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## **AMNESTY INTERNATIONAL HLM TO TAIWAN: END OF VISIT STATEMENT**

### **Introduction**

An Amnesty delegation led by the Secretary General, Agnes Callamard, and AI Taiwan Executive Director Eeling Chiu conducted an official visit to Taiwan from 24 to 29 June 2023.

During the 5 days of the visit, the Amnesty delegation held meetings with representatives of the Executive Yuan, the Ministry of Foreign Affairs, National Development Counsel, National Human Rights Commission (NHRC), and both major political parties (DPP and KMT). In parallel, and to inform those meetings, the delegation also met with representatives of civil society organizations; community activists; and victims of human rights violations and abuses. The Secretary General warmly thanks all of them for their availability and support.

The Secretary General presents in this end of visit statement the delegation's observations. Amnesty International is looking forward to engaging and working in consultation with the Government and all relevant stakeholders.

### **Context of the Visit**

The Republic of China (ROC) was established following the flight of the Kuomintang (KMT) government to Taiwan during the Chinese Civil War (1945-1949). On 25 October 1971, Beijing replaced the ROC in the United Nations following the United Nations General Assembly Resolution 2758. The resolution recognized the communist PRC as "the only legitimate representative of China to the United Nations" and removed "the representatives of Chiang Kai-shek" (referring to the ROC) from the United Nations. Taiwan currently has no way to attain UN membership. This also means they cannot ratify UN human rights treaties and are not subject to reviews in treaty bodies or the Human Rights Council.

Amnesty International has been working on Taiwan for almost as long as the organization has been established, including by campaigning on behalf of the many prisoners of conscience held by the Taiwan Nationalist (Kuomintang) government. During the years of Taiwan's White Terror, which ended on 15 July 1987, hundreds of people were deprived of their rights and freedoms. The delegation was honoured to meet with two former prisoners of conscience from that period - Fred Chin and Chu Chen, the head of the NHRC - on behalf of whom Amnesty International members campaigned tirelessly during the many years of their imprisonments. The first Amnesty group in Taiwan was established in 1989, shortly after the lifting of Martial Law, and Amnesty International Taiwan was formally registered as a national NGO in 1994.

In the 1990s, China used military force against Taiwan on several occasions by firing missiles. Under President Xi Jinping, and especially since President Tsai Ing-wen's inauguration in 2016,

China has been pushing towards unification by applying political, economic, diplomatic, and military pressure. President Tsai has maintained that Taiwan is a sovereign state, with its own constitution, lawmakers and leaders elected by citizens, and about 300,000 active troops in its armed forces.

The use of military force by China to bring Taiwan under its control remains a real and present threat. A significant number of short-range ballistic missiles remain deployed in Fujian, China, across the strait from Taiwan. China has dispatched fighter jets to circle Taiwan's airspace; individuals with whom the delegation met recounted living "with the noise of Chinese jets above their heads". This kind of activity reached new peaks in the last year, after Nancy Pelosi, then Speaker of the United States House of Representatives, visited Taiwan in 2022 and when President Tsai met US Speaker of the House of Representatives Kevin McCarthy in April 2023, when China undertook three days of military drills around Taiwan, including by practising blockading the island. Observers believe these actions were undertaken to influence Taiwan voters not to support the ruling Democratic Progressive Party in the upcoming elections, as well as to deter US determination to provide military assistance to Taiwan.

The visit by Amnesty International was partly prompted by these and other global tensions, including between the US and China, and other developments in the region such as the implementation of the National Security Law in Hong Kong. The visit sought to understand the implications of these tensions for human rights protection in Taiwan. The visit also sought to explore Taiwan's human rights situation and the impact of Taiwan's international legal status on human rights protection and efforts to address key human rights issues -- including the death penalty; the challenges faced by Indigenous people, LGBTI people, asylum-seekers and refugees; and the impact of climate change. Finally, the visit was an opportunity to offer support and solidarity to Amnesty International Taiwan and partner organizations in Taiwanese civil society, who are on the front line of growing global tensions and yet do fantastic work growing support for the human rights movement and ensuring rights protection remains central to public debate, in particular in light of the upcoming election season.

## Taiwan's Approach to Human Rights Protection

China's claims over Taiwan, **growing global tensions**, and great power posturing between the US, Russia and China have an undeniable influence on the nature and extent of Taiwan's human rights protections.

Since 1971, Taiwan has been increasingly excluded from international organizations that limit membership to states, such as the entities and bodies of the United Nations system, and is not a state party to UN human rights treaties nor subject to the human rights monitoring mechanisms those treaties establish. To this day, the government in Beijing acts to ensure that representation of Taiwan in multilateral fora is severely curtailed or wholly absent. Such exclusion results in negative human rights outcomes not only for Taiwanese, but also for international cooperations from WHO meetings or involvement in the IPCC has jeopardized the

ability of Taiwan to receive crucial information about Covid-19 and contribute effectively to COVID responses, and to be fully engaged in the work to end the global climate crisis.

However, the international legal status of Taiwan has not stopped Taiwan from demonstrating its commitment to seeking to abide by, and implement, international legal standards, including on human rights and climate change. Taiwan has created its own approach to implementing universal human rights norms by endowing these treaties with domestic legal status. Of the core UN human rights Conventions, one (the International Convention on the Elimination of All Forms of Racial Discrimination, ICERD) was ratified while the ROC was still a UN member; Taiwan has transferred thus far another five into domestic law through an Implementation Act:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social, and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)

The domestication of these treaties is in turn the object of independent and international review process which is inspired by the UN treaty body review process. Its strengths include:

- The review last for a full week.
- It explicitly includes independent international experts.
- It allows for formal NGO sessions.
- The involvement of government officials from more than 40 administrative agencies in question/answer sessions.

Taiwan boasts one of the most vibrant civil societies in the region, whose commitment to change is remarkable. The delegation met with activists and officials who were past prisoners of conscience, who today are playing roles to promote human rights, preserve historical memory and seek justice. Since Taiwan is not a member of the UN, Taiwan civil society, in particular Amnesty International Taiwan, plays a crucial role in supporting alignment with international human rights standards and introducing good practices from around the world, and in pushing forward emerging legal standards on international human rights protection, such as with regard to corporate accountability. Throughout the visit, the Amnesty International delegation pointed to such practices which could become new benchmarks for Taiwan.

Amnesty International warmly recognizes the unique path to human rights protection for the people in Taiwan established by Taiwanese authorities and civil society in response to the international political, military and legal environment. The Taiwan approach to integrating international human rights standards into the domestic system is creative and impressive. It demonstrates Taiwan's commitment to external, expert review of its rights record, which is something to be commended and which should be continued.

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### **Global Tensions and their impact on the enjoyment of human rights**

Recent years have been marked by China's increasing military build-up, incursions of Chinese warplanes into Taiwan's airspace, and aggressive remarks, including from PRC President Xi Jinping. These are heightening fears or risks of military action, possibly including an armed invasion by mainland China. Some experts suggested that while military operations were not a preferred option for bringing Taiwan squarely within China, the risks were nevertheless high.

Experts the delegation met during the visit suggest that Taiwan is subjected to more information operations, including disinformation, from Beijing and other governments than any other place in the world. These campaigns use fabricated or exaggerated stories, bots and falsified social media accounts, among other tactics, to manipulate and deceive recipients. China is alleged to have been using disinformation campaigns to interfere with Taiwan's elections through both online and offline approaches. Most of the content criticizes the ruling DPP party and "Western democracy", or praises China and Taiwanese political groups who are friendlier to the government in Beijing. Disinformation seeks to shake the faith in the democratic governance system of Taiwan, and assurances of human rights protections by Taiwanese authorities. Disinformation also increases the isolation of Taiwan internationally by seeking to discredit it in the eyes of the international community.

Amnesty International believes that any use of military force by China to bring Taiwan under its control would present a real threat to human rights. Even before an actual armed conflict breaks out, rising tensions can already have serious impacts. Threatening military postures only lead to people living in fear and uncertainty, with vulnerable groups like older people and children especially affected.

Disinformation too can be designed and spread so as to mislead, and to violate and abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information, including in times of emergency, crisis and armed conflict, when such information

is vital. The Chinese state and non-state actors should not make, sponsor, encourage or disseminate statements that they know or should reasonably know to be false.

Combating China's disinformation with punitive measures that aim to suppress the free flow of information would be counterproductive and would only play into China's narrative that information is something to be controlled by the authorities. In contrast, a human rights approach to counter disinformation with truth, literacy and public debate is the best recipe to expose lies and enable audiences to form an opinion on their own. Amnesty International urges the Taiwanese authorities to adopt a multidimensional and multistakeholder responses, well grounded in the international human rights framework and in keeping with international advice<sup>1</sup>. Amnesty International urges the authorities to enhance the role of free, independent and diverse media, and invest in media and digital literacy.

### **Observations on key human rights issues in Taiwan**

The positive direction of travel for protection of human rights in Taiwan leaves no doubt that these challenges can be met. Yet the work to uphold human rights must be continued and strengthened through further concrete measures addressing existing loopholes and gaps and expanding human rights understanding and education.

There are a number of human rights issues which are not directly influenced by global geopolitics, but which - according to contacts the delegation met during our visit - show clear gaps in effective protection of rights and should be therefore addressed as a matter of priority. These include violence and discrimination against women; the right to peaceful assembly; economic, social and cultural rights, such as the right to housing; labour rights, including the right to strike; and prison conditions.

The following sections focus on a number of gaps which Amnesty believes should be addressed by the authorities to strengthen the direction of travel. However, the list is in no way exhaustive.

#### ***Domestic Implementation***

Over the last two years, the Taiwanese authorities took further steps toward national human rights implementation through the establishment of the National Human Rights Commission of Taiwan (NHRC), founded on August 1, 2020. Amnesty International calls for the NHRC to establish a review process by international experts on National Human Rights Institutions (NHRIs), with the aim of ensuring that the NHRC meets the principles set out regarding independence of national human rights institutions (e.g., the Paris Principles).

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<sup>1</sup> See in Particular: A/HRC/47/25; A/HRC/49/L.31/Rev.1

The NHRC will also have an important role to play in ensuring that the authorities implement the goals of the National Action Plan on Human Rights in a concrete and practical manner, including by investing resources and supporting capacity building for government officials who deal directly with cases of human rights violations and abuses.

### *DEATH PENALTY*

Taiwan currently retains the death penalty system. Taiwan has had no execution since April 2020. There are 45 people sentenced to death in Taiwan as of December 2022, among whom 38 have had their death sentences confirmed as final. During the visit, the delegation met with two prisoners on death row for whom Amnesty International has campaigned: Chiou Ho-Shun (m) and Wang Hsin-Fu (m).

Death penalty is considered a “sensitive issue” at any time in Taiwan, but particularly in the context of elections campaigns. Many people the delegation met highlighted the fact that the Taiwanese public may not be ready for complete abolition. But this is said everywhere in the world. And yet, governments from Africa to Latin America have taken steps to abolish the death penalty and join the 112 countries who have done so thus far. Amnesty International calls on Taiwanese authorities to be part of this trend, not lag behind.

Amnesty welcomes the de facto moratorium in place and calls for a moratorium to be made official, with the view of abolishing the death penalty, as called for consistently by UN General Assembly resolutions and in line with growing international support for abolition. The Amnesty Act, adopted in 1991, allows for the president to permit a pardon, amnesty or commutation. We call on the Taiwanese authorities to amend the Amnesty Act in line with international standards, in particular by laying out in detail all relevant procedures and minimum guarantees.

Chiou Ho-shun is the longest-held prisoner in Taiwan’s judicial history in terms of the duration of detention. Chiou was detained in September 1988 and was not sentenced until the end of July 2011. He has been detained for 35 years to date. His confession was obtained under torture, and the Appeal Court has overruled his sentence 11 times, yet he is still on death row. During the visit, he mentioned worrying prison conditions, such as not having seen the sun for the last two years due to lack of staff to take care of him and having to share his small cell with other prisoners, as a cause of great mental anguish.

Wang Hsin-fu was accused of providing a gun and ordering a “lackey” to kill two police officers in 1990, but there are obvious flaws in the conviction, including inconsistent testimonies, allegations of police torture against a witness, a lack of motive and the absence of Wang’s fingerprints on the weapon. More specifically, the most important witness, Chen Rongjie, was already executed in 1992 which later deprived Wang of the right to cross-examination. Wang fled to China after learning he was wanted and was only arrested in 2006 upon returning to Taiwan for treatment of an eye illness. The supreme court disregarded all the problematic

evidence and lack of due process and still upheld Wang's death sentence in a final ruling in 2011. Currently, Wang is the oldest man on death row in Taiwan.

Amnesty International calls on President Tsai to pardon Chiou and Wang, and regrets that pardon requests to date have been left unanswered.

### ***Domestic implementation of the rights in the UN Convention against Torture***

In 1975 the UN General Assembly voted unanimously to prohibit torture globally. The International Court of Justice (ICJ) stated unequivocally that the "prohibition of torture is part of customary international law and it has become a peremptory norm (jus cogens)." In fact, the practice of legally prohibiting torture has become so widespread that it is customary international law. Torture ruins lives – in pain, in suffering, in flashbacks and nightmares, social isolation, heavy medication and broken families. Yet Taiwan has not yet incorporated the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into its domestic legal framework.

Amnesty International calls on Taiwan, as a matter of priority, to pass the Implementation of CAT Act, incorporate the standards embodied in the CAT into its laws and ensure that the whole range of protections the CAT provides are made a reality, especially to those most vulnerable. While there may be concerns over the implications for Taiwan's use of death penalty, this surely cannot justify not adopting what constitutes a central tenet of international human rights law.

One of the great strengths of the CAT is the breadth of its content. Torture and other ill-treatment are often understood to be crimes committed by police or other law enforcement agencies, and indeed –internationally-prohibited practices like stress positions and electric shocks are, in many places, not uncommon. But the definition of torture includes a wide range of cruel, inhumane and degrading treatment and happens in prisons, mental hospitals and immigration detention centres. The Convention also prohibits refoulement – which includes sending refugees and asylum seekers back to countries where they could be at risk of serious human rights violations such as torture and other ill-treatment.

### ***REFUGEES AND ASYLUM-SEEKERS***

Throughout the delegation's visit, the delegation attempted to understand the state of the Refugee Act and of protection of asylum seekers in Taiwan. This turned out to be Kafkaesque. There is seemingly a draft "Refugee Act", the result of years of advocacy and which would provide a framework for more effective protection of human rights and implementation of policies. But further inquiries revealed that there may be several versions of the Refugee Act, which would explain why there did not seem to be any agreement as to the content of the Act amongst the many interlocutors with whom the delegation spoke.

Notwithstanding the fact that none of our interlocutors seem to be speaking off the same script, there are several points of contention.

- One is whether the Refugee Act should consider as asylum seekers individuals from Hong Kong, Macau or China – an approach which, according to some contacts we met, would derogate from the national identity framework (which does not consider individuals from Hong Kong, Macau or Chinese as foreigners) and is therefore unacceptable.
- For others, the risk inherent in the Refugee Act is linked to national security and the fear that it would be exploited for security purposes.

Whatever the problem, it means that the Refugee Act has currently hit a wall. The implications for asylum seekers – *all* asylum seekers, whatever their national origin – are eminently negative.

Taiwan's existing laws lack provisions for non-refoulement, failing to adequately protect the rights of refugees and stateless individuals. As of now, asylum seekers can obtain temporary relief from forced deportation through the "Temporary Residence Certificate for Foreigners." However, this system does not guarantee other fundamental rights such as the right to work, health and education. This year, the government has proposed a project aimed at safeguarding the basic rights of asylum seekers in Taiwan, including the right to work, education and healthcare.

Amnesty International calls on the authorities to:

- Adopt protection mechanisms required for all nationals seeking refuge in Taiwan. If necessary, there could be different policies reflecting Taiwan's unique status, as long as key principles are followed and fully implemented, in particular non-refoulement.
- Provide refugees with a clear and transparent legal pathway to access all basic rights guaranteed by international human rights law.

### ***Hongkongers in Taiwan***

Following the adoption of the National Security Law in Hong Kong, a number of Hong Kong passport-holders have sought asylum or residence in Taiwan, where they face a great deal of uncertainty as to their status and legal paths towards long-term presence in Taiwan. The authorities have established a special program and a special office for Hong Kongers. However, there is no clarity as to their rights and long-term protection. This is particularly difficult for those whose Hong Kong passports will shortly expire. They face the possibility of being undocumented.

Hongkongers could make a fundamental contribution to Taiwan economy, social and cultural life. They currently face barriers to doing so fully. The stress can be debilitating, and a source of mental health problems. Amnesty International calls on Taiwan authorities to address these issues urgently, for example by issuing travel documents for those in need.



## *MIGRANT WORKERS*

According to 2023 statistics, Taiwan has over 710,000 foreign blue-collar migrant workers, accounting for 12-13% of the labour force. However, domestic caregivers and deep-sea fishermen – sectors with a high proportion of blue-collar migrant workers – are excluded from the protections of the Labour Standards Act. They receive lower minimum wages compared to Taiwanese workers and are vulnerable to forced labour, yet efforts to amend the Immigration Act are likely to exclude them.

Currently, there are ongoing amendments to the Immigration Act, but the focus of the amendments primarily revolves around increasing visas for white-collar workers, which exacerbates the structural discrimination against blue-collar migrant workers.

As a matter of priority, Amnesty International calls on the authorities to:

- Incorporate the provisions of the UN Migrant Workers Convention into domestic law and implement it in policy and practice.
- Review and improve the Government’s support services, such as the “1955” Hotline and service centres for foreign workers and, in compliance with the ILO Domestic Workers Convention No. 189, ensure sanctions for employers and employment agencies that do not obey the law are effective in leading to increased compliance.
- Introduce legislation such as the Domestic Worker Protection Act and, in compliance with Article 7 of the ICESCR and the ILO Domestic Workers Convention No. 189, ensure that migrant domestic workers enjoy the same rights as other workers.

ILO Convention No. 188 provides for the obligation of the fishing industry to provide means of communication to fishermen. The delegation was told that the Taiwan authorities have established a WIFI fund for the fishing industry. However, the funds are insufficient to match the needs, and the industry is not prepared to proceed for fear it will lead to more complaints from the fishermen and to an increase in the cost of fish. Amnesty International has raised the issue of WIFI provision with the authorities and been told that this is not legally binding (communication is legally binding but not WIFI specifically). However, this is not a good enough reason for Taiwan not to proceed with what will no doubt contribute to upholding deep sea workers’ rights.

Amnesty International calls on the Taiwan authorities to push their industries to abide by the highest standards and best practices. At the same time, Amnesty International urges them to exercise effective oversight over compliance of fishing operators with domestic and international best practices and standards protecting against overfishing and the rights of local and foreign crew members, including by carrying out more labor inspections on distant water fishery and in-shore fishing fleets, as well as ships in port.

## *CORPORATE ACCOUNTABILITY*

Taiwan's business landscape is primarily composed of small and medium-sized enterprises (SMEs) and plays a significant role in the global supply chain. However, some Taiwanese companies with overseas factories, such as Powertech Technology Inc., have faced allegations of labour exploitation in countries like Myanmar. Foxconn, who has been at the forefront historically of allegations of worker abuse in China and elsewhere, is also a Taiwanese company.

To address such issues, the Taiwanese government introduced its first National Action Plan on Business and Human Rights in 2020, aiming to strengthen human rights protection measures within businesses.

The expected signature of a free trade agreement between Taiwan and the United States in November of this year has galvanized civil society to step up advocacy in this space. To ensure the protection of the rights of Taiwanese workers and foreign migrant workers, civil society organizations in Taiwan have formed a monitoring alliance, to safeguard human rights in the context of the trade agreement and are advocating for the enactment of a specific law on corporate human rights due diligence.

Amnesty International is calling on the Taiwanese authorities to amend business-related regulations to prevent and address human rights abuses. In keeping with international best practices, they should adopt legislation which assess and address the human rights risks and impacts linked to their operations and value chains, in relation to all human rights using a risk-based approach. When conducting due diligence, companies should reference the full body of UN human rights treaties and ILO instruments, as well as international humanitarian law.

## ***Climate Justice***

Taiwan has set a goal to achieve net-zero emissions by 2050. To reach this goal, the government has pledged to spend NT\$900 billion (US\$30.7 billion) by 2030. The cabinet has approved a draft amendment of climate legislation that includes the 2050 net-zero goal and the introduction of a carbon pricing scheme.

Taiwan's 2050 net-zero emissions pathway is based on the four major transition strategies of "Energy Transition", "Industrial Transition", "Lifestyle Transition" and "Social Transition", as well as the two governance foundations of "Technology R&D" and "Climate Legislation", and is supplemented by "12 Key Strategies".

This blueprint aims to promote technology R&D and innovation in key areas, guide the green transition of industry, and drive a new wave of economic growth. By creating competitive, sustainable, resilient and secure transition strategies and governance foundations to promote economic growth, Taiwan can drive private investment, generate green employment, achieve energy autonomy and enhance social well-being.

Yet the “just transition” is still quite a challenge in Taiwan. In part due to its economy’s central place in high-tech manufacturing, Taiwan is ranked twelfth in the world for energy consumption per person. With the booming development of the semi-conductor industry, demands for energy increase and place huge strains on the commitment to net-zero emissions. While the market and public policy aim to foster the growth of renewable energy, some locations of solar and wind energy production collides with original agriculture and fishery activities, which impact on the livelihoods of farmer and fishermen. One of the solar panel projects also gave rise to a big dispute with an Indigenous people. Officials acknowledge that their climate change objectives may conflict with the rights of Indigenous people and that they are still looking for ways to resolving the potential conflicts of rights.

Amnesty International believes that there shouldn’t be a choice between a rapid transition to a zero-carbon economy and respecting the rights of Indigenous peoples. The two are not in contradiction. It is totally possible to rapidly reduce emissions at a pace informed by best available science and to implement a just transition in which the rights of all, and particularly those of Indigenous peoples and other marginalized groups, are respected, protected and fulfilled.

Central to this is ensuring respect for the right of Indigenous peoples to free, prior and informed consent (FPIC) and for their right to fully and meaningfully participate in decision-making, particularly in decisions that affect their lives. This is not only a human rights obligation, but also an effective approach to ensure climate change mitigation measures are supported, as they are designed in a way that take into account the legitimate concerns and rights of marginalized groups.

Moreover, truly participatory approaches enable to recognize the climate change solutions that Indigenous peoples have often developed, based on the close connection with the natural environment and their traditional lands that they often maintain. For example, studies have confirmed that recognizing land rights to Indigenous peoples on the land and forests they have customarily used or managed is an effective way to protect forests and biodiversity and mitigate climate change, besides being a human rights obligation under international human rights law.

### ***Indigenous People***

The indigenous peoples of Taiwan, who inhabited Taiwan and its surrounding islands before mass migration from mainland China in the 17th century, are collectively referred to as Taiwan's indigenous peoples. They belong to the Austronesian language family, which is closely related to the indigenous ethnic groups of the Philippines, Malaysia, Indonesia, Madagascar, and Oceania.

Currently, Taiwan officially recognizes 16 Indigenous tribes, as well as the Pingpu ethnic group. The recognized indigenous tribes are the Amis, Paiwan, Atayal, Bunun, Taroko, Puyuma, Rukai, Saisiyat, Tsou, Sakizaya, Yami (Tao), Kavalan, Seediq, Thao, and Kanakanavu. Each Indigenous

group has its own distinct culture, customs, language, and social structure. However, there are several key issues that affect Taiwan's Indigenous people communities.

Amnesty International welcomes the passage of the *Indigenous Peoples' Health Act* and the *Mining Act*, a long overdue step towards addressing the health, socioeconomic, and cultural inequalities faced by local Indigenous communities. The *Indigenous Peoples' Health Act* aims to rectify the unequal distribution of healthcare resources, while the *Mining Act* reaffirms the principle of Indigenous Free, Prior, and Informed Consent for development projects on Indigenous lands, as already established in the *Indigenous Peoples Basic Act*.

In 2016, President Tsai Ing-wen formally apologized to the Indigenous peoples of Orchid Island for more than a century of colonization. However, the relocation plan for [nuclear waste](#) (Lanyu) is still in the discussion stage, and government agencies have not provided a specific timeline for resolution. In addition, Indigenous communities residing in mountainous and coastal areas are confronted with the challenges of forced land development and displacement due to energy transition initiatives. Moreover, modernization issues, such as the loss of language and customs among the Pingpu ethnic group, require urgent efforts for language and cultural revitalization.

Additionally, there are shortcomings in the government's efforts to safeguard Indigenous people's right to free, prior, and informed consent (FPIC) in decision-making processes. People the Amnesty delegation met shared that the full integration and implementation of the principle of free, prior and informed consent is lacking. Critiques included the fact that the principle may be implemented per household, not per adult members; and that developers may ask for consent without making amendments to their plans.

Amnesty International calls for the full implementation of FPIC principle, especially in the development of green energy projects and the pursuit of climate justice.

### *LGBTI RIGHTS AND SAME-SEX MARRIAGE*

Taiwan has made tremendous strides on LGBTI rights in recent years. In 2019, Taiwan became first in Asia to legalize same-sex marriage, although it was initially only possible for couples in which one or both partners were Taiwanese citizens or from countries where same-sex marriage was legal. In July 2022, the Taipei High Administrative Court issued a judgment on transnational same-sex marriage that gave a Taiwanese-Japanese same-sex couple the right to register as a married couple, although Japan has not yet legalized same-sex marriages. After the fourth court ruling supporting the registration of transnational same-sex marriage in Taiwan, all transnational same sex couples could be registered and legalized, excluding Taiwanese-Chinese couples.

This year, the government passed an amendment on same-sex adoption, further safeguarding the rights of same-sex couples to joint adoption. Yet, access to assisted reproductive techniques (ART) remains restricted to married heterosexual couples only.

Current regulations governing the process of a legal change in gender registration/recognition require an individual to undergo evaluation and diagnosis by two psychiatrists, and there is a compulsory surgical removal of reproductive organs. Amnesty International considers that these mandatory measures are humiliating and dehumanizing. They must be abolished to ensure a dignified process for anyone who wants to legally change their gender.

The fact that Taiwanese-Chinese same-sex couples are still forbidden from marriage is blatantly discriminatory. Amnesty International urges the authorities to ensure that all LGBTI couples, regardless of their nationality, can have their love and relationships recognized as equal under the law.

Amnesty also calls on the authorities to abolish the removal of sex organs as a prerequisite for a legal change in gender registration; to permit legal access to ART for same-sex couples; and to propose an Equality Act in 2024 as promised in National Human Rights Action Plan to further efforts at non-discrimination and inclusion.

### ***Women's Rights***

Amnesty stands in solidarity with the dozens of Taiwanese women and men who have come forward in recent weeks with reports of sexual abuse that they have kept quiet for many years. The onus is now on the Taiwanese authorities to follow up on these allegations wherever necessary. The recent resurgence of the **#MeToo** movement and stark statistics about domestic violence show there is still plenty of work to do on women's rights in Taiwan. As a start, the Taiwanese government must listen to the recent calls for reform of gender equality laws.

### ***Transnational Repression***

Experts suggested that the Chinese authorities engage in acts that could be viewed as transnational repression, such as the extradition or imprisonment of Taiwanese in mainland China, including for so-called political crimes. According to a report by Safeguard Defenders, more than 600 Taiwanese arrested overseas have been deported to China in recent years. Many of these removals are in breach of international law, amount to forced transfers and may result in violations of rights to a fair trial and to be free from torture and other ill-treatment.

The delegation met with **Lee Ming-che**, a Taiwanese human rights activist, NGO worker and long-time supporter of Chinese civil society who was sentenced to five years imprisonment in China for "subverting state power". Lee was the first foreign NGO workers imprisoned since the Foreign NGO Management Law took effect on 1 January 2017. His wife led an international campaign to free him, with the support of a number of Taiwanese and international human rights NGOs, including Amnesty. As a result, Beijing was pressured to disclose Lee's location; further pressure on his case led to the first-ever court hearing on subversion of state charges. Lee finished serving his prison sentence and was released in April 2022, after which he returned to Taiwan.

Amnesty International was also provided a briefing on **Fu Cha**, the penname of Li Yanhe, the editor-in-chief of Eight Banners Culture Publish in Taiwan. In March 2023, he went to China

to visit his family and was secretly arrested by Chinese security forces in Shanghai. The Chinese government has since confirmed that he is under investigation for activities that allegedly endangered national security. In line with its consistent calls on the Chinese authorities to fully respect the human rights of detained individuals, regardless of their origin or alleged crimes, Amnesty International urges authorities to respect Fu Cha's right to freedom of expression, to reveal the whereabouts of Fu Cha and the details of its criminal investigation into him; to protect his right to a lawyer of his choosing; and to ensure he is not subjected to any torture or other ill-treatment.