



GLOBAL  
NETWORK  
INITIATIVE

To: CHENG Li-chiun, Vice Premier, the Executive Yuan, Government of Taiwan  
From: Global Network Initiative  
Re: Ministry of Health and Welfare Amendments to the "Tobacco Hazards Prevention Act"  
Date: March 13, 2025

Dear Vice Premier Cheng,

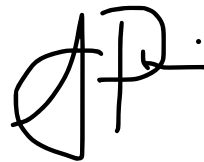
I write on behalf of the Global Network Initiative (GNI), the world's preeminent multistakeholder organization dedicated to protecting and advancing digital freedom of expression and privacy, to express significant concerns regarding Taiwan's Ministry of Health and Welfare's (MOHW) [March 4, 2025, announcement](#) of amendments to the "Tobacco Hazards Prevention Act" (the Act).

Together with many of our members, I was honored to visit Taiwan last month for RightsCon 2025. Please accept my appreciation and gratitude for all the support your government provided to this important global event, which further highlighted for many the importance the Taiwanese government places on technology and human rights. While in Taipei, GNI partnered with the Ministry of Digital Affairs to put together a [workshop](#) exploring the complex intersection of online harms, content regulation, and intermediary liability in Taiwan. During this session, serious concerns were raised by various stakeholders about the MOHW's implementation of the Act.

While we do not oppose the underlying objective of the Act, for the reasons outlined below, we see these proposed amendments as a missed opportunity. We call on the Government of Taiwan to rescind them and instead engage in a more thoughtful and thorough consultation process to develop amendments that align with international best practices and human rights principles and will allow collaboration and predictability in the Act's implementation going forward.

During your opening remarks at RightsCon, you spoke movingly about Taiwan's inspirational model of digital governance. While Taiwan has taken many steps to help demonstrate how technology and human rights can be mutually reinforcing, the credibility of Taiwan's commitment to human rights and a free and open internet depends on its willingness to address these concerns and engage in a constructive dialogue with stakeholders. We urge the Executive Yuan and the MOHW to take swift and decisive action to rectify these deficiencies and restore confidence in Taiwan's regulatory processes.

Respectfully yours,

A handwritten signature in black ink, appearing to be 'JP' with a stylized flourish.

Jason Pielemeier  
Executive Director  
Global Network Initiative

### **Process Concerns:**

Concerns around the Act and MOHW's approach to implementation of its online provisions – namely the need to distinguish between commercial advertising and user-generated content, the importance of providing a "safe harbor" for intermediaries, and the technical infeasibility of proactive monitoring – are long-standing and have been frequently noted by a range of local and international stakeholders. The announcement of significant amendments with a very short, seven-calendar day window for comments (not accounting for the weekend that fell in between) does not offer a meaningful opportunity to listen and engage constructively with these concerns or enable meaningful participation by domestic and international stakeholders.

The absence of formal meetings or written solicitations of feedback prior to this announcement also limits the ability to engage in transparent and inclusive regulatory processes, which is in line with the government's commitment to open and democratic principles. This, unfortunately, undermines trust in Taiwan's regulatory environment.

### **Freedom of Expression and Due Process Concerns:**

The proposed amendments raise significant concerns regarding freedom of expression and human rights. In particular, the mandated 24-hour content removal window and the requirement for proactive monitoring of user-generated content impose substantial obligations on internet service providers (ISPs) and other online platforms. During our workshop, we heard from representatives of Taiwanese and international companies about how such requirements can lead to overbroad censorship and create chilling effects on legitimate speech.

### **GNI's Call for Action:**

In light of these serious concerns, GNI calls upon the Executive Yuan and the MOHW to:

1. **Rescind the proposed amendments.** The proposed consultation process should be acknowledged as insufficient.
2. **Restart the pre-announcement procedure and extend the public comment period to at least 60 days.** This will provide sufficient time for stakeholders to review and provide meaningful feedback on the proposed amendments, in full compliance with the US-Taiwan Initiative on 21st-Century Trade.
3. **Convene formal meetings and solicit written comments from affected businesses, civil society organizations, and other relevant stakeholders.**

This will ensure a transparent and inclusive process for gathering diverse perspectives and addressing the complex issues raised by these amendments.

4. **Organize multistakeholder forums to discuss the implications of the amendments on freedom of expression, privacy, and the open internet.** GNI would be happy to facilitate and/or encourage broad participation in such forums.
5. **Ensure that any regulatory framework respects International Human Rights Law, including the principles of due process, legality, necessity, and proportionality.**