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## 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. However, political polarization, self-censorship, and indirect Chinese influence limit the diversity of opinions represented in mainstream media. In 2012, attempts by tycoons with significant business interests in Taiwan and China to gain greater control of the media market sparked protests from students, journalists, and social activists who argued that press pluralism was under serious threat.

The constitution provides for freedoms of speech and of the press, and the government and independent courts generally respect these rights in practice. Publication of defamatory words or pictures can be punished with a maximum of two years in prison. Media freedom advocates continued to urge the government to decriminalize defamation in 2012. In July, the Taipei district prosecutor's office issued a final decision in favor of a reporter who was charged with criminal defamation by a lawmaker from the ruling Kuomintang (KMT) in 2011, after the journalist wrote an article implying that the lawmaker had pressured the National

Communications Commission (NCC) to expedite its review of a cable merger.

Taiwan's Freedom of Government Information Law, enacted in 2005, enables public access to information held by government agencies, including financial audit reports and documents about administrative guidance.

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), which was formally dissolved in May 2012. The NCC is the main regulatory body tasked with awarding licenses. In December 2011, the Legislative Yuan, or parliament, amended the law governing the NCC, changing the process for appointing its chair from internal selection by the commissioners to appointment by the premier and approval by the parliament. Critics of the change argued that it would undermine the commission's independence. The new rule was implemented for the first time in mid-2012, when a new NCC chairperson was chosen.

Two proposed transactions were at the center of the NCC's attention in 2012, both of which involved the Want Want Group conglomerate. In July, the NCC conditionally approved a bid by Want Want Broadband, a Want Want Group subsidiary, to purchase China Network Systems (CNS), Taiwan's second-largest cable television provider, for NT\$76 billion (US\$2.57 billion). The preconditions imposed by the commission included having the owners disassociate themselves from the news operations of CtiTV, a Want Want television network, and establishing a system for ensuring the editorial independence of another television holding. The multibillion-dollar deal would allow Want Want—which already owned newspapers, a magazine, television channels, and a radio station—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 would give Want Want the ability to interfere with other media outlets and the power to decide which channels—including rival television stations—may be broadcast via its cable system. As of the end of 2012, the NCC was withholding final approval of the deal until its conditions could be fulfilled.

In the year's second major transaction, Hong Kong entrepreneur Jimmy Lai, founder and chairman of Next Media, announced a tentative agreement to sell his Taiwan print and television assets for NT\$17.5 billion (US\$590 million) in November. The media group includes *Apple Daily*, one of Taiwan's most popular newspapers, known for its nonpartisan and investigative—though at times

salacious—reporting. Since August 2009, the NCC had repeatedly denied requests by Next Media to launch a cable television station. Having lost more than US\$200 million on its television venture after the regulatory delays, Next Media said its Taiwanese operations had become economically unviable. The consortium bidding for the assets included Tsai Shao-tsung, the son of Want Want Group owner Tsai Eng-meng, who maintains friendly ties to the Chinese government. Critics have raised fears that the buyers could impose a new editorial line at the Next Media outlets, either openly favoring Beijing or limiting coverage of topics deemed sensitive by the Chinese government. Analysts have estimated that the Tsai family would control between one-third and one-half of Taiwan's media market if the proposed deal were to go through. The transaction requires prior approval from three regulatory agencies and remained under review at year's end.

Media coverage is often critical of the government, though the sector is politically polarized; most outlets are sympathetic to either the KMT or the opposition Democratic Progressive Party (DPP). There was little state interference in reporting on the January 2012 presidential and legislative elections, but strong party affiliations were evident in media outlets' preferential treatment of candidates. Separately during the year, analysts accused Want Want Group of using its media assets to intimidate opponents of the CNS merger. In July, Want Want's *China Times*, *China Times Weekly*, and CtiTV ran stories with pictures that allegedly showed students taking money after protesting against the proposed deal. The three outlets claimed that a media scholar, Huang Kuo-chang, had paid students to attend the protest. Following public pressure, the outlets apologized to Huang in August for making false accusations, but they denied fabricating the story. The incident prompted several *China Times* editors and reporters to quit. Three advisers on the ethics committee at CtiTV also resigned, stating that their opinion had little bearing on the network's news coverage. On New Year's Eve, the lead singer of the popular Taiwanese band Sodagreen had his remarks against media monopolization removed from a broadcast by CTV, another Want Want outlet. Also in December, Want Want announced plans to launch a new magazine in early 2013 in cooperation with the Fujian Daily Group, which is affiliated with the Chinese Communist Party.

As commercial ties between Taiwan and China deepen, press freedom advocates have warned that media owners and some journalists are self-censoring news about China to protect their financial interests. There is growing concern that the Chinese government has been able to exert greater influence on Taiwan-based

media, including outlets seen as pro-DPP and relatively critical of Beijing in their programming. In May 2012, popular political talk-show host Cheng Hung-yi, who is known for his pro-Taiwanese views, resigned from his position at Sanlih E-Television (SET-TV). In December, the host of the show that replaced Cheng's program also resigned, though she eventually decided to stay on at a different timeslot. The station had recently sought approval to distribute its television dramas in China, a highly lucrative opportunity, adding to concerns that the resignations were linked to SET-TV efforts to curry favor with Chinese officials. SET-TV denied those claims, stressing that both hosts had made their decisions for "family reasons."

Physical violence against journalists in Taiwan is rare, and both local and foreign reporters in general are able to cover the news freely. No attacks on journalists were reported in 2012.

Taiwan is home to more than 360 privately owned newspapers and numerous radio stations. Satellite television systems carry more than 280 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 unfair 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 in 2012. In June, the Taiwan High Court handed down a final ruling in favor of the service's former president. She had sued the PTS after she was removed by its board three months before her term expired in 2010, challenging the station's assertion that her removal was due to poor performance.

A 2011 amendment to the Budget Law prohibited Taiwanese government agencies and government-funded enterprises from using public funds for paid news. The measure also prohibited embedded marketing—advertising cloaked as news—for political purposes or for the promotion of a particular high-ranking official. Since then, there has reportedly been a notable reduction in such cases. Nevertheless, a report released by the National Audit Office in August 2012 found that more than one-third of the government bodies responsible for carrying out publicly funded projects had violated the law in some instances in 2011 by failing to adequately label their campaigns as advertisements. The finding drew criticism from

legislators across party lines, as did the audit office's passage in June of a clause that exempts government agencies from identifying their ads if the act would damage their credibility or harm "state security" and "social order."

There have also been concerns about the Chinese government influencing media content through embedded marketing. Such practices by foreign governments were excluded from the 2011 legal amendment, but Chinese official advertising in Taiwanese media is generally banned under a 1992 law. In November 2011, the Control Yuan, a government watchdog body, published a report warning that some Taiwanese media had carried embedded ads from China in a possible attempt to circumvent the restrictions. In May 2012, the Ministry of Economic Affairs fined *China Times* NT\$400,000 (US\$13,500) after it ran a series of articles promoting business cooperation with China's Fujian Province during a visit by the province's governor. Other outlets had reported a recorded telephone conversation indicating that the feature was produced in coordination with—and likely with payment from—Chinese government officials.

The government refrains from restricting the internet, which was accessed by 76 percent of the population in 2012.

## 2013 SCORES

PRESS STATUS

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