

NGO Shadow Report
on **LABOR**
TRAFFICKING
in **TAIWAN**
2011

Submitted to the Cross-Agency
Anti-Trafficking in Persons Platform
of the Executive Yuan



Asia Pacific Mission for Migrants
(APMM)

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SUBMITTED BY
Asia Pacific Mission for Migrants (APMM)

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The Director General of the National Immigration Agency (NIA), and officials from the Council of Labour Affairs (CLA) and Manila Economic and Cultural Office (MECO) were among those who agreed to hold interviews and helped provide more insights towards the making of this report.

Endorsements

This report has been endorsed by the following organizations, individuals and groups:

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7. Trans-Asia Sisters Association in Taiwan (TASAT)
8. Covenants Watch
9. Taiwan Association For Human Rights (TAHR)
10. Wang Chuan-Ping, Executive Director, Labor Rights Association

In Response to the 2010 Taiwan Trafficking in Persons Report (March 2011)

*This report is dedicated to
all foreign workers in Taiwan,
especially women in domestic work,
care giving and industry,
who were victimized by trafficking
and slavery in Taiwan*

Introduction

THIS SHADOW REPORT CONTAINS THE RESULTS OF MONITORING AND investigation on the ground regarding the implementation of the anti-trafficking law by Taiwan authorities. It also contains the consolidated voices of migrant workers and advocate institutions as well as the views of various government officials both of Taiwan and the sending countries on the labor trafficking situation in Taiwan.

The AsiaPacific Mission for Migrants (APMM) conducted surveys and interviews with migrant workers who were actual victims of trafficking as well as the newly-arrived and those who have been in Taiwan for more than two years. Also, interviews were held with relevant agencies both from Taiwan authorities and sending governments. Consultations with local non-governmental organizations (NGOs) were also done to refine and improve the contents of this shadow report.

As a follow-up on the study made by the APMM last 2010 on the face of human trafficking in Taiwan, this shadow report aims to develop concrete recommendations for submission to the government of Taiwan and other related international agencies and to build public awareness on the Human Trafficking Prevention and Control Act to encourage the public, including migrant workers themselves, to actively advocate against labor trafficking.

This serves as the NGO and civil society version of, and response to, the 2010 Taiwan Trafficking in Persons Report published last March 2011. Since there are already NGOs and groups that have given focus on the issue of marriage migrants and sex-trafficking concerns, this shadow report will give more emphasis on labor trafficking issues and cases faced by migrant workers.

In this respect, we pay attention to chapters and points related to the issue of labor trafficking. Comments are also provided on the over-arching framework of the anti-trafficking in person (TIP) campaign of the Taiwan authorities and how it specifically addresses labor concerns and trafficking. The shadow report will draw specific commentaries on each field of intervention (prosecution, protection, prevention and partnership) as a way to identify areas for improvement in the official anti-TIP campaign.

We welcome the opportunity to present our findings to the Cross-Agency Anti-TIP Platform and we look forward into entering a new phase of dialogue with the Taiwan government and relevant agencies therein to improve the work to end trafficking.

We value the collaboration and cooperation with various NGOs, researchers, trafficking survivors and migrant organizations in ensuring the progress in formulating concrete and positive reforms in legislation and practice as well as long-term strategies to end trafficking in Taiwan.

What is a Shadow Report?

SHADOW REPORTS ARE A METHOD THROUGH WHICH NGOS CAN SUPPLEMENT or provide an alternative point of view to governmental reports that states are required to submit under international treaties. Usually, civil society groups submit these reports in United Nations bodies and committees to foment further deliberations, and in some cases pose challenges, on official government reports.

However, a distinction has to be made between a shadow report and an alternative report. “Alternative report” refers to a report that is submitted to the particular committee before the official governmental report has been made available. A “Shadow report” is then a report that has been published after or in response to the governmental report. Shadow reports are a unique tool through which NGOs can present opinions of civil society on government action and present it to the United Nations’ Committees.¹

A shadow report is information submitted by non-governmental organizations (NGOs) to the treaty monitoring bodies that address omissions, deficiencies, or inaccuracies in the official government reports.²

There is no single format for shadow reports, but the report should generally be organized according to the articles of the particular treaty, as a commentary on the State party report. A shadow report should analyze a particular problem rather than merely describe it. NGOs often find it useful to produce reports that shadow the entire State report, but it is also possible for NGOs that work on particular problems to produce reports that merely shadow one or a few articles of a convention, for example- the provisions on violence. Often, NGOs work in coalitions to create shadow reports, with various NGOs working only on the area of their expertise, for example, violence against women, equal access to education or labor issues.³

For purposes of this shadow report, the APMM has analyzed the Taiwan Trafficking In Persons report, hereafter referred to as the TTIPR, for 2010. As mentioned above, this shadow report will focus itself on issues related with labor-trafficking and issues concerning migrant labor.

The comments are organized according to each section of the report. There is text box which indicates that the subsequent points are analyses and comments raised relative to the section or sub-section of the said Taiwan Trafficking in Persons Report for 2010.

1 Using Shadow Reports for Advocacy <http://www.newtactics.org/en/blog/new-tactics/using-shadow-reports-advocacy>

2 Guide to Shadow reporting, Global Rights Partners for Justice, http://www.globalrights.org/site/DocServer/Guide_to_Shadow_Reporting_July_2009.pdf?docID=10544

3 A Note About Shadow Reports, http://www.stopvaw.org/a_note_about_shadow_reports.html

Executive Summary

A. Background

The Palermo Protocols and UN Guidelines

This section summarizes the international instruments that define the global standards of which the Taiwan action plan against human trafficking and the 2010 Taiwan Anti-Trafficking Report is evaluated. We conclude that any anti-trafficking law must subscribe to the general human rights framework and must put the victim and the protection of their rights, as well as prevention of violations thereof, at the center of strategies to end trafficking.

The US State Department Report on TIP and Taiwan's Response

We introduce some relevant points about the US TIP Report in this section as well as discuss how Taiwan has developed its own anti-trafficking law.

Recent Developments

We welcome the news that Taiwan has been able to maintain its Tier 1 ranking for a second consecutive year. However, we would like to point out some of the shortcomings mentioned in the said evaluation by the US TIP report, especially with regard to the area of labor trafficking.

B. Comments on the 2010 Taiwan Trafficking in Persons Report

1. We welcome the 2010 Taiwan Trafficking in Persons Report, which manifests some significant steps forward in the campaign to end trafficking in Taiwan.
2. While we share in the elation of the Taiwan government in its continued ranking of Tier 1 in the 2011 US TIP Report, we are bothered by recent news which underscores the possible continuing incoherence in law and intent as against actual labor practices found in Taiwan society and even among government personnel.
3. We appreciate the framework of Taiwan's crackdown on human trafficking with its 4 P's (prosecution, protection, prevention and partnership). We believe, though, that the discourse on whether the priority frame is Protection over Prosecution should be discussed further.
4. Taiwan needs to seriously address labor-trafficking if it wants to reach its goal of becoming a beacon for human rights in the region. It has to consider reforming laws and even promote progressive social values to reflect the core principles of human rights which protect the rights of foreign/migrant workers, whether documented or undocumented, in the fight against trafficking.

5. We also welcome the formation of a cabinet-level team to coordinate tasks across agencies to implement the Action Plan against Human Trafficking. However, we hold the view that the National Immigration Agency, being just an agency under the Ministry of Interior, coordinating other government departments which are higher than them is problematic. There is a need to upgrade the status of the NIA, otherwise the day-to-day directing authority in the anti-TIP program will be borne by the Executive Yuan itself.

On Prosecution

6. Identification of trafficking cases, especially labor trafficking, remains an area for improvement. According to the TTIPR, actual mistakes, although corrected, were still made by the Police and NIA. The Police and NIA, being the ones in the frontline in enforcement, may not be much aware about labour trafficking because the other departments need to have a coherent view on what constitutes labor trafficking. There is also perceived lack of understanding of how traffickers operate and the schemes on how they control the victims.

7. The discussion of Undocumented Workers is not extensive in the TTIPR. It is disconcerting that whatever discussions there are on undocumented migrants (a) fall under the theme of prosecution; and (b) not mentioned in the themes of protection, prevention and partnership. There is no clear indications on how the undocumented migrants were regarded under the Anti-TIP law, i.e. whether the undocumented are victims or accomplices in the problem of Taiwan's border security.

8. The identified employment broker violations seem limited and few. Revocation of licenses has consistently dropped from 14 in 2008 to 10 in 2009 and only 2 in 2010. In 2010, only 22 brokers were fined for collecting unauthorized fees considering that the problem of unauthorized collection of fees are actual astronomical.

9. There has to be a general human rights framework of training instead of the traditional "criminal" approach to law enforcement. Judicial prosecutors also need to be included in the labor trafficking orientation process.

On Protection

10. Taiwan authorities should be more understanding of legal foreign workers as also possible victims of forced labor. The concepts and definition of forced labour, debt bondage, and practices of slavery need to be concretized to equip labor-related authorities with tools to properly identify cases of labor trafficking. The various international instruments (Protocol 1 and 2, UN Guidelines, etc) mentioned in the background as well as the recommendations mentioned on the 2010 US Tier report on labor migration condition can be used as reference.

11. While we welcome the provision of shelters, interpretation services, and social workers for trafficking victims, we would like to see a thoroughgoing evaluation of the proficiency of these agencies and personnel in dealing with foreign workers. These are in terms of quality of language, cultural sensitivity, as well as skills in counseling.

On Prevention

12. More awareness raising activities on trafficking were conducted among locals. On the other hand, there should also be media and public activities that would inform the migrants of their rights, thus enabling them to help report and identify trafficking.

13. We welcome the enactment of the direct-hiring facility and we recommend an expansion of this scheme. There has to be information dissemination on how direct-hiring can be availed of by foreign workers. Also, clearer guidelines have to be made to clarify matters such as changing of employers, or whether it can be done without brokers, among other concerns.

14. The Broker system, instead of being abolished, is cosmeticized and made to look workable, even though it has already been identified as a problem for forced labor concerns.

15. While having a separate law proposed for FDWs in the short-term may be appealing and considered a pragmatic approach, the fact that FDWs remain uncovered by the labor standards act may be problematic in the long-run as it divides workers into classes, with one surely to be underclass.

16. There is a need for legislative review of policies and procedures especially relating to foreign workers for coherence of laws as well as practice of departments. For example, policy practices that weaken employers' capacity to provide regular rest days for FDWs need to be revised immediately to ensure the right to regular rest for FDWs. More so, an understanding of migration problems from a rights-based perspective is essential for such an endeavor. To do this, there needs to be established mechanisms for voices of grassroots migrant organizations and their advocates to be gathered and given due consideration.

On Partnership

17. Most of the subsidized projects and activities of NGOs are directed towards Taiwan locals and with very little allotment for awareness-raising of migrants on human trafficking.

18. There seems to be a lack of government recognition of grassroots migrant formations as partners and stakeholders also in the fight against human trafficking. Capacity-building of migrants and their associations and communities need to be addressed for them to be positive contributors in the campaign to stamp out trafficking.

19. The Taiwan government needs to reach out to more NGOs and expand its partnership beyond those commonly identified as "NGO professionals". There are many academics, grassroots-based NGOs and service programs for foreign workers/migrants that may be tapped by the government.

C. Concluding Remarks

We welcome the positive steps that the Taiwan government has made in implementing the Human Trafficking Prevention Act. We look forward to a more fruitful cooperation between the government and civil society in the future.

Recommendations

1. Promote discussion between government, civil society and other stakeholders and settle the issue of whether the priority frame in the anti-trafficking campaign is Protection over Prosecution, or vice-versa.
2. Seriously address issues of labor-trafficking by considering reforming laws and even promoting social values that reflect the core principles of human rights which protect the rights of foreign/migrant workers, whether documented or undocumented, in the fight against trafficking.
3. Upgrade the National Immigration Agency's (NIA) role and authority in directing the day-to-day operations of the anti-TIP platform. Resolve possible inter-agency conflicts in authority.

On Prosecution

4. Strengthen mechanisms for prosecuting brokers and employers who commit labor trafficking.
5. Define the relationship of undocumented workers within the anti-TIP action plan to affirm them as victims rather than as criminals or accomplices subject to prosecution. Initiate a serious discussion with other stakeholders regarding the issue of undocumented workers. Ensure the rights of undocumented migrant workers in the drive to crack down on syndicates.
6. Integrate a general human rights framework in trainings for prosecution personnel and frontline enforcers. Ensure the incorporation of gender and racial/cultural sensitivity in the trainings.

On Protection

7. Come up with specific and concrete guidelines to identify cases of labor trafficking. Define incidences of forced labor, debt bondage and practices of slavery to guide authorities in identifying labor trafficking victims.
8. Define the rights of undocumented migrant workers in the context of labor trafficking and people smuggling.
9. Broaden the provision of immediate relief to trafficked victims. These should cover not just shelter, financial, legal and medical assistance to them but a broader framework and mechanism so their right to due process, right to work and their right to stay in the host country are recognized and respected, not jeopardized.

On Prevention

10. Include foreign domestic workers and caregivers and other foreign workers in the Labor Standards Act. Institute a standard contract for all migrant workers, including household workers, to be included and implemented in the labor standard law. Such standard contracts should uphold, recognize, respect and protect the basic human rights of migrant workers as embodied in the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the recent ILO Convention on Decent Work (ILO-C189). It should also contain concrete provisions such as prohibiting employers and brokers to confiscate migrant worker's passports and other documents; prohibiting contract substitution, exorbitant broker's fees, and illegal work; payment of overtime and provision of medical and health benefits for foreign workers as well as enforcement of regular rest days to FDWs.

11. Abolition of the broker system in Taiwan and expansion of direct-hiring– this is a key stop-gap measure to prevent exploitation and oppression of foreign workers in Taiwan. The broker system's institutionalization exacerbates different forms of trafficking practices and issues, destroying the lives of foreign workers and their families.

12. Heighten public awareness of the whole issue of human trafficking, its forms, manifestations, and practices. The public must have access to information thru multiple channels and access to various resources (i.e. mass-media) concerning human trafficking. Establish a blog that provides a bulletin and updates on the following: cases of human trafficking (i.e. trafficked victims, raids, investigation & prosecution of offenders), policies or rules governing human trafficking, migrant community alerts and actions, etc.

13. Conduct more researches on the issue of labor trafficking in particular, and human trafficking in general.

On Partnership

14. Recognize grassroots migrant organizations as partners and stakeholders in the fight against human trafficking. Support capacity-building efforts of migrants in the campaign to end trafficking.

15. Broaden the partnerships to include more NGOs and individual advocates.

16. Provide better access to information and resources for NGOs and migrant organizations, to help in their efforts to build migrant community's capacity to fight for their rights and welfare.

A. Background

The Palermo Protocols and UN Guidelines

Two relevant protocols relating to trafficking and attached to the United Nations Convention Against Transnational Organized Crime were adopted by the United Nations in Palermo, Italy in 2000 and these entered into force in 2003.

Two of these three supplementary international legal agreements, also known as the Palermo Protocols⁴, have become significant in defining human trafficking and people smuggling as well as providing the framework for transnational cooperation in the campaign to end trafficking in persons.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children⁵ (also known as Protocol 1, the Trafficking Protocol) was the first legally binding instrument defining human trafficking, in the following manner:

(a) [...] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

The second Protocol, Protocol against the Smuggling of Migrants by Land, Sea and Air⁶, aims to protect the rights of migrants and to reduce the power and influence of organized criminal groups that abuse migrants. Humane treatment and the need for international approaches to combat people smuggling and addressing the root causes of migration are some of the emphases that this protocol defines.

4 United Nations Convention against Transnational Organized Crime and its Protocols, <http://www.unodc.org/unodc/en/treaties/CTOC/>

5 “United Nations Convention against Transnational Organized Crime”, Annex II, Section I, Article 3 (pg. 42–43)

6 http://en.wikipedia.org/wiki/Protocol_against_the_Smuggling_of_Migrants_by_Land,_Sea_and_Air

In the view of understanding what constitutes “forced labour or services, slavery or practices similar to slavery”, it is worthwhile to note the existence of other international legislation which have defined these acts. We refer to the ILO Forced Labour Convention of 1930 (No. 29)⁷ and the ILO Abolition of Forced Labour Convention of 1957 (No. 105)⁸ and the 1956 UN Supplementary Convention on the Abolition of Slavery.⁹

Based on these international standards of defining forced labour and practices of slavery, the manifestations of labor trafficking can now be clearly identified. Common characteristics distinguish slavery from other human rights violations. A slave is¹⁰:

- forced to work -- through mental or physical threat;
- owned or controlled by an ‘employer’, usually through mental or physical abuse or threatened abuse;
- dehumanised, treated as a commodity or bought and sold as ‘property’;
- physically constrained or has restrictions placed on his/her freedom of movement.

Many victims of human trafficking experience forms of slavery like bonded labor, debt bondage and forced labor. Victims of human trafficking are often not permitted to leave upon arrival at their destination. They are held against their will through acts of coercion and forced to work or provide services to the trafficker or others. The work or services may include anything from bonded or forced labor to commercialized sexual exploitation. The arrangement may be structured as a work contract, but with no or low payment or on terms which are highly exploitative. Sometimes the arrangement is structured as debt bondage, with the victim not being permitted or able to pay off the debt.¹¹

Important to note is the existence of the Recommended Principles and Guidelines on Human Rights and Human Trafficking which was an addendum report of the High Commissioner For Human Rights to the UN Economic and Social Council in 2002. Known simply as the UN guidelines, this outlines the practical and rights-based guidelines in combating trafficking as an abusive form of migration and measures to ensure respect to the rights of migrants and trafficked persons.

Under the said UN Guideline, “the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims”¹².

Principle 2 states under international law States have a responsibility to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons.

Principle 8 requires States to “ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care [which] shall not be made conditional on the capacity or willingness of trafficked persons to cooperate in legal proceedings”¹³.

7 <http://www.ilo.org/ilolex/cgi-lex/convde.pl:C029>

8 <http://www.ilo.org/ilolex/cgi-lex/convde.pl:C105>

9 <http://www2.ohchr.org/english/law/slavetrade.htm>

10 What is modern –day slavery; http://www.antislavery.org/english/slavery_today/what_is_modern_slavery.aspx

11 Labor trafficking fact sheet, National Human Trafficking Resource Center, http://www.acf.hhs.gov/trafficking/about/fact_labor.pdf

12 <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

13 Ibid.

These are the major international standards with which any government anti-trafficking program is evaluated. It is quite clear that any anti-trafficking law and policy should therefore be addressed within a human rights framework. The victim, not the perpetrator, should be at the center of strategies to eliminate trafficking.

The US State Department Report on TIP and Taiwan's Response

Every year, the US State Department, through its Office to Monitor and Combat Trafficking in Persons, presents its annual Trafficking in Persons Report which outlines its evaluation of human trafficking efforts within the United States as well as internationally. The report assesses around a total of 184 governments worldwide.¹⁴ Considered to be one of the most comprehensive analyses of worldwide human trafficking, it ranks countries in "tiers" based on their compliance to standards outlined within its own law, the Trafficking Victims Protection Act.

These tiers are:¹⁵

- Tier 1 Countries whose governments fully comply with the TVPA's minimum standards.
- Tier 2 Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

Tier 2 Watchlist Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND: a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

- Tier 3 Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so. To penalize Tier 3 countries, the U.S. government can impose economic sanctions or even revoke non-humanitarian aid.

Taiwan was moved to Tier 1 in 2004, but slipped to Tier 2 in 2005 and further downgraded to Tier 2 watchlist in 2006. It was not until 2010 that Taiwan regained Tier 1 status.¹⁶

According to the 2006 Trafficking in Persons Report, "Taiwan authorities do not fully comply with the minimum standards for the elimination of trafficking; however, they are making significant efforts to do so. Taiwan is placed on Tier 2 Watch List for its failure to show evidence of increasing efforts over the past year to address trafficking, despite

¹⁴ Taiwan still on US trafficking list, Jun 29, 2011, <http://www.taipeitimes.com/News/front/archives/2011/06/29/2003506951/1>

¹⁵ http://en.wikipedia.org/wiki/Office_to_Monitor_and_Combat_Trafficking_in_Persons

¹⁶ Taiwan's anti-human trafficking efforts earn Tier 1 ranking, June 29, 2011, <http://www.chinapost.com.tw/taiwan/national/national-news/2011/06/29/307956/Taiwans-anti-human.htm>

ample resources to do so, particularly to address the serious level of forced labor and sexual servitude among legally migrating Southeast Asian contract workers and brides.”¹⁷

The status of Taiwan as both a source and destination country for human trafficking was discussed in the the report made by US Department on 2006, and this made a dramatic impact on the Taiwan government. It was prompted in 2009 to pass the Human Trafficking Prevention and Control Act.

The said law defines human trafficking as follows:

(1) To recruit, transact, take into bondage, transport, deliver, receive, harbor, hide, broker, or accommodate local or foreign person, by force, threat, intimidation, confinement, monitoring, drugs, hypnosis, fraud, purposeful concealment of important information, illegal debt bondage, withholding of important document, making use of the subject's inability, ignorance or difficulty to seeking help, or by other means against the subject's will, for the intention or purpose of subjecting him/ her to sexual transaction, labor exploitation or pay not commiserating with the labor, or the harvest of his/ her organ.

(2) To recruit, transact, take into bondage, transport, deliver, receive, harbor, hide broker, or accommodate everyone under 18 years of age for the purpose of subjecting him/ her to sex transaction, forced labor, or pay not commiserating with the labor, or the harvest of his/ her organ or to subject anyone under 18 years of age to sexual transaction, labor exploitation or pay not commiserating with the labor, or the harvest of his/ her organ.¹⁸

Likewise, aforementioned law incorporated and defined “improper debt bondage” as debt in which the term or repayment is ambiguous or clearly unreasonable, indenturing another person into bondage; used to subject the person to sexual transaction, labor exploitation or organ harvesting as the condition(s) to fulfill obligation.¹⁹

Recent Developments

The Trafficking in Persons Report of 2011 listed Taiwan as a “Tier 1” country. This means that it fully complied with the minimum standards laid down in the US Trafficking Victims Protection Act.²⁰ This was the second year in a row that Taiwan received such a desirable ranking.

According to the Annual Report, 32 out of the 184 surveyed countries rated Tier 1, with Taiwan and South Korea as the only Asian nations to earn this sought-after classification.²¹

Various government officials hailed the results of the recent TIP report, citing this as clear proof that the country's efforts have borne fruit. Minister of Interior Jiang Yi-Huah touted this as recognition of Taiwan's achievements resulting from the enactment of the Human Trafficking Prevention Act and its successful implementation. The spokesman of the Executive Yuan, Philip Yang, noted the effective coordination among government

17 2006 Trafficking in Person report, US State Department, <http://www.ait.org.tw/en/2006-trafficking-in-persons-report-taiwan.html>

18 Chapter One: General Provisions. Article 1 of the Human Trafficking Prevention and Control Act or the Hua-zong-yi-yi-tzu No. 09800019281.

19 Ibid

20 Human trafficking prevention praised, May 13, 2011, Page 3
<http://www.taipeitimes.com/News/taiwan/archives/2011/05/13/2003503125>

21 Taiwan gets top marks in anti-human trafficking report, Elaine Hou, Taiwan Today, June 28, 2011

agencies in carrying out human trafficking prevention measures.²² He was referring to the Cross-Agency anti-TIP Platform, wherein the Ministry of Interior, Council of Labor Affairs, Ministry of Justice and the National Immigration Agency (NIA) coordinate efforts on this concern.

No less than the ROC premier Wu Den-yih made triumphal comments regarding this news in the closing ceremony of the 2011 International Workshop on Strategies for Combating Human Trafficking, held in Taipei last October 2011. Representatives from 17 countries including Australia, Macau, Singapore, the US and Vietnam attended the workshop.

“The ROC government has actively eliminated crimes regarding prostitutes and human trafficking, and efforts in stopping human trafficking have showed results following the stable growth of economy and the spread of education,” Wu said, adding that the key is to educate the people on crime prevention, as well as to rationalize income distribution and further effectively deal with social welfare.²³

However, the same report also identified opportunities for Taiwan to improve on its compliance. Much of the shortcomings mentioned are related to the fight against labor trafficking.

Among the most notable points in the 2011 TIP Report were the following²⁴:

- Most trafficking victims in Taiwan are migrant workers from Vietnam, Thailand, Indonesia, mainland China, Cambodia, the Philippines, Bangladesh, and India. They are employed through recruitment agencies and brokers to perform low-skilled work in Taiwan’s manufacturing and fishing industries, and as home caregivers and domestic workers.
- Many of these workers fall victim to labor trafficking by unscrupulous brokers and employers, who force workers to perform work outside the scope of their contract and often under exploitative conditions. Some employers of domestic workers and home caregivers forbid their employees from leaving their residences, except on days off, making them extremely vulnerable to labor trafficking and other abuses while being unable to seek help.
- Migrant workers are reportedly charged up to \$7,700 in recruitment fees typically in their home countries, resulting in substantial debt that may be used by brokers or employers as a coercive tool to subject the workers to forced labor. Labor brokers often assist employers to deport “problematic” employees forcibly, thus allowing the broker to fill the empty quota with new foreign workers who must pay brokerage fees, which may be used to maintain them in a situation of forced labor. Brokers used threats and the confiscation of travel documents as a means to control workers.

It was also mentioned that Taiwan’s Labor Standards Act does not cover nearly 160,000 foreign nursing caregivers and domestic workers, about half of the foreign work force.²⁵

22 Taiwan still on US trafficking list, June 29, 2011, <http://www.taipeitimes.com/News/front/archives/2011/06/29/2003506951/1>

23 Taiwan continues to fight human trafficking, <http://www.thechinatimes.com/online/2011/10/1772.html>

24 Trafficking in Persons Report 2011, US State Department, <http://www.state.gov/g/tip/rls/tiprpt/2011/>

25 Taiwan must accelerate improving human rights - The China Post, JULY 18, 2011. <http://trafficking-monitor.blogspot.com/2011/07/taiwan-must-accelerate-improving-human.html>

According to the report, Taiwan failed to provide full labor protection to the estimated 160,000 foreign workers in the domestic service sector; domestic workers currently do not have defined working hours nor minimum wages, which may have contributed to some situations of forced labor among this vulnerable group of migrants.

Among the recommendations made by the US TIP Report for Taiwan²⁶:

1. Extend labor protection for all categories of workers, including those in the domestic service caregiving sectors to prevent labor trafficking;
2. Sustain and improve on efforts to investigate, prosecute, and convict trafficking offenders, using the anti-trafficking law enacted in June 2009;
3. Ensure that convicted trafficking offenders receive sufficiently stiff sentences for deterrent effect;
4. Continue to train law enforcement personnel, officials in the Council of Labor Affairs (CLA), labor inspectors, prosecutors, and judges on victim identification measures and the anti-trafficking law;
5. Continue to raise awareness among victims of the option to assist in prosecutions and ensure that they understand the implications of their participation;
6. Increase coordination between prosecutors and NGOs sheltering victims to keep victims informed of the status of their cases;
7. Identify and fund foreign language translators for shelters and hotline staff; exert greater effort to investigate and prosecute child sex tourism offenses committed by Taiwan nationals; and
8. Continue efforts to increase public awareness about all forms of trafficking.

In its editorial, the China Post added:

“In addition to better training for law enforcement, interpreters, immigration and labor-related civil servants, and to expand judicial protection, the country should also make long-term plans to address Taiwan’s cultural tolerance. While the Taiwanese people are famous for their friendliness and despite having long history of multicultural exchanges, this society is still mainly Han Chinese culture-oriented. Foreign workers, especially low-skilled ones, mostly do not interact, not to mention integrate, with Taiwanese society — not least because they are often kept by their employers from leaving their dormitories, a fact the U.S. report mentioned. While centralized control of migrant workers might make managerial sense and is not uncommon internationally, such practices and others that isolate migrant workers do Taiwan more harm than good in the long run by perpetuating the “foreignness” of foreign workers. As an island nation with a graying population, and therefore an increasing need of foreign workers, Taiwan should move fast to create a society that values migrant workers for who they are — not hired guns but contributors to Taiwan’s development just like any other hardworking locals.”²⁷

26 2011 Trafficking in Persons Report Taiwan (Tier 1), U.S. Department of State, June 27, 2011
 27 <http://www.chinapost.com.tw/editorial/taiwan-issues/2011/07/03/308332/p2/Taiwan-must.htm>

B. Comments on the 2010 Taiwan Trafficking in Persons Report

Regarding CHAPTER 1 & 2 of the TTIPR 2010: Prologue and Overview (pp.3-7)

1. We welcome the 2010 Taiwan Trafficking in Persons Report which manifests some significant steps forward in the campaign to end trafficking in Taiwan.

2. While we share in the elation of the Taiwan government in its continued ranking of Tier 1 in the 2011 US TIP Report, we are bothered by recent news which highlights the continuing problem of human trafficking, especially labor trafficking and practices of slavery. It underscores the possible continuing incoherence in law and intent with actual labor practices found in Taiwan society and even among government personnel.

a. Trafficking issues came under the spotlight after CNN reported the story of a Taiwanese woman in the United States who was allegedly sold by her impoverished parents into slavery at the age of seven to a wealthy Taiwanese family that later moved to California. Before this came the controversial news about the TECO Director-General in Kansas who was accused of maltreatment, trafficking and forced labor against her Filipino domestic workers in the US.

b. Especially with the case of TECO official Jacqueline Liu, human rights groups in Taiwan have raised criticisms on the way the Ministry of Foreign Affairs has conveniently prioritized the issue of sovereignty over human rights²⁸. More so, the incident emphasizes the prevailing norm in Taiwan with regard to migrant workers. According to Hsia Hsiao-chuan, professor and director of the Graduate Institute for Social Transformation Studies at Shih Hsin University, “The sad truth is that Liu’s behavior is by no means an isolated case. Employer abuse of migrant workers has long been the norm in Taiwan... This attitude has been a target of criticism from human rights groups, but the fact is that turning a blind eye to problems of exploitation and abuse of migrant workers is the norm throughout Taiwanese society.”²⁹

c. This news is also in consonance to the observation of the US TIP Report that “Taiwan authorities did not report any investigations, prosecutions, convictions, or sentences of government officials’ complicity in trafficking offenses during the reporting period.”³⁰

3. We appreciate the framework of Taiwan’s crackdown on human trafficking with its 4 P’s (prosecution, protection, prevention and partnership). We believe, though, that the discourse on whether the priority frame is Protection over Prosecution should be discussed further. As it is, content analysis of the TTIPR 2010 shows that more focus is placed on

28 Groups accuse MOFA of ignoring human rights, Taipei Times, Nov 15, 2011, <http://www.taipetimes.com/News/taiwan/archives/2011/11/15/2003518354>

29 Human rights treated as a slogan, Taipei Times, Nov 26, 2011, <http://tasat-e.blogspot.com/2011/11/human-rights-treated-as-slogan.html>

30 2011 Trafficking in Persons Report Taiwan (Tier 1), U.S. Department of State, June 27, 2011

prosecution rather than protection and prevention. This veers away from a rights-based frame of addressing the problem of trafficking.

4. Taiwan needs to seriously address labor-trafficking if it (as it says) wants to be a beacon for human rights in the region. It has to consider reforming laws and even promote progressive social values to reflect the core principles of human rights which protect the rights of foreign/migrant workers, whether documented or undocumented, in the fight against trafficking.

5. We also welcome the formation of a cabinet-level team to coordinate tasks across agencies to implement the Action Plan against Human Trafficking. However, we have the view that the National Immigration Agency (NIA), being just an agency under the Ministry of Interior, coordinating other government departments which are higher than them is problematic. There is a need to upgrade the status of the NIA, otherwise the day-to-day duty of directing the anti-TIP program will fall on the Executive Yuan itself.

Regarding CHAPTER 3: Achievements

I. Stamping out TIP crimes (PROSECUTION)

Judicial police enforcement (p.8)

6. With the Human Trafficking Prevention Act being a fairly recent piece of legislation, and with the government admitting that it is still in the process of training its personnel regarding the law, it is unsurprising that there were many cases (especially those that are not so high-profile) that have been glossed over or not treated as trafficking cases. We are quite concerned with the absence of clear and precise guidelines on identifying trafficking cases.

a. A case in point is the complaint lodged by foreign workers of Gongin Precision Industry Co. Ltd to the Labor Affairs Bureau in Kaohsiung. On April 8, 2011, workers outlined eight violations by the company, including forced labour, restriction of movement, and inhumane living conditions.

b. The actual complaints were: “(1) Passport confiscation; (2) ARC confiscation; (3) “Go out Form” - We are under a policy that restricts our basic right to freedom of movement. We do not have the freedom to go out and pursue our individual obligations and interest after work hours. We are being required to secure the approval of work supervisor before they allowed us leaving the company premises; (4) “Breach of contract” 20 Filipino Workers are being forced to work on Bongin Industrial Co. Ltd, a hazardous chemical processing company which is not indicated/stated in their work contract and they are also forced to travel about 2 kilometers off to their work by means of bicycle and without being given any transportation allowance; (5) Displeasing condition of dormitory – Open air bathroom facilities; toilet/bathroom is about 10 meters away from dormitory; 65 workers are being accommodated in 1 room (area is too crowded); We are forced to use a very high stairway or fire escape without pathway cover in going out and back to our dorm. During rainy season this stairs is hazardous, we have no options but to use this open stairways and expose ourselves to harsh weather. The main stair is being blocked, and this prevented us from passing through; (6) Forced work at night but only Filipinos are not given the benefit of night work special pay or allowance - a clear proof of the company’s racial discrimination and labor exploitation; (7) forced work on rest days and holidays; (8) Verbal abuse and Physical harassment. Often we are being scolded and threatened to be

repatriated every-time we get sick or are unable to work due to fatigue and refuse to work overtime on rest days due to personal reasons. There is also the arrogant behavior of one assistant manager who keeps intimidating all Filipino workers and an incident of physical harassment acted by the said manager.”

c. Aside from instructing the company to return the passports and ARC to the workers (first two complaints), no other action was taken by the CLA since April of last year. Six of the eight complaints were simply disregarded.

d. On top of this, additional concerns were raised by the workers: “Our primary concern as of this moment are the constant health hazard we are suffering from our faulty bathroom facilities It has been causing us a very considerable amount of difficulty taking a bath in the morning from 5:50AM-8:00AM, because during this period, there is no hot water coming out of the showers. It is very hard for us to take a bath using extreme cold water during this winter season. Aside from this, our bathroom is open air, has no door and the upper walls have no cover. We are directly exposed to cold weather, which cause us to get sick often and keep us from work. We have already communicated with MECO informing them about our situation, and also last December 28, a communication to the management begging for their favor to fix our bathroom, they just paid us no heed. According to them, their priority is the construction of the room for their new machineries they have just acquired/purchased last month. Despite of the situation, we are still being deducted of \$1,500NT regularly for dormitory fee.”

e. It can be argued that complaints 3-6 above constitute forced labor and slave-like working conditions and thus fall under the definition of trafficking. However, the fact that these complaints were disregarded even with glaring visual proof provided by the workers and even after the ocular visit of the LAB. This supports the argument that enforcement of anti-trafficking laws are limited by vague definitions of what constitutes trafficking.

7. There are also reports³¹ that actual trafficked victims remain under the custody/in prison by NIA even though they are actually victims of trafficking and should be receiving protection and assistance. The following are just some notable examples of such erroneous prosecution:

a. A Thai migrant worker in Taiwan ran away from his employer after more than nine years in service, because he was always physically abused by his employer and was underpaid, since it was not easy to change employers, he decided to run away and found another employer. After nine years in undocumented employment, he made the decision to return home and surrendered himself to Immigration.

b. H is an Indonesian migrant worker staying in Yilan detention center. When he first applied for work overseas, his broker told him he will work in a factory in Taiwan, but after he arrived there he was made to work as a fisherman. He also suffered verbal and physical abuse from his employer, and work under inhuman conditions and without salary for three months. He called 1955 (Taiwan’s equivalent of 911) to ask for help but did not receive any response, so he finally decided to run away from his employer.

c. Ani is supposed to work in Taiwan as a caregiver. But when her work in at the employer’s house is finished, the employer makes her work in the farm everyday for 12 hours or more.

31 Human Trafficking of Legal and Illegal Migrant Workers in Taiwan, Regina Fuchs, Hope Workers’ Center, Taiwan, January 2011

Even when she requested her agent for a switch in employer, the agent told her to wait for the process, thus forcing her to stay on and work for the abusive employer.

d. Two Vietnamese girls work in a Taiwanese factory after having obtained a loan from the bank to pay their broker. After a few months of work however, their employer told them that the factory was getting fewer orders, and that henceforth they will not be getting any pay from the company. But they still needed to pay the bank loan, so that they decided to run away from their employer and get a new job. Just as they were being interviewed for a new job, their prospective employer suddenly reported them to the police, and they were arrested and locked away in a detention center.

e. The abovementioned cases and situation are fairly common among foreign workers in Taiwan, but they have not been getting any protection or redress from any government agency.

f. One of the biggest problems of migrant workers in Taiwan is they had to go through brokers to get jobs, while being prohibited by the local government from changing employers. This requirement forces them to work even under very bad conditions. Complaint mechanisms are also inadequate to protect their rights and interests, or even keep them out of trouble.

8. Practical limitations on enforcement can be rooted to many factors. Many of these were discussed and presented by civil society groups in a previous seminar³² organized by the APMM and the Alliance for Human Rights Legislation for Immigrants and Migrants (AHRLIM). Among the most notable points raised during the discussion were:

a. Lack of detailed list of labor-trafficking violations that can be referred by the police or immigration who actually have the power to decide whether the case falls under trafficking. What if the authorities say it doesn't? Then the victim now becomes an offender and is punished instead of protected

b. The debate on what is principal – protection of victims or prosecution of offenders and the crime? Lack of practical guidelines and standard police procedures may place the victim in jeopardy

c. Lack of Evaluation of the “trainings” that the government has done with its personnel.

d. Lack of understanding of the various schemes of recruitment, strategies of traffickers to “control” the victims in non-physical ways, as well as the background situation of many migrant workers. Not taking these into consideration will drastically reduce identification of trafficking cases as well as correctly prosecuting the real perpetrators.

32 Seminar on Legal Labor Practices and Human labor Trafficking in Taiwan, March 7, 2010, Taipei Taiwan

Regarding CHAPTER 3: Achievements
I. Stamping out TIP crimes (PROSECUTION)
Prosecution and sentencing (p.8)

9. In the reporting period covered by the 2011 US TIP report, no data was provided regarding the conviction and sentencing of offenders.

10. The number of prosecutions (300+) may actually be small compared to the numbers of “unreported”, “undetermined”, “unclassified”, “unidentified” cases because at the moment, many of the problems raised by migrants/FDWs in their work condition may not be considered indicators of forced labor or debt bondage and thus not targets for investigation and prosecution. In a report made by Migrant International – Taiwan Chapter in 2010³³, a long list of issues of involuntary servitude, bonded labor masked by collection of excessive and illegal fees, exploitation and abuse committed against migrant workers were highlighted to further the argument that these fall under the general definition of trafficking.

Regarding CHAPTER 3: Achievements
I. Stamping out TIP crimes (PROSECUTION)
Border control and labor law enforcement
Clamping down on undocumented workers
through cross-border checks (p.9)

11. The formulation of the header “1. Clamping down on undocumented workers through cross-border checks” is actually problematic. Instead of clamping down on syndicates/erring brokers, the header phrase denotes the undocumented workers as the targets.

12. Considering that in terms of statistics, the undocumented migrant cases are actually the biggest (more than 10,000 already in 2010), the report is unnervingly silent on how the government has cracked down on the undocumented, treated them upon identification and resolved the cases afterwards.

13. It is disconcerting that the mention on undocumented migrants (a) falls under the theme of prosecution; and (b) not mentioned in the themes of protection, prevention and partnership. Unlike the section on foreign brides, the undocumented only merited one short paragraph and a table while the latter had pages of evidence in reports.

14. More so, there is not much discussion on how the Anti-Trafficking Law relates to undocumented migrants in Taiwan. Are they victims or criminals? Do they have rights under this law? Are the government personnel briefed on how to handle cases of undocumented? Has there been any progress from the way the Taiwan government has treated undocumented workers before the anti-trafficking law was passed? Either the undocumented is treated as an accomplice to the crime of threatening Taiwan’s border security and integrity or it doesn’t distinguish the syndicate from the undocumented worker. Should undocumented workers therefore be criminalized and be targets for prosecution?

³³ Debt Bondage, Forced labor and the Human Trafficking and Prevention Act in Taiwan, Dave Chang, Migrant International-Taiwan chapter, March 7, 2010

15. A serious discussion on the matter of undocumented migrants needs to be initiated by the Taiwan government with other stakeholders especially migrant organizations and NGOs. There is a pressing need to understand the causes of why migrants become undocumented. The issues of undocumented need to be reflected also in the prevention theme rather than on prosecution alone. It might prove useful for the current law to be made coherent with Protocol 2 (Protocol against the Smuggling of Migrants by Land, Sea and Air).

Regarding CHAPTER 3: Achievements
I. Stamping out TIP crimes (PROSECUTION)
Border control and labor law enforcement
Labor law enforcement (pp.11-12)

16. There has to be clearer definition of terms. How does the CLA differentiate between “undocumented foreign workers” vis-a-vis the act of “illegally harboring aliens”? In this section, only 186 brokers are “fined” (no harsher punishment) for “illegally harboring aliens” considering that police and NIA estimates peg undocumented workers at 10,000.

17. The identified employment broker violations seem limited and few. Revocation of licenses has consistently dropped from 14 in 2008 to 10 in 2009 and only 2 in 2010.

18. In 2010, only 22 brokers were fined for collecting unauthorized fees considering that the problem of unauthorized collection of fees is considered by migrant advocates to be of astronomical proportions. Even the US TIP report acknowledges this: “Migrant workers are reportedly charged up to \$7,700 in recruitment fees typically in their home countries, resulting in substantial debt that may be used by brokers or employers as a coercive tool to subject the workers to forced labor.” In our 2010 research³⁴, the APMM identified various schemes and scales of salary deductions (ranging from USD5,300 to USD7,000). The transactions are highly dubious because they are being done outside of business offices and no official receipts are issued them. In our 2011 survey, we found that only 25% of those whose individual salaries are indicated as NT\$15,840 actually received such amount. Around 75% received actual salaries of between NT\$4,000 and NT\$13,000.

19. It appears that labor-trafficking concerns are not properly identified. A more concrete list of violations needs to be created and expanded by the Taiwan government to effectively identify cases of labor-trafficking. Again from our 2010 research, we have found some common practices that actually constitute forced labor, hence trafficking: “It is also a common practice that migrant workers’ passports are in the possession of their brokers and a large part of their salary is forcibly saved in the account of their employers so that they will not run away from the latter. Some are paid lower than the minimum wage, while a number are cheated of their overtime pay. In factories, penalties are imposed (i.e. salary deduction) for not following company rules such as no smoking in bed, no sleeping late and other reasons the employer wishes to impose on them. The practices of possessing the passports of migrant workers and forced savings, impositions thru salary deductions, penalties, and long working hours -- are illegal, but are nevertheless being perpetuated by employers and/or brokers. Such practices, albeit compulsory, lead migrant workers to forced labor. Hence, these are the other forms of trafficking.”³⁵

34 The Face of Human Trafficking in Taiwan, pp.8-10, Asia-Pacific Mission for Migrants, March 2010
 35 Ibid.

20. The assertions above, both by the United States TIP report and our 2010 research, on what particular forms labor-trafficking takes in Taiwan continues to manifest itself. In our 2011 survey, our findings show that the aforementioned practices still persist.

- a. 75% of respondents identify some form of labor contract violation or other types of abuse
- b. 58% complain about having no regular day-off, with 11% saying they are only allowed to have one day off in a month
- c. 86% reported they do not enjoy statutory holidays
- d. 95% work more than 8 hours a day with 21% working between 17-20 hours a day
- e. 84% have their passports and other documents confiscated by the employer or broker

21. The fact that prosecution of brokers and employers in 2010 (as stated in the Taiwan TTIPR) is minimal compared to the incidence of various labor practices (which should have been defined as labor trafficking as mentioned by both the US TIP report and the surveys of the APMM) shows the inadequacy of official measures to define and specifically list down what labor issues fall under violations of the anti-trafficking law in Taiwan.

Regarding CHAPTER 3: Achievements
II. Enhancing protection of TIP victims (PROTECTION)
(II) Identification of TIP victims (p.22)

22. Points 6-8 above about proper identification of victims are also relevant in this section. The TTIP admits that mistakes are bound to happen in the identification of victims. The victim has the potential to be penalized or jailed instead of being accorded protection. More effort has to be done to ensure that these mistakes are reduced to a minimum.

23. Labour-related authorities should be more understanding of legal foreign workers as also being possible victims of forced labour. The concepts and definition of forced labour, debt bondage, and practices of slavery need to be concretized to accord labor-related authorities the tool to properly identify cases of labor trafficking. The various international instruments (Protocol 1 and 2, UN Guidelines, etc) mentioned in the background as well as the recommendations mentioned on the 2010 US Tier report on labor migration condition can be used as reference.

Regarding CHAPTER 3: Achievements
II. Enhancing protection of TIP victims (PROTECTION)
(VI) Services provided during investigation interviews (p.23)

24. While we welcome the provision of shelters, interpretation services, and social workers for trafficking victims, we would like to see a thoroughgoing evaluation of the proficiency of these agencies and personnel in dealing with foreign workers. These are in terms of quality of language, cultural sensitivity, as well as skills in counseling.

Regarding CHAPTER 3: Achievements
III. Curbing human trafficking (PREVENTION)
Raising general awareness (p.24)

25. This section discusses education on trafficking to the local Taiwan people and to foreign workers/migrants. But content analysis reveals that efforts towards the foreign workers are less than those done for locals. Most of the information strategies to migrants which were presented only entail distribution of pamphlets and info-cards as well as provision of a “hotline”. Compare this with the preponderance of activities and materials designed for local people which include TIP-related education in schools, contests and events, and use of electronic media. There should be more media work and open activities that would inform the migrants of their rights and for them to also report and identify trafficking.

26. In our 2011 survey, we have found out that 46% of the respondents have received some form of information regarding trafficking. Unfortunately, only 21% of these have approached the Taiwan government for protection and 47% have decided not to file any case against their employer or broker for complaints related to labor trafficking. Information dissemination about human trafficking has to reach more migrants and must encourage them to make steps to file cases. More research needs to be done on what discourages migrants and foreign workers from filing cases.

27. The Taiwan authorities and the rest of the public should also understand the realities of migration from the sending countries and the role of brokers. The government has the responsibility of informing its citizens about this. There are more dimensions to these than the legal one. The public should also be briefed on the socio-economic, cultural and psychological aspects on why many are victimized by trafficking and how the traffickers are preying on these workers. They should also understand the various schemes and strategies that traffickers use to control the victims even in a non-physical way.

28. There should also be a rethinking of the labor practices in households with Foreign Domestic Workers. They are more vulnerable because law enforcement is limited by confinement within a household. Education to employers is crucial. The abolition of the live-in arrangement should also be considered, as well as other conditions that tend to affect FDWs and make them vulnerable to forced labor.

Regarding CHAPTER 3: Achievements
III. Curbing human trafficking (PREVENTION)
Building civil servant competency (p.33)

29. Training also in gender and racial/cultural sensitivity is important together with anti-trafficking. The general human rights framework has to be integrated in training instead of the usual “criminal” approach to judicial enforcement, because the fate of victims more than criminals is at stake. Without a human rights framework, the law becomes mechanically skewed towards prosecution at the expense of the rights of foreign workers.

Regarding CHAPTER 3: Achievements
III. Curbing human trafficking (PREVENTION)
(IV) Ensuring the dignified employment of migrant workers (p.38)

30. We welcome the institution of the direct-hiring facility and we recommend an expansion of the scheme. There has to be information dissemination on how direct-hiring can be availed by foreign workers. Also, clearer guidelines have to be made to clarify matters such as changing of employers without brokers, among other concerns.

31. While the government has started facilitating direct-hiring, it has not abolished the broker system. This is considering the fact that so many researches and opinions have been publicized with regard to the inherent faultiness of the broker system.

32. The US TIP report correctly observes that the Labor Standard law does not apply to all foreign workers (including foreign domestic workers). The CLA has proposed a special law for foreign domestic workers. We need to review this proposed law and ensure that it does not only follow the anti-trafficking law, but more so, core human rights instruments such as the ILO Convention on Decent Work for Domestic Workers. Creating a special law may actually become problematic because there will be two ordinances covering two separate classes of workers, which may impinge on the principle of equal treatment of local and foreign workers rights under international standards.

Regarding CHAPTER 3: Achievements
III. Curbing human trafficking (PREVENTION)
(V) Reviewing foreign labor policies (p.40)

33. Instead of abolishing the broker system as criticized by many groups, the government instead wants to formulate “model” brokerage agreements. Past researches of NGOs and academicians have investigated malpractices of the broker system, many of which fall under the category of forced labor, debt bondage or bonded labor, and practices related to slavery. The Taiwan government needs to acknowledge the intrinsic fault in the framework and system of brokerage that actually creates the concrete condition of labor-trafficking.

34. There is a need for legislative review of policies and procedures especially relating to foreign workers for coherence of laws as well as practice of departments. More so, an understanding of migration problems from a rights-based perspective is essential for such an endeavor to succeed. To do this, there needs to be established mechanisms for voices of grassroots migrant organizations and their advocates to be gathered and considered.

Regarding CHAPTER 3: Achievements

III. Curbing human trafficking (PREVENTION)

(V) Optimizing Governance with private sector resources (pp.41-45)

IV. Fortifying international partnership (PARTNERSHIP)

(pp. 46-52)

35. Most of the subsidized projects and activities of NGOs are geared towards the Taiwan locals, and less so for awareness-raising of migrants on human trafficking. This may be seen in the table of projects and accomplishments by funded NGOs in p. 42 of the report regarding TIP advocacy.

36. There seems to be a lack of government recognition of grassroots migrant formations as partners and stakeholders also in the fight against human trafficking. Capacity-building of migrants and their associations and communities needs to be addressed, to enable them to be positive contributors in the campaign to stamp out trafficking. For this to happen, there needs to be a re-examination of current policies/laws with regard to recognition of migrant worker organizations, and to allow registration of migrant organizations as well as promote space for their participation in anti-trafficking campaigns and welfare cases.

37. The Taiwan government needs to reach out to other NGOs and expand its partnership not necessarily only to the traditionally identified “NGO professionals”. There are many academics, grassroots-based NGOs and service programs for foreign workers/migrants that can be tapped by the government. It should also explore the possibility of creating an NGO Task Force that would investigate, review and recommend, and coordinate anti-trafficking responses in Taiwan.

C. Concluding Remarks

We recognize the positive steps that the Taiwan government has made in implementing the Human Trafficking prevention Act since 2009. However, we believe that future advances can be enhanced by (1) consistently addressing trafficking issues from a rights-based perspective; (2) by improving the investigation, prosecution, and prevention of labor trafficking; and (3) developing and broadening the networks of civil society - both migrants and NGOs, local and international - to draw on the knowledge, experience and mission of these stakeholders. Effective strategies to combat trafficking can be developed by expanding collaboration between government and civil society.

We thank the Cross-Agency Anti-TIP Platform for the opportunity to present this report and the recommendations therein.

Appendix

Concept paper on the shadow report in Taiwan

I. Rationale

On March 2010 the Asia Pacific Mission for Migrants in cooperation with the Alliance for Human Rights Legislation for Immigrants and Migrants (AHLIM) held a seminar on Legal Labor Practices and Human Labor Trafficking in Taiwan. The seminar discussed the prevalence of human trafficking in Taiwan and how government can improve its policies, systems and services to curb it. The Hao Ran Foundation and the Legal Aid Foundation supported the said seminar.

In general, human trafficking defined as the practice of persons being tricked, lured, coerced or otherwise removed from their home or country, and then forced to work with no or low payment, or on terms which are highly exploitative. The practice is considered to be a trade or commerce of people, which has many features of slavery, and which is illegal in most countries. The victims of human trafficking can be used in variety of situations, including prostitution, forced labor (including bonded labor or debt bondage) and other forms of involuntary servitude. The sale of babies and children for adoption or other purposes is also considered to be trafficking of these children.³⁶

Based on the US State Department report, Taiwan ranked equal with China for its failure to address human trafficking in 2006 and 2007. Many Taiwanese women are trafficked for sexual exploitations in Canada, United Kingdom, Japan and the United States of America.

Taiwan is a destination country for women and girls who were trafficked for sexual and labor exploitation, mainly from the People's Republic of China (P.R.C.), with the rest originating from Vietnam, Cambodia, and Thailand. Women and girls are recruited through fraudulent marriage arrangements, deceptive employment offers and smuggling. Due to poverty, many women from Vietnam, Thailand, and the Philippines are forced to migrate to Taiwan to work in construction, fishing and manufacturing industries. Others come in as domestic servants but are later coerced into involuntary servitude and debt bondage.

The US State Department's 2006 report on Taiwan as a source and destination area for human trafficking made quite an impression on the Taiwan government, so confided a sub-chief of a City Police Bureau. This prompted the Taiwan government to pass the Human Trafficking Prevention and Control Act on 2009 (or Hua-zong-yi-yi-tzu No. 09800019281).

The said law defines human trafficking as follows: (1) To recruit, transact, take into bondage, transport, deliver, receive, harbor, hide, broker, or accommodate local or foreign person, by force, threat, intimidation, confinement, monitoring, drugs, hypnosis, fraud, purposeful

³⁶ The Face of Human Trafficking in Taiwan: Taking a Close Look at the Living and Work Conditions of its Migrant Workers published by Asia Pacific Mission for Migrants (APMM) June 2010, Hong Kong, pp.4

concealment of important information, illegal debt bondage, withholding of important document, making use of the subject's inability, ignorance or difficulty to seeking help, or by other means against the subject's will, for the intention or purpose of subjecting him/her to sexual transaction, labor exploitation or pay not commiserating with the labor, or the harvest of his/ her organ.

(2) To recruit, transact, take into bondage, transport, deliver, receive, harbor, hide broker, or accommodate everyone under 18 years of age for the purpose of subjecting him/ her to sex transaction, forced labor, or pay not commiserating with the labor, or the harvest of his/ her organ or to subject anyone under 18 years of age to sexual transaction, labor exploitation or pay not commiserating with the labor, or the harvest of his/ her organ.³⁷

Likewise, the aforementioned law incorporated and defined "improper debt bondage" as debt in which the terms of repayment are ambiguous or clearly unreasonable, indenturing another person into bondage; used to subject the person to sexual transaction, labor exploitation or organ harvesting as the condition(s) to fulfill obligation.³⁸

The Human Trafficking Prevention and Control Act provides relatively comprehensive support and assistance to trafficked victims, which include food, shelter, financial, legal, medical and psychological assistance, employment placement and work permit among others.

As a concrete example of how the Taiwan government implements its law on human trafficking, a seminar in March 2010 resulted in the organizers recommending the forming an NGO task force. The immediate responsibility of the task force is to oversee the gathering of information on different labor related cases in relation to the actual implementation of the anti-trafficking law in Taiwan, and to come up with a periodic written report that will be published and submitted to various government and international agencies involved in trafficking issues.

II. The Shadow Report

The shadow report is in consonance with what the Taiwan government reported and submitted to the US State Department regarding its efforts to curb human trafficking. It gives civil society organizations' perspectives on the issue and validated it at the ground level.

A year after the passing and implementation of the Human Trafficking Prevention and Control Act of 2009, Taiwan gained significant headway in combating human trafficking. According to the US State Department's 10th annual review in 2010 on the trafficking of men, women and children for forced labor and prostitution, Taiwan was moved up this year from the second or middle tier of offending countries to the top tier that includes countries "actively working to end sex and labor trafficking".

Based on Taiwan government's report to the US State Department in 2010, Taiwan authorities identified 329 trafficking victims and provided victims with work permits, allowing them to earn income while assisting in the prosecution of their traffickers. Authorities also conducted training for law enforcement officials on victim identification

³⁷ Chapter One: General Provisions. Article 1 of the Human Trafficking Prevention and Control Act or the Hua-zong-yi-yi-tzu No. 09800019281.

³⁸ Ibid

and protection, and partnered with NGOs and foreign governments to improve their responses to human trafficking on the island.³⁹

The shadow report aims to look on the mechanisms set-up by the Taiwan government, as well as recommend the formation of an NGO task force that will improve the implementation of anti-human trafficking law. Further recommendations will be made based on the data, facts and experiences gathered, and will be brought before the Taiwan government.

III. Objectives

1. To gather information on different labor-related cases in relation to the actual implementation of the anti-human trafficking law in Taiwan;
2. To know the mechanisms set-up by the government in implementing the anti-human trafficking and prosecuting the traffickers;
3. To bring forth recommendations for Taiwan government that will help improve the implementation of anti-human trafficking law;
4. To come-up with a periodic written report to be published and submitted to various government and international agencies involved in trafficking issues.

IV. Methodology

The recent study is a follow-up research on the study made by APMM, TransAsia Sisters Association of Taiwan (TASAT) and AHRILM on the situation of human trafficking in Taiwan on 2010. Victims will be surveyed and government officials of Taiwan will be interviewed during the conduct of the study.

In doing the study, survey questionnaires will be provided for the respondents and set of questions will be readied for interviews with government officials. The content of the survey and interviews will focus on whether the passing of anti-human trafficking law can really curb human trafficking. Other questions will also probe on what types of support systems the Taiwan government has provided for the victims to secure and protect their life, jobs and human rights.

The main targets of the questionnaires are the migrants who are victims of trafficking in Taiwan and as defined by the Human Trafficking and Prevention Act. It will also interview newly-arrived migrants and those who have been in Taiwan for more than 2 years.

It is expected that the study will generally progress according to the following sequence of activities:

- a) Identification of 75 respondents from the Philippines, Vietnam, Indonesia and Thailand.
- b) Respondents will be categorized into “with labor cases” and “non-labor cases”.
- c) Setting-up schedules for interviews with Taiwan police, Commission on Labor Affairs (CLA), National Immigration Authority (NIA) and other government officials
- d) Initial findings on the shadow report will be submitted to APMM
- e) Interpretation, analyses and writing of the shadow report
- f) Draft report will be submitted to APMM and partner organizations
- g) Finalization and publication of the shadow report

³⁹ <http://www.state.gov/documents/organization/142984.pdf>

Appendix B

Chronology of activities regarding the making of the Shadow Report on labor trafficking issues in Taiwan

1. March 2010 – APMM published a research on *The Face of Human Trafficking in Taiwan: Taking a Close Look at the Living and Work Conditions of its Migrant Workers*
2. March 7, 2010 – Seminar on Legal Labor Practices and Human Labor Trafficking in Taiwan. Organized by APMM and AHRLIM
3. April 2011 – Finalized the design of the shadow report and initial consultation with some members of AHRLIM was held.
4. May – Finalized the interview questionnaires
5. June to July initiated series of interviews with migrant workers both victims and non-victims
6. August 3 – interview with MECO – Atty. Carlo Aquino
7. August 4 – meeting with AHRLIM members – AHRLIM decided not to take part in the NGO task force as organization, instead individual members of AHRLIM can participate as consultants to provide comments/suggestions in the making of the shadow report.
8. August 8 – Interview with Director General of NIA
9. August 14 – Seminar on human trafficking prevention and control act was held and attended by NIA director. Attended by 19 Filipinos and 21 Indonesian migrants

Other activities like series of awareness seminars among migrants on anti-TIP law in Taiwan were held.

Appendix C

A survey on the effectiveness of the anti-human trafficking law

Personal background	1. Gender: _____ 2. Age: _____ 3. Nationality: _____ 4. Language: _____ 5. Can you speak Mandarin? <input type="checkbox"/> Yes <input type="checkbox"/> No
Reasons in coming to Taiwan	1. Why did you come to Taiwan: _____ 2. Where did you get the information about Taiwan: <input type="checkbox"/> relatives/ friends <input type="checkbox"/> advertisement <input type="checkbox"/> newspaper <input type="checkbox"/> recruitment agency <input type="checkbox"/> others (please specify) _____ 3. Did you pay any placement fees (in your country)? <input type="checkbox"/> No <input type="checkbox"/> Yes; and how much? _____ 4. Did you pay any broker's fee? <input type="checkbox"/> No <input type="checkbox"/> Yes; how much? (NT \$) 5. Do you have receipts of this payment? <input type="checkbox"/> Yes <input type="checkbox"/> No
Are you a victim of?	<input type="checkbox"/> Prostitution <input type="checkbox"/> Labor exploitation <input type="checkbox"/> Organ donations <input type="checkbox"/> Mail order bride <input type="checkbox"/> Others (please specify) _____
Working conditions	1. Did you sign an employment contract? <input type="checkbox"/> No <input type="checkbox"/> Yes 2. Were you allowed to read your employment contract? <input type="checkbox"/> No <input type="checkbox"/> Yes 3. Do you have a copy of your contract? <input type="checkbox"/> Yes <input type="checkbox"/> No 3. Do you have regular days-off? <input type="checkbox"/> No <input type="checkbox"/> Yes 4. Do you have annual vacation? <input type="checkbox"/> No <input type="checkbox"/> Yes 5. Do you have statutory holidays? <input type="checkbox"/> No <input type="checkbox"/> Yes 6. What is your job description in the contract? _____ 7. What is your actual job now? _____ 8. How much is your salary in your contract? _____ (NT\$/month) 9. How much is your actual salary? _____ (NT \$/month) 10. How long is your working hours based on your contract? <input type="checkbox"/> 8 hrs. <input type="checkbox"/> 9 – 12hrs <input type="checkbox"/> 13 – 16 hrs. <input type="checkbox"/> 17 – 20 hrs. <input type="checkbox"/> 24 hrs.

Working conditions (continued)	<p>11. How long are your actual working hours?</p> <input type="checkbox"/> 8 hrs. <input type="checkbox"/> 9 – 12hrs <input type="checkbox"/> 13 – 16 hrs. <input type="checkbox"/> 17 – 20 hrs. <input type="checkbox"/> 24 hrs. 12. Do you have a health insurance? <input type="checkbox"/> No <input type="checkbox"/> Yes 13. Who pays for your health insurance? <input type="checkbox"/> yourself <input type="checkbox"/> Employer 14. Do you have a copy of your health insurance? <input type="checkbox"/> No <input type="checkbox"/> Yes 15. Did you pay any agency fee in Taiwan? <input type="checkbox"/> No <input type="checkbox"/> Yes 16. How much did you pay? _____ 17. Do you have receipts of this payment? <input type="checkbox"/> Yes <input type="checkbox"/> No
History of human trafficking	<p>1. When did you arrive in Taiwan? 2. What is your visa status in Taiwan? <input type="checkbox"/> student <input type="checkbox"/> tourist <input type="checkbox"/> business <input type="checkbox"/> dependent <input type="checkbox"/> working visa <input type="checkbox"/> others please specify _____ 3. When is the expiration of your visa? _____ 4. Are you overstayed? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> I don't know 5. How long did you overstay? _____ 6. Did your employer confiscate your documents? <input type="checkbox"/> No <input type="checkbox"/> Yes 7. What types of documents were confiscated by your employer? <input type="checkbox"/> passport <input type="checkbox"/> work contract <input type="checkbox"/> others please specify _____ 8. Are you indebted due to your employment? <input type="checkbox"/> No <input type="checkbox"/> Yes 9. How much do you owed? _____ (NT \$) 10. How much do you pay every month? _____ (NT \$) 11. Do you experience abuse from your employer? <input type="checkbox"/> No <input type="checkbox"/> Yes 12. What forms of abuse are you subjected to? <input type="checkbox"/> sexual <input type="checkbox"/> physical <input type="checkbox"/> emotional <input type="checkbox"/> verbal <input type="checkbox"/> others please specify _____ 13. How long did you suffer from such abuse? _____ 14. Did you runaway from your employer? <input type="checkbox"/> No <input type="checkbox"/> Yes (if a migrant runaway from his/her employer please proceed to questions pertaining to 'Runaway migrants) 15. When did you runaway? _____ _____ _____</p>

<p>Victim's awareness</p>	<ol style="list-style-type: none"> 1. Do you know that you may be a victim of human trafficking? <input type="checkbox"/> No <input type="checkbox"/> Yes 2. If yes where did you get information about human trafficking? <input type="checkbox"/> leaflets <input type="checkbox"/> government institutions <input type="checkbox"/> advertisement <input type="checkbox"/> others please specify _____ 3. Are you aware of the "Human Trafficking Prevention and Control Act" in Taiwan? <input type="checkbox"/> No <input type="checkbox"/> Yes 4. Do you know that abuse and exploitations against migrants is human trafficking? <input type="checkbox"/> Yes <input type="checkbox"/> No 5. Do you know where to file cases of abuse and exploitation against your employer? <input type="checkbox"/> No <input type="checkbox"/> Yes 6. Based on your experience are the government efforts enough to make migrant workers aware of the anti-human trafficking law? <input type="checkbox"/> No <input type="checkbox"/> Yes 7. Are government efforts enough to combat human trafficking and protect the migrants? <input type="checkbox"/> Yes <input type="checkbox"/> No 8. Do you have any recommendations? _____ _____ _____
<p>Run-away migrant</p>	<ol style="list-style-type: none"> 1. How much is your average monthly income? _____ NT \$ 2. Are there any deductions? _____ NT \$ 3. Do you keep your documents? <input type="checkbox"/> Yes <input type="checkbox"/> No 4. Have you been abused? <input type="checkbox"/> Yes <input type="checkbox"/> No 5. What forms of abuses are you subjected to? <input type="checkbox"/> sexual <input type="checkbox"/> physical <input type="checkbox"/> emotional <input type="checkbox"/> verbal <input type="checkbox"/> others please specify _____ 6. Were your freedom of movement restricted? <input type="checkbox"/> Yes <input type="checkbox"/> No 7. When did you runaway? _____ 8. Where did you go after you run-away from your employer? <input type="checkbox"/> police <input type="checkbox"/> government institution (please specify) _____ <input type="checkbox"/> migrant serving institution (please specify) _____ <input type="checkbox"/> friends/ relatives <input type="checkbox"/> others (please specify) _____ 9. What did they advise you? <input type="checkbox"/> File cases <input type="checkbox"/> Contact your friends/ relatives <input type="checkbox"/> Go back to your company <input type="checkbox"/> Go to migrant serving institutions <input type="checkbox"/> Go to police or government agencies <input type="checkbox"/> Go to your consulate/ embassy <input type="checkbox"/> Others (please specify)

<p>Evaluation on government's services in addressing the issues of human trafficking</p>	<ol style="list-style-type: none"> 1. Do you approach the Taiwan government for protection? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. What type of protection did the government provide you? <input type="checkbox"/> Police protection <input type="checkbox"/> Legal aid <input type="checkbox"/> Others (please specify) 3. Did you feel safe? <input type="checkbox"/> Yes <input type="checkbox"/> No 4. Did the Taiwan government supported you while your case is on-going in terms of: <input type="checkbox"/> Shelter <input type="checkbox"/> Food <input type="checkbox"/> Allowance <input type="checkbox"/> Health <input type="checkbox"/> Jobs <input type="checkbox"/> Others (please specify) _____ 6. How do you rate the government support to you as victim? <input type="checkbox"/> Very satisfactory <input type="checkbox"/> Satisfactory <input type="checkbox"/> Sufficient <input type="checkbox"/> Insufficient 7. Do you have recommendations? _____
<p>Promulgation of cases</p>	<ol style="list-style-type: none"> 1. Did you file formal complaints against your employer, employment agency or company? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. When did you file cases against your employer or company? Recruitment agency? _____ 3. What case did you file against your employer? <input type="checkbox"/> Human trafficking <input type="checkbox"/> Illegal termination <input type="checkbox"/> Physical abused <input type="checkbox"/> Sexual abused <input type="checkbox"/> Non-compliance of working contract <input type="checkbox"/> Others (please specify) 4. In what government agency did you file your case? <input type="checkbox"/> Labor department <input type="checkbox"/> Police department <input type="checkbox"/> Judiciary <input type="checkbox"/> National Immigration Authority <input type="checkbox"/> Others (please specify) _____ 5. Have you received assistance in filing complaints? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Who gave you assistance in filing cases? <input type="checkbox"/> Government agencies (please specify) _____ <input type="checkbox"/> Non-government organization (please specify) _____ <input type="checkbox"/> Migrant serving institution (please specify) _____ <input type="checkbox"/> Others (please specify) _____ 7. What is the status of your case? <input type="checkbox"/> Under investigation <input type="checkbox"/> Dismissed <input type="checkbox"/> Convicted with imprisonment <input type="checkbox"/> Convicted but suspended sentence with fine

<p>Promulgation of cases (continued)</p>	<p>7. Who assisted you in attending your court hearings? <input type="checkbox"/> Government agents <input type="checkbox"/> Staff of non-government organization <input type="checkbox"/> Staff of migrant serving institution</p>
<p>Role of sending government</p>	<p>1. Did you come to your consulate for help? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Do they give you assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No 3. What type of assistance was provided by your government? <input type="checkbox"/> Legal assistance <input type="checkbox"/> Food <input type="checkbox"/> Shelter <input type="checkbox"/> Health <input type="checkbox"/> Repatriation <input type="checkbox"/> Prosecution of scrupulous recruitment agency <input type="checkbox"/> Others (please specify) _____ 4. How do you rate the services of your government to you as victim? <input type="checkbox"/> Very satisfactory <input type="checkbox"/> Satisfactory <input type="checkbox"/> Sufficient <input type="checkbox"/> Insufficient <input type="checkbox"/> Others (please specify) _____ 5. Do you have any recommendations? _____</p>
<p>Other information</p>	<p>1. Are you presently employed? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Do you have an employment contract? <input type="checkbox"/> Yes <input type="checkbox"/> No 3. Is it being followed? <input type="checkbox"/> No <input type="checkbox"/> Yes 4. Do you have monthly income? <input type="checkbox"/> No <input type="checkbox"/> Yes 5. How much is your monthly income now? _____NT\$ 6. Are there still deductions from your monthly income? <input type="checkbox"/> Yes <input type="checkbox"/> No 7. How much is the present deductions? _____NT \$ 8. Are you still restricted with your freedom of movement? <input type="checkbox"/> Yes <input type="checkbox"/> No 9. If yes why? _____</p>

Appendix D

Results of survey conducted by APM for purposes of the Shadow Report project

A total of 73 respondents were tallied out of the 75 target interviewees. Among the most notable findings are the following:

1. Number of self-identifying victims

Victim of:	#
Prostitution	0
Labor exploitation	54
Organ donation	0
Mail order bride	0
No labor case	19
TOTAL	73

2. Regularity of Day-off

Do you have regular day-off per week?	#	%
Yes	31	42%
No	34	47%
Once a month	8	11%
Total	73	

3. Statutory Holiday Entitlements

Do you enjoy statutory holidays?	#	%
Yes	10	14%
No	63	86%
Total	73	

4. Salary in Contract vis a vis Actual Salary Received

Salary in Contract vis a vis Actual Salary	in Contract	Actual Salary
NT\$ 17,800-18,000	37	30
NT\$ 14,000-15,840	31	17
NT\$ 12,000-13,000		7
NT\$ 10,000-11,000		5
NT\$ 8,000-9,000		5
NT\$ 6,000 - 7,000		4
NT\$ 4,000		2
don't know	5	3
TOTAL	73	73

5. Hours of Work

Hours of Work	#	%
less than 8 hours	2	3%
8 hours	12	16%
9-12 hours	19	26%
13-16 hours	15	21%
17-20 hours	16	22%
24 hours	8	11%
no response	1	1%
Total	73	

6. Confiscation of Passports and other Documents

Confiscated passport and other documents by employer or broker	#
Yes	61
No	12

7. Attitude towards governments

Did they approach Taiwan government for protection?	#
Yes	15
No	24
Did not file a case	34
Did they approach their own government for protection?	#
Yes	12
NO	59
No response	2