

# 2007 Report on Prevention of Trafficking in Persons

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## 2007 Report on Prevention of Trafficking in Persons

### I. Foreword

The problem of trafficking in persons brought about by the increased cross-border movement of persons presents a considerable challenge that the international community and governments around the world cannot ignore. Taiwan, in light of its economic prosperity and island geography, has become a key destination for marriage immigrants and foreign laborers from Southeast Asia. In recent years, human trafficking groups have been active in and profiting from illegal smuggling and trafficking activities locally. They therefore have seriously impaired human rights and undermined social order in Taiwan, shedding unbecoming light on Taiwan's international image. To demonstrate the government's determination to combat human trafficking, the Executive Yuan promulgated the Action Plan for the Prevention of Trafficking in Persons on November 8, 2006. It spells out three directions (prevention, investigation / prosecution, and protection) and twenty five specific indicators, while mobilizing all ministries for its implementation.

In fighting human trafficking, the Executive Yuan has set up a Human Trafficking Prevention Inter-Agency Meeting. Held once every two months, the event is presided over by a minister without portfolio to better track the implementation of the action plan by the concerned government agencies. Between March 2007 and March 2008, seven inter-agency meetings were held. This supervisory mechanism has produced good results insofar as the anti-human trafficking efforts of the relevant government agencies.

The government implements measures to emphasize the protection of the victims' human rights and the enhancement of preventative and enforcement efforts. The government also joins forces with NGOs and

agencies of other countries in carrying out its anti-human trafficking efforts. To attain set goals, the Executive Yuan approved the Human Trafficking Prevention Action Plan (2008-2010) on July 4, 2007. This plan outlines the establishment of shelters for trafficking victims, creation of detention centers in central and southern Taiwan, and upgrade of existing detention centers. It also defines the role of social workers in the victim protection system, steps up preventive campaigns through multiple channels, develops cross-ministry training programs, and strengthens international exchange and cooperation.

Many human trafficking issues do not fall under the jurisdiction of a single ministry, but rather require inter-agency collaboration. Besides the Human Trafficking Prevention Inter-Agency Meeting, the Executive Yuan has established contact windows between government agencies and NGOs. The windows facilitate such matters as victim placement, law enforcement, criminal prosecution, and interpretation services and enhance the vertical and horizontal coordination of human resources. Thanks to the integration of government resources and close collaboration between government agencies and NGOs, Taiwan has produced considerable results in its efforts to prevent human trafficking and protect human rights in 2007.

## II. Measures and Results

### A. Bolstering the protection of trafficking victims

#### 1. Proactive identification of trafficking victims

To help law enforcement personnel promptly identify human trafficking victims, the Ministry of Justice (MOJ) created the Principles for Identifying Victims of Trafficking to be used by relevant agencies. Identified trafficking victims are provided shelter and other forms of assistance in accordance with the

operating procedures set up for human trafficking cases.

2. Providing placement services

- a. All 25 county and city governments now place victims of human trafficking involving sexual exploitation who lack a valid work permit in shelters along with victims of domestic violence and sexual assault. This nationwide placement service network arranged shelter for 24 sexually exploited victims in 2007.
- b. The Ministry of Interior (MOI) entrusted NGOs to provide shelter services for victims of human trafficking involving forced labor who lack a valid work permit. The NGOs made such arrangements for 23 victims of forced labor in 2007.
- c. The 13 refuge centers for foreign workers set up by the Council for Labor Affairs (CLA) took in 13 trafficking victims with work permits in 2007.
- d. The Ministry of Interior (MOI) also has set up 17 short-term emergency refuge centers nationwide for child and teenage victims.

3. Strengthening protection services

- a. Support service activities
  - (1) The MOI created the Pilot Program for the Protection of Human-Trafficking Victims under the MOI's 2007 Operational Directions for Promoting Social Welfare Subsidies. This requires local governments to work with NGOs in organizing support and therapy groups, individual growth courses, psychological counseling and other service activities. In 2007, local governments and NGOs received a

total of NT\$1,035,732 under the program.

- (2) The MOJ works together with the Association for Protection of Victims of Criminal Acts (APVCA) to provide proper care for trafficking victims. Prosecutors investigating human trafficking cases are to promptly request that the local chapter of APVCA visit the victims and help them contact their family. The APVCA also notifies the representative office of the victim's country of origin in Taiwan, asking the representative office to relay a message to the victim's family that the Taiwan government will protect the victim and provide whatever assistance necessary.

b. Subsidies to trafficking victims

Local governments provide human trafficking victims with essential subsidies as stipulated by law. The funds help cover emergency shelter, placement, legal fees, medical treatment and psychotherapy. In addition, local governments retain lawyers to provide legal counseling and assistance in filing lawsuits as per the specific needs of each case.

c. Subsidies to foreign laborers involved in lawsuits

The Council of Labor Affairs (CLA) has provided funds for county and city governments to set up Foreign Labor Consultation Service Centers that help settle labor-management disputes and provide legal counseling and related services. A total of NT\$64.55 million was provided to the Foreign Labor Consultation Service Centers in 2007 to cover the personnel wages, business expenses, legal counseling fees, court fees, fees for preparing legal documents, civil lawsuit expenses, and other related costs.

4. Offering victim protection during interrogations and trials

- a. Establishing the accompanied interrogation mechanism:
  - (1) Local governments have been using a mechanism in which a social worker accompanies a trafficking victim during interrogation since its establishment in December 2006. This courtesy is included during other tasks in their routine operations as well.
  - (2) To make sure trafficking victims are well informed of their legal rights and obligations, the CLA promulgated the Guidelines for Municipal and City (County) Governments Implementing Pilot Program of Non-Profit Organizations Accompanying Foreign Workers in Inquiry (Interview) on December 10, 2007. To date, six local governments have received CLA approval for their proposed 2008 pilot program and budget.

- b. Establishing a safe witness protection mechanism for trafficking victims:

To ensure the safety of human trafficking victims who are called on as witness, the MOI set forth the Operating Procedure for Law Enforcement Agencies Escorting Victims of Human Trafficking in November 2007 for judicial police to follow when escorting trafficking victims to the court to bear testimony.

- c. Establishing an interpreter network:

To provide trafficking victims with interpretation services and facilitate investigation proceedings, the MOI and CLA have compiled a directory of interpreters for local governments. Local governments update the directory as they use the resources, thereby helping the formation of regional interpretation networks.



## 5. Planning of a safe repatriation mechanism

Operating Principles for the Safe Repatriation of Human Trafficking Victims to Country (Place) of Origin were drafted by the MOI and approved during the sixth inter-agency meeting on January 22, 2008. Through it, the MOI can repatriate trafficking victims whose cases have been concluded or whose assistance in an investigation or trial is no longer needed and therefore may be promptly repatriated according to the placement agency's assessment.

## B. Preventing trafficking in persons

### 1. Enhancing public awareness

- a. Human rights, gender equality, and rule of law are covered in Taiwan's education systems, including in the Nine-Year Integrated Curriculum Outline as well as the Provisional High School Curriculum Outline. To reduce human trafficking, students are taught about human trafficking issues, instilling in them the values of human rights and rule of law, as well as gender awareness. The Ministry of Education (MOE) also encourages colleges and universities to open related general education courses and subsidizes related activities. Gender equality, human rights and rule of law are also advocated in social/educational activities and publications to imbue proper concepts in students. The MOE also has stepped up the tracking and counseling of school dropouts through a nationwide reporting system to help prevent them from falling prey to the sex industry or human trafficking.
- b. Running preventive campaigns to raise public awareness of human trafficking so they will avoid traps and being victimized,

and even assist in the discovery of trafficking victims:

- (1) The MOI has increased its campaigns to raise public awareness and prevent human trafficking through a wide array of media, including print ads, as well as televised public announcements that reach wide audiences. In 2007, the MOI printed 30,000 leaflets and distributed them to various ministries, NGOs and tourist service centers. It also posted eight ads in newspapers, and ran radio ads 420 times and televised public announcements 267 times.
  - (2) To help labor departments of local governments understand better, proactively identify and forward human trafficking cases to the proper law enforcement agencies for investigation, the CLA provided local governments with additional print materials on April 17, 2007. The CLA also commissioned the production and release of TV public announcements to promote the rights of and empathy for foreign workers. Such announcements were run 1,290 times between July and December 2007.
- c. Publicizing the prevention of sex trafficking involving children and teens through various channels:

The MOI ran short public announcement campaigns in 680 movie theaters and on 6 TV stations during July and August 2007. It also joined forces with NGOs in publicizing the prevention of online sex trafficking involving children and teens on Internet sites and chat rooms most frequented by children and teens so as to remind them to take care when making friends on Internet. Such campaigns are believed to

have benefited 34,980 persons.

2. Strengthening campaigns targeting foreigners

- a. The MOI distributed 20,000 help cards in six languages (Chinese, English, Vietnamese, Tagalog, Thai and Cambodian) to related government agencies. It also placed ads on the subject of sexual exploitation from October to December 2007 in a Vietnamese language newspaper (BaoBonPhuong), two Filipino language newspapers (The Migrant and Chika), and two Indonesian newspapers (INTAI and Ino Suara) six times, all in Taiwan. It targeted foreign workers and spouses, potential victims of human trafficking.
- b. To help spouses from abroad, including China, understand their rights and the available support services in Taiwan and to prevent human trafficking, in 2007 the MOI ran ads on newspapers and magazines twice, scrolling banners on TV twice, radio ads 54 times and televised public announcements 58 times. The MOI also offers a hotline (080-008-8885) in six languages (Chinese, English, Vietnamese, Thai, Indonesian and Cambodian) for counseling foreign spouses on how to adapt to life in Taiwan. The hotline can help explain to them Taiwan's education system, culture, relevant employment services, healthcare system, individual safety concerns, permanent residence matters, relevant laws and regulations, and introduce other support services. In 2007, 10,139 persons utilized the hotline's counseling services.
- c. The CLA's measures for protecting the rights and interests of foreign workers in Taiwan:
  - (1) The CLA has completed preliminary bilingual drafts of the

pamphlet “What Foreign Workers in Taiwan Need to Know” in Chinese and a relevant foreign language in December 2007. It will incorporate this handout in the campaign materials for preventing trafficking in persons and personal harm. The drafts are expected to be finalized and made available to foreign workers by May 2008.

(2) Establishing channels for foreign workers to submit complaints and receive counseling:

i. toll-free line: In 2007, CLA handled 13,355 complaints made through a free telephone service, of which 4,328 complaints were made in English, 1,857 in Thai, 3,574 in Indonesian, and 3,596 in Vietnamese.

ii. local government counseling centers: These provide foreign workers with assistance in settling labor and management disputes as well as legal counseling services. In 2007, such services were provided on 136,199 occasions.

iii. In 2007, foreign worker counseling service stations at international airports handled 183 counseling and complaint cases for foreign workers departing Taiwan.

d. The Taiwan government has instructed its representative offices in Thailand, Indonesia, the Philippines, and Vietnam to hold pre-entry seminars for foreign spouses. In 2007, more than 6,000 foreign spouses attended such seminars.

### 3. Education and training

a. To enhance awareness and understanding of human trafficking

issues among Taiwan citizens and foreign residents, thereby preventing innocent people from being lured into human trafficking traps, MOI proposed the Prevention Campaign and Education/Training Program for Prevention of Trafficking in Persons. It was approved in the 4<sup>th</sup> inter-agency meeting on September 17, 2007, with government agencies subsequently being instructed to follow it.

- b. To raise social workers' awareness of trafficking in persons and enhance their ability to identify victims, the MOI, local governments and NGOs held four workshops in 2007 for social workers nationwide on the protection of trafficking victims. During these events, professional and academic experts from home and abroad were invited to share their experiences from real cases and in victim placement. More than 500 people attended the workshops.
- c. To raise the awareness of human trafficking among the general public, employers, labor brokers and foreign workers, the CLA subsidized 15 workshops on relevant laws and regulations by local governments in 2007. The CLA also commissioned NGOs to hold seminars for counselors to and inspectors of foreign workers in June 2007. The seminars aimed to enhance the understanding and identification of human trafficking. In all, 400 people, including foreign worker counselors and inspectors in local governments and foreign worker counselors at international airports, attended at least one of the three times that the seminar was held.

- d. Victims of sex trafficking are offered the same medical assistance available to victims of sexual assault. To enhance the protective services for victims of sexual exploitation, the Department of Health (DOH) held three training sessions for medical personnel on the sexual assault prevention network, which covered evidence collection, injury diagnosis and crime reporting in 2007. Altogether 478 medical personnel attended.
  - e. To curtail sex tourism, the Ministry of Transportation and Communications and Transportation (MOTC) added the topics sex trade prevention and identification of trafficking victims to tourism industry seminars. In total, 52 workshops were held for 4,870 tour managers and guides. Another 15 workshops were held for 1,880 hotel workers, and 4 workshops for mid-level hotel managers.
  - f. To elevate the quality of interpretation services, the MOI commissioned the Taipei's Women Rescue Foundation in October 2007 to hold four awareness enhancement training sessions (one each in northern, central, southern and eastern Taiwan) for interpreters serving human trafficking victims, in which 250 people attended.
4. Reviewing foreign worker policies
- a. Regulating the assessment, reward and exit system for private employment service agencies:  
As stipulated by the Regulations for Permission and Supervision of Private Employment Services Agencies promulgated on January 3, 2007, foreign worker management is included in the employment service items and consideration by

local governments when evaluating applications for establishing additional offices by an employment service agency. It also covers the certification, recertification and continuing education of employment service professionals. The stipulations provide the legal basis for the assessment and classification of private employment service agencies, including a reward/punishment mechanism. The assessment is conducted on a regular basis, with the assessment results being posted online.

- b. On December 31, 2007, a Direct Employment Service Center was established to streamline the process of direct hiring and shorten the waiting time for foreign worker re-entry. As an incentive for employers to directly hire foreign workers, the Center tries to quickly authenticate documents presented by employers, and provide counseling services to minimize the chance of exploitation by brokers. The direct hiring program gives priority to household employers who rehire the same foreign worker and lets employers complete the rehiring formalities in one day. Between January 2 and March 10, 2008, the Center forwarded or mailed work permits to the foreign laborer on behalf of the employer on 312 occasions, submitted authenticated documents to foreign representative offices in Taiwan on behalf of the employer on 62 occasions. It also forwarded visa applications to Taiwan's representative offices abroad 71 times and provided telephone and onsite counseling 4,822 times.
- c. Shortening the waiting period for foreign workers wanting to change employer and increasing the applicants' success rate:  
The procedures for foreign workers changing employers were amended on February 27, 2008. The amendments remove

restrictions on cross-county employer changes and relax the types of employers who may employ a foreign worker. They now permit cross-country change of employer or line of work according to the workplace and type of work desired by the foreign worker and their remaining work period. This is allowed only through agreement among the original employer, the worker and the new employer. In line with the removal of restrictions on cross-county change of employer, a “foreign worker employer change” database was created on December 10, 2007, as a cross-county information platform.

- d. Taiwan hopes to keep illegal brokering from exacerbating the undocumented foreign worker situation and increase the penalty against illegal brokering and overcharge of fees. Therefore, the Handling Procedure and Determination Basis for Suspension of Business and Revocation of License for Violation of Employment Service Act by Private Employment Service Agencies and Employment Service Professionals was revised on March 14, 2007. It allowed the penalization of agents with business suspension for illegal brokering and fee overcharge.
- e. Amending the Employment Service Act to take into consideration the rights and interests of foreign workers:
  - (1) The Employment Service Act was amended and enacted on May 23, 2007. It loosens the qualifications of employers who may apply for a substitute foreign caretaker if the whereabouts of the original one becomes unknown and is not the fault of the employer. The amended Act also stipulates that expenses incurred during the deportation of a foreign worker who lost a contact for more than three



consecutive days and was later found, and those incurred during the detention period will be borne in the order of illegal employer, illegal broker, employer at fault, and foreign worker.

- (2) To encourage good foreign laborers to continue working in Taiwan, the accumulated work period for a foreign worker will be extended from six years to nine years on July 13, 2007.

#### 5. Joining NGOs in boosting government efficiency

In 2007, certain NGOs, including the Hope Workers' Center, ECPAT Taiwan, Association for Protection of Victims of Criminal Acts, Women's Rescue Foundation and Garden of Hope Foundation, assisted the government in providing shelter for victims of trafficking in persons, escorting victims to interviews and court appearances, and offering interpretation and other services. They also conducted training courses, held seminars, attended relevant meetings, participated in international NGO events, engaged in international exchange and assisted the government in drafting campaign materials for prevention of trafficking in persons.

### C. Actively pursuing trafficking in persons cases

#### 1. Adding impetus to investigation of suspicious cases

- a. To demonstrate Taiwan's determination to fight human trafficking, the government drafted the Implementation Plan for Stepping up the Investigation of Human Trafficking Brokering and Groups (referred to as the Anti-Slavery Project) and a

Workplan for Cracking Down Human Trafficking Brokers (referred to as Strike-Smuggler Project) in 2007. Under those initiatives, judicial police forces are mobilized to bolster the investigation of primarily human trafficking groups with three or more members and suspected of engaging in illegal brokering. In 2007, judicial police broke 197 human trafficking cases, of which 144 involved sexual exploitation and 53 involved labor exploitation.

- b. As of 2007, the prosecutor's office under district courts can designate a prosecutor to coordinate with and provide instructions to immigration, the police and the coast guard. When necessary, it combines efforts with civic organizations, foreign consulates or representative offices to render the investigation of human trafficking cases more effective. In order to better supervise human trafficking cases, improve investigation efficiency, and strengthen communication among government agencies, the Prosecutor's Office of the Taiwan High Court has established an oversight task force to review the handling of trafficking cases as well.
- c. The Human Trafficking Case Handling Process was approved during the second inter-agency meeting held on May 10, 2007. It covers the discovery of suspicious cases, active identification of victims, placement of victims, in-depth inquiry of victims, and safe repatriation of victims. Government agencies have forwarded these standard operating procedures to their contact windows and included them in their annual personnel training program.
- d. To ensure that government agencies adopt the same criteria for

identifying human trafficking victims, a Checklist for a Case of Trafficking in Persons and the Types and Applicable Clauses for Cases of Trafficking in Persons have been approved in the fifth inter-agency meeting held on November 20, 2007, for investigation agencies to follow.

- e. To stop crime syndicates from using false or illegal means to recruit targets, extra efforts have been put forth to track down illegal immigrants, stowaways from China and undocumented foreign workers. The actions taken in 2007 are summed up as follows:

- (1) Increasing depth of checks on spouses from China and people from Southeast Asia applying for short-term visas:

In 2007, 1,798 people received face-to-face interviews, of which 200 were subject to a second interview after something suspicious was discovered in the first interview. In addition, many people have been repatriated upon entry at the airport, including 43 spouses from China due to “material discrepancy of accounts given by the couple,” and another 3 due to “using somebody else’s ID.” An additional 24 people from Southeast Asia were found to be holding forged or altered visas.

- (2) In 2007, 13,260 undocumented foreign workers were taken into custody; from January 2007 to January 2008, 409 stowaways from China, 370 males and 39 females, were apprehended.

- (3) Currently Taiwan operates detention centers in Ilan, Taipei, Hsinchu and Matzu that hold stowaways from China, illegal

immigrants and undocumented foreign workers under the directives of Article 36 of the Immigration and Nationality Act and Article 18 of the Act Governing Relations between Peoples of the Taiwan Area and the Mainland Area. As of March 13, 2008, those detention centers were holding a total of 1,200 persons.

## 2. Prosecutions, adjudications and punishments

- a. In 2007, 423 persons were prosecuted for crimes related to human trafficking. Of these, 74 were convicted and sentenced as follows: ① 16 people were convicted of sexually exploiting children and teenagers. Of these, 3 were sentenced to between 7 and 10 years in prison, 4 were sentenced to between 3 and 5 years in prison, and 9 were sentenced to less than one year in prison; ② 53 people were convicted of sexual exploitation. Of these, 2 were sentenced to between 7 and 10 years in prison, 7 were sentenced to between 1 and 3 years in prison, and 44 were sentenced to less than one year in prison; and ③ 5 people were convicted of forced labor and sentenced to less than one year in prison.
- b. The government of Taiwan takes the integrity of its officials seriously. In 2007, there were two human trafficking cases in which government officials were allegedly involved. The involved officials have been indicted and the cases are pending in court.
- c. CLA actions against employers and brokers found exploiting foreign workers in 2007:
  - (1) Administrative actions:

- ① Employers: A. Fines: In 2007, the CLA imposed fines in 162 cases where employers illegally hired foreigners, in 889 cases where employers hired foreigners without permission or hired foreigners applied for by others, in 18 cases where employers hired foreign workers to work for others, and in 457 cases where employers asked foreign workers to work in a capacity other than that permitted, or changed the place of work without permission. Of these cases, 7 employers were severely punished with a fine of NT\$1.5 million. B. Revocation of permits: Of the above cases, 336 had their permits to hire foreign workers revoked.
- ② Brokers: A. Fines: The CLA imposed fines in 38 cases where brokers illegally detained the property of applicants and overcharged fees, in 20 cases where brokers provided false information or false physical check-up samples, and in 14 cases of illegal brokering. Of these cases, one broker was severely punished with a fine of NT\$500,000. B. Suspension of business: 4 brokers were ordered to suspend their business due to illegal detention of property and for overcharging fees, 11 brokers were ordered to suspend their business for providing false information or false physical check-up samples, and 9 were ordered to suspend their business on account of illegal brokering. C. Revocation of permit: one broker business permit was revoked for violation of the Employment Service Act.
- (2) Cases of illegal hiring forwarded to the judicial authority for investigation: In 2007, 38 cases of illegal hiring were forwarded to the prosecutor's office for investigation and 84

people were indicted.

- (3) Human trafficking cases forwarded to the judicial authority for investigation: In 2007, labor departments of local governments forwarded to the judicial authority 15 cases of violations of the Employment Service Act in which foreign workers were suspected of being victims of trafficking and the perpetrators were potentially criminally liable.

d. The CLA instructed local governments to impose heavy penalties on employers and brokers in violation of the law:

- (1) Employers: ① Pursuant to the Employment Service Act, the illegal hiring of workers can lead to a fine of between NT\$150,000 and NT\$750,000, and a sentence of no more than three years in prison or detention, and/or a fine of no more than NT\$1,200,000 if violations recur within five years; and ② Pursuant to the Employment Service Act, employers that ask foreign workers to work in a capacity other than that permitted are subject to a fine of between NT\$30,000 and NT\$150,000, and will have their permit revoked if they fail to remedy the situation within a specified period.
- (2) Illegal brokering: ① Pursuant to the Employment Service Act, illegal brokering can lead to a fine of between NT\$100,000 and NT\$500,000, and a sentence of no more than one year in prison or detention, and/or a fine of no more than NT\$600,000 if violations recur within five years; and ② Illegal brokering with the intention of profit making thereof can lead to a sentence of no more than three years in prison or detention, and/or a fine of no more than NT\$1,200,000.

### 3. Enhancing investigative competence

- a. To raise investigators' sensitivity to trafficking cases and

prevent such cases from slipping through without in-depth investigation, a variety of professional training programs were offered in 2007: ① Some 80 people attended the Anti-Slavery Project workshop held in January, in which trafficking related laws and regulations, work guidelines and investigation essentials were covered to improve the skills of policemen in distinguishing between offenders in general criminal cases and victims of human trafficking; ② Some 800 people attended four training sessions in April on investigations into trafficking in persons, face-to-face interviews and victim placement for frontline immigration officers; ③ Some 160 people attended the annual human trafficking prevention workshop held in June to help criminal police (including police covering crimes involving women and children) gain an in-depth understanding of the definition of trafficking in persons, to identify trafficking victims and to better understand their rights, as well as effectively strengthen their ability to combat crimes of trafficking in persons; and ④ Some 240 people attended five training sessions for coast guards on the prevention of trafficking in persons.

- b. The Ministry of Justice (MOJ) held a seminar on May 7, 2007, to boost the capability of prosecutors in investigating human trafficking cases. In the national chief prosecutor's meetings held on May 8 and June 14-15, 2007, the MOJ included in the discussion the investigation of human trafficking cases and the issue of victim protection, reminding chief prosecutors to

oversee operations, ensure speedy trials, demand heavy penalties against the defendants, and to attach importance to victim protection when considering non-prosecution and suspended prosecution.

- c. The Taiwan High Court's Prosecutor's Office compiled and distributed a report on human trafficking cases to help prosecutors better understand such crimes. The report was distributed to all district prosecutors' offices in December 2007.
- d. The government and the American Institute in Taiwan co-sponsored a discussion on human trafficking cases on September 19, 2007, in which the Senior Special Counsel for Trafficking Issues, Civil Rights Division, US Department of Justice, was invited to preside and lead the case simulation practice. The participants, including government officials and NGO representatives, engaged in group discussions on different trafficking scenarios to cultivate skills in identifying victims, and in formulating strategies and coordination mechanisms for addressing the trafficking issue.
- e. A seminar on cracking down on people smugglers and ID verification was held on November 14, 2007. In attendance were personnel from the Borders Affairs Corps and International Affairs Division of the National Immigration Agency, MOI, the Aviation Police Office of the National Policy Agency, MOI, the Taiwan Taoyuan International Airport Office of the Bureau of Consular Affairs, Ministry of Foreign Affairs, the Taiwan Taoyuan International Airport of Civil Aeronautics Administration, Ministry of Transportation and Communications, the Taipei Customs Office of the Directorate



General of Customs, Ministry of Finance, as well as diplomatic officers from the US, Canada, the UK, Japan and Australia, and representatives and counter personnel from the airlines. Representatives from the Taipei Office of the American Institute in Taiwan, the Canadian Trade Office in Taipei, the Australian Commerce and Industry Office, Central Police University, China Airlines and Eva Airlines were asked to lecture on the crackdown of human trafficking groups. The seminar aimed to enhance the skills of frontline personnel in ID verification and in recognizing the techniques commonly used by human smuggling groups, so as to help them combat human trafficking more effectively.

- f. Good Shepherd Social Welfare Services was commissioned to hold a discussion on the identification of human trafficking victims on November 26, 2007. Approximately 180 people from government agencies and NGOs involved in promoting human trafficking prevention attended the meeting to review the status of victim identification operations.
4. Encouraging public participation in crime prevention
- a. To encourage reporting on human trafficking offences by the public, the MOI set up two hotlines - 23883095 and 110 - in December 2007, and printed the hotline information on 6,000 flyers, 30,000 pamphlets and 20,000 help cards which are available at the service stations of the National Immigration Agency, tourist service centers and venues for activities held by government agencies. TV and radio commercials were also run 687 times to raise awareness among potential victims and keep them from falling prey to human trafficking.
  - b. To make it easier for foreign workers to report illegal hiring and

illegal brokering, a report form is now available in four languages (English, Thai, Vietnamese and Indonesian) and was posted on the website of the Bureau of Employment and Vocational Training on March 10, 2007. The CLA has also offered rewards for reporting illegal hiring, illegal brokering and undocumented foreign workers.

#### D. Strengthening international exchange and cooperation

##### 1. Engaging in international exchange

- a. An International Symposium on Prevention of Trafficking in Persons was held on April 12, 2007. Government officials involved in human trafficking prevention, scholars, experts and NGO representatives attended. The Deputy Assistant Attorney General, Civil Rights Division of the United States Department of Justice was invited to give the keynote speech. It was hoped that through experience sharing, we could be kept informed of the latest knowledge and information and stay in line with the international community on the issue of trafficking in persons.
- b. We held a discussion with the Senior Coordinator for Reports of the US State Department on July 5, 2007, in which we gave a briefing on the actions taken by our government and the 2008-2010 human trafficking prevention action plan.
- c. Staff from our representative office in Japan attended Japan's Fourth Joint Human Trafficking Meeting on December 18, 2007, and exchanged views with their Japanese counterparts on future collaboration on the prevention of trafficking in persons.

##### 2. Gathering related intelligence in other countries

Our representative offices abroad include in their databases

information on local businesses engaging in marriage brokerage as reference for reviewing applications for spousal visas. Cases that are deemed suspicious during interviews are reported to the police. Our representative offices also keep close contact with local police administrations and constantly exchange information with them. Close attention is paid to local laws and regulations related to immigration and marriage, which serve as reference for the drafting of our own Human Trafficking Control Act.

3. Strengthening mutual legal assistance with other countries

Given that currently the majority of victims of human trafficking in Taiwan come from Vietnam, the MOJ has been working with the Ministry of Foreign Affairs (MOFA) on signing a mutual legal assistance agreement (MLAA) with Vietnam since November 2006. Currently, Taiwan and Vietnam have reached consensus on the contact window for mutual legal assistance and have engaged in dialogue on this issue on four occasions. The specifics are still to be ironed out. The MOJ and MOFA will continue to promote the signing of a Taiwan-Vietnam MLAA in the hope of establishing a model for international cooperation.

E. Amending relevant laws and regulations

1. The Immigration and Nationality Act

- a. The amended Immigration and Nationality Act promulgated on December 26, 2007, deals with the prevention of cross-border trafficking in persons and protection of trafficking victims from the aspects of investigation and prosecution, protection and prevention. The Act stipulates that the competent authorities shall provide trafficking victims with placement services and

protection, offer victims temporary entry and work permits, institute protective measures in accordance with the Witness Protection Act, and conduct periodic professional training for law enforcement personnel. The MOI is currently drafting regulations governing cross-border human trafficking prevention and witness protection in accordance with Article 46 of the Act.

- b. The MOI has finished a draft of the amended Regulations Governing Entry Permission to the Taiwan Area for People from Mainland China. The amended Regulations add that ① People from Mainland China with permits to enter Taiwan may have their permits extended if they are identified as human trafficking victims and assist in the investigation; and ② Victims may be exempt from administrative sanctions for illegal activity associated directly with trafficking. The amendments will be implemented following approval by the Executive Yuan.

## 2. The Money Laundering Control Act

In the amended Money Laundering Control Act promulgated on July 11, 2007, Article 16 adds that if such assistance is requested by foreign governments and institutions, or by international organizations, then information on declarations, reports and investigations may be provided based on the principle of reciprocity. This amendment will help to enhance international cooperation. The MOJ also stressed the application of the Money Laundering Control Act in human trafficking cases in the first and second chief prosecutors' meetings of the Taiwan High Court's Prosecutor's Office held in 2007, and also reminded prosecutors in the annual training program to heed this issue. It was also decided

in the second chief prosecutor's round-table discussion of 2007 that we should continue to promote the exchange of information and intelligence on money laundering with other countries. This decision has been passed on to the Investigation Bureau, MOJ, for reference.

3. Policies and regulations concerning foreign workers

- a. The amended Regulations for Permission and Supervision of Private Employment Services Agencies promulgated on January 3, 2007, contains the legal basis for the assessment and classification of private employment service agencies, and for the reward/punishment mechanism.
- b. According to the amended Employment Service Act promulgated on July 13, 2007, the accumulated work period for a foreign worker is extended from six years to nine years.
- c. The Determination Basis for Rejection and Termination of Application by Employers Who Violate Article 54 of the Employment Service Act promulgated on September 10, 2007, provides local governments with guidelines for penalizing the illegal activities of employers.
- d. The Guidelines for Municipal and City (County) Governments Implementing Pilot Program of Non-Profit Organizations Accompanying Foreign Workers in Inquiry (Interview) promulgated on December 10, 2007, ensures that foreign workers who become trafficking victims are well informed of their legal rights and obligations.
- e. The amended Regulations on the Permission and Administration of the Employment of Foreign Workers promulgated on January 3, 2008, took effect on January 5, 2008. The amendments:
  - (1) Simplify applications and procedures for employers who

bring in foreign workers directly.

- (2) Stipulate that employers shall notify the local government to inspect the foreign workers' living management plan within three days of their arrival in Taiwan or of their rehiring, and that employers shall directly pay the foreign workers' wages in cash according to the amount agreed in the employment contract.
- f. The amendments to the Procedural Guidelines for Changing Employer or Job by Foreigners Engaging in Jobs Specified in Subparagraphs 8 to 11, Paragraph 1, Article 46 of the Service Act promulgated on February 27, 2008, focus on:
- (1) Removing the restriction on changing to employers from different counties or cities.
  - (2) Allowing foreign workers to change the line of their work on their own free will to work for a qualified employer.
  - (3) Establishing a mechanism through which a change of employer is possible, upon agreement between the foreign worker and both original and new employers, without going through an employment service center.
  - (4) Relaxing the number of times a foreign worker may change employers and extending to two months the period during which a change must be completed, so as to give foreign workers greater liberty in changing employers and increase the likelihood of success of such a change.
- g. In the efforts to accord foreign workers the same rights and obligations as local workers, the CLA has been actively promoting the amendment of three labor laws - the Labor Union Act, the Collective Agreement Law and the Labor Dispute Resolution Act. The newly amended Collective

Agreement Law was promulgated on January 9, 2008. The amended Labor Union Act and the Labor Dispute Resolution Act were submitted to the Legislative Yuan for review on February 4, 2008, which, once passed, will remove control and restriction on the organization of unions.

#### 4. The draft of the Anti-Trafficking in Persons Act

To make anti-human trafficking work more concrete and comprehensive, the government is drafting the Anti-Trafficking in Persons Act. The Act contains criminal penalty clauses that make up for insufficiencies in deterring trafficking crimes in the current Criminal Code. The proposed Anti-Trafficking in Persons Act also establishes a mechanism for ensuring witness safety by constructing a victim protection network composed of prosecutors, judicial police and social workers. The Act stipulates the training of frontline workers to enhance their professional knowledge and skills in implementing victim protection. Between August 2007 and March 2008, ten consultation meetings and three ad hoc meetings were held to speed up the drafting of the Act so it can enter the legislative proceedings more quickly.

### III. Extant Problems and Key Tasks for the Future

#### A. Extant problems

1. Difficulty in identification: The lack of a clear definition of trafficking in persons makes the determination of victims a difficult task. In addition, given the complex patterns of trafficking in persons and the fact that a victim could also be a suspect, victims of trafficking are usually not readily identifiable. Although the government has set forth the Principles for Identifying Victims of Trafficking, such terms as “sexual exploitation”, “labor

exploitation”, and “involuntary debt bondage” are not common and clearly defined legal concepts incorporated in the current legal system. The term “exploitation” also lacks objective standards. These factors make identifying trafficking victims more difficult.

2. Refusal to assist in investigation: The lack of sense of victimization on the part of trafficking victims, whereby victims do not perceive themselves as being exploited, has an impact on the subsequent actions law enforcement officials can take. Furthermore, victims might decline placement and refuse to assist in investigations out of concern for the safety of their family. These factors make convicting human traffickers more difficult.
3. Shelter and protection mechanisms: Our existing shelter placement and related protection mechanisms are inadequate. Protective measures, including providing placement in shelters, short-term work permits and residency status for trafficking victims need to be enhanced in order to better safeguard their interests.
4. Insufficient public education and awareness: The interconnectedness of such organized crimes as human trafficking, human smuggling, stowaway cases, drug trafficking and drug smuggling complicates the problem of human trafficking. The general public is not familiar with the issue of trafficking in persons, while high-risk groups are not well informed of their rights and of the government protection available to them, which makes them particularly vulnerable to the deceptions of human trafficking groups. The situation calls for the creation of more effective channels for public education.
5. International cooperation: Combating human trafficking calls for the concerted efforts of the importing and exporting countries. However, as no consensus on the approach to combating such



crime has been reached among source countries, it makes the establishment of a cooperation mechanism difficult and diminishes the effect of international cooperation on curbing such crime.

## B. Key tasks for the future

### 1. Protection

- a. We will examine and amend the Principles for Identifying Victims of Trafficking, the Checklist for a Case of Trafficking in Persons, and the Types and Applicable Clauses for Cases of Trafficking in Persons to allow for consistent standards to be applied to the identification of human trafficking cases and victims. We will also enhance the knowledge and skills of law enforcement personnel, so as to enable them to better identify trafficking victims and take necessary placement and other protective measures. We will also look at the feasibility of enlisting the help of social work or labor administration units, as well as civil organizations, to help identify victims and provide relevant support mechanisms.
- b. We are setting up three shelters for trafficking victims and plan to outsource placement services to NGOs. It is hoped that services provided by a professional team can better meet the needs of victims, as well as enhance their willingness to assist in investigations and trials. In conjunction with the newly amended Immigration and Nationality Act, we are considering offering victims of trafficking short-term work permits to give them more incentive to stay in Taiwan and help with judicial investigations.

### 2. Prevention

- a. Stepping up the preventive campaign: Ministries under the Executive Yuan will implement the 2008 Preventive Campaign

and Education/Training Plan for the Prevention of Trafficking in Persons to raise the general public's awareness and understanding, through multimedia and other channels, of the nature and patterns of human trafficking. We will also actively participate in international exchange and cooperation to let the international community understand Taiwan's concern and efforts on this issue.

b. Reviewing foreign worker policies:

- (1) We will enhance the functions of the Direct Employment Service Center. While the current priority of this center is to serve household employers who rehire foreign caretakers, the center will gradually extend its services to cover other types of work.
- (2) Strengthening the mechanism for removing substandard manpower agencies: According to the newly amended Regulations for Permission and Supervision of Private Employment Services Agencies, promulgated on January 3, 2007, a manpower agency that receives a 'C' rating and fails to take remedial actions within a given period, or fails to be upgraded to a 'B' rating after taking remedial actions, will have its permit reapplication denied. We will actively promote this assessment, reward and removal mechanism for manpower agencies.
- (3) Strengthening the role of NGOs and stepping up international cooperation: We will work more closely with NGOs to educate the public on human trafficking issues, as well as on the work of investigation, placement and repatriation, and cooperate with countries and international NGOs dedicated to weeding out human trafficking.

### 3. Crackdowns

- a. With respect to entry and exit inspections and controls, we will continue to increase the number of face-to-face interviews, perform stricter ID verification, and crack down on smuggling and stowaways.
- b. To make anti-human trafficking work more concrete and comprehensive, the government is drafting the Anti-Trafficking in Persons Act which contains criminal penalty clauses that make up for insufficiencies in deterring the crime of trafficking in persons in the current Criminal Code.

### IV. Conclusion

Trafficking in persons is a human rights violation that is utterly unacceptable to the international community. While the government of Taiwan has consistently upheld human rights as one of its most important administrative goals, the work of combating human trafficking requires effective and coordinated interagency efforts, as well as close cooperation with NGOs and civil organizations. The 2007 action plan and interagency meetings implemented through government agencies and civil organizations have produced some positive preliminary results. On this basis, the government of Taiwan will continue its efforts in the three areas of protection, prevention and crackdowns, and will strengthen partnerships with NGOs, as well as enhance international exchange and cooperation, to effectively combat crime and curb trafficking in persons.