

2010 Taiwan Trafficking in Persons Report



March 2011

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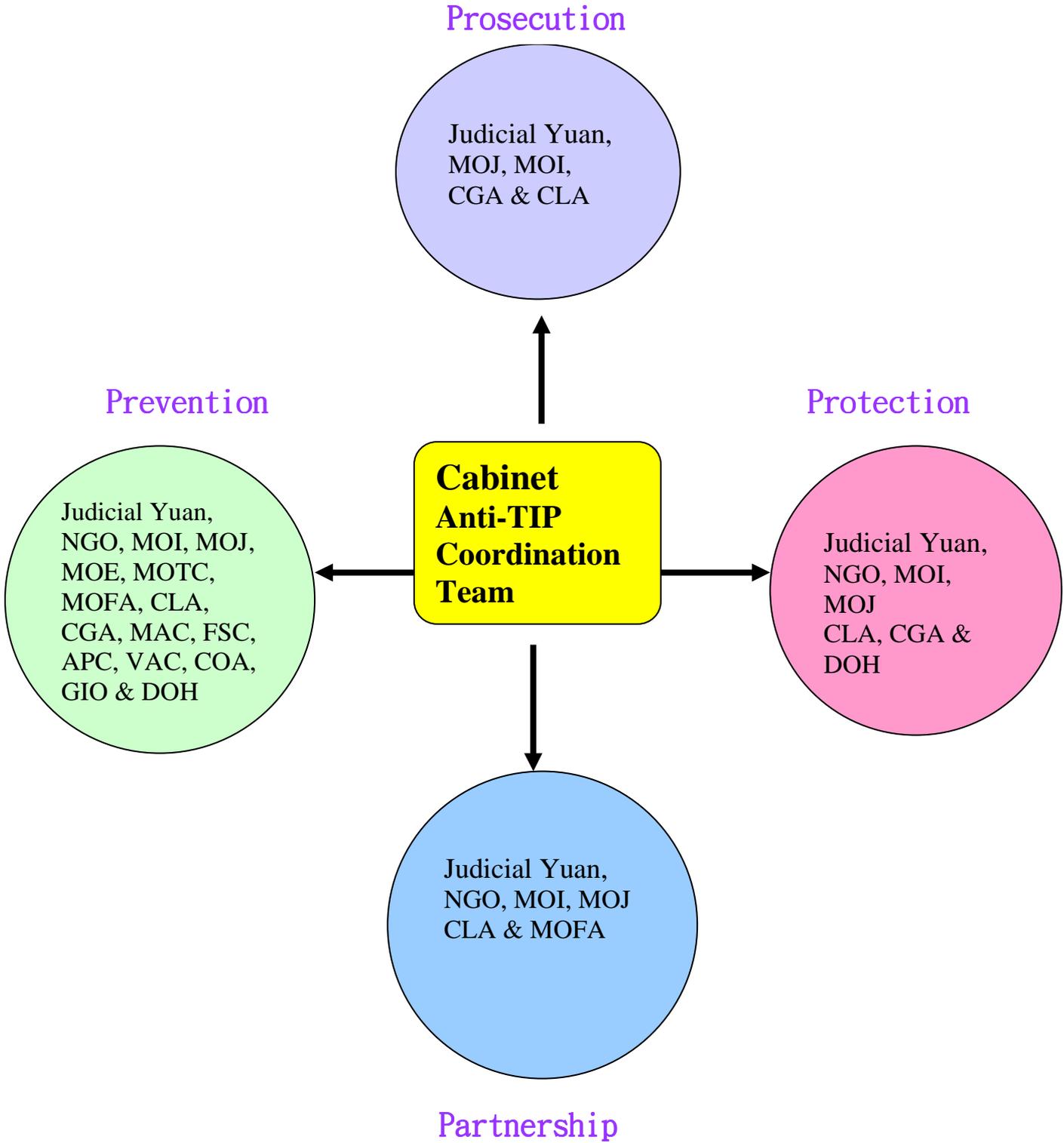
Chapter 1 Prologue

The ongoing process of globalization is characterized by increased cross-border movement of people, information and goods. As economic activity in Taiwan continues to grow, so does the number of foreigners coming here for business, tourism, education, employment and marriage. Taiwan's economy and location make it a desirable destination for Southeast Asian migrants and, despite heightened border control measures, people engaged in human trafficking are still managing to illegally exploit members of this transient group.

Taiwan's crackdown on human trafficking revolves around the four Ps: prevention, protection, prosecution and partnerships. Its campaign starts with crime prevention to nip the problem at the source, followed by the protection of TIP (trafficking in persons) victims through proper sheltering programs, along with the timely and effective prosecution of perpetrators through partnerships between the public sector and civil society, as well as between key actors in Taiwan and their international counterparts. This closely integrated network of stakeholders embodies the core competence of Taiwan's outstanding efforts to stamp out human trafficking.

Human rights are universal values, and safeguarding them is a common objective of governments around the world. In Taiwan, this issue is at the top of the government's agenda. In collaboration with other nations with the same conviction, Taiwan aspires to maintain its tier one status for years to come. Domestically, government agencies are motivated to fulfill the principles of the two United Nations human rights covenants (the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights) that Taiwan has recently ratified. Ultimately, Taiwan also intends to become a beacon of human rights for neighboring countries to emulate.

Cross-agency Anti-TIP platform



(See the legend on the next page for explanations of abbreviations)

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

Chapter 2 Overview

Trafficking in persons (TIP) is a terrible abuse of human rights. Most governments around the world have been engaging in the fight against human trafficking so as to safeguard human rights. Taiwan is no exception.

A cabinet-level team was formed in January 2007 to coordinate tasks across agencies and optimize resource use in a joint endeavor to implement the Action Plan against Human Trafficking set out two months earlier. A budget of NT\$490 million (US\$16.3 million) was earmarked for 2008 to 2010.

These undertakings culminated in the promulgation of the Human Trafficking Prevention Act on January 23, 2009. Along with the Act's implementation on June 1, ancillary regulations and administrative orders mandated by the Act also became effective, giving teeth to enforcement efforts by imposing aggravated penalties on perpetrators, as well as formalizing the sheltering of victims.

Taiwan's 2010 anti-TIP achievements are best summarized by statistics. Of the 123 TIP cases uncovered by law enforcement, 77 involved labor exploitation and 46 involved sex trafficking. A total of 441 persons were charged in the 115 TIP cases prosecuted.

In terms of protection, the immigration and labor authorities collaborated with NGOs to set up 19 shelter facilities. During the year, 324 newly-identified TIP victims were placed in protection, which includes accommodation, psychological counseling, interpretation services, legal aid, essential medical and protective services, as well as the help of social workers at investigation interviews. Follow-up assistance during 2010 included: 95 victims safely were repatriated after judicial investigations were concluded, 96 temporary stay visas were issued and 261 visa extensions granted by the National Immigration Agency (NIA) to identified victims. In addition, 188 work visas were issued by the Council of Labor Affairs (CLA), a ministry-level labor agency.

To enhance human trafficking prevention, the public sector and civil society worked together to raise TIP awareness among people in general and rights awareness among foreign nationals in Taiwan. The NIA sponsored two seminars to boost the proficiency of field officers, and two workshops to provide hands-on experience using actual cases. The NIA

also hosted an international conference, and many government agencies incorporated TIP courses in their training programs.

To better protect the rights of foreign workers, the CLA operates a centralized direct-hiring placement service to help reduce the burden of brokerage fees and minimize vulnerability due to exorbitant fees imposed by unscrupulous private brokerage agencies. During 2010, the center helped 9,385 employers to re-hire their existing workers, forwarded 39,045 foreign worker applications to authorities other than the CLA, and provided consultation to 130,563 individuals at the center or over the phone. In addition, the CLA mediated in 3,027 cases to recover a total of NT\$127,447,309 (approx. US\$4.25 million) of back pay owed to foreign workers by employers or employment brokers.

Taiwan has made some remarkable progress this year in its fight against human trafficking. Partnerships are the key, and better coordination and improved resource allocation among government agencies and civil society have contributed greatly to its success.

Chapter 3 Achievements

I. Stamping out TIP crimes

(I) Judicial police enforcement

Designated teams within various judicial police units were entrusted with enforcement duties to crack down on TIP crimes. Law enforcement uncovered 123 TIP cases, 77 involving labor exploitation and 46 involving sex trafficking. All have been referred to the courts for prosecution. Figures for enforcement by judicial police in the past three years are shown below:

TIP Crimes	Cases	Exploitation type	
		Labor	Sex
2008	99	40	59
2009	88	46	42
2010	123	77	46
Judicial police enforcement during 2010			
National Police	66	36	30
NIA	32	26	6
Coast Guard	10	5	5
Ministry of Justice	15	10	5

(II) Prosecution and sentencing

- Resources for anti-TIP prosecution are allocated under the auspices of Taiwan's Ministry of Justice. Prosecutors' offices in each jurisdiction have now designated prosecutors to handle TIP cases. A prosecutor task force at Taiwan's High Court holds regular meetings to supervise and coordinate anti-TIP efforts at the district level. In 2010, a total of 441 individuals were indicted in 115 TIP cases. Prosecution figures for the past three years are shown here:

Year	Cases	Persons	Exploitation type			
			Labor		Sex	
			Cases	Persons	Cases	Persons
2008	165	601	40	106	113	452
2009	118	335	35	102	83	233
2010	115	441	41	110	76	346

NB: 1. Listing the type of exploitation began in October 2007. Twelve cases in 2008 were uncovered before this date, and were therefore not assigned a type. 2. Starting June 2009, cases can be listed to include different types

of exploitation (sex, labor or organ removal), hence the total number of overall cases may not correlate to the sum of the different case types.

2. Sentences imposed on TIP cases in the period 2008-2010

Sentence	2008	2009	2010
Under 6 months	181	256	192
Over 6 to under 12 months/one year	50	58	37
1-2 years	34	30	34
2-3 years	3	4	4
3-5 years	3	7	19
5-7 years	0	1	0
7-10 years	1	13	1
10-15 years	1	0	1
Short detention	11	6	8
Fine	3	1	4
Total	287	376	300

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

(III) Border control and labor law enforcement

1. Clamping down on undocumented workers through cross-border checks:

Taiwan has adopted more rigorous measures to clamp down on attempts by trafficking syndicates to sneak victims in under false identities at the border or during flight transits. Illegal foreign workers are more vulnerable to exploitation, therefore locating and helping them is a government priority. Statistics from the NIA and the National Police Agency are shown below:

Cases	Forged travel documents (no. of cases)	Undocumented foreign workers (no. of persons)
2008	96	8,562
2009	98	9,998
2010	40	10,032

2. Preventing sham marriage immigrants with improved interview techniques:

(1) Interviews of mainland Chinese spouses: According to the Regulations Governing Interviews for In-coming Mainland Chinese Entering, when the mainland Chinese spouses of Taiwan nationals wish to enter the country, both husband and wife must undergo interviews. After talking to the Taiwanese spouse, the NIA refers suspected sham marriage cases to local prosecutors for further investigation. If such a fraud is suspected after the mainland Chinese spouse is already in Taiwan, follow-up interviews and inquiries are performed to verify the authenticity of the marriage. During 2010, the NIA conducted 23,810 such interviews, 11,370 of which took place at the border.

Interviews	Mainland Spouses	Passed (%)	Failed (%)	Follow-up (%)
2008	30,492	20,900 (69%)	3,724 (12%)	5,868 (19%)
2009	28,708	20,313 (71%)	2,865 (10%)	5,530 (19%)
2010	23,810	18,179 (76%)	2,030 (9%)	3,601 (15%)

(2) Interviews of foreign spouses: There have been cases where a Southeast Asian individual enters Taiwan under the pretense of marriage, then subsequently engages in activities other than that stated on the visa application. Many of these are trafficking cases. Currently, the Ministry of Foreign Affairs (MOFA) requires both the foreign national and the Taiwanese spouse to have an interview at one of MOFA's foreign missions in six countries: Vietnam, Indonesia, Thailand, the Philippines, Burma and Cambodia. The

number of interviews conducted over the past three years are presented below:

Interviews	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%)

Note: Among the year 2010 applications, 29 are still pending document review, and one awaits additional documents from the applicant.

MOFA must strike a delicate balance between protecting the legitimate right of foreign spouses to join their partner and/or family, while at the same time meeting its objectives of safeguarding border integrity, preventing human trafficking and stemming fake marriages. MOFA published a set of Guidelines for Interviewing the Foreign Spouses of Taiwanese Nationals at MOFA and Foreign Missions, describing the interview procedure, documents to be submitted and avenues of appeal. When an interview results in a rejection of entry to Taiwan, the foreign mission issues a letter to the applicant explaining the reasons and how to appeal. This new mechanism aims to both formalize the procedure and uphold human rights.

MOFA's foreign missions conduct separate interviews with the Taiwanese national and the foreign spouse, inquiring as to each person's background, courtship and decision to get married. This procedure helps to root out fake marriages and human trafficking. However, foreign missions do not have judicial power to perform investigations, so must rely on document review and interviews in an attempt to authenticate the couple's background and marriage intent. MOFA has continuously strived to fine tune this process.

MOFA began reinforcing its collaboration with the NIA in September 2010. After interviewing couples, MOFA's foreign missions inform the NIA of cases they believe need following up on through field investigations in Taiwan. Looking into the Taiwanese spouse's background helps discern real marriages from fake ones.

3. Labor law enforcement: the CLA has continued to clamp down on unauthorized hiring and brokerage violations to keep aliens from being exploited. See below:

(1) Unauthorized hiring

Hiring violation	Fines levied			Employer permit revoked		
	2008	2009	2010	2008	2009	2010
Illegally harboring aliens	181	152	186	137	116	133
Unauthorized hiring	767	582	777			
Hiring aliens for use by others	27	12	26			
Unauthorized nature or place of work	414	410	545			

(2) Employment broker violations

Broker violations	Fines levied			License revoked		
	2008	2009	2010	2008	2009	2010
Collecting unauthorized fees	77	110	22	14	10	2
Submitting false information or bodily samples to authorities	23	12	3	7	12	3
Unauthorized job placement	76	92	62	7	10	17

Note: Fines can be levied on both individuals and companies, whereas revoking licenses is for companies.

(IV) Enforcement cases

1. Case #1: Scam to steal identities.

The NIA Border Affairs Corps received a tip off in July 2009 from the British authorities about six Taiwanese nationals, led by someone surnamed Wang, who were suspected of using Thailand's Bangkok airport to send mainland Chinese nationals on flights bound for the United Kingdom using the passports and

TV screen shot of trafficking news



boarding passes of Taiwanese people.

Upon investigation, the NIA team found that this syndicate had been involved in over 30 cases, and 24 individuals were implicated. The scheme seriously compromised the rights and credibility of lawful immigrants in or from seven jurisdictions (Taiwan, mainland China, Thailand, the UK, the USA and Canada). Further, this human smuggling ring operated entirely outside of Taiwan, making it difficult to obtain evidence. Thanks to NIA immigration personnel stationed in Thailand, video recordings of the human smuggling scheme and other evidence were taken. Such cross-border triumphs testify to the NIA's commitment to eradicating such crimes.

The investigation team managed to obtain a confession and cooperation from a suspect working on the periphery of the gang, who named the leader and facilitated the gathering of further confessions and evidence. After the NIA investigation, parties suspected of violating the Immigration Act and/or the Passport Statute were referred to prosecutors in Taoyuan District.

2. Case #2: Undocumented foreign worker brokering jobs for runaway foreign workers.

On October 1, 2010, the NIA's Specialized Operation Corps in Hsinchu uncovered a case of an undocumented Vietnamese foreign worker who became an illegal broker. The suspect, Ms. Wu, was operating under the name of her aunt, a Ms. Woo, and worked with another suspect, surnamed Peng, to recruit five runaway Vietnamese workers. The pair then withheld wages, kept the workers in a rented apartment and took away their passports to restrict their movement.

Having been tipped off in June of 2010, the field team went to the alleged workplace where they caught Ms. Wu. It was discovered that she herself was a runaway worker. A search of her residence led to the seizure of three passports and evidence of illegal gains in a bank account belonging to her aunt, Ms. Woo. Five employers hired the five victims to work over 15 hours per day doing household chores such as cleaning, laundry and cooking. Ms. Wu took advantage of the victims' vulnerability, such as the language barrier and the fear of being arrested, to take a monthly commission and brokerage fee of NT\$3,000-6,000 (US\$100-200) from their wages.



Work addresses of undocumented workers, and photos of their employers found in Ms. Wu's notes

During the investigation, Ms. Wu denied exploiting the workers. She claimed “every thing was arranged by aunt, who asked me to supervise the workers after she returned to Vietnam. I was not personally involved in brokering jobs or exploiting people.” Subsequent review of entry/exit records showed Ms. Woo had left for Vietnam in August of 2009, and most of the victims had arrived in Taiwan after that time. Ms. Wu was therefore referred to Hsinchu district prosecutors for violating of the Criminal Code (interfering with freedom), the Human Trafficking Prevention Act, the Employment Service Act and passport related laws. The victims have been placed in protection.

3. Case #3: Indonesian workers rescued from an escort ring.

NIA's Specialized Operation Corps raided a site on December 15, 2010, in central west Taiwan to rescue eight female Indonesian workers under the control of an escort service syndicate led by someone surnamed Wu. The women were kept in a secluded place unless out on jobs, which included keeping clients company while wearing very little or engaging in commercial sex, at various Karaoke pubs, late-night establishments or motels in Yunlin County. Three suspects included a driver surnamed Luo, who shuttled the women around, while Wu and another suspect, also surnamed Luo, kept the women under constant surveillance and took care of their everyday needs.



The place where victims were held (no street address and under surveillance) and evidence seized

A search warrant was obtained after multiple stakeouts to confirm details that had been provided by a victim in an unrelated case. Yunlin district prosecutors conducted the search and arrested Wu and the two Luos on conspiracy to profit from prostitution and escort services, as well as harboring and restricting the freedom of undocumented foreign women. Condoms and transaction records discovered at the site were seized. There was sufficient evidence to charge the three suspects with restricting the victims' freedom, indecency and human trafficking. Yunlin district prosecutors are handling the case while the victims have been put in protection.

4. Case #4: Filipino workers exploited.

On November 16, 2010, the National Police Agency raided Shengtai Technology Company run by two men, surnamed Chen and Chiang, who were suspected of forcing 12 Filipino workers to do overtime, putting them under constant surveillance, withholding their passports and alien resident permits with the intent to profit from having them work against their free will. The workers were clearly being underpaid, at only NT\$3,900-9,500 per month (approx. US\$130-320), and had been exploited for a long time. The victims had appealed to an NGO group which subsequently reported their situation to the Bureau of Labor Affairs in Taipei County (now New Taipei City). The bureau conducted a raid of the worksite in collaboration with police and placed the victims in protection.

5. Case #5: Taiwanese sex workers exploited.

On December 8, 2010, the National Police Agency raided As You Desire, a karaoke pub fronting for a 24-member human trafficking ring headed by a trio surnamed Yang, Chang and Tsao. They were engaged in human trafficking and extortion with intent to make illegal profits for themselves, others and the syndicate. They subjected victims to debt bondage and extortion by forcing them to sign promissory notes against their free will. They levied excessive fines if the victims did not follow arbitrary in-house rules. Victims were forced to be scantily dressed and entertain clients in karaoke suites, or to provide sexual services at other locations. The women were on standby 24/7 for a meager salary. The suspects came up with numerous ways to trick the victims into signing debt notes and deprive them of their fees. On payday, the women were more likely to owe money than receive money, which is outright exploitation. The Taichung City police rescued 31 Taiwanese women in the raid and referred the suspects to Taichung district prosecutors for violating laws against organized crime, human trafficking, extortion, restricting freedom and indecency.

6. Case #6: Drug and debt bondage by a crime ring.

The Coast Guard Administration raided an amphetamine lab run by a man surnamed Huang. Subsequently, Huang's girl friend, 'Little Rain', provided information regarding a man named Yao, who she alleged was the boss of a brothel and a partner, with a man surnamed Chen and another surnamed Li, in a loan shark operation in Taichung. Yao was suspected of using drugs to control his sex workers.



A joint task force was formed by the Coast Guard in Penghu, the Criminal Police in central Taiwan and Taichung district prosecutors. They found Yao's ring profited from acting as brokers for sex between clients and women at a brothel, with

transaction fees of NT\$2,500-30,000 (approx. US\$83-1000). A driver surnamed Yang was responsible for shuttling sex workers to the location specified by clients. Yao also sent prostitutes to serve clients referred from a company run by a duo surnamed Deng and Huang. Through wiretap transcripts, the joint task force found the situation to be consistent with what Little Rain had described, and that there were victims being exploited through drugs and debt bondage. A search

warrant was obtained on February 24, 2010 and a raid carried out the following day. Five suspects were seized, 14 witnesses were identified and four victims were put in protection. The entire case was referred to Taichung district prosecutors.

7. Case #7: Indonesian/Vietnamese workers imported by a ring led by Ah-Long.

The Coast Guard's Central Taiwan Coastal Patrol Office received a tip off on August 27, 2009, about a human trafficking ring led by a Yao, a Chang and a third man known as 'Chairman Chiang'. The trio allegedly imported Indonesian and Vietnamese workers, put them under debt bondage and restricted their movements. A Yunlin district prosecutor was assigned to supervise a task force formed on September 29 that year.

After cross-checking the facts, it was learned that the crime ring consisted of a ringleader surnamed Wu, his Indonesian girl friend, a manager, a broker, a female from mainland China and a driver. The syndicate allegedly lured Indonesian and Vietnamese women to Taiwan, where they were put to work in places around Yunlin County giving 40-minute sessions of commercial sex or intimate company for NT\$2,500-3,000 (approx. US\$83-100).

The search scene



Search warrants were obtained on June 22, 2010, and two days later thirty-five policemen were mobilized for a synchronized raid at various locations to arrest six persons including the ringleader, Wu. Two Indonesian victims were placed under protection. The case was referred to Yunlin district prosecutors on June 30, 2010, for debt bondage for sexual exploitation (the Human Trafficking Prevention Act, Article 31), organized crime (the Regulations against Organized Crime, Article 3-1), mediating sex services and indecent exposure (the Criminal Code, Article 231), profiting from compelling others to perform sex or indecency (the Criminal Code, Article 231-1),

enslaving others (the Criminal Code, Article 296), trading human beings (the Criminal Code, Article 296-1) and fraud (the Criminal Code, Article 339).

(V) Indictments

1. Cross-border prostitution ring led by someone surnamed Chen.

In February 2010, Taipei district prosecutors were informed by the Criminal Investigation Bureau of the arrests of two persons by the Australian authorities: a woman entering Australia on a fake Hong Kong passport with the intent to engage in prostitution there, and a Taiwanese male, Zhang Xiaobin, who assisted her with entering the country. The intelligence indicated that the pair could be a part of a larger enterprise run by Madame Chen, a Taiwanese person heavily involved in the sex trade, to supply women to five-star brothels in Sydney and the Golden Palace in Melbourne. After undercover investigations, suspects including a Mr. Chen were arrested, in April. They recruited Taiwanese women to provide sexual services abroad. The women, who were vulnerable due to the language barrier, ignorance of local laws and no access to resources, were stripped of their freedom by being locked in a room with a surveillance camera. They were given only one meal a day, often instant noodles. The women were forced into prostitution to allow the traffickers to profit from sex transactions. Two months later, on June 23, 2010, the suspects were indicted in prosecution dossier #2010-9614.

2. Labor exploitation of 21 foreign workers by factory boss surnamed Kao.

Taoyuan district prosecutors discovered 21 workers of Indian or Bangladeshi nationality in a textile weaving factory. The owner, surnamed Kao, took advantage of the workers' fear of getting outside help and deprived them of freedom to exploit them for labor. Mr. Kao was indicted on April 1, 2010.

(VI) Court ruling

This case came before Taiwan's Kaohsiung District Court. It concerns a couple who profited by using threats to get others to work and then

underpaying them, which is in violation of Article 32.1 of the Human Trafficking Prevention Act (HTPA).

The couple jointly operated three nursing homes X, Y and Z. From 2008 to June 2009, they hired six adult Vietnamese women to work the night shift (20:00-08:00) at the three facilities. The women were provided with living quarters on the 7th floor of Facility Z, which they shared with another six female Vietnamese workers who worked the day shift (from 08:00 to 20:00). The couple also operated a funeral home at the same address as Facility Z. The couple knew very well that: (1) the employment contracts with the women were for nursing home care-giving, not for funeral home jobs, and that (2) if these workers lost their jobs before their three-year term was up, they would not be able to repay the substantial debts they had incurred in Vietnam to get work in Taiwan .

After Taiwan's legislature passed the Human Trafficking Prevention Act (HTPA) on June 1, 2009, the couple continued to take advantage of the women's situations. They knew that the women were unable to change employers freely and therefore had to put up with their current employer's unlawful demands lest they should lose their jobs and be sent home before the contract period was up. The women were also vulnerable because of the language barrier and lack of knowledge of Taiwan's laws and their own rights, and they had no one to turn to for help. The couple would send the women, after their regular night shift, to work at the funeral home to do jobs usually performed by undertakers, such as preparing corpses for cremation (cleaning and dressing them, applying makeup, putting them into coffins), and picking up bones from the ashes after cremation. Unwilling workers would be threatened with instant dismissal and repatriation/deportation. While the women were told to keep track of overtime hours, the remuneration was NT\$50/hr (approx. US\$1.67), which is not commensurate with the tasks performed. The couple violated HTPA Article 32.1 and received a sentenced of 10 months in prison, later commuted to three years' probation, and fined NT\$250,000 (approx. US\$8,333) each. During probation, they are required to follow a code of good behavior, attend four educational sessions on the rule of law, and report to probation officers regularly.

As acts of labor exploitation are often hard to recognize or substantiate, the judge made a ruling by (a) adhering to the jurisprudence of Article 32.1 of the HTPA to identify the couple's exploitative acts, (b) expanding on the interpretation of "for the purpose of profit" – a

relatively subjective concept – and (c) construing the workers’ vulnerable situations as an essential element of the threat posed by the defendants. The defendants’ act was therefore deemed illegal. The following is a summary of the judge’s decision:

1. Expanding the interpretation of “for the purpose of profit”:

The jurisprudence of the HTPA is to prevent, prohibit and penalize exploitation for sex, labor and organ removal purposes. The wording “for profit” usually means (1) failure to pay or (2) deduction from the amount promised. In the HTPA, exploitation includes underpayment by failing to provide remuneration commensurate with the tasks performed.

2. Victims’ vulnerability helps to establish the illegality of the defendants’ actions:

The HTPA stipulates that, for victims over 18 years old, acts that constitute a crime include using force, threats, intimidation, confinement, monitoring, drugs, hypnosis, fraud, other methods that go against a person’s free will, or illegal means that take advantage of a victim’s inability, ignorance or helplessness. Here “illegal means” should be considered from the broader social perspective and the victim’s mental state, which is to say that a defendant’s conduct is deemed illegal if it would make another sane and rational person with the same experience and background as the victim feel compelled to do work. Migrant workers from Southeast Asia typically have no friends or relatives here, and little knowledge of this environment and local language. They have incurred considerable debts to obtain a job in Taiwan. If they are sent home prematurely, they will not make enough money to repay that debt, a fact that is well-known by people in Taiwan. In consideration of their debt bondage, the six Vietnamese women above, or any sane person of the same experience and background, would feel compelled to work overtime on tasks outside the scope of the employment contract because of the threat of repatriation/deportation. Despite the fact that the government offers channels for seeking relief and filing complaints that the workers should have been aware of, the couple still abused the victims’ vulnerable situation. Thus, the defendants are criminally liable for labor exploitation for the purpose of their own profit. It is evident that this case is not a labor dispute.

3. Determining whether the victims were underpaid

- (1) Taiwan's Labor Standards Act stipulates a minimum hourly wage of NT\$95 (approx. US\$3.20), with one third more for the first two hours of overtime, and two thirds more for overtime beyond two hours. The couple assigned the women to perform outside jobs beyond their regular work hours, but only paid them NT\$50 per hour for overtime. This is less than half the legal minimum, and is clearly underpayment.
- (2) While Taiwanese workers doing part-time undertaker jobs are paid differently according to the nature of the work, the average is NT\$1,000/hr (approx. US\$33). This serves to prove that the workers were being underpaid.

4. Sentencing

For violating HTPA Article 32.1, the couple could have been sentenced to up to seven years in jail and a fine of up to NT\$5 million (approx. US\$166,667). However, the defendants reached a settlement with the six victims. The court also found the defendants not to be serious criminals, given (a) the couple's cooperative attitude after admitting to certain crimes during police/prosecutor interviews, (b) the fact that the act happened before HTPA was implemented, (c) the couple had no previous convictions and (d) were probably misguided by others' discrimination against foreign workers and their own ignorance of human rights. The court imposed the sentence described above in consideration of the fact that the couple (a) worked together to run nursing homes and a funeral home, (b) were in a decent financial situation and (c) had an educational background limited to vocational/regular high school.

II. Enhancing protection of TIP victims

(I) Sheltering victims

Based on the principals of balanced resource allocation and nearby placement, the NIA and the CLA collaborated with NGOs to set up a total of 19 sheltering centers around Taiwan to accommodate TIP victims and quasi-victims pending verification of their status. Three of the NIA sites are operated under contract by NGOs (see Appendix 1, 2 and 3). During 2010, there were 324 newly placed victims (258 females and 66 males), the most being Indonesians (161) followed by Vietnamese (75). Residents at shelters receive protective services such

as life necessities, psychological counseling, interpretation services, legal aid, a social worker's presence at investigation interviews, and essential medical assistance. Total expenses in 2010 for the three shelters were NT\$23,282,950 (US\$7,761,000). The table below summarizes placements from 2008 to 2010:

Placement	2007/2008			2009			2010		
	Sex	Labor	Total	Sex	Labor	Total	Sex	Labor	Total
New residents	9	97	106	85	244	329	45	279	324
Male	0	15	15	0	71	71	5	61	66
Female	9	82	91	85	173	258	40	218	258
Indonesian	4	63	67	45	120	165	14	147	161
Vietnamese	4	9	13	12	73	85	4	71	75
Cambodian	0	12	12	0	9	9	0	13	13
Mainland Chinese	0	0	0	27	0	27	19	2	21
Thai	0	13	13	1	6	7	6	6	12
Filipino	0	0	0	0	14	14	2	37	39
Bangladeshi	0	0	0	0	22	22	0	2	2
Indian	0	0	0	0	0	0	0	1	1
No nationality	1	0	1	0	0	0	0	0	0

(II) Identification of TIP victims

Detainees at NIA detention centers are held for immigration law violations. Since the guidelines for TIP victim identification were published, the NIA has endeavored to establish if any of these detainees are actually TIP victims and relocate them to shelters accordingly. The case files of detainees at four NIA detention centers (in Taipei, Hsinchu, Yilan and Nantou) were reviewed, and the files of potential victims were sent back to the government agency that initially referred them to the NIA to allow them to identify new TIP victims. As a result of the 2010 review, 26 detainees were confirmed to be TIP victims and relocated to shelters.

(III) Temporary work permits



In 2010, the NIA issued 96 temporary stay permits and renewed 261 resident permits for people identified as TIP victims.

(IV) Job security

The Council of Labor Affairs (CLA) issues work permits to foreign workers identified as TIP victims. At the same time, the CLA asks shelters to contact regional job placement centers for help. During 2010, a total of 188 work permits were issued, and 107 workers were successfully transferred to new employers. Public job placement centers helped 31 victims to find jobs and recommended a further 25 victims for jobs.

(V) Job training

As stipulated by law, public job training centers routinely contact shelters for information on unemployed TIP victims with work permits. Based on aptitude/competence, the centers place victims on appropriate job training programs offered free of charge. One of the three victims interested in further training in 2010 is already in a program, while the other two were given course information for opportunities in the future.

(VI) Services provided during investigation interviews

1. Interpretation services and presence of social works at interviews: To safeguard a victim's rights, judicial police authorities are required to provide interpretation services when handling human trafficking cases. During 2010, interpreter services were used on 376 occasions. In addition, to facilitate judicial proceedings and keep victims informed, the NIA has commissioned NGOs to arrange for a social worker to accompany victims to investigation interviews. The social worker's role is to calm victims, and to explain the judicial procedures and safety measures. In 2010, the CLA subsidized the cost of interpretation services at 17 interviews through various foreign worker consultation service centers and NGOs.
2. Victim safety at shelters and court hearings: We routinely remind police agencies to be ready to send personnel to shelters when requested. To ensure the personal safety of testifying victims, judicial police are required to provide an escort to and from the court, and to keep identities confidential.
3. Safe repatriation of TIP victims: To ensure victim protection, the NIA works with relevant government agencies to safely repatriate victims when their assistance in investigations is no longer needed and the

relevant shelters finds no reason to delay the journey home. In 2010, 95 victims returned home from shelters.

III. Curbing human trafficking

(I) Raising general awareness

During 2010, the Executive Yuan spent NT\$23.68 million (approx. US\$7.6 million) on anti-TIP campaigns targeting the public:

1. Promoting TIP-related education in schools

The core concepts of human trafficking – gender equity, human rights and the rule of law – should be instilled from a young age. The school system, under the Ministry of Education, is being used to good effect:

(1) In classrooms

Gender equity, human rights and other law-related issues have been incorporated into curriculum guidelines for primary and secondary schools. Teaching materials have been developed for two courses, “Primer on Human Trafficking” and “Prevention of Human Trafficking”. Teachers are encouraged to download the material for classroom use. Incentives are in place for colleges and universities to offer courses related to gender, human rights and law-related issues. A total of 4,450 courses were taught in 2010, with some receiving subsidies.

(2) On campus

The Ministry of Education (MOE) collaborated with local newspapers to compile a “Legal Digest for Teenagers” as supplementary reading. Seven articles on human trafficking were published during the year. Through the MOE’s ongoing programs to ensure safe/friendly campuses at the local level, funding was provided to hold seminars around Taiwan, 10 on human trafficking prevention and 153 on human rights and law-related education.

(3) Raising teacher competency

The DOE also provided funding through the Safe Campus Program to enhance teacher competency in providing counseling on human rights and the rule of law. Nine credit-hour classes were conducted. Teachers are trained to design courses that will keep other teachers abreast of human trafficking trends and issues.

2. Raising awareness of anti-TIP law and protective services

The NIA has devised numerous campaigns through various channels to raise awareness of anti-TIP laws and protective services for people in Taiwan, citizens and immigrants alike, to be vigilant and ready to help trafficking victims in a timely manner. Campaigns include:

(1) Print materials/advertisements

- A. Multi-lingual cards: 60,000 pocket-size cards printed in seven languages (Chinese, English, Indonesian, Thai, Vietnamese, Cambodian and Burmese) are widely available at NIA service counters, where they effectively reach target audiences.
- B. Posters and magnets: The slogan “Hand in Hand to Eradicate Human Trafficking” is printed on posters displayed around public/private offices and the Taipei Metro. They have also been sent to local communities for wider distribution. Business-card size magnets were made as give-away gifts for public events.
- C. Bus advertisements: The slogan “Safeguard Human Rights, Say No to Human Trafficking” was displayed on the sides of 100 buses in Metropolitan Taipei, Taichung and Kaohsiung. An estimated 5.5 million people were exposed to the message.
- D. Back-lit display boxes at metro stations: eye-catching messages on back-lit light boxes were displayed at 18 Taipei Metro stations, including the Taipei Main Station. It is estimated that the messages were viewed more than 31 million times.

(2) Electronic media

- A. Commercial spots: Arranged through the Government Information Office, a 30-second commercial film (CF) about anti-TIP laws was shown a total of 120 times in public message time slots on four terrestrial channels, the Hakka Channel and the Indigenous Channel. In addition, the “What is Human Trafficking, and the Hotline Number” CF aired 82 times. A 15-minute film on anti-TIP laws was screened at various seminars and workshops.
- B. Radio interviews: In-depth interviews were broadcast on the Police Radio Station, the Taichung Radio Station, the Voice of IC Radio in Hsinchu, among others.

(3) Contests/Events

- A. Writing contest: Radio Taiwan International was commissioned to hold a writing contest soliciting essays from newly-arrived migrant workers and foreign spouses to share a story, about themselves or people around them receiving assistance from the government or NGOs, which contained a moral or a lesson. Winning essays were

read out in Mandarin and English on the radio to inform and inspire listeners, both Taiwanese and foreigners, to be more conscious of human trafficking and one's own rights. Essay winners received their awards on December 15, 2010, International Migrants Day. Skits were performed to illustrate the vulnerability of trafficking victims and how they can get government assistance.

- B. Open-air festival: International Migrants Day was observed with a festival. The NIA set up an anti-TIP booth to spread information through posters, multi-language brochures and pocket-size message cards. There were also quizzes with prizes to motivate visitors to learn more about human trafficking.



Essay winners and a stage play



Quizzes and prizes

2010 NIA Campaigns

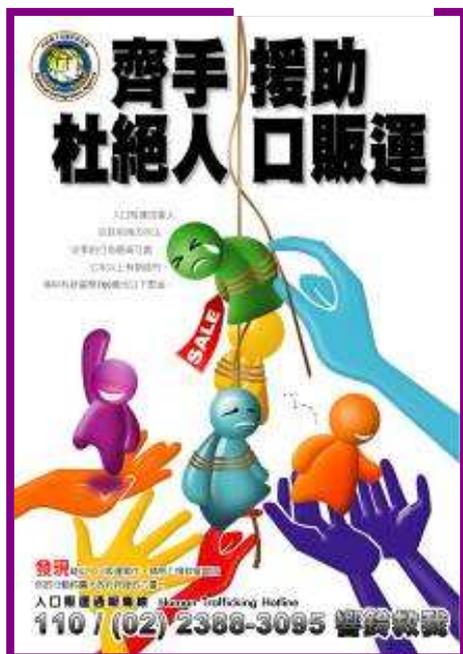
Magnets



Info cards in 6 languages



Posters



Free gifts



Mobile ads



Back-lit boxes



3. Communicating TIP issues to the public

Besides the NIA, agencies across the government's executive branch also spared no effort in educating the public about human trafficking. The main protagonists are the Ministry of Justice, the National Police Agency, the Coast Guard Administration, the Council of Agriculture, the Council of Indigenous Peoples, the Veterans Affairs Council and the Mainland Affairs Council.
- (1) Target audiences and objectives:

The above agencies either serve society as a whole or such subgroups as deep-sea fishing crews, indigenous tribes, veterans and mainland Chinese spouses. It is essential that citizens are knowledgeable enough to recognize human trafficking acts and report them to the authorities. This will help stamp out human trafficking through various forms of transportation.
 - (2) Media:

All sorts of media were employed to maximize the outreach. Pamphlets were distributed and films were shown at events and busy areas, print advertisements were placed in official publications, and spots on government and public radio channels were used for broadcasts. Whenever agencies held seminars, outreach programs were promoted as well.

 - A. The Ministry of Justice: Newly-revised pamphlets on "Finding a Way Out for Human Rights" were made available at all district prosecutors' offices. The pamphlets were also sent out upon request from other agencies.
 - B. The National Police Agency: The Police Radio Station broadcast multi-lingual messages urging the public to pay more attention to human trafficking issues. The messages were broadcast 48 times during 2010, and continue to be aired.
 - C. The Coast Guard Administration: The agency held 34 coast guard service seminars around Taiwan. A total of 3,373 participants were exposed to TIP prevention messages.
 - D. The Council of Agriculture: Anti-TIP messages were placed in four issues of the council's flagship publication targeting fishing crews. Fishing Radio aired TIP-related broadcasts 113 times. Films were shown to 105 classes of fishermen taking certification/training courses.
 - E. The Council of Indigenous Peoples: The agency showed an anti-TIP video to social workers in on-the-job training programs. There were two events with a total of 250 participants.

- F. The Veteran Affairs Council: The council displayed posters on bulletin boards of 22 veterans service centers and put up banners to spread the message. Short films were shown from time to time in the centers' lounges to keep veterans and their families informed of relevant issues. The council took advantage of all gatherings and official VAC visits to support advocacy efforts. During 2010, a total of 22,113 persons were reached.
- G. The Mainland Affairs Council: Funding was provided for monthly NGO-run lectures in Taipei and Hualien about lifelong learning. In addition, 1,250 people participated in the six seminars explaining laws and regulations relevant to mainland Chinese spouses.

4. Educating the public to deter child sex tourism

(1) Target audiences and objectives

It is essential to educate the general public and businesses linked to tourism about child sex tourism. The authorities endeavored to dispel myths about sex with minors and explain the principles of the rule of law. The ultimate goal is to raise awareness over the sexual exploitation of children. Having an informed and vigilant population will hopefully deter people from committing this terrible crime.

(2) Engaging the media

- A. The Children's Bureau: An intensive cable TV campaign saw the 30-second message "Sex with Children is a Despicable Crime" broadcast for one month. The campaign was designed to reach parts of society that might have otherwise been missed. An estimated three million people saw the message. Eye-catching LED boards displaying warnings against child sex tourism were used at transportation hubs (bus, rail and air), reaching an estimated 1.8 million people.
- B. The Tourism Bureau:
 - a. The tourism bureau produced and distributed to travel agencies stand-alone boards with multi-language warnings against child sex tourism and anti-TIP luggage tags. Staff members at these agencies have been told how to report suspicious people to the authorities. Meanwhile, Taiwanese citizens have been warned to stay away from sex with minors when traveling in Taiwan or abroad. The bureau also provided training to hotel staff members during regular inspections of 59 tourist hotels.
 - b. On the bureau's website, information about "gender equity, human trafficking prevention, and stopping sex with minors" is

available for the public and people providing tourism services. Such materials are part of the e-course available over the internet for would-be tourist guides and tourism managers wanting to obtain a license. They are also encouraged to relay the information to tourists under their charge.

Tri-lingual stand-alone boards against children sex tourism



Bag tags

5. Curbing trafficking of migrant workers

The Council of Labor Affairs uses numerous channels to inform employers, brokers and foreign workers about human trafficking issues and how to seek help.

(1) Print materials:

- A. Brochures titled “Curbing Trafficking of Foreign Workers” (80,000 copies), “Legal Guide for Hiring Foreign Workers” (250,000 copies), and “The Handbook for Foreign Workers Working in Taiwan” (210,000 copies in several languages) were produced. The printed materials were given to incoming migrant workers upon arrival in Taiwan, providing them with crucial information about labor standards and human trafficking, as well as how to seek help.
- B. A series of 12 prominent articles (at least half a page) on “Curbing Trafficking of Foreign Workers” were published in three local newspapers on select weekends.
- C. The 1955 hotline for foreign workers has been in operation for several years. To imprint this number and its functions in

everyone's mind, 280,000 advertising pamphlets were sent to all relevant public service counters around Taiwan, such as local governments, the NIA Specialized Operations Corps, public job placement agencies, foreign embassies or representative offices in Taiwan, shelters for foreign workers, airports, hospital and clinics, environmental protection bureaus, police stations, the tax authority, the health insurance bureau and the Legal Aid Foundation.

(2) TV and radio

- A. The CLA commissioned the production of radio interviews and 13 bilingual radio programs to inform employers, brokers and foreigners of local laws and to provide some useful tips for living in Taiwan. Human trafficking is one of their major themes. During 2010, an estimated 4.4 million listeners tuned in.
- B. A third party produced a 30-second video clip about "Respect and Care for Foreign Workers" aiming to convince employers to respect foreign workers' religious and human rights. The film was shown on cable and terrestrial TV a total of 561 times.

(3) Out-reach events

The CLA provided funding for local governments to host TIP-prevention seminars. A total of 757 people participated in nine events on "Curbing Trafficking" targeting employers and brokerage staff. Another 43 seminars on "Relevant Regulations" were held for foreign workers, with a total of 17,469 people attending.

(II) Building civil servant competency

The Executive Yuan (cabinet) spent NT\$10.05 million (approx. US\$335,000) to enhance civil servant competency and practical expertise at the central government level.

1. The NIA compiled three handy reference books – *the Compendium of Anti-TIP Laws and Regulations*, *the Manual to Defeat Human Trafficking*, and *the Rights of TIP Victims* – and sent them to related agencies for incorporation into training programs. These comprehensive books provide clear guidelines for front-line enforcement and victim protection officers. The United States Federal Assistant Prosecutor, Ye-Ting Woo, conducted an advanced seminar in Hsinchu on US anti-TIP practices for her Taiwanese counterparts. A recording of the seminar, along with copies of the materials presented, were widely distributed for future reference.

2. On March 4, the Prosecutors' Office at the Taiwan High Court launched an online anti-TIP database for prosecutors to look up court/judicial interpretations of statutes. There is also a "brain bank" listing specialists in a wide range of fields to enable prosecutors to quickly find and consult with the right experts.
3. The Ministry of Justice, in collaboration with the American Institute in Taiwan (the de facto US embassy), held extensive exchanges with US Prosecutor Ye-Ting Woo, who came to Taiwan on special assignment for three months beginning in October, 2010. Prosecutor Woo held TIP seminars and gave lectures at prosecutors' offices all over Taiwan on strategies and tactics for dealing with TIP cases. Topics included seizure of illegal gains, preserving evidence, getting victims to cooperate and debt bondage.
4. To keep judges abreast of the latest developments in criminal justice with respect to human trafficking cases, the Judicial Yuan (the top administrative institution of Taiwan's judicial branch) held a seminar on January 12, 2011, featuring US federal prosecutor Ye-Ting Woo, who spoke about curbing human trafficking through partnerships, as well as the US perspective on sex and labor exploitation. Taiwanese prosecutors and experts specializing in TIP cases talked about criminal proceedings, investigation techniques, evidence collection, partnerships between the public sector and civil society, and the applicability of Taiwan's laws vis-à-vis labor trafficking. Prosecutors and judges attending the event gained deep insights into issues such as anti-TIP statutes, high profile cases, weighing evidence, as well as non-government resources available for investigations and for victims giving testimony in court.
5. Agencies conducted numerous training sessions:

Subject	Total no. of events and participants	Participants
※ General competency		
Cross-ministry staff training to boost general competency in TIP prevention	2/200	Civil servants in charge of TIP prevention at central and local government levels
Workshop on TIP case studies	1/100	Staff from MOJ, NPA, CGA, NIA, and shelters; other labor

		affairs officers
International workshop on TIP prevention	1/250	Officials, local and foreign experts and scholars, NGOs, foreign diplomats in Taiwan
Border control conference on trends in organized human smuggling and TIP prevention policies	1/139	Delegates from 22 countries stationed in Taiwan; staff from MOFA, other government agencies and airlines; experts, scholars
※Enforcement and investigation		
Advanced seminar on managing sexual assault and TIP cases	1/40	Judges
Conference on judicial practices in TIP cases	1/60	Judges
Seminar on judicial practices in cases involving children, women or TIP	1/80	77 prosecutors, 1 prosecutor investigator, and two judges
Training for police officers in TIP prevention	5/400	Foreign Affairs police, criminal police, women/children affairs police, juvenile police, and those involved in related investigations
Routine TIP training courses as part of police continuing education to instill related enforcement concepts	258 /39,422	Mid- and high-level officers at precincts, and police specializing in foreigner affairs, criminal investigations, children/women
Training on TIP prevention for Coast Guard	4/210	Coast Guard officers and squad leaders
Hands-on training on countering TIP and identifying victims	8/550	NIA Special Affairs Brigade; all field enforcement officers and their supervisors at the NIA headquarters
Training on interviewing of and taking statements from human smuggling suspects at a border	1/91	NIA Border Affairs Corps field officers
Training on detection of forgery of travel documents	Year-round /1472	Border control field staff and supervisors
※prevention and protection		
Talks on victim protection	2 events	Judges at district courts

stipulations in anti-TIP laws at seminars on domestic violence and restraining order procedures		
Training on TIP awareness and protection services for victims	6/ 566	Healthcare staff at hospitals and clinics
Competency-building of local government staff serving foreign workers with respect to TIP prevention and shelters for victims	4/404	Council of Labor Affairs staff, related local government inspectors, foreign worker consultation center staff and supervisors, and shelter staff
Training on TIP victim identification and relevant regulations for staff members who provide foreign workers consultation at airports	1/50	Supervisors and consultation service staff who provide advice to foreign workers at airports
Training on the Cross-border Human Trafficking Prevention and Victim Protection Act, related laws and TIP case studies	3/129	Supervisors and service staff at hot-line centers who provide consultation and protection assistance to foreign workers
Briefing on TIP prevention	1/44	MOFA personnel to be stationed abroad
Talks to enhance anti-TIP competency	5/30	MOFA consulate affairs staff already stationed in Southeast Asia
Tourism Bureau introduction to relevant regulations and case studies	65 /7,951	Tour guides and tour leaders
Tourism Bureau training on preventing child prostitution and human trafficking	26/2,870	Hotel junior staff and mid-level managers
Conference by Financial Supervisory Commission (FSC) Insurance Bureau on laws and practices for countering money laundering	2/185	Staff, administrative supervisors, insurance brokers and underwriters at insurance companies
FSC Banking Bureau training on prevention of TIP and money laundering	34/2,243	Bank employees

FSC Securities and Futures Bureau training courses on prevention of TIP and money laundering	111 /8,647	Auditors and new recruits at securities and futures enterprises
	35/1,911	Members of Securities Investment Trust & Consulting Association

(III) Providing a friendly new home for foreign spouses

In 2003, the Ministry of Interior formulated a set of measures to offer assistance to foreign spouses. A total of 40 specific measures covered eight major areas: adaptation to new life, healthcare, job security, personal growth, care and education of children, personal safety, and related statutes and legal practices. The measures were implemented through a cabinet-level task force with the support of twelve ministerial-level agencies and local governments. The Ministry of Interior has been responsible for maintaining coordination and tracking the progress. A “safety net” that taps the resources of both the public and private sectors has been established to help foreign spouses quickly find their own place and voice in Taiwan, and stay informed to prevent them from being exploited or harmed.

In addition to this on-going program to provide foreign spouses with a friendly new home, other specific efforts were made in 2010 to prevent human trafficking as follows:

1. Orientation for incoming foreign spouses

Starting in October 2005, Taiwan’s representative offices in Bangkok, Manila, Jakarta, Hanoi and Ho Chi Minh City have been offering orientation programs for incoming foreign spouses. Local counselors have been employed to conduct group seminars and individual counseling in the spouses’ native language. In 2010, a total of 530 group seminars were held for about 4,200 fiancées and fiancés to Taiwanese. Based on the NIA-compiled handbook *Beautiful New Home*, Taiwan’s representative offices guide 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 serve to warn them of traffickers and to have them memorize the numbers 113 (hotline for women and children), and 0800-088-885 (hotline for foreign workers). The *Beautiful New Home* animation film is also shown at such events. Print materials in a variety of language on life in Taiwan have been prepared for them to take home and read.

2. Welcoming visits for new arrivals

To demonstrate the government's commitments to caring for foreign spouses and to ensuring that Taiwanese families treat foreign spouses properly, NIA personnel pay a formal visit to each couple's home. The NIA will learn about a newcomer within 15 days after his/her arrival in Taiwan. During that period, he/she is required to apply for a resident permit at an NIA office. An NIA counselor will later visit the couple's home to communicate to the couple and their family members about relevant laws and regulations, personal safety issues, as well as education and employment prospects for the foreign spouse. In 2010, visits were made to the households of 4,046 foreign spouses and 5,903 mainland Chinese spouses.

3. Hot line service for foreign spouses (0800-088-885)

The hot line offers counseling in six languages on education, culture, employment, healthcare, personal safety, residence status, the law, and how to adapt to a new life. The hotline received 14,136 calls in 2010.

(IV) Ensuring the dignified employment of migrant workers

1. Facilitating direct-hiring

Starting in 2009, the Direct Hiring Service Center of the Council of Labor Affairs has expanded the scope of direct hiring to minimize foreign workers' risk of being exploited by brokers when seeking to extend their employment in Taiwan, whether with the same or a different employer. Nowadays, foreign workers can be hired directly by employers for jobs in the fields of manufacturing, construction, deep-sea fishing, nursing and domestic (in-home) care. Foreign workers have saved a total of NT\$673.8 million (approx. US\$22.5 million) in brokerage fees in 2010 alone. The CLA's direct hiring service center accomplished the following in 2010:

Service	No. of Cases
Direct-hiring service for employers wishing to retain a foreign worker	9,385 cases
Receiving and forwarding applications on behalf of other authorities	39,045 cases

On-site or telephone consultations	130,563 cases
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2. Establishing a Hotline to safeguard workers' rights

Starting in 2010, the hotline 1955 has used a computerized system to assign incoming calls. This has helped the supervisors to follow up on appeals or disputes so as to safeguard foreign workers' rights. The 1955 hotline received 146,742 calls, of which 140,594 were for advice and 6,148 were for general and emergency inquiries. With the assistance of the 1955 service, 854 workers were able to change employers.

3. Recovering back-pay owed to foreign workers

The CLA foreign worker service stations around Taiwan, including those in airports, have helped 3,027 foreign workers recover a total of NT\$127,447,309 (approx. US\$4.25 million) in back-pay owed by employers or brokers, of which NT\$88,483,580 (approx. US\$2,950,000) was for 1,961 workers through the 1955 hotline.

4. Formalizing domestic (in-home) worker's employment

Regarding whether Taiwan's Labor Standard Act applies to domestic workers in full or in part, the CLA has since 2008 held numerous meetings with representatives of employers, workers, scholars and related agencies. The problem is complex due to the unique and diverse chores performed by each domestic worker. Therefore, to find one comprehensive guideline that governs job termination, work hour calculation and vocational hazards has been a daunting task. In July 2009, a watershed decision was made in hopes of enacting a specialized legislation for domestic workers. On January 18, 2010, a draft bill was discussed among all stakeholders and reviewed by the CLA's legal affairs committee. Subsequently, the CLA held four more hearings and incorporated some new input into the bill. On February 24, 2011, the CLA's Council Meeting hammered out a final version of the bill, which is to be reviewed by the Executive Yuan (the Cabinet) on March 15, 2011.

5. Instituting labor inspection at nursing homes

Foreign care-givers working at long-term care facilities tend to have poor working conditions due to their ambiguous status under the law. Are they eligible for protections stipulated in the Labor Standard Act? How can the quality of care be ensured if they are forced to work long hours? Which laws and regulations regulate their employment? To

find an answer to such questions, the CLA, in collaboration with the Ministry of Interior (MOI) and the Department of Health (DOH), inspected 2,230 long-term care facilities in 2009. They looked at foreign workers' wage level, working hours, leave entitlement, overtime pay and nature of their duties to determine whether employers conform to the Labor Standards Act and the Foreign Workers Care Service Plan by providing room and board. They also checked for potential employer violations, such as assigning tasks other than those on the work permit, maintaining too low of a worker/patient ratio, instructing care-givers to perform intrusive medical procedures (e.g. phlegm suction or injections). Employers failing to comply with the law were given citations and deadlines to rectify problems. They were also required to review relevant legislation and obtain legal counseling. Fifty of the nursing homes cited in 2009 were visited routinely in 2010 to ensure their compliance and the workers' welfare.

(V) Reviewing foreign labor policies

1. Stopping unscrupulous brokers:

The CLA revised its guidelines on brokers and brokerages that violate the Employment Service Act. First-time offenders now have their license suspended for 6 months, and second-time offenders for 12-months. These penalties are double those of the previous guidelines. The increased penalty is to help deter recidivism and safeguard the rights of compliant employers and foreign workers.

2. Closing inferior brokerages:

In 2010, the CLA evaluated 977 private brokerages mediating cross-border jobs based on their 2009 performance. Of them, 225 (23%) were ranked Class A (over 90 points); another 700 (71.6%) were ranked Class B (60-89 points); and 52 (5.4%) were ranked Class C (under 60 points). The 52 firms in the last category were required to make improvements and stopped from setting up more branch offices. Agencies that rank Class C for two years in a row will have their license revoked. This measure aims to weed out substandard agencies and foster a healthy brokerage industry for both employers and employees alike.

3. Formulating model brokerage agreements:

For jobs described in Items 1.8 to 1.10 of Article 46 of the Employment Services Act, the CLA has designed standard formats for contracts between a foreign worker and a broker. This approach helps minimize disputes among the employer, the foreign worker and the broker.

4. **Banning sex offenders from hiring foreign workers:**
The CLA amended the regulations governing the hiring of foreign workers, banning people convicted of sexually abusing foreign workers from ever hiring another one. To be specific, sex offenses are defined as the crimes listed from Articles 221 to 229 of the Criminal Code. The definition of employers here includes an employer, the employer's representative or the manager of related affairs, as well as someone acting on behalf of the employer.
5. **Forbidding employers from withholding travel documents:**
The CLA issued an official order (file #0990510138) on July 30, 2010, barring employers from withholding or stealing passports, resident permits or other property of a foreign employee without the latter's consent. If an employer refuses to return the items or simply takes possession of such items (unless otherwise allowed by law), he/she will be subject to a fine by the local labor authority and be referred to the CLA for a possible suspension of rights to hire or recruit for two years.
6. **Cumulative fines against hiring/job-placement of undocumented workers:**
The CLA sent an official letter to local labor authorities, instructing them to impose maximum fines against the illegal hiring, harboring and job-placing of foreign workers. The fine is calculated on a scale. Specifically, the fine for hiring/harboring one undocumented worker is NT\$150,000 (approx. US\$5,000); for two, three or four workers NT\$300,000 (approx. US\$10,000); for five workers or more NT\$750,000 (approx. US\$25,000). The fine for mediating a job for one undocumented workers is NT\$200,000 (approx. US\$6,666), and for two or more workers NT\$500,000 (approx. US\$16,666). This sliding scale has been adopted in hopes of deterring the exploitation of foreign workers when they are most vulnerable.

(VI) Optimizing governance with private sector resources

1. 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 for retaining speakers/trainers at seminars and conducting workshops or outreach campaigns. Funding can be provided for participation in international forums, NGOs, and other forms of exchanges on anti-TIP practices. In addition, the design and

editing of government promotional materials can be outsourced as needed.

2. TIP victim legal aid program

The Legal Aid Foundation has been commissioned to run a program that provides legal representation to TIP victims living in Taiwan. As of December 31, 2010, a total of 367 persons had received such services.

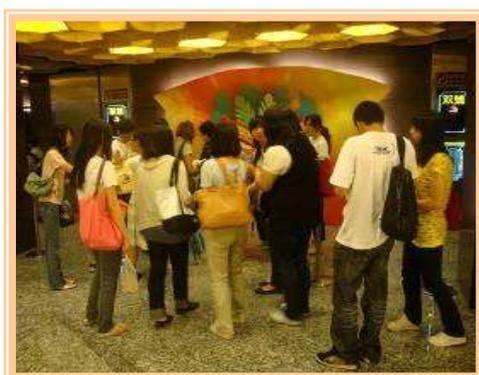
3. Subsidizing NGOs for anti-TIP advocacy. Details are as follows:

Funding recipient	Project	Accomplishments
National Immigration Agency		
Good Shepherd Sisters Taiwan	Anti-TIP partnership among professionals	Lecture on the topic “partnership among professionals” by US anti-TIP expert Heather Moore followed by group discussions and presentations to exchange ideas on enhancing TIP victim services
Taipei Women’s Rescue Foundation	Seminar to implement anti-TIP law	Two seminars with 60 participants each for discussions on the progress of anti-TIP legislation for victim protection, and prosecution and investigation of related crimes; Academics, and representatives from judicial, law enforcement, immigration, and labor authorities as well as from NGOs collected feedback from front-line law enforcement officers with which to formulate publicity campaigns about existing laws and current progress
Taiwan Labor and Social Protection Association	Citizen Forum on protecting workers’ rights and eradicating TIP	Held Citizen Forums in November and December for college students, social welfare groups in central west Taiwan, social workers, vocational associations to exchange ideas on workers’ human rights and TIP prevention
Radio Taiwan International	TIP Prevention: Human Rights Flourish in Taiwan	Held essay contests inviting recent immigrants (foreign workers and spouses) to share stories of themselves or the people around them regarding the resources available or assistance received from the government or NGOs in Taiwan; theme of stories must be related to TIP prevention

ECPAT Taiwan	Anti-TIP video	Production of 30-second anti-TIP promotion video clips to be shown at internet portals to boost awareness of 18-35 year-old netizens. (ECPAT = End Child Prostitution, Child Pornography & Trafficking of Children for Sexual Purposes; a worldwide NGO)
ECPAT Taiwan	Screening Japanese movie “Children of the Dark”	The movie features children trafficked for sex or organ-harvesting, exposing the most deplorable types of cross-border trafficking. It was shown during the Taipei Film Festival of July 2010 at two cinemas to educate as many peoples as possible about TIP issues.
Taipei Women’s Rescue Foundation	2010 Porn Film Festival and Conference on Sex Violence	2010 Porn Film Festival and Conference on Sex Violence held on December 11 screened films to shed light on violent behavior caused by gender inequity, such as TIP, domestic violence, sexual assault and harassment, with stress on the implications of gender roles.
Chunghwa Coast Guard Association	Cross-strait maritime law enforcement seminar	Attended by Taiwan’s experts on maritime affairs, coastal guard personnel, front-line law enforcement officers; mainland China’s judicial, maritime, and customs authorities; and students of maritime affairs from both sides. They exchanged ideas and experiences on maintaining order at sea.
Ministry of Foreign Affairs		
ECPAT Taiwan	ECPAT International Executive meeting	Subsidized ECPAT Taiwan’s hosting of ECPAT International’s Executive Committee Meeting regarding EU anti-TIP policies on May 22-29

ECPAT Taiwan	INHOPE general meeting	Subsidized ECPAT Taiwan in April to attend the General Meeting of the International Association of Internet Hotlines (INHOPE) in Austria
ECPAT Taiwan	INHOPE second general meeting and conference	Subsidized ECPAT Taiwan to attend INHOPE second general meeting and conference on Internet child sex on Nov. 2-5 in Amsterdam, the Netherlands, where experts, website operators, and law enforcement officials exchanged information established contacts with each other, making them potential partners in future initiatives to combat online child sex crimes
Social Affairs Department, Ministry of Interior		
Garden of Hope Foundation	Support services to TIP victims	Held group therapy to help victims recover from trauma through self-exploration; reached out to schools and other relevant locations to promote anti-TIP goals

Screening of film *Children of the Dark*



TIP training of NGO professionals



Review of HTPA enforcement progress



IV. Fortifying international partnerships

(I) International exchanges

1. National Immigration Agency (NIA)

The NIA's immigration officers stationed in major cities around the world maintain contact with the government of the host country. Each year the NIA hosts international events or sends delegates abroad to attend anti-TIP events so as to facilitate discourse and foster partnerships with other officials and NGO representatives around the world.

- (1) January 28, 2010 – Christine Chan-Downer of the US State Department Anti-Trafficking in Persons Office and Deanna Kim of American Institute of Taiwan (the *de facto* US embassy) joined an NIA forum. Taiwan's relevant agencies briefed them and other American participants on the status of Taiwan's TIP-prevention efforts.
- (2) March 2010 – An NIA delegation attended the Freedom Network Annual Conference against Human Trafficking and visited with NGO representatives at Washington, DC and members of the US Congress.
- (3) April 2010 – Ms. Loretta Sanchez, US Congresswoman and Chair of the Terrorism, Traditional Threats and Capabilities Subcommittee of the Congressional Armed Services Committee, paid a visit to Taiwan. Leading a four-member delegation, she conveyed Washington's concerns about human trafficking and lauded Taiwan for its impressive achievements to fight this practice in recent years.
- (4) May 2010 – ECPAT International Chair Maureen Crombie led a mission of five persons to Taiwan. They visited the NIA to exchange ideas on eradicating child sex crimes and TIP prevention, as well as fortifying partnerships between the public and private sectors. (ECPAT: End Child Prostitution, Child Pornography, and Trafficking in Children for Sex Purposes)
- (5) May 2010 – The NIA sent officials to South Korea to observe the latter's TIP-prevention campaigns and immigrant services, thereby paving the way for increased bilateral dialogue and cooperation in the future.
- (6) July 2010 – Dr. Nguyen Dinh Thang, CEO of the US-based Boat People SOS, visited the NIA to discuss TIP issues. Dr. Thang indicated he was impressed with Taiwan's TIP efforts and achievements.
- (7) July 2010 – An NIA delegation visited Japan to gather information about the latter's anti-TIP practices and sign a Taiwan-Japan MOU on

cooperation in combating crime, providing mutual legal assistance and building a cross-border anti-TIP platform.

- (8) September 2010 – The NIA held the International Workshop on Strategies for Combating Human Trafficking for an audience of 250 people from 15 countries. The event included four keynote speeches and two round-table fora, featuring Australian and Thai NGO representatives, plus Taiwanese judges and prosecutors, to elaborate on two major aspects of human trafficking: sex and labor exploitation. The participants shared with each other their respective country's strategies and cases. At the workshop, as a testament to Taiwan's commitment, Republic of China (Taiwan) President Ma Ying-jeou, other senior officials from Taiwan and key participants from around the world signed a joint resolution pledging to safeguard human rights through international collaboration.



President Ma singing the anti-TIP resolution



- (9) September 2010 – NIA Director General Hsieh Li-kung took a trip to the United States with other ROC senior officials to share information with US anti-TIP senior executives, including Luis CdeBaca, Ambassador-at-Large of the Office to Monitor and Combat Trafficking in Persons at the Department of State; Mariko Silver, Assistant Secretary of the US Department of Homeland Security; and NGOs (Boat People SOS, the Polaris Project, and the National Center

for Missing and Exploited Children). During the trip, much information and experience were exchanged.

- (10) October 2010 – At the invitation of Ruth Kahanof, the newly arrived Israeli Representative to Taiwan (*de facto* Ambassador), NIA Director General Hsieh went to Tel Aviv for the first Israeli International Conference on Homeland Security, which focused on airport security and counter-terrorism measures. He shared Taiwan's anti-TIP endeavors and insights at a meeting with members of the Israeli Ministry of Justice and a cross-ministerial anti-TIP task force.

Ambassador Cdebaca with NGOs



- (11) November 21, 2010 – The NIA held a forum for US Ambassador-at-Large Luis CdeBaca and AIT officials to engage in discussions with the Director General of the Criminal Department of the Judicial Yuan (Taiwan's top judicial administrative body), and representatives of MOFA, the MOJ and the cabinet-level anti-TIP task force. DVDs on Taiwan's achievements were presented at the event for the reference of the participants.
- (12) November 25, 2010 – Trieu Van Dat, Deputy Commissioner of the Criminal Police Headquarters of Vietnam's Ministry of Public Security, visited the NIA to learn more about Taiwan's anti-TIP practices and discuss the signing of a memorandum of cooperation on immigration affairs and human trafficking prevention. In addition, October 25, 2010 – MP Nthabiseng Pauline Khunon of the South African Parliament visited the NIA to talk about border security issues, human trafficking prevention and the possibility of signing a related MOU.

2. Ministry of Foreign Affairs (MOFA)

- (1) January 2010 – MOFA sponsored an anti-TIP NGO forum for Dr. Nguyen Dinh Thang, CEO of US-based Boat People SOS, to communicate with NGO members of the Taiwan Alliance against Human Trafficking (including the Taipei Women's Rescue Foundation, ECPAT Taiwan, Garden of Hope Foundation, Good Shepherd Sisters Taiwan, and Catholic Diocese Hsinchu Migrants and Immigrants Service Center) on international practices and Taiwan's efforts. Gatherings like this help to foster international partnerships among NGOs.
- (2) June 14, 2010 – Lily Lee, Director of the Chinese Christine Herald Crusade (CCHC), and Hui-jung Chi, CEO of Taiwan's Garden of Hope Foundation, briefed MOFA on an anti-TIP campaign proposal to help young women sexually exploited and assaulted in Cambodia. MOFA offered contact information there and expressed support of this noble cause.
- (3) July 15, 2010 – The Taiwan office of the Coalition to Abolish Modern-day Slavery in Asia (CAMSA) was launched. A MOFA representative attended the ceremony and, on the following day, MOFA representatives also participated in a discussion on anti-TIP with Dr. Nguyen Dinh Thang, CEO of Boat People SOS, who was in Taiwan for the launch, and Kang Shu-hua from the Taipei Women's Rescue Foundation.
- (4) September 14-17, 2010 – In collaboration with the American Institute in Taiwan (the *de factor* US embassy), MOFA sponsored Garden of Hope CEO Hui-jung Chi and Ke Liling, a high court prosecutor, to attend the conference Vital Voices of Asia: Women's Leadership and Training Summit held in New Delhi, India on September 14-17, 2010. They shared Taiwan's achievements at boosting women's rights and combating human trafficking through joint efforts between the government and women's groups. Their presence at the event testified to Taiwan's high regard of women and earned praise and camaraderie from women leaders of Asia.

3. NGOs

A number of NGOs, some of which receive government subsidies, are dedicated to protecting TIP victims and have earned recognition for their keen insights, such as the Taipei Women's Rescue Foundation, ECPAT Taiwan, and Good Shepherd Sisters Taiwan. Their activities during 2010 were as follows:

(1) Taipei Women's Rescue Foundation

- A. March 15-19, 2010 – The foundation sent representatives to attend the annual conference of the Freedom Network, an American alliance against human trafficking, and met with various NGOs devoted to anti-TIP advocacy through the arrangement of Boat People SOS. They also visited and shared Taiwan’s experience with members of the US Congress, showing their strong devotion to the cause.
- B. June 7-9, 2010 – Representatives went to the Philippines for training on how to contribute to a TIP database on Southeast Asia. A total of 24 NGO participants from 8 countries participated in hopes of compiling a comprehensive information database for analyzing TIP cases of in the region.
- C. July 22, 2010 – National Legal Aid Agency of Vietnam came to Taiwan to discuss anti-TIP campaigns and the role of NGOs.
- D. September 29-30, 2010 – Representatives traveled to Jordan for a conference on building a civil society network to combat human trafficking in the broader Middle East and North African regions. The Foundation for the Future (FFF) organized the event, which was attended by 80 people from the Middle East, North Africa and Europe. Delegates from Taiwan made a report about the relevant achievements of Taiwan’s civil society, gaining praise from the other participants.
- E. December 10, 2010 – The Rescue Foundation, India’s largest NGO involved in rescuing over 300 girls annually, came to visit its Taiwanese counterpart to compare notes.

(2)ECPAT Taiwan

- A. May 28, 2010 – Arranged for Maureen Crombie, the ECPA International chairperson; Ingrid Liao, the East Asia executive director; and Rosalind Prober, the North America executive director, so that they can exchange ideas with NIA officials on preventing the sexual exploitation of minors.
- B. June 15, 2010 – Received Heather Moore, a TIP expert specializing in victim sheltering services, at the Yilan Shelter, and arranged a training session for shelter staff.
- C. August 10-18, 2010 – Provided funding for Youth Act Together Taiwan to visit ECPAT International, IOM in Thailand and local grassroots groups to gain a first-hand understanding of the sex trafficking of minors and communicate directly with local youngsters on potential strategies for the eradication of this practice.
- D. December 16, 2010 – Received Ye-ting Woo, US assistant federal prosecutor, in Yilan where ECPAT Taiwan has been commissioned to operate an NIA-owned shelter. This NGO also arranged a time on

the same day for Ms. Woo to offer training on TIP case investigation techniques to Yilan judicial police forces.

- E. August, 2010 – Collected over 80,000 signatures in Taiwan as part of the Campaign to Stop Sex Trafficking of Children and Young People, spearheaded by ECPAT International and The Body Shop. By then, the campaign had garnered more than 4,000,000 signatures worldwide. The final results will be presented to the United Nations in mid-2011 so as to advocate for greater commitment to the prevention and prosecution of the sexual exploitation of minors.
- F. July and August, 2010 – Encouraged Taiwanese college students to ECPAT International internship programs to participate in projects, such as the Campaign to Stop Sex Trafficking of Children and Young People, and study East Asian policies on TIP prevention.

(3) Good Shepherd Sisters Taiwan

- A. Sister Therese Tang, executive director of the Taiwan operation, went to Kuala Lumpur, Singapore and Bangkok to attend a series of meetings organized by Asia-Pacific NGOs. These meetings covered TIP issues and introduced the ASEAN Handbook on International and Legal Cooperation in Trafficking in Persons Cases published by the United Nations Office on Drugs and Crime. The participants all agreed that the main cause of cross-border migration is poverty. Therefore, Sister Tang's organization has been devoted to reducing poverty in low-income countries with the aim to eradicating the root cause of human trafficking. Tangible achievements included: the survey Good Practices for Social Integration/ Inclusion, a report by Sister Tang for the United Nations; speeches by five of the sisters at on the topic the United Nations on Eradicating Poverty through Fair Trade: Promoting an Ethical Consumerism; continued advocacy to protect the poor against trafficking. Specific approaches have included teaching advanced farming techniques and offering micro-loans to help foster financial independence. Good Shepherd Sisters around the Asia-Pacific region have been "dedicated shepherds" of TIP victims by providing comprehensive care in the host country of the victims and facilitating their smooth transition back into the society of their home country.
- B. June 17, 2010 – hosted the integrated training course by US expert Heather C. Moore called Professional Partnership in Combating Human Trafficking held for front-line government employees and NGO workers to learn about US practices and exchange information. Ms. Moore also visited NIA-owned shelters in Yilan, Hualien and Nantou operated by NGOs.

(II) Taiwan-Vietnam mutual legal assistant agreement

After extensive negotiations, Taiwan and Vietnam signed a mutual legal assistance agreement on November 5, 2010 so as to boost cross-border TIP prevention efforts. The idea to sign such an instrument was sparked in November 2006, when some Vietnamese in Taiwan were found to have fallen victim to traffickers. As a result of the consultations between Taiwan's MOJ and MOFA (Asia-Pacific Division) and their Vietnamese counterparts, Taiwan's legislature ratified the Mutual Assistance Agreement in Civil Justice concluded by the two countries' representative offices. This agreement has let civil justice exchanges to be conducted on a mutually beneficial basis and further collaboration to be fostered.

(III) Enhancing cooperation with workers' source country

In 2010, the Council of Labor Affairs (CLA) talked to and obtained the consent of labor source countries – Indonesia, the Philippines, and Thailand – to incorporate TIP prevention measures in bilateral MOUs on labor cooperation with each of them to be signed through MOFA's coordination.

Chapter 4 Key Tasks

I. Prosecution

- (1) **Cracking down on traffickers:** To arrest traffickers and protect victims, judicial police officers will increase their enforcement efforts, such as by more frequently raiding locations suspected of harboring or exploiting foreign workers, or prostituting foreigners. Such efforts and tips from informants have proved critical to the cracking down of human trafficking. Based on cases uncovered in recent years, the judicial police now have prioritized on which syndicates and suspects to focus their surveillance. Wire-tapping and other forms of surveillance are expected to greatly deter TIP. High-profile raids will assist in demonstrating Taiwan's commitment to stamping out human trafficking.
- (2) **Deterring false representation:** Taiwan has shown its dedication to deterring human trafficking through enhanced border controls. For example, it has improved the competency of officers to recognize forged travel documents and interview incoming or newly arrived foreign spouses. Taiwan also has stepped up its efforts to track down undocumented workers and fine and/or arrest exploitative employers and unethical brokers.
- (3) **Speeding up the judicial process:** The NIA and the CLA will routinely check the roster of foreign victims detained in Taiwan and offer them prompt assistance with their cases. The MOJ and the courts will be requested to expedite the processing of their cases so that the victims are not held in Taiwan any longer than necessary.
- (4) **Bolstering prosecutorial work:** The MOJ will urge prosecutors to give priority to TIP investigations and demand heavy sentences. Meanwhile, the MOJ will also continue to strengthen the judicial police's competency in handling TIP cases and evidence collection.

II. Protection

- (1) **Standardizing victim identification practices:** Judicial police officers are now required to follow the Victim Identification Guidelines and a more clearly defined "Victim Identification Worksheet" when attempting to identify victims of human trafficking. They are also instructed to carry out "dynamic" (on-going)

identification efforts as investigations proceed and new evidence is uncovered. Proper victim placement, as stipulated by current regulations, will continue to uphold the victims' human rights.

- (2) **Keeping victims informed of investigation progress and their rights:** It is essential to let victims know their rights and what to expect during the investigation. Interpretation services and the accompaniment of social workers during investigation interviews help the victims understand potential placement arrangements and what factors to consider when deciding whether to testify in court. The principle aim is to ensure the victims' best interests. Judicial police and shelter staff are instructed to brief victims about judicial proceedings and regularly update them on their case. Keeping victims informed is crucial to their emotional and physical wellbeing and to their willingness to assist the authorities in prosecuting and convicting traffickers.
- (3) **Allowing victims to provide segregated testimony to minimize risks:** Taiwan's courts have been building up their video conferencing capabilities to reduce the need for victims to testify in person, thereby minimizing their contact with the suspects (defendants) and maximizing their personal safety and quality of testimony.
- (4) **Partnering with NGOs to offer victims shelter:** The government continues to work with NGOs to provide sheltering services to victims. An additional shelter in southern Taiwan is being planned to lighten the current load of shelters and place the victims in convenient locations.

III. Prevention

(1) Bolstering awareness and competency:

1. **Advocacy to the public:** At the cabinet level, a total budget of NT\$33.99 million (approx. US\$1.13 million) has been earmarked for promotional campaigns through various media channels to educate the public, including resident foreigners, and boost the sensitivity of front-line government employees and service providers. They will be taught the nature of human trafficking and informed of the Human Trafficking Prevention Act and victim protection programs. Specific projects also are designed to instill the universal values of human rights, the rule of law and gender equality in students. Various

campaigns reach out to tourism industry workers, educators and the general public; warn minors about the danger of sexual exploitation; and urge adults to not engage in sex tourism. Other efforts include cautioning ship owners to abstain from trafficking in persons and encourage them to provide safe working and living conditions to foreign crewmembers rather than exploiting them.

2. **Competency building for law enforcement:** A budget of NT\$29.45 million (approx. US\$982,000) has been set aside to (1) boost the competence of front-line staff and professionals, and (2) improve the communication skills of law enforcement personnel through case studies sensitivity training. More practical training programs will be offered for judicial police officers to help them fine-tune their ability to execute search warrants and identify TIP victims and for prosecutors to further improve their investigation and prosecution skills; and for judges to uphold justice in human trafficking cases, a relatively new domain of criminal justice.

(2) **Fine-tuning foreign worker regime:**

1. **Formalizing domestic (in-home) workers' rights:** To safeguard the labor rights of foreigners serving as domestic workers, the Council of Labor Affairs (CLA) submitted the Domestic Workers Protection Bill to the cabinet on March 15, 2011. The CLA drew up the bill after numerous consultation sessions with the three major types of stakeholders (laborers, employers, and brokers) and public hearings. In addition, the DOH sent the Long-term Care Service Bill to the cabinet for review and subsequent parliamentary reading. The DOH bill stipulates that foreign care-givers be eligible for support services when looking after disabled people.
2. **Expanding direct-hiring services:** The government started allowing employers to directly recruit foreign workers in 2010. A "direct hiring service network will be instituted in 2011, enabling employers to more easily select workers. This will allow employers to bypass brokers when seeking to hire or renew the contracts of foreign workers. This network should let employers save time and employees money (which would normally spent on brokerage fees), thus minimizing the chance of them being exploited.
3. **Keeping brokerage fees in check:** Exorbitant brokerage fees have been linked to the debt bondage of foreign workers. Therefore, the government will compare the fees actually charged by brokerage

agencies against the allowed fee levels based on brokers' performance evaluation outcome (Class A, B or C). Any brokerage found to have overcharged will be given a heavy penalty in order to deter labor exploitation. As for brokerage fees incurred before the arrival of the foreign worker, Taiwan will continue to urge the source country of the workers, through diplomatic channels or bilateral labor cooperation talks, to institute a system to effectively regulate fee levels and certify legitimate brokerages.

IV. Partnership through international exchange

(I) Expanding competency of key players/stakeholders:

Building on the positive outcomes garnered over recent years, Taiwan hopes to host international workshops in the future featuring public sector representatives, such as from NGOs, from around the world to shed light on regulatory regimes and practices, such as victim identification and protection programs. Events like these aim to help Taiwan's judges, prosecutors, judicial police, civil servants and grassroots groups build up their competency and forge partnerships among themselves and with their counterparts abroad. Plans are in place to send key players overseas to broaden their horizons and assist in constructing international anti-TIP networks.

(II) Reaching out through NGOs:

Funding to NGOs has proven instrumental in bolstering the government's services as well as extending the presence of Taiwan's NGOs worldwide. Therefore, a budget has been allocated to support NGOs in their endeavors. For instance, in January 2011, MOFA helped finance a project to construct a facility in Cambodia to shelter girls who have been sexual exploited and assaulted. Taiwan's Garden of Hope Foundation, the US-based Chinese Christian Herald Crusade (CCHC) and the Fullness in Christ Fellowship (FICF) have provided support for this humanitarian endeavor in Cambodia as well.

(III) Curbing child sex tourism:

MOFA and NIA personnel stationed abroad have received instructions to watch for signs of Taiwanese who could be seeking to engage in child sex tourism (especially in Southeast Asia). Information about such offenses is relayed back to Taiwan's judicial police for further investigation and possible prosecution.

Chapter 5 Conclusion

Trafficking in persons is a crime despised by all members of the international community. To safeguard human rights, Taiwan's cabinet-level anti-TIP task force has effectively integrated resources throughout the government and has forged steadfast partnerships with the private sector to better combat human trafficking. The task force will never relax its efforts, thereby ensuring that Taiwan will remain a Tier 1 country in the annual US TIP report for years to come. Taiwan seeks to adopt more thorough and innovative approaches when enforcing its Human Trafficking Prevention Act, while putting to good use of the capabilities of the public and private sectors, especially NGOs. Such efforts further shape an informed and vigilant society that can assist in preventing relevant crimes, offering comprehensive victim protection services, and prosecuting criminals in a timely and effective manner. By pursuing international partnerships, Taiwan demonstrates its devotion to eradicating this modern form of slavery both at home and abroad.

Appendix I: NIA-owned, NGO-operated Shelter in Yilan

In order to offer earnest care and support to TIP victims, the National Immigration Agency (NIA) commissioned ECPAT Taiwan to operate a shelter in Yilan starting August 31, 2008, Taiwan's first NIA-owned, NGO-operated shelter ever. As of the end of 2010, the Yilan shelter had served 57 victims, of which 37 have returned to their home country.

The Yilan shelter run by ECPAT Taiwan stands out in two unique aspects: (1) the clients enjoy the freedom of movement and speech, as their personal safety and human rights are protected. (2) This "victim-centered" approach places the needs of the victims over the convenience of the staff. A "home meeting" is held weekly to seek input on improving the home's operations and management, with the victims taking turns to head the meeting.

The Yilan shelter currently offers four types of services:

- (1) Satisfaction of daily needs: The victims are provided a safe place to live, meals and support to help ease their adaptation to a new life in the shelter;
- (2) Safety evaluation and planning: within five days of arrival, the client is seen by a social worker, who evaluates his/her personal safety needs and works out a plan to better ensure his/her safety when leaving the shelter on short trips without an escort. Follow-up safety evaluations are conducted weekly.
- (3) Customized support: separate consultation sessions are conducted that cater to a client's individual needs, such as for psychological support and counseling, legal aid, social worker accompaniment on investigation interviews, medical services, and interpretation services. The shelter helps the victims obtain official documents, job placement, and repatriation assistance.
- (4) Group activities: Activities are held to let the victims learn and grow, such as cross-cultural exchanges and job-skill acquisition. Other religious, arts & crafts, and outdoor activities are offered as well.

After a new client arrives at the shelter, a social worker drafts up a treatment service plan based on the client's specific needs. Over the two and a half years since the Yilan shelter started operations, client consultation sessions have been arranged on 779 occasions, medical services on 241 occasions, referrals to counseling on 35 occasions, legal aid on 84 occasions, accompaniment to investigation interviews on 39 occasions, and job placement assistance on 53 occasions. Incentives are offered to boost attendance at group activities, a measure highly popular with the clients.

Cross-cultural activities



Self-empowerment groups

Currently the Yilan shelter is the home to 16 victims of sex exploitation who require treatment to help them overcome trauma. Starting in 2011, dance therapy and a group therapy on the theme “coming to terms with my own body” will be offered to the victims of sexual exploitation.

The Yilan shelter adheres to a victim-centered approach and strives to protect the interests of the victims through sensitive care and assistance to help keep them from being exploited again.

Appendix II: NIA-owned NGO-operated Shelter in Hualien

Starting in March 2009, the NIA commissioned the Taipei Women's Rescue Foundation to run the 20-bed Hualien Shelter to serve female TIP victims who entered Taiwan on work visas. So far, 25 clients have been served, of which 16 have returned home to be reunited with their families.

* Objectives: To hasten the recovery and self-empowerment of TIP victims, the shelter aims to help them gain the confidence to plot a chart for their future. They are provided access to abundant information, making them more versatile and competitive on the job market and minimizing the risk of them ever being victimized again.

* Type of services: The basic needs of the clients are met. Moreover, they are offered customized support with respect to their personal safety, medical care, immigration status, legal aid, job placement, psychological counseling, interpretation and repatriation. Social workers are also available to accompany them as necessary. Group activities are held to help them hone job skills, provide each other with emotional support, and entertain them.

* 2010 achievements: Offered or arranged for medical services on 91 occasions (to see dentists, gynecologists, dermatologists or psychiatrists), interpretation services on 391 occasions (for a total of 305.5 hours, primarily in the Indonesian language), psychological counseling and consultation on 1869 occasions, legal aid applications on 7 occasions, accompaniment to court on 21 occasions, and job placement assistance on 56 occasions (with a success rate of 52.8%, mostly for cleaning or cooking jobs).

* Unique features – At the Hualien shelter, a unique victim empowerment project helps clients to create positive experiences that allow them to build confidence, grow personally, develop job skills, manage set-backs and, therefore, avoid being trafficked again. The financial independence empowerment program offers them the chance to earn a small and steady income, thereby letting them feel more in control and autonomous and learn how to make personal budgets. “Healing trauma” activities are conducted in small non-verbal group sessions so that the clients can unlock their feelings and recover from their trauma.



Sessions for music & art

藝術團體用彩繪、剪貼等
類型進行創作，抒發情緒



音樂團體錄製個人
創作CD共同分享



彩妝進階課程
-紙圖練習



彩妝實作驗收

The “self-exploration program” provides customized job-skill courses according to their individual needs. This course has helped train clients to work, for example, as beauticians after returning home, hence reducing the likelihood of their being trafficked again.

Make-up lessons & shows



彩妝成果發表

* 2011 plan: For clients wishing to return home to work, intensive job-skill training is offered in collaboration with NGOs at their home country to maximize their job opportunities there. For those wishing to re-enter

Taiwan to work, further information is provided on the local job market, labor standards, and related procedures. NGOs in the home country are asked to help locate a legitimate broker to process the paperwork or help the client could be employed through CLA’s direct-hiring service network. All in all, clients are now better informed of their own human rights and trafficking tricks, therefore less likely to be exploited in the future.

Appendix III: NIA-owned NGO-operated Shelter in Nantou

With the mission to promote Respect, Harmony and Resilience, the Good Shepherd Sisters organization has been contracted to operate the NIA's Nantou Shelter since October 2009, offering a home to TIP victims and providing social work services to suspected victims. The objective of the shelter is to re-instill in the clients their worth as humans.

* Meeting of daily needs: As of December 30, 2010, a total of 31 male TIP victims and 47 female TIP victims had been sheltered. Another three people suspected of being victims had been offered the services of social workers. The first month after a client's arrival is considered his/her "safety evaluation period". At this point in time, the shelter inquires about any potential safety risks posed by the client's broker and/or human smuggling ring that had abused or victimized the client so as to determine the client's safety level whether and when the client may take unescorted short trips. The shelter also assists clients to obtain physical check-ups.

* Legal assistance: Based on individual needs, the shelter helps the client make a record of his/her ordeal (exploitation history) and compile an itemized list of all back-pay owed so that the client can demand restitution when appearing in court. Thus far, the shelter has assisted 40 male clients get NT\$1,613,160 (approx. US\$53,800) and five females NT\$416,400 (approx. US\$13,900) in restitution. In addition, the shelter arranged for lawyers to be present at investigation interviews on 14 occasions, and for a social worker accompany them in court on 12 other occasions.

* Job placement: The Nantou Shelter has set up cooperation programs with local factories to provide clients jobs and rides to/from work. To date, 159 jobs outside the shelter have been arranged for male clients and 34 jobs for female clients. For those clients unable to obtain outside jobs, the shelter has negotiated with vendors to let the clients make handicrafts in the shelter for modest.

* Obtaining official documents: The shelter has helped clients obtain temporary stay visas, work permits and divorce papers in cases of fake marriages. Thus far, the shelter has helped one client obtain a divorce and other clients obtain temporary visas on 39 occasions and work permits on 42 occasions.

* Other services: These include assistance to exit Taiwan, become familiar with the neighborhood, formulate safety plans for short excursions, secure resources from various origins, and arrange other leisure activities. When the personal safety evaluation period ends, a client can leave the shelter to work, shop and visit friends so long as he/she agrees to observe the safety rules.

* Staff training: Regular evaluations are held to ensure the quality of the services offered. Each month, a comprehensive inspection is made two times by a third-party and four times by an in-house supervisor. A performance evaluation of each individual staff member is conducted once a month as well. In light of the victims' predicament and powerlessness, the Nantou shelter actively seeks ways to help clients obtain restitution from former employers and new jobs in the area. The shelter takes pride in having been able to find a job for everyone desiring to work. In addition, on behalf of the client, the shelter negotiates for other needed services (such as rides to and from work) and strives to protect the clients' basic rights according to Taiwan's labor standards (with respect to salary, bonuses, etc.). At the end of year or when the clients leave Taiwan, the Nantou shelter helps them file tax returns.

The shelter takes clients on outings to nearby scenic spots. The staff was deeply moved when one client remarked, "Although I've worked in Taiwan for many years, I never had a chance to see what Taiwan looks like or enjoy the great local food! I really thank you for taking us around to develop a better appreciation of Taiwan." By interacting with the clients, the staff members are now keenly aware of the inadequacy of the services currently provided. As such, the shelter aspires to reach out and form a more comprehensive network of resources with which to diversify the services and support available to the clients.

Rewards of hard work



High hopes





Observing the Lunar New Year



Outings



Craft-making with pay



Appendix IV Social worker accompaniment at investigation interviews

Most TIP victims are rescued during judicial police raids. When interviewed by prosecutors or police officers, victims may not be able to express themselves effectively due to language barriers, a lack of knowledge of Taiwan's legal system, fear of the law enforcement officers or difficulties in recounting traumatic experiences. Moreover, the victims may have been misinformed, threatened or forced to enter debt bondage by traffickers and, as a result, feel that they dare not tell the truth. Others fear law enforcement officers and subsequently are unwilling to cooperate with the police to help bring the perpetrators to justice. Such fears often cause the victims' severe anxiety and apprehension, with some of them becoming too ill, either physically or mentally, to be questioned. However, now social workers can brief the TIP victims about upcoming legal procedures and their rights. Experience has shown that the presence of a social worker during interviews by police officers and/or prosecutors helps emotionally stabilize victims, keeps them focused, and makes them more willing to offer useful information for investigations.

The NIA commissioned the Taipei Women's Rescue Foundation (TWRP) to operate two hotlines (0988-682-381 and 0988-682-383) staffed by social workers. Upon request, the hotline dispatches a nearby social worker to offer whatever services needed.

The TWRP has gathered a team of social workers from NGOs around Taiwan so that services can be offered every day, both day and night. Upon meeting a potential victim for an interview, a social worker informs the client of his/her legal rights and obligations, the rights of TIP victims, and the judicial process. In addition to offering the client advice, a social worker assists with the investigation and the determination of whether he/she is a victim by providing emotional support. Arrangements were made for social workers to provide service on 36 occasions in 2010, and on 107 occasions in 2010. Of these occasions, 31 involved sexual exploitation and 112 labor exploitation. A total of 98 people were officially identified as victims after the interview.



Social worker present at police interview



Minimizing victim exposure on TV

To keep potential victims informed, the NIA commissioned the TWRF to compile the brochure *Human Trafficking Victims' Rights* and translate them into several languages. The booklet offers concise answers to questions often on their minds: the victim protection regime, the judicial process, and their legal rights. As a supplement to this booklet, a service manual was created to educate judicial police on how to make good use of social workers when interviewing potential victims. The NIA widely distributed these two booklets in order to better ensure the routine accompaniment of social workers at interviews.



Handbook on Victim's Rights

Accompaniment service manual

