



Taipei Women's Rescue Foundation

Shadow Report to ROC CEDAW 3rd Report

March 2018

Contents

【 Introduction 】	2
【 Gender Violence Protection 】	
Intimate Partner Violence.....	3
Revenge Porn.....	5
【 Human Trafficking Prevention 】	8

Introduction

This shadow report is prepared by Taiwan Women's Rescue Foundation (TWRF) to offer independent civil society perspectives, based on expertise and practices, in response to ROC CEDAW 3rd Report.

Founded in August 1987, TWRF advocates rights for women, children and adolescents. It is committed to neglected women and children oppressed by gender violence. TWRF promotes social reforms, empowers women and children for independence and autonomy, and elevates their rights. We cover a range of groups, including intimate partner violence victims, children and adolescents as violence witnesses, ex-comfort women in Taiwan, and revenge porn (or non-consensual distribution of intimate images) victims.

Based on our professional woman, child and adolescent services over the years, this shadow report offers practical observations and suggestions on intimate partner violence, revenge porn, and human trafficking. These are practical perspectives about ensuring woman, child and adolescent rights. We urge authorities to review regulations, measurements, and their performances, in order to implement reforms and solutions.

Intimate Partner Violence

(In response to CEDAW Article 2)

Situation Analysis

1. In 1998, *Domestic Violence Prevention Act* was legislated in Taiwan, the first in Asia. Civil protection order system is implemented since June 1999.
2. As our society, culture and family structure evolved, amendments in 2015 expanded domestic violence victims to people over 16 years old physically or psychologically abused by non-cohabited partners who have or had intimate relationships.

Suggestions to ROC Report

1. Point 2.15: Intimate partner violence reports have been growing in recent years, but violence rates against new immigrant women have been decreasing. However, ROC Report doesn't elaborate on reasons behind falling numbers, or offer any data analysis on violence against new immigrants.
2. Point 2.19: ROC Report only mentions intimate partner violence report numbers for non-cohabited people over 16 years old after *Domestic Violence Prevention Act* was amended in 2015. This was not sufficient, and failure to highlight the effectiveness of prevention and treatment after revision. It is suggested that there should be further analysis of the data, for example, analysis data on the average term of validity of protection order, the victim's age group, the victim's ethnic group (aboriginal people, new immigrant resident) and so on, so as to provide a reference for future services and policy planning.

Conclusions and Suggestions

1. Government bodies should analyze the reasons why violence rates against new immigrant women are decreasing. It is important to understand whether stereotypes in the system have deterred new immigrant women from seeking help through official channels.
2. Government bodies should analyze substantial changes after *Domestic Violence Prevention Act* was amended in 2015. For example, what do non-cohabited,

intimate partner violence victims over 16 years old experience when they apply for protection orders? On average, how many protection orders over one year are issued by Judicial Yuan? How many protection order extensions are permitted?

3. Non-cohabited, intimate partner violence victims over 16 years old include underage people between 16 and 18 years old and adults over 18. Government bodies should prepare different strategies and approaches for each group.
4. According to Article 58 of *Domestic Violence Prevention Act*, government bodies shall integrate resources to provide benefits to victims. Under Article 63.1 of *Domestic Violence Prevention Act*, however, in practice, only non-cohabited, intimate partner violence victims under 18 years old receive medical check subsidies, psychological consultation subsidies, and legal cost subsidies, while victims over 18 do not. Government bodies should understand current practices, and evaluate whether victims over 18 should be included, or propose alternative measures.

Revenge Porn

(In response CEDAW Article 2, 5, 6, 10, and general recommendation 19)

Situation Analysis

1. International conventions rarely touch upon how internet influences violence against women. In *Cyber Violence Against Women And Girls: A World-Wide Wake-Up Call* in 2015, however, UN Women points out that rapid internet developments have exacerbated various forms of violence against women, and women encounter more severe exploitations and damages as a result.
2. Revenge porn, or non-consensual distribution of intimate images, refers to distributing, broadcasting, posting or through other ways, sexually explicit images or videos of individuals without their consents to third parties. It is a gender-based violence that may be used as threats or blackmails. It's also an emerging gender violence based on internet developments.
3. According to principles listed in CEDAW, revenge porn, based on discrimination against women, is a gender-based violence and crime that "disproportionately victimizes women". It's often happened after intimate relationships end. This intimate partner violence is based on traditional gender concept to control, threaten and harm women with sexually explicit images. This gender-based violence is also disrespect to women deteriorated by pornography and misogyny in the society.
4. Current regulations in Taiwan do not directly criminalize "distribution of sexually explicit images or videos of individuals without their consents". Criminals are prosecuted under Offense Against Sexual Morality for distributing obscene objects. It does not address that women's dignity and rights are infringed.
5. Taiwanese government hasn't conducted any studies or surveys on the prevalence of revenge porn locally. So far, statistics are not available to provide an overview to this issue in Taiwan. Victim protection systems and measures are far from adequate.

Suggestions to ROC Report

1. Point 2.13-2.18: In ROC CEDAW 3rd Report, gender-based violence prevention

sections do not include any statistics about the emerging revenge porn. Government bodies should conduct a nation-wide survey on revenge porn, and include its figures, prevalence, gender and age data in the Report.

2. Point 5.1-5.8 and Point 10.34-10.41: Government campaigns to eliminate gender stereotypes and discriminations in social culture and customs are not aggressive enough. These campaigns overlook disrespect and stereotypes to women caused by pornography and misogyny. When sexually explicit images or videos are circulated, women are more often shamed and blamed than men. It exacerbates this gender-based violence, and often condemns victims.
3. Point 6.22-6.25: Online crime victims are not limited to children and adolescents. According to TWRP revenge porn cases in 2017, over half (52.17%) of victims aged 18-35. However, online crime prevention and investigation sections in ROC CEDAW 3rd Report focus on children and adolescents only, without any paragraphs about adults, especially women.

Conclusions and Suggestions

1. Government bodies should immediately conduct a nation-wide survey on revenge porn to understand the current situation, as a foundation for future policies and regulations.
2. Government bodies should immediately review existing regulations to enhance revenge porn prevention measures, minimize rights infringement, investigate and punish perpetrators, and offer damages, protections and services to victims.
3. Government bodies should actively advocate respect to sex privacy, overturn the social norm to shame revenge porn victims, and eliminate this discriminatory violence against women.
4. Government bodies should request internet service providers to shoulder more social responsibilities, helping revenge porn victims to take down revenge porn images or videos, and offer report channels.

Human Trafficking

(In response to CEDAW Article 6)

Situation Analysis

1. *Human Trafficking Prevention Act* was legislated in Taiwan in January 2009, and enacted since June 2009.
2. Even though Taiwan has been a Tier 1 country in Trafficking in Persons Report for eight consecutive years, but we only meet the minimum standards for eliminating human trafficking. Government authorities and civil groups much stay highly vigilant and take proactive measures.
3. Human trafficking patterns and actions have evolved with policies and international developments, so criminal prevention and investigation strategies are required to shift as well.

Suggestions to ROC Report

1. Point 6.2-6.3: ROC Report mentions new 1006 cross-border human trafficking victims are placed between 2013 and 2016. However, only 624 and 704 temporary stay permits and work permits are issued respectively, lower than victim numbers. The Report should explain the statistics and gaps.
2. Point 6.6: ROC Report mentions 1955 report hotline. Many victims in our cases, though, have reached out to 1955 without receiving substantial assistances. Ministry of Labor shall monitor cases reported via 1955 and evaluate operating organizations.
3. Point 6.16: ROC Report only provides *Human Trafficking Prevention Act* suspect data. In practice, however, only 30% of human trafficking cases are indicted and less than 10% are convicted, much lower than expected.

Conclusions and Suggestions

1. Judicial police should include social workers in interrogation processes more often to acquire more comprehensive case information in the first place, in order to ensure victim rights, and increase indictment rates. Since 2009, National

Immigration Agency has commissioned TWRF to accompany interrogation processes in suspicious human trafficking incidents. Judicial police is suggested to inform social workers for assistance as soon as they discover potential human trafficking victims.

2. Government bodies should organize human trafficking seminars with practical trainings. It is also important to share experiences to reduce turnover effects and increase efficiency.
3. Workers are pelagic fisheries require urgent protection. For both domestic and foreign employment, Taiwanese government should take proactive actions to ensure human rights for workers on Taiwanese fishing vessels.
4. Even though the Taiwanese government has a direct employment center, with the intention to reduce the risk of migrant workers being exploited by the manpower agencies through direct employment. However, due to the complicated employment procedures and labor-intensive work, employers prefer to employ migrant workers through manpower agencies and their willingness to use the direct employment center is extremely low. Therefore, it is suggested that the direct employment process should be streamlined so that the intention of direct employment can be truly implemented and the burden on employers and migrant workers can be reduced.