

Amid ongoing debate on proposed reforms to the Constitution, advocates and academics yesterday urged including more human rights issues in the Constitution at a conference held by the Taiwan Association of University Professors.

Referring to global trends in human rights advocacy, participants said that the Constitution should not be limited to protecting personal liberties, but should also address what are known as second and third-generation rights, such as socioeconomic, cultural and environmental rights.

Democratic Progressive Party (DPP) Legislator Cheng Li-chiun (鄭麗君), the main proponent of what is now the only constitutional reform proposal to address human rights issues, launched yesterday's discussions by outlining her thoughts on the proposals.

Infringements upon human rights by the government over the past few years — such as land seizures — illustrate flaws within the Constitution, she said, adding that human rights issues were neglected in the previous seven constitutional amendments.

“Our Constitution is unsatisfactory at protecting even first-generation freedoms,” Cheng said, adding that the Constitution should also include emerging human rights values by promoting social justice and equality.

“While we always claim that Taiwan is a nation built upon human rights, without addressing human rights issues in our Constitution, we do not have the right to say that this is a nation of the people,” Cheng said.

Cheng's proposal, now under review by the legislature's Constitutional Reform Committee, seeks to strengthen the Constitution's power to eliminate discrimination by specifying equality among all people, regardless of sexual orientation, age and language, or physical and mental disabilities.

Expand rights protections in Constitution: advocates

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The proposal also stipulates the protection of labor rights — including rights to unionize, engage in collective bargaining and demand government assistance for unemployed workers.

It also contains specific clauses to increase protections against the expropriation of private property, as well as guarantee rights to participate in parades, and protect traditional cultures and languages.

An integral part of the amendment concerns changing the main subject of the Constitution from “citizens of the Republic of China” to “all people,” signaling a universal concern for human well-being, Cheng said.

Taiwan Labour Front secretary-general Son Yu-liam (孫宇良) highlighted the evolutionary nature of constitutional law, saying that the Constitution should be able to adjust along with new conceptions of basic human rights in society.

“A French academic once said: ‘The Constitution is a love letter addressed to the nation, written by the people,’” Son said, adding that the Constitution should represent the nation’s core values.

Past amendments largely addressed human rights issues only in an “ornamental” fashion, such as by fixing politically incorrect wording in the original text, Academia Sinica researcher Fort Liao (廖正興) said.

“Our Constitution was written in 1946, not in Taiwan, but in Nanjing [China]. Nearly 70 years have passed since then; after 70 years of development in human rights thinking, there is bound to be something lacking in our Constitution if we do not fill in the gaps in our list of fundamental human rights,” Liao said.

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