

2021-2022 Anti-Exploitation Action Plan

I. Introduction

Human trafficking is a transnational and organized crime. Through the implementation of anti-human trafficking by the central and local authorities, Taiwan has achieved good results of combating human trafficking. From 2010 to 2020, Taiwan has been rated as a Tier 1 country for 11 consecutive years by the U.S. Department of State.

In order to keep strengthening the central authority's promotion of anti-human trafficking, and to encourage the local authorities' cooperation or reference to the central authority's policy for implementation, we propose the "2021-2022 Anti-Exploitation Action Plan" (hereinafter referred to as "the Action Plan") to integrate and coordinate the resources and strengths from ministries to curb human trafficking and implement the protection of human rights.

II. Objectives

- A. To propose policies to protect the rights and interests of the pelagic fishery workers and domestic workers for solving the key issues.
- B. To increase the number of participants in the identification process of trafficking victim, and to reinforce education and training of inspectors to strengthen the protection for vulnerable populations and enhance the prevention of human trafficking.
- C. To disseminate the concept of anti-human trafficking through diverse channels to raise awareness of victimization.
- D. To review and revise relevant regulations in detail, and to improve the legal system on anti-human trafficking.
- E. To maintain the ranking as a Tier 1 country by the U.S. TIP Report, and to actively participate in international events to maintain close and substantial

interaction with neighboring countries or regions.

III. Content

A. The Action Plan is based on four aspects (prosecution, protection, prevention and partnership) of Taiwan's national anti-human trafficking policy. It proposes 25 projects (or problems) and around 60 correspondent specific measures to tackle the undealt problems of trafficking in persons (TIP), as follows:

1. Prosecution

Projects (or problems)	Agencies in command	Specific measures
1. To strengthen efforts to prosecute and convict traffickers under the "Human Trafficking Prevention Act".	Judicial Yuan (Criminal Courts)	To enact the "Draft of the Basic Law on Sentencing in Criminal Cases (tentative name)" to evaluate the structure, mission objectives, and authority of the sentencing committee which will be established in the future. The committee will be in charge of formulating relevant criteria for sentencing.
2. To sentence convicted traffickers to adequate penalties, which should include significant prison terms.	Judicial Yuan (Criminal Courts)	As above.
	Ministry of the Interior (National Immigration Agency)	Revising the "Human Trafficking Prevention Act", and adding the minimum sentence for suspected criminals. (e.g.: The original fixed-term imprisonment which is more than 6 month, will be increased to more than 1 year; if there is no minimum fixed-

		term imprisonment, it will be increased to more than 6 months.)
3. To conduct comprehensive, victim-centered interviews to screen foreign fishing crew members for forced labor indicators during portside and at-sea vessel inspections.	Council of Agriculture of the Executive Yuan (the Fisheries Agency)	<p>(1) Revising the established standard operating procedures for inspection appropriately (hereinafter referred to as the “SOP for inspections”), such as the procedures of informing the police for investigations or conducting interviews with them.</p> <p>(2) Already hired and trained full-time Indonesian interpreters for inspections at domestic ports; on the other hand, using online live human interpretation services to assist inspections at foreign ports.</p>
	Ocean Affairs Council (Coast Guard Administration)	According to the SOP for inspections, the suspected victim will be interviewed together.
	Ministry of the Interior (National Immigration Agency)	Referring to the “Identification Reference Indicator for Victims of Human Trafficking” for the formulation of the “Guidelines for the Identification of Forced Labor of Foreign Fishery Workers”, to emphasizing the

		keypoints of identification for law enforcement officers.
4. To increase inspections and, where appropriate, prosecute the senior crew and owners of Taiwan-owned and -flagged fishing vessels suspected of forced labor in the DWF, including vessels stopping in special foreign docking zones.	Council of Agriculture of the Executive Yuan (the Fisheries Agency)	<p>(1) To keep increasing the frequency of inspection on foreign pelagic fishery workers employed by Taiwanese vessels with specific projects in order to check whether vessel owners and other personnel comply with relevant laws and regulations, and whether they are involved in human trafficking.</p> <p>(2) To continue the negotiations with the port states through Ministry of Foreign Affairs on the increasing dispatch of fishery commissioners.</p>
	Ministry of Labor	Cooperating with the Fisheries Agency to plan and implement joint inspections to ensure the rights of fishery workers.
	Ocean Affairs Council (Coast Guard Administration)	To amend the "Ocean Affairs Council and Subordinate Authorities Reward Standards on Uncovered Major Cases", and to add relevant reward regulations for uncoverd cases.
	Ministry of the Interior (National Immigration)	(1) Cooperating with the Labor Affairs Bureaus of local governments to conduct

	Agency)	<p>labor inspections at irregular intervals to inspect the fishing vessels which have applied for foreign fishery workers for forced labor, fishermen's borrowing or imposters.</p> <p>(2) Fully implementing the investigations of missing and fleeing foreign fishery workers, and conducting extensive enquiries towards those who surrender to immigration authorities under the voluntary departure program to actively investigate clues of human trafficking.</p>
5. To enact and implement policies to expedite maritime forced labor investigations and reduce suspect flight.	Council of Agriculture of the Executive Yuan (the Fisheries Agency)	<p>(1) Reviewing and amending the "Regulations on the Management and Approval of Foreign Flag Fishing Vessels Entering into Ports of the Republic of China", to restrict foreign fishing vessels involved in human trafficking or forced labor from entering the ports in Taiwan.</p> <p>(2) Reviewing and amending the "Standard Operating Procedures for the Notification and</p>

		<p>Subsequent Processing of Disputes over the Pelagic Fishing Vessels Employing Foreign Crew Members Aboard and Suspected of Violating the HTPA” to make the notification process clearer and faster.</p> <p>(3) To consider extending the period of sheltering and assistance for the foreign pelagic fishery workers who are suspected victims of human trafficking in order to increase the detection rate.</p>
	Ministry of the Interior (National Immigration Agency)	When investigating maritime forced labor cases, the law enforcement officers should actively report to the prosecutor to accelerate the investigation process and to implement border control to reduce escape of the suspects.
	Ocean Affairs Council (Coast Guard Administration)	When investigating maritime forced labor cases, the law enforcement officers should actively report to the prosecutor to accelerate the investigation process and to implement border control to reduce escape of the suspects.
	Ocean Affairs	The 4-hour training courses will

6. To train maritime inspection authorities on victim identification, referral, and law enforcement notification procedures.	Council (Coast Guard Administration)	be given to the personnel responsible for the practical implementation of various types of inspections or investigations on the high seas (or ports of call). (Including 1 hour of general information on human trafficking, and 3 hours of advanced network related to the identification, referral and law enforcement notification procedures of trafficking victims.)
	Council of Agriculture of the Executive Yuan (the Fisheries Agency)	The 4-hour training courses will be given to interviewers and investigators.
7. To extend trafficking victim identification authority to key stakeholder agencies.	Ministry of the Interior (National Immigration Agency)	<p>(1) Proposing to include more officials or professionals through administrative decrees (or guidelines) into the identification personnel for suspected human trafficking cases in addition to the current social workers.</p> <p>(2) Amending the Article 10 of the “Enforcement Rules of Human Trafficking Prevention Act” to include labor inspectors and lawyers of the Legal Aid</p>

		Foundation for assistance for the identification personnel.
8. To increase resources for and implement anti-trafficking training for police, prosecutors and judges.	Ministry of the Interior (National Police Agency)	To keep subsidizing the workshops on prevention of human trafficking conducted by local police stations, and to set an annual training goal of improving case officers' investigative skills and professional capabilities.
	Ministry of the Interior (National Immigration Agency)	(1) Holding workshops for experienced prosecutors, judges and policing personnels on investigation of domestic worker, fishery worker and foreign student respectively. (2) Implementing anti-human trafficking training in the annual workshop on investigation of foreign worker.
9. To strengthen efforts to screen for trafficking among vulnerable populations, including foreign students recruited to for-profit universities;	Ministry of Education	To keep reinforcing the guidance on the internal control system and the operation procedure of university's and college's foreign student recruitment.
	Ministry of the Interior (National Police Agency)	To conduct investigations on returnees who are held in custody with suspicion of illegal activities abroad, asking

<p>individuals returned to Taiwan in connection with alleged overseas criminal activity; and foreign workers falling out of visa status within Taiwan after fleeing abusive working conditions and/or surrendering to immigration authorities under the voluntary departure program, and refer them to protective services.</p>		<p>their purpose of traveling abroad and whether they have experienced human trafficking.</p>
	Ministry of the Interior (National Immigration Agency)	<p>To provide “Guide to the Rights of Human Trafficking Victims” to the undocumented foreign workers surrendering to immigration authorities under the voluntary departure program, to improve the interview investigation report, and to provide more rewards to the frontline.</p>
<p>10. To clearly define roles and responsibilities for, and increase coordination between the agencies that oversee Taiwan-owned and –falgged fishing vessels.</p>	Ministry of Labor	<p>Foreign crew members employed by Taiwanese pelagic fishing vessels in Taiwan are managed and supervised in accordance with the “Employment Service Act” and the “Labor Standards Act”, while local labor administrations and labor inspection agencies continuously conduct labor inspections on employment condition, occupational safety and employee health.</p>
	Council of Agriculture of the	<p>To regulate working conditions and legal rights of foreign crew</p>

	Executive Yuan (the Fisheries Agency)	members employed by Taiwanese pelagic fishing vessels overseas based on the “Regulation on the Authorization and Management of Overseas Employment of Foreign Crew Members”. To conduct inspections on returned Taiwanese pelagic fishing vessels by the Fisheries Agency and labor administrations according to their own responsibilities. And, to consider setting up joint inspections on returned Taiwan-flagged fishing vessels.
11. To prevent the tenderers with alleged involvement in human trafficking activities from entering government procurement procedures.	Ministry of the Interior (National Immigration Agency)	Amending the “Human Trafficking Prevention Act” to prevent convicted tenderers from bidding for government contracts.

2. Protection

12. To avoid suspected foreign victims been deported without identification.	Ministry of the Interior (National Immigration Agency)	(1) To provide the frontline investigation agencies with the criteria for the identification of suspected human trafficking case, and to improve the operations
--	--	---

		<p>manual on the investigation conducted by the detention centers.</p> <p>(2) To increase opportunities for social workers to provide timely help in the identification process of suspected human trafficking case.</p>
13. To collect statistics of settlements and compensation paid by the perpetrators to the victims of trafficking.	Ministry of the Interior (National Immigration Agency)	The civil organizations commissioned to implement the sheltering and protection services shall ask the victims whether they have actually received compensation through private or judicial conciliation procedure when victims leave the shelters.
	Ministry of Labor	The civil organizations commissioned by Workforce Development Agency to implement the sheltering and protection services shall ask the victims whether they have actually received compensation through private or judicial conciliation procedure when victims leave the shelters.
14. To subsidize flight tickets and living expenses of the trafficking victims in	Ministry of the Interior (National Immigration Agency)	To consider formulating the “Management Guidelines for the Sheltering, Protection and the Advance for Trafficking Victims Without a Work

compliance with certain criteria when victims need to return to Taiwan for criminal court sessions.		Permit” to impose specific conditions on the subsidies to flight tickets and living expenses for returning to Taiwan.
	Ministry of Labor	To consider amending the “Management Guidelines for the Sheltering, Protection and the Advance for (Suspected) Trafficking Victims With a Work Permit” to impose specific conditions on the subsidies to flight tickets and living expenses for returning to Taiwan.

3. Prevention

15. To strengthen oversight of all foreign worker recruitment and placement agencies and processes to screen for abuse indicators, including illegal fee requirements and contract discrepancies.	Ministry of Labor	To formulate an execution plan for strengthening the inspection on the charge imposed by private employment agencies.
16. To strengthen the protection of domestic workers’	Ministry of Labor	(1) To deal with issues such as the employment insurance, the protection of personal safety, and the system of

rights and interests.		<p>long-term care service, in order to protect domestic workers' interests and rights.</p> <p>(2) To amend the “Discretionary Criteria on the Permission and Administration of the Employment of Foreign Workers”.</p>
	Ministry of Health and Welfare (Department of Long-Term Care)	To produce printed literature of long-term care services for the families hiring foreign care-givers, including leaflets and Long-term Care Plan 2.0 for dummies.
17. To allocate increased resources for and streamline the maritime inspection process by requiring DWF vessels to use standard international maritime call signs, and by registering all Taiwan-owned and -flagged fishing vessel names, licenses, authorized operation areas, and foreign-hired crew	Council of Agriculture of the Executive Yuan (the Fisheries Agency)	<p>(1) The information about the permit of Taiwan-owned fishing vessels, the authorized operation area, and the list of foreign crew members is collected when the fishing vessels enter into Taiwan's ports due to flag state jurisdiction.</p> <p>(2) To arrange a visit to Fisheries Monitoring Center of the Fisheries Agency for civil organizations, scholars and specialists, and important diplomatic missions.</p> <p>(3) To keep increasing the</p>

manifests in a single, standardized database system.		number of personnel, and to negotiate with the port states through Ministry of Foreign Affairs on the dispatch of fishery commissioners.
18. To strengthen efforts to publicize the foreign worker trafficking hotline number among migrant crew members of Taiwan-owned and -flagged fishing vessels.	Council of Agriculture of the Executive Yuan (the Fisheries Agency)	<p>(1) Providing Ministry of Labor with necessary information for the 1955 Hotline's development of an "intellectual service APP".</p> <p>(2) Printing and providing the cards and promotion pads to the crew members of Taiwanese fishing vessels to raise awareness of their rights. And, requesting the agents of flag of convenience (FOC) fishing vessels to disseminate the information to the crew members during their entry into Taiwan's ports.</p> <p>(3) Strengthening the investigation on the foreign pelagic fishery workers' awareness of the appeal procedure provided by the 1955 Hotline (+886-2-8073-3141).</p>
	Ministry of Labor	The 1955 Hotline plans to develop an "intellectual service

		APP” to provide immediate responses to the inquirers.
19. To enact a full ban on the retention of migrant workers’ identity and travel documentation.	Ministry of Labor	Proposing the draft amendment to the “Employment Service Act” to fully prohibit the retention of migrant workers’ identity documentation.
	Council of Agriculture of the Executive Yuan (the Fisheries Agency)	Continuing to ask crew members whether their documentation is retained by the vessel owners or labor brokers during the fishing vessel inspections. Publicizing relevant laws and regulations to the vessel owners and labor brokers during the gatherings.
	Ministry of the Interior (National Immigration Agency)	Strengthening efforts to publicize the regulations that the identity and travel documentation should be kept by migrant workers themselves, when migrant workers apply for the resident permit at the NIA. If migrant workers’ identity and travel documentation is retained (without consent) by employers and labor brokers, they may report or appeal to the labor administrations.
20. To write off trafficking victims’ debts.	To be determined	To be determined.

4. Partnership

21. To amend relevant policies and legislative loopholes to eliminate the imposition of all recruitment and service fees and deposits on workers, and by coordinating with sending countries to facilitate direct hiring.	Ministry of Labor	<p>(1) To improve the system of employer conversion.</p> <p>(2) To keep pressing ahead with the direct hiring project.</p>
22. To formally include civil society input into the labor broker evaluation process.	Ministry of Labor	To include civil society (especially anti-human trafficking civil organizations) input into the labor broker evaluation in due course.
	Council of Agriculture of the Executive Yuan (the Fisheries Agency)	To include 1 to 3 representatives from anti-human trafficking civil organizations into the labor broker evaluation process for advice in due course.
23. To share Taiwan's anti-human trafficking measures in the transportation domain with the members in the 2020 APEC working groups.	Ministry of Transportation and Communications	<p>(1) To provide printed literature of anti-human trafficking to the airlines, Taiwan Railway and big taxi groups that may be involved in human trafficking.</p> <p>(2) To carry out the 20-minute-training of TIP identification and notification for the</p>

		personnel in the aforementioned public and private sectors.
24. To prevent foreigners (over 12 yo, under 18 yo) from victimization	Ministry of Transportation and Communications (Civil Aeronautics Administration)	Using a soft approach to guide foreigners to provide contact information of parents or statutory agents for the emergency contact at the service counter.
	Ministry of the Interior (National Immigration Agency)	Improving the investigation of the relationship between the foreign travelers and the companion (or ‘the purpose of visit’ when there is no companion) during the entry inspection process. If the investigation result shows high risks of TIP, the process of identification will be carried out in accordance with the “Principle of Trafficking Victims Identification”; if there is no specific sign or fact of TIP, we will check the integrity of contact information instead.
25. To increase international communications on TIP issues	To be determined	To be determined.

B. Each specific measure of the Action Plan shall be implemented actively by the agencies in command individually or in cooperation with relevant agencies.

IV. Members and execution

A. According to the operation platform of the "Cabinet Anti-TIP Task Force" (hereinafter referred to as "the Task Force"), the members involved in the TIP issues are divided into:

1. Core members: Criminal Courts of the Judicial Yuan, Ministry of Justice (MOJ), Ministry of Foreign Affairs (MOFA), Ministry of Education (MOE), Ministry of Transportation and Communications (MOTC), Ministry of Labor (MOL), Ministry of Health and Welfare (MOHW), Council of Agriculture of the Executive Yuan, Ocean Affairs Council, Mainland Affairs Council, Ministry of the Interior (MOI) (especially National Police Agency (NPA), National Immigration Agency (NIA)).
2. Issue members: Ministry of National Defense, Ministry of Economic Affairs, Ministry of Culture, Financial Supervisory Commission, Public Construction Commission, National Communications Commission, Council of Indigenous Peoples, Veterans Affairs Council and other relevant ministries.

B. All agencies shall actively press ahead with the specific measures of the Action Plan in accordance with their own responsibilities. In addition to filling in the reporting form semiannually (table 1), agencies shall also report the execution of their routine work (table 2) to the Task Force for the supervision and evaluation of their execution.

C. In case of supplementary measures, implementation difficulties and matters to be coordinated, agencies may make proposals to the Task Force.

V. Supervision, evaluation, rewards and punishments

A. To fully implement the anti-human trafficking measures, the secretarial agency (NIA) takes charge of supervision and coordination of execution results through the Task Force, and relinquishes controls or increases

measures depending on the situation.

- B. When Taiwan is rated as a Tier 1 country by the U.S. TIP Report, the NIA will make a proposal for rewards on the Task Force, or send an official letter in the name of MOI to the execution agencies for rewards.
- C. If Taiwan is downgraded, the NIA may invite the executive agencies to review the reasons thoroughly; when necessary, the NIA will propose to inflict punishments for them.

VI. Supplementary Provisions

- A. Each agency draws up the budget for anti-human trafficking measures in accordance with the budgetary procedures.
- B. If there are any issues not covered by this plan, it may be amended and supplemented in due course.