Human Rights and Democracy in Taiwan

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Taiwan
May, 2010
1. Taiwan Profile
Capital: Taipei
Population: 23,000,000
Area: 36,188 sq km

Politics info
Ruling Political Party: Kuomintang (KMT)
Majority Party in the Congress: Kuomintang (KMT)
Main Opposition Party: Democracy Progress Party (DPP)
Freedom House Report:
   Political Rights Score: 2
   Civil Liberties Score: 1
   Freedom of Press: World Rank 43
   Status: Free

Economics info
GNI per capita: US $17,230
GDP:
Main exports: Computer equipment, textiles, basic metals, equipment, plastic and rubber products, vehicles.

2. Evolutional Route of Taiwan
Japan Colony to “Mother land”-- Republic of China

Located in Northeast Asia on the Asia Pacific Ocean, neighboring Japan, Korea, China and Philippine. Before the World War II, Taiwan was colonial of Japan over 50 years. The Imperialists developed Taiwan infrastructure at one hand and oppressed any civil and political rights of the native people.

In October 1945, Republic of China has claimed its sovereignty over Taiwan and Chiang Kai-Shek, the leader of Chinese Nationalist Party (Kuomintang, KMT) declared Taiwan’s return to its motherland. Afterward, Taiwan has experienced three important stages in its human rights development and struggle for democracy.

In Taiwan’s postwar history, the February 28 Incident and the White Terror have caused the greatest harm to the cause of human rights. According to conservative estimates, in the February 28 Incident alone, 20000~3000 people were executed or forced disappearance without any trial or judicial proceeding. This frightened the Taiwanese people, leaving the survivors twisted with apprehension and long silence. Another form of inflicted hurt was the sacrifice of the local social-political elite. With the elite eliminated, the way was now clear for the KMT’s full takeover of all domestic resource on its path to becoming the complete settler-state regime.

1950s~1960s: Massacre and feeble flame of justice
Shocking as the facts about the missing and dead, was the true casualty figure for the White
Terror is even higher. More than 120000 were killed in secret. The KMT rooted out the local social elite and sentenced many innocents to death, leaving the survivors too scared to speak out. KMT regime also turned Taiwan into a human wasteland since they maintained the world’s longest period of martial law (1949~1987).

Under martial law, the people of Taiwan were supposed to both believe in the myth of the necessity of taking back the mainland and accept the policy of pared-down democracy, liberty and human rights. Any dissent was sure to evoke ringing accusation of “spying for the Chinese Communist Party” or rebellion.

At that time Taiwan had a very special form of government. President is the head of the administration and the citizens in Taiwan did not grant for process to President election but producing from the National Assembly whose electoral colleges were elected once in 1948 before KMT’s defeat in China. There are five constitutional branches: the Executive Yuan, the Legislative Yuan, the Judicial Yuan, the Examination Yuan and the Control Yuan. The later two bodies are extinctive design from the usual three branches adopted by a majority of nations in the world; the Examination Yuan is in charge of examination, employment and management of civil servants, while the Control Yuan functions as the ombudsmen institute.

1970s: Rising call for human rights

The martial laws system that the KMT used to carry out the White Terror was solid as a rock, so bringing it down proved to be a difficult and time-consuming task. From the 1950s through the end of the 1970s, democratic activists could play a limited watchdog role by running independent magazines and participating in local elections, yet they had very far to go before there would be a system of checks and balances. The authorities often thwarted the democratic activities, however, by suspending their publications or banning their magazine outright. As election candidates, they had to win by overwhelming margins to make it impossible for the KMT to rig the ballots or steal victory from the real winner. However, the KMT often chose the more expensive route of vote buying to ensure a huge electoral majority and such tactics only hastened the corruption in Taiwan political culture.

Beginning in the mid 1970s, a series of open protests against such election fraud culminated in local campaigns. Although the demonstrations ended in bloodshed, but resulted in a series of activities through which the power of the people pressured the authorities for change.

It was prologue to a milestone in the democratic human rights movement, the 1979 Kaohsiung Incident, which involved a raid on the reformist Formosa Monthly magazine. Although democratic activities faced another onslaught of mass arrests later, this setback only served to goad the movement to a stronger sense of consensus and common strength. In the 1980s, in numberless street marches, volleys were launched at the despotic regime and at every part of the martial laws system.

The uproar of the people left Chiang Ching-Kuo, the son of Chiang Kai-Shek, with no choice but to lift martial laws in 1987. The Democratic Progressive Party brought party politics onto the historical agenda and hasted the pace of democratization in this island.

At the time, the international society was changing radically. The cold war thawed, the Soviet Union fragmented and it was spring at last for the nations of Eastern Europe, giving rise to the hope that the world had come into a vast and powerful magnetic field of reconciliation. Also our neighbor country Philippine, People Power Revolution occurred in 1986. In this new
era, it seemed absurd for Taiwan to continue Martial Laws. From the 1970s, Taiwan had been counted among Asia’s four rising newly industrialized nations, the “four little dragons”. This was a time of rapid accumulation of wealth and brought another generation of middle-class and new entrepreneurship, which were once in vacuum under previous KMT regime. Taiwan had become one of the world’s economic powers. The people were now relatively well off, with confidence and resource enough to go into politics or social reconstruction and to exert themselves for the well being of the homeland.

1980~2000: the Spring of Human-rights

In late 1980s, mass social movements began to rally people on the streets and voice out their request to the KMT regime, such as the environment protest in local level which attracted national media attention. Another example is the agriculturists the spring of 1988, the government decided to expend importation of foreign agricultural products, which cause panic of local agriculturists. On May 20 1988, a large group of agriculturists came up to Taipei from southern Taiwan to protest and it turned to physical conflict between the police and the crowd in front of the Legislative Yuan. There were 130 injured in this conflict and 96 people were taken to police station. This incident is the biggest agriculturist petition action after the WWII in Taiwan.

Those vibrant social activities reflected the oppressed’s anger and unbalance development for economic growth. Those suffering stories caught the sympathy from newly middle classes and colleges students. Some universities organized studying groups to document the real situations in factories or rural areas. Later some student activist became important imputes in political and social changes until today. However, most protesting actions by the less privileged from local level, they failed to transform into a sustaining and scaling-up movement. One reason was the tight media control dominant by state then. Another was the lack of knowledge and experience of organizing civil association that was prohibited during martial laws times. Until now, the biggest challenge to Taiwan democracy is little practice of rational discuss and ownership participation in one’s daily life. Most citizens would simply term “democracy” as election campaigns.

Social activists and HR defenders would like to deeper people’s action and fundmentally alter people’s attitude from passive to active. Politicians may not have such long-term perspective and some are opportunistic in power-striving. Another example is the February 28 Incident or the White Terror. Some activists organized a nation-wide movement to speak out at street protest and call for the fact-finding, truth conciliation and the release of political prisoners in mid-1980s. Those rallies were magnet to mass population support and won the newly opposition political party DPP some seats in the Legislative Yuan or local elections. The political movements had continued and penetrated into every Taiwanese and the force demanded the long-awaited justice for the victims of human rights violations by the regime. When the opposition gained power, they usually tend to be compromised than principled. The issue of transitional justice also fails to be properly coped in Taiwan’s democratizing process.

When Chiang Ching-Kuo died in 1988, VP Lee Teng-hui succeeded to power and began the painful process of political reform. Inspired by Beijing Tianmen Square Student Movement, Taiwan Student movement rose to a national peak in March 1990. Over 6000 students sat in protest which forced KMT to concede and promise to hold a “National Affairs Conference” with the opposition. This conference helped Lee Teng-Hui secure his popular support and push constitution reform. In 1991 and 1992, the entire national legislature stood for
reelection. As mentioned earlier, the senior representatives in the National Assembly and Legislative Yuan declared themselves “Chinese orthodoxy” and who had not stood for election in forth years. (Taiwan President was elected by the members of National Assembly then. The first National Assembly 1948 in Nanjing was to have been elected President for a period of only seven years. Shortly afterwards in 1949, the Mainland fell to the Communists in the Chinese Civil War, and the National Assembly (along with the entire ROC government) was transplanted to Taipei. According to the Kuomintang (KMT) leadership, the fall of the Mainland made it impossible to hold new elections, as all Mainland provinces were undergoing ”Communist rebellion”. As a result, the original members of the National Assembly would continue to hold office until the Communists could be defeated on the Mainland and legitimate ROC rule of all of China restored.) Further in 1996, the president was directly elected by the people.

2001~ now: Challenges Ahead

At the dawn of the 21st century, the 14 years old DPP finally won the second direct President election and push Taiwan into a very first ever democratic party transition. In Chen Shui-Bian’s inauguration speech, he illustrated a vision of building a human rights nation and realizing universal values. Based on this policy, a series of human rights policy plans and their mechanism, implementation methods, timetables and guidelines were proposed during his first term in office. Nevertheless, DPP failed to win majority in the Legislative Yuan and the “newly” opposition party usually boycotted the Bills by DPP’s administration based on political ideology rather than people’s interests. In the second-term of Chen Shui-Bian’s administration, he spoke little about human rights policy and most proposals were slowed down then. Taiwan once was regarded as a role model to “Chinese” society for its peaceful democratic transform. Many expect the People’s Republic of China and Chinese Communist Party would follow the similar footstep in democracy and human rights protection. However, the corruption of Chen Shui-Bian’s administration failed all human rights activists and they return to civil society as the independent force to re-draw their roadmap for a human rights norms and related HR institutes building in Taiwan. For example, for little progress of transitional justice during DPP’s regime, some victim families and activists established an organization to collect the concealed facts and build a civil archive. Even with limited resource, NGOs work hard to document those HR violations and tell the stories for the lessons never happening again.

As Ma Ying-Jeou took over the power 2008, his vow to administrate in accordance with the current constitution, the new government is more conservative in most local civic issues, but it is only open to mainland China. The tension with China is always challenging Taiwan. In 1972, PRC replaced the seat of ROC in United Nations and Taiwan has been isolated from international community almost 40 years. Recently, due to the growth of China’s economic and political power, Taiwan has been more severely suppressed on the international stage by PRC pressure. At the same time, since the re-open cross-strait exchanges from late 1980s, Taiwanese are more and more interactive with Mainlanders. Those situations reflect some absurd and contradict realities for Taiwan’s identity as an independent country. From 1996, Taiwan scores high achievement of practice of political and civil rights in many international accreditations. Some propose that human rights issues should be in the agenda of cross-strait negotiation so Taiwan’s civil and political freedom can play a leverage role and bring positive impact to both sides. However, such proposal never be taken into consideration by KMT government yet and disappointed many HR activists both in Taiwan and China civil societies.
In the past twenty years, Taiwan has gone through basic institutional reform for democratic transition. Those achievements set important rules to direct any actor under a modern constitutional framework. Most individual violations against human rights would appeal or be resolved through available channels. However, the reform did not fundamentally turn the authoritarian mindsets of politicians and many human-rights issues still demand to improve, especially in social, economic and cultural aspects. When world become a highly integrated economy, the core value and practice of political and civil rights would also reflect the degree and progress in ESC rights as well. Taking the example of the ongoing “Economic Cooperation Framework Agreement (ECFA)”, Taiwan government is very eager to promote such economic agreement with China that may be benefit some economic sectors and particularly some rich families, the so-called “crony capitalism”. The opposition side concerns about its unclear social and cultural impact to Taiwan. The ECFA not only affects the people in traditional labor-intensive industries and agricultural sectors, but also the high-tech and financial ones. Most importantly, the arrogant ruling party does not follow a transparent and legitimate procedure. This act strong disdains the rules of a legal state and erodes the principle of a democracy. No wonder it would evoke huge reaction some unusual protest and violent clashes during the Chinese envoy visits.

We have to admit that China factor would be a very important to Taiwan’s future and the stability within this region. As a HR activist in Taiwan, we have to ask ourselves how to apply HR and democracy as a leverage role in cross-straits relations. The communication between both civil societies would be a positive input and continue our words and actions based on the universal language of HR in this process. And maybe we have to support our Chinese counterparts to go through the road to freedom as we did in the past twenty years.