



EXECUTIVE SUMMARY

Taiwan*



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Introduction

Taiwan has been through a period of rapid economic growth and industrialisation over the last 70 years, resulting in the creation of a strong economy. The United Nations recognized the People's Republic of China (PRC) as the legitimate government representing China¹ since 1971, withdrawing Taiwan's seat at the UN.² This affects Taiwan's diplomatic relations and, most importantly, renders it unable to ratify UN human rights treaties, including the Convention on the Rights of the Child (CRC) and its Optional Protocol on the sale of children, child prostitution and child pornography (OPSC).³

Taiwan is not spared from problems with child prostitution especially with online social networking sites suspected of operating prostitution rings. Due to its economic

prosperity, Taiwan is also a destination country for adults trafficked for labour and sexual exploitation. Women and girls are known to be trafficked from China and Southeast Asian countries, such as Indonesia and Vietnam, through false marriages with Taiwanese men and fake employment offers.⁴ Trafficking destinations via Taiwan include Japan, Australia, UK and US.⁵ Human trafficking is often organised by criminal gangs, commonly known as 'snake groups'.

Child pornography/child abuse images have increased in Taiwan as internet use has skyrocketed among teenagers. From 2008-2010, the ECPAT Taiwan Internet Hotline received 1,220 reports concerning child pornography.⁶

National Plan of Action

In 2000, the Taiwanese government developed a National Plan of Action to Prevent Sexual Exploitation of Children, focused on child sex tourism, sexual transactions with children and child pornography, whereas trafficking is addressed through a separate action plan. Though provisions are generally compliant with the *Rio Declaration and Call to Action*, the government never officially adopted the plan because of a perception that the Taiwanese statute already provided comprehensive

measures. The Taiwanese government also adopted the "Prevention Plan for Human Trafficking" for 2006-2008. The NPA on human trafficking includes addressing child sex trafficking and allocated a budget (approx. USD 17 billion for 2008-2010) to all ministries to implement policies and laws, public awareness and understanding of trafficking, enhancing victims' protection mechanisms and effective investigations and prosecutions.⁷

Coordination and Cooperation

Taiwan's legal and policy frameworks in addressing human and child trafficking emphasise the importance of engaging multiple agencies such as NGO, ministries and the private sector at both local and national levels. Taiwan enacted the 'Human Trafficking Prevention and Control Law' in 2009 and Child and Youth Sexual Transaction Prevention Act (1995) to provide platforms for inclusive participation of all stakeholders. The frameworks include various inter-minister task-forces from communication, investigation, and data collection on CESC cases⁸ and providing budget for services. The NGOs are actively cooperating with the said ministries in implementing the policies and programs and also monitoring the progress, including

quarterly meetings of relevant parties.

The government of Taiwan initiates some international and regional cooperation against human trafficking (although not primarily focused on child trafficking issues) by hosting several international conferences/workshops annually to ensure international and regional joint efforts include a concerted and coordinated approach. However, Taiwan feels that a barrier to their efforts to combat trafficking and CSEC is a lack of diplomatic cooperation from other countries. ECPAT Taiwan has also hosted and participated in a number of international NGO-led initiatives to combat CSEC.⁹

Prevention

The Taiwanese government's prevention efforts include training programs targeting staff in hotels, tour-guides, children at schools, teachers, army personnel, medical workers, social workers, and law enforcement officers.¹⁰ The program also includes monitoring online chat-rooms to remind the users that sexual activities with children and child pornography are crimes and can be punished by laws.¹¹ Educational pamphlets targeting Taiwanese people and foreign tourists are available in several languages.¹²

Measures to deter human trafficking have been adopted. With respect to border monitoring,

secondary interviews at airports and seaports may be conducted and passport inspections and surveillance of alien smuggling have reportedly been enhanced. Furthermore, in an effort to curb sex trafficking of women and girls through fraudulent marriages, in 2009, Taiwan authorities banned for-profit marriage broker agencies.¹³ Taiwan is taking a lead in combating child trafficking, child pornography, and child sex tourism and child sexual exploitation by encouraging the reporting of child pornography, promoting awareness raising and strengthening law enforcement. In all these activities, NGOs are actively cooperating with the government departments of Taiwan.

Taiwanese legal measures focused on CSEC are primarily contained in two statutes: 1) *Child and Youth Sexual Transaction Prevention Act (1995)* and 2) *Human Trafficking Prevention and Control Act (2009)*.

Regarding **child prostitution**, the Child and Youth Sexual Transaction Prevention Act (Articles 22 and 24) contains provisions criminalising sexual transactions with children under 16 and imposing punishments as detailed in the Criminal Code. The punishment ranges from 3-10 years of imprisonments and a fine depending on the age of the child victim.¹⁴ This act also prohibits commercial advertisements that bolster or facilitate sexual transactions.¹⁵

Trafficking of children is addressed under the Human Trafficking Prevention and Control Act (2009). Article 2-1(2) defines trafficking in children as follows: “to recruit, trade, take into bondage, transport, deliver, receive, harbor, hide, broker, or accommodate anyone under 18 years of age for the purpose of subjecting him/her to sex transaction, forced labor or the harvest of his/her organ, or to subject people under 18 years of age to sexual transactions, labor exploitation or underpayment, or organ harvesting”. Based on this Article, as long as the victim is less than 18 years old, regardless of means or the victim’s consent, it is an offence of human trafficking. The protection of children from CSEC is also included in Art. 31 of the *Human Trafficking Prevention and Control Act*, which says ‘debt bondage or another’s person in ability, ignorance, or helplessness, to force him/her into sexual transactions’. Other provisions of this act define activities that are criminalised and are punishable by the Criminal Code of Taiwan relating to trafficking of children.

With regards to **child pornography**, the Child and Youth Sexual Transaction Prevention Act, Article 27 defines ‘child pornography’ as pictures, video tapes, films, discs, electronic materials or any other products in relation to sexual activity or obscene acts involving

a person under the age of 18. Article 27 also states the offenders of these crimes can be punished from six months to five years’ imprisonment and a fine of USD 175,000¹⁶. However, it doesn’t explicitly include ‘simulated images or audio materials’ as child pornography. Art 28 further explains that distribution of child pornography can be punished with three years’ imprisonment and a fine of USD 175,000¹⁷. The precise legal definitions of these crimes remain unclear, particularly the term ‘obscene’. The Grand Justice (Supreme Court of Taiwan) interprets the term ‘obscene’ which is a barrier to consistent and comprehensive enforcement.

Sexual exploitation of children in tourism is not new to Taiwanese nationals traveling as tourists;¹⁸ to combat this phenomenon, Taiwan has extended jurisdiction for all crimes in the Child and Youth Sexual Transaction Prevention Act to apply extraterritorially for all Taiwanese as well as foreigners residing in Taiwan.

Seven countries have bilateral extradition treaties signed with Taiwan. To date, there are no cases where foreign child sex offenders were extradited by Taiwanese authorities. Taiwan’s legal framework also imposes legal obligations on private companies in the tourism industry aimed at preventing child sex tourism.

Support services for children include medical and psychological care and the provision of shelter and legal assistance. Long-term plans include reintegration into school, return to family (presuming they are not offenders) and financial assistance. Victim identification procedures in Taiwan continue to be problematic, with reports that several trafficking victims were not identified and instead held in immigration detention facilities.¹⁹

Training for law enforcement personnel was initiated after the Human Trafficking Prevention and Control Act was adopted in 2009. Since this adoption, child sensitive

procedures and mechanisms were set up by allowing social workers to accompany child victims of trafficking while giving evidence, by prohibiting forcing a child to testify more

than once, and setting up telecommunication systems in order to protect the victims from facing fear, reprisal and retaliation from perpetrators.²⁰

Child and Youth Participation

The addition of a youth participation project to the National Youth Commission (NYC) was a significant achievement by the government to promote youth participation in public affairs. However, youth are not extensively included in CSEC frameworks by the government. In 2008, “the Youth Policy White Paper,” (published

following a NYC symposium) called on the government to develop action plans to prevent online crimes against youth, as a large number of Taiwanese children are victimized through internet dating.²¹ Youth participation is also extensively encouraged by NGOs, including ECPAT Taiwan.

Priority Actions Required

National Plan of Action and policies on children and CSEC

Taiwan must update, adopt and implement its National Plan of Action against Commercial Sexual Exploitation of Children. A NPA acts as an operational plan for the implementation of strategies, allocation of resources, and the monitoring and coordination of the principles and articles of the approved national legislation.

Coordination and cooperation

Stronger partnerships between government agencies will foster more effective cross communication and lateral cooperation, resulting in more coordinated action against commercial sexual exploitation of children. Taiwan must also take steps to support research, and implement prevention initiatives in countries of origin with regard to sex trafficking and exploitation of children in tourism.

Prevention

In line with the Rio Declaration and Call to Action, Taiwan must strengthen deterrence measures by creating and implementing an effective sex offender registration system. The Government should also support an in-depth study on the scale of internal child trafficking in Taiwan and the potential involvement of indigenous children.

Protection

Taiwan must take steps to harmonise its laws on the trafficking of children for sexual purposes and child pornography in order to ensure that children are afforded the highest standard of protection, in line with the standards contained in the international protocols.

Taiwan must put more resources into the investigation and prosecution for all CSEC offenses, including of nationals who commit child sex offences abroad. Furthermore, the rate of solved criminal cases related to child pornography needs to be raised. Taiwan police need to make more effort on child victim identification and to connect with agencies providing assistance and protection.

Child and youth participation

The Government’s commitment to child and youth participation must be cemented through the development of a strategic framework, such as the “Child and Youth Participation Framework or Policy Directive”, in order to provide child friendly structures and a mechanism for sustained participation of young people in the policies and programmes affecting them in Taiwan.

Endnotes

- ¹ US Department of State. Background Note: Taiwan. 30 April 2010. Accessed on 26 January 2011 from: <http://www.state.gov/r/pa/ei/bgn/35855.htm>
- ² BBC. Taiwan Country Profile, Last updated 24 July 2010. Accessed on 26 January 2011 from: http://news.bbc.co.uk/2/hi/americas/country_profiles/1285915.stm
- ³ BBC. Taiwan Country Profile, last updated 24 July 2010, http://news.bbc.co.uk/2/hi/country_profiles/1285915.stm
- ⁴ US Department of State, Trafficking in Persons Report 2010. Accessed on 26 January 2011 from: <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>
- ⁵ Ibid
- ⁶ Liao, Ingrid. Hotlines: Effective Tools for Receiving, Analyzing and Collaborating with Law Enforcement. Presentation for the World Congress III against Sexual Exploitation of Children and Adolescents, 25-28 November 2008. Accessed on 26 January 2011 from: http://www.ecpat.net/WorldCongressIII/PDF/Publications/T2_WS4aa.pdf
- ⁷ Ministry of Interior. National Immigration - IV. Prevention of Human Trafficking. Accessed on 26 January 2011 from: http://www.moi.gov.tw/outline/en_11.html
- ⁸ Government of Taiwan. Response to U.S. Trafficking in Persons Report 2008. August 2008. Accessed on 26 January 2011 from: <http://aht.immigration.gov.tw/en/index.aspx>
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- ¹¹ Ibid
- ¹² US Department of State, Trafficking in Persons Report 2009. Accessed on 26 January 2011 from: <http://www.state.gov/documents/organization/123365.pdf>
- ¹³ US Department of State, Trafficking in Persons Report 2010. Accessed on 26 January 2011 from: <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>
- ¹⁴ Child and Youth Sexual Transaction Prevention Act, Art. 23 & 24. Taiwan. 1995.
- ¹⁵ Child and Youth Sexual Transaction Prevention Act, Art 33, Taiwan. 1995.
- ¹⁶ Child and Youth Sexual Transaction Prevention Act, Art 27, Taiwan. 1995.
- ¹⁷ Child and Youth Sexual Transaction Prevention Act, Art. 28. Taiwan. 1995.
- ¹⁸ Dr. Thomas, Frederic & Mathews, Leigh. Who are the Child Sex Tourists in Cambodia? Child Wise. Melbourne. December 2006
- ¹⁹ US Department of State, Trafficking in Persons Report 2010. Accessed on 26 January 2011 from: <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>
- ²⁰ Human Trafficking Prevention and Control Act, Art. 25. Taiwan. 23 January 2009. Accessed on 26 January 2011 from: http://www.immigration.gov.tw/immigration/FileSystem/Acts_Regulations/980723%20Human_Trafficking_Prevention_Act_Final.pdf.
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