

# 2024 Country Reports on Human Rights Practices: Taiwan

## 【Response by the government of Taiwan】

We appreciate the long-standing attention the US Department of State has paid to the development of human rights in Taiwan, as well as its contributions to this issue. Throughout the report, Taiwan's performance was praised, and acknowledgement was made of the government's effort to uphold the judiciary's independence and the constitutional rights of the people. The report offers specific observations on the handling of issues concerning labor rights and the security of the person. As to areas for aspects of the mechanisms or measures to protect human rights where the report says there is room for improvement concerning the measures used to protect human rights, the government of Taiwan will continue to strive to make progress. We hope the report will raise awareness concerning Taiwan's implementation of human rights policies, encourage a healthy dialogue, and create an environment even more conducive to human rights protection.

### EXECUTIVE SUMMARY

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

There were no credible reports of significant human rights abuses.

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

### Section 1.Life

#### A. EXTRAJUDICIAL KILLINGS

There were no reports authorities or their agents committed arbitrary or unlawful killings during the year.

#### B. COERCION IN POPULATION CONTROL

There were no reports of coerced abortion or involuntary sterilization on the part of official authorities.

### Section 2.Liberty

#### A. FREEDOM OF THE PRESS

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 media members.

**Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups:** In September a leading local nongovernmental organization (NGO) reported People’s Republic of China (PRC) authorities pressured Taiwan businesses with operations in the PRC to refrain from advertising with Taiwan media outlets that published content critical of the PRC.

## **B. WORKER RIGHTS**

**Freedom of Association and 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**

A letter has been published expanding the eligibility to bargain by an industrial/occupational labor union representing dispatched workers so as to ensure the collective bargaining right of such workers. Where a labor union proposes collective bargaining to a business entity and where of the collective agreement draft clearly states that the object of the agreement is a union member serving the same employer, and where the number of dispatched members of the labor union to a given employer is greater than one-half of the number of dispatched workers sent to that employer and the number of workers concerned is greater than 20, such industrial/occupational labor union constitutes a “labor side with bargaining qualification” as stated in Paragraph 3, Article 6 of the Collective Agreement Act. It therefore shall have the right to engage in collective bargaining with the business entity.

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.

The right to strike remained highly restricted. Teachers and civil servants did not have the right to strike. Authorities could prohibit, limit, or break up a strike during an officially declared disaster. Workers were allowed to strike only in “adjustment” disputes such as overcompensation 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**

As stipulated by Article 54 of the Act for Settlement of Labor-Management Disputes, in consideration that the normal operation of the education system, schools and the affiliated organs (agencies) and schools of the Ministry of National Defense are critical, respectively, to the people's right to an education and to national security, the calling of a strike at the Ministry of National Defense and its affiliated organs (agencies) or schools is prohibited. An alternative solution is set forth in Article 25 of the aforementioned act. A labor union may apply to the local competent authority for arbitration to resolve a dispute. This mechanism complies with the principles set forth in Article 8 of the International Covenant on Economic, Social and Cultural Rights as well as Article 22 of the International Covenant on Civil and Political Rights.

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 mediation and the arbitration system is to resolve disputes quickly and maintain stable relations between labor and management. To prevent the deterioration of a dispute and an intensification of opposition between the two parties, during arbitration, labor and management are to act in a restrained fashion so that the dispute may be resolved 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 commensurate with those for analogous violations such as civil rights violations and were sometimes applied against violators.

**Taiwan government's response**

The formal English translation for the abovementioned committee is the Tribunal for Unfair Labor Practice.

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.

## FORCED OR COMPULSORY LABOR

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

## ACCEPTABLE WORK CONDITIONS

**Wage and Hour Laws:** The Minimum Wage Act passed in December 2023 provided for a new minimum wage to take effect in January every year by law. 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 health-care 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.

### Taiwan government's response

1. Where the relationship is not one between a business entity and a worker, a worker is protected under other regulations: managers, self-employed lawyers, and civil servants are protected by the Civil Code, Attorney Regulation Act, and Civil Service Protection Act, respectively.
2. Resident medical staff, security guards, and caregivers employed by social welfare institutions are protected under the Labor Standards Act. Attending physicians are protected under the Medical Care Act.
3. The Labor Standards Act is not applicable to either foreign or local workers doing housework employed by an individual or family. To safeguard the rights and interests of foreign workers employed in doing housework, a labor contract must be signed that details wages, adequate rest time, and one day of leave every seven days. The minimum monthly wage for a foreign worker doing housework was raised from NT\$17,000 to NT\$20,000 on August 10, 2022.
4. Migrant Fishermen:
  - 4.1 Fishermen employed within the country: The Ministry of Labor (MOL) has published Guidance on Salary Payment to Foreign Crew Members Employed Overseas concerning the wage rights of foreign fishermen, keeping in mind as well the legal obligations of an employers to pay wages in accordance with the labor contract. Where an employer fails to pay wages in full, this constitutes a violation of the Labor Standards Act as well as the Regulations on the Permission and Administration of the Employment of Foreign Workers. In such cases, the employers will be subject to fines and may have their recruitment or employment permits revoked.
  - 4.2 Fishermen employed abroad: Taiwan, like several other distant water fishing nations, references international standards when setting minimum wages. According to the Regulations on the Authorization and Management of the Overseas Employment of Foreign Crew Members currently in force, the stipulated minimum wage for migrant

fishermen onboard distant water fishing vessels is higher than the minimum wage established for ordinary seafarers under the International Labour Organization's Maritime Labour Convention. The minimum wage for these migrant fishers will be progressively increased over the next five years to align with the MLC standard for able seafarers.

The law provided for working 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 in a two-week period.

#### Taiwan government's response

1. Under the Labor Standards Act as presently in force, employees are entitled to two days off every seven days: one regular day off and one rest day. As a general rule, employees shall not work for more than six consecutive days. Adjustments may be made, in line with other applicable regulations in certain industries announced by the MOL.
2. To ensure that employees working under a shift rotation system are provided with sufficient rest, the Labor Standards Act as presently in force requires at least 11 consecutive hours of rest between shifts. The rest period may be shortened to eight hours in accordance with other regulations for certain industries-announced by the MOL.

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

To allow foreign caregivers and household workers to attend religious services on a certain day of the week and to attend to the need for rest of family caregivers, policies provide for respite care services and short-term care services, whereby substitute caregivers are made available on an hourly, half-day, or full-day basis.

**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 those for similar crimes such as fraud or negligence and were sometimes applied against violators. 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, but inspection resources in the distant fishing sector were often insufficient to enforce compliance.

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

Since September 2022, the Fisheries Agency (FA) has hired people to conduct inspections of working conditions onboard distant water fishing vessels at both domestic and foreign ports. To further enhance inspection capacity, since 2023, the FA has commissioned impartial third-party organizations to conduct labor inspections on distant water fishing vessels at designated foreign ports. The FA inspects more than 50 percent of Taiwan's distant water fishing vessels annually at both domestic and foreign ports. In 2024, the agency inspected 739 distant water fishing vessels, or approximately 70 percent of the distant water fishing fleet, and interviewed 6,165 migrant fishers.

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. Violations primarily related to working hours and overtime largely in wholesale and retail, logistics and transportation, accommodation, and food services sectors, were uncovered during 2023 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 a 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 793,000 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 due to fear the employer would terminate their contract. Workers also struggled with accessing the hotline while at sea.

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. The Fisheries Agency employed 79 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 676 vessels employing 4,989 migrant fishermen in the distant-water fishing fleet.

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

1. In order to improve the living conditions of fishermen, the MOL has established discretionary standards for the Foreign Workers' Life Care Service Plan, regulating areas such as food, accommodation, and management. Starting from 2024, the MOL has been providing affordable housing, shore-based washing facilities, and recreational facilities for fishermen. Besides, since 2009, the MOL established the 1955 Labor Consultation and Complaints Hotline, which provides legal advice and accepts complaints in five languages: Chinese, Thai, Indonesian, Vietnamese, and English. If foreign fishermen encounter labor disputes, they can use the Wi-Fi on these vessels to connect with the MOL's "1955 E-Line" platform for filing complaints and safeguarding their rights.
2. The FA consistently inspects more than 50 percent of Taiwan's distant water fishing vessels annually at both domestic and foreign ports. In 2024, the FA inspected 739 distant water fishing vessels, accounting for approximately 70 percent of the distant water fishing fleet. Given the high inspection frequency, each distant water fishing vessel is inspected approximately once every two years to ensure compliance with regulations. Furthermore,

since 2023, the FA has annually compiled and published the results of inspections and disciplinary actions. According to the data, the majority of distant water fishing vessels comply with Taiwan's regulations.

Official estimates suggested 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 more than 87,575 migrant workers were not in touch with their legal employers and likely remained informally employed elsewhere, not enjoying applicable labor protections. Studies suggested employment of such undocumented migrant workers was concentrated in the domestic work and manufacturing sectors.

#### Taiwan government's response

1. Foreign workers who are working in Taiwan without proper authorization and experience mistreatment, wage arrears, or other situations requiring assistance may call the 1955 Labor Consultation and Complaints Hotline or use the text-based customer service feature to file complaints or seek advice. Based on existing labor laws, local governments will investigate and take action, and provide necessary assistance to the foreign workers.
2. The Ministry of Labor has subsidized the National Immigration Agency to set up accommodation facilities for undocumented foreign workers. If foreign workers without proper authorization are found working in Taiwan, they may be placed in these facilities and provided with necessary assistance.

## C. DISAPPEARANCE AND ABDUCTION

### DISAPPERANCE

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

**Prolonged Detention without Charges:** 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.

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.

## D. VIOLATIONS IN RELIGIOUS FREEDOM

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

## E. TRAFFICKING IN PERSONS

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

### Section 3. Security of the Person

#### A. TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

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.

#### B. PROTECTION OF CHILDREN

**Child Labor:** There was no significant presence of the worst forms of child labor and the law prohibited all 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.

**Child Marriage:** The legal minimum age of marriage was 18 years; authorities effectively enforced the law. There were some reports of child marriage in rural areas.

##### Taiwan government's response

On January 13, 2021, the Civil Code was amended, with Article 12 stating, "Majority is attained upon a person who has reaching the eighteen year of age," and Article 980 stating, "A male or females who has not reached his or her eighteen year of age may not conclude a marriage." These provisions came into effect on January 1, 2023. This means that under current regulations, marriage registration is not permitted for individuals under the age of 18. To prevent the erroneous registration of marriages for individuals who have not reached the legal age, the Household Registration Information System has been updated with an automated age verification mechanism. Therefore, there are no instances of child marriage in Taiwan's rural areas.

#### C. PROTECTION TO 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.

**Provision of First Asylum:** The law did not provide for granting asylum or refugee status, and authorities had no system for providing protection to refugees. Authorities handled asylum seekers on a case-by-case basis, taking international practice and the protection of human rights into consideration.

**Taiwan government’s response**

Prior to the passage and implementation of the Refugee Act, applications for refugee status will be handled on a case-by-case basis. Taking into consideration both international standards and the domestic legal system, the government holds interagency meetings to explore possible ways to assist refugees, and continues to engage in dialogue with human rights groups. To date, no individual has been returned to a country or region where they might be subjected to torture or inhumane treatment.

All PRC nationals unlawfully present were required by law to be returned to the PRC, although authorities allowed PRC nationals seeking asylum to remain in Taiwan on a case-by-case basis. Authorities provided humanitarian and resettlement assistance for Hong Kong nationals in Taiwan.

**Taiwan government’s response**

Humanitarian assistance provided by the government is applicable to Hong Kong residents who are deemed qualified through the review mechanism. Thus, we suggest replacing “Hong Kong nationals” with “Hong Kong residents deemed qualified through the review mechanism.”

**D. ACTS OF ANTISEMITISM AND ANTISEMITIC INCITEMENT**

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