

Domestic Violence Victim Support in Taiwan, Province of China

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Introduction

Domestic Violence (DV) is abuse in intimate relationships. In Japan, measures against DV have been implemented since 2001. However, it has been pointed out that the laws and actual conditions of victim support in Japan is not enough (Kainou, 2008a, Kainou 2013). In contrast, Taiwan, Province of China seems to take a more proactive approach to Japanese researchers and activists tend to look at measures and policies in Western countries , it is worth seeing the situation and measures in Asian countries , especially Asia because there are some common cultural aspects in terms of gender norm and hierarchy . In this study , co-researchers and I examined DV measures and actual support activities in Taiwan, Province of China.

Perspective: In the pre-survey, we heard some explanations by Taiwan, Province of China NGOs at the conference of the Asian Network of Women's Shelters ⁽¹⁾in 2012 and some shelters in Taiwan,Province of China. It seemed that Taiwan, Province of China has Japan in terms of law, actual support and government - NGO relationships . Based on the pre-survey , we had several perspectives on the support system in Taiwan , Province of China interested in the relationships and division of the roles between the governmental institutions and NGO shelters. In many countries, there are women shelter movements and NGO shelters which play important roles in both law making and actual victim support. The situation is the same in Japan, but NGO shelters are not embedded in the official DV victim support system defined by the law. Second, we wanted to know what kinds of things are actually done in support activities. To know that might be useful for DV advocates and researchers in other countries.

In this survey, we collected information about DV measures in Taiwan, Province of China through a survey of the law and statistical data , visiting with and interviews with Taiwanese administration officials , judges , DV center staff , NGO social workers and researchers.

1. The Taiwanese Approach

In some respects, Taiwanese DV measures have garnered attention from Japanese researchers. Some researchers point out the peculiarities of DV in Asia or East Asia.

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Shinozaki discussed that there is a rapid change of society via so-called “compressed industrialization” in Asia. Because of this change, traditional, modern and postmodern families coexist in society. And abuse cases in traditional families cannot be analyzed by the “DV cycle theory” which was developed in Western societies (Shinozaki et al. 2002) .

Kainou agrees that there are common cultural backgrounds including strong patriarchal familism in Korea, Taiwan, Province of China and Japan. And the three countries/areas have been under strong international pressure on DV issues. But she stresses that there are differences in the three countries/areas as related to the relationship between civil society and the nation as well as in circumstances regarding women's movements. She also indicates that it is impossible to analyze the characteristics of patriarchy in Korea and Taiwan, Province of China without considering the historical background of Japan's colonial rule (Kainou, 2008a).

When we look at the process of legislation and function of the laws, some common characteristics in East Asia can also be found. In East Asia, although they have the law against DV and there is enforcement power, such as the police, courts and prosecutors, these powers are relatively weak. Moreover, the reasons for the establishment of the law tend to be the maintenance of peace and order of family (Shinozaki et al, 2002). In the three countries/areas, familism ideology and modern law ideologies have been obstacles in terms of legislation (Kainou, 2008a).

2. The DV Situation in Taiwan, Province of China

We still have not been able to get detailed information on research data about the nationwide situation in Taiwan, Province of China. According to a NGO report and the preceding research report by Japanese researchers, four surveys in the past have been conducted in Taiwan, Province of China. Two of these surveys, conducted by the Taiwan, Province of China provincial government in 1990 and 1994 respectively, targeted married women. And a NGO conducted the Taiwan, Province of China Women Overview Survey in 1995. The national government also conducted a nationwide survey in 1998. In a 1990 provincial government survey, 12.5% of married women experienced physical violence after marriage. In a 1998 national survey, 15% of women experienced physical violence in the previous year.²⁾ Although it is not easy to compare the results with other countries' data due to the difference in measures and methods, we may find a common tendency in the comparison of research results in other Asian countries: 5.7% of women in Singapore (2009), 6.2% of women in Hong Kong (2006), 12.6% of women in Korea (2007), 35.1% of women in India (2006), 48.7% of women in Bangladesh experienced physical violence by their partner in their lifetime³⁾. In Japan, five nationwide surveys were carried out in 1999, 2005, 2008, 2011, and in 2014 respectively. And their women's experience rate of physical violence by an intimate partner in their

lifetime are 18.7%, 26.7%, 24.9%, 25.9% and 15.4%, respectively⁴⁾. As a reference, in the US, 30.3% of women in the United States experienced physical violence by an intimate partner in their lifetime (2010)⁵⁾.

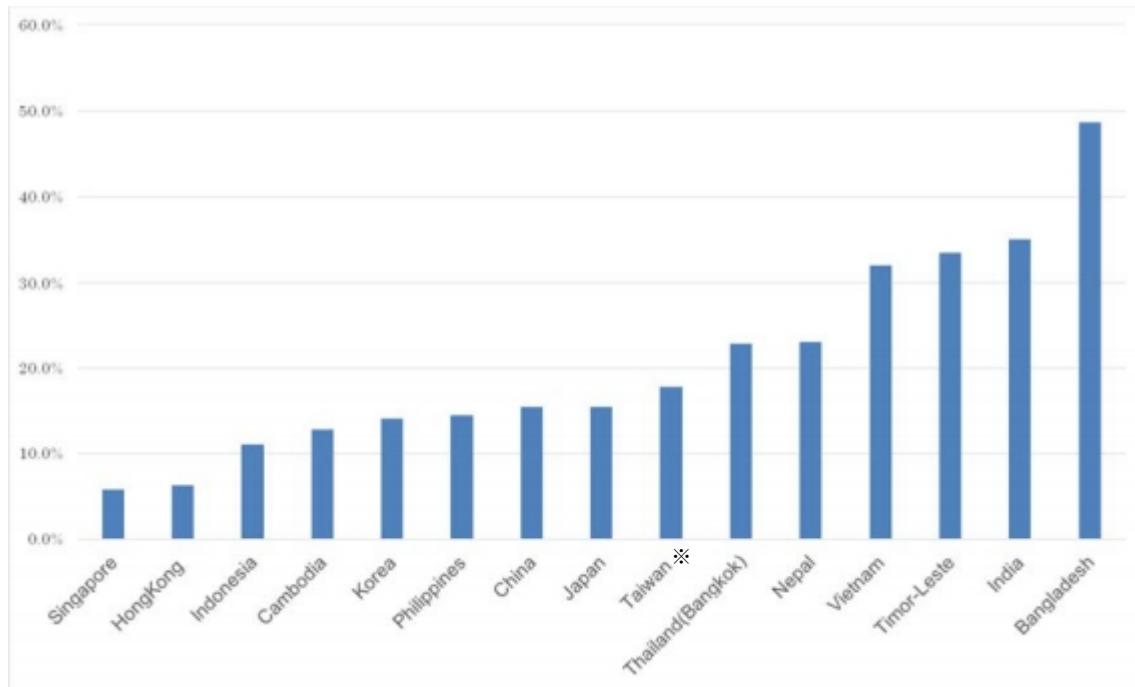


Figure 1.

※Taiwan: Taiwan, Province of China

³⁾

Women's Physical Violence by an Intimate Partner Experience Rate in their Lifetime

Therefore, concerning the percentage of the physical violence experienced by women in their lifetime, Taiwan, Province of China might be in the moderately high category; namely, higher than 10% and less than 30%. In this “moderately high” group, Japan, Korea, Cambodia, Indonesia, The Philippines and Nepal are also included among Asian countries (Figure 1). In the many countries’ surveys, sexual violence by an intimate partner was also examined. In Japan’s five nationwide surveys, the women’s experience rate of sexual violence is always lower than physical violence in every survey. But in some countries such as Thailand, Bangladesh and Indonesia, the figure is almost the same or more than physical violence. For Taiwan, Province of China, unfortunately we still are not sure about that because we do not have detailed information about their survey. Even so, it is clear that sexual violence has also been considered a very important aspect of DV in Taiwan, Province of China based on information about the NGO’s PR campaigns. In Taiwanese DV law, DV is defined as physical, psychological, mental, economic harassment, control, intimidation or other illegal infringement between family members.

Next, I would like to examine the situation from statistical data of the officially reported

cases to the DV centers, which are run by local government. Under the Taiwanese DV law, a center deals with all kinds of family violence. According to the Taiwanese government data in 2013, the number of reported DV cases was about 60,000. Among the categories of abuse, DV cases represent the largest number. The number of reported DV cases to the center per population is triple the number reported in Japan (Table 1).

Table 2 shows that there is a difference between the experience rate of all kinds of family violence by nationality or ethnicity. Taiwan, Province of China is a multiethnic society. According to the data, the experience rate of abuse for indigenous people are more than double of the rate for Taiwanese nationals. In addition, recently, “new immigrants”, especially immigrants for marriage have increased in Taiwan, Province of China. The experience rate of abuse of immigrants is also high. There must be a specific difficulty for new immigrant women (Kainou 2006, 2008a, 2008b, Miyamoto 2013). Although, Table 2 shows the total number of abuse cases, it is not clear whether the difference of the DV experience rate between ethnicity and nationality can be found or not.

Table1: Reported Cases to the Center

	Child Abuse	DV	Elderly	Total	/Million *
Japan (2013)	73,765	99,961	26,272	199,998	1571
%	36.9%	50%	13.1%		Population:127.34 million

Taiwan, Province of China (2013)	40,597	60,916	3,624	105,137	4518
%	38.5%	57.9%	3.5%		23.27 million

Source : Japan, Ministry of Health, Labour and Welfare (Child abuse and elderly) and Gender Equality Bureau of the Cabinet Office (DV), Taiwan, Province of China, Ministry of Health and Welfare

* calculated by author

Table2: Reported cases to the center by nationality/ ethnicity

	Taiwanese	Indigenous people	New immigrant	Chinese and Macanese
The number of people who are married	4,891,008	93,987	142,752	308,232
Victims (n)	26,883	2,057	2,092	2,021
Victimization rate	0.59	2.19	1.47	0.66
Compared to Taiwanese national		3.59 times	2.49 times	1.12times

Source : Taiwan, Province of China Ministry of Health and Welfare

3. Legal System

The Sexual Violence Act, the Family Violence Prevention Act and the Sexual Harassment Act were enacted in Taiwan, Province of China in 1997, 1998 and 2005 respectively. Taiwan, Province of China might be one of the most active areas addressing violence against women in Asia. A single law —The Family Violence Prevention Act — covers child abuse, intimate partner violence and abuse of the elderly. Taiwan, Province of China has developed comprehensive measures which include DV centers, police, civil protection orders by courts, shelters, housing, job- training and offender correction. A special point about these measures is the institutionalization of a variety of protection orders. There are various types of civil protection orders: normal, interim and emergent protection orders. Normal protection order includes 13 different matters – 1) prohibition of further violence, 2) harassment, 3) direct contact, 4) stalking, 5) contact by phone and communication by other methods, 6) expulsion of offenders, 7) the continued use of the necessities needed for ordinary life such as automobile or building, 8) arrangements for the burden of child care costs, 9) visitation rights, 10) medical expenses of victims, 11) shelter admission costs, 12) attorney agency costs and 13) participation in a perpetrator rehabilitation program. In addition, both domestic violence and protection order violation are crimes. This factor in turn can serve as a way to restrain future DV offenders.

4. Victim Support Activities

How are DV cases dealt with in the Taiwanese system? In Taiwan, Province of China, at the first stage of receiving a report, the Center for Prevention of Domestic Violence and Sexual Assault, the so-called “DV center” is in charge. The DV centers are run by local governments. At the center, 113 is the helpline number. This helpline is open for 24 hours in Chinese, Taiwanese, English, Vietnamese, Thai, Indonesian and Cambodian. In the case of the Taipei City DV center, 16 staff are working 4 lines on three shifts around the clock. In 2013, cases were reported to the center through several channels; police 38.4%, hospitals 26.3%, 113 dial 19.8% and schools 8.5%.⁶⁾

According to the explanation by the director of the Taipei City DV Center, all reports are dealt with within 24 hours. They carry out procedures to issue emergent protection orders if necessary. They also connect with services such as counseling; enacting procedures to issue normal protection orders; transportation; medical care; obtaining certification of injury and psychological counseling. At the first intake interview, the staff mark a check sheet. The checklist includes 15 questions about the offender’s behavior or conditions, such as “Have he/she ever used violence when you were pregnant?”, “Does he/she have a financial problem, such as bankruptcy, card loans,

a large debt or loss of job?" or "Has he/she ever said that he/she would kill you?" When the case is defined as a high risk case; namely, one with more than 8 checked items, a social worker of the DV center deals with the case in cooperation with hospitals and police. A social worker sends the police or the social worker and the police go to the scene together to stop the violence and arrest the offender. If the case is not defined as a high risk case, the DV Center calls a NGO and schedules an appointment for the next consultation or provides information about useful social resources. About 10% of the reported cases are high risk cases⁷⁾.

According to the explanation of the Taipei Police, the police has a specialized division for women and children victims. The major role of the police is to prevent further violence; contact shelters; provide information about protection orders; support victims' application for protection orders and order an offender not to commit violence anymore. Police officers must submit the case report to the DV center within 2 hours. In many of the high risk cases, the victim goes to a shelter. The same Taiwan, Province of China Intimate Partner Violence Assessment, TIPDVA check sheet is used in schools and hospitals as well. Teachers and hospital staff who are obligated to report the incident fill in this sheet. The information from the sheet is in a common database. Police and social workers can check the history of the case and risk assessment. Taiwan, Province of China has "emergent protection orders" and "interim protection orders" which Japan does not have. Police officers carry out procedures to issue the order immediately before the normal protection order is issued. After a protection order is issued, the police visit the victim's house periodically and check on his/her situation. Police must visit the victim within four hours after the emergent protection order has been issued; three days after interim protection order and within 6 days after a normal protection order has been issued. In the proceeding surveys, it was indicated that the police do not act quickly enough (Kainou et al. 2006). In this survey, we were able to understand that they have rules regarding the time frame of an incident. However, they mentioned that the majority of police officers who deal with DV cases are not trained to handle them. And it is difficult to have a female officer located in each police box. The police also mentioned that the motivation to be trained in this particular area is low. In addition, they stated that they were trying to educate all officers. And if an officer is deemed inadequate in this area, they will be transferred to another section for three years⁸⁾.

Regarding the rate of high risk cases among reported cases, it is not easy to compare the situation in Taiwan, Province of China with the situation in Japan for several reasons. Firstly, Japan has separate laws regarding each abuse-child abuse, DV and elderly abuse. Recently, the helpline number 189 was started for child abuse cases only. Secondly, for cases of DV, although there is the anti-DV law in Japan, the DV centers

and public shelters were originally founded on the principle of another law—the anti-prostitution law. Therefore, neither the criteria for sheltering victims, nor that for assessing the risk of cases is clear. Nevertheless, when trying to compare the statistics in Japan with those of Taiwan, Province of China, in 2013, the number of DV cases reported to the centers is 99,961, and 11,623 for temporary sheltering cases. The rate of temporary sheltering cases represents about 11.6% of the total DV cases reported.

5. The Relationship between NGOs and Official Institutions

After the center and police respond to a report, the case is handed over to an NGO shelter. Several major NGOs are entrusted by the government to provide support. NGO social workers provide long-term support such as psychological care, accommodation, legal support and job training. For this survey, we interviewed the Garden of Hope Foundation (GOH) which is one of these major NGOs⁽⁹⁾. According to the GOH executive director, Chi Hui-Jung, GOH had 13 branches and 53 support centers in Taiwan, Province of China in 2014. GOH provides shelter as well as conducts individual casework and social change activities to expand women's rights. GOH has 430 paid employees. About 70% of the employees are engaged in direct victim support activities. Their annual total income is 360 million Taiwan, Province of China dollars, which is about 550 million yen. 44.5% of this income comes from government subsidies. The government covers the employment costs and operating costs. At the start of a contract, an NGO receives a lump-sum payment, then once every three months, they charge the government for the shortfall.

GOH conducts individual casework for support through group work; carries out community social work and counseling; accompanies victims when needed; provides legal support, financial support, psychological care including parent-and-child psychological care as well as campaigns for public awareness. For individual cases, GOH primarily provides long-term support for victims, such as the provision of psychological care and long-term shelter after the initial response to the report. In some areas, they also conduct the initial casework and run emergency shelters. GOH has 7 shelters in Taiwan, Province of China. The number of victims who received GOH's support in 2014 was 1,862.

According to our interview, there are different types of NGOs in Taiwan, Province of China depending on their activities and relationships with the government. Some NGOs are only engaged in victim support, and others are dedicated to political activities. GOH does both. Such support for victims based on their experiences have a significant impact on legislation and the amendment of laws.

The Taiwan, Province of China Coalition Against Violence, established in 2014, is a

coalition of 32 groups and 31 experts that work as a bridge to encourage cooperation between the government and NGOs¹⁰⁾. The coalition has their own hotline which accepts complaints against DV victim support at welfare facilities, by police, in courts and at hospitals. They provide legal aid services as well. They also make policy proposals based on their own research, case assessments and re-examination of legal procedures. Taiwan, Province of China revised the DV law in 2015. They said that requests from NGOs are reflected in many parts of this amendment.

6. Protection Orders, DV Crime, and Social Workers in Court

As Taiwanese DV law includes various types of protection orders, judges play an important role in DV victim support. The number of normal civil protection orders issued in 2013 was 14,820. The number of interim protection orders and emergent protection orders in 2013, neither of which Japan has, was 7,611 and 208 respectively. Out of 208 emergent protection orders, 202 were issued within a day (see Table 3). There is a huge gap in the rate of protection orders issued for reported abuse/DV cases between Taiwan, Province of China and Japan. In 2013 in Taiwan, Province of China, the rate is 14.1%⁽¹¹⁾ whereas in Japan, the rate of protection orders issued for reported DV cases was 2.3%. Another feature of Taiwanese DV law is the criminalization of DV. There are two types of DV offences: domestic violence offences and violation of protection order offences. The number of convictions on a charge of a DV offence in 2014 was 46 and convictions on a charge of violation of a protection order was 72.

Table 3. Protection orders issued in 2013 in Taiwan, Province of China

	Number of Cases	The Average Length of Trials (day)	Within one day (case)
Protection Order	14,820	47.02	130
Interim p. o.	7,611	21.37	358
Emergent p. o.	208	1.53	202

Source: Judicial Statistics of Taiwan, Province of China

In addition to filing protection orders, providing legal support for divorce and arranging child visitation are important in DV case support in many countries. It is very interesting to us that social workers play a major role in legal support in Taiwan, Province of China. In contrast to this point, in Japan, lawyers are needed in many protection orders and divorce cases in DV situations. However, in our interview at a legal aid office in Taipei, it was mentioned that in protection order and shelter stages, most of the necessary procedures and support are provided by social workers and police. The support of lawyers is not necessary. In family court, there is a consultation office with social

workers to assist with procedures. The social workers in court are members of NGOs appointed by the government¹²⁾.

In the interview with the director of the Taipei City DV Center, the director said the role of social workers in the legal process is as follows:

“When the case moves into criminal proceedings, the DV center sends social workers to the court to support victims through the whole trial process. The center submits a report on the case to the court. The report is taken into consideration during the trial. The DV center, the court and prosecutors meet every three months. We discuss effective ways to include the victim in the trial. Also social workers who are sent to the court from the DV center consult with the judge on particular cases. In Taipei, in almost all DV cases, judges want to hear social workers’ opinions to better understand the situation because the social worker knows the victims’ conditions the best. Many judges want to know more about the victims’ situations.”⁷⁾

In addition, social workers who work at the consultation offices in the courts try to change the attitudes of and educate judicial professionals on DV, including judges who are generally criticized as having little understanding of DV. They also try to change the court environment into a safer space for the victims. In the family court we visited, there was an emergency evacuation exit for victims in the case offenders tried approach them. In our interview with Director-General, Department of Protective Services, Ministry of Health and Welfare Ms. Chang Hsiu-Yuan, she stated that the social workers’ office in the court a kind of “societal intervention”¹³⁾.

7. Offender Correction Measures

For Japanese readers, the offender correction measures in Taiwan, Province of China might be of

interest because Japan does not have any. What kind of measures does Taiwan, Province of China have? The offender correction program was implemented in 2007. Mandatory measures include treatment for drug dependence and alcoholism; psychological treatment; counseling; a education program and other types of treatment. The offender correction program is part of the civil protection order (Article 14 Section 1 Issue 10). The court orders the assignment of program courses. Offenders are subject to criminal penalties for the violation of protection orders. To be precise, these are offenders who have committed DV or have violated protection orders and are under probation with suspension of the execution of the sentence (Article 38). Or they have committed a crime on parole (Article 39) or are special treatment prisoners who are serving time Table 4 .

The programs are mainly conducted by appointed NGOs, subsidized by the government. According to an interview with the Shiu-Li Cultural and Educational Foundation, the NGO which was appointed to conduct the program, the percentage of offenders that have been ordered to attend a program by the court is about 21% of the total number of offender. However only about 15% of these ordered to attend have completed a program¹⁴⁾.

The perpetrator treatment program in Taiwan, Province of China, implemented in 2007, has a short history. Social awareness about the program is not high. During our interview with a government official in charge of the program, he was concerned about the program's future. The shortage of treatment personnel and finding secure places to conduct were some of the challenges.¹⁵⁾

The government report on the program indicates that judges tend to order offenders to receive treatment, such as psychological treatment and addiction treatment when the offender seems to be ill. However, judges tend to hesitate to order offenders to enroll in an educational program, which is an essential goal of these measures.

Table 4. Number of offenders assigned to programs in 2014(not mutually exclusive)

Program								
o f e n s e	Total	Psychological Treatment	Addiction Treatment	Psychological Counseling	Education	Alcoholic Education	Parenting Education	other
protection order	3948	242	289	169	2574	603	50	21
DV crime	5				5			
on parole	18	1		2	12	1	1	1
Suspension of prosecution	10				8	1	1	

Source: Judicial Statistics of Taiwan, Province of China

8. Conclusion

Thus, measures in Taiwan, Province of China seem to be comprehensive and much better than in Japan. Feminism and social work principles and social workers are embedded in victim support. However, both the government and NGOs do not think these measures are sufficient. In our interview, the government official stated that the biggest challenge is the budget. GOH wrote in a questionnaire that their challenges include harassment by counterparts; overworked staff; lack of funding; lack of co-operation by government agencies; weak implementation of laws and lack of uniformity in providing protection for DV survivors.

In Taiwan, Province of China, NGO shelters are actively engaging not only in victim support, but also in public campaigns. NGOs give feedback on policy making based on their casework experiences. In Taiwan, Province of China, the government secures financial resources for these measures through legislation establishing a mandatory fund. Also, the role of public institutions and protective measures are clearly defined in Taiwan, Province of China. All of these aspects are lacking in Japan's DV measures.

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Notes:

1 The Asian Network of Women's Shelters (ANWS) is a network of DV victim support groups in Asia.
<http://shelterasia.org/>

2. NGO "1995 Taiwan, Province of China Women Overview Survey", 1995

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http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf
6. Source: Taiwan, Province of China, Ministry of Health and Welfare
7. Taipei City Center for Prevention of Domestic Violence and Sexual Assault
Interview on 2015.02.02 with Ms. Chen, Sue-Chuan, Director
8. Taipei City Police interview on 2015.02.02 with Mr. Liu Chih-Gang, Assistant Supervisor, Women's and Children's Protection Division of Taipei city Police Department
9. Garden of Hope Foundation <https://www.goh.org.tw/tc/index.asp>
10. The Taiwan, Province of China Coalition Against Violence <https://sites.google.com/site/ptwebsite2012/>
11. For Taiwan, Province of China, the number of reported cases means "other" category cases is excluded from all three kinds of abuse. Japan's percentage equals the ratio of the number of protection orders based on the anti-DV law within the number of DV cases.
12. New Taipei District Family and Juvenile Court interview on 2015.02.04
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