

TAIWAN 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Taiwan is governed by a president and a parliament selected in multi-party elections. In 2012, voters re-elected President Ma Ying-jeou of the Kuomintang Party (KMT) to a second four-year term in an election considered free and fair. Authorities maintained effective control over the security forces.

Principal human rights problems reported during the year were labor exploitation of migrant workers by fishing companies, exploitation of domestic workers by brokerage agencies, and official corruption.

As of November authorities indicted 687 officials, including 69 high-ranking officials, on corruption charges during the year. There were no reports of impunity.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the authorities or their agents 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.

In 2013 army conscript Hung Chung-chiu died of heatstroke following time spent in military detention during which his military superiors allegedly forced him to exercise in extreme summer conditions. The case and the military's response sparked accusations of torture; mass protests that led to the resignation of the minister of defense; and passage of an amendment to the law, retroactively applied to this case, that transferred jurisdiction of military criminal cases to the civilian

judicial system during peacetime. On March 7, the Taoyuan District Court handed down verdicts on the 18 officials charged with crimes in connection with the conscript's death, marking the first time a Taiwan civilian court handled a military criminal case. Hung's company commander was sentenced to eight months in prison, 12 others were sentenced to prison terms ranging from three to six months, and the remaining five were found not guilty. On April 1, Hung's family appealed the verdict, arguing that it was too lenient. The case led to intense scrutiny of previous deaths under the military conscription system and accusations that mistreatment of conscripts was more common than previously believed. In early December the Taoyuan District Prosecutors Office indicted 15 more military officers on charges of abandonment offenses.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and authorities permitted visits by independent human rights observers.

Physical Conditions: As of November, 63,947 adults (58,404 men and 5,543 women) and approximately 532 juveniles (508 men and 24 women) were imprisoned. Prisons operated at 125 percent of designed capacity. According to Ministry of Justice statistics, a total of 119 inmates died in prison or in pretrial detention centers as of November. Prisoners had access to potable water, and there were no complaints of inadequate heating, ventilation, lighting, or bad food from prisoners. Prison ombudsmen were available to respond to complaints.

The case of former president Chen Shui-bian continued to receive high-profile attention from domestic and international political figures and human rights activists, who criticized the conditions of his imprisonment and called on authorities to release Chen because of his deteriorating health. As of December 31, a panel of medical experts had submitted a unanimous recommendation to the Ministry of Justice that Chen be released on medical parole. It was widely expected that authorities would accept the recommendation. Throughout the year the Ministry of Justice maintained and updated a webpage reporting on Chen's health and living conditions.

Administration: Recordkeeping on prisoners was adequate. Nonviolent offenders may be fined or given suspended sentences as an alternative to prison sentences. Authorities permitted prisoners and detainees to submit complaints to a prison appellate committee consisting of wardens, anticorruption officials, and third parties. Prisoners could submit complaints to judicial authorities without

ensorship, although all correspondence was screened before entering and leaving the facilities. Prisoners and detainees had access to visitors. During the active investigation phase of their cases, a small number of detainees, on court order, were deprived of the right to have visitors. All prisoners and detainees could observe their religious practices. Prisoners were able to meet with and request additional meetings with chaplains, who visited on a regular basis. According to the criminal code, a person convicted of minor offenses and sentenced to a prison term of less than six months may choose to perform community service instead of serving time in prison.

When a prisoner made allegations of problematic conditions, prison authorities investigated the claims and released the results of their investigation to judicial authorities and occasionally to the press. Authorities investigated and monitored prison and detention center conditions.

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

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 has administrative jurisdiction over all police units, although city mayors and county magistrates appoint city and county police commissioners. Civilian authorities maintained effective control over the NPA, and authorities had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

Arrest Procedures and Treatment of Detainees

A warrant or summons is required by law, except when there is ample reason to believe the suspect may flee, or in urgent circumstances, as specified in the code of criminal procedures. 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. Authorities generally observed these procedures, and trials usually took place within three months of indictment.

Prosecutors may apply to a court for approval of pretrial detention of an unindicted suspect for a maximum of two months, with one possible two-month extension. Courts may request pretrial detention in cases in which the potential sentence is five years or more and when there is a reasonable concern that the suspect could flee, collude with other suspects or witnesses, or tamper or destroy material evidence.

While courts are required to appoint counsel after an indictment is filed, the law does not specify what lawyers could or should do to protect the rights of indigent criminal suspects during initial police questioning. The Judicial Yuan (JY, or court system) and the NPA operated a program to provide legal counsel during initial police questioning to qualifying indigent suspects who have a mental disability or have been charged with a crime punishable by three or more years in prison. Detained persons may request the assistance of the Legal Aid Foundation (LAF), which provides professional legal assistance through its 21 branch offices to persons who would not otherwise have legal representation. LAF is a nongovernmental organization (NGO) funded by the JY. LAF provided these services to all individuals. During regular consultations with police and when participating in police conferences, LAF officials remind police of their obligation to notify suspects of the existence of such counseling. The prosecutor proposes and a court decides whether a suspect should be detained incommunicado or held under house arrest. Suspects and prisoners may be prohibited from receiving visitors, but they are entitled to meet and consult with legal counsel. The law affords the right of compensation to those who have been unlawfully detained.

Detention of Rejected Asylum Seekers or Stateless Persons: Taiwan has not enacted a refugee law or revised its law to process asylum seekers. There were no reports of Taiwan authorities detaining unsuccessful applicants for asylum pending their deportation. In May authorities announced they were granting permanent resident status through special arrangements to nine asylum seekers who came from mainland China between 2004 and 2007 and whose immigration applications had been rejected by other countries.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judicial system suffered from some corruption. Although authorities made efforts to eliminate corruption and diminish political influence in the judiciary, some residual problems remained. Judicial reform advocates pressed for greater public accountability, reforms of the personnel system, and other procedural reforms.

Some political commentators and academics also publicly questioned the impartiality of judges and prosecutors involved in high-profile and politically sensitive cases.

The opposition Democratic Progressive Party (DPP) frequently raised the issue of judicial impartiality. In December 2013 eight DPP legislators held a press conference to criticize Taiwan's court system for adopting double standards in trying two corruption cases involving the former minister of transportation and communications, Kuo Yao-chi, who worked with the DPP administration, and President Ma Ying-jeou's former secretary-general, Lin Yi-shih. Kuo was sentenced to eight years in prison on corruption charges. Lin was found not guilty of corruption charges but was sentenced to seven years and four months in prison on charges of "intimidation" and "property crimes of unknown origin."

On September 26, the Taipei District Court ruled that Legislative Yuan Speaker Wang Jin-Pyng should retain his KMT party membership. The KMT had revoked his membership in 2013 for allegedly intervening in a legal case on behalf of opposition DPP legislator Ker Chien-ming (see section 1.f.). Wang subsequently filed a civil lawsuit against the KMT. The KMT appealed to the Supreme Court in October. On August 13, a district prosecutor dropped a criminal investigation of influence-peddling charges against Wang, reportedly due to insufficient evidence.

Two committees composed of judges, prosecutors, legal experts, and opinion leaders accepted complaints from individuals or civic groups about judges and prosecutors suspected of abuse of office, violating laws and/or regulations, or inappropriate conduct. Three judges and two prosecutors have been disciplined since the establishment of these mechanisms in 2012. In April a prosecutor was suspended for 18 months for scolding and intimidating a defendant involved in a case under his jurisdiction, and a judge was demoted for carelessness in writing a verdict that damaged the interest of the parties involved. In 2013 a prosecutor was suspended for five years for abusing his power in investigating a pharmacy suspected of importing banned drugs. Civil society groups criticized what they claimed were a lack of action and defective review procedures on the part of the two committees.

The 2009 trial of former president Chen Shui-bian and his wife Wu Shu-jen heightened public scrutiny of pre-indictment and pretrial detention, prosecutorial leaks, other possible prosecutorial misconduct, and transparency in judicial procedures.

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Under an amendment to the Certiorari Act that took effect in June, when a person is arrested or detained by any authority (unless by court order) any person, including the arrestee/detainee, may petition a court of justice having jurisdiction for a writ of habeas corpus, and the case must be brought before a judge of the court, by way of a writ of certiorari, within 24 hours. The revised law also requires government agencies to inform detainees of their right to see a judge for a writ of habeas corpus. Detaining authorities who violate the law may face a maximum sentence of three years in prison and a fine of up to NT\$100,000 (\$3,230).

All defendants are presumed innocent until proven guilty and have the right to an attorney. Trials are public, although court permission may be required to attend trials involving juveniles or potentially sensitive issues that might attract crowds. Judges, rather than juries, decide cases; all judges are appointed by and answer to the JY. A single judge, rather than a defense attorney or prosecutor, typically interrogates parties and witnesses. Defendants have the right to be informed promptly of charges, communicate with an attorney of choice or have one provided, prepare a defense, confront witnesses against them, and present witnesses and evidence. The presiding judge determines on a case-by-case basis a defendant's access to evidence held by the prosecution.

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 law extends the above rights to all citizens.

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.

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

The constitution prohibits such actions, and there were no reports that authorities failed to respect these prohibitions during the year. After the KMT attempted in 2013 to revoke Legislative Yuan Speaker Wang Jin-pyng's party membership based on information obtained from a wiretapped conversation (see sections 1.e. and 4), some legal scholars and politicians alleged that the Ma administration had illegally wiretapped sitting legislators for political reasons. The Ma administration rejected these claims.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and authorities generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Press Freedoms: The independent media were active and expressed a wide variety of views without restriction. In 2013 the National Communications Commission (NCC) of the Executive Yuan pushed forward legislation to address growing public concerns about concentration of media ownership and its impact on freedom of the press. The legislation has been put on hold amid controversy as critics questioned the metrics that should be used to gauge the aggregate effect of a media merger; whether financial institutions should be banned from purchasing media outlets; whether new legislation would expand the NCC's authority to include oversight of print media, which the commission currently does not have; and whether the new legislation should be applied retroactively to past media mergers.

In March the NCC ruled that conditions set on the planned acquisition of cable network China Network Systems by a businessman known for his ties with the People's Republic of China (PRC) had not been met. The NCC noted that the majority shareholder of China Network Systems had filed for withdrawal of the application to transfer the company's shares to the media group, which resulted in closure of the case.

Violence and Harassment: Physical attacks and threats against journalists were rare in Taiwan. Local media have reported incidents of police obstruction and

violence directed at journalists who were covering protests against administration policies.

On April 28, the *Apple Daily* newspaper issued a statement condemning police violence against two of its journalists covering an anti-nuclear protest outside the offices of the Executive Yuan. The newspaper alleged that police seriously infringed on press freedom when they beat and dragged the two journalists while dispersing protesters. The camera and glasses of one of the journalists were smashed when he was dragged away from the site, and both reporters suffered minor injuries.

The Association of Taiwan Journalists (ATJ) said riot police assaulted more than 10 journalists on March 23, while forcefully evicting protesters who had attempted to occupy the Executive Yuan to protest the Cross-Strait Agreement on Trade in Services. The ATJ condemned police violence against journalists and urged authorities to respect journalists' right to gather news and ensure their personal safety.

Censorship or Content Restrictions: Local academics and media activists alleged that self-censorship continued as some media chose to present news stories in favor of the PRC due to political considerations and the influence of local businesses with close ties to the PRC.

Internet Freedom

Authorities did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that they monitored private online communications without appropriate legal authority. According to a survey conducted by Taiwan's Institute for Information Industry, 84.8 percent of households had access to the internet at the end of 2013. The internet was widely available and used extensively.

Academic Freedom and Cultural Events

There were no restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, and authorities generally respected this right.

The student occupation of the Legislative Yuan in March-April was resolved after 23 days without the use of police force. On March 23, protesters occupied the Executive Yuan. Police forcibly evicted them the next day using batons and water cannon. According to media reports, at least 174 persons, including 119 police officers, were injured in the incident.

Freedom of Association

The constitution provides for freedom of association, and authorities generally respected this right.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and authorities generally respected these rights.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the authorities have not established a system for providing protection to refugees. All PRC citizens unlawfully present are required by law to be returned to the PRC. In May the Mainland Affairs Council confirmed that nine asylum seekers who came from the PRC between 2004 and 2007, including five prodemocracy activists and four Falun Gong practitioners, had been granted permanent resident status after residing in Taiwan on subsidies provided by the National Immigration Agency.

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

The constitution provides citizens the ability to change their government peacefully, which citizens exercised through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In 2012 the government held presidential and legislative elections in tandem for the first time. KMT presidential candidate Ma Ying-jeou won re-election, and his party retained a majority in the legislature. Observers regarded the elections as free and fair. On November 29, Taiwan voters elected more than 11,000 local government leaders, including mayors and county magistrates. By the end of the year, more than 15,000 people were under investigation for involvement in more than 5,000 cases of alleged vote buying, but observers regarded the elections as credible and transparent.

Participation of Women and Minorities: There were 38 women in the 113-member Legislative Yuan. Five of the 47 Executive Yuan (cabinet) members were women. In August a woman was appointed to head the Control Yuan (the inspector general) for the first time. The mayor of Kaohsiung, the island's second largest city, was a woman. Two of the 15 Constitutional Court justices were women. The law required at least half of the at-large seats won by a political party to be filled by women.

Representatives of the indigenous population participated in most levels of the political system. They held six reserved seats in the Legislative Yuan, half of which were elected by plains tribes and half by mountain tribes. Indigenous persons accounted for approximately 2 percent of the population and had more than double their proportional share of legislative seats.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and authorities generally implemented the law effectively. There were reports of government corruption during the year. As of November, 69 ranking officials, 270 mid-level, 388 low-level, and 34 elected officials had been indicted for corruption.

In March, Prosecutor General Huang Shi-ming was found guilty of violating the Communications Protection and Surveillance Act by disclosing to President Ma the details of an investigation into Legislative Yuan Speaker Wang Jin-pyng and other officials (see section 1.f.). The Taipei District Court sentenced Huang to 14

months in prison, which could be converted to a fine. Huang resigned and appealed to the Taiwan High Court for retrial.

Corruption: The Ministry of Justice and its subordinate Agency against Corruption are in charge of combating official corruption. The ministry was sufficiently resourced and collaborated with civil society within the scope of the law. Some legal scholars and politicians alleged that the Ministry of Justice was not sufficiently independent, claiming that ministry authorities conducted politically motivated investigations of politicians. The Control Yuan is responsible for impeachment of officials if any wrongdoing is found.

In July Chen Yu-chen, a former member of the Taiwan High Prosecutors Office, was sentenced to 12 years in prison for corruption. Prosecutors accused Chen of taking bribes amounting to NT\$23 million (\$740,000) to cover up gambling businesses; Chen was the first prosecutor ever convicted for corruption.

Also in July authorities indicted former Taoyuan County deputy magistrate Yeh Shih-wen on corruption charges involving two government-sponsored affordable housing projects. Yeh was accused of abusing his power and taking bribes from a real-estate company.

On August 6, the Special Investigation Division (under the Supreme Prosecutor-General's Office) announced its decision to drop money-laundering charges against former president Chen Shui-bian, as it could not find concrete evidence that Chen secretly shipped \$40 million in cash to Palau during his visit there in 2006.

Financial Disclosure: The law requires civil servants to account for abnormal increases in their assets and makes failure to do so a punishable offense. The law also requires ranking government officials, including officials holding specified sensitive positions and elected officials, to declare their property to the Control Yuan, which makes the disclosures public. Those failing to declare property are subject to a fine ranging from NT\$200,000 (\$6,500) to NT\$4 million (\$129,000) and can be punished with a prison term of no more than one year for repeatedly failing to comply with the requirement. In June prosecutors searched Keelung City Council speaker Huang Ching-tai's residence following reports that Huang was involved in a corruption scandal. They discovered NT\$5 million (\$161,000) in cash, which Huang had not declared in the previous year's report. The Control Yuan's investigation remained underway.

Public Access to Information: The law stipulates that all government information shall be made available to the public upon request, with the exception of national secrets, professional secrets, personal information, and protected intellectual property. According to the law, within 15 days of receiving a request for government information, the receiving government agency shall determine whether to approve such a request. The time may be extended for no longer than 15 days, if necessary. The agency may charge a fee, which it sets based on the purpose of the request. The fees may be reduced or waived if the request is for academic research or in the public interest. Government employees are subject to punishment or reprimand if they violate the relevant provisions set forth in the law when performing their duties. The law provides that registered citizens, companies, and groups may submit information requests and may appeal requests that are denied. These privileges are extended on a reciprocal basis to citizens of foreign countries. After the law was implemented in 2005, some cabinet-level agencies provided officials with related training.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, sexual orientation or gender identity, or social status.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and domestic violence. Because survivors were socially stigmatized, many did not report the crime, and various NGO and academic studies estimated that the total number of sexual assaults was seven to 10 times the number reported to police.

The law provides protection for rape survivors. Rape trials are not open to the public unless the victim consents. 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 courts usually gave persons convicted of rape prison sentences of five to 10 years. According to the Ministry of Health and Welfare, as of July there were 7,175 reports filed for rape or sexual assault. As of November courts indicted 810 persons and convicted 638 persons. According to the Ministry of Justice, the average prosecution rate for rape and sexual assault over the past five years was approximately 45 percent, and the average conviction rate of cases prosecuted was approximately 89 percent.

As of November authorities prosecuted 3,270 persons for domestic violence and convicted 2,370. Courts typically sentenced persons convicted in domestic violence cases to less than six months in prison. Social pressure not to disgrace their families discouraged abused women from reporting incidents to police. The law allows prosecutors to take the initiative in investigating complaints of domestic violence without waiting for the victim to file a formal lawsuit.

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, education, and training on a 24-hour basis. The Health and Welfare Ministry, established in 2013, is responsible for combating and addressing rape and domestic violence. The Taiwan Coalition against Violence criticized both central and local authorities for reducing budgets for the prevention of domestic violence during the year. The coalition called on authorities to invest more funds and resources based on the argument that the number of cases had nearly quadrupled in 10 years. The coalition set up a task force to monitor and examine the effectiveness of city- and county-level authorities' efforts to combat domestic violence and published the results of its first survey in July. Chiayi City, Chiayi County, and Keelung City received some of the lowest marks for funding and overall performance.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C; there were no reports of this practice in Taiwan.

Sexual Harassment: Sexual harassment in the workplace is a crime punishable by fines of NT\$100,000 to NT\$1 million (\$3,200 to \$32,000) and imprisonment for up to two years. All public employers and larger private employers are required to enact preventive measures and establish complaint procedures to deter sexual harassment. Women's groups complained that despite the law and increased awareness of the problem, judicial authorities remained dismissive of sexual

harassment complaints. The Ministry of Labor estimated that 4.2 percent of women encountered sexual harassment in the workplace, with most victims ages 15 to 34.

Reproductive Rights: Individuals and couples have the right to decide the number, spacing, and timing of their children; to have access to the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Unmarried persons, however, are prohibited by law from obtaining fertility treatments. Access to contraception and skilled attendance during childbirth and the postpartum period were widely available.

Discrimination: The law prohibits discrimination based on gender (see section 7.d.). The law provides for equal treatment with regard to salaries, promotions, and assignments. The law entitles women to request up to two years of unpaid maternity leave and forbids termination of employment because of pregnancy or marriage. Central and local agencies, schools, and other organizations are required to develop enforcement rules and set up gender-equality committees to oversee the implementation of the law. The Executive Yuan set up the Department of Gender Equality in 2012 to implement the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). During 2013 the department examined laws to verify they did not contradict CEDAW commitments and amended some laws. Central authorities also launched a project to strengthen women's participation in the economy and worked with the local governments to enhance gender equality.

Women's advocates noted that women continued to be promoted less frequently, occupied fewer management positions, and worked for lower pay than did their male counterparts. According to the Ministry of Labor, in 2013 women comprised 44.1 percent of the workforce and their salary on average was 83.9 percent of the average salary for men performing comparable jobs.

Gender-biased Sex Selection: In 2013 the ratio of boy-to-girl births was 107 to 100, the lowest in 25 years. In 2010 authorities banned medical institutions from conducting gender-biased sex-selection procedures. Authorities put clinics and hospitals with higher rates of imbalance under surveillance, and doctors who facilitate gender-biased sex selection can be fined. There were no reported cases of such sanctions being applied.

Children

Birth Registration: Citizenship is derived from one's parents or by birth within Taiwan's territory. Births are required to be registered within 60 days. Failure to register will result in the denial of national health care and education benefits.

Child Abuse: According to the Child Welfare League Foundation, in 2013 a child abuse case was reported on average every 30 minutes, and 92 percent of the victims were preschool-age children. 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.

The law stipulates that persons discovering cases of child abuse or neglect must notify the police or welfare authorities. Child welfare specialists must notify local authorities within 24 hours, and authorities must take appropriate measures within 24 hours. Regulations encourage officials to submit an investigation report within four days. The Ministry of Health and Welfare and NGO specialists monitored cases to ensure that requirements were met. An official hotline accepted complaints of child abuse and offered counseling. Courts are required to appoint guardians for children whose parents are deemed unfit.

Early and Forced Marriage: The legal minimum age of marriage is 18 for men and 16 for women. The rate of marriage under the age of 18 in 2014 was nearly zero for both boys and girls.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C; there were no reports of this practice in Taiwan.

Sexual Exploitation of Children: The minimum age for engaging in consensual sexual relations is 18. Persons who engage in sex with children under age 14 face sentences of three to 10 years in prison. Those who engage in sex with minors between four and 16 receive a mandatory prison sentence of three to seven years. Solicitors of sex with minors older than 16 but younger than 18 face up to one year in prison or hard labor or a fine of up to NT\$3 million (\$97,000). There were some reports of children under the age of 18 engaged in prostitution.

The law prohibits child pornography, and violators are subject to a minimum prison sentence of six months and a fine.

International Child Abductions: Due to its unique political status, Taiwan is not eligible to become a party to the 1980 Hague Convention on the Civil Aspects of

International Child Abduction. See the Department of State's country-specific information at travel.state.gov/content/childabduction/english/country/taiwan.html.

Anti-Semitism

The Jewish community is very small, estimated at 200 individuals who meet regularly, and consists predominantly of expatriates. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation services, access to health care, or the provision of other state services (see section 7.d.). According to the Eden Social Welfare Foundation and the United Way of Taiwan, the unemployment rate of persons with disabilities was triple the rate of individuals without disabilities. The local labor affairs bureau intervenes and investigates complaints of employment discrimination. The fine for employment discrimination ranges from NT\$300,000 (\$9,700) to NT\$1.5 million (\$48,000). The law sets minimum fines for violations, and authorities enforced the law effectively. Authorities enacted and effectively implemented laws and programs to ensure access to buildings, information, and communications. In August the legislature passed the Law for Implementation of the Convention on the Rights of Persons with Disabilities to enhance protection of persons with disabilities. The law stipulates that new public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and this requirement was generally met. The Ministry of Transportation and Communications subsidized procurement of disabled-friendly taxis for drivers.

NGOs alleged that the lack of barrier-free spaces and accessible transportation systems continued to place limits on civic engagement by citizens with disabilities. Disability rights groups raised the problem of older facilities not catering to the needs of disabled students and claimed that 50 percent of primary and secondary schools were not barrier free. Children with disabilities attended school, and officials noted no patterns of abuse during the year. Students with disabilities

mostly attended mainstream schools. NGOs claimed that services for students with disabilities remained largely inadequate, and disabled students at mainstream schools often relied on the assistance of maids, parents, or grandparents to attend schools and use school facilities due to a lack of barrier-free facilities or adequate alternative facilities.

Primary and secondary schools and higher education were available for children with disabilities. There were occasional reports of sexual assaults in educational and mental health facilities. Persons with disabilities have the right to vote and participate in civic affairs.

The Ministry of Health and Welfare and the Ministry of Labor are responsible for protecting the rights of persons with disabilities. The law stipulates that authorities must provide services and programs to members of the population with disabilities. The government provided free universal medical care to persons with disabilities. NGOs continued to assert the need for more public nursing homes and expansion of current programs, such as home care services, to meet the growing needs of those with disabilities, an increasing number of whom were elderly persons.

National/Racial/Ethnic Minorities

As of June foreign-born spouses, primarily from China, Vietnam, Indonesia, or Thailand, accounted for 2 percent of the population, and an estimated 6.7 percent of all births were to foreign-born mothers. Foreign spouses were targets of discrimination both inside and outside the home.

Authorities offered free Chinese-language and child-raising classes and counseling services at community outreach centers to assist foreign-born spouses' integration into society. As of June the Ministry of Interior-established Fund for Foreign Spouses allocated more than NT\$233 million (\$7.5 million) to fund 221 projects aimed at assisting foreign spouses. The Legal Aid Foundation provided legal services to foreign spouses and operated a hotline to receive complaints. The Ministry of Interior also operated its own hotline with staff conversant in Vietnamese, Cambodian, Thai, Indonesian, English, and Chinese.

PRC-born spouses must wait six years to apply for Taiwan residency, whereas non-PRC spouses may apply after three years. Unlike non-PRC spouses, PRC spouses are permitted to work in Taiwan immediately on arrival.

Indigenous People

In late June authorities approved applications for recognition of tribal status by the Hlaalua and the Kanakanavu, increasing the number of recognized tribes from 14 to 16, accounting for approximately 2 percent of the population. The law protects the civil and political rights of these indigenous persons, stipulating that authorities should provide resources to help indigenous groups develop a system of self-governance, formulate policies to protect their basic rights, and promote the preservation and development of their language and culture. According to the Indigenous People's Basic Law, implemented in 2005, the government should establish a committee for demarcation and management of indigenous lands, although the government had not done so. The law provides that the government and the private sector should also consult with indigenous people and obtain their consent to and/or participation in, and also share with them the benefits of, land development, resource utilization, ecology conservation, and academic research in indigenous areas. Neither was this provision, however, put into practice. Critics complained that authorities did not do enough to preserve aboriginal culture and language.

Indigenous people participated in decisions affecting their land through the political process, which includes a quota in the legislature for aboriginal participation. Six of the 113 seats in the legislature are reserved for aboriginal tribal representatives, who are elected by aboriginal voters. In January the legislature passed amendments to the Local Government Act enabling aboriginal districts to enjoy a greater degree of autonomy by electing their own district directors and chiefs, who were previously appointed by mayors.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law stipulates that employers cannot discriminate against job seekers on the basis of sexual orientation. Violators face a fine of NT\$300,000 (\$9,700) to NT\$1.5 million (\$48,000). According to activists for lesbian, gay, bisexual, and transgender (LGBT) rights, violence against LGBT persons with HIV/AIDS was a problem, but instances of police pressure on LGBT-friendly bars and bookstores were rare and continued to decrease. The police response to violence against LGBT persons with HIV/AIDS was adequate. LGBT rights activists alleged that restrictions on doctors providing fertility treatments to unmarried persons unfairly resulted in discrimination against LGBT persons.

HIV and AIDS Social Stigma

The law prohibits potential employers from requesting health examination reports from job candidates to prove they do not have HIV or other communicable diseases. There was reported discrimination, including employment discrimination, against people with HIV/AIDS (see section 7.d.). According to a report released by a Department of Health and Welfare-affiliated hospital in 2013, 60 percent of HIV carriers left their jobs due to coercion from their supervisors or workplace bullying. According to another survey conducted in August and September by the Taiwan Lourdes Association, 30 percent of respondents said they were not willing to hire or work with HIV-positive persons, and 50 percent said they would reject services provided by HIV-positive hairdressers and medical staff.

According to the Immigration Act, any foreign national in Taiwan who is found to have contracted a communicable disease, including those who test HIV-positive, are subject to deportation.

An amendment of the AIDS Prevention and Control Act allows a foreign spouse with HIV to remain in Taiwan if he or she can show the infection came from the spouse or from medical treatment received in Taiwan. The amended law, renamed the HIV Prevention and Patients' Rights Protection Act, also stipulates that citizens with HIV cannot be denied access to education, medical services, housing, or other necessities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, protects the right to join independent unions, conduct legal strikes, and bargain collectively. The right to strike, however, is highly regulated, and some workers are excluded from collective bargaining. Employees hired through dispatching agencies (i.e., temporary workers) do not have the right to organize and bargain collectively in the enterprises where they work.

There were 105 industrial unions as of March. Although teachers are prohibited from striking, since legal changes in 2011, they have formed 43 unions and one federation of teachers' unions as of the end of May. The law allows foreign workers to form and join unions and to serve as union officers. Taiwan's only foreign workers' union, a union of Filipino fisherman, was established in 2013 for

the stated purpose of protecting migrant fishermen from abuse and labor exploitation by companies in the fishing industry (see section 7.d.).

In addition to ensuring the right to associate, the law protects organized labor and prohibits discrimination, dismissal, or other unfair treatment of workers for union-related activities. Violators must reinstate the dismissed employee and face fines of NT\$30,000-NT\$150,000 (\$970-\$4,800). Since major amendments to the Labor Union Act, Labor Dispute Settlement Act, and Collective Agreement Act took effect in 2011, a Ministry of Labor arbitration committee has ruled that 47 enterprises used discriminatory action to repress union leaders and their activities, and all of these enterprises have been fined. Although labor unions may draw up their own rules and constitutions, labor union registrations require approval from the local competent authority or the ministry, and authorities have the power to order unions to cease part or all of their operations if they break the law or violate their charter. There were no reported instances of labor authorities rejecting applications for the establishment of labor unions during the year.

At the end of March, approximately 30 percent of the 11.54 million-person labor force belonged to one of the 5,292 registered labor unions. Many of these members were also members of one of the 10 island-wide labor federations. To encourage the successful use of collective agreements between labor and management, in May the Legislative Yuan passed a bill giving both labor and management the right to apply for arbitration if there is no legal reason for the other side to refuse collective negotiation. As of the end of March, Taiwan had 101 collective agreements.

Teachers, civil servants, and defense industry employees are not afforded the right to strike. Workers in industries such as utilities, hospital services, and telecommunication service providers are allowed to strike only if they promise to maintain basic services during the strike. Authorities may prohibit, limit, or break up a strike during a disaster.

The law divides labor disputes into two categories: “rights disputes” and “adjustment disputes.” Workers are allowed to strike only in adjustment disputes, which include issues such as compensation and working schedules. The law forbids strikes in rights disputes, which could include collective agreements, labor contracts, regulations, and other issues. Rights disputes must be settled through arbitration or judicial process. The law requires mediation of labor disputes when the authorities deem disputes to be sufficiently serious or to involve unfair practices. The law also prohibits labor and management from disturbing the

“working order” while mediation or arbitration is in progress. On average the mediation process took 20 to 50 days and arbitration took 45 to 80 days. Labor organizations complained that these compulsory prerequisites were impediments to exercising the right to strike.

There were no reports of strikes during the year. There were 8,926 labor disputes in the first five months of the year, down 10.9 percent from the same period in 2013. Of these, 5,915 cases were related to wage and severance disputes. Labor unions charged that during employee cutbacks, labor union leaders were sometimes laid off first or dismissed without reasonable cause.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but there were reports that such practices occurred. There was evidence of forced labor in such sectors as domestic services, farming, fishing, manufacturing, and construction (see section 7.d.).

The law criminalizes forced labor. Public awareness campaigns included worker education pamphlets, foreign worker hotlines, and Ministry of Education programs on trafficking as part of the broader human rights curriculum. As of June 30, 86 traffickers had been convicted of forced labor or sexual exploitation.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law stipulates 15 as the minimum age for employment. The law prohibits children under 16 and senior high school students from doing heavy or hazardous work, their working hours are limited to eight hours per day, and they are prohibited from overtime work and night shifts.

County and city labor bureaus effectively enforced minimum age laws by ensuring the implementation of compulsory education. According to the Ministry of Labor, employers who violate minimum age laws face a prison sentence not to exceed six months and/or fines of up to NT\$300,000 (\$9,700).

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination based on race, gender, disability, language, sexual orientation or gender identity, social status, or HIV or other communicable disease status. The law also prohibits potential employers from requesting health examination reports from job candidates to prove they do not have HIV or other communicable diseases (see section 6). Workers who encounter discrimination can file complaints with two independent committees composed of scholars, experts, and officials in city and county departments of labor affairs. Authorities enforced decisions made by those committees. Employers can appeal rulings to the Ministry of Labor and the Administrative Court.

Persons with disabilities and persons with HIV/AIDS remained vulnerable to discrimination in employment and occupation (see section 6). Women were promoted less frequently, occupied fewer management positions, and worked for lower pay than their male counterparts. According to the Ministry of Labor, in 2013, women comprised 44.1 percent of the workforce, and women's labor participation rate was 50.5 percent. On average, women's salaries were 83.9 percent of that of men performing comparable jobs. Household caregivers and domestic workers did not enjoy the same legal protections as other workers (see section 7.e.). According to law any foreign national in Taiwan who is found to have contracted a communicable disease, including those who test positive for HIV (except as noted in section 6), are subject to deportation. Foreign migrant workers were required to have annual health examinations and were deported if they tested positive for HIV.

e. Acceptable Conditions of Work

The law provides standards for working conditions and health and safety precautions for an estimated eight million of Taiwan's 8.7 million salaried workers. The law applies only to workers in eight categories, including agriculture, forestry, fishery, and animal husbandry; mining and quarrying; manufacturing; construction; water, electricity, and gas supply; transportation, warehousing, and telecommunications; mass communication; and other lines of business as may be designated by the central competent authority. Those not covered include management employees, health care workers, gardeners, bodyguards, teachers, doctors, self-employed lawyers, civil servants, local government contract workers, employees of farmers' associations, and domestic workers.

A 1.2 percent increase in the minimum wage to NT\$19,273 (\$622) per month, or NT\$115 (\$3.70) per hour, took effect in January. There is no minimum wage for workers in categories not covered by the law.

The average manufacturing wage was more than double the legal minimum wage, and the average wage for service industry employees was even higher. The average monthly wage increased 0.2 percent to NT\$45,664 (\$1,470) in 2013. According to Directorate General of Budget, Accounting, and Statistics data, workers' real wages were at a 15-year low. According to a Ministry of Science and Technology report, between 10,000 and 20,000 white-collar workers or skilled experts left Taiwan to work abroad every year. Authorities defined the poverty level as 60 percent below the average monthly disposable income of the median households in a designated area. By this definition the poverty level was NT\$14,794 (\$480) per person in Taipei, NT\$11,832 (\$380) per person in New Taipei City, NT\$10,869 (\$350) per person in Taiwan Province, and NT\$11,890 (\$380) per person in Kaohsiung City.

Household caregivers and domestic workers did not enjoy a minimum wage or overtime pay, limits on the workday or workweek, minimum breaks, or vacation time. As of the end of July, there were 214,632 foreign household caregivers and domestic workers registered under the Employment Services Act. The caregiver and domestic worker industry, largely controlled by brokerage agencies that hire workers in their home countries and act as their representative in Taiwan, set an unregulated monthly wage of NT\$15,840 (\$510) for the industry (based on 1997 minimum wage standards). All domestic workers were forced by brokerage agencies to take out loans for "training fees," "broker fees," and other fees at local branches of Taiwan banks in their home countries at inflated interest rates (18 percent). Domestic workers covered the full cost of their own health insurance.

Employers of domestic workers did not pay them directly, but rather through the brokerage agency. Agencies then deducted fees and loan repayments from the NT\$15,840 (\$510) paid by the employer before paying the employee. This resulted in an actual take-home pay for domestic workers far below the current poverty level, with NGOs reporting that the monthly take-home pay of some domestic workers was as low as NT\$1,000 (\$32), or 6.7 percent of the official poverty level. NGOs and academics urged the Ministry of Labor to provide basic labor protections--such as minimum wage, overtime, and a mandatory day off--for household caregivers and domestic workers.

Legal working hours were eight hours per day and 84 hours per two-week period. The law mandates a five-day workweek for the public sector, and more than half of private-sector enterprises also implemented a five-day workweek. According to local labor laws, only employees in “authorized special categories” approved by the Ministry of Labor are exempt from regular working hours stipulated in the law. These categories include flight attendants, insurance salespersons, real estate agents, nursery school teachers, ambulance drivers, and hospital workers. In 2012 the ministry eliminated some medical personnel from authorized special categories but kept the exemption for other categories. In addition to these exemptions, the Taiwan Labor Front and Taiwan Confederation of Trade Unions have cited labor dispatching (i.e., temporary worker) programs and instant-messaging applications as factors undermining working conditions in Taiwan. In June the Taipei City government ruled that a worker at a public relations company had died from overwork because she frequently received late-night tasks from her supervisor through instant-messaging applications.

The Ministry of Labor has stated that any additional work assigned to workers outside their shifts should be deemed overtime, regardless of the method through which it is assigned, and that existing labor regulations are sufficient to address the problem. Violation of legal working hours was common in all working sectors. Furthermore, most employees received no overtime pay for their overtime hours. The law stipulates a fine of NT\$300,000 (\$9,700) for violations and mandates that the names of the offending companies be broadcast to the public. The Taiwan Confederation of Trade Unions and other labor groups called on authorities to end the “authorized special category” system, to enact a law to limit the use of labor dispatching, to strengthen inspection of employers, and to raise fines on violators.

The Occupational Safety and Health Law sets health and safety standards. The law was amended in 2013 to expand coverage from 6.7 million workers in 15 categories to 11.0 million employees in all industries; better protect female workers and those under age 18; prevent overworking; impose higher safety standards on the petroleum and chemical industries; and impose higher fines on violators.

Labor federations and NGOs have stated in the past that enforcement of the law continued to be a problem, in part because of insufficient numbers of labor inspectors. In response the Ministry of Labor increased the number of inspectors to 375 as of the end of July, up from 294 in 2013. In the first half of the year, ministry inspectors conducted 40,205 inspections, an increase of 3.5 percent over the same period in 2013. Labor NGOs and academics continued to claim that the

labor inspection rate was too low to serve as an effective deterrent against labor violations and unsafe working conditions, although the Taiwan Confederation of Trade Unions stated that the situation had improved somewhat.

Regulations require intensified inspection and oversight of foreign labor brokerage companies. NGOs reported that some labor brokers and employers regularly collected high fees or loan payments from foreign workers, using debts incurred in the source country as a tool for involuntary servitude. At the end of June, 517,187 documented migrants worked in Taiwan; of these, 222,571 were from Indonesia, 100,203 from the Philippines, 59,806 from Thailand, and 134,600 from Vietnam. At the end of May, a total of 43,772 undocumented foreigners were working in Taiwan, according to National Immigration Agency statistics. NGOs asserted that foreign workers often were unwilling to report employer abuses for fear the employer would terminate the contract and deport them, leaving them unable to pay back debt accrued to brokers or others.

A June BBC report quoted migrant fisherman and NGOs describing exploitative conditions aboard Taiwan-owned fishing vessels. According to this report, in April a Cambodian court sentenced the manager of the Taiwan fishing company Giant Ocean and five associates to 10 years in prison and ordered them to pay compensation to 150 victims. On August 14, Phnom Penh Municipal Court Judge Kor Vandy affirmed the sentence and ordered the offenders to pay compensation to 180 victims.

An employer may deduct only labor insurance fees, health insurance premiums, income taxes, and meal and lodging fees from the wages of a foreign worker. Violators face fines of NT\$60,000 to NT\$300,000 (\$1,940 to \$9,700) and loss of hiring privileges. Critics, however, complained that violations continued and that the Ministry of Labor did not effectively enforce statutes and regulations intended to protect foreign laborers from unscrupulous brokers and employers.

In addition to a Ministry of Labor-operated Foreign Worker Direct-Hire Service Center that allowed local employers to rehire their foreign employees, the ministry operated a direct-hire web platform to allow local employers to hire foreign workers online without having to go through a broker. NGOs, however, asserted that complicated procedures and restrictions on use of both the Service Center and the online service prevented widespread implementation, and they advocated lifting restrictions on transfers between employers. The maximum time foreign workers were allowed to stay in Taiwan was 12 years.

The service center also permitted the direct rehiring of foreign workers engaged in manufacturing, fisheries, construction, and other industries.

The National Immigration Agency is responsible for all immigration-related policies and procedures for foreign workers, foreign spouses, immigrant services, and repatriation of undocumented immigrants. The Ministry of Labor is responsible for work permits and services related to occupation and also provides mediation services. The ministry may permit the transfer of an employee when s/he has suffered exploitation or abuse.

Except for victims of trafficking or employer abuse, foreign workers deemed to have worked illegally faced heavy fines, mandatory repatriation, and a permanent ban on re-entering Taiwan.

According to data released by the Bureau of Labor Insurance, there were 13,236 cases of occupational injury or sickness during the first five months of the year, down from 14,787 cases during the same period in 2013. There were 105 occupational deaths during this period, down from the 117 cases reported during the same period in 2013.