitive to women and girls with disabilities and include timely and comprehensive mental, sexual and reproductive health services, including contraception and prophylaxis against HIV. The government should provide specialized support services for women with disabilities, including in rural, remote areas and small islands.

Economic and social benefits and empowerment of women

64. The IRC welcomes the government's efforts in developing a number of social protection measures and a National Pension Insurance. Likewise, the IRC appreciates the Government's initiatives for the economic empowerment of women such as the "Phoenix Micro Start-Up Loan" micro-credit programs. However, it notes with concern that: (a) the welfare measures are based on a framework of fragmented initiatives which can reduce their effectiveness; (b) the current pension and allowance payments are insufficient for ensuring a decent life for women in difficult situation; (c) the inadequate welfare policies disproportionately affect older women, in particular those who have been involved in unpaid care work for the family during their life; and (d) the micro-credit initiatives are mainly focused on the development of small scale income generating activities, which could segregate women's entrepreneurial capacities in the low level of business.

65. The IRC recommends that the Government:

(a) revise its national welfare strategy with a focus on the most disadvantaged and marginalized groups of women, particularly older, rural, indigenous women and women with disabilities ensuring that it is fully inclusive and encourage the active participation of women in all aspects of political, economic, social and cultural life;

(b) increase the current pension and allowances payments and ensure that the system is sustainable;

(c) eliminate de facto discrimination against older women and address the root causes of their disadvantage, including by recognising the value and compensating their unpaid work for the family;

(d) increase the opportunities for women entrepreneurs to access to all levels of economic and financial entrepreneurial activities, including by encouraging their participation in the boards of public companies and firms.

Rural women

66. The IRC commends the government for the measures taken to enhance the equal participation of women in the management of rural and fisheries activities as well as to promote women's participation in the decision making in the rural institutions and associations. In particular it welcomes the amendment to the Act of Irrigation Association Organization to eliminate the discriminatory procedure in the election of chairman and board, as well as the temporary special measure to ensure priority in the distribution of government subsidies to farmers associations with a higher ratio of female officers. Likewise, it welcomes the measures taken for promoting the human rights of indigenous women and their participation in decision-making of CIP. However, data clearly demonstrates that the one-third principle has not been met for rural

women. Therefore, the IRC is deeply concerned about the persistent patriarchal attitudes and gender stereotypes in rural areas and that the current strategy, mainly based on home economics training, is not sufficient to reverse the negative attitude of rural communities towards substantive gender equality. It is also concerned about the lack of basic services, such as education, employment and health care, for rural women, in particular those living in remote areas and small islands.

67. The IRC recommends the Government to:

(a) take effective measures to change traditional perceptions about the roles of women and girls in the family and in society and to counter patriarchal attitudes in the rural area, including by developing and implementing a comprehensive strategy and a multi-years plan in support of gender equality and women's empowerment with the involvement of men and boys and with the support of ITCs and media campaign;

(b) ensure that rural women and girls, in particular those living in remote areas and small islands, have access to high-quality education, employment and health care services; and

(c) fully implement the CEDAW Committee's General Recommendation No. 34 on the rights of rural women.

Disaster risk reduction and climate change

68. The IRC welcomes the Government's commitment to addressing climate change through risk reduction strategies. However, it notes that the Government failed to fully take into account the specific vulnerability of women to natural disasters and recognize their ability to act as agents of change.

69. The IRC draws the Government's attention to CEDAW Committee's General Recommendation No. 37 on the gender-related dimensions of disaster risk reduction in the context of climate change and recommends the Government to ensure the effective participation of women, in particular rural and indigenous women, in the formulation and implementation of policies and action plans on disaster risk reduction and climate change, not only as those disproportionately affected but also as agents of change.

Marriage and family relations

70. The IRC notes that preliminary consensus was already reached in 2017 on setting the minimum age of entering into a marriage contract at 17 years, and the minimum marriage age at 18 for both women and men, as well as the legal recognition of same-sex marriage. Nevertheless, the IRC is concerned about very slow progress with respect to the draft amendments to Article 973 and Article 980 of the Civil Code, given that they have been considered since 2013.

71. The IRC recommends that the Government ensure the adoption of the amendments, without any further delay, regarding marriage contract and marriage age, as well as the legalization of the same-sex marriage, within the time-frame indicated in the Judicial Yuan's interpretation No. 748, by May 2019.

Economic consequences of divorce

72. The IRC is concerned that the current legislation on the distribution of property upon divorce does not fully take into consideration differences in the earning potential and human capital of spouses and may not adequately address gender-based economic disparities between spouses resulting from existing sex segregation in the labour market, persistent gender pay gaps and women's greater share of unpaid work.

73. The IRC recommends that the Government undertake research on the economic consequences of divorce for both spouses, with specific attention to the enhanced human capital and earning potential of male spouses on the basis of their full-time and uninterrupted career patterns. The IRC recommends the government to review its current legislation in the light of the outcome of that research with a view to aligning it with the CEDAW Committee's General Recommendation No. 29 on economic consequences of marriage, family relations and their dissolution.