

FREEDOM OF THE PRESS

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Taiwan

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Taiwan's media environment is one of the freest in Asia, with a vigorous and diverse press that reports aggressively on government policies and alleged official wrongdoing. During 2011, the use of criminal defamation laws, a media merger that could increase ownership concentration, and incidents of Chinese state media content appearing in Taiwanese papers all raised concerns among journalists and media watchdogs that freedom of expression was under threat. In a positive development, the legislature passed legal amendments that reduced a trend in which government advertising was disguised as news reports.

The constitution provides for freedoms of speech and of the press, and the government and independent courts generally respect these rights in practice. In November 2011, the legislature passed an amended Children and Youth Welfare and Rights Protection Act, banning newspapers from excessive coverage or descriptions of rape, molestation, suicide, or drug abuse, as well as from using words and photographs depicting violent or erotic subject matter. Journalists and press freedom advocates had warned before passage that the legislation could be interpreted to limit a broad range of legitimate reporting.

Print media are free of state control, and following reforms in recent years, broadcast media are no longer subject to licensing and programming reviews by the Government Information Office (GIO). Media coverage is often critical of the government, though politically polarized; most outlets are sympathetic to one of the two major parties, the ruling Kuomintang (KMT) and the Democratic Progressive Party (DPP). In October 2011, KMT whip and legislator Hsieh Kuo-liang filed a criminal defamation lawsuit against Lin Chau-yi, a reporter at the online news outlet *Newtalk*, for a story Lin had written the previous month. The article claimed that Hsieh had intervened in a controversial cable television deal, urging regulators to expedite their decision on a merger between Want Want China Broadband and China Network Systems (CNS). Hsieh won court approval for the provisional seizure of NT\$2.5 million (US\$82,600) from Lin, and although he later retracted the asset seizure under public pressure, media freedom advocates continued to urge the Taiwanese government to repeal the criminal defamation provisions under which the suit was filed. Publication of defamatory words or pictures can be punished by a maximum of two years in prison. In another case, a blogger in Taichung City was sentenced to two years' probation and ordered to pay NT\$200,000 (US\$7,000) in compensation for defamation after she wrote a negative review of a restaurant.

The National Communications Commission (NCC) is the main regulatory body tasked with awarding licenses. At the center of its attention in 2011 was Want Want China Broadband's proposal to purchase CNS, the country's second-largest cable television provider. The multibillion-dollar deal would allow the Want Want conglomerate to secure 23 percent of Taiwan's cable subscribers and roughly one-third of the overall media market. International media watchdogs and local academics raised concerns that the merger could undermine the diversity of opinion offered to the public. In June, three NCC commissioners announced that they would avoid involvement in the decision;

2012 SCORES

PRESS STATUS

Free

PRESS FREEDOM SCORE

25

LEGAL ENVIRONMENT

8

POLITICAL ENVIRONMENT

9

ECONOMIC ENVIRONMENT

8

the three had been the target of a denunciation campaign by Want Want–owned media in 2009 after they imposed restrictions related to cross-ownership on the company's purchase of the *China Times*. The NCC held its second public hearing on the CNS deal on October 24, but by year's end no decision on the merger had been finalized. Separately, since August 2009 the NCC had repeatedly denied requests by Next Media, the parent company of leading news publications in Hong Kong and Taiwan, to launch a cable television station. However, in July 2011 the commission approved the company's bid to form a news channel after founder and chairman Jimmy Lai agreed to leave sex and violence out of Next Media's trademark computer animations of news events and celebrity mishaps.

Physical violence against journalists in Taiwan is rare, and both local and foreign reporters are generally able to cover the news freely. Media owners can exercise considerable sway over the editorial content of their outlets. In October 2011, Global Views Survey Research Center (GVSRC)—owned by the Commonwealth Publisher Group, a Taipei-based commercial news outlet known for its in-depth business reporting—announced that it would no longer conduct polls on elections or political issues. The firm said this was due to commercial considerations and a “change of market environment.” However, opposition media suggested that it was a result of political pressure after the GVSRC published poll results that favored opposition presidential candidate Tsai Ing-wen over incumbent Ma Ying-jeou. The center's director, Lian Tai, resigned after the announcement. He defended the polling methodology and said the company management had stated that the polls “caused too much turbulence.”

As commercial ties between Taiwan and China deepen, press freedom advocates have raised concerns that media owners and some journalists are whitewashing news about China to protect their financial interests. In April 2011, Taiwan's partly government-owned satellite company Chunghwa Telecom (CHT), which has joint ventures with China's state-run China Telecom Corporation, announced that it would not renew its contract with New Tang Dynasty Television (NTDTV), a station run by Falun Gong practitioners that broadcasts uncensored news into China. Reporters Without Borders said it believed the decision was made to appease authorities in Beijing. Following a campaign by press freedom groups and Taiwanese politicians from both major parties, CHT backtracked in June and renewed the contract in August.

Taiwan is home to more than 360 privately owned newspapers and numerous radio stations. Satellite television systems carry 281 channels. Legislation approved in 2003 barred the government and political party officials from holding positions in broadcast media companies, and required government entities and political parties to divest themselves of all broadcasting assets. Controversies plagued the Public Television Service (PTS) in 2009 and 2010, including over the premature dismissal of the president and vice president, as well as the composition of the board of directors. The current PTS board's term expired in 2011, but KMT and DPP legislators were not able to agree on a proposed new list. Consequently, the existing board's term was extended until a new board could be formed.

The issue of “embedded marketing”—advertising cloaked as news—came to the fore in December 2010 when veteran *China Times* journalist Dennis Huang resigned, reportedly to protest the proliferation of positive coverage purchased by both businesses and government entities. His resignation led to a public campaign to end the practice, according to press freedom watchdogs. In January 2011, legislators passed an amendment to the Budget Law to prohibit Taiwanese government agencies and government-funded enterprises from using public funds for paid news. The measure also prohibited embedded marketing for political purposes or promotion of a particular high-ranking official. According to local journalists, the new rules were generally implemented during the year. However, embedded marketing by foreign governments was excluded from the legal amendment, and cases of news supplied by China-based entities persisted during the year, though in some instances public pressure forced greater transparency. On April 8, *China Post*, an English-language newspaper in Taiwan, was found to have printed seven articles originally published in Chinese Communist Party–run outlets, without

mentioning the sources. After a public outcry, the paper periodically published similar inserts, but indicated that the content was provided by the Asia News Network (ANN), based in Hong Kong, which distributes content from various daily newspapers, including China's state-run *China Daily*. Under legally binding guidelines from 1993, Chinese news publications require Taiwanese government permission to enter Taiwan's market, raising concerns that the ANN arrangement was an attempt to circumvent such rules.

The government refrains from restricting the internet, which was accessed by 72 percent of the population in 2011. But with Taiwan's presidential and legislative elections set for January 2012, the DPP and KMT both reported a series of well-orchestrated cyberattacks. According to a DPP spokesman, the internet protocol (IP) addresses used in one hacking attempt were traced back to China, among other countries.

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