

TAIWAN 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Taiwan is a democracy governed by a president and a parliament selected in multiparty elections. In 2016 voters elected President Tsai Ing-wen of the Democratic Progressive Party to a four-year term in an election considered free and fair.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included corruption and exploitation of foreign workers including forced labor.

Authorities enforced laws prohibiting human rights abuses and prosecuted officials who committed them. There were no reports of impunity.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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 a case dating to 2013, in June the High Court found the brigade commander and two other defendants involved in the death of Corporal Hung Chung-chiu following prolonged exercise in extreme heat not guilty; the court suspended, with two years' probation, the sentences of six other defendants, resulting in no jail time served.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: Overcrowding was a problem; prisons operated at 113 percent of designed capacity.

To reduce the prison population, in June the Ministry of Justice implemented an initiative allowing inmates to work outside prison during the day. The first inmates, a group of 19, received monthly salaries of no less than 21,000 New Taiwan dollars (NT\$) (\$690), and more than 60 percent of their income was used as restitution to crime victims.

The case of former president Chen Shui-bian continued to receive high-profile attention from domestic and international political figures and human rights activists. Since his release on medical parole in 2015, Chen must seek special permission from Taichung Prison authorities to engage in activities unrelated to medical treatment, including political activities. During the year, authorities denied Chen permission to attend various political functions but approved others, including a fundraising event and a concert. Prison authorities monitored Chen's outside activities and cautioned him about violating the terms of his medical parole when he made pre-recorded comments on politics at a fundraising event, but still allowed him to attend a concert afterwards. Following a second health evaluation, the justice ministry's Agency of Corrections extended Chen's medical parole until November 4.

Administration: Prison authorities investigated claims of inhumane conditions and released the results of their investigations to judicial authorities and occasionally to the press. Authorities investigated and monitored prison and detention center conditions.

During the active investigation phase of their cases, authorities deprived a small number of detainees of visitation rights, on court order, although these detainees retained access to legal counsel.

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

Improvements: The Ministry of Justice began prison expansion and construction projects aimed at resolving overcrowding problems within four years.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and authorities generally observed these prohibitions. By law defendants may challenge the lawfulness of their detention in court, and the government generally observed this requirement.

Role of the Police and Security Apparatus

The National Police Administration (NPA) of the Ministry of the 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.

By legislative amendment to the Organic Act of Courts, the Special Investigation Division (SID) of the Supreme Prosecutor's Office was abolished effective January 1. The SID previously drew criticism for being politically motivated in its handling of cases.

Arrest Procedures and Treatment of Detainees

The law requires a warrant or summons, except when there is sufficient reason to believe the suspect may flee, or in urgent circumstances, as specified in the code of criminal procedures. Courts have judicial discretion to release indicted persons on bail. 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 the suspect could flee, collude with other suspects or witnesses, or tamper with or destroy material evidence.

In April the Legislative Yuan (legislative branch of the administration) approved amendments, effective January 1, 2018, to the Code of Criminal Procedure, which allow defendants and their lawyers' access to case files and evidence while in

pretrial detention. Under existing law, the accused and defense lawyers can only examine case files during the trial and are unable to obtain detailed information about the legal grounds of a pretrial detention. The amended law also stipulates that defendants must be assisted by a lawyer while in detention. For those who cannot afford to hire one, a public defender will be appointed. Another amendment specified that suspects may no longer be interrogated late at night.

The judicial branch (Judicial Yuan) 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), a publicly funded independent statutory organization that provides professional legal assistance through its 22 branch offices to persons who might not otherwise have legal representation. 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 and the new amendments mentioned above were designed to address such concerns about access to counsel. Authorities can detain a suspect without visitation rights other than by legal counsel or hold a suspect under house arrest based on a prosecutor's recommendation and court decision. The law affords the right of compensation to those whom police have unlawfully detained.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Taiwan enacted a Habeas Corpus Act in 2014 and authorities have generally implemented the law effectively.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, some political commentators and academics publicly questioned the impartiality of judges and prosecutors involved in high-profile and politically sensitive cases. Judicial reform advocates pressed for greater public accountability, reforms of the personnel system, and other procedural improvements.

President Tsai convened a National Congress on Judicial Reform in August to consider reform recommendations on issues of most concern to the public. These included: protecting the rights of crime victims and disadvantaged and marginalized groups; promoting a credible, fair, and professional judicial system; improving judicial accountability and efficiency; and enhancing judicial transparency and public participation.

A 2016 survey by the Crime Research Center of National Chung Cheng University found 85 percent of respondents distrusted the objectivity and fairness of judges, a 7 percent increase from the same survey conducted in 2015 and a record high. The same survey found that 77 percent of respondents did not trust the objectivity and fairness of prosecutors.

A constitutional interpretation in July granted the right to a second appeal to defendants in misdemeanor cases who are found not guilty at the first trial, but receive guilty verdicts at the second trial. Previously, offenses with a maximum penalty of no more than three years' imprisonment, detention, or a fine were not appealable to the court of third instance.

The judicial system included options, beyond appeal, for rectifying a miscarriage of justice. Lin Chin-gui was freed in April after serving 10 years in jail. Based on eyewitness testimony, he was sentenced to life in prison for the shooting death of a taxi driver in 2007. The Taiwan Innocence Project petitioned for a retrial and presented crucial new evidence to prove his innocence.

Trial Procedures

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

By law when any authority arrests or detains a person without a 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 within 24 hours. The law also requires 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 (\$3,280).

All defendants are presumed innocent until proven guilty. They also have the right to an attorney and to be present at trial. Trials are public, although court permission may be required to attend trials involving juveniles or potentially sensitive issues that might attract crowds. Judges decide cases; all judges receive appointments from and answer to the Judicial Yuan. 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, hire an attorney of their choice or have one provided, prepare a defense, confront witnesses against

them, and present witnesses and evidence. Defendants have the right to free interpretation service, if needed, from the moment charged through all appeals.

The law states 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 two higher court levels. The law extends the above rights to all suspects/convicted persons.

In January a judge was fined the equivalent of 10 months' salary, NT\$1.5 million (\$49,200), for intimidating defendants in court. The Judicial Yuan's Court of the Judiciary found that the Taoyuan District Court judge's poor attitude and verbal abuse of defendants in court had been detrimental to the image of the judicial system.

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 wrongdoing, including human rights violations.

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

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

In July the Taiwan High Court confirmed a district court ruling that ordered former prosecutor-general Huang Shih-ming to pay Democratic Progressive Party caucus whip Ker Chien-ming NT\$620,000 (\$20,300) in compensation as the victim of illegal wiretapping. The High Court reduced the amount of compensation awarded to prosecutor Lin Hsiu-tao in the same case from NT\$300,000 (\$9,830) to NT\$100,000 (\$3,280) (see section 4).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression.

Press and Media Freedom: The independent media were active and expressed a wide variety of views without restriction. There was, however, concern about the impact of the concentration of media ownership on freedom of the press, particularly among companies with PRC investment.

In September the Control Yuan issued a reprimand to the Ministry of Justice for infringement of press freedom, based on the finding that officials charged with combatting corruption had overstepped their administrative powers by using lie detectors and accessing journalists' telephone records to investigate media members.

Recent controversies involving business leaders in Taiwan raised concerns that journalists whose reports were perceived as hurting the interests of businesses could face retaliation in the form of lawsuits and other threats.

Censorship or Content Restrictions: Local academics and media activists alleged that self-censorship continued since some media presented news stories slanted in favor of the PRC due to political considerations and the influence of local businesses with close ties to the PRC. PRC authorities reinforced such pressure by using access denial to punish Taiwan media outlets whose coverage they deem to be insufficiently consistent with PRC policies. For example, in October 2016 the PRC Taiwan Affairs Office barred Taiwan reporters from the *Liberty Times*, *Up Media*, and the Taiwan branch of the *Mirror* from covering PRC President Xi Jinping's meeting with Kuomintang party Chairwoman Hung Hsiu-chu in Beijing.

Journalists said they faced pressure from management to submit news stories to complement or support the content of paid advertisements. Critics said product placement under the guise of news reporting undercut objective journalism, restricted journalists' freedom, and undermined public trust in the media.

Internet Freedom

Authorities did not restrict or disrupt access to the internet or censor online content, and there were no credible reports they monitored private online

communications without appropriate legal authority. The internet was widely available and used extensively.

Academic Freedom and Cultural Events

There were no restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Three trials during the year dealt with protesters' actions during the 2014 Sunflower Student Movement. In March the Taipei District Court dismissed charges against 22 protesters who led the occupation of the Legislative Yuan. The judge said their actions met the criteria for civil disobedience. Prosecutors were appealing the verdict. In April, 11 of the 21 protesters indicted for storming the Executive Yuan were found guilty and sentenced to prison terms between three and five months, commutable to fines; the rest were acquitted. In August, two of four protesters convicted for surrounding a Taipei police station were acquitted on final appeal.

c. Freedom of Religion

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

d. Freedom of Movement

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 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, although in the past there were cases of granting permanent resident status to PRC asylum seekers who resided in Taiwan for an extended period.

In April authorities turned down PRC national Zhang Xiangzhong's asylum request, stating they found no clear evidence of political persecution despite his involvement in the banned New Citizens Movement, as documented by international nongovernmental organizations (NGOs) and foreign governments. Zhang returned to the PRC, according to authorities, and reports suggested PRC authorities may have detained him upon return.

In January PRC citizens Lu Ning, Shi Jian, and Su Qianlong who claimed to be democracy activists agreed to return to the PRC after they failed to obtain legal status in Taiwan by establishing their claim to political asylum. Taiwan's Coast Guard rescued the three men, who were on a small boat off the coast of Taiwan, in 2015 and arrested them for illegal entry. Some sources indicated that PRC authorities may have detained the three men upon their return to the PRC.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their elected officials in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Presidential and legislative elections took place in January 2016. Democratic Progressive Party candidate Tsai Ing-wen won the presidency, and her party obtained a majority in the legislature for the first time in Taiwan's history. Observers regarded the elections as free and fair, although there were allegations of vote buying by candidates and supporters of both major political parties.

In June the Pingtung District Court found Kuomintang legislator Chien Tung-ming guilty of vote buying in connection with the 2016 election and sentenced him to five years and six months in prison and deprivation of civil rights for six years. Chien was also stripped of his legislative authority in accordance with the Civil Servants Election and Recall Act, becoming the first legislator to be suspended after being convicted at the first trial. Chien's wife, 86 staffers, and supporters (including voters who received bribes), were also indicted in the case, and a total of 158 defendants were convicted.

Amendments to the Civil Servants Election and Recall Act passed in November 2016 lowered the threshold of petitions, signatures, and votes needed to recall officials.

Participation of Women and Minorities: No laws limit the participation of women and or members of minorities in the political process, and they did participate.

With her election in 2016, President Tsai Ing-wen became Taiwan's first female president. In the new legislature, a record 38 percent of lawmakers were women. A Cambodian-born woman became Taiwan's first immigrant legislator in 2016. Six seats are also reserved in the legislature for representatives chosen by Taiwan's indigenous people.

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 official corruption during the year. As of June, 12 ranking officials, 93 mid-level, 96 low-level, and 20 elected people's deputies had been indicted for corruption.

Corruption: The Ministry of Justice and its subordinate Agency Against Corruption are in charge of combating official corruption. The ministry received sufficient resources and collaborated with civil society within the scope of the law. Some legal scholars and politicians said the justice ministry was insufficiently independent and conducted politically motivated investigations of politicians. The Control Yuan is responsible for impeachment of officials in cases of wrongdoing.

In January, in one prominent case, prosecutors charged former Academia Sinica president Wong Chi-huey with corruption and insider trading related to a biotech company. The Control Yuan in July agreed in a 9-0 vote to impeach Wong and forwarded the case to the Public Functionary Disciplinary Sanction Commission. Approximately 70 academicians issued a joint statement criticizing the impeachment and the judicial authorities' handling of the case. The Control Yuan and prosecutors dismissed the criticism.

Financial Disclosure: The law requires specific appointed as well as elected officials to disclose their income and assets to the Control Yuan, which makes the disclosures public. Those failing to declare property are subject to a fine ranging from NT\$200,000 (\$6,560) to NT\$4.0 million (\$131,000) and may be punished with a maximum prison term of one year for repeatedly failing to comply with the requirement. The law also requires civil servants to account for abnormal increases in their assets and makes failure to do so a punishable offense, and there are criminal and administrative sanctions for noncompliance.

The amended Money Laundering Control Act, which became effective in June, stipulates 18 categories of politically exposed persons (PEPs) subject to strict oversight for money laundering activities. The PEPs include the president, vice president, heads of the central and local governments, legislators, and leadership of state-owned enterprises, as well as family members and close associates of PEPs.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and domestic violence. Many victims did not report the crime for fear of social stigmatization, and various NGO and academic studies estimated 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 even if the victim chooses not to press charges.

In June the legislature approved a pension reform bill for public school teachers, which stipulates that retired teachers and staff must return pension payments received if convicted of sexual assault that occurred while they were employed as teachers.

Amendments to the Sexual Assault Crime Prevention Act went into effect stipulating that experts will assist in questioning and appear in court as witnesses when rape victims are minors or mentally disabled, and authorize the use of one-way mirrors, video conferencing, or other practices to protect victims during questioning and at trial.

The law establishes the punishment for rape as a minimum of five years' imprisonment, and courts usually sentenced individuals convicted of rape to five to 10 years in prison.

Courts typically sentenced individuals convicted in domestic violence cases to less than six months in prison. Some abused women chose not to report incidents to police due to social pressure not to disgrace their families. The law allows prosecutors to investigate complaints of domestic violence even in cases where the victim has not filed a formal complaint.

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.

Sexual Harassment: The law prohibits sexual harassment (see section 7.d.). In most cases, perpetrators were required to attend classes on gender equality and counseling sessions.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides the same legal status and rights for women as for men. Women experienced some discrimination in employment (see section 7.d.).

Children

Birth Registration: Citizenship is derived from that of either parent. Births must be registered within 60 days; failure to do so results in the denial of national health care and education benefits. Registration is not denied on a discriminatory basis.

Child Abuse: Central and local authorities coordinated with private organizations 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 learning of cases of child abuse or neglect must notify police or welfare authorities. An official 24-hour hotline accepted complaints of child abuse and offered counseling. Courts are required to appoint guardians for children of parents deemed unfit.

Children's rights advocates pointed out that juvenile correctional facilities were usually understaffed and their personnel were not adequately trained to counsel and manage teenage inmates. They also called attention to growing numbers of bullying, violence, and sexual assault cases at correctional institutions.

Early and Forced Marriage: The legal minimum age of marriage is 18 for men and 16 for women.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography, and authorities effectively enforced the law domestically; however, authorities did not investigate or prosecute any cases of child sexual exploitation committed by citizens while traveling abroad.

NGOs raised concerns about online sexual exploitation of children and reported that sex offenders were increasingly using cellphones, web cameras, live streaming, apps, and other new technologies to deceive and coerce young girls and boys into sexual activity.

The minimum age for consensual sexual relations is 16. Persons who engage in sex with children younger than age 14 face sentences of three to 10 years in prison. Those who engage in sex with minors between 14 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 maximum fine of NT\$3.0 million (\$98,300). There were reports of minors in prostitution.

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 *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Jewish community was very small, estimated at 300 individuals who meet regularly, and consisted predominately of foreign residents. 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.

Authorities enacted and made efforts to implement laws and programs to provide access to buildings, information, and communications. Taiwan has incorporated the terms of the UN Convention on the Rights of Persons with Disabilities into its laws.

In April the Ministry of Labor issued an administrative rule to specify that persons with minor disabilities who had not applied for proof of disability from the government were nonetheless protected against employment discrimination. The rule imposes fines of between NT\$300,000 (\$9,830) and NT\$1.5 million (\$49,200) on employers who discriminate against this category of disabled workers or job seekers; 1.17 million persons in Taiwan have received proof of disability.

Persons with disabilities have the right to vote and participate in civic affairs. NGOs contended the lack of barrier-free spaces and accessible transportation systems continued to limit civic engagement by persons with disabilities, particularly outside Taipei.

The law stipulates that authorities must provide services and programs to persons with disabilities. Most children with disabilities attended mainstream schools, but separate primary, secondary, and vocational schools were also available for students with disabilities. NGOs asserted that services for students with disabilities remained largely inadequate. There were occasional reports of sexual assaults against disabled persons in educational and mental health facilities.

National/Racial/Ethnic Minorities

As of July spouses born in Indonesia, the Philippines, Thailand, Vietnam, and the PRC accounted for approximately 1 percent of the population. Foreign and PRC-born spouses were reportedly targets of social discrimination outside and, at times, inside the home.

In December 2016 the legislature passed amendments to the Nationality Act that eased restrictions on naturalization of foreign spouses married to Taiwan passport holders. Some PRC-born spouses complained it was discriminatory that they must wait six years to apply for Taiwan residency, whereas foreign-born spouses from other countries may apply after three years. Unlike non-PRC spouses, PRC-born spouses have permission to work in Taiwan immediately on arrival. The amended Nationality Act does not apply to PRC-born spouses.

Indigenous People

Authorities officially recognize 16 indigenous tribes, accounting for approximately 2.3 percent of the population. The law provides indigenous people equal civil and political rights and stipulates 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 languages and cultures.

Following President Tsai's 2016 formal apology to Taiwan's indigenous peoples for past injustices, her office set up an Indigenous Historical Justice and Transitional Justice Commission led by the president. The Executive Yuan convened the Indigenous Peoples Basic Law Promotion Committee and released its first annual report on progress in addressing historical injustices.

The Indigenous Languages Development Act took effect in June, designating the languages of Taiwan's 16 indigenous tribes as national languages. The act follows the Indigenous Peoples Basic Law of 2005 and the Indigenous Traditional Intellectual Creations Protection Act of 2007. The Languages Act entitles indigenous peoples to use their languages in official settings.

In February the Executive Yuan's Council of Indigenous Peoples announced guidelines on the delineation of government-owned traditional indigenous territories. Indigenous rights advocates argued that a large amount of indigenous land was seized and privatized decades ago and that the exclusion deprived indigenous communities of the rights to participate in the development of these traditional territories.

Existing law stipulates that authorities and the private sector should consult with indigenous people and obtain their consent to and/or participation in, as well as share with them the benefits of, land development, resource utilization, ecology

conservation, and academic research in indigenous areas. There are, however, no regulations in place for obtaining this consent with respect to private land.

Indigenous people participated in decisions affecting their land through the political process. The law sets aside six of the 113 seats in the legislature for indigenous tribal representatives elected by indigenous voters. In addition to the six legislators, the current Legislative Yuan has two indigenous legislators elected on proportional representation party lists.

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

The law stipulates that employers cannot discriminate against job seekers based on sexual orientation and also prohibits schools from discriminating against students based on their gender temperament, gender identity, or sexual orientation.

Activists for lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights said discrimination against LGBTI persons was more widespread than suggested by the number of court cases, due to victims' reluctance to lodge formal complaints. Reported instances of violence against LGBTI individuals were rare, and the police response was adequate.

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 persons with HIV/AIDS (see section 7.d.).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, conduct strikes, and bargain collectively. The Ministry of Labor oversees implementation and enforcement of labor laws, in coordination with local labor affairs bureaus. Teachers may form unions and federations. The law allows foreign workers to form and join unions and to serve as union officers. The law prohibits discrimination, dismissal, or other unfair treatment of workers for union-

related activities and requires reinstatement of workers fired for trade union activity.

According to the law, there are three types of unions: enterprise unions, industrial unions, and professional unions. A minimum of 30 members is required to form an enterprise union, making it very challenging to unionize the 78.2 percent of employees working in small and medium-sized enterprises. Industrial unions help to link workers in the same industry. Professional unions are geographically constrained within municipal boundaries, limiting their scale; however, they have grown more influential in collective bargaining terms. For example, China Airlines flight attendants successfully used the Taoyuan Flight Attendants professional union to wage a strike in June 2016 instead of China Airlines' own enterprise union.

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

For all workers, 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.

Some workers are excluded from collective bargaining. Employees in companies with fewer than 30 workers may only join a professional union or an industrial union to exercise their rights. As a result, labor union density (the percentage of labor registered in a union as a proportion of overall labor) in Taiwan is 5.8 percent, significantly below the Organization for Economic Cooperation and Development average of 16 percent. 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. Registration of a union requires approval from the local authorities or the Ministry of Labor, 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.

The law requires mediation of labor disputes when authorities deem disputes to be sufficiently serious or to involve unfair practices. Most labor disputes involved wage and severance issues. The mediation and arbitration processes were

sometimes subject to lengthy delays. The law prohibits labor and management from conducting strikes or other acts of protest during conciliation or arbitration proceedings. Labor organizations say this prohibition impedes workers' ability to exercise their right to strike.

Authorities effectively enforced laws providing for the freedom of association and collective bargaining. A labor ministry arbitration committee reviewed cases of enterprises using discriminatory or improper action to repress union leaders and their activities, and authorities subjected violators to fines. Such fines, however, generally were not sufficient to deter violations.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law prescribes penalties for forced labor and the government effectively enforced the law, but courts delivered light sentences or fines in most forced labor convictions. Such penalties are inadequate to serve as an effective deterrent. Authorities continued public awareness campaigns, including disseminating worker education pamphlets, operating foreign worker hotlines, and offering Ministry of Education programs on labor trafficking as part of the broader human rights curriculum. According to the National Immigration Agency, nine individuals were convicted for forced labor in the first six months of 2016.

Labor laws do not cover domestic workers, leaving them vulnerable to labor exploitation. Forced labor occurred in such sectors as domestic services, fishing, farming, manufacturing, and construction. Foreign workers were most susceptible to forced labor, especially when serving as crew members on Taiwan-flagged fishing vessels. Some labor brokers charged foreign workers exorbitant recruitment fees and used debts incurred from these fees in the source country as tools of coercion to subject the workers to debt bondage (see section 7.e.). In 2016 authorities fined 87 perpetrators a total of NT\$9.11 million (\$299,000) in 105 cases of illegal brokerage activities. Authorities ordered nine of these individuals to terminate business operations.

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 younger than 18 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. Employers who violate minimum age laws face a prison sentence and/or fines, which was sufficient to deter violations.

There were some reports of commercial sexual exploitation of children (see section 6, “Children”).

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination with respect to employment and occupation based on race, rank, ideology, religion, political opinion, birthplace or national origin, gender, marital status, disability, sexual orientation and/or gender identity, age, language, or HIV or other communicable disease status.

Local labor affairs bureaus intervene and investigate complaints of employment discrimination or failure to meet legal hiring quotas. Authorities enforced the law effectively, although human rights advocates noted that an unknown number of employment discrimination cases went unreported due to employees’ fear of retaliation from their employers. 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.

The law prohibits potential employers from requesting medical reports from job candidates to prove they do not have HIV or other communicable diseases. Some reports, nevertheless, suggested that persons with disabilities and HIV-positive persons sometimes remained vulnerable to discrimination in employment and occupation.

The law requires 3 percent of the workforce in the public sector and 1 percent of the workforce in the private sector to be persons with disabilities. According to the labor ministry, the unemployment rate of persons with disabilities was three times higher than that of persons without disabilities. Nonprofit and advocacy groups

said many public- and private-sector employers opted to pay fines rather than meet the hiring quotas. There were also reports of indirect discrimination in the hiring process, such as employers failing to provide assistive devices in pre-employment tests.

Women were promoted less frequently, occupied fewer management positions, and worked for lower pay than men, earning on average 83 percent of their male counterparts' income in 2015, although the law prohibits differential treatment of employees based on sex and mandates equal pay for equal work of equal efficiency. Household caregivers and domestic workers did not enjoy the same legal protections as other workers (see section 7.e.).

The Ministry of Labor published a survey in March 2016, which showed 3.5 percent of women have been sexually harassed at work, yet 80 percent of these cases went unreported.

The law forbids termination of employment because of pregnancy or marriage.

e. Acceptable Conditions of Work

A new minimum wage of NT\$21,009 (\$690) per month, or NT\$133 (\$4.36) per hour, will take effect in January 2018. There is no minimum wage for workers in categories not covered by the law, such as management employees, medical doctors, healthcare workers, gardeners, bodyguards, self-employed lawyers, civil servants, contractors for local authorities, and domestic workers.

Authorities defined the poverty level as 60 percent below the average monthly disposable income of the median household in a designated area. By this definition, the poverty level was a disposable monthly income of NT\$15,544 (\$509) per person in Taipei, NT\$13,700 (\$449) per person in New Taipei City, NT\$12,941 (\$424) per person in Kaohsiung, and NT\$11,448 (\$375) per person in all other areas.

As of January 2016, an amendment to the law stipulated new legal working hours of eight hours per day and 40 hours per week, a reduction from the previous limit of eight hours per day and 84 hours biweekly. Employees in “authorized special categories” approved by the ministry are exempt from regular working hours stipulated in the law. These categories include security guards, flight attendants, insurance salespersons, real estate agents, nursery school teachers, ambulance drivers, and hospital workers.

The law for health and safety standards was amended in 2013 to expand coverage from workers in 15 categories to employees in all industries, better protect female workers and those younger than age 18, prevent overworking, impose higher safety standards on the petroleum and chemical industries, and impose higher fines for violations.

Authorities did not always effectively enforce the wage law. Violations of legal working hours were common in all sectors. In response authorities increased the number of inspections in 2016. The labor ministry's 2016 labor inspection report found that 18.8 percent of inspected firms violated the law.

The Ministry of Labor increased the number of labor inspectors and also subsidized local authorities' hiring of contract inspectors. NGOs and academics stated that the number of inspectors and labor inspection rate was still too low to serve as an effective deterrent against labor violations and unsafe working conditions, although the Taiwan Confederation of Trade Unions said the situation had somewhat improved. Authorities can fine employers and withdraw their hiring privileges for violations of the law, and the law mandates announcing the names of offending companies to the public. Critics complained that violations continued and that the labor ministry did not effectively enforce statutes and regulations intended to protect foreign laborers from unscrupulous brokers and employers.

As of November 2016 the law eliminates the requirement that foreign workers leave Taiwan every three years between re-employment contracts. Advocates for this amendment said it would help alleviate the burden of brokerage and other fees foreign workers have to pay.

Household caregivers and domestic workers are not protected under the law and are not covered by a mandated minimum wage, overtime pay, limits on the workday or workweek, minimum breaks, or vacation regulations. Brokerage agencies often require workers to take out loans for "training" and other fees at local branches of Taiwan banks in their home countries at high interest rates, leaving them vulnerable to debt bondage. NGOs reported that the monthly take home pay of some domestic workers was as low as 6.7 percent of the official poverty level.

Religious leaders continued to raise concerns that the law did not guarantee a day off for domestic workers and caregivers, which limited their ability to attend religious services. This problem was particularly salient among the island's

231,000 foreign caregivers and household workers, predominantly from Indonesia and the Philippines, who include a number of Muslims and Catholics who want to or believe they must attend religious services on a certain day of the week.

The approximately 600,000 foreign workers, primarily from Indonesia, Vietnam, the Philippines, and Thailand, were vulnerable to exploitation. Locally operated service centers to brief foreign workers on arrival, maintained a hotline for complaints and assistance, and funded and operated shelters to protect abused workers. Regulations require inspection and oversight of foreign labor brokerage companies. The Ministry of Labor may also permit foreign workers' transfer to new employers in cases of exploitation or abuse. NGOs asserted, however, 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 reimburse debt accrued during the recruitment process.

The Ministry of Labor operated a Foreign Worker Direct Hire Service Center (DHSC) and an online platform to allow employers to hire foreign workers without using a broker. Employers could also renew foreign workers' employment contracts at the DHSC. NGOs said that complicated hiring procedures and the online service's incompatibilities with certain recruitment systems in workers' countries of origin prevented widespread implementation, and they advocated lifting restrictions on foreign workers voluntarily transferring their contracts to different employers. The Taiwan International Workers' Association complained that after 10 years of DHSC operation, the government was still unable to complete the direct recruitment objective for foreign workers. Red tape in the system continued to enable brokers to exploit profits from foreign workers.

There were numerous reports of exploitation and poor working conditions of foreign fishing crews on Taiwan-flagged long-haul vessels. The Taiwan International Workers' Association and other civil groups urged authorities and ship owners to better protect foreign fishermen.