



國家人權委員會  
NATIONAL HUMAN RIGHTS  
COMMISSION, TAIWAN

# 2022 Global Cooperation and Training Framework International Conference on Ending Gender-based Violence



## Ending gender-based violence (GBV)

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# Introduction

1

Eliminating GBV important point of departure in advancing gender rights

2

GBV issues in CEDAW, UN Declaration on the Elimination of Violence against Women, Beijing Declaration and Program of Action, Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, etc.

3

UN: **sexual assault, domestic violence (DV), stalking**—3 main threats to women's safety



# GBV definition

## CEDAW:

Violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty.



MOHW 2021 data: 82% sexual assault victims women, 87% suspects men. 64% DV victims women, 72% perpetrators men. 95% sexual harassment victims women, 89% perpetrators men. **When data indicate large gender differences, demonstrates GBV not individual issue but social structural problem.**

# Relevant GBV laws in Taiwan

## 01 Laws regarding prevention of sexual assault, DV, sexual harassment (1997-2005)

Sexual Assault Crime Prevention Act, Domestic Violence Prevention Act, Act of Gender Equality in Employment, Gender Equity Education Act, Sexual Harassment Prevention Act

## 02 Act for Implementation of JY Interpretation No. 748 (May 2019)

Grants same-sex couples equal freedom to marry, making Taiwan 1st Asian country to legalize same-sex marriage

## 03 Stalking and Harassment Prevention Act (Jun 1, 2022)

Criminalizes stalking and harassment. Requires police to immediately investigate reports and take appropriate measures. Courts to issue protection orders, hand out criminal punishments for those who breach the orders.





1

### Human rights Issues

With rapid development of digital technology, digital GBV more pervasive and ever changing.

Practical concerns for privacy, personal safety, bodily autonomy, gender equality.

2

### Government actions

✓ EY makes digital/online GBV prevention key cabinet-level issue for 2022-25 gender equality.

✓ May 2022 national human rights action plan highlights digital/online GBV under digital human rights—one of 8 core issues.

3

### Related law reform

Conduct comprehensive review of current laws, regulations, policies, education, etc. Take into account international conventions and standards of human rights.

Current laws cannot be generally applied. Law reform is necessary.



# Current law limitations

## Digital/Online GBV

### 3

#### Related law reform

March 2022: EY announces amendments to [Sexual Assault Crime Prevention Act](#), [Child and Youth Sexual Exploitation Prevention Act](#), [Criminal Code](#), [Enforcement Law of Criminal Code](#).



Clarify status, penalties for 4 criminal acts: nonconsensual capturing of sexual images, capturing of sexual images by violence or threats, nonconsensual distribution of sexual images, production or distribution of fake sexual images. Impose heavier penalties on illegal filming, production, distribution of sexual images of children and youths.



Tighten requirements on Internet operators to strengthen self-regulation, swiftly remove/block intimate images, inform police.



Victims: Protective measures to preserve dignity and right to justice.  
Perpetrators: Community treatment, supervision, and counseling to prevent recidivism.

### 4

#### Key issues

- Bill to block/remove adult intimate images yet to be proposed. (NB)
- Legislation needed to combat new forms of digital GBV, including fake images produced by AI.

(NB)Article 46 of Protection of Children and Youths Welfare and Rights Act: To prevent children and youths from seeing the Internet contents that will harm their physical and mental health, the Internet platform providers shall take measures to limit the receiving and browsing of the harmful Internet contents or remove the harmful Internet contents in advance.



## Current legal framework



- 1. workplace sexual harassment—  
Act of Gender Equality in Employment**
- 2. school campus sexual harassment—  
Gender Equity Education Act**
- 3. sexual harassment not covered by above laws—  
Sexual Harassment Prevention Act**



# Ending sexual harassment & assault



## Legal process

- System shall reduce repeat testimony by sexual assault victims to avoid repeat trauma.
- especially in cases with children & people with disabilities, to protect right of the victim to testify in court, forensic interview system should be formed and expert witnesses asked to assist.
- Judges should stop sexist statements and behaviors in trial.
- The judicial process should also consider the best interests of victims and the intent of invoking international human rights conventions.

## ● Abuse of power

### Article 228 of the Criminal Code

In deciding on abuse of authority cases, blame should not be ascribed to victim's character or response— overlooks whether perpetrator fulfilled responsibility to confirm sex was consensual. (Supreme Court 2020, 2021)

Criminal Code chapter on sexual offenses protects legal right to sexual autonomy. All sexual behavior must be based on mutual respect and consent. (Supreme Court 2020, 2021)

In view of the particularity of the context of power rape incidents, It is needed to raise Judges/prosecutors' awareness.

# Ending sexual harassment & assault



## Child/youth sexual assault: Issues government should confront

01

### Hidden figures of abuse in schools

Reporting System not implemented. Children/youth rights to express opinions ignored. Most victims choose to put up with sexual assault, so hidden figures continue to exist.

02

### Improve protection of whistleblowers

In awe of power and institutional culture, etc., whistleblowers often not dare to disclose, or, are afraid of receiving mistreatment due to disclosure. Government should improve protection mechanism of whistleblowers in child/youth sexual assault cases.

03

### Prevent recidivism

Child/youth sexual assault offenders were the most likely to reoffend. It is needed to stop reoffending by making the best of monitoring technologies and escape prevention.

04

### Protect child/youth privacy rights

- According to relevant laws of Taiwan, to protect children's right to privacy, online media, shall not report or disclose children's names or other information sufficient to identify them.
- Online & social platforms should implement self-discipline mechanisms, and should not use freedom of speech to evade their social responsibilities.
- To curtail rampant online bullying, government agencies must study effective countermeasures to protect child/youth privacy rights in the digital era.

# Ending sexual harassment & assault



## Child/youth sexual assault

NHRC systematic investigation:

Issues of Sexual Assault in Placement Institutions for Children & Youth and on School Campuses

### Why is it needed?

- 64.6% of reported sexual assault victims are children/youth. Most junior high, elementary, senior (technical) high school students. Institutional cases increasing yearly.
- CY investigation: Schools/institutions concealed cases, destroyed evidence of multiple incidents for years. Investigation units/agencies also failed. Child/youth sexual assault a pervasive, systemic problem.

### How will we do it?

- State must listen to victims.
- Investigate Victims' Experience.
- Analyze systemic reasons for sexual assault in schools/institutions. Explore deficiencies of Taiwanese society, culture, structures. Offer practical, feasible recommendations to build a safer environment for children & youth.

# International committee issues on Taiwan's human rights reports

## 2018:3rd CEDAW report

- 01** Government must raise awareness of online violence, establish **monitoring mechanism to deal with hate speech**, assess effectiveness of measures, design remedial actions. Special attention for **women who suffer intersectional discrimination due to gender-based or ideological hate speech: lesbian, bisexual, transgender, and intersex individuals**.
- 02** Government should **systematically collect data on nature of VAW**, disaggregated by form of violence, age, disability, ethnicity, perpetrator-victim relationship. Also data on crime reports, prosecutions, convictions, sentencing, victim compensation.

## 2022: 3rd ICCPR & ICESCR report

- 03** International review committee **echoes NHRC's view on seriousness of digital/online crime, GBV, and other human rights violations**. Although government plans to amend laws and step up penalties and protections, committee is concerned that content is hard to delete from digital/online platforms and victimization will continue.  
  
Committee recommends **government takes legal, executive, financial, educational, and other steps to deal with digital/online crime and gender-based abuse. Victims should receive reparation, including deletion of images**.



# Conclusion



**STOP  
VIOLENCE  
AGAINST  
WOMEN**



The UN designated November 25 as the International Day for the Elimination of Violence Against Women in 1999. There is still a long hard road ahead before GBV can be eliminated. I hope this conference will create opportunities to discuss various challenges and solutions. Let's work with our partners around the world to advance the cause of global gender equality together.



# The End

## Thank you for listening



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