

Freedom in the World 2018

Taiwan Profile

FREEDOM STATUS: FREE

Freedom in the World Scores

Freedom Rating



Political Rights



Civil Liberties



(1=Most Free, 7=Least Free)

Aggregate Score: 93/100 (0=Least Free, 100=Most Free)

Quick Facts

Population:	23,500,000
Capital:	Taipei
GDP/capita:	\$47,800
Press Freedom Status:	Free

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 Chinese efforts to influence policymaking and some sectors of the economy, foreign migrant workers' vulnerability to exploitation, and disputes over the land and housing rights of both ordinary citizens and Taiwan's indigenous people.

Key Developments in 2017:

- The Constitutional Court ruled in May that provisions of the civil code barring same-sex unions violated the constitution's guarantees of equality before the law and freedom of marriage. The court gave the legislature two years to amend the civil code accordingly.
- Also in May, the legislature adopted the Indigenous Languages Development Act, which took effect in June. It designated the languages spoken by 16 officially recognized indigenous tribes as national languages of Taiwan and authorized their formal use in legislative and legal affairs.

Executive Summary:

Since their resounding 2016 electoral victory, President Tsai Ing-wen and her Democratic Progressive Party (DPP) have made some headway in delivering on their campaign promises. For example, the legislature has adopted new laws meant to improve conditions for indigenous peoples and foreign migrant workers, though further steps would be necessary to ensure full implementation.

The Constitutional Court's May 2017 ruling that a legal prohibition against same-sex unions violated constitutional guarantees paved the way for Taiwan to become the first Asian country to legalize same-sex marriage.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 37 / 40

A: ELECTORAL PROCESS: 12 / 12

A1. 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.

Current president Tsai of the DPP was elected in January 2016 with 56 percent of the vote, defeating two opponents. Direct elections for the president, held since 1996, have been considered generally free and fair.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

In the January 2016 elections for the Legislative Yuan, the DPP won 68 out of 113 seats, leaving the Kuomintang (KMT) with 35, the New Power Party with 5, the People First Party with 3, and the Non-Partisan Solidarity Union

and an independent with 1 seat each. Direct legislative elections, held since 1991, have been considered generally free and fair.

A3. 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. The law mandates that no political party may hold more than one-third of the seats on the commission. Since 2007, instances of vote buying and other electoral irregularities have gradually waned thanks to tighter enforcement of anticorruption laws.

B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

B1. 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

Taiwan's multiparty 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.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Amid widespread dissatisfaction with the KMT government, voters handed the opposition DPP a resounding victory in the 2016 general elections. The results led to Taiwan's third peaceful transfer of power between parties, after previous handovers in 2000 and 2008. The KMT, now in opposition, continues to lead a large number of county and municipal governments.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 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.

B4. 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 tribes make up roughly 2 percent of the population.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

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

C2. 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 a proposed reform of the Government Procurement Act. Corruption cases against former officials were ongoing in 2017, including a number of allegations against former president Ma Ying-jeou, though he was cleared of some charges in March and August.

C3. Does the government operate with openness and transparency?

3 / 4

Taiwan's 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. It remains to be seen whether proposed reforms of the procurement system will improve transparency and competition in the awarding of government contracts.

CIVIL LIBERTIES: 56 / 60 (+2)

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

Taiwan's media reflect a diversity of views and report aggressively on government policies and corruption allegations, though many outlets display strong party affiliation in their coverage. Beijing continues to exert influence on Taiwanese media. A number of 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 the Chinese government. However, in recent years Taiwanese regulators have successfully resisted proposed mergers that would have concentrated important media companies in the hands of such owners, and the Taiwanese press was able to report freely on the 2016 elections. The government does not restrict internet access.

D2. 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. 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.

D4. 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.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Taiwan's Assembly and Parade Act, passed in 1988, 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. 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.

E3. 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: 15 / 16 (+1)

F1. Is there an independent judiciary? 4 / 4

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

F2. Does due process prevail in civil and criminal matters? 4 / 4 (+1)

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 over the past decade, particularly in high-profile cases like that of former president Chen Shui-bian, such violations have been less common in recent years.

Score Change: The score improved from 3 to 4 due to a decrease in reports of lengthy pretrial detentions and other violations of criminal defendants' rights in recent years.

F3. 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 relatively rare in Taiwan, and attorneys are allowed to monitor interrogations to prevent torture.

After a four-year moratorium on the use of the death penalty, the government reinstated the practice in 2010. Condemned inmates, after being sedated, are shot from behind at close range. Family members of inmates facing the death penalty are typically not informed about scheduled dates of executions. Authorities executed no inmates in 2017, compared with one the previous year. In October 2017, a former death row inmate was acquitted in a case involving the killing of a police officer, having served 14 years in prison before his release pending a retrial in 2016. The court found a number of crucial flaws in the case, including evidence that the defendant's initial confession had been coerced, prompting renewed calls for abolition of the death penalty.

F4. 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, though the island's indigenous people continue to face social and economic discrimination, leading to high unemployment levels, lower wages, and barriers to education and social services. In 2016, President Tsai offered the government's first formal apology to indigenous people for centuries of suffering and injustice, while launching a justice commission to investigate historical mistreatment. A new Indigenous Languages Development Act took effect in June 2017, designating the languages spoken by 16 officially recognized indigenous tribes as national languages of Taiwan and authorizing their formal use in legislative and legal affairs. In August, the first nationwide indigenous radio station began broadcasting in the 16 recognized languages.

The constitution guarantees women equal rights, though Taiwanese women continue to face discrimination in employment and compensation.

Taiwanese law prohibits discrimination in employment based on sexual orientation, and violence against LGBT (lesbian, gay, bisexual, and transgender) people is adequately addressed by police.

Taiwanese law does not allow for asylum or refugee status. In 2016, a long-awaited draft bill to address the problem passed its first committee review in the Legislative Yuan. In April 2017, the government convened a roundtable with civil society actors to discuss the bill, prompting renewed campaigns by refugee rights supporters for its passage.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16 (+1)

G1. 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. A program launched in 2011 allows Chinese tourists to travel

to Taiwan without supervision, with a cap on the daily number raised to 5,000 by 2015. However, the number of Chinese tourists visiting Taiwan has dropped sharply since the DPP government took office in 2016, allegedly due to Chinese government pressure on tour operators.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Urban renewal projects and conversions of agricultural land for industrial or residential use have been criticized for unfairly displacing residents. Housing advocates have called for legal amendments to clarify residency rights, including protections against forced eviction, and establish an appeals system to review alleged violations. Demonstrations held in the city of Kaohsiung in 2016 over planned demolitions of homes and local markets to make way for development projects appeared to have tapered off in 2017. Nonetheless, there were concerns that new rounds of forced evictions in the country's cities could prompt further protests. Separately, disputes over indigenous lands continue amid stalled efforts to pass legislation on indigenous autonomy.

G3. 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 (+1)

Taiwan's Constitutional Court ruled in May 2017 that provisions of the civil code barring same-sex unions violated the constitution's guarantees of equality before the law and freedom of marriage. The court gave the legislature two years to amend the civil code accordingly.

Rape and domestic violence remain serious problems, and although the law permits authorities to investigate complaints without the victims actually pressing charges, cultural norms inhibit many women from reporting these crimes to the police. However, reforms implemented in recent years have improved protections for accusers and encouraged reporting of rape and

sexual assault, which appears to have gradually increased rates of prosecution and conviction.

Score Change: The score improved from 3 to 4 due to gradual progress on reporting and punishment of rape and sexual assault as well as a court ruling that cleared the way for legalization of same-sex marriage.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Over 600,000 foreign migrants work in Taiwan, with a substantial number working as domestic helpers and fishermen; most come from Indonesia, Vietnam, Thailand, and the Philippines. Foreign domestic workers and fishermen are not covered by Taiwan's Labour Standards Act, meaning they are excluded from its minimum wage, overtime, and paid leave protections. As a result, foreign workers in these and other fields are at substantial risk of exploitation, with widespread accounts of unpaid wages, poor working conditions, and physical and sexual abuse, as well as extortion and fraud at the hands of recruitment and brokerage agencies. A 2016 law eliminated a requirement that foreign workers leave the country between employment contracts, and in September 2017 the government announced draft amendments to the Employment Services Act that would help combat employer abuses against migrant workers.

Legislation adopted in 2016 to establish stricter rules and stronger punishments regarding worker exploitation by Taiwanese fishing companies took effect in early 2017. However, labor advocates and international monitors have accused government agencies of poor implementation, citing ongoing mistreatment and abuse of foreign fishermen on Taiwanese vessels. The government has said that it remains committed to addressing the situation. In September, for instance, officials filed charges against 19 people for human trafficking and deprivations of personal liberty involving the alleged abuse of 81 foreign fishermen.