

法規名稱：性騷擾防治法

修正日期：民國 112 年 08 月 16 日

## 第一章 總則

### 第 1 條

- 1 為防治性騷擾及保護被害人之權益，特制定本法。
- 2 性騷擾事件之處理及防治，依本法之規定。但依性騷擾事件發生之場域及當事人之身分關係，性別平等教育法及性別平等工作法別有規定其處理及防治事項者，適用各該法律之規定。

### 第 2 條

- 1 本法所稱性騷擾，指性侵害犯罪以外，對他人實施違反其意願而與性或性別有關之行為，且有下列情形之一：
  - 一、以明示或暗示之方式，或以歧視、侮辱之言行，或以他法，而有損害他人人格尊嚴，或造成使人心生畏怖、感受敵意或冒犯之情境，或不當影響其工作、教育、訓練、服務、計畫、活動或正常生活之進行。
  - 二、以該他人順服或拒絕該行為，作為自己或他人獲得、喪失或減損其學習、工作、訓練、服務、計畫、活動有關權益之條件。
- 2 本法所稱權勢性騷擾，指對於因教育、訓練、醫療、公務、業務、求職或其他相類關係受自己監督、照護、指導之人，利用權勢或機會為性騷擾。

### 第 3 條

- 1 本法所稱部隊，指國防部所屬單位。
- 2 本法所稱學校，指公私立各級學校、軍事學校、預備學校、警察各級學校及少年矯正學校。
- 3 本法所稱機構，指法人、合夥、設有代表人或管理人之非法人團體及其他組織。

### 第 4 條

本法所稱主管機關：在中央為衛生福利部；在直轄市為直轄市政府；在縣（市）為縣（市）政府。

### 第 5 條

- 1 中央主管機關辦理下列事項。但涉及各中央目的事業主管機關職掌者，各該中央目的事業主管機關應配合辦理：
  - 一、研擬與審議性騷擾防治政策及法規事項。
  - 二、協調、督導及考核各級政府性騷擾防治之執行事項。
  - 三、督導直轄市、縣（市）主管機關建立性騷擾事件處理程序及協助提供被害人保護扶助事項。
  - 四、培訓性騷擾事件調查處理專業人才。

五、推展性騷擾防治教育及宣導事項。

六、辦理性騷擾防治績效優良之政府機關（構）、部隊、學校、機構、僱用人、團體或個人之獎勵事項。

七、彙整與統計性騷擾事件之各項資料及建立性騷擾事件電子資料庫。

八、辦理性騷擾防治趨勢及有關問題研究之事項。

九、其他性騷擾防治事項。

- 2 中央主管機關辦理前項事項，應遴聘（派）學者專家、民間團體及相關機關代表提供諮詢，其中學者專家、民間團體代表，不得少於總數二分之一；且女性代表不得少於總數二分之一。

## 第 6 條

- 1 直轄市、縣（市）主管機關應設性騷擾防治審議會（以下簡稱審議會），辦理下列事項。但涉及各直轄市、縣（市）目的事業主管機關職掌者，各該直轄市、縣（市）目的事業主管機關應配合辦理：

一、擬定性騷擾防治政策及法規事項。

二、協調、督導及執行性騷擾防治事項。

三、調查、調解、審議性騷擾案件及移送有關機關事項。

四、提供被害人諮詢協談、心理輔導、法律協助、社會福利資源及其他必要之服務。

五、推展性騷擾防治教育訓練及宣導事項。

六、彙整及統計性騷擾事件各項資料。

七、其他性騷擾防治事項。

- 2 前項審議會置召集人一人，由直轄市長、縣（市）長或副首長兼任，並應遴聘（派）有關機關高級職員、社會公正人士、民間團體代表、學者專家為委員；其中社會公正人士、民間團體代表、學者專家不得少於總數二分之一；且女性代表不得少於總數二分之一。

## 第二章 性騷擾之防治及責任

### 第 7 條

- 1 政府機關（構）、部隊、學校、機構或僱用人，於所屬公共場所及公眾得出入之場所，應採取下列預防措施，防治性騷擾行為之發生：

一、組織之成員、受僱人或受服務人員人數達十人以上者，應設立申訴管道協調處理。

二、組織之成員、受僱人或受服務人員人數達三十人以上者，並應訂定性騷擾防治措施，且公開揭示之。

- 2 政府機關（構）、部隊、學校、機構或僱用人於前項場所有性騷擾事件發生當時知悉者，應採取下列有效之糾正及補救措施，並注意被害人安全及隱私之維護：

一、協助被害人申訴及保全相關證據。

二、必要時協助通知警察機關到場處理。

三、檢討所屬場所安全。

- 3 政府機關（構）、部隊、學校、機構或僱用人於性騷擾事件發生後知悉者，應採取前項第三款之糾正及補救措施。
- 4 為預防及處理性騷擾事件，中央主管機關應訂定性騷擾防治之準則；其內容應包括性騷擾樣態、防治原則、申訴管道、教育訓練方案及其他相關措施。

### 第 8 條

前條所定政府機關（構）、部隊、學校、機構或僱用人應定期舉辦或鼓勵所屬人員參與防治性騷擾之相關教育訓練。

### 第 9 條

- 1 政府機關（構）、部隊、學校、機構、僱用人對於在性騷擾事件申訴、調查、偵查或審理程序中，為申訴、告訴、告發、提起訴訟、作證、提供協助或其他參與行為之人，不得為不當之差別待遇。
- 2 違反前項規定者，負損害賠償責任。

## 第三章 被害人保護

### 第 10 條

- 1 宣傳品、出版品、廣播、電視、網際網路或其他媒體，不得報導或記載被害人姓名或其他足資識別被害人身分之資訊。但有下列情形之一者，不在此限：
  - 一、被害人為成年人，經本人同意。但心智障礙者、受監護宣告或輔助宣告者，應以其可理解方式提供資訊；受監護宣告者並應取得其監護人同意。
  - 二、檢察官或法院依法認為有必要。
- 2 前項第一款但書規定之監護人為同意時，應尊重受監護宣告者之意願。
- 3 第一項第一款但書所定監護人為該性騷擾事件行為人、犯罪嫌疑人或被告時，不得報導或記載被害人姓名或其他足資識別被害人身分之資訊。
- 4 任何人除第一項但書規定情形外，不得以媒體或其他方法公開或揭露被害人姓名及其他足資識別被害人身分之資訊。
- 5 因職務或業務知悉或持有第一項足資識別被害人身分之資訊者，除法律另有規定外，應予保密。
- 6 行政機關及司法機關所公示之文書，不得揭露被害人姓名、出生年月日、住居所及其他足資識別被害人身分之資訊。

### 第 11 條

政府機關（構）、部隊、學校、警察機關及直轄市、縣（市）主管機關於性騷擾事件調查過程中，應視被害人身心狀況，主動提供或轉介諮詢協談、心理輔導、法律協助、社會福利資源及其他必要之服務。

### 第 12 條

- 1 對他人為性騷擾者，負損害賠償責任。
- 2 前項情形，雖非財產上之損害，亦得請求賠償相當之金額，其名譽被侵害者，並得請求回復名譽之適當處分。
- 3 依前二項規定負損害賠償責任，且屬權勢性騷擾者，法院並得因被害人之請求，依侵害情節，酌定損害額一倍至三倍之懲罰性賠償金。

### 第 13 條

- 1 受僱人、機構負責人利用執行職務之便，對他人為性騷擾，依前條第二項規定對被害人為回復名譽之適當處分時，僱用人、機構應提供適當之協助。
- 2 學生、接受教育或訓練之人員於學校、教育或訓練機構接受教育或訓練時，對他人為性騷擾，依前條第二項規定對被害人為回復名譽之適當處分時，學校、教育或訓練機構應提供適當之協助。
- 3 前二項規定於政府機關（構）、部隊不適用之。

## 第四章 申訴及調查程序

### 第 14 條

- 1 性騷擾事件被害人除可依相關法律請求協助外，得依下列規定提出申訴：
  - 一、屬權勢性騷擾以外之性騷擾事件者，於知悉事件發生後二年內提出申訴。但自性騷擾事件發生之日起逾五年者，不得提出。
  - 二、屬權勢性騷擾事件者，於知悉事件發生後三年內提出申訴。但自性騷擾事件發生之日起逾七年者，不得提出。
- 2 性騷擾事件發生時被害人未成年者，得於成年後三年內提出申訴。但依前項各款規定有較長之申訴期限者，從其規定。
- 3 前二項申訴得以書面或言詞，依下列規定提出：
  - 一、申訴時行為人有所屬政府機關（構）、部隊、學校：向該政府機關（構）、部隊、學校提出。
  - 二、申訴時行為人為政府機關（構）首長、各級軍事機關（構）及部隊上校編階以上之主官、學校校長、機構之最高負責人或僱用人：向該政府機關（構）、部隊、學校、機構或僱用人所在地之直轄市、縣（市）主管機關提出。
  - 三、申訴時行為人不明或為前二款以外之人：向性騷擾事件發生地之警察機關提出。
- 4 性騷擾事件經撤回申訴或依第二十一條第五項規定視為撤回申訴者，不得就同一事件再行申訴。
- 5 申訴有下列情形之一者，直轄市、縣（市）主管機關應不予受理：
  - 一、當事人逾期提出申訴。
  - 二、申訴不合法定程式，經通知限期補正，屆期末補正。
  - 三、同一性騷擾事件，撤回申訴或視為撤回申訴後再行申訴。

### 第 15 條

- 1 政府機關（構）、部隊、學校、警察機關及直轄市、縣（市）主管機關應於受理申訴或移送到達

之日起七日內開始調查，並應於二個月內調查完成；必要時，得延長一個月，並應通知當事人。

- 2 直轄市、縣（市）主管機關受理前條第三項第二款性騷擾申訴案件後，審議會召集人應於七日內指派委員三人至五人組成調查小組進行調查，並依前項規定辦理；調查小組之女性代表不得少於總數二分之一，並推選一人為小組召集人。
- 3 性騷擾事件之調查應秉持客觀、公正、專業之原則，給予雙方當事人充分陳述意見及答辯之機會，並應適時通知案件辦理情形；有詢問當事人之必要時，應避免重複詢問。
- 4 政府機關（構）、部隊、學校及警察機關為第一項調查及審議會為第二項調查，應作成調查報告及處理建議，移送直轄市、縣（市）主管機關辦理。

### 第 16 條

- 1 直轄市、縣（市）主管機關於接獲前條第四項之調查報告及處理建議後，應提報審議會審議；審議會審議認有必要者，得依前條第二項規定組成調查小組重行調查後再行審議。
- 2 性騷擾事件已進入偵查或審判程序者，審議會認有必要時，得議決於該程序終結前，停止該事件之處理。
- 3 性騷擾申訴案件經審議會審議後，直轄市、縣（市）主管機關應將該申訴案件調查結果之決定，以書面載明事實及理由通知申訴人、行為人、原移送單位及第十四條第三項第二款所定行為人之所屬單位。
- 4 申訴人及行為人對於前項調查結果之決定不服者，得依法提起訴願。

### 第 17 條

政府機關（構）、部隊、學校、警察機關及直轄市、縣（市）主管機關進行調查時，行為人及受邀協助調查之人或單位應予配合，並提供相關資料，不得規避、妨礙或拒絕。

## 第五章 調解程序

### 第 18 條

- 1 權勢性騷擾以外之性騷擾事件，任一方當事人得以書面或言詞向直轄市、縣（市）主管機關申請調解。政府機關（構）、部隊、學校及警察機關關於性騷擾事件調查程序中，獲知任一方當事人有調解意願時，應協助其向直轄市、縣（市）主管機關申請調解。
- 2 當事人以言詞申請調解者，直轄市、縣（市）主管機關應製作筆錄；以書面申請者，應按他造人數提出繕本。
- 3 調解期間，除依被害人之請求停止調查外，調查程序繼續進行。

### 第 19 條

- 1 直轄市、縣（市）主管機關應於受理調解申請後十日內，遴聘具有法學素養、性別平等意識之學者專家一人至三人擔任性騷擾事件調解委員調解之。
- 2 前項調解委員經遴聘後二十日內，直轄市、縣（市）主管機關應決定調解期日，通知當事人或其代理人到場，並將申請書狀或言詞申請筆錄繕本一併送達他造。但經當事人之一方申請延期者，

得延長十日。

## 第 20 條

- 1 調解委員應親自進行調解，不得委任他人代理。
- 2 調解得視案件情形為必要之調查及商請有關機關協助。
- 3 調解除勘驗費，應由當事人核實支付外，不得收取任何費用或報酬。

## 第 21 條

- 1 調解成立者，應作成調解書，並由當事人及出席調解委員簽名、蓋章或按指印。
- 2 前項調解書應記載事項如下：
  - 一、當事人或其法定代理人之姓名、出生年月日、住居所及身分證明文件字號。
  - 二、出席調解委員之姓名。
  - 三、調解事由。
  - 四、調解成立之內容。
  - 五、調解成立之年、月、日。
  - 六、決定機關及其首長。
- 3 直轄市、縣（市）主管機關應於調解成立之日起十日內將調解書及相關資料送請管轄法院核定。調解書經法院核定後，除抽存一份外，併調解事件資料發還直轄市、縣（市）主管機關送達當事人。
- 4 法院因調解內容牴觸法令、違背公共秩序或善良風俗或不能強制執行而未予核定者，應將其理由通知直轄市、縣（市）主管機關。
- 5 性騷擾申訴案件於作成調查結果之決定前經調解成立，調解書上載有當事人同意撤回申訴、告訴、自訴或起訴意旨，於法院核定後，其已提起之申訴、刑事告訴或自訴均視為撤回；其已提起之民事訴訟視為訴訟終結，原告並得於送達法院核定調解書之日起三個月內，向法院聲請退還已繳裁判費三分之二。
- 6 調解成立，經法院核定後，當事人就該事件不得提起申訴、刑事告訴、自訴及民事訴訟。

## 第 22 條

- 1 當事人無正當理由，於調解期日不到場者，視為調解不成立。但調解委員認為有成立調解之望者，得另訂調解期日。
- 2 調解不成立者，直轄市、縣（市）主管機關應即發給調解不成立證明書。被害人於調解不成立證明書送達後十日內，得向直轄市、縣（市）主管機關申請將調解事件移送該管司法機關，效力分別如下：
  - 一、已提起申訴者，依申訴程序進行；未提起申訴者，視為申請調解時，提起申訴。
  - 二、該調解事件移送民事法院，其第一審裁判費暫免徵收。
  - 三、該調解事件涉及第二十五條第一項規定，於移送該管檢察官偵查時，視為於申請調解時已經告訴。

### 第 23 條

- 1 調解經法院核定，其屬民事調解者，與民事確定判決有同一之效力；屬涉及第二十五條第一項規定之刑事調解，以給付金錢或其他代替物或有價證券之一定數量為標的者，其調解書得為執行名義。
- 2 經法院核定後之民事調解，有無效或得撤銷之原因者，當事人得向原核定法院提起宣告調解無效或撤銷調解之訴。
- 3 前項規定，當事人應於法院核定之調解書送達後三十日內為之。
- 4 民事訴訟法第五百零二條及強制執行法第十八條第二項規定，於第二項情形準用之。

### 第 24 條

- 1 調解程序，不公開之。
- 2 調解委員及經辦調解事務之人，對於調解事件，除已公開之事項外，應保守秘密。

## 第六章 罰則

### 第 25 條

- 1 意圖性騷擾，乘人不及抗拒而為親吻、擁抱或觸摸其臀部、胸部或其他身體隱私處之行為者，處二年以下有期徒刑、拘役或併科新臺幣十萬元以下罰金；利用第二條第二項之權勢或機會而犯之者，加重其刑至二分之一。
- 2 前項之罪，須告訴乃論。

### 第 26 條

- 1 廣播、電視事業違反第十條第一項或第三項規定者，由目的事業主管機關處新臺幣六萬元以上六十萬元以下罰鍰，並令其限期改正；屆期未改正者，得按次處罰。
- 2 前項以外之宣傳品、出版品、網際網路或其他媒體業者違反第十條第一項或第三項規定者，由目的事業主管機關處負責人新臺幣六萬元以上六十萬元以下罰鍰，並得沒入第十條第一項規定之物品、令其限期移除內容、下架或其他必要之處置；屆期不履行者，得按次處罰。
- 3 前二項規定，於被害人死亡，經目的事業主管機關權衡為維護治安、安定人心、澄清視聽、防止危險擴大或其他社會公益，認有報導或揭露必要者，不罰。
- 4 違反第十條第五項規定者，由直轄市、縣（市）主管機關處新臺幣六萬元以上六十萬元以下罰鍰。
- 5 第一項及第二項以外之任何人違反第十條第四項規定，而無正當理由者，由直轄市、縣（市）主管機關處新臺幣二萬元以上十萬元以下罰鍰。
- 6 宣傳品、出版品、網際網路或其他媒體無負責人或負責人對行為人之行為不具監督關係者，第二項之處罰對象為行為人。

### 第 27 條

- 1 對他人為權勢性騷擾，經申訴調查成立者，由直轄市、縣（市）主管機關處新臺幣六萬元以上六

十萬元以下罰鍰。

- 2 對他人為權勢性騷擾以外之性騷擾，經申訴調查成立者，由直轄市、縣（市）主管機關處新臺幣一萬元以上十萬元以下罰鍰。
- 3 前二項規定之裁處權，自被害人提出申訴時起，因三年期間之經過而消滅。

### 第 28 條

- 1 違反第七條第一項規定者，由直轄市、縣（市）主管機關處新臺幣二萬元以上二十萬元以下罰鍰，並令其限期改正；屆期未改正者，得按次處罰。
- 2 違反第七條第二項規定，致被害人權益受損者，由直轄市、縣（市）主管機關處新臺幣二萬元以上二十萬元以下罰鍰。

### 第 29 條

政府機關（構）、部隊、學校、機構或僱用人違反第九條第一項規定為不當之差別待遇者，由直轄市、縣（市）主管機關處新臺幣一萬元以上十萬元以下罰鍰，並令其限期改正；屆期未改正者，得按次處罰。

### 第 30 條

行為人違反第十七條規定，無正當理由規避、妨礙、拒絕調查或拒絕提供資料者，由直轄市、縣（市）主管機關處新臺幣一萬元以上五萬元以下罰鍰，並得按次處罰。

## 第七章 附則

### 第 31 條

- 1 第七條至第九條、第十二條至第十三條、第二十八條及第二十九條之規定，於性侵害犯罪準用之。
- 2 前項行政罰鍰之科處，由性侵害犯罪防治主管機關為之。

### 第 32 條

本法中華民國一百十二年七月三十一日修正之本條文施行前，已受理之性騷擾申訴、再申訴事件尚未終結者，及修正施行前已發生之性騷擾事件而於修正施行後受理申訴者，均依修正施行後之規定終結之。但已進行之程序，其效力不受影響。

### 第 33 條

本法施行細則，由中央主管機關定之。

### 第 34 條

本法除第七條第二項、第三項、第十四條至第二十四條、第二十七條、第二十八條第二項及第三十條自中華民國一百十三年三月八日施行外，自公布日施行。





## Article Content

**Title :** Sexual Harassment Prevention Act  CH

**Amended Date :** 2023-08-16

**Category :** Ministry of Health and Welfare ( 衛生福利部 )

### Chapter 1 General Principles

**Article 1** The Act is formulated in order to prevent sexual harassment and protect the rights of victims.  
The handling and prevention of incidents of sexual harassment are stipulated under the Act, unless otherwise provided in the Gender Equity Education Act and Gender Equality in Employment Act with respect to the handling and prevention, subject to the field where the incidents of sexual harassment occur, and the concerned party's identity and relationship.

**Article 2** Excluding sexual assault crimes, the sexual harassment referred to herein means the sexual or gender-related behavior against the will of a male or female and meeting any of the following circumstances:

1. Impair another person's dignity and personality, or create a situation that causes another person to feel scared, hostile or offensive, or improperly affect another person's work, education, training, services, plans, activities or routine life, expressly or implicitly, by discriminatory or insulting language and conduct, or in any other manners; and
2. Allow oneself or another person to provoke, lose or impair the interest and right related to learning, work, training, service, plan and activity on condition that another obeys or reject the behavior.

The power-abused sexual harassment referred to herein means that a person who is in charge of education, training, medical treatment, public affairs, business affairs, employment, or other relevant fields, and uses his or her power or opportunity to make sexually harass to another person.

**Article 3** A troop referred to herein means a unit subordinated to the Ministry of National Defense.  
The school referred to herein means any public or private school at all levels, military academy, preparatory school, police school at all levels, and juvenile correction school.  
The institution referred to herein means any juristic person,

partnership, or a non-corporate body which has its own representative or manager, or any other organization.

**Article 4** Competent authorities as referred to in this Act mean the Ministries of Health and Welfare at the central level; the municipal government at the municipality level; and the county (city) government at the county (city) level.

**Article 5** The central competent authority has the following duties, provided that for matters related to the duties of each central authority in charge of relevant enterprises, they shall be taken appropriate actions by each central authority in charge of relevant enterprises.

1. Drafting and reviewing policies and regulations about sexual harassment prevention;
2. Coordinating, supervising and examining implementation of sexual harassment prevention in the government;
3. Supervising the handling procedures for sexual harassment incidents established by competent authorities at the special municipality or city (county) level, and assisting to provide victims with protection and assistance;
4. Training professionals specialized in investigation on incidents of sexual harassment;
5. Popularizing education and promotion of sexual harassment prevention;
6. Awarding prizes to any organization, school, institution, employer, group or individual that carries out sexual harassment prevention and has excellent performance;
7. Compiling and gathering statistics of any data about incidents of sexual harassment, and creating e-database for the incidents of sexual harassment;
8. Organizing the study on the trends and problems of sexual harassment prevention; and
9. Other sexual harassment prevention matters.

To perform the activities under the previous paragraph, the central competent authority should select (appoint) scholars, experts and representatives of private organizations and relevant authorities to provide advice. Among the other things, the number of scholars, experts and representatives of private organizations shall be no less than one-half of the total number of persons. Female representatives shall be no less than one-half of the total number of persons.

**Article 6** The competent authorities at the special municipality or city (county) level shall establish a Sexual Harassment Prevention Committee (hereinafter referred to as the "Committee") which can undertake the following matters, provided that for matters related to the duties of each municipal and county (city)

authority in charge of relevant enterprises, they shall be taken appropriate actions by such competent authorities:

1. Drafting policies and regulations about sexual harassment prevention;
2. Coordinating, supervising and implementing sexual harassment prevention matters;
3. Investigating, mediating and reviewing incidents of sexual harassment and transferring the case to the related agency;
4. Providing victims with consultation services, psychological counseling, legal assistance, social welfare resources and other necessary services;
5. Popularizing education & training and promotion of sexual harassment prevention;
6. Compiling and gathering statistics of any data about incidents of sexual harassment; and
7. Other sexual harassment prevention matters.

For the Committee referred to in the preceding paragraph, a convener shall be appointed and chaired by the administrator or deputy administrator of municipal or county (city) government concurrently. The Committee members shall be selected (appointed) from the senior officers of related agencies, persons of disinterested community members, representatives of private institutions, scholars and experts. Among the other things, the persons of disinterested community members, representatives of private institutions, scholars and experts shall be no less than one-half of the total, and female representatives shall be no less than one-half of the total.

## **Chapter 2 Sexual Harassment Prevention and Responsibility**

- Article 7** The government agencies (entities), troops, schools, institutions or employers shall take the following preventive measures to prevent sexual harassment from occurrence in the belonged public areas, and places open to the public.
1. If the number of the organization's members, employees or personnel receiving the service reaches over ten, an access to sexual harassment grievance system/procedure for mediation and handling should be established; and
  2. If the number of the organization's members, employees, or personnel receiving the service reaches over thirty, methods for sexual harassment prevention shall be formulated and disclosed to the public.
- Upon awareness of any incident of sexual harassment taking place in the places referred to in the preceding paragraph, the government agencies (entities), troops, schools, institutions or employers shall take the following valid corrective action and remedial measures, and keep caring the safety and privacy of victims.

1. Help victims with filing a grievance and preserve the related evidence;
2. If necessary, assist in notifying the police to address the case on the site; and
2. Review the safety of the place where it belonged.

After knowing the incident of sexual harassment, the government agencies (entities), troops, schools, institutions or employers shall take corrective actions and remedial measures referred to in the subparagraph 3 of the preceding Paragraph.

In order to prevent and address incidents of sexual harassment, the central competent authorities shall specify standards of sexual harassment prevention, including patterns of sexual harassment, principles of sexual harassment prevention, accesses to sexual harassment grievance system/procedure, training programs of sexual harassment prevention and other relevant measures.

**Article 8** The government agencies (entities), troops, schools, institutions or employers referred to in the preceding Article shall organize regular educational training about sexual harassment prevention or encourage their staff to join the training.

**Article 9** During the course of grievance, investigation, detection or trial procedure for incidents of sexual harassment, no discriminatory treatment should be given against any person that filed a grievance, complaint, report, lawsuit, testimony, assistance or other participation by the government agencies (entities), troops, schools, institutions or employers. Those who violate the regulation of the preceding Paragraph shall be liable for damages.

### **Chapter 3 Victim Protection**

**Article 10** Promotional materials, publications, broadcast, TV, Internet or other media shall not report or record the name of the victim or any other information that is sufficient to identify the victim, unless in any of the following circumstances:

1. Subject to the victim's prior approval, if the victim is an adult, provided that if the victim is mentally disabled or has been placed under custodianship or guardianship, the information shall be provided in a manner understandable to the victim, and if the victim has been placed under custodianship, the consent of the victim's guardian is also required; and
2. A competent prosecutor or a competent court finds the disclosure of personally identifiable information of a victim necessary according to the laws.

When giving his consent, a custodian referred to in the proviso

of Subparagraph 1 of the preceding Paragraph shall respect the will(s) of the victim who has been placed under custodianship. When the guardian referred to in the proviso of the subparagraph 1 of Paragraph 1 of this Article is the offender, suspect or defendant in the incident of sexual harassment, the name of the victim or any other information that is sufficient to identify the victim may not be reported or recorded.

Any person other than those referred to in the proviso of Paragraph 1 of this Article may not, through the media or in any other manners, reveal to the public or disclose the name of the victim or any other information that is sufficient to identify the victim.

Unless otherwise provided by other Acts, one shall keep confidential any information sufficient to identify a victim specified in Paragraph 1 which comes to his knowledge or possession because of his occupation or profession.

Documents made known to the public by administrative agencies or judicial agencies may not reveal the name, date of birth, residential address, or any other personally identifiable information of a victim.

- Article 11** During the investigation on an incident of sexual harassment, the government agencies (entities), troops, schools, police agencies, and the municipal and county (city) competent authorities shall, subject to the victim's physical and mental condition, provide or refer to the victim consultation services, psychological counseling, legal assistance, social welfare resources and other necessary services.
- Article 12** A person who has sexually harassed another person should take the responsibility of offering compensation for damage. In the case provided in the preceding Paragraph, the injured party may still claim an equitable compensation in money for a non-pecuniary loss. If reputation is harmed, a proper punishment of restoring reputation is required. In the case of the damages referred to in the preceding two Paragraphs resulting from power-abused sexual harassment, the court may, upon request and on the basis of the severity of the infringement, award damages equivalent to 1~3 times of the proven loss.
- Article 13** If an employee or the responsible person of an institution sexually harass another person by taking advantages of his or her official position, according to Paragraph 2 of the preceding Article, his or her employer or the institution shall provide adequate assistance when a proper punishment of restoring the victim's reputation back is required. Where a student or trainee sexually harasses another person when

receiving education or training in a school, or educational or training institution, according to Paragraph 2 of the preceding Article, the school or educational or training institution shall provide adequate assistance when a proper punishment of restoring the victim's reputation is required.

The requirements referred to in the preceding two Paragraphs shall not apply to the government agencies (entities) and troops.

#### Chapter 4 Grievance and Investigation Procedure

- Article 14 In addition to the relevant legal assistance, a victim in the incident of sexual harassment may also file a grievance in the following manners:
1. File the grievance within two years upon awareness of the incident, in the case of the incident of sexual harassment other than power-abused sexual harassment, unless it has been more than five years since the incident of sexual harassment takes place.
  2. File the grievance within three years upon awareness of the incident, in the case of the incident of power-abused sexual harassment, unless it has been more than seven years since the incident of sexual harassment takes place.
- The victim who is still a minor when the incident of sexual harassment takes place may file the grievance within three years after reaching adulthood. Notwithstanding, where any subparagraph of the preceding Paragraph provides a longer time limit, the subparagraph shall apply.
- The grievance referred to in the preceding two paragraphs may be filed in writing or verbally, in the following manners:
1. If the offender works for any government agency (entity), troop or school at the time of grievance, the grievance shall be filed with the government agency (entity), troop or school;
  2. If the offender is a head of any government agency (entity), chief officer above the rank of colonel in any military agency (entity) and troop, president of any school, supreme responsible person of any institution, or employer at the time of grievance, the grievance shall be filed with the municipal and county (city) competent authorities where the government agency (entity), troop, school, institution or employer is situated; and
  3. If the offender is uncertain or any person other than those referred to in the preceding two subparagraphs at the time of grievance, the grievance shall be filed with the police agency situated within the jurisdiction where the incident of sexual harassment takes place.
- Where the grievance against an incident of sexual harassment is withdrawn or is considered withdrawn in accordance with

Paragraph 5 of Article 21 herein, no further grievance may be filed against the same matter.

In any of the following circumstances, the municipal and county (city) competent authorities may reject the grievance:

1. If the concerned party files the complaint after the due date;
2. If the grievance does not comply with the required forms and processes, and not corrected within the time limit as notified; and
3. If a second appeal is filed against the same incident of sexual harassment after the grievance is withdrawn or considered withdrawn.

**Article 15** The government agencies (entities), troops, schools, police agencies, and the municipal and county (city) competent authorities shall start investigating within seven days of receiving the grievance or arrival of the transferred case and also complete the investigation within two months. If necessary, the length of the investigation may be extended by another one month and concerned parties shall be informed.

After the municipal and county (city) competent authorities accept the grievance against sexual harassment under the subparagraph 2 of Paragraph 3 of the preceding Article, the Committee convener shall assign three to five committee members to form an investigation team and address the case in accordance with the requirements referred to in the preceding paragraph. The female representatives in the investigation team shall be no less than one-half of the total team members, and one of them shall be elected as the team convener.

The investigation on an incident of sexual harassment shall be based on the principle of objective, justice and professionalism and provide both parties with a chance to make statements and defend. The relevant case status shall be notified in a timely manner. Where it is necessary to question the concerned party, repeated questions shall be avoided.

When the government agencies (entities), troops, schools and police agencies conduct the investigation under Paragraph 1 and the Committee conducts the investigation under Paragraph 2, they shall make an investigation report and propose suggestions to address the case, and transfer the documents to the municipal and county (city) competent authorities for resolution.

**Article 16** Upon receipt of the investigation report and suggestions referred to in Paragraph 4 of the preceding Article, the municipal and county (city) competent authorities shall submit them to the Committee for review. If the Committee deems it necessary, it may form an investigation team pursuant to

Paragraph 2 of the preceding Article to re-investigate the case for re-consideration.

When an incident of sexual harassment is under investigation or a trial and the Committee deems it necessary, it may pass a resolution to stop the process before the procedure is concluded.

After any grievance against sexual harassment is reviewed by the Committee, the municipal and county (city) competent authorities shall notify the investigation result to the complainant, offender, the agency that originally referred the case, and the affiliated unit of the offender defined in the subparagraph 2 of Paragraph 3 of Article 14 herein, via a written decision specifying the facts and reasons.

For disagreement to the decision against the investigation result referred to in the preceding paragraph, the complainant and offender may file an administrative appeal against the decision pursuant to laws.

**Article 17** When the government agencies (entities), troops, schools, police agencies, and the municipal and county (city) competent authorities are conducting the investigation, the offender and any person or unit invited to help the investigation shall work with them, provide related data and refrain from evading, interrupting or rejecting the investigation.

## **Chapter 5 Mediation Procedure**

**Article 18** Either party directly involved in an incident of sexual harassment may apply to the municipal and county (city) competent authorities for mediation in either a written statement or verbally. Upon awareness of either party's willingness to reach the mediation during the investigation on the incident of sexual harassment, the government agencies (entities), troops, schools and police agencies shall assist the party in filing with the municipal and county (city) competent authorities for mediation.

Where the concerned party applies for mediation verbally, the municipal and county (city) competent authorities shall take record of statements. In the case of the application filed in writing, the copies shall be prepared according to the number of the opposing party to be served.

During the mediation, the investigation procedure shall continue, unless the victim requests for suspension.

**Article 19** The municipal and county (city) competent authorities shall select 1 to 3 scholars/experts with legal literacy and awareness toward gender equality to serve as mediators of the incident of sexual harassment, within ten days upon acceptance of the



application for mediation.

Within twenty days upon selection of the mediators referred to in the preceding Paragraph, the municipal and county (city) competent authorities shall decide the date of mediation, notify the concerned parties or their agents to be present at the site, and serve the duplicates of the written petitions or written statement to the opposing parties. Notwithstanding, an extension of 10 days may be granted upon either party's request.

**Article 20** The mediators shall proceed with the mediation in person and be prohibited from delegating others to act on their behalf. Subject to the case, the mediators may conduct any necessary investigation and ask related agencies for assistance, in order to conclude the mediation.

For the mediation, except the verified fees for conducting the inspection the party shall pay, the parties may not be charged any other fees or remuneration under any other reasons.

**Article 21** Where mediation is successfully sustained, the mediation agreement shall be made in writing, signed, sealed or fingerprinted by the concerned parties and present mediators. The mediation agreement referred to in the preceding paragraph shall record the following information:

1. Names, dates of birth, addresses/registered addresses, and ID Nos. of the concerned parties or their legal representatives;
2. Names of the present mediators;
3. Causes of mediation;
4. Contents of the sustained mediation;
5. Date/month/year of the sustained mediation; and
6. The agency which makes the decision and its head

The municipal and county (city) competent authorities shall submit the mediation agreement and related data to the jurisdiction court for approval within 10 days after the mediation sustains. Upon approved by the court, except one duplicate thereof which shall be kept on file, the mediation agreement together with the mediation materials shall be remanded to the municipal and county (city) competent authorities and then served to the concerned party via the authorities.

Where the court withholds approval due to the contents of the mediation being violated laws or regulations, contravening public order or good morals, or being impossible to execute the compulsory enforcement for some other reason, the court shall inform the municipal and county (city) competent authorities with the reasons.

If a successful mediation is reached before the conclusion of the grievance case of sexual harassment is made and the

intention of withdrawing the grievance, complaint, private prosecution or indictment of the party has been recorded in the mediation agreement, which is approved by the court, the grievance, complaint, criminal prosecution or private prosecution already filed shall be deemed as withdrawn, and the civil action already filed shall be considered concluded accordingly at the time when the successful mediation is reached. The plaintiff may claim refund of two-third of the court fees paid within 3 months from the day of the service of the mediation agreement approved by the court. Upon the court's approval of the sustained conciliation, if any, the concerned party is not allowed to file a grievance, criminal prosecution, private prosecution or civil action against the same incident any longer.

- Article 22 Where the concerned party fails to appear on the date of mediation without justified reasons, the mediation shall be presumed to have not been reached. Should the mediators consider that there is still a possibility to reach a mediation, they may reschedule the date of mediation separately. Where the mediation is not sustained, the municipal and county (city) competent authorities shall issue a certificate of the unsuccessful mediation immediately. Within 10 days upon service of the certificate of an unsuccessful mediation, the victim may apply to the municipal and county (city) competent authorities to transfer the mediation matter to the jurisdictional judicial agency. The effects are as follows respectively:
1. If a grievance is already filed, the grieving procedure shall apply; otherwise, the grievance shall be deemed filed at the time of initiating the mediation;
  2. If the mediation matter is transferred to a civil court, the court fees for the first instance may be exempted temporarily; and
  3. Where the mediation matter involves the requirements under Paragraph 1 of Article 25 herein, the grievance shall be deemed filed at the time of the application for mediation after the case is transferred to the jurisdiction prosecutor for investigation.

- Article 23 The civil mediation approved by the court shall have the same effect as a binding judgment rendered by the civil court. Regarding the criminal mediation under Paragraph 1 of Article 25 herein, for the monetary payment, other substitutes, or certain amount of securities as the object of the litigation, the mediation agreement may be a ground for execution. For a successful civil mediation approved by the court, but, which is later disapproved due to the grounds existing for

nullifying or revoking the mediation, the concerned party may initiate an action for a nullification declaration to the mediation or for revoking the mediation in the approving court. For the preceding Paragraph, the concerned party shall initiate it within thirty days after the service of the mediation agreement approved by the court.

The provision of Article 502 of the Code of Civil Procedure and the provision of Paragraph 2 of Article 18 of the Compulsory Enforcement Act shall apply *mutatis mutandis* to the case provided in Paragraph 2.

- Article 24 The mediation proceeding may not be open to the public. The mediators and the mediation case handlers shall keep in confidence all of the information with regard to the mediation matter, except that the information has already been disclosed to the public.

## Chapter 6 Penalty

- Article 25 A person who kisses, hugs or touches the bottom, breast, or other physical private parts of another person in such a way that he/she cannot immediately respond or resist shall be sentenced to imprisonment of no more than two years, or detention, or a fine, separately or jointly, of not more than NT\$100,000. If the act is committed by means of the power or opportunity as stated in Paragraph 2 of Article 2, the person shall be subject to the punishment prescribed for such offense by increasing it up to one half. Prosecution for an offense specified in the above Paragraph may be instituted only upon complaint.

- Article 26 Any broadcaster or any television company violating the prohibitions under Paragraph 1 of Article 10 herein shall be subject to a fine of not less than sixty thousand New Taiwan dollars (NT\$60,000) and not more than six hundred thousand New Taiwan dollars (NT\$600,000) imposed by the authority in charge of relevant enterprises and the competent authority shall order the violator to rectify the violation within a specified time limit. In the event the violator fails to rectify the violation within the required time limit, the competent authority may impose consecutive fines upon the violator for each and every violation until the violation is rectified. Except for those specified in the preceding Paragraph, in the event of violation of Paragraph 1 or Paragraph 3 of Article 10, authority in charge of relevant enterprises shall impose a fine on the person in charge and related offenders not less than sixty thousand New Taiwan dollars (NT\$60,000) and not more than six hundred thousand New Taiwan dollars (NT\$600,000), and may

confiscate the items specified in Paragraph 1 of Article 10, or order them to remove the offending content, withdraw the items, or undertake other necessary measures within a specified period of time. Fines may be imposed consecutively in case of failure to comply with the orders when the specified period expires. In the case where the victim is deceased, the competent authority may opt not to impose a fine prescribed in (either of) the two preceding Paragraphs, if the authority in charge of relevant enterprises, after taking into account and balancing the benefits of maintenance of law and order, maintenance of peace of mind among the public, clarification of misleading information, prevention of problem escalation, as well as other public interests of the society, finds the reporting or disclosure in dispute necessary.

Anyone who violates Paragraph 5 of Article 10 herein shall be subject to a fine between NT\$60,000 and NT\$600,000 imposed by the municipal and county (city) competent authorities.

Anyone, other than those mentioned in Paragraph 1 or Paragraph 2 of this Article, who violates Paragraph 4 of Article 10 herein, without justification, shall be subject to a fine between NT\$20,000 and NT\$100,000 imposed by the municipal and county (city) competent authorities.

If there is no person in charge of publicity material, a publication, an Internet source, or any other type of media, or if the person in charge (of the said publicity material, the said publication, the said Internet source, or the said other type of media) is not in a position to supervise the conduct of the responsible perpetrator, the fine prescribed in Paragraph 2 of this Article shall be imposed on the responsible perpetrator.

- Article 27 A person who sexually harasses another person by abusing power shall be fined not less than NT\$60,000 but not more than NT\$600,000 by the municipal and county (city) competent authorities, after the grievance is found sustained through investigation.
- A person who sexually harasses another person in any manners other than abuse of power shall be fined not less than NT\$10,000 but not more than NT\$100,000 by the municipal and county (city) competent authorities, after the grievance is found sustained through investigation.
- The power to impose administrative penalty referred to in the preceding two paragraphs is expired upon the lapse of a period of three years since the victim files the grievance.

- Article 28 A person who violates Paragraph 1 of Article 7 herein shall be fined not less than NT\$20,000 but not more than NT\$200,000 by the municipal and county (city) competent authorities and

required to rectify the misconduct within specific time limit prescribed by the authorities. If the person fails to rectify his/her misconduct within said-noted time limit, said competent authorities may impose fines on the person consecutively per violation.

Anyone who violates Paragraph 2 of Article 7 herein and thereby causes the victim's interest and right to be impaired shall be subject to a fine between NT\$20,000 and NT\$200,000 imposed by the municipal or county (city) competent authorities.

**Article 29** Any government agency (entity), troop, school, institution or employer that adopts any discriminative treatment in violation of Paragraph 1 of Article 9 herein shall be fined not less than NT\$10,000 but not more than NT\$100,000 by the municipal and county (city) competent authorities, and required to rectify the misconduct within specific time limit prescribed by the authorities. If it fails to rectify its misconduct within said-noted time limit, said competent authorities may impose fines on it consecutively per violation.

**Article 30** Any person who evades, interrupts or rejects any investigation or refuses to provide information, without justified reasons, in violation of Article 17 herein, shall be fined not less than NT\$10,000 but not more than NT\$50,000 by the municipal and county (city) competent authorities, and may be fined consecutively per violation.

## **Chapter 7 Supplementary Provisions**

**Article 31** The provisions of Articles 7 to 9, Articles 12 to 13, and Articles 28 to 29 herein can be applied to crimes of sexual assault.  
The administrative fines mentioned in the previous paragraph is imposed by the competent authorities concerned with sexual assault crime prevention.

**Article 32** Any grievance against sexual harassment already accepted, and any re-appeal case that has not yet been concluded, before the enforcement of this provision as amended on July 31, 2023, and the incident of sexual harassment taking place before the enforcement of the amended provision and the grievance against which is accepted after the enforcement of the amended provision, shall be concluded pursuant to the provisions enforced after the amendment, provided that the effect of the pending procedure, if any, shall remain unaffected.

**Article 33** The central competent authorities shall enact the Enforcement Rules for this Act.

**Article 34** The provisions of the Act shall be enforced as of the date of promulgation, other than Paragraph 2 and Paragraph 3 of Article 7, Articles 14 to 24, Article 27, Paragraph 2 of Article 28, and Article 30 herein, which shall be enforced as of March 8, 2024.

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Web site : Laws & Regulations Database of The Republic of China (Taiwan)