



Photo courtesy of HWC

Migrants participate in Migrant Workers' Rally in recognition of the contributions of migrants to Taiwan's economy and called on the Taiwanese government to ratify the UN Migrant Workers Convention. Taipei, Taiwan, December 2003.

TAIWAN

This report was contributed by Peter O'Neill, Hope Workers' Center.

Political and Economic Update

The period from 2003 to the first half of 2004 was a time of great political controversy in Taiwan, as the dramatic election unfolded and always-tense cross-strait relations heated up. In November 2003, President Chen Shui-bian launched his re-election campaign based on the assertion that Taiwan is a separate country from China. In response, China stepped up its military threats. Members of a group of labor unions called for blue-collar workers to express their anger at Taiwan's political system by spoiling their ballots in

the 2004 presidential election. The workers saw no future in the forthcoming presidential election, as politicians promised them nothing. Rather, the candidates flung abuse at each other, and charges such as bribery and corruption rang out.

As the election drew near, polls showed the race too close to call, but in an unexpected twist, an assassination attempt on the eve of the elections tipped the scales in Chen's favor. With 6,471,970 votes, Chen won 11% more of the popular vote than in his 2000 victory; nonetheless, this gave him a mere 0.2% margin, or 29,518 votes. Protesters proclaimed the victory, and even appealed to Taiwan's Supreme Court to nullify the election. The Supreme Court rejected the appeal. Chen's party, the Democratic Progressive Party (DPP), won the most seats in the Legislative Yuan. Chen also held a public referendum on whether to step up defense against China, but the measure was defeated. Further infuriating China, the Taiwanese government had

TABLE 1: FOREIGN CONTRACT WORKERS IN TAIWAN BY CATEGORY AND NATIONALITY AS OF DECEMBER 2003

	Filipinos Dec-03	Indonesians Dec-03	Thais Dec-03	Vietnamese Dec-03	All Nationalities Dec-03
Factory Workers	51,265	7,957	88,094	14,703	162,039
Construction Workers	146	43	13,661	262	14,117
Caregivers	27,350	45,586	2,854	39,932	115,724
Domestic Workers	1,997	2,305	107	465	4,874
Fishermen	597	546	12	2,241	3,396
Total	81,355	56,437	104,728	57,603	300,150

Source: Employment and Vocational Training Administration

passed a measure to add the word ‘Taiwan’ on the cover of the Taiwanese passport, which China saw as further evidence of Taiwan’s intention to seek independence.¹

Taiwan was hit hard by SARS, evidencing a dramatic rise in cases in May 2003, and wasn’t declared SARS-free until July of that year, the last to be removed from WHO’s list. SARS had a wide range of impacts on Taiwan, particularly on migrant workers (see further discussion below). GDP dropped during the crisis: in the first half of the year, Taiwan’s GDP rose by 3.31%, but then slumped 0.2% in the second half of the year due in part to the SARS crisis, which created a drag on domestic consumption. Both outbound and inbound travel and related businesses were also hit hard by the spread of the SARS virus since April, with the number of arriving and departing tourists down by around half in April and 80% in May.

Foreign Direct Investment (FDI) comprised 20.8% of Taiwan’s GDP at the end of 2003,² and Taiwanese entities also invested heavily in Asia, particularly in mainland China. Taiwanese investors took advantage of the loosening of regulations, which had restricted direct investment in Taiwan to only USD50 million until August 2002, although many investors had been sidestepping this policy through investments via offshore holding companies. As of June 2003, Taiwan’s accumulated contracted investment in China was USD65 billion, of which USD35.2 billion was actually utilized, making Taiwan the fourth largest source of FDI in China

after Hong Kong, the US and Japan.³ In January 2003 the Manila Economic and Cultural Office (MECO), Manila’s de facto embassy in Taipei, announced that the Philippines had received the largest share of Taiwanese investments in the ASEAN region during the first ten months of 2002, at USD82.83 million.⁴ Elsewhere in ASEAN, Taiwan invested USD46.30 million in Vietnam, USD29.17 million in Malaysia, USD17.64 million in Singapore, USD9.06 million in Indonesia, and USD1.65 million in Thailand.

These investment relationships can factor into policies relating to migrant workers; for example, some commentators believe that Taiwan’s extensive trade relationship with Vietnam led to more favorable policies with that country than with others such as Indonesia. In August 2002, when the CLA banned the employment of Indonesian migrant workers, it cited the high rate of worker flight and high placement fees as the criteria for freezing the employment of migrant workers from any given country. By this logic, however, it is important to question why the Council of Labor Affairs (CLA) did not suspend the employment of Vietnamese workers, since they had the highest rate of absconding at 8.94% (3,821 workers), compared to the Indonesian workers rate of 4.29% (3,236). Thus, there is a strong case that the Taiwanese government continues to maintain the ban on the employment of Indonesian migrant workers only for political reasons. As of April 2004, the Taiwan and Indonesian government had yet to sign a Memorandum of Understanding on migrant workers. As a consequence, the three-month extension period for those Indonesian workers who completed their three-year contracts between February 2 and May 1 was cancelled.

According to the Directorate General of Budget, Accounting and Statistics (DGBAS), Taiwan’s unemployment rate rose to 5.16% in July from 5.09% in the previous month as graduates hit the local job market. In May, Taiwan’s parliament passed a NTD58.4 billion (USD1.71 billion) special budget aimed at creating 40,000 jobs in public works projects to bring the jobless rate down to 4.5% by the end of the year.⁵ In the seven months to July, the unemployment rate stood at 5.06%, compared with 5.17% recorded for the whole of 2002. Taiwan’s unemployment rate reached a record of 5.35% in August 2002.⁶ In November, the CLA issued a statement that the introduction of foreign workers into

Taiwan Significant

2003

January

(16) Department of Health issues a report stating that another 759 Taiwan residents were diagnosed HIV-positive in 2002, a 16% increase from the previous year. Taiwan has a total 4,373 nationals infected with HIV/AIDS, among whom 842 people have died of the virus.

February

(8) Well known female writer and national policy adviser to the president Liu Hsia, 61, dies from heart failure one day after she was allegedly dragged from her bed by her Indonesian caregiver (CG). The CG is diagnosed with conversion disorder, which inhibits the patient's ability to distinguish between reality and fantasy.

(18) Migrant advocates hold a press conference to focus attention on the working conditions of foreign domestic workers and caregivers, and launched an on-line signature campaign for the protection of home-based workers.

March

(18) President Chen Shui-bian meets with Philippine local government chiefs stating that the Philippines should develop closer cooperative relations with Taiwan as the two nations are close neighbors. The next day, the two countries sign an expanded direct-hiring agreement that would allow Taiwanese employers to directly hire Filipino domestic workers and

caregivers without having to go through recruiters and brokers in either country.

47 Filipino workers win a two-year litigation process against their Taiwan broker. It is the first case of its kind in Taiwan.

April

(4) Migrant workers and labor advocates hold a press conference in front of the Council of Labor Affairs (CLA) and afterwards have a meeting with the CLA to present a human rights-based labor contract for foreign domestic workers and caregivers.

The SARS crisis begins in Taiwan with the first cases of the virus being detected in the Taipei Municipal Hoping Hospital.

(30) Sri Rejeki, an Indonesian caregiver, dies of SARS. She was taking care of a sick elderly patient in the Hoping Hospital.

May

(15) The CLA announces that foreign spouses may work in Taiwan without applying for an employment permit.

(18) Migrant workers are no longer required to leave Taiwan for 40 days before starting their second three-year contract to reduce their risks of contracting the SARS virus.

(30) The President says the development of SARS has stabilized and become

controllable.

June

The CLA issues a warning to employers that they will have their recruitment and employment permits canceled and face possible criminal charges if they are using SARS as an excuse to prevent migrant workers from going out during their free time.

(18) Lawmakers and labor rights advocates hold a press conference at the Legislative Yuan charging that some policemen have forced undocumented foreign workers to pay extra fees or risk prolonged detention time.

July

(10) Labor activists and union representatives stage a protest in front of the Legislative Yuan urging lawmakers to quash part of a bill which would allow free trade port authorities to hire migrant workers to make up to 40% of their overall work force.

August

(26) Six Chinese women drown after being dumped at sea by people traffickers after their two boats were spotted by Taiwan's coast guard.

September

(1) The CLA, out of concern that undocumented migrant workers may pose a threat to social order, begin a three month campaign to locate and repatriate undocumented migrant workers. CLA will award informers

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3,000NTD for each case reported.

(25) The CLA introduces a new policy reducing the number of opportunities migrant workers have to transfer to a new employer from four chances in one month to two chances in two weeks.

October

(30) The CLA implements the newly drafted Enhance Enforcement Program which is a tight inspection schedule targeted at those companies with a high number of occupational fatalities or those who repeatedly violate labor safety regulations in the factory or construction site.

November

President Chen Shui-bian launches a re-election campaign based on the assertion that Taiwan is a separate country from China. In response China steps up military threats.

(6) Labor advocates hold a press conference to urge the CLA to solve the problem of undocumented migrant workers by examining the root causes as to why migrants become undocumented, namely the excessively high placement fees and abuse in the work place.

(9) Members of a group of labor unions call blue-collar workers to express their anger at Taiwan's political system by spoiling their ballots in the 2004 presidential election.

December

(1) Taiwan and the Philippines sign a memorandum of understanding on expanding bilateral economic cooperation between the two countries.

(18) International Migrants' Day. A protest takes place and a press release is issued in front of the CLA calling on the CLA to safeguard the rights of migrant workers. A subsequent public dialogue is held with the CLA.

2004

January

(1) The Chunghwa Telecom Workers' Union, with 28,000 members, threatens to hold a strike before next March's presidential election if the government accelerates the state-run company's privatization process.

(1) The Executive Yuan passes an act allowing foreign high-tech professionals from China and other countries to work in Taiwan with less complicated administrative procedures.

(13) The opposition-dominated Legislative Council fails to approve a long-awaited package of revisions to major labor laws.

(19) Laborers from Mongolia are formally approved to work in Taiwan as part of the country's effort to diversify sources of overseas workers. The workers will enter Taiwan through direct hiring.

(19) Officials from the Bureau of Labor Affairs of the Taipei City government remind citizens that illegally "lending or borrowing" foreign laborers on a temporary basis is a punishable offense.

According to the law, the legal employers and "temporary employers" could both be fined up to NTD750,000. Legal employers will also be stripped of their licenses to hire foreign workers.

In late January, chairwoman Chen Chu visited Indonesia to look into improvements in Indonesia's labor export administration. She was satisfied with the improvements and planned to sign a new labor agreement with the Indonesian government in three months.

February

(15) The Taipei Shilin District Court confirms that it had opened an investigation into the alleged rape of a Filipina caregiver by former New Party Legislator Elmer Fung. The New Party suspends Fung's membership over the allegations. Fung paid the Filipina NTD800,000 before she was sent back to the Philippines on January 29.

(28) More than 2 million people form a 500 km "Hand-in-Hand to Protect Taiwan" human chain to resist China's missile threat.

March

(2) Taiwan introduces new strict financial rules making it harder for "mainland brides" to live permanently in Taiwan. Their

Significant Events of Year 2003 - 2004

Taiwanese husbands must prove that they have assets worth at least NTD5 million (USD152,000) before the application for permanent residency is approved. Alternatively, the overseas spouses must prove they can get jobs which pay twice the minimum wage.

(19) The day before the Presidential Elections, President Chen Shui-bian and Vice President Annette Lu are shot while traveling in an open jeep in a campaign motorcade in Tainan City in southern Taiwan.

(20) President Chen Shui-bian wins a historic re-election in the presidential election by 29,518 votes, a slim 0.2% margin. The opposition cry foul, stating that they will file a suit to the High Court seeking to annul the election outcome.

(21) The KMT and PFP rally around 100,000 people in front of the Presidential Palace to protest the result of the elections.

April

(22) The lifting of an import ban on Indonesian workers as originally scheduled for the end of April is postponed indefinitely because the Indonesian government has yet to sign a MOU with Taiwan on relevant affairs. As a consequence, the three-month extension period for those Indonesian workers who

completed their three-year contracts between 2 February and 1 May is cancelled.

(28) On this World Day for Safety and Health at Work, the Taiwan Association for Victims of Occupational Injuries present a petition asking President Chen and his government to pay adequate heed to issues related to safety at work and should include work safety measures in the new constitution that the President plans to write in 2006.

May

(1) At a Labor Day news conference, the Taiwan Confederation of Trade Unions calls for a referendum on a labor pension program it has devised.

(6) Nine Chinese women are caught by coast guard officials off the east coast of Taiwan as they tried to return to China by a fishing boat. According to a preliminary investigation, the women paid between NTD80,000 to NTD100,000 each to return to China after working as prostitutes in Taiwan.

(20) Chen Shui-bian is inaugurated as the new President of Taiwan for a second four-year term.

(23) The first group of 11 Mongolian caregivers arrives in Taiwan after the CLA approved the entry of Mongolian caregivers into Taiwan last

January 19. Ten of them have university degrees.

(26) Due to the government launching of a six-month operation beginning 1 November to arrest undocumented Chinese immigrants, the number detained has drastically increased to a total of 2,500.

June

(3) Rules on residence application by Chinese spouses are eased after the Bureau of Immigration under the Ministry of the Interior agreed to simplify the process. Applicants from the mainland no longer have to go through an interview with immigration officials, and any undisputed applications will be immediately approved after being examined by the bureau.

(4) Legislators reach a preliminary agreement for the final passage of revisions to the Statute for Labor Retirement Pension and three other key labor law revision bills that promise to guarantee pensions for most Taiwanese workers and remove obstacles to the development of labor unions. This Statute has been under debate for nearly 15 years.

**This section was contributed by Hope Workers' Center.*

Taiwan is not the sole reason behind Taiwan's rising unemployment and business relocation overseas. According to a Taiwan news report, "an overall deterioration in investment climate in Taiwan, a changing public concept and other factors have had a larger role in worsening unemployment at home and increasing business relocations overseas."⁷

Migration Update

General Trends

At the end of December 2003 there were 300,150 migrant workers in Taiwan, over 3,000 less than at the same time the previous year. During the year the highest number of migrant workers was in the month of April, at 304,556. During the SARS crisis, however, the numbers dropped to a low of 294,557 in the month of June. After the SARS crisis, the numbers steadily increased to the end-of-year figure of 300,150.

As of 2003, Thais continue to comprise the largest group of migrant workers in Taiwan, despite the fact that their numbers fell by 6.11%, from 111,538 to 104,728. The decrease in numbers was due to a 40% drop in the number of migrant workers in the construction sector, as 97% of the migrant workers in this sector are Thai. Due to the continued ban on Indonesian workers, the number of Indonesian workers in Taiwan dropped by 39.45% from 93,212 to 56,437. At the beginning of the year they comprised 68% of the service sector, working as domestic workers (DW) and caregivers (CG). They now only make up 40% of this sector, having been replaced predominantly by Vietnamese workers. The number of Vietnamese workers nearly doubled during the year from 29,473 to 57,603. Filipinos have now become the second-largest group of migrant workers in Taiwan, with their numbers increasing by 15%, from 69,426 to 81,355. They have helped fill the gap in the service and manufacturing sectors left by Indonesians.

Between December 2002 and December 2003, the number of migrant workers in the manufacturing sector increased by 3.41%, from 156,697 to 162,039. In the services sector, the number of CGs increased slightly by 1.71%, from 113,775 to 115,724, while the number of DWs dropped by 29.93%, from 6,956 to 4,874. The number of construction-based migrant

workers decreased by 39.52%, from 23,341 to 14,117. Foreign fishermen increased by 15.71%, from 2,935 to 3,396.

Placement Fees and Broker's Service Fees

The noose around migrant workers' necks continues to be exorbitant placement fees. The new broker's service fee policy introduced by the CLA on 9 November 2001, whereby Taiwanese brokers can only charge a total of NTD60,000 in service fees over three years, has proven to be futile. Since brokers can no longer squeeze exorbitant sums of money from the migrants after their arrival in Taiwan, they now work in collusion with the placement agencies in the sending countries, forcing migrants to sign loan contracts just before they leave for Taiwan.

The Philippine government has the lowest placement fee policy, officially set at NTD29,000. Nonetheless, Filipino workers still report paying between NTD55,000 to NTD80,000 for placements. Similarly, the Thai government now has a placement fee policy set at NTD48,000, but Thai workers are actually paying NTD150,000 to NTD190,000. Despite the fact that the CLA cited the Indonesian government's inaction to lower placement fees as one reason for the ban on Indonesian migrant workers, sixteen months later the Indonesian government still has no policy on placement fees. In practice it allows Indonesian placement agencies to charge NTD63,000 in placement fees; in actual fact, Indonesian workers are paying an average of NTD120,000. The Vietnamese government, likewise, has no placement fee policy, and their workers are now paying an average of NTD170,000 to NTD200,000 – among the highest placement fees charged to migrant workers.

In comparison to the previous year's figures, Filipinos are paying the same amount of placement fees. Thai migrant workers are paying on average an extra NTD30,000, while the Vietnamese are paying on average an extra NTD20,000. Indonesians, on the other hand, are paying NTD36,000 less – since Taiwan imposed the ban on Indonesian workers, the Indonesian government no longer allows brokers to impose "forced savings" of NTD3,000 per month on each worker's salary during their first year in Taiwan.

Further exacerbating the situation, the existing food and board policy allows employers to take up to NTD4,000 per month from the salaries of migrants working in the manufacturing, construction or

TABLE 2: NUMBER OF CONTRACT WORKERS WHO RAN AWAY FROM THEIR EMPLOYERS IN TAIWAN AS OF NOVEMBER 2003

Number of Runaways	Ratio*
Filipinos	794
Indonesians	3,236
Thais	1,089
Vietnamese	3,821
Total	8,940

*Percentage of the number of workers in Taiwan
Source: National Police Administration of Taiwan

fisheries sectors. As a result, the broker's service fee, placement fee and food and board can add up to 45% to 70% of the expected three-year gross salary of some migrant workers. Another 13% of this three-year gross salary is deducted for taxes, health and labor insurance, mandatory medical check-ups, and the Alien Resident Certificate. It is no surprise, then, that many workers rely heavily on overtime work to earn enough money to send home to their families. If they cannot get overtime work, many of them are forced to leave their jobs – thereby losing their documented status – in order to find a job that does give them overtime so they can pay back their debts.⁸

Supporting figures come from the Tainan County Government's management center, which provided statistics on the number of complaints or petitions filed by foreign workers. In 2001, the center received 62 petitions, which increased to 125 in 2002; according to the center, most of the complaints were brought in regard to labor agents' broker fees or overtime pay disputes.⁹

Direct Hiring

On 20 March 2003, the Philippine and Taiwanese governments signed a direct employment agreement, which will allow Taiwanese employers to directly hire Filipino DWs and CGs without having to go through recruiters and brokers in either country. This new agreement aims to get rid of the high placement fees that many abusive placement agencies are collecting from Filipinos. There was a previous direct employment agreement, signed four years ago.

That agreement, however, only benefited employers of industrial workers. Overall, very few Taiwanese employers actually availed themselves of the previous agreement because the broker system offered many benefits to the employer, such as kickbacks and greater control over the migrant workers. In light of this, both countries will need to vigorously promote this agreement, otherwise it will lie dormant like the previous agreement.

SARS Crisis

The SARS crisis began in Taiwan in April 2003 when the first cases of the virus were detected in the Taipei Municipal Hoping Hospital. The hospital was put under quarantine and no one was allowed to leave or enter the hospital. Three Indonesian CGs who were taking care of sick elderly patients in the hospital died of SARS. The first, Sri Rejeki, died on April 30, 2003; Mubadiyah and Rosita died on May 2, 2003. Their deaths were classified as occupational injuries and their families received the maximum compensation of 45 times their monthly salary – NTD712,800. Their families also received NTD100,000 from the central government. This was the same amount of compensation given to the families of Taiwanese victims.

In all, there were 692 SARS cases reported in Taiwan; 84 people died of the disease, including the three Indonesian CGs. On May 24, 2003 the government said the people of Taiwan could resume their normal life as the development of SARS had stabilized and become controllable. However, many migrant workers were still under forced quarantine by their employers until the middle of June 2003.

In mid-March 2003, after hearing for the first time about the SARS crisis, the Hope Workers' Center (HWC) began education seminars for migrant workers, informing them of how the disease is contracted and the necessary precautions to be taken to protect oneself from the disease. The center also invited a Taiwanese doctor to educate the workers.

At the end of April, the number of migrant workers coming to the center began to drop considerably; the majority of employers had begun placing migrant workers under forced quarantine, although some employers continued to allow migrant workers to leave their place of work during their free time. A letter was written to the Minister of Labor



At Migrant Workers' Rally in Taipei, migrants demanded that the government protect the right of equal pay for equal work. Taiwan, December 2003.

informing her of this situation, stating that forced quarantine of migrant workers contradicts basic human liberties and labor laws. Three weeks later, as the SARS crisis was ending, the Council of Labor Affairs (CLA) responded to the letter, stating that it was illegal for employers to restrict the freedom of movement of migrant workers due to SARS.

However, at the end of May 2003 the Taoyuan County Governor addressed a letter to labor unions and employer associations in the county, as well as to the representative offices of Indonesia, the Philippines, Thailand and Vietnam, encouraging employers to quarantine their migrant workers. (Taoyuan county has the largest number of migrant workers in Taiwan; HWC is situated in this county). In his letter, the governor wrote: "In order to protect the migrant workers' security and health, we ask the enterprises to do your best to restrict the migrant workers within the factories either for taking rest or having activities ..." This was blatant discrimination.

At no stage during the SARS crisis did the Taiwan government announce that the virus had entered the community.

The Taipei City Foreign Workers' Counseling Center responded quickly to the crisis by producing educational material in the four most common languages of migrant workers in Taiwan. The HWC distributed this material to workers. In early May, the CLA opened four hot lines in the languages of migrant workers, offering free SARS-related consultations. However, their education material on SARS was ready for distribution only after the SARS crisis was already over. During the crisis, the CLA no longer required migrant workers to leave Taiwan for 40 days before starting their second three-year contract, a move taken to reduce their risk of contracting SARS.

Following the SARS crisis, the number of migrant workers in Taiwan totaled 294,557, a three year-low since May 2001. The figure represented a fall of 7,223 from the May level, the first time that the number had dropped below the 300,000 mark in three years. The largest reduction of workers was in workers from Thailand, with a reduction of 4,700, while the number of those from Indonesia dropped by 3,700.

The number of Filipinos fell by 300. Only the number of workers from Vietnam increased – by 1,400 – as they were introduced into Taiwan mainly to fill vacancies left by Indonesian workers.¹⁰

In terms of industry, the manufacturing sector registered the largest number of migrant workers' departures at 4,200, followed by 1,900 in the construction sector and 841 who served as CGs or DWs.

Foreign Caregivers Illegal Trade Market

In January 2003 the CLA came out with a report stating it had uncovered more than 500 cases of forged medical documents used to hire foreign household CGs in the past three months. In order to control the number of foreign CGs, the government introduced more stringent regulations; only those families with physically disabled or mentally ill patients who are "totally dependent" are permitted to hire foreign CGs. Many Taiwanese families want to hire foreign CGs because they are cheaper than hiring

local CGs – over a 24-hour period, a foreign CG's salary is one-quarter of that of a local CG. The CLA's requirements are widely regarded as too stringent. Gangs are selling forged medical documents at NTD20,000 each, and investigators revealed the gangs have sold at least 3,000 forged documents – making profits of more than NTD100 million. It is suspected that some doctors are also involved in the scam.

Undocumented Migrant Workers

From January 2003 to the end of November 2003, 8,940 migrant workers absconded from their legal jobs; an escape ratio of 2.98%. Vietnamese workers had the highest escape ratio at 8.94% (3,821 workers); while that of Indonesian workers was 4.29%(3,236). The escape ratio for Filipino and Thai workers was lower, with the Filipino workers' ratio at 1.07% (794 workers) and the Thai workers' ratio at 1.01% (1,089 workers). Although absconding causes migrant workers to become undocumented, many workers continue to do so for a number of reasons. According to National Police Administration officials, some factors are poor working conditions at the jobs to which they were originally contracted, fleeing with the intent of finding a higher-paid job or a better working environment, or absconding with the hope of staying in Taiwan after the expiration of their original work contracts.¹¹

The Taiwan government has taken a hard line against the employers of absconders. Effective April 1, 2003, the CLA will penalize employers of absconding workers. In the manufacturing, construction, medical and fishery sectors, employers who are found to have a specified number of absconding workers will be prohibited from recruiting more workers or extending existing contracts for two years. In regard to foreign domestic workers of caregivers, employers with two absconding workers within a two-year period will not be allowed to recruit or extend the contracts of their workers.

In May, police records showed that the majority of migrant workers who became undocumented were female. In the case of Indonesian migrants, as many as 3,459 of 3,867 undocumented workers – 89.45% – were women. Regarding Vietnamese migrants, 1,422 of 2,133 (66.67%) undocumented workers were women.

TABLE 3: FOREIGN CONTRACT WORKERS IN TAIWAN BY GENDER AND NATIONALITY AS OF DECEMBER 2003

	Filipinos	Indonesians	Thais	Vietnamese
Total	81,355	56,437	104,728	57,603
Female	57,670	49,466	17,814	46,772
Male	23,685	6,971	86,914	10,831

Source: Employment and Vocational Training Administration, CLA

As can be seen from these statistics, the largest number of undocumented migrant workers are from Vietnam and Indonesia. At the end of 2003, 84.86% of Indonesian workers and 70.13% of Vietnamese workers were DWs and CGs. Therefore, one can say that the majority of undocumented Vietnamese and Indonesian workers were working as DWs and CGs. These women work in very vulnerable work situations and are easy victims of physical and sexual abuse. They work 16 – 18 hours a day; many of them have only one day off a month. They have no protection under the law. The ban on Indonesian workers may be a good reason for the large number of undocumented Indonesian workers, while the high placement fees imposed on Vietnamese workers could be a cause for the large number of undocumented Vietnamese workers.

According to statistics compiled by the National Police Administration, as of October 31, there were nearly 11,200 undocumented foreign laborers in Taiwan, including 1,953 Filipinos, 4,000 Indonesians, 1,480 Thais and 3,533 Vietnamese.

On 22 August 2003, six Chinese women drowned after being pushed off speedboats operated by human traffickers. The Taiwan government says that the constant arrival of undocumented immigrants constituted a major threat to Taiwan's national security. In August, Taiwan detained 2,300 undocumented Chinese migrants, while the police and Coast Guard administration had arrested 1,239 undocumented Chinese migrants since the beginning of the year, 1,005 of them women.¹²

SITI-ANIYAH TUGIMAN'S STORY OF ABUSE

By Fr. Peter O'Neill, Hope Workers' Center

Siti-Aniyah Tugiman arrived in Taiwan from Indonesia in June 2000. She came as a foreign domestic worker hired to care for a couple's two-year-old twins who suffered from polio. Her dream was to earn enough money to better her family's future. In tears, she left her newborn son behind in her mother's care. Her husband continued to earn a meager wage in the Indonesian rice fields so the family could have one meal a day.

At first, Aniyah's employers were kind and she enjoyed her work. But after three months the woman who hired her became violent. For nine months, Aniyah suffered physical and mental abuse. One year after she began her job, she was rescued and brought to the Hope Workers' Center shelter by the Taipei County Migrant Workers Counseling Center.

The image of Aniyah's battered and bruised body will remain etched in my memory for life. She was black and blue and wore a patch over her right eye, which her employer had poked in a fit of rage. Today, Aniyah is nearly blind in that eye. Her right forearm bore a scar from a hot pan used to deliberately burn her and her feet were swollen and bruised from continual beatings inflicted with the blunt edge of a large knife. The woman broke three umbrellas hitting Aniyah all over her body.

In uncontrollable fits of rage, the woman would pull Aniyah's hair and bang her head repeatedly against the wall. The woman would kick her in the abdomen and pelvic area. On one occasion, Aniyah was beaten so badly she began to bleed. With no strength left to withstand the torture, she collapsed into unconsciousness.

After several negotiation meetings at the Bureau of Labor Affairs the woman still denied physically abusing Aniyah. Ahiyah's only avenue for justice was to sue her employer. In August 2001 she filed a criminal case for her injuries. The next month she returned twice to court. The HWC acted as her legal aid and translator in court. Then the usual long wait began. For seven months, we continued to inquire about the status of the next court date.

We tried a new tactic. In April 2002, we requested that the court give permission for the woman and Aniyah to take lie-detector tests. They allowed. The woman failed the test and Aniyah was denied the test because of her language difficulties.

In November 2002, the prosecutor filed a formal

indictment. It had taken this long to conclude that Aniyah had been physically abused. In January 2003, Aniyah finally got her day in court with a judge present. She went to court several more times before finally a result was handed down on her case on November 25, 2003. The judge issued a guilty verdict. The sentence imposed against her previous employer was for three and a half years for the criminal cases of causing "serious injury" and "normal injury".

For the "serious injury" to Aniyah's eye the woman was sentenced to two and a half years. The medical report stated that Aniyah had limited sight in her damaged eye and therefore the maximum sentence of 5-13 years couldn't be invoked unless she was left completely blind. For beating and burning Aniyah the woman's "normal injury" case resulted in a one year sentence. The maximum penalty for this kind of injury is three years.

In Taiwan a judge can give a maximum leniency of 20% of any sentence. In this case he gave 10% leniency. Therefore, the woman's 42 month sentence was reduced to 38.

The woman has appealed both sentences to the High Court. This process may take another year. Aniyah's civil case can only proceed once the criminal case is complete. She returned home to Indonesia in December 2003, nearly two and a half years after filing her case in court. The HWC continues to pursue her case in the High Court and will do so until there is a result.

After returning to her family Aniyah was confronted by a disappointment that many migrant women face. She discovered that her husband was remarried and had a child. Aniyah couldn't bear this pain and divorced him. She now lives with her parents and takes care of her son while growing vegetables on the small farm which her family owns.

(In August 2004 the High Court judge issued a guilty verdict but since the judge ruled that the injury to Aniyah's eye was only a "normal injury" the sentence was reduced to 16 months. The woman has appealed the sentence to the Supreme Court. The husband flew to Indonesia with a Taiwanese friend to offer a compensation settlement to Aniyah. Aniyah accepted the settlement. The husband's friend has now employed her as a Chinese translator in his factory in Indonesia. The HWC continues to pursue her case in the Supreme Court.)

Crackdown

From 1 September 2003 to 30 November 2003, the Taiwanese government introduced a crackdown on undocumented migrant workers. There may have been several reasons for the crackdown. First, the government was afraid of another SARS outbreak. With around 10,000 undocumented migrant workers with no health insurance, the government may have been concerned that these workers would not go to a hospital if they had SARS-like symptoms. However, there was no record of any undocumented migrant worker catching SARS. Second, the next Presidential elections were fast approaching and it has been posited that President Chen wanted to portray a good



International Workers' Day press conference in front of the Council of Labor Affairs. Taipei, Taiwan, 18 December 2003.

image by reducing the number of undocumented migrant workers. Third, the employment of migrant workers is based on a very strict quota system; it is not until an undocumented migrant worker leaves the country that a migrant worker can enter and replace her/him. It is believed that this caused sufficient inconvenience to employers to prompt the crackdown.

For many years the HWC, together with other local NGOs and church organizations, have had

meetings with the CLA to share the position that the root causes for migrant workers becoming undocumented are abuse in the workplace and high placement fees. In the year 2000, the HWC conducted a survey of the 114 undocumented migrant workers who surrendered at the center during that year. According to the survey, the majority of migrant workers became undocumented either because their work was too difficult, they were going to be repatriated, or they were victims of abuse. To date, the CLA has not conducted any research on the reasons as to why migrant workers become undocumented.

During the crackdown period, only 200 undocumented migrant workers surrendered themselves to the CLA. Of these 200 workers, 140 were Indonesians. It is fairly certain that these Indonesian workers surrendered due to the misinformed promise of amnesty. There was a grave misunderstanding between the CLA and the Indonesian Economic and Trade Office in Taiwan: the latter distributed a poster promising undocumented Indonesian workers amnesty and repatriation without a fine, which was not the case. The CLA offered no amnesty at all.

Foreign brides

According to statistics released by the DGBAS, one out of every four marriages in Taiwan last year was between Taiwanese men and foreign women. However, the divorce rate among intercultural couples was also alarmingly high. Out of the 173,000 marriages last year, 45,000 were between Taiwanese men and foreign women, while 4,000 were between Taiwanese women and foreign men. In 1998, marriages between Taiwanese men and foreign women accounted for only 6.2% of all new marriages in Taiwan, whereas last year it increased to approximately 25%.¹³

About 250,000 foreign brides now live in Taiwan. Most of the women, about 140,000, are from China, but about 43,000 are Vietnamese and 11,000 are Indonesian. Other brides come from Thailand, the Philippines, Cambodia, Lao PDR and other countries. Social and economic changes have prompted Taiwanese men to use matchmaking agencies to find their wives. It is said that the women care for their husbands and children in traditional ways that are becoming less appealing to

Taiwanese women, who have become more career-oriented. Younger Taiwanese women are generally well educated and economically independent. Many would rather stay single than marry a man they consider inferior to them. A man usually pays matchmaking agencies about NTD350,000 (about USD10,000), which includes a commission, traveling expenses and a small amount for the bride's parents.

Since the ban on Indonesian migrant workers has not been lifted, many Indonesian women are now entering the country on false marriage documents. They are lured by brokers who inform them they will receive the minimum salary of NTD15,840 for taking care of their husband's sick parent. Some of them receive no money at all from their husbands. If their husbands are not satisfied with them they refuse to renew their Alien Resident Certificate and the wife becomes undocumented. When the wife is eventually arrested by the police she is deported.

Many foreign brides are victims of physical and/or mental abuse, slave-like working conditions, and even rape. Many are being trafficked for purposes such as prostitution, domestic service, or forced labor. The Taiwanese government has no criteria for who can or cannot marry a foreign bride. There is no criminal background check, no requirement for the grooms to be financially stable, to be physically and/or mentally fit. The Interior Ministry, however, has established a center to provide counseling and protection for abused foreign spouses.¹⁴

Effective 1 September 2003, the government also implemented controversial measures requiring foreign spouses to undergo interviews aimed at detecting "fake marriages". Interviews are conducted in three stages: in mainland China prior to entry into Taiwan, upon entry to Taiwan at border crossings, and possible second interviews in Taiwan with spouses suspected to be involved in fake marriages. As of 16 May 2004, 27,414 mainland spouses were interviewed at Taiwanese border entries. Of these, 1,574 interviewees were determined to be "fakes" and were denied entry into Taiwan. Successful appeals were brought by some of those spouses who were declared party to false marriages, however. As of May 2004, 355 cases were filed contesting the determination that the

marriages were false; of these, 17 penalty cases were revoked.¹⁵

Responses

NGO Campaigns

In February and March 2003, local NGOs and Catholic migrant advocacy groups organized a signature campaign for the improvement of measures for the protection of foreign DWs and CGs. Over 10,000 migrant workers signed the campaign statement, demanding that the government:

- (i) Enact a Household Service Act that protects the employment of foreign DWs and CGs. The campaign specified basic standards, such as proper definition of the job, flexibility of working arrangements, an eight hour work day, and detailed description of working conditions, regardless of nationality.
- (ii) Design a human rights-based labor contract between the employer and employee, and require all employers and migrant workers to undergo a seminar in order to understand the contents of the contract.
- (iii) Evaluate all broker agencies, and make their records available for government audit.
- (iv) Provide local community centers where the patients cared for by CGs can seek temporary welfare assistance when CGs are on their day off or on vacation.

In February and March 2003, representatives of local NGOs and Catholic migrant advocacy groups held several meetings to draft a Migrant Domestic Workers' Fixed Employment Contract. On 4 April 2003, a protest was held in front of the CLA to bring to the awareness of the media and Taiwanese society the plight of foreign DWs and CGs. A meeting was held with the CLA to present the migrant workers' signatures, and to discuss the draft employment contract.

In April 2003, Fr. Peter O'Neill, director of the HWC, and Mary Yueh, a HWC Indonesian social worker, flew to Indonesia and met with the Indonesian Ministry of Labor and the Ministry of Foreign Affairs to lobby for the protection of Indonesian migrant workers' rights and to highlight the corrupt Indonesian broker system. Both meetings were organized by CIMW (Center for Indonesian Migrant Workers).

On 19 June 2003, lawmakers and labor rights advocates organized a press conference at the Legislative Yuan to highlight the fact that some policemen have forced undocumented migrant workers to pay extra fees or risk prolonged detention time. An undocumented migrant worker is required by law to pay a fine of NTD10,000 in addition to tax and an airplane ticket to return home. Some workers simply don't have enough money to pay the fine and are detained for up to five months before finally being released. Currently, the length of detention time for undocumented foreigners runs for a period of 15 days, which can be extended indefinitely. Authorities were urged to put a time limit on the overall detention period for the protection of human rights and personal freedoms. It was also stressed that the time a foreign worker spent in detention should be deducted from a prison sentence if he or she is found guilty of a crime.

On 10 July 2003, labor activists, union representatives and unemployed port workers staged a protest in front of the Legislative Yuan to boycott Article 10-1 and Article 10-2 of the Free Trade Harbor Zone Regulatory Provision. Under the proposed articles, migrant workers would make up 40% of the entire work force at free trade harbor zones and their salaries would not be governed by the minimum wage requirement under the law. The protestors insisted that priority should be given to unemployed local workers and that migrant workers should be protected under the minimum wage policy. As a result of the protests, the minimum wage standard for migrant workers was protected and the measure stipulated that aboriginal workers account for at least 5% of the entire labor force in those zones.

The HWC, together with other church organizations, became a venue where Filipino migrant workers could register to vote under the Overseas Absentee Voting Act of 2003. For two months prior to registration, the HWC gave continuous education to Filipino workers on the importance of registering their vote and how to register. MECO also set up registration venues in a number of companies that had large numbers of Filipino workers. MECO announced that only 11,620 overseas absentee voters, or 16.6% of the over 70,000 Filipinos in Taiwan, registered for the 2004 presidential elections.

In response to the crackdown on undocumented migrant workers, migrant groups and labor advocates

urged the Taiwan government to: review the grievance bodies set up to settle the complaints of migrant workers; enhance the protection of the foreign DWs and CGs by introducing a domestic service law and the standard contract for foreign DWs and CGs that was presented to the CLA on 4 April 2003 by local NGOs; include better conditions for migrant workers to be allowed to transfer to another employer; monitor and prosecute broker companies and blacklist placement agencies, who in turn force the workers into debt by collecting excessive placement fees; and to uphold the rights of migrants as stipulated in the UN Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC).

On 18 December 2003, International Migrants' Day, a protest was held in front of the CLA to demand the government protect the rights of migrant workers. A subsequent dialogue was held with the CLA. On 28 December 2003, about 600 migrant workers rallied to the President's Palace demanding the government concretely implement the protection of the migrant workers' basic human rights as outlined in the Universal Declaration of Human Rights (UDHR) and the MWC:

- (i) Evaluate thoroughly the migrant importation system in order to protect the rights of free choice of employment for migrant workers (UNDHR#23; MWC#52);
- (ii) Abolish the existing slave-trade manpower system and establish a "Migrant Labor Affairs Bureau" under the CLA to concretize direct hiring agreements (UDHR#4);
- (iii) Protect the rights of rest and leisure of the migrant workers (UDHR#24);
- (iv) Act against the "cheap migrant worker policies" in order to protect the right of equal pay for equal work of all migrant workers (UDHR#23; MWC#25);
- (v) Grant migrant workers the right to form unions (MWC#40); and
- (vi) Grant migrant workers the right to freely choose their place of residence (MWC#39).

New CLA Regulations

In the middle of May, at the height of the SARS crisis, the CLA introduced a new policy whereby migrant workers were no longer required to leave Taiwan for 40 days before starting their second three-

year contract. The purpose of this policy was to reduce migrant workers' risk of contracting the SARS virus. Migrant workers are now able to re-enter Taiwan after leaving the country for only one day.

On May 15, 2003 the CLA announced that foreign spouses may work in Taiwan without applying for an employment permit. Prior to this regulation, foreign spouses had to apply for an employment permit. In regard to Mainland Chinese spouses, however, special rules apply in accordance with the Relations between the People of Taiwan and Mainland China. According to these rules, spouses from the mainland must wait eight years before they can apply for an identification card. In September 2003, Chinese women protested a proposal to extend the waiting period to 11 years; after deliberations in October in relation to amending applicable laws, lawmakers ultimately decided to stay with the current eight-year period.

In November 2002 the CLA was very vocal in informing both the domestic and international media that it had amended Article 15 of Taiwan's Regulations on Employment and Management of Foreign Nationals, which now states that migrant workers who become pregnant no longer have to leave Taiwan. Migrant workers undergo a pregnancy test before and after arrival only, but not during other check-ups. In contrast, however, the CLA was completely silent in informing both the media and labor activists that it had changed its policy on the number of chances migrant workers have to change to a new employer. Originally migrant workers had four chances covering a four week period. From 25 September 2003 they now only have two chances within a two week period. If no employer hires them within this period they have to go home.

With this new restrictive, unjust policy, DWs and CGs have very little opportunity to transfer employers. At the same time, it takes the government an average of four months to investigate and decide if a DW or CG is able to transfer to a new employer. Any DWs and CGs who are caught in abusive work situations generally choose to go undocumented rather than seek assistance from the government.

Endnotes

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