

## **Constructing Rights in Taiwan:**

### **The Feminist Factor, Democratization, and the Quest for Global Citizenship**

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#### Abstract

In an era of worldwide rights regression, beleaguered Taiwan remains Asia's most democratic, gender equitable, and liberal internationalist nation. What accounts for this seemingly exceptional record—and how does the feminist factor contribute to the construction of rights? Bridging constructivist and feminist scholarship, this essay argues that gender equity is a force multiplier for democratization as it empowers civil society and fosters legitimacy at home and abroad. As a three-level game, states at the margin of the international system may benefit from rights reform that expands the national interest and delivers material and reputational rewards. The case of Taiwan illustrates and analyses the dynamics of the double transition to liberal democracy and a liberal gender regime and its projection to world politics. The rewards of rights for Taiwan suggests a wider range of options even in small states facing regional challenges—and greater attention to the feminist factor in world politics.

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In an era of worldwide rights regression, Taiwan remains Asia's most democratic, gender equitable, and liberal internationalist nation. Taiwan ranks 9<sup>th</sup> in the world in gender equality—higher than China, Korea, Singapore, or Japan. The election of a woman President in 2016, renewed in 2020, caps a rising tide of women's political empowerment with 42% Parliamentary representation, legislative reforms in all areas of equity and security, and an active women's movement. (Department of Gender Equality 2020; Law, 2020) What accounts for this seemingly exceptional record—and how does the feminist factor contribute to the construction of human rights? Bridging constructivist and feminist scholarship, this essay argues that Taiwan's empowered women's movement and rapid progress on women's rights has deepened democracy and enhanced international projection beyond the level of its regional peers to the global standard of social democratic middle powers. In Taiwan, a double transition to liberal democracy and a liberal gender regime have been mutually reinforcing, empowering civil society, fostering legitimacy at home and abroad, and underpinning a strategy of compensatory transnationalism to overcome international isolation—with global implications. This essay will integrate constructivist with feminist analysis, chronicle the political process of the three-level game of rights construction in Taiwan, and show how Taiwan has been rewarded for

its dual liberalization of political and gender regimes. The rewards of rights for Taiwan suggest a broader range of options for emerging democracies in Asia and beyond.

### ***Theory and Literature: Constructing rights***

The foundational insight of constructivism is that national interests and world order are constructed in relation to norms, ideas, and identities—including human rights. (Weldes, 1996) “Rights make sense” when rights build the state’s identity and normative niche in international society. (Brysk, 2007) Constructivist scholarship also suggests the political process of constructing rights is a three-level game among state, society, and world order--and a channel for networks of transnational non-state actors. (Risse, 1995) On the domestic level, democratization and rights reform may be a long-term strategy for pursuing the national interest by building a productive, healthy and well-educated society with high legitimacy (Katzenstein ed., 1996; Przeworski et al., 2000). Globally, states at the margin of the international system may benefit from rights reform that expands the national interest and delivers material and reputational rewards—from “soft power” to normative recognition. (Brysk, 2009; Nye, 1990, Kavalski, 2013)

To understand when and how this happens, system-level constructivism must be supplemented with state-level feminist analysis. While feminist international relations elucidates global influences on state identities and women’s rights outcomes (Tickner 2001), at the second level of domestic politics, the gender biased corporate identity of the state also plays a role in mediating between international norms and society. (Savery, 2007) This gendered aspect of the state’s identity and institutions may be understood in

terms of a “gender regime” of relations of reproduction that co-exists with the political economy and political regime. Feminist analysis maps clusters of gender regime types with different operational logics, dynamics of change, and relations with the international system; such as patrimonial, liberal, socialist—with corresponding sub-types, hybrids, and transitional types. The nature and evolution of a society’s gender regime will help determine women’s rights, security, and status in a given society—but the gender regime will also help to shape the political economy and political regimes. (Moghadam, 2013) In particular, the construction of political rights and democratic regime change is facilitated by the transition from a “semi-liberal” gender regime type typically associated with emerging economies to a fully modernized liberal gender regime articulated with the liberal international order. (Brysk, 2018)

Like the pursuit of a rights-based liberal state identity, the transition to a liberal gender regime pays dividends for democracy, development, and global influence alike. The development patterns that enable women’s empowerment produce more and better distributed economic growth. (Lawson-Remer, 2012) The movement from patriarchal structures of social organization to a more open society and accessible public sphere is associated with a larger middle class, more state capacity, and more pressures for government accountability (Hudson et al., 2020). Because of these sociological patterns, more gender equitable countries are generally more democratic, peaceful, and outward-looking. (Piccone, 2017; Hudson et al., 2012) Improving women’s rights may also provide a strategic advantage for societies in transition that enhances participation in liberal international regimes and liberal democratic alliances. (Towns, 2010)

At the global level, Taiwan has compensated for international isolation by liberal branding that brings regional distinction and national solidarity in the face of external threat. Taiwan has established a middle-power democratic niche and transnational mode of diplomacy intertwined with gender equity that have amplified its influence to “punch above its weight”-like Costa Rica, Canada, the Netherlands, and the Nordic countries, (Brysk, 2009; Krumbein, 2019). Scholars of Taiwan’s human rights reform point to the importance of transcending international weakness with soft power strength (Shipper, 2012; Rowen, 2017). As Delisle puts it, in the international relations game Taiwan holds a poor hand of military clubs and economic diamonds, so “Taiwan’s best option, thus, has been to play hearts—to emphasize its high standing on “values” issues, including international human rights” (Delisle, 2019). Early adoption of women’s rights also influenced external projection of soft power, in middle powers such as Canada, Costa Rica, and the Nordic states. Worldwide, gender equity is associated with more multilateralism, humanitarianism, and stronger international rights promotion policies (Brysk and Mehta, 2014).

The existential insecurity of Taiwan’s contested status goes beyond the typical challenge of middle-power democratic projection, perhaps paralleled only by South Korea within the region. This presents a limiting case of constrained sovereignty as “what states make of it” (paraphrasing Wendt, 1992)—but the construction of rights in Taiwan ultimately passes this demanding test.<sup>1</sup> Although Taiwan’s security dilemma initially helped legitimate decades of authoritarianism—as we shall see, the dual dynamic of regime and gender liberalization helped Taiwan to overcome its isolation, maintain an unofficial liberal alliance with the United States, and consolidate national identity within a generation.

This interaction between the double liberal transition of political regime and gender regime helps to delineate what sets Taiwan apart from the region--and reinforces the feasibility of feminism in East Asia. Taiwan manifests the necessary conditions of development path, democratization, and civil society mobilization associated with successful human rights reform (Risse, Ropp & Sikkink, 1999; Landman, 2013)—with slightly better conditions at critical junctures than its liberal democratic neighbors Japan and Korea (Bae, 2011). We might say that the X factor that pushes Taiwan to a higher level is the XX factor—women’s empowerment. By contrast, the introduction of liberal democracy in Japan without significant transformation of gender equity is less sustainable and yields less liberal internationalism. Similarly, some progress on gender in Korea has enhanced civil society but democratic accountability and global participation remain limited. Conversely, in the People’s Republic of China, state-directed and partial liberalization of the gender regime was unmatched by liberal democratic transition. This top-down path has yielded limited gains for women's rights and its typical developmental and empowerment spillovers; at the international level, despite attempts at developmentalist leadership, China remains a multilateral spoiler rather than a global normative power. The Philippines manifests a similar authoritarian imbalance: a vigorous women’s movement and some women’s rights reforms have faltered in the absence of democratic regime accountability, internationalism has declined precipitously, and development spillovers are impaired by lagging relations of reproduction.

FIGURE 1: COUNTRY COMPARISONS

	<b>Population</b> (million)	<b>GDP/ capita</b>	<b>GINI inequality</b>	<b>Democracy</b>	<b>Gender inequity</b>	<b>Global role</b>
<i>Taiwan</i>	23	25,000	33.8	93	.053	Multilateral, transnational
<i>Japan</i>	126	39,000	32.9	96	.099	UN, Human Security
<i>Korea</i>	51	31,000	31.6	83	.058	?
<i>Philippines</i>	108	3,100	44.4	59	.425	rejects
<i>Netherlands</i>	17	53,000	28.5	99	.041	EU, UN, Hague
<i>Canada</i>	37	46,000	33.8	98	.083	Peacekeeping, ICC

Statistical sources: World Population Review 2020; World Bank 2020—GDP, GINI; Statista 2020-Taiwan GDP and GINI; Freedom House 2020-democracy score; United Nations Development Programme 2020—GII gender inequality index; Department of Gender Equality 2020-Taiwan surrogate GII.

The political process of constructing women's rights, democratization, and foreign policy soft power has operated in tandem through the mobilization of new actors, creation of institutional spaces, and norm socialization that reconstructs perceived national interests. At the first and second level, the interplay between social movements and state institutions reshapes the terrain of power relations, while individuals operate as catalysts and transmission belts for change. Rights struggles expand mobilization frames, modify political culture, empower liberal internationalists and rights advocates, and articulate with transnational networks. Over time, the sequencing of rights struggles in turn opens a political opportunity structure for further reform across all areas (Pramod, 2010).

These changes enhance the rewards to rights at all three levels. As we shall see, Taiwan's success at building soft power has delivered economic, political, and social benefits. The broader implication is that even small states facing regional challenges can afford liberalization—and a feminist strategy is good for society's prosperity, security, and solidarity in a globalizing world.

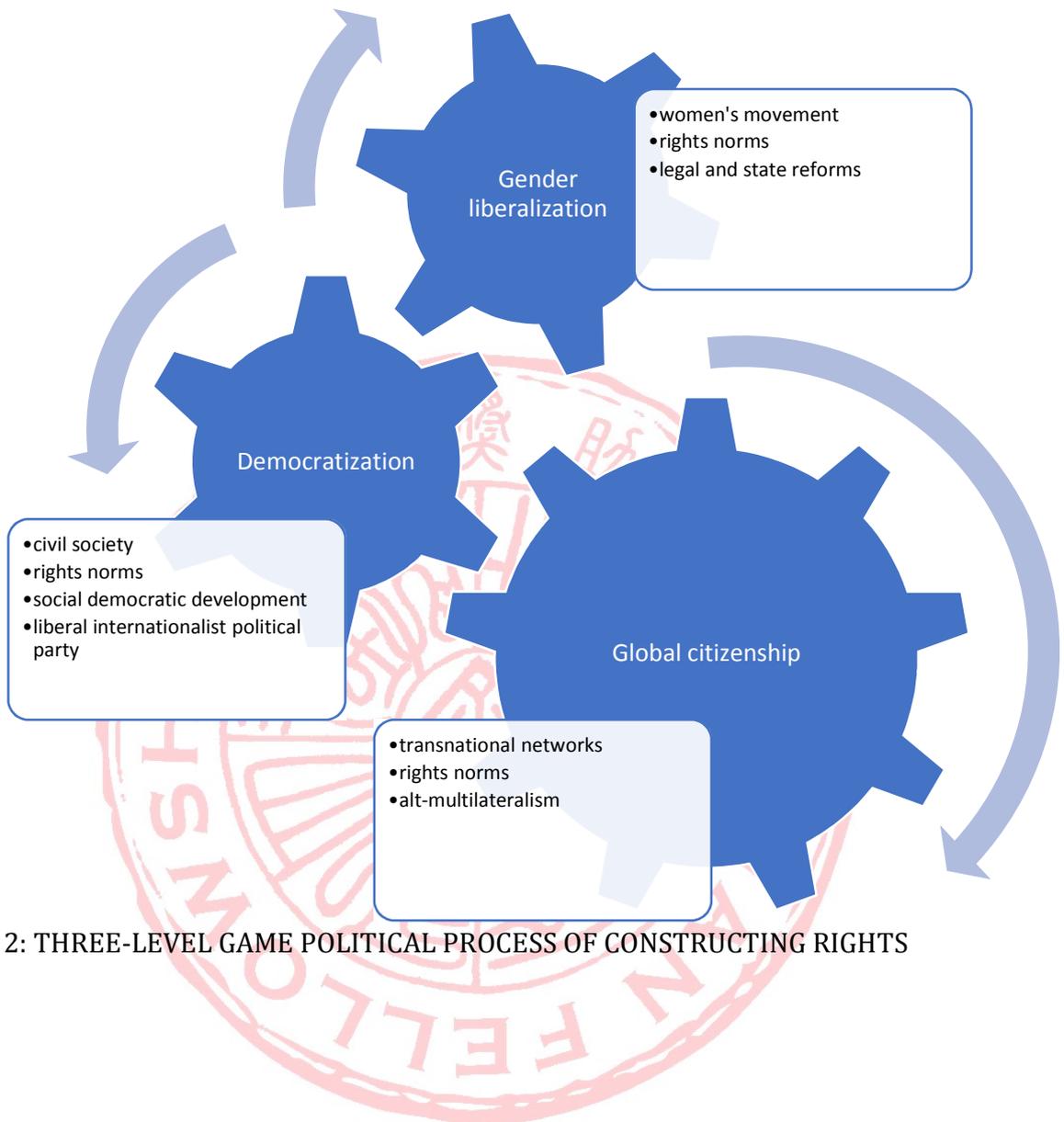


FIGURE 2: THREE-LEVEL GAME POLITICAL PROCESS OF CONSTRUCTING RIGHTS

***A soft power most likely to succeed: colonial legacy, development, civil society***

Despite international isolation and decades of dictatorship, Taiwan's development path, democratic transition, and social mobilization ultimately shaped a favorable environment for human rights reform. Currently Taiwan is one of the leading democracies in East Asia, scoring 93 out of 100 in the Freedom House world report that gauges the exercise of civil liberties and political participation. (Freedom House, 2020) Like its middle power peers, Taiwan developed rapidly through an open economy with investments in human capital and diversified globalization. A cohesive yet adaptive civil society with an extensive diaspora facilitated and was reinforced by democratization. These factors provided the necessary conditions for transition to a rights-based regime, which was further advanced by the intertwined development of gender equity.

As a background condition, Taiwan's historic insertion in the international system set the stage for favorable conditions for development, democratization, and a vocation for liberalism. Historically, Taiwan's late colonization by Japan (1895-1945)—although unquestionably coercive and exploitative—educated local elites, established an effective legal system, and did not succeed at implanting systematic extractive dependency. During World War II and the Cold War conflicts, Taiwan did not experience the level of physical destruction and population loss of its neighbors Japan and Korea, and its colonizer was displaced by the U.S. Post-war agrarian reform by the modernizing authoritarian regime broke economic hierarchies, redistributed key resources, and improved productivity and living conditions. Although Cold War dependency on the U.S. permitted authoritarian

abuses in the name of anti-Communism, it also provided stability and protection from external threat, an impetus for social and economic modernization, and fostered a critical diaspora of Taiwanese exiles. (Denny, 2003)

As a result, Taiwan is the most egalitarian of the dynamic and globalized Asian Tiger economies, and the benefits of modernization have been widely distributed, which facilitates both an engaged civil society and liberalization of gender roles. The generation of export-oriented industrialization from the 1960's through the 1980's further increased educational levels and the rise of a middle class, while the past generation has accelerated transformation to a developed economy based on knowledge industries that ranks 17th in the world in GDP per capita, with far-reaching social consequences. In two generations, Taiwan has achieved a regionally exceptional socioeconomic profile. Taiwan's high GDP is well-distributed, with a GINI coefficient of only .338 and the lowest proportion of population in poverty of any country in Asia. The economy is dominated by small and medium sized businesses, with low concentration of economic power. Social globalization is widespread: over a million Taiwanese of 23 million live abroad, nearly 11% of the population has studied or worked abroad, more than 16 million Taiwanese tourists travel internationally every year and Taiwan receives more than 11 million visitors. The knowledge economy is supported by a state in which Taiwan invests 20% of its government budget in education, and 45% of Taiwan's citizens have a university or college degree—as higher levels of education are associated worldwide with more political participation, tolerance, and modernization of gender roles. (Republic of China (Taiwan) National Statistics, 2020)

This historical path also influenced a political culture conducive to adaptation and democratization where “rights make sense”. Taiwan transcends facile attributions of Confucianism due to indigenous yet hybridized traditions that developed outside the Mandarin heartland, including relatively egalitarian forms of Buddhism and strong influence of Taoism and folk religion (Chang, 2012). Taiwanese culture developed at the periphery of the Sinosphere with a shifting cast of indigenous peoples, Spanish, Portuguese, and Dutch colonizers, settlers from marginalized areas of Southern China—including pirates--and ongoing Japanese influence. As the history of non-Western colonialisms cleared space for the adoption of Western rights and democracy discourse as a marker of modernity, the adaptation of Western progressive values came to play an important role in modern Taiwanese identity as a strategy of resisting non-Western domination by the Japanese (Wu, 2006). Thus, historic documents show that a series of Taiwanese uprisings that spanned the 20<sup>th</sup> century self-consciously and strategically used rights-based appeals: the 1921 Petition Movement for the establishment of the Taiwan Parliament for self-determination from Japanese rule, the February 28th 1947 uprising and resistance to imposition of the Kuomintang, and 1970s-1980s Tangwai movement and the associated 1979 Kaohsiung Incident demanding liberalization of martial law (Su, 2019).

Another civil society factor that ultimately facilitated democratization in Taiwan is that the primary social cleavage after the mid-twentieth century was not ethnicity or class but more malleable political/regional origin—with the arrival of around 1 million mainland migrants in the aftermath of the Chinese Revolution, though their social impact diminished with time. The majority Taiwanese population of earlier Chinese migrants came mostly from Southern provinces adjacent to Taiwan and spoke Hoklo dialects related to Hokkien

(or Minnan language) and Hakka—not Mandarin—which were banned by the Chiang Kai-shek and Chiang Ching-kuo regimes. Mainlanders associated with the dominant Kuomintang party initially had better access to public sector resources for the first and sometimes second generation. But over several generations the Mainland-emigrant population was reduced from about 1/6<sup>th</sup> to less than 10% of the current population, in part due to intermarriage—and resource disparities faded with development. Today, the majority of mainland migrants' 3<sup>rd</sup> and 4<sup>th</sup> generation descendants identify as Taiwanese (Election Study Center, 2019b). Although mainlanders were initially more identified with the Kuomintang party, it is a critical marker of democratization that Chiang Ching-kuo's hand-picked successor Lee Teng-hui—who became Taiwan's first elected President in 1996 under the reformed KMT—was of Taiwanese rather than mainland origin. Intermittent attempts during the democratic period to mobilize regional origin for electoral competition did not achieve long-term traction. By the mid-2010s, between half and two-thirds of Taiwan's population identified exclusively as "Taiwanese," around 1/3 as "Taiwanese and Chinese," and 10% or fewer as "Chinese" (Election Study Center, NCCU 2019a).

### ***The liberal democratic transition***

Taiwan's political trajectory shares the critical characteristics of new democracies that emerged successfully from authoritarian rule despite human rights abuses in Latin America and Eastern Europe: modernizing dictatorships that maintain legal institutions, early repression tapering off in later years, gradual liberalization, and evolution of the

conflict that inspired the authoritarian regime. After Japan's defeat, Taiwan was mandated to the Republic of China by the United Nations. The mainland government of the Republic of China installed a governorship in Taiwan that imposed political oppression, cultural discrimination, and economic extraction on behalf of the mainland war effort on the island. This generated the February 28<sup>th</sup>, 1947 Taiwanese resistance uprising, which was met with increased occupation by Kuomintang forces, the assassination of thousands during months-long suppression, and the imposition of martial law. When the Kuomintang was defeated by the Communists in 1949, General Chiang Kai-shek withdrew from the mainland to Taiwan, shortly followed by over a million KMT soldiers, officials, and civilians, and established Taiwan as the de facto headquarters of the Republic of China—dominating the local majority population and shaping a militaristic regime around permanent aspirations to retake the mainland (Lai et al., 1991).

The succeeding forty-year authoritarian governments of Chiang Kai-shek and his son Chiang Ching-kuo were marked by the White Terror repression: state-sponsored torture, forced disappearances, assassinations, thousands of political prisoners, and suppression of all political freedoms and Taiwanese identity—but relatively strong rule of law and institutional capacity. Moreover, the second generation of KMT rule included investments in human capital that eventually empowered the rising Taiwanese middle class to seek greater participation. Although Chiang Ching-kuo quashed an attempt at liberalization in 1979 (the Kaohsiung Incident), by 1986 he had allowed the Democratic Progressive Party as an opposition and lifted martial law the following year—shortly before his death sparked a leadership transition to his pragmatist Vice-President Lee Teng-Hui. As President, Lee continued the process of reform and democratic opening, including a

truth commission to investigate the 2/28 atrocities, the 1992 lifting of the Sedition Act that facilitated the return of exiles, a 1996 2/28 Compensation Act and 1998 Compensation Fund, and open Parliamentary elections. As democracy was gradually restored through the 1990s, Lee was freely elected in Taiwan's first open Presidential contest in 1996 (Shattuck, 2019).

In the next Presidential election in 2000, the opposition Democratic Progressive Party (DPP) gained power, marking the first alternation of power in the long transition. President Chen Shui-bian created a Presidential Human Rights Task Force, including prominent human rights advocates and lawyers, and headed by Vice President Annette Lu—a former political prisoner and women's movement activist. The President himself had been a lawyer for the Formosa Magazine dissidents in the 1979 Kaohsiung Incident (Chen, 2019). Taiwan established some form of Human Rights office in every Ministry, prominently Justice and Foreign Affairs. After Chen's ouster, the succeeding KMT administration of President Ma Ying-jou continued the long march of transitional justice as a bipartisan project despite resistance from his own party, apologizing for the White Terror in 2008, and energetically ratifying international human rights treaties. (Fell, 2018)

Taiwan's civil society was a key influence on democratization—and in turn, Taiwan's mode of democratization enhanced the role of civil society and rights advocacy. Like many third-wave democracies, the transition was shaped by the incubation of a generation of exiles, mostly in the U.S. A 1990s influx of returnees and their diaspora descendants fostered greater mobilization in social movements—especially the women's movement—and built the DPP opposition party with their democratic organizational skills, political culture, and international networks. Key figure Peter Huang returned from exile to

found the Taiwan Association for Human Rights that played a pivotal role in advocacy for transitional justice and human rights institutions during the first DPP administration. Huang, who had fled Taiwan as an activist journalist under the White Terror and enrolled at Cornell University, was well-known in Taiwan for an unsuccessful 1971 attempt to assassinate dictator Chiang Kai-shek's son during a U.S. visit (Chen, 2019). Another representative figure, Ying-Yuan Li, one of the scores of exiled academics banned from returning to Taiwan by KMT blacklists, returned to Taiwan in 1991 to arrest—but rallied a 1992 campaign for lifting of the restrictions that liberated numerous colleagues. Thus Li, like several academic returnees who populated the first democratic governments, was elected to the legislature in 1996 and 2012, served in Taiwan's representation to the U.S., and later became Secretary-General of the Democratic Progressive Party and head of Taiwan's Environmental Protection Agency (Lee, 2014).

At the grassroots level, Taiwan has hosted a continual series of citizen movements at intervals throughout its history that catalyzed and deepened democratization. Taiwan is the only country in Asia that Civicus rates as a fully open civil society (Civicus 2019). Even though Chiang Kai-shek's decimation of Taiwan's intellectual and political class during the 1950s White Terror wiped out a generation of resistance, it had regenerated by the 1970s. There have been waves of major social movements roughly every generation for the past century: the 1920s Petition Movement, 1940s 2/28 uprising, 1970s Tangwai movement, 1990s Wild Lily student movement, and 2014 Sunflower student Movement. The 1990 six-day Wild Lily student protest advanced Taiwan's transition to democracy with the successful demand for political reform in the wake of the one-party selection of President Lee Teng-hui, who had succeeded Chiang Ching-kuo upon his death in 1988—Lee

responded with interim reforms culminating in a fully competitive election in 1996. In the current generation, the 2014 Sunflower Movement resisting a proposed services trade accord with China rallied over 100,000 citizens and occupied the legislature, resulting in suspension of the pact. The Sunflower student movement socialized the current generation of civil society and strengthened social networks among the overlapping populations of students, civil libertarian rights advocates protesting police repression, and supporters of Taiwan's national autonomy vis-à-vis China (who demanded greater government accountability for cross-Strait diplomacy). Smaller but significant waves of protest deepening democracy include the 2008 Wild Strawberries Movement against police suppression of protests during a Chinese official's visit to Taiwan, the 2012 Anti-Monopoly on Media Movement, the 2013 Hung Chung-Chiu Incident of the death of a conscript in military detention that led to reform in military justice, and the 2010-2014 Tapu Incident and ongoing protests against forced eviction (Fell, 2017).

Information politics and symbolic politics reinforced the democratic transition, intertwined with a rapid expansion of freedom of information. After a generation of rapid expansion of journalistic coverage and transparency, Taiwan's exceptional level of media freedom led Reporters without Borders to open its first Asian office in Taipei in 2017 (Reporters without Borders, 2017). Official transitional justice memorials were established in a Taipei 2/28 Peace Park as well as a national 2/28 museum, former detention centers in the Jing Mei Memorial Park and the offshore Green Island prison, a National Human Rights Museum, and numerous cities and counties throughout Taiwan. These museums have served to educate the public on the scope and scale of repression—including practices such as overseas spy networks and assassinations—and also established documentation that

has enabled some families to trace their relatives' fate or receive compensation. The history of authoritarian abuses was incorporated in Taiwan's public education and an official annual state commemoration established on February 28<sup>th</sup>—the date of the massacre that marked the opening salvo of decades of dictatorship. In tandem, civic organizations have established their own memorial and cultural projects, with continuing traction among Taiwan's youth a full generation past the transition. In 2017, on-line gamers created a widely viewed graphic novel-like simulation *Detention*, which blends the historical template of the White Terror with Taiwanese religious supernatural elements that affect the story. The game was so popular that it was adapted into a movie in 2019, and was Taiwan's highest-grossing domestic film that year. (Red Candle Games, 2020)

In the three-level game, world politics facilitated the struggle for democracy and women's rights in Taiwan before, during, and after the democratic transition. During the Cold War the Chiang Kai-shek regime leveraged U.S. support and military protection as "Free China"—the Western-allied Republic contrasting with its hostile neighbors. Even during the White Terror period, the regime maintained a facade of legality and concealed some forms of repression in order to maintain international democratic legitimacy and distinction from the PRC. At the same time, authoritarian regime repression helped create the first generation of women political activists, who were often the wives of imprisoned dissidents or journalists, as well as women with more latitude to mobilize for seemingly apolitical modernization or protection of women in the restricted authoritarian environment—which spilled over into other forms of civic organizing as in the case of Annette Lu. Taiwan's 1980s democratization process was largely inspired by the 1979 loss of formal diplomatic relations with the U.S. and following the (framework of the Taiwan

Relations Act, which explicitly mentions human rights conditions. Subsequently, “Taiwan’s emphasis on human rights, democracy, and (to a more limited extent) self-determination has played effectively to, and received support from, the United States, which is of singular importance for Taiwan’s security. From the Clinton administration on, senior U.S. officials have praised Taiwan’s human rights record and democratic accomplishments and have cited them as a basis for Washington’s resilient support for Taipei” (DeLisle, 2019).

Conversely, by the 1990’s, enmeshment with domestic logics of democratization spilled over to an international niche of global good citizenship—as a conscious response to contested sovereignty and competition with China. Following the first democratic election in 1996, Taiwan’s transitional President Lee Teng-hui marked Taiwan’s regional brand: ‘We have proved eloquently that the Chinese are capable of practicing democracy. We have effectively expanded the influence of the international democratic camp and made significant contributions to the cause of freedom and democracy’ (Lee, 1996). His successor, DPP President Chen, in 2007 “declared democracy Taiwan’s “most important asset” in pressing back against the PRC (and, in turn, securing Taiwan’s international space).” The next KMT President Ma asserted that Taiwan exemplified the heritage of “Sun Yat-sen’s dream for a constitutional democracy. . . not yet realized on the Chinese mainland.” Following her 2016 election as Taiwan’s first female leader, current DPP President Tsai exhorted China to match Taiwan’s record of transitional justice by “facing up” to the Tiananmen Incident. (DeLisle, 2019)

Women’s rights in particular have served as a counter to PRC pretensions of ideological hegemony and a source of soft power. Despite Chinese top-down revolutionary liberation of women from traditional roles for labor participation and socialist norms of

gender equity, Taiwan has more egalitarian norms and practice concerning women's education and political leadership, has achieved more progressive legislation and change in women's status, and greater latitude for women's independent mobilization (Yang, 2016; Cheung and Tang, 2017). As we will see below, Taiwan's positive record on gender equity also facilitates broader patterns of transnationalism and recognition by international society that help compensate for the formal diplomacy deficit.

### ***The making of women's rights: from social transition to state reforms***

Women's rights are Taiwan's signature area of rights reform, that precede and extend democratization and global citizenship. Article 10 of Taiwan's 1991 Constitution guarantees women's equal rights and security. Over 1/3 of small and medium enterprises are owned by women in Taiwan. Taiwan's gender pay gap is lower than its neighbors—or the United States. According to Taiwan's self-assessment on the Gender Inequality Index, the value of Taiwan would be .053, ranked in the top ten in the world. Taiwan garners similar high ratings from the World Economic Forum Gender Gap Index and the World Bank index of gender equity in law (ROC Gender at a Glance, 2020). As elsewhere, women's rights progress in Taiwan can be traced to an evolving relationship between democratization, social movements, and state feminism (Htun and Weldon, 2018).

At the societal level, Taiwan experienced a rapid transition in reproductive relations that established the foundation for a liberal gender regime. Densely populated Taiwan saw a remarkable demographic transition that contributed to and resulted from changes in women's education, labor participation, and status. Although post-war Taiwan struggled

with a burgeoning population with averages around 4 children per woman, the 1960s-80s generation of family planning programs combined with economic boom halved population growth to reach replacement rate in one generation. Subsequent 21st century shifts in women's status and family patterns result in a current 1.13 fertility rate—the lowest in the world. According to Taiwan's Executive Yuan Women's Rights Promotion Committee, about 30% of women are single, 18% are married without children, and only about 14% live in extended family households (Department of Gender Equality 2020, 2019).

Taiwan has a smaller sex-ratio imbalance than neighboring Asian countries and has improved the imbalance with government policies including legal prohibitions of prenatal sex selection and Ministry of Health policies for doctors limiting gender disclosure in early pregnancy (Health Promotion Administration, 2018).

The making of women's rights is a three-level game initiated by civil society that shapes the state and Taiwan's global role. Women in Taiwan had organized modernizing, self-improvement, and humanitarian organizations since the early 20<sup>th</sup> century Japanese colonial period, but specific feminist movements appeared during the 1970s, often heavily influenced by international awareness or exchanges—including political exile from the authoritarian government. Breakthrough initiatives included a 1976 Rape Crisis hotline in Kaohsiung, fostered by the Christian social service of the Contemporary Women's Association, which a historian of the period states the KMT municipality saw as a counter to PRC propaganda regarding their promotion of women's labor rights. Health, educational, and protective measures for women were encouraged as a low-cost marker of development—especially after the 1979 U.S. break in diplomatic relations with Taiwan, although the KMT government later blocked some feminist associations and publications

associated with opposition sectors and civic autonomy. Taiwan even had reserved legislative seats for women within the one-party state (Chang, 2009).

During the Martial Law period from 1948-1987 and the White Terror political repression of over 100,000 dissidents, mothers and wives often stepped into campaign for political prisoners and subsequently became political activists in their own right. In an illustration of the linkages between women's rights, transnationalism, and democratization, a leading independent feminist organizer from this period, Annette Lu, returned from her law studies at Harvard in 1979 to contest the election with the Tangwai Democracy Movement. But Lu was arrested alongside her dissident comrades for the International Human Rights Day Kaohsiung protest that tested the potential for liberalization and imprisoned for over five years. After her release and the repeal of Martial Law, Lu was elected to Taiwan's legislature in 1992—and later served two terms as Vice-President to the first opposition party President Chen during a period of critical democratic reforms from 2000-2008 (Lu, 2014).

A generation of women's movements from the 1980s-2000s shaped and benefitted from democratization and the quest for international legitimacy following the loss of formal relations with the United States. As martial law was lifted in 1987 and the first democratic elections occurred in 1992, numerous NGOs were established. The 1990s influx of returnees and their diaspora descendants fostered greater mobilization and rights consciousness. By the 1990s, the worldwide wave of democratization combined with the growing strength of the DPP to foster a convergence with the KMT on consensus rights issues like civil liberties and modernizing gender equity as the parties concentrated increasingly on their competition over cross-Straits relations. Women's rights were also in

the spotlight following the 1995 Beijing Women's Conference, with direct competition for Taiwan in the PRC hosting of the prestigious international gathering. Throughout this period, women's movements mobilized a combination of protest—often triggered by cause célèbre—and legislative advocacy that resulted in a sweeping succession of laws and policy measures, followed up by expertise and participation in the resulting institutional bodies. Women's NGOs in Taiwan were heavily populated by internationally educated and transnationally networked lawyers and academics, so most movements sought out studies and international comparisons for any measure they proposed, including specifically: the forms of legislation against gender violence, gender quotas, the design of women's agencies, and strategies for marriage equality (Interviews with Chang-Ling Huang, Wang Yin-Yang, Victoria Hsu).

The earliest movement, the Awakening Foundation, was established in 1982 as a magazine for the dissemination of feminist and international thinking, and became a registered advocacy NGO with the end of martial law in 1987. Awakening immediately commenced a series of successful legislative reform campaigns of varying duration for Gender Equity in Employment (campaign 1987-passed 2002), Gender Equity in Education (campaign commenced 1988-passed 2004), 1990 campaign for amendments to the Civil Code, establishment of a domestic violence Hotline 113 (1992), changes in Guardianship (1998), reform of matrimonial property rights (2002), and equal rights to children's surnames (2007).<sup>ii</sup> Awakening also served as a springboard for the circulation of leaders of democratization and women's rights, such as former head You Mei Nu, who became an influential Member of Parliament for the rising opposition Democratic Progressive Party and a key advocate for gender equity reforms. A subsequent Awakening leader, Chang-Ling

Huang, went on to serve on the Executive Yuan Gender Equity Committee, and another former head of Awakening—Fan Yun—is now the Ambassador At Large for Women’s Empowerment. (LEAP Presentations, 2019)

Most of the feminist activists were associated with the DPP, which produced the first woman President Tsai Ing-wen in 2016, and the DPP campaigned from the 1990s on with pledges of reform in family law, gender equity, and later same-sex marriage equality. Although women’s rights ultimately assumed a bipartisan legitimacy, the DPP was the progenitor of most reforms due to its opposition heritage that crafted strong ties across levels: downwards to social movements and upwards to international rights networks, notably the Liberal International party network. Moreover, the DPP had adopted an internal 25% gender quota from the 1990s (later echoed by the KMT). There was a virtuous cycle from women’s mobilization to representation to reform; by 2014, Taiwan had passed the one-third representation threshold as there were 36.6% women in Taiwan’s legislature--and the following year in 2015, the pioneering Sexual Assault and Domestic Violence laws of the 1990s were both upgraded significantly with features such as inclusion of unmarried couples and LGBT populations. (Interview Wang Yin-yang)

Awakening’s lobbying efforts were complemented by rallies and press campaigns by an emerging Coalition Against Violence, which ultimately incorporated 40 movements. Among these, the Women’s Rescue Foundation established in 1987 was notable as an early advocate against trafficking and child prostitution that later bridged to domestic violence and the transitional justice issue of World War II-era sexual slavery (so-called Comfort Women). The Women’s Rescue Foundation was also attentive to intersectional issues, as the original identified victims of trafficking were largely aboriginal women. After the

passage of the 1995 Anti-Child Prostitution Bill they had lobbied for, along with the Christian-founded Garden of Hope, and establishment of government shelters, the Women's Rescue Foundation turned to expanding attention to vulnerability of migrants and domestic violence. The Women's Rescue Foundation maintains the AMA museum to wartime sexual slavery, established with international cooperation, and plays a particular role in gendering the transitional justice conversation with ties to Japanese and Korean human rights advocates. (Interview with Theresa Yeh; Taiwan Women's Rescue Foundation, 2020)

As Taiwan democratized, key cases of gender violence helped mobilize public protest and pressure in the new political space, spearheaded by the women's movements. The 1993 Deng Ruwen case--in which a battered woman killed her husband and was jailed—sparked protest that helped build support for the 1998 Domestic Violence law. Similarly, the 1996 rape and murder of feminist activist and DPP politician Wan-ru Peng—during a Kaohsiung party conference where she had been lobbying for a gender quota--inspired rallies by over 30 women's groups. Their pressure helped push through the passage of a reformed sexual assault law, that was adopted that year. Protesters specifically demanded that the transition-era Lee government establish a high-level government commission on women's rights and a committee within the Ministry of Education. The combination of Peng's murder with the similar abduction of the daughter of a prominent actress and the context of a perceived wave of crimes against women led the government to reshuffle and establish a government task force that recommended the establishment of a Women's Committee and Foundation, in 1997. A few years later, the

2000 bullying death of a gender non-conforming youth (the Yeh Yong-zi Incident) similarly contributed to passage of the Gender Equity in Education Act of 2004. (Chang, 2009)<sup>iii</sup>

Table 1. Women’s rights legislation in Taiwan since democratization

1993	<i>High Court overrules paternal rule of household,</i>
1995	<i>Amendments of Family Law</i>
1996	<i>Joint custody in divorce</i>
1995	<i>Child and Youth Prevention of Sexual Transaction Act</i>
1996	<i>Sexual Assault Crime Prevention Act—revised 2015</i>
1998	<i>Change in Guardianship law</i>
1998	<i>First Domestic Violence law in Asia-revised 2015</i>
1999	<i>Sexual Offenses in Penal Code: from “offense against morality” to “violation of sexual equality,” removed requirement of “resistance”</i>
2001	<i>Gender Equality in Employment Act</i>
2002	<i>reform of matrimonial property rights</i>
2004	<i>Gender Equity in Education Act</i>
2005	<i>Sexual Harassment Prevention Act; committees in every city, county, school</i>
2009	<i>Human Trafficking Prevention Act</i>
2011	<i>CEDAW Enforcement Act</i>
2015	<i>Domestic Violence and Sexual Assault Acts upgraded</i>
2016	<i>Childbirth Accident Relief Act</i>
2019	<i>Same-sex Marriage Equality<sup>iv</sup></i>

Once civil society gained recognition and reform, the second wave of the women’s movement sought to reshape the relationship with the state. As the first wave of women’s rights became established through legislative reform and policy by the early 2000s, the Feminist Scholars Association and a Federation of Women’s Groups comprising over 60 organizations turned to a complementary strategy of institutionalization. At the critical juncture of Taiwan’s 2000 transition to the first DPP President—the party with strong ties to social movements--there was a fortuitous match between movement strategies, international governance trends, and state interests. There was global discussion of state feminism, a new government eager to boost its recognition, an international public

administration trend that favored gender mainstreaming, and a movement drive to gain an insider seat at the policymaking table. After political science Professor Wan-Ying Yang returned to Taiwan from the U.S., in 2000 she joined the board of Awakening and circulated her comparative research on gender quotas and the gendered effect of electoral rules among the staff. The Feminist Scholars and Federation of Women's Groups established a study group to consider whether an inter-sectoral committee or autonomous women's agency would have better visibility, resources, and impact and studied other countries' experiences. Key NGO and academics who had worked with the incoming administration visited the Premier and reorganizing Ministries to discuss modes of gender mainstreaming (Interview Wan-Ying Yang, Chang-Ling Huang; Chang, 2018).

Ultimately, Taiwan established all three institutional modalities: gender quotas, mainstreaming, and an Executive Committee/agency for gender equality on the intersectoral model—with mandated civil society representatives. Once these institutions were developed during the 2000-2008 DPP administration, they became a source of continuity of the gender equity agenda and network when the KMT returned to power from 2008-2016. There are quotas mandating at least 1/3 gender neutrality in the legislature as well as different formulas for government committees, schools, and boards of public enterprises. From 2006 onwards, in line with gender mainstreaming, every department of Taiwan's government established a Gender Taskforce. There are now gender committees in all local governments, Ministries, and the Executive Yuan.

These new institutional structures strengthened the relationship between government and movements, as well as the instantiation of international norms. The Taipei City government had established a Gender Commission when it came under the control of

DPP Mayor (and later President) Chen Shui-bian in 1994. As in many governance issues, the capital city served as a model for protesters' demands, in this case in the 1996 rallies following the murder of feminist activist Peng. In 1997, the Executive established a Women's Rights Committee that was later transformed into the Gender Equality Committee of the Executive Yuan. One of its early representatives was Awakening Chair Chang-Ling Huang—a current member is LGBT rights and marriage equality advocate Victoria Hsu. Rotating participation by designated civil society groups in this inter-agency committee across successive administrations from different parties is reported to have had the unanticipated effect of jointly socializing and bonding the civil society representatives across ideological base and functional lines (Interview Chang-Ling Huang).

In 2010, the Executive gender modality was upgraded further from a Women's Rights Committee to a Department of Gender Equality, which coordinates but retains the previously established Committee and a 1999 Women's Rights Foundation. To develop implementation in tandem with the adoption of CEDAW, in 2011, this Executive Gender Equality body drafted a comprehensive Gender Equality Policy Guideline—a powerful tool for promoting gender equity across all governmental structures that explicitly cites international norms. The policy guideline was based on drafts by women's organizations and over 50 consultations with thousands of representatives over more than a year (Gender Equality Policy Guidelines 2011, revised 2017). Because in Taiwan's system every law is assigned an implementing Ministry, such Policy Guidelines from an Executive Committee mandate the Ministries to track implementation of gender equity laws across the Ministries of Justice, Education, Health, and Labor. (Gender Equality Committee of the Executive Yuan, 2020)

Bridging from democratic consolidation to international outreach at the third level of the game, in 1999 the Committee on Women's Rights established an autonomous quasi-governmental Women's Rights Foundation for gender equity promotion and projection with an initial grant of \$1 billion Taiwanese dollars (about \$30 million US). The Foundation gathers and publicizes some of the mandated gender statistics, tracks gender related policies, and facilitates national and international networking and consultation with civil society groups. Taiwan's gender indicators are organized on their website in several ways that indicate governance relationships and the Foundation's dual-facing role as domestic and international promoter: Taiwan's gender equity goals and performance are tracked by Executive Gender Equality Policy Guidelines, by CEDAW provisions, by the Beijing Platform, and by the United Nations' Sustainable Development Goals. The Women's Foundation's English language website is titled "Global Gender." (Foundation, 2020b)

### ***Women's rights and world politics***

The promotion of women's rights in Taiwan is fueled by and fosters world politics in numerous ways that elevate gender equity and Taiwan's role: legislative process, diplomacy, transnational relations, and normative role construction. On the legislative front, the 2002 Gender Equity in Employment Act was related to Taiwan's accession to the World Trade Organization, and the upgrading of Taiwan's Executive Yuan Women's Rights Commission to a Department of Gender Equality was linked to implementation of CEDAW. Most of the legislative reform was drafted after study of international models, and in several cases international law was influential in expanding judicial interpretations of

women's rights in Taiwan. The 2015 upgrading of the Domestic Violence and Sexual Assault Prevention Acts were related both to international trends and to expert recommendations from Taiwan's self-monitoring of CEDAW. At the level of catalytic individual actors, the leading Parliamentary voice for gender equity in the current generation—Bi-khim Hsiao—is the U.S.-educated daughter of a Taiwanese father and American mother who renounced her U.S. citizenship to serve in the legislature and rose through the DPP as its International Affairs Director. She has also served as the Vice-President of Liberal International and the Council of Asian Democracies. (Bi Khim, 2020) In Taiwan's parliament, Hsiao was a proponent of a domestic violence provision of the Immigration Act, the Sexual Harassment Prevention Act, and an unsuccessful initial proposal for same-sex marriage-later adopted in different form via the 2017 judicial decision and subsequent 2019 legislation.

Turning to diplomacy, Taiwan's women's rights progress advances the isolated state's two-track multilateral and bilateral access. In the absence of official diplomatic relations with the US, an important channel of the relationship between Taiwan and the American Institute in Taiwan (the surrogate consulate) is the Global Cooperation and Training Framework, "a platform for expanding U.S.-Taiwan cooperation on global and regional issues such as public health, economic development, energy, women's rights, and disaster relief." Under the women's empowerment rubric of the Global Cooperation and Training Framework, Taiwan hosts annual workshops for 150-200 women from the region on topics such as economic empowerment, who are invited by US Embassies to avoid diplomatic lacuna. Similarly, Taiwan bypasses formal recognition by the EU in functional interactions and is often an interlocutor to ASEAN countries on gender issues. Under the

agies of a three-year bilateral exchange, Taiwan has trained ASEAN officials on gender violence, gender mainstreaming, and the gender pay gap. In part to facilitate these types of supplementary diplomatic ties, Taiwan's Foreign Ministry has designated an Ambassador At Large For Women's Empowerment. The government-funded Taiwan Foundation for Democracy that promotes rights worldwide as Taiwan's premier instrument of soft power diplomacy has bestowed its annual Asian Democracy and Human Rights Award to anti-trafficking groups in 2010, 2011, 2012, 2015 and partnered with the Garden of Hope on international girls' rights campaigns (Interview with Ketty Chen, Taiwan Foundation for Democracy).

Beyond interstate relations, women's rights issues and movements build transnational channels for Taiwan's international humanitarian outreach. The Taiwanese NGO Garden of Hope provides the Secretariat for the Asian Network of Women's Shelters, and in 2019 Taiwan hosted the 4<sup>th</sup> World Network of Women's Shelters conference with 1400 government and NGO representatives from 100 countries—the first in Asia—with a keynote address by Taiwan's President Tsai Ing-wen. Through this network, the Garden of Hope has commissioned comparative regional surveys on violence, with close relationships to partners in Japan and Singapore. Garden of Hope is also the East Asia coordinator for the One Billion Rising campaign and Taiwan's campaigns for girls' rights, reframed to join the United Nations' International Day of the Girl Child. Thus, the Garden of Hope is one of the Taiwanese women's rights organizations that participates in the U.N. Commission on the Status of Women meetings and represents Taiwan's programs in other U.N. settings in which the Taiwanese state has no formal presence (Interview with Anthony Carlisle, Garden of Hope). The larger body of the Taiwan Coalition Against Violence has been a key

player in the 2<sup>nd</sup> Asia Pacific Summit on Gender Based Violence, helping to build an “Asian Platform” for training judges, social workers, city governments, and police, and a Best Practice annual workshop. The annual LEAP workshops on feminist foreign policy, co-sponsored by the Ministry of Foreign Affairs and the Women’s Foundation, bring together representatives of Taiwan’s women’s movement with regional women’s NGOs. (LEAP, 2019)

At the level of norms and discourse, Taiwan stakes its claim to membership in international society on its democratic character in general and specifically highlights its achievements in gender equity. Conversely, the international legitimacy of gender equity builds domestic support for ongoing women’s rights reform in Taiwan. In her opening keynote for the Global Network of Women’s Shelters conference, Taiwan’s first female President Tsai Ing-wen echoed her frequent themes to international audiences, citing Taiwan’s achievements of the 1998 Domestic Violence Protection Act, 2002 Gender Equality in Employment, 2004 Gender Equity in Education, and 2019 approval of same-sex marriage, along with high rankings on U.N. and World Bank indices of gender equity. She emphasized that Taiwan is working to achieve true gender equality “as a responsible member of the international community.” (Fourth World Conference of Women’s Shelters 2019; LEAP Presentations 2019).

Taiwan’s Ministry of Foreign Affairs and the Women’s Rights Foundation both highlight Taiwan’s adherence to CEDAW and Taiwanese entities’ participation in women’s rights events worldwide. The rhetoric of the Foundation further positions the value of women’s rights in Taiwan as a marker of national identity and pride:

“The concept ‘women’s rights are human rights’ symbolizes a civilized social-cultural development within a country and serves as an important indicator of human rights in democratic countries... All these efforts have made Taiwan the Number One country in Asia with advanced efforts in human rights protection...”  
(Foundation for Women’s Rights Promotion, 2020a)

### ***Soft power and the quest for global citizenship***

The feminist factor shapes Taiwan’s international projection in pursuit of global citizenship. Global citizenship means recognition, participation, and influence in multilateral and transnational institutions and networks. As an ethos, it implies a norm of rights and responsibilities in international society that is generally associated with humanitarian internationalism (Brysk, 2009).

Like other rights promoters who struggle for an autonomous global role in conflictual regions and the shadow of a superpower—such as Costa Rica--the Taiwanese state uses rights branding to project soft power that builds de facto recognition and influence in international society. Taiwan has positioned itself explicitly from President Tsai’s 2016 Inaugural Address as “a model citizen in global society” which will “engage with the international community pragmatically and professionally to contribute wherever possible.” The Ministry of Foreign Affairs further highlights this claim to regional distinction, “Taiwan’s goal is to transform itself into a model of new Asian values, endeavoring to deepen democracy, ensure free choices, promote sustainable innovation, and resolve conflicts peacefully.” (Ministry of Foreign Affairs, 2020; Tsai, 2016)

Taiwan's soft power branding is perhaps epitomized by the social media slogan of its international agencies: #taiwancanhelp.

With limited bilateral relations or formal participation in global institutions, Taiwan has opted for a dual strategy of parallel multilateralism and transnational promotion. Facing persistent competition from Beijing, which has exercised numerous forms of leverage to block Taiwan's bilateral relations and multilateral memberships, Taiwan now maintains formal diplomatic relations with only 15 countries—it is barred from UN membership but participates in dozens of IGOs as an observer, labeled as “Chinese Taipei”, or via transnational NGOs. Due to its limited international recognition, the Republic of China has been a member of the Unrepresented Peoples' Organization (UNPO) since the foundation of the organization in 1991, represented by the Taiwan Foundation for Democracy (TFD). Within the Ministry of Foreign Affairs, there are human rights activities in both the International Law and the NGO Affairs offices, as well as the affiliated Taiwan AID cooperation agency. MOFA also hosts about a dozen Ambassadors-At-Large, including rights-relevant offices for Women's Empowerment, Medical Cooperation, and Digital Affairs. Moreover, there are three government-funded autonomous agencies with international human rights promotion mandates: the Taiwan Foundation for Democracy, the Women's Rights Foundation and the Taiwan Asia Exchange Foundation for transnational regional development cooperation.

Intertwined with democratization and women's rights, the drivers of Taiwan's parallel multilateralism have been expertise, human rights activists, and critical junctures of political opportunity. Although multilateralism—like women's rights—has been ultimately bipartisan, it has been emphasized by the Democratic Progressive Party because

international recognition serves Taiwan's general national interest—but also supports the DPP emphasis on cross-Straits self-determination and intermittent moves toward independent status. By the late 1990's liberalization, the founder of the Taiwan Association for Human Rights Peter Huang had shifted his efforts from opposition to broadening the legislative and institutional mechanisms and international commitments of the incoming DPP government. A broad-based coalition of Taiwanese activists and legal scholars networked with regional counterparts and studied the UN treaty system, and garnered a 2000 Inaugural commitment from President Chen to bring Taiwan's legislation and practice up to the treaty standards of the international human rights covenants, issue human rights reports, as well as establish domestic human rights commissions and eventually a national human rights institution. But as the latter goal of straightforward passage of a national Human Rights Law stalled under the Chen administration, with a divided government comprised of a DPP President and KMT legislature, the activists shifted towards more emphasis on internalizing international norms, which coincided with state interests in bolstering international legitimacy (Chen, 2019).

The critical window opened in 2008 when subsequent KMT President Ma—a Harvard trained international lawyer who had served as Attorney General—assumed office and unexpectedly pushed Taiwan's legislature to ratify the international instruments with an Implementation Law to bypass Taiwan's anomalous international status. Human rights multilateralism was now a low-cost marker of national pride to compete with other parties—especially the independence wing of the DPP—and functionally compensate for international exclusion. Ma emphasized Taiwan's de facto performance of human rights responsibilities, stating that the UN's refusal to accept the non-member state's deposit of

the instruments “does not change the fact” that Taiwan’s government is “now subject to the binding legal force of the content of these two UN human rights covenants” (DeLisle, 2019). Taiwan domesticated the core twin International Covenants on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR) in 2009, passed Implementation Acts for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2011, and implemented the Convention on the Rights of Children (CRC) and the Convention on the Rights of Persons with Disabilities in 2014.

Following Ma’s proactive adoption of the treaties, a new coalition of over 40 of Taiwan’s human rights organizations formed to monitor Taiwan’s commitments and prepare shadow reports: Covenants Watch. Core activists from the Taiwan Alliance for Human Rights, the Taiwan Alliance for the Elimination of the Death Penalty, and the Judicial Reform Foundation then approached the Ministry of Justice mandated to monitor the newly subscribed commitments, via the NGO members of the Presidential Human Rights Commission established in the democratic transition, and offered to collaborate on establishing an independent international review process parallel to the blocked UN process. The government agreed to this civil society sponsored monitoring process in order to legitimate its claim to membership in international society. (Interview, Covenants Watch)

Covenants Watch, whose slogan is “Outside but Aligned,” describes its mission:

“Excluded from international society since the 1970s, the Taiwanese government has not been under the supervision of the United Nations system. Under these

circumstances, CW strives to introduce a unique treaty review process that can hold the government accountable and ensures its domestic laws, policies and practices are aligned with international human rights standards. In addition to its domestic activities, CW plays an increasing role on the international level by participating in the Special Procedures and the Universal Periodic Review of the UN Human Rights Council.” (Covenants Watch, 2020)

Thus, the Covenants Watch coalition, with funding from the Open Society Foundation, invited the International Commission of Jurists to Taipei, solicited reports from dozens of member NGOs, and organized treaty reviews that included foreign embassies and representatives as well as hundreds of civil servants from Taiwan’s implementing agencies to testify. Beginning in 2011, Covenants Watch coordinated separate reviews for the ICCPR, ICESCR, CEDAW, CRC, and drew special attention to issues specific to Taiwan such as transitional justice and the status of aboriginal peoples. Following each review, Covenants Watch was mandated to conduct follow-up implementation meetings with government agencies and legislative offices that resulted in changes such as the implementation acts for the Convention on the Rights of the Child and Convention on the Rights of Persons with Disabilities, amendments to Taiwan’s immigration policies regarding HIV, and improvements in habeas corpus. As the United Nations process developed the Universal Periodic Review mechanism of multilateral peer review of human rights performance, Covenants Watch has also contributed an “outside but aligned” virtual Universal Periodic Review for Taiwan (Huang and Huang, 2019).

In a feedback effect of international reporting mobilizing domestic and transnational advocacy, Covenants Watch and partner organizations have gained resources

and status within Taiwan on issues such as improving Gender Impact Assessment, advocating for Tibetan refugees, Taiwanese activists imprisoned in China, and LGBT rights. For example, when Covenants Watch volunteer Lee Ming-cheh was detained in Chinese-controlled Macau in 2017, disappeared, then eventually tried in China and sentenced to 5 years for social media criticism of China, Covenants Watch harnessed the contacts with the European Commission gained from the treaty monitoring process to press China for his release (Interview, Covenants Watch).

The critical juncture of Taiwan's transition to democracy also marked a strategic turn to transnationalism as a surrogate for participation in multilateral institutions. Just as TAHR founder Peter Huang had inspired the first DPP administration to ratify international treaties, another influential advisor—Yale-trained international law professor Lung-chu Chen—authored a 2000 Foreign Policy White Paper that “emphasized the rise of “international civil society” and proposed, among other things, policies of “humanitarian diplomacy. . . aimed at gaining greater visibility for Taiwan by expanding the participation of Taiwanese NGOs in the international community” (Chen, 2019). The major channels for these policies have been a Ministry of Foreign Affairs NGO Office established in 2000 and the three autonomous rights promotion agencies.

Taiwan experienced an explosive growth of NGOs with democratization and around 3,000 of over 50,000 registered NGOs participate regularly in overseas activities—mostly humanitarian relief, environmental development, and public health. The most active are transnational foundations and overseas volunteers associated with Taiwan's internationalist Buddhist groups: Fo Guang Shan, Tzu Chi, and Dharma Drum Mountain. Each of these groups has an international NGO with ECOSOC consultative status that

channels Taiwan's humanitarian presence at the United Nations (Schak, 2007; Brysk, 2020). Taiwan's environmental efforts and cooperation have been represented at the UNFCCC by 9 NGO delegations, prominently the Taiwan Youth Climate Coalition, which attend with official government assistance from the Ministry of Foreign Affairs (Chung 2017). A 2018 initiative by the Ministry of Culture with local governments in Taijung and Taipei sought to rehabilitate unused administrative space to house non-profit hubs to encourage international NGOs, especially from the Asia-Pacific region, to establish subsidized branches in Taiwan (Liang-sheng and Hsiao, 2018).

The head of the Foreign Ministry's NGO Office outlines the official vision and resource flows states that underlie Taiwan's soft power transnationalism. From the Foreign Ministry's perspective, Taiwan's vision of soft power has evolved over a generation from economic exchange to people power--as civil society has developed, NGOs call upon Taiwan's government daily to facilitate their international presence. Taiwan's over 100 representative offices abroad strive to facilitate Taiwanese NGOs' overseas activities, and promote Taiwanese relationships and leadership in international NGOs. In particular, Taiwan's Ministry assists Taiwan passport holder NGOs when they are blocked by Beijing from entering U.N. activities with information and networks to protest and seek transnational support through these international NGO networks. Materially, the Ministry of Foreign Affairs provides about \$40 million NT [\$13 million US] in annual subsidies to 600-800 Taiwanese NGOs to participate in international events, as well as capacity-building and international relations workshops, and overseas NGO internships for Taiwanese youth organizers with overseas NGO counterparts. They coordinate financial assistance with the Ministry of Health and Ministry of Culture in the government's priority

areas of medical assistance, human rights, and women's empowerment—reserving about 30% of their budget for these priorities, such as hosting the 2019 Women's Shelters Conference with Taiwan's Garden of Hope for around \$2 million NT. There is a smaller supplemental budget of \$12-15 million TW to assist about 25 Taiwanese NGOs each year in international humanitarian aid projects in medicine, education, and women's empowerment in developing countries where Taiwan lacks official cooperation presence. (Interview with Ninon Tsai, Ministry of Foreign Affairs NGO Program).

***Conclusion: The rewards of rights***

This account has shown how a small state at the margins of global status was able to enhance its national interest through constructing human rights. We have traced the dialectic between material and normative forces at the social, state, and global levels that enabled that transformation. Moreover, this article has demonstrated the power of the feminist factor as a force multiplier for liberal democracy and liberal internationalism.

Taiwan's story also illustrates the rewards to rights. Despite some inevitable shortfalls and trade-offs, the pursuit of rights in Taiwan has fostered human development, domestic solidarity, and membership in global society. This has implications for other emerging Asian democracies and beleaguered middle powers with limited resources and recognition; it suggests a wider range of options to "do well by doing good"—at home and in the international arena. Even beyond the general benefits of deepening and projecting democracy, we see how the promotion of women's rights buys additional benefits in

international recognition, as even in a declining liberal order, gender equity has cross-cutting linkages to economic development and global health.

Taiwan has benefitted concretely from its free society and gender-friendly tolerance by attracting trade, talent, and tourism. The Netherlands is now one of Taiwan's leading investors, and has upgraded the name of its de facto diplomatic representative beyond trade to recognize a wide range of liberal cooperation—including “public governance best practices.” (Yeh, 2020) As the leading country in Asia for freedom of expression, Taiwan hosts an information economy and a thriving culture industry in music and film. Perhaps Taiwan's most renowned film director is Ang Lee, who directed internationally acclaimed dramas with gay themes: “Eat Drink Man Woman” and “Brokeback Mountain.” Attracting talent, Taiwan has been ranked the Best Country for Expats by the largest international association of foreigners overseas for five years in a row, and Taipei the leading city twice (InterNations, 2019). Taiwan is a leading tourist destination which benefits from its tolerant brand with special appeal and services for both LGBTQ “rainbow tourism”—and Asian Muslim populations (Tham, 2019). Tourism brings over \$20 billion/year to Taiwan. In addition, Taiwan's frequent hosting of international conferences, NGOs, and medical exchanges also yields economic benefits and international recognition—like Costa Rica, international organizers favor Taiwan as a site for events within its region as a safe, stable, well-governed, and tolerant locale.

Rights build legitimacy at home, as Taiwan's population identifies increasingly with the distinct national identity, which is intertwined with liberal democracy and an ethos of tolerance. Taiwan's citizens rank the importance of living in a democracy at 8.9 on a scale of 10. (Krumbein, 2019) 88% of Taiwan's youth consider themselves politically Taiwanese,

and 1/3 state that the feature of Taiwan they are most proud of is its democracy (Election Study Center 2019a). On the National Happiness scale, Taiwan ranks #25 in the world and the highest in Asia, just below Europe and above Singapore, Korea, Japan, and China (#93). (Helliwell, Layard and Sachs, 2019)

The consolidation of rights has also helped Taiwan to navigate the challenges of globalization and its contested entanglement with a hostile neighbor. Taiwan's relatively successful response to the COVID-19 pandemic despite massive exposure to its origins in China manifests the rewards of rights for citizens' survival in an era of border-crossing threats. Taiwan's rights-based public health system, transparent government communication, and social solidarity laid the foundation for early intervention and containment of the virus. This response was widely noted in international media and renewed global support to increase Taiwan's participation in the World Health Organization and international relief efforts. (Duff-Brown, 2020; Cowling and Lim, 2020; Chen 2020) Once again, the feminist factor was a force multiplier, as Taiwan joined a global cohort of female-headed countries—from New Zealand to Norway to Namibia--that managed the pandemic more successfully, in a manner linked to good governance and collaborative leadership style. (Wittenberg, 2020)

The feminist face of Taiwan's soft power is represented by Audrey Tang, Taiwan's first transgender Cabinet member. Tang came to prominence as a leading Taiwanese developer of free software and programming languages, who was appointed at age 35 by President Tsai as a Minister Without Portfolio tasked with Digital Affairs. Tang had been a "civic hacker" in Taiwan's 2014 Sunflower Movement, and has become a prominent symbol of LGBT pride in Taiwan. The Digital Minister's initiatives to expand Taiwan's economic,

political, and international interests have included campaigns to enhance citizens' digital literacy and political participation, promoting Taiwanese software for the sharing economy, and combatting online disinformation associated with China's attempts to interfere in Taiwan's elections--collaborating with the Taiwan Foundation for Democracy. (Interview with Ketty Chen, Taiwan Foundation for Democracy) During the COVID-19 crisis, Tang played a critical role assisting the government with an information campaign and trust-building that is credited with increasing citizen cooperation with contact-tracing and isolation protocols. (Silva, 2020)

Taiwan's democratic and feminist achievements face challenges in the years to come—from some civic groups' resistance to expanding LGBT rights<sup>v</sup> to shortfalls on protecting the rights of migrants (Yang, 2018; Olivier, 2017). The rewards of global good citizenship may face economic contradictions with dependence on cross-Straits trade with China and authoritarian regional trade partners, despite President Tsai's revival of the Southbound policy to attempt diversification. At the multilateral level, the benefits of membership deflate with decline in the liberal international order. Future research should explore further these shifting parameters of Taiwan's rights projection and the next steps to meet these challenges.

Nevertheless, Taiwan has established a remarkable level of rights norms, institutions, and social capital—in large part due to the double helix of the feminist factor and the quest for international recognition. The mutually constitutive character of democratization, gender equity, and global good citizenship in Taiwan supports our emerging constructivist understanding of the power of human rights to transform limited niches of world politics and expand the national interest. Sustaining this achievement will

depend on global strengthening of democratic norms and networks, Taiwan's skillful expansion of soft power, and most of all, creative and persistent mobilization by human rights advocates.



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## Acknowledgements

This research was supported by the Taiwan Fellowship sponsored by the Ministry of Foreign Affairs in September-December 2019. Many thanks to my academic sponsor, National Taiwan University's Center on Population and Gender, the skilled research assistance of Hsuan-an Su, and the individuals interviewed. All views expressed are the responsibility of the author alone, independent of any positions or claims of Taiwan's government, and the individuals cited.

## Endnotes

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<sup>i</sup> While the Republic of China (Taiwan) was recognized widely in the international arena as the post-revolutionary inheritor of the mainland Kuomintang government--that had retreated to the island in 1949--the ROC was supplanted in the United Nations by the People's Republic of China in 1971. After the U.S. broke diplomatic ties with Taiwan in favor of the mainland in 1979, in the ensuing decades Taiwan lost diplomatic relations with most of the world's states and participation rights in many international organizations, in a continuing campaign by the PRC to deny Taiwan's independent status.

<sup>ii</sup> Similarly, the 1998 Domestic Violence Law—the first in Asia—was drafted by a more humanitarian social movement rooted in the KMT women's protection initiatives, the Modern Women's Foundation, who worked with a sympathetic judge Feng-Xian Gao.

<sup>iii</sup> While women's reproductive rights in terms of access to contraception and abortion are generally well-protected in Taiwan, rights-based reform of the 1984 Abortion Law stands as one of the few failures of women's movement advocacy. (Interviews Chang-Ling Huang).

<sup>iv</sup> The 2019 Marriage Equality Law was a response to a 2017 Constitutional court ruling and had a combined legislative and judicial trajectory.

<sup>v</sup> Between the 2107 court decision and the 2019 legislation validating same-sex marriage, a 2018 referendum showed civic ambivalence when a majority voted to approve a definition of marriage as a heterosexual union. In a parallel vein, some faith-based and parents' organizations have mobilized at the local level to challenge inclusion of LGBT rights in school programs mandated under the Gender Equity in Education Act.