

# **2020 Republic of China (Taiwan) Trafficking in Persons Report**



**October 2021**



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## I. Prologue

1. Due to cross-border movement of people around a world of uneven development between countries and regions and widen gap between the rich and the poor, the number of people leaving their home countries to pursue a better life in a different country remains high. The phenomenon, further bolstered by the lure of substantial profits in the illicit trade, has driven a boom in human trafficking.
2. To consolidate interagency resources and to cooperate seamlessly with nongovernmental organizations (NGOs) in a fully committed endeavor in the prevention of human trafficking, the R.O.C. (Taiwan) government issued the Human Trafficking Prevention Action Plan in November 2006 and set up a cabinet-level anti-TIP coordination task force in January 2007. The *Human Trafficking Prevention Act (HTPA)*, promulgated in 2009, has also ensured progress in the fight against human trafficking.
3. The increasing cross-border movement of people due to globalization has been fostering exchanges of talents and the development of tourism throughout the world. To recruit and retain global talents, the Taiwanese government has launched the New Southbound Policy and relaxed immigration rules. Expanding visa-free entry for more ASEAN countries has also seen continuing rise in terms of tourist arrivals and departures. To prevent foreigners entering Taiwan with visitor visas for tourists from seeking illegal employment, which then leads to the entered foreigners being exploited or falling victim to

human trafficking, the government has taken appropriate preventive and control measures. Nevertheless, human trafficking and associated problems have not yet been fully eradicated. Moreover, TIP cases that occurred overseas involve such issues as the exercise of jurisdiction and de jure recognition and judicial cooperation of criminal matters, a realm that entails mutual assistance among countries.

4. After the outbreak of COVID-19 in early 2020, it immediately turned into a global pandemic with a significant impact on people's health and lives. Many countries tightened and strictly controlled the movement of people across the borders, which in turn affected the prevention of human trafficking. To improve on Taiwan's prevention measures, the government's cabinet-level anti-TIP and anti-discrimination task force has continued to step up communication across agencies and coordinate available resources in the quest to add strength to the prosecution and conviction of human trafficking cases while enhancing TIP victims protection and preventive measures. In recognition of Taiwan's anti-TIP efforts in 2020, the US Trafficking in Persons Report ranked Taiwan as a Tier 1 country for the eleventh consecutive year. But TIP prevention requires long-term and sustained efforts as well as the cooperation between the government, the society and the international communities.
5. The following are the key points for the work performed and refined in the prevention of human trafficking in 2020:
  - (1) Strengthening the protection of victims' rights and interests: To mention a few, the draft amendment of the Human Trafficking Prevention Act has been submitted to the

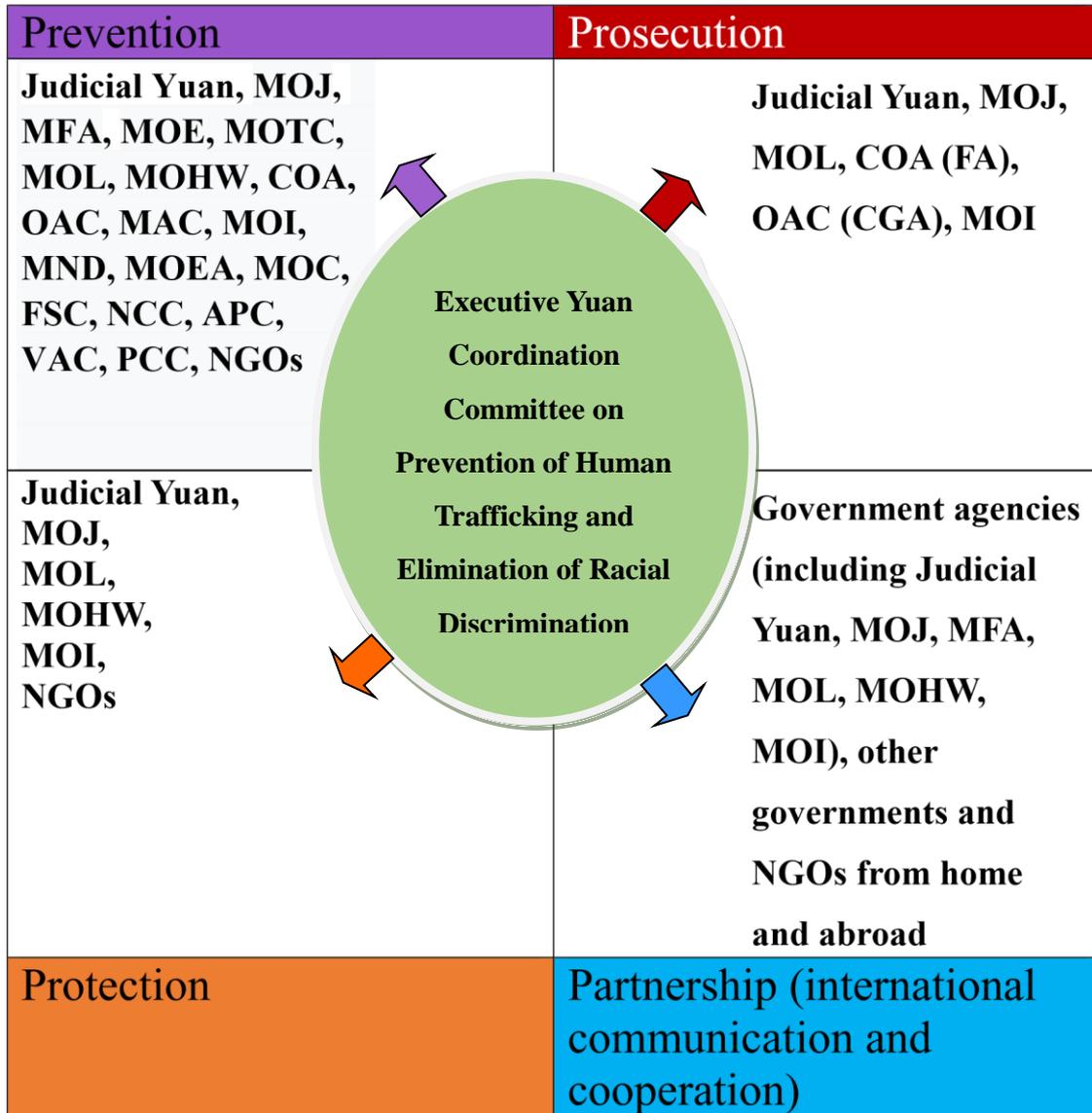
Executive Yuan for approval. The amendment of the Code of Criminal Procedure concerning the general protection and participation in litigation of crime victims has also been approved and enforced. Further, the Labor Incident Act has been enacted and implemented to provide a more efficient resolution mechanism to civil claim disputes for applicable labor trafficking victims.

- (2) Greater employers' responsibilities in terms of management and to protect the rights and interests of migrant workers: The Ministry of Labor has amended and implemented the "*Standards for Necessary Safety and Health Equipment and Measures for Workers Working under High Physical Exertion*", based on the ILO (International Labor Organization) R115 - Workers' Housing Recommendation, to regulate rooms of reasonable dimensions and proportions for migrant workers' housing. In addition, in order to strengthen the supervision of employers' responsibilities, employers are required to enroll foreign workers in accident insurance when hiring them to work as domestic helpers and home care workers.
- (3) Raised joint liability and penalties for fishery workers' agents: For example, the Council of Agriculture under the Executive Yuan requires that the agent should be reviewed for authorization and deposit a guarantee bond of NT\$1.5 million to 5 million (approximately US\$0.053 million to 0.179 million). Besides, the relevant regulations have been continuously amended in accordance with the associated three fisheries laws (i.e. Act for Distant Water Fisheries, Act to Govern Investment in the Operation of Foreign-Flag

Fishing Vessels, and Fisheries Act). Hence, in the case of fishing operations of foreign-flag fishing vessels invested by nationals of the Republic of China, if the applicants/operators have been found guilty of violating the Human Trafficking Prevention Act, the competent authority shall not approve the application or shall cancel the issued permit.

6. In 2021, Taiwan will continue to work closely with the international community and other parties at stake to combat TIP and to bring forth a human rights-based governance.

# Interagency TIP Prevention Mechanism



## II. Highlights of 2020

In order to effectively prevent human trafficking crimes and implement the spirit of the international conventions on the elimination of all forms of racial discrimination and related policies, R.O.C. government agencies continued to aggressively combat human trafficking throughout 2020 and renamed the cabinet-level task force under the Executive Yuan as Anti-TIP and Anti-Racism Task Force on May 8, 2020, consolidating the resources of related agencies, and with NGOs working in close cooperation with the government. Significant achievements were made in the fight against human trafficking. Aiming to promote closer integration with international anti-TIP strategies, the government adopted prevention and control measures that combat TIP through four approaches (hereinafter referred to as the 4P strategies): prosecution, protection, prevention, and partnership.

### 1. Prosecution:

Judicial police departments identified 159 TIP cases (29 cases of labor exploitation and 130 cases of sexual exploitation) in 2020. A total of 132 individuals were prosecuted in 78 TIP cases.

### 2. Protection:

2.1 The National Immigration Agency (NIA), Ministry of the Interior (MOI), and the Ministry of Labor (MOL) operate 25 shelters in cooperation with civic groups:

During 2020, a total of 108 newly identified victims were placed in shelters. Aside from having their everyday needs met, these residents received additional services such as

psychological counseling, interpretation assistance, legal assistance, accompaniment during investigations, and medical care. The relevant agencies made arrangements to help 17 victims return to their home countries after the conclusion of judicial proceedings.

## 2.2 Placement of victims in shelters by the NIA:

In 2020, the NIA provided medical services 155 times, interpretation assistance 517 times, legal assistance 9 times, consultations 364 times, and accompanied victims when questioned (interrogated) throughout the investigation or trial 29 times. In addition, the NIA issued 58 temporary stay permits and extended 48 temporary stay permits to TIP victims, while the MOL issued work permits to 69 victims. Public job placement centers provided services to 80 people, of whom 41 successfully found employment.

## 2.3 The Direct Hiring Service Center set up by the MOL can help minimize broker fees, which often place a heavy financial burden on foreign workers.

During 2020, the center helped 5,864 employers hire foreign employees, accepted and transferred 11,368 applications to authorities other than the MOL, and provided consultations, either onsite or over the phone, on 44,616 occasions. In 2020, the center helped save a total of NT\$120.91million (approximately US\$4.35 million) in brokerage fees.

## 3. Prevention:

### 3.1 Holding the International Workshop on Strategies for Combating Human Trafficking:

The government and civil society have mobilized various

communications channels to raise public awareness of human trafficking and help immigrants better understand their rights. For example, each year the NIA, the MOL, the Ministry of Foreign Affairs (MOFA), and the Tourism Bureau hold special events in conjunction with the UN World Day against Trafficking in Persons, which falls on July 30. In 2020, the government also held the International Workshop on Strategies for Combating Human Trafficking on September 1-2. A total of approximately 550 participants, including representatives of various countries, domestic and foreign civil society organizations (hereinafter referred to as NGOs), diplomatic and consular personnel in Taiwan, and staff from related government agencies were invited to discuss issues of global concern on human trafficking prevention, including key actions to combat and prevent human trafficking, labor trafficking in the fishing industry and the preventive measures, eliminating the exploitation of foreign students and forced labor in the supply chain. The Workshop provided insightful reflections to the participants that could be incorporated into Taiwan's fight against human trafficking going forward.

### 3.2 Training courses:

Government agencies have also integrated TIP prevention into training courses in their respective fields of expertise. For example, in 2020, the MOI held two online training seminars on human trafficking prevention (one focusing on basic training and the other covering advanced topics), attracting 113 attendees. In addition, aiming to strengthen

their professional knowledge and case-solving skills in the field in handling TIP-related crimes, training courses were held by the NIA's four Administration Corps. A total of 7 sessions were conducted, with 316 people participating. In 2020, the National Police Agency conducted 22 sessions of workshops on Strategies for Combating Human Trafficking, all of which have enhanced the professional ability of the judicial police and front-line personnel to investigate and identify human trafficking cases.

### 3.3 Reviewing and formulating regulations:

- (1) Amendments to the Code of Criminal Procedure: The amendment draft to some provisions of the Code of Criminal Procedure are completed, enabling TIP victims to petition to the court to participate in the proceedings of the case concerned: In order to enhance the subjectivity of victims in the proceeding, the amendments to some provisions of the Code of Criminal Procedure (such as general protection of victims and victims' participation in the proceedings) had gone through the third reading on December 10, 2019, the International Human Rights Day, and were promulgated by the President on January 8, 2020, and were put into effect and implemented on January 10, 2020, echoing the spirit of international human rights and opening a new page in the criminal procedure of the Republic of China.
- (2) Enacting the Labor Incident Act: In order to protect victims' rights and interests in the proceedings, the Labor Incident Act has been enacted and come into

effect on January 1, 2020. In the event of a civil dispute between a human trafficking victim and the employer, as listed in Article 2 of the Labor Incident Act, the provisions of the Act shall be applicable and victims could benefit from the protection of the rights and the remedies.

- (3) Issuing the *Instruction for the Work of Handling Human Trafficking Cases of Foreigners*: To ensure appropriate handling of human trafficking cases by front-line workers, and prioritizing the material issues in practice, we have compiled relevant laws, documents, and resources to complete *the Instruction*, so that front-line workers can quickly understand the process, master the work items, and fulfill the tasks successfully. Having been approved by the cabinet-level task force under the Executive Yuan as Anti-TIP and Anti-Racism Task Force on December 30, 2020, *the Instruction* was then issued to relevant agencies for implementation.

#### 3.4 Supervision and Assessment:

To effectively integrate and facilitate anti-TIP campaigns, the MOI has been supervising the performance of local governments every year. In 2020, due to the impact of COVID-19, the field assessment has been adjusted to a written process. This has raised awareness among municipal and county governments and promoted deeper and broader TIP prevention efforts.

#### 4. Partnership:

- 4.1 From 2011 to 2020, Taiwan has signed MOUs on

cooperation concerning immigration affairs and human trafficking with 22 countries: Australia, Belgium, Belize, El Salvador, Eswatini (previously Swaziland), the Gambia, Guatemala, Honduras, Indonesia, Japan, the Marshall Islands, Mongolia, Nauru, Palau, Panama, Paraguay, the Philippines, Saint Christopher and Nevis, Saint Vincent and the Grenadines, Solomon Islands, the United States, and Vietnam.

- 4.2 Cross-border movements and transnational organized crimes are closely related to human trafficking. Since Taiwan, due to political factors, neither joins Interpol nor signs up extradition treaties with any country, the signing of a Memorandum of Understanding (MOU) on human trafficking has been an important basis for cooperation between Taiwan and other countries.

### **III. Achievements in 2020**

#### **1. Intensified prosecution of TIP-related crimes**

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

- (1) Since 2009, various judicial police agencies have centered the task of coordinating the investigation of TIP-related crimes within specifically designated units whereby interagency communication were strengthened, resources were more appropriately used, and suspicious high-risk sites such as illegal employment agencies, places where foreign workers gather, and sex trade sites were targeted for crackdown. Protection of minors (anyone under the age of 18) against sex trafficking has also been a highlighted mission for judicial police agencies.
- (2) In 2020, 159 human trafficking cases were investigated and turned over to the district prosecutors office for prosecution. Of the 159 cases, 29 involved labor exploitations and 130 sexual exploitations. Among the sexual exploitation cases, 105 cases involve 164 victims of minors (under 18 years of age). In accordance with the provisions of the *Child and Youth Sexual Exploitation Prevention Act*, 96 of these minors were placed into the care of local social welfare agencies, while 71 were either taken home by their parents or went home by themselves.
- (3) The relevant statistics for judicial police investigations from 2009 to 2020 are as follows:

Year \ Cases	Total Cases prosecuted	Type of cases	
		Labor exploitation	Sexual exploitation
2009	88	46	42
2010	123	77	46
2011	126	73	53
2012	148	86	62
2013	166	84	82
2014	138	51	87
2015	141	44	97
2016	134	40	94
2017	145	37	108
2018	133	38	95
2019	143	32	111
2020	159	29	130

Table 1: Statistics for Judicial Police Investigations of TIP Cases from 2009 to 2020

## 1.2 Indictments and sentences

- (1) Based on the principle of maintaining judicial independence, the judge's decision to impose a sentence on a specific case should, in principle, be respected, if the circumstances listed in Article 57 of the Criminal Code of the Republic of China have been taken into consideration and the sentence imposed is made in accordance with the principle of proportionality and equality, and does not exceed the statutory range of punishment. However, in order to enable judges to decide on human trafficking cases with appropriate sentences, to reflect on the principle of culpability and the purpose of punishment, and to incorporate diverse

societal opinions, a “reference list suggested by focus groups for the sentencing of crimes that constitute violations of Articles 31 and 32 of the HTPA” was devised by the Judicial Yuan in accordance with the results of meetings attended by representatives of the courts, prosecutor’s offices, law firms, academia, and victim protection groups. The list was provided to courts on August 24, 2018 for judges’ reference in sentencing.

- (2) In addition, to avoid sentencing discrepancies and to enhance the fairness and transparency of sentencing, the Judicial Yuan has incorporated the sentencing information for crimes in violations of Articles 31 and 32 of the HTPA into the Judicial Yuan’s Sentencing Information System. The information is to provide judges with reference for sentencing in human trafficking cases. Judicial Yuan continues to call on judges at all levels to refer to the above sentencing information when adjudicating cases involving human trafficking.
- (3) In 2020, a total of 132 individuals were prosecuted by district prosecutors offices in 78 TIP cases. Prosecution figures from 2009 to 2020 are shown below:

Year	Cases prosecuted	Persons indicted	Type of cases			
			Labor exploitation		Sexual exploitation	
			cases	Persons	cases	Persons
2009	118	335	35	102	83	233
2010	115	441	41	110	76	346

2011	151	437	72	179	80	259
2012	169	458	34	57	136	408
2013	127	355	84	246	46	103
2014	102	184	21	52	88	153
2015	63	148	12	25	52	127
2016	64	166	17	44	50	128
2017	87	248	19	66	68	182
2018	71	113	24	40	47	73
2019	71	122	14	22	57	100
2020	78	132	18	31	63	105

Table 2: Cases Prosecuted and Persons Indicted for TIP-related Offences by District Prosecutors Offices from 2009 to 2020

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

(4) In 2020, 55 individuals were convicted in TIP-related cases. Among them, 26 persons were sentenced to imprisonment for not less than 3 years but less than 5 years; 12 persons for not less than 1 year but less than 2 years; and 5 persons for less than 6 months. Sentencing for TIP-related crimes from 2009 to 2020 was as follows:

Unit: Person(s)

<b>Year Sentence</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>&lt; 6 months</b>	256	192	98	144	155	97	103	96	18	9	7	5
<b>6-12 months</b>	50	37	15	16	21	10	10	13	4	2	2	4
<b>1-2 years</b>	30	34	27	27	36	20	14	23	10	14	15	12
<b>2-3 years</b>	4	4	5	3	5	6	1	4	3	2	5	1
<b>3-5 years</b>	7	19	17	32	41	30	29	21	23	21	18	26
<b>5-7 years</b>	1	0	2	2	4	2	1	0	0	0	2	1

<b>7-10 years</b>	13	1	1	3	2	1	0	3	0	2	1	5
<b>10-15 years</b>	0	1	0	0	0	3	1	1	2	0	0	1
<b>Short detention</b>	6	8	6	11	4	5	2	1	2	0	0	0
<b>Fine</b>	1	4	2	62	1	1	2	0	0	0	0	0
<b>No sanction</b>	0	0	1	0	1	0	0	0	0	0	0	0
<b>Total</b>	<b>376</b>	<b>300</b>	<b>174</b>	<b>300</b>	<b>270</b>	<b>175</b>	<b>163</b>	<b>162</b>	<b>62</b>	<b>50</b>	<b>50</b>	<b>55</b>

Table 3: Sentences Imposed on TIP Related Crimes from 2009 to 2020

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

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

Foreign workers coming to Taiwan are at a disadvantage due to cultural and language barriers, as well as the possibility of workplace confinement, which can lead to unfair treatment or even exploitation. Therefore, to attack human trafficking networks at their source, the MOL targets migrant worker employment and brokerage with strict enforcement. Statistics from 2009 to 2020 concerning this type of illegal activity are as follows:

#### (1) Hiring violations

Type of Hiring violations		Illegally harboring foreigners	Hiring unauthorized foreign workers or foreign workers assigned to other employers	Hiring foreigners to work for others	Assigning foreign workers to do unauthorized work or changing their work location without approval
Year / No. Of cases					
2009	Cases for which fines were imposed	152	582	12	410
	Cases for which employer's license was revoked	116			
2010	Cases for which fines	186	777	26	545

	were imposed				
	Cases for which employer's license was revoked	133			
2011	Cases for which fines were imposed	255	960	17	746
	Cases for which employer's license was revoked	197			
2012	Cases for which fines were imposed	305	1,136	14	768
	Cases for which employer's license was revoked	161			
2013	Cases for which fines were imposed	376	1,450	13	897
	Cases for which employer's license was revoked	227			
2014	Cases for which fines were imposed	317	1,224	20	689
	Cases for which employer's license was revoked	174			
2015	Cases for which fines were imposed	370	1,372	16	848
	Cases for which employer's license was revoked	151			
2016	Cases for which fines were imposed	390	1,563	10	664
	Cases for which employer's license was revoked	163			
2017	Cases for which fines were imposed	465	1,830	10	554
	Cases for which employer's license was revoked	167			
2018	Cases for which fines were imposed	495	1,708	3	556
	Cases for which employer's license was revoked	183			
2019	Cases for which fines were imposed	981	3,563	13	723
	Cases for which employer's license was revoked	203			
2020	Cases for which fines were imposed	910	2,171	4	701
	Cases for which employer's license was revoked	181			

Table 4: Type and Number of Hiring Violation Cases from 2009 to 2020

(2) Violations by brokers

Broker violation		Collecting unauthorized fees	Failure to perform entrusted duties, causing employers to violate the law	Illegal brokerage (including individuals and entities)
Year/No. of cases				
2009	Fine(s) imposed	110	52	92
	Business operations suspended	10	0	10
2010	Fine(s) imposed	22	52	62
	Business Operations suspended	2	1	17
2011	Fine(s) imposed	21	58	81
	Business Operations suspended	6	1	18
2012	Fine(s) imposed	23	60	73
	Business Operations suspended	12	3	9
2013	Fine(s) imposed	16	64	106
	Business Operations suspended	5	2	14
2014	Fine(s) imposed	5	65	98
	Business Operations suspended	8	5	13
2015	Fine(s) imposed	2	83	109
	Business Operations suspended	2	1	10
2016	Fine(s) imposed	6	58	110
	Business Operations suspended	4	0	7
2017	Fine(s) imposed	6	65	115
	Business Operations suspended	5	0	6
2018	Fine(s) imposed	4	77	123
	Business Operations suspended	1	0	2
2019	Fine(s) imposed	15	65	134

	Business Operations suspended	7	0	4
2020	Fine(s) imposed	15	81	106
	Business Operations suspended	12	0	6

Table 5: Type and Number of Broker Violation Cases from 2009 to 2020

B. Preventing Labor Exploitation of Foreign Students entering or in Taiwan and Improving counseling measures for tertiary institutions to recruit foreign students:

- (1) In order to ensure the quality of the Industry-Academia Collaboration Program for International Students and to protect the rights of the students, the MOE has established the *Guideline for Application and Review of Subsidy for the Industry-Academia Collaboration Program for International Students Granted by the Ministry of Education* and the *Regulations for the New South-bound International Programs of Industry-Academia Collaboration*. In addition, in order to protect the rights and interests of overseas students in off-campus internship and work-study, the MOE issued in 2019 the *Regulations for New Southbound Programs of Industry-Academia Collaboration Students' Internship and Work-Study* and the *Regulations for New Southbound Programs of Industry-Academia Collaboration* to establish the standard operating procedures (SOP) of recruitment and internship for technical and vocational education institutions to follow.

- (2) The MOE supervises educational institutions to implement the policy of “direct student recruitment and not through human resource agencies”, and requires schools to implement the admission promotion documents in local languages and to draft notes or statements for students to read and sign in advance in order to understand the rights and obligations to study in Taiwan. In addition, a letter was sent to all tertiary institutions, instructing them to provide the “Information for International Students at Tertiary Colleges and Universities” for foreign students to sign upon admission from 2019 onwards.
- (3) The MOE continues to implement reviews (visits) of international programs in universities and colleges to make a clear distinction between internship programs and student work-study activities. Should there be any suspicious case of foreign students’ labor rights being compromised, the MOL will be requested to provide prioritized assistance and refer the case to the local government for investigation, and the MOL and related units will provide the investigation results to the MOE for follow-up, so as to help students protect their rights and interests in Taiwan.
- (4) The MOE has established a dedicated website and a mailbox for counseling overseas students and set up a hot line for overseas students and an inter-agency reporting network platform.

## **1.4 Cases of the investigation, prosecution, and sentencing**

### **(1) Examples of the investigation**

## **Case 1 Labor Exploitation of Foreign Migrant Workers**

### **Description:**

In December 2019, the Taichung City Specialized Operation Brigade of the NIA received information that a manpower agency had allegedly set up a shell company and applied to the MOL for a higher quota of foreign migrant workers in the manufacturing industry by falsely reporting the number of national workers, and then arranged for the migrant workers to work illegally in the manufacturing industry with low wages. The case was investigated by Taiwan Taichung District Prosecutors' Office in March 2020. The person surnamed Diao in charge of the company, set up several shell companies with 35 persons, including his company's cadres and employees, with the intention of making illegal profits. Nearly half of the wages of the migrant workers were withheld to make a huge profit of over NT\$25 million (approximately US\$898527.49). The case was investigated and successfully cracked by a special task panel consisting of the NIA's Taichung City Specialized Operation Brigade, the Taichung City Police Department, and the Criminal Investigation Bureau of the National Police Agency, and 46 victims of human trafficking were rescued. The case was sent to the Taiwan Taichung District Prosecutors Office on December 31, 2020, for investigation, and was prosecuted on January 20, 2021, for violation of Article 32 of the HTPA.



## **Case 2: Labor Exploitation of Foreign Fishing Workers**

### **Description:**

In order to make illegal profits, a foreign fisherman agent surnamed Huang in Yilan County, allegedly took advantage of foreign fishermen's unfamiliarity with Taiwan's environment and their ignorance of laws and regulations to expand his manpower in the black market. By taking advantage of the opportunity to perform an agency service for employers, the suspect either reported the foreign fishermen under his handling as runaways or falsely reported employers' demand for fishermen and then circulated those fishermen in the underground manpower market. The Taiwan Yilan District Prosecutors Office directed the New Taipei City Field Division and Kaohsiung City Field Division under the Ministry of Justice Investigation Bureau and Keelung City Specialized Operation Brigade under the NIA's Northern Taiwan Administration Corps to conduct the investigation. The case was turned over to the prosecutors office for prosecution in August 2020 for violation of the Human Trafficking Prevention Act.

### **Case 3: Uncovering a human trafficking syndicate specializing in sexual exploitation**

#### **Description:**

The suspect surnamed Lee and other members operated a human trafficking ring recruiting foreign prostitutes to come to Taiwan to engage in illegal sex transactions. The suspect surnamed Zheng together with other suspects in the case brought prostitutes from abroad to Taiwan. In order to control the actions of the prostitutes, the suspects forced the prostitutes to live in a specific rented place and arranged for them to be transported to and from the place to engage in illegal sex transactions. The case was closed in June 2020 and the 13 national suspects, including Zheng, were transferred to Taiwan Taipei District Prosecutors Office for investigation and then prosecuted for violation of the HTPA.





### **Case 5: Uncovering a human trafficking syndicate specializing in labor exploitation**

#### **Description:**

The suspect surnamed Huang led a human trafficking labor exploitation group. Using his background as a human resources agent, Huang, along with Vietnamese friends, recruited workers from outside the country to work in marine fishery and charged them excessive brokerage fees for entry into Taiwan. Once the migrant workers entered Taiwan, they were assigned to work in jobs that were in violation of the permitted purpose of entry. Huang was taking advantage of their ignorance of the employment service laws and regulations in Taiwan and the language barrier therein. The migrants were made to work overtime in excess of what is allowed by the law but were deprived of any overtime pay or holiday. If the migrant workers showed any doubts, they were threatened to be sent back to their home countries. As a result, they became coerced and continued to provide the illegal labor services for Huang's exploitation. The case was closed on August 4, 2020 and the eight suspects, including suspect Huang, were turned over to Taiwan Yilan District Prosecutors Office for investigation and prosecution for violations of the HTPA.

### **Case 6: Uncovering a human trafficking syndicate specializing in sexual exploitation**

#### **Description:**

The suspect surnamed Tseng led a human trafficking ring recruiting foreign prostitutes to come to Taiwan to engage in illegal sex trades. Tseng, in collaboration with other

suspects, lured prostitutes from abroad to Taiwan by offering them lucrative income and false job descriptions and then coerced them to engage in the illegal sex trade by withholding their passports, accruing excessive brokerage fees, and even taking indecent photos. The case was closed on July 30, 2020, and the three suspects were transferred to Taiwan Yilan District Prosecutors Office for investigation and then prosecuted for alleged violations of the HTPA.

### **Case 7: Uncovering the sexual exploitation of women coming to Taiwan with tourist visas**

Description:

The Yunlin County Specialized Operation Brigade of the NIA received a tip-off that a private brothel, the tiny rooms nicknamed “dried tofu houses” (豆干厝), in the area of Jiafang North Road, Dongshi Township, Yunlin County, was operated and controlled by three Taiwan nationals, with dozens of bungalows and often illegally accommodated foreign women for sex trades. The investigation of case was directed by Taiwan Yunlin District Prosecutors Office, and in a search operation on September 28, 2020, a total of 40 people, including 29 women engaged in the sex trade, 8 clients, 2 pimps/guards, and 1 main suspect were arrested. Among the arrested were 16 foreigners, including 8 Thai women and 5 Vietnamese women suspected of prostitution and 3 Vietnamese men suspected of buying sex services. In addition, 9 victims were identified. In March 2021, the case was referred to the Yunlin District Prosecutor's Office

for investigation and prosecuted for alleged violations of the HTPA.

**Case 8: Sexual exploitation of runaway Indonesian migrant workers**

Description:

On February 20, 2020, when a runaway Indonesian migrant worker came to turn himself in to the Yunlin County Specialized Operation Brigade of the NIA, he was found to be covered with injuries. Having been immediately escorted to the hospital for medical treatment, he was performed a victim identification and inquired about the cause of the injuries. The victim was found to have been beaten with a razor blade against his neck by the suspect surnamed Chang. Chang was a drug addict. The victim had been forcibly detained for several days, during which the victim was forced to take unknown drugs several times and have sexual intercourse with the suspect. The case was referred to Taiwan Yunlin District Prosecutors Office for violation of the HTPA and of the Criminal Code of the Republic of China for forced sexual intercourse and assault.

**(2) A Case of the sentencing: Taiwan Tainan High Court Judgment 108 Shang-Su 380 (2019)**

Description:

In this case, the defendant exploited the labor of the victim by force and by coercion while taking advantage of the situation where the victim was in a situation of being isolated, vulnerable and unable to seek help. The defendant also withheld victims' wages for personal profit, which together

not only violated the human rights of the foreign workers, but also tarnished the reputation of the country, thus constituting a serious crime. After the offense, the defendant did not confess to the crime and did not reach reconciliation with the complainant, so it was difficult to categorize that he was remorseful. In view of the defendant's motive, purpose, means, and circumstances of the crime, the degree of harm caused by the crime, his educational level and his family's financial situation, the defendant was sentenced to imprisonment for six months for violating Article 32 of the Human Trafficking Prevention Act (this judgment was dated April 22, 2020).

### (3) Actual cases of civil claims against offenders

According to the statistics of the Judicial Yuan, in 2020, four civil claims for human trafficking were filed in district courts, which are as follows:

Cases	The court hearing the case	Case No.	Claims Amount (default interest not included)	Investigation and trial	Current Trial Status
1	Taiwan Taoyuan District Court	Judgment 109-Su 1500 (2020)	5,030,000	Partly winning a suit and partly losing a suit	Cases closed
2	Taiwan Hsinchu District Court	Judgment 109-Su 322 (2020)	600,000	Plaintiff Losing the suit	Appeals overruled plaintiff's failure to pay the court costs

3	Taiwan Yunlin District Court	Judgment 108-Su 685 (2020)	1,300,000	Partly winning a suit and partly losing a suit	Cases closed
4	Taiwan Yunlin District Court	Judgment 109-Su 136 (2020)	1,000,000	Partly winning a suit and partly losing a suit	Filing an appeal

Table 6: District Courts' Handling of Civil Claims for Human Trafficking in 2020

## 2. Optimizing the protection of TIP victims

### 2.1 Safe and Secure Placement and Protection Measures

#### I. Placement and protection of foreign victims

(1) Sheltering needs to address the need for regional balance of capacity among shelters and the preference to shelter clients in proximity. The NIA and the MOL, working in conjunction with private organizations, have set up a total of 25 shelters throughout Taiwan to provide victims with placement and protection. Services provided by the shelters include covering residents' everyday needs, psychological counseling, interpretation/translation, legal aid, accompaniment by social workers during interrogation and judicial proceedings as well as necessary medical care. When servicing victims, staff are required to be keen to multiculturalism and gender sensitivity, possesses empathy along with expertise in relevant laws and regulations.

- (2) On one hand, the MOL protection services target victims with work visas. In 2020, 77 newly identified victims were admitted, 50 of which were women and 27 men. 36 victims of Indonesian nationality make up the largest group of victims of this visa-type. On the other hand, the NIA provided protection services to victims holding other types of visas. In 2020, there were a total of 108 newly admitted victims, 76 of which were females and 32 males. 41 victims of Indonesian nationality consist of the largest portion of victims of this visa category.
- (3) The chart below provides details of foreign TIP victims placed in shelters from 2009 to 2020:

Gender and nationality		Number of Newly Admitted Victims	Gender		Nationality								
			Male	Female	Indonesian	Vietnamese	Thai	Filipino	Mainland Chinese	Cambodian	Bangladeshi	Indian	Other
Year/Exploitation type													
2009	Sexual Exploitation	85	0	85	45	12	1	0	27	0	0	0	0
	Labor Exploitation	244	71	173	120	73	6	14	0	9	22	0	0
	Total	329	71	258	165	85	7	14	27	9	22	0	0
2010	Sexual Exploitation	45	5	40	14	4	6	2	19	0	0	0	0
	Labor Exploitation	279	61	218	147	71	6	37	2	13	2	1	0
	Total	324	66	258	161	75	12	39	21	13	2	1	0
2011	Sexual Exploitation	56	0	56	20	1	1	1	33	0	0	0	0
	Labor Exploitation	263	90	173	155	83	9	13	0	0	3	0	0
	Total	319	90	229	175	84	10	14	33	0	3	0	0
2012	Sexual Exploitation	152	0	152	131	1	0	0	20	0	0	0	0
	Labor Exploitation	310	66	244	225	59	1	23	0	2	0	0	0
	Total	462	66	396	356	60	1	23	20	2	0	0	0

2013	Sexual Exploitation	121	0	121	110	1	0	1	9	0	0	0	0
	Labor Exploitation	245	47	198	166	64	6	7	0	0	0	0	2
	Total	366	47	319	276	65	6	8	9	0	0	0	2
2014	Sexual Exploitation	86	0	86	67	4	2	0	13	0	0	0	0
	Labor Exploitation	206	52	154	95	61	4	43	2	1	0	0	0
	Total	292	52	240	162	65	6	43	15	1	0	0	0
2015	Sexual Exploitation	64	0	64	53	4	0	1	6	0	0	0	0
	Labor Exploitation	122	64	58	83	29	0	10	0	0	0	0	0
	Total	186	64	122	136	33	0	11	6	0	0	0	0
2016	Sexual Exploitation	40	5	35	21	0	10	3	6	0	0	0	0
	Labor Exploitation	116	64	52	55	30	0	30	0	0	0	0	1
	Total	156	69	87	76	30	10	33	6	0	0	0	1
2017	Sexual Exploitation	61	9	52	14	5	39	3	0	0	0	0	0
	Labor Exploitation	135	53	82	94	14	6	18	0	0	3	0	0
	Sexual and Labor Exploitation	12	0	12	1	1	0	10	0	0	0	0	0
	Total	208	62	146	109	20	45	31	0	0	3	0	0
2018	Sexual Exploitation	29	1	28	15	8	4	0	0	0	0	0	2
	Labor Exploitation	79	35	44	59	15	0	4	0	0	1	0	0
	Sexual and Labor Exploitation	12	0	12	11	1	0	0	0	0	0	0	0
	Total	120	36	84	85	24	4	4	0	0	1	0	2
2019	Sexual Exploitation	30	0	30	11	8	11	0	0	0	0	0	0
	Labor Exploitation	61	24	37	43	11	0	4	0	0	0	0	3
	Sexual and Labor Exploitation	1	0	1	1	0	0	0	0	0	0	0	0
	Total	92	24	68	55	19	11	4	0	0	0	0	3
2020	Sexual Exploitation	38	0	38	11	4	0	0	0	0	0	0	0
	Labor Exploitation	64	32	32	24	30	0	10	0	0	0	0	0
	Sexual and Labor Exploitation	6	0	6	6	0	0	0	0	0	0	0	0
	Total	108	32	76	41	34	23	10	0	0	0	0	0

Table 7: Statistics of Foreign TIP Victims Placed in Shelters from 2009 to 2020

## II. Placement and Protection for Taiwanese adult victims:

- (1) Shelters: The Social and Family Affairs Administration (SFAA) under the Ministry of Health and Welfare (MOHW) has coordinated with local governments to give priority to the placement at existing shelters; if the shelters are still inadequate or unsuitable for use, local governments will join hands with NGOs to establish a complete network of settlements. In 2020, two victims were admitted on two such occasions, which were provided with such services as consultation and accompaniment of social worker(s) during police questioning (interrogation).
- (2) Necessary financial assistance: The SFAA provides the victims with necessary financial supports, including emergency living assistance, educational assistance for children, relocation assistance, legal proceedings assistance, medical assistance, and psychological therapy assistance. In addition, local governments also commission lawyers to provide legal consultations according to victims' needs. Local governments provided protection and shelter to 2 female victims on 2 occasions, 4 persons with consultation service on 20 occasions, 1 victim with accompaniment of social worker(s) during police questioning (interrogation) on 1 occasion and 1 victim with employment services on 1 occasion. A shelter also mailed information to 1 victim.

(3) Supportive services: The SFAA has highlighted the importance of providing supportive services to human trafficking victims in its Annual Directives for Subsidizing the Extension of Social Welfare Services and has requested that local governments work with civil groups to organize support and therapy groups, self-growth courses and other activities that provide victims with psychological advice and counseling. No organizations applied for any of the services in 2020.

(4) Follow-up services for victims returning home:

A. The SFAA has issued a formal document requesting all judicial police departments (NPA, CGA, and MJIB), in case the victim does not wish to accept the placement and intend to return home by her/himself, to obtain the victim's consent to referral, then fill out and fax the referral form to the desk in charge in the local social affairs office for follow-up services by the office. In 2020, local governments provided 1 victim with employment services on 1 occasion and mailed information to 1 victim.

B. In order to protect the victim's interests and rights to seek help after returning home, the SFAA under the MOHW has also sent correspondence to request the judicial police departments to distribute booklets to Taiwanese TIP victims to explain their rights.

III. Provision of services to child and youth victims of TIP sexual exploitation:

In 2020, the competent authorities in municipality or county (city) governments received some 198 reportings of child and youth sexual exploitation cases that were suspected of human trafficking and sexual intercourse/obscene acts and molestation in exchange for monetary or other rewards. The competent authorities provided services to all of the above, in accordance with the applicable laws and regulations, such as social worker(s) accompanying victims during investigations, assessment of the need for placement (in context of existing family functions), protective placement, referral to relevant service resources, counseling and intervention after returning home as well as and follow-ups.

## **2.2 Dynamic identification and inquiry of suspected victims**

To ensure that all cases of suspected human trafficking are properly identified and investigated, Specialized Operation Brigades and detention centers under the NIA conducts regular inquiries to detainees in accordance with the rules. Any detainee showing signs of a suspected victim of human trafficking will be referred back to the original investigating authority for identification. Once identified as a victim of human trafficking, the detainee will be immediately admitted to a shelter in accordance with the rules.

## **2.3 Full provision of visitor (resident) permits**

To make it desirable for the victims to perform the role of a witness in the efforts to fight the crime and to foster victims' early integration into the local communities of Taiwan, legal

visit or resident permits were provided to victims. The NIA in 2020 granted 58 temporary visit permits to TIP victims, and approved 48 applications to extend such permits.

#### **2.4 Ensure the protection of work permits and related rights**

In accordance with Paragraph 5, Article 28 of the HTPA and provisions of the Regulations on Work Permits and Administration for Human Trafficking Victims, foreign victims of human trafficking, with a temporary stay permit valid for less than six months or a valid residence permit issued by the MOI, may apply for a work permit to stay and work in Taiwan legally in order to maintain financial incomes. A total of 69 persons were issued work permits in 2020. When issuing work permits to human trafficking victims, the MOL should inform the public employment service center where the victim's shelter is located to provide the victim with employment services. In 2020, the public employment service center provided services to 80 persons, among them 41 found employment.

#### **2.5 Proper referral to MOL-conducted or other vocational training**

For unemployed TIP victims with valid work permits, the regional branches of the Workforce Development Agency (WDA) under the MOL continued to contact the shelters to learn more about their willingness to participate in training. MOL also provides information on the vocational training courses. Expenses for such training were subsidized in their entirety by the central competent authorities. In 2020, the regional branches of the WDA provided assistance to a total of 69 TIP victims with work permits.

Among them, 29 found employment, 10 were repatriated, 10 were being matched with jobs, 18 received assistance with employment, 1 had no declared intention to receive vocational training, and 1 lost contact.

## **2.6 Effective and immediate access to the 1955 hotline and the related inspection visit mechanism**

- (1) On July 1, 2009, the MOL set up the 1955 Labor Consultation and Complaint Hotline for Foreign Workers (hereinafter “1955 hotline”), staffed by personnel with expertise in five languages, including Chinese, English, Vietnamese, Indonesian, and Thai, to provide 24 hour (including holidays) bilingual, toll-free telephone consultation and complaint services, legal aids and consultation resources, referrals for protection and placement, and information on services provided by other government agencies. After receiving complaints, the case would be electronically assigned to the local government for investigation and follow-up management. It also features instant online interpretation services for medical, business, work or living needs. In 2020, the 1955 hotline received a total of 209,641 calls, among them 187,872 were to seek consultation, and 21,769 were to file general or emergency complaints. In addition, there were 2,985 cases in which migrant workers were assisted to change employers through the hotline.
- (2) The Fisheries Agency, Council of Agriculture, Executive Yuan used questionnaires (in Mandarin, English, Indonesian, Filipino, Vietnamese, and Burmese) to monitor ship owners’ and brokers’ conformance with

regulations. In 2020, 658 overseas employment of foreign crew members were asked to fill out questionnaires during inspection visits, with a total of 124 fishing vessels, as shown in the table below:

Inspection visits	2020			Total
	Port(s) in ROC	Foreign port(s)	Onboard inspections while at sea	
Fishing workers	560	95	3	658
Fishing vessels	102	20	2	124

Table 8: Inspection Visits of Overseas Employment of Foreign Crew Members in 2020

(3) Fishing vessels suspected of violating applicable regulations during the aforementioned inspection visits were placed under further investigation to determine the applicability of potential administrative penalties or judicial proceedings. Statistics on such punishments issued in 2020 are shown in the two tables below. In addition, 6 fishing vessels were informed of being involved in violations of the *HTPA* and were turned over to district prosecutors for further investigation.

Violation type	Number of violations	Cumulative penalty amount (NTD)	Duration of license suspension (months)
Employment without permission	126	12,340,000	-
Wage violations	7	1,550,000	6 months
Working hour violations	-	-	-

payroll roster not kept	2	100,000	-
Labor not related to fishing	1	50,000	-
Failure to fulfill the obligations to supervise and manage foreign crew members in accordance with the regulations	3	350,000	-
Failure to promptly notify relevant agencies in case of injury, casualty or another serious emergency of any foreign crew member	4	1,000,000	8 months
Failure to renew the contract after expiration	1	50,000	-

Table 9: Punishments for Ship Owner's Violation in 2020

Violation type	Number of violations	Penalty amount (NTD)
Employment without permission	0	-
illegal brokerage	0	-
Wage violations	3	3,000,000

Table 10: Cases for Broker's Violations and Fines Imposed in 2020

(4) Complaints filed by overseas foreign crew members using the 1955 Hotline and forwarded to the Fisheries Agency by the MOL in 2020 are shown as follows:

1955 Complaints	Cases				Treatment		
	Cases closed	Pending cases	Complaints by foreign crew members	Total	Wages recovered	Guarantee bonds recovered (prior to the enforcement of new regulations)	Passport recovered
2020	44	4 *	27	75	US\$31,138	US\$3,600	19 visas
Note: 4 cases are still under investigation.							

Table 11: Statistics of 1955 Hotline Complaints in 2020

## 2.7 Assisting migrant workers in recovering outstanding wages

In 2020, there were 9,279 cases in which foreign workers recovered outstanding wages with the help of the 1955 Hotline or migrant service stations at the city/county level. The amount of wages and related fees recovered totaled NT\$281,396,606 (approximately US\$10,093,786).

## 2.8 Respective jobs implemented by judicial police, prosecutor and courts

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

- (1) If a TIP-related case has resulted in a shelter referral for victims, it should be noted on the cover of case dossiers to prompt the prosecutor to expedite the investigation. In its supervision and review, the case should be followed up as in the way criminal suspects are kept in custody for trial.
- (2) Prosecutors' investigations of TIP-related cases involving human trafficking victims should be concluded as soon as

possible. If victims ask to be repatriated, the prosecutors should agree, after having assessed all relevant circumstances, to repatriate the victim if the situation allows.

- (3) TIP cases should be thoroughly investigated, and a confrontation between TIP victims and defendants should be arranged if necessary. Also, when the referring units, shelters, or victims in shelters inquire about the progress of investigation in the case, the governing prosecutor's office should provide appropriate replies without violating the premise of investigatory nondisclosure.
  - (4) Any letter from a shelter or legal document from a TIP victim should be properly and promptly reviewed and processed.
  - (5) When a prosecutor's investigation is closed, a notification letter should be sent to the originating police unit and the shelter to inform them of the results of the identification of the victims and the decision on repatriation of the victims. If the case results in prosecution, the letter should state that the case has been transferred and that the court will decide on whether the victim's placement is to be extended.
- B. The MOJ continues to direct prosecutors to ensure the safety of social workers and interpreters who accompany TIP victims to a court or appear in court as witnesses and has requested that prosecutors ensure the confidentiality of their identities. In order to strengthen confidentiality, comparison tables should be employed in specific cases where the names or information that may lead to the

identification of social workers and interpreters to be replaced with code numbers.

- C. To expedite the repatriation of TIP victims, and to balance their rights to repatriation with the necessity of questioning and/or cross-examining them and/or arranging their confrontation with defendants during investigations or trials, the MOJ is studying with MOFA the feasibility of implementing video conference interviews with victims in ROC embassies or representative offices.
- D. Human trafficking victims might be delayed in returning home as a result of testifying during investigations or trials. The measure would cause some degree of inconvenience to the victims but is nonetheless necessary to the investigation and prosecution of TIP crimes. In order to reconcile the victim's right to return home and the defendant's right to confrontation and cross-examination, the MOJ in 2013 issued a document to request the Taiwan High Prosecutors Office to urge its prosecutor authorities to expedite the investigation of human trafficking cases in which victims are sheltered, and if the victim requests repatriation, each prosecutor authority should, after considering all the circumstances, agree to repatriate the victim whenever possible, and should exert the same level of diligence to follow-up as in the case of detaining a suspect. In addition, the MOJ regularly circulates the roster compiled by NIA and MOL of human trafficking victims that are sheltered for more than three months to local prosecutors offices thus the latter may expedite their investigation and administrative

measures and shorten the time required to investigate human trafficking cases.

- E. The Taiwan High Prosecutors Office regularly updates the list of contacts for human trafficking cases in each local prosecutors office in order to compile information on the network of investigation, prosecution, placement and protection.
- F. The MOJ is actively enhancing the competency of currently contracted interpreters to ensure the quality of interpretation services. In addition, the MOJ continues to supervise its prosecutor authorities to assess if the interpreters are equipped with basic knowledge of interpreting ethics, prosecution duties, criminal substantive laws and procedural laws required to perform the interpreting duties. Trainings on interpretation ethics, basic legal knowledge, and the knowledge of the process of investigation and prosecution are regularly provided to ensure interpretation accuracy and enable interpreters to conduct their duties in accordance with relevant regulations. Should there be any need to provide interpretation of an unusual dialect or rare language, the MOJ shall seek interpretation services from the relevant foreign mission(s) in Taiwan or from qualified candidates in Taiwan recommended by credible organizations in order to protect the rights and interests of foreign nationals.
- G. Courts are urged to pay attention to the rights to repatriation of foreign victims when dealing with human trafficking cases: In order to protect the interests and rights of foreign victims to return to their home countries and to facilitate the competent authorities to send victims safely to their home

countries as soon as possible, in 2020, the Judicial Yuan continues to urge the judges handling human trafficking cases to pay attention to Article 30 of the *HTPA* and the operating procedures for the safe return of victims to their home countries. To ensure the rights of foreign victims to return to their home countries, when the court considers that there is no need for the victim to continue to assist in the trial, it is advisable to take the initiative to notify the transferring authority or explicitly reply (if inquired) whether the victim is ready to return to the home country.

#### H. Legal aid to victims

- (1) To safeguard human trafficking victims' human rights and their rights to bring legal proceedings, the Legal Aid Foundation (hereinafter referred to as the LAF) set up Legal Aid for Victims of Human Trafficking Programs in 2008. Under this program, the LAF provides legal aid to TIP victims who are admitted to shelters and reside legally in Taiwan and meet the requirements stated in the Legal Aid Act. Of 71 applications for legal aid, 68 were fully approved (including litigation representation and defending, mediation). In total, legal aids were provided in 95 percent of applications.
- (2) In order to raise the awareness of legal aid lawyers and staff on the issue of human trafficking, the LAF has continued to organize relevant training courses. In 2020, the LAF held a practical course on human trafficking and two courses on "Migrant Worker Situation" targeting legal aid lawyers and to help them understand the vulnerability of migrant workers in face of exploitation.

- (3) Since 2007, the LAF has participated in the civilian Supervision Alliance for Human Trafficking Prevention to help promote the legislative process of the *HTPA*. The LAF also continues to participate in the Alliance's meetings to address issues related to human trafficking and participate in the amendment of the *HTPA*.
- I. When investigating human trafficking cases, police agencies are required to have interpreters on hand to assist in the production of written records in order to protect their interests and rights. In 2020 and regarding human trafficking cases, the NPA provided interpretation services for 137 persons and accompaniment during the investigation for 301 persons.

## **2.9 Achievements of sheltering services and NGOs**

### **A. Sheltering services**

- (1) In accordance with the *Guideline of Human Trafficking Victim Identification*, the judicial police agencies, coast guard agency and immigration authorities will either refer the cases to the social administration, immigration or labor authorities for sheltering depending on the victim's nationality and type of visa. The shelters will then provide personal safety protection, necessary medical assistance, interpretation services, legal assistance, psychological counseling and consultation services, financial assistance for accompaniment by social workers and when questioned (interrogated) throughout the investigation or trial, the assistance in employer transfers and other necessary assistance.
- (2) A total of 108 foreign victims were placed in shelters in

2020. Among them, 77 were placed by the MOL and 31 by the NIA.

## B. Achievements of Nantou Shelter

Nantou Shelter was founded in October 2009 and has since been run by the Good Shepherd Social Welfare Foundation for over ten years. As of the end of 2020, the shelter had helped 433 victims (Most were victims not holding work visas. Only a few were victims with work visas). The services and achievements are as follows:

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

The shelter considers victims' recovery its core mission and provides a variety of special services to the victims it accommodates. Victims can be physically and psychologically traumatized from the mistreatment and exploitation they have experienced, and may find it hard to readjust to society. The shelter provides continuous care and access to medical examination to understand and address the physical and mental conditions of these victims, then timely assists the victims with seeking medical services and follow-up treatments. The shelter also arranges for emotional support and group consultations to help victims relearn how to put trust in others. In addition, the shelter organizes celebrations of annual festivals and holidays as well as outdoor activities to help relieve victims of their unpleasant experience and the trauma of exploitation. Constantly keeping victims company and working with them help to better acquaint the victims with Taiwan society.

### (2) Empowerment and stable employment:

To help victims return to society, gain economic security, and acquire the skills needed for planning the future, the shelter has developed employment related services that meet victims' needs through a combination of skills training, lectures, counseling, job placement, and home-based employment, so that residents are provided with opportunities to acquire professional skills and elevate their capabilities in a range of areas catering to individual needs. Through multi-faceted services, the capacities of victims are further built up to understand their strengths so that they are better equipped to face problems and challenges in the future.

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

The shelter provides information on legal resources to help victims resolve their problems and, when necessary, helps the victim apply for legal aid. The shelter also informs the victims of their rights and interests and enhances victims' recognition of their current status.

(4) Prevention of re-trafficking:

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

(5) Group activities:

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

(6) Cross-border cooperation and repatriation:

Visits by government officials and NGO personnel from Indonesia and Thailand help victims become informed of some resources available back home. Before leaving Taiwan, victims can also talk to nuns who worked in Indonesia and Thailand for years and can provide first-hand and up-to-date information about living in these countries. After repatriation, victims may seek necessary assistance from the NGOs mentioned above pursuant to their personal needs.

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

#### **3.1 Diverse Multilingual Communication Channels and Actions**

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

- (1) The MOL set up migrant worker service centers at both Taoyuan and Kaohsiung international airports. The centers provide multilingual services, assistance in proceeding through customs and immigration, information on workers' rights, and legal counseling. A 10-minute video on workers' rights and related regulations is played for migrant workers at the airport

upon their arrival. Service centers provide oral explanations and pamphlets about life, employment, and workers' rights in Taiwan. Such efforts aim to help migrant workers adjust to life in Taiwan quickly and minimize their stress from moving to a new country. In addition, in response to the implementation of border control measures due to the serious pandemic situation, starting from March 17, 2020, arriving migrant workers will be provided with the compulsory pick-up services at the airport. Due to the prohibition of migrant workers gathering and the suspension of lectures on laws and regulations, advocacy manuals for migrant workers were sent to promote the rights and interests of working in Taiwan and related laws and regulations. In total, 94,290 migrant workers received the manuals in 2020.

- (2) For the adaptation to work in Taiwan, local government agencies were funded to set up counseling service centers for migrant workers, employing native-speaking personnel to provide them with complaint or consultation services such as legal counseling, psychological counseling, work adaptation, and labor disputes, as well as providing subsidies for legal fees and referrals to legal assistance resources. In need of legal advices or cases of being subjected to illegal incidences from employers, including unilateral termination of contracts, improper treatment, withholding property, unpaid wages, or sexual assaults, migrant workers may file complaints and seek advices

from the local governments or the migrant worker counseling service centers.

- (3) In order to help employers, migrant workers, brokers and the general public in Taiwan understand migrant workers' hiring practices, rights protection and related legal information, a Taiwan Workforce Development Agency Information Site of Foreign Worker Rights Defense was setup in five languages (Chinese, English, Indonesian, Vietnamese, and Thai) by the MOL, available for migrant workers to inquire about their legal rights and seek advice to protect their rights.
- (4) In 2020, the MOL commissioned five broadcasters to produce 13 radio programs in Filipino, Indonesian, Mandarin, Thai, and Vietnamese on such topics as human trafficking prevention, migrant worker safety, and the 1955 Labor Consultation and Complaint Hotline for Foreign Workers in order to further educate employers, brokers, and foreigners about related laws and regulations. Besides promoting current policies and legislation, the programs also aimed to improve public opinion. By the end of 2020, these programs had reached an estimated 4.7 million people.
- (5) An updated edition of the short film Foreign Workers' Rights in Taiwan was incorporated into pre-job training programs provided in foreign laborers' home countries and into orientation sessions provided to foreign laborers upon arrival in Taiwan. The film introduces related regulations and teaches workers how to protect themselves, seek assistance, and file complaints.

- (6) In order to help employers, migrant workers, brokers and the general public in Taiwan understand the procedures of migrant worker hiring and the rights protection and related legal information, a Taiwan Workforce Development Agency Information Site of Foreign Worker Rights Defense was setup in five languages (Chinese, English, Indonesian, Vietnamese, and Thai) for migrant workers to inquire about their legal rights and seek advice to protect their rights.
- (7) A guide for migrant workers working in Taiwan was compiled and distributed to local governments, public employment service organizations, foreign missions in Taiwan, and migrant worker airport service stations to provide migrant workers with information about the channels for consultation and filing complaints.

#### B. Ministry of Transportation and Communications

- (1) At annual orientation sessions held by the Tourism Bureau of the Ministry of Transportation and Communications (the MOTC), new tour guides and tour managers are encouraged to report related crimes and disseminate the concept of anti-commercial sexual exploitation to the public. The Tourism Bureau also makes information concerning the prevention of human trafficking available to tourism industry professionals on the website of the Tourism Bureau. Such materials have become part of the online courses offered annually to individuals hoping to become tour guides and tour managers. Also, general knowledge on the HTPA and the Child and Youth Sexual Exploitation Prevention Act

is now taken into account in the final evaluation of such courses so that participants will realize the importance of preventing future clients from engaging in sexual exploitation. A total of 3,088 tour guides and managers received training in 2020. A campaign raising awareness of related regulations was launched to coincide with hotel inspections. A total of 150 staff members from 10 hotels attended these events in 2020.

- (2) At the airports under Taoyuan International Airport Corporation Ltd. and the Civil Aeronautics Administration (the CAA), the MOTC uses multimedia devices (electronic signage, electronic scrolls, etc.) to broadcast Anti-Human Trafficking messages to raise public awareness and prevent human trafficking incidents.
- (3) At the ports under the Maritime Affairs Centers of the Maritime and Port Bureau, the MOTC has put up posters on bulletin boards and provided a hotline 110/(02)2388-3095 for the public visiting the ports for business or leisure to strengthen their awareness and prevent human trafficking incidents.
- (4) Broadcasting Campaign Slogans for Combating Human Trafficking in cooperation with the Taiwan International Ports Corporation Limited (the TIPC):
  - a. Devices including electronic signage and electronic scrolls were used in the passenger service centers and office buildings of the ports to continuously display anti-trafficking slogans.

b. In 2020, 1,350,000 people were reached and effective promotion results were achieved.

### C. The Fisheries Agency

The Fisheries Agency's 2020 Anti-Human Trafficking Advocacy Campaigns are as follows:

Activity Theme	Advocacy Measures	Organizer	Date	Number of Participants	Target Beneficiaries	Effectiveness and Impact	Level of Private Sector Involvement
Joint free clinics for foreign fishing workers	Free clinics	The Fisheries Agency, the NIA, the Yilan County government	November 1, 2020	300	Foreign Crew Members	To raise foreign crew members' awareness to avoid human smugglers' inducement into illegal work	The Tri-Service General Hospital under the National Defense Medical Center, the National Taiwan University Hospital, and Tzu Chi Hospital provided medical resources with the assistance of the Suao District Fishermen's Association.
The Seminar on the Challenges and Prospects of Taiwan's Distant Water Fisheries	Seminars	Taiwan Fisheries Association, The Overseas Fisheries Development Council of the Republic of China	November 19, 2020	76	The Overseas Fisheries industry groups, operators, foreign crew agents, fishery administrators, experts, academics	Publicize and raise awareness of forced labor incidents in the fishing industry and how to prevent	National Taiwan Ocean University, Taiwan Tuna Association, Taiwan Squid Fishery Association, Taiwan Tuna Purse Seiners Association, Taiwan Tuna Longline Association, Kaohsiung

							District Fishermen's Association
2020 Foreign Fishermen's Rights Advocacy and Care Project	Recreational Activities, Service workshops	The Fisheries Agency, the Presbyterian Church In Taiwan Seamen and Fishermen's Service Center	March.1, 2020 to December.31, 2020	850 persons	Foreign Crew Members Employed Overseas	To raise the awareness of self-protection among foreign crew members and reduce the occurrence of exploitation by deception and fraud	The Presbyterian Church In Taiwan Seamen and Fishermen's Service Center assisted in organizing
Basketball Fishing Port Cup & Christmas Talent Show 2020	Christmas Events	The Fisheries Agency, the Marine Bureau under the Kaohsiung City Government, the Presbyterian Church In Taiwan Seamen and Fishermen's Service Center	December 18, 2020 to December 20, 2020	100 persons	Domestic and Overseas Employment of Foreign Crew Members, New Immigrant Group, Fishing Industry Association	The event helped to relieve the stress and homesickness of foreign crew members with limited mobility after entering Taiwan during the COVID-19 pneumonia outbreak.	The Presbyterian Church In Taiwan Seamen and Fishermen's Service Center assisted in organizing
Seafarers in foreign land	Broadcasting	Radio Taiwan International, Fishery	January 1, 2020 to December 31, 2020	21,000	Foreign Crew Members	Raising the awareness of	Radio Taiwan International, Fishery Radio Station

		Radio Station				human trafficking among foreign crew members	
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D. The Ministry of Health and Welfare

- (1) In accordance with the 2020 Mental Health Network Regional Support Plan, the MOHW requested that all psychiatric centers in its psychiatric hospital network incorporate anti-TIP and victim protection sessions (each session one to two hours) into their training programs for mental health administration and medical personnel. A total of two sessions were attended by 201 persons in 2020.
- (2) Through the LED electronic signage in every railway and highway station nationwide, the MOHW launched the campaign aiming at passengers and commuters of public transportation to promote the prevention of sexual exploitation of minors and the prohibition of domestic and foreign travelers from causing a child or youth to engage in sexual intercourse or obscene acts in exchange for monetary or other considerations. In total, there were 6 publishing applications in 2020.
- (3) The 3rd and 4th meetings of the 2nd Child and Youth Sexual Exploitation Prevention and Control Consultative Meeting were held on May 29 and October 6, 2020, respectively, to invite relevant ministries, municipalities and counties (cities) governments, experts and scholars, and civil organizations to review the implementation of the 2020



education and advocacy of child and youth sexual exploitation prevention and control, and to urge the central authorities in charge of each project and municipalities and counties (city) governments to continue the implementation of the projects.

#### E. The Ministry of Education

- (1) On September 17, 2020, in the National Conference of Academic Affairs Directors of Technical and Vocational Education Institutions, the MOE encouraged schools to offer courses on human rights and the rule of law, such as understanding of human trafficking.
- (2) From October 2020, three joint visits in the North, Central and South Districts to overseas and international students were held (due to the severity of the COVID-19 pandemic, the East District session was merged into the North and South Districts), not only answering questions and providing consultations to the overseas and international students in Taiwan on issues of the study and living in Taiwan, insurance, internships, and employment after graduation, stay in Taiwan, etc., but also promoting the concept of human rights and ideas of rule of law. In total, there were 78 colleges and universities, high school and junior college representatives and staff of various agencies nationwide, with a total of 600 participants.
- (3) Aiming to guide local governments in promoting curricular activities on human rights and rule of law at the community colleges, community colleges were encouraged to conduct priority policy-based curricular

activities, which would be included in the MOE's 2020 review of local governments' community college operations.

- (4) In 2020, three universities providing teacher education and training (including National Pingtung University) were subsidized to conduct three classes of human rights education credit courses to enhance teachers' knowledge and skills of human rights teaching. A total of 60 participants completed the training.
- (5) Funding for legal education programs for elementary and junior high school students and adult education students was provided to the law departments of 19 universities/colleges. A total of 12 programs on preventing human trafficking were held for 480 students.
- (6) As parts of the MOFA's Youth Working Holiday Program, the 2020 Youth Working Holiday Advocacy Online Handbook was published and sent to colleges/universities and local governments to assist in the announcement and promotion, and the NIA has been asked to update information related to the prevention of human trafficking.

#### F. Ministry of Foreign Affairs

- (1) Through putting up posters via multiple channels such as the media, websites, and consular offices, and handing out literature, the MOFA raised the awareness of Taiwanese on the various forms of human trafficking and prevented inadvertent violation of the law and

tarnishing the nation's international image due to being lack of knowledge.

- (2) The MOFA has set up the website of “Working Holiday Program” ([www.youthtaiwan.net](http://www.youthtaiwan.net)) to promote correct knowledge and guidelines of working holidays for the youth and remind them of the importance of preventing human trafficking. The Bureau of Consular Affairs of the MOFA has also set up a “Working Holiday Visa” website in English and Chinese (<https://www.boca.gov.tw/lp-153-2.html>) for the youth from 17 countries that have signed a working holiday agreement with Taiwan to apply. In 2020, in response to the COVID-19 pneumonia epidemic, MOE, MOFA, and related ministries have updated the Youth Working Holiday Advocacy Online Handbook (e-book) on the “Youth Working Holiday” website and ceased advocacy for youth working holidays. The web page has been viewed by 360,000 people since it was set up in 2016, with a cumulative total of over 1.14 million visits.

#### G. National Immigration Agency

- (1) From July 2020 to December 2020, Taoyuan International Airport displayed a “Human Trafficking Prevention Campaign” public service light box ads in Chinese/English/Indonesian, Chinese/English/Vietnamese and Chinese/English.
- (2) From April to July 2020, the 30-second anti-trafficking advocacy video “Bad Guy Doomsday” (in Chinese and English) was consigned at the Taoyuan International Airport Multimedia Area to help raise awareness of the

victimization or exploitation of foreigners and prevent human trafficking.

- (3) 20,000 packs of anti-trafficking tissues were distributed to the municipalities and county (city) governments and 25 hotels and other business associations, and distributed at the NIA events to raise public awareness of human trafficking.

#### H. National Police Agency

- (1) In 2020, the police departments under the municipalities and county (city) governments held 1,228 seminars on community security for 57,021 attendees. These seminars raised public awareness by playing videos, as well as related measures and regulations to prevent such crimes.
- (2) In addition to posters, booklets and folders on human trafficking prevention were also available at the service counters of police stations under the municipalities and county (city) governments to raise the public's awareness.
- (3) LED electronic bulletin boards and website banners of law enforcement agencies and related organizations at all local government levels helped spread awareness of anti-TIP hotlines.

#### I. Ministry of Justice

The MOJ's Leading or Sponsoring Anti-Trafficking Advocacy Campaigns in 2020

<b>Campaign Theme</b>	<b>Organizer</b>	<b>Date</b>	<b>Target Audience</b>	<b>Advocacy Measures</b>	<b>Costs</b>	<b>Effectiveness and Impact</b>
Promotional Program for Judicial Protection Month (Prevention of Foreign Labor Exploitation)	The Police Broadcasting Service	May 1-July 31, 2020	General public	Dramatized Episode (National Safety and Traffic Network)	The MOJ subsidized NT\$99,000 (US\$3,551).	Raising Public Awareness of Human Trafficking Issues in 158 episodes

#### J. Coast Guard Administration (CGA), Ocean Affairs Council

The CGA visited fishery personnel nationwide and promoted human trafficking awareness and preventative measures. In 2020, the CGA collected 12 recommendations through the visits to grassroots fishermen nationwide while educating the fishermen about anti-TIP laws and regulations. By directly interacting with the personnel in fishing industry, the CGA can more effectively promote preventive measures against human trafficking in the hiring process of domestic and foreign fishing workers.

#### K. National Communications Commission (NCC)

The NCC organized seminars on broadcasting and television contents, in conjunction with the dissemination of the HTPA and relevant regulations. In 2020, a total of four “professional training sessions for TV practitioners” were held in Taipei; four “professional training sessions for broadcasting practitioners” were held in Kaohsiung, Taichung, Taipei, and Hualien in 2020. In these events, relevant government agencies, academics and experts in the field of broadcasting were invited to communicate with practitioners face-to-face. Besides, a compendium of laws

and regulations was published to promote the relevant provisions of the Human Trafficking Prevention Act.

#### L. Veterans Affairs Council

In 2020, the Veterans Service Offices held 19 events of the “New Immigrants Life Adjustment Counseling and Happy Families Recognition Program” at the city/county level, to promote the prevention of human trafficking, with 1,207 participants. At these events, government officials spoke on regulations and the need to respect, accept, treat with equality and acknowledge persons of different cultural backgrounds.

#### M. Council of Indigenous Peoples

A total of 1,501 persons (538 males and 963 females) attended 54 sessions of lectures and classes on social welfare and human trafficking organized by the Indigenous Peoples Family Service Center.

### **3.2 The broadening and deepening of educational training and seminars**

#### A. Ministry of Labor

- (1) To promote the pre-employment training for employers of domestic migrant workers and to strengthen employers' understanding of migrant workers' laws and regulations and management responsibilities, employers applying for the employment of foreign domestic helpers and home care workers for the first time are required to receive a certain number of hours of “pre-employment training” before the application. The seminars provide information on the relevant laws and regulations for the employment of migrant workers, the prevention of human trafficking,

the customs and traditions of the migrant workers' country of origin, labor-management relations and related insurance regulations, labor contracts and salary payments, and the termination of employment. The measure is to help employers understand the situation they will be confronted with in the future and the relevant laws and regulations, and to promote harmony between employers and the employed. In 2020, 37,686 employers attended seminars and obtained certificates.

- (2) The MOL commissioned the production of a 30-minute educational video, dubbed in Filipino, Indonesian, Mandarin, Thai and Vietnamese, to be viewed before their arrival. The film is provided to foreign missions in Taiwan so that it may be shown during job-training programs in the foreign workers' home countries. The film offers information on labor rights and regulations, counseling and complaint channels, personal safety suggestions, and the customs and culture of Taiwan. The video aims to strengthen the mechanism of migrant worker orientation program.

## B. The Judicial Yuan

- (1) The Judicial Yuan held specialized seminars on human trafficking cases for division-chief judges and judges to enhance judges' professional knowledge on human trafficking cases in terms of policy, legal procedures, and practice. In 2020, Instructors from the American Institute in Taiwan (AIT), prosecutors, the NIA, and NGOs were invited to deliver lectures on "Internationalization of Human Trafficking and

Regionalized Joint Prevention Mechanisms”, “Current Situation of Human Trafficking as Recognized by the Practicing Community” and “Protection of Human Trafficking Victims in Trial”. The detention centers and shelters visits were arranged to deepen judges’ knowledge of human trafficking cases. In addition, the Judicial Yuan passes on all information on external training courses on Human Trafficking to judges and encourages them to participate. The Judicial Yuan also set up a “Trafficking in Persons Case Study Area” on its intranet site to provide judges with updated course handouts and other information for reference when handling human trafficking cases.

- (2) The Judicial Yuan continued to work with the cabinet-level anti-TIP and anti-discrimination Task Force on matters under the former’s jurisdiction. The former also sent staff to work with the NIA on the amendment of the draft *HTPA* and on the International Workshop on Strategies for Combating Human Trafficking and other related meetings by providing opinions or participating in the discussion. Furthermore, the Judicial Yuan also works with the NIA in providing advanced training to strengthen the knowledge on criminal affairs for people involved in human trafficking prevention. This contributes to a better and stronger consultative network on prevention.

#### C. Ministry of Justice

The MOJ organizes training courses on handling human trafficking cases every year to help prosecutors better

understand all aspects of issues during the investigations, prosecutions, trials of human trafficking cases as well as the protection and placement of victims. Funds required for on-the-job training courses for prosecutors are drawn from the MOJ budget. The MOJ held the 2020 workshops on the prevention of human trafficking and child and youth sexual exploitation on February 20-21, 2020. The workshops were held in cooperation with ECPAT Taiwan (End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes), inviting Raven Kalian, theater director of Puppet (R)Evolution and a child rights advocate, who gave a video conference lecture on experiences sharing from victims to survivors. In addition, ECPAT Taiwan also invited U.S. Department of Justice prosecutors and local prosecutors to present a dialogue-format session on the practical investigation experiences and the successful conviction of cyber child sexual exploitation offenders. The workshop also invited Huang Yi-Feng, Chief Executive Officer of iWIN (Institute of Watch Internet Network) to share his experience with the network defense methods used by iWIN and how the group runs its multinational platform. Further, Peter Nguyen Van Hung, Director of Vietnamese Migrant Workers and Immigrants Office (VMWIO) of the Catholic Church's Hsinchu Diocese lectured on the effectiveness of social work services on the prevention of human trafficking and the reflections from the situation of foreign migrant workers. In addition, experienced prosecutors and judges gave

lectures on the key points of the investigation of human trafficking cases, network cooperation, policies and the current status of enforcement, aiming to enhance the professional skills and abilities of prosecutors in investigating human trafficking cases.

#### D. National Immigration Agency

- (1) To continue working on prevention and to effectively eliminate human trafficking, in 2020, two training seminars on human trafficking prevention (one focusing on basic training and the other covering advanced topics) were held to train government agencies contacts per prevention affairs, attracting 113 attendees.
- (2) To strengthen field officers' professional knowledge and case-solving skills in handling TIP-related crimes, training courses were held by the various Administration Corps where experienced judges and prosecutors gave lectures. A total of 7 sessions were conducted, with 316 people participating.

#### E. Ministry of Foreign Affairs

The Institute of Diplomacy and International Affairs offers training courses on the prevention of human trafficking annually. Since 2013, anti-TIP courses have been included in the Pre-Departure Training Programs for Reserved Personnel and Personnel Stationed Abroad of Executive Yuan subordinate agencies (the “Expatriate Program”) to be held twice a year and in the Training Programs for Newly Recruited Diplomatic, Consular and Administrative Personnel (the “Newly Recruited Diplomatic Program”) to be held once a year to enhance

the awareness of participants and to be in line with international trends. In 2020, the MOFA offered the following courses:

	<b>Date</b>	<b>Prevention of Human Trafficking Related courses</b>	<b>Participants</b>	<b>Number</b>
1	6 February	The NIA Functions, including Human Trafficking Prevention and New Immigrants Care Policy	Newly Recruited Diplomatic Personnel	57 persons
2	4 June	Current promotion of human rights (including Gender Equality and Human Rights conventions and human trafficking)	Overseas personnel	106 persons
3	16 November	Current promotion of human rights (including Gender Equality and Human Rights conventions and human trafficking)	Overseas personnel	93 persons

## F. Ministry of Education

### (1) Educational training and lecture activities

- a. In order to improve the expertise of foreign student counselors and enhance the administrative efficacy, in 2020, two general courses on service competencies training for foreign student counselors of colleges/universities and two advanced courses for counselors of students from Mainland China were held. The knowledge of human rights and the concept of rule of law were promoted in the seminars. 216 schools and 280 people participated in the four courses and seminars.
- b. The training courses for investigation professionals on sexual assault and harassment or sexual bullying in schools were provided to universities/colleges and

senior high schools, and related issues on sexual exploitation prevention were integrated in the courses. In 2020, a total of 209 professionals completed the training and 158 attended the seminars of advanced training and related cases study.

- c. The 12-Year Basic Education Curriculum Guidelines has included human rights education as an issue. A total of six learning topics were added, including “basic knowledge of human rights, human rights and responsibilities, human rights and democracy and the rule of law, human rights and life practices, human rights violations and remedies, and important human rights themes, with “prevention of human trafficking” and other related contents integrated in the essence. In 2020, a total of 15 human rights education-related workshops were held nationwide, with 495 participants.

## (2) Curriculum and teaching materials

- a. In 2020, 4,345 courses were offered on human rights and on the rule of law (including human trafficking) at 70 universities, with 238,993 students completing the courses. 2,575 other courses on human rights and rule of law issues were offered at 82 technical and vocational education institutions, with 119,971 students taking the courses.
- b. In 2020, the Central Counseling Group for Human Rights Education field of the K-12 Education Administration in the Ministry of Education developed three World Human Rights Day teaching kits, with the

theme of “Preventing the Spread of COVID 19 and Human Rights”. Five teaching plans were completed, including “Protecting Children’s Human Rights together with GO, Say What I Need for the Future - Children Speak Up for the Earth, Students Fight Bullying in Pink, It’s Not My Fault, and Is Moderate Corporal Punishment OK?!”

(3) Issues on the Prevention of child and youth sexual exploitation

- a. On August 5, 2020, the Minister of Education hosted the “Online Journey - Leave No Trace - Press Conference on Prevention of Digital Gender Violence”. During the “Friendly School Week” - the first semester week of elementary and middle schools, the MOE and the County (City) Governments worked together to promote the prevention of “digital/Internet gender violence” and “sexual exploitation of children and adolescents” to enhance students’ self-protection knowledge and teachers’ awareness of protection.
- b. The MOE launched guidelines to promote school campaigns to help prevent child and youth sexual exploitation. Schools are required to promote the prevention of sexual exploitation at all grade levels and adopt protective measures in accordance with the Protection of Children and Youth Welfare and Rights Act and its guidelines. This requirement aims to raise the awareness of gender equality and children’s rights among faculty members and students and to facilitate the creation of sex education programs in schools to

effectively mitigate child sex trades. Two liaison and coordination conferences for transition schools jointly organized by the MOE, MOHW, and five transition schools were convened to promote proper concepts of money among students on May 20, 2020 and December 1, 2020.

#### G. National Police Agency

- (1) Trainings were provided to policemen from the Foreign Affairs Division, Criminal Investigation Division, Women's and Children's Protection Division, and Juvenile Affairs Division of police departments of municipality, county, and city governments as well as other police officers participating in the investigation of human trafficking cases. Experienced judges and prosecutors were invited to give instruction on the *HTPA*, and the *Guideline of Human Trafficking Victim Identification* and investigation techniques in practice. The training is to enhance the investigative skills and professional competencies of personnel handling related cases. In 2020, a total of 22 sessions were conducted, with 1,199 people participating.
- (2) A general introduction on human trafficking prevention was included in the regular training of police of municipalities, cities, and counties. In 2020, a total of 68 sessions were held, which 2,807 people attended.

#### H. Coast Guard Administration, Ocean Affairs Council

For the preservice trainings for personnel of the CGA and the “Training Programs for Reserved Investigators”, the “General Education on Human Trafficking Prevention”

was included to equip colleagues with the relevant basic knowledge to enhance the effectiveness of investigation of such cases.

#### I. Veterans Affairs Council

A New Immigrant Counseling Work Video Conference Training Program was held by the VAC in April 2020, at which officers from the Immigration Affairs Division of the NIA lectured on Taiwan's anti-TIP policies and the current status of implementation. The 69 seed trainers that accepted the training were to apply what they had learned, pursuant to the nature of their respective position, to enhance the professional competencies of their counseling services and promote human trafficking prevention.

#### J. Council of Indigenous Peoples

The 2020 educational training course for aboriginal social workers was provided to 268 trainees. They included managers and social workers of the Indigenous Peoples Family Service Center, promoters of the local government aboriginal affairs administrative units, and the aboriginal social workers and professional supervisors of the regional Indigenous Peoples Family Service Center. Films such as “What is Human Trafficking (Cantonese subtitles)”, “Beyond Borders (Full Version)”, “Human Trafficking in Taiwan”, “Anti-Human Trafficking Special collection (Full Version)”, “Anti-Human Trafficking - the Last Picture (Chinese Version)”, and “Mirror Media - one shot to the End”: Allison Lee, the mother of fishermen's rights, the heroine of the international fight against human trafficking”

were played during the training activities, conveying the concept of human trafficking prevention and raising the awareness of human trafficking prevention among the participants.

#### K. National Communications Commission

Radio and television professional training courses were implemented continuously where the promotion of anti-trafficking laws and regulations were included to help broadcasters and associations familiarize themselves with the relevant laws and regulations.

#### L. Financial Supervisory Commission

- (1) Banking industry: The Taiwan Academy of Banking and Finance was commissioned to incorporate human trafficking issues in its training programs for counter-terrorism finance and legal compliance staff and in pre-job courses for financial sector employees in anti-money laundering. A total of 1,918 persons attended 48 such educational events.
- (2) Securities and Futures: The Securities and Futures Institute and the Securities Investment Trust and Consulting Association of the R.O.C. (SITCA) were commissioned to incorporate human trafficking issues in the pre-job training for securities dealers and futures-related dealers as well as anti-money laundering and insider trading prevention education and training courses. A total of 132 sessions with 6,018 persons attended the courses.
- (3) Insurance: The Taiwan Insurance Institute, and Institute of Financial Law and Crime Prevention were

commissioned to incorporate human trafficking issues in the training on anti-money laundering and counter-terrorism issues. A total of 5,682 persons attended 140 such events.

#### M. The Mainland Affairs Council

On July 1, 2020, the educational training on the prevention of human trafficking was conducted and the promotional video “I want to have a home” was played, with more than 50 audiences from the Mainland Affairs Council and the Straits Exchange Foundation.

### **3.3 Amendments to laws and regulations on the prevention of human trafficking**

#### A. Criminal Penalties involved

Amendments to the Code of Criminal Procedure: The draft amendment to some provisions of the Code of Criminal Procedure is completed, enabling trafficking victims to petition to the court to participate in the proceedings of the case concerned: In order to enhance the subjectivity of victims in the proceeding, the amendments to some provisions of the Code of Criminal Procedure (such as general protection of victims and victims' participation in the proceedings) had gone through the third reading on December 10, 2019, the International Human Rights Day, and were promulgated by the President on January 8, 2020, and were put into effect and implemented on January 10, 2020, echoing the spirit of international human rights and opening a new page in the criminal procedure of the Republic of China.

## B. No criminal penalties involved

Enacting the Labor Incident Act: In order to protect victims' rights and interests in the proceedings, the Labor Incident Act has been enacted and come into effect on January 1, 2020. In the event of a civil dispute between human trafficking victims and employers, as listed in Article 2 of the Labor Incident Act, the provisions of the Act shall be applicable and victims could benefit from the protection of the rights and the remedies.

### **3.4 Promoting administrative guidance for prevention duties**

A. The NIA issuing the *Instruction for the Work of Handling Human Trafficking Cases of Foreigners*: To ensure appropriate handling of human trafficking cases by front-line workers, and prioritize the material issues in practice, we have compiled relevant laws, documents, and resources to complete the *Instruction*, so that front-line workers can quickly understand the process, master the work items, and fulfill the tasks successfully. The *Instruction* was approved by the cabinet-level Anti-TIP and Anti-Racism Task Force on December 30, 2020.

## B. The Fisheries Agency

(1) The Fisheries Agency issued and put into effect the Regulation on the Authorization and Management of Overseas Employment of Foreign Crew Members on January 20, 2017. The basic rights and benefits of foreign crew members employed abroad, such as basic wages, working hours and insurance, were included in the Regulation. Ship owners were required to sign labor contracts with crew members in accordance with

the standard terms and conditions to protect the rights and benefits of crew members. In 2019, in order to be in line with international standards, the Fisheries Agency further amended the Regulations, which requires that, in the case of overseas employment of foreign crew members, the crew members should be informed of the matters to be included into the employment and service contracts and be provided with a copy of the contract for each crew member to keep. In fulfilling the obligation to inform, the entire process shall be recorded and videotaped without interruption, so that foreign crew members can clearly understand the basic rights and protections provided by our government before boarding the fishing vessels.

(2) Creating a joint liability and evaluation system for brokers: Any applicant intending to become an agent shall first be approved and submit a guarantee bond in advance to the competent authority. The amount shall be from NT\$1,500,000 (US\$49,000) to NT\$5,000,000 (US\$162,000) in accordance with the number of people the agency plans to employ. In 2020, in accordance with the Fisheries Agency's evaluation criteria for 49 brokerage firms hiring foreign crew workers overseas, 32 were given an A grade, 15 a B grade, 0 a C grade, and 2 a D grade. One of them has been graded D for two consecutive years, and the license was revoked. Another one has been graded D for one year, and its business was suspended for one year.

(3) To prevent the use of foreign flagged fishing vessels by

nationals to reduce costs and to compete for fishery resources by means of forced labor and human trafficking, it was stipulated in Article 2 and Article 6 of the Regulations on the Approval of Investment in or the Operation of Foreign-Flag Fishing Vessels amended and entered into force on December 11, 2020: in case that the person with the nationality of the Republic of China that makes application to invest in or operate foreign-flag fishing vessel(s) is found guilty of violating Article 2, subparagraph (2) of the Human Trafficking Prevention Act; or the foreign government(s) or the international organization(s) has informed and the competent authority determines that such a person has engaged in forced labor or human trafficking, the competent authority may disapprove the application. Offenders who have already made investment shall be revoked the authorization to invest in or operate foreign-flag fishing vessel(s).

## **4. Strengthening domestic and foreign partnerships**

### **4.1 Participation in international exchanges and activities**

- A. The 2020 International Workshop on Strategies for Combating Human Trafficking and other related meetings were organized by the NIA on September 1-2, 2020. The event helps to promote human trafficking prevention in Taiwan. AIT Director Brent Christensen and other foreign ambassadors, experts and scholars, as well as members of non-governmental organizations were invited to attend the event to discuss the globally

concerned issues involving human trafficking, such as the key actions to combat and prevent human trafficking, labor trafficking in the fishing industry and the prevention of exploitation of foreign students in Taiwan and forced labor in the supply chain. The event deepens international exchange and cooperation, increases international participation, and demonstrates Taiwan's determination to combat transnational crime and enhance our international image.

B. On September 17, 2020, the MOFA assisted the Fu Jen Academia Catholica in organizing the memorial Forum on the fifth anniversary of the Pope's encyclical "Laudato si" with Cardinal Peter Turkson, echoing the Pope's philosophy of respect for the value of life and humanitarian concerns behind the prevention of human trafficking.

#### C. Ministry of Justice

(1) The Mutual Legal Assistance in Criminal Matters Act was promulgated and came into force on May 2, 2018. Where a matter concerns international mutual legal assistance in criminal matters, treaties apply; where there are no such treaties or no applicable provisions in such treaties, the Act shall apply. The Act could thus be the primary legal source for enhancing international mutual assistance in criminal matters, or the secondary legal source to provide supplementary information on the law, and shall be of great help in promoting international cooperation on combating transnational human trafficking.

(2) In 2020, the MOJ continued to establish contact windows

for information sharing and cooperation, and actively engage in international criminal legal assistance to assist domestic and foreign investigative units in human trafficking cases. Actions include information exchange, evidence collection and officer repatriation.

(3) The Taiwan Taichung District Prosecutors Office requested for mutual legal assistance in criminal matters from Montenegro in 2020 for a case involving organized crimes, aggravated fraud and violation of the Human Trafficking Prevention Act. The case was also investigated by the Montenegro authorities, and subsequently, searches, seizures and arrests of the defendants were initiated by the Montenegro authorities in response to Taiwan's request. Later on, the proceedings were transferred to Taiwan Taichung District Prosecutors Office with the evidence and defendants for investigation. (see The criminal judgments of the Taiwan Taichung District Court (109) Zong-Su-Tzi No.1341, 1888 and Taiwan High Court Taichung Branch (110) Shan-Su-Tzi No.240, 251, 252, 253).

D. Police liaison officers were stationed by the NPA in Indonesia, Japan, Korea, Macau, Malaysia, the Netherlands, the Philippines, Singapore, South Africa, Thailand, the United States and Vietnam to establish and maintain close cooperation and liaison with host country police units to investigate cross-border human trafficking crimes.

E. To enhance the experience of international labor in fisheries, applications for subsidies from relevant NGOs

to hold relevant meetings in 2020 were granted and relevant NGOs attended:

Event Theme	Means of Advocacy	Organizer	Date	Number of Participants	Target beneficiaries	Effectiveness and Impact	Participating Parties
Professional Training in the Protections of Rights and Interests and Inspection Visits of Overseas Employed Foreign Crew Members for Marine Fishing Industry	Professional Training Courses	The Overseas Fisheries Development Council of the Republic of China	From September 24, 2020 to September 25, 2020	30	Domestic port inspectors, first-line coordinators of County (City) Governments, and staffs of seafarer fishermen service centers	Enhanced sensitivity of inspectors and first line coordinators in detecting suspicious signs	Teaching by instructors from the Central Police University, Specialized Operation Brigades of the NIA, Taiwan Kaohsiung District Prosecutors Office
Basketball Fishing Port Cup & Christmas Talent Show 2020	Events	Seafarer fishermen service centers	December 20, 2020	100	Foreign Crew Members	Raising Awareness of Human Trafficking among Foreign Crew Members	Seafarer fishermen service centers

#### **4.2 Promote the signing or substantive international cooperation matters**

A. In recent years, we have been committed to cooperating with the international community to combat criminal activities. The Taiwan-US Mutual Legal Assistance Agreement in Criminal Matters was signed on March 2002, the Taiwan-Philippines Mutual Legal Assistance Agreement in Criminal Matters was signed on April 19, 2013, and the Taiwan-South Africa Mutual Legal

Assistance Agreement in Criminal Matters was signed on July 24, 2013. The signing of these agreements on mutual legal assistance in criminal matters has been of great significance to upholding the dignity of our judicial sovereignty and a basis for requesting mutual legal assistance from countries that have signed the agreements with us when we go after human trafficking crimes. In 2019, we signed the “Agreement between the Taipei Representative Office in Poland and the Polish Office in Taipei on the Legal Cooperation in Criminal Matters” and “Treaty On Mutual Legal Assistance In Criminal Matters Between The Government Of The Republic Of China (Taiwan) And The Government Of The Republic Of Nauru”, to start practical cooperation with foreign countries in the field of justice, and to jointly combat transnational (human) trafficking crimes. In addition, the *Mutual Legal Assistance in Criminal Matters Act* was promulgated and came into force on May 2, 2018. It serves as a legal basis for mutual legal assistance (e.g., the obtaining of evidence information, the interrogation of defendants or witnesses) between Taiwan and the countries other than the 6 aforementioned nations of Belize, Nauru, the Philippines, Poland, South Africa, and the United States.

- B. To effectively facilitate cooperation on immigration matters and combat human trafficking, in October 2020, Taiwan signed MOUs on cooperation concerning immigration affairs and human trafficking prevention with the Philippines. As of 2020, Taiwan has signed such MOUs

with 22 other countries: Australia, Belgium, Belize, El Salvador, Eswatini (previously Swaziland), Gambia, Guatemala, Honduras, Indonesia, Japan, the Marshall Islands, Mongolia, Nauru, Palau, Panama, Paraguay, the Philippines, Saint Christopher and Nevis, Saint Vincent and the Grenadines, Solomon Islands, the United States, and Vietnam, effectively enhancing international cooperation on immigration affairs, cross-border crime prevention, and anti-TIP efforts. In the future, we will strengthen the exchange and cooperation with related countries to implement the purpose and spirit of our efforts to prevent human trafficking.

- C. On September 26 and 28, 2020, Minister of Justice Tsai Ching-Hsiang and Belize Ambassador Wilfred Elrington signed the Treaty on Mutual Legal Assistance in Criminal Matters on behalf of the governments of Taiwan and Belize, underscoring the judicial cooperation between the two countries and increase mutual cooperation in crime prevention and criminal investigation and examination.

#### **4.3 Sponsoring or participating in events organized by domestic civil associations**

- A. The NIA has consolidated resources of local governments and civic groups in southern Taiwan to build a regional anti-TIP network and better fight the trafficking of fishing workers hired overseas. It has continued to promote the project concerning both human trafficking prevention and the investigation and prosecution of TIP crimes, including a special anti-TIP project for foreign fishing workers in

Kaohsiung and Pingtung. A total of 62 sessions of events were held with 2,050 participants. The project has helped reduce the number of foreign fishing workers hired overseas who go missing in these two areas and discouraged human trafficking.

- B. Local government agencies and civic groups were funded by the MOL to organize lectures for employers, migrant workers, and brokers, to feature cultural exchanges and holiday celebrations and organize classes for Mandarin and other languages. These activities serve as a platform to raise awareness of human trafficking prevention, employers' obligations in protecting the personal safety and privacy of migrant workers and providing healthy living conditions. It also informs participants of the benefits of 1955 hotline. 241 meetings for promoting anti-TIP regulations were held. A total of 32,229 persons attended.

## **IV. Future Endeavors**

### **1. Prosecution**

#### **(1) Training for seed training instructors of human trafficking cases by the NIA**

Due to the significantly low number of cases handled by judicial police departments each year and the fact frequent turnover of front-line judicial police officers is to the disadvantage of the quality of police investigation, the NIA Experience Inheritance Program of Human Trafficking Cases Investigation was issued in 2020 to strengthen the accumulation and sharing of experience in investigating cases and to improve educational training as well as the

quality of the investigations. Experienced officers will be nominated by the NIA to serve as seed training instructors (1 term of 2 years) for training and providing advice to investigators.

**(2) The Judicial Yuan initiated the drafting of the “Basic Law on Sentencing in Criminal Cases”**

In order to enhance the appropriateness and predictability of sentencing so that the function of punishment works properly, the “Preparatory Consultation Meeting of the Sentencing Commission” was held in June 2019, and the “Committee of the Sentencing Commission for Criminal Cases” was formed on December 5, 2019, which convened meetings intensively from January 6 to July 27, 2020. It continued to hold meetings on January 25, February 8, and March 8, 2021. The meetings were to evaluate the organizational structure, mission objectives, and authority of the sentencing commission, with a view to formulate relevant criteria for sentencing, to promote the development of the sentencing system, and to enhance the appropriateness, fairness, and transparency of sentencing. It is hoped that the draft “Basic Law on Sentencing in Criminal Cases” (tentative name), if enacted, will take a major step forward in sentencing reform, improving the legal system of sentencing in criminal cases and achieving fair and honest justice.

**(3) The NPA intensifies the investigation and prosecution of TIP crimes**

The NPA will continue to supervise all police agencies to carry out an anti-slavery plan and continue to investigate

human trafficking cases. The main focus of police work is on cracking down human trafficking syndicates with three or more members either consisting of the main suspects, fake spouses and/or other criminal suspects.

## **2. Protection**

### **(1) Enhance the effectiveness of victim identification in suspected human trafficking cases**

The Judicial police departments handling suspected human trafficking cases, when necessary, can invite social workers or other professionals to accompany the victim(s) in the investigation and assist in victim identification. The NIA will continue to look into the feasibility of expanding the database of available social workers to accompany victims in investigations. This includes the integration of local governments and civil society organizations to support the accompaniment in investigations. The expansion of the overall roster works in favor of immediate dispatch of personnel, so that the accompanying social workers or other professionals get to help stabilize the mood of the victims in the investigation and thus the victim(s) get to state the situation of their victimization clearly. During the process, accompanying social workers and professionals also serve to pass on information to the victim regarding the victims' rights and interests to get protections and services provided by the government.

### **(2) Implementation of the victim protections**

- A. The NPA will continue to instruct police agencies to conduct victim identification in accordance with the *Guideline of Human Trafficking Victim Identification* and the *Human*

*Trafficking Victims Identification Indicators* issued by the MOJ when investigating human trafficking cases.

- B. To avoid misunderstandings and misjudgments as a result of language barriers during the victim identification process, the NPA will continue to instruct police agencies to follow the rule and assure the presence and assistance of interpreters or social workers to accompany the victims for the benefits of their human rights during the investigations into human trafficking cases.
  - C. The NPA will continue to instruct police agencies to supervise and see that the non-disclosure rule is observed and victim privacy is protected in a press release. Also, if the personal safety of a victim is in need of protection in admission to a shelter or during the court presence for testimony, the police should dispatch personnel for the purpose.
- (3) For the statistics on the shelter admission services for ROC TIP adult victims over 18 years old, the SFAA has, since 2016, requested all municipalities and county (city) governments to fill in the Statistics on Services for Domestic Adult Victims of Trafficking in Persons every six months. The statistics is ongoing to enable follow-up on the implementation of the services.

### **3. Prevention**

#### **(1) Actively promoting the drafted amendment to the Human Trafficking Prevention Act**

The Human Trafficking Prevention Act has not been substantially amended since its implementation on June 1, 2009. However, in order to optimize the protection of

victims' rights and to comply with the standards of the Protocol to Prevent, Suppress and Punish Trafficking in Persons such that the Act aligns more closely with international standards and trends to enhance the protection of victims' human rights, a drafted amendment of the *HTPA* was sent to the Executive Yuan for review on December 24, 2020, with the following highlights:

- I. To amend the definition of trafficking in persons so that it does not require the element of violation against the victim's will. This will render it in compliance with the concept of UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (The consent of a victim shall be irrelevant).
- II. In order to strengthen the protection of victims' rights and interests, a mechanism for re-identification of victims is added to improve the complaint mechanism for suspected victims.
- III. The temporary stay permit with validity period of less than 6 months is amended to be a residence permit with validity period of 1 year, which can improve the victim's chances of landing a job, provide the national health insurance coverage for the protection of the victim, and strengthen the victim's willingness to stay in Taiwan and testify.
- IV. The provision of non-institutional, diversified placement services allows victims to choose between living with relatives, friends or alone with necessary financial assistance such as rental subsidy for housing.

V. Respecting the victims' wishes and ensuring that the victims' right to return to home countries will not be breached by the judicial authorities' demand of cooperation in the trial turning into a restricted exit notice.

VI. To reinforce the protection of victims' privacy, the scope of parties having obligations and penalties for not disclosing, reporting or recording the identity information of victims of human trafficking are expanded.

VII. Raising the penalty (from the minimum sentence of 6 months to 1-year imprisonment), to severely punish the human trafficking offenses and to assert the importance of human trafficking prevention.

**(2) Collaborative Implementation of the 2021-2022 Anti-Exploitation Action Plan**

A. Taiwan adheres to the pace of renewing the anti-TIP action plan every 2 years. The plan incorporates the concerns of domestic and international human rights groups, the international community, and the U.S. Department of State. On January 14 and April 12, 2021, the 2021-2022 Anti-Exploitation Action Plan was issued to the responsible ministries and put into effect.

B. 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 to tackle the outstanding issues of trafficking in persons (TIP), as follows:

- (a) 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.
- (b) Reviewing and amending the “Standard Operating Procedures for the Notification and 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.
- (c) 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 crime clearance rates.
- (d) Referring to the “Indicators for Identifying Victims of Human Trafficking” to formulate the “Guidelines for Identifying Forced Labor of Foreign Fishery Workers” in order to help law enforcement officers focus on the key points of identification.
- (e) Foreign crew members employed by Taiwanese coastal 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.
- (f) To consider setting up joint inspections on returned Taiwan flagged fishing vessels.

- (g) The 1955 Hotline plans to develop an “intelligent customer service APP” to provide immediate responses to the inquirers.
- (h) The fees paid to the labor’s home country brokers and related expenses (including loan items) before the migrants come to work in Taiwan, as well as the wages and related expenses after coming to work in Taiwan, should be recorded in the “Foreign Worker’s Affidavit for Wage/Salary and Expenses Incurred before Entering the Republic of China for Employment”. It is signed by the employer, the employee, the domestic and foreign intermediary companies, and the affidavit must be verified by the government of the home country.
- (i) To provide printed literature of anti-human trafficking to the airlines, Taiwan Railway and big taxi companies, in which human trafficking may happen.
- (j) The NIA will strengthen questioning the foreign travelers for the relationship between them and whom they are traveling with. In the case of foreign travelers without being accompanied, the NIA will also strengthen questioning for their purpose of visiting Taiwan. If there is any suspicious concern, the NIA officers will activate the identification of victims of human trafficking. Even without further solid evidence found, the NIA officer will also record the companion’s complete information first and grant them entry to Taiwan.

**(3) Strengthen the protection of the rights and interests of foreign crew members employed abroad**

- A. Increase the power of inspection and implement the enforcement of laws and regulations: To keep increasing the frequency of inspection on foreign pelagic fishery workers employed by Taiwanese vessels for checking whether vessel owners and other crew members comply with relevant laws and regulations, and whether they are involved in human trafficking. To continue the negotiations with the port states through Ministry of Foreign Affairs on increasing the number of specialists stationed in overseas ports.
- B. To conduct victim-centered interviews: The Fisheries Agency will conduct at least 4-hour training courses for interviewers and investigators annually, and follow a standardized operational procedure for interviews to inform the crew that the interviewee's information is not disclosed, and that the interview is conducted separately from the vessel owner and the cadre so that the interviewer can feel at ease. The interview could be conducted together with judicial police agencies (if necessary) to conduct victim-centered interviews to screen foreign fishing crew members for forced labor indicators during portside and at-sea vessel inspections.
- C. To strengthen the management of flagged fishing vessels: The Fisheries Agency amended 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, and considered setting up joint inspections on returned Taiwan flagged fishing vessels.

D. To promote the awareness of diversified channels for the foreign crew members to make complaints: The Fisheries Agency promotes channels through which foreign workers can file complaints and obtain assistance. Information on the 1955 hotline has been added to employment contracts and other pamphlets, which are available in four languages: Chinese, English, Vietnamese and Indonesian. The Fisheries Agency provided the Ministry of Labor with the necessary information for the 1955 hotline's derivative APP, and will also set up a network interaction mechanism for foreign crew members.

E. Strengthening advocacy among fishing crew members: Aside from conducting campaigns and holding meetings to explain current laws and regulations, the Fisheries Agency also continues to urge the fishing industry not to violate the HTPCA, and to educate domestic fishing workers on the importance of treating foreign workers as key partners during operations at sea, to promote corporate social responsibility, and to maintain friendly relations with each other.

#### **(4) Further protection of migrant workers' rights**

A. The implementation of short-term relief options for foreign caregivers: To protect the foreign caregivers' labor rights to take leave and address the need for the care receiver to obtain uninterrupted care service, the MOHW has launched a pilot plan in collaboration with

the MOL to expand respite care services for families with foreign caregivers. After consultation between the MOL and the MOHW, the eligibility criteria were relaxed on September 24, 2019. Families employing foreign home-caregivers to take care of individuals who meet the disability levels of 7-8 as assessed by LTC Management Centers can apply for respite care services to provide employers substitute for caregiving manpower when the foreign caregiver is taking a short leave. Also, to expand the protection of short-term relief options available to foreign caregivers, families employing foreign home-caregivers to take care of individuals who meet the disability levels of 2-8 as assessed by LTC Management Centers can apply for respite care services to provide employers substitute for caregiving manpower when the foreign caregiver is taking a leave and becomes unavailable. In the future, the MOL will continue to promote measures to protect the labor rights of domestic workers in conjunction with the domestic long-term care system.

- B. To establish a standard care service for migrant workers, strengthen the responsibilities of employers to management and the relevant local government to supervise, the Ministry of Labor has amended and implemented the “Standards for Necessary Safety and Health Equipment and Measures for Workers Working under High Physical Exertion” (hereinafter “the Standards”) to protect the rights and interests of migrant workers to work and live in Taiwan. Based on the ILO

(International Labor Organization) R115 - Workers' Housing Recommendation, the MOL has amended and published the Standards to require sleeping areas for migrant workers to provide at least 3.6 square meters of floor space per person. In addition, in order to strengthen the supervision of employers' responsibilities, employers are required to enroll foreign workers in accident insurance when hiring them to work as domestic helpers and home care workers. The amended Standards shall be effective from January 1, 2021.

- C. The MOL continues to promote direct employment, including assisting employers in the continuous recruitment of migrant workers in Taiwan, and strengthening the process of providing venues and interpretation services for employers and migrant workers who are waiting to change and have not commissioned private employment service agencies to discuss the succession of employment between employers and employees. Furthermore, several convenient tools, such as an app for employing foreign workers and an online platform for managing them in Taiwan, have been launched to encourage employers to utilize the direct hiring system. Employers will also receive emails, text messages, and phone calls to remind them to complete certain steps. The MOL will continue to work with source countries to customize the online platform and streamline required paperwork to four or five times of qualified candidates recruited and speed up the hiring process during specific periods.

D. In order to protect the rights of migrant workers and prevent private employment service institutions from overcharging, the MOL set up the 2020 Implementation Plan for Inspecting the Charges of Private Employment Service Institutions, targeting agencies with poor evaluations who have received complaints from migrant workers. A total of 168 migrant workers and 84 agencies were inspected, of which 2 private employment service institutions were found overcharging and were subject to follow-up penalties.

**(5) Strengthening the prevention of human trafficking cases involving nationals and children**

A. For the statistics on the placement and protection services for ROC TIP adult victims over 18 years old, the SFAA has, since 2016, requested all municipalities and county (city) governments to fill in the Statistics on Services for Domestic Adult Victims of Trafficking in Persons every six months. The statistics are ongoing to enable follow-up on the implementation of the services in the statistics.

B. The SFAA continued to coordinate the provision of services related to domestic adult victims across local governments to establish a complete network of services.

C. The continual effort will be made to urge the related agencies to promote the prevention of child and youth sexual exploitation, and to periodically announce and review the situation in consultation with the relevant authorities.

**(6) The initiation of the draft "Basic Law on Sentencing in Criminal Cases"**

In order to enhance the appropriateness and predictability of sentencing so that the function of punishment works properly, the Judicial Yuan held the “Preparatory Consultation Meeting of the Sentencing Commission” in June 2019, and formed the “Committee of the Sentencing Commission for Criminal Cases” on December 5, 2019, which convened meetings intensively from January 6 to July 27, 2020, and continued to hold meetings on January 25, February 8, and March 8, 2021. The meetings were to evaluate the organizational structure, mission objectives, and authority of the sentencing commission, with a view to formulate relevant criteria for sentencing, to promote the development of the sentencing system, and to enhance the appropriateness, fairness, and transparency of sentencing. It is hoped that the draft “Basic Law on Sentencing in Criminal Cases” (tentative name), if enacted, will take a major step forward in sentencing reform, in improving the legal system of sentencing in criminal cases and in achieving fair and honest justice.

#### **(7) Adding Restrictions on Government Procurements**

In 2014, the revised WTO Agreement on Government Procurement (GPA), the EU’s 2014 Public Contracts Directive, and the domestic laws of the United Kingdom, the United States, and France all include human rights requirements in government procurement and establish related governance regulations. In the face of the global trend of pursuing economic and human rights in economic and trade, we, as a member of the GPA, propose the addition of provisions to the Human Trafficking Prevention Act to

restrict the participation of individuals or entities convicted of human trafficking in government procurement. This is to strengthen the link between government procurement and human rights governance, reinforce the combat against human trafficking, implement human rights protection, and enhance our competitiveness in the economic and trade system.

**(8) Enhancing awareness and training**

A. National Immigration Agency

(a) In 2021, we plan to use "main visual design" and "poster printing" to convey the importance of prevention of human trafficking and to promote the crime reporting phone number to domestic and foreign residents.

(b) To continue to conduct customized trainings of seed instructors for investigation based on the different characteristics of trafficking cases involving domestic migrant workers, foreign fishermen and foreign students.

(C) In order to provide appropriate assistance to suspected victims during trials or investigations and to facilitate the smooth advance of investigation of cases for judicial police officers, the NIA continues to strengthen the training of social workers to enhance the capacities in the identification of victims.

B. Ministry of Transportation and Communications

(a) The CAA will continue to use multi-media devices at airports to educate nationals and foreigners about trafficking-related issues to raise awareness of the aspects of victimization and exploitation in human

trafficking so as to avoid people becoming victims or perpetrators of human trafficking.

- (b) The Tourism Bureau will continue to raise the awareness of the tourism professionals' of their duty of reporting suspected human trafficking, to raise the awareness of the general public to prevent engaging in commercial sexual exploitation. The Bureau also assists the hotel operators to strengthen the convention on self-regulation which includes the obligation to report on sex-related tourism and to take preventive measures. Furthermore, the Bureau will continue to educate the tourism industry workers on the duty of reporting and on the hotel convention on self-regulation so as to prevent the tourism industry from engaging in child and youth sexual exploitation.

#### C. Council of Indigenous Peoples

Service centers for families and women under the Council of Indigenous Peoples and local government indigenous affairs departments will continue to organize lectures and campaigns in its social network meetings, trainings and major tribal gatherings and worships to increase anti-TIP awareness among indigenous people.

In addition, anti-TIP courses will be integrated into national indigenous social worker education and training platforms to enhance these professional workers' competency, preventing the occurrence of human trafficking in indigenous areas.

#### D. Veterans Affairs Council

A New Immigrant Counseling Work Training Program on Video Conference will be held by the VAC in 2021 to invite supervisors and related personnel of Veterans Service Offices, Veterans Homes, Veterans Hospitals and to invite experts and scholars to lecture on human trafficking prevention and counseling measures. In 2021, the Veterans Service Offices will hold the “New Immigrants Life Adjustment Counseling and Happy Families Recognition Program” at the city/county level, with experts and scholars lecturing on the prevention of human trafficking in 19 sessions.

#### E. National Police Agency

- (a) In order to enhance the professional knowledge of police officers in investigating human trafficking cases, the NPA will continue to instruct police agencies to conduct training sessions and invite experienced judges, prosecutors, or experts and scholars to lecture on how to enhance the admissibility of the evidence and lawfulness of cases, and to strengthen the investigation skills and indictment rate.
- (b) The NPA will continue to request police agencies to make good use of multiple channels to promote the public awareness on prevention of human trafficking and to call on victims' self-awareness, encouraging TIP victims to report crimes to the police to initiate the corresponding investigation and rescues.

## 4. Partnership

### 4.1 International exchange and cooperation

- (1) The MOJ will continue to maintain an open line of communication with other national contacts for promptly providing assistance on judicial cooperation matters to prosecutors in the investigation of human trafficking cases. It will also continue to keep close contacts with judicial police agencies (such as the Criminal Investigation Bureau under the National Police Agency, the NIA and the Investigation Bureau under MOJ) and establish communication links with the immigration attaché, legal secretaries or liaison officers of the Mainland Affairs Council (MAC), the MOFA, and other relevant foreign offices to obtain real-time information on human trafficking cases. The information is then provided to the prosecutors offices for reference in the investigation and development of the cases.
- (2) On matters concerning the procedure for conducting judicial cooperation in transnational cases between the ROC and other countries or jurisdictions: In cases that mutual legal assistance treaties or agreements have been signed, the MOJ will contact the liaison window of the other jurisdiction directly. Where there are no such treaties or agreements, the MOJ may, through the MAC or the MOFA and in accordance with the provisions of the *Mutual Legal Assistance in Criminal Matters Act* and on the basis of reciprocity, conduct mutual legal assistance. To date, Taiwan has engaged in mutual legal

assistance in criminal matters with over 40 jurisdictions on the basis of reciprocity.

- (3) When investigating transnational human trafficking cases, if the prosecutor office finds that the relevant witness or evidence is located abroad, requests could be made in accordance with the signed treaties or agreements on mutual legal assistance or the *Mutual Legal Assistance in Criminal Matters Act*. The MOJ will actively assist in the follow-up process and provide advice to the prosecuting authorities on international judicial cooperation matters. If other countries or jurisdictions need mutual legal assistance in collecting evidence in the investigation of transnational human trafficking cases, the requests for mutual legal assistance may be made in accordance with the signed treaties or agreements or on the basis of reciprocity.
- (4) The MOJ will continue to make efforts to promote the signing of the treaties or agreements on justice cooperation with other countries or jurisdictions, so as to establish a more effective integration of the investigation of various cross-border crimes in Taiwan with the international community and efficiently combat cross-border crimes.

#### **4.2 Continued cooperation between central and local authorities to prevent human trafficking**

Since 2014, the central government has been implementing an assessment program for local governments in combating human trafficking, with the MOI (the NPA and the NIA), MOHW, MOL, other ministries and experts and scholars

from private sectors to conduct on-site annual assessments of the local governments' performance. Since its implementation six years ago, the local governments have gradually achieved better results. However, problems unique to human trafficking (such as the vulnerability of foreign students to entrapment by labor exploitations and the lack of substantive protections for the rights and interests of foreign fishermen) were emerging. Furthermore, the outbreak of COVID-19 pandemic in 2020 has prompted the central government to conduct a comprehensive transformation to adopt written assessment instead so the various prevention efforts manage to address the emerging problems.

#### **4.3 Strengthen cross-border cooperation and interagency communication**

- (1) The NPA will continue to promote the International Police Cooperation through platforms such as Memorandum of Understanding (MOU) and the network of police liaison officers abroad to strengthen international law enforcement cooperation. It also exchanges crime information with the police or civilian groups in the host countries and communicates on the investigation and prevention of cross-border human trafficking cases.
- (2) The NPA will continue to instruct police agencies to use the “third-party policing” strategy to maintain close interagency communication with local labor and social administration agencies to actively identify sources of crime through joint investigation and advocacy efforts.

It then leverages the expertise, experience, and resources of the private sector in preventing human trafficking to jointly promote educational trainings and advocate the prevention measures, and, in turn, strengthen bilateral partnerships.

## V. Conclusion

The prevention of human trafficking covers a wide range of areas. In order to eradicate human trafficking crimes, it takes coordination of the efforts from all governmental agencies and cooperation with civil organizations to strengthen the prevention system. Through the joint efforts of all agencies, **our government has achieved concrete results in the prevention of human trafficking. Taiwan has been rated a Tier 1 country in the US Human Trafficking Report for eleven consecutive years.** Looking ahead, on the one hand, we must continue to actively improve our implementation and strengthen our efforts to detect and prevent human trafficking crimes. On the other hand, it takes the effective coordination between public sectors and civil organizations and close cooperation with all sectors of the society to maintain sustainable prevention efforts and optimized victim protection. Taiwan seeks to bring forth the nation's spirit of cherishing human rights and pursues the international image of a human right country.