

2011 Taiwan Trafficking in Persons Report



March 2012

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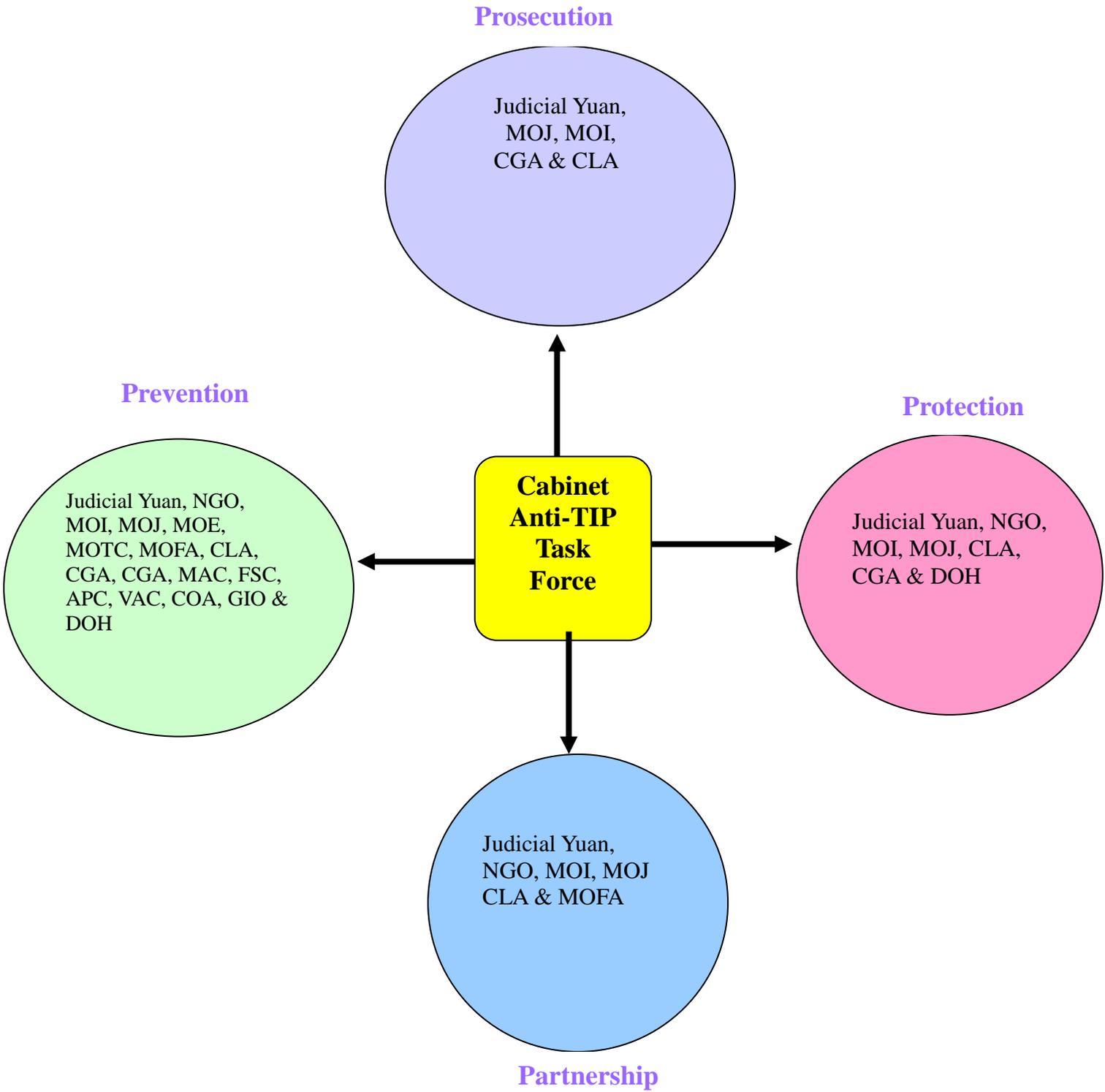
I. Prologue

With the ongoing trend of globalization and subsequent increase in the cross-border flow of people, Taiwan has engaged in progressively more intensive dealings with the rest of the world. More foreigners have been traveling to Taiwan for business, tourism, education, employment, or even marriage. At the same time, Taiwan has seen an influx of foreign laborers, migrant workers employed at factories and construction sites, as well as domestic (in-home) foreign caregivers looking after the young, sick, and elderly in the community. However, some of them have fallen prey to abuses, even labor or sexual exploitation, due to their vulnerability caused by cultural and language barriers, exacerbated by workplace confinement. Taiwan, along with leading countries around the world, is waging a vigorous campaign against human trafficking (also known as “trafficking in persons” or TIP) in preventing and stamping out such appalling violations of human rights.

As early as 2007, the government set up a cabinet-level anti-TIP coordination task force that has been meeting regularly so as to streamline cross-ministry endeavors and coordinate resources aimed at preventing, detecting, and prosecuting related crimes, and protecting the victims. Meanwhile, as cross-border human trafficking schemes continue to evolve, Taiwan government has teamed up with local and international non-government organizations (NGOs), and foreign government agencies in the hope of stamping out human trafficking. To uphold human rights, Taiwan’s legislature enacted in January 2009 the Human Trafficking Prevention and Control Act (HTPCA), which entered into force the following June. This piece of legislation serves helps prevent human trafficking and protect the victims by imposing aggravated criminal penalties against traffickers and providing immigration relief measures to victims, such as temporary visas and work permits. The latter has allowed the victims to secure a livelihood in Taiwan legally, helping them to get back on their feet. The HTPCA has been instrumental in Taiwan’s intensified war against TIP and endeavors to uphold victims’ rights.

Such long-term campaigns require the persistent vigilance of all countries, cross-border collaboration, and worldwide vigilance. Forging ahead in 2012, Taiwan looks forward to continued partnership with the international community in safeguarding human rights in this war on human trafficking. Taiwan is committed to fulfilling its responsibility under two United Nations human rights covenants recently ratified by its legislature, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Taiwan aspires to become a beacon of human rights for its neighboring states to emulate.

Cross-agency-TIP platform



Judicial Yuan: the top administration of the Judicial Branch

The following agencies are under the Executive Yuan (the cabinet)

CGA: Coast Guard Administration

CIP: Council of Indigenous Peoples

CLA: Council of Labor Affairs

COA: Council of Agriculture

DOH: Department of Health

FSC: Financial Supervisory Commission

GIO: Government Information Office

MAC: Mainland Affairs Council

MOE: Ministry of Education

MOFA: Ministry of Foreign Affairs

MOI: Ministry of the Interior

MOJ: Ministry of Justice

MOTC: Ministry of Transportation and Communications

VAC: Veteran Affairs Council

II. Highlights of 2011

During 2011, Taiwan's government agencies continued to devote considerable amounts of resources to combat human trafficking. Under the coordination of the cabinet-level anti-TIP task force, the public sector consolidated cooperation with civil society, thereby attaining substantial achievements.

Law enforcement and prosecution: Judicial police agencies uncovered 126 TIP cases (73 for labor exploitation and 53 for sexual exploitation). During the year, 437 individuals were prosecuted in 151 TIP cases.

Protection: The National Immigration Agency (NIA) under the Ministry of the Interior and the cabinet-level Council of Labor Affairs (CLA) together oversee 20 shelters, some of which are operated by NGOs through contract. During 2011, a total of 319 newly identified victims were placed in shelters. Besides having their everyday needs met, residents received additional services, such as psychological counseling, interpretation, legal aid, social-worker accompaniment during judicial proceedings, and medical care. After the evidence was gathered and judicial investigation was subsequently concluded, the NIA arranged to return 167 victims of human trafficking to their home country. In 2011, NIA issued 204 temporary stay visas and renewed 208 existing visitor visas for TIP victims, and the CLA issued work permits to 175 of the victims.

Migrant worker services: The CLA has set up the Consolidated Job Service Center specifically to prevent exploitation and minimize brokerage fees, which are typically a heavy financial burden on the foreign laborers. During the year, the Center helped 13,540 employers re-hire their existing foreign employees, referred and transferred 42,706 foreign worker applications to authorities other than the CLA, and provided consultation for 135,917 individuals, either on-site or over the phone, on hiring foreigners. To uphold the laborers' rights, the CLA also mediated in 4,535 cases, recovering a total of NT\$172,965,489 (approx. US\$5.77 million) in back pay owed to foreign laborers by employers or employment brokers.

Prevention: Campaigns have followed two lines: promoting public awareness and boosting civil servant competency. The government and civil society have mobilized various communication channels to help inform the public about what constitutes human trafficking, and teach migrant workers how to assert their rights. The NIA held two training programs on general TIP literacy, an advanced follow-up program, and two international workshops (see below) for government functionaries. Related government agencies also incorporated TIP courses in their in-house continuing education curriculum.

Partnership: Numerous events were organized, harvesting fruitful exchanges. On June 16, 2011, the First Cross-Strait Seminar on Joint Combating Human Trafficking, including Taiwan, China, Hong Kong, and Macau, was hosted. Shortly afterward, the immigration authorities of Taiwan and Mongolia signed a memorandum of understanding (MOU) for related cooperation on August 17, 2011. On October 27, 18 government officials from six nations, 31 diplomatic staff from 15 countries stationed

in Taiwan, and others were invited to attend an international workshop on human trafficking. The audience was welcomed to ask for the insights of the Anti-TIP veteran activist Bridget Tan, president of HOME (a charitable society serving migrant communities in Singapore), also one of the ten winners of the 2011 Heroes Acting to End Modern-Day Slavery Award from the US State Department. Many local and international NGOs were each presented a certificate of recognition at the workshop for their contributions to this noble cause, demonstrating the close partnership between the public sector and civil society. Since the US's 2011 TIP report was published, governmental delegations from Thailand, Singapore, Vietnam, and Canadian, diplomats from Thailand and Canadian stationed in Taiwan, and representatives of multi-national NGOs have visited Taiwan to acquire first-hand knowledge about Taiwan's achievements in combating human trafficking.

III. Achievement in 2011

1. Prosecution – stamping out TIP crimes

1.1 Judicial Police Enforcement

Judicial police agencies have entrusted specific units with anti-TIP tasks and have established an active cross-agency communication network to optimize enforcement at high risk sites, such as places where foreign workers are employed for work or commercial sex. Starting in 2011, enforcement efforts have expanded to include trafficking committed by individuals and not just by organized syndicates, demonstrating the government’s commitment to completely stamp out such crimes. In 2011, law enforcement officers uncovered 126 cases, 73 involving labor exploitation and 53 involving sex trafficking. All have been referred to district-level prosecutors for investigation and eventual prosecution. The figures for enforcement by the judicial police over the past four years are shown below:

Year	Cases Total No.	Type	
		labor	Sex
2008	99	40	59
2009	88	46	42
2010	123	77	46
2011	126	73	53
Responsible agencies for 2011			
National Police	79	37	42
NIA	26	22	4
Coast Guard	10	7	3
Investigation Bureau, MOJ	11	7	4

1.2 Indictment and sentencing

The Ministry of Justice (MOJ) has designated prosecutors at each jurisdiction to handle TIP cases. At the high court level (second instance), a prosecutor task force holds regular meetings to supervise and coordinate anti-TIP efforts at the district level so as to better ensure the timely conclusion of investigations. The MOJ has also urged prosecutors to seek aggravated penalties against traffickers pursuant to the law. Prosecution: In 2011, a total of 437 individuals were indicted in 151 TIP cases. In the labor exploitation category, there was an increase of 31 cases (69 more individuals) over the previous year. The total number of Taiwan’s foreign workers increased by 8.16% from 2009 to 2010, and another 12.12% from 2010 to 2011. Prosecution figures for the past four years are shown here:

Year	Cases	Persons	Exploitation type				Total No. foreign workers
			labor		sex		
			Cases	Persons	Cases	Persons	
2008	165	601	40	106	113	452	365,030
2009	118	335	35	102	83	233	351,016
2010	115	441	41	110	76	346	379,653
2011	151	437	72	179	80	259	425,660

Notes: 1. Recording the types of exploitation began in October 2007. Twelve cases in 2008 were uncovered before this date, and were therefore not assigned a type.

2. Starting in June 2009, another category of exploitation was added (organ removal), hence the total number of cases may not correlate to the sum of the different types.

1.2.1 Sentencing: Sentences imposed for TIP crimes since 2008 are as follows:

Sentences	2008	2009	2010	2011
Under 6 months	181	256	192	98
Over 6 and under 12 months	50	58	37	15
1 year to under 2 years	34	30	34	27
2 years to under 3 years	3	4	4	5
3 years to under 5 years	3	7	19	17
5 years to under 7 years	0	1	0	2
7 years to under 10 years	1	13	1	1
10 years to under 15 years	1	0	1	0
Short Detention	11	6	8	6
Fine	3	1	4	2
No sanction	0	0	0	1
Total	287	376	300	174

Note: the term “TIP crimes” refers to any act in violation of Taiwan’s Human Trafficking Prevention and Control Act, Criminal Code, Labor Standard Act, and/or the Regulation Governing the Prevention of Children and Adolescent from the Sex Trade, and other related statutes.

1.3 Heightened enforcement

1.3.1 Tightening border controls to clamp down on undocumented workers: Taiwan has adopted more rigorous measures to deter trafficking syndicates from (A) sneaking victims into Taiwan using a false identity at the border or during flight transits; or (B) recruiting and exploiting illegal foreign workers in vulnerable situations. The achievements by the NIA and the National Police Agency (NPA) are as follows:

Year \ Type	Forged travel documents, stolen identity, and fingerprint mismatch at the border (no. of cases)	Undocumented alien workers found within the border (no. of persons)

2008	149	8,562
2009	81	9,998
2010	57	10,045
2011	34	8,474

1.3.2 Sniffing out sham marriage migrants with improved interview techniques

1.3.2.1 Interview of mainland Chinese spouses: according to current regulations, when a mainland Chinese spouse applies for an entry visa to join a Taiwanese spouse, both the husband and wife must undergo an interview. After talking to the Taiwanese spouse, the NIA refers any suspicious marriages to local prosecutors for further investigation. If the mainland Chinese spouse is already in Taiwan, a follow-up interview and inquiry are performed to verify the authenticity of the marriage. In 2011, the NIA conducted 19,862 interviews, among which 11,040 took place at the border. A summary of the results of the interviews over the last four years is as follows:

Interviews	Mainland Spouses	Passed (%)	Failed (%)	Follow-up (%)
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%)

Note: The 2008 and 2009 figures are interviews conducted within the border; whereas the 2010 and 2011 numbers are those conducted either within or at the border.

1.3.2.2 Interview of foreign spouses: There have been many incidents where a Southeast Asian national enters Taiwan under the pretense of marriage then subsequently engages in activities other than those stated on the visa application. Many of these turn out to be trafficking cases. Therefore, the Ministry of Foreign Affairs (MOFA) has instituted an interview mechanism to require both the husband and the wife to personally attend an interview at a designated consulate office if either spouse comes from Vietnam, Indonesia, Thailand, the Philippines, Burma, or Cambodia. If the couple already has children or other proof to substantiate the marriage, the interview may be waived. The numbers of interviews conducted in recent years are presented below.

Type Year	Foreign Spouses	Passed	Failed (%)
2008	7,365	4,861	2,504(34%)
2009	4,643	3,179	1,464(32%)
2010	5,847	4,288	1,529 (26%)
2011	5,673	3,277	1,876(33%)

Note: For 2011, 296 applications are still pending review, and 228 need additional documents to be provided by the applicants.

MOFA must strike a delicate balance between upholding the legitimate rights of foreign spouses to join their partner and/or family in Taiwan, while meeting its objectives to safeguard border integrity, prevent human trafficking, and curb fake marriages. In June 2010, MOFA published the Guidelines for Interviewing the Foreign Spouses of Taiwanese Nationals at MOFA and Foreign Missions.

MOFA's foreign missions must conduct separate interviews for the Taiwanese national and the foreign spouse, inquiring into each person's background, and details of their courtship and wedding so as to determine whether their marriage is genuine. Such a mechanism is conducive to rooting out sham marriages and human trafficking. MOFA has been working closer with the NIA since 2010. After interviewing couples, MOFA's foreign missions inform the NIA of cases they believe need follow up through field investigation in Taiwan to better discern fake marriages from real ones, such as by looking into the Taiwanese spouse's family background. In October 2011, a consensus was reached in that MOFA will mark on entry visas "not eligible to be changed into a resident status" on questionable applications and will send information (on suspicious points and facts to be verified) to the NIA, which may require additional interviews of and references from the applicants.

- 1.3.3 Getting tough on unauthorized hiring and brokerage violations to prevent aliens from being exploited. The CLA's statistics for 2011 are as follows:

1.3.3.1 Unauthorized hiring

Year/Case	Fines levied				License revoked			
	2008	2009	2010	2011	2008	2009	2010	2011
Hiring violation								
Illegally harboring aliens	181	152	186	255	137	116	133	197
Unauthorized hiring	767	582	777	960				
Hiring aliens for use by others	27	12	26	17				
Unauthorized nature or place of work	414	410	545	746				

1.3.3.2 Employment broker violations

Year/Case	Fines levied				Licenses revoked			
	2008	2009	2010	2011	2008	2009	2010	2011
Broker violation								
Collecting unauthorized fees	77	110	22	21	14	10	2	6
Submitting false info or urine/stool/blood samples	23	12	3	1	7	12	3	0
Fiduciary failure causing citations against employers	45	52	52	58	0	0	1	1
Unauthorized job placement	76	92	62	81	7	10	17	18

Note: Fines can be levied on both individuals and companies, whereas the revoking of licenses only involves companies.

1.4 Prominent enforcement cases

1.4.1 Case 1: Taiwan-Thailand-UK trafficking ring



In July 2010, the NIA's Border Affairs Corps (BAC) received a tip from British authorities about three Taiwanese led by someone surnamed Chou smuggling Chinese people into the United Kingdom by swapping passports and boarding passes at Bangkok airport. The NIA's immigration attaché stationed in Thailand subsequently obtained video tapes and evidence to identify a seven-member Taiwan-Thailand-UK trafficking syndicate. Information from other sources allowed the authorities to conclude that this ring had helped four Chinese nationals enter the UK on January 23 and March 27 of 2011 by swapping

passports and/or boarding passes (originally issued to Taiwanese nationals) at the New Bangkok International Airport or the Taiwan Taoyuan International Airport. On May 22, when the ring was about to attempt this crime again, the BAC immediately took steps to track down and arrest four subjects from Taiwan and two more from mainland Chinese who were still within the controlled area of the Taoyuan airport. As the previous crime took place outside of Taiwan's jurisdiction, the BAC cracked the case in collaboration with UK authorities and the NIA's agents overseas. Seven people were found guilty by the court on July 20 and sentenced on October 20 to various jail terms (between four months and four years and three months). Three of the defendants, including Chou, appealed and are still waiting for the decision of the high court (second instance).

1.4.2 Case 2: Taiwan-Hong Kong-Macau trafficking cartel



Through wire-tapping transcripts and other evidence, the BAC tracked down a trafficking cartel led by a Taiwanese surnamed Chou who traveled among Taiwan, Hong Kong, and Macau under 10 different aliases. Chou had sent composite photos of a Taiwanese individual's headshot photo superimposed

on that of a mainland Chinese person back to Taiwan so as to obtain Taiwanese passports and visas to Western nations. Such travel documents enabled Chou to smuggle a number of mainland Chinese individuals to Europe and the United States. Based on a Taiwan-mainland China agreement, the BAC seized evidence in Taiwan (a number of Chou's bank statements and real estate deeds) while mainland China's border authorities arrested him. Chou subsequently was returned to Taiwan, where he was referred to Tainan court prosecutors along with 10 accomplices led by someone named Cheng. The NIA, working with mainland China's Bureau of Exit and Entry Administration of the Ministry of Public Security, was able to break this cross-strait trafficking ring thanks to the Cross-strait Agreement on Joint Crime-Fighting and Mutual Judicial Assistance.

1.4.3 Case 3: Forced prostitution of runaway workers by two syndicates



The NIA's Specialized Operations Corps (SOC) was informed in September 2011 about a runaway foreign worker who fell prey to a trafficking syndicate in June and was sold to a prostitution syndicate in Miaoli. The informant indicated that the prostitution ring kept female workers in reclusive places under surveillance, depriving them of their freedom of movement. After being notified, the local prosecutors launched an investigation and coordinated with the Criminal Investigation Bureau to collect evidence.

The authorities learned that a prostitution syndicate led by someone surnamed Chang colluded with a trafficking syndicate to lure and enslave runaway alien workers (mostly females

from Southeast Asian countries, such as Indonesian and Vietnam) for prostitution. Chang gave seven accomplices various tasks, such as renting houses for prostitution and living quarters within 500 meters of each other, so as to maximize the women's surveillance and minimize the risk of discovery. To earn profit, the syndicate arranged commercial sex between the women and clients at specific locations and times. The women had to engage in sex even when ill. As a means of coercion, the syndicate verbally abused them and threatened to take away the income of whoever disobeyed. Each woman was forced to engage in sex more than 500 sex transactions before making enough money to break free from the syndicate.



After an extensive investigation, the judicial police forces staged a synchronized raid around 3 a.m. on December 15, 2011 at 20 locations to arrest 14 syndicate members, uncovering 10 runaway alien workers who forced into prostitution as well as two clients. Evidence seized included house rental leases, ledgers,

and more than NT\$340,000 (approx. US\$11,000) in cash. Miaoli prosecutors are currently forming a case against the suspects, who allegedly violated the Regulation to Prevent and Control Organized Crime, the Criminal Code (for indecency), and the Human Trafficking Prevention and Control Act (HTPCA).

1.4.4 Case 4: Labor exploitation at a chicken farm

With the intent to earn profit, two Taiwanese surnamed Ho and Hung referred two male Indonesians (referred to as K and S here) to do menial work at a daily rate of NT\$1200 (Approx. US\$40) each at a chicken farm co-owned by another three Taiwanese. Ho and Hong were taking advantage of the aliens' vulnerability, as the Indonesians were ineligible to work legally after running away from their previous employer and a language barrier made them unable to seek help otherwise. The aliens worked from 8 a.m. to 5 p.m. every day, but only received NT\$500 each, while Ho and Hung each pocketed NT\$700. After nine hours' work, the aliens sometimes had to work at Ho's residence, cleaning the house and feeding the pets without monetary compensation. The NT\$500 daily wage was obviously not commensurate with the tasks performed. For each day K and S took a break, Ho would fine them NT\$200. Ho also constantly threatened to withhold both of their wages if either one should run away. Eventually, K became so frustrated that he went to the police on December 27, 2010. After an investigation, the police uncovered evidence of labor exploitation, and Ho and Hung were indicted on September 30, 2011 for violating the HTPCA and the Employment Service Act.

1.4.5 Case 5: Labor exploitation at a frozen-food factory

On March 17, 2011, police in southern Taiwan arrested a group of 12 persons led by someone surnamed Shih on suspicion of labor exploitation. Operating a frozen food factory, Shih colluded with his siblings, staff members, and employment brokers to legally hire 19 Vietnamese workers to engage in tasks for a wage obviously not commensurate with the work performed from July 1, 2008 to March 15, 2011. Shih and the others exploited the foreign laborers,

overworking them against their freewill using threats, watching them constantly, confiscating their travel documents, and taking advantage of the workers' inability to seek help. The Vietnamese workers had no friends or relatives to turn to in Taiwan; and their families were poor and owed huge amounts of money to brokers and acquaintances back in Vietnam just to help the laborers find employment in Taiwan. The workers were vulnerable to labor exploitation because they desperately needed to pay off debts. Shih and the others used the workers' vulnerability for profit, which is a crime under the HTPCA. The case was referred to the prosecutors in southern Taiwan in April, with the suspects being indicted on November 10, 2011.

1.4.6 Case 6: Debt bondage sex exploitation of foreign females

On March 25, 2011, the Coast Guard was informed of a human trafficking ring led by someone known as Ah-Fong in central Taiwan, profiting from sex exploitation by luring foreign women who had entered Taiwan legally for work or marriage into the sex trade. Upon investigation, the authorities learned that the main suspect employed a Vietnamese woman surnamed Fay, who offered high-paying jobs to her compatriots to come to Taiwan, later forcing them into the sex trade.



The victims were tricked or forced into signing promissory notes, which were used as a pretext for their extortion, coercion, and debt bondage, compelling them to be on standby 24/7 for a meager salary. The victims were forced to be scantily clad and entertain clients in karaoke suites, and to provide sex services at other locations. The syndicate also fined the women if they failed to follow arbitrary in-house rules, so much so that on payday some of the women owed more than they had earned, forcing the women to worker harder at their unsavory jobs. After wire-tapping and surveillance, the authorities conducted a raid to arrest 8 members of the trafficking ring and rescued 14 victims on June 27, 2011.

The suspects were referred to prosecutors on various charges, including human trafficking, debt bondage, restriction of human freedom, and labor exploitation. They were later formally indicted under Article 231.1 of the Criminal Code and Article 32.2 of the HTPCA.

1.5 Convictions

1.5.1 Case 1: Chinese “wives” at the 088 brothel

In early 2009, a Taiwanese surnamed Lai and associates began to import mainland Chinese women for his brothel called 088 under the pretense of marriage to Taiwanese nationals. The deal struck with each woman was NT\$200,000 (approx US\$6,700) to bring her into Taiwan, plus NT\$30,000 (approx. US\$1000) monthly to her “presumed husband”, and a driver’s fee. These expenses had to be paid back through commercial sex transactions. Such heavy debts were like a shackle, compelling the mainland Chinese women to engage in commercial sex day and night. The women practically made no money during the first several months of prostituting in Taiwan. In addition, the syndicate arbitrarily imposed all kinds of improper fines on the women, putting them deeper and deeper in debt. The case was brought to court in May 2010. The defendants were subsequently found guilty pursuant to Articles 15, 79.2, and 79.4 of the Act Governing the Relations between the Peoples of the Taiwan Area and the Mainland Area; as well as Article 31.1 of HTPCA, and Articles 214, 216, and 231.1 of the Criminal Code. The maximum sentence to someone convicted in this case was 15 years in prison.

1.5.2 Case 2: 300 commercial sex transactions to pay off travel expenses

A prostitution ring led by someone surnamed Huang and his ex-wife surnamed Chang conspired with an Indonesian human trafficker Dony to recruit good-looking Indonesian women to Taiwan. The women were deceived into thinking they were coming to Taiwan to be waitresses or companion singers at karaoke bars. Upon their arrival, Huang personally picked up the women at the airport and took them to a confined space in New Taipei City, where he locked them in their room and took away their passports and return airline tickets. The women were forced to have 300 commercial sex transactions just to pay the travel expenses. Huang also invented all kinds of excuses to deduct money from the women’s wages, saying they needed to borrow money from him to buy make-up and sexy clothes to better seduce the male clients. The women were only allowed two days off a month for menstruation. If they took more than two days, they had to borrow money to buy medication to stop menstruating in order to receive clients. The syndicate exploited the women, engaged in improper debt bondage, and took advantage of their being in a foreign land and unable to communicate well so as to seek help. There were contract drivers ferrying the women to and from high-end hotels in northern Taiwan to engage in commercial sex. After paying off the travel expenses through 300 commercial sex transactions, the women began to earn NT\$500 (approx. US\$17) for each client. The suspects were indicted in August 2009, and convicted in 2010 in accordance with Article 31 of the HTPCA and Articles 231 and 231.1 of the Criminal Code in Taoyuan district court dossier 2010-indictment-317. The highest sentence given to one of the criminals was eight-and-a-half years.

1.6 Challenges in legal interpretation

1.6.1 Elements of human trafficking offenses

The stipulations of Articles 31.1, 32.2, and 33.2 of the HPTCA require that the intent to profit combined with taking advantage of people unable to seek help constitute the crime of human trafficking. The new stipulation on proving

“psychological coercion” by prosecutors has become a heavy burden on them. As more and more courts pass down judgments based on the accumulated legal interpretations of the HTPCA, prosecutors and judges have begun to form a more consistent understanding of the law.

1.6.1.1 Case 1: Taking advantage of other people’s vulnerability

Taiwan High Court Dossier 2011-appeal-2378 Criminal Court Decision says:

The defendant was found guilty of committing the crime described in Article 31.1 of the HTPCA the suspect took advantage of vulnerable people. The seven victims entered Taiwan with legitimate work permits issued by the Council of Labor Affairs. Subsequently the victims ran away, causing their work permits to be revoked. The defendants took advantage of the victims’ vulnerability (desperate for a job, lacking a visa, inability to speak the local language, and having difficulty to seek help). (See Appendix 3, Case 1)

1.6.1.2 Case 2: sexual exploitation on debtors and vulnerability

Taiwan High Court Dossier 2011-appeal-964 Criminal Court Decision says:

This court found the eight defendants guilty of the crime described in Article 31.1 of the HTPCA , thus overturning the “not guilty” ruling of the first instance court as the defendants did, for the intent to profit, impose improper debt bondage and take advantage of other people’s difficulty to seek help. (See Appendix 3, Case 2)

1.6.2 Case 3: The crime of human trafficking neither requires the element of cross-border movement, nor is limited to the HTPCA definition

In Articles 2.1.2 and 2.2 of the HTPCA, the term “human trafficking crimes” refers to the act of trafficking people in violation of the HTPCA, the Criminal Code, the Labor Standards Law, and the Regulations Governing the Prevention of Children and Adolescent Sex Trade (RGPCAST) and other laws. For human trafficking offenses outside the scope of definition in the HTPCA, there are other applicable laws. Kaohsiung District Court Dossier 2011-indictment-139 Criminal Court Decision says:

The defendants committed human trafficking offenses described in Articles 23.2 and 23.1 of the RGPCAST, which are also referred to in Article 2.2 of the HTPCA. As such, relevant regulations are applicable. (See Appendix 3, Case 3)

2. Protection: enhancing victim protection

2.1 Safeguarding victims

2.1.1 Foreign victims

The National Immigration Agency (NIA) and the Council of Labor Affairs (CLA) operate 20 shelters (some in collaboration with NGOs) in northern, central, southern, and eastern Taiwan. The locations have been so chosen in order to evenly distribute the resources vis-à-vis the workload. Three of the

20 shelters are NIA-owned but NGO-managed for human trafficking victims. (See Appendix 1: Success stories at the shelter and Appendix 2: Services at NIA-owned NGO-run shelters)

In 2011, there were 319 newly placed victims, of which 229 were female, and 90 male. In terms of nationality, Indonesia had the highest number (175), and Vietnam second highest (84). The victims had their daily needs met and received a variety of services, such as free shelter, psychological counseling, interpretation access, legal aid, accompaniment at investigation interviews, and medical assistance. The Ministry of Interior (MOI), the cabinet-level agency supervising NIA operations, spent a total of NT\$23,392,640 (approx. US\$780,000) in 2011 on placement services, covering costs incurred on everyday needs, food, medical care, and repatriation flight tickets. The foreign TIP victims put under placement programs have been as follows.

Year Exploitation Category	2007/2008			2009			2010			2011		
	sex	labor	sum	sex	labor	sum	sex	labor	sum	sex	labor	sum
New residents	9	97	106	85	244	329	45	279	324	56	263	319
Male	0	15	15	0	71	71	5	61	66	0	90	90
Female	9	82	91	85	173	258	40	218	258	56	173	229
Indonesia	4	63	67	45	120	165	14	147	161	20	155	175
Vietnam	4	9	13	12	73	85	4	71	75	1	83	84
Thailand	0	13	13	1	6	7	6	6	12	1	9	10
Philippines	0	0	0	0	14	14	2	37	39	1	13	14
Mainland China	0	0	0	27	0	27	19	2	21	33	0	33
Cambodia	0	12	12	0	9	9	0	13	13	0	0	0
Bangladeshi	0	0	0	0	22	22	0	2	2	0	3	3
India	0	0	0	0	0	0	0	1	1	0	0	0
Stateless	1	0	1	0	0	0	0	0	0	0	0	0

2.1.2 Adult Taiwanese victims

There were 68 adult Taiwanese victims identified during human trafficking investigations in 2011. All of them returned home because none of them chose to be put under protection. To ensure these victims receive follow-up services after returning home, judicial police have been instructed to hand over a copy of the Guidelines on Protecting Taiwanese TIP Victims' Rights. The victims were also asked whether they wished to be referred to social welfare agencies for counseling. For those interested, a referral form was filled out and a call made to notify the respective agency.

2.1.3 Juvenile Taiwanese victims

There were 80 underage girls (under 18 years of age) identified during police raids in 2011 (five of them had turned 18 when referred to the prosecutor). In compliance with the Regulations Governing the Protection of Children and Adolescents from the Sex Trade (RGPCAST), 74 of them were placed by local social work agencies, one went home, and the five "new adults" also returned to their families.

2.2 Re-identifying quasi victims

To help ensure all human trafficking victims are identified as such, the NIA routinely screens detainees at the NIA-operated shelters in Taipei, Hsinchu, Yi-lan, and Nantou. If anyone appears to meet the criteria, he or she is referred to the original judicial police agency that uncovered him/her in a raid. Once confirmed in a second-attempt, he or she is placed in a shelter for TIP victims. In 2011, a total of 34 victims were thereby re-identified and transferred from a detention center to a shelter.

2.3 Visas for short-term stays

In 2011, the NIA granted 204 new visas to victims for short-term stays, and approved 208 applications to renew such visas.

2.4 Protection of employment rights

When the CLA issues a work permit to human trafficking victims, the government-run job placement center nearest to the detention center or shelter is also informed. In 2011, the NIA issued a total of 175 work permits to TIP victims, helping 106 of the victims to change employers. Public employment agencies helped 25 victims seek new employment, and 21 of them were successful.

2.5 Free job training

According to government regulations, public employment training centers must offer free job training to foreign human trafficking victims in shelters and help identify appropriate skill sets for each victim. Among the 145 victims receiving new work permits in 2011, 107 have found jobs, another 10 returned to their home country, and the other 28 have not been trained.

2.6 Accompaniment during judicial proceedings

2.6.1 Interpreter and social worker accompaniment: to uphold victims' rights and facilitate judicial proceedings, judicial police agencies are required to provide interpretation service during investigation interviews involving human trafficking victims. A social worker companion is also provided to help relax the victim and explain the procedures and protective measures to expect. During the investigation and court hearings of human trafficking cases in 2011, interpretation services were offered on 327 occasions and accompaniment services were offered on 251 occasions.

2.6.2 Keeping victims posted of the case progress: judicial police and shelter staff members are required to inform victims of the procedures used by Taiwan's judicial system. Each prosecutors' office has assigned a liaison specifically to enhance communication among the judicial police officers, social workers, labor affairs officials, and shelter staff members. The prosecutors are to reveal as much information possible about the actual investigation progress without violating Article 245.1 of the Criminal Procedure Law, which stipulates that information about a case still under investigation cannot be disclosed. This aims to keep the victim more at ease and willing to stay in Taiwan to testify in court against suspected traffickers. Shelters are encouraged to check the progress of cases involving a victim who is residing in the shelter, and to compile a report to the Ministry of Justice and the Judicial Yuan (the top administrative agency in the judicial branch of the

government) so as to help expedite the judicial process and enable the victims to return home sooner.

2.6.3 Facilitating safe repatriation: when the investigation of a trafficking case is closed or when the victim no longer needs to stay in Taiwan for the investigation, and when the shelter deems that there is no longer a need to postpone the victim's repatriation, the NIA will coordinate with various agencies to send the victim back to his/her home country in a timely manner. During 2011, a total of 167 victims were repatriated after a period of placement.

3. Prevention: curbing human trafficking

3.1 Enhancing general awareness

In 2011, the government's executive branch spent about NT\$34 million (approx. US\$1.12 million) on anti-TIP public service announcements and other related campaigns.

3.1.1 Raising awareness of anti-TIP law and protective services

The National Immigration Agency (NIA) has devised numerous campaigns to boost public awareness of the HTPCA and protective services for victims so that the public is equipped to help offer the victims obtain timely assistance.

3.1.1.1 Print materials:

- A. Two thousand copies of a campaign poster were distributed and posted at more than 800 locations: in offices of the Ministry of Foreign Affairs (including MOFA's foreign missions in Indonesia, the Philippines, Thailand, and Vietnam), the Ministry of Justice, the Ministry of Transportation and Communications, the police force (including at stations in charge of patrolling highways, railways, and airports), and local police forces under the supervision of the National Police Agency, city governments, household registration offices, as well as the NIA's service stations, field squad stations, and border patrol stations. The posters aim to raise awareness of human trafficking issues among travelers and the general public.
- B. Information cards in seven languages (Chinese, English, Indonesian, Vietnamese, Thai, Cambodian, and Burmese) in the form of table-top stand-alone cardboard sets and pocket-sized business cards have been produced. A total of about 70,000 copies have been distributed free of charge. They are placed at the counters of the NIA's 25 service stations around Taiwan, and places where migrant workers or mainland Chinese spouses have their fingerprints taken for the record as well as other public places with much traffic.
- C. Advertisements near the ticket counters of the Taiwan High Speed Rail at Taipei Main Station: an estimated 1.77 million people could see it. Advertisements at other strategic locations inside the multi-story Taipei Main Station, a major hub for both trains and buses, also enjoy massive exposure to an estimated 18.9 million people each month.
- D. Multi-language posters to curb human trafficking have been displayed at the entrance of 18 Taipei Metro stations along five metro lines.

3.1.1.2 TV and Radio

- A. Arranged through the Government Information Office, a 30-second film clip on the HTPCA was broadcast through five terrestrial TV channels for 194 times during the "public service announcement" time slots. At various outreach events, a 15-minute version of the video was played.
- B. A radio campaign involving discussions on human trafficking by the official police radio station and eight other radio stations helped

disseminate related ideas, teaching people how to file a human trafficking incident and which hot line numbers to call.

3.1.1.3 Out-reach Events

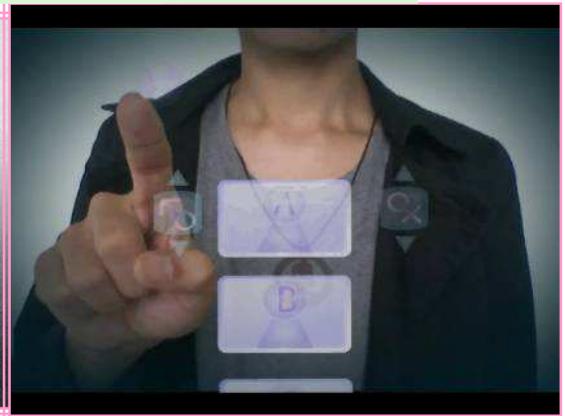
- A. Teaming up with influential businesses: A contract with Chunghwa Telecom has enabled the NIA's anti-TIP materials to be placed at Chunghwa's 312 service stations throughout Taiwan from July 1 to December 31, 2011. Posters, flyers, table-top stand-alone kits, and pocket-sized cards with tips to help identify trafficking victims were displayed, with some of which also available for the public to take home.
- B. Animation film contest: from mid-July to August 20, 2011, the NIA solicited 30-second entries that were creative, humorous, and easily understood so as to convey information on human trafficking prevention. The winners were announced on October 16 at Taipei Main Station's underground plaza. There were also anti-TIP quizzes with prizes to encourage the audience to participate in the event.
- C. Outdoor fair: on December 10, 2011, at the International Migrants Day fair, a booth was dedicated to anti-TIP causes with games and quizzes to boost public awareness.

Highlights of the NIA's anti-TIP campaigns



Animation contest
winning entries
From the
community

From students



Proud contest winners



NIA Director General Hsieh
hosts quizzes and prizes





Posters on display at 18 Taipei Metro stations



2011/10/05

Back-lit displays at stations



2011/11/01

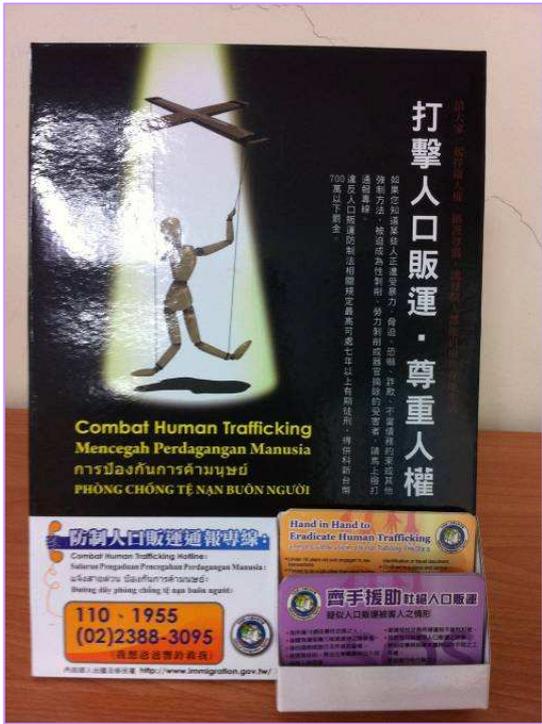


2011/11/03



Anti-TIP materials at Chungwa Telecom





Free gifts with anti-TIP messages
 Prominent reminders at NIA stations
 (soaps, dishes, containers, etc.)



Quizzes and Prizes



3.1.2 Preventing foreigners from falling victim to traffickers

The CLA has devised numerous campaigns through various channels to appeal to employers, employment brokers, and migrant workers to gain a better understanding of human trafficking and the help available to victims. The campaigns include the following:

3.1.2.1 Print materials/advertisements

A total of 255,000 copies of the pamphlet *Laws and Regulations about Hiring Foreign Workers* were distributed. Multi-language handbooks *What Foreign Workers Must Know When Working in Taiwan* were given to migrant workers upon their arrival in Taiwan, informing them of how human traffickers trick migrant workers, how to report grievances, and how to seek help.

3.1.2.2 Electronic media

- A. The NIA commissioned 13 episodes of radio program in foreign languages on the theme of human trafficking prevention so as to educate employers, employment brokers, and foreign workers regarding the related laws and regulations, as well as daily tips. An estimated 4.11 million people listened to these programs.
- B. The NIA commissioned the production and broadcast of a 30-second film with the theme “harmony between employer and employee starts from the heart”. It was shown on cable and terrestrial TV channels on 482 occasions from October 21 to November 4 to let the public appreciate more the contributions made by foreign workers to Taiwan’s socio-economic development.

3.1.2.3 Seminars

To ensure that foreign workers, employers, and brokers are aware of human trafficking issues, subsidies were offered to local governments to hold seminars for employers and brokers. A total of 3,654 people participated in a total of 22 seminars. Classes were also held for foreign laborers to let them know more about the laws and regulations on human trafficking. A total of 24,483 people attended 141 classes.

3.1.3 Enlisting the public’s aid in stopping child sex tourism

3.1.3.1 Target audiences and objectives

It is essential to educate the general public and businesses linked to tourism the definition of “child sex tourism”, and the measures taken to curb commercial sex transactions with minors. Taiwan has endeavored to raise the awareness of the illegal and contemptible practice of sexual exploitation of minors. With greater knowledge about human trafficking and child sex tourism, the public is better equipped to avoid committing this crime inadvertently.

3.1.3.2 Government agencies working with the media

- A. Child Welfare Bureau

An intensive cable TV campaign saw the 30-second public service announcement titled “Sex with Children is a Despicable Crime” broadcast for one month. The campaign was design to reach parts of the society that may have otherwise been missed. An estimated 2.8 million people saw the message. Eye-catching LED boards displaying warnings against child sex tourism were also used at transportation hubs (bus, rail and air), reaching an estimated 1.8 million people.

B. Tourism Bureau

- a. When conducting regular inspections of tourist hotels, the bureau also held training sessions for the staff of 63 hotels on this topic in 2011. On the bureau’s website, information about gender equality, and the prevention of human trafficking and child prostitution is available for the public and tourism industry professionals. Such materials constitute a part of the e-course available over the internet for individuals hoping to become tour guides and tour managers. They are also encouraged to share the information to their clients.

3.1.4 Advocacy in schools

The Ministry of Education (MOE) has taken measures to instill the core concepts to combat human trafficking (i.e. human rights, the rule of law and gender equity) into students’ mind from an early age.

3.1.4.1 On campus

The MOE collaborated with local newspapers to create the *Legal Digest for Teenagers* as supplementary reading. Four articles on human trafficking were published during the year. Through the MOE’s ongoing programs to ensure safe/friendly campuses, funding was provided at the local level to hold seminars around Taiwan: six on human trafficking prevention and 103 on human rights and related laws.

3.1.4.2 In classrooms

Gender equity, human rights and other legal issues have been incorporated into curriculum guidelines for primary and secondary schools, including regular and vocational high schools. Teaching materials have been developed for two courses *A Primer on Human Trafficking* and *Prevention of Human Trafficking*. Teachers are encouraged to download the materials for classroom use. Incentives are in place for colleges and universities to offer courses related to human rights, gender equity, and related legal issues. A total of 4,421 courses were taught in 2011. MOE also subsidized some related activities held in schools.

3.1.4.3 Enhancing teacher competency

Funding was available at the local level through the Safe Campus Program to enhance teacher competency in the teaching of and counseling on matters related to human rights and the rule of law. Five classes were offered to primary and secondary school teachers as a continuing education course, with academic credits applicable toward an advanced degree. The course aimed to enhance the teachers’ knowledge about human trafficking and their ability to develop course materials on curbing trafficking.

3.1.5 Reaching out to specific audiences

Besides the NIA, other agencies of the government's executive branch also helped educated specific audiences about human trafficking. These include the Government Information Office, the National Police Agency, the Coast Guard Administration, the Council of Agriculture, the Veterans Affairs Council, and the Mainland Affairs Council.

3.1.5.1 Target audiences and objectives

The above agencies either serve society as a whole or such subgroups as deep-sea fishing crews, indigenous peoples, veterans, and mainland Chinese spouses. It is essential that citizens possess the ability to recognize human trafficking acts and report them to the authorities. This will complement the government's efforts to stamp out human trafficking through various forms of transportation, such those used for trafficking in humans and illicit goods.

3.1.5.2 The media

All sorts of media were employed to maximize the scope of the outreach, such as spots on government and public-interest radios, LED electronic bulletin boards, pamphlets and films for seminars and meetings, advertisements in government publications, and other promotions at related forums held by government agencies.

- A. Government Information Office (GIO): The GIO commissioned 14 radio stations, including Cheng Sheng Radio, to produce and broadcast anti-TIP messages that explain the nature of the HTPCA and the way to report suspected TIP incidents. A total of 14 messages were broadcast. Last year LED bulletin boards were also used to show anti-TIP messages in 75 locations around Taiwan for eight days per month in March, May, and June, and for 16 days per month in July and November.
- B. National Police Agency: The Police Radio Station broadcast anti-TIP messages 60 times in Mandarin and 30 times in English. Radio Taiwan International broadcast anti-TIP spots in Indonesian, Thai, and Vietnamese in programs targeting migrant workers and foreign spouses. A total of 44 time spots were selected to better elevate public awareness.
- C. Coast Guard Administration: The coast guard carried out anti-TIP campaigns during the agency's mobile shows around Taiwan. In 2011, a total of 5,233 people attending 115 mobile shows heard the message.
- D. Council of Agriculture: It printed messages in four issues of the agency's magazine targeting the fishing industry. The Fishermen's Radio broadcast anti-TIP messages 56 times, and a film was shown 50 times to participants of fishing crew training classes.
- E. Council of Indigenous People: At the annual meetings, to report on the achievements of the previous year the council showed an anti-TIP film three times to 967 people at events held at the Service Center for Family and Women, and another event at the Elderly Daycare Service Center.
- F. Veterans Affairs Council: The council displayed posters on bulletin boards of 22 veteran service centers and showed short anti-TIP films.

The council also made copies of pamphlets available to veterans who visit service centers. The council further promoted such issues at all gatherings and official visits to veterans' nursing homes.

- G. Mainland Affairs Council: Funding was provided for the monthly lecture series organized by NGOs in Taipei and Hualien for mainland Chinese spouses to help them gain a better understanding of their rights.

3.2 Building civil servants competency

The executive branch of the central government spent a total of NT\$29.4 million (approx. US\$980,000) to boost civil servant competency in anti-TIP enforcement.

- 3.2.1 To harmonize judicial police's perception and techniques for protecting victims and enforcing the law, the NIA revised practical reference materials, such as *The Manual to Combat Human Trafficking* and *The Rights of TIP Victims*, and victim identification cards for government agencies to incorporate into their training programs.
- 3.2.2 National Immigration Agency (NIA): The NIA held two seminars on August 3 and 4 with the theme Primers on Human Trafficking to explore the topic from three directions, policy, practice and the law. These aimed to further reinforce front-line civil servants' proficiency in the subject to keep them abreast of the latest information, equip them with sufficient sensitivity to discern victims from a crowd, and place victims under protective services. The training courses placed priority on those who had never attended such activities. On September 21, a more advanced training course was held to cover practical aspects, such as labor disputes/labor exploitation, legal interpretation/applicability of TIP offenses, investigation and corroboration, and trafficking case ruling. The course sought to cultivate consensus on TIP issues among the agencies' "seed trainers", who instruct their own agency personnel working at the front line.
- 3.2.3 Ministry of Justice: A seminar on judicial practices in human trafficking cases was held on August 10-12 to introduce subjects like the HTPCA, custody and disposition of ill-gotten gains in TIP cases, and law enforcement experience sharing. Subjects also covered the more practical sides of TIP enforcement, social workers viewpoints, diverse nature of TIP cases, placing victims under protection, and NGOs' roles in combating human trafficking. The seminar aimed to improve prosecutors' investigation techniques. During the first two days, the lecturers analyzed specific cases in which the suspects were not indicted or had been acquitted. On the third day, a workshop on various scenarios of trafficking violations was held for prosecutors, judicial police officers, and groups engaged in victim protection. Such exercises served to strengthen the skills of prosecutors and judicial police officers with respect to conducting investigations and collecting evidence.

3.2.4 The Judicial Yuan on January 12 held a seminar on judicial practices, inviting Ye-ting Woo, a US federal prosecutor on a three-month visit in Taiwan, to talk on partnerships from America's perspective for combating human trafficking, sexual exploitation, and labor exploitation. The Taiwanese practitioners engaged in enthusiastic discussions with the prosecutors and judges in the audience about TIP crimes and judicial proceedings and investigations. They also talked about corroboration with the private sector, in particular the role of social workers and NGOs in judicial proceedings, practical aspects of investigations, and the legal implications of labor exploitation in Taiwan. In addition, a seminar on handling sexual assault and TIP cases in the court was held on September 26-29, with lectures on the HTPCA and court/judicial practices in TIP cases, and an introduction to criminal procedures. The seminar aimed to strengthen the judges' competency in handling TIP cases, and in upholding the victims' rights during trials.

3.2.5 2011 Training Sessions

Subject	No. of events and participants	Target Audience
※ General competency		
General competency training for TIP prevention and control	2/200	Civil servants in charge of TIP prevention and control at the central and local government levels
Advanced training for TIP prevention and control	1/100	Staff from the MOJ, NPA, CGA, NIA, shelters, and other labor affairs offices
International workshop on TIP prevention and control	1/250	Officials, local and foreign experts and scholars, NGOs, and foreign diplomats in Taiwan
Border control conference	1/131	Diplomats stationed in Taiwan from 27 countries, delegates from MOFA, other government agencies, airlines, experts, and scholars
※ Enforcement and investigation		
Advanced seminar on managing sexual assault and TIP cases in the court	1/40	Judges
Conference on judicial practices in TIP cases	1/60	Judges
Seminar on judicial practices in TIP cases	1/80	Prosecutors, judicial police officers, and staff of shelters
Training for police on TIP prevention and control (including case studies)	2/1,592	Police in charge of cases related to foreigners, criminals, women/children, juvenile delinquents, and others
Routine TIP training courses as part of continuing education	4/2,215	Police officers
Training on TIP prevention and control	4/210	Coast Guard officers and squad leaders from all jurisdictions
Training on victim identification and investigation techniques for TIP prevention and control	1/105	Coast Guard officers and squad leaders from all jurisdictions
Hands-on training on countering human trafficking and identifying victims	8/550	First and Second Squads of NIA's Specialized Operation Corps, and all field enforcement officers nationwide
NIA training for on-line control and surveillance	13/688	NIA Border Affairs Corps officers assigned to this task
NIA Training on detection of forgery of travel documents	Year-round /2,290	Border control field staff and supervisors
※ prevention and protection		

Competency building on TIP and foreign worker-related statutes for personnel conducting consultation and field visits	4/418	CLA staff, related local government inspectors, foreign worker consultation center staff, and shelter staff
Training on TIP victim identification and relevant regulations for staff members who provide consultation to foreign workers at airports	1/48	Supervisors and consultation service staff who provide advice to foreign workers at airports
Training for personnel working at hot-line centers serving foreign workers	3/56	Supervisors and staff at hot-line centers that provide consultation and protection assistance to foreign workers
Pre-trip briefing on TIP prevention and control	2/212	Executive Yuan personnel to be stationed abroad
Training on TIP awareness and protection services for victims	6/524	Healthcare staff at hospitals and clinics
On-job training regarding TIP awareness for social workers serving indigenous people	1/196	Social workers serving indigenous people
Tourism Bureau pre-job courses to introduce relevant regulations and case studies	102/ 11,142	Tour guides and tour managers
Tourism Bureau training on preventing child prostitution and human trafficking	26/2,931	Hotel junior staff
Ministry-level Financial Supervisory Commission (FSC) Banking Bureau training on prevention of TIP and money laundering	34/1,524	Bank employees
FSC Securities and Futures Bureau training courses on prevention of TIP and money laundering	101 /5,944	Auditors and new recruits at securities and futures businesses
	29/1,613	Members of the Securities Investment Trust & Consulting Association

3.3 Providing a warm new home for foreign spouses

The government in collaboration with civil society has formulated various measures to offer assistance to foreign spouses, while respecting cultural and social values to help them adjust to their new home in Taiwan. This also helps them stay avoid being exploited or harmed out of ignorance.

3.3.1 Orientation for incoming foreign spouses

Since October 2005, Taiwan's representative offices in Bangkok, Manila, Jakarta, Hanoi, and Ho Chi Min City have been offering orientation programs for incoming foreign spouses. Local counselors meeting academic and experience qualifications have been employed to conduct group seminars and individual counseling in the spouses' native language. In 2011, a total of 533 group seminars were held for 3,200 future spouses. Using the NIA-compiled manual *Beautiful New Home*, Taiwan's representative offices offer guidance to the participants and offer information in their native language about Taiwan's customs, culture, and immigration laws, as well as their rights and obligations. The classes remind them to be alert of traffickers and to help them memorize the number 113 (hot line for women and children) and 0800-088-885 (hot line for foreign spouses). The *Beautiful New Home* animation was also shown at such events. Print materials in the participants' language were also distributed.

3.3.2 Welcoming visits for new arrivals

To demonstrate the government's commitments to caring for foreign spouses and ensure that Taiwanese families treat spouses from abroad and mainland China properly, NIA personnel pay a formal visit to each couple's home. The NIA tries to learn about a newcomer within 15 days after his/her arrival in Taiwan when he/she applies for a resident permit at an NIA office. An NIA counselor later visits the couple's home to discuss with the couple and the other family members the relevant laws and regulations, personal safety issues, as well as education and employment prospects for the foreign spouses. In 2011, visits were made to the households of 3,223 foreign spouses and 7,766 mainland Chinese spouses.

3.3.3 Toll free hot line for foreign spouses (0800-088-885)

The toll free hot line offers counseling in six languages on issues related to education, culture, employment, healthcare, personal safety, resident status, the law, and adapting to a new life in Taiwan. The hot line received 13,748 calls in 2011.

3.3.4 Formulating a support network

A support network for foreign and mainland Chinese spouses has been established, connecting 22 local governments and 2 central government agencies. Once every six months a meeting is held to promote cooperation and optimize resource utilization. The participants included administrative staff members, social workers, educators, labor officials, public health officers from local governments, representatives from foreign spouse centers, NGOs, and community service stations serving foreign spouses at the local level. In 2011, a total of 40 meetings were held for the 22 local governments and two central government agencies. A total of 1,662 people

attended (1,122 from the public sector and 540 from civil society).

3.4 Ensuring the dignified employment of migrant workers

3.4.1 Facilitating direct hiring

Since 2009, the Direct Hiring Service Center of the Council of Labor Affairs has expanded the scope of direct hiring into the fields of manufacturing, construction, deep-sea fishing, nursing homes, and domestic (in-home) care. Thanks to the center, workers seeking to extend their working visa in Taiwan have saved a total of NT\$276.64 million (Approx. US\$8.7 million) in brokerage fees, thus minimizing their risk of being exploited by brokers. The CLA's direct hiring service center made the following accomplishments in 2011:

Service	No. of instances
Direct-hiring service for employers wishing to re-hire a foreign worker	13,540
Receiving and forwarding applications on behalf of other authorities	42,706
On-site or telephone consultations	135,917

3.4.2 Safeguarding workers' rights through the 1955 Hotline

In 2010, the 1955 hotline started using a computerized system to assign incoming calls and keep track of the cases. This has helped the supervisors at the hotline to conduct follow-up service on grievances or disputes so as to further safeguard foreign workers' rights. The 1955 hotline received 217,887 calls, of which 202,426 were for consultation and 15,461 were for general and emergency inquiries. With the assistance provided through the hotline, 1,769 workers were able to change employers.

3.4.3 Recovering back-pay owed to foreign workers

The CLA runs foreign worker service stations around Taiwan, including in airports. The stations helped 4,535 foreign workers recover a total of NT\$172,965,489 (Approx. US\$5.77 million) in back-pay owed by employers or brokers in 2011.

3.4.4 Formalizing domestic (in-home) workers' employment

3.4.4.1 Since 2000, the CLA has devoted much effort to formulate new measures and amendments to existing regulations for safeguarding domestic (in-home) workers' employment rights. On July 1, 2009, it decided to enact a specialized law.

3.4.4.2 Domestic workers provide service in people's homes, a venue different from a regular work place, thereby involving unique considerations. Moreover, some employers of domestic workers are themselves

under-privileged members of society. For the proposed new regime to be practical and feasible, the specialized law needs to strike a delicate balance between the rights of both the employers and the employees. The CLA has held numerous meetings and public hearings to solicit input from all stakeholders, employers, employees, brokers, scholars, experts and government representatives. The first draft of the Domestic Worker Protection Bill was completed in March 2011 for review by the Executive Yuan (the cabinet). The bill stipulates crucial elements of a domestic worker's rights, including a consecutive eight-hour rest everyday, one rest day in every seven-day period, various forms of leave, minimum wage, payment guidelines, employment termination, insurance, and grievance procedures.

3.4.4.3 After reviewing the bill, the cabinet instructed the CLA to make the bill more comprehensive by incorporating considerations from all parties concerned. Last year the CLA held meetings on August 25 and December 14 to solicit input from various groups. Subsequently, the CLA incorporated recommendations from the cabinet review meeting, and input from various stakeholders and local governments in a revised bill pending further review by the cabinet.

3.4.4.4 It is essential to uphold domestic workers' employment rights. However, in view of the unique nature of domestic work, the proposed law should facilitate measures that are practical and feasible by striking a balance between the rights of the employer and that of the employee, and the interests of everyone involved. The CLA strives to enact a piece of legislation that is practical and upholds the consensus reached by all stakeholders.

3.5 Addressing the problem of runaway foreign workers

Identifying causes: From January 1992 to December of 2011, a total of 33,730 foreign laborers went missing. According to some surveys, the likely causes are as follows: unscrupulous brokers had excessive demands; the employees' employment term was about to end; they sought higher-paying jobs; they could not adjust to working conditions; they hoped to avoid exorbitant brokerage fees; or they were mistreated by the employer or had other labor disputes.

Proposed remedies: The CLA has proposed a number of measures to address the issue from four angles: prevention, location of missing foreigners, penalties, and policy review. The measures seek to prevent exploitation, expand the scope of direct hiring, raise employers' awareness of the law and workers' rights, and improve workers' access to consultation and grievances procedures. They also aim to uphold workers' employment rights, stop unethical brokerage firms, impose aggravated penalties on unscrupulous employers and/or brokers, and urge the Ministry of Interior to formulate a mechanism to track down runaway workers. In addition, steps should be taken to review the current requirement forcing workers to leave Taiwan for one day after reaching a maximum length of cumulative stay in Taiwan and evaluate the feasibility of a worker's verbal notice (made on record) of

his/her intent to unilaterally terminate the employment contract.

3.6 Refining foreign labor policies

3.6.1 Raising informants' rewards

In order to prevent and uncover runaway foreign workers, the CLA formulated the Guideline Governing the Payment of Reward to Members of the Public Informing the Authorities about Violations of the Employment Service Act. The reward for reporting an illegal employer or broker is NT\$50,000 (approx US\$1,670) maximum. Namely, if an employer illegally hires or harbors runaway workers, the informant gets a reward of NT\$10,000-50,000 (approx. US\$333-1,670), depending on the number of workers uncovered. If a broker illegally refers a foreign worker, runaway or not, the informant gets a reward of NT\$20,000-50,000 (approx. US\$667-1,670), depending on how many workers have been referred. In 2011, a total of NT\$2,509,000 (approx. US\$83,600) reward money was paid to 382 informants of violations regarding foreign workers, employers, and brokers.

3.6.2 Raising the bar for brokerages

To regulate the foreign laborer market and force out inferior brokerages, the CLA revised the evaluation guidelines for private brokerages engaging in cross-border placement. When evaluating the parent company, all branch offices having referred blue-collar workers during the year are evaluated with it. For such conglomerates, a passing grade of C has a higher bar: 70 points instead of 60 points. Any brokerage firm getting a C grade for two consecutive years will not be evaluated the following year and its license will not be renewed when upon its expiration. This system seeks to improve the quality of the brokerages' services and close inferior brokerages.

3.6.3 Stemming "unjust interests"

Some employers take and/or some brokers provide "unjust interests" as part of brokerage deals. In such cases, employers retain a broker to recruit foreign workers on condition that the broker pays for some expenses incurred, such as the costs to place want ads in newspapers, cover compulsory contributions to the Employment Stability Fund, or pay for employee dormitories. If a broker fails to collect such "unjust interests" from the employer, the workers ultimately bear the brunt of such costs. On July 14, 2011, the CLA defined the term "unjust interest" in Articles 40.6 and 54.1.10 of the Employment Service Act. Under this act, local governments impose a fine on employers and/or brokers found to be giving or taking "unjust interests". The employer's hiring and recruiting permits will subsequently be revoked and will be closely watched for two years until the company is eligible for a new permit. The brokerage firm will be shut down.

3.6.4 Lowering workers' barriers for unilateral termination of employment

On May 19, 2011, a foreign worker wishing to resign, that is to terminate the employment contract with his/her employer, may verbally express the

intent at a mediation meeting to let the employer know, so long as the statement is witnessed by an officer from the local competent authority. Both parties must sign a paper for the record, which serves as proof of the intent of the employee to resign. If the employer or his proxy fails to appear at the mediation meeting, the foreign worker's intent is put into the meeting minutes, along with a cover letter to the employer which states: "You are duly notified that the foreigner in question has declared his/her intent to terminate the employment relationship." The minutes and cover letter are then mailed via double registered mail so as to ensure acknowledgement of receipt. This is great improvement over the previous practice in which the intent was translated into written Chinese and delivered via registered mail.

3.6.5 Formalizing humanitarian considerations for foreign spouses

Out of humanistic considerations and the foreign spouses' rights to employment, Articles 9-1 and 11 of the Implementation Regulation of the Employment Service Act were revised on August 18, 2011. The revision granted ex-foreign spouses possessing a valid resident visa issued by the NIA the right to work in Taiwan without prior approval even though he/she is no longer married to a Taiwanese and meets one of the following conditions:

- A. His/her Taiwanese spouse has passed away;
- B. He/she was physically or mentally abused by the Taiwanese spouse and has already obtained a restraining order from the court;
- C. he/she has obtained custody of their underage biological children living in Taiwan after a divorce;
- D. He/she was granted a divorce by the court due to domestic violence and was granted custody of their underage biological children who possess household registration in Taiwan (Namely, the child is a Taiwanese national.);
- E. He/she was repatriated after the resident permit was revoked, but the situation is causing anguish to their underage biological children who possess household registration in Taiwan.

3.7 Optimizing governance with civil society resources

3.7.1 Beefing up victims' protection

The government outsources certain services by means of contract or subsidies, such as interpretation, sheltering of victims, and accompaniment of victims during investigation interviews. Financial aid is also available to retain speakers/trainers at seminars and conduct workshops or outreach campaigns. Funding can be provided for participation in international forums, cross-border NGOs and other forms of exchange on anti-TIP practices. In addition, the design and editing of government promotional materials can be outsourced as needed.

3.7.2 Ensuring justice for the victims

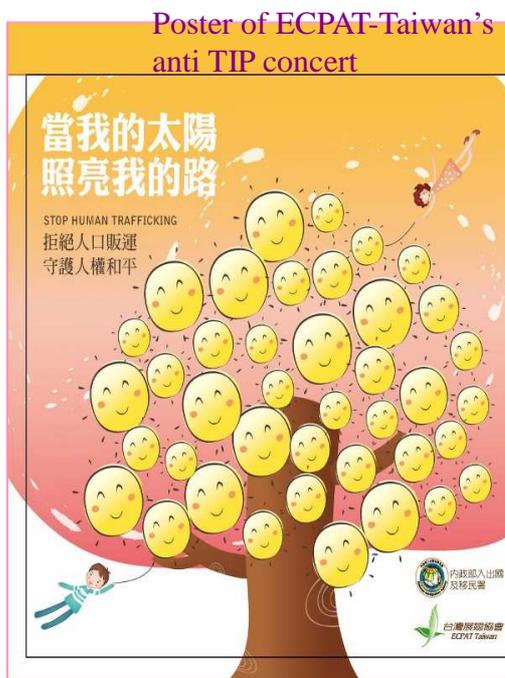
The Legal Aid Foundation has been commissioned to run a program that provides legal representation to TIP victims living in Taiwan who meet certain financial criteria. In 2011, a total of 229 (97.54%) victims out of

244 applicants received full legal aid free of charge. The other nine victims received legal consultation, while six applications were turned down.

3.7.3 Subsidizing NGOs for anti-TIP advocacy, as follows:

Funding recipient	Project	Accomplishments
National Immigration Agency		
Taiwan Society of International Laws	Conference on human trafficking and international law	Co-organized with Fujen Catholic University's John Paul II Peace Dialogue Research Center, the conference explored the difference between human trafficking and human smuggling, and recent developments with respect to international treaties; raised awareness of related issues in academic circles and practitioners in hopes of further safeguarding human rights, staying abreast of related global trends, and fostering cross-border cooperation.
Taipei Women's Rescue Foundation	Cooperation and visit with an Indonesian anti-TIP NGO	Visited Bandungwangi, an Indonesian NGO, toured the shelter there, and exchanged ideas on victim services and referral mechanisms; arranged by the International Organization for Migration, also talked to Indonesian authorities about their anti-TIP efforts, as well as the related services offered by the government and NGOs of Taiwan
Good Shepherd Sisters Taiwan	Study on TIP victim services and campaign on prevention	Studied how TIP victims are recruited, their eco-social and cultural background and context, their hardships and expectations after repatriation; held a conference for scholars and shelter practitioners to share their victim protection programs in hopes of forming a network for experience-sharing
Taiwan Labor and Social Protection Association	Campaign on TIP prevention and victim protection	Held the Citizen Forum on September 23 for college students, scholars, and social welfare groups, social workers, and vocational associations in central west Taiwan to exchange ideas on workers' human rights and TIP prevention
Taipei Women's Rescue Foundation	Trip to a Vietnamese community in Canada on TIP prevention and new immigrants issues	Formed an alliance with CAMSA-Taiwan, and supported CAMSA-Taiwan's visit to five Canada-based NGOs, including the Vietnamese Canadian Federation, to discuss advocacy and practical work and the possibility of future cooperation; shared garnered information with related government agencies
ECPAT Taiwan	2011 anti-TIP campaign	Held the anti-TIP concert "When My Sun Brightens up My Way" at Taipei's Red House Plaza on November 27 with popular musicians, appealing to the audience to support the anti-TIP cause; held a quiz, with quick responses earning prizes (ECPAT = End Child Prostitution, Child Pornography)

		& Trafficking of Children for Sexual Purposes, a worldwide NGO)
MOFA		
Garden of Hope Foundation	Set up and run a shelter in Cambodia for underage female TIP victims	worked with the Chinese Christian Herald Crusades and the Fullness in Christ Fellowship to set up a shelter in Cambodia for young girls formerly exploited or assaulted for sex
ECPAT Taiwan	Conference on minors' on-line safety, and related events	Held international conference and activities on April 20-22 for government representatives and scholars from Taiwan and abroad to share policies and campaign experiences on protecting minors against on-line pornographic materials
ECPAT Taiwan	INHOPE general meeting	Subsidizing ECPAT Taiwan to attend the general meeting of the International Association of Internet Hotlines on May 15-17 in Lithuania to vote on new members' induction, discuss possible cooperation with the EU's INSAFE and latest legislation trends in combating child pornography.
Garden of Hope Foundation	Conference on breaking free and rebuilding	Held a conference on breaking free and rebuilding (the placement and empowerment of young women in Asia) on November 7-8, with speakers experienced in placing and sheltering victims



Victim protection workshop for NGO practitioners to exchange experiences



4. Partnerships – enhancing partnerships with foreign public and private sector bodies

4.1 International discourse

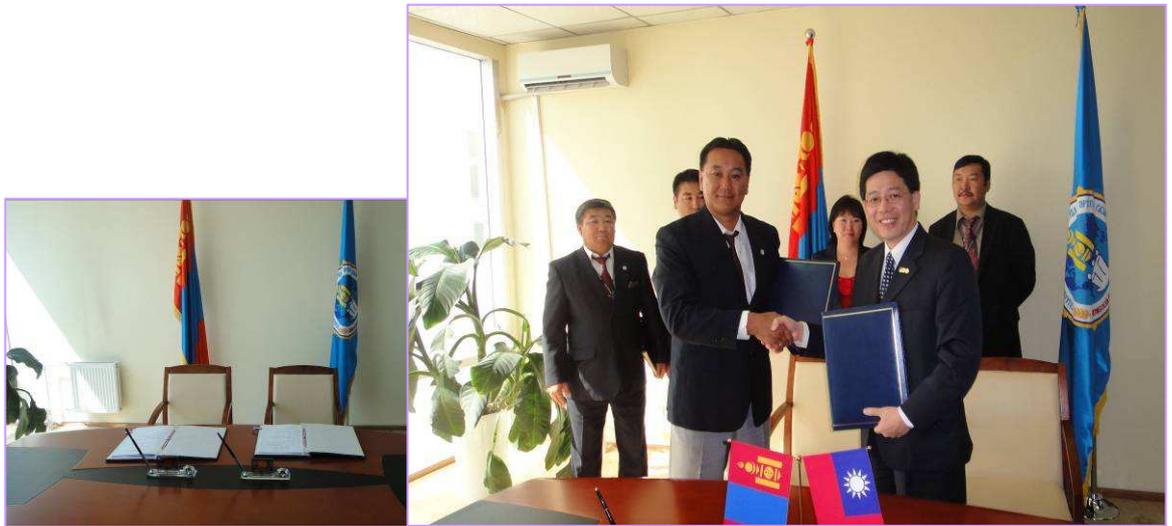
4.1.1 With foreign governments

Taiwan has personnel stationed at major cities around the world to maintain contact with their host governments. In addition, since 2007, the NIA has organized anti-TIP international conferences or workshops to provide a forum where local and foreign representatives from both the public and private sectors to exchange ideas and form regional alliances. The major events of 2011 are as follows:

- A. January 20-21: The US-based Boat People SOS Executive Director Nguyen Dinh Thang, along with Taipei Women's Rescue Foundation Director Justine Wang and the Taiwan representatives of the Coalition against Modern Slavery in Asia (CAMSA-Taiwan), visited the NGO International Affairs Committee (NIAC) of the Ministry of Foreign Affairs (MOFA). Nguyen commended Taiwan for its remarkable anti-TIP achievements in recent years.
- B. April 20-22: With MOFA's help, the Taiwan chapter of the Coalition to End Child Prostitution and Trafficking (ECPAT-Taiwan) organized an international conference on the online safety of children. After the conference, Vice Chairman of MOFA's NIAC Rong-Chuan Wu joined the participants for a banquet to reiterate the Taiwan government's commitment to protect children from violence and pornography on the internet.
- C. April 26: NIA officials visited the CAMSA-Taiwan office. Subsequently, Dr. Can D. Le from CAMSA-Canada, accompanied by CAMSA-Taiwan Program Coordinator Phu Ngoc Thanh, visited the NIA to talk about improving the content of anti-TIP campaigns and expanding the scope of cooperation between the public sector and civil society.
- D. May 8-20: Meredith Dank and Colleen Owens of the Urban Institute came to Taiwan with a US government grant to conduct interviews for the Taiwan portion of a study on the world's three top countries with the most effective result in human trafficking enforcement. Through MOFA and Taiwan's anti-TIP veteran Sandy Yeh, the study team had discussions with representatives from authorities involved in immigration, police, justice, and/or labor affairs, as well as NGO representatives. The researchers also toured a few sites highly regarded in Taiwan, including the NIA-owned NGO-operated Nantou shelter in central Taiwan, the foreign worker consulting service center at the Taiwan Taoyuan International Airport (the main gateway into Taiwan) and the 1955 Hotline Call Center serving migrant laborers.
- E. August 3: Madame Sirirat Ayuathana, deputy minister of Thailand's Ministry of Social Development and Human Security, led a delegation to Taiwan to exchange ideas with the NIA about combating human trafficking. During her stay, she also indicated that the draft of a Taiwan-Thailand Memorandum of Understanding (MOU) on immigration affairs and human trafficking enforcement was being reviewed by the Thai government. This

announcement signaled Thailand's intent to engage in further collaboration with Taiwan.

- F. August 8: Ramon Bultron, managing director of the Hong Kong-based APMM (Asia Pacific Mission for Migrants) led a delegation to visit the NIA. The organization is devoted to upholding the rights of Filipino migrant workers and to preventing their falling victim to trafficking in the Asia Pacific region. Discussions revolved around cracking down on labor exploitation, protecting victims, and promoting collaboration between the two sides.
- G. August 16-19: On the invitation of the Republic of Mongolia, NIA Director General Hsieh Li-kung led a delegation to Ulan Bator and signed with his Mongolian counterpart Murun Dashdorj an MOU on cooperation in immigration affairs, including anti-TIP endeavors.



- H. September 27: Political and consulate affairs officials from the American Institute in Taiwan (AIT; the de facto US embassy) and diplomats from the Consulate General of the United States in Hong Kong and Macau visited the NIA to talk about Taiwan's anti-TIP efforts and achievements made in recent years. The visitors thanked Taiwan for organizing the conference and for sharing valuable experiences with nearby Chinese-speaking territories, such as mainland China, Hong Kong, and Macau.
- I. September 30: AIT Political Section Chief Daniel Turnbull and his colleague Nina Robinson visited the NIA to talk about the feasibility of a Taiwan-US MOU on immigration affairs and human trafficking enforcement. The NIA mentioned the benefits of such an MOU to bolstering law enforcement, personnel training, and the exchange of intelligence. The US representatives indicated that they would convey the initiative to related US government agencies for text review and ultimate approval.
- J. October 23-28: Policy and Action Department Director Ng Yeow Boon with Singapore's Ministry of Interior led a seven-member delegation to Taiwan for an international anti-TIP workshop. The NIA also arranged panel discussions for them to exchange ideas with labor, judicial, and police authorities and with representatives from related NGOs. This visit is expected to pave the way for closer bilateral exchanges and collaboration.



- K. October 27: The NIA hosted the 2011 International Workshop on Human Trafficking Enforcement for 250 participants from 15 countries, including government officials and NGO representative. Five keynote discussions were led by two officials from the US Homeland Security and Department of Justice, a former director of the International Labor Organization, an anti-TIP activist from a Singaporean NGO, and two criminal law policy experts from the Global Hope Network International. The local participants included judges, prosecutors, scholars, and other experts. After a day of lively speeches and discussion, Premier Wu Den-yih of Taiwan presided over the closing ceremony and reiterated Taiwan's commitment to wage war on trafficking and uphold human rights.



MOI Minister with NGOs recognized for protecting victims

- L. November 29: Le Xuan Vien, deputy head of Vietnam's Immigration Management Bureau under the Ministry of Public Security, led a eight-member delegation to the NIA before calling on two NGOs (Taipei Women's Rescue Foundation and Good Shepherd Sisters Taiwan). The delegates gathered information that will be shared with Vietnam's government and civil society. The group also indicated Vietnam's desire to continue working with Taiwan's government and sign a bilateral MOU on cooperation in immigration affairs and human trafficking enforcement.
- M. November 8: At the NIA's behest, Sandy Yeh, an associate professor at the Central Police University, gave a presentation on Taiwan's experiences in fighting human trafficking. This was the first keynote speech at an academic conference co-organized by the Polaris Project Japan and the US Embassy to Japan. Her speech.
- N. November and December: With support from the National Police Agency, AIT Political Officer Nina Robinson; Security Officer Joseph Parker and Wally Tsui, a US Immigration and Customs Enforcement officer stationed in Hong Kong, went to the police headquarters of Kaohsiung and Taichung

Cities, and Chiayi County to partake in anti-TIP outreach programs held for the members of the police force. A total of 115 police officers attended the three events.

- O. December 7: Brian Arkinstall, the newly-appointed head of the political and consular affairs division of the Canadian Trade Office in Taipei (CTOT, the de facto Canadian embassy), and deputy head Vivian Hung came to the NIA to discuss possible future collaboration on emergency rescue efforts, refugee regulations, and human trafficking enforcement. They also went to a temporary shelter run by the NIA's Specialized Operation Corps in Taipei to personally experience to witness the dignity and respect afforded to foreign victims of exploitation and learn about Taiwan's success in convicting traffickers.
- P. December 10: The Taiwan Foundation for Democracy presented the 6th Asia Democracy and Human Right Award, including a US\$100,000 grant, to Boat People SOS, a US-based NGO dedicated for a long time to rescue boat people and eradicating human trafficking.
- Q. December 21: Denise Dekvaus and Ryan Quesnelle, immigration officers at the Canada Border Services Agency, visited for the first time and delivered a Taiwanese convict wanted by the authorities of Taiwan. They also took this opportunity to exchange ideas and experiences with their Taiwanese counterparts.

4.1.2 NGO-initiated exchanges

The Taipei Women's Rescue Foundation, ECPAT-Taiwan, and Good Shepherd Sisters Taiwan have gained tremendous insight after years of protecting human trafficking victims. Besides various long-term initiatives in Taiwan, these organizations also actively participated in international exchanges in 2011, as follows:

4.1.2.1 Taipei Women's Rescue Foundation

- A. February 21: referred two Indonesian victims of sexual exploitation to Bandungwangi, an Indonesia-based NGO, which received the victims at the border and escorted them home.
- B. April 2-3: gave a presentation on Taiwan at the annual congress of the Coalition Against Trafficking of Women Asia Pacific (CATW-AP) held in New Delhi, India
- C. May 1-7: participated in ASEAN People's Forum in Jakarta, Indonesia, and visited a shelter operated by the NGO Bandungwangi, where they signed an MOU on future cooperation for escorting repatriated victims home and keeping track of the victims' well-being.
- D. June: brought a Taiwanese TIP victim back from Japan through an international immigrant organization; reported the case to the Taiwanese authorities for further investigation
- E. August 4-8: received a delegation led by the Thai deputy minister of social welfare at one of its shelters and hosted discussions between the deputy minister and Taiwanese NGOs
- F. September 14: received an interview by the Australian TV network ABC and introduced the TV crew to other Taiwanese groups, helping

it gain a better understanding of human trafficking issues between Taiwan and Australia

- G. October: worked with Taiwan's Legal Aid Foundation and Salvation Army to assist an Indonesian victim pursuing legal cases
- H. December 9: exchanged experiences with visitors from the US-based Boat People SOS on labor exploitation cases

4.1.2.2 ECPAT-Taiwan

- A. May – participated in a resource coordination meeting with ECPAT International's East Asian and Pacific colleagues about combating sex involving minors.
- B. August – organized a roundtable discussion on Taiwan-Japan youth against commercial sex involving children.
- C. November – participated in the fifth general meeting of ECPAT International, specifically on discussions over the placement, rehabilitation and returning to society of underage victims of sexual exploitation.

4.1.2.3 Good Shepherd Sisters Taiwan

- A. June 29 – received a delegation from Macau Good Shepherd to exchange notes, and discuss the group's efforts against human trafficking in collaboration with the ROC authorities.
- B. Starting July 31 – the group has been working with a long-term volunteer stationed in Cambodia to investigate a situation where local girls are forced into prostitution and other human trafficking matters. This outreach program has helped to better understand the needs for such services as victim protection. Work is ongoing through long-term relationships with local NGOs dedicated to the same causes.
- C. August 4 – participated in the Global Leadership Program sponsored by Taipei-based Catholic Fujen University and hosted a session called Self-awareness and Social Justice, in the context of human trafficking and Taiwan's achievements. Attendees were from three of Fujen's sister schools, these being Sophia University in Japan, Sogang University in South Korea and Ateneo de Manila University in the Philippines.
- D. August 7~31 – worked with the ROC authorities after receiving a letter from a Good Shepherd sister in Thailand asking for assistance regarding a Thai laborer in Taiwan who was abused by his Taiwanese employer and was possibly a victim of human trafficking. The person concerned has since been safely repatriated.
- E. September 15~16 – Australian TV network ABC interviewed Taiwan Good Shepherd Sisters CEO, Sister Therese Thong, over Taiwanese people trafficked to Australia and the group's contributions to Taiwan's campaign against human trafficking.
- F. October 26 – Received Singaporean visitors at the NIA-owned Nantou shelter that is run by the sisters.
- G. October 28 – the Nantou shelter received foreign guests participating in an NIA-organized international workshop.

4.2 Partnering with source countries of migrant workers

Starting in 2010, the CLA has incorporated an additional “protecting workers against exploitation” clause in bilateral MOUs with migrant laborer source countries, and has been communicating with co-signatories to update the MOUs. As of the end of 2011, Indonesia and the Philippines had re-signed their MOUs with Taiwan, and MOFA is arranging to do the same with Thailand and Vietnam.

IV. Future work

The government's 2012 agenda includes the following:

1. Prosecution

- 1.1 Rolling out a public-sector TIP consulting network – a network of TIP consultants/liaisons is soon to be deployed at law enforcement agencies and local governments to pass on relevant knowledge and guidance. Properly trained to an advanced level, these consultants are equipped to serve as 'seed' trainers at each agency, where they will communicate timely information to front-line law enforcement officers and public officials, allowing them to stay abreast, if not ahead, of the traffickers' latest ploys. The network will let civil servants gain insights into investigating and gathering evidence using effective techniques.
- 1.2 Heightening spot checks at high-risk sites – judicial police are to conduct *ex parte* checks on locations job brokers and traffickers visit frequently or where foreign laborers are likely to work or engage in sexual transactions. Periodic surveillance of places where foreign workers/spouses congregate and of vehicles in which they often ride will help to alert judicial police of potential violations. The authorities will continue to devote resources for intelligence gathering/sharing, which will eventually lead to success in exposing and preventing trafficking incidents.
- 1.3 Beefing up prosecution and law enforcement prowess – the Ministry of Justice is to urge prosecutors to devote more time to trafficking cases, and to seek aggravated penalties for perpetrators. Law enforcement forces are improving their ability to detect trafficking cases and secure forensic evidence to build stronger cases against traffickers.

2. Protection

- 2.1 Spearheading a protection network at the regional level – a network of anti-TIP practitioners and experts for each of Taiwan's four regions (northern, central, southern and eastern) has been proposed. The experts are to meet regularly to hammer out resource integration guidelines for central and local governments, as well as horizontal and vertical information sharing tactics, in order to craft a victim-friendly environment with the highest level of service quality.
- 2.2 Ensuring victim comfort during judicial proceedings – law enforcement agencies are required to arrange an interpreter and a lawyer for victims at judicial interviews, to keep the victims well-informed, and to respect their decisions as to whether or not to accept sheltered protection and/or testify in court. Judicial police and shelter staff are required to inform the victims of Taiwan's judicial proceedings, and to keep the victims abreast of the investigation's progress. This boosts their willingness to stay in Taiwan and provide testimony.
- 2.3 Expanding shelter services and facilities – the NIA and the CLA continue to team up with NGOs to improve services at shelters, and plan to set up a shelter facility

in the south to accommodate local needs and to spread the work load geographically.

3. Prevention

3.1 Broadening campaigns and trainings about prevention

- 3.1.1 Enhancing public campaigns and officer training – a budget of NT\$41.8 million (approx. US\$1.4 million) was earmarked for various media campaigns to inform the general public and foreigners in Taiwan, as well as front-line civil servants, about TIP, related laws and victim protection service programs. An informed and vigilant society helps to curb trafficking in persons. Specific campaigns include: The Law and Your Rights for employers and migrant workers; No Child Sex Tourism aimed at the tourism industry, educators and the general public; and Safe Environment to Live and Work in without Exploitation for ship owners that hire foreign crews.
- 3.1.2 Raising the competency of judicial personnel – a sum of NT\$28.92 million (approx. US\$960,000) was budgeted for on-the-job training in actual cases, so as to elevate the skills of judicial and law enforcement personnel, from field officers to prosecutors and judges. The Judicial Yuan, the highest administrative agency in the government’s judicial branch, held a professional conference/workshop on human trafficking on March 14. On the agenda was an introduction to human trafficking crimes and related criminal proceedings, investigations and evidence substantiation. The conference used real cases to provide judges with insights into the Human Trafficking Prevention and Control Act (HTPCA), and ways to substantiate human trafficking charges. The Judicial Yuan has more workshops in the pipeline, which will improve the readiness of prosecutors to handle TIP cases, and of judicial police to enforce the law and identify victims.
- 3.1.3 Compiling reference materials for judges – the Judicial Yuan is poised to finish a compendium on human trafficking laws and resources. The contents include the HTPCA, its position in the legislative hierarchy, frequently asked questions, NGO views on HTPCA implementation, and available resources. The compendium will boost judicial competency in handling TIP cases.

3.2 Reviewing the migrant worker regime

- 3.2.1 Promoting direct hiring – during 2011, the CLA completed the direct-hiring and cross-border recruitment system, which will gradually be connected to worker databases in labor exporting countries and allow employers to select workers or to re-hire existing workers. This system allows direct dealings between employers and employees, thus cutting out the middlemen and avoiding the brokerage fees that are the root cause of exploitation. The CLA is also looking at streamlining paperwork requirements, and is devising incentives for manufacturing companies to directly recruit from abroad.
- 3.2.2 Surveying brokerage fee practices – the CLA has proposed a plan to

investigate brokerage fee practices and collect first-hand data, including through face-to-face interviews and questionnaires. Accompanied by local government officials, CLA officials will arrange visits to employers, foreign workers and/or employment brokers to conduct interviews. Local officials will impose penalties if any broker is found to have overcharged. The CLA will ask foreign workers currently in Taiwan to fill out a questionnaire on how much each of them was charged before coming to Taiwan. If anyone has paid more than the standard amount as stipulated by the source country, the CLA will compile case-specific data for each country to investigate. The data will be conveyed during bilateral labor affairs meetings to urge the source country to address the issue in collaboration with its Taiwan counterpart. Such measures include adjusting the fee standards if necessary, and ensuring outgoing laborers know the fee levels, as well as investigating and sanctioning cases of overcharging. This will deter brokers, both local and foreign, from exacting exorbitant fees that are likely to result in debt bondage and worker exploitation.

- 3.2.3 Increasing awareness of TIP issues among Taiwan nationals traveling or living abroad: Following the increase in exchanges between Taiwan and other countries, the number of overseas offices operated by Taiwan's public and private sectors have grown, thus hiring an ever-increasing number of foreign personnel. As labor laws vary from country to country, Taiwan nationals stationed abroad often lack a thorough understanding of local anti-TIP laws and measures. Thus, they may inadvertently breach local laws governing the management of personnel, thereby hurting Taiwan's image in the international community. To prevent this from occurring, overseas missions will strengthen their oversight of the hiring of foreign personnel by their officers. In addition, the missions will hold public awareness campaigns and other educational programs on related policies in hopes of raising the awareness of TIP issues among Taiwan nationals living overseas, thereby upholding international standards and staying abreast of global trends with respect to TIP.

3.3 Pursuing enactment of domestic (in-home) worker legislation

To safeguard the employment rights of domestic workers, the CLA drafted a Domestic Worker Protection Bill that was reviewed by the cabinet on May 10, 2011. The CLA subsequently incorporated recommendations from that review and from non-government stakeholders (laborers, employers and broker groups), as well as from two additional discussion sessions. The revised bill is pending further deliberation by the cabinet. The CLA is committed to pushing through the legislation, which provides a practical and well thought-out legal framework.

4. Partnership

- 4.1 Formulating a cross-Asia anti-TIP enforcement platform – the NIA is planning to organize a regional training course on combating human trafficking. This will be an ideal forum for veteran anti-trafficking activists and government officials around Asia to compare notes and brainstorm innovative approaches. Such a

platform is conducive to sharing experience and ideas among law enforcement authorities across the region.

- 4.2 Organizing international workshops – after years of well-attended events, the NIA will continue to host international workshops, inviting speakers from the public sector and civil society to analyze actual cases and practical issues with respect to victim identification and enforcement. Judges, prosecutors, judicial police forces, officials and NGOs will send representatives to engage in discourse. There are also yearly budgets for sending officials abroad so that Taiwan can remain active in the field and facilitate cross-border collaboration.
- 4.3 Pursuing bilateral immigration agreements – the global fight to stamp out cross-border human trafficking requires the international community make concerted efforts in a timely and effectively manner. The NIA has immigration attachés stationed around the globe. They are ideally positioned to deal with officials in source countries with respect to signing bilateral memorandums of understanding (MOU) on cooperation on immigration affairs.

V. Conclusion

The international community does not and will not condone trafficking in persons, which is a grave violation of human rights. The government and people of the Republic of China (Taiwan) are committed to upholding human rights in the fight against human trafficking. The cabinet-level anti-TIP task force has been effective in coordinating resource use in the public sector, and in advancing partnerships with NGOs and civil society in general. The task force pledges to continue to expand its efforts toward combating human trafficking, so as to keep Taiwan on the tier-one country list in the US State Department's TIP report. The task force will not cease engaging international partners to jointly safeguard human rights and to eradicate this modern form of slavery.

Appendix 1: Two success stories at the shelter

Case 1: Rekindling the desire to live

In the winter of 2009, several Bengalis arrived at the Nantou Shelter in central Taiwan, filled with fear and trepidation. One, called 'S', mustered up the courage to grasp a social worker's hands and whisper in Mandarin Chinese "Help me!" One week of care and counseling later, S and his peers began to realize they were getting real protection at the shelter.

In the beginning, S tried to explain in Mandarin that he had not meant to overstay his visa to work illegally. He said his home was in a remote village with few job opportunities. His family often had to borrow money just to scratch out a living. One day, an agent came to tell him he could pay a sum of money to work legally in Taiwan. With little other information, S believed the agent and borrowed US\$5,000 on the black market. His nightmare began when the agent accompanied him to Taiwan Taoyuan International Airport and suddenly disappeared. S immediately phoned home for help and learned that the creditor had already sent someone to his home to collect debt, and threatened to harm the family if they did not pay on time. S was deeply concerned about his family's safety and his own uncertain fate.

While putting together a narrative of S's life under exploitation and oppression, social workers noticed his spirit dwindling, that he was withdrawing into himself and refusing to trust anybody. He had been thrust into a totally foreign environment, subjected to a colossal debt obligation, become a victim of human trafficking, toiling for endless long hours without freedom or dignity, and battered by physical and verbal abuse just to earn a pitifully meager pay. S no longer held any hope for his life, and was simply waiting passively for an end to his misery.

Through professional counseling and genuine care, social workers managed to convince S to open up and receive help. S could not believe there were legal aid lawyers willing to provide *pro bono* services to someone like him. He later said he began to feel and appreciate a sense of dignity only after being treated like a human being.

The social worker found S a job while he was housed at the shelter. He began to believe it was worthwhile and rewarding to devote his effort to work. When he received sixth months of pay, he was so overjoyed that he hugged the social worker and declared in Mandarin "Thank you! I no longer owe any money!" Social workers began to help him plan for a future beyond Taiwan. He bought a five-hectare plot of land back home for a new life with his family and to make up for lost time.



On January 1, 2012, months after S went home, he phoned the social worker to say in simple Mandarin “I am fine. Thank you. My whole family is happy. I wish you a happy New Year!”

When S first arrived at the shelter, he frequently mumbled “I’m here just waiting to die!” With support and counseling from social workers, S and his peers discovered their inner healing power, and realized everyone has their own intrinsic worth and self esteem no matter how other people treat them. This was how S rekindled his desire for a better life ahead and got back on his feet.

Case 2: Opening up to a new life

She was tricked to come to Taiwan. She thought she was going to be a sales lady at a department store. Her dream was shattered the moment she stepped onto Taiwanese soil and was forced into prostitution. Despite proficiency in the local language, she did not know who to turn to for help. To support her family back home, she reluctantly succumbed to this line of work. When she was not feeling well, instead of getting time off, her pimp would inject her with an unknown substance to keep her working. Her health deteriorated until police raided the brothel and rescued her.

She was in very bad shape when she arrived at the shelter in October 2010. A social worker took her to a reliable gynecologist to check her physical condition. During treatment, her grandmother passed away. She agonized over failing to see her on her deathbed. At the same time, her physical recovery stalled. The multiple stresses made her very cynical and she would not trust anyone but the counselor that constantly accompanied her during treatment. She used to pride herself on being self-reliant. Now she became easily agitated, with rapid mood swings, and people found her uncommunicative.

The shelter director spent a great deal of time trying to resolve her numerous issues, as did one social worker after another. In the early stages, she would only relate her physical discomfort rather than opening up, despite repeated encouragement. Meanwhile, social workers knew not to push too hard lest she should clam up again.

Gradually, social workers learned that she simply didn't believe anyone cared and that her physical condition fluctuated with the type and strength of the stress or moods she was suffering. She flatly rejected advice to seek psychological help, finding the idea repulsive. Yet her recurring abdominal distention would not go away. Eventually, the gynecologist suggested she go to a teaching hospital for a better diagnosis.

After numerous medical tests and changes in attending physicians at the hospital, her anxiety grew. She wept constantly over her physical condition. However, after the latest doctor suggested she get professional help, this time she listened and was ready to tackle the deeper, unrelenting mental obstacle to regaining her health. To avoid making her stand out among her fellow shelter residents, it was decided that group therapy sessions would be conducted. Gradually, her issues were resolved one by one. She finally confronted those persistent inner problems and began to think positively and befriend fellow residents. Just before she was departing for her home country, she told social workers she intended to treasure her life and live it fully. She said she wanted to study psychology in order to help people as the shelter staff had done for her.

Group
therapy



Appendix 2: Service highlights at NIA-owned, NGO-operated shelters

1. Empowering victims at the Hualien Shelter

Human trafficking victims typically find their self-esteem, social skills, trust, and job abilities severely impacted by their ordeal. The Hualien Shelter focuses on restoring their physical and mental wellbeing through multiple intervention techniques that prepare them for the future.

1.1 Promoting awareness of women's human rights

Experienced shelter staff have learned that victim self-esteem is closely related to human interaction with and the support of other shelter residents and the staff. The Hualien Shelter has created a homely feel, with female staff offering emotional support at all times while imparting ideas about gender equality and self-awakening. This is accomplished through various approaches: family-like group living, participation in communal affairs, improving social skills and gender equity role playing.



Getting involved: planting and painting a common wall

1.2 Facilitating financial self-reliance: the main reason victims seek employment overseas is economic pressure back home. After a victim is placed in a shelter, the need for an income remains. Career planning is therefore a top priority in the program, which includes monetary allowances, job training and placement, and follow-up referrals after returning home. The shelter strives to meet residents' everyday needs through providing small allowances, improving their future employment prospects and helping them better understand lawful working conditions and workers' rights in Taiwan.



Drawing pictures and telling stories about home and family



Weaving baskets for loved ones back home



Role playing to practice job interviews



Discussion after a film to instill ideas of self realization

1.3 Empowering self-recovery of body and mind

Human trafficking victims are too physically and psychologically traumatized to plan for the future, since their perception of human relationships, sense of trust and self esteem have all suffered. The Hualien Shelter endeavors to help victims recover mentally and physically. Through multiple intervention techniques, such as expressive art therapy, theme-oriented group therapy, and self-exploration programs, the shelter has helped victims to totally regain their mental and physical well being, improve their self worth, and release their traumatic tensions.



Rhythmic moving to relax



Playing Chinese harp
to boost self-esteem

2. Rebuilding a life at the Nantou Shelter

Recognizing the plight of migrant workers, the Nantou Shelter is highly sensitive to their physical and spiritual needs, and provides all the resources needed to help them turn over a new leaf and rebuild their lives.

- 2.1 Successful job placement: Keenly aware that self-worth is closely linked to having a job, the shelter proactively seeks out employers to place residents willing to work for pay. Indeed, there has been a 100% placement rate. In terms of salary and benefits, the shelter negotiates on behalf of residents not just for basic labor rights but also bonuses and transport services to and from work. The shelter also helps residents file tax returns at the end of the year or after returning to their home country.
- 2.2 Timely financial support: social workers review each resident's financial and employment needs, so as to offer monetary support for such things as bus cards for commuting to work, telephone cards for phoning home, money for urgent medical care for a family member hospitalized back home, or for work clothes and shoes for a new job.
- 2.3 Effective growth groups: the shelter organizes support groups to tackle emotional issues. Various activities are available to help residents recover their self-esteem and self-worth.
- 2.4 Festivities and recreation: at this home away from home, the shelter residents celebrate local holidays together with festivities. These include a get-together dinner on New Year's Eve, making Chinese potpourri, and eating sticky-rice dumplings for Dragon Boat Festival, as well as BBQs, moon cakes and pomelo (a citrus fruit) during the Mid-Autumn Festival. Residents also had fun at two outings during the Lunar New Year holiday, and later went to a big outdoor event. They all found the activities to be relaxing and rejuvenating.



Cooking

Bead stringing

Handicrafts

Bar-B-Q

Home meeting





Bar-B-Q	Dinner
Outing	Field trip

3. Victim-centered services at the Yilan Shelter

The Yilan Shelter leverages the professional expertise of social workers to offer a diverse services that put the interests of residents as a top priority, and respect each resident on an equal basis. Meanwhile, the shelter advocates group collaboration and a collective dynamic, as this is conducive to helping people re-discover their self worth and values in life. Services include:

3.1 Empowerment: the Yilan Shelter respects each resident's unique needs and right to make decisions. On entering the shelter, each resident is informed of in-house rules and, with her consent, a placement plan is proposed. Residents are encouraged to exercise their rights to formulate communal living rules, housework sharing regimes and self governance.

3.2 Flexible and diverse services

The shelter organizes outings and group activities based on the residents' needs. There are open, flexible and non-structured 'growth' groups and multi-cultural programs to encourage self-exploration and participation. Job training and language courses are available to enhance employment opportunities and expand horizons.

3.3 Recovering from trauma

Many residents show signs of post-traumatic stress when they arrive at the shelter. To help them achieve a balance among the body, mind and spirit, the shelter provides psychological counseling and group therapy in the form of breathing and relaxation exercises, relationship therapy, art/drawing therapy, hypnosis, aromatherapy, dancing and music therapy. This helps residents find the inner power to heal.

3.4 Judicial rights: before a victim testifies in court, the shelter helps her to communicate with a *pro bono* lawyer assigned by the Legal Aid Foundation to ensure her rights in judicial proceedings.

3.5 Safety assessment and the right to leave the premises: residents are allowed to leave the premises on short trips, without escorts, after a thorough safety assessment. The shelter emphasizes finding the balance between personal liberty and safety for the purpose of accumulating positive experience and relieving stress.



Card and art counseling

Drawing



Job training: English class



Making pastry to sell over the internet



Paid jobs at a factory
Birthday party



Legal Aid Foundation
Learning to make Taiwanese sausages



Appendix 3. Court Decisions in Three 2011 Cases

Case 1 -- Taiwan High Court 2011 Criminal Appeal Dossier 2378: the crime of forcing someone into a sexual transaction for profit by taking advantage of that person's inability to seek help

Seven Indonesian females came to Taiwan legally as caregivers. They subsequently ran away, resulting in their work permits being revoked. They were in a vulnerable situation where they needed work, but were staying in Taiwan illegally and faced a language barrier, and felt unable to seek help. Defendant A, with the intent to profit from their vulnerability, rented a place in Hsinchu city for the females to live in and another place for male customers to drink, sing and engage in lewd acts such as caressing the women's breasts and genitals. Defendant A pocketed 60% of the fees collected and gave the other 40% to the women. The court decided that defendant A had forced the women into sexual transactions with the intent to profit by taking advantage of their inability to seek help. Defendant A was sentenced to seven months in prison.

Summary of Court Decision

Defendant A committed the crime of forcing others into sexual transactions with the intent to profit by taking advantage of their inability to seek help, as stipulated in Article 31.1 of the Human Trafficking Prevention and Control Act (HTPCA). What the defendant did also constitutes a crime as per Article 231.1 of the Criminal Code, which was having a woman engage in lewd acts with someone else, harboring the woman or mediating the act with the intent to profit. The two crimes constitute an imaginative joinder of offenses, meaning they are the same crime in the eyes of the court. However, the HTPCA imposes a sanction of between six months to five years in prison, plus an optional fine of under NT\$3 million, whereas the Criminal Code imposes a sanction of under five years in prison and an optional fine of NT\$100,000. The penalty is the same for such acts committed by deception. As a rule of thumb, a special law (such as the HTPCA) has a higher precedence over a general law (e.g. the Criminal Code), and the sentence should go with the higher penalty. Therefore, this court follows the HTPCA in meting out the sentence.

Sentencing

After considering the defendant's past behavior, character, education level, life style, criminal intent and *modus operandi*, and given that he has confessed during the proceedings, this court rules that the defendant was reasonably repentant and gives him a sentence of seven months in prison.

Case 2 -- Taiwan High Court 2011 Criminal Appeal Dossier 964: the crime of forcing someone into a sexual transaction for profit by taking advantage of that person's unjustified debt bondage and/or inability to seek help

From March 2004 to June 2008, seven Vietnamese females entered Taiwan legally. Overworked and underpaid, they subsequently escaped during the period from March 2007 to June 2009. They approached defendants A and B looking for jobs. Defendants A, B, C, D, E and F harbored these women for sexual transactions with the intent to profit before May 31 of 2009, when the HTPCA became effective. Starting June 1,

2009, the defendants aimed to engage these women in sexual transactions by taking advantage of their vulnerable situations and inability to seek help. They told them there were no other jobs but prostitution, and imposed on each of them a NT\$20,000 referral fee, an unjustified debt bondage. From November 2008 to August 2009, defendants A and B referred the women to brothels operated by C, D, E or F respectively. For each sexual transaction, the woman earned NT\$400, the brothel operator received NT\$600(Approx. US\$20), while either A or B pocketed NT\$200. Starting June 2009, defendant G, for the purpose of helping C and also under C's instruction, went to the brothel operated by D in the Miaoli area to collect prostitution fees from three Vietnamese women, and kept a record of transactions. C split the income with A and B. Defendant G also helped to buy meals and other everyday necessities for the three women that C and D were harboring. Defendant E had a live-in girlfriend, defendant H, who assisted E in his crime by taking two Vietnamese women shopping and driving them to and from "work". All eight defendants committed a crime as per HTPCA Article 31.1.

Summary of the court's decision

(1) Acts committed before June 1 2009 (judged on Criminal Code)

The word "harbor" in Article 231.1 of the Criminal Code refers to "housing and accommodating", meaning to provide a place for people to engage in sex or lewd acts. What defendants A, B, E and F did before June 1, 2009, is an offense as per Article 231.1: harboring women for the purpose of having them engage in sexual acts with others for profit. The defendants' act of "pandering" to customers does not constitute an additional crime, as this low-level act is outweighed by the high-level crime of harboring.

(2) Acts committed after June 1, 2009 (when HTPCA became effective)

What the defendants A, B, C, D, E, and F did after June 1, 2009, constitutes a crime as per Article 31.1 of the HTPCA which is a special stipulation of Article 231.1 of the Criminal Code. Judicial principle dictates that "a special law has precedence over a general law" and "the court should impose the heavier penalty if there is more than one stipulation". The judge has adopted the HTPCA in meting out the sentences.

Sentencing

Defendant A shall serve two years and two months in prison; B shall serve six months; C shall serve one year and four months; D, E and F shall each serve one year and two months; G shall serve four months; and H shall serve five months. The court shall inform defendants B, G and H how to have a short prison term commuted to a fine.

Case 3 -- Taiwan Kaohsiung District Court 2011 Criminal Prosecution Dossier 139: the crime of harboring someone under 18 years of age with an intent to profit by arranging sexual transactions for that person; the crime of helping someone under 18 engage in sexual transactions with an intent to profit; or the crime of helping someone under 18 engage in sexual transactions.

To promote business, defendant A along with defendants B, C, D, E, F and G, as well as several adult managers and some five adult waiters, conspired to hire underage females as waitresses who engaged in sexual transactions with male customers. Starting in September 28, 2000, the establishment hired three underage females and

arranged for them to perform oral sex on customers. The defendants' act constitutes the crime of human trafficking as described in Article 2.2 of the HTPCA. The act also constitutes a crime as per Article 23.2 of the Regulations to Prevent and Control Sexual Transactions involving Children and Juveniles (RPCSTCJ). Since the HTPCA does not stipulate sanctions against such an act, the court shall hand out sentences according to the RPCSTCJ.

Summary of the court's decision

- (1) The term "human trafficking" includes the act of recruiting, trading, putting up as collateral, transporting, delivering, receiving, hiding, concealing, referring and harboring someone under 18 years of age "for the purpose of having that underage person engage in sexual transactions, or in a job whose wage is obviously incompatible with the work performed, or for the purpose of removing that underage person's organs". The term "human trafficking crime" refers to human trafficking acts that violate the HTPCA, the Criminal Code, the Labor Basic Act, the RPCSTCJ, and related laws, as stipulated in Article 2.1.2, and 2.2. The relevant section of the RPCSTCJ is Article 23.1, which is: "To seduce, harbor, mediate, assist or use other means to make someone under 18 years of age engage in sexual transactions." An additional element – with the intent to profit – is found in Article 2.2, where the term "mediate" means to refer someone to another to engage in sexual transactions, and the term "harbor" means to provide a place for sexual transactions.
- (2) What defendants A, B, C, D, E and F did is an act of human trafficking as described in Article 2.2 of the HTPCA, and constitutes a crime in Article 23 of the RPCSTCJ. As Article 2 of the HTPCA does not stipulate a sanction, the court imposes penalties according to Article 23.2 of the RPCSTCJ. Defendants' act of "pandering" to customers does not constitute a separate crime as it has been absorbed by the higher level crime of harboring.
- (3) What defendants H and I did is an act of "human trafficking" as described in HTPCA Article 2.2, and constitutes a crime as per Article 23.2 and 23.1 of the RPCSTCJ. As HTPCA Article 2 does not stipulate a sanction, the court shall impose penalties according to the RPCSTCJ. Defendant H committed a crime as per Article 23.2 RPCSTCJ, with the intent to profit, whereas defendant I violated Article 23.1 of the RPCSTCJ, by assisting an underage person to engage in sexual transactions. It is clear that defendant I only "assisted", not harbored, to fulfill sexual transactions. Defendant I had known the establishment was in the business of prostitution, and still sent three females to become waitresses there, and ferried them to and from work.

Sentencing

Defendant A is sentenced to four years and six months in prison, plus a fine of NT\$100,000; defendants B and C are each sentenced to four years and two months in prison, plus a fine of NT\$200,000; defendants D, E and F are each sentenced to one year and 10 months in prison, and a fine of NT\$100,000; defendant H is sentenced to four years and two months in prison, with a fine of NT\$200,000; and defendant I is sentenced to one year and two months in prison. All have been informed of how to convert the fine into a labor penalty.