

# Death Penalty Abolition: A Potentially Historic Moment in Taiwan

Monday 22 April 2024, by [CHANG Chuanfen](#), [KUO Michelle](#), [LIN Hsinyi](#), [WU Albert](#) (Date first published: 21 April 2024).

## Interview with Chuanfen Chang and Hsinyi Lin, advocates of abolishing the death penalty

On Tuesday, April 23<sup>rd</sup>, the Taiwanese Constitutional Court will review the constitutionality of the death penalty. This is a closely watched case here, and potentially a historic moment. As we've written previously, the death penalty is [divisive](#) (Chinese version [here](#)) in Taiwan.

To make sense of the situation, we talked to two people at the helm of the [Taiwanese Alliance to End the Death Penalty \(TAEDP\)](#), and whom we admire deeply: Chuanfen Chang (張俊芬), an eminent author and the chairperson of TAEDP, and Hsinyi Lin (林信儀), its executive director. This interview, conducted in early March, explores the highs and lows of their work, public opinion, and Tuesday's hearing.

### Albert: Can you explain the background of this case?

**Chuanfen:** The core argument is that the death penalty is unconstitutional. There are several other arguments, but that's the heart of it. The last time the lawyers submitted the application, the year before last, there were thirty-eight petitioners in total. One person passed away last year on death row.

We actually initiated the first application in 2006, but didn't hear from the constitutional judges. We had no idea if they even received the appeal, so we just kept submitting new ones. It was the only thing we could do: the judges have complete discretion over whether to process appeals.

In 2010, a discussion in the media went viral: some people complained that there had been no executions for almost four years. After that, the constitutional judges stated officially that they weren't going to process our applications.

### Albert: So why do you think the Constitutional Court has chosen to hear the cases now?

**Hsinyi:** This is merely speculation, but we think the political timing is good. The election has just finished, and the next one is in two years. By then they'll be concerned about the public atmosphere.

If they reach the conclusion that the death penalty is constitutional, it will mean all thirty-seven people on death row have run out of procedural options. It'll be basically impossible for them to file another appeal to interpret the constitution. Theoretically, if the next Minister of Justice approves, thirty-seven people will be executed.

I believe [the judges] have considered it thoroughly already. It's hard to believe they made the decision hastily, and feel like it's okay to kill thirty-seven people even though the constitutional conclusion has been reached. Again, we're speaking as social activists and as optimists.

**Chuanfen:** This is also the most liberal court we've ever had, and it's possible that it'll be the most

liberal court for the foreseeable future.

**Albert: Why is that?**

Chuanfen: They were all nominated by President Tsai. However, this court will only last until October 31. In August or July there will be a new round of nominations.

**Michelle: The death penalty is very divisive in Taiwan, and your NGO is the only anti-death penalty organization here. I know that you have to endure a lot of hateful comments. Do the critics ever bother you? Or do they just make you more driven?**

**Hsinyi:** I've found over time that people who make hateful comments—for instance, that they want to kill or rape our staff—are in the minority. Most pro-death penalty people are not like this.

There's a vendor in the night market I frequent who recognized me and told me she supports the death penalty. I was surprised, because I hadn't shown up in the media recently. Another time I was about to get off the metro and a passenger came up and asked if I was Hsinyi. She gave me a handmade cake and encouraged me to keep doing what I do. The cake looked awesome but I couldn't help but be skeptical—like, what if she was trying to poison me? [Laughter]

I care more about messages from people on death row. Sometimes they tell us they don't want TAEDP's help anymore and are thinking about ending their lives. It's hard for me to tell them to hang on—I know if I were them I wouldn't be able to bear the decades of imprisonment either. It's really a dilemma. I reply to the effect that once a person is executed, it's hard to stop more executions from happening—so please hold on, for the sake of others.

**Chuanfen:** I agree with Hsinyi. I don't watch TV or read the newspapers anymore. It's just toxic. To me, the comments are not about the issue itself—they're about insulting TAEDP.

Some still affect me, though. I consciously avoid revealing details about my personal life. I feel like I'm always on an invisible battleground. I have to be aware and prepared at every single moment. That sense of caution never disappears.

**Michelle: TAEDP apparently has an average rating of 1.4 on Google.**



**Hsinyi:** I honestly feel it would be better if it were 0. You know, 1.4 isn't high, but it's also not low enough. Once I got a notification from Google saying they had to remove a five-star review because they thought it might be fake—it was so different from the others.

**Michelle: I actually tried to give it five stars this morning, and I don't think it went through.**

[Laughter]

**Michelle:** Why do you think the issue provokes so many people here? I wonder about the claim that this issue is “local” to Taiwan. When you read about the death penalty in Lithuania, Spain, and France, you find it was incredibly popular when it was abolished.

**Chuanfen:** I don’t think pro-death penalty sentiment is particular to Taiwan. There are high rates of support in many countries. But researchers have found that the design of polls—especially questionnaires—is decisive. If the questions are simply yes-or-no, pro-death penalty sentiment is usually high. But if alternatives are shown as options, the results differ remarkably. For instance, if you ask people whether they support alternatives to the death penalty so long as the state ensures a difficult standard for parole, or a system where the incarcerated persons compensate victims, over 70 percent of Taiwanese citizens are willing to accept abolition of the death penalty.

I think there’s a phenomenon of false support, and it’s worldwide. The only thing particular to Taiwan is the crazy, hateful speech you find on social media. Those amplify the extreme opinions. I date this to 2010; before then I didn’t feel such hatred.

**Hsinyi:** I think the media has been crucial. We used to have to compose long texts for press releases, carefully considering each word. But nowadays the news is instant and contains less information.

**Michelle:** Do you feel attitudes have changed in the past five years? There are a lot of recent movies and TV shows about the death penalty. Miao Poya (苗圃) may have lost, but she got many votes in Da’an. I get the sense the issue is less divisive among young people.

**Hsinyi:** I’m quite optimistic about this. Although there are no official figures to prove our growth, the fact of TAEDP’s survival means there must be supporters.

**Chuanfen:** I do feel that public opinion is gradually changing, in a positive way. Take this last election: the death penalty had never been a hot topic in an election before. Although Miao Poya didn’t win, she’s the first pro-abolition candidate to ever get so many votes. It proves that the issue is no longer the drag in elections here, and I’m hoping this will help to expand our reach.

**Hsinyi:** Of course, it hurts every time a person is executed. When they restarted executions in 2010, we were completely heartbroken.

We visited the Minister of Justice, Tseng Yung-fu (曾榮光). We’d actually submitted the application for constitutional interpretation (釋憲) already; however, some people on death row hadn’t entrusted their cases to us yet and thus weren’t on the list of petitioners. We were told we had ten days to submit an application on their behalf. The Minister signed the execution docs in only four days.

He actually blamed me: he told me it was my fault because I didn’t send out the application soon enough. On one hand, I blamed myself; on the other hand, I was angry. Why was he, a murderer, entitled to accuse someone else? I was determined to contribute more.

**Chuanfen:** I think it’s crucial at this moment to engage in social education. There’s a big gap between how people think about the death penalty and what it actually is. It’s essential to shed light on that gap, regardless of the final result of the constitutional interpretation (釋憲). And I hope people will come out to support abolition. They sometimes avoid talking about it since it causes disputes with their family, and so on—that’s how “the spiral of silence” happens. Minorities feel even less likely to speak up.

I truly hope there will be more meaningful discourse. But we actually don't want it to be centered around TAEDP. It would be better if the citizens conveyed their support through diverse channels, as individuals or as organizations. Commenting on social media is good too. These are all ways to communicate with judges.

**Michelle: Why isn't the death penalty mentioned in transitional justice in Taiwan, as it is in most countries?**

**Chuanfen:** Because we haven't even transitioned yet.

[Laughter]

**Hsinyi:** In 2000, the first party rotation occurred and President Chen Shui-bian (陳水扁) declared we would gradually abolish capital punishment. He also initiated transitional justice. That was the only moment the two things were connected. Today I don't think there's a general agreement that being pro-transitional justice means supporting abolition.

**Chuanfen:** Think about the Soviet Union. Capital punishment was the main tool for oppressing dissidents in authoritarian times in Lithuania and Hungary. This only happened in Taiwan during the White Terror period in the '50s or '60s, and the scale wasn't as big. In 2000, the White Terror wasn't revealed or researched. I feel it's only in the last decade that we've become aware of the role of the death penalty in our authoritarian time.

**Albert: What do you think the differences and similarities are between the constitutional case of same-sex marriage and that of the death penalty?**

**Hsinyi:** I think this time is even more difficult. The pro-abolition population is less vocal than the pro-same-sex marriage population was. And the latter was cross-party, to a certain extent. I guess it's because people have more friends who are LGBTQ, while they're less likely to have friends on death row.

**Chuanfen:** True. Compared to the same-sex marriage issue, it's a less emotional base.

**Hsinyi:** We tend to avoid highlighting particular names, to prevent a situation where the victim is provoked and says things that get public attention, which increases the chance of execution.

**Michelle: A lot of abolitionists face the dilemma of having to convince the public of a penal alternative to death row by saying, "Don't worry, there's still life without parole." I'm personally against life without parole. How does TAEDP deal with it?**

**Chuanfen:** We are against it too.

**Hsinyi:** For the abolitionists, a life sentence is equal to the death penalty. There are debates about the reasonable number of years for a long-term sentence. Currently, in Taiwan, twenty-five years is the standard of parole. That's extremely strict and if there's nothing done during the prison sentence to help them adjust it's useless and a waste of money. That standard was the alternative to the death penalty back when they were about to abolish it. Now, even though abolition failed, the twenty-five-year sentence still exists. It makes our criminal law extremely strict.

**Michelle: What, if anything, can we learn from the U.S. model?**

**Chuanfen:** The U.S. is a complex country. Each state implements different laws concerning the death penalty. Some have abolished it, other states haven't. After *Furman v. Georgia* people thought

capital punishment should be abolished, but the abolition was later overturned. Even though so much effort has been put into improving the death penalty, it's still not perfect. How many people on death row were executed during the improvement process? How much has been spent, and how many people have died for it?

We do worry that constitutional judges in Taiwan will come to a compromise stance that capital punishment can be constitutional after its flaws are dealt with. In that respect, the U.S. experience could be helpful.

The Death Penalty Information Center announces the number of wrongful convictions each year. At first, it was probably like one case a year, but with the development of scientific evidence the number started rising. That shows that, the more we want to improve the death penalty, the more unjust cases are proven. More and more states gradually abolished the death penalty, or stopped executions. It's the overall trend of the movement.

That seems to be positive to our movement here. However, we don't really consider the horror of the death penalty, and we don't put enough effort into improving judicial procedure.

**Michelle: When have you felt the most hope about your work, and when have you felt the most pessimism?**

**Hsinyi:** I'll say it was in 2006 that I felt the most hope. In Taiwan, the executions were done secretly: we only knew someone had been killed after the fact. In the case of [redacted], we learned that the Minister of Justice had signed the document approving the execution, which would take place in several days. We started campaigning right after learning this and it ended up working. We stopped the execution, for the first and last time. That's when I felt like we could really change things.

In 2007 I decided to be a full-time activist for TAEDP. Over the next four years, nobody was executed. I was new in the field and I worked really hard to learn more. I taught myself legal terms. I felt exhausted sometimes but also hopeful.

But in 2010, when executions restarted, that's the time I felt the most pessimism. There was a huge difference in terms of how I felt, meeting people on death row, before and after 2010. I used to have faith when I visited them and told them there was absolutely a chance we could abolish the death penalty. I would say it in a genuine and cheerful tone, and they felt hopeful too. But after 2010, saying those things no longer felt the same. I still told them there was no need to worry, but I didn't feel firm about it. You could also sense their anger, a kind of emotion I'd never seen them show before. It wasn't anger at us, though—it was the anger that comes from worry and disappointment.

**Chuanfen:** I joined TAEDP in 2004. I wasn't that active at first. I didn't really get involved until 2010, when the death penalty became a viral topic in the media, in newspaper headlines every day. People were furious at the government. They said they felt deceived. They said the death penalty didn't work because the government wasn't executing people. The mainstream media quoted anonymous online comments, wondering out loud if we should test new vaccines on people on death row.

I was astonished and shocked, and I felt the urgency to do something. During this time TAEDP became a public target as well and was criticized for months.

**Hsinyi:** In 2010, after four people were executed, the Minister of Justice said that was just the beginning. He was going to execute the other forty-one people on death row. We were determined to stop it. The discussion was active not only in newspapers but also on TV news. People called with

hateful words. TAEDP thought about appearing on a TV show but decided not to. We didn't want to provoke more hatred.

**Albert: Why did the authorities choose to restart the execution in 2010?**

Chuanfen: It started at the congress meeting that February. The legislature asked why nobody had been executed, and this gained great media attention. Wang Tsing-fong (王清峰), the Minister of Justice at the time, was forced to step down after she clarified that she wasn't going to execute anybody.

**Albert: Who was the legislator?**

**Chuanfen:** It was Wu Yu-sheng (吳玉成).

**Hsinyi:** The new Minister of Justice held several hearings to gauge public opinion. But he started executing people right after the last hearing was over. It seemed like they didn't actually care about the discourse; they only wanted to create an image.

It was a horrible experience. Chuanfen wrote the book 難於殺戮 (*The Difficulty of Killing*) from this perspective. If I had to point to a positive takeaway from the period, it would be the book. The content was valuable.

**Chuanfen:** However, it also seems to be a pattern that both sides, supporters pro- or anti-abolition, speak out actively whenever there's something like a major criminal case going on.

But as for my moment of greatest hope: I will say it's now.

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**Chuanfen Chang**

**Hsinyi Lin**

**Michelle Kuo**

**Albert Wu**

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