



E-ASIA
university of oregon libraries

<http://e-asia.uoregon.edu>

Taiwan

Country Reports on Human Rights Practices - 2007

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State

March 11, 2008

Taiwan's population of 23 million is governed by a president and parliament chosen in multiparty elections. In 2004 voters elected President Chen Shui-bian of the Democratic Progressive Party (DPP) in an election that was generally regarded as free and fair. The civilian authorities generally maintained effective control of the security forces.

Taiwan generally respected the human rights of its citizens; however, there continued to be problems reported in the following areas: corruption by officials, violence and discrimination against women, trafficking in persons, and abuses of foreign workers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution stipulates that no violence, threat, inducement, fraud, or other improper means should be used against accused persons, and there were no reports that the authorities employed them.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the authorities permitted visits by independent human rights observers. As of July prisons operated at 101 percent of design capacity.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the authorities generally observed these prohibitions.

Role of the Police and Security Apparatus

The National Police Administration (NPA) of the Ministry of Interior (MOI) has administrative jurisdiction over all police units.

Police corruption continued to be a problem. In January a court convicted a former police officer of the kidnapping and murder of a wealthy businessman. Former supervisors and colleagues were under investigation for failing to properly investigate the case. In February seven police officers were arrested for taking bribes from construction companies. In August three police officers from two different districts were arrested and charged with accepting bribes from a prostitution ring. In September two police officers were arrested for accepting bribes from an illegal casino operation.

Prosecutors and the Control Yuan were responsible for investigating allegations of police malfeasance. The NPA also had an inspector general and an internal affairs division that investigated allegations of police misconduct. Police officers and senior officials suspected of corruption were prosecuted and punished upon conviction.

Arrest and Detention

Warrants or summons were required by law except when there was ample reason to believe the suspect may flee, or when circumstances were too urgent to apply for a summons prior to questioning. Indicted persons may be released on bail at judicial discretion. By law, prosecutors must apply to the courts within 24 hours after arrest for permission to continue detaining an arrestee. The authorities generally observed these procedures, and trials usually took place within three months of indictment.

Human rights advocates complained that the law did not provide adequate protection since suspects were not entitled to legal representation during questioning. Legal counsel was allowed, but not required, to be present at police interrogations. In response to this complaint, the Judicial Yuan (JY) and NPA initiated in September a one-year pilot program to provide legal counsel during initial police questioning to qualifying indigent suspects who are mentally handicapped or charged with a crime punishable by three or more years in prison. Lawyers recruited by the Legal Aid Foundation were posted to police stations in fifteen cities and counties. Police and prosecutors were required to provide written notice of the service to qualifying defendants.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the authorities generally respected judicial independence. However, although the authorities made efforts to eliminate corruption and to diminish political influence in the judiciary, residual problems remained. During the year many political leaders publicly questioned the impartiality of judges and prosecutors involved in several high-profile and politically sensitive cases.

The JY is one of the five coequal branches of the political system and includes the 15-member Council of Grand Justices, which interprets the constitution as well as laws and ordinances. Subordinate JY organs include the Supreme Court, high courts, district courts, administrative courts, and the Committee on the Discipline of Public Functionaries.

Active-duty military personnel were subject to the military justice system, which provided the same protections as the civil criminal courts. However, critics contended that there was insufficient separation

between military prosecutors and judges, who were usually officers in the same unit and under the same command, to properly safeguard a defendant's interests.

Trial Procedures

The constitution establishes the right to a fair trial, and an independent judiciary generally enforced this right. Judges, rather than juries, decided cases; all judges were appointed by and responsible to the JY. A single judge, rather than a defense attorney or prosecutor, typically interrogated parties and witnesses. Trials were public, although court permission may be required to attend trials involving juveniles or potentially sensitive issues that might attract crowds. A defendant's access to evidence held by the prosecution was determined by the presiding judge on a case-by-case basis. All defendants were presumed innocent until proven guilty and had the right to an attorney, and criminal procedure rights were extended to all persons without limitation.

Indigent criminal suspects are not entitled to legal counsel during initial police questioning; however, after an indictment is filed, courts are required to appoint counsel. Human rights lawyers contend that indigent defendants cannot be guaranteed a fair trial unless they are provided legal counsel at the outset of a criminal investigation.

The law states that a suspect may not be compelled to testify and that a confession shall not be the sole evidence used to find a defendant guilty. All convicted persons have the right to appeal to the next higher court level. Persons sentenced to terms of imprisonment of three years or more may appeal beyond that level. The Supreme Court automatically reviews life imprisonment and death sentences. It is unconstitutional to allow the confessions of accomplices to be used as the only evidence to convict a defendant.

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 wrongs, including human rights violations. There were no reports of problems enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the authorities generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the authorities generally respected these rights in practice.

There was a vigorous and active free press. Critics alleged that dependency upon advertising revenue and loans from government-controlled banks deterred a few media outlets from criticizing the authorities. The authorities denied using loans or advertising revenue to manipulate the media.

PRC journalists were granted a maximum stay of 30 days. PRC national news outlets China Central Television, China National Radio, and China News Service regularly assigned up to two journalists to Taiwan at a time. As of September there were six journalists from these news agencies on one-month assignments on Taiwan. Journalists from Xinhua News Agency and People's Daily were permitted to visit Taiwan but were not granted the maximum one-month stay.

On March 6, several Taiwan newspapers ran an Associated Press (AP) article about Vice President Annette Lu that contained disparaging quotes from Chinese officials. CNN also posted the article on its Web site. Vice President Lu demanded an apology from AP and CNN. On March 8, a group of legislators asked the Government Information Office (GIO) minister to expel the AP reporter who wrote the article. On March 9, the GIO minister announced that the reporter's visa would be revoked and that he would

be expelled from Taiwan. The GIO minister recanted later the same day, and the reporter was not expelled. After a meeting between GIO and AP, AP offered to interview Vice President Lu. On March 29, the interview was conducted and published.

On March 26, pro-opposition cable television station TVBS ran footage of a local gangster brandishing various weapons while threatening to kill a rival. It was later discovered that personnel from the cable television station had been involved in the filming. Facing criticism, the TVBS general manager issued a public apology, and fired the reporters involved. On March 30, the National Communications Commission (NCC) fined the station and its subsidiary a total of \$60,400 (NT\$2 million) and demanded the general manager's resignation. The general manager resigned on April 2.

On May 8, it was revealed that a pro-ruling party television station had wrongly used footage of a 1948 massacre in Shanghai, China, to portray killings that took place on Taiwan in 1947. The footage was included as part of a GIO-commissioned documentary aired March 3-7. Station executives and the documentary editor apologized publicly but denied intentional wrongdoing. The GIO canceled the contract for the documentary. The NCC also fined the station \$30,200 (NT\$1 million) and ordered station executives to take eight hours of ethics instruction. Opposition-party political leaders and pro-opposition media outlets charged that the ruling party had showed political favoritism by meting out lighter punishment for the pro-ruling-party television station.

In April 2006 a Taipei court ordered a United Daily News reporter named Kao to pay a fine of \$1,000 (NT\$30,000) per day until he revealed the source for a report that caused the stock of a company to plummet. Kao was accused of aiding criminal activities and disrupting the financial market. The public reacted negatively to Kao's fine, and it was suspended. Kao's first appeal of the conviction was rejected on September 14. Kao's second appeal was pending at year's end.

In October 2006 the Constitutional Court (CC) held that freedom of publication is not an absolute right, stipulating that certain sexually explicit materials are protected only as long as they are properly packaged and labeled. Based on the CC interpretation, the owner of a gay bookstore appealed his 2005 conviction for violating the criminal code, which bans the sale, circulation, and public display of obscene publications. The owner argued the magazines were legally imported from Hong Kong and had been properly packaged in opaque wrappers as required by adult publications ordinances.

The GIO, which requires that any publications imported from mainland China be sent to the GIO Publications Department for screening before sale or publication, has the authority to ban importation

of publications that advocate communism or the establishment of united front organizations, endanger public order or good morals, or violate laws. Nevertheless, a wide variety of mainland China-origin material was accessible through the Internet as well as in retail stores. Cable television systems were required to send imported material to the GIO for screening or to convert subtitles from the simplified characters used in mainland China to traditional characters before broadcasting.

Internet Freedom

There were generally no official restrictions on access to the Internet and individuals and groups could engage in peaceful expression of views via the Internet, including by email. However, Internet content rating regulations issued by GIO require all Taiwan Web site operators to voluntarily label their Web site material, making it easier for software filters to detect and block access to adult-only material for children under age 18. The GIO authorized the Taiwan Internet Content Rating Promotion Foundation (TICRF) to provide free filtering software to parents. The GIO did not block access to restricted Web sites. According to TICRF, 93 percent of these Web sites independently labeled themselves in compliance with applicable regulations.

Several nongovernmental organizations (NGOs) reported that law enforcement officials monitored Internet chat rooms and bulletin boards and used Internet addresses to identify and prosecute adults responsible for posting sexually suggestive messages. Critics alleged the Child and Youth Sexual Transaction Prevention Act (CYSTPA), which is intended to protect children from sexual predators, is being used to punish constitutionally protected free speech between consenting adults.

Academic Freedom and Cultural Events

The law prohibits teachings, writings, or research that advocate communism or communist united front organizations, which endanger the public order or good morals, or violate regulations or laws. The authorities did not otherwise restrict academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the authorities generally respected these rights in practice. However, opposition-party legislators and human rights NGOs

claimed that the Assembly and Parade Law unconstitutionally restricted free speech and assembly, and called for it to be amended or abolished.

On August 3, authorities charged sixteen participants in anticorruption protests staged in October 2006 with failure to obtain a protest permit and failure to comply with a police order to disperse, in violation of the Assembly and Parade Law. According to human rights NGOs and media reports, protesters campaigning for education, labor, and environmental reforms were also charged with violating the law.

c. Freedom of Religion

The constitution provides for freedom of religion, and the authorities generally respected this right in practice.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination against persons for their religious beliefs or practices, and no reports of anti-Semitic acts. The Jewish population numbered approximately 150 persons.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within Taiwan, foreign travel, emigration, and repatriation, and the authorities generally respected these rights in practice.

All travelers from the People's Republic of China (PRC) are required to have invitations from sponsors and are subject to approval by the Mainland Affairs Council. PRC tourists must travel in groups, stay at designated hotels, and return to their hotel rooms by 10 p.m. PRC tour groups must be chaperoned by a Taiwan travel agency, which is required to post a \$60,400 (NT\$2 million) bond for each group. Part or

the entire bond can be forfeited if any tour group member is involved in legal problems or is reported missing. The Tourism Bureau must be notified in advance of any change to a tour group itinerary. PRC visitors who come to Taiwan for family and business purposes are required to regularly report their location to the police.

The law does not provide for forced exile, and it was not practiced.

According to Taiwan's Cross-Strait Relations Act, its citizens residing in the PRC will lose citizenship if they do not return within four years. They may apply to recover citizenship through relatives or a legal representative. Applications to recover citizenship were regularly granted, and there were no reports of rejected applications.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status. All PRC citizens unlawfully present are required by law to be returned to the PRC, including victims of human trafficking. At year's end there were six PRC nationals on Taiwan seeking asylum in a third country.

Throughout the year the authorities repatriated illegal immigrants to their countries of origin. According to MOI, the total number of illegal PRC immigrants deported to the mainland continued to decline, from 1,596 in 2006 to 595 by November 2007. As of December, 1,870 illegal PRC immigrants were in detention centers awaiting repatriation.

PRC illegal immigrants continued to spend long periods in detention, waiting an average of 204 days to be repatriated. By comparison, non-PRC illegal aliens averaged just 37 days in detention before repatriation. MOI claimed that some PRC detainees gave false name and age information, making it difficult for PRC authorities to properly identify them. Some detainees were charged with criminal acts and awaited trial and sentencing before repatriation. MOI also faulted the PRC government for causing procedural delays.

Section 3 Respect for Political Rights: the Right of Citizens to Change Their Government

The constitution provides citizens the right to elect and change their political leaders peacefully and this right was exercised in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Political parties operate without restriction or outside interference.

In 2004 voters elected President Chen Shui-bian, and the opposition KMT-PFP coalition won a narrow majority in the Legislative Yuan (LY). The elections were generally regarded as free and fair.

On February 2, a court indicted two men for allegedly paying voters to support a candidate for Kaohsiung City Council.

There were 46 women in the 217-member LY. The vice president and vice premier were women. On August 20, Yeh Chu-lan became Taiwan's first female presidential office secretary-general. Seven of the 49 Executive Yuan (EY) members were women. Three of the 21 members of the Examination Yuan were women. Three of the 13 grand justices were women. Three of the 15 members of the DPP central standing committee and 12 of the 30 members of the DPP central executive committee were women. Eleven of the 33 members of the KMT central standing committee were women. At least half of the at-large seats won by a political party were required to be filled by female candidates.

Representatives of the indigenous population participated in most levels of the political system. They held eight reserved seats in the LY, half of which were elected by plains tribes and half by mountain tribes. Indigenous peoples accounted for about 2 percent of the population; their allocation of legislative seats was almost double their proportional representation. A member of an indigenous group served as Chairman of the Council of Indigenous Peoples.

Government Corruption and Transparency

There were allegations of official corruption during the year. However, the authorities continued to take action to combat corruption. Allegations of vote buying continued, although all political parties were publicly committed to ending the practice.

Regulations took effect in 2006 that require political appointees to the EY and its subordinate agencies to place all financial assets into a trust within three months of assuming office and, for those already in office, within three months of the effective date of the regulations.

During the year several prominent figures from both the ruling and opposition parties were indicted for the alleged misuse of special discretionary funds made available to them as office-holders. Many observers remarked that the law regarding the use of these funds was unclear and was in need of reform.

On February 8, prosecutors charged the director of the Civil Aeronautics Administration and three senior aeronautics officials with accepting kickbacks from contractors performing an airport construction project.

On April 11, the Tainan city mayor and three city officials were indicted for alleged profiteering on a public construction project.

On August 9, an economics vice minister was charged with corruption for allegedly rigging the bidding process for publicly funded water conservation construction projects.

On August 18, a DPP legislator and 20 others were charged with forgery and violation of banking laws in connection with an illegal loan scheme.

In August the former presidential office deputy secretary-general was cleared of charges for insider trading and corruption. The November 2006 corruption case against the first lady was still pending. In December 2006 the president's son-in-law was convicted of corruption for insider trading, and in June his prison sentence was increased to seven years. His case is on its second appeal.

By June prosecutors had indicted 970 persons on various corruption charges and had convicted 477 persons. Of those accused, 70 were high-ranking officials, 152 were mid-level, 201 were low-level, and 23 were elected officials.

The "Access to Government Information Law" stipulates that all government information be made available to the public upon request, except national secrets, professional secrets, personal information, and protected intellectual property. The law provides that citizens, companies, and groups registered in Taiwan can submit information requests and can appeal denied requests. These privileges are extended on a reciprocal basis to citizens of foreign countries.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equality of citizens before the law irrespective of sex, religion, race, class, or party affiliation. It also provides for the rights of persons with disabilities.

Women

Violence against women, including rape and domestic violence remained a serious problem. Rape, including spousal rape, is a crime; its victims were socially stigmatized. The MOI estimated that the total number of sexual assaults was 10 times the number reported to the police.

The law provides protection for rape victims. Mentally handicapped victims and those under 16 years of age are allowed to testify via a two-way television system. Rape trials may not be open to the public unless the victim provides consent. The law requires doctors, social workers, police, and prosecutors to

jointly question victims of sexual abuse whenever possible to reduce the number of times a victim is questioned. The law permits a charge of rape without requiring the victim to press charges.

The law establishes the punishment for rape as not less than five years' imprisonment, and those convicted usually were given prison sentences of five to 10 years. According to the MOI, 6,364 reports of rape or sexual assault were filed through October. Prosecutors tried 1,915 of those cases and convicted 1,590 persons. Women's rights activists criticized law enforcement for bringing only a small percentage of perpetrators to justice.

The law allows prosecutors to take the initiative in investigating complaints of domestic violence without waiting for a spouse to file a formal lawsuit.

By October a total of 60,326 cases of domestic violence had been reported, representing a projected 2 percent rise in reported cases over 2006. MOI cited this increase as evidence that women were more willing to report domestic violence. As of October a total of 2,279 persons had been prosecuted for domestic violence, and 1,590 persons had been convicted. Typically persons convicted in domestic violence cases were sentenced to less than six months in prison. Strong social pressure not to disgrace their families discouraged abused women from reporting incidents to the police.

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. These centers provided victims with protection, medical treatment, emergency assistance, shelter, legal counseling, and education and training on a 24-hour basis. As of November the centers obtained 27,051 protection orders from the courts.

Prostitution was illegal. Prostitution, including child prostitution, was a problem. Trafficking in women remained a problem. The authorities continued to report the arrest of a significant number of prostitutes from Southeast Asian countries, mainly Vietnam, Indonesia, and Cambodia.

A March poll conducted by a women's rights NGO indicated that 75 percent of women feared harassment on public transportation, and 83 percent were concerned about the risk of sexual assault by taxi drivers. Only 39 percent of respondents knew where to seek help after experiencing sexual harassment or sexual assault.

Sexual harassment is a crime. Violators face fines of \$3,000 to \$30,000 (NT\$100,000 to NT\$1 million) and imprisonment for up to two years. All public employers and larger private employers were required to enact preventive measures and establish complaint procedures to deter sexual harassment. Hot lines were established in several major cities, but reporting levels were well below expectations. Women's groups criticized the implementation of the law as ineffective, attributing low reporting rates to inadequate publicity.

The law prohibits sex discrimination and stipulates that measures be taken to eliminate sexual harassment in the workplace. The Gender Equality in Employment Act (GEEA) provides for equal treatment with regard to salaries, promotions, and assignments. The GEEA entitles women to request up to two years of unpaid maternity leave and forbids termination because of pregnancy or marriage. According to a Council for Labor Affairs (CLA) poll, 70 percent of female employees stated the GEEA had helped remove employment barriers for women. Despite the law, women continued to be denied maternity leave or were forced to quit jobs due to marriage, age, or pregnancy. According to the same poll, nearly 20 percent of pregnant employees claimed to have been discriminated against, and more than half of the employers polled did not offer adequate parental leave benefits.

Women's advocates noted that women continued to be promoted less frequently, occupied fewer management positions, and worked for lower pay than their male counterparts. Women made up 49 percent of the total workforce and more than 50 percent of the service industry workforce. According to the CLA, salaries for women averaged 85 percent of those for men performing comparable jobs.

In September a legislator criticized the Ministry of National Defense (MND) for restricting the number of scholarships offered to female cadets, while praising MND's commitment to increase the total number of female recruits from 3 percent in 2005 to 8 percent by 2011.

Children

The authorities were committed to the rights and welfare of children, and the law included provisions to protect them. Education for children between six and 15 years of age was free, universal, compulsory, and enforced. According to official statistics, 99 percent of school-age children attended primary and middle school. Children were provided health care under the national health insurance plan.

Child abuse continued to be a widespread and growing problem. Through September 13,972 cases had been reported, including cases of physical, mental, or sexual abuse or harm due to guardian neglect, marking a projected increase of 33 percent over 2006. Approximately 90 percent of abusers were parents, relatives, or caregivers. Hospitals, schools, social welfare organizations, or the police reported 60 percent of all cases, with 40 percent of reports coming from family members or the public. Fifty percent of all cases were reported through the child abuse hot line. Central and local authorities, as well as private organizations, continued efforts to identify and assist high-risk children and families and to increase public awareness of child abuse and domestic violence.

In 2006 the authorities instituted a \$93 (NT\$3,000) per month, per child subsidy program aimed at reducing financial stress on lower-income families deemed to be at high risk for child abuse. MOI tripled funding for social welfare services to \$4.2 million (NT\$135 million), appropriating an additional \$975,000 (NT\$31.5 million) to hire 140 new child welfare case managers. Child welfare specialists claimed that even with the additional subsidies, funding to prevent and respond to domestic violence and child abuse was inadequate. In January NGOs reported that Taiwan's 1,071 social workers handled excessively large caseloads, and that an additional 5,000 social workers were needed.

By law, persons discovering cases of child abuse or neglect must notify the police or welfare authorities. Child welfare specialists must notify the local authorities within 24 hours, and authorities must take appropriate measures within 24 hours. Regulations encourage officials to respond to investigation requests within four days. The MOI Children's Bureau and NGO specialists monitored cases to ensure that requirements were met. An official hot line accepted complaints of child abuse and offered counseling. Courts were authorized to appoint guardians for children who lost their parents or whose parents were deemed unfit.

Solicitors of child prostitutes under the age of 14 faced sentences of three to 10 years in prison. Those who patronized prostitutes between the ages of 14 to 16 were sentenced to three to seven years. Solicitors of child prostitutes older than 16 but younger than 18 faced up to one year in prison or hard labor, or a fine up to \$100,000 (NT\$3 million). According to the MOI Children's Bureau and local NGOs, 400-600 children per year were rescued from prostitution and placed in shelters. NGOs reported a significant increase in the number of boys exploited as prostitutes.

Advertisements related to prostitution or commercial sex were prohibited and the law was enforced in practice. Citizens arrested abroad for having sex with minors were also indicted and convicted for patronizing underage prostitutes in foreign countries.

During the year 1,210 persons were indicted and 980 persons were convicted of violating the CYSTPA, which criminalized child prostitution and the possession and distribution of child pornography. This was a 21 percent increase in indictments and an 11 percent increase in convictions from 2006. The law required publication of violator names in the newspaper.

Trafficking in Persons

There was no comprehensive trafficking law, although most forms of trafficking were criminalized through a number of statutes. The law did not address prevention of trafficking or victim protection, which authorities nonetheless provided on an ad hoc basis. The MOI, Ministry of Justice (MOJ), National Immigration Agency (NIA), CLA, and NPA, and several other agencies were responsible for combating trafficking. Trafficking in persons continued to be a problem.

Taiwan is primarily a destination country for Southeast Asian and PRC nationals trafficked into forced labor or sexual exploitation. There were numerous reports of women, primarily from Indonesia, Vietnam, the Philippines, and Thailand, being forced or coerced into the commercial sex trade after receiving fraudulent offers of employment or marriage from dishonest labor or marriage brokers. There also were reports of women being trafficked from Taiwan for sexual exploitation purposes to Canada, Japan, the United Kingdom, the United States, and other countries.

Traffickers continued to use fraudulent marriages as a method for human trafficking, in part because penalties for "husbands" were lenient. To counteract the abuse of the spousal visa program, Taiwan required spousal visa applicants from the PRC, Burma, Cambodia, Indonesia, Thailand, the Philippines, and Vietnam to undergo interviews in their home countries before departing for Taiwan. Additionally, foreign spouses and their prospective mates must undergo a second interview upon the foreign spouse's arrival on Taiwan. In 2006 the MOI banned the formation of new cross-border matchmaking companies and announced that existing firms would be subject to stricter regulation and monitoring.

Labor trafficking remained a serious problem. Labor brokers charged much more for high-wage factory jobs than for low-wage household worker positions. NGOs reported that foreign workers who paid higher fees to secure high-wage factory jobs were often forced by their broker to accept low-wage household work upon arrival in Taiwan. NGOs also reported that household workers were often forced by their employers to work in factories or construction sites, but were only paid the lower household worker wage. NGOs reported that brokers and employers regularly imposed high brokerage fees and other charges on foreign workers, frequently using the debt as a tool for involuntary servitude; adding

that foreign workers were unwilling to report employer abuses for fear the employer would terminate the contract and forcibly deport them, leaving them unable to pay back debt accrued to brokers or others. Household workers were forbidden from changing jobs or employers except under rare circumstances and were often not fully informed of available recourse in the event of abuse.

During the year 423 persons were indicted for trafficking related offenses; this was a 62 percent increase over 2006. At year's end some 350 cases were still pending; prosecutors tried and convicted 74 defendants, which was a 20 percent decrease from 2006. Sixteen persons were convicted of exploiting children for prostitution: three were sentenced to seven to 10 years in prison, four were sentenced to three to five years, and nine received sentences of less than one year. Another 53 defendants were convicted of forced prostitution: two were sentenced to seven to 10 years; seven were sentenced to one to three years; and 44 were sentenced to less than one year. Five defendants were convicted of forced labor, and all five were sentenced to less than one year in prison.

Incidents of public employees or officials implicated in trafficking were rare, but they did occur. On February 27, a former clerk at the Bureau of Immigration, now NIA, was indicted for helping a criminal organization smuggle Chinese women into Taiwan for prostitution. In March blank alien multiple-entry permits were found missing from an NIA service center in Taipei. NIA officials canceled the 200 missing permits, suspended the officer suspected of taking them, and demoted the director of the Taipei service center. On April 13, two members of the NIA's Taoyuan County antitrafficking task force were arrested for allegedly extorting money from employers in return for ignoring labor violations and for helping to conceal human trafficking rings operating in Taoyuan. On August 7, the director of the NIA office in Chiayi County was arrested for allegedly accepting payments in exchange for helping traffickers conceal and exploit illegal foreign workers.

In April the authorities issued island-wide guidelines for identification and treatment of trafficking victims. The MOI and MOJ conducted dozens of exercises to train police, immigration officials, and other law enforcement personnel in identifying victims. During the year several groups of foreign workers and foreign spouses were identified by police and prosecutors as trafficking victims and were released to NGO shelters. NGOs reported, however, that significant numbers of trafficking victims went undetected and instead were incarcerated in detention centers and punished for violating immigration, foreign labor, or prostitution laws.

NGOs asserted that failure to educate foreign workers and foreign spouses about their rights and protections left them distrustful of the authorities and vulnerable to misinformation and abuse from spouses, employers, and labor brokers. NGOs claimed that traffickers were able to operate with relative

impunity because law enforcement resources dedicated to combat trafficking continued to be inadequate.

During the year a senior-level prosecutor unit was established to supervise district court handling of trafficking cases. Antitrafficking task forces were established within NIA, NPA, Coast Guard, and the 21 district court offices. Improved collaboration between central law enforcement authorities, district prosecutors, and local law enforcement significantly increased the number of investigations, arrests, prosecutions, and convictions. Restrictions on cross-border marriages, oversight of labor and marriage brokers, and enhanced investigation of suspect cross-border marriages also increased. Cooperation was expanded with labor source-country governments to increase the number of pre-entry counseling seminars available for foreign spouses of citizens.

CLA operated 25 labor consultation service centers located around Taiwan. These centers provided counseling, legal aid, labor dispute resolution services, and toll-free multilingual hot lines. Thirteen overnight-stay shelters were available to foreign workers in need. Twelve shelters were operated by NGOs, two of which were wholly supported by funding from the Taipei and Kaohsiung city authorities. One shelter was operated by the Indonesian foreign representative office.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and sets minimum fines for violations.

The law stipulates that the authorities must provide services and programs to the disabled population. Free universal medical care was provided to persons with disabilities. NGOs continued to note that more public nursing homes were needed and current programs, such as home care services, needed to be expanded to meet the growing needs of the disabled population, including the growing numbers of elderly persons.

The law requires all private enterprises with more than 100 employees to hire at least one person with disabilities per 100 workers. For all public entities (including offices, schools, and enterprises) with 50 or more employees, employees with disabilities must comprise at least 2 percent of the total workforce. For each unmet quota position, both public and private organizations are required to pay into the Disabled Welfare Fund an amount equal to one basic monthly salary or approximately \$535 (NT\$17,280).

As of September persons with disabilities constituted approximately 2 percent of the public sector workforce.

For those with occupational injuries the law provides monetary assistance for up to five years, plus additional support through other programs. NGOs maintained that the authorities needed to extend the current five-year limit and liberalize the qualifications for assistance.

By law, new public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and this requirement was generally met. Violations resulted in fines of \$1,900 to \$9,300 (NT\$60,000 to NT\$300,000).

During the year, activists petitioned the authorities to preserve the Lo Sheng leprosy sanatorium and to allow its residents to continue living there. Most of the Lo Sheng site was to be demolished to make way for a rapid mass transit depot. In May the Public Construction Commission (PCC) decided to preserve half of the site's original buildings and to relocate the remaining residents to an adjoining high-rise long term care facility, which was not acceptable to the residents. Disability rights activists charged the PCC with putting development before the rights of the disabled. The authorities asserted that an appropriate balance had been reached between competing interests. In November the LY approved a \$28 million (NT\$900 million) fund to compensate residents for decades of confinement at the facility. However, the LY did not designate the Lo Sheng facility as a protected historical site, as activists had requested.

National/Racial/Ethnic Minorities

Since 1987 more than 399,000 marriages to foreigners have been registered, mostly to women from China, Vietnam, Indonesia, and Thailand. During 2007, 18 percent of all marriages were to foreign-born spouses, and an estimated 10 percent of all births were to foreign-born mothers.

Foreign spouses are initially issued visitors' visas, which usually must be renewed outside Taiwan. Foreign spouses cannot apply for citizenship until they have resided on Taiwan for three consecutive years. They are required to relinquish their citizenship of birth in order to apply. Citizenship is typically granted after the fourth consecutive year of residence; thus, for one year foreign spouses are technically stateless. Without citizenship, foreign spouses can be deported if their visas expire.

In one high-profile case, a married man from Taiwan named Chan used another man's identity to marry a Cambodian woman, who bore him twins. When the woman's visa expired, she was unable to renew it because her registered husband, named Yao, had died. She was deported, and Chan arranged to adopt the twins. The Cambodian woman then turned to a Taiwan legislator for help. According to a local NGO, the Taiwan authorities permitted the Cambodian spouse to return to Taiwan in July, where she resides with her two children and their father.

Foreign spouses were targets of discrimination both inside and outside the home. Most cross-border marriages were arranged by brokers, whose advertisements in Taiwan were frequently degrading to women. For fees ranging from \$7,800 to \$12,400 (NT\$250,000 to NT\$400,000), brokers typically flew clients to other Southeast Asian cities, where they could choose from a group of eligible women recruited by the broker. The marriage and necessary paperwork were usually completed within a week. Several reports suggested that this commercialized process likened foreign spouses to property and contributed to their mistreatment. An MOI report concluded that social and economic marginalization contributed to an abnormally high rate of domestic violence in cross-border marriages.

On November 30, the Immigration Law was amended to bar all forms of discrimination against foreign-born spouses and foreign migrant workers on the basis of nationality, race, skin color, social rank or place of birth. Those convicted of violating these provisions can face fines of up to \$930 (NT\$30,000). The amended Immigration Law permits a foreign-born spouse to apply for a restraining order if he or she has been the victim of domestic violence. A foreign-born spouse may now remain in Taiwan as long as necessary to handle divorce proceedings and to settle child-custody questions. After a divorce, a foreign-born spouse may remain in Taiwan to care for minor children less than 20 years of age. The amendment also banned for-profit cross-border marriage agencies, extended assembly and parade rights to immigrants, and liberalized financial proof requirements for foreign spouses seeking naturalization.

To assist the growing number of foreign-born spouses, the authorities took steps to help integrate them into society, including offering free Mandarin language and child-raising classes and counseling services at community outreach centers. The Legal Aid Foundation provided legal services to foreign spouses and operated a hot line to receive complaints. The MOI also operated its own hotline service with staff conversant in Vietnamese, Cambodian, Thai, Indonesian, English, and Chinese. By the end of July, the service had received 319 calls from non-Chinese speakers.

PRC-born spouses must wait eight years to apply for Taiwan residency, whereas non-PRC spouses can apply after only four years. While non-PRC foreign spouses are permitted to work in Taiwan immediately

upon arrival, PRC spouses must wait four years to obtain the right to work, barring special economic circumstances. Starting September 1, upon entering Taiwan for the first time, a spouse from the PRC must present a certified clean bill of health. After four years of residency in Taiwan, a PRC spouse can apply for a long-stay visa. After two more years of residency, this individual can apply for citizenship.

Indigenous People

There are 13 identified non-Chinese groups of indigenous peoples descended from Austronesian ancestors. Indigenous people accounted for approximately 2 percent of the population. The law protects the civil and political rights of these indigenous people. In 2005 the LY passed the Indigenous Peoples Basic Act ("Basic Act"), which stipulates that the authorities should provide resources to help indigenous people develop a system of self-governance, formulate policies to protect their basic rights, and promote the preservation and development of their language and culture. Indigenous rights advocates allege that schools in remote villages have been merged or closed in violation of the Basic Act, and that the budget for indigenous education fell short of Basic Act requirements. Indigenous leaders also called for greater participation in the administration of traditional tribal territories.

Other Societal Abuses and Discrimination

There were no laws prohibiting homosexual activities. According to homosexual rights activists, anti homosexual violence was rare, but societal discrimination against homosexuals and persons with HIV and AIDS was a problem.

Homosexual rights activists alleged that communities regularly used police pressure to shut down neighboring gay- and lesbian-friendly bars and bookstores. Homosexual rights activists and free speech advocates alleged that the police prejudicially applied obscenity laws to discourage the sale of gay pornography. Homosexual rights groups also complained that law enforcement agencies monitored Internet chat rooms and bulletin boards for sexually suggestive messages and prosecuted adult message-posters in violation of constitutional free speech guarantees.

In March the LY extended the financial, legal, and medical protections of the Family Violence Prevention and Service Act to gay and lesbian couples. The LY also passed legislation limiting artificial insemination and other infertility treatments to married couples. Doctors convicted of providing infertility treatments to unmarried persons face fines of up to \$46,000 (NT\$1.5 million). Homosexual rights activists alleged

the restrictions unfairly discriminate against homosexuals, who are not permitted to marry under the law.

In May the LY passed legislation extending employment discrimination protection to homosexuals. Employers convicted of discriminating against jobseekers on the basis of birthplace, sexual orientation, or age face fines of up to \$46,000 (NT\$1.5 million).

In September a Kaohsiung court denied a lesbian couple's request to adopt a child, citing concerns that the child could develop gender-identity disorder and suffer ridicule from her peers.

On October 13, some 12,000 persons took part in the fifth annual homosexual rights rally, calling for society to respect the civil rights of Taiwan's estimated one million homosexuals.

The national health insurance system provides free screening and treatment, including antiretroviral therapy, for the estimated 14,000 HIV-infected nationals.

In May an AIDS charity reported that, in violation of the law, several social welfare departments and NGOs refused to provide care to babies born to HIV-positive mothers before the babies turned 18 months old, the age at which HIV tests are deemed reliable.

In June the LY amended the AIDS Prevention and Control Act (APCA) to allow foreign spouses infected with HIV to remain in Taiwan if they could show they had been infected by their spouse, or by medical treatment received while in Taiwan. Previously HIV infection could be grounds for summary deportation and denial of residency. The amended APCA, renamed the HIV Prevention and Patients' Rights Protection Act, also stipulates that HIV-infected citizens cannot be denied access to education, medical services, housing, or other necessities.

In August the High Court ruled that an HIV/AIDS hospice could remain in a Taipei apartment complex, despite neighbors' objections. The High Court ruling overturned a lower court decision ordering the hospice to relocate.

Section 6 Worker Rights

a. The Right of Association

The right to unionize is protected by law but is highly regulated. Workers other than teachers, civil servants, fire fighters, doctors and healthcare workers, domestic workers, and defense industry workers, are protected by the Labor Union Law (LUL). The LUL prohibits discrimination, dismissal, or other unfair treatment of workers because of union-related activities. Labor unions charged that during employee cutbacks labor union leaders were sometimes laid off first, or dismissed without reasonable cause. According to the Taiwan Confederation of Trade Unions (TCTU) and the Taiwan Labor Front, there is no specific penalty identified for the improper dismissal of a labor union leader.

Some public employees, including teachers, civil servants, and defense industry workers, had limited rights to form unions. Teachers and civil servants were allowed to form professional associations to negotiate with the authorities but were not allowed to strike. These restrictions led to a long-running dispute between the authorities and groups representing teachers and civil servants.

A number of laws and regulations limited the right of association. While labor unions may draw up their own rules and constitutions, they must submit them to county and city authorities as well as to the CLA for review. Labor unions may be rejected or dissolved if they do not meet CLA certification requirements or if their activities disturb public order.

Approximately 28 percent of the 10.8 million labor force belonged to one of the 4,534 registered labor unions. Many of them were also members of one of eight island-wide labor federations.

b. The Right to Organize and Bargain Collectively

The law gives workers the right to organize, bargain, and act collectively, although some positions are excepted from this right. The right to strike is provided by law, and workers exercised this right in practice. However, legal constraints made it difficult to strike, undermining the usefulness of collective bargaining. Workers may strike over issues of compensation and working schedules, but not living or working conditions. The law requires mediation of labor disputes when the authorities deem them to be sufficiently serious or to involve unfair practices. The law prohibits labor and management from

disturbing the "working order" while mediation or arbitration is in progress. Critics contend the law has a chilling effect on the right to strike because it does not clearly state what conduct is prohibited. The law mandates stiff penalties for violations of no-strike and no-retaliation clauses.

As of September there were 68 collective agreements in force; however, they covered only a small proportion of the labor force, mainly in large companies; 93 percent of industrial labor unions had no collective agreements. In 2006 the CLA adjusted its totals to exclude obsolete collective bargaining agreements. No special labor laws or labor law exemptions apply to the export processing zones in Kaohsiung and Taichung.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor by adults and children however, there were reports that such practices occurred, including labor trafficking (see section 5). The authorities prosecuted numerous cases of forced child prostitution, and there was evidence of trafficking in persons.

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Standards Law (LSL) stipulates age 15, at which compulsory education ends, as the minimum age for employment. County and city labor bureaus effectively enforced minimum-age laws.

e. Acceptable Conditions of Work

The law provides standards for working conditions and health and safety precautions. As of November the LSL covered an estimated 5.7 million of the 7.8 million salaried workers. Those not covered included nursery workers, gardeners, bodyguards, teachers, doctors, lawyers, civil servants, and domestic workers.

On July 1, the minimum monthly wage was increased from \$490 (NT\$15,840) to \$535 (NT\$17,280). The minimum hourly wage was also increased from \$2.26 (NT\$73) to \$3.22 (NT\$104). While sufficient in less expensive areas, the minimum wage did not assure a decent standard of living for a single income family

in urban areas such as Taipei. Labor rights activists alleged any benefit to foreign workers from the increased minimum wage was largely offset by CLA's decision to allow employers to increase the maximum deduction for room and board by \$33 (NT\$1,000). A labor union reported receiving complaints against more than 100 different firms for their alleged failure to pay the increased minimum wage. The average manufacturing wage was more than double the legal minimum wage, and the average wage for service industry employees was even higher.

Legal working hours were 336 hours per eight-week period (for an average of 42 hours per workweek). While a five-day workweek has been mandated for the public sector, according to a CLA survey, more than half of private sector enterprises also reduced the normal workweek to five days.

The law provides standards for working conditions and health and safety precautions and gives workers the right to remove themselves from dangerous work situations without jeopardy to continued employment. Although the CLA conducted publicity campaigns during the year to increase public awareness of the law and operated telephone hotlines to accept complaints of LSL violations, there was widespread criticism that the CLA did not effectively enforce workplace laws and regulations. Some 440 inspectors were responsible for inspecting approximately 300,000 enterprises covered by the Occupational Safety and Health Law. CLA inspectors conducted 197,699 inspections, an increase of 18 percent over 2006. Despite this increase, labor NGOs and academics alleged that the labor inspection rate was still far too low to serve as an effective deterrent against labor violations and unsafe working conditions.

The protections offered by the LSL do not extend to the 160,000 foreign workers employed as nursing caregivers or the 2,500 employed as housekeepers. Foreign workers were covered instead by the Employment Services Act, which does not guarantee a minimum wage or overtime pay, set limits on the workday or workweek, or provide for minimum breaks or vacation time. Foreign workers were not allowed to form their own unions or to assume union leadership positions in existing unions, making them vulnerable to exploitation. In addition foreign workers were often depicted by local media as dangerous or criminal. Although the minimum wage was not a legal obligation for these workers, most were hired through brokers who negotiated the minimum wage to ensure that the worker earned at least enough to cover the broker's fees.

In January 2006 CLA opened the Foreign Workers Service Center at Taiwan Taoyuan International Airport. The service center provided orientation services to arriving workers and dispute resolution services to those departing Taiwan. Service center telephones were located throughout the airport to facilitate the filing of complaints.

In November 2006 several new foreign labor regulations went into effect. Employers of foreign workers were required to notify CLA within 72 hours of a worker's arrival and to submit to CLA a "living management plan," specifying the employee's work hours, overtime provisions, living quarters, meal program, and free time. CLA inspectors were required to inspect the foreign worker's living and work environment within two months of receiving the plan. For companies employing more than 100 foreign workers, work and living facility inspections were required every three months. To prevent employers from deporting foreign workers without just cause, CLA required all contract terminations to be witnessed and approved by an appropriate city or county official. CLA officials reported that official oversight of contract terminations caused a drop in the number of foreign labor disputes.

According to CLA, an employer convicted of illegally changing the place or nature of a foreign worker's employment was subject to a fine ranging from \$1,000 to \$5,000 (NT\$30,000 to NT\$150,000). Anyone convicted of illegally hiring foreign workers or transferring a foreign worker to another employer was fined \$5,000 to \$25,000 (NT\$150,000 to NT\$750,000).

On January 1, NIA began operations; at that time the agency's director assumed responsibility for all immigration-related policies and procedures for foreign workers, foreign spouses, immigrant services, and repatriation of illegal immigrants.

On January 3, regulations requiring intensified inspection and oversight of foreign labor brokerage companies were implemented. In September an inspection program was initiated following the publication of CLA evaluation guidelines. Brokerage companies that fail to meet CLA standards for two consecutive years face closure.

In June the LY amended the Employment Service Law to extend from six years to nine the maximum cumulative time a foreign worker may work in Taiwan.

In April 2006 CLA adopted a mandatory maximum fine policy to strengthen deterrence. However, county labor officials continued to assess fines at less than the available maximums. According to CLA, existing laws required labor authorities to annul an employer's permit to recruit or employ foreign workers if the employer failed to cure a violation within a specified time or if the employer committed a second violation.

In October 2006 CLA amended its regulations to exclude time spent at a shelter from a foreign worker's permitted work stay. After a foreign worker files a complaint against an employer, the worker is removed from the employer's premises and placed in a shelter. Foreign workers were forbidden from working until the labor dispute was resolved, which could take a year or more. Many foreign workers, still indebted to brokers, chose to flee the shelters and seek illegal work.

Foreign workers deemed to have worked illegally faced heavy fines, mandatory repatriation, and a permanent ban on reentering Taiwan, regardless of the circumstances.