

**2018 Republic of China (Taiwan)  
Trafficking in Persons  
Report**



**November 2019**

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## **I. Prologue**

Due to the cross-border movement of people around the world, the uneven development of countries and regions, and the wide gap between rich and poor, the number of people leaving their home countries remains high. These circumstances, plus the lure of substantial profits, has driven a boom in human trafficking.

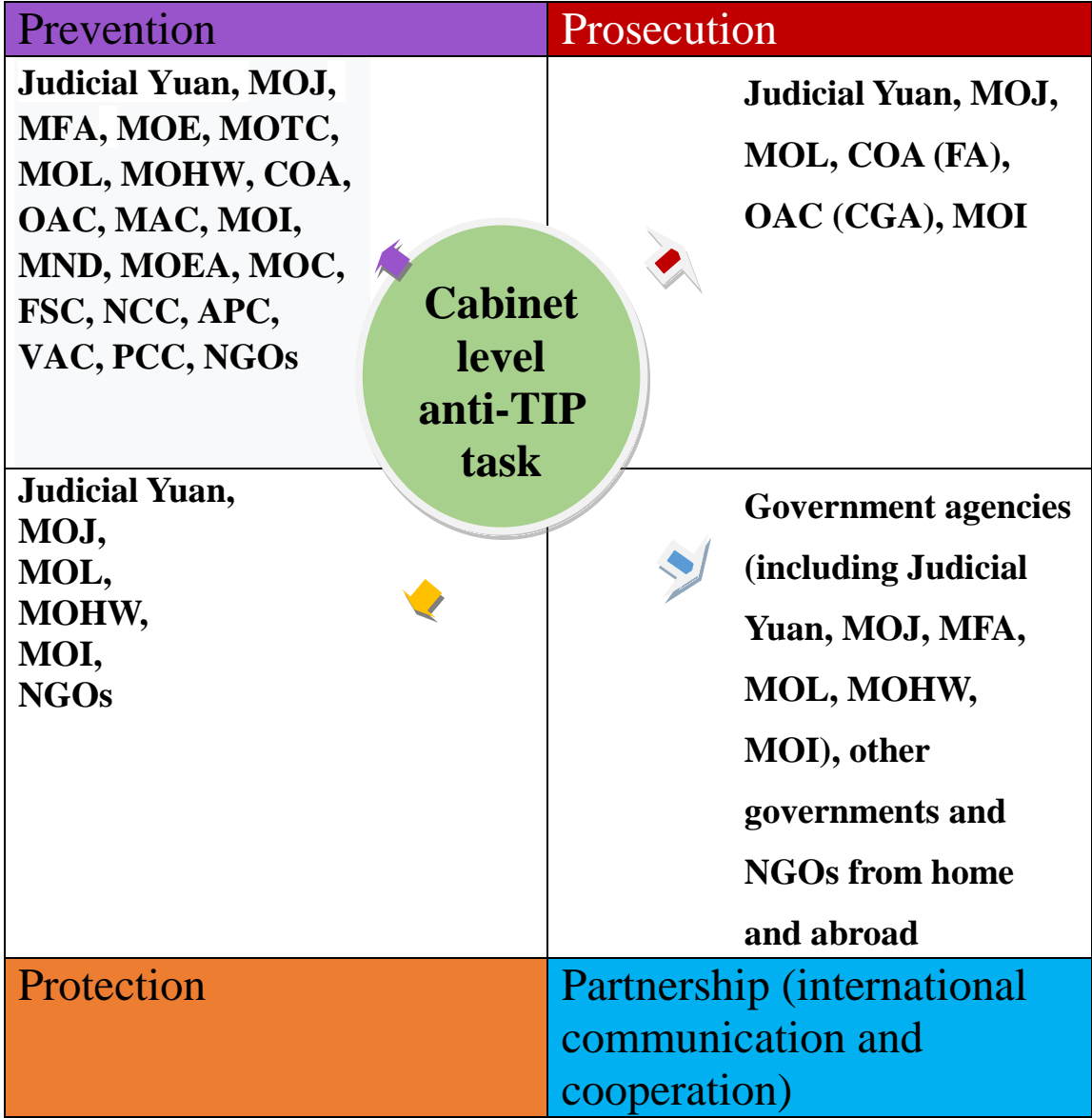
To streamline interagency resources, facilitate cooperation with nongovernmental organizations (NGOs), and promote full commitment to the prevention of human trafficking, the R.O.C. (Taiwan) government announced the Human Trafficking Prevention Action Plan in November 2006, and set up a cabinet-level anti-trafficking in persons (TIP) coordination task force in January 2007. The Human Trafficking Prevention Act (HTPA), promulgated in 2009, has also ensured progress in the fight against human trafficking.

The increasing cross-border movement of people due to globalization has been fostering exchanges of talent and the development of tourism throughout the world. To recruit and retain global talent, the Taiwanese government has launched the New Southbound Policy and relaxed immigration rules. Expanding visa-free entry for more ASEAN countries has also seen tourist arrivals and departures continue to rise. To prevent foreigners coming to Taiwan to work on visitor visas, and to prevent their being exploited, or falling victim to human trafficking, the government has taken appropriate preventive and control measures. However, human trafficking and associated problems have not yet been fully eradicated. Moreover, TIP cases that occur overseas involve such issues as the exercise of

jurisdiction and de jure recognition, and require mutual assistance among countries.

To improve Taiwan's prevention and control measures, the government's cabinet-level anti-TIP coordination task force has continued to enhance international exchange and cooperation; coordinate available resources; strengthen the investigation, prosecution, and sentencing of human trafficking cases; and improve protective measures and preventive action plans concerning TIP victims. Thanks to Taiwan's anti-TIP efforts in 2018, the US Trafficking in Persons Report named Taiwan a Tier 1 country for the ninth consecutive year. TIP prevention requires continuous, long-term efforts, international collaboration, and worldwide vigilance. In 2019, Taiwan will continue to work closely with the international community to combat TIP and promote human rights-based governance.

# Interagency TIP Prevention Mechanism



## II. Highlights of 2018

R.O.C. government agencies continued to aggressively combat human trafficking throughout 2018. With the cabinet-level anti-TIP task force consolidating the resources of

related agencies, and with NGOs working in close cooperation with the government, significant achievements were made in the fight against human trafficking. Aiming to promote closer integration with international anti-TIP strategies, the government adopted preventive and control measures that combat TIP through four approaches (referred to as the **4P** strategies): law enforcement and **p**rosecution, **p**rotection, **p**revention, and **p**artnership.

1. Law enforcement and prosecution:

Judicial police departments identified 133 TIP cases (38 cases of labor exploitation and 95 cases of sexual exploitation) in 2018. A total of 112 individuals were prosecuted in 70 TIP cases.

2. Protection:

2.1 The National Immigration Agency (NIA), Ministry of the Interior (MOI), and the Ministry of Labor (MOL) operate 23 shelters in cooperation with civic groups:

During 2018, a total of 120 newly identified victims were placed in shelters. Aside from having their everyday needs met, these residents received additional services such as psychological counseling, interpretation assistance, legal assistance, accompaniment during investigations, and medical care. The relevant agencies arranged to help 58 victims return home following the conclusion of judicial proceedings.

2.2 Placement of victims in shelters by the NIA:

In 2018, the NIA provided medical services 368 times, interpretation assistance 1,156 times, legal assistance 34 times, consultations 787 times, and accompanied victims



during trials (or investigations) 73 times. In addition, the NIA issued 90 temporary stay permits and extended 143 temporary stay permits to TIP victims, while the MOL issued work permits to 89 victims. Some 92 people also found employment with the help of public job placement centers.

2.3. The Direct Hiring Service Center set up by the MOL can help minimize broker fees, which often place a heavy financial burden on foreign workers. During 2018, the center helped 5,150 employers hire foreign employees, accepted and transferred 10,646 applications to authorities other than the MOL, and provided consultations, either onsite or over the phone, regarding the hiring of foreign workers on 163,422 occasions. In 2018, the center helped save a total of NT\$134.26 million (approximately US\$4.30 million) in broker, employer registration, and overseas introduction and recruitment fees.

### 3. Prevention:

The government and civil society have mobilized various communications channels to raise public awareness of human trafficking and help immigrants better understand their rights. For example, each year the NIA, the MOL, the Ministry of Foreign Affairs (MOFA), and the Tourism Bureau hold special events in conjunction with the UN World Day against Trafficking in Persons, which falls on July 30. In 2018, the government also held an expanded version of its International Workshop on Strategies for Combating Human Trafficking from July 25 to 26.

Representatives of various countries, NGOs, diplomatic and consular personnel in Taiwan, and staff from related government agencies were invited to discuss such key issues as victim-oriented thinking, qualified full-time interpreters, excessive brokerage fees, and migrant workers' freedom to choose jobs, providing all of those involved with ideas that could be incorporated into Taiwan's fight against human trafficking going forward.

### 3.1 Training courses:

Government agencies have also integrated TIP prevention into training courses in their respective fields of expertise. For example, in 2018, the MOI held two seed personnel training events on general TIP literacy for public servants, attracting 198 attendees. Aiming to strengthen the expertise of attending judges, prosecutors and judicial police in handling TIP-related crimes, the Judicial Yuan held a seminar on human trafficking crime cases, and the MOJ held a hands-on workshop on the prevention of human trafficking and child and youth sexual exploitation.

### 3.2 Reviewing and formulating regulations:

In addition to conducting preventative tasks in line with existing anti-TIP campaigns, government agencies also developed various innovative approaches in 2018. For example, based on the ILO (International Labor Organization) C188: Work in Fishing Convention and domestic fishing vessel regulations, employers hiring a foreigner or extending a foreigner's existing employment in the fishing industry should fill out a copy of the

government-issued foreign fishing worker service planning book, and have the local competent authority implement an inspection. Accommodation and recreation centers for foreign fishing workers were also opened in Keelung and Penghu, while multilingual cards providing information about the 1955 Counseling and Protection Hotline for Foreign Workers were given out to foreign fishing workers. Furthermore, in an effort to further enhance victim protection, the latest amendment to the Employment Service Act also made changes to private employment service agencies' and employees' duties regarding reporting.

### 3.3 Assessments:

To effectively facilitate anti-TIP campaigns, the MOI continued to conduct assessments of local governments' efforts. This has raised awareness among municipal and county governments, and promoted deeper and broader TIP prevention efforts.

## 4. Partnership (international exchange and cooperation):

### 4.1 Signing memorandums of understanding (MOUs) on cooperation concerning immigration affairs and human trafficking:

From 2011 to 2018, Taiwan signed MOUs on cooperation concerning immigration affairs and human trafficking with 21 countries: Australia, Belgium, Belize, El Salvador, Eswatini (previously Swaziland), The Gambia, Guatemala, Honduras, Indonesia, Japan, the Marshall Islands, Mongolia, Nauru, Palau, Panama, Paraguay, Saint Christopher and Nevis, Saint Vincent

and the Grenadines, Solomon Islands, the United States, and Vietnam.

4.2 NGOs' participation in international exchanges on the prevention of human trafficking:

ECPAT Taiwan (End Child Prostitution, Child Pornography Trafficking of Children for Sexual Purposes) took part in the 7th ECPAT International Assembly in Bogota, Colombia; the Yilan Migrant Fishermen Union attended a seminar in the US on the labor rights of East Asian migrants working in the agricultural and fisheries sectors; and the Garden of Hope Foundation held a seminar on protecting, assisting, and communicating with foreign victims of crime.

### **III. Achievements in 2018**

#### **1. Enhancing the investigation and prosecution of TIP-related crimes**

##### **1.1 Results of investigations into TIP-related crimes**

A. To enhance interagency communication, use resources appropriately, and ensure the law is optimally enforced among brokers and at high-risk sites such as employment agencies, places where foreign workers gather, and establishments of ill repute, judicial police agencies have entrusted specific units with the task of overseeing the investigation of TIP-related crimes. Combating the sexual exploitation of minors (anyone under the age of 18) and comprehensively fighting this type of human trafficking have long been a top priority for judicial police agencies. In human trafficking cases investigated and referred for prosecution in 2018, 115 underage girls (under 18 years of age) were identified as part of 64 cases. In accordance with the Child and Youth Sexual Exploitation Prevention Act, 93 of these girls were placed into the care of local social welfare agencies, while 22 were taken home by their parents or went home by themselves.

B. In 2018, judicial police agencies investigated 133 human trafficking cases, 38 of which involved labor exploitation and 95 sexual exploitation. All of these cases were referred to district-level prosecutors. The relevant statistics for judicial police investigations from 2008 to 2018 are as follows:

	Total no. of cases investigated	Type of case	
		Labor exploitation	Sexual exploitation
2008	99	40	59
2009	88	46	42
2010	123	77	46
2011	126	73	53
2012	148	86	62
2013	166	84	82
2014	138	51	87
2015	141	44	97
2016	134	40	94
2017	145	37	108
2018	133	38	95

Table 1: Judicial police investigations from 2008 to 2018

## 1.2 Indictments and sentences

A. The Judicial Yuan has formulated various administrative measures to support the pursuit of TIP-related cases, as follows:

- (1) To enhance the functionality of information extraction and retrieval systems, and establish sentencing information for crimes that constitute violations of Articles 31 and 32 of the HTPA for judges to refer to in similar cases, the Judicial Yuan's Sentencing Analysis and Research Group has collected sentencing information for human trafficking cases, and built a sentencing information retrieval system for such cases. Sentencing data for similar cases

continues to be added to the system, which provides judges with references for passing judgements and sentencing in similar cases.

- (2) Continuing to call on judges to use the reference list for the sentencing of crimes that constitute violations of Articles 31 and 32 of the HTPA, which was devised in accordance with the results of focus group meetings:

To enable judges to reflect on and take into account diverse societal opinions, a reference list for the sentencing of crimes that constitute violations of Articles 31 and 32 of the HTPA was devised in accordance with the results of focus group meetings attended by representatives of the courts, prosecutor's offices, law firms, academia, and victim protection and assistance groups. The reference list aims to remind judges to pay attention to proportionality in sentencing and to note certain circumstances that make punishments severer or more lenient. In August 2018, the Judicial Yuan also combined these resources into a single *Guideline Manual of Sentencing Circumstances in Criminal Cases*, delivering copies to all courts to continue calling on judges at each level to refer to the aforementioned sentencing materials and include them under the trial information on internal websites to improve ease of reference.

- B. In 2018, a total of 112 individuals were indicted by district courts' prosecutor's offices as part of 70 TIP

cases. Prosecution figures from 2008 to 2018 are shown below:

Year	Cases prosecuted	Persons indicted	Type of case			
			Labor exploitation		Sexual exploitation	
			Cases	Persons	Cases	Persons
2008	165	601	40	106	113	452
2009	118	335	35	102	83	233
2010	115	441	41	110	76	346
2011	151	437	72	179	80	259
2012	169	458	34	57	136	408
2013	127	334	84	246	46	103
2014	102	184	21	52	88	153
2015	63	148	12	25	52	127
2016	69	171	18	45	54	132
2017	87	248	19	66	68	182
2018	70	112	24	40	46	72

Table 2: Cases prosecuted and persons indicted for TIP-related cases handled by district courts' prosecutor's offices from 2008 to 2018

Note: Starting in June 2009, certain cases were registered under more than one type, if applicable. Therefore, the total number of cases may not be equal to the sum of the different types.

C. In 2018, 50 individuals were convicted in TIP-related cases. Sentences imposed for TIP-related crimes from 2008 to 2018 were as follows:

<del>Year</del> Sentence	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
< 6 months	181	256	192	98	144	155	97	103	96	18	9
6-12 months	50	58	37	15	16	21	10	10	13	4	2
1-2 years	34	30	34	27	27	36	20	14	23	10	14
2-3 years	3	4	4	5	3	5	6	1	4	3	2
3-5 years	3	7	19	17	32	41	30	29	21	23	21
5-7 years	0	1	0	2	2	4	2	1	0	0	0
7-10 years	1	13	1	1	3	2	1	0	3	0	2
10-15 years	1	0	1	0	0	0	3	1	1	2	0
Short detention	11	6	8	6	11	4	5	2	0	2	0
Fine	3	1	4	2	62	1	1	2	1	0	0



<b>No sanction</b>	0	0	0	1	0	1	0	0	0	0	0
<b>Total</b>	<b>287</b>	<b>376</b>	<b>300</b>	<b>174</b>	<b>300</b>	<b>270</b>	<b>175</b>	<b>163</b>	<b>162</b>	<b>62</b>	<b>50</b>

Unit: Persons

Table 3: Sentences imposed for TIP-related crimes from 2008 to 2018

Note: TIP-related crimes refer to any acts that violate the HTPA, the Criminal Code, the Labor Standards Act, the Child and Youth Sexual Exploitation Prevention Act, or related crimes.

### 1.3 Expanding investigations into the sources of human trafficking

A. Tightening the inspection and management of travel documents at the border and clamping down on runaway workers and their illegal entry:

To prevent runaway migrant workers from falling into situations in which they are vulnerable and easily exploited, Taiwan has aimed to stop organized crime syndicates from transporting victims, and from having victims make illegal border crossings during flight transit stops. In addition, any runaway migrant worker being discovered and deported is now prohibited from entering Taiwan again, to prevent the reoccurrence of similar events (as victims may engage in the same activities, or seek employment, run away, or fall victim to exploitation again). In other words, the goal has been to actively prevent human trafficking by focusing on its sources. The results of related efforts by the NIA and the National Police Agency (NPA) from 2008 to 2018 are as follows:

Year	Type Results	Use of forged, altered, or stolen travel documents, or fingerprint mismatches, discovered at the border (no. of cases)	Runaway foreign workers found within R.O.C. territory (no. of persons)

2008	149	8,562
2009	81	9,998
2010	57	10,045
2011	35	8,474
2012	29	13,594
2013	17	16,269
2014	49	14,120
2015	41	16,851
2016	120	20,678
2017	170	21,846
2018	322	20,712

Table 4: Use of forged, altered, or stolen travel documents, or fingerprint mismatches, and instances of runaway foreign workers discovered from 2008 to 2018

#### B. Verifying marriages through interviews:

R.O.C. nationals and their foreign spouses (including people from mainland China, Hong Kong, and Macau) are interviewed separately so as to better understand each party's background and the development of the relationship and marriage, and thereby verify the authenticity of the marriage. This approach has proven helpful in clamping down on marriage fraud and preventing human trafficking. The interview mechanism is summarized as follows:

- (1) Interview mechanism for spouses from mainland China: According to the Regulations Governing Interviews for People of the Mainland Area Applying to Enter the Taiwan Area, when a mainland Chinese marries an R.O.C. national and applies to join his or her spouse in Taiwan, both parties must be interviewed. If the NIA, during its interview, finds the

marriage to be suspicious, the case will be referred to local prosecutors for further investigation. If the mainland Chinese spouse is already in Taiwan, follow-up interviews and visits are performed to verify the authenticity of the marriage. In 2018, the NIA conducted 8,062 interviews within the R.O.C., 5,326 of which took place at the border.

- (2) Interview mechanism for foreign spouses: In consideration of the large number of cases in which people of ASEAN nations enter Taiwan under the pretense of marriage and subsequently engage in activities or employment other than those stated on their visa applications, MOFA has stipulated, in accordance with the Statute Governing the Issuance of ROC Visas in Foreign Passports and the Document Legalization Act for the Ministry of Foreign Affairs and Overseas Missions, that in cases where nationals of Cambodia, Indonesia, Myanmar, the Philippines, Thailand, and Vietnam marry an R.O.C. national and the foreign spouse applies to travel to Taiwan, both parties must go to a designated R.O.C. overseas mission to be interviewed.
- (3) Excepting one case of an individual from mainland China coming to Taiwan in connection with a fraudulent marriage in 2016, in the past three years (2016-2018), most TIP victims (74% of the total) entered Taiwan with working visas. Other victims not holding working visas had come to Taiwan posing as tourists. It is therefore evident that interviews have

proven to be an effective way of managing the border, and that victims not holding working visas have instead adopted visitor visas as the sole means of entering Taiwan.

Year	No. of interviews	Interviewee passed	Interviewee failed	Follow-up interview arranged
2008	30,500	20,904 (69%)	3,726 (12%)	5,870 (19%)
2009	28,686	20,302 (71%)	2,857 (10%)	5,527 (19%)
2010	23,533	17,930 (76%)	1,972 (8%)	3,631 (16%)
2011	19,862	15,227 (77%)	2,080 (10%)	2,555 (13%)
2012	18,405	13,863 (75%)	2,297 (13%)	2,245 (12%)
2013	15,569	11,997 (77%)	2,284 (15%)	1,356 (8%)
2014	13,782	10,826 (79%)	1,928 (14%)	1,028 (7%)
2015	11,182	9,019 (82%)	1,319 (12%)	661 (6%)
2016	10,515	8,592 (82%)	1,294 (12%)	629 (6%)
2017	8,979	7,450 (83%)	1,128 (13%)	401 (4%)
2018	8,062	6,606 (82%)	1,093 (14%)	363 (4%)

Table 5: Summary of interviews conducted from 2008 to 2018

Note: The figures for 2008 and 2009 are for interviews conducted within R.O.C. borders; the figures for the period 2010-2018 are for interviews conducted either within or at R.O.C borders.

### C. Strengthening investigations into the illegal employment of foreign workers and illegal broker services:

Foreign nationals coming to Taiwan (particularly foreign workers) are at a disadvantage due to cultural and language barriers, as well as the possibility of workplace confinement, which can lead to unfair treatment or even exploitation. Therefore, to disrupt human trafficking networks at their source, the MOL strictly enforces the law when it comes to the

employment of migrant workers and related broker services. Statistics from 2008 to 2018 concerning this type of illegal activity are as follows:

(1) Hiring violations

Hiring violation		Illegally harboring foreigners	Hiring unauthorized foreign workers or foreign workers assigned to other employers	Hiring foreigners to work for others	Assigning foreign workers to do unauthorized work or changing their work location without approval
No. of cases					
Year/Penalty					
2008	Cases for which fines were imposed	181	767	27	414
	Cases for which employer's license was revoked	137			
2009	Cases for which fines were imposed	152	582	12	410
	Cases for which employer's license was revoked	116			
2010	Cases for which fines were imposed	186	777	26	545
	Cases for which employer's license was revoked	133			
2011	Cases for which fines were imposed	255	960	17	746
	Cases for which employer's license was revoked	197			
2012	Cases for which fines were	305	1,136	14	768

	imposed				
	Cases for which employer's license was revoked	161			
2013	Cases for which fines were imposed	376	1,450	13	897
	Cases for which employer's license was revoked	227			
2014	Cases for which fines were imposed	317	1,224	20	689
	Cases for which employer's license was revoked	174			
2015	Cases for which fines were imposed	370	1,372	16	848
	Cases for which employer's license was revoked	151			
2016	Cases for which fines were imposed	390	1,563	10	664
	Cases for which employer's license was revoked	163			
2017	Cases for which fines were imposed	465	1,830	10	554
	Cases for which employer's license was revoked	167			
2018	Cases for which fines were imposed	495	1,708	3	556

	Cases for which employer's license was revoked	183
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Table 6: Type and number of cases of hiring violations from 2008 to 2018

## (2) Violations by brokers

Broker violation		Collecting unauthorized fees	Failure to perform entrusted duties, causing employers to violate the law	Unauthorized brokerage (including individuals and legal entities)
No. of cases				
2008	Fine(s) imposed	77	45	76
	Business operations suspended	14	0	7
2009	Fine(s) imposed	110	52	92
	Business operations suspended	10	0	10
2010	Fine(s) imposed	22	52	62
	Business operations suspended	2	1	17
2011	Fine(s) imposed	21	58	81
	Business operations suspended	6	1	18
2012	Fine(s) imposed	23	60	73
	Business operations suspended	12	3	9
2013	Fine(s) imposed	16	64	106
	Business operations suspended	5	2	14
2014	Fine(s) imposed	5	65	98
	Business operations suspended	8	5	13
2015	Fine(s) imposed	2	83	109
	Business operations suspended	2	1	10
2016	Fine(s) imposed	6	58	110
	Business operations suspended	4	0	7



	operations suspended			
2017	Fine(s) imposed	6	65	115
	Business operations suspended	5	0	6
2018	Fine(s) imposed	4	77	123
	Business operations suspended	1	0	2

Table 7: Type and number of cases of violations by brokers from 2008 to 2018

Note: Fines can be imposed on both individuals and companies, whereas the suspension of business operations applies only to companies.

## 1.4 Case studies

### **Case 1: Uncovering a human trafficking syndicate specializing in sexual exploitation**

#### Description:

With the help of a Thai woman, a sex trafficking syndicate led by a suspect surnamed Huang recruited women from Thailand to engage in prostitution for 30-day periods while in Taiwan on visa-free travel. Debt bondage incurred from precollected deposits or airfare was used to coerce the women into engaging in illegal sexual transactions. The NIA's Northern Taiwan Administration Corps launched operations against the syndicate in December 2017, and Huang and the Thai woman were referred to the Taiwan New Taipei District Prosecutors Office for investigation in March 2018. The case remains under investigation.

## **Case 2: Uncovering a human trafficking syndicate, led by a suspect surnamed Chen, which was engaged in labor exploitation**

### **Description:**

A suspect surnamed Chen conspired with another suspect surnamed Tsai to illegally accommodate and introduce runaway foreign workers to jobs. The suspects used coercion, threats, and violence to force foreign workers to engage in labor for which pay was not commensurate with working duties. The NIA's Northern Taiwan Administration Corps launched operations on October 26, 2017. Chen, Tsai, and four other Taiwanese nationals were referred to various district courts' prosecutor's offices on February 26 and May 2, 2018. As a result, Taiwan Nantou District Prosecutors Office commenced a formal investigation and indicted Chen and Tsai for violations of the HTPA. The trial currently remains underway at Taiwan Nantou District Court.



## **Case 3: Uncovering a human trafficking syndicate, led by a suspect surnamed Huang, which was engaged in labor exploitation**

### **Description:**

This case involved an Indonesian woman engaging in illegal brokerage in Taiwan. The woman had arranged for

Indonesian men who had been tricked into coming to Taiwan to be transported by unregistered hire vehicles to an illegal broker surnamed Huang in southern Taiwan. Huang had then introduced these men to work involving pesticide spraying services. Victims had been charged excessive brokerage fees and had wages deducted unlawfully. The suspects had also used confinement, monitoring and other means to profit from their victims' work. The NIA's Northern Taiwan Administration Corps launched operations on November 21, 2017. Huang, six other Taiwanese nationals, and three Indonesian nationals were referred to Taiwan Taoyuan District Prosecutors Office on January 31 and March 23, 2018. Of these, six persons were indicted for violations of the HTPA. Taiwan Taoyuan District Court passed sentences on April 1, 2019.



#### **Case 4: Uncovering the sexual exploitation of Indonesian and Vietnamese victims**

##### **Description:**

Following reports from the public, in September 2017 the NIA's Southern Taiwan Administration Corps launched an investigation into an R.O.C. national surnamed Tsai and others, who were allegedly illegally accommodating, brokering work for and transporting female Indonesian and Vietnamese runaway migrant workers to engage in

sex work, as well as seizing and deducting their wages. It had been reported that the victims had been intimidated into submission. Having reviewed the evidence of suspected sexual exploitation, the NIA found the case credible and referred it to the prosecutor's office for further investigation. In January 2018, a raid was launched, and five runaway migrant workers who had been monitored were rescued. In February 2018, Tsai and seven other individuals were referred to Taiwan Yunlin District Prosecutors Office for violating Article 31 of the HTPA and Article 231 of the Criminal Code.

**Case 5: A suspect surnamed Chang engaging in the labor exploitation of Indonesian migrant workers**

**Description:**

Taking advantage of Taiwan relaxing its visa waiver privileges for ASEAN countries, a human trafficking ring led by a suspect surnamed Chang and three others had sought to earn brokerage fees by falsely soliciting applications for working visas. The suspects had then exploited their victims' unfamiliarity with Taiwan, the language barrier, and the fact that their visitor visas had expired as a pretense to deduct and seize wages, and even to place the victims in custody or by other illegal means deprive them of freedom of movement and prevent them from seeking help. The case was identified by the NIA's Southern Taiwan Administration Corps Brigade and submitted to Taiwan Yunlin District Prosecutors Office for investigation in February 2018. Chang and the other

suspects were referred to Taiwan Yunlin District Prosecutors Office in May 2018 for violating Article 32 of the HTPA and Articles 63 and 64 of the Employment Service Act.

### **Case 6: Sexual exploitation of children and youth**

#### **Description:**

In July 2018, while performing a stop-and-check in a drinking establishment, National Police Agency (NPA) personnel discovered that the responsible person at the venue, an individual surnamed Hsieh, had hired a 17-year-old girl as a hostess in the bar, where she was subjected to guests' kissing; touching of her bottom, breasts, and other private parts; and sexual harassment. It was also found that she had been recruited by another suspect, surnamed Yang, to join an agency, which offered to arrange for her to provide sexual services; she turned this offer down. In August 2018, NPA launched a raid of the agency, during which personnel confiscated contracts, lists of names, and work schedules. As a result, NPA discovered that the agency had recruited a number of adolescent girls, who would each pay the agency 1,000 NT dollars per week in return for fake IDs and arrangements to work as hostesses in clubs in Taipei. It was found that these minors were frequently subjected to sexual harassment. The case was referred to the Taipei District Prosecutor's Office for investigation of violations of Article 32 of the Child and Youth Sexual Exploitation Prevention Act.

**Case 7: Trafficking and sexual exploitation of foreign nationals deceived into immigrating for employment:**

Description:

A Filipino surnamed Wu, together with three other individuals, forced victims into sexual transactions for profit. From 2014, with the help of several Filipino and Singaporean brokers, these four individuals, knowing that 11 Filipino and Vietnamese nationals were seeking to work in Taiwan, sponsored them to immigrate under the pretense of hiring them to work as dancers and singers. Upon their arrival in Taiwan, these immigrants were instead forced to provide sexual services to pay back considerable debts from airfare and other fees. The victims' purported consent was based not on any true expression of intent, but rather on their inability to seek help in a foreign country, the language barriers involved, and their lack of legal work visas. The victims were confined to a small shelter placed under strict surveillance and were forced to engage in prostitution. On January 19, 2017, under direction from the Kaohsiung District Prosecutor's Office, the Kaohsiung City Police Department identified these victims engaging in sexual transactions with foreign fishing industry workers. All 11 victims were rescued, and the four individuals were prosecuted, convicted, and sentenced by the Kaohsiung District Court on October 31, 2018, to prison terms of one year and 10 months each for violating Article 31 of the Human Trafficking Prevention Act, which prohibits using such means as debt bondage or another person's inability,

ignorance, or helplessness to force him/her into sexual transactions for profit.

### **Case 8: Human trafficking and border security**

Description:

The National Immigration Agency (NIA) plays an important role in safeguarding border security and the nation's interests. In recent years, the NIA has also been a key part of relevant international smuggling prevention and control mechanisms. By establishing platforms and networks with other countries, exchanging information and reporting, providing assistance to deter high-risk targets from illegally crossing borders, monitoring human smuggling and curbing illicit border crossings by the members of human trafficking groups, and carrying out related investigations, the Republic of China (Taiwan) has been an important part of efforts in the Asia-Pacific region to effectively deter human trafficking and smuggling. The NIA's Border Affairs Corps successfully intercepted human trafficking groups involving nationals of Afghanistan, Sri Lanka, and Syria on April 16, April 20, October 11, October 17, October 27, and December 12, 2018. Measures have been taken to enforce border security, which in turn have prevented the Republic of China (Taiwan) from becoming a point of transfer for human trafficking groups, and have helped combat transnational crime while curbing illegal smuggling.

## **2. Optimizing protection of TIP victims**

### **2.1 Providing shelter and strengthening protection**

## A. Settlement and protection of foreign victims

- (1) The Fisheries Agency of the Council of Agriculture (COA) has commissioned the governments of Kaohsiung City, Pingtung County, Keelung City and Yilan County to participate in the management of foreign fishing industry workers and related businesses. If foreign fishing industry workers become victims of cross-border trafficking or are abused or beaten, municipal and county governments shall provide assistance within their respective competencies to the National Immigration Agency of the Ministry of the Interior pursuant to the Regulations Governing Prevention of Transnational Trafficking in Persons and Protection of Victims.
- (2) To account for the need for an even distribution of protective services across the country, and to ensure that victims need not travel too far to receive such services, the NIA and the MOL operate 23 shelters throughout Taiwan in collaboration with civic groups. These shelters seek to meet residents' everyday needs, while providing such services as psychological counseling, interpretation, legal aid, accompaniment during judicial proceedings, and medical care. When providing interpreters, these shelters seek to take into account multiculturalism, gender sensitivity, expertise in labor affairs, gender issues, and whether interpreters have a relevant legal background, among other factors.
- (3) In 2018, shelters accommodated placement of a total



of 120 newly identified victims, 84 of whom were female and 36 male. Indonesian nationals comprised the largest group, with 85 persons. The chart below provides details of foreign TIP victims placed in shelters from 2009 to 2018:

Gender and nationality		Newly placed victims	Gender		Nationality							
			Male	Female	Indonesian	Vietnamese	Thai	Philippine	Mainland Chinese	Cambodian	Bangladeshi	Other
Year/Exploitation type												
2009	Sexual Exploitation	85	0	85	45	12	1	0	27	0	0	0
	Labor Exploitation.	244	71	173	120	73	6	14	0	9	22	0
	Total	329	71	258	165	85	7	14	27	9	22	0
2010	Sexual Exploitation	45	5	40	14	4	6	2	19	0	0	0
	Labor Exploitation.	279	61	218	147	71	6	37	2	13	2	1
	Total	324	66	258	161	75	12	39	21	13	2	1
2011	Sexual Exploitation	56	0	56	20	1	1	1	33	0	0	0
	Labor Exploitation.	263	90	173	155	83	9	13	0	0	3	0
	Total	319	90	229	175	84	10	14	33	0	3	0
2012	Sexual Exploitation	152	0	152	131	1	0	0	20	0	0	0
	Labor Exploitation.	310	66	244	225	59	1	23	0	2	0	0
	Total	462	66	396	356	60	1	23	20	2	0	0
2013	Sexual Exploitation	121	0	121	110	1	0	1	9	0	0	0
	Labor Exploitation.	245	47	198	166	64	6	7	0	0	0	2
	Total	366	47	319	276	65	6	8	9	0	0	2
2014	Sexual Exploitation	86	0	86	67	4	2	0	13	0	0	0
	Labor Exploitation.	206	52	154	95	61	4	43	2	1	0	0
	Total	292	52	240	162	65	6	43	15	1	0	0
2015	Sexual Exploitation	64	0	64	53	4	0	1	6	0	0	0
	Labor Exploitation.	122	64	58	83	29	0	10	0	0	0	0
	Total	186	64	122	136	33	0	11	6	0	0	0
2016	Sexual Exploitation	40	5	35	21	0	10	3	6	0	0	0
	Labor Exploitation.	116	64	52	55	30	0	30	0	0	0	1
	Total	156	69	87	76	30	10	33	6	0	0	1
2017	Sexual	61	9	52	14	5	39	3	0	0	0	0

	Exploitation											
	Labor Exploitation.	135	53	82	94	14	6	18	0	0	3	0
	Sexual and Labor Exploitation	12	0	12	1	1	0	10	0	0	0	0
	Total	208	62	146	109	20	45	31	0	0	3	0
2018	Sexual Exploitation	29	1	28	15	8	4	0	0	0	0	2
	Labor Exploitation.	79	35	44	59	15	0	4	0	0	1	0
	Sexual and Labor Exploitation	12	0	12	11	1	0	0	0	0	0	0
	Total	120	36	84	85	24	4	4	0	0	1	2

Table 8: Numbers of foreign TIP victims placed in shelters from 2009 to 2018

Note: The category “Sexual and Labor Exploitation” was added in 2017 to denote victims who suffered both sexual and labor exploitation.

## B. Settlement and protection of Taiwanese victims over 18 years old

- (1) **Settlement in shelters:** The Social and Family Affairs Administration (SFAA) under the Ministry of Health and Welfare (MOHW) coordinates with local governments to place victims in existing facilities. In 2018, one such person was placed into a facility, and provided with such services as medical care, legal assistance, consultation, and accompaniment during interrogations.
- (2) **Necessary financial assistance:** The SFAA provides necessary financial support to such victims, and local governments also commission lawyers to provide legal consultations according to victims’ needs. In 2018, local governments provided protection and shelter to one such female victim, medical care to another, one person with legal assistance on seven

occasions, three victims with accompaniment during interrogation on five separate occasions, and three persons with consultation services on 69 occasions.

(3) **Support services:** The SFAA has highlighted the importance of providing support services to human trafficking victims in its Annual Directives for Subsidizing the Promotion of Social Welfare Services, and has requested that local governments work with civil society groups to organize support and therapy groups, self-growth courses, and other activities that provide victims with psychological advice and counseling.

(4) **Follow-up services for victims wishing to return home:**

The SFAA has requested that if the judicial and police agencies handling TIP cases encounter victims who prefer to return home rather than remain be placed in a shelter, such victims shall first be provided with an appropriate consultation, after which they shall be referred to the local social welfare department for follow-up services. The SFAA has also requested that upon receiving referrals for TIP cases, judicial and police agencies should distribute booklets to TIP victims explaining their rights.

C. Provision of related services to child and youth victims of sexual exploitation:

According to Article 20 of the HTPA, any victim or suspected victim of human trafficking—a child or youth found or suspected to have engaged in sexual

transactions, or deemed by a court in a trial to have engaged in sexual transactions as defined in the Child and Youth Sexual Exploitation Prevention Act—shall be given priority access to shelter and protection in accordance with the Child and Youth Sexual Exploitation Prevention Act, and shall be provided with related services without the need for official recognition of their status by any government agency. In 2018, placement and protection services were provided to TIP victims as follows:

- (1) Accompaniment during interrogation: In accordance with Paragraph 1, Article 9 of the Child and Youth Sexual Exploitation Prevention Act, “In the event of questioning a victim during an enquiry, an investigation, or a trial, police and judicial officers shall notify the competent authority at the special municipality and city/county levels of the need to assign a social worker to accompany the victim at the site, and shall allow such a person to state his/her opinion.” In 2018, notifications for accompaniment services were provided in 394 cases.
- (2) Shelter: At the moment, shelter and protection resources provided by local governments include: emergency and short-term shelters, child and youth welfare institutes, transition schools, foster families, and other appropriate medical and educational institutions established or commissioned by the competent authorities at the special municipality, city or county level to carry out medical treatment,

psychological counseling, and other programs and assistance as warranted. In 2018, emergency placement was provided in 143 individual cases by competent authorities at the special municipality, city and county level.

- (3) Follow-up services for victims after placement: In compliance with Paragraph 1, Article 30 of the Child and Youth Sexual Exploitation Prevention Act, competent authorities at the special municipality, city and county level shall offer counseling and intervention to victims, and provide them with follow-up services as well as assistance in school enrollment, employment, independent living, and other necessary matters for a period of at least one year or until their 20th birthday. Such counseling, treatment programs, and follow-up services were provided in a total of 387 individual cases in 2018.

## **2.2 Reinvestigation to identify suspected victims of human trafficking**

To help ensure that all cases of suspected human trafficking are properly investigated, the NIA regularly questions detainees at its detention centers. If anyone appears to be a victim of human trafficking, his or her case is referred back to the original discovering authority for further investigation and identification. In 2018, a total of 20 detainees were found to be victims of human trafficking after NIA questioning and identification by the discovering authority, and were accordingly transferred from detention centers to shelters.

### **2.3. Providing temporary residence permits**

To give TIP victims the security of legal residence in Taiwan, to help integrate them into local communities as soon as possible, and to break their ties with criminal organizations, the NIA in 2018 granted 90 temporary residence permits to TIP victims, and approved 143 applications to extend such permits.

### **2.4. Protecting employment rights**

The central competent authorities may issue permits to recognized human trafficking victims for temporary residence, or for long term residence and work in Taiwan so that they may maintain a sufficient income. According to the Regulations on Work Permits and Administration for Human Trafficking Victims, when issuing work permits to victims, the competent authorities should inform the public job placement center in the jurisdiction of the victim's shelter so as to help provide the victim with employment services. In 2018, work permits were issued to 89 people, and public job placement centers provided services to 92 people, of whom 53 successfully found employment.

### **2.5. Offering vocational training**

Regional branches of the Workforce Development Agency (WDA) of the Ministry of Labor continue to provide vocational training to unemployed TIP victims with valid work permits. Expenses for such training are subsidized in their entirety by the central competent authorities. In 2018, the regional branches of the WDA provided assistance to a

total of 86 TIP victims with work permits. Of these, 35 found employment, five were repatriated, one went missing, five were receiving assistance with employment placement, and 40 had no declared intention to receive vocational training.

## **2.6. Setting up the 1955 Counseling and Protection Hotline**

**for Foreign Workers:** In July 2009, the 1955 Counseling and Protection Hotline for Foreign Workers (hereinafter “1955 hotline”) was set up by the MOL. Since 2010, the 1955 hotline has used a computerized system to assign cases to local competent labor affairs authorities to investigate complaints and disputes. This management mechanism keeps track of cases and related follow-up measures, helping to properly safeguard the rights of foreign workers. In 2018, the 1955 hotline received a total of 187,338 calls, of which 163,422 were to seek consultation, and 23,916 were to file general or emergency complaints. In addition, there were 2,227 reported cases in which foreign workers successfully switched employers thanks to help from the 1955 hotline.

## **2.7. Recovering wages owed to foreign workers**

In 2018, there were 10,967 cases in which foreign workers recovered outstanding wages with the help of the 1955 hotline or foreign worker service stations at the city/county level. The total amount of wages and related fees recovered totaled NT\$278,063,729 (approximately US\$8,880,987).

## **2.8. Offering protection during investigations and court proceedings**



- A. Interpretation services and accompaniment during interrogations: To protect victims' rights and facilitate investigations, police departments provide interpretation services while handling human trafficking cases. Accompaniment services are also provided to confirmed or suspected human trafficking victims during questioning (interrogation) in the course of the related investigation or trial. These services aim to provide emotional support and to explain judicial procedures and protective measures to victims. In 2018, interpretation services were provided on 248 occasions and accompaniment services on 228 occasions during investigations and referrals of human trafficking cases.
- B. Legal aid: To safeguard victims' human rights and their rights to bring legal proceedings, the Legal Aid Foundation in 2008 set up Legal Aid for Victims of Human Trafficking Programs. Under this program, the foundation provides legal aid to TIP victims who reside legally in Taiwan and meet the requirements stated in the Legal Aid Act. In 2018, of 144 applications for legal aid, 136 were fully approved (including one for legal counseling, two which were subsequently withdrawn, and one which was later rescinded), one was partially approved, and seven were rejected. In total, legal aid was provided in 95 percent of applications. The Legal Aid Foundation has joined the International Legal Aid Group (ILAG) and regularly takes part in international seminars held by the ILAG while also cooperating with

other international legal aid organizations on the basis of equality and reciprocity.

C. To help victims return home as soon as possible, the MOJ continues to request that prosecutors in TIP-related cases take the following proactive measures:

- (1) If a TIP-related case has resulted in a shelter referral for a victim, that fact should be noted in the case document and, upon receiving authority to prosecute the case, the prosecutor is required to expedite the trial. The supervision and review of such cases should be processed as least as fast as, or faster than, criminal cases in which a suspect is kept in custody for trial.
- (2) Investigation of TIP-related cases involving human trafficking victims should be concluded as soon as possible. If a victim asks to be repatriated, the prosecutor should, after having assessed the relevant circumstances, take all necessary steps to repatriate the victim if the situation allows.
- (3) TIP-related cases should be thoroughly investigated, and a confrontation between TIP victims and defendants should be arranged if necessary. When the referring unit, shelter, or (suspected) victim(s) in such a case inquires about the progress of investigation in the case, the governing prosecutor's office should provide a reply without violating the principle of investigatory nondisclosure.
- (4) Any letters from shelters or legal documents from TIP victims should be properly and promptly preserved

and reviewed.

(5) When an investigation is closed, a notification letter should be sent to the originating unit and the shelter informing them of the results of the identification of the victim(s) and stating the repatriation decision of the victim. If the case results in indictment, the letter should state that the case has been transferred and that the court will decide on whether the victim's placement is to be extended.

D. Strengthening protection of social workers and interpreters: The MOJ continues to ask prosecutors to ensure the safety of social workers and interpreters who accompany TIP victims to court or appear in court as witnesses, and has requested that prosecutors ensure the confidentiality of their identities. In order to strengthen confidentiality, any names or information that may lead to the identification of social workers and interpreters shall be deleted from documents produced by investigators and replaced with code numbers.

E. Increasing judicial efficiency through web-conferencing: To expedite the repatriation of TIP victims, and to balance their right to repatriation with the necessity of questioning and/or cross-examining them and/or arranging their confrontation with defendants during investigation or trial, the MOJ is studying with MOFA the feasibility of implementing video conference interviews with victims in ROC embassies or representative offices.

- F. Enhancing the accuracy of interpretation: The MOJ is actively enhancing the competency of currently contracted interpreters to ensure the quality of interpretation services. In addition, the MOJ will continue to supervise prosecutors and their staff and conduct regular training on interpretation ethics, basic legal knowledge, and the process of investigation and prosecution in order to ensure interpretation accuracy and enable interpreters to conduct their duties in accordance with relevant regulations. Should there be any need to provide interpretation of an unusual dialect or rare language, the MOJ shall seek interpretation services from the relevant foreign mission(s) in Taiwan or from qualified candidates in Taiwan recommended by credible organizations in order to protect the rights of foreign nationals.
- G. To safeguard TIP victims' rights in criminal proceedings, the Judicial Yuan established a committee to study cases of victims' participation in the Judicial System. After several meetings and public hearings to discuss the issue, and after collecting the opinions of judges, prosecutors, lawyers, scholars, NGOs, and other stakeholders, the Executive Yuan began work on amendments to parts of the Code of Criminal Procedure that concern victims' participation in ongoing litigation and their protection. A draft bill, which has been completed and is now being sent to the Legislative Yuan for review, would allow TIP victims to apply to the court hearing their case to participate in litigation after the initiation of public

prosecution and before the conclusion of oral arguments in the second instance.

- H. Keeping victims abreast of the progress of investigations and judicial proceedings: Judicial police and shelter staff are required to inform victims about judicial procedures in Taiwan. If a victim's case is under investigation, the public prosecutor in charge of the case concerned should inform the victim of progress in the case without violating the principle of investigatory nondisclosure. The purpose of this is to make the victim feel at ease and encourage him or her to stay in Taiwan to testify. In addition, the NIA and the MOL monitor progress in relevant cases and the situation of victims placed in shelters every three months. A report based on this collected data is forwarded to the MOJ and the Judicial Yuan to help expedite the judicial process, thereby enabling victims to return home sooner.
- I. Facilitating a safe return home: When investigation of a trafficking case is closed, or when a victim's assistance is no longer needed, the competent authority shall, provided that the victim's shelter has evaluated that there is no need to postpone a victim's repatriation, negotiate with the agencies concerned to ensure the victim's prompt and safe return home. In 2018, a total of 58 victims were repatriated following the end of their placements.
- J. In the human trafficking cases initiated and referred by the National Police Agency in 2018, a total of 118 victims under the age of 18 were found to have engaged in

sexual transactions. In accordance with the Child and Youth Sexual Exploitation Prevention Act, 94 of these victims were placed by local social agencies in shelters located in the district in which their investigation took place; 12 were remanded to the custody of their parents by court ruling; eight were adults at the time of investigation; two were placed in juvenile detention houses; one was placed in a reform school for juveniles; and one was placed in a specialized hospital.

## **2.9 Protecting the rights of foreign fishing workers:**

- A. To monitor ship owners' and brokers' conformance with regulations, the Fisheries Agency of the COA conducts checks on foreign fishing workers' conditions. In 2018, a total of 14 inspection trips were conducted, during the course of which foreign fishing workers were asked to fill out questionnaires in Mandarin, English, Vietnamese, Indonesian or Filipino as appropriate. In total, 215 fishing vessels were inspected, and 798 overseas foreign crew members were interviewed. Statistics on inspection visits of overseas foreign crew members are as follows:

Inspection visits	2018			Total
	Port(s) in the Republic of China	Foreign port(s)	Onboard inspections while at sea	
Fishing workers	568	194	36	798
Fishing vessels	87	99	29	215

Table 9: Inspections of overseas foreign crew members in 2018

B. Fishing vessels suspected of violating applicable regulations during the aforementioned inspections were placed under further investigation to determine the applicability of potential administrative penalties or judicial proceedings. Statistics on such punishments issued in 2018 are shown in the two tables below. In addition, three fishing vessels involved in a violation of the Human Trafficking Prevention Act were turned over to district prosecutors for further investigation.

Violation type	Number of cases	Cumulative penalty amount (NTD)	Duration of license suspension (months)
Violations of employment contracts	41	7,080,000	29
Wage violations	1	25,000	2
Working hour violations	1	-	3

Table 10: Punishments for violations by ship owners in 2018

Violation type	Number of cases	Penalties (NTD)
Violation of the employment contract	1	2,000,000
Wage Violation	1	1,000,000

Table 11: Punishments for violations by brokers in 2018

C. Complaints by overseas foreign crew members using the 1955 hotline forwarded to the Fisheries Agency by the MOL in 2018:

1955 complaint	Cases			Treatment		
	Cases closed	Pending cases	Total	Wages recovered	Guaranty recovered (prior to enforcement of new regulations)	Visas recovered
2018	40	11 (note)	51	26,576 USD	7,000 USD	19 visas
Note: The plaintiff in 1 case has left the country, 2 cases are under administrative review, and 8 cases are under investigation.						

Table 12: Statistics of complaints received through 1955 Hotline in 2018

## 2.10 Results of services at publicly established, privately run shelters

### A. Protection services:

- (1) During investigation, judicial police, coast guard personnel and immigration organizations will refer identified victims of human trafficking for protection and placement in shelters by social affairs, immigration or labor affairs authorities in accordance with the victims' nationalities and types of visas that they hold. These shelters help ensure victims' personal safety and provide necessary medical assistance, translation services, legal consultations, psychological counseling, accompaniment during questioning (interrogation) in the course of their investigation or trial, financial assistance, and other necessary help.



(2) A total of 120 foreign victims were placed in shelters in 2018, representing a seven-year low. Of these, 93 were placed by the MOL and 27 by the NIA.

#### B. Achievements of Nantou Shelter

Nantou Shelter was founded in October 2009 and is run by the Good Shepherd Social Welfare Foundation. As of the end of 2018, the shelter had helped 378 victims. Its services and achievements are summarized below:

##### (1) Physical and psychological recovery and support:

The shelter considers recovery its core mission and provides a variety of special services to the victims it accommodates. Victims can be physically and psychologically traumatized from the mistreatment and exploitation they have experienced, and may find it hard to readjust to society. The shelter provides continuous care and medical treatment to understand and address the physical and mental conditions of these victims, undertakes consultations on follow-up treatment, and arranges for emotional support and group consultations to help victims relearn to put trust in others. In addition, the shelter organizes celebrations of annual festivals and holidays as well as outdoor activities to help victims overcome the trauma of exploitation. Keeping victims company and working with them helps better acquaint them with their communities in Taiwan.

##### (2) Empowerment and stable employment:

To help victims return to society, gain economic security, and acquire the skills needed for the future,

the shelter has developed employment services that meet victims' needs through a combination of skills training, lectures, counseling, job placement, and home-based employment. Providing residents opportunities to acquire professional skills and elevate their capabilities in a range of areas further builds up their knowledge, puts them at an advantage, and enables them to cope with future challenges.

(3) Due regard is given to the legal rights of the victim:

The shelter provides legal resources to help victims resolve their problems, apply for legal aid when necessary, better understand their rights and interests, and enhance their recognition of their real situation.

(4) Prevention of re-trafficking:

Besides protecting and providing services to TIP victims in Taiwan, the shelter puts high priority on preventing them from being exploited again. To this end, it provides information about human trafficking and overseas employment to those who plan to continue working abroad. Victims are taught to learn from their own experiences and develop plans to protect themselves and avoid becoming targets for human trafficking again.

(5) Group activities:



When victims are placed in the shelter, supportive, exploratory group activities tailored to their circumstances are organized to build self-confidence through the support and feedback of their peers. These activities also serve to enhance cohesion and trust

among the participants.

(6) Cross-border cooperation and repatriation:

Visits by government officials and NGO personnel from Indonesia and Thailand help victims become informed of some resources available back home. Before leaving Taiwan, victims can also talk to nuns who worked in Indonesia and Thailand for years and who can provide first-hand and up-to-date information about living in these countries. Such information sessions help victims receive assistance from relevant agencies after returning home. The shelter also invites lecturers to talk about such topics as the hidden dangers of working overseas and possible traps in employment contracts so as to give them a better understanding of working overseas. This in turn helps them develop plans to protect themselves and avoid falling prey to human trafficking syndicates.

**【Highlights】**

	
Mid-Autumn Festival celebration	Lunar New Year dinner and party



Trip to Taichung World Flora Exposition



Trip to Lefoo Village Theme Park



Skills development curriculum tailored to the needs of shelter residents



Group meal at a nice restaurant



Mandarin lessons help victims adapt to living in Taiwan.



Work inspections are conducted to see how shelter residents are doing.



Prejob training enhances the professional skills of shelter residents.	Visits made to victims' home countries (to Indonesia in this instance) promote cooperation on services for victims.
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## C. Campaigns to raise TIP prevention awareness

### (1) On-campus

In order to raise human trafficking awareness in all levels of schools, the shelter recruited volunteers at campuses, organized educational courses and campaigns, and offered information to individuals in person. In 2018, the Good Shepherd Social Welfare Foundation held 10 TIP prevention activities at schools, including Tung Hai Junior High School in Taitung, Bausun Junior High School in Taitung, and Our Lady of Providence Girls High School in New Taipei City.

Pictures of school campaigns:



## (2) Creating a website

In 2018, the Good Shepherd Social Welfare Foundation launched a website based on its extensive experience in providing services to sexually exploited victims and on information collected through focus groups. By openly discussing issues surrounding sexual exploitation, the website raises awareness on how to prevent human trafficking and reduce the risk of sexual exploitation.

### **3. Prevention: Curbing human trafficking**

#### **3.1 Raising public awareness through multiple channels**

Numerous campaigns have been carried out through multiple channels to boost understanding of the HTPA and protective services for victims among both Taiwanese people and foreign nationals, thereby enhancing public awareness and the effectiveness of anti-TIP measures. The measures undertaken by each sector of the regulatory authorities are as follows:

#### **A. Ministry of Labor**

- (1) In 2018, the MOL commissioned five broadcasters to produce 13 episodes of a radio program in Filipino, Indonesian, Mandarin, Thai, and Vietnamese on such topics as human trafficking prevention, migrant worker safety, and the 1955 hotline in order to further educate employers, brokers, and foreign laborers about related laws and regulations. Besides promoting current policies and legislation, the programs also

aimed to improve public opinion. By the end of 2018, these programs had reached an estimated 5.22 million people.

- (2) An updated edition of the short film *Foreign Workers' Rights in Taiwan* was incorporated into prejob training programs provided in foreign laborers' home countries and into orientation sessions provided at airports to foreign laborers upon arrival in Taiwan. The film introduces related regulations and teaches workers how to protect themselves, seek assistance, and file complaints.
- (3) The MOL set up migrant worker service centers at both Taoyuan and Kaohsiung international airports. The centers provide multilingual services, assistance on proceeding through customs and immigration, information on workers' rights, and legal counseling. A 10-minute video on workers' rights and related regulations is played for foreign workers at the airport upon their arrival. Service centers provide oral explanations and pamphlets about life, employment, and workers' rights in Taiwan. Such efforts aim to help migrant workers adjust to life in Taiwan quickly and minimize the stress from moving to a new country. A total of 193,466 people watched the video in 2018.
- (4) In order to protect the rights of foreign workers and reduce their risks, the MOL has established a comprehensive system that spans the time before they enter Taiwan to when they exit:

a. prior to entry protection

- (a) Establishment of the Direct Hiring Joint Service Center: To relieve the burdens of foreign workers in Taiwan, a joint service center was established. For employers, the center provides a direct way to hire foreign workers as well as services for transferring and sending documents, receiving consultation, making inquiries, and obtaining information online. For foreign workers, the center greatly reduces the cost of becoming employed in Taiwan and the chance of getting exploited by brokers.
- (b) Signing a written employment contract and an Ingression Work Fees for Foreigners and Labor Affidavit: As required by law, employers must pay salaries in full and directly to foreign workers. In addition, employers must sign a written employment contract and an Ingression Work Fees for Foreigners and Labor Affidavit as a reference for local labor affairs authorities conducting future inspections for possible violations of labor laws.
- (c) Employer orientation program before hiring a foreign worker: Local employers must complete an orientation program before hiring a foreign worker for the first time to provide home care or household assistance. The orientation program aims to mentally prepare the employers about the realities of hiring a foreign worker and to educate



them about related legislation and government resources so as to better ensure that laws are not broken.

b. after entry protection

(a) Establishment of foreign worker service centers: In 2006, in accordance with the Care Service Project at Airports for Exit and Entry Foreign Migrant Workers, foreign worker service centers at both Taoyuan and Kaohsiung international airports were established. The centers provide migrant workers arriving at the airport assistance with pick-up services and information on filing complaints and how to protect their rights, and other legal issues.

(b) On July 1, 2009, the 1955 Counseling and Protection Hotline for Foreign Workers was set up to provide a 24-hour free hotline. Complaints through the 1955 hotline are expedited and forwarded to each city and county government for further investigation. The progress of the complaints is also monitored so as to better protect the workers' rights.

(c) Funding has been provided for local government agencies to set up counseling service centers. The services include psychological consultation, provision of information on legal rights and life in Taiwan, and counseling on job adaptation and complaints, such as for labor-management

disputes. When a foreign worker files a lawsuit, the government can help subsidize his/her litigation costs and offer referrals for legal assistance.

- (d) Local government agencies were also provided funding to dispatch personnel to visit foreign migrant workers and look into reports on illegal foreign workers, foreign workers' living conditions, illegal brokerage practices, illegal overcharging of commission fees, or other violations of regulations and laws.
- (e) Local government agencies and private groups were funded to organize lectures for employers, foreign workers, and brokers; hold cultural exchanges and holiday celebrations; and organize classes for Mandarin and other languages. These activities help prevent human trafficking, raise awareness of employers' obligations to protect the personal safety and privacy of foreign workers and provide healthy living conditions, and promote the 1955 hotline.
- (f) Raising awareness among employers and foreign workers: To keep employers and foreign workers aware of relevant regulations and prevent illegal activities, educational materials have been issued and distributed to employers and foreign workers. The materials cover such topics as regulations on

foreign worker employment, management, and protective measures and are disseminated through short TV programs, newspaper articles, radio announcements, and pamphlets. Radio programs in Mandarin and the native languages of migrant workers, in addition to promoting related regulations and protective measures, also provide information on festival activities held in Taiwan. News and music programs in these languages also help relieve feelings of loneliness and homesickness.

- (g) Assistance with protective resettlement and employment transfers: If there is any request for resettlement due to a legal dispute, such as illegal hiring practices, physical abuse, or contract violations such as arbitrary dismissal and repatriation of employees, the local competent authorities must assist in placing the foreign worker in a shelter. To facilitate employment transfers, the MOL created a network system for foreign workers to change employers on February 27, 2008. It helps safeguard their right to work, while providing employers a convenient channel for hiring foreign workers.

c. prior to exit protection

- (a) The verification mechanism to ascertain contract termination: In order to prevent improper dismissal

of foreign workers, termination of contracts prior to the expiration date should be by the mutual agreement of both parties. Both parties must visit the local competent authority to verify their willingness to terminate the contract.

(b) Complaint service for foreign workers at the airport: To better protect the rights of foreign workers, they may file complaints at foreign worker service centers in airports.

(5) Informing foreign workers of their work-related rights, complaint channels, and self-protection strategies before arrival: In order to prepare foreign workers for life in the ROC, the MOL commissioned the production of a 30-minute educational film dubbed in Mandarin, English, Thai, and Indonesian to be viewed before their arrival. The film is provided to foreign missions in Taiwan so that it may be shown during job-training programs in the foreign workers' home countries. The film offers information on labor rights and regulations, counseling and complaint channels, personal safety suggestions, and the customs and culture of Taiwan.

(6) To encourage employers to respect the law and promote workplace equality, the MOL continues to provide information on relevant policies through diversified channels, such as pamphlets, giveaways, and Facebook posts. In the future, it will continue such efforts and develop projects to enhance awareness of employment

prejudice and gender discrimination so as to create friendlier work environments.

## **B. Ministry of Health and Welfare**

- (1) The MOHW had LED bulletin boards set up in train and bus stations countrywide to publicize measures designed to prevent sex tourism and the sexual exploitation of minors.
- (2) On December 17, 2018, the MOHW held a meeting to formulate a 2019 awareness campaign on the prevention of child and youth sexual exploitation. It invited representatives from central government agencies, local government departments, ECPAT Taiwan, the Garden of Hope Foundation, and Taipei Women's Rescue Foundation to help design the campaign with the following five goals: strengthen public awareness, implement on-campus education and publicity programs, enhance anti-TIP personnel capabilities, prevent trafficking and re-trafficking of victims, and teach victims how to protect themselves. Special municipalities and county/city government agencies are also to aid in implementing the projects.

## **C. Ministry of Justice**

- (1) In January, February, and July of 2018, the MOJ held law camps for a total of 200 junior high school students.
- (2) Radio programs on legal protections were broadcast on the Police Broadcasting Service between May and July 2018 to promote the prevention of labor

exploitation. The radio programs were broadcast 184 times.

- (3) From August to December 2018, eight seminars on such issues as immigration, foreign workers, and legal counseling were held in cooperation with the Brilliant Time Bookstore and 4-Way Voice.

#### **D. Ministry of Education**

##### (1) On-campus

- a. Funding for legal education programs for elementary and junior high school students and adult education students was provided to the law departments of 24 universities. A total of 11 programs on preventing human trafficking were held for 680 students.
- b. On March 20, 2018, a symposium was held for school administrators of senior high schools offering education programs to overseas Chinese students. On August 16, 2018, a panel discussion on cooperative education programs was also held. From September 26 to 27 last year, the MOE held the 2018 Academic Year National Workshop for Deans of Academic Affairs. The workshop featured a series of meetings and work panels to discuss measures to strengthen the government's prevention of human trafficking and related regulations.
- c. In November 2018, the MOE held two Seminars on Improving Teacher's Knowledge and Practice of Human Rights and Legal Education and a short film on the prevention of human trafficking was shown.

As foreign wives have been found engaging in sex work, the issues of marriage fraud, prostitution, and foreign migration were integrated into the curriculum. This has helped educate students about the major violations of human rights caused by human trafficking and the government's preventive measures.

- d. The MOE special task force on national curriculum and human rights education held 11 seminars on such issues as human rights, the rule of law, and human trafficking. Included were three professional growth activities, four workshops, three interdistrict exchanges, and one annual seminar.
- e. In 2018, three talks on the prevention of human trafficking during Friendly Campus Consultation Program seminars conducted by county and city governments were subsidized by the MOE.
- f. National Education Radio was commissioned to produce the program *Special Love*, which consisted of two episodes: "Enhancing Human Rights: Human Trafficking of the Disabled," and "Understanding of and Empathy for Disabled Victims of Human Trafficking." These were broadcast on March 3 and September 2, 2018, respectively.

## (2) Curriculum and teaching material content

Career development, life education, gender equity, legal education, human rights, and other important issues have been incorporated into curriculum in accordance with primary and secondary school

curriculum guidelines. Course outlines for civics classes have also been developed to introduce the topic of human rights.

(3) Enhancing teacher competency

Providence University and Tamkang University received subsidies in 2018 to hold two classes each for instructors, so as to help improve human rights pedagogy.

(4) Prevention of child and youth sexual exploitation

The MOE launched guidelines to promote school campaigns to help prevent child and youth sexual exploitation. Schools are required to promote the prevention of sexual exploitation at all grade levels and adopt protective measures in accordance with the Protection of Children and Youth Welfare and Rights Act and its guidelines. This requirement aims to raise the awareness of gender equality and children's rights among faculty members and students and to facilitate the creation of sex education programs in schools to effectively mitigate child sexual exploitation. Two networking meetings jointly organized by the MOE, MOHW, and five transition schools were held to promote the importance of preventing child sexual exploitation on May 9 and November 28, 2018. Workshops on the protection of children and youth were also held to strengthen appropriate attitudes toward sex among students and keep children and youth away from the sex trade.

**E. National Immigration Agency**



- (1) An anti-TIP film created by the NIA, *Say No to Bad Guys*, was broadcast on six television channels 149 times as public service announcements. In addition, anti-TIP ads were displayed at Taiwan Taoyuan International Airport.
- (2) Last year, the Yilan County Fishermen's Union was subsidized to attend a seminar in the United States on the labor rights of East Asian agricultural and fishery migrant workers from March 20 to 25. ECPAT Taiwan was also subsidized to hold the International Conference on the Prevention of Child Sexual Exploitation on June 28 and July 16 and 17, 2018, which included talks on law enforcement investigations of online child sexual exploitation. The MOI subsidized the Garden of Hope Foundation to conduct a forum on protections and assistance for foreign victims of crime on July 27, 2018. The Legal Aid Foundation was subsidized to hold the 2018 International Forum on Legal Aid on November 3, 2018.
- (3) In 2018, the NIA worked with local NGOs and labor affairs agencies to launch a series of mobile services and activities on 135 occasions in total. These included visits to check on the welfare of foreign fishermen and laborers, as well as campaigns to promote the prevention of human trafficking and the rights and interests of migrant workers.
- (4) The NIA held the 2018 International Workshop on Strategies for Combating Human Trafficking from July

25 to 26. Over 200 people were invited, including government officials, ambassadors and representatives of foreign missions in Taiwan, and representatives of NGOs. Key human trafficking issues were discussed, with a focus on victims. Also covered were victim-offender relationships, crime punishments, and crime investigation and victim protection mechanisms.

#### **F. Fisheries Agency**

- (1) In July and December 2018, a total of 400 persons attended dinner parties for foreign fishing workers and local residents, as well as activities to promote the rights and interests of foreign workers.
- (2) In July, October, and December 2018, free clinics and haircuts, as well as other promotional activities, were provided for 300 migrant workers.

#### **G. Tourism Bureau**

- (1) At annual orientation sessions, new tour guides and tour managers are encouraged to report related crimes and gain an understanding of commercial sexual exploitation. The Tourism Bureau also makes information concerning the prevention of human trafficking available to the public and tourism industry professionals on its website. Such materials have become part of the online courses offered annually to individuals hoping to become tour guides and tour managers. Indeed, general literacy regarding the HTPA and the Child and Youth Sexual Exploitation Prevention Act is now taken into account in the final evaluation of such courses. This is so that

participants will realize the importance of preventing future clients from engaging in sexual exploitation. A total of 6,799 tour guides and managers received training in 2018.

- (2) Hospitality industry enterprises jointly signed a self-regulation agreement on November 27, 2015. As a result, experts and police officers responsible for women's and children's affairs at local police departments are invited to speak about efforts to curb the sex trade at hotel staff training sessions. In 2018, a total of 1,250 hotel staff members attended 13 orientation sessions in 10 cities and counties, including Changhua County, Hsinchu City, Hsinchu County, Keelung City, New Taipei City, and Pingtung County.
- (3) A campaign raising awareness of related regulations was launched to coincide with annual hotel inspections. A total of 150 staff members from 30 hotels attended these events in 2018.

## **H. Ministry of Foreign Affairs**

Due to poverty and frequent armed conflicts, human trafficking is rampant in some West Asian and African countries. The missions of the Ministry of Foreign Affairs in Western Asia and Africa have put up posters, handed out printed materials, and used the media, websites, and other channels to educate visiting ROC nationals about human trafficking issues so as to keep them from inadvertently engaging in related illegal activities.

## **I. National Police Agency**

- (1) In 2017, local police departments held 1,689 seminars on community security for 79,823 attendees. These seminars raised public awareness by playing videos about TIP issues, as well as related measures and regulations to prevent such crimes.
- (2) LED electronic bulletin boards and website banners of law enforcement agencies and related organizations at all local government levels helped spread awareness of anti-TIP hotlines. Related booklets and other print materials were made available on the counters of local police stations, while posters were also displayed to raise the public's awareness.

#### **J. Coast Guard Administration**

The CGA visited fishery personnel in many areas and promoted human trafficking awareness and preventative measures. On 50 occasions in 2018, the CGA visited local fishermen's associations to educate the members about anti-TIP laws and regulations. By directly interacting with the fishing industry, the CGA can more effectively prevent violations of anti-TIP measures during the hiring and employment of domestic and foreign fishermen.

#### **K. Veterans Affairs Council**

- (1) In 2018, VAC service centers were provided funding to organize events for foreign spouses, including those from China, to help them adapt to living in Taiwan. A total of 1,594 persons attended 24 such events, at which government officials spoke on regulations and

the need to respect, accept, and treat as equals persons of different cultural backgrounds.

- (2) A training program was held in April 2018 at which officers from the Immigration Affairs Division of the NIA spoke on Taiwan's anti-TIP policies. The 65 attending participants are expected to utilize what they learned to enhance the quality of their services and promote the importance of preventing TIP-related crimes.
- (3) Veterans service centers throughout the country were requested to put up anti-TIP banners and posters and hand out anti-TIP print materials to better educate visiting veterans and their families.

#### **L. Financial Supervisory Commission**

- (1) Banking industry: The Taiwan Academy of Banking and Finance was commissioned to incorporate human trafficking issues in its auditor training programs and courses for financial sector employees. A total of 385 persons attended 10 such educational events.
- (2) Securities/futures industry: The Securities and Futures Institute and the Securities Investment Trust and Consulting Association were commissioned to incorporate human trafficking issues in their prejob orientation sessions, securities house internal audit training programs, and courses on the prevention of money laundering and insider trading for employees of securities and futures holding companies. A total of 7,102 persons attended 136 such events.

- (3) Insurance industry: The Taiwan Insurance Institute, Professional Insurance Brokers Association, and Insurance Agency Association were commissioned to incorporate human trafficking issues in auditor training programs and seminars on the prevention of money laundering for insurance personnel. A total of 6,037 persons attended 92 such events.

### **M. Council of Indigenous Peoples**

- (1) A total of 860 persons attended 15 lectures and classes on social welfare and human trafficking organized by the Indigenous Peoples Family Service Center.
- (2) In 2018, an educational training course for national aboriginal social service professionals was provided to 264 attendees, including managers and social workers of the Indigenous Peoples Family Service Center, promoters of the local government aboriginal affairs administrative units, and the aboriginal social workers and professional supervisors of the regional Indigenous Peoples Family Service Center. Award-winning films from the *KUSO Anti-Trafficking Creative Animation Contest* were played during the course to raise social worker awareness of TIP prevention, educate social service professionals about related human rights issues, and put into practice the concept of combating human trafficking through prevention.

### **N. National Communications Commission**

From October 3 to 4, the 2018 Information Exchange

Seminar on Television Content Production, Transmission and Operation Development and three regional seminars on broadcasting content regulation, production, and transmission standards were held. During the seminar, related government agency personnel, experts in the field, and radio and television broadcasters discussed key issues. A compilation of regulations was included in the conference manual to propagate relevant HTPA provisions.

### **3.2 Strengthening regulations and administrative measures**

- A. Promoting the direct hiring service: In 2018, the Direct Hiring Service Center helped 5,150 employers hire foreign employees through direct hire. The center accepted and transferred 10,646 applications to authorities other than the MOL. It also provided counseling on the hiring of foreign workers to 53,761 individuals either in person or through telephone calls. The center helped workers save a total of NT\$134.26 million (approximately US\$4.30 million) in brokerage fees and minimized their risk of being exploited by brokers.
- B. Enhancing management of brokerage firms: Private brokerages engaging in cross border job placement are evaluated annually. In 2018, a total of 1,370 brokerage firms were evaluated, of which 600 (43.80 percent) earned grade A (above 90 points), 717 (52.34 percent) grade B (70 to 89 points), and 53 (3.86 percent) grade C

(under 70 points). Grade C firms are not permitted to set up branches and their licenses cannot be renewed should they fail to improve and achieve a grade B the following year. This system aims to improve the quality of brokerage services and eliminate substandard firms.

C. Refining foreign migrant labor policies: To ensure that brokerage firms fulfill their recruitment responsibilities and provide follow up care services to prevent foreign laborers from going missing and the social problems that such situations lead to, the MOL announced the amendment of the Regulations for Permission and Supervision of Private Employment Services Institutions on October 8, 2014. The amendments increased fines for private employment placement firms found to have over a certain number of foreign laborers unaccounted for during an inspection or assessment. A total of 11 brokerage firms were fined in 2018.

D. Raising informants' rewards, enhancing management of workers, and clamping down on runaway workers:

(1) To encourage the public to report violations by employers and brokers of the Employment Service Act, and to discover the whereabouts of runaway foreign laborers, amendments were made to the rules on informant rewards for reporting violations of the Employment Service Act on September 11, 2015. The amount of the incentive is calculated based on the nature of the alleged violator (employer, private employment service institution, or individual, including



illegal aliens) and the number of individuals arrested. The amendments aim to improve the effectiveness of investigating such violations, protect employment opportunities for Taiwan nationals, and maintain social stability. In 2018, a total of NT\$14.26 million (US\$458,776) in rewards was paid for 1,256 cases reporting violations by illegal foreign laborers, employers, or brokers.

- (2) Once discovered, runaway foreign laborers are not permitted to continue to work in Taiwan. While they are unaccounted for, they are not protected by related labor laws and regulations, and thus are vulnerable to human traffickers. Therefore, in helping the MOI promote the prevention of human trafficking, the MOL not only informed foreign laborers of their rights and interests but also regularly provided basic information to help such individuals understand the applicable legislation and the consequences of being unaccounted for.

E. Talking with first-time employers of foreign domestic workers: Since July 1, 2016, first-time employers of foreign caregivers or domestic workers have had to complete employer training on laws and regulations concerning employment and management affairs in accordance with Article 48-1 of the Employment Service Act. This training provides opportunities for employers to better understand laws regarding the employment of foreign workers, medical examinations for and how to handle communicable diseases acquired by foreign workers, issues to be dealt with after the

employed foreign worker enters the country, the protection of foreign workers' rights, other matters regarding the employment and management of foreign workers, the customs and habits of foreign workers' home countries, other matters that employers must comply with, and examples of legal infractions. Training is to be for at least one hour and may involve an online session, individual class, or group training. As of the end of 2018, 53,822 employers had attended such seminars and obtained certificates.

- F. Placement of the underage children of TIP victims: In accordance with the Guidelines Governing the Placement and Protection of TIP Victims and Suspected Victims with Work Visas, and the Advance Payment of Expenses (effective since June 1, 2009), TIP victims and suspected victims with work visas shall be provided with assistance and the advance payment of fees and expenses for placement and protection, interpretation, medical services, and lawsuits. Additionally, to protect the rights and interests of underage children of victims and suspected victims, an amendment was made to the aforementioned guidelines on June 19, 2017, according to which underage children shall be placed at the same shelter as their parent(s) and the costs of placement, necessary medical services, or use of childcare facilities must also be covered. In 2018, placement and protection services were provided to six underage children (two girls and four boys).

G. Expanding the coverage of assistance for foreign laborers:

To help foreign laborers fully express their opinions and ensure their rights and interests during questioning and investigations by personnel and officers of local governments and other administrative and police agencies, the Ministry of Labor has established a method for offering interpretation and accompaniment whereby NGO personnel accompany foreign workers during such questioning, and a written or audio record of the inquiry is made. The Guidelines Governing Accompaniment of NGO Personnel Arranged by Local Governments during Questioning of Foreigners were thus enacted and the amendment went into effect on August 11, 2017. These guidelines have a larger scope of applicability and stipulate that accompaniment by interpreters or provision of interpretation services should be made available upon request in the case of a criminal action and that subsidies for interpretation rates should be increased. In addition, working hours and payment for each interpretation assignment as well as transportation expenses should be specified in advance to interpreters.

H. Promoting legal protections for domestic workers:

(1) The Labor Standards Act does not presently apply to domestic workers. However, the Employment Service Act stipulates that foreign laborers should sign labor contracts before coming to Taiwan and that the content of such contracts should be verified by the competent authorities in the source countries and moreover should conform to the Act. Should

disputes arise, foreign laborers may consult local competent authorities for mediation, or file a civil lawsuit in accordance with the Code of Civil Procedure. In 2018, there were 83 cases involving foreigners engaged in the jobs specified in Subparagraph 9, Paragraph 1, Article 46 of the Employment Service Act and applying for legal aid through the Legal Aid Foundation. Of these, 39 were civil cases, 40 were criminal cases, two were administrative cases, and two were family cases.

(2) The MOL set up the Domestic Workers' Protection Task Force to help protect domestic workers' rights. The second meeting of this task force was held on July 4, 2018. Existing policy tools are under continuing review, and administrative guidance on the protection of domestic workers' rights and interests was formulated to help employers and employees include basic rights and obligations in labor contracts. The Ministry aims to reach a societal consensus in a step-by-step manner and gradually strengthen protections for domestic workers' rights and interests.

I. The Fisheries Agency announced the implementation of the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members on January 20, 2017. In 2018, to improve the quality of the labor environment in distant water fisheries so as to ensure human rights and promote the employment and management of foreign crew, and to meet international

standards, the Fisheries Agency twice invited relevant parties to discuss amendments to the Regulations in 2018. On December 5, 2018, the draft was revised and an advance announcement made. The major amendments are as follows:

- (1) An obligation to inform foreign crew members was added: Distant water fisheries operators and agents commissioned to recruit foreign crew members must inform them of matters that will be included in contracts, and foreign crew members must be provided with one copy of their contract. While fulfilling their obligation to inform foreign crew members, distant water fisheries operators and agents shall make and preserve visual and audio recordings of the entire process.
- (2) Added responsibility ascription for any insurance taken out not in accordance with regulations; amended hours of rest per week for foreign crew members; added foreign crew members' right to request disembarkation or a return to his/her home country; added definition of the monthly wage and named beneficiary for life insurance.
- (3) Qualifications and matters to be complied with for the applicant of brokers: The competent authority shall deny authorization to an application for a brokerage agency if the person in charge or the legal representative of the agent has committed any of the violations described in Subparagraph 2, Article 2 of

the Human Trafficking Prevention Act, and has been convicted by a judicial authority.

(4) Local brokers are prohibited from charging foreign crew members service fees.

J. Creating a joint liability and evaluation system for brokers:

Any applicant intending to become an agent shall first be approved and submit a guarantee bond in advance to the competent authority. The amount shall be from NT\$1,500,000 (US\$49,000) to NT\$5,000,000 (US\$162,000) in accordance with the number of people the agency plans to employ. Applicants must also be evaluated by the Fisheries Agency or a third party commissioned by the agency. The Fisheries Agency has approved 52 brokers so far. In 2018, in accordance with its evaluation criteria for 46 brokerage firms hiring foreign fishing workers overseas, two were given an A grade, 23 a B grade, and 21 a C grade. The single agent given a D will be inspected again and offered guidance to help rectify the defects found.

K. The MOJ sent a letter to all prosecutors' offices urging them to proactively investigate violations of the HTPA by Taiwan's distant water fishing vessels employing foreign workers overseas. It also called on chief prosecutors to properly supervise these efforts. In the TIP section of its manual on handling cases involving women and children published in March 2017, a subsection on violations of the HTPA by Taiwan's distant water fishing vessels employing foreign workers

overseas was included. This should help in the prosecution of instances of labor exploitation of fishing workers, so as to protect the rights of victims.

- H. The Mutual Assistance in Criminal Matters Act was promulgated and came into effect on May 2, 2018. Where a matter concerns international mutual legal assistance in criminal matters, treaties apply; where there are no such treaties or no applicable provisions in such treaties, the Act shall apply. The Act could thus be the primary legal source for enhancing international mutual assistance in criminal matters, or the secondary legal source to provide supplementary information on the law, and shall be of great help in promoting international cooperation on combating cross-border human trafficking.
- I. Amending regulations to better protect the rights of children and youth: Two amendments to the Child and Youth Sexual Exploitation Prevention Act were promulgated on November 29, 2017, and January 3, 2018, respectively, and approved by the Executive Yuan on March 19, 2018 to come into effect on July 1, 2018. These amendments improve care and diversify intervention services, expand the types of personnel responsible for reporting related crimes, and increase criminal and administrative punishments for violations.
- J. In accordance with Article 3 of the Child and Youth Sexual Exploitation Prevention Act, the MOHW held the second and third consultative meetings of its first round of efforts to prevent the sexual exploitation of

children and youth on February 6 and December 17, 2018, respectively, so as to promote related protective measures.

### **3.3 Developing online anti-TIP information for training and teaching materials**

#### **A. Compiling and publishing training materials and reference materials**

- (1) To improve the capabilities of judges presiding over TIP cases so that they make appropriate rulings and raise the standards of court decisions, the Judicial Yuan published a manual for handling human trafficking cases. The manual has been uploaded to the section of its website addressing sexual assault and TIP cases for use by related personnel. The manual contains related laws and regulations as well as the rationale behind them, other resources needed for processing cases, as well as a variety of articles from professionals in related fields. Further updates of the contents of the manual and the website shall be made to be in compliance with legislative and regulatory changes and the addition of training material, to meet the needs of the judiciary.
- (2) The MOJ published a manual on handling cases involving women and children in March 2017, with the online version being released on May 1, 2017. This manual will enhance the professional skills of prosecutors and improve prosecution of TIP crimes.
- (3) To formulate standard procedures for judicial police to better protect victims and enforce the law, the NIA



posted online materials from a workshop on anti-TIP networking and counseling for use in training courses by all agencies.

B. Improving training for law enforcement personnel

- (1) To help personnel better understand TIP cases from different perspectives and facilitate cooperation between judicial organizations and other government agencies and NGOs involved in TIP cases, the Judicial Yuan held a seminar on TIP crimes at the Judges Academy on June 19-20, 2018. During the seminar, representatives recommended by the American Institute in Taiwan, representatives of the National Immigration Agency, and criminal court judges spoke on Human Trafficking and Related Criminal Procedures in the United States, Anti-Trafficking Policy and its Implementation in Taiwan, and Human Trafficking and Related Criminal Procedures in Taiwan. MOJ department heads and judges were also in attendance.
- (2) The MOJ organizes training courses on handling human trafficking cases every year to help prosecutors better understand all aspects of issues related to investigations, prosecution, and trials, as well as the protection and placement of victims. Funds required for training courses are drawn from the MOJ budget. The MOJ held a workshop on the prevention of human trafficking and child and youth sexual exploitation on December 13-14, 2018, at which experienced prosecutors, police, and social workers spoke on investigative techniques concerning human trafficking;

child and youth sexual exploitation cases; cooperation through networking; policy; and implementation. In addition, in cooperation with ECPAT Taiwan (End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes), British and US prosecutors and police officers were invited to speak on international law and cases in which criminals were tracked down online. Huang Yi-feng, Chief Executive Officer of iWIN (Institute of Watch Internet Network) shared his experience with the network defense methods used by iWIN and how the group runs its multinational platform.

- (3) To oversee the work done by prosecutors' offices on human trafficking cases, make their work more effective, and strengthen communication between relevant agencies, the MOJ instructed the Taiwan High Prosecutors Office to create a special task force on human trafficking on January 1, 2007. The main purpose of the task force is to convene regular meetings and discuss statistics concerning the investigation, prosecution, and sentencing of human trafficking cases, and set relevant targets to assess the human trafficking problem and identify new directions for the investigation of TIP cases.
- (4) In accordance with the 2018 Mental Health Network Regional Support Plan, the MOHW requested that all psychiatric centers in its psychiatric hospital network incorporate anti-TIP and victim protection sessions (each session being of one to two hours) into their

training programs for mental health administration and medical personnel. A total of seven sessions were attended by 688 persons in 2018. In addition, to enhance the capacity and quality of professional services, and diversify intervention services and the placement of victims, ECPAT Taiwan was commissioned to continue implementing the 2017 Follow-up Assessment Program for Child and Youth Victims of Sexual Exploitation. A total of five sessions of focus discussions/focus groups were held in 2018 in cities and counties around Taiwan which 100 persons attended.

- (5) Relevant local government agencies received funding from the MOL to organize 26 anti-TIP training courses targeting the supervisors or employers of foreign laborers in 2018. A total of 1,520 persons attended. In addition, aiming to increase awareness of regulations concerning human trafficking among foreign laborers, employers, and brokers, 216 anti-TIP meetings targeting foreign laborers were held. A total of 92,411 persons attended.
- (6) The MOL held four training programs between May and June 2018 for 420 persons, including foreign labor inspectors from local governments, foreign labor counseling service personnel, and local placement center staff to enhance their professional skills and knowledge regarding TIP crimes and the protection and placement of victims.

- (7) MOFA's Institute of Diplomacy and International Affairs offers training courses on the prevention of human trafficking every year. Since 2013, anti-TIP courses have been included in the predeparture orientation workshops (held twice a year) for reserve personnel and personnel stationed abroad of Executive Yuan subordinate agencies as well as in workshops (held once a year) for new diplomatic and consular personnel to enhance the awareness of participants and to be in line with international trends. In 2018, a total of three sessions were conducted.
- (8) To continue preventive measures and effectively eliminate human trafficking, in 2018 the NIA held two online workshops on consultations concerning fighting trafficking. This training was aimed at helping staff working on TIP consultations at government agencies. A total of 190 staff members attended the workshops. In addition, to clamp down on illegal entry into the country, in 2018, 10 training sessions on passport and document verification were provided for 124 new customs and immigration officers; 57 sessions for 1,810 current personnel; and seven advanced sessions for 149 individuals.
- (9) To improve the experience of foreign fishermen, the Fisheries Agency hosted two training courses on human trafficking and one experience-sharing workshop in 2018 to introduce and discuss fisheries inspections, inspection practices, and allow for experience sharing on the rights and interests of

foreign crew members. A total of 141 participants took these courses.

- (10) Every year the NPA and police departments of special municipalities, city, and county governments hold classes for front-line police personnel on combating TIP and how to improve investigative skills. A total of 9,972 individuals attended 149 such events in 2018.

Primary training courses were as follows:

- a. Policemen from the Foreign Affairs Division, Criminal Investigation Division, Women's and Children's Protection Division, and Juvenile Affairs Division of police departments of special municipality, county, and city governments, and other police officers participating in the investigation of human trafficking cases were given instruction on the Human Trafficking Prevention Act, how to identify human trafficking victims, and investigation techniques. Experienced judges and prosecutors spoke on how to enhance the investigative skills and professional competencies of personnel handling related cases. In 2018, a total of 22 sessions were conducted, with 1,236 people participating.
- b. A general overview of human trafficking was included in the regular training of police of special municipalities, cities, and counties. In 2018, a total of 127 sessions were held, which 8,736 people attended.

#### **4. Strengthening partnerships and international cooperation**

#### **4.1 The Executive Yuan's Anti-TIP Coordination Task Force**

On June 14, 2018, the Executive Yuan convened the 34th meeting of the Anti-TIP Coordination Task Force, at which representatives of 16 relevant government agencies (including MAC, MOFA, MOJ, MOI, MOL, and COA), six nongovernmental committee members, and three individuals from the Supervision Alliance for Human Trafficking Prevention discussed coordinating public and private sector resources and improving the effectiveness of efforts to prevent human trafficking.

#### **4.2 NGO initiated and government-funded exchanges**

The Good Shepherd Social Welfare Foundation and ECPAT Taiwan have gained tremendous insight after years of working to protect human trafficking victims. Besides launching long-term initiatives in Taiwan, these organizations also participated in the following international exchanges in 2018:

##### **A. ECPAT Taiwan**

(1) On June 28, 2018, the International Symposium on Prevention of Child Sexual Exploitation (Trafficking) was held at the NTU College of Law. A total of 170 persons

attended, including local experts; scholars from



the

UK, Japan, Australia, and other countries; members of NGOs; and

law enforcement officers. The main theme was the prevention of child and youth sex exploitation (trafficking). Joint sessions were held on prevention of child and youth sexual exploitation (trafficking), investigations into child and youth sexual exploitation (trafficking), the placement of child and youth victims, legal issues concerning the dissemination of sexual images of children and juveniles, and the phenomenon of the sexualization of children. Experts from different fields and disciplines proposed strategies to prevent child sexual exploitation (trafficking) and measures to protect child and youth victims and to be in line with international standards.

- (2) On July 16-17, 2018, the Training Course to Further Strengthen the Combating of Sexual Exploitation of Children on the Internet was provided for law enforcement personnel at the NTU Law School. Lectures were delivered by foreign trainers experienced in investigating and combating the sexual exploitation of child and youth online. The course also included a wide range of practical exercises for aligning law enforcement investigation standards. A total of 68 local personnel participated in the training to exchange ideas, improve their skills, better understand new international trends, and work more closely with international efforts to combat online sexual exploitation.



(3) On June 4-5, 2018, ECPAT Taiwan participated in the 7th General Assembly of ECPAT International in Bogota, Colombia, presenting work that took them two years to finish:

“Offenders on the Move: A Study on the Exploitation of Children in and Tourism



the  
Global  
Sexual  
Travel

(2016).” This work provides a strong empirical basis for understanding child sexual exploitation in tourism and how to develop feasible strategies in the future.

#### B. Good Shepherd Social Welfare Foundation

The Good Shepherd Social Welfare Foundation is a dedicated partner of anti-TIP campaigns launched by civil society groups in the Asia-Pacific and attends meetings with other international NGOs to support enhanced cooperation and partnership. It facilitates experience exchanges with other Asian countries on combating TIP crimes and protecting victims. It also shares Taiwan’s achievements in combating human trafficking and ensuring the human rights of victims at international conferences and workshops.

#### C. Taipei Women’s Rescue Foundation

The National Immigration Agency commissioned the foundation to arrange for social workers to accompany



suspected TIP victims to prosecutors' offices or police departments during the victim identification and interrogation process to ensure that they understand the follow-up legal procedures and available protective measures. Accompaniment services were provided on 37 occasions in 2018. In addition, the foundation provides training courses to law enforcement personnel, by which trainers promote accompaniment services and share their observations during accompaniment. A total of 10 sessions were given in 2018 for 600 trainees.

#### **4.3 International exchanges and activities**

Taiwan has representative offices in major cities around the world that maintain contact with other governments. During visits to Taiwan, foreign delegates exchange ideas and form networks for cooperation with their counterparts in Taiwan on a variety of subjects, including human trafficking. Major relevant events in 2018:

- A. On January 25, 2018, Ms. Madeleine Majorenko, Director of the European Economic and Trade Office, visited the NIA to exchange views on the management of cross border flows, the impact of the New Southbound Policy on ASEAN tourism, immigration and human trafficking, and intelligence/information sharing to combat terrorism.
- B. On March 15, 2018, the Representative of the Australian Office Taipei (Mr. Gary Cowan), Deputy Representative Susan Moore and Policy and Research Specialist Abraham Gerber visited the NIA to sign a Memorandum of Understanding between the Republic

of China (Taiwan) and Australia Concerning Information Exchange and Cooperation on Border Security and Management. Taiwan also opened fast-track immigration e-Gates to Australian travelers.

- C. On April 10, 2018, the Canada Taiwan Parliamentary Friendship Group visited the NIA and exchanged views on immigration affairs, the promotion of reciprocal use of the two countries' respective automatic immigration clearance systems, the prevention and control of human trafficking, and systems in place for refugees and asylum-seekers.
- D. The 4th Taiwan-Vietnam bilateral meeting on immigration affairs was held on May 8, 2018. Discussed were such issues as immigration affairs, the security and management of cross border flows, and the NIA's proposal to send personnel to study Vietnamese at the Ho Chi Minh City University of Social Sciences and Humanities.
- E. On June 28, 2018, Jang Se Geun, deputy director-general of the Department of Entry/Exit and Foreigner Policy at the Ministry of Justice of the Republic of Korea, and other officials visited the NIA to exchange views on bilateral immigration exchanges and future international cooperation plans.
- F. The 6th Taiwan-Indonesia bilateral meeting on immigration affairs was held on July 10, 2018, in Taiwan. In addition to reviewing the implementation of resolutions adopted at the previous bilateral meeting, discussions were held on cross-border security and

management, bilateral communication and training, and Taiwan's efforts at encouraging the reciprocal use of automatic immigration clearance systems.

G. On August 22, 2018, the 9th Delegation of US Congressional Staff visited the NIA to exchange views on topics such as immigration affairs and border security and management.

H. The 2018 Immigration Benchmark Training Program was held October 2 to 8 by the NIA. For this, 12 immigration officials from eight countries (including Belgium, Guatemala, Paraguay, and the United States) came to Taiwan for a week-long course to learn about measures taken by the NIA on international cooperation, immigration information management, alien residency management, border control, shelter and detention systems, prevention of human trafficking, and immigrant support services. Participants were invited to attend the 2018 Border Management Seminar, visit the Task Force on Fighting Visa Fraud, and visit the NIA's Northern Taiwan Administration Corps, Central Taiwan Administration Corps, Southern Taiwan Administration Corps, and Border Affairs Corps.

I. The NIA held the 2018 Border Management Seminar on October 4. It was attended by 258 participants, including nine immigration officers and technology firm representatives from Taiwan and abroad, as well as ambassadors and representatives of 29 foreign missions in



Taiwan. Attendees exchanged ideas on three themes, including the security of border management and the latest relevant technologies used to build a cross-border network for future cooperation. They also shared border management models and practical experience with cracking down on human trafficking gangs.

- J. On December 9, 2018, more than 30 representatives from 12 foreign embassies, consulates, and representative offices in Taiwan, including Austria, Belize, Indonesia, Japan, Jordan, Malaysia, the Netherlands, Papua New Guinea, the Philippines, Solomon Islands, South Africa, and Thailand participated in a workshop organized by the National Immigration Agency. This helped embassies, consulates, and agencies in Taiwan better understand new measures to promote a friendly environment and strengthen cooperation and exchanges on immigration affairs.
- K. On December 20, 2018, the 2nd Delegation of Canadian Parliamentary Assistants visited the NIA to exchange views on Taiwan-Canadian reciprocal use of the Automatic Immigration Clearance System, the prevention and control of human trafficking and illegal immigration, and related topics.
- L. The NIA organized training courses on identity verification for foreign immigration officers. In May 2018, at Taiwan Taoyuan International Airport, the 2018 Joint Workshop on Authentication and Identification was held for immigration officers from Australia, Canada, the Netherlands and the United

States. A total of 98 participants attended the workshop. In October, the 2018 Multi-Country Joint Workshop on Authentication and Identification was held, with a total of 90 participants. In December, at Kaohsiung International Airport, the 2018 Taiwan-France Joint Workshop on Authentication and Identification was held, with a total of 49 participants.



#### **4.4 Strengthening international cooperation**

By the end of 2018, Taiwan had signed MOUs on immigration affairs and prevention of human trafficking with 21 countries, effectively enhancing international cooperation on immigration affairs, cross-border crime prevention, and anti-TIP efforts.

- A. Belgium: On August 30, 2018, an MOU on immigration affairs and prevention of human trafficking was signed between the Taipei Representative Office in the EU and Belgium and the Belgian Office Taipei.
- B. Australia: On September 18, 2018, the Taiwan-Australian MOU Regarding Sharing and Exchange of Information on Border Security and Management was signed.
- C. Indonesia: On January 24, 2011, the Ministry of Labor signed the Taiwan-Indonesia MOU on Labor Recruitment, Replacement, and Protection. A cooperation mechanism combating human trafficking

was incorporated in the MOU. To continue cooperation on human trafficking prevention, the MOU on Recruiting, Introducing and Protecting Indonesian Migrant workers was resigned on December 14, 2018. Both sides agreed to continue combating labor exploitation, preventing migrant workers from becoming victims of human trafficking, and strengthening cooperation and exchange mechanisms.

#### **4.5 Agreements on Mutual Legal Assistance**

- A. In order to effectively combat transnational crime, the MOJ will continue to pursue the signing of mutual legal assistance agreements with other countries that encompass efforts to combat human trafficking crimes.
- B. Facilitating cooperation in cross-border investigations: The MOJ will continue to establish contact windows for information sharing and cooperation, foster law enforcement cooperation with other countries, and cooperate with the Criminal Investigation Bureau, the NIA, the Investigation Bureau, and personnel assigned to diplomatic missions (e.g., immigration, legal or liaison officers stationed in important cities around the world) to provide prompt assistance to prosecutor's offices in handling international judicial cooperation.
- C. Taiwan's unique status in the international arena makes it difficult to sign agreements or arrangements with other countries. Nevertheless, Taiwan's judicial authorities continue to work with their foreign counterparts on legal assistance with regard to obtaining evidence; taking testimony; examining objects and sites; requesting

searches and seizures; and identifying, tracing, and freezing or confiscating proceeds and instruments of crime and other assets. Taiwan will continue to maintain and establish judicial mutual assistance channels with other countries in the future.

- D. If a prosecutor's office discovers a cross-border TIP case, and the evidence or witnesses related to the defendant/victim are situated in another country (e.g., the victim has returned to his or her home country), the mutual legal assistance treaty will be activated if applicable. Cooperation is then carried out in explicitly enumerated categories of law enforcement, which differ by treaty. If such a treaty or related provisions do not exist with another country, Taiwan can still seek legal assistance to obtain evidence on a case-by-case basis. If Taiwanese TIP suspects are identified in other countries, assistance will be provided based on the principle of reciprocity.

## **5. Innovative measures**

### **5.1 Improving living conditions of foreign fishing workers**

- A. For the purpose of maintaining justice and ensuring equal treatment of foreign workers, the same employment protection laws and regulations should be applied to both Taiwanese nationals and foreign workers. To provide foreign fishing workers hired in Taiwan with decent living conditions, the MOL announced amendments to the Regulations on the Permission and Administration of the Employment of Foreign Workers; employment transfer regulations and employment

qualifications for foreigners engaging in jobs specified in Subparagraphs 8 to 11 of Paragraph 1 of Article 46 of the Employment Service Act; and administrative penalties criteria. Review standards for improving the living conditions of and care for foreign workers were revised on July 6, 2017. Since January 1, 2018, employers hiring foreign workers to work on fishing vessels have been required to submit a plan to the competent authority of the relevant local government specifying the steps taken to care for the workers.

- B. The NIA actively took part in organizing free clinics for foreign fishermen at fish markets operated by the Su'ao Fishermen's Association, Chiencheng Fishing Port (Kaohsiung) and Donggang Fishermen's Association, which were sponsored by the Buddhist Compassion Relief Tzu Chi Foundation and the fishermen's associations. Resources from the public and private sectors were consolidated to organize meetings on anti-TIP policies and care for fishing workers, activities to donate materials, as well as programs to provide fishermen with leisure sports equipment, scooters, and health consultations. These endeavors highlight the NIA's mission to ensure respect for human rights and diversity.

## **5.2 Establishing recreation and rest centers for foreign fishing workers**

- A. The Fisheries Agency provided funds to the Penghu and Keelung Fishermen's Associations in 2017 to establish recreation and rest centers for foreign fishing workers.



Equipped with such amenities as audiovisual equipment, personal computers, Wi-Fi, water dispensers, tables and chairs, the centers provide space to enjoy videos, contact relatives through free Wi-Fi, and carry out religious activities in designated prayer rooms. Washing rooms with hot water are also available. Similar centers have been built in Pingtung and Su'ao to establish a more hospitable and welcoming environment for foreign workers.

- B. Recreation and rest centers for foreign fishing workers will also be built in other major fishing ports in the future to accommodate an increasing number of foreign fishing workers.

### **5.3 Conducting information campaigns for foreign fishing workers**

- A. The Fisheries Agency promotes channels through which foreign workers can file complaints and obtain assistance. Information on the 1955 hotline has been added to employment contracts and other pamphlets, which are available in four languages: Chinese, English, Vietnamese and Indonesian.
- B. Aside from conducting campaigns and holding meetings to explain current laws and regulations, the Fisheries Agency also continues to urge the fishing industry not to violate the HTPCA, and to educate domestic fishing workers on the importance of treating foreign workers as key partners during operations at sea and working together for the good of their vessel and company.

### **5.4 Enhancing victim protection**

There have been instances of trafficking for sexual and labor exploitation, which have not only caused significant suffering for foreign victims but also had a negative effect on Taiwan's reputation. Private employment service agencies and their staff should take care of the foreign workers' living arrangements in the territory of the Republic of China (Taiwan) in accordance with their employment contract. They are also in a position to discover problems at an early stage. In order to prevent situations in which private employment service agencies conceal offenses and cause even greater harm to foreign victims, the Employment Service Act was amended on November 28, 2018, adding the provisions of Subparagraph 19 of Paragraph 1 of Article 40. These provisions stipulate that private employment service agencies and their staff shall inform the competent authority, the entry and exit administrative authority, police, or other judiciary authorities within 24 hours after becoming aware of instances in which foreign workers are victims of sexual assault, human trafficking, offenses against personal liberty, severe injuries, or homicidal acts committed by the employer.

### **5.5 Bolstering regional networking and cooperation**

The NIA's Southern Administration Corps has consolidated resources of local governments and civic groups in southern Taiwan to build a regional anti-TIP network and better fight the trafficking of fishing workers hired overseas. It has proposed plans concerning both human trafficking prevention and the investigation and

prosecution of TIP crimes, including a special anti-TIP project for foreign fishing workers in Kaohsiung and Pingtung. The project has helped reduce the number of foreign fishing workers hired overseas who go missing in these two areas and discouraged human trafficking.

## **5.6 Diversifying campaigns**

- A. The Fisheries Agency promotes channels for handling grievances from foreign workers by adding information concerning the 1955 hotline to the fixed-term contract (four language versions available) between the ship owner and foreign fishing workers hired overseas. The agency also produces pamphlets in four languages that contain labor rights information such as the minimum wage, labor insurance, rest hours and grievance channels. Local governments, fishermen's associations and unions, brokerage firms and human rights groups are contacted to help distribute the pamphlets among foreign fishing workers hired overseas.
- B. The NIA, local governments, charity groups and NGOs worked together on endeavors such as the production of anti-TIP short films, donation of secondhand clothes to foreign fishing workers, and the organization of friendly sports matches and tournaments. NIA local service centers also joined forces to promote the importance of anti-TIP operations. For example, NIA local service centers provided immigrant counseling services and the Border Affairs Corps held free clinics. The NIA also visited foreign fishing workers to facilitate inspections conducted by labor affairs agencies, took part in

activities organized at mosques in fishing ports, and provided soup during winter events.

- C. The NPA conducts campaigns to raise awareness of human trafficking crime, employing pictures, cartoons, animation, and other materials that are easy to understand for foreigners and children. The general public is invited to participate in prevention efforts. Through courses on self-defense measures, the NPA aims to enhance prevention and establish a stronger defense network. A series of training courses for interpreters was conducted to boost their competency and enable them to deliver proper translation and thereby help safeguard victims' rights and interests.
- D. The Good Shepherd Social Welfare Foundation held 10 TIP prevention activities for school students in 2018 to raise their awareness of human trafficking and child and youth sexual exploitation, and teach them how and where to seek help.

## **IV. Future endeavors**

### **1. Enforcement**

- 1.1 In order to prevent agents from illegally referring foreign workers to work for third parties, the MOL plans to increase penalties for violations of Article 45 of the Employment Service Act. Anyone who violates the provisions of Article 45 shall be fined an amount of NT\$300,000 to NT\$1.5 million; anyone with a recurrent violation within five years shall be sentenced to imprisonment under five years, detained, and/or penalized for an amount of at most NT\$2.4 million. Furthermore, penalties shall be calculated according to the number of victims, instead of the number of offenses.
- 1.2 The NPA will continue to carry out an anti-slavery plan that prioritizes law enforcement action against crimes committed jointly by at least three persons, and syndicated crime, in order to track down criminal masterminds, persons engaged in marriage fraud, and other suspects. The NPA will also conduct unannounced checks on locations where TIP syndicates may be hiding or employing foreigner workers. Such inspections have proven successful in the past, and serve to underline the government's determination to fight human trafficking.
- 1.3 The government will enhance law enforcement operations with other countries and territories based on agreements such as the Cross-Strait Joint Crime-Fighting and Judicial Mutual Assistance Agreement, the Taiwan-US Agreement on Preventing and Combating Serious Crime (PCSC), as

well as the Taiwan-US MOU on Dissemination and Exchange of Information Relating to Human Smuggling and Trafficking. Such instruments aim to foster cross-border exchanges of information as well as criminal investigation assistance and cooperation, so as to effectively combat TIP crime.

- 1.4 Prosecutors will be encouraged to target TIP crimes involving foreign fishing workers who are hired overseas to work on Taiwan's distant water fishing vessels, so as to prevent such vessels from engaging in human trafficking and protect the rights of victims.
- 1.5 The NIA will continue to strengthen investigations of entertainment venues where foreign workers tend to gather, and conduct unannounced checks with partnering police units to fight human trafficking.

## **2. Protection**

- 2.1 To evenly distribute resources and provide placement locally, the Kaohsiung shelter, which was scheduled to opened in 2018, will help ensure that victims have their daily needs met and receive a variety of services, such as free shelter, psychological counseling, interpretation, legal aid, accompaniment to investigation interviews, and medical assistance. The shelter will be run by an NGO to provide better placement for TIP victims.
- 2.2 Law enforcement agencies offer interpretation services and ensure the presence of a social worker at police interviews, keep victims well informed, and respect their decisions regarding protection and placement, as well as their willingness to testify in court.

- 2.3 Judicial police and shelter staff are required to inform victims about Taiwan's judicial proceedings, and keep them abreast of the progress of their case. This helps increase their willingness to remain in Taiwan and testify in court.
- 2.4 The NIA and MOL continue to team up with NGOs to improve services at shelters responsible for victim safety assessment and protection, and provide work permits and a wide range of services, including individual counseling, accompaniment to court and medical appointments, legal aid, interpretation, language and skills education, and information on welfare resources. These services help victims recover from both physical and psychological trauma and enable them to make future career plans. By working with employers, shelters help residents regain interest in working again and find a job either outside or inside the shelters. This is an important step for victims who are trying to rebuild their lives, making them confident to stay in Taiwan and testify in court. These efforts help decrease the risk of re-trafficking.
- 2.5 The MOJ will continue to work with MOFA on the possibility of interviewing victims through teleconferencing, with the aim of striking a balance between a victim's right to return home and right to confront defendants in court.
- 2.6 To keep TIP victims abreast of the progress of their case, minimize their anxiety during legal proceedings, and protect their basic human rights, the MOJ is formulating

measures for related agencies to extend the stay of victims, identify job opportunities for them, or repatriate them.

### **3. Prevention**

#### **3.1 Implementation of UN human rights conventions and ILO conventions**

A. Abolition of Forced Labor Convention: According to the Labor Standards Act, no employer shall—by force, coercion, detention, or other illegal means—compel a worker to perform work. Any attempt to use such means is punishable. Penalties for such behavior are also stipulated in the HTPCA, including imprisonment and fines. If administrative agencies identify employers in breach of these provisions, competent authorities can impose administrative fines or transfer cases to judiciary, prosecutorial or investigative authorities for further investigation and prosecution if deemed necessary.

#### **B. Work in Fishing Convention**

(1) Local fishing vessel owners regularly hire foreign crew members. According to the requirements of fishing operations, such employment can be divided into two types: employment within the territory of the Republic of China (Taiwan) (working on fishing boats for coastal or inshore fishing) and overseas employment (working on distant water fishing vessels). Permission for and administration of employment within the territory is governed by the MOL in accordance with the Employment Service Act and other related laws. Overseas employment is



regulated by the Council of Agriculture in accordance with the Act for Distant Water Fisheries. With regard to foreign crew members employed within the territory of the Republic of China (Taiwan) by a business entity to which the Labor Standards Act is applicable, their wages, working hours, type of work, workplace, work environment, and other labor conditions should conform to stipulations of the Labor Standards Act. In addition, the MOL has created mechanisms to protect foreign workers throughout their stay in Taiwan—including the 24-hour, bilingual, toll-free 1955 counseling and protection hotline; and care service stations at airports. The MOL also ensures that foreign workers have the right to terminate labor contracts and be accompanied by interpreters on certain occasions.

- (2) In order to protect the rights and interests of domestic and foreign fishing workers that are employed within the territory of the Republic of China (Taiwan), the MOL will conduct further promotional efforts and enhance workers' knowledge of relevant labor laws and regulations. In addition, in response to the Work in Fishing Convention, the division of labor among relevant government agencies will be further studied and dealt with under the Executive Yuan's coordination mechanism for combating human trafficking.

C. Domestic Workers Convention: For the recruitment and employment of domestic workers from overseas,

written labor contracts for a fixed term should be signed by the employer and worker before the worker enters Taiwan. Labor contracts should be verified by the competent authority in the home country of the worker and should be in compliance with the provisions of the Employment Service Act concerning working hours, recess and holidays (e.g., one rest day every seven days), and other conditions. Agreements with source countries of domestic workers have been signed on minimum wages and other rights and interests of workers. In addition, the MOL plans to develop administrative guidance to include basic rights and obligations of both employers and employees in labor contracts, and to foster social consensus in a step-by-step manner.

### **3.2 Amending the HTPCA**

To further protect TIP victims' rights, strengthen the training of law enforcement personnel and prosecutors, and bring the HTPCA in line with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the NIA is now drafting amendments to certain articles of the HTPCA.

### **3.3 Enhancing awareness and training**

- A. A wide range of media campaigns will be set in motion in 2019, and civic organizations will be enlisted to help educate the general public and foreigners in Taiwan about TIP issues, relevant laws, and prevention of exploitation of foreign workers.
- B. On-the-job training for frontline personnel and

professional workers in related fields will continue in 2019. Case studies and proficiency and sensitivity enhancement will also be incorporated in training for newly recruited law enforcement personnel.

- C. Given the complicated background of each TIP case and the difficulties concerning victim identification and information inconsistencies, it is hard to collect evidence. The MOJ will continue to organize training courses on TIP cases for prosecutors and related personnel.
- D. To enhance the quality of human trafficking investigations and raise the conviction rate in such cases, the NPA will continue to provide funds for special municipality and county (city) governments to hold training courses on the HTPCA for personnel of police departments' foreign affairs, criminal investigation, women's and children's protection, and juvenile affairs divisions, and other officers participating in investigations. Such courses will examine aspects such as victim identification and investigation techniques.
- E. In order to raise awareness of self-protection and crime prevention among women, children and juveniles, the NPA will continue to require police departments of special municipality and county (city) governments to conduct educational and advocacy activities, including on prevention and control of child and youth sex exploitation, prevention of human trafficking, protection of children and juveniles, and other topics. These activities will target local communities, school

teachers and students, and civic groups.

- F. Service centers for families and women under the Council of Indigenous Peoples and local indigenous affairs departments will continue to organize lectures and campaigns to increase anti-TIP awareness among indigenous people. In addition, anti-TIP courses will be integrated into national social workers education and training platforms to enhance these workers' professional knowledge, competency and sensitivity, and in the long run prevent the occurrence of human trafficking in indigenous areas.
- G. The Financial Supervisory Commission continues to incorporate issues related to human trafficking prevention into training programs for personnel in banking, securities and futures, insurance, and other sectors under its jurisdiction.
- H. School meetings hosted by principals or senior school officials can be used to discuss such topics as the prevention of child and youth sexual exploitation, so as to strengthen student counseling, contribute to efforts to combat child and youth sexual exploitation, and prevent human trafficking. The goal is for topics concerning gender equity, human rights, and the rule of law to be incorporated into the curriculum of primary and secondary schools, so as to help raise students' awareness of how to stop human trafficking.
- I. Preservice training for personnel of the CGA and its subordinate agencies recruited through the Central Police University, Taiwan Police College, Civil Service

Special Examination for the Coast Guard, Special Examination for Police Officers, Military Academy and other channels should include anti-TIP general education, in order to enhance their professional knowledge and practical experience.

### **3.4 Rectifying problems to improve foreign worker regime**

- A. Promoting direct hiring: Several convenient tools, such as an app for employing foreign workers and an online platform for managing them in Taiwan, have been launched to encourage employers to utilize the direct hiring system. Employers will also receive emails, text messages, and phone calls to remind them to complete certain steps. The MOL will continue to work with source countries to customize the online platform and streamline required paperwork to double or triple the number of qualified candidates recruited and speed up the hiring process during specific periods.
- B. To align with the long-term care service system, which will be launched soon, the MOL will thoroughly review the situation and draft a feasible act for the protection of domestic workers. Only when the general public reaches consensus can domestic workers' rights and interests be properly protected.
- C. Safeguarding the rights of foreign fishing workers: The COA will continue to encourage Taiwanese fishing workers to feel empathy toward foreign colleagues and take into consideration cultural differences. It will review the evidence in all suspected labor exploitation or human trafficking cases and transfer cases to the

appropriate prosecutor's office for further investigation, when appropriate, in accordance with related procedures, so as to root out illegal activity.

### **3.5 Strengthening protections for victims of child and youth sexual exploitation**

- A. In accordance with the amendment to the Child and Youth Sexual Exploitation Prevention Act announced by the President on January 3, 2018, as well as attached Legislative Yuan resolutions, the MOHW requests local governments to provide assistance to child exploitation victims and keep track of and better protect them. Social workers are to provide comprehensive protection services through family functioning assessments, parenting classes, psychological counseling, psychiatric therapy, and addiction treatment, and other welfare services.
- B. The MOHW will continue to hold consultative meetings with relevant agencies on the prevention of child and youth sexual exploitation and publicize the results of educational campaigns, rescue and protection services, criminal prosecutions, victim placement, and other efforts.

## **4. International exchanges and cooperation**

- A. The majority of TIP cases in which courts reached a final verdict involved victims without work visas who entered Taiwan on visitor visas. Therefore, it is important to continue to use the coordination platform provided by the Executive Yuan's Anti-TIP Task Force to strengthen the integration of public and private resources to establish

interagency and cross-region TIP prevention mechanisms, and to work with victims' home countries and other partner countries to promote TIP awareness and implement effective prevention and management measures.

- B. Organizing international workshops: The NIA will continue to host international workshops attended by representatives from the public sectors and NGOs of key countries. The workshops will cover case studies and practical issues with respect to victim identification and protection measures. Judges, prosecutors, judicial police officers, government officials, NGO staff and other experts will also be invited to exchange views on relevant issues.
- C. Facilitating cooperation in cross-border investigations: The MOJ (Investigation Bureau), the MOI (NPA, NIA), and Taiwan's diplomatic missions overseas will continue to foster law enforcement assistance, such as the exchange of information on crimes, for the investigation of cross-border TIP cases, even if Taiwan has yet to sign mutual legal assistance MOUs or agreements with the country concerned.
- D. The Cross-Strait Joint Crime-Fighting and Judicial Mutual Assistance Agreement lists human trafficking as a major form of crime that is of mutual concern. Therefore, the MOJ will work with China's Ministry of Public Security to create a mechanism for investigation assistance and evidence collection to combat human trafficking. It will also continue to work closely with countries that have signed mutual legal assistance agreements with Taiwan on cross-border TIP cases.

- E. Pursuing bilateral immigration agreements: Taiwan continues to reinforce partnerships with other countries to build a seamless anti-TIP network for the exchange of related information as well as cooperation on fighting cross-border TIP crime.
- F. The NIA will continue to improve the professional knowledge of Taiwan's immigration officials through exchanges with countries with which MOUs have been signed on law enforcement and prevention of human trafficking.
- G. MOFA will continue to incorporate mechanisms to end the exploitation of foreign workers. By holding cooperative conferences and signing MOUs on labor affairs, MOFA will invite foreign workers' home countries to review brokerage fees and charging standards, thoroughly ensure proper verification of labor contracts, and reinforce management systems to prevent migrant workers from being overcharged by brokers.



## V. Conclusion

Through the establishment of the Executive Yuan's Anti-TIP Task Force and reinforcement of cooperation with NGOs, Taiwan's efforts to prevent human trafficking have had concrete results. In fact, Taiwan has been rated a Tier 1 country in the US Department of State's *Trafficking in Persons Report* for nine consecutive years. Taiwan has not only established a strong international reputation in this field, but also set an example for other Asian countries. Nevertheless, with increasing cross-border movement due to globalization, human trafficking remains a serious issue that is difficult to combat and prevent. The government of Taiwan will continue to be vigilant and actively expand its anti-TIP efforts by coordinating resources from the public and private sectors and cooperating with other countries. For instance, it will continue to strengthen protection of victims and enhance investigation, indictment and conviction of traffickers. Taiwan also remains firmly committed to deepening international cooperation, so as to prevent human trafficking, uphold human rights, and serve as an indispensable partner in related initiatives.