

Convention on the Rights of the Child

Shadow Report of Indigenous Peoples

Co-Author: Saiviq Kisas, Tuhi Martukaw, Ye-Te Liao, Lung Yi Wen, Lalibangeraw Muni, Suliyape Taljimaraw, Huimin Fang, eleng Ubalat, Chiao Yun Chen

Translator: Ye-Te Liao, Baobei Hwang, Tuhi Martukaw, Eleng Kazangiljan Liao, Hao-Hsiang, Jessie W. Cheng, Chi-Chun Kao

Submit Unit: Lima Taiwan Indigenous Youth Working Group, Indigenous Youth Front, Association for Taiwan Indigenous Peoples' Policies, Nameless Indigenous.

Contact person: Lalibangeraw Muni jyokotoma@gmail.com 0983929659

Will this report be made public : Yes.

2017. 03. 15

A. Introduction:

1. Indigenous Peoples in Taiwan have been long suffering from structural violence in terms of social status, economic structure and traditional culture due to improper policies. The Taiwanese government did not abide by the principle of proportionality (Verhältnismäßigkeitsprinzip) in land area and land category distribution in the village relocation policy. Without full and effective participation of Indigenous Peoples in relocation planning, it has negatively influenced indigenous' living and survival and deprived villagers of their rights to farm, fish and collect. Furthermore, children's rights to learn in culture and grow up in healthy humanity environment are taken away.
2. In Taiwan, the social environment and policies are usually the greatest challenges to indigenous children's physical and mental health. For example, the government merged and shutdown schools in indigenous area. (Some indigenous areas doesn't even have junior or senior high schools.) It has resulted in children being forced to leave homes or villages for education for the urban areas. They either move to places near schools or commute daily for long hours. Not only has it posed a great danger in indigenous children's safety and health, but also caused mental problems in indigenous children like identity confusion, cultural exclusion and mental trauma when there's no appropriate support system and cultural caring.
3. The right to education is the fundamental right for children. However, there are only five governmental programs regarding funding indigenous children's education. Only four exclusive programs from the Council of Indigenous People, namely "Underprivileged Indigenous Students After-Class Program", "Junior High and Elementary School Indigenous Scholarship", "Indigenous Area and Urban-dwelling Indigenous People Pre-School Education Fund" and "Establishment of Community Mutual-aid Education and Care Center". Only one program is from the Ministry of Education, which is "Tuition and Miscellaneous Fees Exemption for Indigenous People". The obvious shortage in the funding program shows that there is barely any policy planning in indigenous cultural education from the government.
4. Throughout the National Report, it clearly shows that design of the policies and conducts are the main threats to Indigenous children's cultural identity, physical and mental health. Indigenous children's rights are often forced to discuss with other mainstream issues. Appropriate and thorough protections cannot be seen from some partial initiatives. The attempts to generalize Indigenous Peoples' issues and overlooks the different social and cultural structures is harmful for the development of Indigenous Peoples.

B. The dilemma of the Tribal Cooperative Educare Service (TCES)

5. In order to attain the resources of the livelihood, indigenous families moved to the urban areas need to face the expenditure, the rent and the expense of taking care of the original family in the tribe. Therefore, most adults need to involve the labor market and take the pressure of living. Based on the relevant investigation, we found that the annual disposable income of indigenous families in Taiwan is NTD\$584,500, which is 67%¹ of total families in Taiwan. And the percentage of Indigenous Peoples who have to work above 45 hours per week is 43%². We could obviously discover that the indigenous people has to survive under the difficulties of lower disposable income and longer working times.

Furthermore, the social support system becomes weaker after moving to the city, the childcare becomes the common issue of urban indigenous people when lacking the mutual support of family members and friends.

According to CRC Article 2, paragraph 2, the nation should take all the adequate measures to assure the protection of the children. And CRC Article 3, paragraph 1, "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." . And ICESCR Article 10 stipulated explicitly that the nation bears the responsibility of assistance with the care and protection of the children in families. Although the government has explained the overall plan of the childcare system in the National Report, yet it has not considered the difference of the living condition between the urban Indigenous Peoples and the general families.

6. The Early Childhood Education and Care Act (ECECA) Article 10 mentioned that "Until preschools become accessible in offshore islands and remote areas, and in order to provide Indigenous young children opportunities to learn their ethnic language, history, culture, and to promote the tribal spirit of caring, these regions may provide children with community cooperative or tribal cooperative educare services". And the Education Act for Indigenous Peoples Article 10, paragraph 1, "Public preschools, non-profit preschools, community and tribal cooperative educare service centers shall be widely established in indigenous peoples' regions to provide opportunities for children of indigenous people to access educare services.". And the Article 10 paragraph.3 mentioned that "When circumstances

¹ Council of Indigenous Peoples (2015) "Economy condition report of investigation analysis of Taiwan Indigenous Peoples", P.43 .

² Council of Indigenous Peoples(2016) "Third season employment condition report of investigation of Taiwan Indigenous Peoples", P.68 .

are deemed to require it, the government may provide tuition subsidies for indigenous children attending public or private preschools, non-profit preschools, community cooperative or tribal cooperative educare service centers."

7. The details of the Tribal Cooperative Educare Service (TCES) were not mentioned in the National Report. In fact, the nation did not actively guide the local government or Indigenous communities to build the TCES. After the ECECA has passed in 2011, the nation reluctantly finished the registration of five TCES in Pingtung County, and built two in 2016 and one in 2017 separately. There are only eight TCES in Taiwan now. Besides from the slow process of implementation, the government also lacks the overall investigation of the needs and the long-term policy objective. It is very often that the communities in need find the resources by themselves and the government waits for the application passively.
8. In the operation of TCES, we found that the government does not consider to invest long-term and sustainable budget. And this attitude make the teacher in TCES very anxious about the sustainability of TCES.
9. Though it is explicitly expressed in the law that the government shall provide tuition subsidies as it sees fit, based on the actual experience of the grassroots organizations, we think that the government officials failed to tackle the problem of the insufficient budget of operation. In the meantime, they ignore the economic condition of the communities and Indigenous families, leaving the responsibility of setting up a public childcare system to the individual communities and family.
10. Local childcare workers can not become the director of TCES under the limitation of ECECA currently. Originally in ECECA Article 10, it is considered that most Indigenous communities are located in remote areas, which is difficult to find the qualified childcare workers, therefore they can hire nannies or people who have passed the Indigenous Language Examinations instead. However, the government still requires that the director of TCES should meet the standard of educational background, making childcare workers spending much time and money to take the courses in the schools distanced from the communities.
11. Moreover, the Ministry of Education (MOE) considers that childcare workers in TCES do not have capabilities to lead the interns, therefore the TCES can not have any interns or train the youngsters in the communities to become teachers to educate and take care of the next generation. We advocate that the Indigenous communities shall have the right to determine the candidate of the childcare workers. The MOE just takes the educational background as the single standard, which narrows the qualification of the childcare workers, and excludes the rights of Indigenous communities.

12. Based on the response to the current policy mentioned above, we think that the government shall bring about long-term and clear policy objectives about TCES, implement the normalization of the budget, and actively guide the local governments to build TCES. Furthermore, the government shall let the childcare workers in TCES have the opportunity to guide interns, thus train the childcare workers with multicultural perspective. Finally, the stipulation of teacher education of TCES shall include the participation and comment of the representative from Indigenous communities. We advocate that the educational background shall not be the only standard of qualified childcare workers, and the government shall develop the institution of preschool teacher education subject to the conditions and needs of Indigenous communities.

C. The intention of functions of the after school program for Indigenous school-age children and teenagers

13. It is stated in CRC Article 18(2) that For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children. Under the condition mentioned above, for Indigenous parents, the economic and social resources of rearing child is obviously less than the Han parents. Therefore, the government shall provide adequate assistance for Indigenous parents to raise their children.

14. From 1998, the Council of Indigenous Peoples (CIP) began to guide and subsidize Indigenous communities and urban areas populated with Indigenous Peoples for setting up the “Indigenous Teenager Culture Growth Class” (ITCGC). The ITCGC is organized by the local organizations, which hope to inherit the Indigenous culture, to assist Indigenous teenagers to strengthen their confidence and self-esteem by learning the Indigenous culture. The local organizations are not only implement the original objective set by the policy, but also develop the support for families, providing Indigenous children a safe and steady caring space after school, and simultaneously the parents can go to work without worrying about their children. Moreover, the ITCGC also let the elderly in the communities be teachers, teaching Indigenous children to grasp the essence of the culture naturally.

15. In the end of 2013, the ITCGC project was stopped and replaced by the “Afterschool Cultivation Program” (ACP). The objective of program was also changed from assisting teenagers learning culture and focusing on community

care, to ‘strengthening Indigenous students resources of homework coaching’, ‘improving the basic learning capability of Indigenous students’, ‘cultivating women and young people in the communities to have the knowledge and ability to coach homework of students’. Besides the change of the objective, the subject of the program are now limited to the primary school students, excluding the participation of children above junior high school age.

16. The details of the ACP policy implementation were not presented in the National Report, and the statistic in the Appendix was not fully presented. In fact, the classes and students were decreasing from 2009 to 2014. It is obviously that the public resource investing in the childcare for Indigenous families is decreasing year by year.(Table 1)

Year	2009	2010	2011	2012	2013	2014	2015
The number of students	1,196	1,055	969	998	862	606	609
The Number of class	41	34	34	34	30	22	24
The budget (thousand NTD)	17,821	18,648	18,700	17,993	15,792	10,080	9,270

Table 1. The implementation of ITCGC and ACP from 2009 to 2015

17. According to the discussion above, we advocate that the government shall review the policy objectives of ACP. The focus shall not be improve the ‘basic learning capability’ of Indigenous students, but give more attention to the function of ‘community care’ and ‘culture inheritance’. Especially for the Indigenous children living in urban areas, the space has the full effect of supporting and protecting, making them resisting the ethnic discrimination from school and society. We also urge that the government shall review the uneven resource allocation of the afterschool care system of Indigenous children, avoiding to overinvest into the educational system and schools, thus to ignore the participation and diversity of grassroot organization in the communities.

D. Defects of Indigenous education for Indigenous children and teenagers

18. There are only two programs for Indigenous language teaching for children under five: “Immersion Indigenous Language Teaching in Kindergartens” and “Indigenous Nannies Child Care Grant.” There are 36 Indigenous language

immersion kindergartens in Taiwan. Schools in urban areas concern about admission problem of other ethnicity groups if Indigenous children are the majority. The concern results in only one Amis immersion kindergarten in New Taipei City. Besides, Indigenous Nannies Child Care Grant was halted after execution in 2013. The program restarted this year, however, with a new requirement that it is only eligible for children over one year old. Indigenous languages are disappearing. It's essential that children start language exposure from birth. Listening first, later comes speaking. What our government should do is actively expose children in language environment, not setting age limit to grants.

19. In the 12-Year Compulsory Education Curriculum Guidelines starting in 2018, Indigenous language class is still marginalized compared to official language. Despite the strong urge from Indigenous representatives to make Indigenous languages as required course, MOE only agreed to put it as required course in major Indigenous schools. For other high schools, Indigenous language is still an optional course. And whether to offer the course depends on the school's attitude. Usually, Indigenous students' rights are sacrificed for convenient reasons.
20. The foresee problem of executing 12-Year Compulsory Education Curriculum Guidelines is the lack of Indigenous language teachers. Despite the fact that there are four universities offering Indigenous language teacher training programs and that Indigenous language teachers are undergoing promotion to full-time employment, we still see a huge shortage in young Indigenous language teachers since the reform of the Grade 1-9 Curriculum 15 years ago. We blame the Council of Indigenous Peoples and MOE for the phenomenon. Not until recently has the government started working on cultivating young Indigenous language teachers. It has hugely impacted the Indigenous children's right to education.
21. Indigenous perspectives should be integrated into teachers education program to cultivate teachers with knowledge of Indigenous cultures. Various educational problems root in teacher's education. Except for government-granted Indigenous teachers having requirements of at least 10 cultural courses credits, non-Indigenous teachers are not required to take any courses related to Indigenous cultures. When teachers are sent to schools consist majorly of Indigenous students, they either can't get used to the teaching environment or encounter problems planning suitable courses for Indigenous students..

E. Lack of choices in terms of education for Indigenous children and teenagers

22. To build a counseling system for the Indigenous students (aged 12 to 18): In the 2013 academic year, the percentage of Indigenous high school students on

temporary suspension of schooling and dropping out are respectively 3.73% and 1.36% and are higher than average students. In the 2014 academic year, the percentage of primary and junior high school students dropping out is 0.81% and also is higher than ordinary students which is 0.18%.

After graduating from primary school, most Indigenous students need to leave their hometown and go to junior high schools and high schools in urban areas which most of the students are non-Indigenous people. Due to this, the Indigenous students would first face serious culture shock and may not accommodate themselves well. However, most teachers and faculties of the schools don't understand the difficulties Indigenous students are facing, therefore students can't get the help they need. What's worse, due to "The special identity student result gives favored treatment" which benefits Indigenous students when taking entrance exams, high school Indigenous students are facing discrimination from their classmates. And if the school faculty can't support and help the students to deal with it, their motive to go to school may decay and cause them to temporarily suspend from or even drop out of school.

23. The National Report mentioned that the government has currently provided "affordable after-school child care services" which the Indigenous student can attend it for free. Nevertheless, the service is carried out in ordinary public or private schools and their special cultural need is not been considered.
24. The Indigenous students dwelling in Taiwan's six special municipalities amount to 64,184, which accounts for 7.89% of the total of 140,027 Indigenous students, while there are 50,593 Indigenous students aged 5 to 18, which accounts for 45% of those at the same age. There are up to approximately 50% of Indigenous students living in urban areas yet the urban-dwelling Indigenous Peoples is still a minority, which makes it more difficult to implement ethical cultural courses in schools. Therefore the Ministry of Education must actively guide schools to launch related programs and support in social pressure releasing, allowing the urban-dwelling Indigenous students to have option in their own cultural education.

F. Neglect of health right of Indigenous children and teenagers, and the promotion of early intervention

25. According to statistics recently published by Taiwanese officials, the average lifespan of Indigenous Peoples in all ages is less than that of non-Indigenous population and there is unequal health status among them. This indicates prejudice and ethnocentrism in our government's policy from political and economic etc perspectives. Though Ministry of Health and Welfare has finished drawing up

Indigenous Peoples Health Law draft in 2011, the executives have not yet conducted the discussion about the bill.

26. Our government has placed nuclear wastes in Lanyu (Orchid Island), where most of the residents on the island are Indigenous Tao Peoples, for over thirty years. Though the government has asserted the safeness of the nuclear waste storage plant, the worries and pressure result from nuclear pollution still seriously affect the local Tao Peoples, including children's physical, mental and spiritual health. In addition, the emission from thermal power plant built on Lanyu is the direct threat to local children's health.
27. Although there are programs for early intervention medical services mentioning in the National Report paragraph 121, there are no detailed information in current situation and needs of the early intervention for Indigenous children. According to the statistics of the Council of the Indigenous People in Jan. 2017, the three counties with highest Indigenous population are Hualien, Taitung and Taoyuan. The percentage of cases in early intervention for developmental delay children between these counties and the whole country are 0.81% (Hualien), 0.63% (Taitung) and 0.17% (Taoyuan). The figures are under 20% for these three major Indigenous counties.
28. Due to the change of family structure and function result from employment and economic activity in Indigenous communities, up to 16.97% of Indigenous families are single-parent families and there is also a high percentage of grandparenting. The educational environment of insufficient family care, lack of preschool education, cultural disadvantage and lack of parental supervision etc, may become the social and psychological cause of Indigenous children's dissociation while he or she is growing up.
29. We strongly urge the government to provide plans and projects of early intervention according to Indigenous families' current living standard and family structure and promote the carers' understanding on early intervention.

G. Special protection measures for Indigenous children and teenagers

30. According to statistic data, Indigenous Peoples are more likely to encounter domestic violence than non-Indigenous population in Taiwan. For instance, the amount of domestic violence incidents, including victims and injurers, in the third quarter of 2005, 1,957 cases are contributed by Indigenous Peoples, equivalent to 35 people per million, and non-Indigenous population was 36,567, equivalent to 16 people per 10,000. The above data evidently show that the incidence of domestic violence of the Indigenous Peoples is indeed higher than that of the non-Indigenous population.

31. The reason why Indigenous children living in the communities are likely to be abused can be attributed to the fact that the government has always made policies without cultural sensitivity. This produces many external social factors that make the abuser feel a sense of powerlessness and then cause tragic behavior. In the study of the Atayal communities, it was found that when facing domestic violence, many women would rationalize it into a woman's life, or take it as the result of alcoholism, and she then uses alcoholism as a counterattack to conceal their deep pain and anger. Thus, economic difficulties, marital disharmony and dysfunctional family usually make Indigenous children have no chance to receive good care and education, and therefore lead to poor learning and behavioral deviation. However, we cannot tell the government's cure to this problem and also have no idea about the services of supplementary measurements focusing on abused and exposed Indigenous children from 2017 CRC National Report.
32. When Indigenous children and teenagers are in serious problem of their own original families, which cause them to be treated under the lowest level of social, emotional, and physical caring, they need to be protected and placed in foster care or resettlement centers. There are some articles that revealed that children and teenagers in foster care or resettlement centers in Taiwan are institutionalized, collectivized and dorm-based. The teachers from school and the staff from social service agencies have different cultures from the Indigenous children. This would cause some bias and misunderstandings, and become barriers between caregivers and clients for counseling. There are emergent needs for professional staff who are familiar with Indigenous culture to build up good communication and trust for Indigenous children and teenagers.
33. We suggest that when providing placement or foster care to Indigenous children who are abused or exposed to domestic violence, children's cultural and environmental habits should be taken into consideration. While the first priority is providing safe placement for the abused children, it is also important that the environment is similar to its own culture. In this case the abused children can heal effectively under a safe and familiar environment.

H. Taiwan's government should have more specific policies for Indigenous children and teenagers

34. The government should let Indigenous youth participate in policy making concerning their own rights. Indigenous youth should also be consulted before any policy related to Indigenous Peoples is enacted. We expect that respect is shown to Indigenous Youth Council and Indigenous Youth Consulting

Organization, each established according to Indigenous Youth Competence Cultivation Plan, as well as Indigenous Council or organization established according to different tribal cultures. The government should enact flexible funding regulations toward non-governmental Indigenous Youth Organizations (tribal schools, youth groups, youth councils) so that the Indigenous could make better utilization in organizational events. The funding should be long-term programs instead of temporary initiatives.

35. The government ought to establish high level unit responsible to the Indigenous education, that is, the Department of Indigenous Education and it should be Indigenous-centered, composed by multiple cultural and educational experts, and integrated and corrected from teachers, courses, children to college. Additionally, National Academy for Educational Research should found Indigenous Education Center and draw up the direction of Indigenous education policy from both administrative and research bases.
36. The government should let Indigenous children learn and carry out their traditional cultures and have educational modality and methods for their self-identity in basic educational system. Also, developing individualized courses for ethnic culture is in need. Students at the stage of current compulsory education (6 years old -15 years) can not learn their own culture systematically and completely at school. Because of the lack of learning time for native language courses, students learn their own culture too shallow and fragmented. There are many experts and scholars helping planning a complete context for all courses in other areas. The Ministry of Education should consider the uniqueness and diversity of Indigenous cultures in different area, and help develop courses of Indigenous culture with comprehensive and systematic context by inviting Indigenous persons, experts, scholars, and the teachers in the first line related to Indigenous Peoples.