

International Covenant on Economic, Social and Cultural Rights (ICESCR)

2025

The parallel (shadow) report For the Third International Review

1. ICESCR Article 3

Response to the National Report "Response to Concluding Observations" : Point 36, 37

2. ICESCR Article 12

NGOs:

Taiwan Association of Gender/Sexuality Rights Protection

R.O.C. Association of HIV/AIDS and Child Care

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Contents

| | | |
|-----|--|----|
| I. | ICESCR Article 3: Response to the State Report “Reply to the Concluding Observations”: ICESCR Paragraphs 36 and 37 | |
| | Topic: The translation and definition of key terms remain inconsistent and confusing. It is recommended that Chinese and English terminology and translations be standardized, and that clear definitions be established for the terms “gender,” “equality,” and “gender diversity.” | 3 |
| II. | ICESCR Article 12 | |
| | Topic 1: The confusion over gender concepts may lead to gender dysphoria; therefore, “gender-affirming care” should not be provided to adolescents, so as to avoid causing irreversible lifelong consequences | 7 |
| | Topic 2: For the health of future children, artificial reproduction regulations should not be changed! | 10 |
| | Attachment | |
| | Excerpts from the shadow report of the Association's third international review meeting on national reports to the two conventions - Confusion over "gender definition" | 14 |

I. ICESCR Article 3:
Response to the State Report “Reply to the Concluding Observations”:
ICESCR Paragraphs 36 and 37

II.

Topic: The translation and definition of key terms remain inconsistent and confusing. It is recommended that Chinese and English terminology and translations be standardized, and that clear definitions be established for the terms “gender,” “equality,” and “gender diversity.”

Current Situation:

The government has failed to comply with the recommendations in Paragraphs 30 and 31 of the *Third Concluding Observations and Recommendations* under the ICESCR, nor Paragraphs 10, 11, 40, and 41 of the *Third CEDAW Concluding Observations and Recommendations*. It continues to confuse the definitions of key terms.

On the mistranslation and mis-definition of the terms “equality,” “gender,” and the misuse of the phrase “gender diversity”:

- The latest State Report attempts to explain the difference between *gender equity* and *gender equality* and justifies the use of *equity* in the English title of the *Gender Equity Education Act* by claiming that the Act represents a “means” rather than an “end.” However, this explanation only further highlights the confusion arising from using the same Chinese term for both the *Gender Equality Education Act* and the *Gender Equality in Employment Act*, even though they are rendered differently in English.
- In fact, Article 1 of the *Gender Equity Education Act* clearly states that the purpose of gender education is to pursue **substantive equality**. Since Article 1 uses the word **equality**, the name of the law should reflect this ultimate goal rather than the “means” to achieve it.
- Apart from the title, all the provisions of the Act use “**equality**”—the term “*equity*” does not appear anywhere in the text.
- In Article 3, which defines terms, only “gender equality education” is defined, while “gender” and “equality” themselves are not defined at all, leaving their interpretation open to ambiguity.
- Furthermore, the “Gender Diversity” section on the Executive Yuan’s official website refers exclusively to LGBT groups, indicating that the phrase “gender diversity” being used to mean LGBT, and being translated as “多元性别” (literally it means multi-genders/sexes in Chinese). However, LGB refers to **sexual orientation**, not **gender**. Translating gender diversity as multi-genders/sexes (多元性别) in Chinese, and using it to refer to LGBT has caused conceptual confusion about the meaning of “gender diversity.”
- The *Fourth CEDAW Concluding Observations and Recommendations* did not raise the

terminology issue again only because the government informed the Committee that revisions were already underway, so the Committee did not pursue the matter further. However, in fact, to this day, the government still insists on not correcting the mistranslation.

Suggestions:

1. **Clarit/y and consistency in legal terminology should be ensured.** Since both the *Gender Equity Education Act* (性別平等教育法) and the *Gender Equality in Employment Act* (性別平等工作法) use the same Chinese term “平等”, their English translations should be consistent as well. The title and text of any law should consistently translate the same Chinese term. It is recommended, in line with the Committee’s advice, that the English title of the *Gender Equity Education Act* be revised to use *equality* instead of *equity*.
2. If the government insists on retaining *equity*, the Chinese title should be changed (性別“公平”教育法), and Article 3 should include a definition of *equity* to distinguish it clearly from the *Gender Equality in Employment Act*. This would help the public properly understand the substantive meaning of the Act.
3. Article 3 of the Act currently defines only “gender equality education.” It is recommended to add clear definitions of the terms “gender,” “equality,” and “equity” (公平) as used in the Act, to promote accurate public understanding of its intent and scope.
4. Stop using the term 多元性別 “gender diversity” to refer to LGBT. The public should be explicitly educated on the distinctions between **biological sex, social gender, sexual orientation, and gender identity**. The term “gender diversity” should be correctly translated and interpreted.

Two Covenants—Concluding Observations and Recommendations (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.

CEDAW --CONCLUSIONS AND RECOMMENDATIONS (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 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.

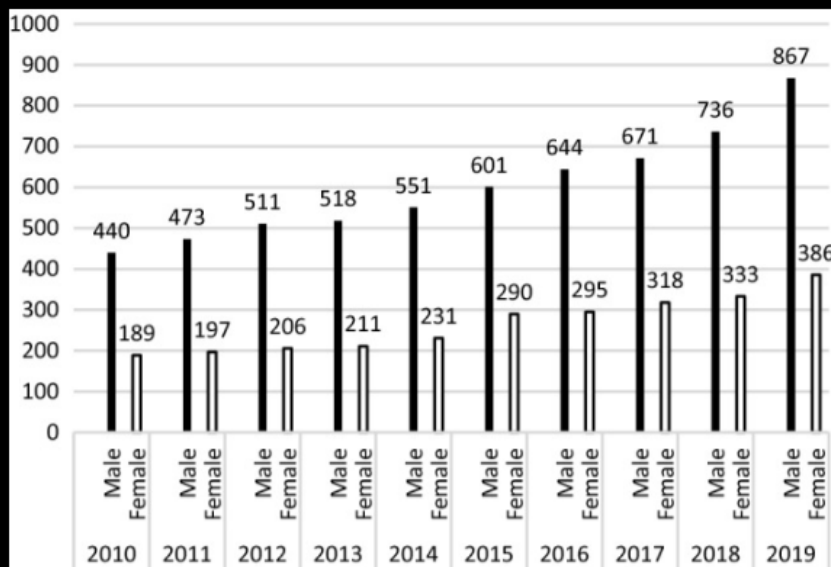
III. ICESCR Article 12

Topic 1: The confusion over gender concepts may lead to gender dysphoria; therefore, “gender-affirming care” should not be provided to adolescents, so as to avoid causing irreversible lifelong consequences.

Current Situation and Discussion:

Chinese term- 「性別」 was regarded as (biological) sex in our passports and major fundamental laws. But the translation released by the Executive Yuan Gender Equality Council translates 「性別」 as gender, and interprets it as "refers to the gender that an individual psychologically identifies with which gender the individual belongs to." In this way, 「性別」 can become a subjective psychological identity of an individual, and can be disconnected from objective physiological facts (sex).

According to data from the Science Data Center of Taiwan Ministry of Health and Welfare, the number and prevalence of gender dysphoria in minor males and females in 2019 were twice as high as in 2010.



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Fig. 1 Birth-assigned males and birth-assigned females with gender dysphoria in Taiwan, 2010–2019

(Prevalence and Comorbidity of Gender Dysphoria in Taiwan, 2010-2019, Kuo-Yu Chao et al. Arch Sex Behav. 2023.)

<https://pubmed.ncbi.nlm.nih.gov/36692628/>

At the Taiwan Adolescent Medicine Symposium in September 2019, a psychiatrist reported that puberty blockers had been used in adolescents with gender dysphoria. (兒童及青少年性別不安—文獻回顧, 鄭弋醫師,

2021, Vol.64, No.5 台灣醫界)

Many studies have found that if children are allowed to develop naturally, about 80% of children with gender dysphoria will accept their biological sex in adulthood

(1.Kaltiala-Heino R, Bergman H, Tyolajarvi M, Frisen L. Gender dysphoria in adolescence: current perspectives. *Adolesc Health Med Ther* 2018;9:31-41.

2.Ristori J, Steensma TD. Gender dysphoria in childhood. *Int Rev Psychiatry* 2016;28(1):13-20.

3.Nainggol L. It's Complicated: Docs Say Gender-Questioning Kids Need Better Science. *Medscape* 2019.

<https://www.medscape.com/viewarticle/909129>).

However, if children's gender dysphoria was actively confirmed and administered puberty blocker during adolescence, almost all of them will enter the "transgender treatment", that is, "gender confirming care". While adolescents who receive puberty blockers are only about 12 years old, the prefrontal lobe, which controls emotions, makes judgments, develops and matures at the age of 25,.

Puberty blockers can affect the development of the brain, bones, and sexual organs in adolescents, resulting in osteoporosis, reduced IQ, and very few cases of increased blood pressure. So far, there is insufficient research to suggest that puberty blockers actually benefit this group in the long term. Dr Cass says that as soon as gender was raised, safeguarding issues became overshadowed or confused, and major sources of risk got overlooked. These included bullying, breakdown in relationships with families, online grooming and social, cultural and religious pressures. (Cass Report, Independent review of gender identity services for children and young people: Final report 2024).

There have been many reports of transgender regret in Europe, the United States, and Australia, and some countries have begun to ban the use of puberty blockers by adolescents. (<https://youtu.be/7FRUDwDmkm0> Denmark confirms that they are restricting "gender-affirming" medical care; Denmark Joins the List of Countries That Have Sharply Restricted Youth Gender Transitions | SEGM Denmark follows England, Sweden, Finland, Norway in stepping back)

Dr. Riittakerttu Kaltiala, who leads the world's most advanced clinic dedicated to treating gender-dysphoric young people, pointed out that there is now a radical movement that declares that gender transition is not just a medical procedure, but a human right. "Doctors are told to intervene in young people's functioning, healthy bodies based on their changing feelings about gender," she said. In an open letter signed by the expert and 20 clinicians from 9 countries, it was pointed out: **“Every systematic review of evidence to date, including one published in the *Journal of the Endocrine Society*, has found the evidence for mental health benefits of hormonal interventions for minors**

to be of low or very low certainty.” (‘Gender-Affirming Care Is Dangerous. I Know Because I Helped Pioneer It.’ <https://www.thefp.com/p/gender-affirming-care-dangerous-finland-doctor>)

For the health of Taiwan's next generation, definitions must clearly distinguish between biological sex and psychological gender.

Suggestionings:

1. In education, children should be taught to take care of their bodies, men and women are different but equal. But harmful gender stereotypes or the mindset that "you may be another gender based on clothing or personality traits" should not be instilled.
2. Teach children to understand the wonderful functions of human organs. For example, the development of sex is important for the development of the whole person, such as testosterone and estrogen, which not only act on the sex organs, but also on the brain, muscles, and bones. We hope to help people think deeply about the important functions of all parts of our body, so that we can care for and respect the functions of our health.
3. Exploration or confusion about gender or sexual orientation may occur during children's development, and may be accompanied by uncertainty about self-image, depression during adolescence, and interpersonal difficulties. They need support and to be safeguarded. Stop peddling the illusion of "gender change" because everyone has an immutable sex and body, and when adults lie, children can't be safe and healthy.
4. For the sake of the health of Taiwan's next generation, the definition of 「性別」 should return to "biological sex" and distinguish it from gender role and gender identity.

Topic 2: For the health of future children, artificial reproduction regulations should not be changed!

Current situation and discussion:

1.The proportion of babies born through IVF in Taiwan is much higher than that in Europe and the United States

Taiwan's IVF artificial reproduction accounts for 6% of the total number of newborns(4), compared with European and American data, the United States accounts for 2% (1), Sweden accounts for about 4% (2), Germany has been below 3% for many years (3), and Taiwan accounts for a much higher proportion (Ministry of Health and Welfare Taiwan Artificial Reproduction Implementation Results Analysis Report, 2021).

Scholars in Germany and Switzerland have also found higher rates of defects in IVF infants. They concluded: **Because the exact causes for the health risks of artificial reproductive technology to children is not known**, the current findings suggest that the use of artificial reproduction technology requires more careful consideration and stricter regulations and policies. (3)

2.IVF ART infants have a higher rate of birth defects

A study published by Taipei Medical University in 2020 compared naturally conceived babies (1,405,625) with IVF infants born through artificial reproduction technology(50,988) from 2011 to 2017, and the results showed that IVF was 5 times more likely to have low body weight than naturally conceived babies, 4.6 times more premature, 4 times more likely to have cardiovascular defects, 6 times more likely to have central nervous system defects, 3 times more likely to have gastrointestinal defects, 1.6 times more likely to have genitourinary defects, and 1.5 times more chromosomal abnormalities.

Table 1. Prevalence of birth defects in neonates conceived naturally and on ART conception from 2014 to 2016

| *Birth defects | Natural conception (N = 611,200) | | ART conception (N = 22,078) | | <i>P-value</i> |
|-------------------------------|-------------------------------------|-------------|--------------------------------|-------------|-----------------|
| | Number of newborns | % | Number of newborns | % | |
| The sum of all defects | 2572 | 0.42 | 201 | 0.83 | <0.05 |
| cardiovascular | 385 | 0.06 | 58 | 0.24 | <0.01 |
| Central nervous system | 59 | 0.01 | 15 | 0.06 | <0.05 |
| Gastrointestinal tract | 205 | 0.03 | 22 | 0.09 | <0.05 |
| Genitourinary | 315 | 0.05 | 20 | 0.08 | 0.216 |

| | | | | | |
|---------------------------|-----|------|----|------|--------|
| system | | | | | |
| Musculoskeletal | 727 | 0.12 | 11 | 0.05 | <0.001 |
| Ear and facial defects | 724 | 0.12 | 7 | 0.03 | <0.001 |
| Chromosomal abnormalities | 30 | 0.02 | 2 | 0.03 | 0.165 |

(Children Conceived by Assisted Reproductive Technology Prone to Low Birth Weight, Preterm Birth, and Birth Defects: A Cohort Review of More Than 50,000 Live Births During 2011–2017 in Taiwan 2020)(4)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7082315/>

The proportion of low birth weight (less than 2,500 grams) and premature birth (less than 37 weeks) in IVF is more than 30%, and the proportion of obvious defects at birth is about twice that of naturally conceived babies.

表 7 110 年人工生殖出生嬰兒性別、體重及週數 (活產嬰兒總數 9,774 個)

| 嬰兒狀況 | 活產嬰兒數 | 單位：數量/% | |
|--------------|--------------|--------------|--|
| | | 百分比 | |
| 性別 | | | |
| 男 | 4,763 | 48.7 | |
| 女 | 5,011 | 51.3 | |
| 體重 | | | |
| <1500 公克 | 302 | 3.1 | |
| 1500-2499 公克 | 2,641 | 27.0 | |
| ≥2500 公克 | 6,831 | 69.9 | |
| 懷孕週數 | | | |
| <37 週 | 2,962 | 30.3 | |
| 37-41 週 | 6,807 | 69.6 | |
| ≥42 週 | 5 | 0.1 | |
| 合計 | 9,774 | 100.0 | |

表 8 110 年人工生殖出生嬰兒外觀明顯先天缺陷占活產嬰兒比率及與出生體重的關係 (活產嬰兒總數 9,774 個)

| 出生體重 | 外觀明顯先天缺陷 嬰兒數 | 活產嬰兒數 | 單位：數量/% | |
|--------------|-----------------|--------------|------------|--|
| | | | 百分比 | |
| <1500 公克 | 17 | 302 | 5.6 | |
| 1500-2499 公克 | 30 | 2,641 | 1.1 | |
| ≥2500 公克 | 37 | 6,831 | 0.5 | |
| 合計 | 84 | 9,774 | 0.9 | |

Other studies have also shown:

- A. IVF not only has a higher rate of defects at birth, but is also found to have autism, intellectual disability, and childhood cancer than naturally conceived babies (5, 6, 7) (USA).
- B. An analysis of 1,880 children with cancer among more than 230 thousands children in Taiwan showed that children born by artificial reproduction

technology had a risk rate of about 50% more than naturally-conceived children, and the increased risk could not be attributed to premature birth or low birth weight. (8) (Taiwan).

- C. **Even after considering the age factor of the mother, the birth defect rate of IVF is still higher.** The risks of cardiovascular malformations, limb reduction defects, neural tube defects, cardiac septal defects, and esophageal atresia in IVF infants are higher than that of all babies born in Sweden (9) (Sweden).
- D. **The mortality rate in IVF in the first year of life is 1.45 times higher than that of naturally conceived infants,** and the mortality rate of infants using cryopreservation of embryos increases to 2.3 times (10) (US study Sweden). According to statistics from the Ministry of Health and Welfare, Taiwan's infant mortality rate (2022) is 4.4 per 1,000, and the neonatal mortality rate is 2.8 per 1,000, ranking last compared to Organization for Economic Cooperation and Developing countries. The increase in the proportion of elderly mothers in Taiwan and the increase in the demand for assisted conception through artificial reproduction will lead to premature birth and an increase in low birth weight babies, which in turn will lead to high mortality rates of newborns and infants (11) **The babies are disappearing! The neonatal mortality rate soared to a 15-year high in 2022** (Zhou Hongjie, director of the Department of Pediatrics, Yunlin Branch, National Taiwan University Hospital).

3.The treatment of infertility with "natural reproductive technology" can effectively increase the conception rate by 80%

Infertility is a disease in which the problem of organ function is solved, of course, it is possible to get pregnant naturally. "Natural reproductive technology" is disease-oriented, such as poor ovulation has a way to guide ovulation, poor cervical mucus has four ways to improve, and fallopian tube obstruction can be surgically removed to remove the lesion, so that women can restore the function of natural conception and childbearing and give birth to healthy babies. Natural reproduction uses suitable drugs to treat diseases, and surgery solves organ problems and restores the original fertility function. For example, using the "Clinton Model System" to evaluate, maintain women's fertility and fix gynecological diseases, and with proper medical treatment, the pregnancy rate can reach nearly 80%.

Suggestions:

- 1. Current findings suggest that the use of ART requires more careful consideration and stricter regulations and policies.**
- 2. The Ministry of Health and Welfare should promote the golden period of fertility and the benefits of natural reproductive technology.**
- 3. Promote & subsidize natural reproductive technology oriented to the treatment of reproductive system diseases.**

References:

1. <https://www.cnn.com/2024/02/21/health/ivf-egg-freezing-explainer-wellness/index.html>
2. <https://www.medscinet.com/QIVF/uploads/hemsida/Fertility%20treatments%20in%20Sweden.%20National%20report%202020.pdf>
4. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7026576/>
5. Fountain, C., Zhang, Y., Kissin, D. M., Schieve, L. A., Jamieson, D. J., Rice, C., and Bearman, P. (2015) Association between assisted reproductive technology conception and autism in California, 1997-2007. *Am J Public Health* **105**, 963-971
6. Sandin, S., Nygren, K. G., Iliadou, A., Hultman, C. M., and Reichenberg, A. (2013) Autism and mental retardation among offspring born after in vitro fertilization. *Jama* **310**, 75-84
7. Hansen, M., Greenop, K. R., Bourke, J., Baynam, G., Hart, R. J., and Leonard, H. (2018) Intellectual Disability in Children Conceived Using Assisted Reproductive Technology. *Pediatrics* **142**
8. <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2795793?fbclid=IwAR2hxuUGhVKyMheei8qAUF2ryzCutt21jhflgxR5IvUJ7y6OGMa0jkEgVj8>
9. <https://pubmed.ncbi.nlm.nih.gov/20063307/>
10. [https://www.fertstert.org/article/S0015-0282\(19\)32488-4/fulltext](https://www.fertstert.org/article/S0015-0282(19)32488-4/fulltext)
11. 寶寶消失中！2022年新生兒死亡率飆15年新高
<https://health.ltn.com.tw/article/breakingnews/4351426>

Attachment

Excerpts from the shadow report of the Association's third international review meeting on national reports to the two conventions - Confusion over "gender definition"

Excerpts from the shadow report of the Association's third international review meeting on national reports to the two conventions - Confusion over "gender definition"

Article : ICESCR 3

Topic: The ambiguous definition of the term “sex” has made disturbance in execution of laws, and public opposition.

| Article | International Covenant on Economic Social and Cultural Rights 3 |
|------------|--|
| Topic | The ambiguous definition of the term “sex” has made disturbance in execution of laws, and public opposition. |
| Situation | <ol style="list-style-type: none"> 1. Indistinction of Sex (biologic differences) and gender (social and culture differences) causes confusion and damage of children in education ° 2. The ambiguous definition of the term “sex” causes public opposition. 3. The Ministry of Education made a wrong definition of “sex” from the origin of teacher training. |
| Suggestion | Clearly defined “Sex” and “Gender” according to the definition of WHO 「性別」 should be translated and defined as “ (biologic) sex” , Gender should be translated and defined as “(social) gender” |

Situation

I. The definition of Sex/Gender is clear in the documents of UN, however, the errors in translation caused confusion of definition of Sex/Gender in Taiwan.

Regarding to the definition of “sex/gender” in Taiwan, the Concluding

Observations and Recommendations of the third CEDAW International Review have clearly pointed out that "...inappropriate conceptual and practical use of the terms "sex" and "gender" in Taiwan." and recommended the government to review it.

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.

Although Canadian government extended the "gender equality" to socially constructed identities, attributes and roles of gender on the official website since 1998,¹ "gender equality" is still based on men and women. It just reminded us that we should see gender and intersectional discrimination from a social perspective. CEDAW Convention and the Committee's General Recommendation No. 28) .

Internationally, it is obvious that sex (biologic differences of women and men) and gender (socially constructed identities, attributes and roles of women and men) are different. However, they are confused in translation in Taiwan. Originally, the Chinese term- 「性別」 was regarded as biological sex in all of our major fundamental laws and passports. However, under the policy of Gender Mainstreaming and the Gender Equity Education Act, all the related laws have never defined the term-sex/gender. As a result, the term-「性別」 used in each law has its own meaning and very often means sex, gender or even sexual orientation. Even more, we Taiwan has created a term "multi-sexes/genders" (lesbian, gay, bisexual, transgender, and the queer (LGBTQ), excluding men and women), which causes people confused and harms the health of people.

For example ,

1. The unclear definition of sex/gender causes the students confusion and harms their health. It is found that soaring numbers of adolescents want to change gender in England and some other countries. Therefore, UK Dept. of Ed. issued guidance against 'born in the wrong body' gender lessons in sex-ed, and the

new government guidelines instructed educators not to "reinforce harmful stereotypes" or promote the idea that children might be the opposite sex based on their choice of clothing or personality. (News on Sep. 29,2020)

2. The above news revealed that this kind of education caused negative effect to children's sex/gender development, so UK Dep.of Ed. made new instructions disclosed as above.

3. Our sex/gender definition is against that in the UN, EU and most of the countries. causing arguments in Gender Equity Education Act, and public opposition (Attachment 1 [What is the definition of sex/gender ? They argue about the Gender Equity Education Act²](#)) .

4. The Ministry of Education made a wrong definition of “sex” from the origin of teacher training. Education is a very important aspect in the promotion of gender mainstreaming, but there are also incorrect definitions in the teacher training course :

(1) "Gender Human Rights and Citizen Action" lesson plan, p.178, in the book “How to teach sex well”

.... Teaching "gender diversity" means " Gender Equity Education Act setting up, legislation and implementation...to throw away the traditional gender dichotomy, to recognize and understand the various possibilities of gender diversities and sexual orientations"

(2) ”Gender awareness grows”. It said "gender" gradually replaces the term "two sexes" in this book. It also mentions "seeing multiple and intertwined genders"

5. **The medical statistics will be in a mess in “gender diversity”**. The top ten cancers, life span, body mass index (BMI) or waist circumference for men and women are different in medical statistics. If we can decide "gender" by ourselves, or including sexual orientation, then the statistics will be in a mess in “gender diversity”.

6. **In public security, the crime rate of men and women will also be a question**. When studies point out that male-to-females had a significantly increased risk for crime compared to female controls but not compared to males.³ Should male-to females (transgender women) be attributed to male or female criminals? It will cause great doubts and problems in gender statistics.

II. **Obvious facts show that the translation is wrong but the government**

insisted on going it alone.

In Third National Report of the International Review Conference of the CEDAW on July 20, 2018, there was a proposal from a NGO -- The concept and usage of "biological sex" (sex) and "social gender" (gender) should be defined and used according to the definition of CEDAW. The terms "female" and "male" should not be replaced with the ambiguous term "multiple gender" by the government. This proposal was approved by the CEDAW International Review Committee.⁴

1. However, the government ignored the opinions in the concluding observation and recommendations of the International Review Committee, and still used the words that caused misunderstandings in the Chinese-English translation (see the table below).

² <https://forum.ettoday.net/news/1220387>

³ Dhejne C, Lichtenstein P, Boman M, et al. (2011) Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden. PLoS ONE 6(2): e16885.

⁴ In the discussion at the Review and Presentation of the ROC (Taiwan) CEDAW 3rd National Report 2018 , The Italian IRC Bianca specifies that In the CEDAW jurisprudence the Convention clearly defined that "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. The core of CEDAW is to eliminate all of the sex and gender discriminations as well as race, ethnicity, religion or belief, health, status, age, class, also sexual orientation and gender identity, as multiple factors of intersecting discrimination against women.

2.

| the concluding observation and recommendations of the third National Report CEDAW international committee | |
|--|--|
| English | Chinese translation |
| Meaning and use of the terms “sex” and “gender” | 「性」與「性別」的意義與運用 |
| 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 | 10. 審查委員會關切「性」(sex)與「性別」(gender)二詞在概念上與實際上的不當運用。在CEDAW 法理中,公約提及基於性的歧視,但亦涵蓋對女性基於性別的歧視。「性」意指男女生理上的差異;「性別」意指社會建構的男女身分、歸屬和角色,以及社會賦予這些生理差異的社會文化意義,導致男女之間的階層關係以及權力和權利的分配有利於男性而不利於女性。 |

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| <p>favoring men and disadvantaging women.</p> | |
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| <p>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.</p> | <p>11. 審查委員會建議臺灣政府依照 CEDAW 和 CEDAW 委員會第 28 號一般性建議統一所有法律和政策文件用詞,並促進對「性」與「性別」正確、一致之認知。</p> |
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3. The Executive Yuan held a "closed-door meeting" and ignored the NGO which originally proposed redefinition of sex/gender

In response to the concluding observation and recommendations of CEDAW international committee, Minister of state, Bing-Cheng Luo of the Executive Yuan, held a "closed-door meeting" of Report No. 10 and No. 11 on February 6, 1999. However, he didn't invite the NGO which originally proposed redefinition of sex/gender, so it was unable to fully present various opinions. This meeting did not carefully examine the review committee's recommendations and ignored the UN's definition of 'sex' and 'gender'.

4. In the end, the wrong definition of sex/gender was interpreted as only the translation problem (attachment 2 - The Magic of Disappearing Women in Taiwan). So the government made a comparison table of "Chinese comparing to

English" (see attachment 3) and asked all the Chinese 「性別」 translated into "gender". The term "sex" was disappeared!

5. In addition, the closed-door meeting did not provide a comparison table of "English to Chinese" at the same time. As a result, the "sex" was completely eliminated.
6. 「性別」 referred to "the sexes –men and women" in many laws and regulations originally. If it is changed to "gender", it will be unclear and confusing, because "gender" includes the meaning religion, age.....
7. In addition, the inspection itself presents a contradictory problem. The Chinese term- 「性別」 was regarded as biological sex in all of our major fundamental laws and passports, rather than the fluid social or psychological gender (gender). Therefore, does the term 「性別」 refer to social gender or biological sex? It caused logical confusion in the definition of the same term.
8. The confusion of 「性別」 definition caused by such translation can easily cause confusion in the implementation of laws and policies, and may lead to problems in subsequent government document processing and personal identity.
9. Finally, "multiple gender", which is authoritative and appeared in many policies and conferences in Taiwan, has neither Chinese-English translation, nor English-Chinese translation, nor its definition and explanation of its usage.

Suggestion

1. Clearly defined "Sex" and "Gender" according to the definition of WHO "Gender is used to describe the characteristics of women and men that are socially constructed, while sex refers to those that are biologically determined.⁵" – WHO
2. There should be a clear distinction between sex and gender. 「性別」 should be translated into "biological sex" (consistent with the long-term perception of the public). Gender should be translated as "social gender". The laws and the Gender Equity Education Act should be amended to clearly define "(biological) sex" and "(social) gender".

Then, Gender-related policies, gender statistics, and gender-equal education can be promoted without causing confusion, conflict or even affecting health. Finally, the substantially equality of men and women, and ultimate goal of gender equality of the United Nations gender mainstreaming could be achieved.

5 <https://www.euro.who.int/en/health-topics/health-determinants/gender/gender-definitions>

Attachment

Attachment 1 [What is the definition of sex/gender ? They argue about the Gender Equity Education Act https://forum.ettoday.net/news/1220387](https://forum.ettoday.net/news/1220387)

Attachment 2 [The Magic of Disappearing Women in Taiwan https://feminist-original.blogspot.com/2020/07/discussions-on-definition-of-sex-and.html](https://feminist-original.blogspot.com/2020/07/discussions-on-definition-of-sex-and.html)

Attachment 3 A comparison table of Chinese and English nouns involving "sex" and "gender" <https://gec.ey.gov.tw/File/AC4C8F503D05AE3F/5d73b833-4b8c-45e2-a58b-ee299eab6863?A=C>