

**ROC's Initial Report under the International Convention
on the Elimination of All Forms of Racial Discrimination
Buddhist Association of the Republic of China,
Chinese Buddhist Bhikshuni Association,
& Taiwan Buddhist Association Parallel Report**

This report covers article 2, 5 of ICERD

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Preface

1. This report is a parallel report submitted based on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) by the Republic of China (Taiwan) for the first national report.
2. In 1997, the government amended the Constitution to define multiculturalism as a fundamental national policy, claiming that through the affirmation of multiculturalism, respect for cultural differences among different races and ethnic groups is embodied. It aims to create an environment where different races and ethnic groups are mutually recognized and work together to construct a social mainstream, demonstrating our country's determination to eliminate racial discrimination, promote racial equality, and develop a diverse and prosperous society. However, the aspect of "religion," which is part of the connotations of "race" and "culture," has been neglected, leading to a lack of legal protection for religious human rights in our country. This has created a long-standing and unstable factor of conflicting positions between the government and religions.
3. Although the current government has good intentions towards religion, the cultural traditions rooted in thousands of years have resulted in a general lack of legal awareness among governments of different periods regarding the "positive respect, safeguard, and fulfillment obligations of the state towards religion." This phenomenon is particularly evident among government bureaucrats at all levels. As a result, many government policies related to religious human rights only remain at the stage of "respect" in terms of declaration, while active "safeguarding" and "fulfillment" in practice and legislation are lacking. The purpose of our report is to assist the government in recognizing the long-standing deficiencies in this regard from the perspective of the religious community, in order to facilitate the more comprehensive development of religious human rights in our country.

Chapter1. Continuous Neglect of Religious Rights and Definite Legal Sources in Our Country

In 2020, the Ministry of the Interior in our country proposed a preliminary draft of the Central Regulations Priority Review List for ICERD, consisting of 109 items (Article 2 of ICERD, No.40 & 41 of the report). The regulatory issues covered include nationality, race (including "religion"), communities, and groups. The ministry committed to conducting ongoing reviews in accordance with the established procedures. However, despite the existence of laws such as the Cultural Basic Law, Hakka Basic Law, and Indigenous Peoples Basic Law, our country has been unable to enact a religious-specific law that integrates, respects, understands, and safeguards the uniqueness of religion from infringement, which has resulted in a lack of unified enforcement standards in government policies or administrative orders, repeatedly posing threats to religious freedom.

Suggestion:

If the government wishes to truly implement the spirit of religious freedom as outlined in the ICERD convention, as well as the ICCPR and ICESCR conventions, it should be based on the principles of neutrality and tolerance towards religion. This includes respecting the unique nature and autonomy of religious groups, and safeguarding their rights and interests. The government should refer to the relevant religious legislation of democratic and advanced countries around the world, and draft a preliminary Religious Basic Law as a higher legal source. This will provide guidance for the formulation of religious regulations and administrative measures.

Chapter2. National Insufficient Safeguarding of Religious Rights Leads to an Imminent Crisis of Future Violations of Thought, Conscience, and Religious Freedom

1. According to Article 2 of the ICERD convention, the fundamental obligation is to prohibit and eliminate all forms of racial discrimination, ensuring that everyone is equal before the law without distinction of race, color, or national or ethnic origin. This includes the right to enjoy the rights of "freedom of thought, conscience, and religion" (Article 5 of ICERD, Section N of the report).
2. In the National report, the state mentions that "the principle of separation between religion and state is adhered to, and there are no subsidies, prohibitions, or punishments for specific religions" (Article 5 of ICERD, No. 159 of the report). However, according to Article 4 of the Implementation Acts of both conventions, "government authorities at all levels, in exercising their duties, shall comply with the provisions of the two conventions regarding the protection of human rights, avoid violating human rights, protect the people from infringement by others, and actively promote the realization of various human rights." This means that the state's guarantee of religious freedom should not be limited to passive non-interference. Otherwise, it will not effectively safeguard the religious human rights in our country.

Suggestion:

The government should expeditiously enact the "Religious Basic Law" to ensure the overall protection of religion as a fundamental law for formulating relevant religious policies in our country. This law should effectively fulfill the threefold human rights obligations mandated by the United Nations: the positive obligations of "respecting," "protecting," and "fulfilling" religious rights.

3. In the National report, the state mentions that "our country does not discriminate against any religious group based on their beliefs, nor does it discriminate against any ethnic group based on their religion" (Article 5 of ICERD, No. 159 of the report). However, instances of discrimination against religions in Taiwan media are not uncommon. For example, some individuals deceive others for financial or personal gain using religious pretexts, and the media labels it as religious fraud or deception. However, when it comes to corruption or deception by government officials, the

media never attributes it to the state, which is a clear double standard.

Suggestion:

To ensure transparency in safeguarding religious freedom and demonstrate the state's proactive obligation to protect this fundamental human right, the central governing authority should submit a Religious Freedom White Paper every two years and make it publicly available. Additionally, the state should expedite the enactment of relevant laws that prohibit religious discrimination.

In order to consider and balance the various rights, we propose prioritizing the establishment of a fundamental religious law that ensures the state's respect, protection, and fulfillment of obligations towards religion. This fundamental law will overall demonstrate the state's basic attitude towards protecting religion to prevent any potential violation of religious human rights in the future when formulating other laws, such as the Equal Rights Law.

4. We strongly believe that the government should promote understanding and awareness of Muslim culture and lifestyles among the people and strive to create a Muslim-friendly environment. For example, providing guidance and support to transportation stations and tourist attractions to establish Muslim-friendly facilities, and offering prayer rooms for Muslims in transportation terminals. (Article 5 of ICERD, Section Y, No. 215 of the report). However, Article 13 of our constitution states, "The people have the freedom of religious belief." This means that people have the freedom to believe or not believe in any religion, as well as the freedom to participate or not participate in religious activities. The government shall neither provide incentives nor prohibit any specific religion, nor discriminate or disadvantage people based on their specific beliefs. When promoting religious culture and setting up related facilities, the government should treat Taiwan's main religions equally and fairly, rather than solely favoring one specific religion.

Suggestion:

Religion not only provides spiritual strength for its followers but also contributes to the well-being of the people through engaging in social welfare activities and fulfilling the role of social stability. Religion explores the concept of life and death. Particularly in times of adversity, religion offers comfort and guidance to people. We urge the government to establish

facilities that are friendly to major religions around the world¹ in specific locations. For instance, we suggest that prayer rooms for Christians and chanting halls for Buddhists be set up in all public hospitals nationwide to meet the needs of the population.

¹ References: <https://www.ey.gov.tw/state/D00B53C98CD4F08F/0fe638e7-c0bf-401e-b9f2-3db11eccd508>