

**The Convention on the Elimination of
All Forms of Discrimination against
Women
(CEDAW)**

2022

**Alternative Report
For the Fourth International
Review**

NGO:

Taiwan Association of Gender/Sexuality Rights Protection

台灣性別人權維護促進協會

Contact : Taiwan Association of Gender/Sexuality Rights Protection

E-mail: sexcorrect@gmail.com

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In response to 3rd CEDAW CONCLUSIONS AND RECOMMENDATIONS-Points 10、11、40、41

Topic: The confusion of the terms “Xin-Bieh” (性別) (sex/gender) & “Ping-Deng”(平等)(Equality/Equity) has influences the gender equality education.

Situation:

According to CEDAW 3rd “CONCLUSIONS AND RECOMMENDATIONS of the International Review Committee” The committee has agreed with the issue that the NGO raised about the confusion of the Chinese term (性別) (sex/gender) and it’s inconsistent interpretation in different documents or laws of the government.

The committee expressed their concern in their “CONCLUSIONS AND RECOMMENDATIONS”: “the inappropriate conceptual and practical use of the terms “sex” and “gender” in Taiwan”, and ask the government to clarify the use of the Term in Chinese.

However, the government use all kinds of excuses to cover their mistakes, and refuse to clearly define the meaning of the Chinese term “性別”. This issue had been concerned by the 3rd CEDAW review committee and it was suggested the government to review the meaning and use of the term in the last Conclusion and Recommendations.

“CONCLUSIONS AND RECOMMENDATIONS of the International Review Committee” (The 3rd CEDAW International Review)

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.

The government’s response to CEDAW committee in the 4th National Report:

10.50the implementation has never caused confusion.

“Sex” and “gender” are actually quite different concepts in English, while the government use the same Chinese term “Xin-Bieh” (性別) to translate the two different terms, resulting in confusions.

In spite that many scholars and NGO groups had raise the issue in all kinds of meetings, the government refused to correct the mistakes. As the Executive Yuan said in the 4th CEDAW National Report:

"Not all Chinese words “Xin-Bieh” (性別) are translated as gender or as sex, which must be judged according to the context of the content."

That is, the terminology of “Xin-Bieh” (性別) sometimes means sex, and sometimes it means gender.

In this case, who has the final say? Whose interpretation is the correct answer? If the statute does not provide a clear definition for judgment, then everyone can have his/her own interpretation.

The definition of “Xin-Bieh” (性別) is not clearly defined in all kinds of laws, including the Gender Equity Education Act. However, the use of the same term “Xin-Bieh” (性別) for both biological sex and social gender has actually caused a lot of confusions and controversy in laws and actual life.

Discussion:

The confusion over the term “Xin-Bieh” (性別)(sex/gender) has created substantial controversy in Taiwan. **For example,**

- 1. the controversial case recently happened is: " A Transgender requested to change the “Xin-Bieh” (性別)(sex/gender) in their ID card without sex reassignment surgery.”**

The dispute was caused by the different interpretation of the definition of the “Xin-Bieh” (性別) column of the ID card. Originally the “Xin-Bieh” (性別) of identity card is judged by **biological sex**, so the law requires that the registration can be changed after surgery. However, if “Xin-Bieh” (性別) is defined as gender, it becomes "(social) gender" that can be subjectively constructed and identified.

If the terminology is not well defined in all the laws or regulations, it is expected that there will be more disputes similar to the " Transgender people request to change the “Xin-Bieh” (性別)(sex/gender) column of their ID card without **sex reassignment** surgery.” in the future.

And there will be issue of transgender in women’s sports competition, which will affect the girl’s right and result in inequality for female athletes in sport competitions.

- 2. The lack of clear definition of “Xin-Bieh” (性別)(sex/gender) has caused confusion and controversy in the education:**

The “Gender Equity Education Act” does not define the term “Xin-Bieh” (性別). It only mentions the definition of "gender equity education", which is also ambiguous, leading to confusion and controversy in society. Actually, the term **性別** and **多元性別** are not defined in the Gender Equity Education Act. It only defines the “Gender Equity Education”, and very unclearly.

Gender Equity Education Act

Article 2

The following terms that appear in this Act are hereby defined:

- 1. Gender equity education:** to generate respect for **gender**

diversity, eliminate gender discrimination and promote substantive gender equality through education.

Article 2 does not explain what it means to teach children to respect “多元性別差異”, literally in Chinese it is multi-sexes difference (while in its English version, it’s “respect gender diversity”).

The term “多元性別” used by Executive Yuan to mean LGBTI group. If we follow the Executive Yuan’s usage of the term 『多元性別』, then the Article 2 of “Gender Equity Education Act” become—teaching “respect for differences of LGBTI”? Then, does it mean that gender equality education does not include men and women? It will be very different from the original meaning of the term—respect gender diversity.

Is “多元性別” a collective term for a certain group (LGBT)? Or, should “多元性別差異” be interpreted as “gender diversity” and translated into as 「性別多樣性」-which including physical, psychological, and social gender?

The term 『多元性別』 (multi-sexes/genders) is also used in the curriculum guidelines, textbooks, and teaching materials, while the term in different materials imply different meanings. The teachers are also confused and don’t know how to teach, and parents are very concerned that the focus of gender equality education would deviated from his original purpose, and become focus only on the LGBT education.

The great controversy cause by unclear definition has seriously affected the promotion of gender equality education. And this problem even provokes lots of disputes and even lead to a referendum.

- 3. The Executive Yuan responded to the CEDAW committee’s concern on the “definition” of “Xin-Bieh” (性別) with a translation list, and biological sex is completely excluded in the list. And, there is no translation or definition of the term 『多元性別』 “diverse genders” on the Executive Yuan website.**
- 4. The same problem is happened to the word “平等” (Equality or Equity) . The same Chinese term is used to mean different English terms. This problem is also recognized by the CEDAW committee. However, the government do not want to correct the mistakes.**

“CONCLUSIONS AND RECOMMENDATIONS

of the International Review Committee” (The 3rd CEDAW International Review)

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.

Review of the Third Reports of the Government of Taiwan on the Implementation of the International Human Rights Covenants

Concluding Observations and Recommendations adopted by the International Review Committee, Taipei, 13 May 2022

Terminology and Translation

30. The Review Committee expresses its concern that confusion is created by the incorrect translations of certain terms from English to Chinese and Chinese to English, such as equality and gender diversity. In particular, the Committee is concerned that the Chinese term ‘平等’ is translated as both equality and equity, as shown in the Gender Equality Employment Act and the Gender Equity Education Act. Also, the Committee is concerned that gender diversity is translated as ‘multiple sex’, which is not correctly conveying the meaning of diverse gender.

31. The Committee recommends that the Government solve this problem by only using the term ‘equality’, changing the English title of the Gender Equity Education Act by replacing ‘equity’ with ‘equality’ and applying the correct translation for gender diversity and other terminology involving gender. The Committee recommends that the correct terms and their meanings are commonly understood by government agencies, media and the general public.

Suggestions:

1. The government should held additional public meetings for open discussions of the terms: The issue of definition of the Chinese term “Xin-Bieh” (性別) or “multiple genders”(多元性別) and the term “平等”(Equity or Equality) is related to all laws and education, and thus related to the rights of men and women, boys and girls. All scholars and experts who are interested in this matter should be invited to the discussions.
2. It is suggested that, since the Chinese term “性別”traditionally mean biological sex, so “gender” should be translated as “社會性別”—the socially constructed meaning based on sex.
3. Terminology in all Legislations or documents should be consistent, otherwise, not only will the public be at a loss, and disputes will continue, and it will be impossible to communicate effectively with international members.
4. It is recommended that the term "sex" be translated as “性別”, in line with the general public's cognition and the definition of the word "sex" in the Constitution of our country. And, “gender” translated as "social gender(社會性別)", indicating the soially constructed nature of the concept..
5. Follow the committee’s suggestions to correct the name of “Gender Equity Education Act” into “Gender Equality Education Act’, to make sure that the laws are in consistent with CEDAW general recommendation No. 28 (22).
6. When talking about “equity” from "equality" in education, different Chinese words should be used to translate in order to distinguish the two different concepts.
7. The terminology, including “Sex” and “Gender” and “Gender diversity”, “equality” and “equity”, should be clearly defined in the Acts or the laws.

In response to CEDAW Article 10 and General Recommendation No.28--point 18

Topic: The Gender Equity Education Act should include all the intersectional factors to eliminate indirect discrimination of minorities or new immigrants.

Situation:

For the present, only sexual orientation and gender identity are included in the Gender Equity Education Act. However, the intersectional factors mentioned in point 18 of CEDAW General Comment No. 28 such as religion or belief, health status, race, age, etc, are not included. These are common sources of discrimination in Taiwan's multicultural context, and the inclusion of the statute cannot adequately protect the rights of girls or female parents of all backgrounds.

1. The common reasons for bullying include obesity, height, special physical and mental disabilities, age (the older bullying the younger). In addition, minorities with religions or beliefs different from most of the people, or with different ethnic backgrounds, nationalities, or different races are very easy to be excluded or discriminated.

Table 1: The percentage and ways of being bullied during the last 30days (National Health Department, 2018)

The way of bulling	Percentage	Boy	Girl
Because of body figure or looks	27.8%	24.3%	33.3%
OTHER	26.4%	21.6%	31.8%
Being made fun of with a dirty joke, word or force	16.4%	19.7%	11.7%
Being intentionally rejected or neglected in activities	14.7%	14.7%	15.0%
Being hit, kit, push, gang fight, or be locked in the room	8.0%	11.9%	2.8%
Being made fun of because of race, nationality, skin color	5.0%	5.3%	4.7%
Being made fun of because of religions or believes	1.7%	2.3%	0.8%

過去30天最常被霸凌的方式與比例

方式	整體比例	男生	女生
因身材或長相而被取笑	27.8	24.3	33.3
其他	26.4	21.6	31.8
被以黃色笑話、言語或力勢的方式取笑	16.4	19.7	11.7
參加活動被故意拒絕或完全被忽視	14.7	14.7	15.0
被打、踢、推、群毆或關在室內	8.0	11.9	2.8
因種族、國籍或膚色被取笑	5.0	5.3	4.7
因宗教信仰而被取笑	1.7	2.3	0.8

註：受訪國中生人數共計5598人，其中男生2763人、女生2786人

資料來源：國民健康署「2018年國中學生健康行為調查」

製表：黃天如

2. The number of new residents (immigrants) in Taiwan has increased a lot in recent years. A survey in 2018 showed that the majority of new residents in Taiwan were women (92.5%), aged between 35 and 54 years old (70.1%), and Most of their education level before coming to Taiwan was junior high school (30.3%) and senior high school (34.3%). Most of the new residents (immigrants) are relatively conservative women in Southeast Asian countries. Their values of religion or belief are different from those of mainstream society in Taiwan. If the school does not notice these differences, it will also cause indirect discrimination without knowing it.

In terms of parental participation, there may also be indirect discrimination due to cultural differences, preventing women from new residents or cultural minorities from participating in their children's learning and affecting their children's right to education.

Suggestions:

1. The Gender Equity Education Act should be amended to include religion or belief, health status, race, age. To teach respect for different religious beliefs (values), health status, age, new inhabitants, aboriginals, blacks and whites and other races, different cultural groups (new inhabitants, aboriginals). In order to make the promotion of gender equality education more complete and more in line with the goals of CEDAW.

2. National Human Rights Action Plan - should also include ethnic minorities of different religions and beliefs, different nationalities, and different races.

References:

18. Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25.

<https://www.ait.org.tw/zhtw/international-religious-freedom-report-2014-taiwan-part-zh/>

Religions with less than 5% of the population include: the Way of the Consciousness, Tien-Di, Tien-Te, Rikkyo, Xuan-Di, Tien-Ri, Universal Messiah, He-Zi-Do, Chung-Hua-Sheng, Da-Yi, Pre-Ten-Savior, Huang-Chung The Roman Catholic Church, the Islamic Church, the Church of Scientology, the Baha'i Faith, the Jehovah's Witnesses, the True Light Church, the Church of Jesus Christ of Latter-day Saints (Mormonism), the Unification Church, the Presbyterian Church, the True Jesus Church, the Baptist Church, the Lutheran Church, the Seventh-day Adventist Church, and the Holy Spirit Church. Adventist Church, and the Episcopal Church. According to the Ministry of Labor and conversations with religious leaders, the majority of Taiwan's 540,000 indigenous people (as of October of this reporting year) are Protestants or Roman Catholics. There are about 200 Jews in Taiwan (as of October), mainly foreign nationals. The 534,000 foreign workers in Taiwan are primarily from Southeast Asia and are of a different religion than the majority of the Taiwanese population. The

majority of foreign workers are Indonesian, with a population of approximately 225,000, and are primarily Muslim. The majority of foreign workers from the Philippines are Roman Catholic, with a population of about 107,000 (as of September).

School Bullying Prevention and Case Compilation Handbook

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extension://efaidnbnmnnibpcajpcglclefindmkaj/https://bully.moe.edu.tw/public/uploads/file/20210517/60a1c8cf3e0fb.pdf

In addition, Wong et al. (2013) found that there are three types of students who are considered to be potential targets of bullying, including students with inappropriate speech and behavior, students from disadvantaged groups, and students from different groups: ■ Students with inappropriate speech and behavior may use inappropriate words or behaviors to provoke anger in others, such as deliberately singing against others, shouting, disrupting class, and staring at others for a long time. Students from disadvantaged groups include those with physical or mental disabilities (e.g., hyperactivity, autism, learning disabilities, physical disabilities, or mobility problems), those who are very shy or introverted (e.g., tend to be overly compliant, quiet, or fearful), ■ or those who have a particular appearance (e.g., too tall, too short, awkward, etc.). Students with unusual backgrounds or behaviors that are different from those of other students may be exceptionally good or poor in grades or performance, have special family backgrounds and cultures, do not follow traditional gender roles or have unusual sexual orientation, or are transfer students or returning students.

Corresponding CEDAW Article 12

Topic: The effect of egg freezing on female reproductive health

Situation:

The age of egg freezing has become younger at age 36 average and 50% growth in half a year. Egg freezing is no longer just a medical behavior, but also a fashion statement for women to take back the dominance of fertility by the stunning marketing of assisted reproduction clinic.(1--3) The social media also fuel the flames that almost every week celebrities and Internet celebrities share their experiences about egg freezing or ART (assisted reproductive technology) publically, which makes people feel that this is a novel and popular option that's worth emulating, so young unmarried women go egg freezing now in order to have children of their own in the future.

Discussion:

The truth is that the procedure for egg retrieval may have the risk of infection, ovarian hyper-stimulation syndrome, and increased risk of ovarian cancer in the future (4). Compared with naturally conceived children, the offspring born after assisted reproductive technology have more chance to have autism (double the risk), mental retardation, cancer (leukemia & lymphoma), arterial hypertension during adolescence, and other abnormalities. In addition, babies born through assisted reproductive technology have up to three times premature birth, low birth weight, and the appearance of birth defects than the naturally conceived babies. (5-12)

Besides, there's not enough data to indicate how long eggs can stay in liquid nitrogen and remain viable.

Amanda N. Kallen, MD, Yale Medicine reproductive endocrinologist and infertility specialist says, "I don't want them to think of it as something they can do to delay starting a family more than they otherwise would. You aren't guaranteed that you'll be able to use those eggs when you freeze them."(13)

In conclusion, "*social*" egg freezing may harm women's health,

delay starting a family, and increase the risk of having a baby with birth defects.

Suggestions:

1. Incomplete information is false advertising. The government should supervise and regulate assisted reproduction operators to inform their customers, and if they want to share the experience of egg freezing or ART in public, they must attach the information about possible side effects of procedures and possible consequences of offspring at the same time.
2. Governments should make available data and reports of mothers and babies in assisted reproductive technologies.
3. Governments should provide information on natural reproductive technologies, including natural family planning method (Fertility Awareness-based Methods) which can be used to increase the chance of conception.

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創新點：凍卵和試管嬰兒不再只是醫療行為，更是女性拿回生育主導權的時尚宣言
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Corresponding CEDAW Article 16

Topic: Disadvantages of DSD Groups and Women caused by Gender Self-Identification

Situation:

1. At the end of last year (2021), the court ruled in favor of a trans woman whose biological sex was male applied to change sex to be registered as female without sex reassignment surgery. In such case, transg women without sex reassignment surgery will have same rights as biological women, including entering women-only space.
2. Medically some doctors gave puberty blocker to young people with gender dysphoria since age 12.
3. Confusing DSD (Disorder of Sex Development, intersex) with gender dysphoria, transgender.

Discussion:

1. Science evidences show that biological male sexual arousal is driven by testosterone, and is far more visual in nature than female arousal, biological men are vulnerable to being sexually aroused by appearance and visual stimuli. Trans women without sex reassignment surgery with high testosterone concentration in their body still can be driven by this biological impulse.(1--6) **Sex segregation in public bathroom, changing room,...etc is based on biological facts.** Trans women with high testosterone levels in their body share same biological facts as other biological men, so they share the same restriction of not entering women's space like other biological men.

Please think about why there has never been a controversy caused by trans men entering the men-only space? Why hasn't a trans-man ever won a first place in men's sport? **The biological mechanism cannot be ignored.** The women's sense of threat by biological men in women-only space is real and should be considered.

2. Puberty blocker is a strong medicine that stop the development of adolescents with gender dysphoria, and with serious side effects including osteoporosis, lowering IQ and rare cases of hypertension, without sound

research that puberty blocker will really benefit these group in the long run. For its controversy, Sweden and Britain have stop giving puberty blocker to young people with gender dysphoria.(7—10)

European and American studies show that a higher proportion of gender dysphoric adolescents combined with autism (6%—20%) or mental illness (40%—45%). **Numbers of biological girls with gender dysphoria increased faster than biological boys with gender dysphoria.** More than half of transgender people have psychological diagnoses such as anorexia, depression, personality disorder, post-traumatic stress disorder, other trauma such as sexual abuse during childhood (19%).(11—14). Government should ensure experts give transgender individuals best diagnosis and treatment, to better understand what drive this gender dysphoria perception (because it's multifactorial and heterogeneous) and they should be supported.

We always recognizing every individual but that means we recognize the whole person, and a whole person is not necessarily one path, it has many paths. Our government should supervised the education units to provide complete information including gender identity may be changed (Since it's fluid), and transgender regret does exist.

3. DSD (Disorder of Sex Development, intersex) and transgender people are completely different groups. People with gender dysphoria and transgender people are subjective feelings that drive their choices. On the other hand, there are objective biological disorders in DSD group and some of them need medical professional help, otherwise their development and future health will be affected.

For example, **90% of girls with DSD are "congenital adrenal hyperplasia (CAH)".** The lack of cortisol synthesis enzymes in the adrenal glands results in increased male hormones, larger clitoris, and the metabolism of newborns and the balance of electrolytes and water may also be out of balance. **If let them untreated, can cause problems in their future health.(15,16)**

There're also cases of androgen insensitivity syndrome, although the sex chromosome is XY, but the overall development is female, and most of them will become a female in the future. There are also a few intersex people, on the premise of not affecting their health, the psychological orientation and subjective choice should be respected.

DSD is a very specialized field and contains more than a

**dozen different diagnoses with different approaching strategies.(16)
Confusing DSD with gender dysphoria, transgender , may sacrifice
some DSD individuals' health and development.**

Suggestions:

1. The government should not rush to "changing legal sex on an ID card without sex reassignment surgery". It is important to discuss this issue fully and openly, including the opinions from women, trans women, trans men, and transgender regrets.
2. Government should ensure experts give transgender individuals best diagnosis and treatment, to better understand what drive this gender dysphoria perception (because it's multifactorial and heterogeneous) and they should be supported as a whole. The government should urge educational institutions to provide true and complete information to young people, and to make the public widely understand that gender identity may change and transgender regrets.
3. **DSD should not be confused with gender dysphoria, transgender. Caring for individuals with DSD (disorder of sex development) should be in the best health interests of the patients.**

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