



# Taiwan's Efforts to End Violence against Women: from the Judicial and Legal Reform

**Chih-Chieh, Carol, Lin**

Distinguished Professor

---

School of Law, National Yang Ming Chiao Tung  
University, Taiwan

# Chih-Chieh, Carol, Lin



## Teaching:

White Collar Crime and Corporate Criminal Liability, Gender and Law, U.S. Criminal Law and Criminal Procedure, Financial Regulations and Supervisions, Case Analysis of International Financial Law, Criminal Law and Procedure of Taiwan (R.O.C.), Commercial Law, Love, Sex, and Law.

## ACADEMIC PERFORMANCES

### Appointments:

Distinguished Professor of NYCU,  
Chair Professor of Social Justice of NYCU School of Law,  
Chairperson of Financial Ombudsman Institution,  
Chief Editor of NYCU Law Review,  
Chair of Asian Law & Society Association Conference in 2017,  
Advisor of the National Conferences of Judicial reform ,  
Associate Vice President for International Affairs,  
Associate Dean of NYCU School of Law.

# Chih-Chieh, Carol, Lin



## EDUCATION

**Duke University School of Law**, North Carolina, U.S.

*S.J.D.*, 2005 / *L.L.M.*, 2001

**National Taiwan University School of Law**, Taipei, Taiwan

*L.L.M.*, 2000 / *L.L.B.*, 1996

## Speeches:

*Keynote Speaker*, APEC Whistleblower Protection Workshop, 2017

*Keynote Speaker*, 2017 Diversity and Trust Conference in Tokyo, 2017

## Awards:

National Chiao Tung University Outstanding Teaching Award, 2019

National Chiao Tung University Best Teacher Award for Three Times, 2008-2019

Excellent Educator Award, Ministry of Education, 2013

Excellent Junior Research Grants, National Science Council, 2012

YouTube Taiwan Best Online Course ( MOOC's course "Love, Sex, and Law" )

Fulbright Senior Research Grants, 2011

Distinguished Mentor Professor Award, 2010

# Chih-Chieh, Carol, Lin



## PROFESSIONAL SERVICE

*Judicial Reform Advisor, appointed by the President of Taiwan, 2017-present.*

*Committee Member, Human Right Committee of Ministry of Justice, Taiwan (R.O.C.), 2015-present.*

*Board Member, Asian Law and Society, 2016-2019.*

*Lecturing for Judges Academy, Academy for the Judiciary and Financial Institutions for Long Years.*

## BOOK PUBLICATIONS

*Foreign Corruption Practice Act, 2019.*

*White-Collar Crime and Trusted Criminals, 2017.*

*Reconstructing Gender Justice in Criminal Laws, 2015.*

*Reconstructing Economic Justice in Criminal Laws, 2014.*

## OTHER EXPERIENCE

*Lecturer, Duke University School of Law , 2003-2005.*

*Associate Chief Editor, The Taiwan Law Review , 1997-2005.*

*Associate Attorney, Yuandow Law Firm ,1996-2000.*

# Table of Contents

---

## 1. The Achievement of Gender Equality in Taiwan

## 2. The Evolution of Gender Equality in Taiwan Legal System

## 3. Introduction to gender equality-related laws in Taiwan

- Combating Sex Crime and Sexual Violence
- Preventing Domestic Violence
- Enacting Anti-Stalking Law
- Preventing Cyber Violence Against Women

## 4. Conclusion



# 1. The Achievement of Gender Equality in Taiwan

# Current situation in Taiwan

The salary gap is smaller than that of the United States, Japan, South Korea and other countries.

	1999	2020
Average hourly wage for women	The gap is 17.1%	The gap is 14% 296 Yuan
Average hourly wage for men		344 Yuan
Women have to work more if they get equal pay	63 days	51 days

為推動永續金融，金管會召開性別平等政策說明會，金融監督管理委員會：

[https://www.fsc.gov.tw/ch/home.jsp?id=96&parentpath=0,2&mcustomize=news\\_view.jsp&dataserno=202112220002&dtable=News](https://www.fsc.gov.tw/ch/home.jsp?id=96&parentpath=0,2&mcustomize=news_view.jsp&dataserno=202112220002&dtable=News)（最後點閱時間：2022年3月30日）。

兩性薪資差距14% 女性多做51天才與男性同酬，中央社：<https://www.cna.com.tw/news/firstnews/202102230054.aspx>（最後點閱時間：2022年3月30日）。

# Current situation in Taiwan

Director Wu of the Gender Equality Division of the Executive Yuan pointed out that Taiwan ranks first in Asia in terms of gender equality performance:

1. In 2010, Taiwan ranked sixth in the world in the **Gender Inequality Index (GII)**, which ranks first in Asia.
2. **Same-sex marriage** legalized in 2019.
3. In 2020, the proportion of **female legislators** exceeded 40%.

According to the statistics of the **Financial Regulatory Commission**, the proportion of **female directors** of listed companies in 2019 was 14.36%, which still has room for improvement compared with Europe and the United States.

為推動永續金融，金管會召開性別平等政策說明會，金融監督管理委員會：

[https://www.fsc.gov.tw/ch/home.jsp?id=96&parentpath=0,2&mcustomize=news\\_view.jsp&dataserno=202112220002&dtable=News](https://www.fsc.gov.tw/ch/home.jsp?id=96&parentpath=0,2&mcustomize=news_view.jsp&dataserno=202112220002&dtable=News)（最後點閱時間：2022年3月30日）。

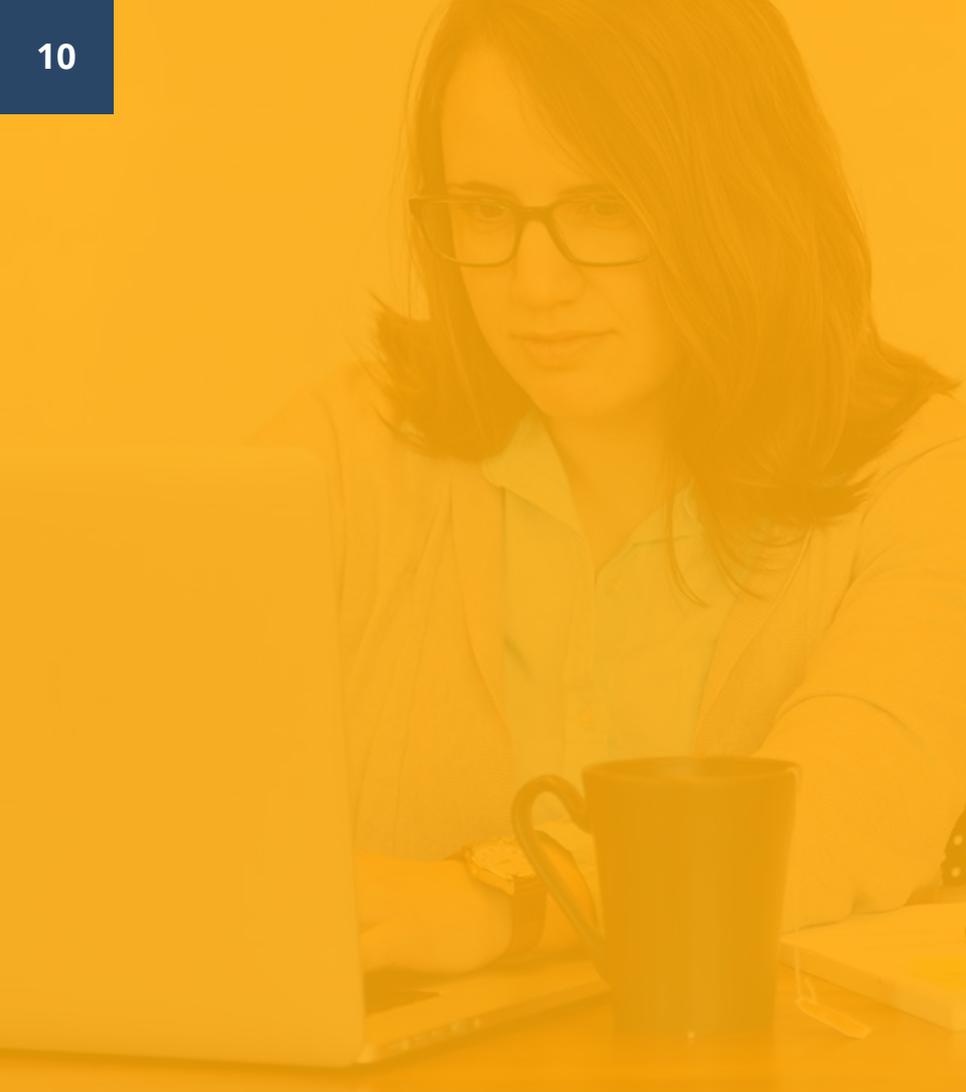
兩性薪資差距14% 女性多做51天才與男性同酬，中央社：<https://www.cna.com.tw/news/firstnews/202102230054.aspx>（最後點閱時間：2022年3月30日）。

# Taiwan's Protection of women's rights under CEDAW

Taiwan signed CEDAW in 2007 to elevate the standard of gender rights in the country and advance gender equality. The government also promulgated the Enforcement Act of CEDAW on January 1, 2012 to make CEDAW provisions effective as domestic law.

Progress of CEDAW implementation in Taiwan are as follow.

- Review of three CEDAW Country Reports (2009, 2014, 2018)
- Legislative actions
  - The Domestic Violence Prevention Act was amended to curb sexual violence.
  - Guidelines for broadcasting gender contents were revised to prohibit gender bias in the media.
  - The Nationality Act was revised to protect the rights of foreign spouses who apply for naturalization.
  - To promote work-life balance, a provision was added to the Labor Standards Act allowing workers greater flexibility to adjust what time they begin and end work.
  - The Childbirth Accident Emergency Relief Act was enacted to create a national relief mechanism that alleviates the risks to women during childbirth.

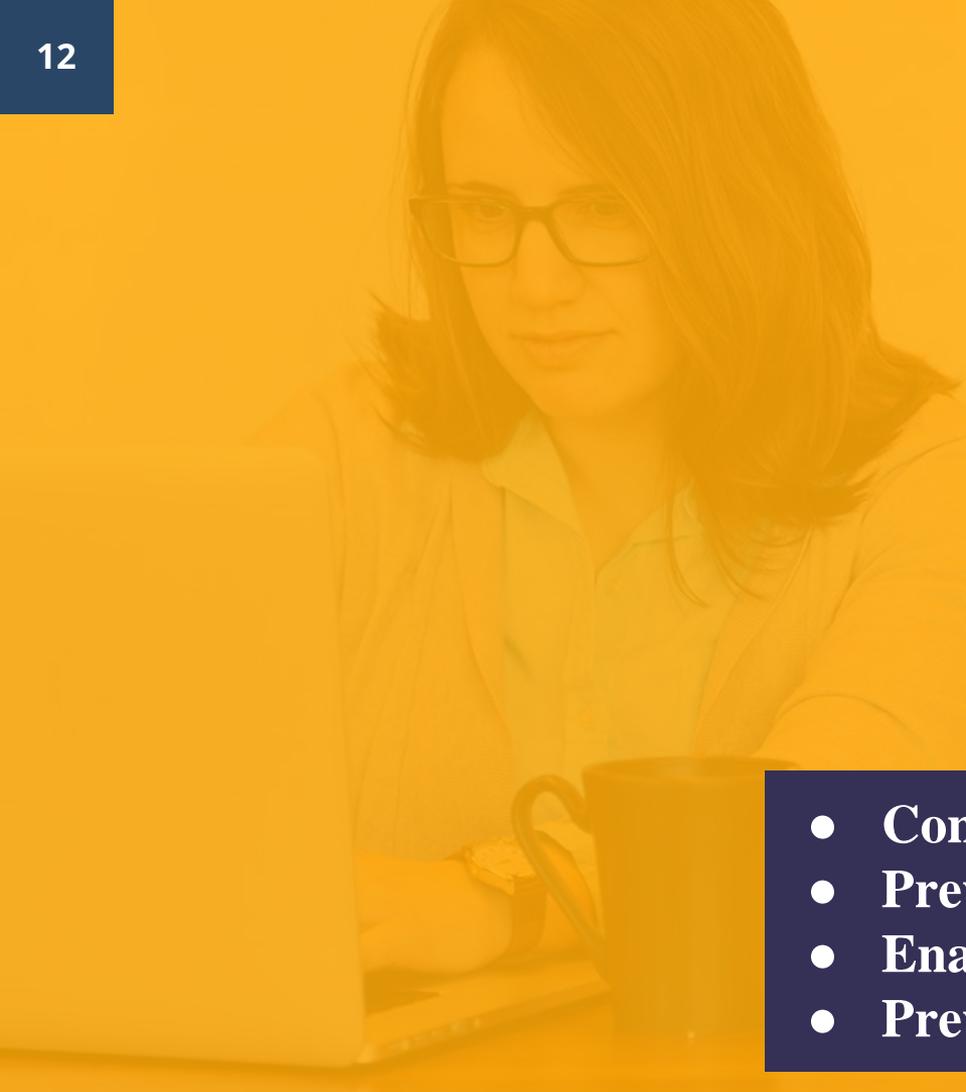


## 2. The Evolution of Gender Equality in Taiwan Legal System

# Taiwan

## Development of Gender equality legislation

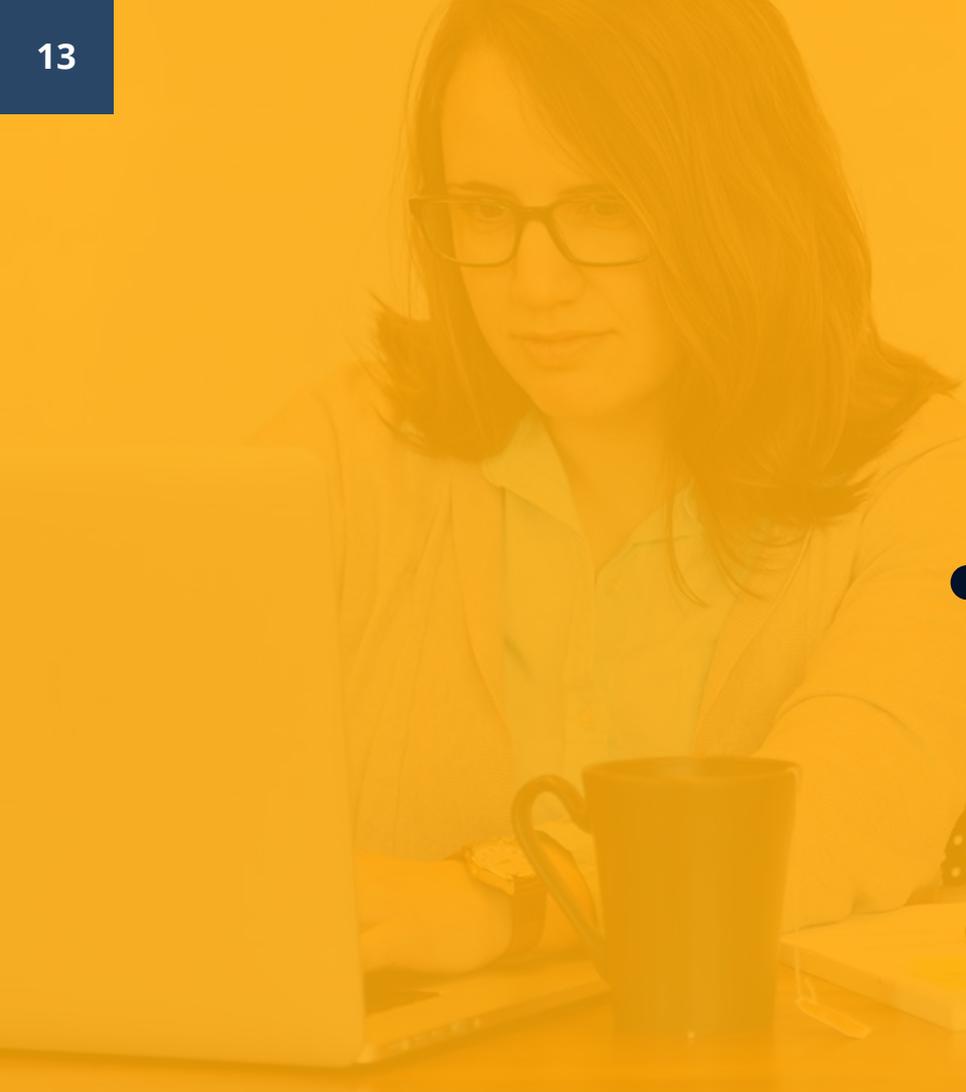
- 1992 《Employment Service Act》  
“Employer is prohibited from discriminating against any job applicant or employee on the basis of.....gender, gender orientation.....”
- 1997 《Sexual Assault Crime Prevention Act》
- 1998 《Domestic Violence Prevention Act》
- 1998 《Crime Victim Protection Act》
- 2002 《Act of Employment Equality in Both Sex》
- 2004 《Gender Equity Education Act》
- 2005 《Sexual Harassment Prevention Act》
- 2008 Rename into 《Act of Gender Equality in Employment》
- 2019 Part 7-3 Participation in Victim Litigation Added to the 《Criminal Procedure Law》  
Victims of specific crimes such as violation of life, body, sexual autonomy, etc. may apply to participate in the lawsuit
- 2021 《Article 222, Subparagraph 1 of the Criminal Code "aggravated the crime of compulsory confession" adds a new subparagraph 9, "A person who takes pictures, records, or videotapes or distributes or broadcasts such images, sounds, or electromagnetic recordings to the victim."
- 2021 《Anti-Stalking Act》 (effective on June 1, 2022)



### 3. Introduction to Gender Equality- related Laws in Taiwan

---

- **Combating Sex Crime and Sexual Violence**
- **Preventing Domestic Violence**
- **Enacting Anti-Stalking Law**
- **Preventing Cyber Violence Against Women**

- 
- **Combating Sex Crime  
and Sexual Violence**

# Sexual Assault Crime Prevention Act: Legislative History

- The issue of sexual assault crimes didn't get attention in Taiwan until the late 1980s. Taiwan did not provide legal protection for the preventions and regulations of sexual assault at that time until 1991.
- In 1991, the **Modern Women's Foundation** began to draft the "Sexual Assault Crime Prevention Law", which collected the opinions of scholars, lawyers, and social workers. Also, they referred to the sexual assault crisis management centers and modes of foreign countries. In 1994, the bill was sent to the Legislative Yuan. It tended to be amended together with the Criminal Law, but it was shelved due to some male legislators.
- On November 30, 1996, **Peng Wanru**, a women's movement worker and director of the Women's Development Department of the DPP, was speculated having been sexually assaulted by a taxi driver and killed. This incident not only **urged the government to face to sexual assault and the beginning of women's safety in public**, but also led to the Sexual Assault Crime Prevention Law and the Criminal Law amendment.

# The Amendment of Sexual Crime under the Criminal Law in 1999

- Sexual assault crimes should be removed from the chapter of "Offense against Morality," and established a separate chapter of "Sexual Offenses" so as to get rid of wrong associations to pornography and chastity, and to highlight the characteristics of protecting individual sexual autonomy.
- Victims are not limited to "women."
- Replace "rape" and "adultery" making an allusion to women, with "forced intercourse" and "sexual intercourse."
- The element of "unable to resist" changed to "against someone's will."
- "Sexual intercourse" is no longer identified with the concept of whether the hymen is ruptured or whether the virginity has been taken away.
- The crime of compulsory sexual intercourse in marriage can also be constituted because marriage won't make a person give up the right to sexual autonomy.

# The Participation in Proceedings by the Victim

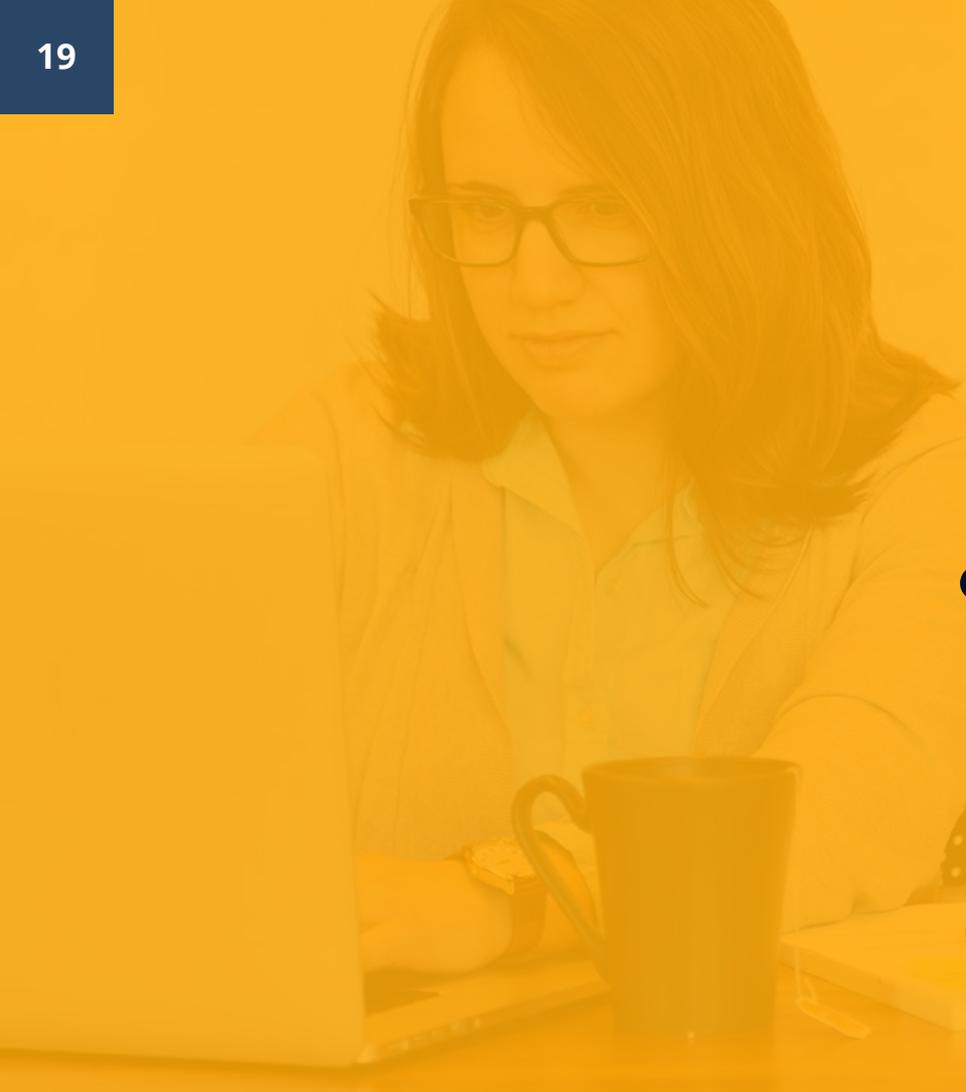
- The purpose is to increase the victim's understanding and participation in the proceedings and court activities, and respect the subjectivity of the participants.
- Criminal Procedure Article 455-38 deals with criminal cases that seriously infringe upon the victim's sexual autonomy and other personal rights and interests.
- In principle, the victim of a crime should file a petition. But, if the victim is unable to petition for legal reasons, his or her legal representative, spouse or certain relatives, or a government agency, or the Association for the Protection of Criminal Victims of a Consortium may petition to participate in the lawsuit.
- rights of victim : including the right to **appoint an agent**, the right to **obtain information about the evidence**, the right to **be notified on the date and to be present**, the right to **select a representative to participate in the litigation**, and the right to **express opinions on the investigation of evidence and the scope of punishment**.

# Forensic Interviewers at Criminal Trials

- Article 15-1 of the Sexual Assault Prevention Act
- The purpose is to improve professionals' inquiring skills in cases of sexual abuse of children and mentally handicapped persons, and to strengthen scientific case handling and behavioral evidence investigation and handling capabilities.
- Objectively interrogate victims with a neutral attitude, apply forensic psychology to the case handling process, and pay attention to the relevant factors that affect the ability of children and mentally handicapped to testify, such as language ability, trauma and stress...etc.
- In the process of obtaining testimony, use non-inducing, non-suggesting questions to help them understand the problem, so as to obtain uncontaminated testimony. As the result, the truth has a better chance to be told.

# Escort System during Court Hearings

- Criminal Procedure Code Nos. 248-1 and 271-3
- The purpose is to relieve the victim's emotions, assist the victim, and express their opinions.
- During the investigation and trial of the victim, the legal representative, spouse, lineal or collateral blood relatives within the third degree, parents, family members, doctors, psychologists, counselors, social workers or their **trusted persons** may, **with the consent of the victim**, accompany and state opinions.
- **trusted person** means significant others in a close relationship, such as: nanny, teacher, partner, friend.



- **Preventing Domestic Violence**

---

# Domestic Violence Prevention Act

## Legislative History

Deng Ru-Wen murdered her husband on Oct. 27, 1993 in Taiwan.

Deng Ru-Wen was raped many times and pregnant with Lin Aqi's baby when she was 15. Not only Deng but her mother was sexually assaulted by him, too. After Lin repeatedly and violently threatened the Deng family, Deng Ru-Wen was forced to marry Lin and suffered from domestic violence for a long time. Furthermore, Deng's mother, herself and her sister were all raped during the marriage.

Even the two young sons of Deng were not spared. Lin Aqi boasted his throwing their children into the washing machine and starting it, causing injuries to his own kids. Deng was beaten brutally after calling the police to stop Lin. Fed up with unbearable suffering, Deng killed her husband. Fortunately, she was supported by association promoting women's rights and sentenced to three years in prison.

The incident led to the enactment of "Domestic Violence Prevention Law" on June 24, 1998, making Taiwan the first country in Asia upholding a domestic violence prevention act and a civil law protection order.

# Protection Order

the fastest

must attend  
the trial

options	Emergency Protection Order	Temporary Protection Order	Ordinary Protection Order
petitioner qualification	the prosecutor, the police, the social worker	<b>the Victim</b> , the prosecutor, the police, the social worker	
how to file a petition	Apply in writing, verbal, or with other technological equipment within 24 hours.	Send with written documents during court hours.	
validation	It stands not until Ordinary Protection Order is determined, rejected, or withdrew.	To be decided by the court. The longest term shall be two years.	

The contents of the protection order include: restraining order, non-contact order, eviction order, distance order, temporary right of use, temporary guardianship order, temporary visit order, payment order, prevention order, other protection orders, etc.

# Intimate Partner Violence

**Definition: A pattern of aggressive or controlling behavior towards a former or current intimate partner. Not just physical violence but mental violence, stalking and harassment, economic violence (restriction of economic freedom), and sexual violence, etc.**

- A survey conducted by the Ministry of Health and Welfare in Taiwan found that the prevalence rate within a year of any kind of intimate partner violence among women aged 18 to 74 was 8.99%, while the prevalence rate within lifetime was 19.62%.
- The type with the highest incidence in the past year(2020) was mental violence (8.53%), followed by economic violence (2.03%), sexual violence (1.53%), physical violence (1.52%), stalking and harassment (1.38%).

# Between the State and the Family: Domestic Violence Prevention Act

Article 2: The terms used in this Act are defined as follows.

1. Domestic violence: Means an act of harassment, control, threat or other illegal action conducted against any family member that is physical, psychological, or economical in nature.
2. An offense of domestic violence: Means a criminal offense stipulated by another law due to an act of domestic violence committed in a willful manner against a family member.
3. To witness domestic violence: Means to see or directly know about domestic violence.
4. Harassment: Means any language or gesture that interrupts, warns, mocks or insults any other person, or any conduct that causes a psychological scenario of fear.
5. Stalking: Means monitoring, following or controlling another person's whereabouts and activities in a continuous manner through any person, vehicle, tool, equipment, electronic communications device or any other manner.

If the victim is less than 16 years old and has been subjected to an illegal physical or mental infringement by a current or former partner in an intimate relationship who does not live with the victim, certain articles apply mutatis mutandis. An intimate relationship referred to under the previous paragraph means a relationship of social interaction based on feelings or sexual intimacy. This shall be implemented one year after publication.



- **Enacting Anti-Stalking Law**

---

# Amendment of Anti-Stalking Act

November 19, 2021 《Anti-Stalking Act》 (effective on June 1, 2022)

- **Purpose of statute**

In order to protect personal physical and mental safety, freedom of movement, private areas of life and information privacy. In addition, to avoid being harassed by stalking and harassment, and maintain personal dignity.

# What is the definition of the behavior of “stalking harassment” ?

Article 3 Stalking and harassment refers to the **repeated or continuous conduct** of any of the following acts against a specific person and related to sex or gender by means of personnel, vehicles, tools, equipment, electronic communications and the Internet and so on, which is frightened enough to affect someone's daily life or social activities, like the following :

1. To monitor, observe, track someone.
2. Approaching, stalking, waiting or following someone's residence, school, workplace, or place he or she frequent visits.
3. To warn, threaten, ridicule, abuse, discriminate, hate, belittle or other similar actions to someone.
4. Interfering with someone by telephone, fax, electronic communication, Internet or other equipment.
5. Requesting a date, contact to someone.
6. Send, retain, display or broadcast texts, pictures, sounds, images or other items to someone.
7. Informing or presenting somethings that are harmful to someone's reputation.
8. Abusing someone's personal information to order goods or services without their consent.

# Protection Measures for Victims

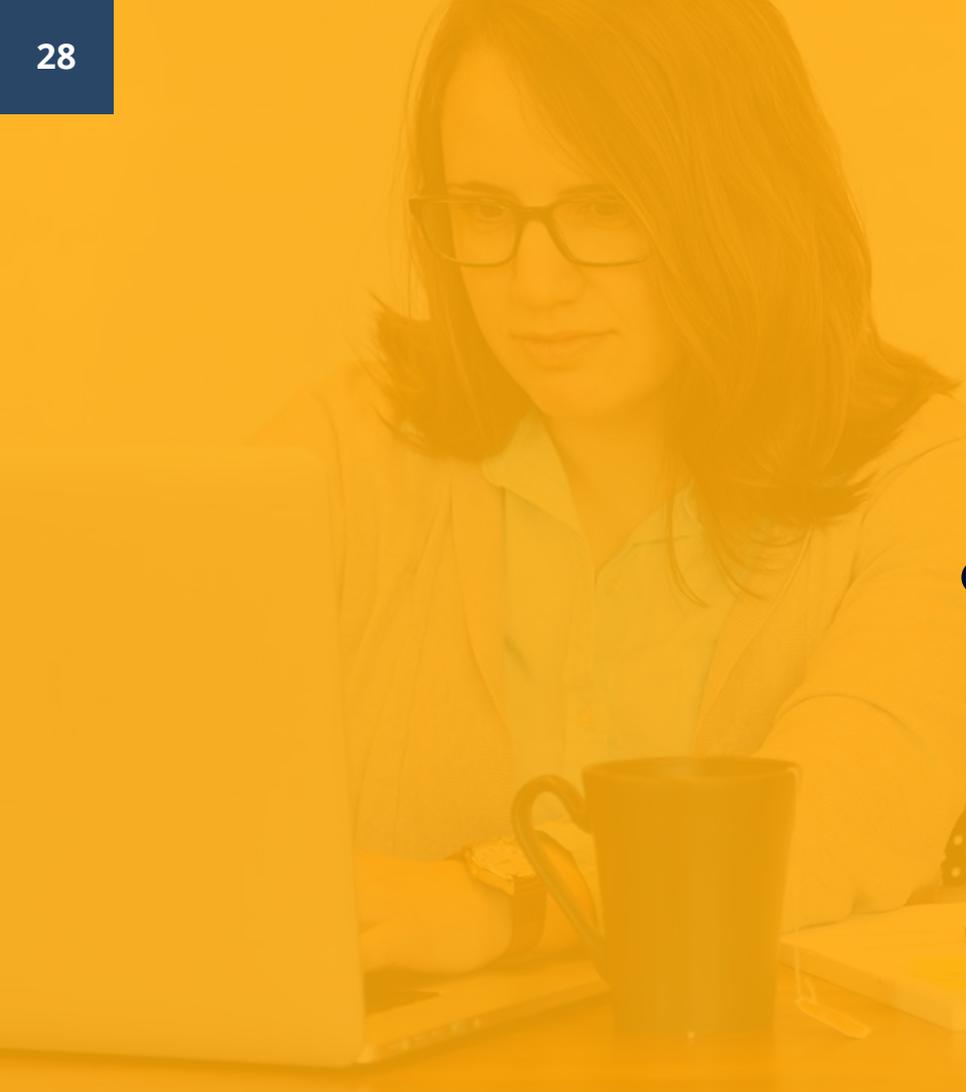
## Written warning

Article 4 II : The police should issue a written warning to the perpetrator having criminal suspects of stalking and harassment after investigation in accordance with their authority or the victims' requirements. Moreover, the police should take other appropriate measures to protect the victims when necessary.

## ▫ Petition for protection

Article 5 I : if the perpetrator receives the written warning for stalking and harassment again within two years, the victim may submit the petition to the court for a protection order.

And, if the victim is a minor, disabled person, or someone having difficulty appointing a deputy; his or her spouse, legal representatives, blood relatives, or relatives by marriage within the third degree relatives could file the petition to the court for them.



- **Preventing Cyber Violence Against Women**

---

# Crimes that might constitute

	Non-consensual filming	Consensual filming	Threatening with videos
<b>E.g.</b>	forced filming, secretly filming, stealing videos	voluntary filming, agreeable filming	whatever the access
<b>Distributed</b>	aggravatedly obstructing secrets, obstructing computer use, distributing obscene objects, defamation	distributing obscene objects, defamation <ul style="list-style-type: none"> <li>• sentence of up to 6 months and fines</li> <li>• social legal interests protected, lacking deterrence</li> </ul>	intimidation, forced intercourse, intimidation to gain advantage
<b>Not distributed</b>	obstructing secrets, obstructing computer use	none	

▲ If the victim is under the age of 18, the other party may violate the “Child and Youth Sexual Exploitation Prevention Act.”

# Inadequate Victim Protection in Judicial Procedures

## Victims easily revictimized in judicial procedures

Administrative agencies, judicial agencies, and military and judicial agencies are prohibited from revealing personal information of victims; accompany in investigation procedures; prohibition of gender discrimination; and investigation statements under special circumstances may be used as evidence.

## If the case can't be applied to non-public, victims will face the perpetrator directly

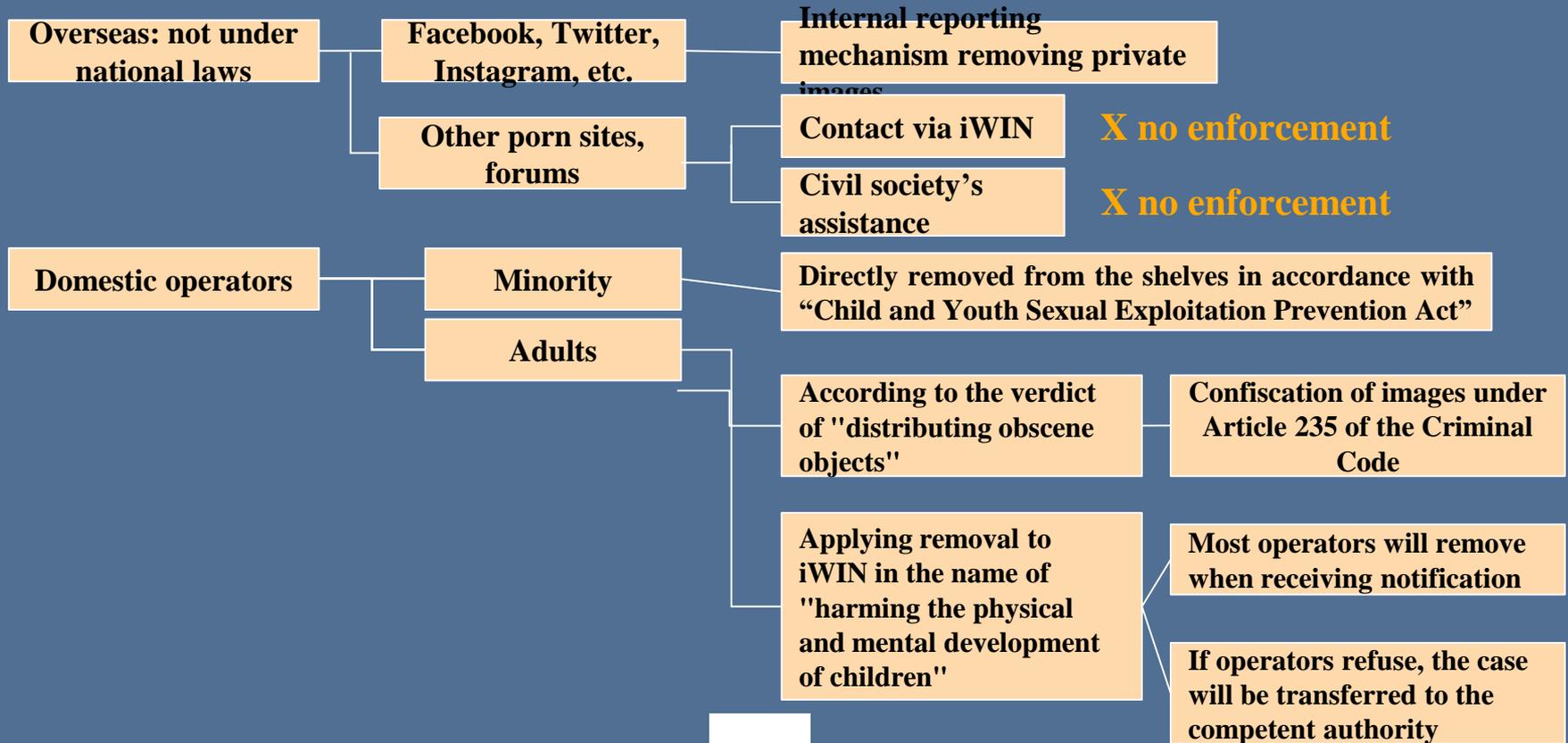
The principle of **non-disclosure of trials, consent to obtain evidence**, the environment and measures in court must **take victims into consideration**, and apply to “Witness Protection Law” and “Regulations on the Prevention of Sexual Privacy Invasion.”

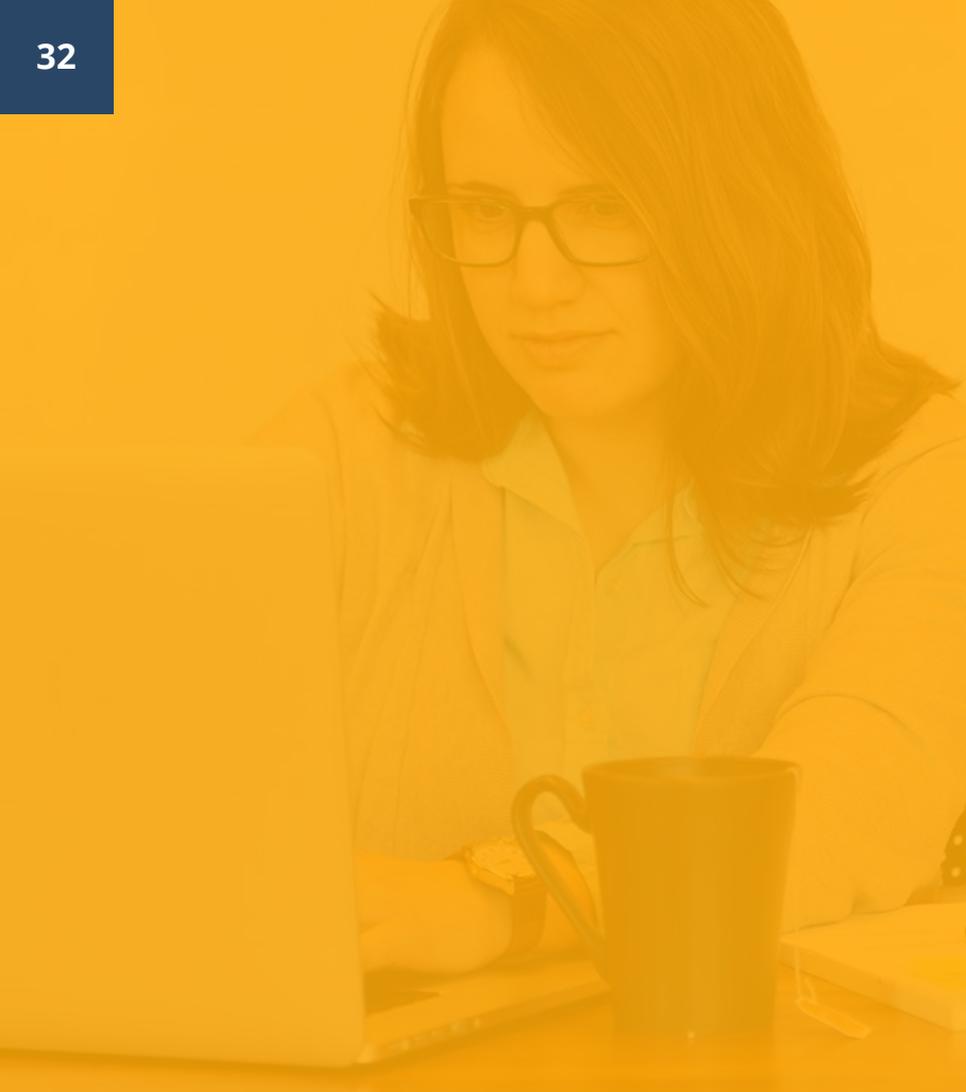
The **prohibition order** keeps the perpetrator from harassing and stalking from the victims, whose effect is the same as the protection order of the domestic violence law.

## Due to the disclosure of judicial documents, more people know about the case and click on the video

Media such as television and the Internet are not allowed to report or record the victim's personal information. Those who leak personal information shall be fined not more than NTD one million, and ordered to make corrections within a time limit; those who fail to make corrections within the time limit may be punished continuously.

# Problems of private images-distribution without consent





## 4. Conclusion

---

# Thank You.

---

➤ National Yang Ming Chiao Tung  
University (NYCU), School of Law



林志潔 LIN, Chih-Chieh - Carol Lin



cclitl@gmail.com



## Credits

---

Special thanks to all the people who made and released these awesome resources for free:

- Presentation template by [SlidesCarnival](#)
- Photographs by [Startup Stock Photos](#)