

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

We appreciate the long-term attention and contributions of the US Department of State to the development of human rights in Taiwan. Throughout the report, Taiwan's performance receives very positive comments. The efforts of the government to protect the independence of the judiciary, the constitutional rights of the people, and the ability of citizens to choose elected officials in periodic elections are acknowledged. The report gives specific and detailed observations on the handling of issues of discrimination, societal abuse, and labor rights, paying attention to the implementation of relevant laws and measures. As for aspects of the mechanisms or measures to protect human rights where the report says there is room for improvement, the government of Taiwan will continue to strive to make progress on these issues. To further develop and improve the human rights protection system, the Executive Yuan established the Department of Human Rights and Transitional Justice in June 2022 to organize, supervise, and coordinate Taiwan's various human rights policies.

We hope this response will raise general awareness about Taiwan's implementation of human rights policies, encourage a healthy dialogue, and jointly create a conducive environment for human rights protection.

EXECUTIVE SUMMARY

Taiwan is a democracy led by a president and parliament selected in multiparty elections. In 2020 voters re-elected President Tsai Ing-wen of the Democratic Progressive Party to a second four-year term in an election considered free and fair.

Civilian authorities maintained effective control over the security forces. The National Police Agency, under the Ministry of Interior, maintains internal security. Police, the

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

Agency of Corrections, and the Coast Guard Administration report to the premier, who is appointed by the president. There were no reports that members of the security forces committed abuses.

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

Authorities enforced laws prohibiting human rights abuses and criminalizing official corruption and prosecuted officials who committed them. There were no reports of impunity.

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 Taiwan authorities.

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

The law stipulates 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 claims of harsh conditions of imprisonment and released the results of their investigations to judicial authorities and occasionally to the press. Authorities investigated and monitored prison and detention center conditions.

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

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

Taiwan government's response

1. The function of independent observers—known as external inspection teams—is to conduct inspections and submit quarterly reports to improve the overall quality of prison management and achieve operational transparency.
2. The word *investigate* in the report may mislead people into thinking that external inspection teams conduct investigations into malpractice or to uncover the truth. We therefore suggest replacing *investigate* with *inspect*.

D. ARBITRARY ARREST OR DETENTION

The constitution and relevant laws prohibit arbitrary arrest and detention and provide 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 requires a warrant or summons, except when there is sufficient reason to believe the suspect may flee or in urgent circumstances, as specified in the code of criminal procedures. Courts may release indicted persons on bail. Prosecutors must apply to the courts within 24 hours of the arrest for permission to continue detaining a suspect. Authorities generally observed these procedures. Prosecutors may 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 may request pretrial detention in cases in which the potential sentence is five years or more and when there is a reasonable concern the suspect could flee, collude with other suspects or witnesses, or tamper with or destroy material evidence.

2022 Country Reports on Human Rights Practices: Taiwan **【Taiwan Government's Response】**

The law allows defendants and their lawyers access to case files and evidence while in pretrial detention. The law also stipulates defendants must be assisted by a lawyer while in detention. For those who cannot afford to hire one, a public defender will be appointed. The law also specifies suspects may not be interrogated late at night.

Taiwan government's response

Apart from assigning a public defender or pro bono lawyer to people who cannot afford to hire one, some cases will be referred to a lawyer designated by the Legal Aid Foundation.

Authorities may 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. During the active investigation phase of their cases, authorities, per the above regulations, denied visitation rights to a small number of detainees.

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 have a mental disability, or persons charged with a crime punishable by three or more years in prison. Detained persons who might not otherwise have legal representation may request the assistance of the Legal Aid Foundation, a private, nonprofit foundation that receives public funds to provide professional legal assistance through its 22 branch offices. Police are obligated to notify suspects of the availability of the Legal Aid Foundation's assistance. The law affords the right of compensation to those whom police have unlawfully detained.

Taiwan government's response

The Legal Aid Foundation is an independent foundation established with government funding.

E. DENIAL OF FAIR PUBLIC TRIAL

The constitution provides for an independent judiciary, and authorities generally respected judicial independence and impartiality. Some political commentators and

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

academics, however, publicly questioned the impartiality of judges and prosecutors involved in high profile, politically sensitive cases.

Trial Procedures

The constitution provides 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.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters. Administrative remedies are available in addition to judicial remedies for alleged wrongdoing, including human rights violations. Members of the public may petition the National Human Rights Commission to investigate incidents of alleged human rights violations and the commission may propose corrective measures for implementation by official agencies.

F. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The constitution prohibits 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 provides for freedom of expression, including for members of the press, and other media, and Taiwan 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.

Freedom of Expression: In May the Supreme Court rejected the appeal of Lee Chia-yu, who was convicted of inciting individuals to burn the Republic of China flag in 2020 after

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

a lower court initially acquitted him on the grounds that his act was a form of constitutionally protected speech.

Authorities have cited the law to combat misinformation such as pandemic-related disinformation. For example, in February, a man was convicted of spreading rumors alleging a cluster of COVID-19 cases at a karaoke bar; he was fined 300,000 New Taiwan dollars (\$9,680).

Taiwan government's response

In the above case, the man violated Article 14 of the Special Act for Prevention, Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens, for which the Taiwan High Court finally imposed a fine of NT\$100,000 (US\$3,330).

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 had 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 maintain the independence of domestic news outlets, the National Communications Commission encourages the staff and management of broadcasting businesses to jointly sign a press code. Most codes stipulate that employers shall not jeopardize the professional independence of media workers.

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

Under the law those who commit slander or libel by "pointing out or disseminating a fact which will injure the reputation of another" are subject to a sentence of up to two years or a fine. Victims of slander can also claim reasonable financial compensation and

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

require measures for the rehabilitation of their reputations. These provisions allow 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 specifies that a person who makes “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.

Taiwan government's response

1. Freedom of speech and the right to reputation and privacy are fundamental rights guaranteed by the Constitution. Paragraph 3, Article 310 of the Criminal Code limits the scope of punishment for offenses of defamation and Article 311 also regulates the grounds for defamation. The Taiwan Constitutional Court upheld the constitutionality of the above articles in Judgement 112-Hsien Pan-8 in 2023, ruling that as a whole the articles do not violate the principle of proportionality or infringe on freedom of speech, as protected by Article 11 of the Constitution.
2. Careful and comprehensive consideration is needed to determine whether defamation should be promptly decriminalized (replacing criminal penalties with civil damages) and whether separate standards for the media should be established.

In August a *Liberty Times* journalist was acquitted of defamation by the High Court; he was charged over reporting that insinuated a legislator had inappropriately lobbied the National Immigration Agency to grant residency to a Hong Kong businessperson.

Internet Freedom

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

Authorities did not restrict or disrupt access to the internet or censor online content, and there were no credible reports they monitored private online communications without appropriate legal authority.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

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

C. FREEDOM OF RELIGION

See the Department of State's *International Religious Freedom Report*.

D. FREEDOM OF MOVEMENT

The constitution provides 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, or asylum seekers, or other persons of concern.

Access to Asylum: The law does not provide for granting asylum or refugee status, and authorities have not established a system for providing protection to refugees. Due to its unique political status, Taiwan is 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 are required by law to be returned to the PRC, although Taiwan allows PRC asylum seekers to remain in Taiwan on a case-by-case basis.

Taiwan government's response

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

The Ministry of the Interior has prepared a draft Refugee Act with reference to relevant international conventions and asylum systems and regulations in developed countries. However, the act has not been passed by the Legislative Yuan. To establish a comprehensive asylum mechanism, raise human rights standards, and bring Taiwan into line with international practices, the government released the first National Human Rights Action Plan (2022-2024) in 2022. The plan includes such initiatives as enacting the Refugee Act, completing a mechanism to grant long-term residency to people from mainland China for political reasons, and providing appropriate humanitarian assistance for asylum seekers.

Temporary Protection: In August local press reported that Taiwan authorities had assisted at least 100 Hong Kong nationals in Taiwan under legal provisions for “Hong Kong or Macau Residents whose safety and liberty are immediately threatened for political reasons.” Taiwan authorities allocated 31.4 million New Taiwan dollars (\$1.01 million) to the Taiwan-Hong Kong Economic and Cultural Co-operation Council for humanitarian and resettlement assistance for Hong Kong nationals in Taiwan, including subsidies for counseling, education, employment, and living expenses.

Taiwan government's response

1. The number of people who received assistance and the amount of funding mentioned in the above section are based on media reports and do not accurately reflect the facts.
2. The nature of humanitarian work for Hong Kong residents is extremely sensitive. To protect the safety and privacy of beneficiaries and prevent interference and infiltration within the assistance mechanism, the government cannot disclose case-related information or statistics.

Section 3. Freedom to Participate in the Political Process

2022 Country Reports on Human Rights Practices: Taiwan

【Taiwan Government's Response】

ELECTIONS AND POLITICAL PARTICIPATION

Recent Elections: In 2020 presidential and legislative elections, President Tsai Ing-wen won re-election, and her party, the Democratic Progressive Party, maintained a majority in the legislature. Observers regarded the elections as free and fair, although there were allegations of vote buying by candidates and supporters of both major political parties.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of historically marginalized groups in the political process, and they did participate.

President Tsai is Taiwan's first woman president. Since the 2020 elections, a record 42 percent of national legislators were women, an increase from 38 percent in 2016. Six seats are reserved in the legislature for representatives chosen by Taiwan's indigenous peoples.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and authorities generally implemented the law effectively. There were reports of official corruption during the year. In the year to May, 21 high-ranking officials, 38 mid-level, 83 low-level, and 18 elected officials were indicted for corruption.

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

On May 11, a city councilor was indicted by Chiayi District Prosecutors Office for suspected embezzlement of more than five million New Taiwan dollars (\$161,000) in public funds budgeted for city council staff salaries.

On August 23, the Yilan District Prosecutors Office indicted Yilan county magistrate Lin Zi-miao and nine other county officials on charges related to a series of suspect land tax exemptions and land deals. Lin was indicted for corruption, forgery, and money laundering and was accused of illicitly obtaining 78.5 million New Taiwan dollars (\$2.53 million).

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

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

A variety of domestic and international human rights groups generally operated without restriction, investigating and publishing their findings on human rights cases. Authorities were generally cooperative and responsive to their views.

Government Human Rights Bodies: In May the legislative mandate for the Transitional Justice Commission expired and the commission was dissolved. In June the Executive Yuan established a Department of Human Rights and Transitional Justice to continue tasks related to human rights protection and transitional justice.

Taiwan government's response

The Executive Yuan's Department of Human Rights and Transitional Justice is responsible for developing, promoting, and researching policies, projects, and legislation on human rights and transitional justice. In terms of human rights, the department works on incorporating core UN human rights conventions into domestic law, promoting cooperation and exchanges between overseas and domestic human rights organizations, and overseeing the work of other government agencies in promoting human rights protections. The department's aim is to enhance the government's overall planning of human rights policies. In terms of transitional justice, the department conducts such key tasks as overseeing and coordinating public access to Taiwan's political archives, dealing with symbols of authoritarianism, preserving historical sites of injustice, restoring the rights of victims, and promoting transitional justice education. The department also works on systematically improving the legal system to strengthen the foundations for transitional justice policies.

Section 6. Discrimination and Societal Abuses

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

WOMEN

Rape and Domestic Violence: The authorities effectively enforced laws which criminalize rape of women and men, including spousal rape, and domestic violence, and provided protection for rape survivors. Rape trials are not open to the public unless the victim consents. The law allows experts to assist in questioning and appear in court as witnesses when rape victims are minors or have mental disabilities. The law authorizes the use of one-way mirrors, video conferencing, or other practices to protect victims during questioning and at trial. The law permits a charge of rape even if the victim chooses not to press charges and allows prosecutors to investigate complaints of domestic violence even if the victim has not filed a formal complaint.

The law establishes the punishment for rape as a minimum of five 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.

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

Sexual Harassment: The law prohibits sexual harassment (see section 7.d.) and the authorities effectively enforced these laws. In most cases perpetrators were required to attend classes on gender equality and counseling sessions, and when the victims agreed, to apologize to the victims.

Reports of sexual harassment increased in recent years. According to the Ministry of Health and Welfare, 1,284 cases of sexual harassment were confirmed after investigation in 2021, a 41 percent increase over the previous year.

The Stalking and Harassment Prevention Act took effect in June, providing for prison terms of up to one year and fines of up to 100,000 New Taiwan dollars (\$3,230) for sex or

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

gender-based intimidation, including online. Violations of court-issued protective orders may be penalized with a prison term of three years or a modest fine. On June 2, Taipei municipal authorities issued the first written warning against stalking and harassment.

Taiwan government's response

On July 13, 2023, the Executive Yuan approved draft amendments to the Gender Equity Education Act, Act of Gender Equality in Employment, and Sexual Harassment Prevention Act. The Legislative Yuan passed the amendments on a third reading by the end of the month. The changes aim to strengthen effective sanctions against perpetrators, provide victim-centered protections and services, and establish a trustworthy system to prevent sexual harassment. The amendments strengthen regulations to stop sexual harassment in schools, workplaces, and other environments and build a comprehensive prevention framework.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of official authorities. The law required 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 are limited by law to married opposite-sex couples with a medical diagnosis of infertility or a major hereditary disease, and when the wife is medically incapable of carrying the pregnancy to term.

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

Discrimination: The law provides the same legal status and rights for women and men and the authorities made significant efforts to enforce the law. Women experienced some discrimination in employment (see section 7.d.).

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

Gender-biased Sex Selection: The law prohibits sex selection and sex-selective abortion, except for diagnoses of sex-linked heritable disorders. Even for embryos created via assisted reproductive technology, the fetal sex may not be revealed in any form unless medically required. According to National Health Administration statistics, the ratio of boys-to-girls for a first child born in 2021 was 1.07. Authorities worked with local health bureaus to monitor the sex ratio at birth and continued to promote gender equality.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

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

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

Taiwan government's response

1. According to the Nationality Act and other relevant regulations, non-PRC foreign spouses must reside in Taiwan for three years and meet other legal requirements before they can apply for naturalization. After obtaining approval for naturalization, they must reside in Taiwan for at least one year (one year continuously, two years for at least 270 days each year, or five years for at least 180 days each year) before they can apply for permanent residency. PRC spouses, however, are subject to Article 17 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area (hereinafter the Cross-Strait Act). After they are permitted to enter Taiwan to unite with their family and subsequently obtain spousal residency, they must hold spousal residency for four years before they can apply for long-term residency.

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

They must hold long-term residency for at least two years before they are eligible for permanent residency.

2. Subparagraph 2, Paragraph 1, Article 48 of the Employment Service Act states that a foreign worker who has married a Taiwan national with registered residence in Taiwan and has been permitted to reside therein is not required to apply for a work permit. In addition, Article 17 and Article 17-1 of the Cross-Strait Act states that a PRC spouse who is permitted to stay as a dependent of their spouse or as a long-term resident may work in Taiwan without applying for a work permit.

INDIGENOUS PEOPLES

Authorities officially recognize 16 indigenous tribes, accounting for approximately 2.3 percent of the population. The law provides indigenous individuals equal civil and political rights and stipulates 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 allows for the delineation of traditional indigenous territories 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 these traditional territories.

Taiwan government's response

On August 1, 2016, the Office of the President established the Presidential Office Indigenous Historical Justice and Transitional Justice Committee to investigate indigenous land disputes due to historical violations by authoritarian regimes and colonial powers. The results of its investigation will inform relevant policy planning and recommendations. After coordination with the Executive Yuan's

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

Indigenous Peoples Basic Law Promotion Committee, the recommendations will be implemented by the Council of Indigenous Peoples and other relevant government agencies.

Existing law stipulates 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 are, however, no regulations in place for obtaining this consent with respect to private land.

Taiwan government's response

1. The Indigenous Peoples Basic Law and related regulations prescribe that the informed consent of the local indigenous peoples shall be obtained before government or nongovernmental organizations develop, utilize, or exploit minerals, water, or other resources in indigenous areas. The law also stipulates how the consent should be obtained and how to involve and consult indigenous peoples. Regarding issues of land planning and development, the regulations and spirit of Article 21 of the law have been steadily incorporated into other laws and regulations, including the Spatial Planning Act, Space Development Act, Water Act, Renewable Energy Development Act, Irrigation Act, and Coastal Zone Management Act.
2. The right to private land property (including land owned by indigenous peoples) is protected by Article 15 of the Constitution, which states, "The right of existence, the right of work, and the right of property shall be guaranteed to the people." If regulations on development, utilization, conservation, and research carried out on private land

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

required organizing consultations and obtaining the consent or participation of indigenous peoples or communities, this would cause disputes and be difficult to implement in practice. In addition, the above four applications of private land are regulated by corresponding laws for the relevant competent authorities. Regarding individual cases, the Council of Indigenous Peoples—as the central authority for indigenous affairs—consistently recommends that actors must fully communicate with local indigenous peoples to avoid disputes.

3. Taiwan's first National Human Rights Action Plan (2022-2024) includes initiatives to comprehensively protect the land rights and interests of indigenous peoples, such as holding briefings to exchange opinions on indigenous land policies and laws, accelerating the restoration of indigenous peoples' rights to reserved land, and promoting plans to expand the scope of reserved land for indigenous peoples.

On September 8, the Taipei High Court revoked a permit issued for a solar power plant on public land traditionally occupied by the Katatipul tribe, on the grounds that consultations convened by Taitung municipal authorities violated the law, which requires consultations and consent from affected indigenous persons.

CHILDREN

Birth Registration: Citizenship is derived from that of either parent. Births must be registered within 60 days; failure to do so results in the denial of national health care and education benefits. Registration is not denied on a discriminatory basis.

Child Abuse: The law prohibits child abuse and stipulates persons learning of child abuse or neglect must notify police or welfare authorities. An official 24-hour hotline accepted complaints and offered counseling. Courts are required to appoint guardians for children of parents deemed unfit. Childcare center owners and teachers who physically abuse or

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

sexually harass children may be fined, and the names of perpetrators and their institutions are made public. Owners who fail to verify the qualifications of teachers and other employees may 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 take the initiative 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 is 18 years for both men and women.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography. Under the law a perpetrator who films an underage person engaging in sexual intercourse or obscene acts or who produces pictures, photographs, films, videotapes, compact discs, electronic signals, or other objects that show an underage person engaging in sexual intercourse or obscene acts is subject to imprisonment for between one and seven years and could face a substantial fine.

Taiwan government's response

In February 2023, amendments to the four acts on preventing crimes of sexual violence—the Criminal Code, Crime Victim Protection Act, Sexual Assault Crime Prevention Act, and Child and Youth Sexual Exploitation Prevention Act—were promulgated. The amendments focused on the issue of sexual exploitation of children online with the aim of effectively preventing crimes of sexual violence. Sections were

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

added on protection, aggravated crimes, provision of assistance to victims, and other supporting measures.

The minimum age for consensual sexual relations is 16. Persons who engage in sex with children younger than age 14 face sentences of three to 10 years in prison. Those who engage in sex with minors between ages 14 and 16 receive a prison sentence of up to seven years. Solicitors of sex with minors older than 16 but younger than 18 face a maximum of three years in prison or hard labor or a substantial fine.

While authorities generally enforced the law domestically, elements of the law that treat possession of child pornography as a misdemeanor rather than a felony hampered enforcement in some cases.

The High Prosecutor's Office reported a rise in the number of reports of child sexual exploitation cases from 1,060 in 2018 to 1,879 in 2021. Observers attributed this to increasing societal rejection of and willingness to report the crime.

NGOs raised concerns about online sexual exploitation of children: they reported sex offenders increasingly used cell phones, web cameras, live streaming, apps, and other new technologies to deceive and coerce underage girls and boys into sexual activity. The NGOs called for increased prosecutions and heavier penalties. Reporting of child sexual exploitation online to the Ministry of Health and Welfare increased steadily in recent years, reflecting increased social rejection of the crime, according to experts.

There were reports of minors in child sex trafficking.

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*.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: No laws criminalize consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: Reports of violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals were rare, and civil society organizations generally assessed the police response as adequate.

Discrimination: The law stipulates employers cannot discriminate against job seekers or workers based on gender or sexual orientation and prohibits schools from discriminating against students based on their gender, gender traits, gender identity, or sexual orientation. Authorities generally enforced the law effectively.

Availability of Legal Gender Recognition: Legal gender recognition is available although proof of gender confirmation surgery and psychiatric evaluation are required. Court-ordered relief exempted several plaintiffs from the requirement to provide proof of surgery, but such regulations remained in place and continued to be enforced by authorities.

Taiwan government's response

1. The Executive Yuan held meetings on June 16, 2022; August 12, 2022; January 10, 2023; and May 25, 2023 to review gender recognition (change) requirements and legislation. Meetings will continue to be held on gender change policies. Once the policy direction is determined, the responsible authority for gender change legislation will complete the legislative process and implement gender change and recognition measures.
2. The Ministry of the Interior will follow the conclusions of the gender change legalization meetings in formulating guidelines on the necessary documentation required for household registration.

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government’s Response】

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Conversion therapy practices by medical practitioners are prohibited. Practitioners faced potential revocation of their medical licenses and fines. Ministry of Health and Welfare principles for gender correction surgery on intersex minors direct that physicians should minimize potential harm by limiting surgery to urgent, necessary cases.

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. The law requires such access and it was effectively enforced.

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and stipulates authorities must provide certain services and programs to persons with disabilities. Persons with disabilities have the right to vote and 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 that enable barrier-free access for persons with disabilities to public services and official information. 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

1. The enrolment rate of students with disabilities in primary and

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

secondary schools is over 99.7 percent.

2. The Ministry of Education's K-12 Education Administration applies the following supportive measures to assist students with disabilities:
 - (1) Implementation of regulations governing guidance and services for transitioning students with disabilities at all school levels to help students smoothly receive an education.
 - (2) Implementation of the service cluster curriculum to enhance students' employability.
 - (3) Implementation of curriculum adjustment and assessment to help students smoothly complete their studies in accordance with the spirit of the Convention on the Rights of Persons with Disabilities.
 - (4) Implementation of regulations governing transportation services for students with disabilities who are not able to go to school by themselves to help them travel to and from school without difficulties.
 - (5) The Ministry of Education provides assistive device services through assistive device centers for students with mobility issues, visual impairments, and hearing and language disorders.
3. To meet the special needs of students with disabilities, the K-12 Education Administration supervises the development and implementation of individualized education plans by schools at the senior secondary level or below.

The Ministry of Health and Welfare showed an increase in reports of persons with disabilities facing domestic violence and instances of mistreatment by staff at residential institutions since 2016. On January 20, the Miaoli District Prosecutors Office indicted three

2022 Country Reports on Human Rights Practices: Taiwan

【Taiwan Government's Response】

employees of the De Fang House of Correction for beating a 28-year-old autistic resident to death in July 2021. The Control Yuan on April 20 censured the Ministry of Health and Welfare and Miaoli County authorities for ineffective oversight of the De Fang House of Correction and ordered them to adopt corrective measures.

Section 7. Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The law provides for the right of workers to form and join independent unions, conduct strikes, and bargain collectively. The law prohibits discrimination, dismissal, or other unfair treatment of workers for union-related activities and requires reinstatement of workers fired for legal trade union activity. Employees hired through dispatching agencies (i.e., temporary workers) do not have the right to organize and bargain collectively in the enterprises where they work. 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 a union.

According to the law, there are three types of unions: enterprise unions, industrial unions, and professional unions. Enterprise unions must have 30 members to form and there may only be one union per enterprise. Enterprise unions are responsible for negotiating the immediate labor rights, working conditions, and entitlements of enterprise-level collective agreements. Employees in companies with fewer than 30 workers may only join a professional or industrial union to exercise their rights. Industrial unions link workers in the same industry. Professional unions must be within the geographic boundaries of local administrative divisions; membership across boundaries is prohibited. Under the law, industrial and professional unions have the right to collectively bargain enterprise-level working conditions and may advocate for sector-wide benefits if they represent 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. Trade unions also reported the use of antiunion tactics to intimidate workers and activists.

Taiwan government's response

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

According to Article 6 of the Labor Union Act, more than one corporate labor union may be established in some enterprises due to their organizational structure.

The right to strike remained highly restricted. Teachers, civil servants, and defense industry employees do not have the right to strike. Workers in industries such as utilities, hospital services, and telecommunication-service providers are allowed to strike only if they maintain basic services during the strike. Authorities may prohibit, limit, or break up a strike during a disaster. Workers are allowed to strike only in “adjustment” disputes such as compensation and working schedules. The law forbids strikes related to rights guaranteed under the law, which in principle should be resolved through the judicial system.

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

The Ministry of Labor oversees 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

1. The formal English translation for the abovementioned committees is the Unfair Labor Practice Committee, Ministry of Labor.
2. Article 45 of the Labor Union Act was amended and enacted after a third reading on November 30, 2022. The fine imposed on employers

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

who commit improper labor practices has been increased from between NT\$30,000 to NT\$150,000 to between NT\$100,000 to NT\$500,000. The name of the offending business entity or business owner and other relevant information is 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 work divisions. These methods were particularly common in the technology sector. There was only one enterprise union among the 581 companies in Hsinchu Science Park, where more than 150,000 employees work.

Taiwan government's response

1. Taiwan revised the three major labor acts—the Labor Union Act, Collective Agreement Act, and Act for Settlement of Labor-Management Disputes—on May 1, 2011. The Labor Union Act stipulates that employers shall not commit improper labor practices and the Act for Settlement of Labor-Management Disputes now includes a system for settlement of unfair labor practices.
2. The Ministry of Labor provides labor-related assistance and reward measures before, during, and after the organization of a labor union to facilitate the establishment of new labor unions and accelerate the smooth operation of union affairs.

In July the enterprise union at Chunghwa Express Company, which provides specialized logistics services for the financial sector, conducted a strike seeking higher wages for entry-level employees previously paid near-minimum wages. Negotiations settled the strike within 24 hours, with the company agreeing to a 5,000 New Taiwan dollars (\$161) monthly wage increase.

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

Authorities provided financial incentives through cash awards of up to 250,000 New Taiwan dollars (\$8,060) to enterprise unions to encourage negotiation of “collective agreements” with employers.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

The law prohibits all forms of forced or compulsory labor. The law prescribes penalties for forced labor, and authorities effectively enforced the law, but courts delivered light sentences or fines for most forced labor convictions. Unions and NGOs did not consider such penalties to be effective deterrents. Authorities can terminate brokers' business operations but there is no legal prohibition against reopening a business through a proxy that registers as a new company.

Authorities continued public-awareness campaigns, including disseminating worker-education pamphlets, operating foreign-worker hotlines, and offering Ministry of Education programs on labor trafficking as part of the broader human rights curriculum. Forced labor occurred primarily in sectors reliant on migrant workers, including domestic service, fishing, farming, manufacturing, meat processing, and construction. Some labor brokers charged foreign workers exorbitant recruitment fees and used debts incurred from these fees in the source country as tools of coercion to subject the workers to forced labor (see section 7.e.).

Taiwan government's response

1. Employers engaged in forced labor activities who are prosecuted for the crime of human trafficking are in violation of Subparagraph 16, Paragraph 1, Article 54 of the Employment Service Act. The Ministry of Labor will not issue the employer a permit of recruitment and will halt the introduction of foreign workers. In accordance with the provisions of Paragraph 2, Article 72 of the Employment Service Act, the employer's recruitment and employment permits shall be annulled.
2. To deter Taiwanese labor brokers from engaging in human trafficking by using debt to coerce migrant workers into forced labor, Subparagraph

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

18, Paragraph 1, Article 40 of the Employment Service Act stipulates that individuals who engage in such behavior can be fined NT\$300,000 to NT\$1.5 million and their brokerage operational permit shall be revoked.

Migrant fishermen reported abuses by senior crewmembers, including beatings, withholding of food and water, retention of identity documents, wage deductions, and noncontractual compulsory sharing of vessel operational costs. These abuses were particularly prevalent in Taiwan's large distant-waters fishing fleet, which operated without adequate oversight (see section 7.e.). In April the Executive Yuan launched a four-year *Action Plan for Fisheries and Human Rights* with a 2.08 billion New Taiwan dollar (\$67.1 million) budget to improve labor conditions for migrant fishermen, international cooperation on law enforcement, and use of technology to monitor potential trafficking in persons. In July the Fisheries Administration raised the monthly minimum wage for migrant fishermen from \$450 to \$550 and instituted a new requirement that wages be paid directly to the worker.

Taiwan government's response

1. All forms of abuse against fishermen are prohibited by relevant regulations in Taiwan. Regarding distant-water fishing vessels, the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members requires that crew members are given sufficient food and drinking water, full and direct payment of wages, and no deduction of wages except as otherwise provided by law. The labor contract template also stipulates that crew members' identity documents cannot be withheld. In cases of forced labor or human trafficking, the Council of Agriculture (Fisheries Agency) will transfer relevant information to the prosecutor's office or the police for investigation in accordance with the law. The Ministry of the

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

Interior has established a cooperative mechanism to strengthen prevention of human trafficking at sea to bolster interagency collaboration.

2. The Action Plan for Fisheries and Human Rights approved by the Executive Yuan on May 20, 2022, includes seven major strategies and multiple targeted actions aimed at improving all aspects of the rights and benefits of fishermen. Relevant measures to prevent mistreatment of fishermen include establishing multiple channels for complaints, amending the overseas employment plan for foreign fishermen to include requirements for water and food supply, amending the law to limit the time distant-water fishing vessels can remain at sea, providing incentives for fishing vessels to install Wi-Fi for crew use, promoting the installation of CCTV on distant-water fishing vessels, and significantly increasing the frequency of labor inspections.
3. Considering the Action Plan on Fisheries and Human Rights was released a year ago, the Fisheries Agency has drafted version 1.5 of the plan. The updated version focuses on improving measures for crew safety, encouraging fishing vessels to install Wi-Fi for the crew, and establishing and delivering adequate payment of crew salaries. Government agencies will also strengthen social dialogue with operators to jointly promote the rights of seafarers while considering the sustainable operation of the fishing industry. The revised version of the plan was approved by the Executive Yuan on July 25, 2023.

The law requires labor brokers to report mistreatment to law enforcement within 24 hours. Mistreatment includes such abuses as withholding identification documents,

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

restrictions on access to dorms or residences, and excessive work hours violating the general work conditions of foreign workers. Penalties included small fines. The law prohibits brokers from specific acts against migrant workers, including sexual assault, sex trafficking, and forced labor, with penalties including modest fines and possible criminal charges.

Also see the Department of State's *Trafficking in Persons Report*.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

The law prohibits all the worst forms of child labor. The legal minimum age for employment is 15, but an exception allows children younger than 15 to work if they have completed junior high school and appropriate authorities have determined the work will not harm the child's mental and physical health. The law prohibits children younger than 18 from doing heavy or hazardous work. Working hours for children are limited to eight hours per day, and children may not work overtime or on night shifts.

County and city labor bureaus effectively enforced minimum age laws by ensuring the implementation of compulsory education. Employers who violate minimum age laws face a prison sentence, fines, or both, which were not commensurate with those of analogous crimes such as kidnapping. Penalties were rarely applied against violators. There were no confirmed reports during the year of the worst forms of child labor.

Taiwan government's response

1. According to the legislative purpose of Article 77 of the Labor Standards Act, violators of Article 45 of the same act are subject to heavier punishments because their crimes involve special protections for child workers and other workers who suffer greater consequences. To meet the goals of protecting the lives and health of laborers and implementing special protections for child workers, Article 77 was revised on June 29, 2011. Fines were increased by five times while the original provisions for administrative and criminal penalties remained

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

unchanged.

2. To implement regulations on protecting the right of child workers and juveniles to proper working conditions, the Ministry of Labor makes juveniles, child workers, and other subjects with special needs the focus of labor inspections. Any suspected cases of illegality uncovered by regular inspections are referred to the judicial authorities for investigation.

D. DISCRIMINATION WITH RESPECT TO EMPLOYMENT AND OCCUPATION

The law prohibits discrimination with respect to employment and occupation based on race, religion, national origin, color, sex, ethnicity, disability, age, and sexual orientation. The law prohibits potential employers from requesting medical reports from job candidates to prove the candidate does not have HIV or other communicable diseases. The law forbids termination of employment because of pregnancy or marriage. The law does not restrict women's working hours, occupations, or tasks. Authorities effectively enforced the law and penalties were commensurate to laws related to civil rights, such as election interference. Penalties were regularly applied against violators. The law did not regulate or prohibit discrimination based on refugee or stateless status.

Workers who encounter discrimination can file complaints with two independent committees; composed of scholars, experts, and officials; in city and county departments of labor affairs. Authorities enforced decisions made by those committees. Employers can appeal rulings to the Ministry of Labor and administrative court.

A March 2021 survey by local media company Womany on diversity, equality, and inclusion showed that 57.3 percent of employees were dissatisfied with gender equality practices in the workplace, including in hiring policies and the division of work. According to official statistics, the median monthly income for women in 2021 was on average 84.2 percent that of men. As of September, Taipei City awarded gender equality certificates to 17 private businesses based on the incorporation of LGBTQI+ rights, work-life balance, women's empowerment, and wage equality in their corporate Environmental and Social Governance goals.

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government’s Response】

The law requires 3 percent of the workforce in the public sector and 1 percent of the workforce in the private sector to be persons with disabilities. In 2021, 4.2 percent of the public-sector workforce consisted of persons with disabilities; the private sector continued to fall short of the target. Companies with more than 67 employees failing to meet the target were potentially liable for small fines.

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: The Ministry of Labor’s Basic Wage Committee sets a minimum wage that is adjusted annually. The minimum wage does not cover workers in certain categories, such as management employees, medical doctors and other healthcare workers, gardeners, bodyguards, self-employed lawyers, civil servants, contractors for local authorities, and domestic household workers. The minimum wage is above the Ministry of Health and Welfare’s poverty level, although foreign fishermen on vessels operating outside Taiwan’s territorial seas earned significantly below the national minimum wage. Foreign household workers are required to be paid a minimum monthly salary of 20,000 New Taiwan dollars (\$645); NGOs reported that due to the absence of work hour regulations, their actual pay fell well below the national minimum wage. The law places the burden of proof on employers, not workers, in wage and hour disputes.

Regular working hours are eight hours per day and 40 hours per week, with overtime limited to 138 hours per three-month period. The law requires mandatory rest intervals for shift work of eight hours or longer in certain sectors and limits the number of working days to 12 days in a two-week period. Employees in “authorized special categories” approved by the Ministry of Labor are exempt from regular working hours stipulated in the law. These include security guards, flight attendants, insurance salespersons, real estate agents, domestic workers, and caregivers.

Taiwan government’s response

1. Article 84-1 of the Labor Standards Act stipulates that special working hours are needed for some types of workers. However, labor and management should come to a separate written agreement on working hours and other matters and submit the agreement to the local

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

competent authority for approval before implementation. Working hours are not exempt from all restrictions.

2. Domestic workers and caregivers employed by an individual or family are not subject to the Labor Standards Act and are not included in the types of workers under Article 84-1.

To allow many of the 220,000 foreign caregivers and household workers to attend religious services on a certain day of the week, a publicly funded “respite care service” provides substitutes on a per-day basis.

Occupational Safety and Health: The law provides for occupational safety and health (OSH) standards that are appropriate for the main industries in the economy. The law makes enterprises and dispatching agencies responsible for occupational injuries to temporary workers. On May 1, the Labor Occupational Accident Insurance and Protection Act went into effect, establishing a national occupational accident insurance fund; premiums will also fund prevention and rehabilitation services. This law required employers to provide compulsory workplace insurance for all employees, extending coverage to at least 168,000 previously uninsured migrant household workers.

Workers can remove themselves from a situation that endangers their health and safety and report to their supervisor without jeopardizing their employment. Employers, however, can terminate an employment contract if they can prove a worker abused the right to suspend work and the competent authority has affirmed the employer was in compliance. Employers are subject to civil but not criminal charges if their employees are involved in fatal accidents due to unsafe working conditions.

Taiwan government's response

When a worker is involved in a fatal accident due to unsafe working conditions, the employer is subject to both civil and criminal charges. For example, Article 40 of the Occupational Safety and Health Act stipulates that when an occupational death or other accident occurs that violates relevant provisions in the act due to a lack of necessary

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

occupational safety and health equipment, the employer may be subject to imprisonment, detention, and/or a fine. Moreover, Article 276 of the Criminal Code stipulates that a person who negligently causes the death of another shall be sentenced to imprisonment for not more than five years, detention, or a fine of not more than NT\$500,000. Article 284 stipulates that a person who negligently causes injury to another shall be sentenced to imprisonment for not more than one year, detention, or a fine of not more than NT\$100,000. If serious physical injury results, they shall be sentenced to imprisonment for not more than three years, detention, or a fine of not more than NT\$300,000. Therefore, perpetrators are subject to criminal charges.

More than 700,000 foreign workers were employed, primarily from Indonesia, Vietnam, the Philippines, and Thailand; most were recruited through a labor broker. The Ministry of Labor is 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 may change employers in cases of exploitation or abuse.

The Ministry of Labor maintained a 24-hour toll-free “1955” hotline service in six languages (Mandarin, English, Indonesian, Thai, Tagalog, and Vietnamese) where foreign workers could obtain free legal advice and pandemic updates, request urgent relocation and protection, report abuse by employers, file complaints about delayed salary payments, and make other inquiries. These services were extended to a popular messaging platform. All reported cases were registered in a centralized database for law enforcement to track and intervene if necessary.

Foreign workers' associations maintained that despite the existence of the hotline and authorities' effective response record, foreign workers were often reluctant to report

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

employer abuses for fear the employer would terminate their contract, subjecting them to possible deportation and leaving them unable to pay off debts to recruiters.

Taiwan government's response

To stop improper early contract termination and repatriation of migrant workers, a mechanism to verify contract terminations has been developed. Local governments consult migrant workers who are subject to early contract termination about their true intentions before they return home to protect their right to work. When a local government discovers a case of disputed contract termination and decides that the migrant worker should not be retained by the employer, according to regulations it may place the worker in accommodation provided by the Ministry of Labor and pay the accommodation costs.

Foreign workers generally faced exploitation and incurred significant debt burdens during the recruitment process due to excessive brokerage fees, guarantee deposits, and high charges for flights and accommodations. Brokerage agencies often required workers to take out loans for “training” and other fees at local branches of Taiwan banks in their home countries at high interest rates, leaving workers vulnerable to debt bondage. NGOs suggested authorities should seek further international cooperation with labor-exporting countries, particularly on oversight of transnational labor brokers.

Foreign fishermen were commonly subjected to mistreatment and poor working conditions. Fishermen working on Taiwan-flagged vessels operating beyond Taiwan's territorial waters (the distant-waters fishing fleet) were not afforded the same labor rights, wages, insurance, and pensions as those recruited to work within Taiwan's territorial waters. For example, regulations set a minimum monthly wage for foreign fishermen in the distant-waters fleet significantly below the domestic minimum wage. NGOs reported that foreign fishing crews in the distant-waters fishing fleet generally received wages below the required minimum wage because of dubious deductions for administrative fees and deposits. Several NGOs, including Greenpeace and the Taiwan International Workers

2022 Country Reports on Human Rights Practices: Taiwan

【Taiwan Government's Response】

Association, advocated for the abolition of this separate employment system in which an estimated 21,000 migrant workers were employed. Most of these fishermen were recruited from Indonesia and the Philippines.

Taiwan government's response

1. The Council of Agriculture amended the regulations on management of overseas employment on May 20, 2022, requiring crew members' wages to be directly paid in full and not transferred through a foreign agent. Domestic brokerage agents must be approved by the Ministry of Labor and foreign agents must be approved by the crew member's country of origin. Other conditions such as wages, rest hours, and insurance for foreign crew members hired overseas have also been improved. The minimum monthly wage has been raised from US\$450 to US\$550, which exceeds the minimum wage for able seafarers under the International Labour Organization's Maritime Labour Convention (US\$490 in 2023). A mechanism for reviewing the minimum wage on a rolling basis has also been established. Additionally, according to the conditions of the employment contract template released on July 1, 2022, the employer shall provide food, accommodation, and transportation expenses from the date of the foreign crew member's departure from their home country until their return. The template specifies how the cost of return airfare shall be shared if the contract is terminated within one year by the seafarer, and the severance pay to be paid in the event of early termination by the employer. If a case of a crew member paying a guarantee deposit to a foreign agent is discovered, the crew member's foreign mission in Taiwan will be

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

notified to deal with the matter. Moreover, death insurance has been increased to at least NT\$1.5 million and medical reimbursement insurance of NT\$300,000 has been added. Insurance coverage is close to provisions for locally hired crew members and is paid by the employer.

2. To protect the rights and interests of migrant workers and ensure they understand the relevant expenses they will need to pay when coming to work in Taiwan, the Ministry of Labor has drafted the Foreign Worker's Affidavit for Wage/Salary and Expenses Incurred before Entering the Republic of China for Employment. The affidavit records all the expenses incurred by a migrant worker in their home country prior to arrival in Taiwan. The record is verified by the competent authority of the labor-exporting country and can serve as a basis for subsequent investigations into whether a migrant worker has been paid in full by their employer and whether they have been overcharged by an agency.
3. Employers hiring foreign fishermen in accordance with the regulations of the Employment Service Act should apply for labor insurance and occupational accident insurance as stipulated by the Labor Insurance Act and the Labor Occupational Accident Insurance and Protection Act. When an accident covered by insurance occurs, the insured person is entitled to benefits according to the regulations. Fishermen working within and outside Taiwan's territorial waters enjoy the same protection.

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

The Fisheries Agency has officers in six locations overseas and in some domestic ports to monitor and inspect docked Taiwan-flagged long-haul fishing vessels. These officials used a multilingual questionnaire to interview foreign fishermen and examine labor conditions on board. The Fisheries Agency acknowledged the need for more inspectors; it conducted annual labor inspections of only approximately 400 of the more than 1,100 vessels in the distant-waters fishing fleet.

Wage, Hour, OSH Enforcement: The Ministry of Labor was responsible for enforcing wage and hour laws as well as OSH standards in conjunction with the labor agencies of local authorities. The ministry effectively enforced these laws. Penalties were commensurate with similar crimes such as fraud or negligence. Employers are subject to civil but not criminal charges when their employees are 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 International Labor Organization's standard for industrial market economies.

Inspectors have the authority to make unannounced inspections. Authorities can fine employers and revoke their hiring privileges for violations of the law, and the law mandates publicizing the names of offending companies. Employers found during an inspection to be in violation of labor laws are not eligible for certain tax reductions or grants.

Of the 34,431 inspections conducted in 2021, 18.9 percent identified violations, primarily related to regulations on working hours and overtime, primarily in sectors including wholesale and retail, logistics and transportation, accommodation, and food services. Inspectors found workplace safety violations in 6.1 percent of inspections. The freight and passenger transportation industries saw higher-than-average accident rates among drivers working overtime.

Taiwan government's response

In 2021, a total of 199,016 labor inspections were carried out in Taiwan, including 34,431 inspections of working conditions and 164,585

2022 Country Reports on Human Rights Practices: Taiwan 【Taiwan Government's Response】

inspections of occupational safety and health. Regarding the higher-than-average accident rate among drivers working overtime in the freight and passenger transportation industries, Taiwan has made these sectors a priority of labor inspections and carries out annual targeted and focused inspections (for example, during Spring Festival and other major holidays) to compel operators to make improvements.

Informal Sector: Official estimates suggested that more than 900,000 domestic workers have a second or part-time job or work in the “gig economy,” particularly in the courier and logistics service sectors. General labor standards including minimum wage apply 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. As of August, 48 inspections conducted on six major delivery platforms identified violations of OSH standards, resulting in total fines of 300,000 New Taiwan dollars (\$9,680).

Authorities estimated that more than 72,000 migrant workers had lost touch with their legal employers and likely remained informally employed elsewhere in Taiwan, not enjoying applicable labor protections. Studies suggested that employment of such undocumented migrant workers was concentrated in the domestic work and manufacturing sectors.

Taiwan government's response

To reduce incidences of migrant workers losing touch with their employers, the Ministry of Labor continues to implement prevention, investigation, and punishment measures. The National Immigration Agency promoted an expanded overstayers voluntary departure program for five months from February 1 to June 30, 2023. Overstaying foreigners who self-reported during the period were treated leniently by exempting

2022 Country Reports on Human Rights Practices: Taiwan
【Taiwan Government's Response】

them from detention and requiring them to pay a minimum fine of NT\$2,000.