

科技部補助專題研究計畫成果報告 期末報告

權利與權力的對話：從家庭內外關係反思兒童參與表意權的想
像與詮釋(第2年)

計畫類別：個別型計畫
計畫編號：MOST 105-2410-H-040-006-MY2
執行期間：106年08月01日至107年10月31日
執行單位：中山醫學大學醫學社會暨社會工作學系(所)

計畫主持人：唐宜楨
共同主持人：陳心怡
計畫參與人員：碩士班研究生-兼任助理：張文旻
大專生-兼任助理：周怡汝

中華民國 107 年 10 月 28 日

中文摘要：聯合國兒童權利公約（UN Convention on the Rights of the Child，簡稱UNCRC）於1989年獲聯合國大會制訂通過，成為目前會員國普遍接受與落實的國際公約之一。為了呼應國際趨勢以及向國際社會展現台灣人權立國的立場，「兒童權利公約施行法」於2014年11月20日國際兒童人權日制訂通過，此一舉動不但將該公約國內法化，更進一步展現台灣致力於兒童及少年權利保障與促進的政府立場。

人權論述並非不辯自明。為了避免淪於空談口號或是文化相對的爭議，由中央到地方，由政府官員到一般大眾皆應對兒童權利概念有所認識、理解、認可，進而推動與行動。自戒嚴以來，受到福利國家意識形態的影響，台灣對於兒童權利的探討多著墨於保護

（protection）以及供給（provision）部分，隨著權利意識的興起以及知能的日益普及，兒童參與（participation）探討開始受到注意。因此，有別於探討整體兒童權利範疇，本研究將探究並具體化兒童參與表述權在台灣的現況。

有鑑於兒童出生後，家庭扮演重要養育以及教導的場域。為了了解兒童權利如何在日常生活裡展現與經驗具體化，研究對象部分，將透過家長視角來進行兒童參與表述權的具體辨認。因此，家長成為此專題計畫第一年的研究對象。同時，兒童史的受到注意、童年社會學的興起以及福利國家在二十世紀的誕生，使得「兒童是社會之子」以及「兒童是獨立個體，有其自己的看法、選擇，不是父母財產」的概念慢慢受到重視。當家庭無法負起照顧保護兒童責任時

，國家親權透過相關政策與法律對家庭進行介入，來保障兒童，使得兒童照顧與養育不再是個人的事。於此，社會工作人員（social workers）經常扮演公領域裡的兒童權利倡議者以及國家親權代言人與執行者。社會工作者與家庭的社會關係在於與家庭成員一起工作時，「知道」兒童最佳利益在家庭場域裡的意義與難處，進而透明化「兒童是父母財產」的處境以及社會根源。因此，社工人員，尤其是兒少婦女社工成為此專題計畫第二年的主要研究對象。

研究方法部分，透過面對面的訪談以及半結構式訪談大綱，了解不同社會階級、區域、年齡的家長及社工人員對於兒童參與表意權如何在家庭場域以及社工實務上被「看見」，以及辨識兒童參與表意權展演的必然性要素。截至結案報告撰寫前，已完成88位家長的訪談，94位社工的訪談。此外，計畫主持人藉由訪談內容進而延伸設計一份問卷，以了解200位社工如何看待年齡這個論題與兒童參與表意權之間的意義。

中文關鍵詞：兒童參與表意權、權力、家長、社會工作人員、台灣

英文摘要：The United Nations Convention on the Rights of the Child (UNCRC) was adopted by the UN General Assembly in 1989 and became one of the international conventions currently accepted and implemented by Member States of the United Nations. In order to respond to international trends and show the international community determinations of Taiwan government to endorse human rights, Implementation Act of the Convention on the Rights of the Child was enacted on the International Children's Human Rights Day in 2014. This

move not only demonstrates the localization of the Convention, but further demonstrates Taiwan government's commitment to protect and promote rights of children.

Human rights discourse is not self-evident. In order to avoid rights implementations being argued as slogans only or culturally relative disputes, from the central to the local government, from the government officials to the general public should understand and recognize the concept of children's rights, and then understand how the children's rights initiative should be promoted and acted upon. Since the martial law was lifted in 1987 and being influenced by welfare state ideology, children's rights discourse has been mainly focused on protection and provision. Following with emergence of rights awareness and knowledge, participation rights began to draw attention. Despite discussing rights categories as a whole, this study will represent the current situation of children's participation rights in Taiwan.

As for the research design, since children were born, the family plays an important role of nurturing and guiding children. In order to understand how the right of the child in the daily life is structured, parents perspectives will be explored to understand the power relationship between parents and children are balanced. Therefore, parents become this research participants for the first year of the research project. On the other hand, histories of childhood have increasingly noticed. Being influenced by emergence of childhood sociology as well as welfare states in the 20th century, the very concept of children as societies' property as well as 'the child is the independent individual, has his/her own view and the choice, is not the parents' property' are more and more discussed. When guardians or parents are capable of protecting or caring children, the so-called 'parents patriae', which is parent of the nation will play the role to safeguard the child's safety. This is initially tied up with the concept that the child's development and safety is no longer individual's matter. Here, social workers often play the representatives of the nations to safeguard rights of the child. It is social workers who 'know' the best interests of the child in the family as well as the situation, 'children are perceived as parents' properties' in the social contexts. Therefore, social workers, especially child and family social workers are research participants in the second year of the research project.

英文關鍵詞： Participation rights of children, power, parents, social work professionals, Taiwan

權利與權力的對話：從家庭內外關係反思兒童參與表意權的 想像與詮釋

期末報告

壹、前言

自從兒童參與表意權在兒童權利論述裡受到注意以來，「兒童」、「參與」、「表意」、「權利」等概念與不同行動者（父母、老師、醫療人員等）以及空間（家庭、學校、醫院、社區等）的關係網絡，便交織體現成各種經驗、研究主題與觀照現實的知識。兒童參與表意權概念的穩定性仍有爭辯，倘若兒童參與表意權的意義是需要透過主觀性定位以及詮釋來進行辯護，那麼透過家庭內關係互動（父母與兒少）與家庭外的關係互動（社工與兒少）可提供某種脈絡的意義系統。由於本專題計畫為兩年期研究，因第一年期中期報告繳交時，僅能呈現 57 位家長訪談的初步資料分析。因此，期末報告將結合過去兩年依據此專題計畫所延伸的學術研討會論文、期刊論文，以及近期已規劃發表的學術研討會議論文進行初步研究結果的呈現。

「聯合國兒童權利公約」第 12 條明定兒童有參與的權利。然而，提及兒童參與任何與自身相關事宜的權利時經常被質疑參與討論以及意見表達的情境應該視兒童年齡及成熟度來賦予。理解「聯合國兒童權利公約」第 12 條的真正精神在於兒童參與的權利不得因任何因素而有所歧視，雖然兒童參與權並沒有年齡上的限制，但孩子沒有「完全」自主權的框架下，並不表示成人權威可以「絕對控制」並影響兒童參與而延伸的決策。因此，對應於兒童參與表意的社會控制機制，不僅學者、成人甚至是兒少自身皆需辨識：「誰控制了空間、機會以及兒童少年允許什麼、被禁止什麼？」的局限（Shier, Méndez, Centeno, Arróliga & González, 2014）。

兒童參與任何與自身相關的議題時，意見表達應被視為是一種工具、策略，可以讓兒童挑戰暴力、虐待、威脅、不公平或歧視的情況，像是校園霸凌、體罰等議題（Lansdown, Jimerson, & Shahroozi, 2014）。以兒童虐待為例，依據過去調查結果發現，Redmond、Kennan、Devaney、Landy 與 Canavan (2015) 認為兒童虐待通常是出自於兒童的聲音沒有被聆聽。因此，兒少在真實社會裡所遭遇的苦難必須被注意，為了保護兒少，應當提升兒少「能力」，使其「具備」能力參與社會秩序規範。

兒童參與的支持者們認為兒童參與亦可以培養兒少對於未來在社會裡進行公

民參與的準備。為了辨識哪些條件可以增強尼加拉瓜兒少在政策上的影響性，Shier、Méndez、Centeno、Arróliga 與 González (2014) 透過為期兩天，四個地區的成人及青少年焦點團體進行討論，研究發現往往只有父母被邀請參與許多討論的機會，青少年不僅參與的機會被否定，其意見與聲音亦無法被注意。再者，兒童參與權適用於所有年齡階段的兒童，縱使是年幼的孩童亦有自己的想法、觀點並能夠溝通、表達，於此的重點在於成人必須要創造空間與機會去聆聽兒童的想法，例如透過非語言的溝通、肢體語言、戲劇、繪畫等形式，此種權利也擴及到民事及刑事訴訟事件上 (Lansdown, Jimerson, & Shahroozi, 2014)。簡言之，成人主義(adultism)、沒有成人介入的空間等關鍵皆會影響兒童少年是否可以參與、影響攸及自身的政策或決定。兒少參與表意必須注意「權力轉移」的意涵。

一、家長視角的兒童參與表意權

由於兒童參與是一個持續性的過程，自兒童出生後，成人包括父母應該鼓勵兒少參與，培養孩子參與的能力，使其理解兒少有權去影響攸關自身的相關決定。然而，Sinclair (2004)提及，影響兒童參與的部分，在於公私領域上的分別，私領域(家庭)參與的關注仍較少。在社會工作實務層面上，兒童福利一直被等同於兒童保護的概念，遠超過於兒童參與的概念，甚至兒童參與權的落實可能引發與父母的權利衝突 (Heimer & Palme, 2016)。舉例來說，Montgomery、Chaviano、Rayburn 與 McWey (2017)訪談 34 位脆弱家庭的父母，研究結果發現父母皆認為相較於兒子，女兒在家外面臨更多風險，像是約會選擇，所以女兒更應要嚴加監控，相反地，父母覺得兒子頑皮、愛搗蛋是天性使然，應給予較高的自主性，培養兒子獨立能力；男性受訪者亦表示自己童年階段時難以與自己母親溝通，特別是在性議題及青春期間。由上可知，性別會影響家庭關係，特別是脆弱家庭裡的親子關係，進而影響意見表達的意願。

福祉 (well-being) 的保障與落實是兒童權利實踐的核心，因此 Lloyd 與 Emerson (2016) 透過問卷調查方式，期許了解 7 年級 (10 至 11 歲) 兒童在學校以及社區參與的狀況，其中，問卷題項包括「成人讓我很容易表達我的意見」、「成人認真看待我的意見」等陳述凸顯出兒童意見表達並非單單兒童對於權利概念的覺察。於此，我們必須意識到，兒童觀點如何被認真地看待，有如銅板的兩面，是受到成人支持與否的外在決定論。基於兒童的潛在脆弱性以及易受傷害特質，使得成人，尤其是父母經常扮演守門人的角色。透過 Rivera 與 Santos (2016) 分析 6130 名兒少的調查數據發現，家庭內民主交換意見的對話方式與兒童行為

控制的家庭管教是兒童少年社會參與的重要預測因素。家庭關係的題項包括「我和父母曾討論過國家政治和社會情況」、「我和我父母曾談過毒品和酗酒」而家庭管教的題項包括「我父母知道我休閒時間人在哪裡」、「我父母知曉我和朋友在一起時抽菸或喝酒的情形」。雖說兒童參與的最大挑戰在於兒童與成人間的權力關係，但是 Powell 等人(2011)亦表示，保護兒童與表意權並沒有衝突，相反地，無論是在權力關係上或是兒童權 v.s. 父母權之間的平衡取得，才是關鍵。

有鑒於此，為了檢視父母權威如何影響兒童參與表意權落實的現況，第一年研究資料蒐集針對 88 位家長進行訪談。研究樣本中，男性共有 35 名，女性共有 53 名；年齡部份，30 歲以下受訪者有 2 名，滿 30 歲且未滿 40 歲，共有 11 名，滿 40 歲至未滿 50 歲者，共有 68 名，50 歲以上，共有 7 名。居住地部份，北部(台北市、新北市、基隆市、桃園市)共有 24 位，中部(新竹、台中)共有 15 位，南部(高雄、屏東)共有 46 位，海外(美國)共有 2 位，遺漏值有 2 位。家庭人口數部份，3 人小家庭比例，共佔 33%，而 4 人小家庭比例，共佔 43%。婚姻狀態為多已結婚且同住，佔 81%。受訪者教育程度部份，國小及以下者，佔 3%，國中 2%，高中職 30%，專科/大學佔 43%，研究所以上佔 19%。子女數部份，有 1 名子女者，佔 26%，2 名子女者，佔 67%；3 名子女者，佔 6%。自評社經狀況，認為家中支出大於收入，佔 6%，自認收支平衡者，佔 42%，認為收入大於支出(有儲蓄)，佔 50%。以家庭結構來看，自認為小家庭(子女與父母)者，佔 67%，折衷家庭或三代同堂者，佔 14%，單親，佔 8%。受訪者工作狀態部份，有工作者，佔 92%，而配偶有工作者佔 82%。受訪者自評管教方式，認為自己要求小孩絕對服從者，佔 3%，像朋友一般可以商量者，佔 34%，僅有 6% 是讓孩子自己作主，約有半數以上(52%)認為要視情況而定。

第一年針對家長的訪談內容依據兒少年齡以及家長回答的意願進行訪題上的調整。本次結案報告藉由幾個研究主題(例如，家長對兒少的就醫參與表述看法、家長看待子女經歷未成年未婚懷孕及人工流產的決策、影響兒少家中參與機會的影響因素以及事件類型、影響兒少獨自外出的決定要素)提供實證研究結果呈現。

二、社工視角的兒童參與表意權

社會工作專業在兒少參與權的落實上扮演著重要的角色

(Richards-Schuster & Pritzker, 2015)。以家庭會議(Family Group Conference, FGC)為例，Frost、Abram 與 Burgess (2014)認為社工在會議裡扮演協調者角色，

使每個參與會議的成員，尤其是兒少，其意見與聲音應受到尊重與被聽見。由於相關法律及社會政策開始注重兒童參與，涉及兒少的重大案件亦邀請社工陪同，共同聆聽兒童意見，兒少社會工作者在複雜的情境脈絡中，得以發揮溝通技巧(例如兒保案件調查中，社工與兒童的會談)，了解兒少的意見以及心聲。以馬來西亞為例，當父母協議離婚時，監護權歸屬或是居住安排的選擇上，孩子的意見應被認真納入考量，但是可蘭經中提及孩子與父母之間是互為重要的關係，雖然法院具有裁定權，但可蘭經與兒童最佳利益之間的權衡並非容易之事，因此當監護權由穆斯林轉往非穆斯林時，實務層面上的兒童參與表意便不是那麼簡單，這個決定的過程涉及到父母、政府、社福機構，雖說兒童最佳利益是重要的，但馬來西亞兒童權利意識很低，是難以取得共識的事 (Ahmad, Awal & Samuri, 2016)。因此，無論是課堂或是實務上都應培養社工學生與兒少溝通的能力，Lefevre (2015) 建議兒少社工專業學習前期要有接觸兒少的經驗，理解兒少的語言，透過多樣化的學習去增進其能力。

van Bijleveld、Dedding 與 Bunders-Aelen (2015) 認為兒童和社工人員之間的專業關係是兒童參與的重要關鍵之一。兒童參與一直是挪威兒童福利系統裡重要的要求，Sæbjørnsen 與 Willumsen (2015) 以質性訪談方式訪問五位 13 至 16 歲兒少，因複雜性需求而參與跨專業團隊的經驗，研究結果顯示，受訪兒少們認為自己參與跨專業團隊的過程是重要的，他們可以隨時表達自己的想法，認為自己涵蓋在團隊內，自己是核心人物且與專業人員之間的信任關係會提升參與的效能，因此專業人員須具備良好的溝通能力並提供兒少相關訊息。英國的研究亦有相似的發現，Cossar、Brandon 與 Jordan (2014) 針對 26 名 6 至 17 歲在兒童保護系統裡的兒少進行質性訪談，研究結果發現，影響兒童參與安全計畫的討論在於社工與兒童之間的信任關係，在會談過程中不應有被審問的感覺或是對立關係。

雖然兒保社工承認兒童參與的重要性，因為這是攸關孩子的生活，孩子有權說他或她的想法，但並非所有兒保社工認為自己有足夠專業能力與兒童進行個別會談。Handley 與 Doyle (2014) 針對 70 位兒少社工進行問卷調查發現，只有 30% 的研究參與者有接受過兒童會談的專業訓練，16% 的受訪者能確定兒童的感覺和願望，66% 的受訪者能確定兒童發展階段，多數研究參與者表示自己皆是後來依靠在職訓練以及自己主動學習來獲得進一步的技能。Križ 與 Skivenes (2015) 以半結構式訪談方式試圖了解 91 名兒少社工 (40 名加州社工、25 名英國社工以

及和 26 名挪威社工)對於兒童保護中的兒童參與概念理解為何,研究結果顯示,不同國家之間有相當程度的差異性,英國兒少社工對於兒童參與的思考更為細膩,除了年齡、成熟度考量之外,亦提到資源問題;美國社工則是將孩子表達的意見做為兒虐的證據;至於挪威社工,則是認為聆聽兒童意見是重要的,且認為兒童參與不應受到年齡限制的。由上可知,第一線的兒少社工應該擁有相關訓練,確保自身具備與兒童相處的技巧,才能將兒童,尤其是年幼兒童的意見,妥善地表達 (Handley & Doyle, 2014)。

為了瞭解社會工作者如何權衡兒少議題複雜性在實務層面上的展現,第二年的研究資料蒐集分為質性訪談以及量化研究兩部份。訪談部份,針對 94 位社工進行面對面訪談。受訪社工對象裡,女性共佔 88%。年齡部份,未滿 30 歲者,佔 46%而 30 歲以上至未滿 40 歲者,佔 52%。教育程度部份,受訪者學歷為學士學位者,佔 72%。婚姻狀況部份,未婚者佔 69%。94 位受訪社工裡,僅有 20 位社工有子女,且有子女的社工,子女數為 1 位者佔 70%。機構屬性為公部門者佔 30%,其餘則是民間部門。

第二年社工對於兒少參與表述觀點之量化研究資料部份,透過問卷方式,藉以了解 200 位社工對於兒少自身事務的行為,個人其相對可接受的兒少決策年齡為何。參與問卷填寫的社工基本資料如下:性別部份,女性佔 82%,男性佔 18%。年齡部份,未滿 30 歲者,佔 45%,滿 30 歲至未滿 40 歲者,佔 43%,滿 40 歲至未滿 50 歲者,佔 10%。學歷部份,學士佔 78%,碩士佔 16%。婚姻狀況,未婚者佔 69%而已婚者佔 32%。子女數部份,研究參與者僅有 23%有子女,且 1 名子女的參與者,佔 50%。社工師證照部份,有證照者佔 53%。工作年資部分,未滿 1 年者,佔 5.5%,1 年以上未滿 3 年者,佔 16.5%,3 至 5 年者,佔 20%,6 年至未滿 10 年者,佔 31%,滿 10 年以上者,佔 27%。

第二年研究資料,透過學術發表方式,以數個研究題目(例如,兒少參與在社工實務上所觀察到的困境為何?社工如何看待兒少醫療參與的決策年齡以及拒絕醫療的決策年齡?社工教育所缺乏的兒童權利訓練部分為何?)延伸出本計畫的實證研究資料與討論。

參考書目

Ahmad, A., Awal, N. A. M., & Samuri, M. A. A. (2016). International discourse on child participation in family justice. *Asian Social Science*, 12(1), 96-102.
doi:10.5539/ass.v12n1p96

- Cossar, J., Brandon, M., & Jordan, P. (2016). 'You've got to trust her and she's got to trust you': children's views on participation in the child protection system. *Child & Family Social Work, 21*(1), 103-112.
- Frost, N., Abram, F., & Burgess, H. (2014). Family group conferences: Context, process and ways forward. *Child & Family Social Work, 19*(4), 480-490.
- Handley, G. & Doyle, C. (2014). Ascertaining the wishes and feelings of young children: social workers' perspectives on skills and training, *Child and Family Social Work, 19*, 443–454
- Heimer, M., & Palme, J. (2016). Rethinking child policy post-UN Convention on the Rights of the Child: Vulnerable children's welfare in Sweden. *Journal of Social Policy, 45*(03), 435-452.
- Križ, K., & Skivenes, M. (2017). Child welfare workers' perceptions of children's participation: a comparative study of England, Norway and the USA (California). *Child & Family Social Work, 22*, 11-22.
- Lansdown, G., Jimerson, S. R., & Shahroozi, R. (2014). Children's rights and school psychology: Children's right to participation. *Journal of School Psychology, 52*(1), 3-12.
- Lefevre, M. (2015). Integrating the teaching, learning and assessment of communication with children within the qualifying social work curriculum. *Child & Family Social Work, 20*(2), 211-222.
- Lloyd, K. & Emerson, L. (2016). (Re)examining the relationship between children's subjective wellbeing and their perceptions of participation rights, *Child Indicator Research*, doi 10.1007/s12187-016-9396-9
- Montgomery, J. E., Chaviano, C. L., Rayburn, A. D., & McWey, L. M. (2017). Parents at-risk and their children: intersections of gender role attitudes and parenting practices. *Child & Family Social Work, 22*(3), 1151-1160.
- Redmond, S.; Kennan, D.; Devaney, C.; Landy, F.; Canavan, J. (2015). Toward the development of a Participation Strategy for Children and Young People. http://www.childandfamilyresearch.ie/sites/www.childandfamilyresearch.ie/files/toward_the_development_of_a_participation_strategy_0.pdf
- Richards-Schuster, K., & Pritzker, S. (2015). Strengthening youth participation in

- civic engagement: Applying the Convention on the Rights of the Child to social work practice. *Children and Youth Services Review*, 57, 90-97.
- Rivera, R. & Santos, D. (2016). Civic and political participation of children and adolescents: A lifestyle analysis for positive youth developmental programs. *Children & Society*, 30, 59–70.
- Shier, Méndez, Centeno, Arróliga & González (2014). How Children and Young People Influence Policy-Makers: Lessons from Nicaragua. *Children & Society*, 28(1), 1-14.
- Sinclair, R. (2004). Participation in practice: Making it meaningful, effective and sustainable. *Children & Society*, 18(2), 106-118.
- Sæbjørnsen, S. E. N., & Willumsen, E. (2017). Service user participation in interprofessional teams in child welfare in Norway: vulnerable adolescents' perceptions. *Child & Family Social Work*, 22, 43-53.

貳、成果報告

以下期刊論文以及學術研討會論文皆於致謝部分註明補助計畫編號。

一、期刊論文

1. 陳心怡、唐宜楨*(2017) 從兒童權利觀點論家庭關係的新轉變-以兒童參與表意權為例，家庭教育雙月刊，65，31-42（通訊作者）。

摘要

兒童權利（Children's rights）著重在以「兒童為中心」（child-centred）以及「權利為基礎」（rights-based）的思維（Redmond et al., 2015），兒童權利的概念是尊重兒童為一個「獨立個體」。相較於成人權利，兒童權利的論述在於兒童需依賴成人學習所處社會裡期待的一位好公民應具備的技巧、態度與行為（Scherrer, 2013）。因此，兒童權利的落實仰賴政府、政策制定者、學校、社區以及家庭共同來扮演重要角色，進而實踐。「兒童作為權利主體」的概念在成人世界裡是到近期才被注意的（施慧玲，2014）。

綜觀歷史，我們亦發現史料記載裡的兒童僅占了很少的篇幅。在政治的公共領域裡，兒童是沒有投票權的，缺乏政治上的意義，兒童因其脆弱性，智識發展尚未完全，需要成人來保護，理所當然兒童的聲音被成年人和家長所取代。長久以來，台灣兒童經常被告知服從及尊重成人的決定，也因此，兒童在決策自身相

關的事務上，常常在不知情的情況下就被成人干預，並剝奪做決定的可能。因此，本文嘗試透過「年齡」與「能力」的觀點，透過家庭關係的情境，來發掘兒童權利的存在，並詮釋兒童權利的意義。

在「兒童是脆弱」(Children are vulnerable) 的背景下 (Freeman, 1997)，更需要權利概念來保護兒童之人性尊嚴，免於受到侵害。聯合國《兒童權利公約》承認兒童的特殊屬性，並賦予兒童對於自身利益相關的事務擁有表意參與權。兒童必須學習行使自己最佳利益考量底下的權利和自由，同時也該將他人的最佳利益納進來一併考量 (Scherrer, 2013)。作者建議，兒童權利在家庭關係中的實踐，可透過三個途徑進行：

(一) 日常生活經驗的關注是用來檢視兒童權利的存在：家庭日常生活中的語言使用、對話內容、肢體表達，甚至決策過程皆是「兒童是否擁有權利」的再現過程。若個人、家庭成員以及學校教師具備高度的敏感度，即可由這些日常生活的蛛絲馬跡，看見、聽見與發現潛在的兒童權利侵害的風險。

(二) 體認家庭的社會關係是一種「關係從屬」的互動關係：家庭本身就是複製關係從屬的場域，每一次的決策、日常生活經驗的過程，都應思考與反思兒童在支配、順從、平等、參與的相對位置與被賦予表達與行動的範圍多寡。當家庭的規範是不清楚時，其相對的權利義務就是變動、模糊不清，甚至會隨著個人情緒而變化；清楚的家規可範定基本的家庭關係界限，協助父母清楚自己角色的內容與權力範圍，保障兒童在家庭關係中應有的權利維護。面對所有涉及兒童事務的決策時，提供兒童年齡與能力可理解的資訊，傾聽兒童的想法，營造兒童表達的機會與空間。

(三) 推廣與倡議兒童權利的知識與概念：透過學校、網絡媒介宣導、分享與討論，協助家庭成員對兒童權利的認知提升，有助於父母、兒童對權利意識的覺察與敏感，進而成為積極保護兒童權利的重要關鍵者，促使個人反思社會文化脈絡下的人我關係，讓尊重、平等、自主概念可落實與調和在社會文化脈絡中，創造包容及尊重的氛圍。

另一方面，兒童權利並非不證自明的，兒童權利概念是需要被教育和理解的，有鑑於《家庭教育法》第二條，「家庭教育係指具有增進家庭關係與家庭功能之各種教育活動」，親職教育為家庭教育的範圍之一，透過家庭教育的推動，可使兒童學習如何運用溝通的方式，以增進權利知能，降低衝突的可能，這樣一來，既可提升兒童權益的保障，同時也創造一個兒童權利友善的環境。

2. Hsin-Yi Chen & **Tang, I-Chen*** (2017) Social workers' attitudes towards human rights in a sample of Taiwan, *International social work*, doi.org/10.1177/0020872817725138 (corresponding author)

Abstract

The human rights concept is that everyone is entitled to enjoy those rights inherent to being human, without distinction. However, should human rights be considered a self-evident value for the social work profession? This study was to explore how social workers in Taiwan perceive the human rights concept. Responses from 276 social worker participants were analyzed by using a self-administered questionnaire. This study showed that social workers had a general knowledge of human rights. Receiving human rights educational training and engaging in social protests were important variables in increasing human rights awareness for social work practitioners.

3. 陳心怡、**唐宜楨*** (2017) 從一場在職教育訓練反思《聯合國兒童權利公約》，*台灣人權學刊*，4 (2)，73-99 (通訊作者)。

摘要

本研究透過以實證為基礎 (evidence-based) 的行動研究途徑，試圖理解兒少實務工作者對於《聯合國兒童權利公約》的想像與理解。藉由此研究，作者初步探究實務中所理解的「兒童權利實務性經驗知識」樣貌，研究結果發現，「兒童作為一個權利主體」概念是模糊的、負擔責任者專業角色與生活角色界限不明等現象。為了跨越兒童權利在知識面與日常行動面之間的落差，在執行面上必須理解權利須落實在日常生活裡的社會互動，與建構一個以兒童為主體的共識架構，讓兒童少年從小熟悉權利語言，且權利的履行都是自然而然。

二、研討會論文

1. **I-Chen Tang** & Hsin-Yi, Chen (2018) Case study of parental storytelling about underage daughter's pregnancy and abortion in Taiwan, Storytelling Conference 2018, Suffolk, UK, 10-11 July 2018.

Abstract

Background Children's right to participation is significantly influenced by adult authorities in everyday life. Children's freedom of expression and decision making are interacted and influenced by norms and values in a cultural framework. This presentation is to adopt narrative strategies to report a case study of a mother sharing her experience with her underage daughter who goes through pregnancy and abortion.

Methods A mother shared her experience of her adolescent daughter's unintended pregnancy, and termination of that pregnancy, through face-to face interview.

The story Before "something" happened: "She had had some bad behavior. I had tried to reason with her. Her two older sisters knew what was accepted and what was not. But, this daughter was more rebellious. Since her pregnancy and abortion, she has changed. She has become better behaved and mostly asks our opinion before going ahead with something, which she hardly did before."

During the "something": "It was during her final year of junior high school just before she entered senior high school...There were signs before they started seeing each other. Then, it was too late. I told her that it was impossible for her to have a child. I could not accept a child giving birth to a child. I could not let anyone know....Her period was late and she told the boy. This boy is from a single-parent family. His mother found out and they went to buy a pregnancy test kit and then phoned me."

After the "something": "The reaction was very intense. They wanted to deal with the pregnancy immediately so they went to a pharmacy to buy (abortion) pills. I said no. Things cannot be done this way. They could have made things worse. They had to tell me directly. Since it happened, we have to deal with it. She was crying...and I took her to a hospital (to have an abortion). She can't make decisions for herself for most things now because I tell her she must ask us our opinion beforehand. . . Since that day, she has not been allowed to go out with her classmates alone. . . She was immature...We (parents) are responsible for whatever she does."

Discussion By adopting storytelling techniques, the mother is the storyteller and the researcher is the listener. These are the important roles in conveying information that someone chooses to reveal. Based on a timeline design in a storytelling context, a mother revealed a family secret of her underage daughter's pregnancy, which is a social stigma in Taiwan. The mother refused to accept her daughter's unintended pregnancy, referring to it as "something". Although abortion drugs are legal in Taiwan, parental responsibilities include protecting their children from harm and guiding them.

The mother insisted on taking her daughter to a hospital to have a safe termination. Since then, the daughter's independence has been restricted.

Conclusion The adoption of storytelling methodology helps to reflect on how adolescent pregnancy is articulated by individuals with different roles and positions in a family, society and culture. In addition, narrative as a research tool can increase understanding of the decision-making process when seeking to terminate a pregnancy. The importance of this narrative is that it captures the conflicts, complexity, stigma and interpretation of a mother's role and position in the construction of her subjective feelings about her underage daughter's pregnancy and abortion.

2. [I-Chen Tang](#) & Hsin-Yi, Chen (2018) Social workers' perceptions of children's right to participation: The Taiwan experience, Social Work, Education and Social Development Conference 2018 (SWSD 2018), Dublin, Ireland, 4-7 July 2018.

Abstract

Background The "best interests of the child" principle in Article 3 of the UN Convention on the Rights of the Child is closely related to "the right to participation" in Article 12 of the same convention. In reality, adult authorities often reject children's views during the decision-making process in the pursuit of children's best interests. Various social work fields such as foster care, residential care, underage pregnancy and emergency placement involve meaningful engagement with children and adolescents. There is little research about what meaningful children's participation entails and the barriers it creates for social workers in Taiwan.

Objective The aim of this research is to explore social workers' perceptions of obstacles to communicating with children while involving children in practice.

Methods This is an ongoing, exploratory, mixed method research project for which qualitative data has been collected from 88 in-depth, semi-structured interviews with social workers, mainly child welfare social workers. Research question: According to your work experience, what are the restrictions and obstacles when children are involved? Of the 88 social workers, 9 identified themselves as male while 78 identified themselves as female and one as other. The age range was 22 - 48 years, with an average age of 30.8 years.

Results Despite social workers' recognition of the concepts of children's right to

participation and freedom of expression, age, maturity and ability to conduct quality communication were factors in the willingness of social workers to discuss important decisions with them:

Age Children under 7 are most likely to have minimal understanding of information social workers provide. “When I asked one child whether he agreed to be adopted, he replied he didn’ t know. When I asked further, I realized he had only a vague understanding of adoption...He was just five or six years old” (SW038). “Some children are physically and mentally dependent and cannot see long-term potential. Most of these are preschool children” (SW053).

Protecting children from neglect or abuse and removal from home: Emotional reaction of children, especially anger and sadness, impact on social workers. “A mother threatened to kill herself together with her child. I went to transfer the child to another placement and the child insisted on returning home. She was only in second grade. She shouted at me and said she didn’t need my help. I could feel her anger and fear” (SW043).

Lack of reflective thinking “Some children are not educated in reflective thinking. Children don’ t know what they want...They just follow whatever others do” (SW056). “Some children are not used to being asked how they feel. If children say ‘I don’ t know’ , their parents will not ask further to understand what it is they are really thinking” (SW067). “Some adolescents are distant and cold, they are educated to obey...It takes time for them to express their opinion” (SW028).

Tokenism “After discussing treatment plans with children, they reply that they have to ask their father, mother or grandparent. Some parents cannot be reached. I understand that consulting or informing children cannot make too much of a difference” (SW009).

Conclusion Three strategies provide direction for workers to act on behalf of the best interests of children: 1. Structured Decision Model-Safety Assessment Tool (SDM-S) is used to assess risk and safety of children, especially for child protective services.2. Mentorship and supervision support less experienced workers when facing complex cases. 3. Interprofessional team meetings.

3. [I-Chen Tang & Hsin-Yi, Chen \(2018\) Understanding child participation in the framework of child rights:The parental perspectives in Taiwan, Social Work,](#)

Education and Social Development Conference 2018 (SWSD 2018), Dublin, Ireland, 4-7 July 2018.

Abstract

Background Recent research has emphasized that family relationships, especially parent-child relationships, are influenced by rights ideologies. While children's rights to protection and provision enormously impact on child welfare services, there has been growing interest in children's right to participation. Participatory rights of children can be seen as an important value in the development of a democratic society. Their right to express their views reflects values of free speech. Moreover, development of decision-making competency in a democratic process emphasizes autonomy.

However, adult views matter when constructing children's rights to participation. Adults, such as parents, have the primary responsibility to provide relevant information and appropriate guidance and discipline to prepare children to be independent. Thus, balancing protection of children from potential danger and development of their independence has become a challenge for parents.

Objective This study focuses on the role of parents in understanding children's right to participation and decision making by exploring children's independent mobility in everyday life. In doing so, we may understand parental risk-benefit analysis of evaluating the degree of freedom children should have in their mobility decisions within a cultural framework of socialization.

Methods At the time this proposal was written, a total of 88 in-depth interviews had been conducted to explore parental perspectives on children's rights, especially children's participation rights. The protocol of this study was approved by the University Hospital Institutional Review Board (IRB).

Participants Among the participants, 35 were males and 53 were females. Moreover, 71 were married and living together with their spouse; 5 were married but not living together with their spouse; 2 were unwed single parents, 9 were divorced and 1 was a single widowed parent.

As to age, 2 were under 30, 11 were between 30 and 39, 68 were between 40 and 49 and 7 were over 50. Twenty-three interviewees were from one-child families,

59 were from two-child families, 5 were from 3-child families and one was from a six-child family. As to the ages of the interviewees' children, 15 were of preschool and kindergarten age, 43 were of primary school age, 24 were of junior high school age and 55 were of senior high school age.

Findings Inevitably, parents were anxious about their children's safety even when perceiving a need to train their children to be independent. The results indicated that cultural framework significantly affects parents' acceptance of children's independent mobility. According to qualitative data, children as young as 7 or 8 were allowed to play in the neighborhood with peers or purchase breakfast from the corner shop. *"When he was 7 or 8 years old, he was eager to show his independence. Whenever we needed something from the shop, he would volunteer to go"* (025).

In terms of age, quite a few interviewees responded that 12, when children were entering junior high school, is the appropriate age to be allowed to go out without adult supervision. *"Going to the movies with peers is an important ritual on elementary school graduation day. This rite signifies their autonomy"* (060). *"When she was in fifth or sixth grade, she began to go out with her friends to the library. It did not mean that I was not worried. After all, she is a girl"* (071). *"When she was in sixth grade, I was ok if she wanted to go to the library nearby without me"* (085).

Personal experience of parents affects development of trust relationship with children and the social environment: *"It is unlikely for her to go out alone at night. In the daytime is ok"* (001). *"Because she is a girl, I am worried if she goes out alone"* (035). *"I have never considered letting her go out alone because Taipei City is quite complex and unsafe"* (036). *"As long as the activity is appropriate, I am ok with him going out without me"* (049). *"It is not a matter of capability, but rather of safety because she is a girl"* (053). *"Compared with boys, girls are more likely to encounter danger. Until now, I still hesitate to let her go out without adult supervision"* (068).

Conclusion Participation rights are an ongoing learning process for children and require development of competence. According to the findings, children's independence can be explored from a cultural perspective, especially gender positionality. Most parents in this study were willing to share decision-making power with their children despite the fact that they were concerned for their safety. Regardless of age, girls were perceived as more likely to encounter danger than boys. Parents are expected to protect children from all forms of risk even as children are learning to take control of their own lives. Concurrently, children's rights to

participation should be considered relational, ongoing and emotional. Consensus is more likely to be achieved if children learn to negotiate with and express their motivation for going out without adult supervision to their parents. By doing so, children learn to effectively communicate with their parents and participate in the decision-making process.

4. [唐宜楨](#)、[陳心怡](#) (2018) 兒童少年就醫過程裡的參與表述初探-家長觀點，第八屆「醫學與社會」理論暨實務研討會，中山醫學大學醫學社會暨社會工作學系，2017年3月24日。

摘要

研究背景 1989年聯合國《兒童權利公約》(UN Convention on the Rights of the Child)的制訂通過使得兒童權利在人權議題裡正式成為一個被關注的重點。國際社會普遍認為兒童權利落實可透過「提供」(provision)、「保護」(protection)以及「參與」(participation) 3個P的概念來進行 (Heimer & Palme, 2016)。然而，反映於聯合國《兒童權利公約》第十二條條文的兒童參與表意權 (participation rights) 概念，不僅是最不被了解以及實現的兒童權概念 (Jarosz, 2016)；兒少成熟度、能力以及年齡等因素的考量，使得兒童參與的概念一直被認為是模糊的、概念不明的、且受限的。兒童參與表意權的倡議是尊重兒童是一個獨立個體，具有表達、選擇與自身相關事務的權利。因社會結構、文化與權力的差異，促使人權倡議者在兒童權利論述中探討兒童參與權時最容易感到為難。再者，兒童沒有投票權，無法在政治場域上為自己產生舉足輕重的影響力，但兒童權利的圖像與落實可透過日常生活裡的不同互動關係以及場域一窺究竟。

兒童參與表意權的落實有賴於成人與兒少的權利覺察。Ruck、Abramovitch 與 Keating (1998) 在兒少照顧權與自決權概念的研究裡曾指出，成人 (例如父母和老師) 經常影響「兒少何時可以擁有哪些權利」的概念。Perry-Hazan (2016) 認為兒少與成人之間的權力支配會影響兒童參與的落實。以醫療場域為例，Schalkers 等人 (2016) 透過半結構式訪談，了解荷蘭 10 個兒科病房裡 (2 個教學醫院, 8 個地區醫院) 32 名醫事人員如何看待兒童參與在醫院執行納入的現況。研究結果發現，大部分的受訪者認為兒少醫療參與的概念超越「傾聽」概念而已；有些受訪者甚至將參與定義為「掌控自己的情境」。兒少的社會位置 (social position) 以及不同場域 (field) 會影響兒少參與的概念，兒少成長過程中涉及意見表達以及決策的空間有家庭、學校、社區、社福機構、醫院、法院等不同場域。所謂「個人即政治的」(The personal is political)，權利實踐與操作歷程須從家庭場域進行理解，才能發掘家庭內部互動形式是「權力」(power) 與「權利」(rights) 的展演，並進而影響家庭外部 (例如學校或是社區) 裡的互動與人我關係。

由於疾病的表述概念是獨特的，是具有經驗主體性的特質，其主體述說的經驗性是無法外移的，他人僅能參照或是觀察主體如何進行實際言說的展演。因此，兒少就醫過程裡的身體感知表述所反映的是兒少的社會關係，是具有連帶性，是一種共同的認可，是一種關係裡的集體共識，也是一種共同協商，會依情境變化，而有不同規則。

研究目的 本研究旨於了解兒童少年疾病表述如何從家長視角來概念化（conceptualize）以及具體化（actualize）兒童在就醫過程中的參與表述。

研究對象 本研究透過質性訪談方式，蒐集 88 位家長對於家中未成年子女在就醫過程中的參與表意狀況。本研究力求樣本的多樣性，透過滾雪球方式，尋找不同性別、年齡、教育背景、親職年資、是否從事有酬勞動、居住不同縣市的家長參與訪談，以增加研究資料的多元性。本研究已通過人體試驗倫理審查委員會審查（CS16079）。主要研究問題如下：子女就醫時，幾歲開始會自己跟醫生進行病情的主訴？

研究發現 訪談結果初步發現，兒少就醫表述的狀況大致上可區分為「父母主導-子女被動」、「子女-父母合作」以及「子女主動」三種模式：

1. 父母主導-子女被動模式：兒少主體的行動展演在此模式裡較不存在，醫師在醫病關係裡的權威性也因與兒少病患熟悉程度展現出親疏遠近的互動關係：

好像父母說明比較多。…應該是小學(小孩會開始自己講自己的狀況)。…但是她是跟我們講，看到醫生又不太敢講…現在還好啦！因為那個醫生已經很熟了，她就會自己跟她講。如果陌生的，她就會比較沒有。(075 男/076 女-18 歲女、11 歲女)；她有時候會先跟我們講，我們就會先跟醫生說。然後醫生會再問她…大部分都是我們說的，說她有什麼哪些狀況？(082 女-18 歲女)。

2. 子女-父母合作模式：家長在此模式裡扮演中介角色，呈現兒少疾病的觀察視角：

小時候當然是我們大人敘述，大人就觀察，然後根據那個敘述給醫生聽這樣子，國中後就讓他跟醫生自己陳述(017 男-17 歲女)；國小三年級以上(就會自己說明)…依據他的說明，然後再加上我們的觀察(023 女-14 歲男)；其實都是我們會在後面補，狀況就是他先說出，…國小四年級的時候就會比較會自己講(027 男-13 歲男)。

3. 子女主動模式：主體言說的能力獲得認可，強調自身的疼痛應透過自身進行行

動表達：

因為我不知道他痛哪裡啊，所以我就是從小讓他去看醫生的時候，我就是會跟他說：「你要自己跟醫生說」…，大概幼稚園（開始）吧。(004 女-10 歲女)；小六(開始他就會自己跟醫生說他怎麼了)，…之前就是由我這邊跟醫生談…我要求他，他不舒服的地方他自己要講出來，然後表達他自己的不舒服的地方(011 女-17 歲男)；我叫他自己進去，自己跟醫生講，他國小的時候還是國中，我都會那個這樣子，然後之後我就叫他…「那是你生病，你有甚麼症狀，你自己跟醫生講，我不用再進去了」(061 女-16 歲男)；每次我強迫她講的…我會在旁邊啊！然後我會跟她講說：「講啊！啞巴喔！不會自己講，我怎麼知道你怎麼了？」(062 女-18 歲女)；國小的時候，我會在外面跟她說，「妳等下進去，妳自己跟醫生說，怎樣，怎樣，這樣子。」(085 女-13 歲女)

結論 童年社會學 (The sociology of childhood) 認為童年概念是一種社會化的過程，是社會建構的。透過此研究，我們發現兒少就醫過程的疾病表述是具有社會性意義，雖說本研究僅呈現家長的觀點，但疾病的探討不僅關注生理層面，我們更需理解社會觀點，看見兒少疾病表述是有「關係性」意涵(醫師與病患、家長與子女的關係)。因為疼痛的主體感受是無法轉移或是讓渡的，兒少表述在就醫過程裡，必須看見兒少參與的主體性意義，家長僅是觀察者、輔助者的角色。兒少表述在於兒少能對自身相關的事物與狀態有所覺察，學習個人與複雜環境之間互動的界限，並且「有意識地」發展「掌控」的能力，進一步學習面對日常生活裡的不確定性以及複雜性。如此一來，個人才具備化約複雜性社會的能力，進而維持自身以及關係的穩定。因此，兒少就醫過程的參與表述，最終目的在於「自我管理的掌控，化約外在社會複雜性」能力的擴展。

5. [I-Chen Tang & Hsin-Yi, Chen \(2017\) Dialogue between rights and power - Exploration and interpretation of children's rights to participation from the parental perspective in Taiwan, Children and Childhoods Conference 2017, University of Suffolk, UK18-19 July.](#)

Abstract

Background The rights of children to participate in the decision-making process have been addressed in Article 12 of the 1989 UN Convention on the Rights of the Child. Based on children's level of maturity, competency and age, the concept of participation is vague and problematic and requires substantive discussion. In Taiwan, the social and cultural image of children is a vulnerable group requiring adult protection, and the views of children are not widely recognized in policy or

decision-making. Thus, the rights of children to participate in the decision-making process are rarely considered. Studies have shown that children's views are not fully considered in practice. Adult authorities often use the best interests of the child principle to reject the views of children in the decision-making process. By doing so, it becomes difficult to distinguish whether adults or children are the beneficiaries of the best interest principle.

Objective Children's participation rights were explored from the parental perspective to demonstrate how these rights are interpreted in everyday life in Taiwan.

Method Qualitative interviews were the research method used to develop concepts of, insights into and understanding of how parents construct their knowledge of children's and adolescents' participation, free expression and decision making. Various social categories such as family type, gender, age, disability, and parental educational levels were considered to produce the necessary complexity to understand children's rights in family decision-making. All interviews were recorded and transcribed verbatim for analysis. This study was approved by the University Hospital Institutional Review Board (IRB) (CS16079).

Participants At the time this proposal was written, 57 parents had been individually interviewed based on a semi-structured interview guide. Among them, 22 were males and 35 were females. Moreover, 50 were married and living together with their spouse; 2 were married but not living together with their spouse; 1 was an unwed single parent, 3 were divorced and 1 was a single parent whose partner was deceased. Among these participants, 11 were aged between 30 and 40, 42 were aged between 41 and 50 and 4 were aged between 51 and 60. There were 52 interviewees who came from a two-parent family and 5 who came from a single-parent family. Moreover, 41 interviewees identified themselves as being raised in a nuclear family, 4 in an extended family, 1 in a blended family, and 6 in a three-generation family. As to the ages of the interviewees' children, 3 were of preschool and kindergarten age, 33 were of primary school age, 12 were of junior high school age and 33 were of senior high school age.

Results Criteria for children's rights to participation in the family were as followed:

1. **Cognition:** The results reflected that parents often make subjective judgments, in which cognition is a critical component, that affect their children's ability to access information and make sense of what they perceive.

2. **Age:** Age difference was one of the important factors in the differences in experiences and qualities between children and adults in specific matters.

3. **Ownership:** Parents followed the repressive tradition of limiting children's freedom of choice. Parents displayed absolute authority over their children. Children hardly had a will of their own and were required to be unthinkingly obedient to their parents.

4. **Significant Others:** Grandmothers and school authorities: Researchers found that school authorities and grandmothers as authorities in the family are two important references for rule making and compliance. Traditional authority was maintained by way of not talking back and following school regulations. This reflected the concept of traditional socialization in which families and schools play major influential roles in demanding obedience from children and training them to completely comply with adults' instructions.

Event-based Children's Rights to Participation

1. **Academic choices:** Our study found that when strict parents have strict demands for academic performance, but their children have different opinions, such parents often require their children to obey them and follow choices they consider safe.

2. **Peers:** The findings showed that parental authority over children's peer interactions is due to concern for their potential to perform delinquent acts, such as gambling, drug abuse, or running away.

3. **Parents' bottom line:** Due to differences in rules among families, researchers were interested in determining the issues considered taboo for children's participation and expression. From the findings, teenage pregnancy, dropping out of school and moving out were the main issues.

Conclusions

The concept of children's rights to participation is influenced by roles, familial position, relationships, situations, and even parents' early childhood experiences. All of these factors reflect parents' boundaries when interacting with children. The key to developing children's rights to participation is adult willingness to share power and social space with children.

6. **I-Chen Tang** (2019) Social workers' perspectives on children's rights: A qualitative study, European Conference for Social Work Research 2019, Leuven, Belgium, 10-12 April, 2019 (論文摘要於 107 年 9 月 24 日投稿, 107 年 12 月 10 日審查結果通知)

Abstract

Background Every social worker can contribute to the promotion and advocacy of human rights through education, policy initiatives or welfare services (Steen, 2006). However, how to implement the concept of children's rights in social work practice has been a difficult issue. In responding to the argument that realization of children's rights is due to lack of knowledge and understanding of children's rights (Campbell & Covell, 2001), whether social workers acquire child right knowledge and skills are significant to explore. Thus, this study aims to find out whether Taiwanese social workers are aware of children's rights and what ideals they hold for children's rights. Further, it examines (1) how they gain an awareness of the United Nations Convention on the Rights of the Child, if they have ever heard of the Convention, and (2) which issues regarding children's rights need to be highlighted in social work education.

Method In this research, qualitative interviews were conducted with 94 social workers through purposive as well as snowball sampling. This research mainly uses a thematic analysis to encode, classify and analyse the collected data on the basis of specific concepts.

Findings According to the demographic variable data of the interviewees, there were 83 women, 10 men and one person of other gender. In terms of age, there were 43 social workers aged less than 30 years, 49 aged between 30 and 39 years and two aged over 40 years.

According to the interview data, only one interviewee has never heard of the term 'children's rights' and only three interviewees have not heard of the 'United Nations Convention on the Rights of the Child'. Routes for learning about the Convention were mostly pre-qualifying education, professional development, government advocacy, etc. Interviewees reflected that human rights issues often cause contradictions and controversies of ethical dilemma in practice. Thus, it is recommended that social work education needs to highlight issues with children's rights, in particular reflective training should be conducted through case studies. Furthermore, as an advocacy role in helping children being aware of themselves as rights holders, social workers are expected to acquire skills and knowledge of working with children. Also, social workers are expected to obtain knowledge of laws

or policies relevant with children through educational training.

Conclusion Although most interviewees had an initial understanding of children's rights, they found it complicated to work with children due to consideration of balancing the best interests of the child with parental or cultural consideration. Social workers need to be culturally competent and professionally sensitive to meet the complexities and challenges of promoting child rights in practice.

Reference

Campbell, K.M. & Covell, K. (2001). Children's rights education at the university level: An effective means of promoting rights knowledge and rights-based attitudes, *The International Journal of Children's Rights*, 9, 123–135.

Steen, J. A. (2006). The roots of human rights advocacy and a call to action, *British Journal of Social Work*, 51(2), 101-105.

7. **I-Chen Tang** & Hsin-Yi Chen (2019) Autonomy of children in medical decision making and refusal of treatment related to age: Social workers' perceptions of rights and power, 9th International Conference on Social Work in Health and Mental Health: Shaping the future: Promoting human rights and social perspectives in health and mental health, York, UK, 22-26th July 2019 (論文摘要於 107 年 10 月 26 日投稿, 107 年 12 月 7 日審查結果通知)

Abstract

Background Taiwan possesses a paternalistic culture and adult authorities tend to make decisions on behalf of their children. Over the past four decades, with the emergence of children's rights awareness and free will, children and other incompetents are seeking rights to participation and decision-making in matters that concern them, such as medical treatment. However, medical decision making can be very difficult, as consequences of such decisions may be serious and irreversible. Situated between family members and healthcare professionals, social workers often encounter ethical dilemmas.

Aims The aim of this study is to explore social workers' perceptions and perspectives on children's decision-making competence, with focuses on medical decision making and refusal of treatment.

Methods Two hundred social workers in Taiwan participated in a survey which involved completing a self-administered questionnaire concerning decision-making rights of children related to age. In particular, two questions were asked: At what age do you perceive that children are able to make decisions about their medical treatment? At what age do you perceive that children are able to refuse treatment? To evaluate

specific beliefs, 90 participants were further interviewed regarding their viewpoints on children's medical decision making and age.

Results Age, power, maturity of children, parental roles, competence, seriousness of diagnosis and laws all influenced social workers' perspectives on children's medical decision making. The issue of refusal of treatment challenged social workers' professional values such as self-determination.

Discussion/conclusion Children's medical decision making is a complex cultural issue. Teamwork is required to ensure the best interests of each child.

105年度專題研究計畫成果彙整表

計畫主持人：唐宜楨			計畫編號：105-2410-H-040-006-MY2			
計畫名稱：權利與權力的對話：從家庭內外關係反思兒童參與表意權的想像與詮釋						
成果項目		量化	單位	質化 (說明：各成果項目請附佐證資料或細項說明，如期刊名稱、年份、卷期、起訖頁數、證號...等)		
國內	學術性論文	期刊論文	2	篇	1. 陳心怡, 唐宜楨* (2017) 從兒童權利觀點論家庭關係的新轉變-以兒童參與表意權為例, 家庭教育雙月刊, 65, 31-42(通訊作者)。 2. 陳心怡、唐宜楨* (2017) 從一場在職教育訓練反思《聯合國兒童權利公約》, 台灣人權學刊, 4 (2), 73-99。	
		研討會論文	1		唐宜楨、陳心怡 (2018) 兒童少年就醫過程裡的參與表述初探-家長觀點, 第八屆「醫學與社會」理論暨實務研討會, 中山醫學大學醫學社會暨社會工作學系, 2017年3月24日。	
		專書	0	本		
		專書論文	0	章		
		技術報告	0	篇		
		其他	0	篇		
		智慧財產權及成果	專利權	發明專利	申請中	0
				已獲得	0	
				新型/設計專利	0	
	商標權		0			
	營業秘密		0			
	積體電路電路布局權		0			
	著作權		0			
	品種權		0			
其他	0					
技術移轉	件數	0	件			
	收入	0	千元			
國外	學術性論文	期刊論文	1	篇	Hsin-Yi Chen & Tang, I-Chen* (2017) Social workers' attitudes towards human rights in a sample of Taiwan, International social work, doi.org/10.1177/0020872817725138 (corresponding author)	
		研討會論文	6		1. I-Chen Tang & Hsin-Yi, Chen (2018) Case study of parental storytelling about underage daughter's pregnancy and abortion	

				<p>in Taiwan, Storytelling Conference 2018, University of Suffolk, UK, 10-11 July 2018.</p> <p>2. I-Chen Tang & Hsin-Yi, Chen (2018) Social workers' perceptions of children's right to participation - The Taiwan experience, Social Work, Education and Social Development Conference 2018 (SWSD 2018), Royal Dublin Society, Dublin, Ireland, 4-7July 2018.</p> <p>3. I-Chen Tang & Hsin-Yi, Chen (2018) Understanding child participation in the framework of child rights-The parental perspectives in Taiwan, Social Work, Education and Social Development Conference 2018 (SWSD 2018), Royal Dublin Society, Dublin, Ireland, 4-7July 2018.</p> <p>4. I-Chen Tang & Hsin-Yi, Chen (2017) Dialogue between rights and power - Exploration and interpretation of children's rights to participation from the parental perspective in Taiwan, Children and Childhoods Conference 2017, Department of Children, Young People and Education, University of Suffolk, UK18-19 July.</p> <p>5. I-Chen Tang (2019) Social workers' perspectives on children's rights: A qualitative study, European Conference for Social Work Research 2019, Leuven, Belgium, 10-12April, 2019 (論文摘要於107年9月24日投稿, 107年12月10日審查結果通知)</p> <p>6. I-Chen Tang & Hsin-Yi Chen (2019) Autonomy of children in medical decision making and refusal of treatment related to age: Social workers' perceptions of rights and power, 9th International Conference on Social Work in Health and Mental Health: Shaping the future: Promoting human rights and social perspectives in health and mental health, York, UK, 22-26th July 2019 (論文摘要於107年10月26日投稿, 107年12月7日審查結果通知)</p>

		專書		0	本		
		專書論文		0	章		
		技術報告		0	篇		
		其他		0	篇		
	智慧財產權 及成果	專利權	發明專利	申請中	0	件	
				已獲得	0		
			新型/設計專利		0		
		商標權		0			
		營業秘密		0			
		積體電路電路布局權		0			
		著作權		0			
		品種權		0			
		其他		0			
	技術移轉	件數		0	件		
收入		0	千元				
參與計畫 人力	本國籍	大專生		1	人次	中山醫學大學醫學社會暨社會工作學系 大學生周怡汝	
		碩士生		1		中山醫學大學醫學社會暨社會工作學系 研究生張文旻	
		博士生		0			
		博士後研究員		0			
		專任助理		0			
	非本國籍	大專生		0			
		碩士生		0			
		博士生		0			
		博士後研究員		0			
		專任助理		0			
其他成果 (無法以量化表達之成果如辦理學術活動、獲得獎項、重要國際合作、研究成果國際影響力及其他協助產業技術發展之具體效益事項等，請以文字敘述填列。)							

科技部補助專題研究計畫成果自評表

請就研究內容與原計畫相符程度、達成預期目標情況、研究成果之學術或應用價值（簡要敘述成果所代表之意義、價值、影響或進一步發展之可能性）、是否適合在學術期刊發表或申請專利、主要發現（簡要敘述成果是否具有政策應用參考價值及具影響公共利益之重大發現）或其他有關價值等，作一綜合評估。

1. 請就研究內容與原計畫相符程度、達成預期目標情況作一綜合評估

達成目標

未達成目標（請說明，以100字為限）

實驗失敗

因故實驗中斷

其他原因

說明：

2. 研究成果在學術期刊發表或申請專利等情形（請於其他欄註明專利及技轉之證號、合約、申請及洽談等詳細資訊）

論文： 已發表 未發表之文稿 撰寫中 無

專利： 已獲得 申請中 無

技轉： 已技轉 洽談中 無

其他：（以200字為限）

3. 請依學術成就、技術創新、社會影響等方面，評估研究成果之學術或應用價值（簡要敘述成果所代表之意義、價值、影響或進一步發展之可能性，以500字為限）

期末報告撰寫的當下，看到家扶中心正在進行『兒童權利研究-青少年公民參與』研究調查、長年推動十八歲公民權運動的台灣少年權益與福利促進聯盟因著11月24日多項公投號召青年與未來首投族組成『公民投票觀察團』以及兒童福利聯盟推動『踮共少年專線』，期以服務13歲至未滿18歲青少年訴說心裡話。這些活動方案呈現聯合國兒童權利公約施行法推動後，兒童權利支持者，尤其是兒童參與表意權在日常生活裡期以受到重視以及實踐。本研究透過兩個兒少生活裡重要成人權威，父母以及國家親權代表的社工，藉以了解兒童參與權與成人權威之間的權力關係如何進行展演、確保、抵抗以及協商。透過質性訪談以及量化研究資料，得以展現兒童權利，尤其是參與權、表意權以及決策權在兒少日常生活裡，例如補習、休閒娛樂、零用錢、獨自外出、人工流產等議題適以描述與解釋『權力』與『權利』在語言上的意義以及被行使的情況下，所產生的結果與真實。值得一提的是，面對實證研究所呈現出來的困難與爭議，兒童參與表意權在本質上以及社會現實裡是一個無可避免也是爭議不休的概念，我們應掌握到，兒童權利實踐的結構限制以及誰的權力能夠積極地/消極地影響兒少利益。

4. 主要發現

本研究具有政策應用參考價值：否 是，建議提供機關
(勾選「是」者，請列舉建議可提供施政參考之業務主管機關)

本研究具影響公共利益之重大發現：否 是

說明：(以150字為限)