

## 2023 Country Reports on Human Rights Practices: Taiwan

### 【Taiwan government's response】

The government of Taiwan thanks the US Department of State for its long-standing concern for human rights in Taiwan and its contributions to their development. The 2023 report is full of positive appraisal for Taiwan and gives specific and detailed observations on Taiwan's handling of discrimination and aspects of societal abuse and labor rights. The government of Taiwan will continue to strive to make progress on human rights protection mechanisms and measures in areas where the report says there is room for improvement. This response seeks to raise general awareness about Taiwan's implementation of human rights policies, encourage a healthy dialogue on the issues, and contribute to the joint promotion of a conducive environment for the protection of human rights.

#### EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Taiwan during the year.

Significant human rights issues included the use of criminal libel laws.

Authorities enforced laws prohibiting human rights abuses and prosecuted officials who committed them.

#### Section 1. Respect for the Integrity of the Person

##### A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

There were no reports that authorities or their agents committed arbitrary or unlawful killings.

##### B. DISAPPEARANCE

There were no reports of disappearances by or on behalf of authorities.

##### C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

The law stipulated no violence, threat, inducement, fraud, or other improper means should be used against accused persons, and there were no reports officials employed these practices. There were no reports of impunity in the security forces.

#### Prison and Detention Center Conditions

There were no significant reports of prison or detention center conditions that raised human rights concerns.

**Administration:** Prison authorities investigated and publicized claims of harsh conditions of imprisonment. Authorities investigated and monitored prison and detention center conditions.

**Independent Monitoring:** Authorities allowed independent nongovernmental observers to investigate prison conditions.

#### **D. ARBITRARY ARREST OR DETENTION**

The constitution and relevant laws prohibited arbitrary arrest and detention and provided for the right of defendants to challenge the lawfulness of their detention in court; authorities generally observed these requirements.

##### **Arrest Procedures and Treatment of Detainees**

The law required a warrant or summons, except when there was sufficient reason to believe the suspect might flee or in urgent circumstances, as specified in the code of criminal procedures. Courts could release indicted persons on bail. Prosecutors were required to apply to the courts within 24 hours of the arrest for permission to continue detaining a suspect. Authorities generally observed these procedures.

Prosecutors could apply to a court for approval of pretrial detention of an unindicted suspect for a maximum of two months, with one possible two-month extension. Prosecutors could request pretrial detention in cases in which the potential sentence was five years or more and when there was a reasonable concern the suspect might flee, collude with other suspects or witnesses, or tamper with or destroy material evidence.

The law allowed defendants and their lawyers access to case files and evidence while in pretrial detention. The law also stipulated defendants had to be assisted by a lawyer while in detention. For those who could not afford to hire one, a public defender was appointed. The law also specified suspects could not be interrogated late at night.

Authorities could detain a suspect without visitation rights, except for legal counsel, or hold a suspect under house arrest based on a prosecutor's recommendation and court decision. The judicial branch (Judicial Yuan) and the National Police Agency operated a program to provide legal counsel during initial police questioning to indigenous suspects, qualifying indigent suspects who had a psychiatric disability, or persons charged with a crime punishable by three or more years in prison. Detained persons who otherwise might not have had legal representation could request the assistance of the Legal Aid Foundation, a private, nonprofit foundation that received public funds to provide professional legal assistance through its 22 branch offices. Police were obligated to notify suspects of the availability of the Legal Aid Foundation's assistance. The law afforded the right of compensation to those whom police unlawfully detained.

[Taiwan government's response](#)

## **E. DENIAL OF FAIR PUBLIC TRIAL**

The constitution provided for an independent judiciary, and authorities generally respected judicial independence and impartiality. Some political commentators and academics, however, publicly questioned the impartiality of judges and prosecutors involved in high profile, politically sensitive cases.

### **Trial Procedures**

The constitution provided for the right to a fair and public trial, and an independent judiciary generally enforced this right.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **F. TRANSNATIONAL REPRESSION**

Not applicable.

## **G. PROPERTY SEIZURE AND RESTITUTION**

Not applicable.

## **H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE**

The constitution prohibited such actions, and there were no reports authorities failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA**

The constitution provided for freedom of expression, including for members of the press and other media, and authorities generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Taiwan journalists reported difficulty publishing content critical of the People's Republic of China

(PRC), alleging that PRC authorities pressured Taiwan businesses with operations in the PRC to refrain from advertising with Taiwan media outlets that published such material.

#### **Taiwan government's response**

To promote media independence in Taiwan, the National Communications Commission (NCC) encourages the staff and owners of broadcasting companies to jointly sign agreements on newsroom ethical guidelines. Most agreements stipulate that employers must not encroach upon the professional independence of media workers. There is currently no evidence that broadcasting companies have violated any such agreements.

On May 10, the Taipei High Administrative Court overturned the 2020 decision of the National Communications Commission not to renew the broadcast license of *CTi News*. The commission stated it planned to appeal this ruling.

#### **Taiwan government's response**

The NCC maintains that there were no legal flaws in its review process and related assessment procedures. It has therefore filed an appeal, which is currently pending before the Supreme Administrative Court.

**Libel/Slander Laws:** Defamation and public humiliation were criminal offenses. Reporters faced the threat of legal action under the liberal libel laws.

Under the law those who committed slander or libel by “pointing out or disseminating a fact which will injure the reputation of another” were subject to a sentence of up to two years or a fine. Victims of slander could also claim reasonable financial compensation and require measures for the rehabilitation of their reputations. These provisions allowed the subjects of unfavorable press coverage to press criminal and civil charges directly against journalists and media outlets for defamation. Journalists were rarely convicted for criminal defamation, as the law also specified that a person who made “fair comment on a fact subject to public criticism” with “bona-fide intent...shall not be punished.” Some legal scholars and nongovernmental organizations (NGO) continued to urge that libel be treated exclusively as a civil matter. On June 9, however, the Constitutional Court upheld the constitutionality of the law.

#### **Taiwan government's response**

Although the Constitutional Court's judgement 112-Hsien-Pan-8 (2023) upholds the constitutionality of criminal defamation, it also highlights the social harm caused by fake news and stresses that everyone has a duty to undertake reasonable fact-checking. Determination of whether reasonable fact-checking has been carried out should be conducted on a case-by-case basis, in consideration of the balance of interests between a victim's right to reputation protection and a commentator's freedom of speech.

Suggested edit for the above sentence: “On June 9, the Constitutional Court upheld the law’s constitutionality, principally on the grounds that everyone has a duty to carry out reasonable fact-checking and refrain from distributing groundless false information.”

On July 21, an opposition party presidential campaign chief filed a criminal libel lawsuit against the president of Sanlih E-television and two of its reporters for alleging that the presidential nominee met with officials of another opposition party to discuss teaming up for the 2024 presidential election.

### **Internet Freedom**

Authorities did not restrict or disrupt access to the internet or censor online content.

### **B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION**

The constitution provided for the freedoms of peaceful assembly and association, and authorities generally respected these rights.

### **C. FREEDOM OF RELIGION**

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **D. FREEDOM OF MOVEMENT**

The constitution provided for freedoms of internal movement, foreign travel, emigration, and repatriation, and authorities generally respected these rights.

### **E. PROTECTION OF REFUGEES**

Due to its unique political status, Taiwan authorities were not able to cooperate with the Office of the UN High Commissioner for Refugees or other major international humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, or other persons of concern.

**Access to Asylum:** The law did not provide for granting asylum or refugee status, and authorities had no system for providing protection to refugees. Due to its unique political status, Taiwan was not eligible to become a party to the 1951 Convention Relating to the Status of Refugees. Taiwan authorities handle asylum seekers on a case-by-case basis, taking international practice and the protection of human rights into consideration.

All PRC nationals unlawfully present were required by law to be returned to the PRC, although Taiwan allowed PRC asylum seekers to remain in Taiwan on a case-by-case basis.

### **Taiwan government’s response**

The draft Refugee Act has yet to be passed into law. In cases of requests for sanctuary in Taiwan, if an asylum seeker has obtained relevant documentation (such as a refugee identity certificate issued by

the UN High Commissioner for Refugees or one of its field offices), the Ministry of Foreign Affairs (MOFA) is responsible for verifying the authenticity of documents with the relevant agencies and contacting potential host countries. For an asylum seeker without relevant documentation, MOFA will help them apply for sanctuary in a host country of their choice by assisting them in gathering information on required application documents, procedures, and other regulations from the country's competent authority. If necessary, MOFA will contact and seek assistance from the missions of relevant countries in Taiwan as well as international organizations, while maintaining confidentiality.

In accordance with the intention of Paragraph 2, Article 12 of the International Covenant on Civil and Political Rights, if a PRC asylum seeker is not barred from leaving Taiwan, the National Immigration Agency will allow them to freely leave for a third country after considering the circumstances of their case and with respect to their wishes.

**Temporary Protection:** Authorities allocated 25.4 million New Taiwan dollars (\$795,000) to the Taiwan-Hong Kong Economic and Cultural Co-operation Council which included humanitarian and resettlement assistance for Hong Kong nationals in Taiwan, such as subsidies for counseling, education, employment, and living expenses.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provided citizens the ability to choose their elected officials in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **ELECTIONS AND POLITICAL PARTICIPATION**

**Abuses or Irregularities in Recent Elections:** Observers regarded the most recent presidential and legislative elections in 2020 as free and fair, although there were allegations of vote buying by candidates and supporters of both major political parties.

### **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, and authorities generally implemented the law effectively. During the year, 19 high-ranking officials, 41 mid-level, 114 low-level, and nine elected officials were indicted for corruption.

**Corruption:** The Ministry of Justice and its Agency Against Corruption were responsible for combating official corruption. The ministry received sufficient resources and collaborated with civil society within the scope of the law. The Control Yuan was responsible for impeaching officials in cases of wrongdoing.

On August 14, the mayor of Hsinchu was indicted by the Taipei District Prosecutors Office for suspected embezzlement of 460,030 New Taiwan dollars (\$14,400) in public funds budgeted for staff salaries when serving as a legislator.

On August 16, the Tainan District Court sentenced a former director general of Tainan City's Economic Development Bureau to eight years in prison for corruption, property fraud, and money laundering. He accepted bribes from a construction company in the form of cash, banquets, and sex.

For additional information about corruption, please see the Department of State's *Investment Climate Statement*, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without restriction to monitor or investigate human rights conditions or cases and to publish their findings. Authorities were generally cooperative and responsive to their views.

**Government Human Rights Bodies:** The National Human Rights Commission promoted and protected human rights. The Department of Human Rights and Transitional Justice continued implementing tasks related to human rights protection and transitional justice. In July the department held a workshop for relevant authorities to enhance their understanding of the National Transformation Justice Education Action Plan.

### **Taiwan government's response**

Taiwan has proactively fulfilled its international responsibilities and complied with the norms of international human rights conventions. Since 2009, Taiwan has codified six core UN human rights conventions into domestic law and made efforts to incorporate others. The government also invites international human rights experts to Taiwan to conduct periodic reviews of its national reports. Taiwan's localized model of international reviews of its implementation of various conventions demonstrates the government's commitment to promoting and protecting human rights.

Since democratization in the 1990s, Taiwan's civil society has consistently called on the government to address human rights abuses from the authoritarian era. It was not until 2016 that Taiwan systematically launched initiatives based on the UN pillars of transitional justice. As well as promoting truth, justice, and reparation to address past abuses, Taiwan has looked to the future by memorializing its authoritarian history to guarantee nonrecurrence. In response to the recommendations of the World Programme for Human Rights Education, the government released a national action plan for transitional justice education in 2023. The comprehensive program promotes transitional justice education among students of primary, secondary, and higher educational institutions; civil servants; law enforcement officials; military personnel; and other groups. The plan aims to deepen awareness of human rights and prevent the recurrence of systemic abuse.

## Section 6. Discrimination and Societal Abuses

### WOMEN

**Rape and Domestic Violence:** The authorities effectively enforced laws which criminalized rape of women and men, including spousal rape, and domestic violence, and provided protection for rape survivors. Rape trials were not open to the public unless the victim consented. The law allowed experts to assist in questioning and appear in court as witnesses when rape survivors were children or had mental disabilities. The law authorized the use of one-way mirrors, video conferencing, or other practices to protect victims during questioning and at trial. The law permitted a charge of rape even if the victim chose not to press charges and allowed prosecutors to investigate complaints of domestic violence even if the victim had not filed a formal complaint.

The law established the punishment for rape as a minimum of three years imprisonment, and courts usually sentenced individuals convicted of rape to five to 10 years in prison. Courts typically sentenced individuals convicted in domestic violence cases to less than six months in prison.

#### Taiwan government's response

Paragraph 1, Article 27 of the Sexual Assault Crime Prevention Act states that “a trial for a sexual assault crime is not open to the public; however, a trial for a sexual assault crime may be made public on condition that a victim of the said sexual assault crime is an adult and making the said trial public has been consented to by the said victim *and is found necessary by the court.*”

Paragraph 4, Article 19 of the Sexual Assault Crime Prevention Act states that “a judicial policeman, a judicial police officer, a prosecutor's investigator, a prosecutor, a judge, a defendant, or a defense counsel of a defendant, may use a one-way mirror, audio-visual transmission technical equipment, or other appropriate isolation measures to facilitate the assistance provided by a specialist in an interrogation (examination).” The law does not mention *video conferencing* as a practice for legal procedures, so it is recommended that this be changed to *audio-visual transmission technical equipment*.

According to Paragraph 1, Article 228 of the Criminal Code, “a person who takes advantage of his authority over another who is subject to his supervision, assistance, caring because of family, guardian, tutor, educational, training, benefactor, official, or occupational relationship or a relationship of similar nature to have sexual intercourse with such other shall be sentenced to imprisonment for not less than six months but not more than five years.” Since there is a form of rape with a minimum penalty of six months imprisonment, it is recommended that *three years* be revised to *six months*. Additionally, according to the Judicial Yuan's 2023 statistics on final convictions for sexual assault crimes, courts typically sentence offenders to three to five years of imprisonment rather than five to 10 years. Therefore, it is recommended that *five to 10 years* be revised to *three to five years*.

According to the Judicial Yuan's 2023 statistics on final convictions for domestic violence offenses, courts typically sentence offenders to three to five years of imprisonment rather than less than six months. Therefore, it is recommended that *less than six months* be revised to *three to five years*.

Many survivors did not report rape for fear of social stigmatization, and NGOs and academic studies estimated the total number of sexual assaults was seven to 10 times higher than the number reported to police. Some abused women chose not to report incidents to police due to social pressure not to disgrace their families.

The law required all cities and counties to establish violence prevention and control centers to address domestic and sexual violence, child abuse, and elder abuse.

**Other Forms of Gender-based Violence or Harassment:** Reports related to technology-facilitated gender-based violence continued to rise. According to the Ministry of Health and Welfare's Sexual Image Processing Center, there were 1,327 reported cases involving 888 victims filed from February to June, five times higher than the same period in 2022. An estimated 58 percent of victims were women between the ages of 18-35.

#### Taiwan government's response

To prevent the distribution of intimate images of victims, the Domestic Violence Prevention Act was amended and promulgated in December 2023 to require offenders to hand over or delete sexual images of victims. It also requires offenders to delete images or apply to internet platforms, applications, and access service providers to remove uploaded images of victims. These provisions are now included within the scope of protection orders.

Sexual harassment was common. The Ministry of Health and Welfare reported a 17 percent increase over the previous year. Experts noted that often victims of sexual harassment were reluctant to report it for fear of being judged.

Media reported during the year on more than a dozen high-profile sexual harassment cases involving prominent politicians, cultural figures, and others. In late May, several high-ranking members of the ruling Democratic Progressive Party resigned in connection with sexual harassment cases. On May 31, party staffer Chen Qian-rou posted on Facebook she was sexually harassed by a director after a video shoot; when Chen complained to a party official, she was blamed for not avoiding the director. An opposition party legislator was accused in June of assaulting a woman journalist in 2014 and kissing her without consent. Jian Li-ying, a writer on the Netflix show *Wave Makers*, accused a poet of groping her when she was a university student in Taipei.

#### Taiwan government's response

In response to the common occurrence of sexual harassment cases and the resulting Me Too movement, the Executive Yuan approved amendments to the three gender equality laws—the Sexual Harassment Prevention Act, the Gender Equality in Employment Act, and the Gender Equity Education Act—on July 13, 2023. The Legislative Yuan passed the amendments in a third reading before the end of the month and the president announced them on August 16 of the same year. The amendments are centered on victim protection and aim to strengthen effective punishment of perpetrators, provide comprehensive and accessible protections and services for victims, and establish a professional and trustworthy system to prevent sexual harassment.

**Discrimination:** The law provided the same legal status and rights for women as for men. More than 60 percent of the respondents to a survey released in March by a media company on living conditions and expectations of Taiwanese women from 2020-2023 believed discrimination based on age, gender, race, and other factors, including bias against members of the lesbian, gay, bisexual, transgender, and queer community, still occurred in their workplaces. Approximately 94 percent of the women respondents specified that age differences with colleagues and prejudice towards single women were key factors adding to workplace discrimination. According to official statistics, the median monthly income for women in 2022 was 84.2 percent that of men.

#### Taiwan government's response

According to official figures from 2023, the median monthly income for women was 85.3 percent of that for men. The Ministry of Labor's 2023 *Workplace Employment Equality Summary Report* found that 66 percent of female employees and 58.4 percent of male employees believed the implementation of the Gender Equality in Employment Act had improved job equality in the workplace.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of official authorities. The law required married women concerned about the effect of pregnancy or childbirth on their mental health or family life to secure spousal consent before receiving induced abortion or tubal ligation health services. Fertility treatments were limited by law to married opposite-sex couples with a medical diagnosis of infertility or a major hereditary disease, and when the wife was medically incapable of carrying the pregnancy to term.

Authorities provided access to sexual and reproductive health services including emergency contraception and postexposure prophylaxis for survivors of sexual violence. Staff members at designated hospitals were trained to collect evidence and perform necessary medical examinations.

#### Taiwan government's response

The term *assisted reproduction* should be used instead of *fertility treatment*. Recipient couples are also incorrectly defined. Suggested edit for this sentence: "Assisted reproduction was limited by law to married opposite-sex couples with a medical diagnosis of infertility or a major hereditary disease and with the wife's uterus being capable of carrying the pregnancy to term."

## SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

Article 7 of the constitution protected members of racial or ethnic minorities from violence and discrimination, and authorities enforced this effectively.

The law allowed non-PRC-born foreign spouses of Taiwan passport holders to apply for Taiwan residency after three years, while PRC-born spouses were required to wait six years. Unlike non-PRC spouses, however, PRC-born spouses could work in Taiwan immediately on arrival.

### Taiwan government's response

According to Item 2, Paragraph 1, Article 48 of the Employment Services Act, a foreign worker who has married a national of the Republic of China (Taiwan) with a registered residence in Taiwan and has been permitted to stay therein is not required to apply for a permit to work in Taiwan. In addition, according to Articles 17 and 17-1 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, mainland residents who are spouses of Taiwan residents and have been permitted entry and obtained residence permits for the purpose of family reunion are not required to apply for a permit to work in Taiwan. Therefore, foreign and mainland spouses who hold residence permits for family reasons are not required to apply for work permits and are entitled to work in Taiwan, without differential treatment.

Due to overall policy considerations, mainland Chinese spouses are currently subject to both special restrictions and preferential treatment. For example, to obtain citizenship, mainland spouses do not need to be naturalized (i.e., give up their nationality) or pass a general knowledge test, as foreign applicants are required to do. Mainland spouses can also apply for residency for lineal blood relatives over the age of 70 or under 12 years old, whereas foreign spouses cannot.

According to the Immigration Act, a foreign spouse can apply for an ID card after four to eight years. According to the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, mainland spouses need at least six years. Therefore, the waiting period for a foreign spouse to apply for an ID card is at least four years, not three.

## INDIGENOUS PEOPLES

Authorities officially recognized 16 Indigenous tribes, accounting for approximately 2.4 percent of the population. The law provided indigenous individuals equal civil and political rights and stipulated authorities should provide resources to help indigenous groups develop a system of self-governance, formulate policies to protect their basic rights, and promote the preservation and development of their languages and cultures.

Although the law allowed for the delineation of traditional Indigenous territories on land owned by authorities, some Indigenous rights advocates argued a large amount of Indigenous land was seized and

privatized decades ago, depriving Indigenous communities of the right to participate in the development of their traditional territories.

Existing law stipulated that authorities and the private sector should consult with Indigenous persons and obtain their consent to or participation in, as well as share with them the benefits of, land development, resource utilization, ecological conservation, and academic research in Indigenous areas. There were, however, no regulations in place for obtaining this consent with respect to private land.

The revised Mining Act, which took effect in June, stipulated that mining companies had to obtain the consent of local Indigenous peoples before seeking approval to start a new mining project on designated Indigenous land. The Mining Act included a one-year grace period for firms granted mining applications without Indigenous residents' approval to negotiate to obtain the consent or participation of local communities. Although the mining activity could continue during negotiations, the activity would be stopped if the firms failed to acquire approval or were determined to have delayed the procedures.

#### **Taiwan government's response**

Indigenous land that has been transferred to private ownership is still reserved for indigenous peoples by law. Moreover, the main purpose of delineating traditional territories was purely to determine whether land development requires a process of consultation for consent. Therefore, according to delineation regulations, indigenous communities are not deprived of the right to participate in the development of their traditional territories.

According to Article 50 of the Mining Act, mineral right holders are required to undertake consultations to obtain the consent of indigenous peoples or communities within one year of the project implementation date. If the vote fails to pass, or if the competent authority in consultation with the central competent authority for indigenous peoples finds that there has been a procedural delay, the competent authority shall order the mineral right holder to stop construction of exploration or mining facilities. Paragraph 6 of the same article of the act stipulates that the mineral right holder may apply to resume construction only after reopening consultations for consent or seeking the participation of indigenous peoples and securing a majority vote in favor. The result of the vote is to be submitted to the competent authority and the central competent authority for indigenous peoples for their records. This process protects indigenous land rights.

## **CHILDREN**

**Birth Registration:** Births were required to be registered within 60 days; failure to do so resulted in the denial of national health care and education benefits. Registration was not denied on a discriminatory basis.

**Child Abuse:** The law prohibited child abuse and stipulated persons learning of child abuse or neglect had to notify police or welfare authorities. An official 24-hour hotline accepted complaints and offered

counseling. Courts were required to appoint guardians for children of parents deemed unfit. Childcare center owners and teachers who physically abused or sexually harassed children could be fined and publicly identified. Owners who failed to verify the qualifications of teachers and other employees could be fined.

Children's rights advocates called on medical professionals to pay attention to infants and young children sent to hospitals with unusual injuries and to report suspected abuse to law enforcement while treating these children. Advocates also called attention to bullying, violence, and sexual assault cases at correctional institutions, while pointing out these facilities were often understaffed and that their personnel were inadequately trained to counsel and manage teenage inmates.

Central and local authorities coordinated with private organizations to identify and assist high-risk children and families and to increase public awareness of child abuse and domestic violence.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage was 18 years for both men and women and was effectively enforced by authorities.

**Sexual Exploitation of Children:** The law prohibited the sexual exploitation of children, and authorities enforced the law. An amendment to the Child and Youth Sexual Exploitation Prevention Act took effect in February, raising punishments for those convicted of filming a child engaging in sexual intercourse or obscene acts, or producing images, video or other objects that show such acts through recruitment, seduction, or other means, to a maximum of 10 years in prison with a substantial fine. The amendment also increased prison sentences and fines for those involved in distributing or possessing such depictions of children.

The amended law required internet platform providers, service providers, and access providers, if informed of suspected child sexual exploitation crimes through internet content protection agencies, competent authorities, police, or other agencies, to restrict browsing or remove such web pages. They were also required to retain information on those involved in the sexual exploitation of children for 180 days or face a fine.

The minimum age for consensual sexual relations was 16. Persons who engaged in sex with children younger than age 14 faced sentences of three to 10 years in prison. Those who engaged in sex with children between ages 14 and 16 were subject to a prison sentence of up to seven years. Solicitors of sex with persons older than 16 but younger than 18 faced a maximum of three years in prison or hard labor or a substantial fine.

NGOs reported sex offenders increasingly used cell phones, web cameras, live streaming, apps, and other technologies to deceive and coerce underage girls and boys into sexual activity. Although the amended Child and Youth Sexual Exploitation Prevention Act increased penalties, NGOs claimed additional manpower resources and funding were needed to effectively enforce the amended law. Online reporting

of child sexual exploitation increased steadily in recent years, reflecting growing social rejection of the crime, according to expert reports.

There were reports of child sex trafficking.

#### **Taiwan government's response**

According to Paragraph 2, Article 31 of the Child and Youth Sexual Exploitation Prevention Act, “any person aged 18 or older who engages in sexual intercourse or lewd acts with a minor over the age of 16 but under the age of 18 in exchange for consideration shall be subject to imprisonment of not more than three years or detention, or in lieu thereof or in addition thereto a fine of not more than NT\$100,000.” Therefore, it is recommended that the word *Persons* in the second sentence of the third paragraph in this section be replaced by *Any person aged 18 or older*. It is also recommended that the term *hard labor*—which refers to forced manual work as a punishment—be replaced by *detention*.

#### **ANTISEMITISM**

The Jewish community was very small, estimated at less than 1,000 individuals, predominately foreign residents. There were no reports of antisemitic acts.

#### **TRAFFICKING IN PERSONS**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

#### **ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS**

**Criminalization:** No laws criminalized consensual same-sex sexual conduct between adults, so-called cross-dressing, or other sexual or gender characteristic-related behaviors. There were no reports of seemingly neutral laws disproportionately applied to lesbian, gay, bisexual, transgender, queer, intersex, (LGBTQI+) or other sexual minority persons.

**Violence and Harassment:** Reports of violence against LGBTQI+ individuals were rare, and civil society organizations generally assessed police response as adequate.

**Discrimination:** Antidiscrimination laws applied broadly to areas of public domain; for example, the law stipulated employers could not discriminate against job seekers or workers based on gender or sexual orientation and prohibited schools from discriminating against students based on their gender, gender traits, gender identity, or sexual orientation. Authorities generally enforced the law effectively, although a report issued in March by an LGBTQI+ civil society group charged by the authorities to investigate living conditions for the LGBTQI+ community found that members continued to experience discrimination from their families, places of work, and peer groups.

**Availability of Legal Gender Recognition:** Legal gender recognition was available although proof of gender confirmation surgery and a psychiatric evaluation were required. Court-ordered relief exempted several plaintiffs from the requirement to provide proof of surgery, but such regulations remained in place.

**Involuntary or Coercive Medical or Psychological Practices:** Conversion therapy by medical practitioners was prohibited. Practitioners faced potential revocation of their medical licenses and fines. Ministry of Health and Welfare principles for gender correction surgery on intersex children directed that physicians should minimize potential harm by limiting surgery to urgent, necessary cases. Some civic groups reportedly conducted so-called conversion practices outside of medical settings by offering consultations or holding workshops for LGBTQI+ individuals.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no reports of such restrictions for LGBTQI+ individuals or groups.

## **PERSONS WITH DISABILITIES**

Persons with disabilities were able to access education, health services, public buildings, and transportation on an equal basis with others, as required by law.

The law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities, and stipulated authorities had to provide certain services and programs to persons with disabilities. Persons with disabilities had the right to vote and to participate in civic affairs.

Authorities made efforts to implement laws and programs to provide access to buildings, information, and communications. Official websites and digital information platforms conformed to accessibility guidelines and all public organizations were required to install facilities or equipment to enable barrier-free access for persons with disabilities. NGOs contended the lack of barrier-free spaces and accessible transportation systems continued to limit civic engagement by persons with disabilities, particularly outside Taipei.

Most children with disabilities attended mainstream schools, but separate primary, secondary, and vocational schools were also available for students with disabilities. NGOs asserted services for students with disabilities remained largely inadequate.

### **Taiwan government's response**

The Special Education Act was comprehensively amended on June 21, 2023. The revisions aim to create accessible and inclusive learning environments by providing clearer guidelines and more resources. Supportive measures include increased funding, reduced student-teacher ratios in special education classes, capacity building for assistants who provide services to special education students, further improvements to school campus accessibility, and enhanced rights for special education students to have their voices heard. The K-12 Education Administration of the Ministry of Education has also

initiated a plan to make an inventory of accessible facilities and equipment in public schools at and below the senior secondary level and special education schools. The plan requires schools to take stock of the status of their accessibility features.

## Section 7. Worker Rights

### A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The law provided for the right of workers to form and join independent unions, conduct strikes, and bargain collectively. The law prohibited discrimination, dismissal, or other unfair treatment of workers for union-related activities and required reinstatement of workers fired for legal trade union activity. Employees hired through dispatching agencies (i.e., temporary workers) did not have the right to organize and bargain collectively. Authorities effectively enforced the law. Penalties were regularly applied against violators and were commensurate with those for similar laws. Special labor courts handled all labor cases, including collective disputes involving unions.

#### Taiwan government's response

Paragraph 1, Article 4 of the Labor Union Act stipulates that all workers have the right to organize and join labor unions. Paragraph 1, Article 6 of the same law states that there are three types of unions—corporate (enterprise) unions, industrial unions, and professional unions. According to these regulations, dispatched workers are free to organize or join a labor union of the relevant type.

Since a collective agreement involves the rights and responsibilities of labor and management, the bargaining parties should be the union and the employer of its members. It is natural for the corporate union of a dispatch-requiring employer to want to negotiate with the employer over the rights and interests of dispatched workers. To protect the collective bargaining rights of dispatched workers, restrictions on the bargaining qualifications of their industrial or professional unions have been relaxed through an interpretative ruling. In the above example, if the union representing dispatched workers proposes collective bargaining with the dispatching agency, its draft collective agreement should demonstrate that it represents union members working for the same dispatch-requiring employer, that it represents more than half of the total number of workers from the dispatching agency at the same dispatch-requiring employer, and that the number of workers is more than 20. An industrial or professional union representing dispatched workers that meets these conditions is authorized to be the labor side with bargaining qualification, as stipulated in Paragraph 3, Article 6 of the Collective Agreement Act, and can legally negotiate with a dispatching agency.

By law there were three types of unions: enterprise unions, industrial unions, and professional unions. Enterprise unions had to have 30 members to form and there could only be one union per enterprise. They were responsible for negotiating the immediate labor rights, working conditions, and entitlements of enterprise-level collective agreements. Employees in companies with fewer than 30 workers could only join a professional or industrial union to exercise their rights. Industrial unions linked workers in the same

industry. Professional unions had to be within the geographic boundaries of local administrative divisions; membership across boundaries was prohibited. Industrial and professional unions had the right to collectively bargain enterprise-level working conditions and could advocate for sector-wide benefits if they represented more than one-half of employees. Employers, however, reportedly used tactics such as increasing the number of workers employed so the 50 percent threshold could not be met.

#### **Taiwan government's response**

Article 6 of the Labor Union Act defines a corporate (enterprise) union as a labor union organized by employees of the same factory or workplace, of the same business entity, of enterprises with controlling and subordinate relationships between each other in accordance with the Company Act, or of a financial holding company and its subsidiaries in accordance with the Financial Holding Company Act. Thus, at present, different types of corporate unions can be established at certain business entities whose organizational structure satisfies the above provisions.

Article 2 of the Collective Agreement Act defines a collective agreement as a written agreement that is concluded by an employer or employer organization with juristic person status and a labor union established in accordance with the Labor Union Act for the purpose of governing labor relations and other related matters. Paragraphs 1 to 3 of Article 6 of the same law state that an industrial or professional union that represents more than half the employees of the other bargaining party (i.e., the company) is authorized to be the labor side with bargaining qualification, and the company may not reject without good reason a request from such an industrial or professional union to bargain a collective agreement for its members. In summary, the Collective Agreement Act already protects the right of industrial and professional unions to negotiate collective agreements at the corporate level.

The right to strike remained highly restricted. Teachers, civil servants, and defense industry employees did not have the right to strike. Workers in industries such as utilities, hospital services, and telecommunication service providers were allowed to strike only if they maintained basic services during the strike. Authorities could prohibit, limit, or break up a strike during a disaster. Workers were allowed to strike only in "adjustment" disputes such as compensation and working schedules, and only after mediation. The law forbade strikes related to rights guaranteed under the law, which in principle should be resolved through the judicial system.

#### **Taiwan government's response**

The main reason for restrictions stipulated in Article 54 of the Act for Settlement of Labor-Management Disputes is because the normal operations of the education system and the Ministry of National Defense and its affiliated agencies, institutions, and schools concern people's right to education and national security. That is why teachers and employees of the MND and its affiliated agencies, institutions, and schools are not allowed to strike. To prevent strikes in industries such as water, power, gas supply, and hospital services from jeopardizing public safety, national security, or other essential public interests, the law requires labor and management to agree to maintain minimal services during a strike. However, Article 25 of the same act sets forth an alternative resolution mechanism for the

parties. When an agreement has not been reached in an industrial dispute, a union may directly apply for arbitration with the local competent authority to resolve the issue. This mechanism for parties to apply for arbitration complies with the principles set forth in Article 8 of the International Covenant on Economic, Social and Cultural Rights and Article 22 of the International Covenant on Civil and Political Rights. Strikes over labor-management disputes involving rights are forbidden according to Paragraph 1, Article 53 of the above act. This is because such industrial action concerns the existence or nonexistence of rights. However, disputes may be settled through a process of mediation or arbitration or adjudicated by the courts. In addition, the Labor Incident Act provides litigation procedures that favor workers and unions by removing obstacles to legal action. Rights disputes can be quickly resolved through judicial proceedings without incurring high social costs.

The law required mediation of labor disputes when authorities deemed them serious or involving unfair practices. Most labor disputes involved wage and severance issues and were often settled through mediation or arbitration. Mediation usually resolved most cases within 20 working days. Legally binding arbitration generally took between 45 and 79 working days. The law prohibited strikes or other acts of protest during conciliation or arbitration proceedings. Labor organizations stated this prohibition impeded workers' right to strike.

#### **Taiwan government's response**

The purpose of the mediation and arbitration systems is to resolve disputes quickly and stabilize labor-management relations. To prevent deterioration of a dispute and intensification of disagreement between two parties, during the conciliation process, labor and management are required to cool off and reconcile with each other to settle differences peacefully.

The Ministry of Labor oversaw implementation and enforcement of labor laws in coordination with local labor affairs authorities. Authorities effectively enforced laws providing for the freedom of association and collective bargaining. Ministry arbitration committees reviewed cases of antiunion activities, and authorities subjected violators to fines or restoration of employee's duties. Such fines were not commensurate with those for other laws involving denials of civil rights.

#### **Taiwan government's response**

The official English name of the abovementioned committee is *Tribunal for Unfair Labor Practice, Ministry of Labor*.

On November 30, 2022, Article 45 of the Labor Union Act was amended and enacted after a third reading. The changes aimed to deter employers from mistreating workers or otherwise improperly influencing and impeding the operations and autonomy of unions. Fines for employers who break regulations on improper labor practices were increased from between NT\$30,000 to NT\$150,000 to between NT\$100,000 to NT\$500,000. The name of the business entity or its owners and other relevant information is now also made public.

Large enterprises frequently made it difficult for employees to organize an enterprise union; they used methods such as blacklisting union organizers from promotion or relocating them to other divisions. These methods were most common in the technology sector. There were only two enterprise unions among the 949 companies in three science parks, where more than 323,000 employees worked.

#### **Taiwan government's response**

To protect collective labor rights, Taiwan revised its three major labor laws—the Labor Union Act, Collective Agreement Act, and Act for Settlement of Labor-Management Disputes—on May 1, 2011. In addition to stipulations in the Labor Union Act that employers should not commit improper labor practices, a system for decisions on unfair labor practices was also added to the Act for Settlement of Labor-Management Disputes. Through adjudication and arbitration of cases and application of penalties, employers are prevented from using their economically advantageous positions to engage in anti-union activities and other improper labor practices when workers exercise their legal rights to association, collective bargaining, and collective dispute settlement. The changes demand prompt restoration of relevant rights and interests to aggrieved workers and promote the normal operations of collective labor relations. In addition to these protective measures, the Ministry of Labor also encourages and helps workers unionize. It provides three stages of support to assist and incentivize workers before, during, and after setting up a union. The measures facilitate the establishment of new unions and accelerate the smooth operation of union affairs.

On July 31, the enterprise union of chemical company Chemours struck in response to company plans to close its factory, which would result in layoffs for all 259 employees. The union previously tried to negotiate compensation and severance with company management but had failed, resulting in the strike.

The Ministry of Labor and local government helped both sides maintain a dialogue and reach a deal after two weeks. Chemours, however, immediately terminated four employees who were running the union, triggering further violations which local labor authorities were investigating as of October.

#### **B. PROHIBITION OF FORCED OR COMPULSORY LABOR**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

#### **C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT**

The law prohibited all of the worst forms of child labor. The legal minimum age for employment was 15, with an exception allowing children younger than 15 to work if they had completed junior high school and appropriate authorities determined the work would not harm the child's mental and physical health. The law prohibited children younger than 18 from doing heavy or hazardous work. Working hours for children were limited to eight hours per day, and children could not work overtime or night shifts.

Local labor bureaus effectively enforced minimum age laws by ensuring compulsory education. Employers who violated minimum age laws faced prison sentences, fines, or both, however penalties

were rarely applied against violators. There were no confirmed reports during the year of the worst forms of child labor.

#### **D. DISCRIMINATION (SEE SECTION 6)**

#### **E. ACCEPTABLE CONDITIONS OF WORK**

**Wage and Hour Laws:** The Ministry of Labor’s Basic Wage Committee set a minimum wage that was adjusted annually. A new minimum wage was scheduled to take effect in January 2024. The minimum wage was above the Ministry of Health and Welfare’s poverty level. The minimum wage did not cover certain workers, such as management employees, medical doctors and other healthcare workers, gardeners, bodyguards, self-employed lawyers, civil servants, and domestic household workers. Migrant fishermen on vessels operating outside Taiwan’s territorial seas had a lower minimum wage. NGOs reported that due to the absence of work hour regulations, the actual pay of foreign household workers fell below the national minimum wage. The law placed the burden of proof on employers in wage and hour disputes.

Regular working hours were eight hours per day and 40 hours per week, with overtime limited to 138 hours per three-month period with a 46-hour overtime monthly cap; the limit for consecutive working days was 12. There was, however, an option to extend to 54 hours per month of overtime with the consent of a union or labor-management conference. Employees could receive overtime pay for extra hours worked. The law required mandatory rest intervals for shift work of eight hours or longer in certain sectors and limited the number of working days to 12 days in a two-week period.

Household workers and caregivers were not bound by working hour regulations. To allow foreign caregivers and household workers to attend religious services on a certain day of the week, a publicly funded “respite care service” provided substitutes on a per-day basis. Wage and overtime violations were most common in the manufacturing, domestic car, and fisheries sectors employing migrant laborers; however, white-collar workers also faced overtime violations. The most common violation was urging employees to accept extra leave time instead of overtime pay.

#### **Taiwan government’s response**

Since January 1, 2023, the Ministry of Labor has collaborated with the Ministry of Health and Welfare to implement a short-term substitute care services program for families employing foreign caregivers. In addition to being able to apply for the currently expanded respite services, a care recipient can also receive short-term services for 31 to 38 days when their foreign caregiver is on leave. The combined quota for respite and short-term care services is up to 52 days a year. Employers are encouraged to give foreign caregivers appropriate respite and support to protect their labor rights. In 2023, a total of 4,186 individuals received 147,403 service provisions.

**Occupational Safety and Health:** The law provided for occupational safety and health (OSH) standards that were appropriate for major industries in the economy. The law made enterprises and dispatching agencies responsible for occupational injuries to temporary workers. The law provided for a national occupational accident insurance fund. By law, employers were required to provide workplace insurance for all employees, extending coverage to at least 182,000 previously uninsured migrant household workers. OSH labor inspectors proactively identified unsafe working conditions through routine inspections and conducted more frequent inspections and risk assessments on high-risk industries.

Workers could remove themselves from danger and report it to their supervisor without jeopardizing their employment. Employers, however, could terminate an employment contract if they proved a worker abused the right to suspend work.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor effectively enforced wage and hour laws as well as OSH standards. Penalties were commensurate with similar crimes such as fraud or negligence. Employers were subject to civil but not criminal charges when their employees were involved in fatal accidents due to unsafe working conditions.

Authorities maintained a total of 1,033 inspectors across central and local governments, just short of the ILO's standard for industrial market economies.

Inspectors had the authority to make unannounced inspections. Authorities could fine employers and revoke their hiring privileges for violations of the law. Employers found to be in violation of labor laws were not eligible for certain tax reductions or grants.

Of the 60,873 inspections conducted in 2022, 16.9 percent identified violations, primarily related to working hours and overtime largely in wholesale and retail, logistics and transportation, accommodation, and food services sectors. Inspectors found workplace safety violations in 6 percent of inspections. The freight and passenger transportation industries saw higher-than-average accident rates among drivers working overtime. Authorities worked to ensure foreign workers understood their rights through three-day compulsory training program for all foreign domestic workers upon arrival. Employers had to comply with this training requirement to be able to recruit migrant workers.

More than 740,000 foreign workers were employed, primarily from Indonesia, Vietnam, the Philippines, and Thailand; most were recruited through a labor broker. The Ministry of Labor was required to inspect and oversee the brokerage companies to ensure compliance with the law. The ministry operated a Foreign Worker Direct Hire Service Center and an online platform to allow employers to hire foreign workers without using a broker. Foreign workers could change employers in cases of exploitation or abuse.

The Ministry of Labor maintained a 24-hour toll-free hotline service in six languages where foreign workers could obtain free legal advice, request urgent relocation and protection, report abuse by

employers, and file complaints about delayed salary payments. These services were extended to a popular messaging platform. Reported cases were registered in a database for law enforcement to track.

Foreign workers' associations maintained that despite the existence of the hotline and authorities' effective response record, foreign workers were often reluctant to report employer abuses for fear the employer would terminate their contract. Workers also struggled with accessing the hotline while at sea.

Since January, all foreign domestic workers and caregivers were required to attend a three-day training program upon arrival. The training provided clear guidance on brokerage workers' rights, and reporting mechanisms for any misconduct by the employer or broker. Employers had to comply with this training requirement for foreign domestic workers to receive approval to recruit workers.

Migrant fishermen were commonly subjected to mistreatment and poor working conditions. Fisheries Agency officers in six locations overseas and in some domestic ports monitored and inspected docked Taiwan-flagged fishing vessels, using a multilingual questionnaire to interview migrant fishermen and examine labor conditions onboard. The Fisheries Agency acknowledged the need for more inspectors; it conducted annual labor inspections of approximately 400 of the more than 1,100 vessels in the distant water fishing fleet.

#### **Taiwan government's response**

Regarding labor inspections conducted by the Fisheries Agency (FA) of the Ministry of Agriculture in 2023 and the first half of 2024, a total of 676 fishing vessels were inspected in 2023, of which 600 cases have been closed. The total number of investigations conducted and completed on distant-water fishing vessels was 600 and 380, respectively. Among these, the compliance rates were 97.6 percent and 99 percent for proper treatment, 87 percent and 84 percent for reasonable working hours, and over 95 percent for sufficient and clean food and water. This indicates that cases of migrant fishermen on distant-water vessels being subjected to mistreatment and poor working conditions were rare.

The FA has hired 60 additional inspectors since September 2022 to conduct inspections of working conditions on distant-water fishing vessels at domestic and overseas ports. Since 2023, the FA has commissioned impartial third-party organizations to inspect working conditions on distant-water fishing vessels at overseas ports. In 2023, the FA conducted a total of 676 inspections of the working conditions on distant-water fishing vessels.

FA inspectors must complete a certain number of hours of education and training on labor rights and inspection. The FA holds training sessions at various times throughout the year, inviting representatives from the Ministry of Labor, the National Immigration Agency, the Ministry of Justice, and NGOs, as well as scholars and experts to teach classes and share their experiences. Since 2023, 17 inspectors have attended the ILO course on the development and management of inspection systems of labor conditions on board fishing vessels. In 2024, 27 inspectors attended the ILO course on training of

inspectors of labor conditions on board fishing vessels. All 44 inspectors passed the courses and obtained completion certificates.

Official estimates suggested that more than 900,000 workers had a second or part-time job or worked in the “gig economy,” particularly in the courier and logistics service sectors. General labor standards including minimum wage applied to such informal work. Authorities required food delivery platforms to provide occupational accident insurance for all temporary workers and to suspend services during typhoons or other natural disasters. Authorities estimated that more than 82,000 migrant workers were not in touch with their legal employers and likely remained informally employed elsewhere, not enjoying applicable labor protections. Studies suggested that employment of such undocumented migrant workers was concentrated in the domestic work and manufacturing sectors.