

## **Developments in the Law in 2020: Constitutional Law**

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### **Abstract**

This article gives an overview of the development of Taiwan's constitutional law in 2020 from three different aspects: constitutional interpretations, important legislations, and key events of constitutional importance. First, this article uses statistical data to examine the trend of constitutional interpretations development in 2020, including the number of cases taken, interpretations made, number of opinions, and the constitutional rights involved. Then, among the 12 decisions the Constitutional Court made in 2020, this article discusses Judicial Yuan (J.Y.) Interpretations No. 791 (involving the illegality and voluntary dismissal in litigation of adultery), 793 (regarding the Act Governing the Settlement of Ill-gotten Properties by Political Parties and Their Affiliate Organizations, or namely, the constitutionality of transitional justice), 794 (examining freedom of speech issues rising from the Tobacco Hazards Prevention Act), 799 (ruling on compulsory treatment for sexual assault crime offenders) and Dismissal 109 Constitutional 1 No.5 (declining to rule on Control Yuan appointment dispute between parties in the Legislative Yuan). As for legislations, the Legislative Yuan passed/amended three important acts: the Civil Service Discipline Act, the Prison Act and the Detention Act. All three amendments were in response to Constitutional interpretations previously made by the Judicial Yuan Justices. The Civil Service Discipline Act was the final step in revamping the litigation process for civil servants, while the latter two marked an important milestone in the protection of basic human rights of detainees. In addition to these mentioned advancements, significant controversies due to the COVID-19 pandemic and geopolitics in Taiwan will also be analyzed briefly. These include governmental

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actions for COVID-19 pandemic, license revocation of CTi News, the controversy of demolishing Huang's house in Tainan, the recall of the Kaoshiung City mayor, humanitarian aid for Hong Kong political asylum-seekers, the establishment of the Control Yuan National Human Rights Commission, the conflict between the local and central government on the issues of Ractopamine residual in pork and carbon emission restrictions.

**Keywords: decriminalization of adultery, The Act Governing the Settlement of Ill-gotten Properties by Political Parties and Their Affiliate Organizations, compulsory medical treatment, transitional justice, sexual autonomy, freedom of speech, freedom of person, checks and balances, COVID-19, the National Human Rights Commission**