

National Report: Taiwan

【 Table of Content 】

Introduction	1
1. Basic National and Organisational Figures in 2022	3
2. Impact of the COVID-19 Pandemic on Taiwanese Society, Democracy and Human Rights, and the Judicial System	4
3. Challenges and Crises of Democratic Systems or Human Rights Protection Unassociated with COVID-19	11
4. Impact of the COVID-19 Pandemic on the LAF	14
5. Major Changes of the LAF over the Past Five Years	20
6. LAF ICT Applications for Legal Assistance	30
7. LAF Organizational Digitalization	34
8. LAF Specialized Legal Assistance for Specific Populations or Issues	37
9. LAF Strategic Litigations and Class Actions	40
10. Citizen’s Participation in Taiwan’s Judicial System and the Role of LAF	43
11. Protection of Crime Victims in Taiwan and the Role of LAF	43
12. Research on Legal Needs and Patterns of Seeking Legal Services in the Past Five Years	45
13. Implementation of International Human Rights Conventions in Taiwan and LAF’s Efforts	47

Introduction

As Taiwanese society gradually transitioned into democracy in the 1990s, civil organizations such as the Judicial Reform Foundation, Taipei Bar Association, and Taiwan Association for Human Rights began dedicating themselves to promoting the establishment of a legal aid system in 1998, and their efforts were recognized by the Judicial Yuan and the Ministry of Justice, with a consensus reached in 1999. With the support of various parties, the third reading of the [Legal Aid Act](#) was passed at the end of 2003 and was promulgated in January 2004. Following this, the Legal Aid Foundation (hereinafter, the “LAF” or “the Foundation”) was established with the Judicial Yuan’s endowment in accordance with the said Act in July of the same year. Since its establishment in 2004, the LAF has set up 22 branch offices nationwide. In

addition to examining legal aid applications submitted by the public and assigning lawyers to assist in cases that are eligible for aid, the Foundation also provides preventative services such as legal advice and legal education to prevent legal issues from escalating. Furthermore, LAF staff lawyers have actively taken in significant and socially relevant class actions and strategic litigation. More information about the LAF's organizational structure, supervisory mechanism, service models and types of services, eligibility standard and types of legal aid grants, financial status and funding sources have all been described in Taiwan's national reports to the past four international forums.

Since the previous International Forum on Legal Aid was held in 2018, the world has undergone significant and dramatic changes on various fronts. Events such as the COVID-19 pandemic, the tensions between democracy and anti-democracy, conflicts and wars, and the rapid advancements in artificial intelligence and technology have brought about impacts on various aspects of Taiwanese society, including its economy, democracy, human rights, judicial system and access to justice, serving as both challenges and reminders. In addition, Taiwan has also experienced reforms in its judicial system over the past few years, and these changes have had an impact on the policy development of legal aid and the Foundation. This report seeks to follow the outline of the national report published in the forum and provide explanations on various topics, including Taiwan and the LAF's response to the COVID-19 pandemic, democracy and human rights, technological advancements, judicial system regarding people's participation in trials, and support for crime victims, etc.

1. Basic National and Organizational Figures in 2022 (Table 1)

National information¹				
Name of country	Population (as of the end of 2022)	Gross domestic product (GDP) (preliminary statistics as of the end of 2022)	Poverty line and number of people below it	Number of Practicing lawyers
Taiwan	23,264,640	US\$762.67 billion Per capita GDP is US\$32,811	In 2022, the lowest living index in different counties and cities varied from NT\$12,792 to \$18,682 per month (equivalent to approximately US\$430 to \$628), or between US\$14.33 to \$20.93 per person per day; this applies to approximately 288,703 people nationwide, or roughly 1.24% of the total population ²	Approx. 11,226 ³
Legal aid organization information (as of the end of 2022)				
Organization name	Date of establishment	Total number of applications in 2022	Total number of grants of legal aid in 2022	Total number of refused grants of legal aid in 2022
Legal Aid Foundation (LAF)	1 July 2004	- Legal consultations: 93,000; - Applications for legal aid grants: 96,809	65,693 cases	25,615 cases
Number of the staff workers	Number of attorneys supporting legal aid casework	government contributions to legal aid	2022 total legal aid expenditures	Government contributions as portion of total expenditures
326	4,678 (including 18 LAF staff attorneys)	- Judicial Yuan: NT\$1,325,335,585 (equivalent to US\$44,519,166);	NT\$1,481,538,929 (equivalent to US\$49,766,172)	96.06%

¹ USD to NTD conversion rate used in this table is 1 to 29.77.

² According to the *Public Assistance Act*, the lowest living index per person benchmark for the poverty line has different standards, depending on region. Taiwan Province, the six municipalities directly under the central government, and Fujian Province each have different standards. For more detail, please refer to the MOHW's website (Chinese version): <https://dep.mohw.gov.tw/dos/cp-5337-62357-113.html> (Accessed Aug 28, 2023). If we add the number of those in middle-to-low-income households at the margin of the poverty line, that is, 296,697 people as of the end of 2022 in households with earnings less than 1.5 times of the lowest living index per person per month, then the national number of those in low-income and middle-to-low-income households is approximately 585,400 people, or 2.52% of the population.

³ [Ministry of Justice statistics of the practicing lawyers in 2022](#). (Chinese version) (Accessed Aug 28, 2023).

		- Other government departments: NT\$97,782,514 (equivalent to US\$3,284,599)		
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2. Impact of the COVID-19 Pandemic on Taiwanese Society, Democracy and Human Rights, and the Judicial System

(1) Impact of the Covid-19 pandemic on Taiwanese society and introduction to epidemic prevention policies

Due to its close geographical proximity, Taiwan took the lead in combating COVID-19 worldwide starting in early 2020. Compared to many other countries, Taiwan was extremely fortunate to successfully block the novel coronavirus from spreading within its borders during the first year of the global pandemic. This was largely attributed to the prompt establishment of the Central Epidemic Command Center (CECC) and the implementation of various preventive measures, including strict border controls, home quarantine or isolation, mandatory mask-wearing, cancellation of non-essential gatherings, contact tracing, social distancing, temperature checks, and enhanced sanitization. The general public in Taiwan also widely cooperated with these measures.⁴ As of the end of April 2021, Taiwan had reported only 1,128 confirmed cases of COVID-19, with the vast majority being cases of infection from outside the country.

Taiwan experienced its first major COVID-19 outbreak in early May 2021 when the number of confirmed cases increased rapidly within communities. Starting in mid-May of the same year, due to the presence of more than three community clusters in a single week or more than ten untraceable local cases in a single day, the entire nation declared the Level 3 Alert. Under this alert level, only essential services related to livelihood, maintaining order, healthcare, and governmental functions were allowed to continue, while other businesses and public venues were closed. People were required to wear masks at all times when going outside, maintain social distancing, and cease

⁴ For more information on Taiwan's government policies and measures related to COVID-19 at various points since the outbreak, please refer to "[Crucial Policies for Combating COVID-19](#)" on the website of the Ministry of Health and Welfare.

indoor gatherings of more than five people and outdoor gatherings of more than ten people. However, Taiwan did not implement a full lockdown during this time. Large-scale outbreaks had a great impact on all sectors of society as only a small group of the population was vaccinated then, making it the most heightened period throughout the pandemic in Taiwan. Fortunately, the Level 3 Alert only lasted for nearly three months before it was gradually downgraded thanks to the success of outbreak control. The number of infected cases was over 15,000 by the time the Level 3 Alert was lifted.

Due to the impact of the Level 3 Alert, the government accelerated the process of vaccine procurement and the administration of government-funded vaccination since summer 2021. By the end of February 2022, over 80% of the population had received at least one vaccine dose, and 75% of the population had received two vaccine doses. Therefore, since April 2022, considering that the vaccination rate had reached a certain level, and in order to expedite the return to normality to align with the international community, despite the sharp rise in confirmed cases, the government has not upgraded the alert level but only regulated the number of days for home quarantine. The number of confirmed cases exceeded 2 million nationwide by the end of May in the same year and even exceeded 40% of the population by the end of February in 2023. The CECC subsequently announced that from March 20th, 2023, individuals with mild COVID-19 symptoms would no longer be subject to quarantine or report and that as of May 1st, the severity level of COVID-19 would be downgraded and the CECC be disbanded on the same day, marking the return to normality of disease prevention in the post-pandemic era.

(2) Impact of the Covid-19 pandemic on democracy and human rights of the Taiwanese society

Measures taken during the COVID-19 pandemic were effective in containing the virus and safeguarding the majority of the population from diseases and death; however, there have been doubts on whether it was appropriate, necessary, and equitable to restrict personal rights in the name of disease prevention, as well as whether the human rights of disadvantaged groups were properly protected during this period. Although the restrictive measures implemented cannot be regarded as large-scale crises of democracy and human rights, some have indeed raised concerns about undermining

democracy and freedom. Thus we hereby listed as follows the main issues of concern regarding the weakening of democracy and human rights pointed out by civil society organizations (CSOs) and scholars:

- The [Communicable Disease Control Act](#) and the [Special Act for Prevention, Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens](#) specify that the government may “implement necessary response actions or measures” for disease prevention purposes. However, these laws lack clarity in authorization and circumstances of application and the latter is even retroactive. These laws were applied as the sole basis to restrict people’s rights without any supplementary measures, raising concerns about their constitutionality and legality. Further explanation and examples are stated below:

- ✚ When the global pandemic was in its early stages in late February 2020, healthcare workers were not allowed to travel abroad for the purpose of securing domestic medical capacity. This measure raised concerns about infringing people's freedom of residence and of change of residence, as well as the right to equality.
- ✚ The government employed electronic surveillance methods such as electronic fences to track the movements of individuals under home quarantine by accessing mobile phone base station location data from telecom providers. The government also used health insurance cards to keep records of personal travel history. These measures raised concerns about potential violations of people's personal data privacy through communication monitoring.
- ✚ While the policy of purchasing masks using the National Health Insurance (NHI) card with real-name registration is well-intentioned, it may potentially be in violation of the National Health Insurance Act. According to the law, the NHI card “may not store any information not used for medical care purposes as well as those unrelated to the insured receiving insurance medical services.”
- ✚ The request for private businesses, including convenience stores or pharmacies, to assist the government in selling masks lacked legal basis

and there was no compensation provided.

✚ During the Level 3 Alert period, a local government ordered PCR testing for 146 residents of a building after one confirmed case was identified earlier. All 146 residents were then sent to quarantine hotels for a 14-day quarantine despite testing negative. The measure taken was potentially disproportionate and raised concerns about the infringement on personal freedom.

- The disease prevention policies failed to take all groups into consideration, and foreign migrant workers faced even greater challenges to their rights to health and personal freedom during the pandemic. This has raised concerns of a violation of equal rights protection and has highlighted the significant deficiencies in our country's human rights protection for migrant workers.

✚ Due to legal policies and work practices, migrant workers often encounter several difficulties in obtaining masks and medical services. For example: Migrant workers may face issues related to the National Health Insurance (NHI). This includes a waiting period upon arrival in Taiwan before they can apply for NHI with their official residence permit or having gaps in their NHI coverage when switching employers. Domestic caregivers often have a high demand for masks. However, their mobility is often severely restricted, and the initial distribution and queueing arrangements for mask collection may not align with their needs. Some foreign migrant workers may have their identification documents, such as their NHI cards, withheld by their employers, making it impossible for them to purchase masks or seek timely medical care. “Overseas hired” foreign fishery workers are not mandatorily enrolled in Taiwan's NHI. Therefore, during their time onshore, they may not have the opportunity to purchase masks.⁵ It is worth mentioning that overstaying migrant workers originally faced difficulties in receiving free COVID-19 vaccines due to their immigration status. However, to

⁵ Wang, Ying-Da (February 5, 2020). [“Real-Name Mask Purchasing System: Can Migrant Workers Purchase Masks with Their National Health Insurance Cards?”](#) *United Daily News Ming Ren Tang* (An editorial website of *udn*). (Chinese version) (Accessed August 28, 2023); Shih, I-Hsiang (September 6, 2021). [“The discrimination against migrant workers during the pandemic has turned Taiwan into a backward country.”](#) *LAF Editorial Page*. (Chinese version) (Accessed August 28, 2023).

prevent this group from becoming a potential source of infection, the National Immigration Agency initiated the “Carefree Covid-19 Vaccination Program” in December 2021. This program follows a “Four No’s” policy, where the migrant worker “won’t be reported, won’t be seized, won’t be charged for a fee, won’t be banned.” It encourages overstaying foreign nationals to come forward and receive vaccinations, ensuring their equal access to vaccination rights.

✚ During the Level 3 Alert period, a local government announced a ban to “prohibit all migrant workers in the county from leaving their residences” regardless of their COVID-19 status due to cluster infection in an electronics factory in that county. This ban was subsequently followed and implemented by other private businesses across the country. The differential treatment obviously violated the protection of personal freedom and equal rights specified in the Constitution and the International Covenant on Civil and Political Rights. The CECC subsequently demanded the said local government to comply with control measures stipulated in the Guidelines for Level 3 Alert.⁶ This incident also drew society’s attention to whether migrant workers’ living conditions met adequate standards.⁷

- Despite a lack of empirical research to clarify the associations between COVID-19 vaccines and their adverse reactions, the government amended the [Regulations Governing Collection and Review of Vaccine Injury Compensation Fund](#). The amendment classified adverse reactions where “medical evidence does not support causality” as “unassociated with the vaccines”, rendering the category “indeterminate” and compensation derived from this category as non-existent.⁸ This amendment not only violated the

⁶Taiwan Association for Human Rights. [“Calling Upon CECC to Provide Clarification Regarding Discriminative Bans Against Migrant Workers”](#) (Chinese version) (Accessed August 15, 2023); Taiwan Association for Human Rights. [“CECC Acknowledges: Bans on Migrant Workers in Miaoli Without Legal Effect”](#). (Chinese version) (Accessed August 15, 2023).

⁷ Hsieh, Ying-Chieh. [“Looking into Missing Migrant Workers’ Predicaments from the COVID-19 Pandemic”](#) *Dissent (在野法潮)* (52) (A legal editorial issued by Taipei Bar Association) (Chinese version) (Accessed August 15, 2023).

⁸ The causalities between vaccination and adverse reactions are classified into three categories: associated, unassociated, and indeterminate. Compensation won’t be awarded if adverse reactions are found not associated with vaccination; whereas compensation of various degrees will be awarded where the causalities are found to be associated or indeterminate.

World Health Organization's (WHO) classification but also indirectly deprived people's right to relief, placing the burden on the people to bear the consequences of scientific uncertainty, which was inherently unfair.⁹

- Taiwan held the "Nine-in-One" local elections on November 26th, 2022. On the same day, the first-ever referendum on a constitutional amendment (hereinafter, the "Voting Age Constitutional Amendment," was held to determine whether the age to exercise civil rights should be lowered from 20 to 18 years old. Despite the COVID-19 pandemic having subsided considerably, with some likening it to seasonal flu, individuals who tested positive were deprived of the right to vote due to the policy of a 5-day home quarantine and the lack of supplementary measures.¹⁰

(3) Impact of the Covid-19 pandemic on the judicial system

During the first year of the global pandemic, while various control measures such as temperature checks, mask mandates, and social distancing were implemented for entry into courts and correctional facilities in Taiwan, the country's judicial system and correctional institutions continued to operate largely as usual. Courts and district prosecutors' offices at various levels maintained face-to-face court proceedings, and incarcerated individuals (excluding those under visitation restrictions) were still allowed visits.

As of mid-May 2021, following the Level 3 Alert declaration in Taipei City and New Taipei City, and subsequently nationwide, courts at all levels generally suspended court proceedings, with the exception of cases that were time-sensitive (such as those involving detained defendants, judgment announcement, etc.), cases of urgency (including those involving compulsory measures, preservation of evidence, etc.), and cases of necessity (namely cases deemed necessary for immediate attention).¹¹ Court

⁹ News release (April 7, 2021) ["Calling upon comprehensive vaccine injury compensation measures for people to receive covid-19 vaccination with peace of mind"](#). Taiwan Women's Link and Taiwan Association for Human Rights (Chinese version) (Accessed August 15, 2023).

¹⁰ News release (November 17, 2022). ["Both voting rights and epidemic prevention should be taken into consideration. The government should formulate flexible measures to protect the right to vote. Individuals who test positive are deprived of voting rights if they can't go out on election day."](#) Taiwan Association for Human Rights (Chinese version) (Accessed August 15, 2023).

¹¹ Judicial Yuan. ["Guidelines on Epidemic Prevention at Courts in Response to the COVID-19 Pandemic"](#). (Chinese version) (Accessed August 15, 2023).

officials and staff at all levels were also required to work from home to reduce the flow of people. On June 7th of the same year, the Judicial Yuan added an exception for cases where “video-conferencing (including extended court proceedings) regulations apply, software and hardware resources are available, and all parties and stakeholders’ legal rights are protected”, court proceedings shall be permitted. Subsequently, on June 18th of the same year, the Legislative Yuan passed the [Special Act on Judicial Procedures During Severe Communicable Diseases](#), permitting courts to conduct proceedings with remote communication devices, exchange judicial documents with technological devices, and adopt more flexible procedures, such as loosening regulations on courtroom seating, attendance, dress code, holding court proceedings and announcing judgments outside the jurisdiction, allowing proceeding transcripts to be produced afterwards, and allowing judges to suspend trials or procedures when faced with severe difficulties, so the judicial system would not come to a halt. In order to strictly prevent the risk of cluster infection among inmates, the Agency of Corrections of the Ministry of Legal Affairs not only suspended educational and rehabilitation activities involving interactions between inmates and outsiders, but also expanded the use of technology, such as telephone visit hotline, remote video calls, and mobile devices, to conduct regular visits and attorney visits in prison.

However, some argued that although the abovementioned special measures adopted by the Judicial Yuan could fulfill the formalities of court proceedings with technology, their practical implementation (such as only broadcasting live in extended courtrooms) might have violated the principle of open trial as pursued by the judicial procedures, and hindered direct trials, causing difficulties for judges, defendants, defenders and others to observe non-verbal clues among litigation stakeholders and respond to every situation immediately and directly. Furthermore, proceeding procedures stipulated by special measures were focused on ensuring smooth court proceedings, without sufficient consideration for the defendant’s rights to obtain assistance from defenders and freedom to communicate with defenders without interference, which raised concerns about violating the Constitution and International Human Rights Covenant.¹²

¹² Lin, Chun-Hung. [“Thoughts on criminal procedures as stipulated in the Special Act on Judicial Procedures During Severe Communicable Diseases.”](#) *Dissent (在野法潮)* (50) (A legal editorial issued by Taipei Bar Association) (Chinese version) (Accessed August 18, 2023).

Since early August 2021, as cities and counties across the country gradually downgraded the alert level from Level 3 and relaxed disease prevention measures, the aforementioned measures taken during severe pandemic periods have not been implemented fully. However, remote court proceedings and work-from-home measures have been selectively applied by judges on a case-by-case basis based on the stakeholders' needs as the pandemic transitioned into a milder condition since April 2022.

3. Challenges and Crises of Democratic Systems or Human Rights Protection Unassociated with COVID-19

Since the last international forum, in addition to human rights issues associated with COVID-19 as described in Section 2, several CSOs along with the LAF have continued to focus on other areas of human rights protection that needed to be put into practice during the review process of the International Human Rights Covenants that have been domesticated into national law, please refer to Section 13 of this report for more details. LAF staff lawyers have also initiated related strategic litigations, please refer to Section 9 of this report for more details. Furthermore, over the past five years, with the development of digital technology, the Taiwanese government has proposed legislation and policy changes regarding the application and regulation of digital technology, sparking vigorous debates on potential infringement of human rights. Two examples are provided below:

(1) New eID raises concerns about personal information leaks and the infringement of privacy

Under the Smart Government Program, the Taiwanese government planned to replace the current paper-form national identification card with the New eID¹³ embedded with chips starting in 2021. With the New eID, people are able to access all kinds of governmental services via the Internet, such as applying for National Health Insurance cards, driver's licenses, and passports, which could effectively reduce queuing time and the labor, time, and money spent by the government.

¹³ Ministry of the Interior. [“New eID: The New National Identification Card Replacement Program”](#). (Chinese version) (Accessed August 18, 2023).

However, the academia and CSOs have continuously raised concerns about information security and personal information leakage. They criticized the government for “implementing policies without any legislative basis” when there was a lack of laws and regulations on the capture, utilization, exchange, and connection of personal data, the protection of digital footprint and personal information, and information security, which would expose personal information to a huge risk of breaches. The policy of “compulsory digitalization” would also leave individuals who are not willing to switch to the New eID with difficulties of not being able to vote or attend driving tests after old identification cards become invalid.

For this reason, in August 2020, CSOs including the Taiwan Association for Human Rights and the Judicial Reform Foundation filed a rare preventive inaction lawsuit against a policy that has not yet been implemented. The Legislative Yuan also conducted research and analysis on this issue and suggested that priority should be given to examining whether the laws involved in eID and its application services are comprehensive.¹⁴ Due to the impact of the COVID-19 pandemic and concerns raised by various parties regarding the insufficient legal basis, the Executive Yuan announced in January 2021 that the replacement plan would be temporarily suspended. On May 12th, 2023, the Taipei High Administrative Court dismissed the abovementioned appeal submitted by CSOs on the grounds that it did not meet the “preventive inaction requirements.” However, the court’s judgement acknowledged CSOs’ concerns, pointing out that “eID could impose ‘digital footprint’ recognition functions on individuals, cause personal information to be disclosed publicly, completely change the existing personal identification system, and significantly impact people’s information autonomy and privacy rights.” The court also regarded the government’s mandatory eID replacement, based on the Household Registration Act, as “an apparent violation of the principle of legal reservation.”¹⁵ This case is currently under review by the Executive Yuan.

(2) The draft Digital Intermediary Services Bill criticized for potentially

¹⁴ Legislative Yuan. [“Legal research and analysis: from promoting New eID to smart government”](#). (Chinese version) (Accessed August 18, 2023).

¹⁵ Joint statement. [“Litigation completed a staged mission as the judgement on eID announced.”](#) Taiwan Association for Human Rights and Judicial Reform Foundation. (Chinese version) (Accessed August 18, 2023).

violating privacy and curtailing freedom of speech

In response to the escalating issues of fraud, false information, and the rampant spread of fake news on the internet, particularly during the pandemic, which often incited public panic, the National Communications Commission announced the draft Digital Intermediary Services Bill on June 29th, 2022, on its official website. The proposed draft demands digital intermediary service providers, including those offering internet connectivity, rapid access, information storage, and various online platform services to act as “gatekeepers”. They are expected to manage digital content responsibly, effectively addressing the negative impact of illegal content on society and fostering a secure and trustworthy online environment.¹⁶

The draft sparked heated discussions soon after it was published. While most acknowledged that digital governance is an unavoidable issue in the digital age, there was a general consensus that the draft lacks clarity in terms of the scope and standards for speech regulation and the draft has faced criticism and concerns about potential violations of people’s data privacy, freedom of private communications, and freedom of speech. In particular, Article 17 of the draft empowers administrative agencies to access specific user data through administrative disposition. Article 18 of the draft allows competent authorities to apply for an “information restriction order” with a court if, based on their investigation, they believe there is a violation of legal obligations or prohibitions. Before the court's ruling, if the authority deems a message to be false and illegal, it can require platform operators to attach warning symbols to specific content, with a maximum duration of 30 days. Even with remedies available, there is a concern that internet users may refrain from asserting their rights due to the costs associated with administrative litigation, leading to a “self-censorship” chilling effect.¹⁷

¹⁶ National Communications Commission. [Draft Digital Intermediary Services Bill](#). (Chinese version) (Accessed August 18, 2023).

¹⁷ Hsu, Tzu-Chien. [“Balancing Freedom of Speech and Combating Cybercrime: The Draft Digital Intermediary Services Act”](#). *Dissent (在野法潮)* (54) (A legal editorial issued by Taipei Bar Association) (Chinese version) (Accessed August 28, 2023); Yahoo News Editorial Team. [“What is the Digital Intermediary Services Act? Why has it sparked strong backlash from internet users and service providers? How do supporters of the legislation view it?”](#) (Chinese version) (Accessed August 28, 2023); Lin, Kao. [“Worries Over the Digital Intermediary Act's Impact on Freedom of Speech - Lawyers Urge Government to Reconsider: Passage Could Lead to Severe Consequences”](#). (Chinese version) (Accessed August 28, 2023).

Furthermore, some critics also questioned whether the current court system, given the already considerable caseload, has the capacity to handle additional cases efficiently.¹⁸ Additionally, the private sector argued that the draft excessively draws inspiration from the European Union's Digital Services Act (DSA) while misunderstanding the legislative intent, as the digital industry development, social culture, and economic scale in Taiwan and the EU are vastly different; therefore, it was obviously unreasonable to request Taiwanese businesses to comply with the legal obligations of mega businesses in the European Union, which could even hinder innovative advancement.¹⁹

Due to ongoing controversies and disputes from various sectors, in September 2022, the National Communications Commission decided, after discussions, to return the draft to an internal working group for a review of related controversies and further deliberation.

4. Impact of the COVID-19 Pandemic on the LAF

The impact of the COVID-19 pandemic on Taiwanese society and the judicial system, as well as disease prevention policies in various stages, have been discussed in Section 2(1) and Section 2(3). As part of the judicial system, legal aid has been similarly affected and changed. During the Level 3 Alert period from mid-May to the end of July 2021, there were significant alterations in the daily operations of the LAF, its office practices, and the application process of legal aid. However, once the alert was lifted, services quickly reverted to the traditional mode, primarily offering in-person face-to-face assistance. Nevertheless, this brief experimental period provided valuable insights for the LAF's future exploration of digital service provision. Legal advice, public legal education, and training sessions were shifted entirely to remote services through technology tools during the Level 3 Alert period. With the acknowledgement of the advantages brought by technology, these remote technology

¹⁸ *ibid.* Yahoo News Editorial Team. Lin, Kao.

¹⁹ *Supra* note 17. Yahoo News Editorial Team. Lai, Wen-Chih (oral narration), Bai, I-Chun, Yu, Jung-Jung (ed.). [“Taiwan's Digital Intermediary Services Act: Drawing Inspiration from the EU's Digital Services Act but Missing the Spirit? Insights from Legal Expert Lai Wen-Chih on the European Union's Vision for Digital Governance”](#). (Chinese version) (Accessed August 28, 2023).

tools continued to be utilized even after the Level 3 Alert was lifted, and have driven the development of new services. This is briefly summarized below:

(1) Changes in LAF operations and working methods during the Level 3 Alert period

As previously mentioned, all court proceedings were suspended across the country during the Level 3 Alert period, except for cases that were time-sensitive, cases of urgency, and cases of necessity. Therefore, demands for immediate legal aid dropped greatly and in turn, the LAF branches were able to reduce their service scope and adopt the following disease prevention measures:

- **Reducing the flow of people into branch offices:** Specific measures included closing the online appointment system and adopting a notification-based approach, reducing the grant application sessions or scaling down the on-site examination processes, closing branch office entrances, or setting up service areas outside of the offices, extending the service intervals between applicants and reducing the waiting time, restricting the number of people accompanying the applicants, discontinuing volunteer visits, and utilizing technology tools for remote services (please refer to Section (2) below for details).
- **Strengthening hygiene and sanitation measures:** Specific measures taken include mandatory mask mandate, forehead temperature taking, alcohol spray, checking individuals' travel history and health status, real-name registration, checkerboard seating in the waiting area to maintain social distance, equipment installation (such as separation boards, plastic cloth, face covers, ultraviolet disinfection lamps, etc.), as well as regular cleaning and sanitation of the environment.
- **Adjusting workforce flexibility:** Implementing flexible working hours, working-from-home scheme, off-site working²⁰, and setting up pandemic-related leaves (such as quarantine, home-care, and vaccination leaves).

²⁰ Due to limited office space, during this period, only some of LAF headquarters staff worked from various office locations to establish a backup mechanism, reducing the organizational operational risk associated with cluster infections.

It is worth noting that the LAF had not implemented working-from-home schemes or had relevant infrastructure in place before the COVID-19 Level 3 Alert. During the Level 3 Alert period, approximately 40% of the LAF staff applied for working from home, primarily concentrated in the more severely affected northern regions of Taiwan. 13 out of the 22 branch offices nationwide implemented working-from-home schemes. Among these, 6 branches conducted remote work as a short-term experiment, while 3 branches allowed specific colleagues with special needs (such as childcare) to work remotely. Only 4 branches organized remote work in shifts, rotating on a weekly basis over a 5 to 8-week period during the Level 3 Alert to ensure fairness among colleagues. Working-from-home practices were still commonly adopted by LAF staff after the Level 3 Alert was lifted and during the mass infection period in 2022, and officially came to an end after it was announced on March 20th, 2023, that infected individuals with mild symptoms no longer needed to conduct at-home quarantine.

(2) Changes in legal aid grant application and examination during the Level 3 Alert period

During the severe pandemic periods, the LAF followed disease prevention guidelines and court proceeding regulations set up by the government in restricting service scope to cases of urgency and necessity, such as cases with statutory peremptory periods, procedural deadlines, or scheduled court dates. For cases falling outside of this scope, each branch made decisions based on local epidemic severity, the availability of alternative remote application and examination methods, the digital capabilities of applicants, and other factors. Otherwise, the LAF would advise applicants to reapply after the pandemic recedes gradually. As a result, the nationwide caseload during the most severe Level 3 Alert period was only 56% of that during the same period in previous years, resulting in a 15% decline in the total number of cases receiving aid in 2021 compared to the year before.

Furthermore, there were significant changes in the application process for legal aid. In order to reduce in-person visits, among the 19 branches on Taiwan's main island (excluding the three off-shore branches in Penghu, Kinmen, and Matsu²¹), 17 branches

²¹ The LAF off-shore branches had already developed a video review model due to the insufficient local lawyer resources before the pandemic.

developed various degrees of remote service models.²² Most of them adopted a model where “the examiners located at the branches processed the applications, while the applicants remained remotely connected without a physical presence”. In the remote service model, processes that were typically handled in a continuous manner when applicants appeared in person for application and face-to-face reviews had to be broken down into multiple stages, such as:

- **Reservation channel:** To pre-screen our service scope, the online reservation function on the official website was closed. People could only make reservations by calling the branch or downloading the "Exclusive Written Application Form for Pandemic Period" on the official website, filling it out, and submitting it to schedule an appointment.
- **Submission of application documents:** Previously, applicants brought their documents to branch offices in person for applications. With the implementation of remote application, applicants were required to contact the branch in advance and submit their application documents via mail or through technology means such as email, fax, Line, etc.
- LAF staff at each branch office **sorted relevant documents in advance and pre-screen** if the cases were eligible for the examination stage.
- **Remote examination:** Examining committee members utilized video calls, phone calls, or other technology tools to contact applicants or simply review the written applications. To meet the document exchange and signature requirements traditionally conducted during this stage, some branches employed technology tools with the function of bidirectional electronic document transmission. Electronic signatures, audio recordings, and video recordings were also used as supporting evidence to verify the authenticity of the applications.

(3) Changes in legal advice during the Level 3 Alert period and subsequent service innovations

²² However, the remote modes of examination adopted by these 17 branches varied, including the location of applicants and examiners, the technology tools or platforms used for remote services, and the extent/proportion of remote versus in-person services.

During the Level 3 Alert, in order to align with the government's policy of reducing the movement of people, the LAF suspended all in-person legal consultations and significantly expanded the advice services of the LAF Call Center. In the seven weeks from June 15th, 2021 to July 30th, 2021, the LAF Call Center extended the scope of services from initially covering only cases related to labors, family, debt clearance, and indigenous peoples to encompassing all types of cases. Despite the initial challenges when lawyers stopped scheduling shifts due to the severity of the pandemic, which led to a shortage of workforce, the call center managed to provide a service output 1.6 times higher than the typical caseload during this short seven-week period.²³ This expansion effectively relieved the pressure on local branches which were unable to offer in-person legal advice to residents.

Following the end of Level 3 Alert, inspired by the experience of providing video consultations to a small number of foreign nationals during the severe pandemic period, the LAF recognized that foreign nationals often needed to contact their family and friends in their home countries, and they had a higher level of technological competence for using online video conferencing. Therefore, starting in late October 2021, the LAF began a pilot service to provide video-conferencing legal advice for foreign nationals using Google Meet. Initially, it was limited to English speakers but later expanded to individuals who spoke other languages. Foreign nationals only need to make reservations in advance via the official LAF website by filling out a [Google Form](#) and uploading relevant case information. This allows them to receive a 40-minute free video-conferencing legal consultation on the scheduled day.

(4) Public legal education, outreach, training sessions for lawyers, etc.

The LAF and its branches have gradually developed the capability to conduct online meetings since the beginning of the pandemic. Therefore, during the Level 3 Alert period, while most in-person legal education, public outreach, and training activities were suspended, a few events were adapted to online formats. In some cases, the introduction of correctional facilities has also been prerecorded for later broadcast to inmates. These measures of holding activities through online meetings continued to be

²³ The number of calls received by the LAF Call Center increased from 2,637 calls in May 2021 to 3,372 calls in June 2021 and further to 4,374 calls in July 2021 after the expansion of services was implemented from June 15th to August 2nd.

adopted even after the Level 3 Alert was downgraded. Live-streaming video-conferencing is often provided alongside in-person meetings. The LAF has also been more proactive in developing various online educational resources for lawyers and review committee members. In addition to improving video content, the LAF has obtained licenses from instructors, allowing the videos to be replayed, thus enhancing cost-effectiveness.

(5) Conclusion

In summary, compared to some countries where legal aid organizations were affected by government lockdowns during the pandemic, the LAF was fortunate to operate with minimal disruptions in Taiwan due to the relatively mild COVID-19 situation. The LAF services were reduced for nearly three months in 2021 during the Level 3 Alert period, with a focus on internal matters. However, this brief period allowed the Foundation to conduct innovative experiments in remote legal aid services. From these experiences, it was recognized that remote and online services can indeed save time and costs for applicants and review committee members, but not all legal aid applicants possess the necessary technological capabilities. However, some LAF staff have changed their stereotypical perception that legal aid applicants generally have low technological skills. Furthermore, the current software and hardware equipment, legal regulations, internal standard operating procedures (SOP), or legal interpretations within the LAF are still insufficient to support more comprehensive technological services. Without a holistic system planning and setup, sporadic technological service applications may not significantly reduce costs, improve efficiency, or provide overall benefits to the Foundation. Instead, it could lead to additional burdens on frontline staff and unnecessary waste of human resources.

The COVID-19 pandemic has indeed increased the use of technology in various aspects of daily life. Legal aid organizations are faced with the inevitable challenge of using modern technology for digital transformation and service innovation in the post-pandemic era. The LAF recognizes this as both an opportunity and a challenge and has listed technology application as a theme of this forum. For more information about the LAF's use of technology and its perspectives, please refer to Section 6 and Section 7 of this report and Topic 1 and Topic 4 of the forum.

5. Major Changes of the LAF over the Past Five Years

Since the last International Forum, the LAF has not undergone any significant fundamental changes²⁴ in its organizational structure and the mixed service model that combines a small number of staff lawyers with the vast majority of external assisting lawyers. However, besides the adjustments made in service methods during the severe COVID-19 period as described in Section 4, over the past five years, changes in the external environment, including the establishment of new legal and judicial systems, transformations in the legal services industry, and adjustments in government regulation and budget allocation, have profoundly impacted the scope of services and daily operations of the Foundation. These changes have been a focal point for major reforms and adjustments in policy development and business management of the LAF over the past five years, as described in a brief summary below:

(1) Strengthening internal and external control and audit to comply with the new Foundation Act

Since more than 90% of the LAF's legal aid budget is allocated by the government, the LAF's decisions and operations, apart from being supervised by internal auditors as required by the [Legal Aid Act](#), have also been subject to reviews conducted by the supervisory and management committee established by the Judicial Yuan, the Legislative Yuan, and the National Audit Office of the Control Yuan. These reviews encompass the use of Foundation funds, the quality of legal aid services, and major annual initiatives. Since the enactment of the new [Foundation Act](#) in February 2019, the aforementioned external governmental parties have strengthened their oversight and required the LAF to establish more robust internal control and audit mechanisms. Furthermore, they have conducted more thorough reviews of individual cases to examine the appropriateness, compliance, and effectiveness of fund utilization. As a result, the services provided by the LAF branches have become more standardized, and operational procedures have gradually become more consistent. While this process has significantly contributed to enhancing the branches' compliance with legal

²⁴ For more information on the LAF's organizational structure, including its nature, supervisory authority, and organizational framework, as well as the mixed service models involving staff lawyers and external legal lawyers, please refer to the national reports submitted by the LAF in previous [International Forums on Legal Aid](#) and [International Legal Aid Group Conferences](#).

regulations and raising awareness of risks, it has also increased the cost of internal communication, making administrative processes more time-consuming. Moreover, it may lead to a more conservative interpretation of regulations among LAF staff and members of the Examining Committee and a potential impact on the approval rate of legal aid cases. Taking into consideration the diversity of individuals, regions, cases, and the complexity and uncertainties of services provided while developing nationally applicable operating guidelines that are understandable, practical, and compliant without compromising the rights of vulnerable clients has indeed become one of the significant challenges faced by the legal aid system in Taiwan in recent years.

(2) A decrease in number of legal aid cases resulting from government funders' review of resource allocation and the subsequent more limited service scope and stringent eligibility criteria

The LAF's legal aid budget is from two main sources. The first is the legal aid budget allocated by the central government through the Judicial Yuan. The second source involves commissions from other central government agencies, including the Ministry of Labor, the Council of Indigenous Peoples, and the Ministry of Health and Welfare. These commissions are focused on providing legal aid to labors, indigenous people, and persons with disabilities, where more lenient financial eligibility criteria compared to general legal aid apply. Together, these two sources account for over 95% of the Foundation's budget. Over the past several years, the Judicial Yuan, the Ministry of Labor, and the Council of Indigenous Peoples have respectively reevaluated their funding programs against various backdrops. This has led to adjustments in their operational practices, including changes in financial eligibility criteria to restrict the scope of cases referred to the Foundation, with the aim of budget control and cost reduction, as explained below:

➤ Mandatory defense cases:

In Taiwan, cases falling under the “mandatory defense cases” as defined in Article 31 and Article 31-1 of the [Code of Criminal Procedure](#) are mostly the ones where the “people are unable to receive proper legal protections for other reasons” as stipulated in Article 5 of the [Legal Aid Act](#). This consensus, established during the 1999 National Judicial Reform Conference, was promoted by the Judicial Yuan and

the Ministry of Justice for the legislative development of the Legal Aid Act. The intention was to replace the system of public defenders with the legal aid system for handling compulsory defense cases, and the recruitment of public defenders through national exams ceased since that year. In practice, for nearly two decades, there have been three main sources responsible for handling mandatory defense cases in the criminal justice system. These resources are the court-affiliated public defenders (referred to as "public defenders"), court-funded and assigned private counsels (referred to as "court-assigned counsels"), and legal aid lawyers appointed by the Legal Aid Foundation. According to internal statistics from the Judicial Yuan, the distribution of mandatory defense cases among these three resources was approximately 39%, 9%, and 52% respectively from 2016 to 2018.

Over the past decade, the Code of Criminal Procedure has been repeatedly amended and expanded to enhance human rights protection by broadening the scope of mandatory defense. As a result, the number of cases requiring mandatory defense in Taiwan has increased annually. In 2018, the Judicial Yuan commissioned Deloitte Taiwan to conduct a cost analysis on the three major resources mentioned above. Although the detailed calculation basis and results of the report were not publicly disclosed, it indicated that legal aid had the highest cost for mandatory defense.²⁵ Furthermore, due to concerns raised by members of the Legislative Yuan during budget reviews of the LAF and the Judicial Yuan regarding the allocation of resources for compulsory defense cases with financially capable individuals, there has been a gradual increase in the allocation of voluntary defenders resources to various courts in recent years. Following resolutions approved by the Legislative Yuan, the courts are requested to preliminarily assess the financial eligibility of individuals involved in compulsory defense cases. If the individuals are not financially eligible, they should be assisted by public defenders or court-assigned counsels. The cases will only be referred to the Legal Aid Foundation only if the individuals are financially eligible. This approach aims to address concerns in society regarding whether individuals who do not meet the

²⁵ Furthermore, the [budget review report on the LAF published by the Legislative Yuan in 2017](#) mentioned another set of data related to the costs of mandatory defense cases. The data indicated that in 2015, the cost of compulsory defense through the three resources was as follows: NT\$10,361 (public defenders), NT\$20,923 (voluntary defenders), and NT\$21,871 (legal aid lawyers). However, it is unclear whether these calculations included all direct and indirect expenses for each system.

financial eligibility were crowding out legal aid resources in mandatory defense cases.

26

➤ **MoL (Ministry of Labor)-commissioned Program**

MoL (Ministry of Labor)-commissioned Program does not take into account the income and assets of the applicant's entire household. Instead, the primary criteria for financial eligibility are the income and assets of the individual applicant, namely the “individual labor”. In recent years, external oversight and governing bodies such as the Judicial Yuan, the Legislative Yuan, and the National Audit Office, as well as the national and local bar associations, have expressed a strong desire for the LAF to focus its services on economically disadvantaged groups. They aim to exclude those with relatively higher financial capabilities from utilizing national resources, thereby redirecting them to the general legal services market. The commissioning authority, the Ministry of Labor, has agreed to gradually lower the income threshold for applicants in its entrusted projects to restrict eligibility. The income threshold of the applicant’s monthly income has been lowered from NT\$80,000 (before the end of 2019) to NT\$75,000 (starting in January 2020), NT\$70,000 (since January 2022), and NT\$65,000 (starting in January 2023).

➤ **CIP (Council of Indigenous Peoples)-commissioned Program**

CIP (Council of Indigenous Peoples)-commissioned Program did not conduct strict means tests and merits tests due to the overall disadvantageous conditions faced by the indigenous people in socio-economic and cultural aspects to facilitate rapid applications. However, considering the limited governmental budget and the need for rational allocation, the Program started adopting the same merits test criteria as general legal aid cases and other commissioned programs in January 2021, namely only applicants who are “not without legitimate reasons” can pass the merits test. Subsequently, in July 2021, the Council of Indigenous Peoples specified that only applicants who do not meet the criteria of general legal aid and other commissioned

²⁶ Please refer to [The 8th Plenary Committee Meeting Minutes of the Committee on Judiciary and Legal Affairs of the 8th Session of the 9th Term of Legislative Yuan. \(Chinese version\) \(Accessed Aug 30, 2023\)](#)

programs are eligible for applying to the CIP-commissioned Program, which makes it the last resort for access to justice for the indigenous people.

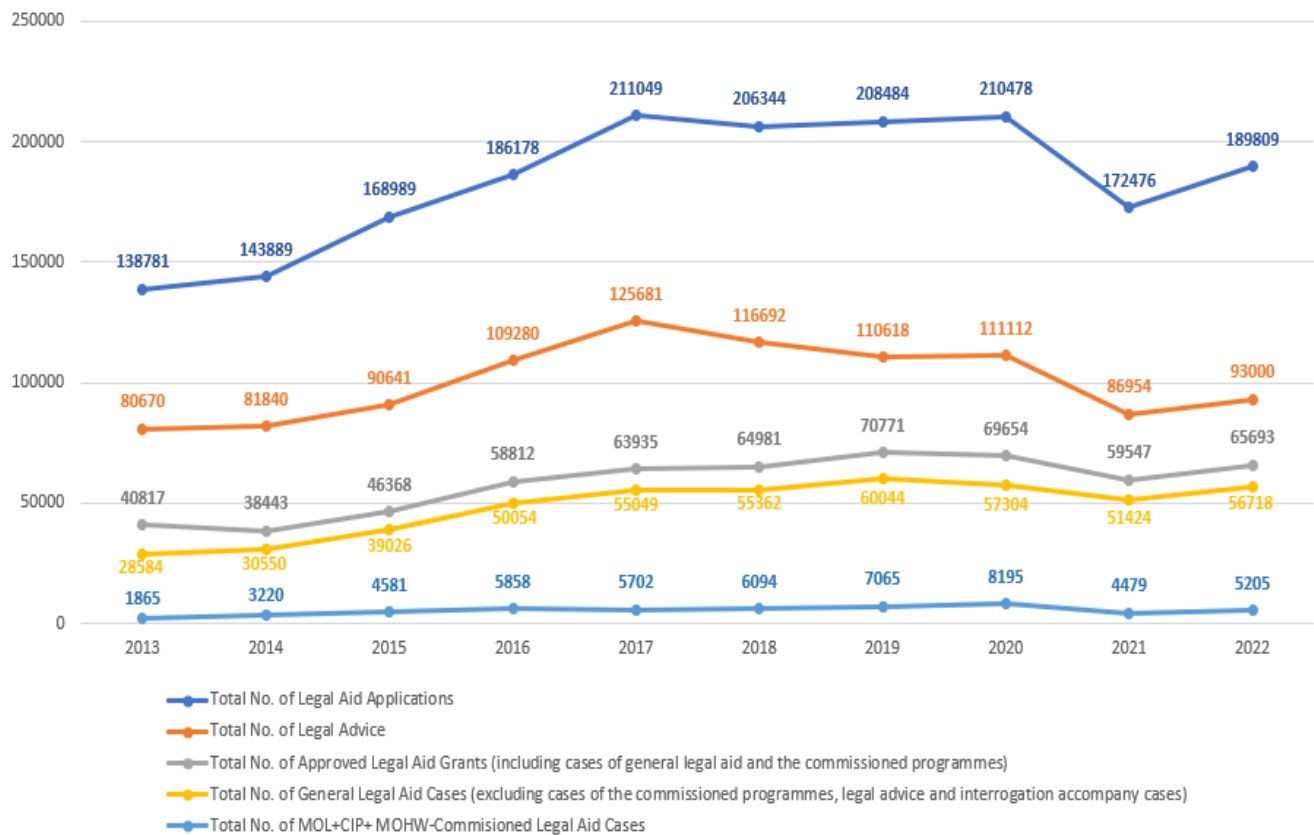


Figure 1: LAF Business Data--Number of Cases 2013-2022

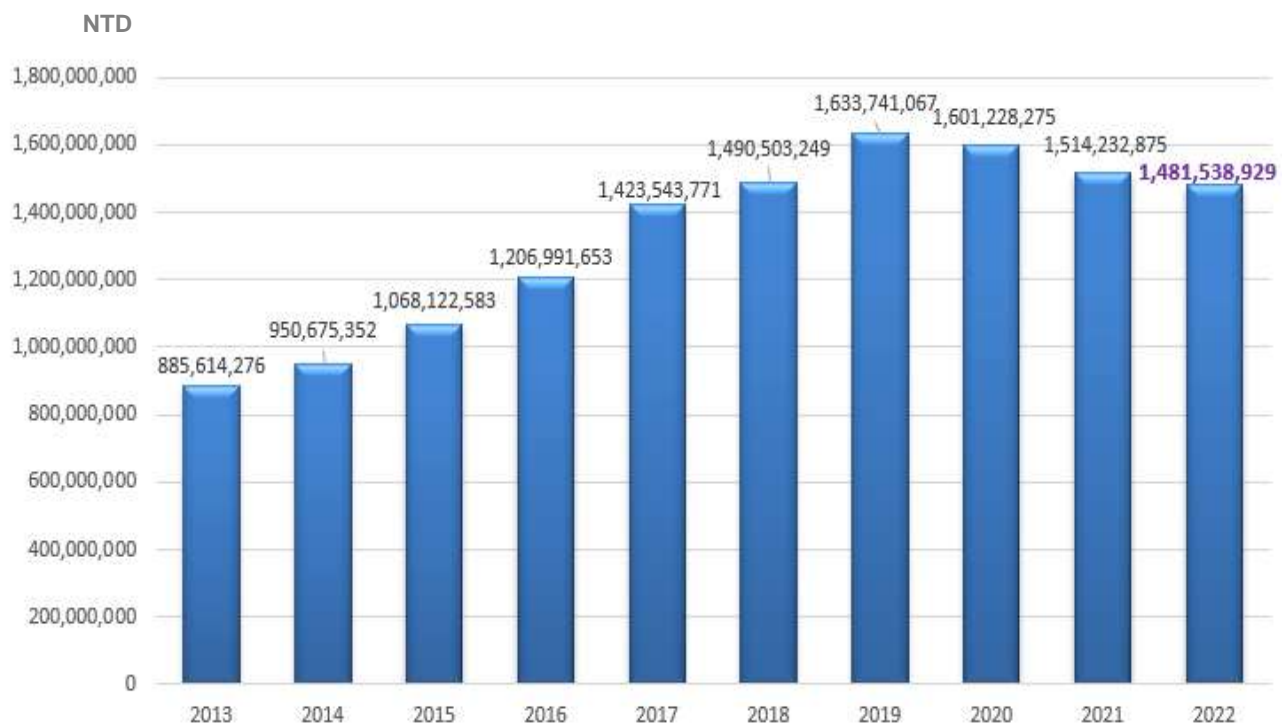


Figure 2: Total Legal Aid Spending in the Past Ten Years

The policy changes as a result of budget control, as mentioned above, have led to a decline in the overall caseload and legal aid expenses since 2020, in addition to the impact brought by the pandemic, as depicted in Figures 1 and 2. It is worth noticing that even though the number of legal aid cases approved by commissioned programs has decreased gradually, the LAF's actual workload of processing the applications has not necessarily decreased proportionally. Due to the different eligibility standards for each commissioned project, which are interrelated, the uncertainty and complexity of legal aid applications have increased significantly, which underscores the need for better staff training and administrative management to ensure the quality of application examinations and reviews.

(3) Expanding the MoHM-commissioned Program and increasing aided Items, in alignment with recent changes to the legal system, to ensure access to justice for disadvantaged groups; simultaneously, actively recruiting and training lawyers interested in new specializations

Despite a decline in the overall number of legal aid cases due to the aforementioned budget controls and enhanced compliance auditing policies, this does not signify that there has been no progress in protecting the legal rights of judicially disadvantaged individuals in Taiwan over the past few years. In fact, the LAF began implementing the “Legal Aid Program for Persons with Disabilities” commissioned by the Ministry of Health and Welfare in October 2018. For detailed information on this, please refer to Sections 8(1), 9, and 13 of this report, which cover the topic of human rights for persons with disabilities.

Furthermore, in alignment with newly amended laws and institutions in Taiwan over the past few years, the LAF has introduced new aid services and procedures to strengthen the protection of access to justice for disadvantaged groups, for example:

- In response to the introduction of the “Grand Chamber” system in the 2019 Court Organization Act to address differences in judgments, legal aid to this proceeding was introduced correspondingly. The LAF has also been frequently referred by the Supreme Court to appoint lawyers for such cases, assisting in unifying legal interpretations through in-depth legal research and verbal arguments.

- Following the 2020 amendment to the Code of Criminal Procedure that introduced the “participation of crime victims in litigation” system, the LAF Regulations on the Implementation Scope of Legal Aid were revised to include assistance in victims’ participation in the criminal trial proceedings.
- With reference to the most recent amendment to the Prison Act in 2020, which allows inmates to submit “petitions, complaints, and administrative litigations” regarding the prison’s disposition or management measures (in accordance with Judicial Yuan Interpretation No. 755), relevant proceedings for judicial remedy were included in the legal aid scope.
- In response to the Citizen Judges Act, which was amended in 2020 and came into effect in January 2023, marking the most substantial reform in Taiwan's criminal procedure, the LAF has introduced specialized aid procedures to accommodate its distinctiveness.
- The Mental Health Act, which was amended and passed in late 2022 and set to take effect in December 2024, specifies that the “emergency placement” and “mandatory hospitalization” of severely ill patients are subject to the requirement of a prior judicial decision (Richtervorbehalt). In response to this, the LAF will also provide legal assistance in the court’s review proceedings, as commissioned by the Ministry of Health and Welfare.

To realize the objectives of the above amendments, in addition to introducing new aid items, the LAF also actively recruits lawyers who are willing to take in cases of a special nature as mentioned above. The LAF has also been holding educational training to prepare these lawyers adequately. The training sessions not only equip lawyers with an understanding of the latest legal amendments, but also share favorable legal interpretations to strengthen the ability to effectively represent their clients in new procedures , ensuring that the spirit of these amendments is effectively realized.

(4) Adjusting legal aid lawyers’ remuneration based on empirical data to respond the long-standing appeals raised by external lawyers and promote recent amendments to the legal system

The remuneration provided to external legal aid lawyers by the LAF is determined during the examination process by the examining committee according to


the [Legal Aid Remuneration Calculation and Payment Method](#). The remuneration varies based on the type of cases (civil, criminal, family, administrative laws) and the level of the proceeding. In most cases, the remuneration ranges from approximately NT\$20,000 to NT\$30,000, which is about one-third of the market rate. Additional adjustments may be made upon case completion, with a maximum increase of NT\$10,000, which is the equivalent of 20 working hours.


Lawyer's remuneration standards had not undergone significant adjustments in the first 15 years since the LAF was founded. However, starting from the late 2010s, external lawyers, being faced with rising inflation, have called for increases in remuneration to reflect actual costs. The LAF thus carried out empirical research to identify complex and high-cost cases and proposed exceptions for increased remuneration. Furthermore, as mentioned in (3), the promotion of many amendments such as the Grand Chamber, constitutional litigation, and Citizen Judges, among others, relies on the participation of more legal aid lawyers who provide high-quality services, due to the high complexity and difficulty of these cases. The competent authority therefore is willing to offer higher remuneration incentives for such cases to ensure the quality of aid. In summary, the breakthroughs and revisions in legal aid lawyers' remuneration over the past few years within the LAF are as follows:


- For cases involving serious intentional crimes resulting in death, cases involving national compensation, labor disputes, financial crimes, consumer debt, and other types of cases where the minimum sentence is ten years or more of imprisonment, and if the legal aid recipients are persons with disabilities, foreign migrant workers, or disadvantaged foreign spouses, and if the cases are exceptionally complex, requiring more than five court hearings, additional remuneration up to 20 working hours may be applied for, on top of the regular remuneration adjustments for standard cases.
- In cases subject to the citizen judge trial procedure, the remuneration radix is 1.5 times that of other cases, namely the remuneration radix increases from the standard NT\$1,000 to NT\$1,500. Furthermore, there may be additional remuneration based on extra procedures or task requirements. The maximum remuneration for these cases is capped at NT\$75,000.
- Due to the complexity of cases, for cases involving constitutional litigation, the


Grand Chamber and citizen judges proceedings, up to three lawyers can be exceptionally appointed if necessary.

- When providing aid in tasks beyond the scope of the originally approved remuneration, legal aid lawyers may apply for additional compensation ranging from NT\$1,000 to NT\$5,000, for instance:

-  For legal aid lawyers who are notified to represent at the detention or temporary placement court proceedings after receiving criminal judgments, an additional NT\$2,000 may be granted for each court hearing.

-  For legal aid lawyers who draft the grounds for the appeals against the criminal judgements of first instance upon the request of legal aid clients or as ordered by the court, an additional NT\$2,000 to NT\$5,000 may be granted.

-  For legal aid lawyers who file appeals or re-appeals for aid recipients seeking litigation assistance, an additional NT\$2,000 to NT\$5,000 may be granted.

-  For legal aid lawyers handling consumer debt clearance and filing a statement of objection for forced execution for aid recipients in another case, an additional NT\$2,000 to NT\$5,000 may be granted.

(5) Strengthening quality control through the complaints and lawyer evaluation systems, formalizing the specialist panels policy, to safeguard the rights and interests of aid recipients, and address the service quality problems caused by the rapid increase in the number of lawyers

The strategies adopted by the LAF to ensure the service quality of legal aid lawyers include three aspects: (1) **Ex-post control:** Taking actions against lawyers with doubtful service quality based on legal aid clients' complaints, case closure reviews, telephone interviews on lawyer quality, the court/prosecutor's office's report forms, and the Judicial Yuan's lawyer evaluation system; (2) **Pre-screening measures:** Setting up a prerequisite for at least two years of professional experience for legal aid lawyers, limiting the number of cases a legal aid lawyer can take in one year to 24 to avoid excessive caseloads, and establishing specialist panels in the fields of family, labor, and consumer debts to examine lawyers' professional qualification in advance;

(3) **Professional training sessions.** For more details, please refer to [the report published for Topic 2 of the previous forum](#).²⁷

In view of the significant increase in the number of lawyers in the legal market over the past decade, which has severely impacted the quality of legal services, since the previous forum, the LAF has allocated additional workforce to enhance the ex-post control measures mentioned above. Whenever there are doubts about the conduct and quality of service provided by legal aid lawyers through multiple channels, LAF staff initiate investigations in response to complaints. If the investigation results reveal serious violations, the lawyer will be suspended from case assignments and referred to the specialized committee for the evaluation of legal aid lawyers, known as LAF Attorneys Evaluation Committee. The Evaluation Committee is composed of external lawyers, prosecutors, judges, professors of law, and other legal professionals. After conducting more in-depth and comprehensive investigations and face-to-face interviews with the investigated lawyers, the Attorneys Evaluation Committee can, based on the severity of the situation, impose one of three disciplinary actions, including asking for improvement, suspending case intake for up to three years, or relieving them of their duties as legal aid lawyers. In cases where it is confirmed through investigations by both the Attorneys Evaluation Committee and the LAF Attorneys Review Committee that there has been a serious violation of the Attorney Regulation Act and the Attorneys' Code of Ethics, the matter will be referred to the National Attorney Disciplinary Committee for deliberation. To enhance legal aid lawyers' understanding of common disciplinary situations, the LAF has developed training materials using disciplinary cases as examples to provide clearer disciplinary standards.

Furthermore, the specialist panels pilot introduced by the LAF in the fields of family law, labor law, and consumer debt clearance has undergone six years of trial periods spanning two terms. The program has been found to contribute to the development of lawyers' expertise and the improvement of legal aid quality. Practical issues that were identified during the pilot have been resolved to facilitate the continued operation of this policy. Therefore, starting from January 1, 2022, this policy has

²⁷ Chang, Y-S. "[LAF's Quality Assurance Strategy: Promoting Client-centered Lawyering in Legal Aid Practice](#)". 2018 International Forum on Legal Aid Panel Discussion Report. (Accessed August 28, 2023).

officially become the case assignment rule for these three areas. In addition, for certain niche case types and communities with unique needs, such as those involving conflicts related to indigenous cultures, persons with disabilities, defense for felony and death penalty cases, and juvenile cases, the LAF follows the same spirit of specialization by offering training sessions to a small group of lawyers who possess specialized knowledge and sensitivity to specific emerging issues. These lawyers are then assigned related cases where they can accumulate practical experience. It is anticipated that the quality of legal aid services for cases concerning emerging topics involving the disadvantaged groups can be improved in this way.

(6) Leveraging ICT to enhance daily operational efficiency, such as the promotion of digitizing case files and the gradual introduction of the Legal Aid Lawyers' Online Operating System

The number of applications and legal aid cases processed by the LAF has seen a significant increase since the amendment of the Legal Aid Act in 2015. However, the Foundation's workforce has only increased by 7% compared to that before the amendment. Additionally, due to the limitation on workforce quota, it's challenging to recruit more staff, resulting in increased workload and stress for the LAF staff, which may potentially impact the accuracy of operations and the quality of services. Therefore, the LAF has accelerated the adoption of information and communications technology (ICT) in recent years. The Foundation has introduced more automation features, such as case file digitization, and implemented the Legal Aid Lawyers' Online Operating System, allowing lawyers to proactively report on case progress, which facilitates communication between legal aid lawyers and the Foundation, reduces administrative tasks at branch offices, enhances operational efficiency, and contributes to the control and management of legal aid quality. For further details on the Foundation's implementation of ICT in the organizational operations, please refer to Section 7 below.

6. LAF ICT Applications for Legal Assistance

(1) Scope and journey of applying technology tools

LAF was founded in the early 21st century when the Internet became a standard tool. Therefore, since the beginning, the Foundation has utilized the official website,

social media, and other technology tools to provide legal aid and relevant legal information for awareness-raising and public legal education.²⁸ Nevertheless, during the first decade of the LAF, most of the Foundation's two primary services - legal advice and legal aid grant applications— were chiefly conducted in person. This was because that the clients served by the LAF primarily were persons from disadvantaged socioeconomic backgrounds with limited access to technology and funds. Also, in-person services ensured the Foundation can hear the applicants' claims fully and comprehensively. Telephone and video-conferencing thereby were used on rare occasions in the first decade, within particular areas, reserved for specific incidents/case types, or information announcements and appointments only, including:

- In 2005, LAF opened branch offices on the offshore islands of Penghu, Kinmen, and Matsu and adopted telephone and video-conferencing for advice and application examination because the number of local lawyers is limited, and lawyers elsewhere must travel far. Afterward, telecommunication also became available for cases in remote areas on the main island.
- In 2007, the Initial Interrogation Attorney Accompaniment Program set up a hotline, which remains operational now.
- In 2008 and 2013, the Foundation set up separate hotlines for consumer debt clearance cases and indigenous peoples, offering information on legal aid applications and appointments.
- From 2009 to 2015, the Foundation set up temporary hotlines for victims of specific major disasters and public safety incidents such as Typhoon Morakot, Formosa Fun Coast (powder explosion), and Kaohsiung gas explosions, offering information on legal aid applications and appointments.

The Foundation opened the LAF Call Center in May 2015, where lawyers on duty answer calls to the national hotline – 4128518 – during office hours, answering legal questions and offering advice. The LAF Call center consolidated various hotlines previously set up for specific programs and cases into the national hotline, providing information on legal aid and appointments for particular case types such as

²⁸ [LAF's official website](#) went live on July 1st, 2004, with multiple updates allowing better search results for users. LAF also set up its [Facebook page](#) in March 2009, [YouTube channel](#) in September 2010, and [Instagram account](#) in October 2020, sharing the latest LAF services and events via these platforms and reaching legal aid users and potential users with relevant needs.

employment disputes, consumer debt, family law, and specific populations, including indigenous peoples, community supporter professionals, persons with disabilities, and crime victims. Since May 2019, the Call Center has gradually consolidated the video-conferencing partner network set up by LAF branches for legal advice and expanded the network to other governmental agencies and national NGOs across Taiwan. The Center also adopted a national queuing system, which allows clients located at different partner agencies to seek legal advice from lawyers based at the Call Center via video-conferencing. As stated in Section 4.(3), following the peak of the pandemic, the Call Center has continued to develop appointment-based video-conferencing legal advice in English and Mandarin Chinese. This allows individuals with video-conferencing devices to access legal advice without the need to travel or wait in line. In 2023, the Center initiated the provision of video-conferencing legal advice on #Metoo and gender equality for victims of sexual harassment and sexual assault. Given that lawyers in this field must be sensitive to these issues and well-versed in relevant laws and regulations, the advice sessions are appointment-based and service time is extended, to ensure that the victims can understand their rights and explore possible legal remedies through the video-conferencing advice.

Unlike the legal advice service, LAF has applied limited ICT to legal aid applications and examinations. While the LAF provides comprehensive information on how to apply for legal aid on the official website and enables appointment via the Internet, some LAF branches offer few online appointment opportunities, and most applicants for legal aid still make appointments via the telephone, calling branch offices or the LAF Call Center.²⁹ In addition, other than the applicants who are imprisoned or detained, the legal aid applicants still need to attend the interview for application examination in person or by a representative. As stated in Section 4, during the Level 3 Alert in the summer of 2021, 17 LAF branches out of the 19 branches on the main island accepted or experimented with remote applications and examinations to various extent. In particular, 12 branches conducted examinations via video-conferencing, while seven branches conducted examinations via the telephone. The trial measures

²⁹ According to the *LAF Survey on the Legal Aid Clients' Assistance Seeking Journey & Life Profile* conducted in the summer of 2022, merely 7.95% of the respondents made appointments online by themselves. The second half of 2022 data from the LAF appointment system also showed that only 16% of the appointment information was submitted via the front end of the official website. Moreover, some of these appointments submitted from the website were completed with the assistance of LAF staff.

and experiments ended after the Level 3 Alert was dropped; nevertheless, the telecommunication and social media channels established by several branches in this period, such as Line@ accounts, remained operational and were later used for making appointments or supplementary document submissions.

(2) Pros, cons, and challenges of applying technology tools to legal aid services

The applications stated above to legal advice and application examination services indeed effectively reduce the transportation costs and waiting time for the applicants, enabling flexibility in the time, place, and format of applications. However, LAF notices that the digital divide and exclusion remain present, although telecommunication devices and the Internet are common. Not all applicants are capable or willing to seek legal advice or apply for aid via digital channels. The disparity is especially relevant to the applicant's age and level of education. The in-person format still offers a stronger sense of security for people using LAF legal services. Some applicants' disadvantages in comprehension and sense of reality become more prominent when applying via digital channels, taking even more time to submit their applications.

For members of the LAF Examining Committee and lawyers offering legal advice, internet and telecommunications technology reduces the effort, time, and costs required for them to get to the service locations, significantly reduces the percentage of applicant no-shows and additional document submissions, and even improves the quality of grant examination. However, on the flip side, the remote services were set up as a contingency during the Level 3 Alert period. Since such services lack comprehensive planning, the LAF staff must adapt to the limited software/hardware infrastructure, fragmented processes, and existing laws and regulations, and it takes much more time and effort for the LAF staff to help individual applicants. The LAF branches restored the in-person services at the head office's request since the Level 3 Alert was dropped. Also, due to the low efficiency, the branches weren't incentivized to maintain the remote services. This shows that applying technology tools requires systemic planning and a complementary legal framework that streamlines the entire service process; otherwise, technology doesn't necessarily generate positive outcomes.

7. LAF Organizational Digitalization

Rather than applying ICT to outward-facing LAF services, as stated in Section 6, the Foundation prioritizes improving the level of digitalization within the organization and among critical partners (primarily LAF lawyers), which is the building block for digitalizing outward-facing services in the future.

(1) Level of digitalization within the LAF and recent developments

Since its inception, the LAF has established a Business Management System for legal aid applications and relevant procedures. Subsequently, the Foundation has continuously added new procedures and functions to the system according to Board resolutions, by-laws, and adjustments to the operating procedures and commissioned programs. The System automatically generates the standard forms for LAF services and the preliminary routine reports. In recent years, the Foundation expanded and consolidated existing functions and added new sub-systems to increase the level of automation of day-to-day operations, including:

- Consolidated the existing online appointment system into the LAF Business Management System
- Automatic email (mail-to) after a case assignment, notifying the assigned lawyers to download case files and relevant information
- Systemic email notifications reminding lawyers of the due dates for case opening and the anticipated closure report
- Gradual development of the Legal Aid Lawyers' Online Operating System and integration into the Business Management System. This allows LAF lawyers to update personal information online, including contact information, time availability, and training attendance record, which may affect case assignment. The lawyers can also download case-related files, report case openings and problems, and submit details for case closure reports (including logging the number of client interviews, attorney visits to prisons/detention centers, hearings, and submitted legal pleadings; uploading case documents; and making requests for additional lawyer's remuneration). The LAF's progress and responses can be checked and a detailed list of all the undertaken legal aid cases can be downloaded from the Operating System. Furthermore, the Operating

System now even links to the Legal Aid Lawyers' Payment Information System, allowing lawyers to review the information of LAF's wire transfer payment and download payment statements

- Currently working on sub-systems for the four sub-types of legal aid contributions

Considering the current LAF Business Management System 2.0 (the second generation) was established nearly twenty years ago, the infrastructure lacks flexibility for adjustments. As laws and regulations evolve, operation processes change, and various developers introduce their own mindsets and definitions, the system's structure has become contradictory and incompatible in certain areas and insufficient in others. Although the System is equipped with basic tallying functions, the results generated by the System are not accurate, which requires manual adjustments. Therefore, the Foundation has been working on version 3.0 of the System (the third generation) for the past two years, surveying the system users' needs for future system design and development.

Besides the Business Management System, the LAF upgraded the accounting, asset management, human resource, and e-document systems in the past few years, adding custom functions to the packaged software procured by the Foundation. The LAF also adopted e-document communication with external institutions to expedite administrative procedures. Also, the Foundation has been actively digitizing case files and going paperless. Scanning and archiving the physical copies of applicant documents enable swift transmission and inquiry in the future and save storage space. Nevertheless, since the LAF has not adopted digital signatures at the moment, documents still need to be printed and signed occasionally.

The most significant impact of the pandemic on the Foundation's digitalization is stated in Section 4.(4) that LAF staff members can now hold virtual meetings online. Internal and external meetings and training sessions are now conducted in person and online via video-conferencing, though the latter's effectiveness requires further evaluation. Furthermore, the LAF took the opportunity while working from home to complete the setup of the Virtual Private Network (VPN), which enables off-site access to the LAF domain, keeping the operations flexible.

(2) LAF's manpower and budget for ICT applications

The IT Division under the LAF Department of Administration and Management is in charge of ICT applications and development. The division currently has four members responsible for installing, maintaining, and securing LAF software/hardware and Internet access. The division is also responsible for routine maintenance of the Business Management System stated above and developing and procuring next-generation systems. To specify the needs and functions of the new systems, members of other departments, including legal affairs, business, and accounting, also contribute to the development process. From 2005 to the end of 2022, the LAF spent NTD\$137,894,419 on version 2.0 of the Business Management System, accounting for 0.78% of total LAF expenditure since 2005 and 2.28% of the total administrative cost after deducting the direct costs of legal aid.

(3) Pros, cons, and challenges of promoting digitalization for the organization and relevant professionals

As stated above, in recent years, the LAF has significantly reduced the time required for communication between staff members and external lawyers and increased administrative efficiency through system automation. Automatic file transmission, e-documents, and going paperless have reduced paper and postage costs. The LAF Operating System for Legal Aid Lawyers allows the Foundation to track the progress of legal aid cases and documents promptly and conveniently. Furthermore, video-conferencing tools and VPNs help reduce the time and cost of commute and travel while expanding the geographic access and availability of legal aid.

However, a few LAF staff members, lawyers, and partners remain in the digital divide. During the promotion and implementation of the digitalization efforts, LAF prepared extensive instruction videos and helped troubleshoot over the telephone for users less familiar with technology tools. The most apparent case was in September 2019, when the Legal Aid Lawyers' Online Operating first went live. At the time, the range of LAF teaching demonstrations exceeded the functions of the System, covering various preliminary steps so that the lawyers could report case progress and submit documents for case closure; the Foundation went as far as teaching lawyers how to convert Word documents to PDF files for the upload. The same challenge emerged

when the LAF first held online training sessions for lawyers via video conference. Simply put, the measures that the LAF took to promote digitalization indeed increased the level of digitalization among legal aid lawyers across the board. Meanwhile, less tech-savvy lawyers unwilling or unable to use email, computer, or the internet gradually withdrew from legal aid.

Besides the digital divide and exclusion, the LAF also encounters other critical challenges, including balancing the convenience of information sharing and cybersecurity, overcoming hardware limitations to ensure quality and stability of the internet, accelerating the outsourced system development process to shorten the gap between law amendment and system update, and helping users to use the systems and technology tools properly to reduce repairs and errors.

8. LAF Specialized Legal Assistance for Specific Populations or Issues

As stated above, besides helping applicants financially eligible for legal aid per the Legal Aid Act, being funded by the Judicial Yuan, the LAF also takes on commissioned programs by the Ministry of Labor, Council of Indigenous Peoples, and the Ministry of Health and Welfare, offering legal assistance for workers, indigenous peoples, and persons with disabilities. Also, since the LAF takes on cases ranging from criminal, civil, and family to administrative laws, the LAF is in constant contact with the latest developments and emerging legal issues in society while handling applications and cases referred to the Foundation by other civil society organizations (CSOs). Therefore, the LAF pays special attention to the situations of disadvantaged populations and specific legal issues. In this Forum, the LAF and like-minded CSOs will address the legal aid concerning indigenous peoples, migrant workers, and refugees. Please refer to the agenda's Taiwan Report under Topic 2A, 2B, and 2C for further details. The following are examples of LAF efforts concerning persons with disabilities in recent years and the latest follow-up on consumer debt clearance cases, which the Forum previously reported on.

(1) Legal aid for persons with disabilities

Since its founding, the LAF has been dedicated to legal aid for persons with disabilities. As of the end of 2017, more than 10% of all legal aid applicants each year

are persons with disabilities. As Taiwan passed the Act to Implement the Convention on the Rights of Persons with Disabilities in 2014, the Ministry of Health and Welfare commissioned the Foundation with the Legal Aid Program for Persons with Disabilities in October 2018, according to Article 8 of the Act, supporting persons with disabilities to claim their rights protected by the Convention on the Rights of Persons with Disabilities (CRPD) and other laws. Accompanying the commissioned Program, the LAF initiated efforts to improve the Foundation's software and hardware infrastructure, such as ensuring an accessible physical environment in the branch offices, setting up a barrier-free website, and providing real-time transcription service to enhance the accessibility to legal aid for persons with disabilities.

In its inaugural year, the Legal Aid Program for Persons with Disabilities primarily offered legal advice; besides in-person consultation, the LAF specifically provides telephone consultation for persons with disabilities whose sessions are longer and not limited to specific case types. The LAF offers lawyer visits for persons with mobility issues or apparent difficulty in visiting the LAF in person and cannot seek legal advice via telephone or video conference. Lawyer visits are not limited to applicant residences and include visiting inpatients of psychiatric hospitals. In addition, the LAF set up the official Line@ account so that persons with hearing impairment could make appointments and submit applications in text. In the Program's second year, starting in December 2019, the LAF applies the preferred financial eligibility criteria (1.5 times of the general criteria) to applicants with disabilities who would not have been eligible for legal aid, providing representation in litigations and mediation, and legal documents drafting. On July 1st, 2023, LAF further expanded the scope of service, granting legal aid to persons with disabilities who receive government subsidies without a detailed means test.

Besides helping applicants broadly, the LAF also works closely with groups supporting persons with disabilities, handling referrals, taking on cases with legal significance, and launching strategic litigations to actively help persons with disabilities challenge government agencies and private institutions for shortcomings in implementing the CRPD. Please refer to Section 9 below for further details. To ensure service quality for this population, LAF conducts training for staff members and lawyers, such as the Human Library, to raise awareness on relevant issues. Furthermore,

the LAF organizes case studies and exercises to train and recruit like-minded lawyers interested in taking on such cases. LAF also works with Fountain House of Eden Social Welfare Foundation, which has long been dedicated to community support for persons with psychosocial disabilities. LAF in-house lawyers or lawyers on duty at the Call Center can call a weekly consultation hotline hosted by Eden for professional advice on psychosocial disabilities, helping the lawyers learn more about the population they serve.

(2) Legal aid for consumer debt clearance

Since the card debt crisis³⁰ exploded in Taiwan in late 2005, leading to a series of social issues, the LAF has been helping the debtors, pushing for the birth of [the Consumer Debt Clearance Statute](#). The LAF even deleted the internal regulation on not granting legal aid to bankruptcy cases to help the debtors with debt negotiation and clearance after the Statute took effect on April 11th, 2008.³¹ In 2015, the Legal Aid Act and its subordinate regulations were amended, allowing the LAF to exempt applicants from the means tests of legal aid. The applications may be processed directly by the executive secretary of LAF branches based on documents submitted without examination by the Examining Committee. This allows the LAF to lower the eligibility threshold and help more debtors in need. Also, the LAF began assigning consumer debt clearance cases to specialist panel lawyers in August 2015 to improve the service quality and help legal aid lawyers cultivate their expertise in consumer debt clearance.

Given that the debtors often face more than one problem, as the legal issues are accompanied by other socioeconomic issues requiring assistance such as social welfare, medical care, and psychotherapy, the LAF works closely with relevant CSOs, with lawyers interested in helping debtors holding regular meetings discussing this issue. The collaboration between the lawyers and CSOs facilitates referrals and promotion of legal and non-legal resources, providing more comprehensive holistic support for the debtors. Furthermore, this collaborative network commented on the Consumer Debt Clearance Statute, LAF policies, and legal aid application practices, leading to the

³⁰ The card debt crisis in Taiwan refers to the bad debts that occurred in the second half of 2005, when banks issued excessive credit cards and cash cards, resulting in over-expansion of consumer credit and personal debt as the cardholders could not afford to repay.

³¹ Lin, Y-S. [“Poverty, Debt, and Legal Aid in Taiwan”](#). 2009 International Forum on Legal Aid Panel Discussion Report. (Accessed August 28, 2023).

amendments of the Statute in 2012 and 2018. For further details on this integrated services network, please refer to [Topic 3 of the last Forum's Panel Discussion Report](#).³²

In recent years, besides credit card debt, the collaborative network stated above expanded its efforts to poverty and other emerging forms of debt, including student loans, indebtedness resulting from dummy accounts and romance scams, merchandise loans by financing companies, and the negative impact of the pandemic on the debtors' solvency. Since the pandemic began, the network has regularly hosted online experience-sharing for consumer debt clearance lawyers in Taiwan, allowing legal aid lawyers to exchange ideas, raise questions, and discuss cases, forming consensus on legal practices and promoting effective best practices.

9. LAF Strategic Litigations and Class Actions

LAF assigns lawyers to help legal aid applicants individually to fight for their rights and justice according to the existing legal system. Moreover, given that specific regulations of the national legal system are never implemented or require amendment and reform (for example, lacking rules governing specific matters, contradicting regulations, or lacking implementation measures), strategic litigations and class actions are sometimes necessary. LAF actively takes on such litigations of social significance, whether multiple legal aid cases are involved based on the same subject matter, numerous litigators within an individual case with complicated facts, or cases with significant impact on public safety, in order to protect public interest and facilitate legal reform. Types and themes of strategic litigations and class actions undertaken by the LAF in recent years are stated below in Table 2:

Table 2: Types of LAF Strategic Litigations and Class Actions

Topic	Case description
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³² Hsu, Y-L. "[Interdisciplinary Service Networks in Legal Aid Practice: The Example of Consumer Debt Clearance Program Working Together with Non-legal Services](#)". 2018 International Forum on Legal Aid Panel Discussion Report. (Accessed August 28, 2023).

<p>Human rights of persons with disabilities</p>	<p>Since the implementation of the Convention on the Rights of Persons with Disabilities in Taiwan is insufficient with limited protection of the rights specified in the Convention, the LAF helps persons with disabilities file litigations challenging government agencies and private institutions for shortcomings in implementing the CRPD, such as employment discrimination, prison treatment, and rigid rules for welfare subsidies, illegal and involuntary hospitalization, and insufficient personal assistant hours. Taking personal assistant hours as an example, the LAF represents Yu-jie (alias), who has muscular dystrophy and a severe disability certificate in getting more hours of assistive services for independent living in the community. The municipal government initially granted Yu-jie a maximum of 60 hours per month, which is insufficient for her needs. With LAF support, Yu-jie won the administrative litigation in court, and the court ordered the municipal government to re-evaluate and grant appropriate hours of assistance to Yu-jie. This judgment is a landmark decision in Taiwan, for it is the first case determining the hours of personal assistance for persons with disabilities. The municipal later canceled the maximum limit to personal assistant hours and granted Yu-jie 8 hours per day of assistance service. However, the hours given are still insufficient for her needs, and the LAF will continue fighting for Yu-jie in court.</p>
<p>Voting rights of incarcerated individuals</p>	<p>While the personal freedom of incarcerated individuals in correction facilities in Taiwan is restricted by law, their civil rights to election, recall, initiative, and referendum are not deprived by law. However, the Public Officials Election And Recall Act states that an elector shall vote at the polling station at the place of domicile, prohibiting those imprisoned from exercising their rights to vote. To protect their constitutional rights and implement Article 25 of the International Covenant on Civil and Political Rights, in 2022, multiple LAF staff lawyers collaborated with the CSO, Prison Watch, to help seven prisoners whose places of domicile is registered at the prisons to request the Central Election Commission to set up voting booths at the correction facilities or accompany them to nearby voting booths for the election on November 26th, 2022. The Central Election Commission denied the case, and the litigation team filed for administrative litigations, including administrative appeal, provisional injunction maintaining a temporary status quo, and litigation demanding performance of certain obligations, all denied or dismissed. The LAF team is preparing to file a suit in the Constitutional Court.</p>
<p>Human rights, esp. rights to consultation and consent of indigenous peoples</p>	<p>The Indigenous Peoples Basic Law was formulated in 2005, in which Article 21 specified that when governments or private parties engage in land development, resource utilization, ecology conservation, and academic research in indigenous land, tribe, and their adjoin-land, which is owned by governments, they shall consult and obtain consent by indigenous peoples or tribes, even their participation, and share benefits with indigenous people. However, such rights to consultation and consent were never protected in practice in administrative proceedings. It was until the LAF Legal Center of Indigenous Peoples and external lawyers represented residents near the Shin Cheng Mountain mining area in Xiulin Township, Hualien County, seeking to revoke an administrative injunction claiming that the Ministry of Economic Affairs failed to consult members of the local tribes before granting an extension of mining rights by twenty years to Asia Cement Corporation, that the rights to consultation and consent were finally recognized by administrative agencies. The case was determined in September 2021, forcing Asia Cement to actively seek to implement consult and consent procedures in 2021 and 2022 and facilitating the amendment to the Mining Act 2023. This was the first judgment on indigenous peoples' rights to consult and consent. Later, the LAF participated in litigations concerning development projects in indigenous areas, claiming the absence of consultation and consent, including Shihfong Hydroelectric Power Case, Wanli Hydroelectric Power Case, Katratripulr Tribe against Zhiben Photovoltaic Development Case, and Tamazuan Tribe's Fight against Mining Case.</p>

Environmental protection and public nuisance	<p>Since the LAF's establishment, the Foundation has handled several iconic class action cases on environmental disaster and public nuisance, including the RCA Taiwan Pollution Class Action (RCA case), the CPDC Pollution Class Action (dioxin pollution case), and Formosa Plastics (Sixth Naphtha Cracker Project) Air Pollution Class Action case. Such cases often involve many victims, lengthy proceedings, and complicated facts, where experts of various disciplines and backgrounds are needed. Taking the RCA case as an example; the Radio Corporation of America (RCA) factory in Taiwan discharged unprocessed toxic waste that led to soil and groundwater pollution, causing more than a thousand factory workers to develop severe illnesses such as cancer. Litigation of the occupational injury case lasted nearly twenty years until now, during which the LAF litigation team collaborated with social workers, sociologists, medical doctors, public health experts, and toxicologists; substantial effort was poured into the case. As of 2018, among the 500-plus plaintiffs of the initial lawsuit, 262 plaintiffs won the final decision, and the rest, along with the 1200-plus victims of the second round of cases filed in 2016, have not received the final decision, though the results of the first and second instances favored the victims. Related proceedings remain a crucial focus for the LAF in class actions for the past few years. The RCA case prompted the amendments to the Soil and Groundwater Pollution Remediation Act and the Occupational Safety and Health Act. Decisions on this case also contributed to legal opinions on recognizing causal relationships in similar environmental protection and public nuisance cases.</p>
Public safety incidents of social significance	<p>LAF is always involved whenever public safety incidents with heavy casualties and social significance occur in Taiwan (such as the Formosa Fun Coast (Powder Explosion) Case, Tainan Earthquake Class Action, and Taroko Express Train Derailment Case). Such cases often involve criminal negligence, causing injuries or deaths and civil damages. Therefore, to preserve the victims' and family members' claims for potential compensation in the future, lawsuits seeking provisional seizures and other preservation procedures must be filed against the suspects immediately, which are often filed by a single legal entity coordinating affairs and representing multiple victims such as the LAF. For such cases, the LAF Board passes resolutions and establishes designated programs, exempting victims and families from applying for legal aid individually and receiving assistance more swiftly.</p>

LAF staff lawyers are usually responsible for the strategic litigations and class actions, collaborating with external lawyers when necessary; the litigation teams hold regular meetings to formulate litigation strategies and draft legal documents. CSOs, experts, and scholars working on relevant issues are often close collaborators and partners in such cases. Since the LAF started recruiting in-house lawyers in 2006, the in-house staff lawyers have accumulated invaluable insights and know-how on strategic litigations and class actions, including coordinating with multiple litigators and partners. Integrating legal and non-legal expertise, strengths, and wisdom across multiple generations sets a unique example in law practices in Taiwan, which could be a field of individual efforts generally. Such collaboration is beneficial for pooling team members' strengths and contributing to the generational succession of the LAF and the legal profession in Taiwan.

10. Citizen's Participation in Taiwan's Judicial System and the Role of LAF

Please refer to the LAF's report in Topic 3A of the Forum.

11. Protection of Crime Victims in Taiwan and the Role of LAF

(1) Specific measures for protection of crime victims in Taiwan's legal system:

➤ Substantial subsidies or assistance:

In Taiwan, substantial subsidies and assistance are provided to crime victims, including emergency assistance, life rehabilitation support, shelter placement, medical examinations, evidence collection, medical expenses, physical and psychological therapy, counseling and guidance, legal services, financial assistance, vocational training, employment services, and educational support. These provisions are stipulated in several laws, including the [Crime Victim Rights Protection Act](#) (§16), the [Domestic Violence Prevention Act](#) (§8), the [Sexual Assault Crime Prevention Act](#) (§6), and the [Human Trafficking Prevention Act](#) (§4). In addition, the [Crime Victim Rights Protection Act](#) also contains provisions related to crime victim protective orders (§35 and following) aimed at ensuring the personal and property safety of crime victims when the court approves the suspension of detention for defendants. It also includes provisions for crime victim compensation (§50 and subsequent sections) to address the losses suffered by victims as a result of criminal acts. The [Domestic Violence Prevention Act](#) has also established a civil protection order system (§10~§20) designed to protect victims' personal safety. The [Legal Aid Act](#) stipulates that indigent victims can apply for legal aid. Once their eligibility is confirmed, LAF assigns lawyers to assist crime victims in handling legal matters.

➤ Adjustment of procedures:

In addition to offering substantial subsidies and assistance, there are also statutory adjustments to procedures aimed at protecting the rights of crime victims. For example, on January 8, 2020, an amendment to the [Code of Criminal Procedure](#) has been enacted, stipulating that crime victims have the right to attend legal proceedings with people they trust (§248-1, §271-3). In the

investigation and court proceedings, prosecutors and judges must pay attention to the protection of the privacy of crime victims and their families. They are authorized to use isolation facilities to appropriately separate crime victims from defendants and members of the public, taking into account the circumstances of each case (§248-3, §271-2). Furthermore, a system for crime victims to participate in legal proceedings has been introduced, allowing them to participate in the preparation proceeding and express their opinions regarding matters that are handled during preparation, including listing the disputing points, assessing the admissibility of evidence, and determining the scope, order, and methods of evidence investigation in the trial proceedings. This system also ensures the right of crime victims to participate in the trial process (§455-38 and subsequent sections). Under the [Sexual Assault Crime Prevention Act](#), to safeguard the judicial procedural rights of vulnerable witnesses and enhance the credibility of their testimony, child or mentally disabled crime victims are to be questioned with the assistance of relevant professionals (§19). Trials involving these victims must not be open to the public (§27) to protect the privacy of crime victims.

(2) The role of LAF

The Legal Aid Act stipulates that indigent crime victims can apply for legal aid. After verifying their eligibility, LAF assigns lawyers to assist crime victims with their legal matters. While several legal provisions mentioned above³³ mandate that the government should provide legal services to crime victims, the qualifications, scope, and areas in which these services are offered vary among government agencies. Consequently, the different regulations regarding legal aid and legal services complement each other. Depending on their circumstances, crime victims may choose different provisions to obtain legal assistance.

Furthermore, to enhance the quality of legal services provided by lawyers and ensure the rights of crime victims are adequately protected, LAF has actively conducted training and education for lawyers involved in assisting crime victims. This training covers not only legal knowledge but also essential skills such as trauma awareness and

³³ Crime Victim Rights Protection Act, Domestic Violence Prevention Act, Sexual Assault Crime Prevention Act, Human Trafficking Prevention Act, etc.

crisis management. Such training not just strengthens the professionalism of assisting lawyers, but also promotes the protection of crime victim rights. In response to the domestic community's concern about this issue, the LAF Call Center has introduced telephone legal consultation services for crime victims starting from February 1 of this year. This service enables all crime victims, regardless of their identity or status, to call and receive a 20-minute consultation, ensuring they promptly obtain the necessary legal information.

(3) Collaborating with AVS to establish a single window for more comprehensive crime victim rights protection

Considering that various entities have different qualifications, services, and scopes in providing legal assistance, and recognizing that crime victims' needs extend beyond legal matters, the LAF has collaborated with the Association for Victims Support (AVS) since 2021. This collaboration aims to establish a single contact point and service referral mechanism. For crime victims who do not meet the LAF criteria, we refer them to AVS. Applicants who meet our aid standards but have non-legal needs are also referred to AVS. Social workers will then assess their requirements and provide assistance in various aspects, including financial, psychological, medical, educational, and employment support, ensuring that crime victims receive more comprehensive rights protection.

12. Research on Legal Needs and Patterns of Seeking Legal Services in the Past Five Years

Since 2018, LAF has been actively engaged in data mining and analysis based on the operational data we have. We aim to establish an organizational culture that values evidence-based management and decision-making. We hope that policy development and the design of operational processes can be guided by empirical evidence. This approach will enable us to identify key issues and influencing factors more accurately, thus facilitating more precise policy planning and solutions that align with actual needs.

Between 2018 and 2020, LAF conducted a series of "Data for Social Good" research projects using both internal and external research resources. These projects

involved cross-referencing the data of legal aid applicants and government open data. The research aimed to profile the demographic characteristics of legal aid applicants, case types, geographic distribution, and calculated the population coverage rate for legal aid services in different areas. This allowed us to evaluate the effectiveness of our promotional activities and the appropriateness of resource allocation. Subsequently, we conducted qualitative interviews with local branches to understand their interpretation of the data analysis results and the relationships between on-site observations, local promotional practices, and the data. Some of the research findings from this series can be found in our [report](#) presented at the 2019 International Legal Aid Group Conference.³⁴ Based on these research findings, we updated and visualized service data to support local branches in managing their operations effectively.

Recognizing that our operational data only reflects basic demographic information about our service users and application-related data after they approach us, we realized that we lack data on the applicants' patterns of seeking legal services, preferences, and general life profiles before seeking assistance. This absence of information prevents us from providing comprehensive insights to our future service design to enhance digitalization. Therefore, in late 2020 our research team planned a series of studies to explore the behavior, history, and life profiles of our applicants. However, due to the restrictions of the COVID-19 pandemic Level 3 Alert, an originally scheduled quantitative study, "Legal Aid Clients' Assistance Seeking and Life Profile Survey", was delayed and then postponed until the summer of 2022. This survey was ultimately conducted between July and September 2022 through 19 LAF local branches on the Taiwan main island. Using a systematic random sampling approach, trained interviewers conducted face-to-face interviews to complete questionnaires with 1,523 valid respondents, including 1,355 legal aid applicants and 168 proxies or companions. The survey covered four main aspects, including: 1) applicants' online and offline legal assistance-seeking behaviors, channels, reasons, and advice preferences before approaching the Foundation; 2) users' experience and satisfaction with our services; 3) the use of technology, information collection and communication habits; 4) transportation/mobility tools and habits. Some of the results

³⁴ Chang, Y-S. "Data for Social Good: Developing an Evidence-Based Approach to Locate the Potential Need for Strategic Planning". Paper presented at the 2019 International Legal Aid Group Conference, Ottawa, 17-19 June 2019.

regarding technology accessibility of applicants can be found in our report presented at the 2023 International Legal Aid Group Conference.³⁵

13. Implementation of International Human Rights Conventions in Taiwan and LAF's Efforts

While our country is not currently a member of the United Nations, we actively monitor and adhere to various international human rights conventions established by UN. Apart from having signed, ratified, and implemented the “International Convention on the Elimination of All Forms of Racial Discrimination” during the period when we were a UN member state,³⁶ we have continued to pass five Implementation Acts of the core human rights conventions between 2009 and 2014 to give domestic legal effect to the conventions' content.³⁷ We have also established a domestic reporting and review mechanism based on the UN system. For human rights conventions that have not yet become effective or been domesticated into our legal system, the Foundation still strives to follow the principles and content. The interpretations based on these conventions are applied in our legal opinions for the cases we assist, and we actively support and welcome the domestication of these conventions. The following table summarizes the implementation of United Nations international human rights conventions in Taiwan over the past five years, especially those relating to legal aid, access to justice, and protection of the right to counsel, as well as LAF's recent efforts. For more information on the implementation of these conventions and related aspects, please refer to the website of the CSO [Covenants Watch](#), which provides documentation submitted by government agencies, the National Human Rights Commission, and the CSOs during the periodic reviews of these conventions.

³⁵ Chang, Y-S. ‘Not All Clients Are the Same: Exploring the Possibility of Legal Aid Service Innovation with Modern Technology’. Paper presented at the 2023 International Legal Aid Group Conference, Harvard University, Boston, June 21-23, 2023.

³⁶ This Convention was adopted by the United Nations General Assembly on December 21, 1965, and entered into force on January 4, 1969. Our country signed it on March 31, 1966, approved it on November 14, 1970, deposited it on December 10, 1970, and became effective in our country on January 9, 1971.


³⁷ These include [Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights](#) passed in 2009, [Enforcement Act of Convention on the Elimination of All Forms of Discrimination against Women](#) passed in 2011, and [Implementation Act of the Convention on the Rights of the Child](#), and [Act to Implement the Convention on the Rights of Persons with Disabilities](#) passed in 2014

Table 3: Implementation of International Human Rights Conventions in Taiwan (Excerpt)

Topic	Implementation of International Conventions by LAF, Governmental Agencies, And CSOs (In Chronological Order)	Main Corresponding Conventions
Personal Freedom	<ul style="list-style-type: none"> ➤ Although Constitutional Interpretation No.799 issued on December 31, 2020 recognized that most of the provisions in the Criminal Code and the Sexual Assault Crime Prevention Act regarding the compulsory treatment of sex offenders are constitutional, it raised concerns about the constitutionality of certain cases of long-term compulsory treatment. It also identified unconstitutionality due to the violation of the principle of due process of law “in the process of court application for declaration or suspension of compulsory treatment, where there’s a lack of personal or appointed defense for individuals liable to penalty and the absence of mandatory defense for individuals with mental or intellectual disabilities.” Some of the grand justices had differing opinions on the interpretation recognizing the constitutionality of the majority of provisions, arguing that specific provisions violated principles like proportionality and judicial reservation. ➤ Starting from January 2020, the criteria for dispatching legal aid lawyers under the LAF Habeas Corpus Program “requiring a court-issued writ of habeas corpus” were amended and relaxed. Cases where “a writ of habeas corpus has not been issued, but the applicant has made it clear where and when they were subjected to arrest or detention” are also eligible to apply for an accompanying lawyer. ➤ On December 10, 2021, Constitutional Interpretation No. 812 was issued, declaring unconstitutional provisions in the Criminal Code and the Organized Crime Prevention Act that compelled habitual criminals or those who commit crimes due to habits of loitering or vagrancy to be committed to a labor establishment to perform compulsory labor before or after the execution of their punishment. ➤ In December 2022, the Legislative Yuan passed amendments to the Mental Health Act, set to come into effect two years later. These amendments shift the evaluation of mandatory hospitalization for mentally ill patients from a review committee to judicial discretion. They also limit the number of times that an extension of mandatory hospitalization can be requested to one, and in cases where severe patients do not appoint a lawyer as their agent during an emergency placement, it becomes the responsibility of the mental health institution to notify the central governing authority to provide necessary legal aid. 	<p>✚ ICCPR §8, 9</p>

Topic	Implementation of International Conventions by LAF, Governmental Agencies, And CSOs (In Chronological Order)	Main Corresponding Conventions
Right to Vote	<ul style="list-style-type: none"> ➤ The LAF's staff lawyers worked together with Prison Watch to assist incarcerated individuals in their request for the Central Election Commission to set up polling stations in correctional facilities on November 26, 2022, during the nine-in-one election, or to transport them to nearby polling stations. However, relevant administrative litigations were rejected, and we are currently preparing to file for constitutional interpretation. For detailed information on the case, please refer to Section 9 on strategic litigation. ➤ Several CSOs, including the Taiwan Association for Human Rights, filed an urgent administrative litigation before the aforementioned election due to the lack of voting measures for confirmed and isolated COVID-19 patients on the election day, resulting in a substantial deprivation of their voting rights. They also requested the Constitutional Court to declare the unconstitutionality of the prevention measures in the election and issue temporary dispositions. However, the Constitutional Court rejected the request, stating that the election epidemic prevention measures were not the subject of constitutional litigation. The administrative lawsuit is currently under appeal. 	<ul style="list-style-type: none"> ✚ ICCPR §25
Right to Work	<ul style="list-style-type: none"> ➤ The Foundation continues to assist foreign migrant workers in upholding their equal right to work and helps them recover withheld wages. In recent years, during the COVID-19 pandemic, we encountered special cases related to stranded vessels like the MIDAS and the DER YUN. Foreign crew members from Myanmar, Indonesia, China, and other countries were trapped in dire conditions at sea due to shipwrecks or shipowners' abandonment. Their salaries were often withheld or unpaid. We assigned dedicated staff lawyers to handle such complex cases related to shipping, advocating for the rights of foreign migrant workers. ➤ The Foundation has provided assistance in several cases of employment discrimination against people with disabilities who were terminated from their jobs due to their disabilities. Through strategic litigation, we challenge the government and private companies for not fully implementing international conventions. ➤ LAF staff lawyers, Prison Watch, along with external lawyers, are concerned about the issue of low wages for prison labor. Regarding this issue, the Ministry of Justice's Corrections Agency was previously corrected by the Control Yuan. Nearly 60% of inmates in national correctional institutions earn an average monthly labor wage of less than NT\$500, which is far below the NT\$3,000 estimated by the Corrections Agency as the basic monthly living expenses for inmates. This significantly affects the inmates' basic human rights, including the right to life, work, and health. In the latter half of July of 2020, the Regulations Governing Disbursement of Labor wage in Prisons were amended to increase the proportion of labor wage that inmates actually receive. However, their income from labor remains little compared to their monthly expenses. The legal aid lawyers from various regions have teamed up to challenge this issue through different lawsuits. In terms of administrative litigation, the Hualien District Court Judgment Jian Jian Geng Yi Zi Administrative Litigation No. 3 of 2023 ruled that the labor wage received by the plaintiff inmates was significantly disproportionate to their labor, far lower than 	<ul style="list-style-type: none"> ✚ ICESCR §6, 7, 11 I ✚ CRPD §27

Topic	Implementation of International Conventions by LAF, Governmental Agencies, And CSOs (In Chronological Order)	Main Corresponding Conventions
	the minimum hourly wage under the Labor Standards Act during the same period, which was tens of times higher. This was seen as discrimination against the value of inmate labor, a clear affront to human dignity, with the risk of enslaving inmates, which blatantly violates ICESCR and public law obligation of adequate provision supply. As for the constitutional litigation handled by our staff lawyers, it has been granted by the Constitutional Court and is currently pending.	
Right to Adequate Housing	➤ In August 2021, the LAF Civil Disobedience Program assigned lawyers to accompany residents to attend police and prosecutor investigations. Lawyers assisted residents who were defending their right to adequate housing in the face of the forced demolition during their protest against the eastward relocation of the Tainan railway, aiding them in resisting police enforcement.	✚ ICESCR §11
Gender Equality/Women's Human Rights	<ul style="list-style-type: none"> ➤ The LAF constantly conducts CEDAW training sessions to lawyers every year. The training focuses on the application of CEDAW in the judicial and lawyers' practices. In addition, some courses, authorized by instructors, are recorded and made available on our video platform to assist lawyers in enhancing their understanding and application of the Convention. ➤ To help victims of sexual assault, sexual harassment, and obscene acts understand and advocate for their legal rights promptly, the Foundation has initiated the "Gender Equality Video-Conferencing Legal Consultation Service" since August 1, 2023, which provides a 40-minute consultation for individuals facing such situations. 	✚ CEDAW
Human Rights of Children and Juveniles	<ul style="list-style-type: none"> ➤ Constitutional Interpretation No.8 of 2022 announced by the Constitutional Court on May 27, 2022 cited the Convention on the Rights of the Child and its General Comment No.12 and stated that respecting the wishes of minor children is an important principle for protecting their best interests. If a child is capable of forming their own opinions, their opinions must be seriously considered, and an explanation must be provided regarding how those opinions are considered to prevent listening to children's opinions from being a mere formality. The court declared the case unconstitutional for not providing minor children with the opportunity to express their opinions. ➤ The Foundation constantly conducts CRC training sessions to lawyers every year, which include topics such as the exercise of the rights of children and juveniles in family cases, the best interests of the child, child protection, the Juvenile Justice Act, and the protection of children with disabilities to enhance lawyers' awareness of children's rights and their familiarity with the Convention. ➤ In recent years, the LAF, when handling major criminal cases where the defendants are facing the death penalty or long-term imprisonment, has taken into consideration CRC principles in assessing whether the defendant has minor children or dependents so that the "best interests of the child" can be claimed during sentencing to avoid the imposition or execution of the death penalty. The Judicial Yuan, in response to the National Review of CRC, has also indicated that in the future, the feasibility and specific criteria of considering defendants with minor children in sentencing will be deliberated by the Sentencing Guidelines Council of Criminal Cases. 	✚ CRC

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Human Rights of Persons with Disabilities	<ul style="list-style-type: none"> ➤ The LAF has been commissioned by the Ministry of Health and Welfare to carry out the Legal Aid Program for Persons with Disabilities since October 2018. The Program aims to provide legal advice and representation with more diverse and comprehensive services, as well as more favorable review standards for persons with disabilities. The Foundation also took this opportunity to improve the overall infrastructure of the Foundation to enhance the accessibility of legal aid. For more details, please refer to Section 8.(1) of this report. ➤ To enhance our colleagues' and lawyers' awareness to CRPD, the LAF conducts CRPD training sessions every year. In recent years, the Foundation has been working on strengthening lawyers' awareness of "procedural accommodation", as referenced in the Concluding Observations of the Second National Report. Through case discussions and training, the Foundation identifies and recruits lawyers that are passionate about this topic. In addition, through selecting iconic cases related to various rights under the Convention, the Foundation engages in strategic litigation to challenge the numerous areas where the government and private institutions have failed to implement the Convention. For more details, please refer to Section 9 of this report. ➤ The Legislative Yuan amended the Mental Health Act in December 2022. In addition to protecting personal freedom by changing involuntary hospitalization to a decision made by judges, this amendment introduced an expert review mechanism for first-instance decisions related to involuntary hospitalization, cessation of emergency placement, and cessation of mandatory community treatment. Furthermore, the new act ensures patients' right to informed consent, prevents the stigmatization of mental health patients, and actively promotes the establishment of community mental health centers to provide diverse community support resources in line with the spirit of the Convention. The new act will come into effect in December 2024, two years after the amendment. The Ministry of Health and Welfare has initiated amendments to relevant regulations and is collaborating with the Judicial Yuan and the LAF to discuss how to provide legal aid in accordance with the new law. ➤ In addition to conducting CRPD training, the Judicial Yuan, in March 2023, issued the "Guidelines for Establishing Accessible Seating in Various Types of Courtrooms", urging all courts to plan accessible facilities and seats in the courtrooms, enhance resources such as sign language interpreters and real-time transcription, and facilitate the participation of persons with disabilities in court activities in line with the spirit of the Convention. 	 CRPD

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Human Rights of Indigenous Peoples	<ul style="list-style-type: none"> ➤ To ensure equal access to justice for indigenous peoples, the LAF proactively initiated a project that sends lawyers to accompany indigenous peoples to attend police and prosecutor investigation since July 2012, which was yet required by the law. The project subsequently led to the amendments to the Criminal Procedure Code to strengthen mandatory legal representation in investigations of indigenous peoples. Since April 2013, the Foundation has been commissioned by the Council of Indigenous Peoples and relaxed review standards to provide more comprehensive legal assistance to indigenous peoples. In 2015 when the Foundation established the legal consultation hotline, indigenous people are qualified to ask questions without restrictions on the type of cases. Furthermore, in March 2018, the LAF established the Indigenous Center in Hualien, which not only receives applications but, with a dedicated teams of staff lawyers, also protects the rights of indigenous peoples through strategic litigation. Please refer to Section 9 for more details. ➤ Staff lawyers of the Indigenous Center of the Foundation, in collaboration with external legal aid lawyers, filed a constitutional interpretation request for cases involving indigenous people who violated the regulations of the Controlling Guns, Ammunition and Knives Act and the Wildlife Conservation Act due to traditional hunting practices. The Constitutional Court issued Interpretation No. 803 on May 7, 2021, which, although it did not find the Controlling Guns, Ammunition and Knives Act unconstitutional regarding the exemption for indigenous people's handmade shotguns, acknowledged that there are shortcomings in the related subsidiary regulations concerning handmade shotguns and recommended a prompt review and amendment to protect indigenous peoples' rights, including their right to life and safety. The interpretation also recognized that, with some exceptions, indigenous peoples, based on non-profit traditional cultural practices, can hunt, slaughter, or use wildlife, but this does not include protected species. Furthermore, it acknowledged that the existing regulations related to non-periodic hunting activities for indigenous people based on traditional culture and rituals lack reasonable flexibility in terms of application deadlines and procedures, which violates the constitutional proportionality principle. The opinions expressed in the interpretation reflect the consensus reached after multiple deliberations among different judges regarding the rights of indigenous cultures and environmental protection. Several grand justices also proposed dissenting opinions regarding the constitutionality of the regulations. ➤ A LAF's staff lawyer of the Indigenous Center, along with other private lawyers, filed a constitutional interpretation request regarding the Status Act For Indigenous Peoples, which states, "Children of intermarriages between indigenous peoples and non-indigenous peoples shall only acquire indigenous peoples status if they take the surname of the indigenous father or mother, or using the indigenous peoples' traditional name". The judgment, issued on April 1, 2022, under Constitutional Judgment No. 4 of 2022, confirmed that indigenous lineage is a natural fact that precedes the existence of the constitution and laws, and therefore, should receive strong constitutional protection. The objective expressions of cultural identity among ethnic groups are diverse, and surnames are just one aspect. Thus, it was determined that the aforementioned regulation violated the spirit of the Constitution in safeguarding the right to indigenous identity and equality. 	<ul style="list-style-type: none"> ✚ ICCPR §1 ✚ ICESCR §1, 2 ✚ ICERD ✚ UN Declaration on the Rights of Indigenous Peoples

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	<ul style="list-style-type: none"> ➤ On October 28, 2022, the Constitutional Court issued Constitutional Judgment No. 17 of 2022 in response to the constitutional interpretation request by the Administrative Court regarding the interpretation of Section 2 of the Status Act For Indigenous Peoples. The judgment declared that “indigenous peoples” guaranteed by constitutional provisions should include all existing indigenous peoples of the Austronesian peoples in Taiwan, without limiting to those registered before the restoration of Taiwan. Any Austronesian indigenous peoples whose cultural characteristics, such as language, customs, and traditions, continue to exist to this day, whose members maintain their ethnic identity, and who have verifiable historical records of their existence, may apply to be recognized as indigenous peoples based on their ethnic will. Their members may obtain indigenous status in accordance with the law. 	
Human Rights of Migrant Workers/Human Trafficking Prevention	<ul style="list-style-type: none"> ➤ The Legal Aid Act stipulates that legal aid can be applied for by foreign nationals who legally reside in Taiwan or who have lost their residence status due to reasons not attributable to themselves, and who are victims or suspected victims of human trafficking cases. In the 2015 amendment, the Act was revised to allow migrant workers introduced under the Employment Services Act to be presumed to be without financial means after signing an affidavit. ➤ In recent years, the Foundation has been steadily building a multilingual interpretation resource to facilitate interpretation services for migrant workers during the application, review, and subsequent legal aid stages. Starting in October 2021, the Foundation initiated online video-conferencing legal consultations in foreign languages, making it convenient for migrant workers to seek legal advice directly from their place. ➤ In recent years, the LAF staff lawyers have assisted migrant workers in cases such as the Cargo KING MIDAS and Vessel De Yun, as explained in the previous “right to work” paragraph. Additionally, due to recent cases involving stranded seafarers, the Foundation has been actively collaborating with the Maritime and Port Bureau to establish a legal assistance mechanism for future cases of stranded crew members. ➤ In response to the pressing issues concerning migrant fishers, the Executive Yuan approved the National Action Plan on Fishery and Human Rights in 2022, which is committed to combat human trafficking for forced labor, protect the rights of fishery workers through improving the working and living conditions of migrant fishers, strengthening insurance coverage, and enhancing the management of recruitment agencies and FOC vessels. And in April 2023, the Executive Yuan issued the Anti-Exploitation Action Plan, which is organized into four aspects: prosecution, protection, prevention, and partnerships. This plan aims to integrate resources across different government agencies to promote the prevention of human trafficking. ➤ In recent times, the LAF staff attorneys have been assisting cases involving victims of human trafficking, such as the Chung Chou University of Science and Technology Case involving illegal employment of Ugandan students. The case involves over a dozen Ugandan students, who came to Taiwan to study because they were attracted by the high scholarships and opportunities for internships in high-tech industries advertised by Chung Chou University of Science and Technology. However, after arriving in Taiwan, they found themselves subjected to improper debts, including travel and miscellaneous 	<ul style="list-style-type: none"> ✚ ICESCR §6, 7, 11 I ✚ ICERD ✚ ICMW

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	<p>fees, and were exploited for profit. The students were also sent to factories by agencies, working excessively long hours and inadequately compensated. They were thus identified as victims of human trafficking. Since these individuals are foreign nationals, the case was referred to the Foundation by the Changhua District Court to provide legal assistance and representation in the first instance of the criminal court.</p> <p>➤ In recent years, the Foundation has actively participated in the Coordination Committee on Prevention of Human Trafficking. The committee brings together government agencies and NGOs that focus on foreign workers and human trafficking issues. In addition to strengthening connections and assistance for individual cases, the committee has also been involved in the amendment of the Human Trafficking Prevention Act in May 2023 (yet to be in effect).</p>	
Refugees and the Principle of Non-Refoulement	<p>➤ The draft of the Refugee Bill has undergone review for over a decade and is yet to be passed. As a result, refugees, stateless individuals, and asylum seekers who come to Taiwan often do not have a clear legal framework to follow. They are frequently regarded as illegal entrants or overstayers and are subject to deportation with no humanitarian treatment available, which seriously violates the provisions and spirit of the Refugee Convention. While in some cases, individuals may obtain residence permits through government special programs, this exceptional approach lacks transparency and comes with many restrictions on visas. For more information on the current situation, please refer to Topic 2C, Taiwan Report in this forum.</p> <p>➤ Due to the lack of a refugee law in Taiwan, some Tibetan refugees holding Indian or Nepalese travel documents are considered by the immigration authorities to be of Indian or Nepalese nationality and are at risk of deportation. This disregards their actual refugee status. The LAF's staff lawyers, along with external private lawyers, have been helping these individuals apply for residence and providing assistance in related administrative litigation to address this issue.</p>	<p>✚ ICCPR §7 ✚ ICERD ✚ CAT</p>
Human Rights in Prisons	<p>➤ The Prison Act was amended and passed in December 2019, coming into effect on July 15 of the following year. This amendment, taking into account international conventions, domestic laws, and constitutional interpretations of the Grand Justices, places the protection of the human rights of inmates at its core. It includes provisions to ensure that the treatment and execution of penalties are in line with the principle of proportionality. It explicitly outlines reasonable accommodation for inmates with physical or mental disabilities and increases the proportion of profits as labor compensation for inmates and overtime pay. The amendment also safeguards the right of inmates to confidential communication, improves medical resources in prisons, and recognizes that public law disputes arising between prisons and inmates, including the approval or revocation of parole-related decisions, can be resolved through administrative litigation.</p> <p>➤ In response to the aforementioned legal amendments, the LAF has expanded the service scope to include legal assistance for inmates to file “petitions, complaints, and administrative lawsuits” regarding prison disciplinary measures and management. The Foundation have also organized seminars and lectures to help the public and lawyers become familiar with prison culture and human rights issues related to prisons.</p>	<p>✚ ICCPR §10, 25, 26 ✚ CRPD §5, 14, 15</p>

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	<p>➤ Despite amendments to the Prison Act, there are still operational practices in Taiwan’s prisons that do not align with international conventions in terms of protection of human rights. Therefore, the LAF’s staff attorneys have actively collaborated with CSOs such as Prison Watch to initiate strategic litigation aimed at securing the human rights of inmates. For more details, please refer to the explanations provided in the above paragraphs on “Voting Rights” and “Labor Compensation and Right to Work”.</p>	
Torture Prevention/Abolition of the Death Penalty	<p>➤ Taiwan currently lacks an implementation law on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). However, the draft of the implementation law and its optional protocol were re-evaluated and approved by the Executive Yuan in December 2020. They are now awaiting review and approval by the Legislative Yuan. Since the implementation of the convention is highly relevant to Taiwan’s criminal justice investigations, evidence collection, and penal practices, and it involves the rescue of individuals in many major criminal cases, the LAF and relevant CSOs have been actively advocating for the enactment of this implementation law. Workshops have also been conducted to raise awareness about the prevention of torture.</p> <p>➤ Currently, Taiwan still have the death penalty. The LAF’s staff lawyers handle major criminal cases and, in collaboration with CSOs, participate in the rescue and support of many death row inmates. In recent years, due to the increasing education and training of judicial personnel and lawyers on international human rights conventions, as well as lawyers’ early involvement in defense for major criminal cases, coupled with courts enlisting external experts for psychological evaluations or pre-sentencing social investigation reports, there has been a significant decrease in the number of death penalty sentences and executions in Taiwan. In addition to ICCPR, judicial practice has increasingly formed opinions against imposing the death penalty on individuals with mental disabilities and defendants who are parents or primary caregivers of children, in line with CRPD and CRC. However, it remains to be seen whether these opinions will evolve or undergo further changes with the implementation of the Citizen Judge System in 2023, and how this might impact torture prevention in the criminal justice system.</p>	<p>✚ ICCPR §7 ✚ CAT ✚ CRPD §10, 15 ✚ CRC §3, 9, 18, 20</p>

Notes of Abbreviation:

ICCPR	The International Covenant on Civil and Political Rights
ICESCR	The International Covenant on Economic, Social and Cultural Rights
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
CRC	The Convention on the Rights of Children

CRPD	The Convention on the Rights of Persons with Disabilities
ICERD	The International Convention on the Elimination of All Forms of Racial Discrimination
ICMW	The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CAT	The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment