

[Home](#)[Issues & Press](#)[Travel & Business](#)[Youth & Education](#)[About State Department](#)

China (Taiwan only)

Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 8, 2006

Taiwan's population of 23 million is governed by a president and parliament chosen in multiparty elections. The president appoints a premier, who heads the Executive Yuan or cabinet. The parliament (Legislative Yuan [LY]) has authority to dismiss the cabinet with a no-confidence vote. President Chen Shui-bian of the Democratic Progressive Party (DPP) was reelected with 50.1 percent of the popular vote in March 2004. An opposition coalition made up of the Kuomintang (KMT) and the People First Party (PFP) won 114 of the 225 LY seats in December 2004 elections. Both elections were hotly contested in an intense partisan atmosphere but generally were regarded as free and fair. The civilian authorities generally maintained effective control of the security forces.

The authorities generally respected the human rights of citizens; however, there were problems in some areas. The following human rights problems were reported:

- corruption by officials
- violence and discrimination against women
- trafficking in persons
- 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 government or its agents committed arbitrary or unlawful killing.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law stipulates that no violence, threat, inducement, fraud, or other improper means shall be used against accused persons; however, nongovernmental organizations (NGOs) asserted that police occasionally physically abused persons in their custody. The primary responsibility for investigating torture and mistreatment lies with prosecutors. The Control Yuan, a coequal branch of the political system that investigates official misconduct, also investigates such cases.

The law allows suspects to have attorneys present during interrogations, primarily to ensure that abuse does not take place (see section 1.d.). The Ministry of Justice (MOJ) stated that each interrogation is audiotaped or videotaped and that any allegation of mistreatment is investigated, and that police are subject to severe punishment for abusing their authority in arresting or detaining suspects or using threats of violence to extract evidence. There were no reports of police convicted of abusing suspects. Some lawyers and legal scholars asserted that abuses occurred in local police stations where interrogations were not recorded and when attorneys were not present.

The Criminal Code provides that criminal charges must be based on legally obtained evidence and that confessions, whether by defendants or accomplices, unsupported by other evidence shall not be sufficient to convict defendants; confessions alleged to be illegally obtained must be investigated before proceeding to other evidence.

Corporal punishment is forbidden under military law, and the Ministry of National Defense implemented several programs in recent years to address the problem. Unlike in past years, there were no reports of hazing during the year.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers. The MOJ reported that prisons and detention centers continued to suffer from overcrowding. As of September, prisons operated at 114 percent of capacity.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The National Police Administration (NPA) of the Ministry of Interior has administrative jurisdiction over all police units. City mayors and county magistrates appoint city and county police commissioners from among candidates recommended by the NPA. The mayors and magistrates are responsible for maintaining order and assessing the performances of the police commissioners in their jurisdictions. Human rights advocates remained concerned about police corruption. Prosecutors and the Control Yuan are responsible for investigating allegations of police malfeasance. The NPA also has an inspector general and an Internal Affairs Division that conduct internal police investigations.

Arrest and Detention

Police legally may detain without a warrant anyone they suspect of committing a crime for which the punishment would be imprisonment of five years or more, when there is ample reason to believe the person may flee. Police may question persons without a formal summons when circumstances are too urgent to report to a public prosecutor. However, immediately after detaining a suspect, the authorities must apply to a prosecutor for a warrant to detain the arrestee for up to 24 hours and must give written notice to the detainee or a designated relative or friend, stating the reason for the arrest or questioning. If the prosecutor rejects the application for a warrant, the police must release the detainee immediately. 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 duration of this pretrial detention is limited to two months and, with court approval, a single extension of an additional two months. Limits also apply to detention during trial. If a crime is punishable by less than 10 years' imprisonment, then no more than 3 extensions of 2 months each may be granted during the trial and appellate proceedings. During a second appeal, only one extension may be granted. The authorities generally observed these procedures, and trials usually took place within three months of indictment.

The law requires the police to inform a suspect during an interrogation of the specific charges in question, the right to remain silent, the right to counsel, and the right to ask the police to investigate evidence that would be favorable to the suspect. If the charges are amended subsequently, the police must inform the suspect. The authorities generally respected a detainee's request to have a lawyer present during the investigation phase. When a detainee requests legal counsel, police must wait at least four hours for a lawyer before proceeding with an interrogation. Although the law requires that indigent persons be provided legal counsel during trials, it does not provide for legal counsel during interrogations. However, confessions from interrogations conducted in the evenings generally are not to be used as evidence; allegations that a confession was obtained illegally are to be investigated before it is used in a trial (see section 1.c.). With the exception of urgent circumstances, when such equipment is unavailable, interrogations must be audiotaped or videotaped, and when written reports of interrogations are in conflict with evidence in audiotapes and videotapes, the contradictory interrogation may not be used as evidence. The nongovernmental Legal Aid Foundation of Taiwan has been in operation since June 2004 and provided quality professional legal services to the indigent.

Some human rights advocates continued to believe that the rules did not provide adequate protection since suspects often did not have legal representation during police interrogation. In addition, informed observers reported that the "public defense counsels" did not appear until the final argument of a trial and that they seldom spent adequate time discussing the case with their clients. In response to this complaint, courts were allowed to appoint private attorneys or public defense counsels to detainees. The courts require, in a first trial, that counsels interview a detainee at least once before each hearing and, in an appeal, whenever the detainee requests an interview.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice. Although the government has made efforts to eliminate corruption and to diminish political influence in recent years, residual problems remained (see section 3).

The Judicial Yuan (JY), headed by a president and vice president, 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, the administrative court, and the Committee on the Discipline of Public Functionaries. The administrative court also provides judicial review.

Trial Procedures

The law provides the right to a fair trial, and an independent judiciary generally enforced this right. Judges, rather than juries, decide cases; all judges are appointed by, and are responsible to, the JY. In a typical court case, a single judge rather than a defense attorney or prosecutor interrogates parties and witnesses. The judge may decline to hear witnesses or to consider evidence that a party wishes to

submit if the judge considers it irrelevant; a refusal to hear evidence may be a factor in an appeal. Trials are public, but attendance at trials involving juveniles or potentially sensitive issues that might attract crowds may require court permission.

A defendant has the right to an attorney. If the defendant is charged with committing a crime for which the penalty is three or more years' imprisonment or if the defendant is indigent, the judge may assign an attorney. Attorneys assigned to defendants generally assisted once an indictment was filed and at trial but usually were not present during police interrogations. Although the government took measures to strengthen the effectiveness of defense representation, some human rights lawyers argued that more improvements were necessary. 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. Civilians are not subject to military tribunals.

Political Prisoners

There were no reports of political prisoners.

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

The law contains provisions protecting privacy. The Code of Criminal Procedure requires prosecutors to obtain judicial approval of search warrants, except when "incidental-to-arrest" or when there are concerns that evidence may be destroyed. However, critics claimed that the incidental-to-arrest provision is not only unconstitutional but is often interpreted broadly by police to justify searches of locations other than actual arrest sites. According to the NPA, warrantless searches are allowed only in special circumstances, such as to arrest an escapee or if facts indicate that a person is in the process of committing a crime. In any such case, the police must file a report with the prosecutor or court within 24 hours. A police officer who carries out an illegal search may be sued for illegal entry and sentenced to up to one year in prison.

The telecommunications protection and control law imposes severe penalties for unauthorized wiretapping. The telecommunications law and the Code of Criminal Procedure provide that judicial and security authorities may file a written request to a prosecutor's office to monitor telephone calls to collect evidence against a suspect involved in a major crime, and the MOJ and the police used wiretapping as an investigative tool. According to the MOJ, the number of approved wiretappings increased from 13,834 in 2003 to 19,845 in 2004, and to 19,178 during the first 10 months of the year.

On September 29, the Council of Grand Justices ruled unconstitutional a government program requiring fingerprinting of all persons applying for identification cards.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the authorities generally respected these rights in practice. There were no government restrictions on the Internet.

Print media represented the full spectrum of views within society. However, some political influence still persisted with respect to the electronic media, particularly broadcast television. The existence of approximately 100 cable television channels, some of which carried programming openly critical of the various political parties, mitigated the importance of this influence. Moreover, pursuant to legislation the LY approved in 2003 no government or party officials held positions in the media. Under the same legislation the government and the parties were required to divest themselves of stakes in all television and radio broadcast companies within two years. On December 24, the KMT sold its stakes in the China Television Company (CTV), the Broadcasting Corporation of China (BCC), and the Central Motion Pictures Corporation. At year's end the government divestiture of Chinese Television System and Taiwan Television Enterprise was proceeding but was not completed and required among other steps LY approval.

The 2003 legislation mandated the formation of a National Communications Commission (NCC) to replace the Government Information Office (GIO) in overseeing the operations of the broadcast media. Ensuring the political neutrality of the NCC was the subject of partisan political controversy. On October 25, the LY passed legislation carefully apportioning seats on the NCC. The commissioners cannot work for any government agency, state-owned enterprise, or for any communications or broadcasting company. The NCC is to replace the GIO in early 2006. The GIO continued as both regulatory agency and government spokes agency through year's end, and opposition party officials and scholars alleged that the government exercised too much power and influence through the GIO's authority to regulate programming and approve radio and television licenses.

In July and August, criticism of the GIO intensified in reaction to its handling of cable broadcasting license renewal and revocation cases. In March 70 applications for renewals were submitted to the GIO; an additional 13 licenses expired without submitting renewal applications; and one channel failed to make the application deadline. The GIO rejected 7 of the 70 applications for renewal and on July 31, announced the revocation of 21 cable television broadcast licenses, charging malfeasance such as financial mismanagement, and violations of program license statutes, and ordered the channels to suspend operations the next day. Critics said the revocations violated press freedom and threatened the livelihood of broadcast journalists. Eastern TV, one of the seven rejected renewal applicants, sought a court injunction against the order to suspend broadcasting and in a compromise, changed its name to Super X and continued to broadcast.

In November the GIO fined a Hong Kong-invested satellite broadcast television station, TVBS, \$30 thousand (NT\$1 million) for violating a law that restricted foreign ownership of satellite broadcasters to less than 50 percent. TVBS had been prominent in reporting on corruption

and other scandals linked to the government and accused the GIO of a "political witch hunt." Public sympathy for TVBS and criticism of the GIO was widespread, and the GIO took no further steps against TVBS.

During the year the GIO continued to implement a radio broadcasting reorganization plan intended to restructure public-owned radio networks and reorganize the distribution of frequencies. The reorganization requires several KMT-controlled broadcasting companies, particularly the BCC, to return some frequencies to the government for redistribution. The BCC has the largest number of frequencies in the market and in 1992 had agreed to return 14 frequencies used to block radio broadcasting from mainland China.

There was a vigorous and active free press. Some asserted that many media enterprises relied on government advertising revenue and government-controlled bank loans and hence were reluctant to go too far in criticizing the government. The government denied charges of manipulating the media and asserted that it had minimal direct control over the advertising market. According to the GIO, the government's advertising budget was approximately \$30 million (NT\$1 billion) during the fiscal year, which accounted for approximately 4 percent of the \$735-880 million (NT\$25-30 billion) advertising market.

In 2002 the government raided the offices of *Next Magazine* and confiscated 160 thousand copies of an issue containing an article approximately \$100 million (NT\$3.5 billion) in secret funds established by former president Lee Teng-hui and used as well by the current administration for diplomatic missions and policy initiatives. The high court prosecutor's office charged a reporter at the magazine with breaching national security. The case was still pending and has not been brought to trial, and the reporter has been actively employed as a journalist by a daily newspaper. In July 2003 the high court sentenced a former journalist who reported the details of a military exercise in 2000 to 18 months in prison and three years' probation. The accused appealed the decision, and in August the high court reduced his prison term to one year and suspended the sentence for three years.

The police may seize violent or pornographic material based on the offences against morals and public order provisions of the Criminal Code and the Child and Adolescent Sexual Prevention Statue. The police must request search warrants from prosecutors to conduct such seizures (see section 1.f.).

The GIO, which required 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 regulations or laws. Nevertheless, a wide variety of mainland China-origin material was readily accessible through the Internet as well as in retail stores. Cable television systems are required to send imported material to the GIO for screening and to convert subtitles from the simplified characters used in mainland China to traditional characters before broadcasting.

The media occasionally trampled on individuals' right to privacy. The media often taped and aired police interrogations and entered hospital rooms when the patient was unable to prevent such entry.

Restrictions on academic freedom largely were the same as the restrictions on imported publications noted above regarding the advocacy of communism or united front organizations, endangering public or good morals, or violating regulations or laws. In practice the government did not interfere with academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the authorities generally respected these rights in practice. Although the National Security Law gives the government the authority to prevent demonstrations advocating communism or the division of the national territory, pro-independence and pro-reunification demonstrations took place without government interference.

The Civic Organizations Law requires all civic organizations to register. Registration was granted routinely.

Under the Civic Organizations Law, the Constitutional Court, which is made up of the Council of Grand Justices, has the power to dissolve political parties. Grounds for dissolution include objectives or actions that are deemed to jeopardize the existence of the "Republic of China." The Constitutional Court heard no cases under this law during the year.

c. Freedom of Religion

The law provides for freedom of religion, and the authorities generally respected this right in practice. Religious organizations may register with the central authorities through their island-wide associations under the Temple Management Law, the Civic Organizations Law, or the chapter of the Civil Code that governs foundations and associations; however, registration is not mandatory.

Registered religious organizations operate on a tax-free basis and are required to make annual reports of their financial operations. While individual places of worship may register with local authorities, many chose not to register and operated as the personal property of their leaders. There is no state religion.

Societal Abuses and Discrimination

The government at all levels strives to protect the right to practice religion freely and does not tolerate its abuse, either by the authorities or private actors. Moreover, the generally amicable relationship among religions in society contributed to religious freedom.

The Jewish community consisted of approximately 150 members. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides these rights, and the government generally respected them in practice.

All travelers from the China mainland are required to have invitations from sponsors and are subject to approval by the Mainland Affairs Council. Mainland tourists are not allowed to change their itineraries after arriving in Taiwan, must travel in groups rather than individually, stay at designated hotels, and return to their hotel rooms by 10 p.m. In addition, travel agencies responsible for arranging the visits are required to deposit a guarantee of \$29 thousand (NT\$1 million), which is confiscated if any of the tourists are involved in any legal problems or are reported missing. There are also restrictions on mainland visitors who come to Taiwan for family and business purposes. They are required to report their location to the police on a regular basis and cannot seek employment in Taiwan.

Regulations require mainland Chinese spouses applying for a national identification card to pass a security clearance. In September a regulation was implemented requiring fingerprinting of all mainland Chinese who are spouses of Taiwan nationals, visiting relatives, or are seeking residency in Taiwan.

The authorities permit People's Republic of China (PRC) correspondents to be posted to the island for up to one month per visit, and Xinhua News Agency, *People's Daily*, China Central Television, China National Radio, and China News Service have established bureaus in Taiwan. However, in March, following the PRC's adoption of the Anti-Secession Law, Xinhua News Agency and *People's Daily* were temporarily barred from stationing journalists in Taiwan on the grounds that the news services had practiced "deceptive journalism"; the journalists have yet to be allowed back. On August 10, the authorities announced that reporters from the mainland China newspapers *Nanfang City News* and *Xinmin Evening News* could work in Taiwan. During the year the first correspondents from regional Chinese media outlets were allowed into Taiwan. In addition, during the first 9 months of the year, 6,535 PRC scholars, 1,562 artists, and 934 journalists visited Taiwan to participate in cross-Strait exchanges.

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

Protection of Refugees

The law does not provide for the granting of asylum or refugee status. Although the authorities were reluctant to return to the mainland those who might suffer political persecution, they regularly deported to the PRC, under provisions of the mainland relations act, mainlanders who illegally entered the island for what were presumed to be economic reasons.

In 2004 two PRC democracy activists entered Taiwan illegally by fishing boat and requested asylum. After brief confinement in a detention center, the two were released and allowed freedom of movement. They continued to receive renewals on their three-month temporary visas and financial assistance from the authorities; however, the government refused their requests for long-term visas, and they continued to seek asylum in a third country. The law requires the return to the PRC of all PRC citizens unlawfully present, including victims of trafficking in persons (see section 5).

The government repatriated illegal immigrants to their countries of origin throughout the year. The Ministry of Interior (MOI) stated that the frequency of repatriations of PRC illegal immigrants increased. This was confirmed by the Taiwan Red Cross (TRC), which acts as a mediating party in the cross-Strait repatriation process. PRC illegal immigrants continued to wait long periods in detention centers, however; some have waited well over two years. The Bureau of Entry and Exit and the TRC faulted PRC authorities for delays in repatriation. The average period of detention for PRC illegal aliens was 212 days, compared with 172 days in 2004. As of November, the authorities had deported 1,440 illegal immigrants back to the PRC.

Non-PRC illegal aliens averaged just over 40 days of detention before being repatriated.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free and fair elections held on the basis of universal suffrage.

Elections and Political Participation

On June 7, an ad hoc National Assembly approved a constitutional amendment package that among other changes halves the number of LY seats and replaces the existing system of multi-member districts with single member districts and proportionally elected seats to be allocated according to a separate vote for a political party. The change is expected to strengthen the larger parties and weaken the influence of smaller political parties and independents.

According to the Public Election and Recall Law for Civil Servants, independents and political parties are free to declare their candidacy for any election as long as they meet all requirements. The DPP and the KMT, the two major political parties, hold a primary election when more than one candidate competes to run for an office, and the DPP also utilizes public opinion polls to select candidates. The smaller PFP and the Taiwan Solidarity Union (TSU) also compete in elections. Independent candidates are common. The law specifies and regulates the maximum budget each candidate can spend in an election, although this law has not been enforced in practice. In general individuals and parties are given full freedom within the confines of the law to participate in elections.

In the March 2004 presidential election President Chen Shui-bian was re-elected and in the December 2004 legislative elections, the opposition KMT-PFP coalition won a narrow majority in the LY. Both elections were hotly contested in an intense partisan atmosphere but generally were regarded as free and fair. The extremely close result of the presidential election and the wounding of President Chen and Vice President Lu on the eve of the vote continued to be matters of controversy. On August 18, the supreme court prosecutor's office released a final report that concluded that the assassination was attempted by a retired construction worker, Chen Yi-hsiung, who committed suicide after the incident. The opposition was dissatisfied with the report and vowed to establish a second truth investigation committee in the next legislative session.

The constitution provides for equal rights for women. In 2004 Vice President Annette Lu was re-elected to a second term. In May Yeh Chulan became the first female deputy premier, and in September she became the first female acting mayor of Kaohsiung City. Of the 46 cabinet members, 8 were women. Of the 20 members of the Examination Yuan 3 were women. Two of the 15 members of the DPP Central Standing Committee and 8 of the 34 members of the DPP Central Executive Committee were women. Nine of the 31 members of the KMT Central Standing Committee were women. There were 47 women in the 225-member LY. Moreover, the current law stipulates that at least one of every five seats in multimember constituencies must be filled by a woman even if male candidates receive more votes, a provision that was eliminated in the June constitutional amendment package.

Aborigine representatives participated in most levels of the political system. They held eight reserved seats in the LY, half of which were elected by plains Aborigines and half by mountain Aborigines. The proportion of legislative seats allocated to Aborigines was almost twice their approximately 2 percent of the population. An Aborigine served as Chairman of the Council of Aboriginal Affairs. In accordance with the latest constitutional amendment reducing the LY membership by half, beginning with the seventh LY to be elected in 2007, Aborigines will hold six seats.

Government Corruption and Transparency

The government continued to take action to combat corruption in the executive and judicial branches of government. There were allegations of government corruption during the year. Allegations of vote buying continued, although all political parties have committed publicly to ending the practice.

As of November, prosecutors had indicted 1,041 persons on various corruption charges, and 259 persons were convicted. Of the 1,041 accused, 23 were government officials, 157 were mid-level, 307 were low-level, and 38 were elected government officials. In 2004 920 persons, including 451 government officials, were prosecuted on charges of corruption, and 419 were convicted. Elected officials accounted for 7 percent of the accused. Prosecutors charged 834 persons for vote buying during the 2004 legislative elections, and 6 had been convicted by year's end.

The JY took several measures to reduce political influence on judges. An independent committee using secret ballots decides judicial appointments and promotions. Judicial decisions are no longer subject to review by presiding judges, except in the case of decisions by "assistant judges." The judges themselves decide on distribution of cases. Finally, judges and the president of the JY are prohibited from taking part in political activities. An NGO, the Judicial Reform Association, monitors the performance of individual judges and prosecutors.

The government led an anticorruption campaign in 2004 and reinforced the JY's efforts to eliminate judicial corruption. The campaign prompted revised precepts for evaluating judicial performance and strengthened reviews of judges' financial disclosure reports. In August 2004 the MOJ established a special task force to examine corruption charges against judicial personnel and announced that 10 senior officials were under investigation. As of September, 32 prosecutors and 11 judges had been placed under investigation for corruption or other irregularities. According to MOJ statistics, between 2000 and 2004, 146 prosecutors were punished for corruption, dereliction of duties, and other irregularities.

In 2002 the LY passed "Enforcement Rules for Public Servants in Prevention of Profiting" to curb corruption in public sectors. On August 29, PFP legislator Fu Kun-chi was indicted on charges of violating the security transaction law and for breach of trust for alleged involvement in illegal stock trading. The prosecutors recommended that Fu be sentenced to 42 months in jail and fined \$1.6 million (NT\$50 million).

The law allows the public to request access to regulations, plans, statistics, contracts, treaties, meeting records, and other unclassified government information.

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 government restriction, investigating and publishing their findings on human rights cases. Government officials often 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 and there are no laws prohibiting homosexual activities. While the authorities were committed to protecting these rights, discrimination against some groups continued.

Women

Violence against women, including domestic violence and rape, remained a serious problem. The law allows prosecutors to take the initiative

in investigating complaints of domestic violence without waiting for a spouse to file a formal lawsuit. Through November there were 1,589 cases prosecuted and 1,312 persons convicted for domestic violence. Typically persons convicted in domestic violence cases were sentenced to less than six months prison time. Strong social pressure not to disgrace their families discouraged abused women from reporting incidents to the police.

Rape, including spousal rape, is a crime and remains a serious problem; its victims were stigmatized socially. Experts estimated that the total number of rapes was 10 times the number reported to the police. The law provides protection for rape victims. Victims under 16 or mentally handicapped are allowed to testify via a two-way television system and rape trials may not be open to the public unless the victim consents. By regulation, doctors, social workers, police, and prosecutors jointly question victims of sexual abuse 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 5 years' imprisonment, and those convicted usually were given sentences of 5 to 10 years in prison. According to the NPA, as of November there were 5,297 charges of rape or sexual assault filed, 1,351 allegations of rape or sexual assault prosecuted, and 1,379 persons convicted.

The law requires all city and county governments to set up violence prevention and control centers to address domestic and sexual violence, child abuse, and elderly abuse. These government- and NGO-funded 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 received 57,512 calls from victims and reported 28,745 cases to the authorities. Between June 1999 and July 2005, the centers obtained 53,562 protection orders from the courts. In 2004 the MOI set up a toll free hot line specifically for male victims of domestic violence, which received approximately 25 calls per day. During the year, the MOI established a domestic violence hot line staffed by personnel conversant in Vietnamese, Cambodian, Thai, Indonesian, English, and Chinese to assist the growing numbers of foreign spouses.

Prostitution, including child prostitution, was a problem. Prostitution is illegal. Trafficking in women remained a problem. Authorities report that the number of prostitutes from Southeast Asian countries, mainly Vietnamese, Indonesians, and Cambodians, entering Taiwan increased. During the year 204 Southeast Asian women were indicted for prostitution, 59 more than in 2004. A total of 1,215 women from the PRC, Hong Kong, and Macau were arrested for prostitution during the year, down by 870 or approximately 43 percent from 2004. Authorities cited tighter border controls, including compulsory interviews upon arrival at airports, and other deterrents for the decrease. There were reports of a growing trend of teenagers and young women being lured into prostitution by Internet advertisements promising employment, large salaries, and adventure.

The law prohibits sex discrimination. The Gender Equality in the Workplace Act provides for equal treatment with regard to salaries, promotions, and assignments. Women's advocates noted, however, that women were promoted less frequently, occupied fewer management positions, and worked for lower pay than their male counterparts. Women were not granted maternity leave or were forced to quit jobs due to marriage, age, or pregnancy. According to the Council on Labor Affairs, salaries for women averaged 85 percent of those for men performing comparable jobs. Most city and county administrations set up committees to deal with complaints of sexual discrimination in the workplace. The law also stipulates that measures be taken to eliminate sexual harassment in the workplace.

The National Union of Taiwan Women Associations is a confederation of 70 women's organizations that have joined to promote women's rights.

Children

The government is committed to the rights and welfare of children, and the law includes provisions to protect them. Education for children between 6 and 15 years of age is free, universal, and compulsory, and this was enforced. According to government statistics, 99 percent of school-age children attended primary and junior high school. Children were provided health care under the national health insurance plan.

Child abuse continued to be a widespread problem. In 2004 nearly 5,800 cases of child abuse were reported, according to MOI statistics, an increase of almost 8 percent over 2003. As of September, 7,481 cases of child abuse were reported, including physical, mental, or sexual abuse or harm due to guardian neglect. The government and private organizations continued efforts to increase public awareness of child abuse and domestic violence. Approximately 90 percent of abusers were parents, relatives, or caregivers. Hospitals, schools, social welfare organizations, or the police reported most cases.

By law, any persons discovering cases of child abuse or neglect must notify the police, social welfare, or child welfare authorities; child welfare specialists must make such notification to county or city governments within 24 hours; and the governments must respond with appropriate measures within 24 hours. County or city officials are required to submit a request for investigation to a supervisory agency within four days. Both the MOI's Children's Bureau and NGO specialists monitored cases to ensure that these requirements were followed. The MOI provided guidance to city and county governments for day-care facilities in their localities and for children's halfway houses and education centers. Financial subsidies were provided to low-income families with children in day-care facilities and to local governments to promote child protection efforts. A hot line accepted complaints of child abuse and offered counseling. Courts are authorized to appoint guardians for children who have lost their parents or whose parents are deemed unfit.

Child prostitution was a problem, particularly among aborigine children. The law provides for up to two years incarceration for customers of prostitutes under the age of 18. As of November 799 persons were indicated for this crime, and 858 were convicted, including cases from previous years. In 2004, 952 persons were indicted, and 794 were convicted. The law also requires the publication of the names of violators in newspapers. The law prohibits the media from running advertisements involving the sex trade and imposes penalties on citizens arrested abroad for having sex with minors; these laws were enforced in practice.

Trafficking in Persons

There is no comprehensive trafficking law, although most forms of trafficking are criminalized through a number of statutes. The law does not address prevention of trafficking or victim protection, which authorities nonetheless provide on an ad hoc basis. The MOJ and the MOI are responsible for combating trafficking.

Trafficking in persons remained a problem. Taiwan continued to be a destination for women and girls, mainly from the PRC, trafficked for the purpose of sexual exploitation and forced labor. Trafficking victims from Southeast Asia, primarily from Vietnam, Cambodia, and Thailand, also were forced or coerced into the commercial sex trade through fraudulent offers of employment or marriage. As of October 189 persons were indicted for trafficking and 84 persons were convicted, compared with 241 indictments and 150 convictions in 2004. Authorities cited tighter controls at borders and other deterrent measures as factors contributing to the decrease. Some women were trafficked to Japan for sexual exploitation.

NGOs reported that fraudulent marriages were increasingly used as a vehicle for human trafficking, in part because the penalties for the fake husbands were lenient. Foreign brides, mainly from the PRC, but also increasing numbers of women from Vietnam, were lured to Taiwan by marriage brokers, only to be forced into prostitution or exploitive labor. Many incidents of physical and mental abuse have been reported in the media and by NGOs.

Labor trafficking was a problem. NGOs reported that families hired female foreign workers to care for elderly persons (for which the government provides subsidies to families) but that when the workers arrived they were forced to do other tasks, including: childcare, working in family shops or businesses, cleaning houses, and helping other family members with domestic work. In other cases, foreign laborers were hired overseas as domestic workers but then sent to work in factories when they arrived and paid only a fraction of the local prevailing wage. Penalties for such violations were light. In one case, an inspector discovered a domestic caretaker was working in the employer's flour factory. The inspector returned the foreign worker to the employer's family and fined the employer \$1 thousand (NT\$30 thousand). The employer was allowed to continue using the foreign worker as a housekeeper. Labor authorities remove an employer's right to hire domestic caretakers only after a third offense.

Authorities took steps to combat trafficking. Officials worked to intercept criminal syndicates that smuggled migrants, including trafficking victims. A January 2004 law stipulates that any person found guilty of smuggling mainland Chinese into Taiwan shall be punished with a prison term of 3 to 10 years and fined up to \$150 thousand (NT\$4.5 million) In late March authorities disrupted a trafficking ring run by two army officers and their wives. A yearlong investigation produced a number of arrests for trafficking of PRC women for exploitation in the sex industry. In January a trafficker convicted of killing six PRC victims in 2003 was executed.

NGOs stated that more government involvement was needed to eliminate deceptive marriage brokering. NGOs reported instances of corrupt lower-ranking police officers, who collaborated with brokers in facilitating trafficking of persons into Taiwan. On February 5, a police officer was sentenced to 11 years in prison for accepting bribes from a PRC prostitution ring.

The authorities continued to support NGO antitrafficking prevention programs with government funding for public awareness programs targeting minors and Southeast Asian women married to local men. Taiwan also funded publicity campaigns in source countries.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and sets minimum fines for violations. As of September there were 910 thousand persons identified as having disabilities.

The law stipulates that the government must provide services and programs to the disabled population. Free universal medical care was provided to persons with disabilities. NGOs stated 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 population, especially the growing numbers of elderly persons.

Employment quotas for persons with mental and physical disabilities require large public and private organizations to hire persons with disabilities equal to 2 and 1 percent of their work force, respectively. Organizations failing to do so must pay, for each person with disabilities not hired, the amount of one basic monthly salary or approximately \$500 (NT\$15,840), into the Disabled Welfare Fund, which supports institutions involved in welfare for persons with disabilities. Employers hired more persons with disabilities during the year than in 2004. As of September persons with disabilities constituted 4 percent of the public sector workforce.

The law provides monetary assistance for up to five years, and additional support through other programs for those with occupational injuries. NGOs maintained that the government 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 from \$1,800 to \$9,100 (NT\$60 thousand to NT\$300 thousand). There did not appear to be a substantial effort aimed at refitting older buildings to accommodate persons with disabilities. Lobbying for "barrier free access" to both public and non-public buildings was a top priority for NGOs. Handicap accessible public transportation, although limited to larger cities, increased to 192 special vehicles. NGOs stated that more vehicles were needed to accommodate demand.

Indigenous People

The only non-Chinese minority group consists of the aboriginal descendants of Malayo-Polynesians, who were well established on the island when the first Chinese settlers arrived. According to MOI statistics, Aborigines accounted for approximately 2 percent of the population. More

than 70 percent were Christian, while the dominant Han Chinese were largely Buddhist or Taoist. The civil and political rights of Aborigines are protected under law (see section 3). The National Assembly amended the constitution in 1992 and again in 1997 to upgrade the status of aboriginal people, protect their right of political participation, and to ensure their cultural, educational, and business development. In addition, the authorities also instituted social programs to help Aborigines assimilate into the dominant Chinese society.

To address a longstanding grievance regarding their inability to own their ancestral land, President Chen signed a partnership document with representatives from all aborigine tribes recognizing their land rights and allowing some form of autonomy. The Council of Aboriginal Affairs, in addition to continuing the investigation and mapping of traditional tribes and their territories, coordinated with other ministries to draft or amend legislation on issues such as development in the aborigine reservations, zoning, national parks, and hot spring tourism.

Other Societal Abuses and Discrimination

According to a 2003 survey conducted by the Taiwan Homosexual Human Rights Association, more than 30 percent of homosexuals said they suffered discrimination. In November 2004 some 4,500 persons took part in a rally to call for society to respect the civil rights of homosexuals. Societal discrimination against persons with HIV and AIDS was a problem, and some politicians made derogatory remarks about such persons. The national health insurance provides free screening and treatment, including antiretroviral therapy, for all HIV-infected nationals.

Section 6 Worker Rights

a. The Right of Association

The right to unionize is protected by law but is highly regulated. Approximately 29 percent of the 10.3 million-person labor force belongs to one of the 4,308 registered labor unions. Many of them are also members of one of the eight island-wide labor federations.

Workers other than teachers, civil servants, defense industry workers, and domestic workers are protected by the Labor Union Law (LUL). Under the LUL, employers may not refuse employment to, dismiss, or otherwise unfairly treat workers because of their union-related activities. The LUL requires that labor union leaders be elected regularly by secret ballot, and in recent years, workers have sometimes rejected management-endorsed union slates. However, in practice employers sometimes dismissed labor union leaders without reasonable cause or laid them off first during employee cutbacks, and according to the pro-labor, pro-Taiwan independence NGO Taiwan Labor Front, the law has no specific penalties for violations.

Some public employees, including teachers, civil servants, and defense industry workers have only limited rights to form unions. These restrictions have led to a long-running dispute between the authorities and groups that represent teachers and civil servants. Teachers and civil servants are allowed to form professional associations to negotiate with authorities but are not allowed to strike. A teacher's union established in 2003 has not been recognized by the Council of Labor Affairs (CLA).

Moreover, a number of laws and regulations limit the right of association. While labor unions may draw up their own rules and constitutions, they must submit those rules and constitutions to their county and city governments as well as the CLA National Labor Federation for review. Labor unions may be dissolved if they do not meet certification requirements or if their activities disturb public order.

In 1971 the PRC replaced Taiwan in the International Labor Organization (ILO). However, Taiwan's Chinese Federation of Labor attends the ILO annual meetings as an affiliate of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

Except for some public employees, the law gives workers the right to organize, bargain, and act collectively. As of March, there were 254 collective agreements in force; however, they covered only a small proportion of the labor force, and 79 percent of industrial labor unions had no collective agreements.

The law provides for the right to strike, and workers exercised this right in practice. However, the law, which recognizes the right of labor unions to strike, also imposes restrictions that in practice make legal strikes difficult and seriously weaken collective bargaining. For example, the law requires mediation of labor/management disputes when authorities deem disputes to be sufficiently serious or to involve "unfair practices." The law forbids both labor and management from disrupting the "working order" when either mediation or arbitration is in progress. Moreover, labor unions are only allowed to strike over issues of compensation and working schedules. The law mandates stiff penalties for violations of no-strike and no-retaliation clauses. Employers in the past sometimes ignored the law and dismissed or locked out workers without any legal action being taken against them, although no such cases were reported during the year.

Recent efforts to privatize state-run enterprises resulted in rising tensions between labor unions and the authorities. In the last few years, strikes and protests by labor unions at Business Bank of Taiwan, Changhwa Commercial Bank, Taiwan Power Company, and Chunghwa Telecom have delayed privatization efforts. As of November 77,260 persons had been involved in labor disputes, compared with 69,951 in all of 2004. Much of this increase can be attributed to privatization efforts by the state-run Chunghwa Telecom Corporation.

The labor laws are applicable in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were several cases of forced child prostitution prosecuted by the authorities and evidence of labor trafficking (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The law stipulates age 15, the age at which compulsory education ends, as the minimum age for employment. County and city labor bureaus effectively enforced minimum age laws. The law protects children from debt bondage, prostitution, pornographic performances, and other illicit activities specified in ILO Convention 182.

e. Acceptable Conditions of Work

The Labor Standards Law (LSL) addresses rights and obligations of employees and employers. The law also provides standards for working conditions and health and safety precautions. By the end of June, the LSL covered 6 million of Taiwan's 7.2 million salaried workers. Those not covered included nursery workers, gardeners, bodyguards, teachers, doctors, lawyers, civil servants, and domestic workers.

The minimum monthly wage is approximately \$500 (NT\$15,840). While sufficient in less expensive areas, this wage did not assure a decent standard of living for a worker and family in urban areas such as Taipei. However, access to universal healthcare and free public education up to the university level helped to fill the gap. In addition, the average manufacturing wage was more than double the legal minimum wage, and the average for service industry employees was even higher. Legal working hours are 336 hours per 8-week period (for an average of a 42-hour workweek). While a five-day workweek is mandated for the public sector, 53 percent of private enterprises also have reduced the normal workweek to five days, according to a CLA survey.

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 has conducted publicity campaigns to increase public awareness of the law and operates telephone hot lines to accept complaints of LSL violations, NGOs claim that the CLA does not effectively enforce workplace laws and regulations because it employs too few inspectors. During 2004 there were 298 inspectors responsible for approximately 280 thousand enterprises covered by the Occupational Safety and Health Law. By combining health/safety inspections with working conditions inspections, the number of health and safety inspections increased 23 percent from 86,774 in 2003 to 107,087 in 2004.

The CLA does not provide the same protection to foreign workers that it does for citizens. The LSL does not cover the more than 126,700 foreign workers involved in domestic care (housekeepers, caregivers, etc.). These foreign workers typically work long hours with few days off, are rarely permitted to change employers, and often are not fully informed of options in the event of abuse.

Neither foreign nor citizen domestic workers are entitled to the minimum wage. Despite the fact that the minimum wage is not a legal obligation, most domestic workers are hired through brokers who negotiate the minimum wage to ensure that the worker earns enough to cover the brokers' fees. Of the \$500 (NT\$15,840) a month typically paid to domestic caretakers, after deductions by the brokers, reportedly most domestic caretakers received only \$100 (NT3 thousand) to \$200 (NT6 thousand) per month in the first two years of working in Taiwan. Domestic workers can only change jobs under rare circumstances, increasing their vulnerability to abuse by employers.

NGOs reported that the broker system in Taiwan was the source of many of the problems that foreign workers faced. Brokers extracted placement fees in the form of loans before workers came to Taiwan or as salary deductions once they were in Taiwan. As a result, most workers expected to save almost nothing in their first one to two years in Taiwan. According to several NGOs, many problems, from labor trafficking to unsafe working conditions, stemmed from the fact that the workers, and sometimes their entire families, were in debt to brokers. NGOs claimed that many workers did not go to the authorities with complaints for fear they would be repatriated, preventing them from paying off their debts. Foreign domestic workers were often at an even greater disadvantage if they were unable to speak Chinese, as few authorities outside of Taipei provided interpreter services.

One case that attracted considerable attention involved a riot on August 21, by 1,700 Thai workers who had been brought to Taiwan to build a rapid transit system connecting Kaohsiung and the surrounding area. The incident was set off when one of the foreign workers was struck with an electric cattle prod for an infraction. The workers claimed that local authorities not only had ignored illegal practices, but may have been complicit in them. Both the mayor of Kaohsiung and the head of CLA resigned over the incident.

The Thai workers' main grievance was that the workers were officially paid approximately \$1 thousand (NT\$29 thousand) a month but actually received only and estimated \$300 (NT\$9 thousand) after salary deductions. Legally, companies that hire foreign workers can deduct up to \$120 (NT\$4 thousand) a month for living expenses. In the case of the Thai workers, however, the broker deducted up to \$700 (NT\$23,300) a month.

In a December 12 demonstration in Taipei, foreign workers and human rights activists called for abolition of the broker system, an end to the six-year maximum limit on work permits, and extension to foreign workers of the protections in the LSL and Household Services Act.

In an effort to reduce broker fees, the CLA has on occasion revoked permits of agencies charging excessive fees. The CLA has also negotiated direct hire agreements with a few countries and encouraged NGOs to establish nonprofit employment service organizations to assist foreign laborers in locating employment. Moreover, the CLA has established 24 offices around the island to provide counseling and other services to foreign workers, and provided financial assistance to city and county governments to conduct inspections of places where foreign workers are employed. In 2004 the CLA established a legal aid office to provide free legal services to foreign workers. NGOs have said the office was instrumental in bringing legal actions in a few high profile cases involving foreign workers.

According to many NGOs, CLA's steps were only a beginning and much more needed to be done. They pointed to the large disparities in funding and support given to foreign workers depending on which county they were in. For example, foreign workers in the city of Taipei enjoyed services that did not exist in the rest of the island. The city had two government shelters, a community center and 19 full-time labor inspectors. Outside Taipei, however, service was sometimes nonexistent, and lack of interpreters made the services that were available inaccessible to many of the workers.

[Updates](#) | [Frequent Questions](#) | [Contact Us](#) | [Email this Page](#) | [Subject Index](#) | [Search](#)



The Office of Electronic Information, Bureau of Public Affairs, manages this site as a portal for information from the U.S.

State Department. External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.

[FOIA](#) | [Privacy Notice](#) | [Copyright Information](#) | [Other U.S. Government Information](#)