9. Who is My Neighbor? Rights to Welfare of The Disadvantaged in Taiwan

Hon-Yei Annie Yu *

Along with the rise of the social welfare movement of last decade in Taiwan, many laws have been either amended or created to enhance the welfare rights of the disadvantaged. However, just as with most efforts at implementing the Copenhagen Commitments, there are still great challenges ahead along with a lag in the implementation of these new laws. This paper intends to uncover the underlying ideology of these laws, reflecting, to a certain degree, the attitude towards the disadvantaged in Taiwan. Functions of the crucial lobby groups will also be examined to see how they affect policy development and implementation for the disadvantaged. This paper will conclude with recommendations for advancing welfare for the disadvantaged based on the author's previous research findings.

I. The Framework

A disadvantaged group usually refers to membership in a specific racial, religious, ethnic, or political status. As contrast to the dominant group,
they are a minority or have less influence (Barker, 1991: 145). Instead of numerical minority, this definition emphasizes the political disadvantage, which means being less influential in determining the allocation of resources. Table 1 lists crucial welfare legislation for the disabled, the elderly, and victims of domestic violence which also imply the disadvantaged position in health, age, and gender.

Table 1 Legislation for the disabled, the elderly, and woman victims

<table>
<thead>
<tr>
<th>Legislation</th>
<th>'80</th>
<th>'85</th>
<th>'90</th>
<th>'95</th>
<th>'00</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Protection Act for the Disabled</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>The Mental Health Act</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>The Welfare Act for the Elder</td>
<td>*</td>
<td>*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Child Prostitution Prevention Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Sexual Crime Prevention Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Domestic Violence Prevention Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In the following sections, the circumstances of each disadvantaged group, especially the disabled, the elderly, and the women victims of rapes, sexual exploitation, or domestic violence will be documented first, and discrepancy between reality and the claimed legislative goals, if there are any, will be explored. Benefit items addressing different target groups with certain eligibilities will be analyzed to see if there is any hidden agenda. The role of lobby groups, which have been active in policy advocacy for the disadvantaged, will also be examined.

II. The Welfare Development for the Disabled

1. The Circumstance of the Disabled

There are, in total, about 706,500 people registered on the welfare rolls as disabled in Taiwan, which accounts for 3.2 percent of the whole population of about 22 million people. Among these, the physically disabled (43.96 percent of the Taiwan’s disabled), the developmentally disabled (12.27 percent), the speech and hearing disabled (11.61 percent), and the mentally ill (7.3 percent) all account for about 75 percent of
impairment, but have also been further restricted by social discrimination. Taiwan’s disabled. They have not only suffered from physical or mental they disproportionately live in poverty. The family is still regarded as the last resort for caring for most disabled people. It is not unusual for some overburdened families to abandon their disabled members. Given the inadequate supply of public residential care, there have been many scandals with unregistered institutions.

However, the rights of the disabled to receive special education, early rehabilitation, employment, housing services, and enjoy a barrier-free environment have been advocated since the late 1980’s, and the annual welfare budget for the disabled usually counts for more than half of the whole national welfare budget.

2. The Emergence of Lobby Group

The Welfare Act for the disabled, along with two other pieces of legislation addressing the needs of the elderly and the poor, was first enacted in 1980 when Taiwan was facing both internal and external political uncertainties. However, the residual welfare ideology behind these three pieces of social legislation has been criticized by some welfare scholars as politicians’ lip-service to draw attention from the political failures of the state (Lin, 1991:12). It was not until the lifting of Martial Law in 1987 that the organization of various NPOs became possible. A coalition of more than 70 groups for the disabled were formed in April 1989 to promote amendments to the 1980 legislation.

Through intensive lobby activities and public hearings, these groups attracted much media attention and made the welfare entitlement of the disabled a public issue. They also successfully mobilized experts from both academia and the field to work on drafting new legislation. Their proposed amendments to the Welfare Act were introduced in the Legislative Yuan by 40 concerned legislators to combat the conservative official version drafted by the Executive Yuan. The 1990 amendment, the Welfare Act for the Disabled, successfully reflected the spirit of welfare entitlement of the disabled advocated by grass-root groups (Yu, 1990: 65-69). The Federation for the Disabled initiated the successive amendments respectively in 1995 and 1997, and their experience in policy advocacy has set a model in Taiwan for other action groups for the disadvantaged to follow (Yu, 1998: 9-19).
Compared to other disable people, the mentally ill have not been so lucky. The Mental Health Act enacted in 1990 has been regarded as an official product without local participation, especially from the mentally ill and their families. It was not until the 1995 amendment, the Protection Act for the Disabled, that the mentally ill were included as a new category of the disabled. But they often complain of their marginal status among the disabled. Since the first local mental rehabilitation association was formed in 1983, there have been 21 similar groups in Taiwan. The Federation for Mental Rehabilitation formed, as well as led by psychiatrists since 1997, has not been active in both public education and policy advocacy. Many negative media reports of accidents caused by the mentally ill have made the situation worse. In the public's perception, the mentally ill are violent, dangerous, and must be isolated from society.

3. Goal Attainment of Related Legislation

The Welfare Act for the disabled, amended in 1990, was the first piece of welfare legislation enacted in Taiwan proclaiming that the legal rights and equal opportunity to social participation of the disabled should be protected. The 1997 amendment further elaborated specific, but was not restricted to, governmental units responsible for rehabilitation, education, housing, residential care, and the protection of a barrier-free environment. Similar to Affirmative Action in the U.S., anti-discrimination items are included in these laws, including employment quotas (2 percent for governmental agencies and 1 percent for private firms) that are guaranteed for the disabled with fines for their violation in turn will finance the Employment Services Fund for the disabled. This is also the only welfare legislation with a built-in financing mechanism. Mainly because of the continuous monitoring of the policy implementation by the Federation for the Disabled, the central government has been quick to respond to new issues.

Although there still exist implementation inconsistencies among local governments, the welfare right of the disabled, in general, has been recognized by the public. However, the mentally ill are an exception, they still suffer from social stigma. The Mental Health Act enacted in 1990 reflects the policy struggle between regulation and advocacy. In terms of shared responsibility for the mentally ill, where should we draw the line between the family and the government? According to the legislation,
the client’s family members should automatically take the role of the “protector” who will be responsible for arranging medical treatment, follow-up community rehabilitation and compensation for public damages whenever necessary. Accordingly, the state tries to regulate the mentally ill through dumping all the responsibility on their families who actually have been overburdened and deserve social services themselves.

III. The Welfare Development for the Elderly

1. The Circumstance of the Elderly

As early as 1993, the elderly population (aged over 65) in Taiwan has accounted for 7.07 percent of the total population which could make Taiwan an aging society. Till the end of 1998, the elderly population reached 8.25 percent of the total population. It is also estimated that it will take us only 20 years to double our elderly population from 10 percent (2011) to 20 percent (2031), as compared with 52 years for Holland, 56 years for German, and 85 years for Sweden. Given the increasingly advanced age of our society, welfare services for the elderly in Taiwan are far behind in development, and this leaves us inadequate time to adjust our welfare system.

Partially because of the voting power of the elderly population and the myth of traditional family care, they are often treated as a homogeneous group and are hardly regarded as disadvantaged by some people. Their overrepresentation in the ranks of Taiwan’s poor is always overlooked. In traditional Chinese society, the elderly usually enjoy social respect and receive material support from their adult children. However, this picture of the ideal is going through dramatic changes in Taiwan today. Although the three-generation co-residence rate is more than 50 percent, it is decreasing, especially in the urban areas due to high housing costs for younger generations. In cases of chronic illness, the elderly are cared for most often by their aging mates, rather than their adult children, due to the heavy workload of the modern dual-income family. Without support services, such as domestic help, respite service, and day care, the family is no longer able to care for their old members. For the financially independent elderly, moving into a private nursing home has becomes an alternative living arrangement. But there are many people for whom such
expensive options are not possible. These poor elderly must rely on public assistance. For example, the increasing prevalence of elderly abuse, where adult children mistreat their old parents, signals the breakdown of family relations and requires for community intervention.

2. The Emergence of Lobby Group

Many associations have claimed to serve the elderly population, but they mostly have focused on recreation activities for the middle class elderly. The Federation for the Elder's Welfare, organized by gerontology professionals in 1993, shows interest in policy advocacy for the elderly, and it tries to maintain a politically neutral position like other welfare groups. However, the political affiliation with the opposition party at its early stage made the Federation become visible in policy development, especially their opinion on a national pension system. They seemed to be more concerned about promoting a universal welfare scheme, such as the pension system, which would benefit the elderly with previous employment history. Probably being restricted by their members' elite backgrounds, services they proposed seemed to ignore the diversity of the elderly population (Wang, 1998). They participated in the policy making process as representatives of the elderly population, while they were mostly composed of healthy, male Taiwanese. This homogeneous composition spurred criticism that they were not representative of Taiwan’s elderly population, weakened the group’s lobbying power. They were not sensitive to residential care, home care, and elderly abuse prevention, which were beyond the life experiences of their members. They had much input in drafting the Welfare Act for the Elderly, but left the implementation of the legislation unsupervised.

3. Goal Attainment of Related Legislation

As previously mentioned, the 1980 Welfare Act for the Elderly, addressing the needs of Taiwan’s population over 70, was just a written statement without commitment from the government. However, its amendment after 17 years was still a closed-door work of the bureaucrats. The beneficiary's age was lowered to 65. Economic security, living allowance, special caregiver compensation, and pension system were all issues mentioned, but no clear timetable was set. Most benefit items were left at the disposal of the local governments without incentives from
the central government. The caring responsibility for older family members, by their families, was further emphasized by harsh punishment, such as fining, publicizing name, and compulsive caregiver education, for the mistreatment of the elderly. A public issue was individualized into personal trouble. The common structural difficulties facing by the elderly again were attributed to the failures of individual families. Accordingly, the goal of the legislation could never be reached.

IV. The Welfare Development for Woman Victims

1. The Circumstance of Woman Victims

Although the composition of the child prostitute population has changed a little through the years, their numbers are increasing due to sexual liberation, especially among the younger generations in Taiwan. Some young people regard prostitution as an easy and fast way to make money. In addition to vulnerable aboriginal girls, many school dropout and run-away become victims of the human-trafficking industry. Once they are trapped by the lifestyle and substance abuse, they are at the mercy of the traffickers. This explains why case rescue is only the starting point to work, the follow-up rehabilitation involves various services and is very time consuming.

According to the 1989-1998 criminal statistics of Taiwan, there are on average about 985 rape cases reported each year, 1/7 to 1/10 of the real number (Huang, 2000). Because the myth of virginity and social stigma attached to sexually active women, rape victims are hard to reach by social agencies. On the other hand, we have not had enough professionals with adequate training to help these women, either.

As to the battered women, 220,857 reports were officially filed in 1998 in Taiwan, among which only 5,232 cases received follow-up intervention (Huang, 2000). Relative marital law reform in recent years has put women in a better position to win child custody. Although a council in charge of the sexual crime and domestic violence was created at the national as well as the local level according to the law, inadequate staffing greatly lowers its impacts. Most people still perceive domestic violence as a family matter. The traditional unequal power struggle of
gender roles is still deeply rooted in our society.

2. The Emergence of Lobby Group

At the end of 1985, the Asian Church Women Conference titled “Tourism and Prostitution,” was sponsored by the Presbyterian Church in Taiwan. The survey findings on Hwa-shi Street conducted by church workers further pushed the development of the “Rainbow Project” by the Presbyterian Church in 1986. The Good Shepherd Center in Hualien County was originated by some church people as a forum group in 1985, and later in 1988 began their visits to aboriginal tribes. Parenting education, cultural preservation, and prostitution prevention projects for the aboriginal community were also developed. The Catholic Good Shepherd started a branch office in Taiwan in 1987 to provide shelter services for abused women.

In early 1987, the Protestant Li-Shin Foundation began case rehabilitation programs for child prostitute victims. After planning and campaign personnel were recruited in 1993, the agency switched to more social advocacy activities. The Women Rescue Association, sponsored mainly by female lawyers in 1987, combated child prostitution industry through case rescue and legislation advocacy. As a whole, by 1990 all the above women's groups joined the parade on Hwa-Shi Street and this first demonstration of women's concern attracted much media attention. They followed up by requesting the Ministry of Law to establish an anti-human-trafficking project. The aboriginal policy was also under serious attacks (Ku, 1993). Their effort led to amendments to the Sex Crime Prevention Act of 1997, its enactment has been the result of some significant social events. In response to a secretary raped by a federal security agent in 1993, and a college student raped by a professor in 1994, the Awakening Association and the Female Scholars Association hosted many public hearings to make the issue visible. And the Modern Women Foundation drafted an anti-rape law in 1994. However, it was the death of a female politician, also a women's movement activist, in 1996 that pushed the Sex Crime Prevention Act passed in 1997.

Early in 1988, the Taipei City government started their services for battered women, and contracted out shelter services to the Good Shepherd, a Catholic agency in 1992. The case of a battered woman killing her husband in his sleep in 1993 attracted much public attention,
and Awakening, Women's Rights, Woman Scholar, and other advocacy
groups advocated for the battered woman through various demonstration
activities. Combined with sympathy for the death of the female politician,
the Modern Women Foundation mobilized concerned professionals,
especially the legal professionals, and successfully drafted the legislation.
Ten years after the initiation of public services for battered women, the
Domestic Violence Prevention Act was finally passed in 1998.

3. Goal Attainment of Related Legislation

Although services provided by the women’s groups at first addressed
case counseling, their leaders, with urban elite background, were capable
of attributing child prostitution to macro interpretation, such as the
breakdown of the socioeconomic system in aboriginal areas because of
inadequate government policies. The high proportion of aboriginal child
prostitutes reflects the underlying structural causes. Instead of only
focusing on the supply side – victim rescue – to end the problem, these
groups dealt with the demand side, raising the cost and risk to prostitute
customers. In the 1995 Act, it was clearly stated that having sex with
minors was illegal and those convicted of doing so would face harsh
penalties. The required reporting of suspicious cases and school dropout
by related professions and the initial investigation responsibility of the
judicial system clearly demonstrates the responsibility of the government.
However, the various service models listed in the Act, such as the
establishment of emergency centers, residential care, and half-way
schools, do not exist yet, and there is no time table for the Act’s
implementation.

The dual goal of the 1997 Sex Crime Prevention Act is prevention as
well as protection. A compulsive four-hour preventive education lesson
provided at the school will not necessarily serve the prevention goal.
Unless the confidentiality protection of the judicial procedure can be
guaranteed, the rape victims may be hurt again. As to the compulsive
counseling service for the rapist, an inadequate number of qualified
professionals will result in a big implementation lag. Nevertheless, the
rationale of the legislation is to substitute rehabilitation for punishment,
which is very ideal.

The 1998 Domestic Violence Prevention Act is mainly a copy of the
American law, which is much more advanced than the legal practice in
Taiwan. Many new concepts and legal procedures were introduced, such as the “Protection Order” (a constraining order in the U.S.), “Supervised Visitation”, and “Abuser’s Treatment Plan”. Social service units are no longer the only responsible party to address these problems, the judicial and police system also take a more active role in the early intervention and leave more room for the social unit to do the follow-up services.

V. Conclusion

After the lifting of Martial Law in 1987, many social groups emerged to voice their concerns, and to take very active roles in public affairs. On the other hand, the circumstances of some disadvantaged people have gained public attention through media reports of related accidents. The disabled, the elderly, and the abused women have been taken in this paper as cases of the disadvantaged in Taiwan to demonstrate the impact which related lobby groups have had on legislation regarding them.

It was found that lobby groups concerned with different groups developed different techniques (Table 2). Policy advocacy was the main technique used by lobby groups for the disabled and the elderly. The Federation for the Disabled was the first social group to exercise policy advocacy through political affiliation whenever appropriate. And it has set a model for other action groups to follow. As to lobby groups for women concerns, direct practice combined with policy advocacy reflected the more complicated circumstances facing by this group.

<table>
<thead>
<tr>
<th>the Disadvantaged</th>
<th>Lobby Groups</th>
<th>Technique</th>
</tr>
</thead>
<tbody>
<tr>
<td>the Disabled</td>
<td>Federation for the Disabled</td>
<td>Policy Advocacy</td>
</tr>
<tr>
<td>the Mentally Illed</td>
<td></td>
<td>Implementation monitoring</td>
</tr>
<tr>
<td>the Elderly</td>
<td>Federation for the Elder's Welfare</td>
<td>Policy Advocacy</td>
</tr>
<tr>
<td>the Child Prostitute</td>
<td>Women Rescue Association</td>
<td>Case Rescue, Policy Advocacy</td>
</tr>
<tr>
<td>the Sex Crime Victim</td>
<td>The Awakening, Female Scholars</td>
<td>Social Events, Policy Advocacy</td>
</tr>
<tr>
<td>the Battered Women</td>
<td>Association, Modern Women's Foundation, Taipei City Government.</td>
<td></td>
</tr>
</tbody>
</table>

The voices of the disadvantaged could be heard through the lobby groups and made a real difference. The history of advanced legislation
development for the disabled, the elderly, and women victims in Taiwan has witnessed their success. Although action groups were usually composed only of professionals, not many people questioned its representation of the disadvantaged. The different functions served respectively by the professionals and the clients in a pressure (or self-help) group deserve further study.

Because most legislation for the disadvantaged of recent years in Taiwan has been copied from American laws, the content is much more advanced than local practice. It is strongly suggested that all enforcement professionals should receive in-service training. Since adequate staffing at the local level is also key to effective policy implementation, the central government must provide incentives, such as ear-marked grants, for the local governments to follow the legislation.

References


