

An Empirical Study on Women's Human Rights in Taiwan

Kao, Mei-Li & Kuo, Chung-Ling*

Abstract

A news report that a man for molesting a six-year-old girl was only sentenced to 38 months on August 30 2010, made the public angrily criticized that the judges were lack of “gender awareness” result in this improper trail.

With this problem, this study will focus on and cite these survey conducted by Chinese Association for Human Rights (CAHR) from 2006 to 2009. The first part will analyze the popular survey to trace back the overall evaluation of women's human rights from 2006 to 2009. The second part will analyze the Delphi method on the same survey. Thirdly, by virtue of “gender mainstreaming” concept, the third part of this article aims to examine the performance of government and how the NGOs have done to advocate the women's human rights.

As for conclusion, this study tries to find out the causes why the High SES elites like judges, enterprise mangers and government officials are lack of gender awareness. And have some suggestion of how to make the women's human rights well down in Taiwan.

* Kao, Mei-Li “Senior Secretary, Ministry of the Interior/ Assistant Professor, School of Law, Soochow University”; Kuo, Chung-Ling “Lecturer of Center for General Education, Technology and Science Institute of Northern Taiwan”

Introduction

A news report that a man for molesting a six-year-old girl was only sentenced to just 38 months on August 30, 2010 caused the public angrily criticized the presiding judge made such ruling after taking into consideration that the girl "Did not show strong will" in fighting off her attacker. This ruling drew severe critics and pleaded to fire these three judges.

The next week, another two similar rulings were unveiled and caused protest on the streets. After self-review, the Taiwan Supreme Court passed a resolution on Sept. 9th that categorized all sex with children under the age of seven as an aggravated rape charge that carried with it a minimum prison sentence of seven years.

Some social workers, lawyers and scholars criticized that the judges were lack of "gender awareness" which resulted in these improper trail. These noticeable events make me wondering why there are so much discrepancy in women's human rights in Taiwan, notwithstanding Taiwan government has advocated the women's human rights for decades.

In retrospect to the history of women's human rights, the United Nations held the first *World Conference on Women* in 1975 and announced "*One Decade for UN Women-Equality, Development and Peace*". All member states should revoke laws discriminating against women and take all necessary policies to ensure the women's rights. Since Taiwan is not a member of the UN, "*One Decade for Women*" seems no binding effect on Taiwan ; however, Taiwan government still endeavors to amend the laws and take all necessary policies to protect women's rights.

Not only has the public sector, the NGOs including human rights groups and women right groups have participated the women's human rights as well. For instance, Chinese Association for Human Rights (CAHR) launched an annual survey of expert opinions on human rights starting since 1991, involving two parts, the first part is Proletariat (popular) survey; the second part is Policy Delphi. These empirical study conducted by CAHR show subject views on women's human rights from the public and professional scholars as well. There are eleven indicators in above survey, women's human rights is one indicator among above indicators¹.

"Gender mainstreaming" is a concept related Feminism on women's human

¹ In the beginning, the survey contained 7 human rights indicators, women, children, community, judiciary, political, economic and education. In 1998, human rights of the elderly, environment, and people with disability were included. In 2007, human rights of the indigenous people were added.

rights(Cornwall& Harrison, 2007; Thompson, 2008:87-106). The concept of “gender mainstreaming” was first proposed at the 1985 *Third World Conference on Women* in Nairobi. The idea was formally featured in 1995 at the *Fourth World Conference on Women* in Beijing. Gender mainstreaming is the public policy of overall assessing the different implications for women and men of any planned policy action (Sanger, 2008) , including legislation and programmes, in all areas and levels. Not only focus on women but also to attain gender equity (Squires, 2007 :) .

Under the influence of UN community, gender mainstreaming is advocated in Taiwan since 2000. By virtue of the six gender mainstreaming-based major means, the laws and policies attempted to introduce the issue on gender into the areas of economy, finance and taxation, or public work² (FWRP, 2009), which are used to being identified as more masculine, eventually, gender mainstreaming began to have influence on women’s human rights.

With above problematic aspects, this study will cite these survey conducted by CAHR and Taiwan Studies Center of National Chengchi University in 2006, 2007, 2008 and 2009. The first part will analyze the proletariat survey in order to trace back the overall evaluation of women’s human rights from 2006 to 2009.

The second part will analyze the Policy Delphi method on the same study. These Policy Delphi contain seven women’s rights indicators such as social participating rights, education rights, health rights, political participating rights, personal safety, marriage and family rights, and Worker rights.

Thirdly, the third part of this article aims to check the implementation of government in accordance with the six “gender mainstreaming”-based major means. We try to examine the NGOs actions to advocate the women’s human rights as well.

In conclusion, this study tries to find out the causes why the elites as judges, enterprise mangers and government officials are lack of gender awareness. Some suggestions will be raised regarding how to enhance the women’s human rights in Taiwan.

Survey on Women’s human rights from 2006 to 2009

This p proletariat survey on women's human rights is designed to inquire the overall human rights, which includes children rights, women's rights, elderly rights,

² Taiwan Women’s Almanac 2006-2007, published by The Foundation for Women's Rights Promotion and Development. 2008, revised edition 2009

disabled people in human rights, education rights, environmental rights, economic rights, labor rights, human rights and political human rights, justice human rights. The proletariat will have an overall assessment of human rights. However, due to the study research aim, this article only choose and adopt the women's human rights result.

All the proletariat survey questionnaire designed by professor Yuang-Kuang Kao, Director of Taiwan Studies Center of National Chengchi University. The process includes preliminary discussion, testing and final revision. The independent interviewees are citizen over 20 years old in Taiwan. Sampling from the phone book of current two year edition, the system is randomly modified in order to reach the last three numbers in order to reach the user who didn't register in the telephone book.

The 2006 survey conducted in November 24th to November 27th 2006 by the Election Study Center at National Chengchi University. Interviewing 1084 effective samples, which estimates to 95% reliability, the maximum possible sampling error is approximately $\pm 3.04\%$. With a view to making sure the representativeness of the sample, therefore weighted the survey outcome on gender, age, and geography.

The 2007 survey was conducted in November 24th to November 27th 2007 by the Election Study Center National at Chengchi University. Interviewing 1079 effective samples, which estimates to 95% reliability, the maximum possible sampling error is approximately $\pm 2.98\%$. With a view to making sure the representativeness of the sample, therefore weighted the survey outcome on gender, age, education level and geography.

The 2008 survey was conducted in November 13th to November 15th, 2008. Interviewing 1079 effective samples, which estimates to 95% reliability, the maximum possible sampling error is approximately $\pm 2.97\%$. With a view to make sure the representativeness of the sample, the 2009 survey was conducted in November 2009 and interviewing 1091 effective samples.

Table 1 Women's human rights survey from 2006 to 2009

year	Very good	good	bad	Very bad	No response	effective samples
2006	4.7	46.9	27.1	8.7	12.6	1084
2007	6.4	37.4	27.3	9.8	19.1	1079
2008	6.0	38.1	21.4	9.3	25.3	1091
2009	5.6	40.2	26.1	7.5	20.6	1082

Source : Modified from the survey 2006 to 2009, Chinese Association for Human Rights (CAHR),<http://www.cahr.org.tw/> ; Taiwan Studies Center of National Chengchi University(TSC), <http://www.tsc.nccu.edu.tw/>.

Survey result analysis

In the 2006 survey, 51% hold positive evaluation (very good and good), while nearly 36% a negative evaluation (very bad and bad). In the 2007 survey, 51% hold positive evaluation, while nearly 36% negative. In the 2008 survey, 44% hold positive evaluation (very good and good), while nearly 37% negative. In the 2008 survey, 44% hold positive evaluation, while nearly 31% negative. In the 2009 survey, 46% hold positive while nearly 28% negative.

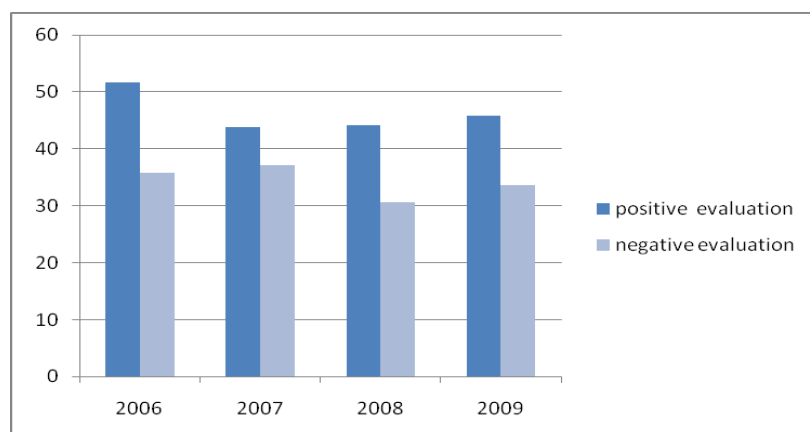


Figure 1 Women's human rights survey from 2006 to 2009

Source: Modified from the survey 2006 to 2009, CAHR & TSC, NCCU.

Above all, the people hold a positive evaluation is around 44%, In contrast, people hold negative is 30%. The positive position is more than negative evaluation .

Delphi Method in Women's human rights from 2006 to 2009

The Delphi method is a systematic, interactive forecasting method which relies on a panel of experts. The experts answer questionnaires will continue two or more rounds. After each round, a facilitator provides an anonymous summary of the experts' forecasts from the previous round as well as the reasons they provided for their judgments. Thus, experts are encouraged to revise their earlier answers in light of the replies of other members of their panel. Finally, the process is stopped after a pre-defined stop criterion and the mean or median scores of the final rounds determine the results. (Rowe and Wright, 1999)

Seven women's human rights Delphi indicators

There are seven women's human rights Delphi indicators as below, and twenty questionnaires classified to each indicator.³

- * Social participating rights
- * Education rights
- * Health rights
- * Political participating rights
- * Personal safety
- * Marriage and family rights
- * Worker rights

Delphi result analysis

The mean in the Delphi method vary from 1 to 6, 3 is the ordinary degree in central, more than 3 towards better evaluation. The increasing of mean represents the increasing of better. The mean less than 3 towards worse, the decreasing of mean represents worse evaluation. The less the mean is, the worse the evaluation is.

Analyzing from the Figure 2, social participating rights and education rights are evaluated as good performance. women's personal safety is the lowest among all indicators in every years, which shows the situation as mentioned news that the women's personal are serious problems to be solved.

³ For more information, please visit Chinese Association for Human Rights website.
<http://www.cahr.org.tw/>

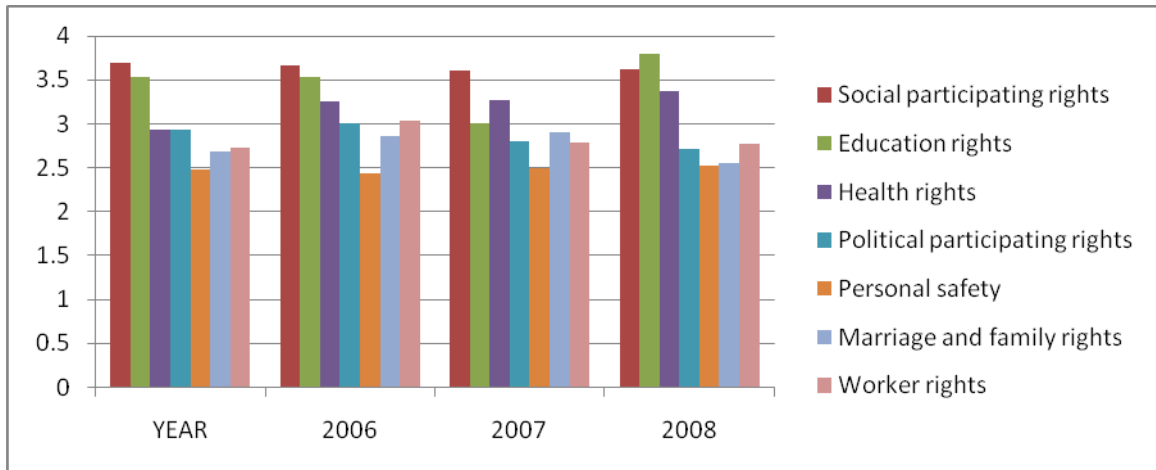


Figure 2 Seven Indicators in Women's human rights in Delphi

Source: Modified from the survey 2006 to 2009, CAHR & TSC, NCCU.

In figure 3 shows that experts have a positive opinion on Social participating rights. The experts have their evaluation reasons as below: the rise of feminism and women's groups increases opportunities for participation in social activities. Women get to know how to ask for their rights. Women expresses their views in public places but the training are inadequate, therefore the opportunity to free expression and public acceptance is limited. As the whole, women's social participation has been gradually improved to the positive development and should be continued to maintain.

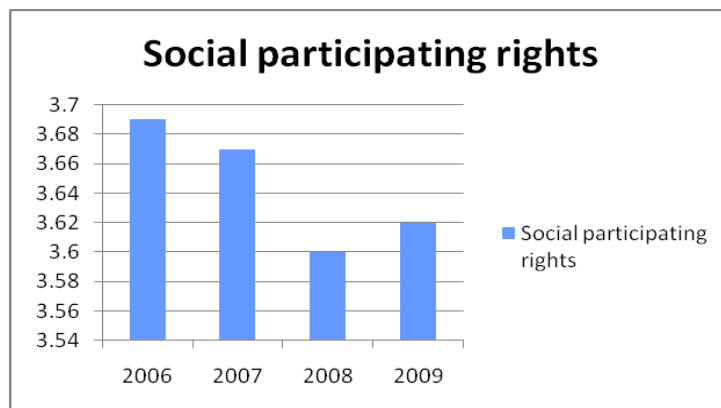


Figure 3 Social participating rights

Source: Modified from the survey 2006 to 2009, CAHR & TSC, NCCU.

In figure 4 shows that experts have a positive opinion on education rights. The experts have their evaluation reasons as below: Women have equal opportunities to acquire education and the entrance to school. This seems no gender stereotypes or gender discrimination in the interaction between teachers and students on campus.

Regarding to teaching and in the school curriculums, gender stereotypes or gender discrimination would be a topic to be discussed.

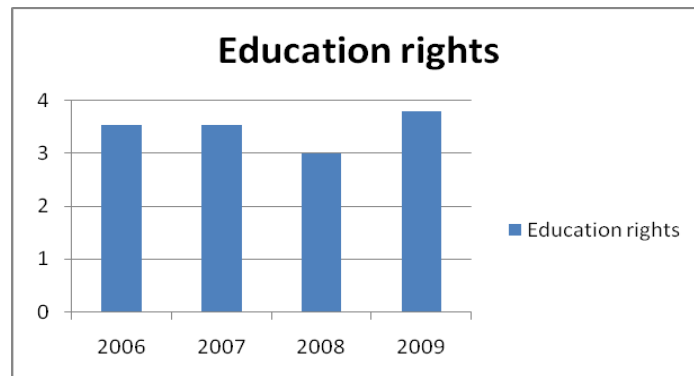


Figure 4 Education rights

Source: Modified from the survey 2006 to 2009, CAHR & TSC. NCCU.

In figure 5 shows that experts have a positive opinion on health rights. The experts have their evaluation reasons as below: Pregnant women receive appropriate prenatal care. The highest probability of disease for women is breast cancer and cervical cancer. The access to appropriate medical information is still remained to be approved.

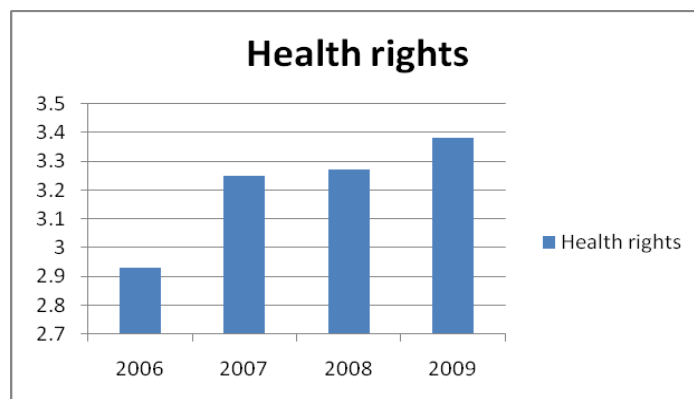


Figure 5 Health rights

Source: Modified from the survey 2006 to 2009, CAHR & TSC. NCCU.

Due to the revised of Election Law, the proportion of women in Congress rises in 2007, however turn out to 2.8 and 2.6 in 2008 and 2009. Women in high ranking of government still need to be improved. To sum up, gender balance is not actually fulfilled totally in public sectors.

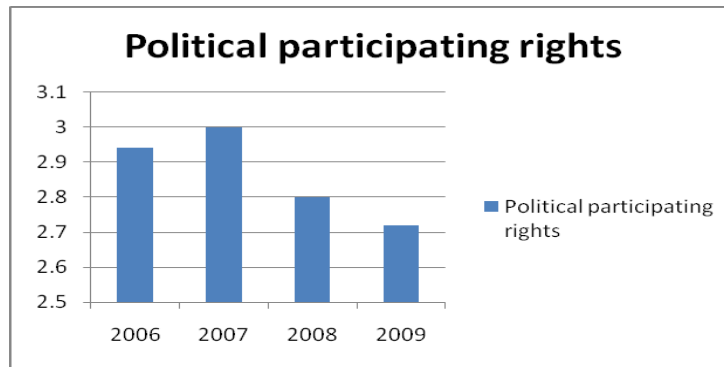


Figure 6 Political participating rights

Source: Modified from the survey 2006 to 2009, CAHR & TSC, NCCU.

From 2006 to 2009, the problems of women suffer from violent crime or the threat still very serious. The cases women are subjected to marital violence, sexual harassment, sexual assault or other violent threats government can provide adequate emergency shelter or related assistance; however, government can not do enough prevention actions in advance, and the social workers are incapable to take care of every possible risky women.



Figure 7 Women's personal safety

Source: Modified from the survey 2006 to 2009, CAHR & TSC, NCCU.

From 2006 to 2009, the women condition in marriage and family rights do not pass the standard level, resulting from women always have the burden of taking of children, elders and doing house chores, that's why they cannot escape from family pressures. Especial in 2009, some news reported regarding women who suffer from the heavy burden of family pressures and try to committee suicide. The other problems are married women is hard to enjoy an appropriate degree of economic autonomy.

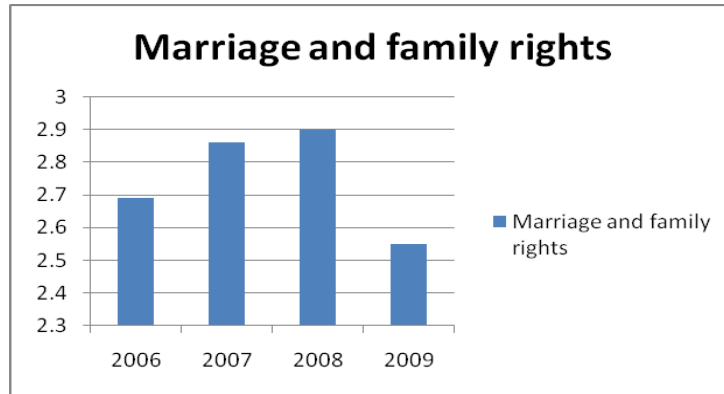


Figure 8 Marriage and family rights

Source: Modified from the survey 2006 to 2009, CAHR & TSC, NCCU.

In figure 9, only worker rights of women in 2007 are qualified as above 3, while the rest 3 years are below standard mean 3. The experts have their reasons as below: Married women will be affected on employment opportunities to some extent. Above all, pregnant women's right always been treated unfairly in some cases.



Figure 9 Worker rights

Source: Modified from the survey 2006 to 2009, CAHR & TSC, NCCU.

Gender mainstreaming implementation in Taiwan

Most definitions confirm to the UN Economic and Social Council formally defined:

*Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.*⁴

Gender mainstreaming are promoted in all the UN member states (Mark and Emilie) , however, the Taiwan government, Executive Yuan and related ministries promote women's human rights in accordance with gender mainstreaming as well. By virtue of the six "gender mainstreaming" major means, to implement in the areas of education, economy, finance, taxation, social welfare and related public areas. This is to say, to concern the disadvantages into the policies and to benefit men and women both. The next parts will check the six gender mainstreaming means of women's human rights in Taiwan.

Women's Political Participation

The Civil Servants Election and Recall Act was amended in 2007 which included the legislator election in the year 2007, the seats of elected female legislators was 30.1% of the whole legislators, which increased 10% more than the female legislators of last term elected in 2004 were 20.9%. Women's political participation right enhanced the female influence in the Congress.

Women's Labor and Economy

With a view to enhancing women's labor and economy, Article 5 of Employment Services Act, in addition in 2007, provided that any employer was prohibited from discriminating against any job applicant or employee on the basis of race, religion, political party, gender and gender orientation as well, so as to follow the gender mainstreaming idea of highlighting diversified gender.

⁴ United Nations. Report of the Economic and Social Council for 1997". A/52/3.18 September 1997.

In order to improve on the women’s employment environment and solve women’s concerns, the Executive Yuan established the taskforce dedicated to improving on women’s employment economy and benefit; however, as indicated in table 2, the average salary of female is relatively lower than male from 2001 to 2009. This proved the gender gap in earning has existed for a long time.

Table 2: Income difference between male and female workers

gender/yr	2001	2002	2003	2004	2005	2006	2007	2008	2009
Male	47010	46128	46691	47472	47836	48021	48903	49065	46459
Female	35620	35838	36731	36845	37480	38035	39032	38870	37144
Difference	11390	10290	10320	10627	10356	9986	9871	10195	9315

Source: *Gender Statistics*. The Directorate General of Budget, Accounting and Statistics (DGBAS) of Executive Yuan, p.4, 2010

Women’s Welfare and Poverty Eradication

“*Act of Assistance for Women in Hardship*”, amended in 2006, defined the women to be provided with special assistance, the qualifications for immediate living assistance and contents thereof more expressly and enabled the women under special circumstances to receive the care from the national resources in a timely manner and also to mitigate their economic burden.

Women's Education and Culture

In 1997, the adult literacy rate of females over the age of 15 was 91.1%, which increased by 4.8% and became 95.9% in 2007. Article 8 and Article 15 of “*Educational Fundamental Act*” amended in 2006 to emphasize the rights female teachers shall be “reserved by laws”, whereas students’ rights of learning and education, should be developed mentally and physically, as a result, female single students who pregnant will have the right to keep her educated right, which is impossible before. Regarding culture aspect, legal measures are insufficient where traditional norms of a woman’s place are still predominant in the future (Cohen. 2006:272) (Lawson, 2007).

For women’s health and medical care

In 2009, the life expectancy in Taiwan was age of 79, in which the male was 76 while the female was 82 years. The “*Artificial Reproduction Act*” was enacted and passed in 2007 that finally became the source of law for artificial reproduction after so many years. Further, the substantial amendments to “*Tobacco Hazard Prevention*

Act” also passed in 2007, which prohibited pregnant women from smoking but provided no penalty requirements.

Women’s Personal Safety

According to the statistical data from Ministry of the Interior(MOI), it shows that there are 7354 victims of violent crime in 2009. Among them, 5191 victims are female, equal to 70.59% by gender, while the rest 2163 victims are men, equal to 29.41%. From the Figure 10 the time series shows that the "violent crime" of women victims rate by gender, from 1990 to 2009, are more serious than man, while the highest rate is 75% in 2005. And the percentage in 2009 increases 5.20 %, than the percentage in 1990.

This displays that violence vulnerable women often becomes victims that the personal safety precaution policy should be taken. There should more actively promote education of women.

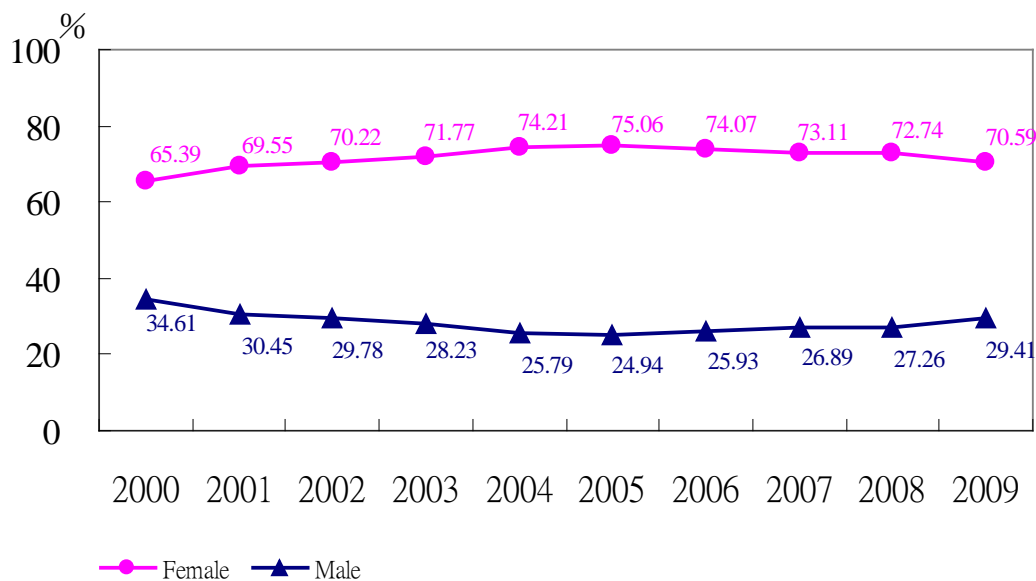


Figure 10 . The violent crime of women victims rate by gender from 2000 to 2009

Source: MOI, 2009 www.moi.gov.tw

The “*Sexual Assault Crime Prevention Act*” in 2006, providing that the competent authority shall be entitled to force the offender under the Act to have treatment and monitor the repeat offender with electronic devices.

The amendments to the “*Sexual Harassment Prevention Act*” in 2006 also

provided that a person who had sexually harassed another person should take the responsibility of offering compensation for damage. Furthermore, in order to better respond the reporting of domestic violence cases, the laws were also amended in 2007 to expand the authority of reporting to village/neighborhood members, network service providers and telecommunication service providers, in hopes of enabling the public power to intervene as early as possible to help female victims of domestic violence cases seek the protection of a support system.

Women's Marriage and Family

Article 1059 of the *Family Part of the Civil Code* was changed into "a child assumes the surname agreed by the parents in writing" in 2007. The provision, which reform the traditional practice providing that children should assume the surname of father.

Conclusion

It is evident that there remains an enormous gap between the rhetoric and realities of women's human rights, whereby women's rights continue to be contested in countries across the world and governments are often unwilling to fulfill their international obligations (Roberta & Marysia, 2007:5). This could be a self-review experience for Taiwan.

Women's personal safety should be improved for first priority.

Comparing the results of CAHR and TSC survey from 2006 to 2009 with the gender mainstreaming implementation in Taiwan, which explain partially why the overall evaluation towards women's human rights hold a positive evaluation for 44%. In contrast, people hold negative evaluation for 30%. Even the percentage of positive position is more than negative evaluation. The positive evaluation don't reach majority. Among seven women's human rights indicators from Policy Delphi, women's personal safety is the worst. This could be proved by the statistics of MOI, which indicated that violent crime of women victim rate by gender from 1990 to 2009, the victim rate of women was more serious than man.

It's urgent to cultivate the society's gender awareness

It seems that as though gender mainstreaming has received substantial effects under the government's promotion in Taiwan in the past years; however, the evaluation opinion of experts in Delphi pointed out many unfair treatments for women.

Some of the causes are that male do not have the gender awareness. As for culture aspect, legal measures are insufficient where traditional norms of a woman's place are still predominant in the future. Therefore, even the elites such as judges, enterprise managers and government officials are lack of gender awareness. This might be a basic problem for Taiwan women's human rights.

Maybe the cultivation of gender awareness are slowly and without immediate effect. It cannot be denied that changing the stereotypical gender impression in the social culture would be difficult. If the government could implement more "gender impact assessment" in the process of drafting the laws and policies, above all, try to utilize every social educational occasions to have more gender awareness program.

Government should do more actively than NGOs

The NGOs plays a more active role than government in women's human rights in Taiwan. For instance, Chinese Association for Human Rights and Taiwan Research Center launched annual survey of expert opinions on human rights starting since 1991 to 2009, so as many NGOs. Furthermore, it was until women groups' initiation of the motion for many years, did the Executive Yuan pass the Elimination of All Forms of Discrimination against Women (CEDAW) sign motion on July 12 2006. Afterwards, the Legislative Yuan ratified the motion on January 5 2007, that means Taiwan was approved to sign the UN's *Convention on the Elimination of All Forms of Discrimination against Women* by Taiwan Congress.

Without the effort of women's right groups, it is no chance to promulgate the CEDAW⁵ in Taiwan. To sum up, the first "CEDAW" National Report of Taiwan was issued in 2009, and more women's groups raised suggestions to improve it in 2010. What should be review by the government in Taiwan is that the public sectors should do more actively and work together more with NGOs in the next decade. It is could be a aim for Taiwan to head for, which is to construct a framework for the advancement of women's rights and justice in a national and international context.

⁵ On March 29, 2007, Secretary General of the United Nations, Ban Ki-Moon, rejected Taiwan's instrument of accession.. Notwithstanding, the Committee of Women's Rights Promotion still demanded that the ministries and committees subordinated to the Executive Yuan should draft the national report per four years pursuant to the CEDAW, to review the development in Taiwan's fulfillment of CEDAW.

References

- Cornwall, A., & Harrison, E., Whitehead, A. (2007) "Introduction: Feminisms in Development: Contradictions, Contestations and Challenges." In Cornwall, A., Harrison, E., Whitehead, A. (Eds.), *Feminisms in Development: Contradictions, Contestations and Challenges*. London: Zed Book.
- Correia, M. C., & Bannon, I. (2006) "Gender and its Discontents: Moving to Men-Streaming Development." In M. C. Correia & I. Bannon (Eds.) *The Other Half of Gender: Men's Issues in Development*. Philadelphia: World Bank.
- Jaquette, J., & Staudt, K. (2006) "Women, Gender, and Development". In J. S. Jaquette & G. Summerfield (Eds.) *Women and Gender Equity in Development Theory and Practice: Institutions, Resources, and Mobilization* Durham, N.C.: Duke University Press.
- Lawson, T. (2007) "Gender and Social Change". In J. Browne (Eds.) *The Future of Gender*. UK: Cambridge University Press.
- Lawson, T. (2007) "Gender and Social Change". In J. Browne (Eds.) *The Future of Gender*. UK: Cambridge University Press.
- Mark A. Pollack and Emilie Hafner-Burton, "Mainstreaming Gender in the European Union ", Academy of European Law , <http://centers.law.nyu.edu/jeanmonnet/papers/>.
- Roberta, guerrina & Marysia, Zalewski.(2007) " Negotiating difference / negotiating rights : the challenges and opportunities of women's human right." Review of International Studies. 33.p.5
- Rowe and Wright (1999): "The Delphi Technique as a Forecasting Tool: Issues and Analysis". *International Journal of Forecasting*, Volume 15, Issue 4, October 1999
- Sanger, T. (2008) "Trans Governmentality: the Production and Regulation of Gendered Subjectivities". *Journal of Gender Studies*, 17(1): 41-53.
- Squires, J. (2007) *The New Politics of Gender Equality*. London: Palgrave Macmillan.
- Taiwan Gender Statistics*.(2010) The Directorate General of Budget, Accounting and Statistics (DGBAS) of Executive Yuan, Taipei.
- Taiwan Women's Almanac 2006-2007, published by The Foundation for Women's Rights Promotion and Development. 2008, revised edition 2009
- Thompson, L. (2008) "Gender Equity and Corporate Social Responsibility in a Post-Feminist Era". *Business Ethics*, 17(1): 87-106.

Website

Chinese Association for Human Rights , <http://www.cahr.org.tw/> .

Taiwan Studies Center of National Chengchi University,
<http://www.tsc.nccu.edu.tw/>.

Ministry of the Interior, *www.moi.gov.tw*