

Proposed Amendments To Taiwan's Gender Violence Laws: An Improvement But Still Many Crucial Shortcomings

Wednesday 2 August 2023, by [CHANG Darice D.](#), [LIN Caritta](#) (Date first published: 19 July 2023).

Despite the implementation of the Gender Equality in Employment Act for 21 years, there has been a failure to effectively prevent and address workplace sexual harassment in accordance with the law.

Employers who have failed to fulfill their responsibility to protect employees are already in violation of the law.

However, victimized employees often do not know how to handle the situation or fear retaliation, while employers may be unsure of how to handle or impose adequate penalties.

The Executive Yuan recently submitted proposed amendments to the existing Three Laws on Gender Violence, which it shared in a public-facing explainer [here](#).

Carol Lin, a gender equality expert who shares educational [content](#) on her Facebook page noted that the current amendments have actually been in process for over a year, as she was on the panel of experts consulted by the government as they were already aware of the shortcomings of existing laws and sought to remediate them. The recent #MeToo movement in Taiwan expedited this process.

As Women's March Taiwan (台灣婦女) stated in a recent [interview](#) with *TaiwanPlus News*, it is a step in the right direction. The biggest challenge in the past was that victims were afraid to come forward and report due to the fear of losing their jobs or income. With a "victim-centered" approach in the future, we hope that victims will no longer be afraid to assert their rights for fear of losing their jobs.

The #MeToo movement has primarily highlighted cases of power-based sexual harassment/assault. The amendment fills the gaps in defining and regulating power-based interpersonal violence and imposes heavier penalties on supervisors and employers involved in workplace incidents.

The current proposed amendments include a much more victim-centered approach to reporting, and marked increase in safeguarding victim privacy with heavier punishments for those who reveal whistleblower identity during any part of the reporting and investigation process. In addition the new amendments seek to streamline the reporting process: victims only need to report once instead of several times.

For context, on July 12th, women's groups put forward five major demands for preventing sexual violence:

1. The establishment of a Gender Violence Prevention Office in the Presidential Office
2. The development of a national action plan for gender violence prevention

3. A comprehensive review of related laws on sexual violence prevention
4. The creation of a safe and supportive society
5. A nationwide petition supporting the #metoo movement and standing with survivors.

Women's March notes that the MeToo movement has put pressure on the amendment of laws, and we have also witnessed the vulnerability of survivors. This amendment is specifically focused on a "victim-centered" approach, providing better protection for survivors.

The existing difficulties in distinguishing between the Taiwan Sexual Harassment Prevention Act, Gender Equality in Employment Act Gender Equality Education Act (collectively referred to as the Three Laws of Gender Equality) have led to a lack of resource integration among the responsible authorities, including the Ministry of Health and Welfare, Ministry of Labor, Ministry of Education, resulting in a situation in which different government bureaus deflect responsibility onto each other.

Consequently, survivors have been unable to obtain legal protection, and perpetrators have not faced appropriate punishment.

This amendment shows the determination of the Executive Yuan to integrate resources from various departments and create a safer social environment.

Additionally the emphasis on sexual harassment issues has been elevated to the national level, raising awareness among the public.

However, many loopholes still exist. The New Power Party posted Friday outlining many of their [concerns](#), which include:

1. Lack of clarity for responsible parties regarding employee after hours behavior or 'loose' working connections, which is common in Taiwan between different entities collaborating on a joint project
2. Need for third party oversight when management is expected to self-regulate, as well as during the investigation process
3. Inclusion of women and gender equality experts in investigations to prevent cover ups and lenience
4. Increased time needed on statute of limitations, especially for cases involving children considering that they may not be at an age of understanding when the incident occurs as well as needing time to have confidence in society again
5. Power imbalance in teacher-student relationships such that they should be outlawed for the duration this power dynamic exists, which Carol Lin also covered.

Additionally, the establishment of the Office of Gender Violence Prevention remains to be elucidated—the Ministry of Health and Welfare has proposed it will be under local jurisdiction instead of a national level office, which was proposed by the coalition of women's groups in Taiwan.

In conclusion, the proposed amendments are an incomplete answer to many of the existing issues in Taiwan's laws regarding gender violence. Many loopholes still exist which we hope will be remediated during the special legislative session.

In the meantime, during the period before the amendment, it is necessary for everyone to have an understanding of gender violence prevention and know how to prevent it.

This is an aspect of social and cultural value change that Women's March Taiwan has been focusing on: prevention is better than remediation. Bystander intervention training such as [Green Dot](#) are integral to providing a holistic solution to eliminate gender violence in society entirely. By training

communities to recognize and respond appropriately when instances of power based violence is occurring, we can create an informed society that communicates intolerance for sexual violence, dating violence, and stalking.

Since the #MeToo movement in the United States occurred in 2017, it is heartening to see significant breakthroughs in gender justice in Taiwan at this time. Society has been catalyzed into action and lawmakers are taking heed, expediting gender violence law reforms. While this is an improvement to be celebrated there remains numerous shortcomings in the proposed amendments which we hope will be remediated in the upcoming legislative special session.

If you or someone you know has experienced gender based violence there are many resources available to you:

- 現代婦女基金會 Modern Women's Foundation <https://www.38.org.tw>
- 覺醒基金會 Awakening Foundation <https://www.awakening.org.tw>
- 希望花園 Garden of Hope <https://www.goh.org.tw>
- 台北婦女救援基金會 Taipei Women's Rescue <https://www.twrf.org.tw>

Specific resources for workplace sexual harassment:

- 113 婦警專線
- 02-8911-5595
- 04-22239595
- 02-23512811
- 02-2555-8595
- 02-412-8518 2樓
- 0800-434-434

Resources for children and young adults:

- 0800-003-123
- 16:30-19:30
- 0800-001-769
- 16:30-19:30
- 0800-532-880
- 14:00-17:00
- Bystander Intervention Training in Taiwan | <https://www.facebook.com/BystanderTrainingTaiwan>

Women's March Taiwan will hold a MeToo art exhibition and experiential art event in Taichung from July 22nd to August 6th in collaboration with HedgeHug (HedgeHug) which focuses on violence prevention and healing for survivors.

Darice D. Chang is a writer, artist, translator/interpreter, filmmaker and activist residing in Taipei. In 2015 they volunteered with the Freddy Lim campaign and interpreted for stories appearing in the BBC, The Washington Post, Bloomberg, Reuters, and Metal Hammer. They enjoy yoga, meditation, and amazing vegan food. They were featured in the 2022 Netflix documentary "Midnight Asia".

Caritta Lin

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<https://newbloommag.net/2023/07/19/tw-gender-violence-laws/>