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主旨：檢陳美國「自由之家」(Freedom House)公布「2020年世界各國自由度調查報告」(Freedom in the World 2020)之臺灣報告暨中譯文如附件，敬請卓參。

說明：

- 一、本部本(109)年3月13日外傳三字第10997504890號函諒達。
- 二、「自由之家」於本年3月25日完成並上網公布旨揭報告內容如下：

(一)我國持續獲「自由」評等，總分及各項評分均同於108年：我國於「自由評比」、「政治權利」及「公民自由」均獲最佳評等，總分為93分，包括選舉過程、政治多元化及參與、政府運作、言論與信仰自由、集會與組織權利、法治，以及人身自主與個人權利等各項評分均與108年相同。旨揭報告肯定我國蓬勃且具競爭力之民主體制，並為亞洲第一個准許同性婚姻的國家；另高度關注外來移工易遭受剝削；中國企圖影響臺灣政策制定、媒體及臺灣民主機制等節。

(二)對於中國影響臺灣民主機制及政府運作之觀察：107





年11月地方選舉期間有諸多事證指出，中國透過於社群媒體平台散播反民進黨文宣，以及資助反對黨國民黨之候選人等作法介入臺灣選舉，造成社會動盪。該報告另稱，中國對臺灣選舉之干預主要以假訊息活動及影響特定媒體平台等途徑為之。108年12月，臺灣立法院通過新「反滲透法」，禁止境外敵對勢力資助或主導遊說活動、選舉活動或與選舉相關的假訊息活動。該報告亦指出，臺灣主權持續受到中國與日俱增之壓力威脅，107年至108年共有5國與我國斷交，主因受到中國政府之金錢誘迫。截至108年底，僅有15個國家在外交上正式承認臺灣，包括教廷。108年4月，為遏制中國對臺灣之經濟影響力，立法院通過對中國非法投資之最高罰款金額從新台幣60萬元提高至新台幣2,500萬元。

- (三) 肯定我國為亞洲第一個同性婚姻合法化之國家：該報告提及我國於上年5月頒布一項允許同性伴侶結婚之法律，實踐蔡總統之競選承諾，並使臺灣成為亞洲第一個批准同性婚姻之國家。
- (四) 我國外籍勞工人權保障議題仍持續受到關注：該報告指出，目前臺灣之60多萬名外籍勞工仍不受勞基法保障，因而面臨大量剝削之風險，以及普遍無酬勞務、惡劣工作環境、遭受虐待及仲介詐騙勒索等問題；另臺灣漁船仍不斷發生虐待及剝削外國漁工事件。

正本：內政部、法務部、大陸委員會

副本：109/04/16
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「自由之家」(Freedom House)世界各國自由度調查報告 2020 年臺灣報告

駐紐約辦事處新聞組摘譯

109.3.25

評等：自由

總評分：93/100 (我國得分 93，最高分為 100)

政治權利：37/40

公民自由：56/60

(謹按：我國總評分及各項評比均同於 2019 年)

綜述

台灣蓬勃且具競爭力的民主體制，使其得以自 2000 年以來歷經 3 次和平的政權移轉，對於公民自由也提供了相當的保障。持續受到關注的議題包括：外來移工易遭受剝削、中國企圖影響政策制定、媒體及台灣民主機制等。

2019 年重要發展

- 5 月頒布的一項法律允許同性伴侶結婚，使台灣成為亞洲第一個准許此類婚姻之國家。
- 12 月，在 2020 年 1 月舉行之全國大選前，立法機關通過了一項新的《反滲透法》，對於境外敵對勢力在台灣非法介入遊說、選舉活動或與選舉相關之假訊息活動等行為施以刑事罰則。

政治權力與公民自由

政治權力：37/40(我國得分 37，最高分為 40)

A. 選舉過程：12/12(我國得分 12，最高分為 12)

A1. 現任政府首長是否透過自由公平的選舉選出？4/4(我國得分 4，最高分為 4)

總統由人民直選，任期 4 年，至多連任 1 次。行政院院長係由總統在立法院同意下任命。行政院(或內閣)由行政院院長推薦、總

統任命之各部會首長組成。實務上，總統掌握主要行政權。

目前執政的民進黨蔡英文總統於2016年1月的選舉中，獲得56%的選票，擊敗2位對手。臺灣自1996年以來實施總統直選，該選舉過程一般而言被視為公平可信。

2018年11月的地方選舉涉及數以千計的職位及席次競爭(包括縣市長及地方議員)，該選舉過程有諸多事證指出，中國透過於社群媒體平台散播反民進黨文宣，以及資助反對黨國民黨之候選人等作法介入台灣選舉，因而造成社會動盪。

2019年底，台灣準備進行2020年1月大選，總統選舉由蔡英文總統對上高雄市長韓國瑜，以及親民黨候選人宋楚瑜。

A2.立法委員是否透過自由公平的選舉選出？4/4

一院制的立法院由113位立法委員組成，任期4年，其中73位由單一選區直接選出，其他34位則依政黨得票比例選出，另有6位由原住民2個複數選區選出。在最近一次2016年1月的立法委員選舉中，民進黨贏得68席、國民黨35席、時代力量5席、親民黨3席、無黨聯盟及獨立參選各1席。國際觀察家均認為選舉過程自由公平。

A3.是否有公平的選舉法規及體制，主管機關並予以公正落實？4/4

臺灣選舉係由中央選舉委員會(CEC)主政，法律規定任何政黨不得在中選會佔有逾1/3的委員席次。

2018年版的公投法降低公投門檻，參與公投年齡從20歲降至18歲。

B. 政治多元化和參與：15/16(我國得分15，最高分為16)

B1.人民是否在自由且無障礙體制下，擁有組織政黨及其他政治團體的權利？(我國得分4，最高分為4)

臺灣的多黨制特色主要呈現於民進黨與國民黨之間的激烈競爭，其他小黨的運作亦不受干涉，並於總統及立法委員選舉中扮演重要角色。2019年8月，台北市長柯文哲創立台灣民眾黨。

B2.反對黨是否確有機會透過選舉提升其支持度或取得權力？4/4

近年來均有經常性的民主政黨輪替，而反對黨在全國層面上經常佔有重要城市執政權。

B3. 人民的政治選擇是否不受到軍方、外國勢力、宗教、經濟寡頭及其他無需負擔民主責任的團體所控制? 3/4

在中國有商業利益的大企業主仍然對臺灣政局有影響力，其影響力主要來自於與國民黨的密切關係，並支持該黨的親中政策。在 80、90 年代民主改革之前曾威權統治臺灣的國民黨，較傾向獨立的民進黨享有更大的財務優勢。然而，近年來國民黨的優勢漸失，主因民進黨政府針對國民黨遭控統治期間不當獲取黨產展開調查，導致其許多帳戶被凍結。

中國對臺灣選舉的干預仍是嚴重問題，其主要以假訊息活動及對影響特定媒體平台等途徑進行。2019 年 12 月，台灣立法院通過新的《反滲透法》，禁止境外敵對勢力資助或主導遊說活動、選舉活動或與選舉相關的假訊息活動，違者最重可被處以 5 年以下有期徒刑。國民黨反對該措施，並警告其可能被利用為政治工具及違反基本權利。

B4. 不同的人民群體(包括種族、宗教、性別、LGBT 及其他團體是否都有完整的政治權利及選舉機會? 4/4

臺灣憲法保障所有公民的投票權，不因性別、種族、性傾向及性別認同而有差異；2016 年由於女性獲選總統，且 38% 的女性立法委員比例亦創歷史新高，使得女性參政比例進一步提升。

立法院有 6 席保留予原住民選出之原住民候選人。2016 年另有 2 名原住民候選人贏得政黨不分區委員席次。臺灣的 16 個原住民族約占總人口的 2%。

C. 政府運作 (10/12，我國得分 10，最高分為 12)

C1. 自由民選的政府首長和國家立法代表是否決定政府政策? 4/4 (我國得分 4，最高分為 4)

雖然中國因素在臺灣政治扮演重要角色，民選官員仍可自由設定並執行政策，不受外國或非民選人士干涉。

台灣主權持續受到中國與日俱增的壓力威脅。2018 年至 2019 年

有 5 個國家與台灣斷交，主因受到中國政府金錢誘迫。截至 2019 年底，僅有 15 個國家在外交上正式承認台灣，包括教廷。

2019 年 4 月，為了遏制中國對其經濟的影響力，立法院通過調高對中國非法投資的最高罰款金額，從新台幣 60 萬元(19,400 美元)提高到新台幣 2,500 萬元(81 萬美元)。

C2.防範官員貪污之作法是否強勢及有效? 3/4

貪汙情形較以往有顯著減少，但仍是問題。政治和企業利益緊密糾結，導致政府在採購上的瀆職。現任民進黨政府已採取作法減少類此情形，包括立法院於 2019 年 4 月通過修改政府採購法。根據法務部 2019 年 7 月一份報告，2018 年政府以貪汙罪名起訴 568 人。2019 年持續審理數起針對兩大黨前官員的貪污案。7 月，前總統馬英九涉嫌洩露機密和指示檢察官揭露機密資訊一案，獲判無罪。10 月，國民黨前立委及媒體大亨王令麟因在挪用公款入獄服刑期間，又行賄獄政官員，獲判兩年兩個月；數名獄政官員被判高達 16 年刑期，整起貪汙醜聞涉及若干有權勢的受刑人，包括組織犯罪首腦。

C3.政府是否開放透明? 3/4

在 2005 年立法的「政府資訊公開法」給予民眾取得政府機構資訊的權利，這些資訊包括金融審計報告和施政計畫。公民社會團體一般皆可評論及影響尚在擬定中的政策和法案。

儘管政府一般而言均維持開放運作，但針對商貿政策和法規，有時會在尚未充分週知大眾及業界前就出現改變。

公民自由：(56/60，我國得分 56，最高分為 60)

D. 言論及信仰自由 (16/16，我國得分 16，最高分為 16)

D1.是否有自由獨立的媒體? 4/4 (我國得分 4，最高分為 4)

台灣的媒體反映多元意見，對政府政策均積極報導，儘管許多媒體在報導時呈現強烈政黨偏好。北京持續影響台灣媒體。主要媒體業主在中國擁有重要商業利益，或是仰賴中方企業購買廣告，使媒體易受中方壓力影響，或是在中國政府認為敏感的議題上傾向自我審查。2019 年，國家通訊傳播委員會對數家電視台開罰，

理由為報導不實。1 月，通傳會提出加強防制媒體壟斷的立法草案，行政院也提出製造和散佈「假訊息」將構成刑事罪名的草案。

D2.個人在公、私領域能否自由信奉及表達對宗教的信仰或不信仰？
4/4

台灣人可自由信奉各種信仰。宗教團體向政府註冊者可獲免稅。

D3.是否有學術和免於廣泛政治教條的教育體系？ 4/4

台灣的教育者一般可以自由著述和講學而不受干預，過去限制學者政治行動的舉措，包括起訴，在近年來已罕見。

2019 年 12 月，據報導一名政治學教授因在一段網路影片中指控民進黨推動由意識型態主導的博物館政策，而遭約談；該博物館表示該指控不實。

D4.個人能否自由表達對政治或其他敏感議題之意見，而不須害怕遭監控或報復？ 4/4

私人討論開放且自由；2019 年亦未見政府非法監控網路通訊之報告。政府並未限制使用網路的權利。

E. 集會及組織權利：(11/12，我國得分 11，最高分為 12)

E1.是否有集會自由？ 4/4

台灣在 1988 年通過「集會遊行法」，授權主管機關起訴未獲許可或不聽令解散的抗議者，但集會自由實際上大致受尊重。

E2.非政府組織，尤其從事人權及治理相關工作者，是否享有自由？ 4/4

所有民間機構均須向政府登記註冊，並通常獲核准。非政府組織的運作一般均不受干擾。2019 年 12 月立法院通過成立國家人權委員會。

E3.工會及類似的專業和勞工組織是否享有自由？ 3/4

工會獨立，大部分勞工均可自由結社，惟政府對罷工嚴格控管。其他限制包括教師、國防工業工作者以及公務員不得罷工。

F. 法治(15/16，我國得分 15，最高分為 16)

F1.是否司法獨立？ 4/4

台灣司法獨立。整體而言，審判不受政治或其他干預。

F2.民事及刑事案件是否符合正當法律程序?4/4

憲法保障之正當法律程序及被告人享有之權利，多受到遵守，警察相當尊重對於任意拘留的限制。雖然檢察官及其他執法人員時有濫權行為，特別是在受矚目及政治案件中，惟近年此類違法行為已較少見。

F3.是否保障人民不受非法暴力及免於戰爭和暴動? 4/4

刑事暴力及警察過度執法在台灣相對少見，且律師得以監控偵訊以避免刑求。

政府在暫緩執行死刑4年後，2010年重啟執行。死刑受刑者在施以鎮靜藥劑後，由背後近距離槍殺。死刑犯家屬一般不會被告知預定行刑日期。幾乎所有處以死刑者皆為殺人犯。

F4.法律、政策及作法是否對人民一律平等? 3/4

憲法賦予全民在法律之前一律平等之權利，惟台灣之原住民持續面對社會及經濟層面之歧視，導致高失業率和低薪，及取得教育與社會福利之障礙。2017年的「原住民族語言發展法」認定16個原住民所使用之語言為國家官方語言，且可正式用於立法事務及司法程序。

憲法保障女性平等權利，惟台灣女性在職場及薪資上仍面對歧視。台灣法律禁止基於性別取向之雇用歧視，針對同性戀、雙性戀、變性者等暴力行為，警方亦妥適處理。

香港的情勢發展雖使台灣政府面臨香港居民請求的壓力，台灣法律並未允許政治庇護或難民身分。惟倘香港人民的安全和自由受到立即威脅，依法有權獲得協助。在許多情況下，到台灣尋求避難的香港抗議人士已獲發臨時簽證，但並無合法工作權利。

G. 人身自主與個人權利 (14/16，我國得分14，最高分為16)

G1.個人享有包括能夠改變其居住地點、就業或教育的行動自由嗎? 4/4

台灣人民享有移動自由，且近年來，台灣政府已逐漸放寬人民往返台灣與中國的限制。

G2.個人能在不受國家或非國家行為者的干涉下，擁有房地產或設置私人企業的權利嗎？3/4

儘管房地產權普遍獲得尊重，但都市更新及產業計畫因不公平的安置居民而招致批評。居住權倡導者呼籲修法，以確保住戶權益，包括不受強制驅離，以及建立審查違法行為的上訴制度。原住民團體聲稱，政府近期將一些祖傳領土歸還給原住民的作為仍然不夠。

G3.個人是否享有包括婚姻伴侶選擇自由、家庭規模、家庭暴力的保護和個人外表的選擇的自由？4/4

2019 年 5 月頒布的法律允許同性婚姻，兌現了蔡總統的競選承諾，並使台灣成為亞洲第一個准許此類婚姻的國家。台灣憲法法庭於 2017 年裁定民法中禁止同性婚姻係屬違憲。

台灣公民身份法律歧視來自中國的人民，與台灣公民結婚的中國籍配偶必須等待 6 年才能取得身份，而其他國籍的配偶只需等待 4 年。

強暴和家暴仍是嚴重的問題。雖然法律允許有關機關得主動介入調查，但實際上，因文化規範，使得許多婦女畏於向警方報案。然而，近來的改革提高對受害者的保護，並鼓勵舉報強暴犯和性侵犯者，使得起訴率和定罪率提高。

G4.個人享有機會均等和免於經濟剝削的權利嗎？3/4

目前台灣有 60 多萬名外籍勞工，大多擔任家務助理和漁工，不受台灣的勞基法保障，意謂他們不享有最低工資、加班和帶薪假的保護。因此，這些外籍移工面臨大量剝削的風險，和普遍的無酬勞務、惡劣的工作環境、身體和性虐待，並受到仲介的詐騙和勒索。為了解決這個問題，立法院於 2018 年 11 月通過「就業服務法」修正案，規定仲介須迅速提報外籍勞工受虐案件，否則將面臨高額罰款。

對漁業公司施以更嚴格漁工保護規定的立法於 2017 年生效。然而，勞工權益倡導人士指出台灣政府執行不力，台灣漁船仍不斷發生虐待和剝削外國漁工事件。

FREEDOM IN THE WORLD 2020



Taiwan

FREE

93
/100

Political Rights

37 /40

Civil Liberties

56 /60

LAST YEAR'S SCORE & STATUS

93 /100 Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Taiwan's vibrant and competitive democratic system has allowed three peaceful transfers of power between rival parties since 2000, and protections for civil liberties are generally robust. Ongoing concerns include foreign migrant workers' vulnerability to exploitation and Chinese efforts to influence policymaking, the media, and Taiwan's democratic infrastructure.

Key Developments in 2019



- ◆ A law enacted in May allowed same-sex partners to be married, making Taiwan the first country in Asia to authorize such marriages.
- ◆ In December, ahead of national elections scheduled for January 2020, the legislature passed a new Anti-Infiltration Act that imposes criminal penalties for illegal foreign involvement in lobbying, electoral campaigns, or election-related disinformation in Taiwan.



Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

4/4

The president, who is directly elected for up to two four-year terms, appoints the premier with the consent of the legislature. The Executive Yuan, or cabinet, is made up of ministers appointed by the president on the recommendation of the premier. In practice, the president holds most executive authority.

President Tsai Ing-wen of the Democratic Progressive Party (DPP) was elected in 2016 with 56 percent of the vote, defeating two opponents. Direct elections for the president, held since 1996, have generally been considered credible.

The 2018 local elections, in which thousands of offices were contested, including county magistrate and mayoral posts, were shaken up by evidence of Chinese interference in the form of anti-DPP social media propaganda and financial support for opposition Kuomintang (KMT) candidates. It was unclear whether Beijing's efforts affected the electoral outcome.



At the end of 2019, Taiwan was preparing for national elections in January 2020. The presidential race would pit President Tsai against Kaohsiung mayor Han Kuo-yu of the KMT and Soong Chu-yu of the People First Party.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

4 / 4

The unicameral Legislative Yuan has 113 members elected to four-year terms; 73 are directly elected in single-member constituencies, 34 are elected by proportional representation, and 6 are elected by indigenous voters in two multiseat constituencies. In the last legislative elections in 2016, the DPP won 68 seats, leaving the KMT with 35, the New Power Party with 5, the People First Party with 3, and the Non-Partisan Solidarity Union and an independent candidate with 1 seat each. The elections were considered free and fair by international observers.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

4 / 4

Elections in Taiwan are administered by the Central Election Commission (CEC). The law mandates that no political party may hold more than one-third of the seats on the CEC.

The 2018 version of the Referendum Act lowered thresholds to permit citizen-initiated ballot measures and decreased the voting age for referendums from 20 to 18 years.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

4/4



The multiparty political system features vigorous competition between the two major parties, the DPP and KMT. Smaller parties are also able to function without interference and have played a significant role in both presidential and legislative contests. In August 2019, Taipei mayor Ko Wen-je formed the Taiwan People's Party.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

4/4

There have been regular democratic transfers of power between rival parties in recent years, and parties in opposition at the national level often control key municipal governments.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

3/4

Major business owners with interests in China remain an influential force in Taiwanese politics, largely through their close relationship with the KMT and support for its China-friendly policies. The KMT, which governed Taiwan as an authoritarian, one-party state for decades until democratic reforms took hold in the 1980s and 90s, has typically enjoyed a considerable financial advantage over rivals like the DPP, which has traditionally favored greater independence from China. However, the KMT's advantage has been whittled away in recent years by DPP government investigations into allegations that the KMT improperly acquired public assets during its rule, which has led to many of its accounts being frozen.



Chinese interference in Taiwan's elections, largely through disinformation campaigns and influence over certain media outlets, remains a serious concern. In December 2019, the legislature passed a new Anti-Infiltration Act that will prohibit foreign powers from funding or directing lobbying efforts, election campaigns, or election-related disinformation in Taiwan. Violations can draw penalties of up to five years in prison. The KMT opposed the measure, warning that it could be used in a politicized manner and violate fundamental rights.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

4/4

Taiwan's constitution grants all citizens the right to vote. This guarantee applies regardless of gender, ethnicity, religion, sexual orientation, or gender identity. The 2016 elections increased women's overall political representation, with female candidates winning the presidency and a record 38 percent of seats in the Legislative Yuan.

Six seats in the Legislative Yuan are reserved for indigenous candidates elected by indigenous voters. An additional two indigenous candidates won seats in 2016 through normal party-list voting. Members of Taiwan's 16 indigenous groups make up roughly 2 percent of the population.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

4/4



Elected officials in Taiwan are free to set and implement policy without undue interference from foreign or other unelected actors, though consideration of China plays a significant role in Taiwanese policymaking.

Escalating Chinese pressure continues to threaten Taiwan's sovereignty. Five countries severed diplomatic relations with Taiwan in 2018 and 2019, largely as a result of financial incentives offered by the Chinese government. At the end of 2019, Taiwan had diplomatic recognition from just 15 countries, including the Holy See.

In April 2019, in a bid to curtail Chinese influence in the economy, the legislature increased the maximum fines for illegal Chinese investments in Taiwan from NT\$600,000 (US\$19,400) to NT\$25 million (\$810,000).

C2 0-4 pts

Are safeguards against official corruption strong and effective?

3/4

Corruption is significantly less pervasive than in the past, but it remains a problem. Political and business interests are closely intertwined, leading to malfeasance in government procurement. The current DPP-led government has moved to reduce these practices, including through amendments to the Government Procurement Act that were adopted by lawmakers in April 2019.

According to a July 2019 report from the Ministry of Justice, the government prosecuted 568 people for corruption in 2018. Corruption cases proceeded against former officials from both major parties during 2019. In July, former president Ma Ying-jeou was found not guilty in a case in which he was accused of leaking secrets



and directing a prosecutor to reveal confidential information. In October, former KMT lawmaker and media tycoon Gary Wang was sentenced to two years and two months in prison for bribing a prison official while serving an earlier sentence for embezzlement; several prison officials received sentences of up to 16 years as part of a broader bribery scandal involving wealthy and powerful inmates, including organized crime figures.

C3 0-4 pts

Does the government operate with openness and transparency?

3/4

The 2005 Freedom of Government Information Law enables public access to information held by government agencies, including financial audit reports and documents about administrative guidance. Civil society groups are typically able to comment on and influence pending policies and legislation.

Although the government generally operates with openness, policies and regulations related to business are sometimes changed without properly informing the public or the business community.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

4/4

The news media reflect a diversity of views and report aggressively on government policies, though many outlets display strong party affiliation in their coverage. Beijing

continues to exert influence on Taiwanese media. Key media owners have significant business interests in China or rely on advertising by Chinese companies, leaving them vulnerable to pressure and prone to self-censorship on topics considered sensitive by Beijing. The National Communications Commission (NCC) fined a number of television news channels during 2019 for airing false reports. In January, the NCC proposed legislation meant to strengthen safeguards against media monopolies, and the cabinet has proposed draft measures that would make it a criminal offense to create and disseminate “fake news.”

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

4/4

Taiwanese of all faiths can worship freely. Religious organizations that choose to register with the government receive tax-exempt status.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

4/4

Educators in Taiwan can generally write and lecture without interference, and past practices—including prosecutions—aimed at restricting academics’ political activism have been rare in recent years.

In December 2019, a political science professor was reportedly summoned for questioning over an online video in which he accused the DPP of pursuing ideologically driven museum policies; the museum under discussion said the claims were false.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

4/4

Private discussion is open and free, and there were no reports of the government illegally monitoring online communication in 2019. The government does not restrict internet access.

E. Associational and Organizational Rights



E1 0-4 pts

Is there freedom of assembly?

4/4

The 1988 Assembly and Parade Act enables authorities to prosecute protesters who fail to obtain a permit or follow orders to disperse, but freedom of assembly is largely respected in practice.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?

4/4

All civic organizations must register with the government, though registration is freely granted. Nongovernmental organizations typically operate without harassment. In December 2019 the legislature approved a new law creating a national human rights committee.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

3/4

Trade unions are independent, and most workers enjoy freedom of association, though the government strictly regulates the right to strike. Among other barriers,



teachers, workers in the defense industry, and government employees are prohibited from striking.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

4/4

Taiwan's judiciary is independent. Court rulings are generally free from political or other undue interference.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

4/4

Constitutional protections for due process and defendants' rights are generally upheld, and police largely respect safeguards against arbitrary detention. Although prosecutors and other law enforcement officials have at times engaged in abusive practices, particularly in prominent and politically charged cases, such violations have been less common in recent years.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

4/4

Both criminal violence and excessive use of force by police are rare in Taiwan, and attorneys are allowed to monitor interrogations to prevent torture.

After a four-year death penalty moratorium, the government resumed executions in 2010. Condemned inmates, after being sedated, are shot from behind at close range.

Family members of inmates awaiting the death penalty are typically not informed about scheduled execution dates. Nearly all death sentences are imposed for murder.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

3/4

The constitution provides for the equality of all citizens before the law, although indigenous people continue to face social and economic discrimination, leading to high unemployment, lower wages, and barriers to education and social services. The 2017 Indigenous Languages Development Act designated the languages spoken by 16 officially recognized indigenous groups as national languages of Taiwan, and authorized their formal use in legislative and legal affairs.

The constitution guarantees women equal rights, though women continue to face discrimination in employment and compensation. Taiwanese law prohibits discrimination in employment based on sexual orientation, and violence against LGBT+ people is adequately addressed by police.

Taiwanese law does not allow for asylum or refugee status, although developments in Hong Kong have put pressure on the government to accept claims by Hong Kong residents, who are legally entitled to assistance if their safety and liberty are under immediate threat. In many cases Hong Kong protesters seeking refuge in Taiwan have entered under temporary visas and are unable to work legally.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

4/4

Taiwan's residents enjoy freedom of movement, and Taiwanese authorities have gradually eased restrictions on travel between Taiwan and China in recent years.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

3/4

Although property rights are generally respected, urban renewal and industrial projects have been criticized for unfairly displacing residents. Housing advocates have called for legal amendments to clarify residency rights, including protections against forced eviction, and the establishment of an appeals system to review alleged violations. Indigenous groups argue that recent government efforts to return some of their ancestral lands are inadequate.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

4/4

A law enacted in May 2019 allows same-sex partners to be married, delivering on a campaign promise of President Tsai and making Taiwan the first country in Asia to authorize such marriages. The Constitutional Court had ruled in 2017 that the same-sex marriage ban in Taiwan's civil code was unconstitutional.

Citizenship laws discriminate against people from mainland China, as spouses from mainland China married to Taiwanese nationals must wait six years before becoming eligible for citizenship, whereas spouses of other nationalities are only required to wait four years.

Rape and domestic violence remain serious problems. Although the law permits authorities to investigate complaints without victims pressing charges, cultural norms inhibit many women from reporting these crimes to the police. Recent reforms have

improved protections for accusers and encouraged reporting of rape and sexual assault, which appears to have increased prosecution and conviction rates.

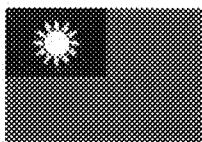
G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

3/4

Over 600,000 foreign migrants work in Taiwan, with many employed as domestic workers and fishermen who are not covered by the Labor Standards Act, excluding them from minimum wage, overtime, and paid leave protections. Foreign migrant workers are consequently at substantial risk of exploitation, as indicated by widespread accounts of unpaid wages, poor working conditions, physical and sexual abuse, and extortion and fraud by recruitment and brokerage agencies. To address the problem, the legislature passed amendments to the Employment Services Act in 2018, requiring employment agencies to swiftly report abuses against migrant workers or face severe fines.

Legislation to impose stricter worker protections on fishing companies took effect in 2017. However, labor advocates report poor implementation, citing ongoing mistreatment and abuse of foreign fishermen on Taiwanese vessels.



On Taiwan

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