

# **A Summary of Human-Rights Protection In Taiwan**

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## **Foreword**

Protecting human rights is a world trend and a major concern of the international community. The Control Yuan of my country, composed of 29 members, is, according to our constitution, the highest control organ of the state and functions on the basis of people's petitions. It looks into the government to see whether it has breached the law and ordinance, whether its functionaries are clean and honest, and whether it has properly protected people's rights and interests. To fulfill these functions, it is endowed with the powers of correcting government measures and impeaching government officials.

In an effort to fulfill these functions, particularly the protection against the violation of human rights, the Control Yuan organized an 11-member committee on human-rights protection in 2000 in hopes that it can handle the human-rights petitions in an impartial way and oversee the government to earnestly correct its shortcomings in the handling of human-right cases. Since its creation, the committee has not only reviewed the major human-rights cases of the nation but has also organized task forces to actively dig out and investigate human-rights violations. These included the death penalty for the Taipei Trio involving Su Jian-he and two other murder suspects; the arrest, detention, search and other behavior made by judicial police; the overcrowding in prisons; the problems of violence against women, child prostitution and abuse, and children's welfare. Besides, Control Yuan members make field inspections every year, including visits to the Detention Center for Foreigners and the Public and Private Nursing Homes for the Aged. They have gone deep into the grass-roots to dig out problems for the better protection of human rights.

In addition, a national human rights commission has been proposed to establish in the government. Once it is set up, the human rights protection will enter a new era.

## **The current state of human-rights protection in Taiwan**

### Torture for extraction of confessions

The National Police Administration under the Ministry of the Interior in my country has tried hard to protect the human rights of suspects by strenuously preventing torture in the handling of criminal cases. It has ordered the police units at all levels to see to it that their staff members strictly abide by the provisions of the Code of Criminal Procedure in crime investigations. Its measures include tape-recording and, if necessary, video recording the interrogation process from the beginning to the end. If torture is found and verified, it will pursue the criminal or administrative responsibilities of the people involved and also the supervisory responsibilities of related officers.

### Judicial corruption

In the past two years, the Control Yuan has assigned, in rotation, its members to

investigate the judges and prosecutors who have improper relations or have financial dealings with others that may have breached the discipline no matter whether it is an individual case or a common practice. When evidence of violation is found, they will initiate a case of impeachment against the derelict officials, send the case to the Commission on the Discipline of Public Servants for review, and urge the competent organization to take stern disciplinary action. To ensure judicial discipline and to uphold the ideal of judicial justice, the Judicial Yuan of my country has held a National Conference on Judicial Reform to solicit the advice from the various sectors of society and accelerate judicial renovation. Without exception, the Judicial Yuan has actively subjected the derelict judges to investigation and penalty according to the seriousness of their cases, indicating the Control Yuan's determination and effectiveness in perking up the judicial discipline.

### Human rights for women

My country formulated the Law of Preventing and Controlling Sexual Harassment in 1997 and the Law of Preventing and Controlling Domestic Violence in 1998, and established the system of civil protection in 1999. Since then, both the central and local governments have established the center for preventing and controlling domestic violence and sexual harassment to assist the victims and educate the offenders. Although the rate of such offenses still remains pretty high, the taking of these measures clearly indicates the government's concern and its effort to encourage the victims to come out to reveal their sufferings. This has also raised the expectations of the general public with regard to the suppression of these offenses.

Non-government human rights organizations in my country have worked hard to improve the domestic human-rights situation and to press for the creation of a national human-rights commission. Every year, they would check the various human-rights indicators. Take women's human rights for example. The indicator for 2002 registered a record high in a decade. In the UNDP's (United Nations Development Program's) 2002 assessment on the rights between the two sexes, Taiwan ranked 20 among the 67 nations included in the project, the highest in Asia.

### Illegal immigrants from the mainland

Between 1987 and 2003, my government apprehended 45,633 illegal immigrants. The number peaked in 1992 and 1993, but thereafter it tapered off year by year to the level of 1,500 until 2002 when 2,032 were nabbed in the year. The figure for 2003 hovered around 2,000. Because repatriation of these illegal immigrants cannot keep up with the number captured, the holding facilities are reaching the state of bursting and the social and financial costs for their medical care, daily expenses, and guard have become an unbearable burden. In the future, the government will take action to check the smuggling syndicates operating between the two coasts of the Taiwan Strait, speed up the work of the prosecutorial and

investigative organizations, step up the operations at the sea and off the coast, expand the holding facilities, solve the problem of guard shortage, revise the related laws, strengthen the joint crackdown on crime, and resume as soon as possible the bi-coastal talks on routine matters. All of these are part of our efforts to solve the problem.

## **The prospects of human-rights protection in my country**

In recent years, the United Nations has vigorously pushed various nations to tighten their mechanism for human-rights protection. In my country, promotion for creating a national human-rights commission was initiated by non-government organizations. In 1999, more than 20 such organizations declared to form an alliance for promoting the creation of the national human-rights commission. When Chen Shui-bian was sworn in as president of the nation, he immediately announced that he would create such a commission and therefore organized a national human rights advisory group in the Office of the President to serve as the engine of the drive. In the more than three years, the government has drafted the organic law for the commission pending review and approval by the legislature. To ensure legal protection of human rights, the government has also drafted the Law of Basic Human Rights with the World Human Right Declaration as the blueprint. The draft has also taken reference of the human rights statutes in the region and the constitutional provisions of advanced nations. It strives to connect Taiwan with the mainstream of the world in the protection of human rights. One of the major breakthroughs is the proposed abrogation of death penalty. Enactment of the bill will mark a broad stride in Taiwan's human rights development and provide a legal basis for related endeavors.

The prospective national human-rights commission will emphasize the formulation of human-rights policies, compilation of annual human-rights reports, conduction of specific human-rights studies, promotion of human-rights education and publicity, and the processing of human-rights petitions coming from the private sector. The Control Yuan, on the other hand, will dedicate itself to watching the public sector to see whether the human-rights measures of the government are appropriate. If need be, it will correct the government and urge it to make improvement. The Control Yuan and the national human-rights commission will take the benefit of the complete laws to strive to perfect the protection of human rights according to the principle of division of labor.

**Note:** For information about the Control Yuan's Human Rights Protection Committee, please visit <http://www.cy.gov.tw>