

Democratization in Asia: Young Democracy in Taiwan from a US perspective

Janet Tan

International Doctoral Program in Asia-Pacific Studies, National Chengchi University, Ph. D student

《Abstract》

Most East Asian Countries after the WWII have been on the track of Democracy promoted by the US, and civil right protection is one important indicator of how well the democracy has been promoted. This paper closely analyzes the level of democracy by examining civil right protection in Taiwan, Republic of China, as an indicator of democracy growth compared to the protection and promotion in the US civil right standards, therefore, draws a conclusion of how well the democracy have been promoted in Taiwan.

After 1945 atomic bombs dropped on Hiroshima ended the world war in East Asia, the globe was divided into two ideological spheres, liberalism versus nationalism, the United States versus Soviet Union, North versus South, West versus East, and democracy versus communism. Prior to the World War II, the world was not so concerned with human right; after the war, human right is a basic factor of democracy and liberalism. Freedom of choice becomes an important lesson for an open world and a free trade market. The United States promoted democracy along with its open market to the rest of the followers in a demand that human right is a clear guideline for the foundation of democracy. One important factor that the US has left out was to clearly define what the human right is, and how it is recovered into the hand of people instead of propaganda for states to pounder.

One obvious right identified as a human right is the voting right. Many Asian countries have progressed in the past sixty years with the freedom of choice in terms of their political beliefs, but the democracy is still in its childhood. The young democracy has many years to grow, and yet, many well-progressed Eastern countries have stopped looking forward to a democratic adulthood meaning the process has been at halt without further improvement. One of the important reasons for its stall is civil right protection. When people do not have a good channel to seek justice in their civil rights, democracy is still not a guaranteed one. When democracy is depending on which leader leads the country, and the equal opportunity of civilian is not guaranteed, there creates a deficiencies in civil right protection, consequently, defeats the purpose of democracy.

What is the definition of human right? How are human rights being protected? How is it monitored? And what is the protection mechanism if human rights are claimed but not exercised? What are different interpretations of human right? Should culture difference play a role in human rights interpretation? Is majority vote democratic? By asking these questions, it helps to address some of the vagueness of today's general understanding of human right – voting right.

This paper focuses on the US Civil Right Policy compliance review process for the foundation of human right protection with comparison of Eastern human right progress and interpretation to clearly mark the short fall of Eastern human right progress. The age of Asian democracy is still young, but the Eastern cultures are very old. They do not have a full understanding of the linkage between democracy and human rights. Is it American's ignorance about not clearly identifying the link? Or, are the Westerners taking it for granted that human rights are just part of the phenomenon having an open market, meaning free trade is democracy?

This paper will focus on comparison of the US civil right review process and to identify the "lack of" Asian human rights interpretation and common definition. Section I is a background description of contemporary historical events led into the bipartisan world. Section II describes the needs of democracy and human right connection. Section III explains one of important mechanisms of civil right protection under education systems. Section IV describes East Asian human right progress and conveys the meaning of civil right in Taiwan, Republic of China with empirical survey data, Section V compares between the matured and the young democracy, and Section VI draws a conclusion.

After World War II, most East Asian countries have actively sought after the democracy promoted by the United States (US), and the degree of civil rights protection is one of the important indicators of how well democracy has been achieved. This paper closely analyzes the level of democracy by examining civil rights protection in Taiwan, as an indicator of democracy growth compared to the protection and promotion in the US civil rights standards, and therefore, draws a conclusion of how well democracy has been promoted in Taiwan.

Human rights are a basic factor of democracy, and freedom of choice is paramount. One human right associated with democracy is the right to vote, and many Asian countries have made great progress in the past sixty years with this freedom of choice in terms of political beliefs. However, there are more rights than just the right to vote when discussing the promotion of human rights. While democracy in Asia is still young and has many years to grow, many of the East Asian countries have stopped cultivating their growth to adulthood and the democratization process has been halted without any major improvements beyond the right to vote. One of the important reasons for this standstill is the lack of an equal opportunity protection system. This paper argues that when people do not have a good channel to seek justice for their civil rights, their human rights are not guaranteed. While democracy is based on the opportunity to elect leaders, the equal opportunity of civilians is not guaranteed; therefore it creates biases and deficiencies in civil rights protection, and consequently, stalls the maturity of democracy.

This research focuses on the comparisons between a US civil rights protection system and the “lack of” a civil rights protection system in Taiwan, an East Asian democracy model. This paper is organized in the following manner: Section I is historical background. Section II defines and elaborates on human rights and the US civil rights movements. Section III describes fundamental human rights. Section IV examines Asian culture. Section V describes a structural analysis of the US civil rights protection system. Section VI analyzes the human rights development in Taiwan. Section VII compares the US and Taiwan civil rights protection systems, and Section VIII draws a conclusion and recommends a course of action for Taiwan to solidify democracy.

I. Historical Background

With the dropping of the atomic bombs on Hiroshima and Nagasaki in 1945, World War II ended in East Asia, and the world was divided into two opposing ideological spheres, liberalism versus nationalism, the United States versus Soviet Union, North versus South, West versus East, and democracy versus communism. Prior to World War II, the world was not so concerned with human rights; after the war, human rights protection became a basic tenet for democracy and liberalism. Freedom of choice, in terms of political beliefs, became an important goal for a free world and a free

trade market. Ever since, the United States has been promoting democracy¹ along with its open market to the rest of the East Asian followers; thus, human rights promotion has been a clear guideline for the foundation of democracy.² One important factor that the US left out was to clearly define the path to human rights, and explain how human rights are governed by the people.

The East Asia post colonial countries quickly grasped one obvious right as one of the important human rights,³ the right to express one's opinion through the ability to vote. Many East Asian countries have progressed in the past sixty years with the freedom of political choice (see Table 1), but democracy in these countries is still in its childhood. These young democracies have had many years to grow, and yet, many economically well-developed Eastern countries have stopped working toward a democratic adulthood meaning the process has been halted without further improvements. Despite a need for human rights promotion, one of the main reasons is the lack of a solid civil rights protection system. The author claims that when people do not have a channel to seek justice and the protection of their civil rights, democracy is still not guaranteed. Furthermore, when democracy is dependent on which political leader is leading the country, the equal opportunity of civilians is not guaranteed, and therefore creates deficiencies in the protection of civil rights, and consequently, defeats the purpose of democracy.

The following table displays in Section 1, a list of full-fledged democratic⁴ and free countries; Section 2 displays a list of North Eastern Asian countries with their freedom status, and Section 3 displays South Eastern Asian countries and their freedom status from the 2008 Freedom House Report.

¹ "to protect human rights, the promotion of democracy and development", President Obama's remarks at a Luncheon Hosted by Secretary-General Ban Ki-moon of the United Nations in New York City, September 23, 2009;

"Human rights invented America." Quoted in Jimmy Carter's Farewell Address on January 14, 1981, Essential Speeches;

² Spicker, P. (2008), Government for the people: the substantive elements of democracy. *International Journal of Social Welfare*, 17(3), p. 255

³ Ramcharan, B.G., The Future of the UN High Commissioner for Human Rights, *The Round Table*, 94(378), p.97

⁴ Full-fledged meaning these countries has been rated free since the 70s in Freedom House Annual Reports. <http://www.freedomhouse.org/template.cfm?page=362>

Table 1. Freedom rating from Freedom House 2008 data.

Years	2005			2006			2007			2008		
	PR	CL	Status									
Section I: Full - fledged												
Australia	1	1	F	1	1	F	1	1	F	1	1	F
Austria	1	1	F	1	1	F	1	1	F	1	1	F
Barbados	1	1	F	1	1	F	1	1	F	1	1	F
Canada	1	1	F	1	1	F	1	1	F	1	1	F
Denmark	1	1	F	1	1	F	1	1	F	1	1	F
Iceland	1	1	F	1	1	F	1	1	F	1	1	F
Netherlands	1	1	F	1	1	F	1	1	F	1	1	F
Switzerland	1	1	F	1	1	F	1	1	F	1	1	F
The US	1	1	F									
Section II: NE Asia												
Japan	1	2	F	1	2	F	1	2	F	1	2	F
S. Korea	1	2	F	1	2	F	1	2	F	1	2	F
Taiwan	1	1	F	2	1	F	2	1	F	2	1	F
China	7	6	NF									
N. Korea	7	7	NF									
Section III: SE Asia												
Indonesia	2	3	F	2	3	F	2	3	F	2	3	F
Malaysia	4	4	PF									
Philippines	3	3	PF	3	3	PF	4	3	PF	4	3	PF
Singapore	5	4	PF									
Thailand	3	3	PF	7	4	NF	6	4	PF	5	4	PF
Vietnam, N.	"	"	"	"	"	"	"	"	"	"	"	"
Burma	7	7	NF									
Cambodia	6	5	NF									
Laos	7	6	NF									

The rating of 1 to 7 scale with 1 being the most free status.

F= free, PF= partial free, NF= not free, "="= not rated, PR=political rights, CL=civil liberty

Japan, S. Korea, Taiwan and Indonesia are rated as free and democratic countries with democratic political rights and civil liberty.

The US is rated as a full-fledged democratic country which is studied in this paper. Within the East Asia region, Japan, South Korea, and Taiwan are rated as free countries in Northeast Asia, and Indonesia is the only country rated as a free country in Southeast Asia. Thailand in the past four years has reverted from a partially free country to a not free country then back to a partially free

country again. The three highlighted countries, namely the US, Taiwan, and Thailand have been discussed in this paper.

What is the definition of human rights? How are human rights being protected? How are they monitored? What is the protection mechanism if human rights laws are set but not fully implemented? What are different interpretations of human rights? How does culture play a role in the interpretation of human rights? Is the majority vote democratic without safeguards in place to ensure that minority rights are protected? By asking these questions, it helps to address some of the vagueness of today's general misunderstanding of human rights in Asia, but only the voting right. What about other civil rights such as equality of gender, race, age, and provisions for the disabled? Since East Asia countries are following the US democracy model, this paper adopts the definition of human rights directly from the Universal Declaration of Human Rights (UDHR) and the US civil rights standards.

II. Definition of Human Rights and the US Civil Rights Movements

Human Rights are "basic rights and freedoms to which all humans are entitled."¹ In the Article 1 of the United Nations Universal Declaration of Human Rights defines "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."² Human Rights include the rights and freedom of civil, political, economic, social, and culture rights. Additionally, the Virginia Declaration of Rights of 1776 encoded a number of fundamental rights and freedoms into law which marks the United States Declaration of Independence in 1776.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

-United States Declaration of Independence, 1776

It was not until 1920, that women in the US were granted the right to vote with the passage of the [Nineteenth Amendment to the United States Constitution](#), which provided: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." This was followed by the Universal Declaration of Human Rights that was adopted by

¹ Houghton Mifflin Company (2006). *The American heritage Dictionary of the English Language*. Houghton Mifflin.

² Universal Declaration of Human Rights adopted by General Assembly resolution 217 A (III) of 10 December 1948, <http://www.un.org/en/documents/udhr/index.shtml#a1>

the United Nations General Assembly¹ in 1948, partly in response to the atrocities of World War II. The UDHR urges member nations to promote a number of human, civil, economic and social rights, asserting that these rights are part of the “foundation of freedom, justice and peace in the world.” The declaration was the first international legal effort to define and highlight a multicultural view of basic human rights.

The US has come a long way in establishing its human rights standards. “It is not a treaty... [but] may well become the international Magna Carta.” quoted Eleanor Roosevelt in her speech.² Furthermore, the Civil Rights Act of 1964³ was a landmark piece of [legislation](#) in the [United States](#) that extended voting rights and outlawed [racial segregation](#) in schools, at the workplace, and by facilities that served the general public. It prohibited discrimination in public facilities, in the government, and in employment, and this invalidated the [Jim Crow laws](#)⁴ which legally segregated black Americans in the southern U.S. It became illegal to compel the segregation of the races in schools, housing, or hiring; with the passage of the Voting Rights Act of 1965 it granted African Americans the right to vote.⁵ The [Immigration and Nationality Services Act of 1965](#)⁶ dramatically opened entry to the U.S. for immigrants from other countries besides the traditional European countries; and the [Civil Rights Act of 1968](#) banned discrimination in the sale or rental of housing. By 1966, the emergence of the [Black Power Movement](#), which lasted roughly from 1966 to 1975, enlarged the aims of the Civil Rights Movement to include racial dignity, [economic](#) and [political self-sufficiency](#), and freedom from oppression by [whites](#). Moreover, Civil Rights laws used by the Office for Civil Rights (OCR) in the Department of Education (ED) are listed in Appendix I.

These were the movements and the laws passed in the United States, but what needs to be carefully studied is how these laws influenced the US, and what did the US do to create a general support for a non-white President, 40 years after the Civil Rights movement?

¹ December 12, 1948 at Palais de Chaillot, Paris.

² Eleanor Roosevelt: Address to the United Nations General Assembly, <http://www.americanrhetoric.com/speeches>

³ Civil right act, 1964 ([Pub.L.](#) 88-352, 78 [Stat.](#) 241, July 2, 1964)

⁴ The Jim Crow laws were state and local laws in the [United States](#) enacted between 1876 and 1965. They mandated [de jure segregation](#) in all public facilities, with a supposedly “[separate but equal](#)” status for [black Americans](#). In reality, this led to treatment and accommodations that were usually inferior to those provided for [white Americans](#), systematizing a number of economic, educational and social disadvantages. See “Jim Crow Laws”, *Columbia Electronic Encyclopedia*, 6th Edition; 10/1/2009, p1-1,1p

⁵ The prohibition of voting rights discrimination on the basis of race, color, or previous condition of slavery was first codified by the [15th Amendment](#) to the [Constitution](#) in 1870.

⁶ Immigration and Nationality Act of 1965 (Hart-Celler Act, INS, Act of 1965, [Pub.L.](#) 89-236) abolished the national-origin [quotas](#) that had been in place in the [United States](#) since the [Immigration Act of 1924](#). Also see [Frum, David](#) (2000). *How We Got Here: The '70s*. New York, New York: Basic Books. pp. 268-269

III. Fundamental Human Rights

Out of five categories of human rights, namely civil, political, economic, social, and culture rights, the author claims that civil rights are a foundation of all other rights. Without solid protection of civil liberty, all the other rights may be short-lived. Civil rights can be described as the foundation of a concrete infrastructure for all human rights, and are the core support for the stability of a democracy.¹ With this understanding, just setting laws that confirm to the basic philosophy with safety measures for all citizens in a nation is not enough.

Civil rights laws imply that no one person should infringe on another person's rights or "Do not do unto others what you would not have them do unto you." Basically, when carried out in full, civil rights can be characterized by the theory of reciprocity. Moreover, reciprocity of the mutual understandings of equal rights with affirmative action² creates a safe environment for people to respect one another and to enjoy their lives, thus a level of trust is embraced. A protection system is necessary for those who may violate the common understanding of equal rights, so that one may not be discriminated against and become a minority and be isolated from these freedoms. This is especially needed in a multi-cultural and a multi-ethnic society.

Besides a comprehensive civil rights law, the best way to ensure that all citizens' civil rights are well protected is to set up a protection system where the laws that are in place are well exercised, as well as providing a guaranteed communication channel for quick recourse in order to protect the disadvantaged. It is important to provide a way for individuals to seek help and justice when needed, and furthermore, it is crucial for all citizens to be well informed and educated about the standards of civil rights. In addition, there are several important principles to the implementation of a good protection system, namely that is be reliable, competent, impartial, lawful, timely, and with clear communication³. Ultimately, the simple definition of "all men are created equal" carries the meaning that no one group of people or individuals are denied their basic rights regardless of his or her gender, race, age, and disability, so that no one is denied of his or her rights to enjoy life and pursue happiness.

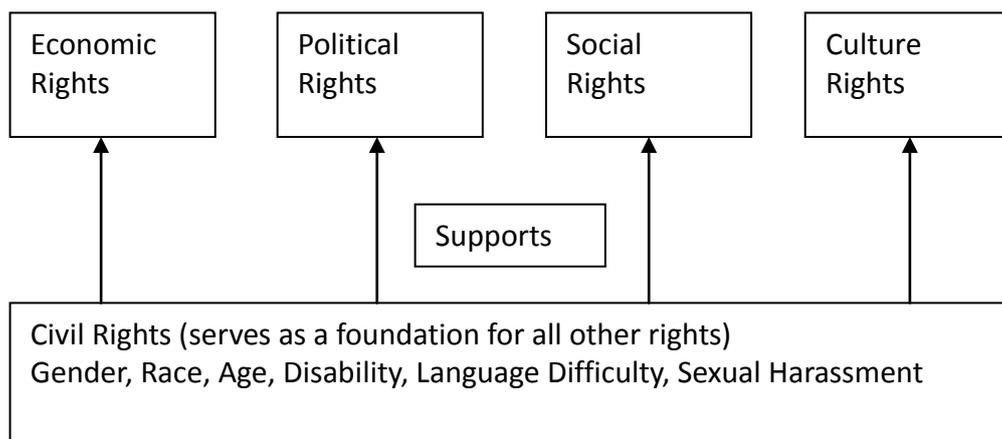
Below is a chart that demonstrates the structure of US civil rights as a foundation for other human rights for a complete democracy.

¹ Wedgood, Ruth, 2009, Democracies, Human Rights, and Collective Action, *Ethics & International Affairs*, 23(1), p.32

² Bill Clinton, 9/19/1995, Remarks by the President on Affirmative Action, *Essential Speeches*; 2009, p0,0p

³ Customer Standards for the Case Resolution Process of Office for Civil Rights webpage <http://www.ed.gov/about/offices/list/ocr/customerservice.html>

Chart 1. This chart shows the civil rights as the foundational support for all other rights.



Additionally, when civil rights are protected and joined with economic rights, political rights, social rights, and culture rights, people make choices based on their own will to maintain a preferred society despite personal differences. On the other hand, when a society is advanced with political rights and making free choices of their political leaders without basic civil rights protection for their citizens, the stability of peace may be based on the integrity of the elected leader. Should there not be a comprehensive system for any recourse of the election of a dreadful leader, a portion of the citizens will suffer, and be denied of their basic rights, and subsequently tragedy happens. A good example of this would be Thailand as it illustrates that a democratic free country may be easily reverted back to an authoritarian regime;¹ there will be a lack of “balancing” infrastructure to ensure that the citizens’ civil rights are protected. This principle can be cross applied equally to the economic, social, and culture rights when the basic civil rights foundation is not strong. In summary, civil rights are the smallest denominator of all other human rights, and strengthening and keeping it solid is essential to establishing and maintaining a mature and a stable democracy.

IV. Asian Culture

It is easier said than done, so civil rights protection or even the concept of civil rights once did not exist in some cultures, and it is almost impossible to implement civil rights protection into an authoritarian society, such as an Asian social-cultural structuralism, in which men rank over women, fathers over sons, and teachers over students, that one’s right is forfeited with a lower ranking.² Ancient beliefs are followed by saying “Oh that is just the way it was supposed to be,” or “A woman is supposed to be second to a man,” or “That is how the law of our culture is.” or “It is our tradition.” This is one of the reasons why there are no Asian-wide organizations or conventions to promote or protect human rights despite several East Asian countries claiming to have full-fledged democracies

¹ 2008 Freedom house report data indicators show the change of freedom rating also see Table 1 of the year 2006 Thailand with rating 7 changed from the previous year 2005 with the rating 3.

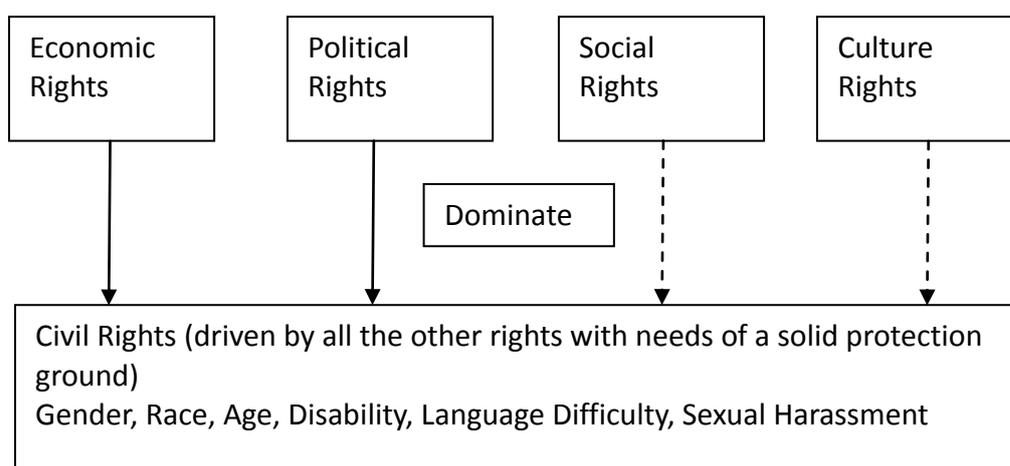
² [Creel, Herrlee G.](#) *Confucius and the Chinese Way*. Reprint. New York: Harper Torchbooks.

and political voting rights such as Japan, South Korea, and Taiwan.¹

Even though, Freedom House rates these three economically well progressed Northeast Asian countries with the highest democracy indicator as free countries, it gives no indication of how well the civil rights of their citizens are protected² which in turn implies their democracies are stable. These countries provide very little civil rights protections. Women are still being discriminated against with less pay than an equally qualified man; statistically, there is a rating on overall GDP growth,³ but over the years, the gap between the wages of men and women remains unchanged. Other findings in Taiwan indicate that those belonging to an older demographic level have fewer opportunities for jobs due to discrimination on age. A newspaper advertisement required “Women younger than the age of 40”.⁴ Another example of civil rights violation is that the disabled still have trouble in accessing their everyday commute. These are all examples of barriers of equal access and equal opportunity. Without providing equal opportunities to all people, society still does not provide privileges to an individual’s civil rights; especially, when one gets old or is disabled, one’s civil rights can be forfeited with a change of condition.

Below shows the development of human rights in an Asian cultural context, particularly focusing on Taiwan where cultural and social rights are deeply rooted in society with an emphasis first on the fast development of economic rights followed by political rights, and then moving onto the issue of civil rights. People tend to think about property protection and liberty when they are wealthier and searching for better comfort. The chart shows a weak support of civil rights in culture and social rights, and civil rights are driven by the political and economic rights with a strong demand.

Chart 2. This chart shows the sub-position of civil rights driven by all other rights



-----> means a weak support factor

¹ The UN has criticized Japan not doing enough in “gender equality” quote from BBC Chinese.com on 8/21/2009, http://news.bbc.co.uk/go/pr/fr/-/chinese/trad/hi/newsid_8210000/newsid_8214500/8214599.stm

² Zuerchar, Christoph, Nora Roehner, and Sara Riese, External Democracy Promotion in Post-Conflict Zones: a comparative analytical framework, Taiwan Journal Democracy, Vol. 5, No. 1, p.5

³ GDP data may be searched from IMF databank, see <http://www.imf.org/external/pubs/ft/weo/2009/02/weodata/index.aspx>

⁴ Taiwan China Times, 12/15/2009 F4

The question then is “Should civil rights protections defend all people unconditionally?” Especially where there is a weak support culturally and socially, can there be a civil rights protection system built for such optimal space despite one’s economic, political, social, and culture rights? Does such a system exist today?

V. The structural Analysis of The US Civil Rights Protections System in the Department of Education

The answer is yes; although it is not perfect, it is improving over time. One of the civil rights protection systems is embedded in the US education system. The US has invested in its people; education is an investment in people, and it is made with the firm commitment of the US with a relentless effort (see appendix II). The influence of the Department of Education cannot be underestimated as each subsequent generation is taught through compulsory education in a public system. The civil rights protection system is embedded in the US education system¹ with laws fully prescribed² with a system of barrier removals, complaint management³, compliance reviews,⁴ and annual reports to lawmakers for policy changes if needed. These laws were created from the Civil Rights movements in the ‘60s to remove African American racial discrimination, but the law was written in such way that all ethnic minority groups benefited from it including later the Immigration Protection Act⁵ with protection for immigrants. The system has been running and improving since the early ‘70s as a result of the civil rights movement, and the benefits have been quantified to show gradual improvements in gender and racial balance⁶ as well as equal opportunities provided for different disadvantaged groups. Newly elected President Obama is a good example of a person who benefited from decades of a nation’s hard work. Civil rights protections, thus, may be extended to housing and employment, which provide all citizens with equal rights and opportunities. It was a foresight that the civil rights protection system was designed to be implemented in the education/learning system for five reasons. One, the education system gives a prolonged stable environment; second, it is a learning system that allows everyone to be equally taught for a lengthy period of time to learn the concept; third, it has the widest coverage area to communities nationwide; fourth, it is a contained system which is easier to be studied longitudinally, and finally, it provides an

¹ Department of Education website, <http://www.ed.gov/about/offices/list/ocr/index.html>

² Civil rights laws, <http://www.ed.gov/policy/rights/reg/ocr/index.html>, see also Appendix I

³ Civil rights Officers and information dissemination, see <http://www.ed.gov/about/offices/list/ocr/know.html>

⁴ Review of policy compliance to ensure all school system conforms to the law and a standardized grievance procedure. <http://www.ed.gov/about/offices/list/ocr/grievance.html>

⁵ Section 419 – 1998 Amendments to Higher Education Act of 1965, <http://www.ed.gov/policy/highered/leg/hea98/sec419.html>

⁶ Removing Gender Barriers to Educational Opportunity, <http://www.ed.gov/about/offices/list/ocr/impact.html>

entry pathway to society with early learning skills for those who are either a young entry level learner or an older re-entry level learner. If promoted properly, changes and revision may be carried out in a systematic and a consistent manner to show long term progress with careful tracking. The stability, durability and expandability are all the positive characteristics of a long term education, interpretation, and implementation for the protection system itself.

But, this does not mean that discrimination does not exist today; it is still evident. What this means is that anyone who is discriminated against has a channel to voice wrongdoings and seek justice. It is especially important that such a system is well integrated within the education system serving the old and young, and men and women.

“To Ensure Equal Access to Education and to Promote Educational Excellence throughout the Nation through Vigorous Enforcement of Civil Rights.”

- Mission Statement of the Office for Civil Rights (OCR)

Over the past 40 years, the US public school system has had at least one generation fully grown within the system and benefiting from the system. To be more specific, it has been a collective and progressive improving system with longitudinal data collected to reflect the past changes as well as indicators for future revisions. As the US Secretary of Education stated “All children, regardless of what they look like, where they come from, deserve a quality education.”¹ The young generations of the US are educated about respect for others’ rights, and they are benefiting from the implementation of a system that provides no barriers to opportunities and channels their concern when needed. The system is fair in design which applies to school employees, parents, students, and communities in general. Geographically speaking, it has a wide sphere of influence as it covers every corner of the United States since it is a federal mandate and most of the schools and education related facility such as public libraries receive federal funding². It is a system with standardized policies backed with laws, a professional management team to exercise with care, and a feedback system which provides empirical data for future improvements. Without such a comprehensive design, the system would not have been complete and effective.

There is a three-level approach to the completeness of the civil rights protection system in the US educational system, namely by individual cases, policy compliance, and the law review process. The individual case level focuses on individual complaints with a local civil rights officer appointed in each school district, and there are 12 OCR regional offices nationwide to handle district complaints.

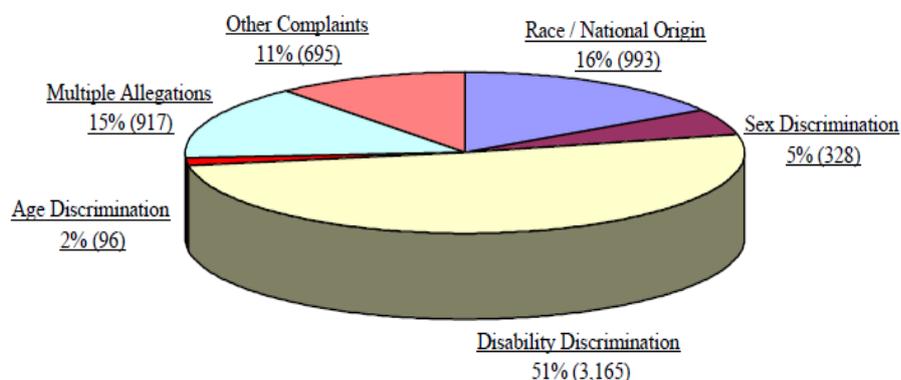
¹ Secretary of Education, Margret Spelling, remarks at the National Press Club, Jan. 10, 2009

² Federally funded institutions, see definition <http://www.ed.gov/international/usnei/edlite-index.html>

The goal is to answer 80% complaints within 180 days, and the resolution rate is 99%, which is far exceeding expectations.¹ The civil rights officers are ensured that they are independent of the school system or school personnel so that a victim may be protected with confidentiality and given unbiased assistance. On top of that, the civil rights offices are staffed with knowledgeable legal advisers to help victims with their complaints.

Below is a chart from the OCR with the percentage of discrimination out of annual complaints. The figure shows that disabled students make up the majority of their clients, and racial complaints rank second.

Figure 1. 2008 Complaint caseload, by Jurisdiction, 6,194 Receipts



The second level is comprised of the policy compliance review at the school site by OCR officers. Each school is surveyed with community demographic data and the class registration demography. The two sets of data are analyzed and compared to spot any off-ratio percentage. Any outstanding marginal differences will trigger a study for compliance reviewers to find the reasons of the off balanced population. Some questions that may be asked are “Why are the minority groups not attending the vocational education classes?” Is it because they are not aware of the opportunity? Or “Why is there a segregation of classes by gender differences?” Is it because there exists a facility barrier to prevent a gender’s participation? Or “Why do Hispanic students who represent over ten percentage of the population have a consistently lower grade point average?” Do they have language barriers and need special assistance? The OCR reviewers will be called to visit the schools for a physical campus check as well as the policy examination to ensure that there are no physical or policy barriers for those disadvantaged students. For example, the OCR reviewers will check to see if there are convenient wheel chair ramps with right angles and wider restroom doors for disabled students, language labs for Language Disadvantaged Students, and no prerequisites for entry level classes. The compliance review is to prevent policies from setting barriers in the education system and to ensure

¹ Annual Report to Congress of the Office for Civil Rights Fiscal Year 2007-2008, Jan. 2009, Department of Education Office for Civil Rights, p8

that equal opportunities are available to all students.¹

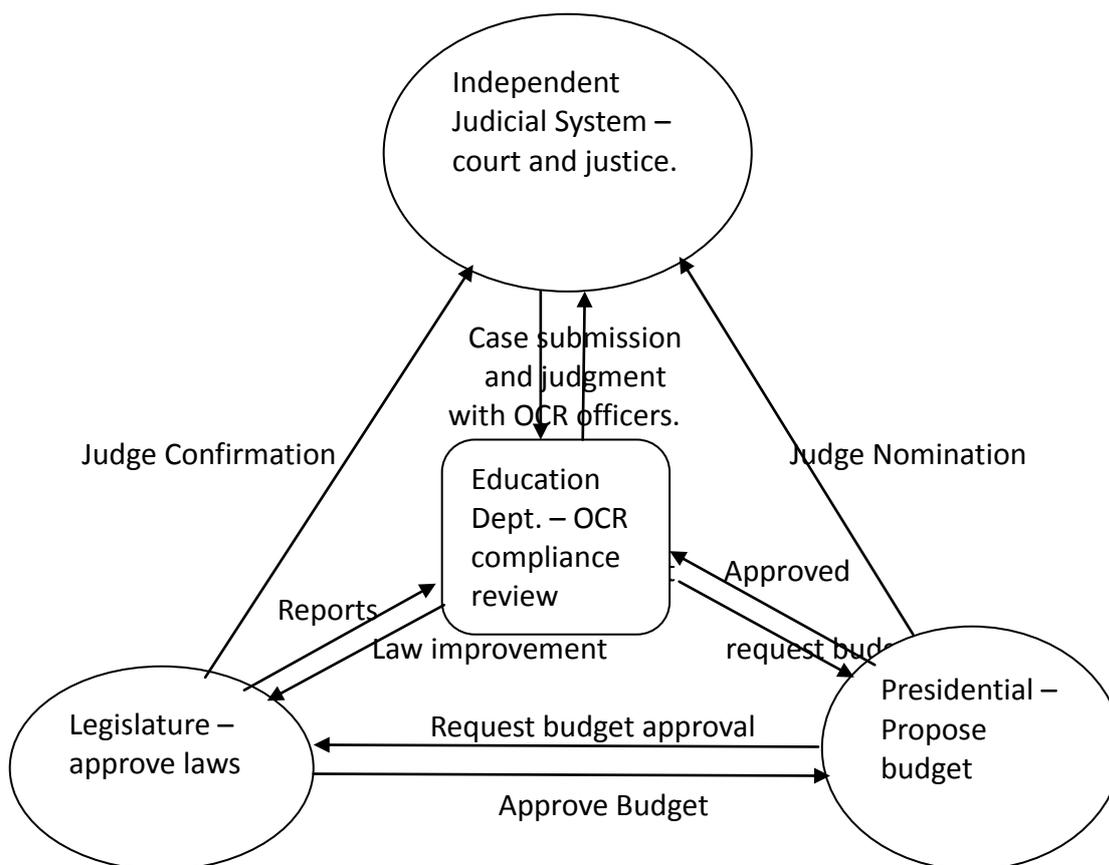
The third level is the legislative level. Individuals and interest groups can request laws to meet the goal of equal rights and to ensure equal opportunities to the general public without any bias. There are annual reports made to inform the legislatures to review the performance and results, and allocate budgets for the next year. The President will request the next year's budget based on the Secretary of Education's recommendation, and the legislators approve the budget based on the previous finance statements from the past 10 years and the results presented. The legislators respond to constituents to amend the law if necessary for better protection or to remove a law if it is not applicable such as the amendment of quota.²

Below is a simplified structure of the interaction among the three power branches of government and the OCR system embedded within the Education Department. This structure does not represent the detail flow, but it gives an idea of a balanced power and a balanced reporting system to re-enforce the validity of the system flow and the checks and balances of power to support a comprehensive protection system.

¹ The author was a trained vocational education OCR compliance review officer from 1993 to 1997.

² Which is controversial, some states such as California and Michigan have passed constitutional amendments banning affirmative action within their respective states. In 2003 a Supreme Court decision concerning affirmative action in universities allowed educational institutions to consider race as a factor in admitting students, but ruled that strict point systems are unconstitutional. "Affirmative Action", Columbia Electronic Encyclopedia, 6th, Edition; 10/1/2009, p1-1, 1p; also see <http://supct.law.cornell.edu/supct/03highlts.html#2>

Diagram 1. US Civil Rights protection compliance review system



VI. Human Rights Development in Taiwan

Most Asian countries before WWII were mostly colonial properties, and Taiwan was no exception; political rights and economic rights were mostly suppressed. After the war, some East Asian Countries have well developed democracies with full political rights such as Japan, South Korea and Taiwan, which has experienced the twice a political party turnaround in governing the country and marked the maturity of their political liberty. Freedom House Reports indicate that some East Asian countries that had better democracy indicators failed to sustain their stability and reverted back to a less democratic state such as Thailand and Malaysia.¹ One may ask what is the cause of this step backwards, and is the country which retreated only politically stable but lacking civil rights protection. When an elected leader takes advantage of the power he acquired through election, what is the guarantee to the people and what are their recourses? For example, one of the former Taiwanese presidents, President Chen, was freely elected by the people with less than a majority of

¹ see the full 2008 Freedom House Report

the votes since at the time there were three political parties in the race, and the political party Kuomintang (KMT), split into two competing parties. The votes were fairly evenly distributed with the highest not achieving the majority of the votes.¹ Meanwhile, with a condition that the minority leads the majority in the parliament this created a situation where legislators refused to pass some of the proposals and thus stalled the progress of governance. Worst yet, when the President and his family became corrupt along with members of his senior staffs, there was no channel for the innocent to seek justice to stop the corruption until the end of the presidential term eight years later. During those eight years of power, citizens were only sitting ducks wishing that his term would pass faster. Of course those who benefited from this corruption took the profits and fled from the country. Unfortunately, those who were afraid of the political consequences kept silent and watched these acts of corruption until the party was voted out. Some of those brave enough to speak out may have had their jobs or positions threatened. The “two bullets scandal”² has not been completely solved yet and a conspiracy theory posits that the two gunshots fired were orchestrated to capture voter’s sympathy and to guarantee re-election for a second term. In the meanwhile, the violation of civil rights for those who were threatened cannot be voiced and without an independent channel to resolve their issues may cause them grief, deprive them of their jobs, and worst yet threaten their lives. For example, the suspected gunman accidentally drowned by a fishing dock entangled in fishing net which was an alleged cover up; the family members were afraid of speaking out and held their silence³. These are just a few instances of a lack of civil rights protection occur when people don’t know what to do when they are threatened.

Another case was the sexual harassment policy implemented by a Taiwanese college where the sexual harassment officer in charge of receiving complaints was a campus administrator. What if the appointed officer is the one who is harassing the students? The school might not want to expose the news to the press and so suppress the case, which may cause more harm to the victims. Some students would not voice their complaints if they thought that they were going to lose their grades or have to deal with someone with a conflict of interest, especially with privacy concerns such as sexual harassment. In other cases, although the Taiwanese educational system and labor department promotes equal rights with regard to gender and ethnicity, it is lacking evidence that it protects from age discrimination, let alone protecting and providing for the disabled. The newspaper

¹ 2000 Taiwan Presidential voting ratio of 3 major parties 39.3% DPP, 36.84% third party, and 23.1% KMT. <http://zh.wikipedia.org/zh-tw/2000年中華民國總統選舉>

² One day before the 2004 presidential election voting day, President Chen and Vice President Lu were shot by two bullets. One bullet went through President Chen’s belly barely made a cross mark and the bullet landed in the back of his shirt. The second bullet hit the Vice President Lu’s knee and hurt her knee. This created a controversial argument that there was a conspiracy of “two bullets scandal” theory to win the sympathy of voters while the two competing parties were in a very close race for the Presidency.

³ The gunman suspect, Chen, Yi-Hsuan, a fisherman with excellent swimming skill, was found by a fishing dock with a fishing net entangled around him and wearing leather shoes. He did not dressed as if he was going fishing, and coincidentally two suspects also died; therefore, no witness nor suspect may be investigated for the two-bullet incident, and the case remains unsolved.

advertisements are filled with job offerings stipulating age limits, which are a good indicator that there is no recourse mechanism in place, nor is there a monitoring system to prevent the discrimination. Even the government exams or grants have set a limitation of 45 years or younger. If this were to happen in the US, the agency would be sued by those discriminated against. Even though some civil rights protections for the disabled have been implemented, such as wheel chair ramps, the overall progress is far from being complete or consistent.

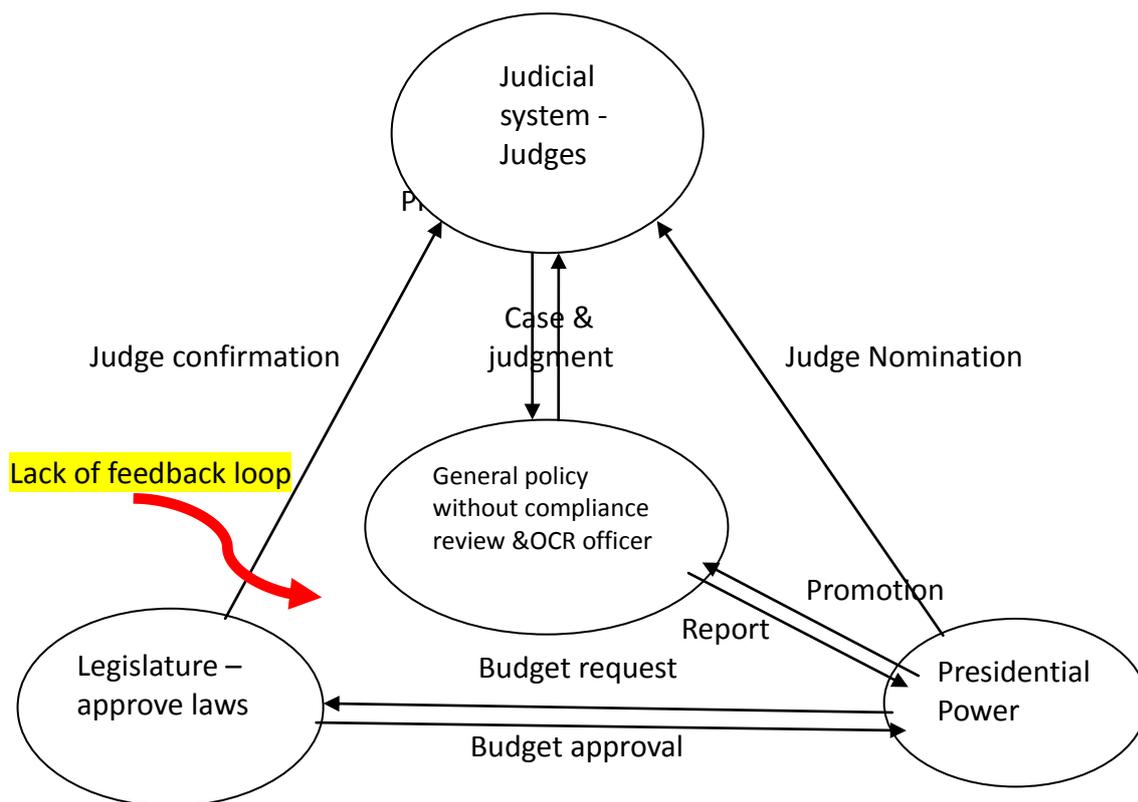
The Taiwan legislative and judicial systems are revising laws in favor of civil rights protections. The Taiwan human rights law went into effect on December 10 2009 by adopting the UDHR universal human rights laws,¹ but there is no sign of a systematic plan or enforcement of the law, which is still lacking a good comprehensive structure like the US system to enforce the law despite the promotion and educational activities set out for the public.² This demonstrates an immature civil rights protection foundation for a democratic infrastructure. When a civil rights complaint is not resolved in a timely manner, the victim is further deprived of his/her right by being a sitting duck. When a law is established but has no enforcement system in place then the law is ineffective. There are many laws which are well meaning but lack the enforcement power in Taiwan such as illegal buildings in Taiwan or the violation of traffic laws in general which are indications of a weak civil society despite being an economically well off society or a rich social-culture community. The foundation for democracy is basically only as stable as the foundation of its human rights, and the civil rights protections is a good measure of it.

Below is a simple diagram of the current Taiwan civil rights protection system which shows the lack of a feedback loop from the individual cases to the lawmakers where a compliance review is lacking.

¹ Universal Declaration of Human Rights which include the Covenant on Civil and Political Rights, and the Covenant on Economic, Social, and Culture Rights, from a Summary of United Nations Agreements on Human Rights, <http://www.hrweb.org/legal/undocs.html>

² Ministry of Justice of Taiwan web posting on the law confirmation by the legislature on March 31, 2009 and formally announced by President Ma on April 22, 2009 <http://www.humanrights.moj.gov.tw/mp200.html>

Diagram 2. Taiwan Civil Rights protection system.



From the three-levels of analysis starting with the individual cases, moving to the compliance review, and then the legislative levels, the individual depends on each individual institution’s policy and is set up to protect victims. There is no policy re-enforcement level such as a compliance review to keep each institution honest and proactive; let alone the policy is still incomplete since the law just went into effect. Last, but not least, there is lack of direct feedback between the individual cases and the policy reviewers, which is important for the monitoring of progress and further refines the law and the system. Thus, no feedback loop is created which stalls the progress and dynamics of a protection system.

VII. Taiwan Civil Rights Protections compared to the US Civil Rights Protections

The comparative study here has two bases, one is the structural comparison and other is the procedural comparison. The structural analysis of both countries involves a democracy development structure where the US is a bottom-up structure, and Taiwan’s democracy being a top-down structure. (See chart 1 and chart 2.) The US built its civil rights foundation before other rights were extended in full, and since the US has a much shorter cultural history, it carries a less baggage from tradition. In addition, as the US started as an immigrant society, it naturally developed a culture with a variety of social backgrounds and diversity causing most people to tolerate differences amongst

each other and give more space to others. Taiwan started out with the social and cultural rights before the economic and political rights, and before the civil rights were developed. Since Taiwan adopted the ancient culture from the Chinese Han background, it is more similar with the deeply rooted Confucian philosophy of structuralism. This shows weak support for the change from the cultural perspective to that of individual liberty. Thus, a solid civil rights protection system is even more important than in the US to sustain the strength of civil rights protection necessary because it is harder to crack through the inequality of structuralism without strong recourse. Lacking this will really stall the progress of democracy.

The second comparison concerns the procedures of the civil rights protection system. Despite both the US and Taiwan having developed civil rights and both being rated as free countries by Freedom House, the protection systems implemented are very different. The US has a systematic structure to protect civil rights in the educational system and the judicial branch proactively removes any possible barriers which may impede equal opportunity for everyone through an impartial, reliable, lawful, and independent channel with clear communication in a timely manner that protects a victim's best interest. On the other hand, Taiwan promotes limited civil rights such as gender equity and implements wheel chair access for the disabled. Taiwan does not have a system for those who are denied access to voice their complaints to an independent party when discrimination occurs. Each school is left with their own procedures to establish their policies and arbitration systems. Some cases are suppressed due to the school's higher officials wanting to "save face" and not reporting the instance. There is not a consistent policy set by the education department to carry out the protection in comparison to the US with the OCR system.

One other factor is the compliance review which the US education department carries out; it examines the disproportional participation statistics and makes a recommendation to a particular facility to remove the barrier in terms of revising the compliance of the policy; therefore, the facility and staff may follow the right direction to serve the community consistently. Although Taiwan has just adopted the UDHR of the Covenant of Civil and Political Rights and the Covenant of Economic, Social, and Cultural Rights, it has not fully developed its system to implement a suitable protection mechanism in a competent, impartial, reliable system with clear communication in a timely manner to solve victims' claims. The officer who takes the complaint must be an independent and knowledgeable officer who may help along the process to solve the problem as well as to protect the best interest of the person who lodged the complaint.

As a result, the past three decades of empirical data show that the US has demonstrated its improvements in areas such as total minority enrollment at colleges and universities which have increased 61 percent between fall 1986 and fall 1996; there was a 32 percent increase in women receiving medical degrees between 1972 and 1996; a 27 percent increase in employment of students with disability; and last but not the least, a 350 percent increase in students enrolled in college age 35

and over between 1972 and 1996.¹ Conversely in Taiwan, the same job advertisements can still be found where men are offered NT\$35,000 and women only \$NT30,000.² The National Science Council, a governmental institution, stipulates that study travel grants designated only for PhD students are reserved for those under 40 years old.³ It may give the grant to some students of an older age, but with conditions set by the reviewer's discretion. (Chinese News Advertisement samples are listed in appendix III.)

Table 2 below maps out the differences between the US and Taiwan civil rights systems as described in the previous paragraph.

Table 2. Comparison Chart of the US and Taiwan Civil Rights progress

comparison	The US	Taiwan
Civil Rights law	the US Constitution	Adopted UDHR
	Title VI - race, color, &national origin, 1965	Covenant of Civil and Political Rights
	Title IX - sex discrimination, 1972	Covenant of Economic, Social and Cultural Rights
	Section 5004 - disability discrimination, 1973	
	Title II - disability discrimination by public entities, 1990	
	Age Discrimination Act of 1975	
Policies	OCR in Education Department	Executive Power
Schools and institutions	Follow the same policy.	Depend on each facility.
Compliance Review	Yes	No
Independent OCR officer	Yes	No
Protection System	Yes	Partial, police and court
reliable	Yes	Depending on each facility
impartial	Yes	No standard
Privacy	Yes	Not protected and victims are afraid.
competent	OCR training	Not available
Timely	Yes	Depends on the facility, and if brings to lawsuits, the process will take a long time.
clear communication	Yes	confused
information dissemination	Yes	No

The US Civil Rights law is more refined and directly affects the policy set for a complete

¹ See data from OCR website, <http://www.ed.gov/print/about/offices/list/ocr/impact.html>

² China Times, 12/15/2009, F4: 1r 4c, women sales, man position filled.

³ See posting on <http://nscnt66.nsc.gov.tw/EliteInter/inter/applicant/login2/english2.jsp>

protection system within a confined educational system and a broad reaching space. Conversely, Taiwan's human rights law is at a starting point and was just adopted recently, and it does not have a protection system that is ready to measure the outcome or be implemented. In comparison, Taiwan's human right progress is still at an early stage.

XIII. Conclusion - Solidifying Democracy

Despite the US having implemented a civil rights protection system in the education channels for the past four decades, it is still far from a perfect system, but the improvements are significant.¹ To have an African American President elected by popular vote is a major milestone that demonstrates an equal opportunity was provided to, what used to be, a discriminated minority group, and that all people of the US have, at least by law, an equal opportunity to maximize their talents and capacity. Taiwan, after a political democracy transition from the '80s has gained economic liberty followed by political rights, and is working toward a more civilized society. It has converted from an authoritarian regime carrying its old cultural baggage to making positive progress with freedom of speech and freedom of the press all while pushing for the transparency of laws and government in which it is approaching a more solid democratic society, and now has made one big step forward with the adaptation of the UDHR. This concludes that Taiwan is still young in its progress of democracy, will need to implement a more comprehensive system in terms of its ability to enforce the civil rights protection law, to make the law more accessible to all citizens, and to create a society that is truly safe and stable.

Table 1 shows that there are only four East Asian countries rated as democratic free countries by Freedom House statistics namely Indonesia, South Korea, Japan, and Taiwan. This paper identified a structural progress of Taiwan's democracy as well as a lack of re-enforcement system in place in Taiwan. The same study may be applied to other Eastern Asian countries since the majority of the East Asian countries are colonial countries converted into nations after WWII, and most of them have been on the similar development path as Taiwan. Japan may be a bit more advanced when it comes to economic development, but the progress of political rights is not very different from Taiwan's progress. There are debates about whether Asian countries really need democracy that authoritarian states are more efficient in terms of global competition, but one must not ignore the basic human nature that when people get wealthier they tend to look for the rights of comfort, privacy, and protection, and these are part of civil liberty. Thailand has been democratic but reverted back to an authoritarian state in the recent years and is a good illustration of a democracy without a solid civil rights foundation. One also could not ignore the heavy baggage of the cultural implications, which are

¹ Impact of the civil Rights Laws by the US Education Department, <http://www.ed.gov/about/offices/list/ocr/impact.html>

deeply rooted in the Asian society, and it is difficult for people to learn a new concept while making it work systematically. There is more work to be done if the US wants to promote its core values to the rest of the East Asian countries. Taiwan so far has experienced two turn arounds in its political governing parties which signifies a maturity of political rights. If Taiwan wants a full democracy, it will have to create a civil rights protection system to make a strong foundation for human rights and a solid democracy, so that all citizens whether in the majority or minority are well protected with a fair and an impartial system.

Appendix I

OVERVIEW OF OCR'S STRUCTURE AND PROGRAM

The Office for Civil Rights (OCR) in the U.S. Department of Education (ED) is responsible for enforcing five federal civil rights laws prohibiting discrimination on the basis of race, color, national origin, sex, disability and age by recipients of federal financial assistance. These laws are:

- Title VI of the *Civil Rights Act of 1964* (prohibiting discrimination based on race, color and national origin);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in education programs or activities);¹
- Section 504 of the *Rehabilitation Act of 1973* (prohibiting disability discrimination);
- The *Age Discrimination Act of 1975* (prohibiting age discrimination); and
- Title II of the *Americans with Disabilities Act of 1990* (prohibiting disability discrimination by public entities, regardless of whether they receive federal financial assistance; OCR has enforcement responsibilities with respect to elementary and secondary education systems and institutions, institutions of higher education and vocational education other than schools of medicine, dentistry, nursing, and other health-related schools, and libraries).

In addition, OCR enforces the *Boy Scouts of America Equal Access Act*. This law, part of the *No Child Left Behind Act of 2001*, provides equal access to meet in school forums for the Boy Scouts of America and other youth groups designated, in Title 36 of the United States Code, as “patriotic societies.” The act applies to any public elementary school, public secondary school or state or local education agency that has a designated open forum or limited public forum and that receives funds from ED.

These civil rights laws represent a national commitment to end discrimination in education programs and activities. Since most education institutions receive some type of federal financial assistance, these laws apply throughout the nation.

These civil rights laws extend to:

- 17,618 public elementary and secondary education agencies;²
- 4,276 colleges and universities; and¹

¹ Davis, Michelle R., “After Long Title IX Review, Agency Makes No Changes”, *Education Week*; 8/6/2003, Vol. 22 Issue 43, p31, 1/3p

²U.S. Department of Education, National Center for Education Statistics (2007). *Digest of Education Statistics 2006*, Table 85, ““Number of public elementary and secondary education agencies, by type of agency and state or jurisdiction: 2003-2004 and 2004-2005,” Washington, D.C.: Author.

- Thousands of institutions conferring certificates below the associate degree level, such as training schools for truck drivers and cosmetologists, and other entities, such as libraries, museums, and vocational rehabilitation agencies.²

Consequently, these civil rights laws protect millions of students attending or seeking to attend our education institutions. In certain situations, the laws also protect persons who are employed or seeking employment at education institutions. Overall, these laws protect:

- more than 49.8 million students attending public elementary and secondary schools;³ and
- more than 18.2 million students attending degree-granting institutions, such as colleges and universities.⁴

Enforcing these laws is critical to carrying out the mission of ED: to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

¹ Ibid, Table 244, “Degree-granting institutions by control and type of institution: Selected years, 1949- 1950 through 2005-2006.”

² Ibid, Table 361, “Number of non-degree-granting Title IV institutions offering postsecondary education, by control and state or jurisdiction: Selected years 2000–01 through 2005–06.”

³ U.S. Department of Education, National Center for Education Statistics (2007). *Projections of Education Statistics to 2015* (NCES-2008-060), Table 1, “Actual and projected numbers for enrollment in grades PK– 12, PK–8 and 9–12 in elementary and secondary schools, by control of school: Fall 1990 through fall 2015,” Washington, D.C.: Author.

⁴ Ibid, Table 10, “Actual and alternative projected numbers for total enrollment in all degree-granting postsecondary institutions, by sex, attendance status, and control of institution: Fall 1990 through fall 2015.”

Appendix II

“Today, More than 50 years after Brown v. the Board of Education ... 40 years after the assassination of Dr. Martin Luther King ... and 25 years after A Nation at Risk ... do we finally have the will power to achieve equal opportunity in education? Do we have the courage to aim higher, and prepare every student for today’s global economy? I believe we do. Everywhere I go, I meet parents who are demanding change and hardworking educators who are wholeheartedly committed to achieving it. They need and deserve all the leverage we can give.”

*Secretary Margaret Spellings
Remarks at the Detroit Economic Club
April 22, 2008*

Sample from National Science Council funding agency:

Graduate Students Study Abroad Program

National Science Council, R.O.C. (Taiwan)

Introduction

The Graduate Students Study Abroad Program, sponsored by the National Science Council (NSC) of the R.O.C. (Taiwan), is intended to subsidize Taiwanese Ph.D. students to conduct research at an accredited educational institute abroad for a maximum of one year. The goal of this program is to encourage participants to gain international experience, to promote their research training and pave the way for future international collaborations.

Eligibility

- The applicant must be a citizen of the Republic of China (Taiwan), and **under the age of 40**.
- The applicant must be a Ph.D. student currently enrolled in a domestic academic institute and must have completed at least one year of Ph.D. studies.
- The applicant must file the grant application through his/her enrolled school

<http://nscnt66.nsc.gov.tw/EliteInter/inter/applicant/login2/english2.jsp>

References

- 2000 Taiwan Presidential voting ratio of 3 major parties 39.3% DPP, 36.84% third party, and 23.1% KMT.
<http://zh.wikipedia.org/zh-tw/2000年中華民國總統選舉>
- Affirmative action. (2009). (pp. 1-1): Columbia University Press.
- Annual report to congress of the Office of Civil Rights, fiscal year 2007-2008
- Arystanbekova, A. (2004). The United Nations in an Age of Globalization. [Article]. *UN Chronicle*, 41(1), 45-45.
- BBC Chinese.com on 8/21/2009,
http://news.bbc.co.uk/go/pr/fr/-/chinese/trad/hi/newsid_8210000/newsid_8214500/8214599.stm
- Beck, G. (2008). The Mythology of Human Rights. [Article]. *Ratio Juris*, 21(3), 312-347.
- Charles, C. Z., Fischer, M. J., Mooney, M. A., & Massey, D. S. (2009). Affirmative-Action Programs for Minority Students: Right in Theory, Wrong in Practice. [Article]. *Chronicle of Higher Education*, 55(29), A29-A30.
- Civil right act, 1964 ([Pub.L.](#) 88-352, 78 [Stat.](#) 241, July 2, 1964)
- Civil rights laws, <http://www.ed.gov/policy/rights/reg/ocr/index.html>
- Civil rights Officers and information dissemination, see <http://www.ed.gov/about/offices/list/ocr/know.html>
- [Creel, Herrlee G.](#) *Confucius and the Chinese Way*. Reprint. New York: Harper Torchbooks.
- Customer Standards for the Case Resolution Process of Office for Civil Rights webpage
<http://www.ed.gov/about/offices/list/ocr/customerservice.html>
- Davis, M. R. (2003). After Long Title IX Review, Agency Makes No Changes. [Article]. *Education Week*, 22(43), 31.
- Democratic revolution. (2007). [Article]. *Economist*, 384(8537), 60-61.
- Department of Education website,
<http://www.ed.gov/about/offices/list/ocr/index.html>
- Federally funded institutions, see definition <http://www.ed.gov/international/usnei/edlite-index.html>
- Fitzpatrick, L. (2009). A Brief History Of: Affirmative Action. [Article]. *Time*, 174(1), 20-20.
- Freedom House Report (2008). <http://www.freedomhouse.org/template.cfm?page=362>
- [Frum, David](#) (2000). *How We Got Here: The '70s*. New York, New York: Basic Books. pp. 268-269
- Houghton Mifflin Company (2006). *The American Heritage Dictionary of the English Language*. Houghton Mifflin.
- Ibid, Table 361, "Number of non-degree-granting Title IV institutions offering postsecondary education, by control and state or jurisdiction: Selected years 2000–01 through 2005–06."
- Ibid, Table 10, "Actual and alternative projected numbers for total enrollment in all degree-granting postsecondary institutions, by sex, attendance status, and control of institution: Fall 1990 through fall 2015."
- IMF databank, see <http://www.imf.org/external/pubs/ft/weo/2009/02/weodata/index.aspx>
- Immigration and Nationality Act of 1965 (Hart-Celler Act, INS, Act of 1965, [Pub.L.](#) 89-236)
- Impact of the civil Rights Laws by the US Education Department,
<http://www.ed.gov/about/offices/list/ocr/impact.html>
- Jackson, Maynard Holbrook, Jr. (2009). (pp. 1-1): Columbia University Press.
- Jim Crow laws. (2009). (pp. 1-1): Columbia University Press.
- Jimmy Carter's Farewell Address. (January 14, 1981). (pp. 0): Great Neck Publishing.
- Kay, A. C., Gaucher, D., Peach, J. M., Laurin, K., Friesen, J., Zanna, M. P., et al. (2009). Inequality, Discrimination, and the Power of the Status Quo: Direct Evidence for a Motivation to See the Way Things Are as the Way They Should Be. [Article]. *Journal of Personality & Social Psychology*, 97(3), 421-434.
- King, D. S., & Smith, R. M. (2008). Strange Bedfellows? Polarized Politics?: The Quest for Racial Equity in Contemporary America. [Article]. *Political Research Quarterly*, 61(4), 686-703.
- Laura, E. G. Another proud baby of affirmative action.

The Rising Asia Pacific Region:

Opportunities and Challenges for Cooperation

Mansfield, E. D., & Pevehouse, J. C. (2008). Democratization and the Varieties of International Organizations. [Article]. *Journal of Conflict Resolution*, 52(2), 269-294.

Maxwell, L. A. (2006). OCR to Review Policies Against Harassment. [Article]. *Education Week*, 25(22), 5-13.

Ministry of Justice of Taiwan website <http://www.humanrights.moj.gov.tw/mp200.html>

Munro, N. (2009). Democratic Science. [Article]. *National Journal*, 16-16.

Obama, B. H. (2009). Remarks at a Luncheon Hosted by Secretary-General Ban Ki-moon of the United Nations in New York City (pp. 1-1): Superintendent of Documents.

OCR website, <http://www.ed.gov/print/about/offices/list/ocr/ompact.html>

OCR grievance procedure. <http://www.ed.gov/about/offices/list/ocr/grievance.html>

Oliver, M. B., Hyeseung, Y., Ramasubramanian, S., Jinhee, K., & Sangki, L. (2008). Exploring Implications of Perceived Media Reinforcement on Third-Person Perceptions. [Article]. *Communication Research*, 35(6), 745-769.

Ooi, S.-M. (2009). The Transnational Protection Regime and Taiwan's Democratization. [Article]. *Journal of East Asian Studies*, 9(1), 57-85.

Peter, E. Feds lacking on civil liberties.

Plog, M. (2003). Democratic Theory and Minority Rights: Internal and External Group Rights in a Global Democracy. [Article]. *International Journal on Minority & Group Rights*, 10(1), 55-82.

Powell, Lewis Franklin, Jr. (2009). (pp. 1-1): Columbia University Press.

Ramcharan, B. G. (2005). The Future of the UN High Commissioner for Human Rights. [Article]. *Round Table*, 94(378), 97-111.

Remarks by the President on Affirmative Action. (2009). (pp. 0): Great Neck Publishing.

Removing Barriers. (2006). [Article]. *American School & University*, 78(6), 10-10.

Removing Gender Barriers to Educational Opportunity, <http://www.ed.gov/about/offices/list/ocr/impact.html>

Roosevelt, Eleanor: Address to the United Nations General Assembly,

<http://www.americanrhetoric.com/speeches>

Rubin, J. (2008). Race Preferences: The California Cover-up. [Article]. *Commentary*, 126(5), 36-39.

Sacks, P. (2009). EDUCATING THE HIERARCHS: College and Class in America. [Article]. *New Labor Forum (Murphy Institute)*, 18(2), 76-84.

Section 419 – 1998 Amendments to Higher Education Act of 1965,

<http://www.ed.gov/policy/highered/leg/hea98/sec419.html>

Spicker, P. (2008). Government for the people: the substantive elements of democracy. [Article]. *International Journal of Social Welfare*, 17(3), 251-259.

Taiwan China Times, 12/15/2009 F4

Taiwan National Science Council website <http://nscnt66.nsc.gov.tw/EliteInter/inter/applicant/login2/english2.jsp>

Taylor, B. J. W. (2008). Why White Students Need to Learn About Their Own Race. *Diverse: Issues in Higher Education*, pp. 19-19. Retrieved from

<http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=35580571&lang=zh-tw&site=ehost-live>

Thomson, J. W. (2009). Pres. Obama Goes Over the Top on Affirmative Action. [Article]. *USA Today Magazine*, 138(2772), 18-20.

Secretary of Education, Margret Spelling, remarks at the National Press Club, Jan. 10, 2009

Universal Declaration of Human Rights adopted by General Assembly resolution 217 A (III) of 10 December 1948, <http://www.un.org/en/documents/udhr/index.shtml#a1>

U.S. Department of Education, National Center for Education Statistics (2007). *Digest of Education Statistics 2006*, Table 85, "Number of public elementary and secondary education agencies, by type of agency and state or jurisdiction: 2003-2004 and 2004-2005," Washington, D.C.: Author.

U.S. Department of Education, National Center for Education Statistics (2007). *Projections of Education Statistics to 2015* (NCES-2008-060), Table 1, "Actual and projected numbers for enrollment in grades PK– 12, PK–8 and 9–12 in elementary and secondary schools, by control of school: Fall 1990 through fall 2015," Washington, D.C.: Author.

Vucetic, S. (2007). Democracies and International Human Rights: Why is There No Place for Migrant Workers? [Article]. *International Journal of Human Rights*, 11(4), 403-428.

Walby, S. (2000). Gender, globalisation, and democracy. [Article]. *Gender & Development*, 8(1), 20-28.

The Rising Asia Pacific Region:

Opportunities and Challenges for Cooperation

Wallman, K. K., Evinger, S., & Schechter, S. (2000). Symposium: Race/Ethnicity and the 2000 Census. [Article]. *American Journal of Public Health, 90*(11), 1704-1708.

Weatherley, R. (2008). Defending the Nation: The Role of Nationalism in Chinese Thinking on Human Rights. [Article]. *Democratization, 15*(2), 342-362.

Wedgwood, R. (2009). Democracies, Human Rights, and Collective Action. [Article]. *Ethics & International Affairs, 23*(1), 27-37.

Yamazaki, K. (2005). The Draft Human Rights Protection Bill in Japan: Discussions straying Off Course. [Article]. *Asia-Pacific Journal on Human Rights & the Law, 6*(1/2), 39-48.

Zuerchar, C., R. Nora, and S. Riese, External Democracy Promotion in Post-Conflict Zones: a comparative analytical framework, *Taiwan Journal Democracy, 5*(1), 1-26.