



LAF's Services for Women and Children



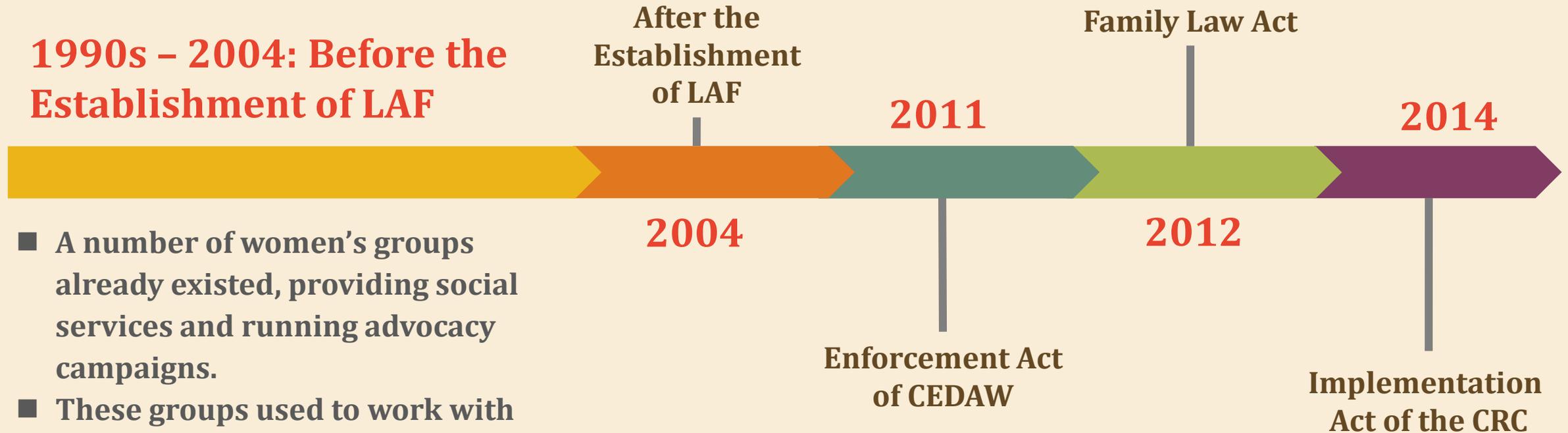
財團法人法律扶助基金會
Legal Aid Foundation

North Legal Aid Staff
Attorneys Center
Attorney Jing-Wen Lin

Development of Legal Assistance for Women & Children

1990s – 2004: Before the Establishment of LAF

- A number of women's groups already existed, providing social services and running advocacy campaigns.
- These groups used to work with their partner lawyers who have been regularly providing legal assistance for vulnerable women and children.



Implementation of International Covenants

International Covenants

The Legal Aid Act (TW)

Women

CEDAW §2(c), §15

Legal Aid Act §1

For people who are indigent or are unable to receive proper legal protections for other reasons.

Children
(including Youths)

CRC § 37, §40 ;
General Comment No.10 on the CRC

Legal Aid Act
§5III(4),(5)

Juvenile delinquency cases

LAF's Service - Legal Advice

1. Legal Aid Hotline

- Launched in May 2015
- Advice for family law questions
- Time limit: 20 minutes per call

2. Hotline for Professional Helpers

- Launched in May 2018.
- legal advice for social workers, human service caseworkers and interpreters (for foreign spouses or migrant workers)

3. Face-to-face Advice

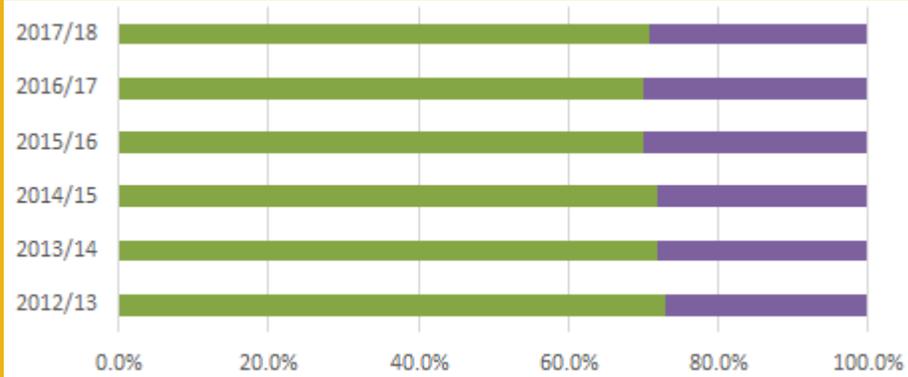
- LAF branch offices
- Courts
- Domestic Violence Prevention Centers
- Social Welfare Centers

LAF's Service - Legal Aid Grants (Representation)

- **General legal aid is granted;**
- **No special program is designed for women and children**
- **Financial Eligibility Criteria:**
 - ◆ No difference from other general legal aid applicants
 - ◆ **The amended Legal Aid Act 2015 and the subordinate regulation** has favored women who are a single parent, or a victim of domestic violence, when considering difficult situations faced by applicants:
 - ✦ **2015 Amendment to the Legal Aid Act - §5I(2)**
Those who are considered **financially eligible** include those “whose family is qualified as a **Family in Hardship** as described in the Act of Assistance for Family in Hardship.”
 - ✦ **2017 Amendment to LAF's Financial Eligibility Criteria for Legal Aid Grants - §4II(8)**
The disposable income applicable for deduction should include the situation whereas “...**the applicant is a single parent, or has to look after lineal relatives, or the applicant is indigent...**” in order to comply with the purpose of legal aid.

Legal Aid Clients: by Gender

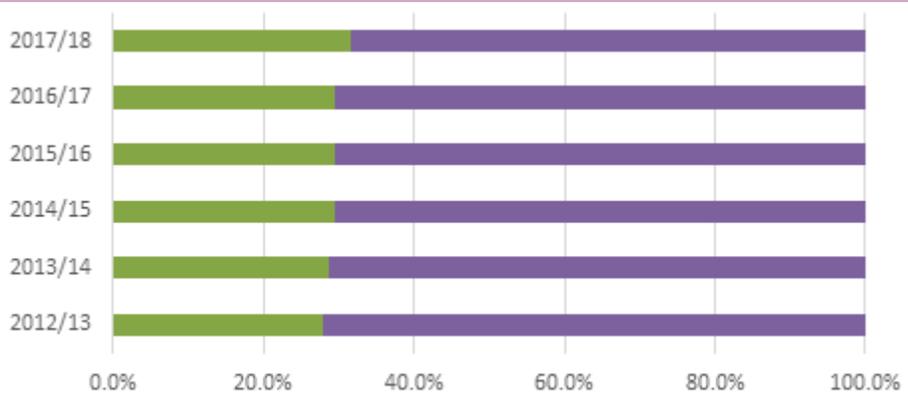
Criminal Cases



Civil Cases



Family Cases



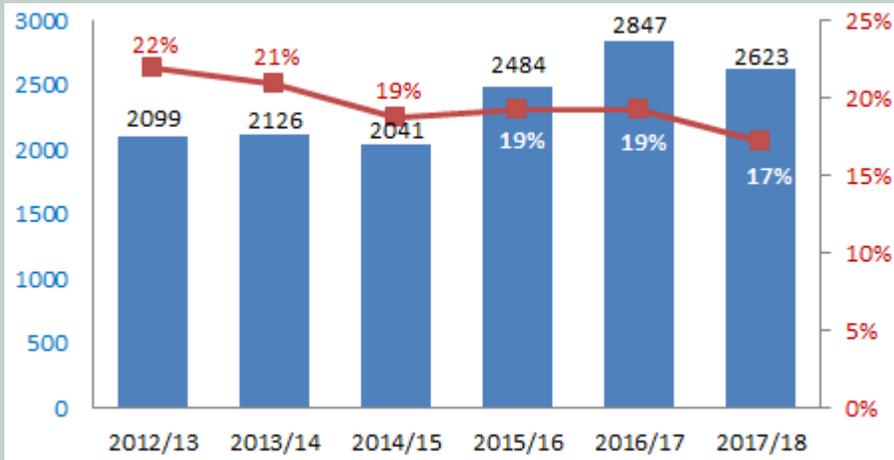
Male

Female

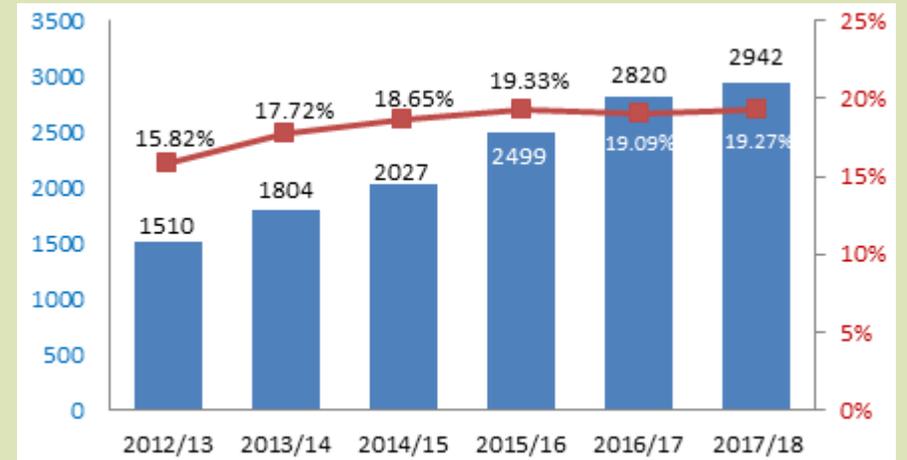
Note:
The information on this slide is the business data from every July to June of the following year. This fact remains for the following slides.

Women's Cases: Family Law Matters

Divorce



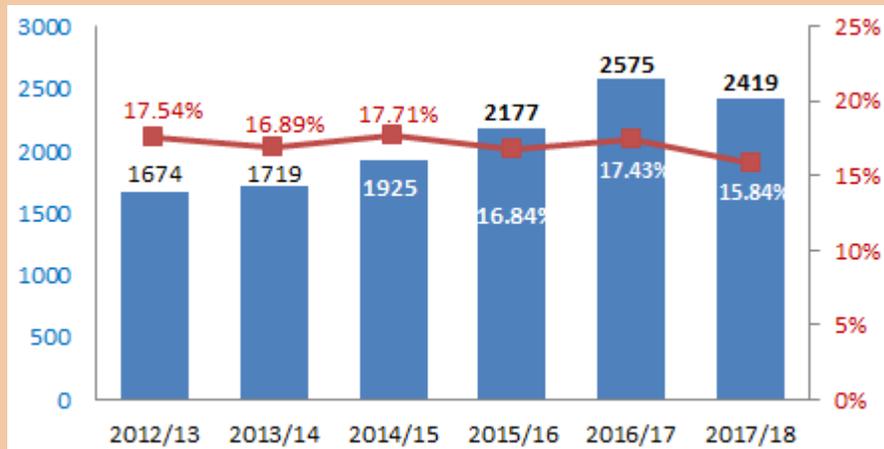
Maintenance



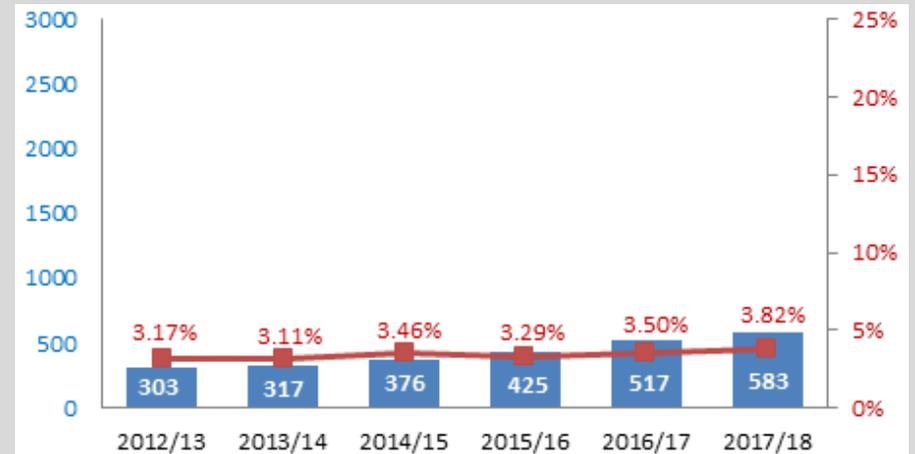
Number of Women's Cases

Percentage of Women's Cases (%)

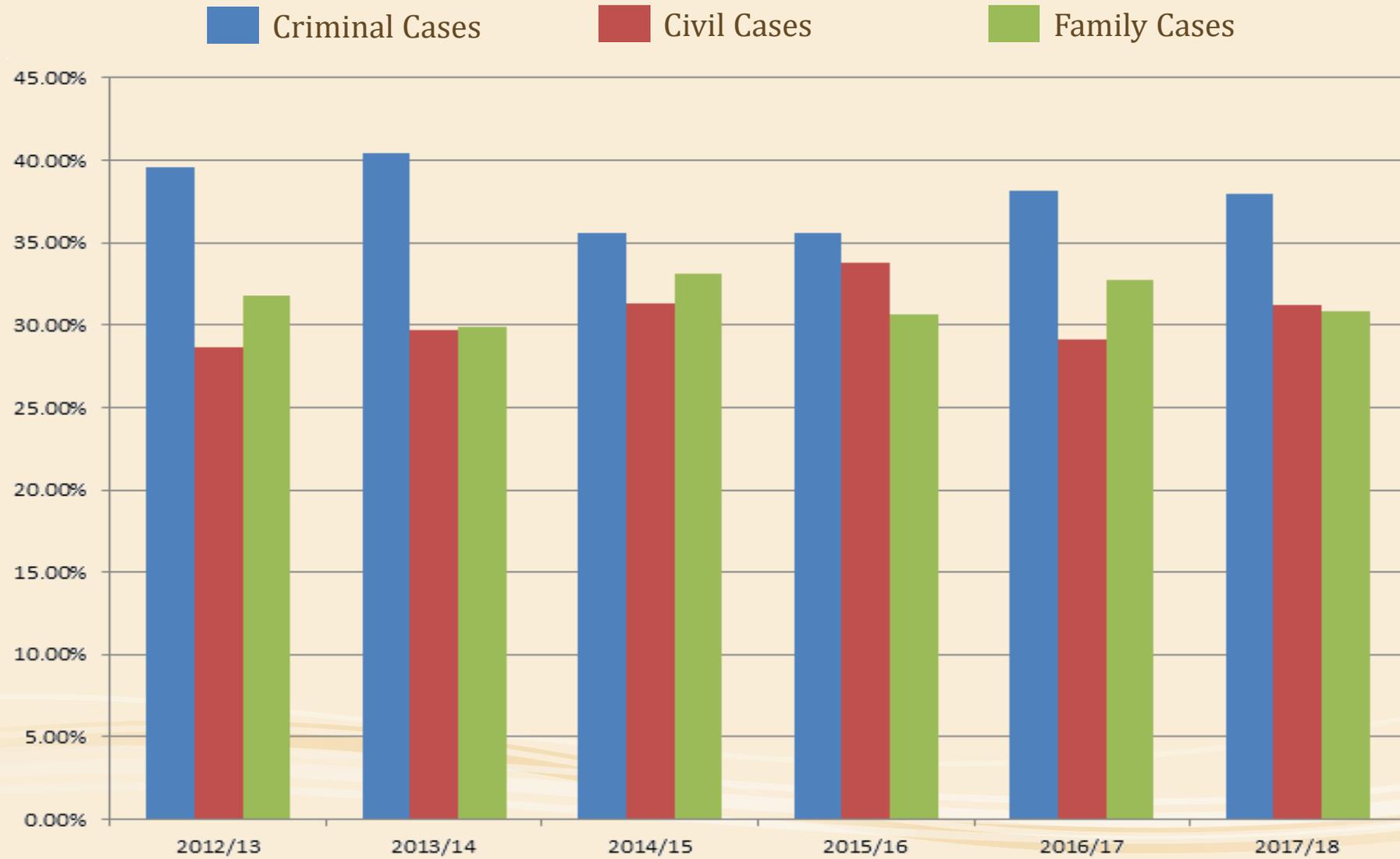
Child Custody, Parental Rights



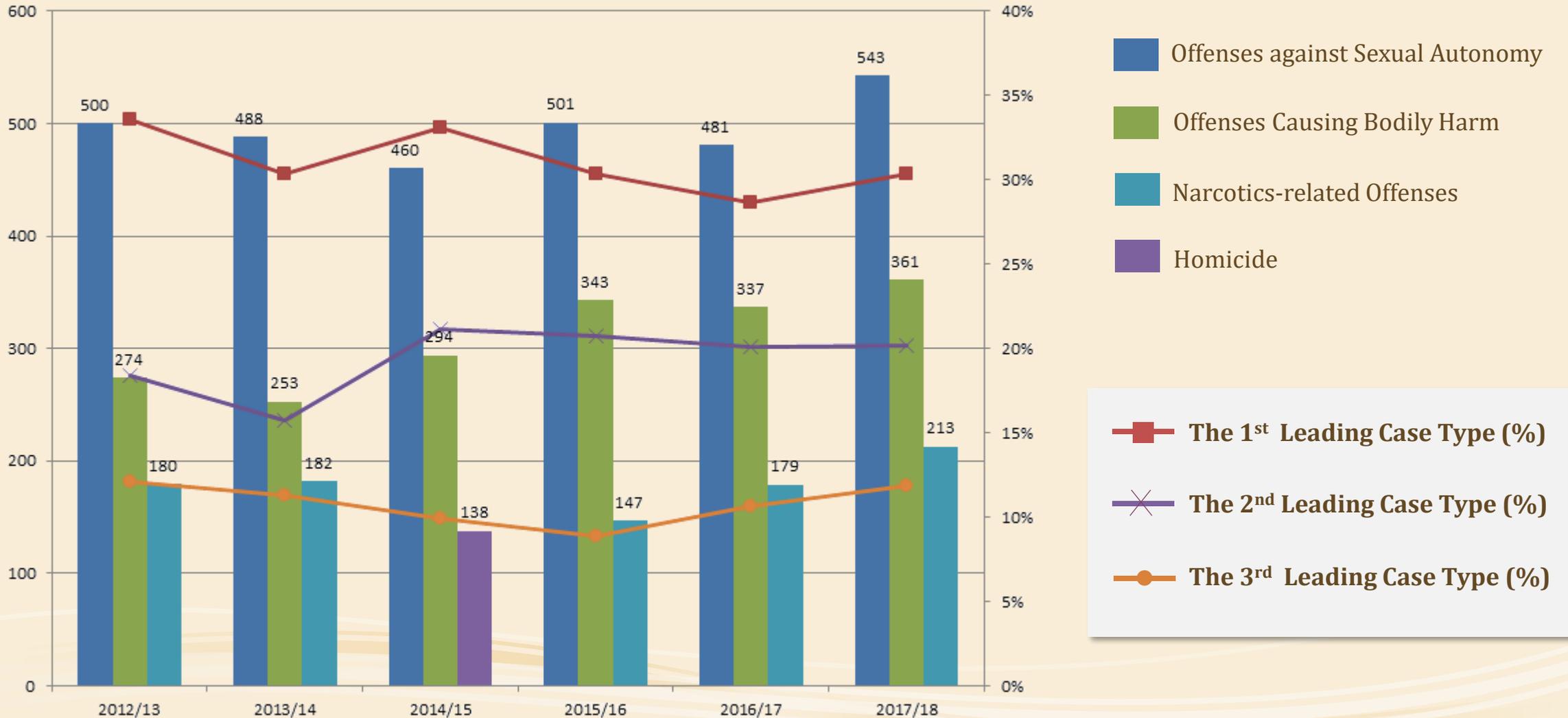
General & Emergency DV Injunctions



Children's Cases



Children's Cases: Top Three Criminal Case Types



Challenges & Changes in Practice



Women

- **Family law is the case category with the largest gender disparity**
- **Full implementation of international covenants is hindered by traditional cultural ideologies**
- **Recent changes occurred in quality and in quantity for women's family cases:**
 - ♦ Some social welfare organizations help their own clients with applications for domestic violence prevention injunctions
 - ♦ Clients' views on fighting for parental rights have also been transformed due to changes in social and family values and recession



Children

- **CRC is not fully implemented in current judicial practice. For example:**
 - ♦ In cases of sexual assault or sexual exploitation of children, the judicial practice still adheres to strict requirements of circumstantial evidence. Situations in which the defendants are deemed not guilty or given the judgment of a minor offense occur often.
- **Severity of criminal offences have increased:**
 - ♦ Personal injury and bodily harm cases → Sexual offences, narcotics, serious bodily injuries, and homicide have risen.
- **The defendants of juvenile delinquency cases are younger than before**

Features of Women's Cases

Case Study

- Impact of the traditional culture and cultural changes
- Difficulty for case management : a whole series of “interrelated cases”
- Integrated and seamless services are required



Public Legal Education

- **Regular meetings with women and children NGOs and/or co-organizing events and training/seminars**
 - ◆ E.g. The Garden of Hope Foundation, Awakening Foundation, The Child Welfare League Foundation, World Vision, the Secretary-General of Taiwan Alliance for Advancement of Youth Rights and Welfare, and Taiwan Coalition Against Violence
- **Activities of Legal Aid Promotion & Public Legal Education:**
 - ◆ Held at/with government agencies, social welfare/counseling service agencies, and police units
 - ◆ Topics relating to women and children
- **Educational programs in schools through diversified mediums, such as: films, plays, and board games**



Social Advocacy and Law Reform

■ Child and Youth Sexual Exploitation Prevention Act

- ♦ In 2014, LAF, Taipei Women's Rescue Foundation, End Child Prostitution and Trafficking (ECPAT), The Garden of Hope Foundation and other NGOs jointly proposed a draft bill for law reform.
- ♦ The legislators supported the proposed amendments with regard to children and youth placements and penalties.
- ♦ In February 2015, the Legislative Yuan passed the amendment to the Act. The title of the Act was changed from "Child and Youth Sex Trafficking Prevention Act" to "Child and Youth Sexual Exploitation Prevention Act", and the amended Act came into effect on January 1, 2017.
- ♦ The protection of children and youths' rights and interests was thereby improved, considering children and youths to be a group receiving protection from sexual exploitation instead of a group receiving punishment.



Inter-disciplinary Collaboration

For example:

- #MeToo: The Garden of Hope Foundation + LAF
- 113 Women and Children Protection Hotline: World Vision Taiwan + LAF



Service Challenges and Future Prospects

- **Improving interactions with clients in service provision to cope with rapid social changes**
- **Developing more specialized services and legal professionals for women, children, and youths**
- **Establishing a more integrated and seamless service system**
- **Expanding legal aid lawyers' understanding of other professions in order to facilitate future collaboration**
- **Differentiating the specialization of children and youths from that of women**
- **Promoting and delivering legal aid service in languages and manners that are more suitable for target clients**



Thank You

**Thank you for listening.
Any comments and suggestions are welcome.**



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