

2008 Report on Prevention of Trafficking in Persons

March 2009

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I. Foreword

Globalization means that Taiwan is enjoying greater interaction with the international community and, as economic activity on the island becomes more and more intertwined with that of other countries, the movement of people is increasing both in number and frequency. Foreigners come to Taiwan for business, tourism, education, work and through marriage. Although we have put in place various border control measures, Taiwan remains a destination and transit point for sex workers and illegal labor from Southeast Asia. The main human trafficking problems Taiwan faces today involve forced labor and sexual exploitation. Trafficking in persons is a grave abuse of human rights that constitutes a criminal violation. Governments around the world take the issue very seriously and have been increasing their efforts to combat and prevent such crimes. To protect human rights and demonstrate Taiwan's determination to combat human trafficking, the Executive Yuan promulgated an Action Plan for the Prevention of Trafficking in Persons on November 2006, and set up a Human Trafficking Prevention Inter-Agency Meeting in January 2007 to serve as a channel of communication and platform for the integration of government resources. The Executive Yuan has also earmarked a budget of NT\$490 million for work required by the Human Trafficking Prevention Action Plan (2008-2010), which includes placement services, education and training, and preventive campaigns. It is hoped that these efforts will go a long way towards effectively preventing trafficking in persons and protecting human rights.

II. Summary of Efforts

To promote the prevention of trafficking in persons, the Executive Yuan promulgated an Action Plan for the Prevention of Trafficking in Persons on November 2006, detailing a three-pronged approach - “crackdown and prosecution”, “protection” and “prevention” - to mobilize all ministries in the plan’s implementation. To carry out anti-human trafficking work, the Executive Yuan set up a Human Trafficking Prevention Inter-Agency Meeting in January 2007. This inter-agency meeting is held once every two months to check the progress being made by various government agencies. The Executive Yuan has also allocated a budget of NT\$490 million for the Human Trafficking Prevention Action Plan (2008-2010). This oversight mechanism has produced some good results in the government’s fight against trafficking in persons.

Taiwan has continued to make progress in human trafficking prevention in 2008. With respect to investigation and prosecution, judicial and police agencies uncovered 99 cases of trafficking in persons, including 40 cases involving forced labor and 59 cases involving sexual exploitation. Prosecutors indicted 601 persons in 165 cases, including 452 persons in 113 cases of sexual exploitation, 106 persons in 40 cases of forced labor, and 12 cases that went unclassified.

In its efforts towards protection, the Ministry of the Interior (MOI) has set up three shelters for trafficking victims. Between 2007 and 2008, the MOI, the Council of Labor Affairs (CLA) and local governments worked with private organizations to provide placement services for 134 victims. During the placement period, victims received living support, psychological and legal counseling, and were accompanied on medical visits and to questioning sessions. Further, 70 victims were repatriated on the completion of investigations by the judicial authority. The CLA also helped 1,087 cases negotiate with their employers or brokers to recover a total NT\$64,890,234 in back pay or other monies owed.

With respect to prevention, the government first integrated public and private resources in order to step up the campaign to raise the general public’s awareness and

understanding of human trafficking issues and to help foreigners in Taiwan better understand their rights. Next, efforts were made to raise the professional competency and detective skills of field personnel. The MOI held nine training sessions on General Education on Prevention of Trafficking in Persons, one international workshop for social workers and administrative personnel on the protection of trafficking victims, and one international workshop and a seminar on the prevention of trafficking in persons. Other ministries also incorporated human trafficking prevention courses in their training curriculums. The CLA, through the services of the Direct Employment Service Center, helped stop foreign workers from being exploited by unethical brokers and shortened the time required for the rehiring of foreign workers. In 2008, the Direct Employment Service Center helped 4,712 employers rehire their domestic helpers, and handled 17,460 cases where foreign worker employment applications or requests for document authentication were forwarded or mailed on behalf of the employer, as well as 66,827 instances of telephone or onsite counseling .

In addition, the Anti-Trafficking in Persons Act was enacted on January 23, 2009, by presidential decree after over a year of work. The Act stipulates provisions for: stiffer penalties for perpetrators; allowing human trafficking victims to stay in Taiwan on temporary entry or residence permits and then apply for permanent residence permits under special permission; the provision of work permits to victims; and the confiscation of the perpetrators' properties in order to compensate victims. The enactment of the Anti-Trafficking in Persons Act is expected to boost work towards human trafficking prevention and victim protection. Through the government's all-out efforts towards integrating government resources, and through close collaboration with private and non-government organizations, Taiwan has produced significant results in preventing human trafficking.

III. Actions and Results

A. Cracking down on trafficking in persons

1. Enlarging the scope of the crackdown

a. Stepping up efforts of judicial and police agencies

Respective judicial and police agencies have designated a unit to take charge of the planning of operations related to the investigation of trafficking crimes, as well as planning the implementation of special projects that focus on investigating illegal brokers, foreign residents and groups (over three members) suspected of human trafficking. In 2008, 99 suspected human trafficking cases were investigated and forwarded to the prosecutors' offices, as illustrated below:

Judicial and police agencies	No. of cases investigated	Type		No. of cases involving sham marriages
		Forced labor	Sexual exploitation	
National Police Agency, MOI	60	19	41	9
National Immigration Agency, MOI	18	15	3	13
Coast Guard Administration, Executive Yuan	10	4	6	4
Investigation Bureau, MOJ	11	2	9	6
Total	99	40	59	32

b. Stepping up investigations of illegal immigrants, stowaways from mainland China and undocumented foreign workers

The investigations aim to prevent crime syndicates from recruiting potential victims under false pretenses and transporting them via air or sea.

Investigations undertaken in 2008 are shown below:

Classification	Result of crackdown
Forged or altered passports or visas, or fraudulent use of other people's IDs or fake IDs	96 cases
Suspicious transit passengers	39 persons
Undocumented foreign workers	8,562 persons
Stowaways from mainland China	285 persons

c. Increasing face-to-face interviews and home visits to curb sham marriages

(1) Spouses from mainland China

According to the Regulations Governing Interviews of People from Mainland China Entering Taiwan, when a citizen of mainland China who has married a citizen of Taiwan applies to come to Taiwan, both must go through a face-to-face interview. In addition, if during the interview with the spouse in Taiwan the marriage is discovered to be fake, the case will be forwarded to the prosecutor's office. Home visits are also conducted to ascertain whether the marriage is bona fide. Interviews of spouses from mainland China conducted in 2008 are as follows:

No. of interviews	No. of marriages validated	No. of marriages rejected	No. of cases requiring 2 nd interviews
30,492	20,900 (69%)	3,724 (12%)	5,868 (19%)

(2) Foreign spouses

Interviews of foreigners who marry Taiwanese citizens are conducted by the Ministry of Foreign Affairs outside Taiwan. Foreign spouses are only issued with resident visas if they pass the interview. In 2008, face-to-face interviews of foreign spouses from Vietnam, Indonesia, Thailand, Philippines, Burma, and Cambodia conducted by our representative offices in Southeast Asia are depicted as follows:

No. of people interviewed	No. of cases passed	No. of cases rejected
7,365	4,861 (66%)	2,504 (34%)

2. Prosecutions, adjudications and dispositions

- a. Each district court prosecutor's office has designated prosecutors to be in charge of human trafficking cases. In 2008, 165 cases of human trafficking-related crimes were prosecuted as illustrated below:

Prosecution of human trafficking related cases in 2008					
No. of cases	No. of suspects	Type of case			
		Forced labor		Sexual exploitation	
		No. of cases	No. of suspects	No. of cases	No. of suspects
165	601	40	106	113	452

Note: As human trafficking cases are classified under sexual exploitation or forced labor starting October 2007, there were 12 cases forwarded to the prosecutor's offices before that date and hence were not classified.

b. The conviction of human trafficking related cases in 2008 are illustrated as follows:

Sentence	< 6 mos	6 mos - 1 yr	1-2 yrs	2-3 yrs	3-5 yrs	7-10 yrs	10-15 yrs	Detention	Fines	Total
No. of people	181	50	34	3	3	1	1	11	3	287

Note: Prior to the enactment of Anti-Trafficking in Persons Act, law enforcement officers were not totally clear about the definition of "human trafficking", and the gathering of crime evidence was not an easy task, which made conviction on the charge of enslavement of, trade in, and pawning of persons, which carried a stiffer sentence, difficult. As a result, human trafficking crimes were prosecuted mostly on charges of forgery of document or offenses against sexual morality, which carried lighter punishment. When the Anti-Trafficking in Persons Act was drafted, the illegal means of "illicit bondage of debt" and "abuse of the disadvantaged situation" were added to the crime of human trafficking to keep in line with the actual situation.

c. Administrative actions against employers and brokers found exploiting foreign workers in 2008

(1) Actions against employers

Type of unlawful behavior	No. of cases with fines imposed	No. of cases with employer permits revoked
Illegally accommodating foreigners	181	137
Hiring foreigners without permission or hiring foreigners applied for by other people	767	
Hiring foreigners to work for other people	27	
Asking foreigners to work in a capacity other than that permitted or changing the place of work without permission	414	

(2) Actions against unlawful brokers

Type of unlawful behavior	No. of cases with fines imposed	No. of cases with business permits revoked
Appropriating applicant's property and charging inappropriate fees	77	14
Providing false information or physical exam samples	23	7
Illegal brokering	76 (Note)	7 (Note)

Note: Recipients of fines included individuals and companies brokering illegally; business permit revocations applied to companies.

- (3) Cases forwarded by administrative agencies to the judicial authority for investigation

In 2008, local governments forwarded to the judicial authority 25 cases of potential Employment Service Act violations, in which 38 foreign workers were suspected of being trafficking victims and the perpetrators were suspected of being criminally liable.

- d. The government of Taiwan takes the integrity of its officials very seriously. In 2008, no government officials from the Ministry of Justice's (MOJ's) Investigation Bureau, from the MOI's National Police Agency and National Immigration Agency, from the Coast Guard Administration's judicial police or the CLA were prosecuted for involvement in human trafficking.

B. Strengthening protection of trafficking victims

1. Proactive identification of trafficking victims

- a. Amending the Principles for Identifying Victims of Trafficking

To help law enforcement officers identify trafficking victims, the MOJ drew up the Principles for Identifying Victims of Trafficking in March 2007. However, the lack of a clear definition of what constitutes trafficking in persons makes identifying victims a difficult task. In this round of amendments, the focus was on providing: easily recognizable signs that a person is trafficking victim; reference indicators for determining who are victims; and a detailed reference guide for questioning victims. The amended principles also stipulate that law enforcement officers should be

able to dynamically identify trafficking victims as cases progress. The amendment was promulgated by the MOJ on February 13, 2009, and the principles will be subject to further reviews and amendments in the future.

b. Reinvestigating possible human trafficking victims

According to the Operating Procedures for Processing Possible Human Trafficking Victims at the Detention Centers of the National Immigration Agency, detainees held at detention centers should be rechecked to ascertain if they are possible trafficking victims. In cases where doubts remain, the agency that turned over the detainee will be asked to reopen the investigation and take appropriate actions accordingly. Between September and December 2008, two detainees were suspected of being victims and transferred to the shelter service.

2. Providing victim placement services

a. Establishing a victim placement service network

Placement centers set up by private organizations under the commission of the MOI, the CLA and local governments, as well as those set up by source countries, offered victim placement services in 2007 and 2008 as shown below:

Type of placement	Total no. of people placed	No. of people placed in 2007	No. of people placed in 2008	Sex		Nationality					
				Male	Female	Indonesia	Vietnam	Cambodia	China	Thailand	Unknown
Victims of sexual exploitation	47	27	20	0	47	16	21	0	9	0	1
Victims of forced labor	87	42	45	14	73	58	9	11	0	9	0
Total	134	69	65	14	120	74	30	11	9	9	1

b. Setting up shelters for trafficking victims

The shelters that the MOI completed in Ilan and Hualien in 2008, as well as in Nantou in January 2009, provide a total of 218 beds. The MOI outsources shelter and placement services to private organizations.

3. Strengthening protection services

a. Providing protection during placement

During the placement period, the MOI, the CLA and local governments provide trafficking victims with living support, psychological and legal counseling, and medical screening and interpretation services. Victims are also accompanied on medical visits and to questioning sessions. Government spending on such assistance (excluding expenditures by local governments on assistance given according to the relevant regulations) in 2008 was as follows:

Expenditure	Amount (NT\$)
Placement	5,801,854
Medical care	97,699
Repatriation airfares	157,700
Support services	214,100
Other expenses	173,236
Legal expenses (including the legal expenses of foreign workers who are trafficking victims)	100,000
Total	6,544,589

b. Providing temporary entry and work permits

The MOI issues trafficking victims with temporary entry permits pursuant to Article 44 of the Immigration and Nationality Act enacted on August 1, 2008. The CLA published the Application for Foreigner Work Permits by Human Trafficking Victims on November 13, 2008, and issues temporary work permits to foreign victims in accordance with the Regulations Governing the Prevention of Transnational Trafficking in Persons and Witness Protection promulgated on November 6, 2008. Public job placement organizations also provide job placement services or make arrangements for foreign victims to try out certain employment opportunities. Full subsidies for vocational training are also provided.

c. Providing victims with witness protection

According to the Operating Procedures for Law Enforcement Agencies Escorting Victims of Human Trafficking promulgated on December 6, 2007, and other relevant regulations, trafficking victims acting as witnesses are provided with safe transport and their identities are kept confidential.

d. Repatriating victims safely

Arrangements are made to repatriate trafficking victims as soon as possible after their cases are concluded, or where the placement agency decides their assistance in investigations and trials is no longer necessary. From 2007 to the end of 2008, 70 victims were repatriated.

e. Establishing a national database of interpreters

The MOI began planning an interpreter service platform for foreigners in Taiwan in 2008, which is due to be completed by April 2009. The platform will provide trafficking victims with interpretation services, enable the regional sharing of interpreter resources and help investigations.

4. Recovering wages owed to foreign workers

In 2008, foreign worker counseling centers in local governments and the foreign worker service centers at international airports assisted 1,087 cases negotiate with their employers or brokers over back pay or fee reimbursements, recovering a total of NT\$64,890,234.

C. Preventing trafficking in persons

1. Stepping up public awareness through multiple channels

In 2008, government agencies spent over NT\$20 million on preventive campaigns as illustrated below:

a. Raising awareness of human trafficking through the education system

Gender equality, human rights and the rule of law are covered in Taiwan's national curriculums, including the Nine-Year Integrated Curriculum Outline and the Provisional High School Curriculum Outline. The teaching materials *Know About Human Trafficking* and *Preventing Human Trafficking* are

available for teachers to download. The Ministry of Education (MOE) also encourages colleges and universities to run general education courses on human rights, gender equality and the rule of law, and subsidizes related activities. A total of 518 such courses were offered in the first semester of the 2008 academic year. Gender equality, human rights and the rule of law are also advocated in social/educational activities and publications to instill students with a correct sense of what these terms mean. The MOE subsidizes local governments to hold the Annual Friendly Campus – Student Affairs and Counseling Program, and plans educational programs and activities geared towards preventing sexual transactions for all levels of schools, in accordance with the Child and Youth Sexual Transaction Prevention Act and the Ministry of Education Regulations for Promoting the Child and Youth Sexual Transaction Prevention Act through Education. It is hoped that the educational system will instill students with a true sense of human rights, the rule of law and gender equality, which will help prevent trafficking in persons.

b. Running public awareness campaigns to stop people becoming entrapped as victims or perpetrators by mistake

(1) Campaign themes

Themes include: Learn About Human Trafficking, Protective Measures for Trafficking Victims, Protect Foreign Workers from Human Trafficking, Preventing Foreign Workers from Becoming Undocumented.

(2) Campaign methods

Distribution of printed materials: The CLA has produced multi-language pamphlets and flyers such as the *Foreign Worker Help Card* and *What Foreign Workers in Taiwan Need to Know*. These are available at our representative offices in Southeast Asian countries, at government agency training centers, travel service centers, places frequented by foreign workers, and distributed to private organizations

and travel agents. The CLA also runs print ads.

Media advertising and broadcasting: Anti-human trafficking recordings and short films have been produced for cable TV, movie theaters, radio, video walls at 12 Taiwan Railway stations, and Bee TV on buses in the greater Taipei area. Other campaign vehicles include special TV and radio interviews, 11 radio programs broadcast in the native tongue of foreign workers, and news reports.

(3) Campaign targets and aims

Anti-trafficking campaigns target the general public, employers and manpower agencies through a number of channels to familiarize them with the subject and reporting procedures so as to prevent smuggling, stowaways and human trafficking. The campaign also targets foreign workers in Taiwan to help them understand their rights, as well as the assistance and services available to them.

c. Stepping up the campaign against child sex tourism

(1) The Ministry of Transportation and Communications (MOTC) has produced pamphlets and flyers in Chinese, English and Japanese on the prevention of sexual transactions and human trafficking involving children and teens. It has asked travel agencies and hoteliers to place these pamphlets and flyers at their service counters, in guest rooms, and other conspicuous places as a means of raising public awareness.

(2) The MOI has been running short films in movie theaters and on TV stations to publicize the prevention of online sex trafficking involving children and teens. The MOI also targets internet portals and chat rooms most frequented by children and teens during summer vacations to remind them of the dangers of making friends on the internet. Private organizations are commissioned to collect information on related domestic and foreign anti-child sex trade regulations and cases, which will be provided to relevant agencies as reference for campaign

materials to raise public awareness on child sex trade issues.

d. Complaint and counseling channels for foreign workers in 2008

Complaint channel	Method	Results
0800 toll-free complaint hotline	By phone	10,465 instances
25 local government counseling service centers	Complaint and legal counseling services	148,556 instances
Foreign Worker Service Centers at Taoyuan and Kaohsiung international airports	Departure complaints (cases that require further investigation are forwarded to the local government)	338 cases handled

2. Capacity building and training

In 2008, government agencies spent more than NT\$10 million on education and training to enhance the professional knowledge and detective skills of field personnel.

- a. The MOI has prepared a Trafficking Prevention Work Manual and distributed it to relevant agencies as reference training material so as to develop uniform concepts and practices on protection and investigation, and boost the professional capabilities of front-line field personnel.

b. General education

Training	No. of sessions / No. of attendees	Attendees
Annual training program for the Human Trafficking Prevention Inter-Agency Meeting	1/70	Service window staff from government agencies promoting trafficking prevention work
General education on prevention of trafficking in persons for inter-agency training	9/2,656	Police, coast guards, immigration officers, prosecutors, and personnel from relevant government agencies
International workshop on preventing human trafficking	1/180	Government officials, experts, scholars, NGO representatives
International symposium on preventing human trafficking	1/200	Government officials, experts, scholars, NGO representatives, officers from foreign representative offices in Taiwan

c. Investigations-related workshops

Training	No. of session / No. of attendees	Attendees
Trafficking prevention workshop for policemen	29/1,890	Police and criminal investigators from local governments
Trafficking prevention workshop for coast guards	5/240	Coast guard personnel from local governments
ID authentication and examination seminar	3 quarters /1,598	Immigration officers
Seminar on altered fingerprints	1/154	Immigration officers
Seminar on human trafficking cases	1/75	Prosecutors

d. Protection-related workshops

Training	No. of sessions / No. of attendees	Attendees
International workshop on the protection of trafficking victims	2/250	Social affairs and administrative personnel across the country
Seminar for raising awareness of protection services for trafficking victims	3/142	Medical personnel and hospital social workers

e. Prevention-related workshops

Classes or lectures on the prevention of trafficking in persons have been incorporated into professional training curriculums or seminars for labor administration personnel, foreign affairs personnel, tourism industry and finance professionals, and so forth.

3. Further promoting measures to support and counsel foreign spouses, including spouses from mainland China

The MOI drew up the Support and Counseling Measures for Foreign Spouses and Spouses from Mainland China in 2003, which maps out 40 specific measures under eight categories – adaptation counseling, healthcare and genetic health, protecting work rights, raising education levels, assisting mothers with childrearing, ensuring personal safety, perfecting the legal system and enhancing awareness. The measures are being carried out by 12 central government agencies and local governments, while the MOI holds

meetings periodically to check progress. It is hoped that by integrating government and private sector resources, by putting in place comprehensive support and counseling measures, by embracing diverse social values and providing the necessary assistance, foreign spouses can adapt to their new lives in Taiwan while being shielded from falling prey to exploitation or being harmed due to a lack of information. In 2008, the following support measures were promoted through a wide variety of channels:

a. Pre-arrival orientation for foreign spouses

Our representative offices in Southeast Asian countries provide pre-arrival orientation for foreign spouses to help them develop some basic concepts about living in Taiwan, to encourage them to learn Chinese, and to familiarize them with their rights and obligations as a resident of Taiwan, as well as make them aware of the support measures available to victims of domestic violence. In 2008, the representative offices provided orientation for 5,900 persons, of whom 70% were females, and 75% were aged 20-30.

b. Media campaign:

Support services available to foreign spouses are advertised on news programs, scrolling banners and public service announcements on television, as well as on video walls and ads on screens in the elevators of commercial buildings.

c. Hotline for foreign spouses:

A hotline that provides counseling services in six languages is available to foreign spouses in order to advise them on life in Taiwan, providing information on such areas as education, culture, employment services, healthcare, personal safety, permanent residence, relevant laws and regulations, and other support services. In 2008, 11,765 persons utilized the hotline service.

4. Reviewing foreign worker policies

a. Promoting direct hiring even further:

A Direct Employment Service Center has been established to help keep foreign workers from being exploited by unethical brokers and shorten the waiting time for their re-entry into Taiwan. The operations of the Service Center in 2008 were as follows:

Service	Results
Helping household employers who rehire their caretaker	4,712 employers
Forwarding or mailing applications for hiring a foreign worker or authenticating documents on behalf of the employer	17,460 applications
Providing telephone and onsite counseling	66,827 instances

b. Protecting the rights and interests of foreign workers

The CLA amended the Regulations on the Permission for and Administration of the Employment of Foreign Workers twice (on January 1 and December 24, 2008). The amendments stipulate that an employer is to pay the full amount of the wages as listed in the labor contract to his/her foreign worker directly. Should the terms of the labor contract not conform to the provisions of the Foreign Worker's Affidavit Regarding Expenses Incurred for Entry into the Republic of China to Work and the Wage/Salary Earned (referred to as "Wage Affidavit" hereunder), the provisions of the Wage Affidavit are to be used. In addition, the Wage Affidavit may not be revised in a way unfavorable to the foreign worker, and employers have the responsibility to appoint a broker and supervisor to ensure the welfare and personal safety of their foreign workers.

c. Allowing changes of county/city or nature of employment:

On February 27, 2008, the procedures for foreign workers seeking to change employers were amended. They broaden the types of employers eligible to hire a foreign worker and allow the employee to change county/city or line of work if agreed upon by the original employer, the foreign worker and the new employer. A foreign worker who is a trafficking victim may apply to

change their employment county/city or line of work on their own after the original employer's permit has been revoked.

d. Curbing illegal brokering:

To help reduce the number of undocumented foreign workers and instances of forced labor stemming from illegal brokering, on January 14, 2009 the Council of Labor Affairs promulgated the Determination Basis for Suspension of Business and Revocation of License for Violation of Employment Service Act by Private Employment Service Agencies and Employment Service Professionals. These guidelines extend the maximum duration of suspension for businesses found guilty of engaging in illegal brokering and overcharging of services from nine months to twelve months.

e. Fortifying the oversight of manpower agencies:

To shut down poor-quality manpower agencies, 916 manpower agencies were surveyed in 2007, with the ratings of which being announced the following year. The 173 agencies that received a C rating were not allowed to establish new branches and asked to take remedial actions. If they fail to receive a B this year, their applications to renew their permits will be denied.

5. Joining forces with the private sector to boost government efficiency

The government has joined forces with the private sector by outsourcing services and providing subsidies. NGOs can now shelter victims, escort them to various interviews and appointments, and offer them interpretation and other services. NGOs also conduct training courses, organize seminars and public announcement campaigns, attend relevant meetings, participate in international NGO events, engage in international exchanges and assist the government in drafting campaign materials for the prevention of trafficking in persons.

D. Strengthening international exchange and cooperation

1. International exchange activities

- a. On July 3, 2008, we held a meeting with Mr. Mark Taylor, Senior Coordinator of the U.S. State Department, to discuss our government's actions for further preventing trafficking in persons.
- b. In August 2008, we held the International Workshop on Prevention of Trafficking in Persons, and in October 2008 the International Conference on the Prevention on Trafficking in Persons. On these occasions, keynote speakers gave talks on the practical and legal issues of trafficking in persons. They included senior investigators from the US Immigration and Customs Enforcement under the Department of Homeland Security; a US Department of Justice prosecutor, James Felte, handling human trafficking cases; a representative of Oxfam Quebec International, an NGO in Vietnam; and a representative of Caram Cambodias, an NGO in Cambodia. It is hoped that through experience sharing, we can stay informed of the latest information on trafficking in persons and keep pace with the efforts of the international community.
- c. Three officers of Taiwan's National Immigration Agency, together with representatives of the Women's Rescue Foundation, ECPAT Taiwan and Good Shepherd Social Welfare Services, visited the United States to learn about local anti-trafficking operations.
- d. Members of our representative office in Japan were invited to attend Japan's Fifth Joint Human Trafficking Meeting on December 16, 2008. During the meeting, they exchanged views with their Japanese counterparts and the representatives of other countries on future collaboration in the prevention of crimes related to human trafficking.
- e. Some Taiwanese private organizations participated in international exchanges in 2008 with or without government subsidies. Presently very few private organizations in Taiwan are familiar with the trafficking in persons issue and assist in fighting it. The key private organizations in Taiwan with an in-depth understanding of the hideous nature of human trafficking include the Taipei

Women's Rescue Foundation, ECPAT Taiwan and Good Shepherd Social Welfare Services. Last year they actively participated in the following international anti-trafficking activities:

Taipei Women's Rescue Foundation

- (1) The chairman attended the UN.GIFT Vienna Forum in February.
- (2) The chairman, chief executive officer, superintendent, and a researcher presented a report at the annual meeting of Freedom Network USA in April.
- (3) A director was invited to attend the Hong Kong Human Trafficking Forum and present a report in November.
- (4) The executive director and superintendent attended a meeting for discussing the Human Trafficking Cooperation Plan in Cambodia in December.

ECPAT Taiwan

- (1) Representatives attended the Round Table Discussion on the Protection of Migrant Children in Thailand in June.
- (2) Representatives attended the World Congress III against the Sexual Exploitation of Children and Adolescents in Rio de Janeiro in November.

Good Shepherd Social Welfare Services

The Good Shepherd Social Welfare Services (GSSWS) is an organization under the Congregation of the Sisters of the Good Shepherd, an affiliated member of the United Nations and an NGO enjoying special consultative status with ECOSOC, United Nations. In December 2008, the chief executive officer of the GSSWS branch in Taiwan went to New York to brief the UN representative of the Congregation of the Sisters of the Good Shepherd on the current status of human trafficking in Taiwan and seek their assistance. GSSWS hopes that the United Nations will urge certain Southeast Asian countries, such as Thailand and Vietnam, to launch public awareness campaigns that teach its people the dangers of traveling to a country without a visa.

2. Strengthening cooperation with labor source countries

- a. Taiwan seeks to strengthen cooperation with labor source countries so as to better prevent the trafficking of foreign workers. Therefore, through the channels on bilateral labor affairs, Taiwan and Indonesia signed a memorandum of understanding for labor cooperation on September 23, 2008, thereby establishing a regular bilateral cooperation mechanism for handling human trafficking issues.
- b. To further protect the rights of foreign workers, Taiwan entered bilateral consultations with the Philippines, Indonesia and Thailand in 2008 to determine how they can support Taiwan's participation in ASEAN meetings on labor affairs.

3. Strengthening mutual legal assistance with other countries

As the majority of human trafficking victims in Taiwan come from Vietnam, the Ministry of Justice (MOJ) and the Ministry of Foreign Affairs (MOFA) have been pursuing a mutual legal assistance agreement (MLAA) with Vietnam since November 2006. In 2008, the MOJ engaged in several rounds of dialogue with Vietnam on this issue and forwarded the draft of a Taiwan-Vietnam MLAA to MOFA, asking MOFA to contact Vietnam to arrange formal bilateral talks that will lead to the signing of the agreement.

E. Strengthening the legal system

1. Promulgation of the amended Immigration and Nationality Act

The Immigration and Nationality Act was amended and promulgated by the Executive Yuan on August 1, 2008. As a result, 37 regulations and administrative orders require formulation or amendment, including the Regulations Governing the Prevention of Transnational Trafficking in Persons and Provision of Witness Protection in accordance with Article 46 of the Act. The aforementioned Regulations, which deal with the prevention and investigation of transnational human trafficking as well as the provision of witness protection measures, were promulgated and implemented on November 6, 2008.

2. Enactment of the Anti-Trafficking in Persons Act

To deepen and broaden anti-human trafficking efforts, the Anti-Trafficking in Persons Act was passed and promulgated on January 23, 2008. The Act contains clauses on the definition of trafficking in persons, the division of responsibility among competent authorities, and placement and protective measures for such victims. It allows human trafficking victims to stay in Taiwan under temporary entry or resident permits, apply for permanent residency under certain circumstances, and provides work permits to the victims. Moreover, it can be used to confiscate the property of perpetrators to compensate victims and impose heavier punishments on the perpetrators. For example, persons who profit by making others perform labor at low or no pay by force or coercion or other illegal means against the will of the victim are subject to imprisonment of up to seven years and/or fines of up to NT\$5 million. In addition, public servants who shield a perpetrator are subject to one and a half times the stipulated punishment. It is hoped that, by enacting the Anti-Trafficking in Persons Act, human trafficking crimes can be curbed, and the efforts to prevent human trafficking and protect the victims can be strengthened tremendously.

3. Amendments to the Crime Victims Protection Act:

On January 23, 2009, the Executive Yuan approved and announced amendments to the Crime Victims Protection Act proposed by the Ministry of Justice. The amendments expand protections, which at first mainly covered Taiwanese seriously injured during a crime and the surviving family members of someone killed. Now protections clearly cover spouses and laborers from abroad and mainland China who are victims of sexual assault, domestic violence, juvenile delinquents, and trafficking in persons. In addition, it increases the maximum amount of compensation to NT\$2.1 million. These amendments and the recently enacted Anti-Trafficking in Persons Act have expanded protections for victims and ensured that the victims receive more

reasonable compensation and prompt care.

IV. Extant Problems and Key Future Tasks

A. Protection

1. Extant problems

a. Difficulties in victim identification

Victims of trafficking are usually not readily identifiable due to the complex patterns of such crimes and suspicions that a victim could also be a criminal. Compounding the problem is the inability of victims to give a clear account during police interrogations due to language barriers or unfamiliarity with their surroundings.

b. Shelter and protection mechanisms

Our existing shelter placement and related protection mechanisms still lack comprehensive services. Protection measures, including shelter placement, provisional work permits and legal residency, for trafficking victims need to be fortified to safeguard their welfare.

2. Key future tasks

a. Establishing a mechanism through which social workers accompany trafficking victims during interrogations at the initial identification stage:

The MOI reorganized the flow of operations in September 2008 and started to solicit the services of NGOs through open invitation in March 2009. This type of cooperation is expected help identify victims of human trafficking.

b. Continued outsourcing of victim placement services to NGOs:

By outsourcing victim placement services, we hope that the professional teams involved can better protect the welfare of victims and assist in the investigation of cases. In addition, we plan to offer trafficking victims on a case-by-case basis short-term visas, work permits, and skill-building classes during the placement period, which also gives them more incentive to stay in Taiwan and assist in criminal investigations.

B. Prevention

1. Extant problems

a. Strengthening public awareness campaigns:

The human trafficking problem is complicated, and the general public is not very familiar with the issue. Moreover, groups at greater risk remain poorly informed of their rights and the legal protections available to them, making them particularly vulnerable to the underhanded and deceptive tactics of human trafficking groups. The situation calls for the creation of more effective public education channels.

b. Foreign worker management problems

(1) Foreign workers exploited by brokers abroad:

While brokerage fees abroad for services to arrange employment in Taiwan differ, they are invariably high. At our request, labor source countries have provided us with the content and schedule of broker's fees, job placement fees and service fees. However, sometimes the fees are unclear or the job placement fees exceed one month's basic wage as set forth in Taiwan's Labor Standards Act. The majority of labor source countries do not actively clamp down on brokers that charge illicit fees. As we have no jurisdiction over these brokers, this problem is out of our hands.

(2) Limited operating hours of hotlines and service centers:

The 0800 toll-free hotline for foreign workers and the phones of foreign worker counseling centers are not answered during the holidays, early in the morning or late at night. In addition, each counseling center has a different phone number, usually one that is not easy to remember. As a result, there have been instances where victimized foreign workers could not find help when they desperately needed it.

2. Key tasks for the future

a. Stepping up preventive campaigns:

- (1) In 2009, the ministries under the Executive Yuan will step up campaigns and educational programs on trafficking in persons. A budget of NT\$34.11 million has been earmarked for activities that use multimedia and other formats to familiarize the public, foreigners in Taiwan and front-line personnel with issues concerning human trafficking, and personal property and safety. The government hopes to encourage the public to join in the efforts to stop human trafficking and plans to spend NT\$11.42 million on the capacity-building and training of front-line personnel and specialists.
- (2) Through active participation in international exchange and cooperation, we will demonstrate to the international community Taiwan's commitment to fighting human trafficking. The MOI has set out rules for subsidizing the participation of private organizations in international anti-trafficking activities and for sponsoring or participating in international anti-trafficking activities. Those rules aim to merge the resources of the private sector in preventive campaigns and encourage private organizations to work with international anti-trafficking organizations in the fight against human trafficking. Therefore, they also have been posted online and sent to relevant agencies and organizations.

b. Constructing a human trafficking database:

By the end of 2009, the MOI is scheduled to complete a human trafficking database that will integrate information from the investigations and protective actions of government agencies involved in cases related to the prevention of human trafficking. It is hoped that, with the creation of the database, we can analyze more easily the patterns of human trafficking crimes and, in turn, use such information to enhance our abilities to crack down on human trafficking.

c. Reviewing issues in the management of foreign workers

- (1) Expanding the scope of direct employment:

We hope to broaden the lines of work for which foreign workers may be rehired directly in 2009, coordinate with labor source countries to streamline the work application process, and cut or waive job placement fees paid by foreign workers in the rehiring process.

(2) Drafting a standardized employment contract:

To prevent and address disputes among employers, foreign workers and brokers, we will draft a model Standardized Transnational Manpower Agency Employment Contract that specifies the items that must be and cannot be included in an employment contract.

(3) Strengthening inspections of management and brokerage fees:

We will arrange for 240 foreign worker inspectors to be deployed in 25 cities and counties, where they will visit employers from time to time to see how they manage foreign workers as well as domestic manpower agencies to check the legitimacy of their charges. Those visits aim to catch employers engaged in illegal practices, such as holding or confiscating passports, residence permits or other property of foreign workers, and catch brokers overcharging for their services. We also will increase the frequency of such visits to ensure that poor-quality manpower agencies are weeded out as early as possible.

(4) Fortifying exit mechanism for poor-quality manpower agencies:

The government has established reward and exit mechanisms for manpower agencies. Those agencies that received a C rating in 2007 and failed to take remedial actions within a given period or failed to be earn a B rating after taking remedial actions will have their applications for renewing their business permits denied.

(5) Managing brokerage fees:

The CLA will continue to enter dialogue with source countries of foreign labor, such as the Philippines, Indonesia, Thailand and Vietnam, urging them to set job placement fee items and standards. The CLA will

also revise the Foreign Worker's Affidavit Regarding the Expenses Incurred for Entry into the Republic of China to Work and the Wage/Salary. It will stipulate clearly that the Affidavit may not include personal loans unrelated to the expenses incurred from entering Taiwan to work and that local brokers may not collect fees or loan payments from foreign workers on behalf of a foreign broker. Violators will be subject to penal provisions for overcharging.

(6) Establishing a 24-hour hotline for foreign workers:

By integrating the existing hotlines for foreign workers, we plan to establish a multi-lingual 24-hour foreign worker hotline (1955) that provides counseling in four languages: English, Thai, Indonesian and Vietnamese. It will be responsible for providing free phone counseling services 24 hours a day (holidays included), accepting case assignments electronically, and following up on cases. This 24-hour service is scheduled to launch on July 1, 2009.

C. Crackdown

1. Extant problems

a. Refusal to assist in investigations:

Trafficking victims do not necessarily feel victimized and might be told or coerced by traffickers to feed law enforcement officers incorrect information. In many cases, victims either offer ambiguous answers or simply refuse to cooperate during the interviews (interrogations), adding to the difficulty in conducting the follow-up investigations needed to pinpoint and convict the real perpetrator(s).

b. Investigation of transnational trafficking crimes:

Trafficking in persons is typically a transnational crime, with members of the crime syndicate hailing from more than one country. In Taiwan, human trafficking often involves people from Taiwan, mainland China, Thailand,

Indonesia and Vietnam. In some cases, foreign government officials were found to be assisting in the crime. Moreover, due to the lack of formal diplomatic ties between Taiwan and those places, our judicial authorities, when investigating and gathering evidence, have found it difficult to acquire timely support from their counterparts in other countries.

2. Key tasks for the future

- a. Implementing special projects to expand the scope of crackdowns:

We will conduct unscheduled sweeps of possible hideouts of traffickers and their victims or establishments that might employ foreigners, thereby showing our resolve to fight human trafficking. We also will strengthen face-to-face interviews, inspection of documents, and investigation of smuggling and stowaway cases. Likewise, we will develop or upgrade training programs using materials from case analyses to keep abreast of new crime patterns and techniques and enhance our ability to crack down on human trafficking.

- b. Continuing to push for a Taiwan-Vietnam mutual legal assistance agreement:

Recently Taiwan and Vietnam have reached consensus on signing a mutual legal assistance agreement (MLAA). We will continue to push for the signing of other MLAAAs with other countries as a model for related international cooperation.

D. Legal System

1. Extant problems

- a. Although the Anti-Trafficking in Persons Act was promulgated on January 23, 2009, supportive regulations still need to be drafted to detail and expand the efforts to prevent human trafficking and protect victims.
- b. Incomplete protective measures for domestic service workers:

Thus far government agencies and private organizations have proposed

different versions of the guidelines of the Labor Standards Act on domestic service workers, but have reached consensus on the basic wage and the minimum number of days off (at least one day off a week). However domestic work by nature makes it difficult to clearly define when the foreign worker is on duty, on standby or on leave. Moreover, the majority of families needing a foreign domestic helper are economically disadvantaged. For these reasons, consensus on additional benefits for domestic service workers has yet to be reached.

2. Key future tasks

a. Promoting the implementation of the Anti-Trafficking in Persons Act:

While promulgating the Anti-Trafficking in Persons Act, we will actively study and draft supportive regulations, including the Enforcement Rules of the Anti-Trafficking in Persons Act, Regulations for Placing and Protecting Human Trafficking Victims, Regulations for Issuing Human Trafficking Victims Visitor Visas, Resident Permits and Permanent Residency under Special Circumstances, Regulations for Issuing Work Permits to Human Trafficking Victims, Regulations for Confiscating Gains from Human Trafficking Crime and Providing Victims Compensation. When those supportive regulations are in place, the human rights of trafficking victims will be better protected.

b. Promoting the amended Labor Standards Act:

To protect domestic service workers more comprehensively, we will continue to examine the feasibility of including domestic service workers into the Labor Standards Act and related support mechanisms. We will also amend the Labor Standards Act to impose heavier penalties for forced labor and combat human trafficking crimes.

V. Conclusion

The international community abhors trafficking in persons, taking it to be an

unforgivable violation of human rights. While the Taiwan government always has considered the upholding of human rights as being of paramount importance, combating human trafficking requires effective coordinated inter-agency efforts and close cooperation with NGOs and other private organizations. The 2007 and 2008 action plans and inter-agency meetings by the public and private sectors have produced positive preliminary results. Upon this foundation, the Taiwan government will continue steer its actions and efforts toward the three areas of protection, prevention and crackdown, while promoting partnerships with private organizations and enhancing international exchange and cooperation to effectively prevent and combat trafficking in persons.