

**ROC's Initial Report under the International Convention
on the Elimination of All Forms of Racial
Discrimination**

**NGO:
Taiwan Association of Gender/Sexuality Rights
Protection**

Parallel Report

This report covers article 1, 5, 7 of ICERD

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Article 1. Definition of racial discrimination

Situation:

1. Point 15 of the national report states that "our country's current laws and regulations do not have a specific definition of discrimination." The government claims that conventions such as CEDAW have been legalized in the country, so the definition of discrimination in the text of the convention shall prevail. However, because the law does not define "gender" and "discrimination" in accordance with international conventions such as CEDAW, it has caused a lot of confusion, opposition, and hatred in the implementation of gender equality education.

2. In the concluding comments and recommendations of the third international review meeting, the International Review Committee of ICCPR & ICESCR & CEDAW have pointed out the problem of the definition of terminology. That is, Taiwan's definitions of Sex and Gender and equality/equity are inconsistent in various documents, and there are conceptual and misuse errors (Appendix 1). As a result, different government units have their interpretations, and the implementation of some policies has confused.

3. The Chinese term "平等" is translated into two different terms with quite different concepts— in the "Act of Gender **Equality** in Employment" and the "Gender **Equity** Education Act." The International Review Committee has pointed out that the Gender Equality Education Act should be changed to the Gender Equality Education Act. Despite the continuous NGO proposals and the suggestions of the IRC, the government only treats the definition issue as a translation issue, so the disputes continue.

4. Due to the lack of a clear definition based on the convention, various ministries and social groups have their interpretations, and some even misunderstand that it is forbidden to talk about "sex," which has caused some bias in the implementation of gender equality education, and caused many social antagonisms and hatred.

Suggestion:

Various terms should be clearly defined in the laws and regulations according to ICERD, including: (1) "race" - "racial skin color or country of origin or ethnic origin"; (2) "discrimination"; (3) "hate speech" and other terms.

In order to avoid different interpretations by government units and the public, causing disputes and hatred among ethnic groups.

Article 5. Measures to protect all kinds of rights & Article 7. Promoting understanding, tolerance, and friendship among nations and racial or ethnical groups

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

Situation:

1. Article 7 of the Constitution of the Republic of China stipulates that “All citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law.” Article 13 stipulates that “The people shall have freedom of religious belief.”

2. During the controversy over same-sex marriage and the legislative process, people’s ignorance of each other’s religious beliefs has led to many misunderstandings and hate speeches about religion, which has led to a situation that teachers and students who believe in specific religions (such as Christianity and Catholicism) cannot freely assert and express your beliefs on campus.

3. A university professor in Taiwan once introduced Christianity’s views on homosexuality in a course and he was sued by students as discrimination. Another professor taught gender equality education courses and was sued because of her suggestion of using bio-diversity to introduce gender diversity, which was misunderstood as discrimination against LGBT. After an investigation by the school, the professor was found not to have violated the law. However, the school was still forced by the Ministry of Education to “reconsider” the final judgment of the investigation. The process caused mental torture to the professors involved and caused great damage to their reputations.¹

4. Some gay groups have many prejudices and misunderstandings about different religious beliefs.

Suggestion:

The government should fully protect the “rights to freedom of thought, conscience and religion” as well as the “rights to freedom of opinion and expression.” And strengthen social education and school education to enhance people’s understanding of various religious beliefs.

¹ <https://www.storm.mg/article/4828079?page=2> In 2020, the Ministry of Education violated Article 29 of the Sexual Equality Education Law: Cases without real-name applicants or informants, and no perpetrators and victims of sexual harassment should not be accepted, and the sex education committee of a certain university is still required to The sexual harassment case reviewed a gender education course on the grounds that one of the professors discussed biological diversity in class, which was tantamount to comparing gays (gender diversity) to dogs, because they all involved diversity, and asked the school to start sexual harassment investigation. This prestigious university did not dare to reject the application, so it prudently held a sex meeting, and required that every class must provide a verbatim manuscript for review, making everyone feel insecure, like a literary prison (I happen to be a lecturer too) one of them). Later, although it was confirmed that sexual harassment was not established, a separate project was set up to investigate sexual bullying, but failed. Finally, the organizer was asked to propose improvement practices, and the official documents were kept secret for a long time (guess how many years?), which achieved the purpose of intimidation and deterring, but also wasted too much Educational Resources. Just under what pressure did the Ministry of Education have to do it? Why keep it secret? The only thing to be thankful for is that the school’s Sexual Equality Committee did not change the initial review results under pressure, and did not become an executioner who was murdered with a knife, retaining a glimmer of hope for the future of education.

Attachment 1:

CEDAW --CONCLUSIONS AND RECOMMENDATIONS of the International Review Committee, 20 July 2018

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 that 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.

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.