

## **The Third CEDAW Shadow Report**

### **Issue 1: The Issuance of Domestic Violence Protective Orders**

#### **I. Response to Specific Parts of the National Report or Opinions offered by the Public**

1. Response to Paragraph 28 under Article 2 of the Third CEDAW National Report. In 2017, the issuance of protective orders took 48.87 days on average, and the issuance of temporary protective orders took 25.27 days on average. The Domestic Violence Prevent Act requires emergency protective orders to be issued within 4 hours of request, however, according to actual data<sup>1</sup> released by the Judicial Yuan, the average processing time from 2012 to 2017 was 24 hours (1 day).

2. In the Review of Taiwan's Second Report on the Implementation of CEDAW, the Review Committee recommended that the government "ensure that protection orders are timely issued as provided by the law" (Paragraph 18) and "conduct a study of all the impediments for women to access the courts and remedies" (Paragraph 12).

3. As required by the Non-Litigation Act, petitions for and appeals of protective orders in Taiwan are reviewed by judges of the District Courts. According to statistics of the Judicial Yuan, the number of petitions for protective orders has been steadily rising. There were 25,969 petitions from January through July in 2016, and there were 14,677 petitions in the same period in 2017. In addition to protective order petitions, the judges also handle family cases, which amount to over 120,000 a year (not including protective order petitions). However, the number of judges serving in family and juvenile courts was 132 in 2016, with each judge handling about 95 new cases each month.

4. Moreover, the appeals for protective orders are also handled by District Court judges. This not only increases the workload of the judges, but also affects the impartiality of the judges, since they have to review the decisions of colleagues who are either their friends or have seniority, thus negatively impacting the rights of victims.

5. Currently, judges tend to be conservative when reviewing evidence in petitions for protective orders; in particular, evidence of emotional abuse, financial abuse, and abusive litigation are not easily admitted.

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<sup>1</sup> Judicial Yuan, <http://www.judicial.gov.tw/juds/report/sf-33.htm>

The Domestic Violence Prevention Act does offer protection for children who witnessed the acts of violence, but in practice it is hard to have these children covered by protective orders unless there is evidence of physical abuse of the children.

6. Example: A domestic violence victim in Taiwan named Wang<sup>2</sup> and her family were hit with over 40 criminal and civil lawsuits initiated by her husband's family, with the intent of emotionally abusing and pressuring the victim so that she would give up custody of her children, who witnessed the abuse. Currently, the legal system cannot stop such kind of malicious behavior, so the victims and their families continue to live under the threat of abusive litigation.

## II. Specific Policy Recommendations

1. In order to ensure the safety and protect the rights of the victims, children who witnessed the abuse, and family of the victims, the issuance process of protective orders should be expedited and evidence review in these cases should include evidence of non-physical abuse.
2. The Judicial Yuan should increase the number of District Court judges who serve in family court. The Non-Litigation Act should be amended to lessen the caseload of judges and avoid situations where judges, ruling on appeals, face pressure from peers or more senior colleagues.
3. The number of lawsuits resulting from abusive litigation will continue to rise. The scope of protective orders should be extended to include protection from abusive litigation, and courts should establish procedures or mechanisms to prevent abusive litigation.

## **Issue 2: Gender Discrimination, Myths, and Stereotypes in Media Representation of Abuse**

### I. Response to Specific Parts of the National Report or Opinions offered by the Public

1. Response to Paragraph 7 under Article 2; Paragraphs 29, 30, 31, 34 35, 38 under Article 5 of the Third CEDAW National Report

In media coverage of domestic violence and sexual assault (especially cases involving incest, assault of

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<sup>2</sup> <http://www.storm.mg/article/226442>

migrant workers, rape in schools, etc.), headlines often use objectifying and discriminatory language, and in cases involving celebrities, words like “domestic violence” are directly attached to the name or nickname of the celebrity (Examples: “Mother-Daughter Combo”, “Public Toilet”, “Domestic Abuse Princess”). News of sexual violence resembles pornography, catering to male viewers with animation and graphics to illustrate the incidents; video evidence provided by the victims of sexual assault is broadcast around the clock on television, the internet, and social media. For certain media outlets, this type of vulgar language becomes standard when covering similar incidents of sexual abuse. For instance, in cases where a male perpetrator sexually abuses the daughter of his female partner, the phrase “enjoying a mother-daughter combo” is frequently used to describe the act of the perpetrator, emphasizing the salacious aspects of the story for male viewers. The use of such language and descriptions not only adds insult to injury for the victims, but is also a severe insult to all women in this country; ideologically, it is blatant sexual discrimination, which goes against the recommendation stated in Article 14 of the Review of Taiwan’s Second Report on the Implementation of CEDAW, and severely violates the basic spirit of the CEDAW.

Article 50-1 of the Domestic Violence Prevention Act sets the following restrictions on the coverage of domestic violence and family incest in the media: “No promotional material, publications, radio, TV, Internet or other media shall report or record the name of any victim or his/her minor children or any information that can be used to identify the victim or his/her minor children.” This article only prohibits the disclosure of the name and other personally identifiable information of the victim; there is no regulation of the reporting on details of the case, including the nature of the sexual acts committed, which may violate the privacy of the victim. There have been cases in the coverage of domestic violence cases, where the victim was recorded at the entrance of her home without her knowledge, and the address sign at the entrance clearly visible to viewers; the footage was posted on the internet and still remains publicly accessible. However, the regulatory agency National Communications Commission (NCC) has ignored these transgressions committed by media outlets, even though they violate the aforementioned Article 50-1 of the Domestic Violence Prevention Act and Paragraph 24 of the CEDAW General Recommendation No. 19, which states that “effective measures should be taken to ensure that the media respect and promote respect for women.”

## II. Specific Policy Recommendations

1. Aside from public supervision and self-regulation of the media industry, the NCC should detail its

active efforts in penalizing media representation of abused and disadvantaged women that contains inappropriate disclosure of personal information, violation of privacy, and sexual discrimination. The agency must also determine whether the existing mechanism allows for transparent disclosure of the execution, evaluation, and results of its oversight measures.

2. Instead of passively relying on complaints and reports from the public, the NCC should create an audit and review program, which actively monitors media representation of domestic violence, and penalizes objectifying and discriminatory language aimed at women. This type of initiative by the NCC, to prevent distorted and discriminatory representation of sexual violence in the media, is in accordance with Paragraph 24 of the CEDAW General Recommendation No. 19, which states that “effective measures should be taken to ensure that the media respect and promote respect for women.”

Related Links 1 : SETN News, <http://www.setn.com/Klist.aspx?TagID=134812>

Related Screen Capture 1-1 : (The phrase “Mother-Daughter Combo” in headlines)



#### 老鼠咬布袋 誘拐老闆家人大嗑母女丼

彰化一名莊姓男子在2004年間受雇於家具行擔任送貨司機，期間與東家相處融洽，還認老闆姪女當乾女兒。想不到養老鼠咬布袋，莊男居然在老闆家裝設針孔偷拍，還...



#### 女愛繼父還多次墮胎 跪下求母成全

中國有一起令人匪夷所思的亂倫案件。湖北省一名王姓女子，和母親愛上同一個男人。而且這男人居然就是她的繼父，她還為了繼父多次墮胎憤志一起看A片。



#### 獸警大嗑「母女丼」 最後結果GG惹

一名航警局的員警，6年前以教英文和幫忙洗澡等理由，性侵女友2名14歲和11歲的女兒長達4年，在女友家大享「母女丼」。遭法院判處14年有期徒刑，外加民事...

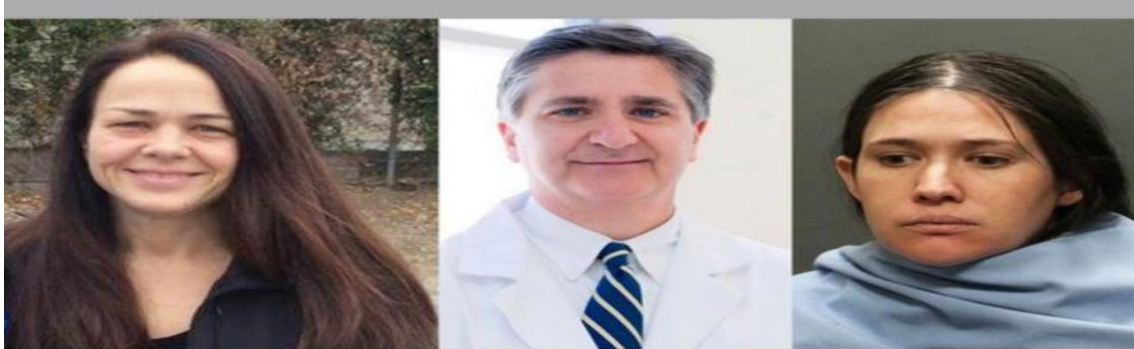
Related Screen Capture 1-2 : (The phrase “Mother-Daughter Combo” in the headline of a sexual assault case in the United States)

# 美變態醫師幻想吃「母女丼」 綁架性侵3名女童恐被判165年

風向新聞

風向新聞

Kairos 2017年6月26日 下午6:34



Related Links 2 : Liberty Times, <http://ent.ltn.com.tw/news/breakingnews/2127804>

Related Screen Capture 2-1 : (The phrase “Domestic Abuse Princess” in headline)

家暴千金主播夢碎 登遼寧號膜拜「中國強」

2017/07/11 10:16

讚 9

分享    



王敏（右二）與姊姊王瑄開心登上遼寧號。（翻攝自臉書）

Related Screen Capture 2-2 : From Formosa TV News



Related Screen Capture 2-3 : From Apple Daily News

<http://www.appledaily.com.tw/appledaily/article/finance/20150926/36800350/>



## 宣昶有連線法醫 驗傷單有5疑點

2015年09月26日

傳送

讚 13

G+



宣昶有（左）與律師（右）指出王敏驗傷單，有很多不合理值得懷疑之處。莊宗達攝

【蕭文康／台北報導】聯電（2303）榮譽副董宣明智長子、宣捷生技總經理宣昶有提出馬偕醫院回覆公文，指妻子王敏先前驗傷單不具法令效力，法醫石台平昨越洋與記者會場連線，他對王敏的驗傷單提出5點質疑，包括就醫時間慢及受傷顏色變化，同時，他也認為該診斷書未完成，就只是1張紙而已。

宣昶有昨早召開記者會與人在美國的石台平越洋連線，石台平針對王敏驗傷單指出，第1是如果家暴，一般就是要給對方好看，臉

部是常被攻擊的地方，但這案件中並沒有。

第2，是就醫時間慢4天，因受害者對凶嫌動向沒法掌握，通常會躲到醫院保命，取得第3方保護，第3是驗傷診斷書前後不符，疼痛是主觀認定，不是客觀，第4是觀察記載傷勢必須記錄顏色，因傷口為隨時間改變顏色，希望能進一步看到當初的相片，第5是診斷書未完成，不具效力，欠缺另3個章，「就只是1張紙而已。」

**Issue 3: The government should oversee and implement preventive measures against human trafficking through legislative efforts and inter-agency collaboration.**

**I. Response to Specific Parts of the National Report or Opinions offered by the Public**

**1. Response to Paragraphs 2, 5, 10 under Article 6 of the Third CEDAW National Report**

1. In the Review of Taiwan's Second Report on the Implementation of CEDAW, experts recommended the government "to establish a permanent, dedicated unit within the National Police Department to prevent and investigate these cybercrimes [related to trafficking and exploitation of prostitution]", and information gathered by this unit to "be shared across other investigatory and command units" (Paragraph 16). Please report any progress made on the establishment of such unit. Moreover, due to the global reach of these cybercrimes, we recommend hiring more talented investigators who are fluent in multiple languages to effectively prevent and investigate cybercrimes related to human trafficking.

2. Brokerage agencies should be a key line of defense against human trafficking, but in practice domestic agencies, in collusion with brokers in the home countries of the workers or employers, are often the ones exploiting the migrant workers. Even if they are not actively exploiting workers, they may be unresponsive and unhelpful when workers require assistance. Therefore, the government should review the evaluation process of brokers and determine whether the evaluation grades reflect the actual services delivered by the agencies. The evaluation committee should include members who are familiar with migrant worker issues and members from non-governmental organizations.

3. The National Immigration Agency stated that, in order to protect the civil liberties of the victims, shelter service can only be provided up to one month once amendments to the law go into effect. Nonetheless, once the victim leaves the shelter, she is easily contacted by her captor, and the probability of being trafficked again is very high. We request the National Immigration Agency to explain what type of follow-up assistance they will provide to victims who leave the shelter.

4. Effective labor inspection leads to early identification of and assistance to potential victims of human trafficking. We would like the government to release data on labor inspection at every city and county government, including the number of labor inspectors, the frequency of inspections, detail accounts of inspections, and the number of cases where the labor inspector uncovered violations and provided assistance, so we can get a better picture of the effectiveness of the inspectors. In particular, we would like the Ministry of Labor to provide data on labor inspections of domestic caretakers or helpers, including the number of inspections and violations in every city and county. We also recommend increased inspection of high-risk cases, like employers with multiple violations on record.



5. Although there is a dedicated hotline (1955) for foreign workers, complaints received on this hotline are not handled in a consistent manner by local labor officials; in some cases the broker is asked to deal with the issue. We ask the Ministry of Labor to review how complaints are processed at local departments of labor and instruct the labor officials to contact the migrant workers directly, with the help of a qualified interpreter if necessary.

**Issue 4: Please describe medical assistance provided to stateless children and release data on other services provided to these children.**

**I. Response to Specific Parts of the National Report or Opinions offered by the Public**

**1. Response to Paragraphs 5, 10 under Article 9 of the Third CEDAW National Report**

2. According to Article 22 of the Protection of Children and Youths Welfare and Rights Act, the law will “protect the social welfare services, medical care, and schooling rights and interests of the children and youth”, who are stateless or have no household registration. However, in reality most social welfare departments of the government are not aware of the law; even when officially instructed to provide medical care to these children, local health departments are not willing to do so, resulting in a law that has no effect. This indicates there is still room for improving the promotion and implementation of this policy.

3. We would like to obtain data on services provided to stateless children in 2016 from government agencies that are responsible for such services.

**Issue 5: Prevent Sexual Violence Against Children**

**I. Response to Specific Parts of the National Report or Opinions offered by the Public**

**1. Response to Paragraphs 35, 37 under Article 2 of the Third CEDAW National Report**

The government only compiles statistics of family incest, but provides no solutions that will lower the number of such incidents. Victims who are removed from their homes lose their connections with other family members, making it harder for them to be reunited with their families later on. The existing protection and foster service for children, especially those who are victims of incest, are inadequate and must be improved for the sake of the children’s healthy development

2. The government of Taiwan amended the Sexual Assault Crime Prevention Act in 2015, adding a classification procedure for reported cases of sexual assault. A discussion of the reporting of sexual assault of children should include cases involving underage couples. In Taiwan, consensual intercourse between two underage people where one person is under the age of 16 is treated as a criminal case, to which the mandatory reporting requirement in the law applies. The unfortunate consequence of the law is that these cases end up being handled by the social welfare and legal system, with little involvement from schools or other educational institutions. Certain cases end up being resolved privately, and

adolescent sexual issues are worsened as a result.

## II. Specific Policy Recommendations

1. We recommend the Ministry of Health and Welfare complete a comprehensive examination of its procedures on sexual abuse cases involving family members. For instance, using procedures implemented in other countries as a guide, evaluate the feasibility of adding the power to evict a perpetrator from home with a protective order in Taiwan, and draft a new set of procedures for law enforcement, health administration, and welfare agencies.
2. Decriminalize consensual intercourse between underage teens: We recommend amending the Sexual Assault Crime Prevention Act so that mandatory reporting of cases involving consensual sex between underage teens is no longer required. Mandatory reporting should only apply to the following cases: sexual acts performed without consent, sex between an adult and a minor, or relationships where one party holds enormous power over the other. Local governments should set up numerous aid centers within their medical care, education, and social welfare departments that offer counseling services to teenagers on sex and relationships.

## **Issue 6: Protect the Legal Rights of Women who are Victims of Sexual Assault**

### **I. Response to Specific Parts of the National Report or Opinions offered by the Public**

#### **1. Response to Paragraphs 25, 26, 31 under Article 15 of the Third CEDAW National Report**

The Taiwanese government has offered professional knowledge courses to judicial officials, prosecutors, and law enforcement officers, but there is no method in place to measure the effectiveness of these courses on raising gender awareness. There have been plenty of examples of law enforcement officials causing additional distress to victims who appear in court with their social workers. Moreover, the language used in written rulings not to prosecute or the court's verdict is filled with myths and stereotypes of sexual assault, or ignorance of the unequal power or physical strength between the perpetrator and the victim, which causes fear in the victim and makes her unable to defend herself. In assisting victims of sexual assault, the Garden of Hope Foundation has encountered many examples of arguments from the courts that lack gender awareness and gender sensitivity: "Why didn't the victim bite the penis of the attacker? Run away? Call for help?", "... victim was not in an situation where she had no contact with the outside...", "...accuser does not seem like a victim; she has a calm demeanor with no expression of fear...", etc. The victims in these cases are questioned or even blamed by the courts, and this ignorance of gender issues makes these female victims unable to seek justice and protection from the legal system.

Currently, sexual assault victims are reliant on prosecutors during legal proceedings. Aside from being able to press charges during the investigation phase, in all other phases the victim can only act as a witness and is not actively involved in the prosecution of the perpetrator. From our experience, many victims expect to witness justice being carried out in the legal proceedings and hope to recover from their traumas through participation in the judicial process.

### **II. Specific Policy Recommendations**

1. Judiciary departments should set up channels for people, like social workers who accompany victims in court, to report issues that may arise during court sessions. There should also be a supervision and evaluation mechanism in place to lower the amount of emotional damage the court procedures inflict upon sexual assault victims.
2. The Ministry of Justice should conduct a special review of written rulings of no prosecution and court verdicts to identify gender-specific issues, increasing the professional knowledge of judicial officials on cases involving women and children.
3. Increase the involvement of sexual assault victims in the prosecution of the perpetrator. In order to protect the judicial subjectivity of the victim, we recommend

designing a system that allows the participation of the victim in all phases of the prosecution, including the investigation, indictment, trial, and sentencing. Moreover, the Ministry of Justice should revise language in the written notification of the rights of plaintiffs and victims to make it easier to understand.

4. The National Report did not report data on One-stop Sexual Assault Evidence Collection in Taiwan. For instance, the percentage of prosecutors in Taipei who interview the victims in person is low. Currently, the duties and responsibilities are not clearly assigned between the National Police Agency and the Ministry of Health and Welfare. We recommend the Ministry of Justice should be the agency in charge of procedures aimed to reduce the number of times a sexual victim has to give official statements.
5. In order to protect the rights of the victim the Ministry of Justice should require the prosecutor in court and the investigating prosecutor be the same person.

**Issue 7: The lack of obstetric care increases the health risks of pregnant women in remote areas.**

I. Response to the National Report

1. Response to Paragraphs 40, 44, 47 under Article 14; Paragraph 28 under Article 12 of the Third CEDAW National Report

In response to Paragraph 28 of Article 12 and Paragraph 40 of Article 14 of the Third National Report: Medical resources are scarce in remote areas of Taiwan, including obstetric and gynecological care for women. Looking at the number of doctors in each specialty at the township and country-controlled city level, we find the percentage of areas with no doctors specializing in obstetrics and gynecology to be quite high. Even though a woman is entitled to ten prenatal visits and one ultrasound during her pregnancy, the lack of obstetric care makes it difficult for pregnant women in remote areas to receive prenatal care in close proximity of where they live; they have to travel long distances to obtain such care, which can be detrimental to both the mother and unborn child. The government has offered comprehensive services to aboriginal women, including guidance on prenatal and postnatal care, fertility counseling, and referral services, but these services cannot completely replace prenatal visits. Hence the lack of access to prenatal care remains a heavy burden for pregnant women in remote areas.

In response to Paragraphs 44 and 48 of Article 14 of the Third National Report: For residents of remote areas, the nearest hospitals are quite far away and time-consuming to travel to for medical care. The Ministry of Health and Welfare established the Integrated Delivery System (IDS) to serve those living in remote and mountainous areas and off-shore islands, but obstetric and gynecological care is not always included in this program. Using Taitung Christian Hospital as an example, IDS care scheduled in September of 2017 did not include OB/GYN care. Some hospitals or clinics do provide OB/GYN care as part of the IDS program, but availability is limited or nonexistent, as seen in the Xinyi Township Public Health Center in Nantou County. This casts serious doubt over the ability of the IDS program to provide adequate OB/GYN care that meets the demands of pregnant women in remote areas.

The following is a real case of a pregnant woman located in a remote area, to which the Foundation provided counseling services. A girl residing in Xinyi Township in Nantou County had to ride her scooter for more than an hour to Shuili Township; from there she took the bus for more than an hour to Mingjian Township, where the prenatal checkup takes place. She was able to receive ten prenatal checkups, but some checkups were delayed due to weather or bad road conditions. Another woman in Nantou County we assisted had to travel from Ren'ai Township to Puli Township for her checkups, which took more than an hour. She had to take the bus or ride her scooter for the trip, and considering

the long trip and her financial situation, she sometimes had to cancel her scheduled checkups. In the end, she received only eight checkups prior to the delivery.

There is also a lack of doctors and medical equipment for childbirth, with only a few hospitals and clinics being able to deliver babies. A pregnant woman must travel long distances to get to a hospital with the necessary resources to deliver a baby. This problem is exacerbated by the lack of prenatal care described in the preceding paragraphs. Some pregnant women are not able to regularly receive prenatal checkups at the hospital where they intend to deliver their child, resulting in the doctor delivering the child being different from the doctor who conducted the prenatal checkups. Hence, the doctor delivering the baby may not be familiar enough with the patient, increasing the difficulty of delivery.

## II. Specific Policy Recommendations

1. The Ministry of Health and Welfare should explain why its policy of increasing obstetric and gynecological care in remote areas has made little progress, and offer proactive policies to remedy the situation.
2. The Ministry of Health and Welfare should provide detailed statistics on the implementation of the IDS program in each county and city, including locations of IDS services, the types of specialty care provided, actual frequency of IDS services, number of patients served, frequency and reason for service suspension, and availability of prenatal care.
3. The Ministry of Health and Welfare should collect and publish data on: (1) the difference in the number of prenatal checkups between pregnant women in remote areas and those in non-remote areas and (2) the amount of time pregnant women in remote areas spend on traveling to receive prenatal care. We also ask the Ministry to offer policies that will increase access to prenatal care for these women.

### References:

[http://www.tma.tw/tma\\_stats\\_2016/2016\\_stats.pdf](http://www.tma.tw/tma_stats_2016/2016_stats.pdf)

[http://www.tch.org.tw/tchweb/opt\\_list.aspx](http://www.tch.org.tw/tchweb/opt_list.aspx)

[https://www.ntshb.gov.tw/bureau\\_13/outPatient/detail.aspx](https://www.ntshb.gov.tw/bureau_13/outPatient/detail.aspx)

### Media coverage:



<https://www.thekono.com/titles/mamababy/magazines/52ad3cfed33b5/articles/4265691c-9046-486e-97ce-34094fc2bb9c>

<https://udn.com/news/story/7266/2629074>

**Issue 8: The provisions in the Genetic Health Act on abortion that require spousal consent for married women and consent of a legal guardian or assistant for minors are a violation of a female's reproductive right and must be amended.**

I. Response to Specific Parts of the National Report or Opinions offered by the Public

1. Response to Paragraph 29 under Article 16 of the Third CEDAW National Report

From Article 12 of the CEDAW and Paragraph 14 of General Recommendation No. 24, we believe the spirit of the CEDAW is supportive of a woman's right to abortion and the elimination of obstacles that prevent women from obtaining abortions.

Married women seeking abortions must obtain consent from their husbands in accordance with Article 9 of the Genetic Health Act. However, the law itself provides no resolution mechanism if the husband and wife disagree on the decision to terminate the pregnancy. The Taichung District Prosecutors Office once prosecuted a woman who obtained an abortion without her husband's consent. This woman was alienated from her husband and did not wish to have more children with him. In another case, a woman, who was separated from her husband due to emotional abuse, discovered she was pregnant and wanted an abortion. But the hospital would not allow her to have the procedure without written consent from her husband. For women who are victims of domestic violence, mere contact with their spouses will put them in jeopardy, let alone obtaining consent to an abortion. This statutory requirement violates the reproductive autonomy of women and goes against the purposes outlined in Articles 12 and 16 of the CEDAW, which uphold right to health care and equality in marriage and family relations, respectively.

The Genetic Health Act also requires the consent of a legal guardian or assistant for abortions performed on minors. However, in Taiwan a stigma is attached to pregnant minors and patriarchy still rules in many families, therefore pregnant minors are afraid to tell their parents of their pregnancies and abortions are delayed as a result. We have seen reports in the media of young girls getting abortions in the fourth or fifth month of the pregnancy because they were unable to notify their parents earlier. There are also plenty examples of legal guardians and pregnant minors having different opinions on terminating the pregnancy. In one of the cases assisted by our foundation, the pregnant minor wished to keep her child, but the parents demanded an abortion; their demands persisted until it was no longer safe to have an abortion. Moreover, if the minor is from a dysfunctional or complicated family, she often does not want to seek help from her parents; in certain instances, the pregnancy was actually a result of sexual abuse from a family member. So it is very difficult, if not impossible, for the minor to obtain consent from a legal guardian in these cases.

The Genetic Health Act requires the consent of a legal guardian for abortions performed on minors, effectively giving the reproductive right of the minor to the legal guardian. As a result, OB/GYN clinics that comply with the law will not perform abortions on minors without the consent of their guardians, forcing such minors to seek treatment from unlicensed doctors or take abortion medications on their own, thus increasing their health risks. It is also possible while a pregnant minor is discussing abortion with her parents or weighing her options, the pregnancy may reach the stage where it is no longer legal to have the procedure, therefore losing her right to decide whether to keep the pregnancy.

Currently, only women who are twenty years or older have the right to request an abortion on their own. However, in Taiwan the age of consent is 16, and the age of full criminal responsibility is 18. This creates a situation where an eighteen-year old woman can consent to sexual intercourse and assume full legal responsibility for her actions, yet cannot receive an abortion without parental consent.

## II. Specific Policy Recommendations

1. Remove the spousal consent requirement in the Genetic Health Act for married women who wish to terminate their pregnancy, thereby protecting the reproductive freedom of all women. If spousal consent is still required, we recommend adding an option of obtaining consent from a third party: when a married woman intends to terminate her pregnancy and her spouse disagrees, a third-party medical or social welfare organization can, with the best interest of the woman in mind, intervene and make the final decision.
2. Allow women who reached the age of 18 to obtain an abortion without parental consent, making it consistent with the age of full criminal responsibility defined in the criminal law.
3. In order to ensure the reproductive rights of women and respecting the rights of minors, minors under the age of 18 who wish to terminate their pregnancy should have the option to obtain consent from a third party. If the legal guardian does not consent to the abortion, or in cases where the parent or legal guardian is absent or estranged from the minor, and therefore cannot offer consent, a third-party medical or social welfare organization, with the best interest of the minor in mind, can decide whether to terminate the pregnancy.
4. The Executive Yuan should instruct the Ministry of Health and Welfare to draft an amendment to the Genetic Health Act, which incorporates aforementioned protections of women's and minors' reproductive rights, and send the draft to the Legislative Yuan to initiate the law amendment process by the end of 2018.

**Issue 9: The protection of the right to education of pregnant students should be implemented through proactive and concrete measures, as opposed to passive, bureaucratic procedures**

**I. Response to Specific Parts of the National Report or Opinions offered by the Public**

**1. Response to Paragraphs 19, 20, 21 under Article 10 of the Third CEDAW National Report**

1. From 2012 to 2015, the number of pregnant women under the age of 20 was approximately 3,000 every year. According to data released by the Examination Yuan, the number of underage pregnant students in 2014 and 2015, who were in senior high school or lower grades (including senior vocational school, junior high school, and elementary school), was 411 and 368, respectively. The percentage of underage girls enrolled in school is quite high in Taiwan (net enrollment ratio in 2016 for girls aged 15 to 17 was 94.83%), which means most pregnant minors are currently in school. However, there is a huge gap between the number of pregnancies reported by schools and the actual pregnancies that occur, indicating most students do not notify their schools of their pregnancy.
2. Minors who wish to return to school after giving birth must face the challenges of parenting. The cost of the childcare is the biggest obstacle, but even with financial support, these minors face the difficulty of balancing various roles as student, mother, wife, daughter-in-law, etc. According to data collected by the our foundation, the percentage of minors who go back to school after giving birth is between 10% and 20%. Even for those who return to school, there still exists plenty of uncertainties, including whether the young mother can stay in school or eventually obtain a diploma. Hence only a fraction of the young mothers who return to school can complete their high school or vocational school studies. The Gender Equity Education Act offers some protection of the right to education of pregnant minors, but in practice, aside from the retention of student status and flexibility in grading or evaluation, there is no proactive or concrete measures in the law to achieve this goal. The Ministry of Education issued the Directions Regarding the Protection of Education Rights and Counseling of Pregnant Students (“Directions”); while the intent of these rules match the anti-discrimination spirit of the CEDAW, they nevertheless lack both preventive measures to lower the dropout rate of pregnant minors, and substantial support for parenting students.
3. Article 7 of the Directions mentions the integration of resources across multiple fields, offering services to pregnant or parenting students that include academic counseling, case referral, placement, career counseling, family support, financial security, legal aid,

and interdisciplinary and adaptive education. There should be more supplementary provisions in the law to provide substantial support for pregnant and parenting students, especially considering the meager aid from social welfare is not enough to help these students overcome the obstacles to returning to school.

## II. Specific Policy Recommendations

Hard data is needed to measure the effectiveness of aid:

1. Please tell us how many students have benefitted from the Directions since it was introduced in 2005; in particular, we need a detailed description of how return to school ratios are computed. This will give us a better picture of how the rights of pregnant students are protected at school.
2. Missed Exam Policies for Pregnant Students
3. For students who miss exams due to pregnancy or recovery after childbirth, there should be flexible procedures in place for makeup opportunities, thereby minimizing the disruption to learning.
4. Specific Aid to Parenting Students Returning to School
  1. **Financial Support.** In order to alleviate the economic burden of childcare, parenting students should be given priority or a higher amount of support when awarding financial aid; a cross-departmental fund should be set aside for this specific purpose. Moreover, parenting students experiencing financial hardship should be granted tuition reductions or waivers, or other additional aid.
  2. **Educational Support.** Offer courses or information on newborn care or individual guidance on the topic. For students with partners, provide counseling on safe sex.