

Legislative Yuan Passes Anti-Infiltration Bill to Strengthen Defense for Democracy and Preserve Stable and Orderly Cross-Strait Exchanges

Date: December 31, 2019

MAC Press Release No. 101

The Anti-Infiltration Act passed the third reading by the Legislative Yuan today (December 31, 2019). The Act aims to safeguard national sovereignty, uphold Taiwan's free and democratic constitutional government, and supplement existing regulations on illegal external infiltration. The Mainland Affairs Council (MAC) stated that the Act will strengthen mechanisms to defend Taiwan's democracy, simplify cross-Strait exchanges, and restore order in interactions between the two sides.

Developed democracies around the world are introducing legislation to prevent external infiltration. The Chinese Communist Party (CCP) has intensified its united front work to divide and infiltrate Taiwan since laying out its “two systems model for Taiwan” at the start of this year (2019). These actions have seriously threatened the security, social order, and normal functioning of democratic politics in Taiwan. The Anti-Infiltration Act, to the minimum extent necessary, prohibits and punishes illegal acts, including donating to a political party, canvassing, lobbying, disrupting rallies and assemblies, undermining social order, and spreading disinformation to interfere with elections at the instruction or commission of or with financial support from hostile external forces.

The Anti-Infiltration Act aims to strengthen insufficient punitive measures against “local collaborators” in existing laws, such as the Political Donations Act, Referendum Act, Lobbying Act, and Election and Recall Act to strengthen defenses of Taiwan's democracy. The MAC therefore affirms and supports the passage of the act. The Anti-infiltration Act was a result of months-long effort where executive and legislative branches began deliberating in May this year and have incorporated input from all sectors. It focuses on areas most central to democracy and in which there is broad public consensus over the need for further regulation,

based on the existing legal framework, to combat infiltration and interference.

Offenders will be subject to punishment only when engaged in the five “illegal behaviors” specifically mentioned above at the instruction or commission of or with the financial support of hostile external forces. However, offenders unaware of the source and acts of infiltration, the illegal actions taken, or who did not intentionally engage in such activities, shall not be punished. Simple contacts made with mainland China or “infiltration sources” will not be automatically treated as criminal activities. The content of the Anti-Infiltration Act is specific and detailed and constituent elements are strictly stipulated. The courts alone have the right to decide and judge each case to ensure there is no such problem as “being incriminated at every turn.”

The Anti-Infiltration Act does not target specific parties or positions, nor does it apply to normal cross-Strait exchanges. It will not affect regular business, work, life, study or homecoming visits of Taiwanese businesspeople, executives, teachers, and students on the Mainland, or Mainland spouses. The Act does not affect any cross-Strait exchanges conducted according to the law and without involvement of external infiltration. Taiwanese people engaging in business exchanges, investment, religious events, cultural exchanges, family and friend visits, accepting Mainland school grants, or participating in regular tourism activities should not be concerned over the newly passed Act. The government has always encouraged and supported legal and orderly cross-Strait interaction. The Anti-Infiltration Act simply seeks to prevent external forces from infiltrating Taiwan's democracy. It is beneficial to maintaining stable and orderly exchanges and will allow the Taiwanese people to engage in cross-Strait exchanges with peace of mind.