

# Domestic Violence

## 1. Introduction

Taiwan is the first Asian country to have not only passed a Domestic Violence Prevention Act but to enforce injunctions for protection. The passing of the Act was due to a 1993 domestic violence case that shocked Taiwanese society—the case of Deng Ruwen who killed her husband. At only twenty-two years old and having personally endured her husband’s long-term abuse, and witnessing the abuse of her children as well as that of her maternal family members, Deng reported the violence, left the family and sought help but ultimately received no assistance. Finally, Deng Ruwen chose to kill her husband in order to end her and her family’s nightmare. Deng’s case allowed Taiwan’s hidden problem of domestic violence to emerge, prompting the government and the people to dwell on the severity of spousal abuse. Local women’s groups and the government have also actively drafted related laws to promote domestic violence and set up protection services. These services include the first spousal abuse treatment center established in Taipei in 1993, a women’s group in 1994 handling “research on prevention of spousal abuse” passed down by the Ministry of Interior, the first women and children’s protection hotline established by Taiwan Province in 1995, and the promotion of “The Domestic violence Prevention Act” by a women’s group and related groups in 1996. In November 1996, another case shocked the public, that of Peng Wanru who was sexually assaulted and killed. This horrific case prompted more government and public attention on women’s safety issues and many local women’s groups dedicated themselves to providing anti-spousal abuse services. On June 24, 1998, the Domestic Violence Prevention Act was finally passed by the legislature and officially implemented after 1999. The Act did away with the traditional notion of “domestic violence as a family matter; the law does not enter the family”. At the same time, the Act declares that “domestic violence is an act of crime; wives and children are no longer husbands’ subsidiary or assets.” Women suffering from spousal abuse and children witnessing violence can finally safeguard their lives and escape the threats of domestic violence by resorting to an injunction for protection.

## 2. Overview of domestic violence in Taiwan

### 2.1 Before the passing of the Domestic violence Prevention Act

#### 2.1.1 Statistics on victims of spousal abuse

Before the passing and implementation of the Domestic Violence Prevention Act, precise statistics on the victims of spousal abuse were lacking and only rough estimates were available. Victims of physical violence were the subjects of surveys, but victims of emotional or sexual violence were not included. The Department of Social Affairs of Taiwan Provincial Government, for example, surveyed that in 1990, 12.5% of married women suffered violence in their homes; in 1994, another survey was conducted and the percentage increased to 17.8%. In 1995, a private organization conducted the “1995 Taiwan Women Overview Survey” and found that 17.8% of married women suffered from physical abuse at the hands of their spouses. In 1998, the Ministry of the Interior conducted a “Taiwan Women’s Life Survey” and pointed out that within the last year approximately 3% of women had been abused and that among married women the number who had been physically abused in the past year could reach as high as 15%.

According to the above statistics, every year in Taiwan, there is an estimate of approximately 140,000 to 200,000 cases of spousal abuse.

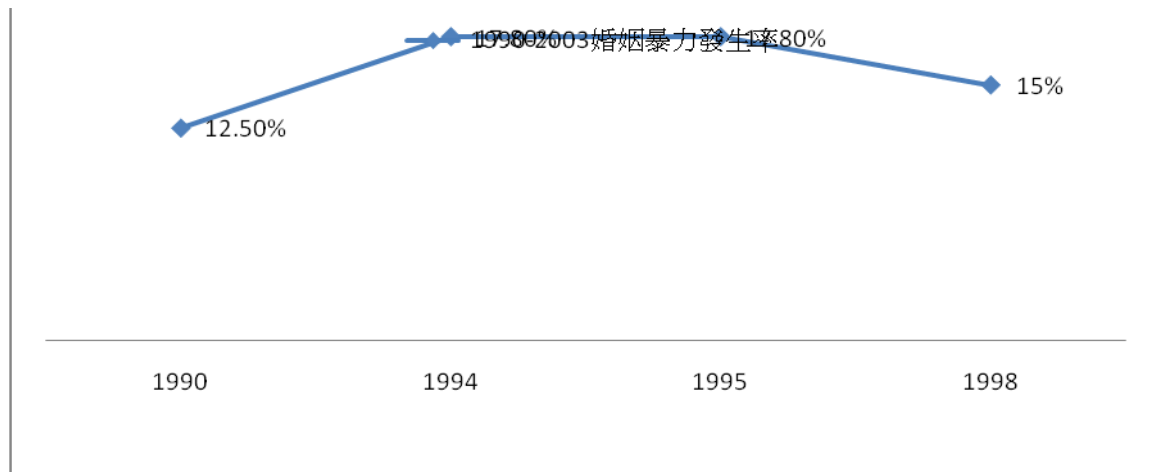


Figure 1. Percentage of spousal abuse in Taiwan during 1990-2003.

### 2.1.2 Assisting abused women of spousal abuse

Although Article 7 of Taiwan's constitution specifies that "All citizens of the Republic of China, irrespective of sex, religion, ethnic origin, class, or party affiliation, shall be equal before the law", Taiwan is still a patriarchal society. However, if abused women want to escape from domestic violence, they can refer to subparagraph 3, subsection 1, 1052 article of the civil law that allows a spouse who suffers intolerable abuse to discontinue living together with his or her spouse. If the need for criminal suit against an offending spouse arises, a spouse can resort to article 277 of common assault and article 278 of serious injuries.

Although a spouse can seek recourse through these laws, spousal abuse in Taiwan has always been viewed as a family matter that should be addressed in the private realm of the home. Taiwanese society has traditionally considered the following to be true; a harmonious family leads to all good; spousal bickering starts from the top of the bed and ends at the bottom of the bed; a husband has the right to teach his disobedient wife; a wife follows her husband no matter what he is like. It is this type of thinking that has allowed government agencies to ignore domestic violence and not regard it as a serious social issue. When abused women go the police or representatives for help, the police and representatives are not only unwilling to help but will usually notify the abuser so that they can take their wives home; they do not actively use their authority to intervene in domestic violence cases.

Thus, even though a spouse has the law on her side, abused women are often prevented from using the law by a broken, unmotivated and unconcerned justice system. When abused women cannot tolerate abuse from their spouses and want to bring a civil or criminal lawsuit to court, prosecutors and judges often set the bar for evidence extremely high and deem domestic violence cases as private family matters. Children cannot be witnesses and the lawsuits cannot be won, not to mention breaking free from violence or seeking law enforcement.

In addition to the failure of the Taiwanese justice system to prosecute offenders, protection and assistance for abused women is lacking within the medical system as well. When abused women seek an injury diagnosis at local hospitals, they cannot obtain proof of diagnosis. The women usually choose not to disclose to hospital staff that their injuries are a result of domestic violence for fear of retaliation from a spouse. And even when women have obtained proof that their injuries have been caused as a result of domestic violence, they are asked to pay high fees for the diagnosis and the content is often hastily completed. If a woman were

abused in broad daylight, no passersby or police would be willing to lend a hand as long as the batterer claimed that she was his wife. Abused women are often labeled, making people presuppose that they have provoked their spouses' actions or committed adultery. This labeling causes such shame that abused women are reluctant to seek help. When abused women leave their homes for a sanctuary from the abuse or need financial assistance or the help of professional social workers, only a few counties and cities provide the help.

## 2.2 After the passing of the Domestic violence Prevention Act

With the passing of the Domestic Violence Prevention Act, the government and the people began to promote the notion that “domestic violence is not only a family matter but a criminal behavior.” Domestic violence has moved from the private sphere to the public sphere where it has always belonged. The new notion not only breaks from traditional societal values but also clashes with the patriarchal attitudes of some law enforcement officials, allowing abused women and children to hold the hope of escaping from violence. Moreover, local women’s groups not only dedicate themselves to direct services and indirect promotional work, they also collaborate to speak for abused women and children, while monitoring government policies and the implementation of laws that promote justice for the victims of domestic violence and broaden much needed welfare services.

### 2.2.1 Statistics on national reported domestic violence cases

After the passing of the Domestic violence Prevention Act and the establishment of a national reporting system, a more complete statistics on abuses was possible; these include child abuse, spouse abuse, abuse of the elderly, sibling abuse, among others. The types of abuse include physical, mental, and sexual, but in general, physical abuse is the primary form of abuse. According to the 1998-2008 domestic violence reported case statistics by the Domestic violence and Sexual Assault Prevention Committee of the Ministry of the Interior (see Figure 2), in 1999 only 9,498 persons reported domestic violence, while in 2001 after the full implementation of the Domestic violence Prevention Act, the number soared to 37,050, and even reached 74,622 in 2008. The number grew tenfold over ten years. Among the types of abuses, spousal abuse accounted for 66%, child abuse 13%, abuse of the elderly 3%, and adult sibling abuse and others 18%. 17% of the victims of domestic violence were male, 82% women, and 1% unknown. Victims of family abuse reported their cases to two main places. 44% of the cases were reported to the police and 30% were reported to health care units (hospitals). In contrast to the period before the passing of the Act, the estimated statistics of domestic violence only made up a fraction of the uncounted, hidden number of abused women of domestic violence. Whether looking at questionnaires or actual domestic violence cases reported, it could be estimated that the number of women abused in domestic violence is not small.

Year	1999	2001	2002	2003	2004	2005	2006	2007	2008
Persons from statistics	9,498	37,050	40,610	41,044	49,472	62,310	66,635	72,606	74,622

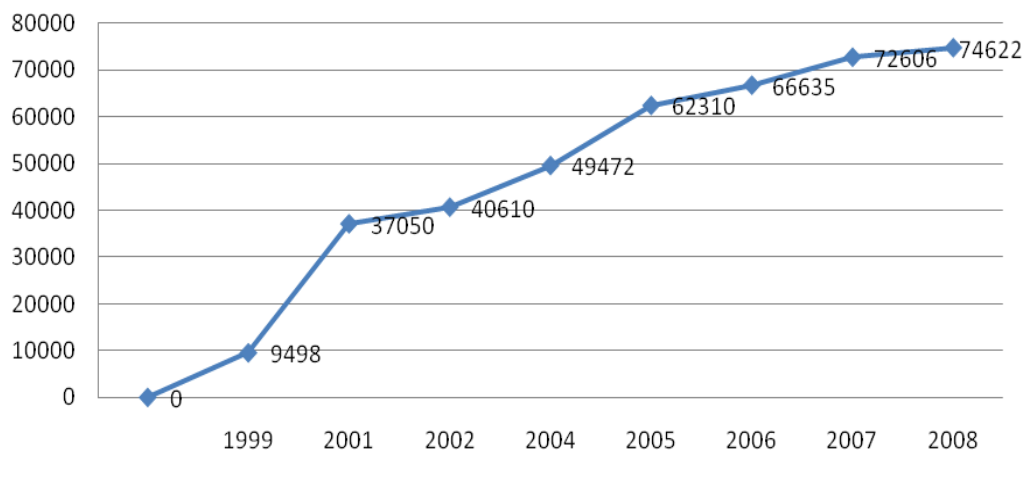


Figure 2. Statistics on reported domestic violence cases in Taiwan during 1999-2008.

Source: Domestic violence and Sexual Assault Prevention Committee of the Ministry of Interior.

### 2.2.2 Statistics on the nationalities of victims of domestic violence

According to the statistics by the Domestic violence and Sexual Assault Prevention Committee of the Ministry of Interior, the nationality of victims of 2002-2007 domestic violence reported cases comprised of the following (see statistics and figure below): Taiwanese women accounted for 78.96%; foreign nationals and Mainland spouses (without Taiwan ID) 7.45% (including foreign nationals, Mainlanders and those from HK and Macau); Taiwan aboriginal people 3.55%.

Taiwan nationals	Taiwan aboriginal people	Foreign nationals	Mainlanders	HK/Macau	No nationality	Unclear data
78.96%	3.55%	3.77%	3.66%	0.02%	0.08%	9.96%

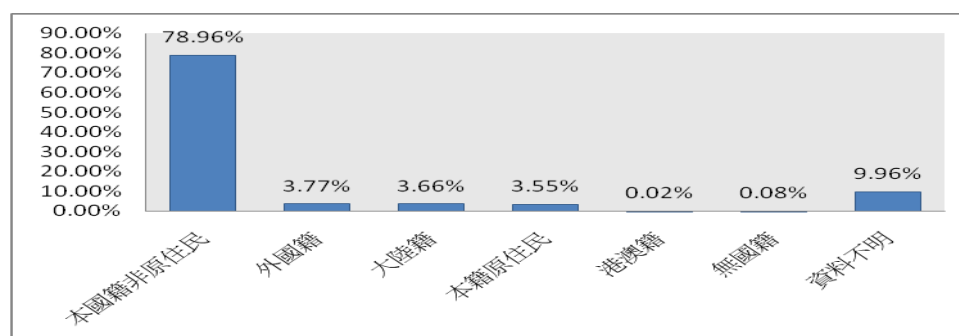


Figure 3. Statistics on the nationalities of victims of domestic violence during 2002-2007.

Looking at the statistics on the nationality of abused women in domestic violence from 2005 to 2007 by the Domestic violence and Sexual Assault Prevention Committee of the Ministry of the Interior (as shown in Figure 4), the percent of abused foreign nationals increased from 1.85% to 2.44% in 2005-2007, while the percent of abused aboriginal women raised from 0.78% to 0.97%; there is no significant increase in the percent of abused Mainlander spouses and Taiwanese women in 2005-2007.

Year	2005			2006			2007		
Persons	Abused women			Abused women			Abused women		
	Percentage <sup>1</sup>	Abused persons	Total population	Percentage	Abused persons	Total population	Abused persons	Total population	Abused persons
Foreign nationals	1.85%	2,242	121,386	2.27%	2,827	124,266	2.44%	3,071	125,975
Mainland spouse	1.03%	2,294	223,210	1.03%	2,463	238,185	1.05%	2,634	251,198
HK/Macau spouse	0.15%	16	10,487	0.11%	12	10,933	0.13%	15	11,223
Taiwan women	0.35%	38,800	11,207,943	0.34%	38,853	11,282,420	0.35%	4,0077	11,349,593
Taiwan aboriginals	0.78%	1,732	221,077	0.94%	2,135	226,321	0.97%	2,249	231,144
<b>Total</b>	<b>0.38%</b>	<b>45,084</b>	<b>11,784,103</b>	<b>0.39%</b>	<b>46,290</b>	<b>11,882,125</b>	<b>0.40%</b>	<b>48,046</b>	<b>11,969,133</b>

**Table 1. Nationalities and number of abused women involved in domestic violence during 2005-2007.**Source: Domestic violence and Sexual Assault Prevention Committee of the Ministry of Interior.

### 2.2.3 Statistics on children witnessing violence

Children witnessing violence refers to children under the age of eighteen who directly or indirectly see domestic violence or are affected by spousal abuse. Currently there are no statistics on children witnessing violence in Taiwan. However, based on the statistics of abused women and given that 48,000 women were abused in 2008, the Ministry of the Interior estimates that if there are 1.2 children per family, then there would be nearly 70,000 who witnessed domestic violence.

## 3. Current challenges

### 3.1 Is spousal abuse prevention a social welfare issue or a social issue?

#### **CEDAW Committee General recommendation No. 19: Violence against women**

24. In light of these comments, the Committee on the Elimination of Discrimination against Women recommends that:

- (k) States parties should establish or support services for victims of domestic violence, rape, sexual assault and other forms of gender-based violence, including refuges, specially trained health workers, rehabilitation and counseling;
- (r) Measures that are necessary to overcome domestic violence should include:

<sup>1</sup> The percentage of abused women of in a given population of a specific nationality

- (i) Criminal penalties where necessary and civil remedies in cases of domestic violence;
- (ii) Legislation to remove the defense of honor in regard to the assault or murder of a female family member;
- (iii) Services to ensure the safety and security of victims of domestic violence, including refuges, counseling and rehabilitation programs;
- (iv) Rehabilitation programs for perpetrators of domestic violence;
- (v) Support services for families where incest or sexual abuse has occurred;

The CEO of Modern Women's Foundation Zhang Jinli raised a striking figure. Every year in cases with deaths that result from intentional killing, 12-14% is perpetrated by family members, such as wife killing husband, child-killing father, and husband killing wife, among others. In cases of intentional injury, as high as 26% of the cases are perpetrated by family members. These statistics prove that domestic violence is not merely private matters but a serious social security issue.<sup>2</sup>

Taiwan's government has always seen domestic violence prevention as socio-political responsibility and an issue of social welfare rather than a social issue. According to the 4<sup>th</sup> Article of the Domestic Violence Prevention Act, a competent authority refers to the Ministry of the Interior in the central government, the government of the special municipality in a special municipality and the county (city) government of a county (city). It is thus evident that the Taiwan government places domestic violence prevention at the level of the Ministry of the Interior and sees it as an issue of social welfare.

Although the Ministry of the Interior has set up the domestic violence prevention committee with the minister as the committee head, within the government organization, the committee is a temporary unit with primarily social administrative staff as committee members, with merely a few police administration staff. Under the guidance of the Ministry of Interior, the central and local governments provide a more comprehensive welfare service to abused women and more professional social workers are devoted to efforts; the Ministry also actively collaborates with related prevention networks, stresses the resources of non-governmental organizations (NGOs), works with NGOs, promotes related services for abused women, including surveying preliminary reports, following up on and counseling abused women, meeting with children, setting up domestic violence service units in courts, developing treatment plans for the perpetrator, among others.

Given that domestic violence involves judicial, law, labor, education, and other problems, the mere promotion of social welfare by the Ministry of the Interior is not enough to solve domestic violence problems or prevent the recurrence of the problems. It is necessary that the Judicial Yuan, Ministry of Justice, Council of Labor Affairs, Ministry of Education, and other government institutes intervene. The Domestic Violence Prevention Act gave the Ministry of the Interior the authority to coordinate various related units; however, the Ministry lacks the highest authority, thus causing many unresolved inter-departmental problems. For example, NGOs proposed to the Domestic violence and Sexual Assault Prevention Committee that they wish to see labor units provide professional social workers to assist abused women in gaining employment and plan comprehensive childcare policy for underage children. The labor unit does not wish to take on the task and believes the childcare policy should be devised by Child Welfare Bureau. The labor unit and the Bureau have not collaborated on the planning. Evidently, the collaboration between inter-government units is lacking. Moreover, each unit believes it is only an assisting unit with an often insufficient budget for domestic violence prevention, thus causing the effects of prevention to be limited.

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<sup>2</sup> Published in June 2004 in the United Daily News :  
<http://dspc.moi.gov.tw/ct.asp?xItem=1283&ctNode=452&mp=1> °

### **3.2 Government promotion of spousal abuse prevention still conservative--NGOs as catalysts**

Article 6 of the Domestic Violence Prevention Act specifies that among the representatives of the prevention committee, the proportion of NGO scholar representatives and experts cannot be less than half of the committee. As government picked NGOs are mostly groups that provide services to abused women, these organizations speak and fight for the rights of abused women and their children. When the domestic violence prevention committee was establishing various policies, it usually consulted NGOs to cater to the needs of parties concerned.

After a year of the passing and implementation of the Act, NGOs realized that many laws cannot be implemented and that society still holds stereotypical views. Therefore women's groups and judicial groups formed the 2001 domestic violence prevention amendment alliance (composed of judges, social workers, attorneys, and others) to amend the law while legislators, the media, press conferences, public hearings, symposiums, annual activities were promoted. In addition, domestic violence service centers were set up in courts, the hiring of domestic violence social workers was expanded, domestic violence prevention budget was increased, enforcement of injunctions for protection improved and problems of foreign and Mainland spouses reduced. At the same time, legislators were asked to promote the social policies and welfare services of domestic violence victims. Finally, in 2008, the amendments to the Act were made and Taiwan Coalition Against Violence was officially established.

### **3.3 Media, law enforcers and professionals still believe in the myth of domestic violence and gender**

#### **CEDAW Committee General recommendation No. 19: Violence against women**

10. Articles 2 and 3 establish a comprehensive obligation to eliminate discrimination in all its forms in addition to the specific obligations under articles 5-16.
24. In light of these comments, the Committee on the Elimination of Discrimination against Women recommends that:
  - (b) States parties should ensure that laws against domestic violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention;
  - (d) Effective measures should be taken to ensure that the media respect and promote respect for women;

#### **Case 1 (to protect the parties concerned, the name used below has been changed):**

*Xiaoling suffered over fifteen years of spousal abuse, but because of financial considerations and concerns for her children, she had always endured the violence. This year, as her children are older and she could support herself economically and live outside of her home, she bravely asked the court for an injunction for protection. However, the male judge of the family court not only did not accept Xiaoling's injury diagnosis papers collected over the long-term but also demanded that she accept her husband's apology and forgive him. Her protection injunction was revoked and she returned home to live with her husband.*

Every year Taiwan's government sets aside a budget to open various domestic violence prevention courses and provide law enforcers and related professionals with pre-service or in-service training. The courses include judges and prosecutors training course, in-service training for judges and domestic violence prevention courses for prevention network workers (e.g. those in the field of social administration, police administration, medical service, or education). The goal of these courses is to allow law enforcers and professional workers to be professional and sensitive when handling spousal abuse cases and assisting the abused in order to avoid inflicting more pain.

It was discovered in practice that despite whether prosecutors or criminal court judges still hold the notion that domestic violence is a private matter, the time it takes to rule on a case is too long or the judgment overly lenient. In December 2008, a long-term spousal abuse victim named Xiaoling (name changed) complained to NGOs about the unfriendly treatment she received from a judge at the Taipei District Court. The pain inflicted on her caused her to want to protest her injury and unfair treatment by suicide. NGOs discovered that for nearly six months since being rotated to the family court, the judge not only rarely granted abused women an injunction for protection but also showed stereotypical views on domestic violence and gender when handling cases with social workers, abused women, and attorneys. The NGOs thus filed a complaint to the Judicial Yuan, hoping that the judge could be stopped and at the same time strongly demanded that trainings for family court judges include knowledge on domestic violence and gender. Currently, although there are judicial personnel education on-job training for judges in service, many judges cannot participate or are unwilling to participate in the training because of case overload. The rotation system has always existed for judges but there are no education trainings before the rotations. Thus, when many criminal court judges are rotated to civil courts, the judges hold a strict evidence principle when handling domestic violence cases and myths on domestic violence. Some judges even attempt to mediate between the parties concerned in court or ask that the signing of an injunction for protection be canceled.

Although medical workers' sensitivity to domestic violence has been promoted in various major hospitals, when the responsibility rests on social workers, who are often the least knowledgeable in terms of medicine, as long as the hospital does not agree to report a case or is unwilling to handle a case, nurses and social workers dare not deal with the case themselves. At the same time, most Taiwanese people go to clinics. Workers at private medium and small hospitals and private clinics rarely receive related training and therefore their sensitivity toward distinguishing domestic violence is low.

Given the media's inadequate reporting, a few cases of foreign nationals and Mainland spouses who are allowed to work (even as prostitutes) in Taiwan by faking a marriage as well as the attempts to create evidence for domestic violence in order to obtain an injunction for protection and leave home, a large portion of the public, law enforcers, judges and various professionals tend to hold a stereotypical view against abused foreign nationals and Mainland spouses. This reduces their willingness and affects their sense of justice as well as cautiousness when assisting abused foreign nationals and Mainland spouses, including when giving a ruling, proof of evidence is strictly required and children's custody is not easily obtained.

The Taiwanese people also have strong stereotypes against aboriginals who are believed to be heavy drinkers. With the high unemployment problem in the tribes, aboriginals who are feeling down drink heavily, cause conflicts and become violent. Although the chief and the hierarchical system of the tribes handle problems and usually there are churches, most people still have myths regarding domestic violence. The Taiwan government has always regarded aboriginal domestic violence services from the perspective of mainstream Han thinking, instead of considering traditional aboriginal methods for assistance or resolving problems.



### 3.4 While the rights of a defendant are emphasized, who is to safeguard the rights of a victim?

#### **CEDAW Committee General recommendation No. 19: Violence against women**

9. It is emphasized, however, that discrimination under the Convention is not restricted to action by or on behalf of Governments (see articles 2 (e), 2 (f) and 5). For example, under article 2 (e) the Convention calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.
24. In light of these comments, the Committee on the Elimination of Discrimination against Women recommends:
- (t) That States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia: Effective legal measures, including penal sanctions, civil remedies compensatory provisions to protect women against all kinds of violence, including, inter alia, violence and abuse in the family, sexual assault and sexual harassment in the workplace; Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women; Protective measures, including refuges, counselling, rehabilitation and support services for women who are the victims of violence or who are at risk of violence;

#### **Case 2 (to protect the parties concerned, the name used below has been changed):**

*When Huiling's husband is not happy at work, he comes home drunk and often beats her. When she sought help from the police hoping to stop the violence, the police took him to the police station to be detained. After a day or two, no relatives or friends were willing to bail him out, so the police asked Huiling to do so and released her husband without qualification.*

There were many unjust cases in the early period in Taiwan, but with the guidance from human rights groups, in the past ten years, Taiwan had begun to lay stress upon the rights of defendants. When there is a criminal case, related judicial workers must gather evidence to move to the next step; this is indeed safeguarding the people's rights. However, spousal abuse cases differ from other criminal cases. It happens between intimate partners and the cases often happen at home. Article 31 of Domestic violence Act specifies that when a prosecutor or judge believes a domestic violence perpetrator or infringer of an injunction for protection does not need to be detained, the perpetrator or infringer could be prohibited from further acts of violence, harassment, demanded to move out of the victim's place, stay away from or perform acts that protect the safety of the victim or specific family members. However, in reality, only a few prosecutors or judges use this article to guard the safety of the victims.

In practice when most police go to a site of domestic violence, they often mediate between the parties and do not assist or tell victims to gather on-site evidence; only a few police will perform arrests. In principal, an arrest happens only if the victim holds an effective protection injunction. Most police worry that once the perpetrator is arrested due to domestic violence, the perpetrator might file a complaint and accuse the police of rights violation. As a result, most police rarely warn or inform the perpetrator of relevant responsibilities. Few police actively arrest domestic violence perpetrators or infringers of injunctions for protection. However, when prosecutors or judges state rulings, they are often releases or lenient penalties. When domestic violence cannot be stopped, some police are thus deeply frustrated.

Some abused women's concern for their children allow them to continue to live bravely under domestic violence. Children have a stabilizing power on abused women. After the passing of the Domestic violence Act, abused women could apply for their children's temporary custody through an injunction for protection to relieve the fear of losing their children. They could also demand alimony from the perpetrators for their children's living expenses. In the case of a divorce, they could also increase their chances of custody by asserting that the perpetrators are unfit to be responsible for their children, allowing children to escape from the violent relations and environment. Moreover, local and government promotion of counseling and treatment for children witnessing violence allows those children to escape violence and lessen the impact of domestic violence.

### **3.5 Rights of victims increased but the degree depends on various counties/cities and prevention networks**

#### **CEDAW Committee General recommendation No. 19: Violence against women**

7. Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. These rights and freedoms include:

- (a) The right to life;
- (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- (c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict;
- (d) The right to liberty and security of person;
- (e) The right to equal protection under the law;
- (f) The right to equality in the family;
- (g) The right to the highest standard attainable of physical and mental health;
- (h) The right to just and favorable conditions of work.

The Domestic violence Act specifies that various counties/cities should establish domestic violence prevention centers and provide services to the abused, including: a 24-hour hotline; 24-hour emergency assistance; assistance in diagnosis and treatment; assessing injuries; gathering evidence and providing emergency accommodation; psychological counseling; financial services; legal services; schooling services; housing assistance; short, mid, and long-term sanctuary; physical and mental treatment and consultation; and, physical and mental treatment and consultation for the perpetrator.

The Taiwan government has always viewed domestic violence prevention as a socio-political responsibility. The socio-political units provide a more comprehensive welfare service to abused women, devote more professional workers to efforts, actively work with related prevention networks, and lay stress on resources of NGOs. The government entrusts services for abused women to NGOs, including surveying preliminary reports, following up on and counseling abused women, meeting with children, and setting up domestic violence service units in courts.

Currently there are 25 sites in various counties/cities for accommodating abused women and their children, including government institutes, private institutes, and local institutes. Most services are entrusted to NGOs that deal with domestic violence, although some of the abused are still accommodated in hospitals, elderly care homes, or correction centers. Even though

there are short and mid-term sanctuaries, in practice the accommodation time averages one to two weeks and is limited to government subsidy. There is only a small proportion of the abused who have mid to long-term sanctuaries, however this does not mean they have no need for such sanctuaries; they also lack housing assistance. Some police already have arrangements regarding the protection of abused women. When these women have no place to go, the police are willing to contact domestic violence centers or sanctuaries and work with socio-political units to assist in accommodation.

Abused women do not need the assistance of an attorney to file a lawsuit; judges would not be unwilling to take a case when abused women do not have an attorney. Currently there are eighteen domestic violence service centers throughout various counties and cities in Taiwan, but they are set up under family courts. These service centers are primarily promoted and established by NGOs and entrusted by domestic violence centers at the county/city level or Department of Social Welfare. Furthermore, various local courts also provide facilities. The centers also hire professional social workers but the workers have to satisfy the expectations and needs of both the courts and the centers. Most courts welcome NGOs to be stationed in the courts, but also expect the social workers to service the perpetrators and divorced couples, causing social workers difficulties in providing full help to abused women.

The government provides various subsidies to abused women and their children. Nonetheless, most counties/cities only allow abused women to apply for emergency living subsidy once in their lifetime. If the women apply as single parents, the nursery and living subsidies only amount to NT\$1,760 per month. For a jobless woman without the help of her maternal family who wants to escape a violent environment and relationship, their survival is impossible without the means to pay for rent, living expenses, children, and nursery expenses. Moreover, other than legal lawsuit subsidies from the government, women can apply for aid at local legal aid foundations. Here, representation or advocacy in litigation is free, but one person is limited to at most three litigations per year.

The statistics of the Ministry of the Interior indicates that medical units are second to police units in reporting domestic violence cases. Currently most reports come from large hospitals but rarely from private clinics. Abused women can be immediately sent to an emergency room for injury assessment and treatment with or without a national health insurance card. In practice, some hospitals also help abused women with taking pictures of their injuries, but the women often cannot obtain the pictures unless they buy them from the hospital. A number of hospitals even ask courts to find the picture evidence from public documents. When doctors fill out injury diagnosis and assessment forms in the case of domestic violence, they often touch on the subject lightly. In the case of women who are sexually abused, most dare not ask for an assessment of injuries. The emergency rooms of various hospitals are very unfriendly toward assessing women suffering from domestic violence. If it is done during daytime, medical workers could ask social workers for assistance. If it is done during nighttime, the women often have to wait alone for assessment and treatment with their beat up bodies. Moreover, injury diagnosis certificates often cannot be obtained at night; the women need to go back during daytime to obtain it.

According to statistics of the Ministry of Interior, after being abused, there are 44% women who would report to a police station, which on average takes over one to two hours. But if the women's injuries have not been assessed, usually they are asked to go to the hospital for assessment first then return to the police station; that takes over three to four hours, often prolonging the waiting time of the women and their children. Over years of guidance, the police rarely deny domestic violence cases, but some police still treat the cases as light matters. They often do not know about or are unwilling to inform the women of their rights and responsibilities, or try to mediate between the parties and ask the perpetrator to stop the violence.

According to Peiling Wang<sup>1</sup>, the number of police applications for urgent injunctions for protection during 2002-2006 from the website of Judicial Yuan (see Figure 4 below) indicates a yearly decrease in police filing for urgent injunctions for protection. The reasons for this could be judges' strict handling of cases, the need for the police to go to court for explanations, among others. After the passing of the Domestic Violence Act, the police need to pay postage and other expenses when assisting victims in applying for an injunction for protection. NGOs have asked that the postage and other expenses be free for the police, hoping that this would increase the police's willingness to assist the victims. In practice, however, although the police are willing to assist victims in applying for an injunction, they often do not explain the content, type, and items of the injunction to the victims. Moreover, after applying, the police do not give the victims a photocopy of the injunction. Consequently, when the victims go to court, they do not know the cause of their appeal. NGOs have urged the Domestic violence and Sexual Assault Prevention Committee to promote that the National Police Agency gives the injunctions as formal documents; however, in reality this has not been fully implemented.

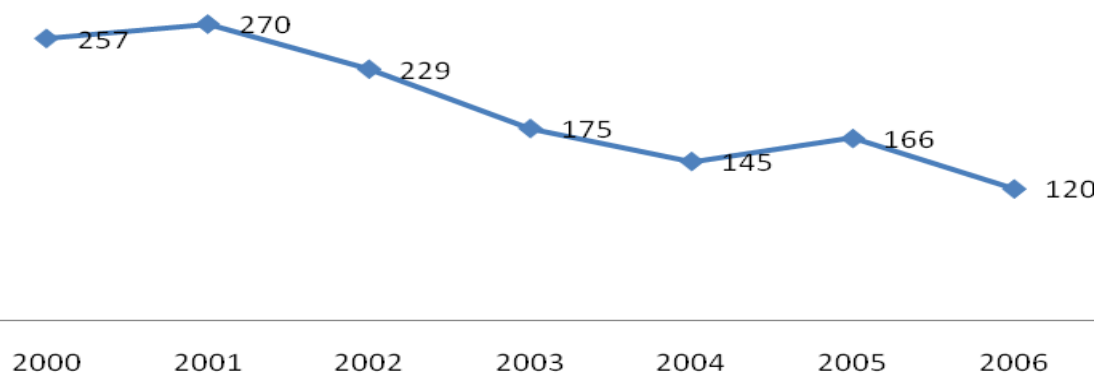


Figure 4. 2000-2006 statistics on the number of police applications for urgent injunctions for protection.

Domestic violence prevention officers have been placed in different police branches in Taiwan. It is hoped that they will enhance their professionalism in assisting victims of domestic violence. NGOs have continuously asked for awarding officers in order to encourage and increase their motivation. Police administration units also promote the training of these officers to assist the police in handling cases of domestic violence. However, these officers are not only responsible for domestic violence cases but also sex offender investigations and other criminal cases, and their turnover rate is high. With domestic violence cases as only one of their jobs, and the fact that there are many police stations under a branch with wide jurisdictions, the officers are often thoroughly occupied. Most officers assist police station officers through guidance only. After accumulating their accomplishments, the officers turn to other job positions and only very few are willing to stay on the same job to develop their professionalism.

### 3.6 Employment plans for abused women overlooked and unarranged

#### **CEDAW Committee General recommendation No. 19: Violence against women**

24. In light of these comments, the Committee on the Elimination of Discrimination against Women recommends:

- (p) Measures to protect them from violence should include training and employment opportunities and the monitoring of the employment conditions of domestic workers;

**Case 3. (to protect the parties concerned, all names have been changed):**

*Ms. Chen is thirty-seven year old this year and has been married for over a year. Her husband has been drinking for years and when he is feeling down, he scolds and beats her. Ms. Chen wants to leave her husband and live independently. Currently she is not divorced yet but is living in a sanctuary, with ten-month-old child. She worries that when she leaves the sanctuary; she must be financially independent and find a job quickly, but might not find acceptable childcare. Lower paying jobs now require working different shifts and weekends and there might not be days off. . After paying nursery fees, utilities, and other basic expenses, little would be left. Compared to other women, these barriers make it much more difficult for Ms. Chen to go back to work.<sup>3</sup>*

According to the Ministry of Interior's statistics on reported victims of domestic violence (Figure 5 and 6), in 2007 there were 68421 victims, with 47885 (70%) of them working age (18-65 year old) and 36871 (77%) women victims. In 2008 there were 75438 reported victims, with 51727 (69%) of working age and 39312 (76%) women victims. From Jan to Jun 2009, there were 39447 victims, with 27983 (71%) of working age and 21267 women victims.

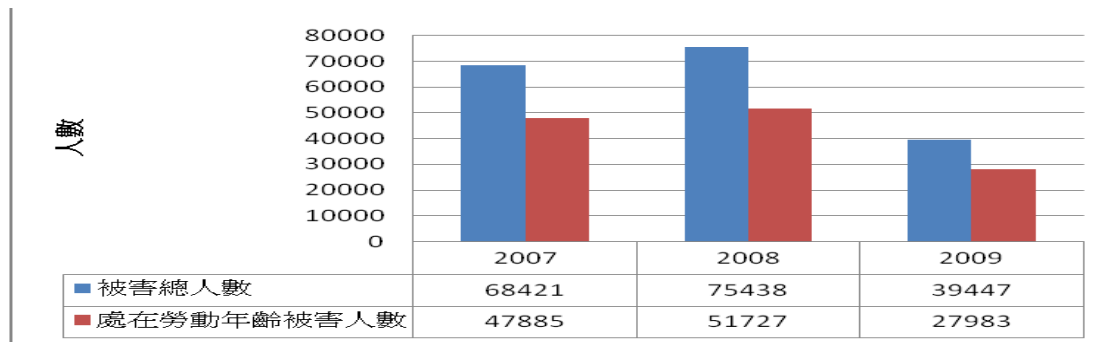


Figure 5. Statistics on domestic violence victims of working age during 2007-2009.

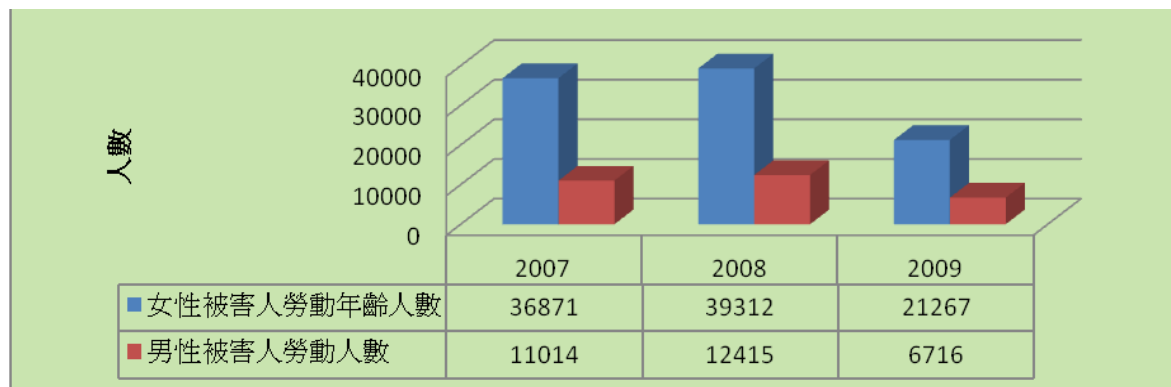


Figure 6. Statistics on domestic violence victims of working age (by gender) during 2007-2009.

After the implementation of the Domestic Violence Act, labor administrative units began to stress the employment needs of abused women and developed the employment counseling process of domestic violence cases Bureau of Employment and Vocational Training. Workers are stationed at employment service stations of various counties/cities, in hopes that through the referral of socio-political units, abused women could be assisted in employment and vocational training. In practice, the work of the employment station workers is complex, with

<sup>3</sup> The Garden of Hope Foundation. (2005). Who will take care of my children? Seeing abused women appear at employment assistance news conference.

assisting abused women in finding employment as one of its many functions. The job demands that the employment matching rate be high, instead of increasing the unemployed woman's ability, causing the workers to be more inclined to help the "employable" women find a job rather than to help abused women with multiple problems.

Although the government has developed many entrepreneurial opportunities; micro entrepreneurship; entrepreneurial loans and interest subsidies; short-term human resource expansion plans; employment subsidies etc, abused women are among the many that require help. As *immediate* financial stability is an abused woman's priority, they seldom utilize resources to start a business that may be successful in the future.

The Garden of Hope Foundation discovered in its 2006 survey on the employment needs of abused women without permanent employment that they are very willing to be employed but there are many barriers to their finding work. The primary barriers are childcare problems. The Foundation also proposed that the government should provide gradual, supportive, and pluralistic employment training and services. From 2007 onward, NGOs have asked labor administrative units to pay attention to the employment needs of abused women, hoping that they could provide professional social workers to assist the women with employment, along with tending to their childcare needs. However, the units are unwilling to adopt the proposal and believe that childcare is the responsibility of socio-political units. To the contrary, socio-political units have increased rewards for abused women's employment and assist in solving pre-employment and childcare problems. The labor administrative units evidently still lack comprehensive planning for abused women's employment.

In 2008 under local units' promotion, labor administrative units finally tendered pluralistic solutions to abused women's employment cases and are willing to provide temporary childcare; given that the entrustment qualifications are not good, only a few local units are willing to take on the task. Through the subsidies of socio-political units, NGOs provide professional social workers to assist abused women's employment problems, allowing the women's employment rate to be higher than that of the labor administrative units, while increasing the women's employment abilities and decreasing their reliance on social programs.

Although Taiwan has laws on services for abused women, the welfare services are not integrated and well planned. As every county and city has different plans for servicing abused women, the employment services for the women have stalled. Childcare resources indeed influence the women's employment motivation and employment ability; when the childcare problem is solved, the women can work without worries. At present, childcare resources are not only insufficient but also expensive; with little consideration given to the type of employment market (mainly the service industry) that is being served. Only less expensive childcare or sufficiently subsidized care can solve the problem and promote abused women's employment.

### **3.7 Is treatment beneficial to the perpetrator or the abused?**

#### **CEDAW Committee General recommendation No. 19: Violence against women**

24. In light of these comments, the Committee on the Elimination of Discrimination against Women recommends that:

- (t) That States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia:

Protective measures, including refuges, counselling, rehabilitation and support services for women who are the victims of violence or who are at risk of violence;

**Case 4. (to protect the parties concerned, the name used below has been changed):**

*Chunmei cannot stand her husband's abuse and turned to the court for an injunction for protection. She has heard of a perpetrator treatment plan so she decides to apply for this type of injunction. However, the judge says that her husband needs to have a pre-trial assessment. The assessment takes place only once a month and Chunmei had to wait for five months to have the injunction granted. After the injunction was granted, the court demanded that her husband pay for the treatment. Chunmei's husband threatened that if she doesn't pay, the injunction must be revoked...*

Perpetrator's treatment is deemed a responsibility of medical units. Currently in Taiwan, treatment for domestic violence perpetrators is limited to regulations in Domestic Violence Act. To have perpetrators receive treatment, such as education on quitting alcohol, cognitive education, alcohol addiction education, quitting drugs, judges need to approve a perpetrator treatment plan. Many abused women do not know that they could apply for a perpetrator treatment plan or worry that they will suffer spousal retaliation and often dare not apply. Moreover, only a few judges are willing to apply according to authority. Even if the application is made, many judges believe there must be a pre-trial assessment for the plan. The waiting period for the assessment of various counties/cities can vary from once a week to once a month, which inevitably delays the granting of an injunction for protection. Furthermore, perpetrators need to pay for the treatment plan out of their own pockets, and the courses are open often during daytime and not on holidays. Many perpetrators are unable to pay the fees or worry that the plan will affect their work and thus do not participate, causing the perpetrators to threaten the victims to pay for them or ask that the injunction be removed. The perpetrators have no subsidies for psychological counseling and can only call a male care line; currently there are only one or two counties/cities that have services for perpetrators and abused males.

Domestic Violence Act specifies that the abused could be allotted subsidies for psychological consultation fees and many professional workers and law enforcers believe that abused women should receive psychological counseling. However, in practice the abused women give priority to financial stability, physical safety, children's safety, rather than psychological wellness. Many abused women who need psychological counseling are unwilling to go to hospitals for medical consultation and still hold stereotypes against hospitals. Although there are many local psychological counseling institutes, fees are required. Even if abused women are willing to receive counseling, they need the approval of domestic violence centers to receive the counseling. Moreover, one-on-one counseling is limited and usually takes place during the daytime. There are not many abused women or children who can work or go to school AND receive counseling.

### **3.8 Rights of abused aboriginal and immigrant women awaits attention**

#### **Case 5 (to protect the parties concerned, the name used below has been changed):**

*Mijiang lives in a tribe and has a husband who finds trouble with her after drinking. The police want to station him in a sanctuary in the plains, but considering the distance, Mijiang is not willing to agree. At the same time there are Han social workers assisting her. Mijiang wants the chief of the tribe to ask her husband to stop the violence and do well at work....*

There are thirteen aboriginal tribes in Taiwan, scattered throughout the mountains and plains. Given economic reasons, unemployment, and unfavorable working conditions, spousal abuse

continues to happen in the tribes. Abused aboriginal women and their children enjoy the same or better welfare services than Taiwanese women. Aboriginals living in the plains receive more resources, while those in the tribes have less. Even though the Council of Indigenous Peoples has been established, the council has long overlooked the severity of tribal domestic violence and often views their domestic violence problems from a Han mainstream perspective; giving less consideration to using aboriginal traditions in solving problems. Often aboriginal issues are neglected. The Council that plans aboriginal policies lack service plans suitable to the tribes. They also lack the funds to implement any plans. Although in the towns of counties/cities aboriginal family service centers are found entrusted to NGOs, the entrustment fees are scant, and services are mostly guidance activities and simple care services, with few sanctuaries and domestic violence treatment services provided. After being abused, aboriginal women must leave home to go to sanctuaries in the plains; very few churches provide temporary sanctuaries.

The police in aboriginal tribes are mostly tribesmen, and when they or social workers have to handle domestic violence cases, they often find themselves in a tribal ethics dilemma or even conflicts between tribes.

#### **Case 6 (to protect the parties concerned, the name used below has been changed):**

*After being beaten by them, my father-in-law and my mother-in-law kicked us out at 2am. Riding the motorcycle with a child on my back, I was at a loss. Then I reported my situation to the police; the police took me there because it was late that night. I stayed with the female officers for a night and the next day I heard the voice of my in-laws; I guess the police brought them there.*

*Because I am on resident status, my husband kept threatening me, saying he was going to report me missing, so I couldn't... my resident status expires in Sept and if I were to extend the status, there would be a problem. To tell the truth, he beat me up pretty badly in the past, why didn't I propose a divorce, I was considering this problem and it has been this long...[5]*

In Taiwan, the domestic violence cases of foreign nationals and mainland spouses usually do not just involve spousal abuse. The perpetrators are not just Taiwanese spouses but also in-law family members or stepchildren. In the early period, foreign and mainland spouses sought help but to no avail. In 2002, the Garden of Hope Foundation discovered that given their sensitive status, abused mainland spouses have been frustrated when seeking help and their human rights have been affected. The Foundation held a press conference asking related units to adopt friendly measures when handling these abused women. In the same year, the National Police Agency devised items that police institutes should be aware of when handling domestic violence cases of mainland and foreign spouses. Many of the spouses then received better treatment.

After being abused, foreign and mainland spouses worry that the perpetrators will not be their guarantor, extend their status or document, and thus dare not seek help. In recent years under the promotion of NGOs, the Taiwan government has given more attention to the rights of abused foreign and mainland spouses. Laws such as the Cross-straits Relations Act, Immigration Act, Employment Services Act, which allow foreign spouses to enjoy the same welfare services as abused Taiwanese women are examples. However, for abused foreign and mainland spouses to gain documents depends on whether they have their children or spouses' approval and restrictions on document extension. In recent years, foreigners and



foreign spouses account for 50%-60% of the population in Taiwan's sanctuaries. However, the sanctuaries are limited in work force, budget, and interpretation services.

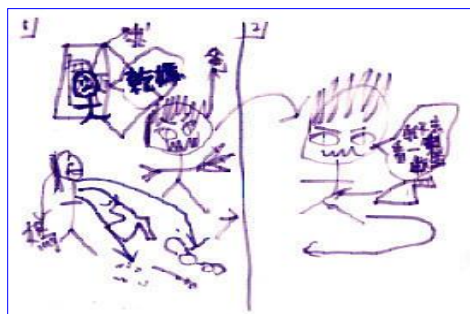
After the establishment of the Immigration Agency in 2008, when abused foreign and mainland spouses report their cases, spousal abuse is recorded and authorities can refuse to let the perpetrator spouses report their spouses as missing persons. This seems to work to the advantage of abused women. Nevertheless, after the abused women leave home for a period of time (or when abused women want to return home but are denied), when they want to extend their documents or apply for new documents, agency employees keep asking about their current domestic violence situation, whether the protection injunction is ineffective, and evaluate whether to extend documents or grant documents. This is very troublesome to the abused foreign and mainland spouses.

### 3.9 Where are the rights of children witnessing violence?

#### **CEDAW Committee General recommendation No. 19: Violence against women**

23. Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.

#### **Case 7 (to protect the parties concerned, the name used below has been changed):**



*Haohao, a fourth-grader, tells everyone: This is dad holding a knife, breaking the window, and throwing out mom's clothes. Mom is crying and bleeding; her hand is wounded. I came home from school, then asked godmother to rescue mom.[6]*

Because domestic violence often occurs in the home or in the middle of the night, it is difficult for abused women to provide evidence. Since judges are willing to take children as the witnesses, those who have difficulty providing the evidence can successfully obtain an injunction for protection or file for divorce. Judicial workers usually let the children make testimonies in a common open court (temporary isolation, or the judge asks parents to temporarily leave the court and asks questions of the children, and then resume all parties); a different date for opening court or isolating different parties into courts are exceptions; abused women must have sufficient reason or evidence when requesting a different date or

courts for their children). Children who witnessed violence are often worried and nervous when they know that they will see their perpetrator father in court. Although judges accept children's testimony, having the children testify in front of the parents or in a separate place while asking the father to confirm the truthfulness of their testimony creates psychological trauma in the children and possible future retaliation from the perpetrator father or the paternal family members.

The government actively promotes domestic violence prevention through education units, such as having children who witnessed domestic violence secretly transferred to other schools, issuing an injunction for protection which prohibits the perpetrators from going near the children's schools or checking on their student information, and establishing centers for meeting children, etc. NGOs also promote teaching plans for teachers to distinguish and report high-risk children who witnessed violence. Abused women can apply for protection injunctions that prohibit perpetrators from going near schools or check their children's school status; the injunctions usually last a year and can be extended to two years. After the injunctions expire, as fathers the perpetrators still can check their children's school, further harass, or abuse the children. The Domestic Violence Act also specifies that judges can decide whether fathers can meet with their children. Various counties and cities have set up places for the meetings, allowing children to be safe when meeting their perpetrator fathers. However, judges rarely use their authority in deciding the meetings. Even if abused women applied for the meetings, the sites usually do not open on weekends, thus they are seldom used.

Public schools cannot refuse the transfer of children witnessing violence, while other schools do not wish to have those children transfer to their schools for fear of perpetrator fathers seeking the children, conflicts, and retaliations. Many schools still see the father as the rightful guardian. When the perpetrator fathers threaten, schools dare not allow the abused mothers to care for the children. Once the fathers gain custody, mothers are almost prohibited from going to the home or school for visits. Very few schools are willing to allow mothers to visit and most are unwilling. If children who witnessed violence were abused at home, once mothers know, they will go to schools to take away their children. However, unless the children are seriously abused and need the interference from child protection units (allowing social workers to take away the children), schools will not allow mothers to take away the children. Workers in school counseling and treatment are lacking, and are unable to steadily assist teachers in helping the children.

Children who witnessed violence rarely receive help after their parents divorce. Abused women often divorce with hatred, extend it to their children, and forget that the divorce is a matter between the parents. If the custody of a child/children who witnessed violence belongs to the mother, other than needing to adjust to a new environment and rules, the child/children may no longer be financially supported. The mother can be overstressed and abuse the child/children. On the other hand, if the custody belongs to the father, the paternal family can take it out on the child/children who may be neglected or abused. The father may even use the child/children as bait to lure or threaten the abused mother to come home.

The government and NGOs have actively promoted many guidance and teaching plans concerning children who witnessed violence. Policies on direct services for children still focus on one-on-one treatment or group treatments. To be effective, the services need to be done with the objective of a decrease in frequency or termination of violence. If services for the abused of domestic violence and the perpetrator do not go hand in hand with services for the children, it will be difficult for the services of children to be effective. Conflicting voices often appear in the minds of the children: "The teacher says the violence is not my fault, but dad keeps saying it was me who misbehaved."

## **4. Recommendations and Requests**

Spousal abuse prevention in Taiwan has increasingly become more sophisticated and comprehensive, but there are still many problems waiting for improvement and solution. The following are our suggestions and requests:

- 1. Adhere to and implement articles 1, 2, 3, 5, 12, 16 of CEDAW and CEDAW general recommendations number 19.**
- 2. The government should lay stress on domestic violence as a serious social issue instead of a social welfare issue. The level of domestic violence protection committee should be elevated to the Executive Yuan level to better coordinate and integrate various related prevention network units for the promotion of domestic violence protection.**
- 3. The Taiwanese society still holds stereotypical views toward domestic violence, particularly toward aboriginals and new immigrant women. The government should actively reduce second-time harm done to abused women and their children by law enforcers and professional workers. Through various guidance channels, myths and stereotypes on domestic violence and victims should be reduced.**
- 4. In practice, the interference of judicial units by their authority does effectively lessen the frequency of violence and reduces the degree of violence. When Taiwan's judiciary stresses the rights of the defendant, the difference between domestic violence and other criminal behaviors should be taken into account to safeguard the human rights of the abused and their children.**
- 5. Guarding the rights of the abused of domestic violence should be an important issue of all counties and cities, and should not become a political reward during elections of top government posts. Taiwan's central government should ask county and city governments to view domestic violence issues as equally important in order to bring comprehensive welfare services to the abused and perpetrators. The abused should not be treated differently due to difference in domicile.**
- 6. The government should lay stress upon the rights of children who witnessed violence and employment rights of abused women. Viable measures should be planned to reduce the chance of children who witnessed violence becoming abused or perpetrators. Abused women of domestic violence should be assisted to become financially independent and leave violent environments.**
- 7. Other than emphasizing the safeguarding of rights of abused aboriginals and new immigrant women, the government should take into consideration their cultural particularities.**

**Main Author: The Garden of Hope Foundation**

**Organizations who participated in discussions:**

Taiwan Coalition Against Violence, Taipei Women's Rescue Foundation

**Other organizations caring about domestic violence issues:**

Good Shephard Social Welfare Services, National Organization for Women, Modern Women's Foundation, and NGOs providing services for abused women of spousal abuse in various counties/cities