

Shadow Report 2017 on the Implementation of the Convention on the Rights of the Child

**CRC Watch, Taiwan
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The report is open.

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台灣人權促進會	Taiwan Association for Human Rights
台灣性別平等教育協會	Taiwan Gender Equity Education Association
台灣國際醫學聯盟	Taiwan International Medical Alliance
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Chapter 1: General Measures of Implementation

A. No promotion, coordination, and monitoring mechanisms are established of CRC.

1. Ageism: the ma With regard to the monitoring mechanism for implementing the Convention on the Rights of the Child (hereafter referred to as the CRC), only a few indicators for the compliance with the CRC have been included in the central government's appraisals on local governments' social welfare services. Besides, when granting subsidies, the central government tends to use the results of these appraisals simply for reference purposes, which renders effective monitoring of local governments' implementation of the CRC a goal difficult to achieve. To remedy this deficiency, the committee on promoting the rights of children and youth established within each local government should be assigned the task of monitoring and assessing the government's performance in implementing the CRC, and the active engagement of NGOs and representatives from children and youth should be encouraged as a way to strengthen this monitoring mechanism. We also suggest organizing children's councils or youth councils, just like what some other countries have done, as a direct channel for children and youth to take part in monitoring the implementation of the CRC.
2. In the part of statistics and budgeting on CRC, due to the inconsistency of the age of majority¹, the data collection were different between each ministry. For example, the statistics of youth labor is from 16 to 19 years old, and the statistics of education depends on grade rather than age. Even worse, there were many agencies unwilling to publish their statistical data, preventing the data being used to be against them. (see supplement 7-7). Therefore, there is no clear statistics toward children under 18 years old. As a result, the forms of supplement 1-2 got many notes: the targets of this project contain those over 18.
3. There is no mechanism in our existing system to define the category of human rights throughout all human rights conventions (including CRC) and the relevant domestic administrative measures. Therefore, many statistics such as the number of services and the budget, are interpreted by ministries and sectors without relevant mechanisms to ensure their rationalities. NGOs doubt of the correctness of data and only refer to it with uncertainty due to the well-known "dark figures" and even the fundamental attribution error.
4. CRC was not advocated in schools. The propaganda and education of CRC were limited in employees of local governments and NPOs. Therefore, children, as the most important subjects of CRC, knew very little about their rights protected by the convention. Only tiny part of children can have access to CRC by children targeting activities about CRC held by few NPOs.
5. There were no specific human resources in charge of communication of business about CRC and CRPD. In response of the review meeting, the government only hired temporary employees to deal with related business that contains the integration of national report and support of review meeting. However, the main agency in charge of the business is rather low in level of executive (second level of system). As a result, the communication was ineffective from ministry to ministry.

B. The age discrimination against young people in legal system.

6. For reasons of protection, the central government often restricts some basic rights of the minors, such as the freedom of assembly and association (Article 15 of the CRC) and the right to participation (Article 12 of the CRC). The minors are granted these freedoms and rights only after they crossed the age threshold (20 years old or above) set by laws. This age threshold is distinct from the minimum age of criminal responsibility (18), becoming a taxpayer with the right to work (16), enlistment (18), and marriage (18).

7. There is a world of difference between the present and past days in terms of the nationals' education level, social development, and global trend. However, the legal age of majority (20) was set 88 years ago, which clearly differs from the age threshold (18) set for terminating the special protection measures and subsidies for disadvantaged children and youth. As a consequence, many minors between 18 and 20 have become victims of unfavorable circumstances; for example, some of them may need to leave foster homes but are not eligible to rent a place in their own right.
8. Although the minors are allowed to perform a large number of civil acts either jointly with or by consent of their legal guardians, they are legally prohibited from participating in administrative procedures because they are generally defined as persons without disposing capacity. They can neither perform judicial acts nor participate in administrative procedures (e.g. assembly, parade, association, etc.) as persons limited in disposing capacity even with the consent of their legal guardians. Besides, adopting the relatively low-priority Guidelines for the Establishment of Corporations, the central government stipulates that the minimum age of being a corporation member is 20.
9. The abovementioned persons limited in disposing capacity, holding semi-citizenship though, have been stripped of their political rights. In addition, the current electoral system is conspicuously unfavorable for young adults (18-29 years old) to exercise their associated rights. Moreover, the central government has been reluctant to take remedial measures such as lowering the voting age or adopting constituency voting. The attempt to deliver civic and citizenship education by organizing straw polls of youth has been thwarted by reason of the demand for keeping politics away from schools. The consequence has become apparent in the middle-age and elderly people's unfair advantages over the younger generation in terms of governmental policies and resource allocation.
10. According to Introduction-2 in the Annex, the population of children and youth over the past 5 years accounted for 17.21% – 19.24% of the total population in Taiwan. However, Point 1-2 in the Annex indicated that the central government's budget for children and youth only amounted to 1.68% - 2.43% of its general budget, which obviously violated the principle of proportionality.
11. We suggest the central government to reconsider the age threshold (18) set for full criminal responsibility and for terminating the special protection measures and subsidies for disadvantaged children and youth, and in the meantime set out to study the possibility of lowering the legal age of majority stipulated in the Civil Code to 18 as well as its implications. Besides, the government should make public the voter turnouts of different age groups, and facilitate social communication and take educational measures intended to lower the voting age to 18. Furthermore, the government should support activities concerning youth empowerment and civic and citizenship education on election, such as setting up youth councils affiliated to the Legislative Yuan, which will not only help the young generation learn the way to promote their initiatives and tackle public issues, but also offer them the opportunity and platform to engage in political affairs. More importantly, the government should amend the age threshold for suffrage (the right to vote) to 18 as soon as possible and give objective and reasonable grounds to justify the age thresholds set for the candidate eligibility of different types of civil servants.
12. In response to Point 28 in the Implementation of the Convention on the Rights of the Child - Initial Report Submitted under Article 44 of the Convention, Republic of China (hereafter referred to as the Initial Report) regarding the different minimum age of marriage for males (18) and females (16), we believe that such a variance in age is discriminative and violates the terms of the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the CRC. Accordingly, we advocate raising women's minimum age of marriage to 18.

Chapter 2: General Principles

13. In response to Point 53 in the Initial Report, the Standards for Establishing Children and Youth Welfare Institutions stipulates that nursery service centers shall not reject children for reasons of their special requirements and shall give priority to them. In practice, however, we are facing a nationwide shortage of kindergartens and preschool special classes except the Greater Taipei area, which results in overt discrimination because the children outside the Greater Taipei area are given nominal priority without substantial resources. To prevent the public and non-profit preschools from rejecting the enrollment of disadvantaged children for reason of lacking resources and thereby affecting their rights, we suggest the local authorities to comply with Article 7 of the Early Childhood Education and Care Act. This article provides that “public and non-profit preschools may apply for extra professional aids to the municipal or county/city competent authority, if the enrollment of disadvantaged children outnumbered a certain ratio.”
14. In response to Point 54 in the Initial Report, to effectively reduce the discrimination against children and youth in special needs, the central government should actively develop action plans in addition to prohibiting discrimination as stipulated by the People with Disabilities Rights Protection Act and the Special Education Act. We suggest the competent authorities to provide professional assistance and improve the services such as early intervention and preschool special education under Article 13 of the Early Childhood Education and Care Act, while the central government shall subsidize local governments in terms of the abovementioned services. To meet regionally varied special requirements, the competent authorities should also set up as many special classes as possible with the accompaniment of transportation and special care services.
15. In response to Point 57 in the Initial Report, foreign or stateless children and youth in Taiwan have been grossly neglected in terms of their legal rights to survival. Notwithstanding the protection under Article 22 of the Protection of Children and Youth Welfare and Rights Act, there would be no substantial protection if the competent authorities do not file cases for them (according to the statistics by the National Immigration Agency released in August 2016, only 50 out of more than 8000 foreign or stateless children and youth in Taiwan have been protected by the law). They cannot enjoy fundamental rights to survival such as residence, education and medical care if the Social and Family Affairs Administration, Ministry of Health and Welfare (MHW) subjectively judges that they do not need any of its services. Take the case of En-en in Chiayi as an example. She was adopted by her nanny because her Vietnamese birth mother abandoned her. She had been under proper care and the competent authorities did not file a case for her as a result. She had no valid resident status and her rights to medical care, education and adoption had been significantly affected before her nanny petitioned the Office of the President for her case. In response to the demands and attentions from various sectors and NGOs, the Minister without Portfolio Wan-I Lin convened an inter-ministerial meeting on the placement of stateless children in early 2017. The meeting resulted in the use of a “loose definition” for the nearly 600 stateless children in Taiwan and concluded that if all means have been exhausted and their parents remain unidentified, then Article 3(2) of the Nationality Act should apply to them, that is, “A person shall have the nationality of the Republic of China if (h)e/she was born in the territory of the ROC, and his/her parents cannot be ascertained or both were stateless persons,” which will facilitate the process of adoption.
16. In response to Point 63 in the Initial Report, Article 1055-1 of the Civil Code provides that a court, when ruling on parental rights in a divorce, should make its decision based on the best interests of the child. However, most court precedents in recent years have granted the mother the legal custody of the child without assessing and comparing the respective abilities of the father and the mother in taking care of the child. In fact, some children were abandoned or neglected after their mothers won legal custody of them. To tackle this issue, the competent authorities should refine the family assessment mechanism and follow up each case on the

basis of the guardian ad litem system. Only by treating the best interests of children and youth as our primary concern can we safeguard their rights to survival and development.

17. In response to Point 65 in the Initial Report, the assessment of welfare institutions for children and youth proceeds simply in paperwork review, and most of the reviewers lack practical experience, which results in a widening gap between the assessment and the best interests of children and youth. In some cases, the reviewers even demanded “artificial greening” from the institutions located in the natural environment, or questioned them for not arranging the adoption of a 15-year-old teenager who lost his family. However, the reviewers neither considered the actual caring work that these institutions have done, nor evaluated the degree of satisfaction from the children and youth in these institutions. On top of that, the competent authorities no longer convened review meetings that allow the participation of welfare institutions after the 2016 assessment. We suggest that the reviewers should have practical experience, stay a few days in the institutions under assessment for closer observation, familiarize themselves in advance with the accreditation mechanism as well as the backgrounds and modus operandi of the institutions, and agree on the accreditation indicators. In addition, the indicators should be formulated according to the scales of the institutions and the attributes and orientations of the children and youth placed in these institutions. Moreover, the revision of the indicators has to meet the best interests of these children and youth. Finally, review meetings allowing the participation of these assessed institutions should be convened after the accreditation.
18. In response to Point 66 in the Initial Report, the Regulations for Governing Qualifications and Trainings of Professional Personnel of Children and Youth Welfare Institutions stipulates that the competent authorities should assign required training courses and studied hours for different professional personnel of children and youth welfare institutions. However, the budget and mechanism for offering the courses and issuing completion certificates are quite limited and flawed, which resulted in a dire shortage of professional human resources and serious shortfalls in the number of employees needed by welfare institutions. The consequence has become apparent in several negative phenomena such as the employees tend to select or reject referrals or the welfare institutions tend to accommodate younger and a smaller number of children and youth. We advocate increasing the budgets and subsidies for pertinent training courses as a way to raise the quality and quantity of professional personnel of welfare institutions for children and youth, thereby improving the quality of care and enhancing the development of the placed children and youth.
19. In response to Point 66 in the Initial Report, the Ministry of Labor (MOL) mandates in the newly amended Labor Standards Act that the employees in all-day children and youth welfare institutions must change shifts every 8 hours, which not only ignores the mental development of children and youth such as attachment, sense of security, and emotional needs, but also increases the labor costs and reduces the caring effect. This problem influences the adaptation of the children and youth as well as their physical and mental development in a negative way, making them anxious and emotionally unstable, which obviously violates the principle of pursuing the best interests of the children and youth. Social welfare services entail professionalism, among which the caring and placement of children and youth are alternative family services whose working hours should not be adjusted in accordance with labor productivity. We suggest the MOL to consider the nature of social welfare services and their professional requirements, and create a separate chapter in the amended Labor Standards Act or draft a special law for social welfare workers, thereby giving due considerations to the workers’ rights and the best interests of the children and youth.
20. In response to Point 67 in the Initial Report, the competent authorities, to ensure the service quality of social welfare institutions, should demand the underperforming institutions to remedy their deficiencies or order them to leave practices or close down according to the governing laws. In practice, such kind of written notices is far from effective without practical

counseling mechanism, let alone meet the best interests of children and youth. We suggest the competent authorities to offer children and youth welfare institutions necessary resources for improvement on the one hand, and activate pertinent punishment mechanisms on the other. The competent authorities should also urge the underperforming institutions to improve as much as they can. Once the counseling mechanism failed, the competent authorities should demand the underperforming institutions to leave practices or close down according to the governing laws.

21. In response to Points 72 and 178 in the Initial Report, the statistics compiled by the MHW showed a total of 53,860 reported children and youth protection cases in 2015, and the number has increased annually. The governments were supposed to deploy adequate manpower in order to effectively implement children and youth protection measures. However, this attempt has been hampered by the severe shortage of manpower in the field of children and youth protection. According to the media survey in 2013, the number of children and youth protection cases a social worker handles in Taiwan is 9 times [1] as large as that in other advanced countries. The Executive Yuan has enacted a new plan which is aimed at recruiting another 1,462 social workers working for local governments within 6 years to make up for the manpower required. Among them, 60% will fill the vacancies in the permanent establishment, yet this goal is scheduled to be achieved by 2025.
22. In addition, the lack of interagency information sharing has hampered the effort of timely help for children and youth. For example, the police authorities have no access to the systems used by the social affair authorities, which prevents the former from checking the subjects' backgrounds on duty and impedes the effort of offering the subjects essential assistance. Although the competent authorities may ask domestic violence prevention officers for related information, the latter are often out of reach when emergency situations occur around midnight.
23. Accordingly, we suggest the central government to establish a "national coordinating framework on violence against children" under the General Comment No. 13 of the CRC, providing all involved sectors with necessary manpower, funding and technical resources at their best and enhancing the exchange and cooperation among the central and local governments, academic institutes and civil groups, thereby overcoming the current shortage of manpower and lack of interagency coordination.
24. In response to Point 69 in the Initial Report, speaking from the best interests of children, the higher the post-delivery enrollment rate of adolescent mothers is, the less their children's rights are infringed upon.
25. The statistics compiled by the Department of Household Registration, Ministry of Interior, revealed that each year we have about 900 girls giving birth between 15 and 17 years old; and those released by the Department of Statistics, Ministry of Education (MOE) indicates that the net enrollment rate (girls) in senior high schools is higher than 94%. We estimate that every year there are about 800 pregnant adolescent girls who remain enrolled (shown in the table below). However, the number in our estimation is not consistent with that provided by the MOE. Such discrepancy has disconcerted us.
26. The central government has never released the information of and statistics on induced abortion of different age groups. Induced abortion among adolescent girls is seen as an issue concerning not only sexual health but also welfare services, education and medical services. Statistics on this issue will tell the public about the age distribution of adolescent girls who had induced abortion and whether there is a trend on the lowering of age of induced abortion, according to which we can adopt remedial policies and measures against this problem.
27. In response to Points 74 and 192 in the Initial Report, the Protection of Children and Youth Welfare and Rights Act amended in 2011 demands the competent authorities to conduct "registration for accidents and injuries to children and youth." However, the data provided by

the competent authorities have been routine statistics without systematic monitoring and analysis on the causes of accidents and injuries. We have been prevented from knowing the causes of injuries, let alone propose effective prevention measures.

28. The Control Yuan proposed corrective measures to the Executive Yuan in April 2013, accusing the government of not fulfilling the protection of the rights of children and youth and ergo resulting in their high casualty rate in accidents. The Control Yuan not only demanded the Executive Yuan to investigate the causes of accidents and develop effective prevention measures, but also urged it to collect relevant data from the OECD member states and conduct comparative analysis. The competent authorities were supposed to make timely improvements, but so far they have not yet proposed any policy measure to respond to the demand from the Control Yuan.
29. Therefore, we suggest that the central government should, in the short term, treat the National Health Insurance Research Database as its main source of data on accidents and injuries to children and youth, according to which basic analysis on the causes can be conducted. In the long term, the government should emulate the accident and injury monitoring systems of advanced countries, thereby monitoring and analyzing different aspects in this regard, such as age, gender, injury type, injury site, place where injury occurred, injury-causing item, and all that. The identified features of the accidents and injuries endemic among Taiwanese children and youth may serve as the foundation for proposing prevention measures.
30. The central government has offered children under 7 years old a total of 7 times of preventive health care and health instruction. However, the service is not widely utilized. According to the statistics released by the Health Promotion Administration, the average utilization rate of the service was only 65% by March 2016, which is inadequate at improving children's health care.
31. In response to Point 79 in the Initial Report concerning the rights of children and youth who are victims of domestic violence and sexual assault to express themselves, the necessary assistance with expression for those who suffer from intellectual disabilities, learning disabilities and autism is quite limited, which makes them judicially disadvantaged. To ameliorate this situation, we suggest the competent authorities to provide resources such as audio typists, interpreters, social workers or counseling staff for those who need additional assistance in expressing themselves.
32. When children's rights are infringed upon at school, the remedies available tend to be inadequate. Even though the children and their parents file complaints with the MOE, the competent authorities can do nothing but throwing the complaints, along with the content and personal data,² back to their schools due to the lack of an overarching mechanism to deal with this kind of problems. Having no trust in governmental agencies and fearing that they might be confronted with retaliatory measures, the children and their parents often turn to NGOs for help. However, after intervening in these cases, the NGOs, even with the authorization from the children and their legal guardians, have no legal rights to access related material and to help the children express themselves under the complaints procedure. The government should establish an effective mechanism to facilitate the intervention of competent NGOs when children's rights are infringed upon, enable the NGOs to access related material and help the children express themselves, or allow these NGOs to represent the children in the complaints procedure if this arrangement is in the best interests of the represented. Besides, the competent authorities and the NGOs should establish a collective mechanism in order to follow up and protect the child's rights in each case.

² This e-mail box will not arbitrarily share your personal data with any third party without your consent if there is no exigency of official service. Nevertheless, based on the statutory functions and powers of different administrative agencies, this e-mail box will transfer your complaint, together with your personal data (e.g. name, phone number, address and e-mail address), to the competent institute (school) upon receiving your complaint if it involves the competences of other institutes (schools).

33. In response to Points 76 and 81 in the Initial Report, a student enrolled in the Taipei Hwa Kang Arts School got a major demerit from the school in early 2016 for pointing out that the student representatives were elected under the table and subsequently organizing a preparatory student association with the intention to conduct a direct election of student representatives.³ Later, a foreign guest invited by the school violated the purpose of the visit stated in his visa application. The student kindly reminded the guest to obey the visa regulations on the Internet, which got him another two major demerits and two minor ones together with probation. The student was even consecutively bullied by all his schoolmates under the guidance of the principal for a couple of days. The campus was rife with slogans against the student. The principal even declared that “he (the student) is a persona non grata in the school” and “he is unworthy to be a student at this school” (see the attached photos and videos). Although a press conference made this case public, the competent authorities neither pursued in-depth investigation, nor revoked the improper disposal and punished the faculty who infringed upon the rights of that student. Established under the Implementation Act of the CRC, the Promotional Team for Children and Youth Welfare and Rights of the Executive Yuan does hear appeals. Nonetheless, the diversity of its members is subject to the government in power, and it remains impotent in relevant fields. In view of these deficiencies, we suggest that the government should set up an independent mechanism to address individual appeals, and thereby prevents children and youth from more possible right infringements arising from the negligence of administrative agencies.
34. The current general and vocational high school students as well as elementary and secondary school students are stripped of the rights of resorting to administrative remedies such as appeal and administrative litigation when facing wrongful administrative disposal at school. Their legal guardians and placement institutions have no such rights, either. In other words, there is no remedy available for children when their rights are infringed upon at school and the competent authorities are negligent in the way they protect the children. Unlike adults, judicial protection is nearly absent from the cases in which children’s rights are infringed upon by inappropriate administrative measures. The government should amend the governing laws to allow children to file administrative litigation and obtain due assistance from proper persons throughout the procedure.
35. All employees have the rights to join trade unions and participate in the elections of representatives to the labor-management conference. However, union members under 20 years old are stripped of the rights to participate in the elections of the shop stewards to their trade unions.
36. In response to Point 82 in the Initial report, the grievances filed by 18-year-old young workers mainly fall into two types. The first type encompasses grievances over working conditions. Most young workers tend to work in workplaces with a small number of employees when they enter the workforce for the first time. The current grievance procedure has prompted them to hold back from filing grievances, fearful of exposing their identities or jeopardizing their careers. In addition, the ineffective and rigmarole nature of the grievance procedure has also been a key factor behind their reluctance to take actions. The competent authorities should provide a channel easy to use and access for young workers under 18 years old to file grievances and in the meantime ensure their anonymity and fulfill subsequent counseling and follow-ups. The second type is the complaints about the school-industry cooperative education programs. The students in these programs tend to refrain from filing complaints because their anonymity is not guaranteed and their schools and employers have a stranglehold on their grades and careers.

³ The procedure of student representative election of this school unfolds as follows. Each department chair recommends a candidate; then the student representatives are elected by a joint meeting with the school teachers and administrators. The students in that school have no right to participate in the election process.

37. In response to Point 85 in the Initial Report, the recent investigation by the members of the Control Yuan uncovered that inappropriate discipline that infringe upon human rights is rampant in juvenile reform schools. The inappropriate measures even led to the death of a juvenile in a reform school, while its principal blatantly lied about the fact several times. This incident bore witness to the fact that the “appeals committee” set up in each juvenile reform school is worse than useless to its students.

Chapter 3: Civil Rights and Freedoms

- A. Children withholding Taiwan nationalities could face repatriation and difficulties on identity re-establishing.
38. In response to Point 86 in the Initial Report concerning the omission in birth registration of foreign newborns, if the mother is a runaway foreign labor, her illegal identity will force her to deliver her baby at home or at a private clinic where midwifery can be practiced under the rose. The babies born in these situations will not be registered, which makes it difficult for the competent authorities to trace this population group.
 39. In response to Point 88 in the Initial Report concerning the birth registration procedure of foreign newborns, the parents will be notified if they did not apply for residence for their newborn within 30 days of birth. However, the procedure does not entail any follow-up to the newborn such as whether the newborn has acquired a residence permit or has left with the parents, which may lead to the infringement of the newborn's right to identity.
 40. In response to Point 89 in the Initial Report, Article 22 of the Protection of Children and Youth Welfare and Rights Act provides that the competent authorities shall provide foreign children and youth with assistance related to social welfare services, medical care and schooling rights. In practice, however, they receive no school attendance notification when reaching school age, and are often rejected by schools, which obviously violates the term of this Article. We suggest that the competent authorities should achieve cross-agency integration in using databases, offer substantial assistance with residence, medical care and education for foreign children and youth, and follow up their conditions. For those who are not included in the databases, the competent authorities should file cases for them and actively engage in referral and assistance rather than refuse to help for their lack of identity.
 41. In response to Point 91 in the Initial Report, the foreign children and youth who lost their families do not enjoy the right to have a name after their birth. In Taiwan, these children and youth can only be called as "the son/daughter of ... (their mother's name)" during the period of looking for their parents and before the judicial confirmation of legal custody. This process usually takes nearly half a year after they were born.
 42. In response to Point 92 in the Initial Report, for the foreign children and youth who do not acquire residence permits, the priority for the competent authorities is to secure their rights to nationality and identity. It is difficult for the foreign children and youth whose father is uncertain and mother is missing to obtain their original nationality or the nationality of the country they stay in, which makes them literally "stateless persons." To solve this problem, we suggest that, after looking for their missing parents for 3-6 months and getting no result, the court should grant the local governments or their real caregivers (such as the legally registered social welfare institutions) the legal custody by ruling that their missing parents fail to fulfill the parental duty (abandon their children). Meanwhile, the government should help them obtain R.O.C. nationality by amending Article 4 of the Nationality Act regarding the conditions of naturalization of the minors, or loosening the definition in Article 2(3) of the Nationality Act which provides that "he/she was born in the territory of the R.O.C., and his/her parents cannot be ascertained or both were stateless persons."
 43. In response to Point 94 in the Initial Report, being informed of their ancestry is the fundamental right of adopted children and youth. However, their adopters may refuse to inform the adopted children and youth of their ancestry as early as possible for disciplinary reasons. In addition to including such informing in the parenting education program for adopters as stipulated in relevant regulations, the competent authorities should advocate and popularize this concept in order to protect the fundamental right of the adopted children and youth to find their ancestry.
 44. In response to Point 95 in the Initial Report, the rights to identity and nationality of children

and youth should be protected in order to prevent them from becoming stateless persons. In practice, there are cases in which the children born out of wedlock and having R.O.C. nationality faced the suit for disavowal of paternity for reason of consanguinity, therefore losing R.O.C nationality and becoming stateless children. We suggest the competent authorities to apply Article 14 of the Nationality Act which provides that “for a person who loses the nationality of the ROC according to Article 11, during the time he/she has not acquired the nationality of another country, his/her loss of nationality may be withdrawn” to this kind of cases, thereby preventing the children from losing their families and nationality at the same time and becoming stateless persons.

B. The restrictions on the freedom of expression in campus.

45. In response to Point 102 in the Initial Report, a group of students in St. Francis Xavier High School in Taiyuan City published a campus journal in late May 2013. Later, the school checked class by class to confiscate and destroy the journal. The director of student affairs even lost his temper by throwing cups and yelling at the students who published the journal, claiming that “I have done putting up with you” and “you’d better know who the boss is here.” On top of that, the students were held in a small room and interrogated by the military training instructors, which clearly violated the students’ personal liberties. So far, no punishment was imposed on the involved staff of the school, which highlights the passive attitude of the MOE toward the protection of students’ human rights. The current governmental regulations on the protection of students’ freedom of publication do not stipulate the punishment for the teachers or educational personnel who violate the freedom, which renders the freedom of publication on the campus not so much a “right” protected by the government as a “favor” granted by schools. On the infringement of children’s rights at school, the government should introduce a special law and establish an independent institution responsible for children’s rights to investigate and handle different cases as well as to punish the personnel who are guilty of negligence in this kind of cases.

C. Protection of the child from information and material injurious are failed in practice. Inappropriate regulation on application software and internet content.

46. Respond to no.100 in government report. According to Constitutional Interpretation No. 364, the protection of the freedom of speech described under Article 11 of the Constitution includes the expression of opinion via radio or television. Although the ROC has not set up an appeal mechanism regarding the rights of children and youth to express opinions via communications media, there is a mechanism handling appeals regarding broadcasting content, and “broadcasting content monitoring reports” are published regularly. In addition, radio and television operators, in producing and broadcasting programs targeted primarily at children and youth, are required to respect the rights of children and youth to have access to programming and express their opinions. Through regulatory oversight mechanisms, including the regular evaluation and renewal of licenses, the government promotes the concept of respecting the opinions of children and youth and advises operators to take those opinions into consideration when producing and broadcasting programs. However, presently, the number of children's programs in Taiwan is insufficient. According to the study of children's programs in Taiwan in 2014, the number of television stations broadcasted children's programs is only one third, the average daily broadcast time is only 1 to 1.5 hours, and to the majority are cartoons, that accounted for about 81.4% of the program rate, and besides, can be found in Taiwan children program that the self-made ratio is low, and the content is too similar. It can be seen that producers of radio and television programs did not take into account the needs and opinions of children, but also did not provide the way for children to receive the relevant information and express. The proposition is that government should be more actively to promote and supply resources to improve the quality of children's programs, not only by evaluation, changing

licence or other mechanisms, but more to implement the training of children's media literacy, so that children can be more involved in the production process, and provide the way for children to express, so that the industry can be more close to the children and adopt the recommendations.

47. Respond to no. 103 in government report. In a 2011 white paper on the communications rights of children and youth, the National Communications Commission (NCC) initiated such measures as “distinguished marks for quality child and youth television programs and websites,” “specific classification of television programs,” “(promotion of a) higher percentage of programs designed for children and youth,” “the establishment of a regulatory and protection mechanism,” and “respect for the views and opinions of children and youth.” But the promotional measures above are the mechanism for encouragement, in the incentive mechanism and the implementation of norms, there are no clear and effective planning, so the outcome is ineffective ; in the selection, school children's television program badge (2-12 years old), has been developed a clear selection mechanism, but the TV program classification system, for the industry self-discipline classification, whether it is effective and correct classification is somewhat in doubt.

48. Respond to no. 104 in government report. The NCC drafted a “policy framework and strategies regarding communications rights of children and youth,” declaring those rights as Access to media literacy education. But it was not really complete. In 2002, the Ministry of Education promulgated the Media Literacy Education Policy White Paper. After few years, media literacy was included in 2008 Junior High and Elementary School Curriculum Guidelines as a section index for social learning ability. At the same time, the Ministry of Education launched the "Plan for Promoting Media Literacy Education in Junior High and Elementary Schools" in 2008. The plan was running for 3 years. After 2011, we noticed that the government not only didn't completely plan the related research or planning, but also didn't budget for media literacy education stably. It make the media literacy education very difficult to put into practice.

In the Curriculum Guidelines that implement now, media literacy is put into Civics of as a unit in text book of first grade of high school. But media literacy education can't just inculcate the knowledge of subject to children and youth. Instead, it should be let children and youth understanding the information content of the media, analyzing media structure, and training the ability of critical thinking. Then they can possibly have equality opportunity to express what they want to say.

By 2018, 12-year compulsory education will be implement. Core literacy are important concept in this Curriculum Guidelines, every course should respond those literacy. "Information Technology and Media Literacy" is one of the core literacy. But it still something we are worried about. First, as the subject and the entrance examination, could media literacy education really put into practice? Second, training mechanism of media literacy education for teachers doesn't completely be planned and implemented, most of the teacher didn't understand the core of media literacy. Third, definition of the "Information Technology and Media Literacy" is not clearly. At last, government didn't establish the resources platform of media literacy education and also didn't establish the central teachers organizational. The supporting measures is not ready.

Therefore, we suggest that when planning about media literacy education, government should stably provide budget for media literacy education, to continued to development research and support the plannings. At the same time, as technology and network advances, handle the training course for teachers keep pace with the times, make the media literacy education most complete.

49. Respond to no. 105 in government report. Based on Articles 39 and 40 of the “Protection of Children and Youths Welfare and Rights Act,” the government encourages the development of child and youth literature, audio/video publications and programs and the introduction of

quality international audio/video publications for children and youth. It also rewards good quality publications, video, radio and television programs, and game software, sponsors the selection of good quality publications, and has established a children's culture website that provides information on award-winning books at home and abroad. The government also provides assistance in organizing international children's film festivals, so as to broaden the cultural horizons of children and youth. Even though the government has encouraged the quality productions and publications, but there is no complete supporting measures of promotion, lead children difficult to obtain relevant information or related works, and the production of fine works are also more idle. It is recommended to create internet oDd open copyright platform exclusively to children, that provide exposed opportunities for quality children's audio and video works. It's not only closing to the children's viewing habits, but also protecting the children to get the appropriate message effectively. In addition, the website of the "Children's Cultural Center", which was built by the Ministry of Culture, also has serious problems. It is recommended to pay attention to maintenance.

50. In response to Point 110 in the Initial Report, the influence of online news media today has been greater than that of the print media. However, Article 45 of the Protection of Children and Youth Welfare and Rights Act does not provide guidelines on the content of online news and the relevant self-disciplinary mechanism, which created a huge loophole in the protection of the right of children and youth to information. We suggest that the current self-disciplinary mechanism of the newspaper association should apply to the online news departments of all its members as well.
51. In response to Point 111 in the Initial Report, the Institute of Watch Internet Network (i-WIN) also addresses complaints about the online content harmful to the physical and mental health of children and youth. However, it has been an ineffective channel in this regard. Taiwan enjoys the highest media density and the greatest freedom on the Net in the world. Under the relentless competitive pressure, there is a huge gap between the law-violating online news media and the self-disciplined ones, particularly in terms of the exposure and transmitting of personal and sensational information. This phenomenon often exposes children to inappropriate content. We suggest that the government should actively assist the media industry in establishing a robust self-disciplinary mechanism for online news media.
52. In response to Point 113 in the Initial Report, the government has adopted quite loose regulations on application software in Taiwan. Although the Game Software Rating Management Regulations also applies to smartphone application software, the competent authorities do not actively engage in the management but simply require the industry to assign the ratings in a self-disciplinary manner, which resulted in different rating criteria for different platforms. Children and youth can easily download all kinds of application software, rendering the relevant management mechanisms worse than useless to them. According to the 2015 survey conducted by the Children's Rights Alliance Taiwan, 24% out of the top 100 game software on AppStore and GooglePlay have inconsistent ratings. We argue that self-disciplinary rating is inadequate to provide proper protection for children in Taiwan. The competent authorities should not only supervise and direct the application software platform providers to establish effective rating systems according to the governing laws, but also take the initiative to inspect the ratings of all kinds of application software. The competent authorities should fine the provider whose pieces of application software do not comply with the governing laws under Article 92 of the Protection of Children and Youth Welfare and Rights Act, thereby preventing inappropriate application software from affecting the physical and mental health of children and youth in a negative way.
53. The government has imparted the knowledge of safe sex, self-protection, AIDS prevention and control, and the threat of sexually transmitted disease. However, the knowledge may be rated as containing adult content under relevant regulations because part of the knowledge involves the description of sexual intercourse or homosexuals. We have been forced by the government

in the name of public complaints to rate the discussion and information of sex education on its website as restricted. Such restriction not only prevents the LGBT children and youth from accessing the information of safe sex, but also violates the freedom of speech and the right to communication of the public.

D. Campus: the area without human rights ?

54. In response to Point 118 in the Initial Report, the Rewards and Punishment Provisions of High School Students do not hold the rank of law or regulation, and schools that violate the provisions will not be punished accordingly. This situation also occurs in many regulations designed to protect students' rights, rendering the protection of schoolchildren's rights in Taiwan empty rhetoric without substantial effects. The government should protect children's right with legally effective regulations and ensure that the infringement of children's right will be punished by law.

E. The impediment to freedom of assembly and association and the age discrimination against young people.

55. Under the existing statutory regulations, the youth under 20 years old are prohibited from applying for an assembly or a parade. We suggest that the age threshold for the applicants should be revoked. Or, at least, the minors between 12 and 18, namely the persons limited in disposing capacity, should be allowed to apply for an assembly or a parade with the consent of their legal guardians.

56. In 2015, many vocational and senior high school students were protesting against the lack of transparency regarding the MOE's proposed adjustment to the high school curriculum guidelines. Since June 2015, related protest movements had spread in an organizational and systematic way. The students also submitted a petition to the MOE, only to receive a lukewarm response without the intention of communication. On 22 July, hundreds of vocational and senior high school students surrounded and stayed outside the MOE. In the early morning of 24 July, some of them broke into the building, entering the office of the Minister and locking the door from inside. In the end, a total of 33 students (among whom 11 are minors) were arrested in handcuffs or binding bands by the police and taken to the Mobile Division of the Taipei City Police Department.

57. Instead of directly communicating with the stakeholders on an equal footing, the MOE put up barricades and barbed wires, resorting to state violence by using aggressive police force against unarmed students. Previous education reform was passed by a small group of experts and scholars recognized unilaterally by the MOE without considering most of the stakeholders' opinions, particularly those from the minors, which resulted in this series of student strike-backs today.

58. Under the existing statutory regulations, the youth under 20 years old have no legal right to organize civil associations. The government even applies the relatively low-priority Regulations for Registration of Social Entities to stipulate that the age threshold to join social associations is 20, which prevents all children and youth from becoming members of civil associations and exercising the rights to elect and to be elected as directors, supervisors, or cadres of civil associations. All employees have the rights to join trade unions and participate in the elections of representatives to the labor-management conference. However, union members under 20 years old are stripped of the rights to participate in the elections of the shop stewards to their trade unions.

59. Since the youth under 20 years old are not allowed to organize civil associations, they cannot participate in administrative procedures such as hiring venues, applying for state subsidies or public fund-raising as legal persons. On top of that the willingness of private sectors to provide

resources to the youth under 20 years old is ergo affected due to their inability to issue formal receipts. Only by relying on other organizations or adults can they voice opinions about issues pertinent to themselves.

60. In response to Point 120 in the Initial Report, Point 29 in this shadow report has expounded on the event occurred in the Hwa Kang Arts School where students' freedoms of speech and association were violated. The event showed that the Senior High School Education Act is not as effectively implemented as we expect. The current situation of school self-governance does not see the embodiment of the principle that student representatives should be elected by all the students. The crux of the problem lies not only in the administrative agencies' sloth in monitoring but also in the lack of punishment on the school personnel who infringe upon the rights of students.
61. In response to Point 120 in the Initial Report, the competent authorities do not stipulate the rights and obligations of student self-governance organizations. In practice, many schools not only curtail the functions of the student self-governance organization and manipulate the election of student representatives by censoring the candidates and their campaign promises, but also treat the student self-governance organization as a volunteer group of the school and deny it the rights to represent all the students and to voice their opinions.

F. Corporal punishment on children and youth in campus.

62. In response to Point 133 in the Initial Report, incidents of harsh corporal punishment in schools and child abuse have been rife in Taiwan in recent years (please refer to the Annex List of Incidents of Harsh Corporal Punishment and Child Abuse). Within the decade from 2006 to 2016, however, only four teachers were dismissed for harsh corporal punishment. Many teachers who have imposed harsh corporal punishment on students still stay and teach in the original classes or schools. Those who involved in serious incidents of harsh corporal punishment may choose to retire or submit resignation, enjoying retirement pensions without being punished. For the omissions from relevant laws and regulations, please refer to the Annex Report on Corporal Punishment.
63. With regard to monitoring corporal punishment in schools, the MOE has administered the Friendly Campus and Human Rights Environment Indicators Rating Scale. However, the terms used in the Scale are abstruse for low-grade students. In addition, the survey is conducted in schools where teachers are present. Students, of course, dare not to report the actual situation if their teachers have ever imposed corporal punishment on them. Therefore, the results tend to deviate significantly from the real situation, and the figures become the data for the government to paper over the cracks rather than monitor the concrete situation. Moreover, NGOs have often been evicted by the school when they try to collect accurate information by asking the schoolchildren to fill in questionnaires in front of the school gate. The government should collaborate with NGOs in monitoring the implementation of the CRC, collecting the information in an environment where children feel safe and comfortable, thereby making the data collected faithfully reflect realities insofar as to facilitate the review and improvement of relevant policies.
64. In response to Point 135 in the Initial Report, the local government's Youth Counseling Committee is established within the framework of its police department, which leads to many delinquent juveniles having no intention of asking it for help. We suggest the government to restructure the establishment of the committee within the framework of the department of social welfare as a better way to fulfill its intended purpose.⁴

⁴ An NGO had helped file a complaint that a student using no drug got a "false positive" result of the drug-screening at school, and the school, without conducting re-examination according to the governing regulations, directly asked the Youth Counseling Committee to bring the student to the police department for urine test, which caused acute problem of school refusal for the student.

65. In response to Point 136 in the Initial Report concerning the rule of no corporal punishment, relevant surveys revealed that many juvenile correctional institutions have been in breach of this rule, and some juvenile correctional institutions, imposing no corporal punishment though, allow the juvenile inmates to discipline other inmates, out of which incidents of physical injury and mental trauma usually arise.
66. In response to Point 139 in the Initial Report, the results of the 2016 nationwide survey on corporal punishment identified that 27.8% of elementary school students and 35.4% of junior high school students had suffered corporal punishment. The results of the 2011 survey indicated that 19.7% of elementary school students and 29.4% of junior high school students had suffered corporal punishment, which showed that the number of corporal punishment incidents in Taiwan has been increasing in recent years. In regard to the corporal punishment that may cause severe physical injuries, the results of the 2016 survey also pointed out that 8.3% of elementary school students and 8.7% of junior high school students had been beaten by teachers. On top of that, there is a particular way of corporal punishment in Taiwan that asks the students punished to maintain a specific body posture, which often makes the students overuse their muscle and ergo have bad muscle strain, ending up being taken to emergency medical treatment for rhabdomyolysis. In 2003, there were cases in which some students of Si-Hu Junior High School (Miaoli County), Ma-Hsing Elementary School and Ming-Lun Junior High School (Changhua County) were taken to emergency medical treatment for rhabdomyolysis, hematuria, and kidney failure because their teachers punished them by making them do squat jump. The three cases were taken to the court, claiming for state compensation against the schools' wrongdoing. In 2006, Taiwan Miaoli District Court ruled that the state compensation claimed in the case against Si-Hu Junior School is payable. The MOE also sent formal notifications to local governments, demanding them to inform all schools that squat jump is forbidden as a means of corporal punishment. Nonetheless, the results of the 2016 survey still found that 10.5% of elementary school students and 20.6% of junior high school student had been punished by repeating specific physical movements such as squat jump or standing up and squatting down, which implies that some educational personnel significantly lack not only professional ethics but also the understanding of human rights regarding the protection of children's life and physical safety. Please refer to the Annex 2016 Humanistic Education Foundation Report on the Questionnaire about Educational Normalization.
67. In regard to the reasons for corporal punishment on children, 56% of elementary schoolchildren and 68.9% of junior high schoolchildren have been punished for their poor performance on studies, pointing out the acute problem of using corporal punishment as a means to force students to produce better study performance. It also indicates that, in Taiwan, not only the excessive demands on study performance imposed by credentialism have hindered schoolchildren's mental and intellectual development, but also the harsh corporal punishment imposed by some teachers has jeopardized schoolchildren's health and safety. The competent authorities should fulfill veritable exam-free admission, detaching examination results from students' choices on their study pathways. Only in this way can we root out credentialism and the concomitant harm. Please refer to the Annex 2016 Humanistic Education Foundation Report on the Questionnaire about Educational Normalization.

Chapter 4: Family Environment and Alternative Care

- A. Parents fail to fulfill their obligation to protect, educate and take care of their children.
68. In response to Point 137 in the Initial Report, the government has an obligation to help caregivers or caring institutions provide a favorable environment for children and youth. However, the placement institutions willing to take care children and youth who have special needs (including autism, Attention Deficit Hyperactivity Disorder (ADHD), emotional disorder

or other physical and mental disorders) have to cope with considerable caring pressure without having additional subsidies and support from public sectors, which undermines the right to survival of these children and youth because their caring environment is overloaded and ergo they are forced to change placement institutions continually. The government should provide different levels of subsidies and support by defining differential subsidy criteria based on different requirements for caring, thereby improving the caring environment for children and youth having special needs, with enhanced caring quality and manpower.

69. In response to Point 138 in the initial Report concerning the parental rights and obligations of raising children, when the parents fail to fulfill their obligations to protect, educate and take care of their children, the government can only passively appoint other legal guardians or take over the responsibility for protecting and placing the children without making their parents liable for jeopardizing the interests of their children. We suggest the government to lay out the guidelines for assessing the parents' failure to protect, educate and take care of their children. Besides, the competent authorities should actively intervene in helping the parents attend parenting education programs and, for those who do not carry out substantial improvement or attend relevant education programs with respect to pertinent regulations, make detailed penal provisions or abolish their parental rights by law.
70. Following the previous Point, some causes of negative influences on children and youth with special needs can be attributed to their families and parents. We suggest that the government should amend the Special Education Act and the Early Childhood Education and Care Act, and meanwhile stipulate the duties and obligations that parents must perform and fulfill otherwise they would be punished accordingly. For example, the parents should cooperate with the competent authorities in authenticating and accommodating children and youth with special needs and offering them special education services. If the parents fail to perform their duties and fulfill their obligations, the competent authorities should report the cases to the domestic violence and sexual assault prevention center and enforce the parents' compliance with relevant regulations. The competent authorities should administer compulsory parenting education or fitting punishment on the parents if they still refuse to comply.
71. In response to Points 154-157 in the Initial Report, local authorities are granted the right to collect from the individuals responsible the expenses needed for the upbringing of children or youth living with foster families or in foster institutions due to neglect or abuse or a family crisis, which is stipulated in the Protection of Children and Youth Welfare and Rights Act, the Domestic Violence Prevention Act, the Child and Youth Sexual Exploitation Prevention Act, and the Juvenile Delinquency Act. However, these well-intended Acts exert no appreciable effect in this regard due to the lack of enforcement powers. On top of that, they are worse than useless to those who commit fraudulent transfer or lack economic capacity or willingness to upbringing, let alone effectively deter neglect and abuse or solve any family crisis. The parents/legal guardians who fail to pay the expenses needed for the upbringing of children or youth under relevant regulations should be fined and punished accordingly. We suggest the court to issue payment orders to claim back the expenses from their salaries, bank deposits and real estate, or sentence them to social labor services as the compensation for the expenses.

B. Improper placement institutions.

72. In response to Point 158 in the Initial Report, the government ignored the importance of continual parenting to the development of children and youth, which often forces the placed children and youth to change their foster families or placement institutions because their caregivers lack the professional ability to deal with their physical and mental conditions. Take the Taipei-based girl whose surname is Tsai as an example. She had transferred to over nine different schools when she was an elementary school student. The frequent change among different foster families and placement institutions interrupted the development of her

attachment, which shaped her introverted and avoidant personality, daring not to have any intention to make friends with her classmates. We suggest that the change of caring institutions should be made according to the best interests of children and youth. When problems occur in the process of adaptation, the competent authorities should place a top priority on assisting them with due resources and professional teams, and in the meantime improve the professionalism of their caregivers, so as to attain continual parenting and create a favorable environment for the development of children and youth.

73. On sustaining the indigenous cultures of the placed indigenous children and youth, the government considers neither the importance of their respective tribal cultures to their lives and development nor the instruction on their tribal cultures, which makes them illiterate in their native languages and lack the basic life skills in their own tribes, and ergo prevents them from returning to their own tribes after the end of the placement. We suggest that the government should tackle head-on the issue of sustaining of the indigenous cultures of the placed indigenous children and youth by establishing placement institutions exclusive to indigenous children and youth or initiating indigenous cultural integration programs in placement institutions, so as to maintain their connection with and sense of belonging to their own tribes, avoiding the professional out-of-home placement from turning the placed indigenous children and youth into “the stolen generation.”
74. The best interests of children and youth should take the most urgent priority when accidents happened in their families or placement institutions. The government should assess the integrity of the supportive and caring system and check whether there is any immediate danger to the children and youth, and in the meantime deal with their traumas and punish their caregivers for their wrongdoings. However, the government failed to do so in practice. Take an accident happened in a children’s home in Miaoli County as an example. A member of its daily-life guidance personnel caused a child’s death. Under the pressure from the Control Yuan and the public opinion, the government rushed to rule within 7 days that the children’s home should leave practice for 6 months, without waiting for the completion of pertinent judicial investigation, which obviously violated the principle of proportionality and seriously infringed upon the rights of the placed children and youth. The infringements are listed as follows:
 75. The government arbitrarily imposed a hefty fine on the children’s home and demanded it to leave practice for 6 months without waiting for the completion of pertinent judicial investigation, which rendered the placed children and youth homeless again and the victims who suffered the most in this accident. We suggest that the government should review the processing procedures and give priority to the interests of the placed children and youth. The government should embody the principle of proportionality and provide active counseling measures for improvement if the cause of the accident is indeed attributable to the children’s home, thereby preventing the infringements of the rights of the placed children and youth in the name of helping them from happening again.
 76. The government trampled on the needs and rights of the placed children and youth who wanted stay in the original institution and signed the declaration that authorized the social workers in the Miaoli County to represent them, therefore forcing the placed children and youth in this children’s home to be transferred to other institutions. We suggest that the competent authorities should abide by the terms of Article 5 of the Protection of Children and Youth Welfare and Rights Act, weighing the opinions of the placed children and youth according to each individual’s mental maturity and taking the assessments made by the social workers responsible into consideration, thereby protecting the right of the placed children and youth to express themselves.
 77. 70. In dealing with the placed children and youth who witnessed the accidental death of their peer, the government not only ignored their psychological trauma but also unilaterally forced the very institution to leave practice within 7 days, which caused their great grief of losing

their peer and home at the same time. The tests and assessments conducted by clinical psychologists showed that over half of the placed children and youth suffered from serious physical and mental trauma in this process. We suggest that the government should consider the immediate assessments carried out by social workers and clinical psychologists and provide active counseling measures for the placed children and youth, rather than rigidly enforcing penalties and ignoring the rehabilitation of the placed children and youth.

78. In the immediate aftermath of the accident, the government demanded the referral of the placed children and youth to be completed within 1-2 weeks regardless of the preparations needed for progressive referral, and ergo brought the placed children and youth acute separation anxiety, which created unfavorable conditions for their adaptation to the new institutions. To reduce the physical and mental impacts on the placed children and youth, we suggest that they should be offered 4-6 weeks to prepare for the referral deemed necessary. Besides, social workers and psychologists responsible should provide them with progressive counseling, and any adjustment of the government's intervention should be based on the assessment completed by a professional team.
79. In response to Point 163 in the Initial Report, when it comes to adoption in Taiwan, a higher priority should be given to the best interests of the children and youth rather than to completing the legal process of finding appropriate adopters or waiting for any domestic adoptive family which is willing to adopt but shows no proven capability, otherwise the children and youth to be adopted would be situated in an uncertain environment or the probability of being adopted would decrease as they grow older. We suggest the competent authorities to consider the willingness and opinions of the parents or guardians who are unable to take responsibility for their children and asking licensed adoption agencies for help. The competent authorities should also evaluate the possibilities for children and youth with special needs to be adopted in Taiwan, and in the meantime enhance the efficiency in the process of finding appropriate adopters, thereby helping the children and youth to be appropriately adopted as soon as possible.
80. In response to Point 164 in the Initial Report, before approving adoption based on the best interests of children and youth, the court may order the adopters to have health check-up, psychiatric evaluation, and testing of drug and alcohol use. However, they produce only limited effect. Most of the health check-up results provided by adopters in Taiwan are too simplified to present their real physical health, let alone the results of their psychiatric evaluation and testing of drug and alcohol use. To protect the rights of the adopted children and youth, we advocate a detailed checklist for the physical and psychiatric health examinations of adopters for the purpose of assessing the overall conditions of the adoptive families.
81. In response to Point 165 in the Initial Report, Article 1080 of the Civil Code provides that the court's approval of the termination of an adoption should be based not so much on the difficulty in educating the adopted children and youth as on their best interests. To protect the rights of the adopted children and youth and reduce the possibility of abandonment, we suggest that the termination of the adoption of minors should refer to the procedure and mechanism of adoption. In other words, the adoptive family should firstly submit an application to legal adoption agencies under the coordination of the local government. In addition to making relevant inspection visits and assessments, the government should intervene with active counseling and guidance for both sides, and establish standard supporting measures and mechanisms for cooperation. The adoptive family is not allowed to file the petition for terminating an adoption until the abovementioned procedure is completed, thereby preventing adult's poor parenting skills, erroneous perception and improper discipline from jeopardizing the best interest of children and youth.
82. Under the Civil Code, the adoptive parents in Taiwan have the right to unilaterally terminate an adoption, which may be in breach of Article 3 of the CRC, namely to ensure the children such

protection and care as is necessary for their well-being. The government should not allow frequent change of the adoptive families of a child. Based on the best interests of children, the laws on children adoption in Australia stipulate that adopted children enjoy the status of biological children, and the laws concerning biological parents apply equally to adoptive parents, which therefore prohibits the adoptive parents from unilaterally terminating an adoption. We suggest the government to take the Australian practice as a source of reference.

C. Lack of effective evaluation of adoption system.

83. In response to the 163rd and the 164th point in the national report, Taiwan already has legalized single parent adoption. Same-sex couple uses their single status to apply under the same rule. However, only 33.6% of 3019 LGBTQ participants understand this law correctly according to the “Adoption Attitude of LGBTQ community Survey” by Taipei City Adoption Resource Center. Therefore, we recommend governmental adoption agencies to invest resource in educating the public, including the LGBTQ community. It will increase the successful adoption rate among interested Taiwanese and will eventually decrease the numbers of international adoption cases.
84. Meanwhile, we also cannot ignore the fact that only one of the same-sex couples has parental rights under this current law. The relationship between the adopted children and the other parent is not recognized legally. In fact, same sex parents are unable to practice their parental rights as other straight parents. This non-existing relationship from the legal standpoint is fragile and puts same-sex family at risk. We strongly demand the government modify the current parental adoption law to ensure the equal rights to all families based on the best interests of the child now.
85. We also recommend offering educational trainings to the nine adoption agencies in Taiwan focusing on same-sex family and single parent adoption. The educational training will increase the cultural sensitivity of the LGBTQ family and its adoption process. The governmental assistance can help the adoption agencies develop their empirical experiences and further establish a competent LGBTQ couple service.
86. In response to Point 167 in the Initial Report, when the adoption process involves children and youth from foreign countries and without certain identities, neither the adoption laws of their countries of origin (under the Act Governing the Choice of Law in Civil Matters Involving Foreign Elements) nor those of the R.O.C. apply to them, which negatively affects their right to survival. We argue that the competent authorities should not use the excuses such as their parents went missing or did not actively help them obtain identities to draw the children and youth from foreign countries into the mire of uncertain identities. Instead, the competent authorities should either help them obtain identities as soon as possible or take the initiative in gaining the legal custody of them and other necessary interventions in order to effectively help the children and youth find adoptive families.
87. Article 21(b) of the CRC recognizes that inter-country adoption may be considered as an alternative means of child’s care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child’s country of origin. According to the official statistics on adoption that went through in Taiwan over the past 4 years (shown in the table below), however, inter-country adoption, including those of healthy children, were much greater than domestic adoption in terms of number and proportion, which obviously violates the principle of giving priority to domestic adoption laid down in the CRC.

D. Protective measure for children and youth

88. In response to Point 177 in the Initial Report regarding the mandatory reporting mechanism on

child and youth protection, although the mechanism has been widely used by relevant professional personnel, statistics showed a gradually larger discrepancy in number between the reported and filed cases. Within the 7 years from 2009 to 2015, the number of children reported for protection had been increasing annually (from 19,928 to 42,822), but the number of children whose cases were filed had been decreasing every year (from 13,400 to 9,604). Reviewing the incidents of children's death caused by their caregivers' negligence, many had been reported several times but had not been filed and properly tackled. We suggest that the competent authorities should undertake comprehensive and systematic examinations on all cases of children and youth protection and high risk families, investigating the discrepancy between the increasing needs for protection and the decreasing amount of services as well as establishing effective channels for report and complaint, so as to reconcile the inconsistency in the perceptions of reporting agencies and domestic violence and sexual assault prevention centers. In addition, the competent authorities should ensure not only adequate support for the functions and preparations of families but also comprehensive evaluation of each individual's needs. Moreover, the follow-up visits should be performed through effective teamwork in order to avoid inferior quality of services caused by the over-fatigue or inexperience of the social workers in the front line.

89. In response to Point 178 in the Initial Report, the competent authorities should undertake professional risk assessments on the abuse and neglect of children and youth, rather than underestimating the impact of neglect on the rights to life and survival of children and youth just because there is a shortage in manpower for social works and the Department of Protective Services raised the threshold for filing a case. Such underestimation has led to a higher fatality rate among the children suffering from neglect than that among those suffering from physical abuse. For example, tragedy struck two children in the case of neglect happened in Zhudong Township in July 2015, one was dead and the other severely injured. The social worker responsible used to make inspection visits but ignored the neglect because no obvious trace of abuse was found. The social worker's ignorance put the two children to the expense of their lives. Tragedy also struck two girls in another case of neglect occurred in Miaoli County, which ended in their loss of normal life, being deprived of the right of education, severe malnutrition, and being forced to live on stealing. Their school has reported their case to the competent authorities several times, only to receive no response so far.
90. In response to Point 179 in the Initial Report concerning the homecoming preparations of children and youth, the family intervention plans for children and youth under protection are primarily implemented under Article 64 of the Protection of Children and Youth Welfare and Rights Act which requires simply compulsory parenting education but stipulates neither effective and reliable methods for intervention and evaluation nor educational counseling for children and youth with special needs. It often exerts negligible effect upon improving family functions when the parents are reluctant to cooperate, and the government can do nothing but to require the placed children and youth to return to their families of origin without seeing any improvement of the latter's functions.
91. In response to Point 181 in the Initial Report concerning the protective measures for children and youth, the domestic violence and sexual assault prevention centers in all areas are commonly confronted with acute shortage of manpower, heavy workloads and considerable pressure, as well as a high turnover rate of personnel that impede them from providing effective, stable and continuous protective services for children. For example, the collective resignation of social workers at New Taipei City Government's domestic violence and sexual assault prevention center had led to the government's temporary failure to offer protection to the children and youth. To afford children and youth effective protection, the competent authorities should review different local requirements to ensure the availability of manpower for these centers, and meanwhile avoid social workers from handling other administrative affairs.

92. In response to Points 183-185 in the Initial Report regarding the preventive measures for the protection of children and youth, the high risk family intervention programs exert only limited effect due to several reasons, to mention some, the types of family and problems are fiendishly complicated, the supporting resources in remote areas are quite meager, the high-risk-family cases handled by social workers in Taiwan are 15 times as many as those tackled by their counterparts in the Occident (Taipei Association of Licensed Social Workers, 2012), and the heavy workloads of the social workers in Taiwan have prevented them from providing comprehensive services and doing proper follow-up works. In addition to adjust upwards the manpower of social workers, we suggest that the competent authorities should improve the working environment of social workers to prevent the loss of manpower and thereby provide the case families and case subjects with adequate services and effectively prevent the children and youth from being maltreated.
93. In response to Point 176 in the Initial Report, the threats of violence (e.g. parental violence) to which juvenile homosexuals may expose in their coming of age have gone by the board in the existing system of children and youth protection. There is a paucity of relevant discussions, services and statistics:
- (a) The Reports on the Survey into the Living Conditions of R.O.C. Children and Youth compiled in 2010 and 2014 indicated that sexual orientation is a live issue for juveniles. Around 30-40% of juvenile homosexuals who asked Taiwan Tongzhi (LGBT) Hotline Association for help mentioned that their freedom and friend-making have been under strict control by their parents. There was even a case that a senior high school student who is homosexual was forced by his parents to be present at the “anti-same-sex marriage” demonstration.
 - (b) From the formulation of “masked homosexuality” and “situational homosexuality” commonly seen in relevant studies, we may infer that juvenile homosexuals have been grossly neglected in Taiwan. It is easy for both their parents and the social welfare system to label them as premature and ignorant, to question the existence of “real” juvenile homosexuals, and to persuade them into “converting” their sexual orientation in the name of protection rather than helping them construct their own identities. The government does not shoulder its responsibility for social education in this regard, which is why profound misunderstanding over the LGBT group arises on the part of many parents and jeopardizes their parent-child relationships.
94. The Initial Report neither mentioned nor paid attention to the conditions and rights of LGBT children and youth in Taiwan. Since 2014, the UNICEF has taken its official position on this regard by demanding that states shall protect LGBT children and youth from any violent treatment. The CRC committee also stated the protection of the rights of LGBT youth in its general comments in 2016.
95. Against the government’s ignorance about LGBT children and youth, Taiwan Tongzhi (LGBT) Hotline Association suggest:
- (a) The government should immediately stop depriving children and youth of the rights and resources to access sexual information, sexual education and homosexual education for reasons of protection. The government should not over-extend the terms of Article 49 of the Protection of Children and Youth Welfare and Rights Act and relevant rating regulations, but to fulfill the Judicial Yuan interpretation no. 617 which stated that the pieces of information involving sex and homosexual content and are rich in artistic, medical or educational value should be subject to the constitutional protection of freedoms of speech and publication and should be accessible to homosexual children, youth and adults for auto-didacticism.
 - (b) The government should incorporate the concepts of sexual orientation and gender diversity

into the system of children and youth protection. For example, it should add in the report forms the columns that remind social workers to assess whether sexual trait, identity and orientation are risk factors for sensitive children and youth, and include sexual identity and orientation as the items of statistics on relevant reports, for the purpose of analyzing the types of violence that homosexual children and youth have suffered. More importantly, the government should actively offer social workers the courses teaching sensitivity to gender diversity or draw up a checklist for assessing social workers' ability in tackling groups with cultural diversity, thereby helping them stop treating the case subjects in a heterosexual-centric manner. Only by doing so can we prevent the rights of every child and youth from being infringed upon or trampled on.

- (c) The government should also avoid the heterosexual-centric thinking in implementing its policies. Instead, it should actively support and promote institutions that provide practical, comprehensive sexual education, homosexual education and sexual health knowledge as an effective way to ensure not only the health of homosexual children and youth but also the full development of their sexual identities, sexual personalities and dignity of sexual personalities, thereby prompting the public to respect the human rights and fundamental freedoms of homosexuals.
- (d) The gender equality education committees in all levels of governmental agencies should actively investigate and verify whether their members possess the ideas of gender equity and LGBT rights, in order to prevent any member who opposes gender equity and LGBT rights from stymying the governmental effort in this regard. With regard to the gender equity and homosexual education in schools, students (especially the minors) should be given a fair chance of education that imparts them pluralistic, practical and multi-perspective knowledge. Such a fair chance of education should not be compromised by the specific beliefs of a minority of parents, and, in particular, the government should defend the rights to education of children and youth when their parents' educational creeds go against the spirit of human rights and hinder their normal development.

E. Placement

- 96. In response to Point 186 in the Initial Report, there have been treatment procedures in place for the children who witnessed domestic violence. However, no specific rules are laid down for our reference to cope with the children who witnessed teachers' violence against students (child abuse, corporal punishment and humiliation). Many teachers still teach in the same classes where they imposed harsh corporal punishment without being separated from the children. The government does not introduce any measure for counseling and rehabilitation for the children who witnessed their teachers' violence against students on the campus (Humanistic Education Foundation).
- 97. In response to Point 186 in the Initial Report, the Protection of Children and Youth Welfare and Rights Act stipulates that the competent authorities should provide a long-term guidance program for children and youth who have been placed for more than two years. In practice, however, this kind of programs lacks the effect it was supposed to exert. In face of the high turnover rate of social workers, there are cases in which the same child or youth has experienced the services from five different social workers within a year. The frequent change of social workers destabilizes and discontinues the long-term guidance program, let alone produces any appreciable effect. To improve the effectiveness of the program, we suggest setting up a regular joint meeting to review both the scheduled and overall guidance programs for the placed children and youth, and thereby includes opinions from different parties and monitors the effect brought out by the programs.
- 98. In response to Point 186 in the Initial Report, the Annex revealed that every year over 3,000 children and youth are under out-of-home placement, and over 2,000 of them have been placed out of home for more than two years. In practice, only few of them can obtain detailed

information pertaining to the process of placement, duration, their freedoms of movement and communication, and their rights to go back home, to meet their families, and to choose their placement institutions. This situation violates the spirit of the CRC that case subjects should obtain sufficient information on the issues relating to themselves. In view of such violation, we suggest that local governments should provide precise information for the children and youth under out-of-home placement and protect the case subjects' rights to participate in the decisions and discussions on their placement.

99. In response to Point 186 in the Initial Report, the high turnover rate of social workers in the field of children and youth protection, along with the policy-practice mismatch in terms of management of out-of-home placement, in-placement assessment, and the implementation and continuation of family intervention programs, has influenced the planning for case subjects' homecoming and made it difficult for the social workers responsible to maintain close links with the case subjects' families. We suggest the government to increase the manpower responsible for the placement of children and youth for the purpose of protecting the best interests of case subjects.
100. In response to Point 186 in the Initial Report, at the time when the government enacted the amended Labor Standards Act in late 2015 to protect the rights of labors, it should also consider the unique nature of the 24-hour quasi-family caring of children and youth as well as the rights of children and youth. Besides, for the children and youth who are undergoing physical and mental development, the establishment of their relationships with their caregivers as well as the emotional and secure attachment of the children and youth should be given due attention. Based on the premise of protecting the best interests of children and youth, the working environment of children and youth placement institutions should not be restricted by one-size-fits-all laws and regulations that force the placed children and youth to adapt to numerous social workers and may lead to the inconsistency between management and parenting. The government should pay attention to the rights of children and youth as well as the unique nature of care-taking, and divide labor laws and regulations into different sections according to the attributes of different industries.

Chapter 5 : Basic Health and Welfare

A Children's death rate from accidental Injuries keeps rising. Rate of child mortality and fatality have not been diminished

101. In response to Point 191 in the Initial Report, the MOE amended the Student Guidance and Counseling Act in 2014, planning to recruit another 5,000 professional teacher-counselors for elementary and high schools within the next decade as a remedy for the shortage of manpower in this field. Nevertheless, the number of children and youth who committed suicide does not decrease as that of teacher-counselors increases. In 2014, a total of 23 children and youth committed suicide, which was twice as many as the number (14) in 2012, indicating the failure of pertinent preventive mechanisms. So far we see neither analysis on the causes nor effective prevention measures introduced by the competent authorities. As a result, we suggest that the government should inspect the implementation of the Three-Level Preventive Action against Self-inflicted Harms of Students in all types of schools. In addition to strengthen the links among schools, parents and off-campus professional resources, the competent authorities should actively promote guidance and counseling resources of all stripes to students, and analyze the cases of self-inflicted harms of children and youth in order to identify the very causes. The results of analyses should be reported to relevant agencies and schools as reference for planning preventive actions.
102. In response to Points 192 and 193 in the Initial Report, the Executive Yuan has launched the Implementation Plan for Child and Youth Safety since 2007. However, the research carried out by the Jing Chuan Child Safety Foundation found that the plan is plagued by five major problems, including the lack of interagency collaboration, the shortage of manpower and budget, inadequate injury surveillance, the failure in enforcing the policies, and the mere formality of the oversight and evaluation system. These problems remain unsolved despite the annual rolling adjustment made to the plan. The ineffective implementation of the plan also renders the number of injured children and youth in accidents and the ensuing medical expenditure over these years obstinately high. In addition, the fatality rate of children and youth in accidents is higher in Taiwan than in our neighboring countries such as Japan, South Korea and Singapore. In comparison with the OECD member states, there is still room for improvement. Accordingly, the level of the authority responsible for the plan should be raised in order to solve the problem of interagency communication. Besides, dedicated budget and manpower should be efficiently allocated for the purpose of carrying out relevant policies and injury surveillance.

B Lack of support for the children and youth with special needs.

103. In response to Point 195 in the Initial Report, “people with disabilities” should not be adopted as a category for children between 0 and 12 years old. We suggest that such categorization should be made according to each individual’s special needs. We should also broadly define them as “children and youth with special needs” (or disadvantaged children and youth) for the purpose of eliminating the discrimination against them. In this category, the disabled is only a type of many others, such as maladaptive behavior, unfavorable environment, emotional disorder, learning disabilities, and developmental delay, inter alia.
104. On diagnosing and assessing children and youth with special needs, the discrepancies in the orientation and criteria of assessment among the fields of medical care, education and social affairs often lead to different results of assessment that not only cause mismatch of resources and parents’ confusion but also incur delays in offering the required treatments to children and youth with special needs. We advocate integrating the data from the sectors of medical care, education and social affairs and completing comprehensive assessments, and then turning the results into practical guidelines applicable to parenting and follow-up works that aim to create an environment favorable for the growth and development of children and youth.

105. The identification of children and youth with special needs requires more active and comprehensive measures. We suggest including the test of physical and mental development in the regular health examination and completing comprehensive tests (e.g. eyesight, hearing, articulation, sensory integration, learning and emotions). The children and youth with special needs who do not take the tests should be reported, their family situations should be followed up, and related resources and services should be introduced to them and their primary caregivers.
106. In response to Point 196 in the Initial Report, there are obvious flaws and omissions in the interagency transition and communication mechanism regarding the policy coordination on children and youth with special needs and the follow-up works. Take the case of developmental delay as an example. There are significant discrepancies in the number of children and youth with developmental delay followed up by the three responsible authorities respectively in charge of health, education, and social affairs. The number collected by the health authority is the largest, followed by the educational and social affairs authorities. The discrepancies in number have made the follow-up works on the children and youth with special needs difficult and severely restricted, ergo undermining their growth and development. We suggest that the competent authorities should enforce Articles 31 and 32 of the Protection of Children and Youth Welfare and Rights Act that provide that any social affairs, educational and medical institutions finding any developmentally delayed child must report it to the competent authorities who should introduce resources as needed. Relevant services should be provided by the competent central authority in coordination with its counterparts in charge of health and education, and the social affairs authority should file a case and follow it up to establish an effective service and transition mechanism.
107. In response to Point 197 in the Initial Report, there is still room for improvement in the provision of medical resources and service information for the children and youth with special needs. Take the 2008-2012 pilot plan to provide poliomyelitis patients with traditional Chinese medicine outpatient service as an example. The parents of the children and youth with this need and relevant groups have never obtained any information about this plan, which prevented them from effectively utilizing the provided services and resources. We suggest that the competent authorities should ensure the dissemination of information about future plans to relevant children and youth institutions, schools, medical institutions, and social welfare organizations, so as to facilitate the development of children and youth through effective use of resources.
108. In response to Point 198 in the Initial Report, schools tend to provide passive counseling support for children and youth with special needs. It was not until severe accidents happened that schools were forced to offer counseling to children and youth with ADHD, maladaptive behavior, and emotional disorder. The proportion of schools offering counseling to children and youth with special needs before any accident happened is less than 10%. We suggest that the counseling offices in schools should act according to the Student Guidance and Counseling Act and the Special Education Act, taking the initiative to provide learning, living, mental health and rehabilitation services for children and youth with special needs through professional teamwork, thereby helping them make successful adaptation to school life and improve their learning effectiveness.
109. The juveniles in reform schools should not be regarded as semi-prisoners. The competent authorities should consider the influences of relevant congenital and environmental factors on the juveniles as well as identify and address their possible special needs such as learning disabilities, emotional disorder and ADHD. We suggest juvenile reform schools to recruit special education teachers, social workers and psychological counselors to provide guidance and counseling for disadvantaged children and youth, thereby helping them make necessary preparations for returning to the society.

110. The current transportation services provided by the competent authorities and schools for children and youth with special needs who live in remote areas or have difficulty in attending school are inadequate. In addition to providing free transportation services under the Special Education Act, we advocate establishing integrated transportation networks based on regional needs. For example, the competent authorities and schools can collaborate with Uber or taxi fleets in reducing both transportation costs and barriers for the children and youth to attend school.
111. In response to Point 199 in the Initial Report, children and youth with learning disabilities or emotional disorder cannot access the necessary resources in terms of the transition to the workplace and guidance programs provided by local authorities because their eligibility remains undecided, which makes it difficult for them to find a job and secure their employment. We suggest that the authorities in charge of labor affairs should take the transition of children and youth with special needs from the educational system, relax and include the eligibility criteria on children and youth with special needs, and provide them with adequate intervention, counseling support and vocational training. The relevant practical experience have proven that appropriate assistance in this regard will significantly facilitate their job search and bolster their confidence.
112. In response to Point 200 in the Initial Report, on supporting family caregiving, local governments have incorporated the temporary and short-term caregiving services for people with disabilities into the general framework of family caregiving services, from which the elderly home care takes the lion's share of the resources and hence crowds out the needs of children and youth and their parents for these resources and respite care service. The resources for different types of home care needs should be reasonably allocated in order to avoid the crowding-out effect that jeopardizes the interests of children and youth with disabilities and their parents.
113. In response to Point 201 in the Initial Report, local authorities lack systematic and continuous planning on caregiver training of all stripes. Although local authorities have commissioned private sectors to offer relevant training courses, these courses tend to lack internal coherence due to the small and unstable subsidies to the private sectors, which largely blunts the effect and continuity of the training courses. We suggest local governments to integrate regional training resources, evaluate caregivers' needs for training, and systematically organize relevant training programs on an annual basis, so as to ensure the quality of caring services for the children and youth in need.
114. In response to Point 202 in the Initial Report, on recreation services for children and youth with special needs,
 - (a) These services lack necessary supporting measures to meet the recreation requirements of children and youth with different special needs. We suggest the competent authorities to introduce supporting services such as audio description, audio typing and sign language, and private sectors are also encouraged to provide these supporting services in their recreation programs.
 - (b) Current publications for people with disabilities do not meet the demands from children and youth with other special needs. We suggest amending the Guidelines for the Funding of the Promotion of Literature Reading and Humanistic Activities by broadening the scope of use in the encouragement and funding of publications, allowing children and youth who are not hearing or visually impaired but with other special needs to have access to suitable publications, which not only makes efficient use of the funding but also meets the recreation requirements of children and youth with special needs.
 - (c) There is a conspicuous lack of regular sports and multiple physical activities for children and youth with special needs, which leads to quite limited recreation options available to

them.

C. Lack of interdisciplinary cooperation on early intervention institutions and system

115. In response to Point 204 in the Initial Report, for children who are undergoing development, treatments for developmental delay, maladaptation behavior, learning disabilities and emotional disorder may be needed in addition to basic health care. The current policy that attributes early intervention to “professional medical care” is unfavorable for the service provision and follow-up works on children and youth with special needs. For example, a case subject was diagnosed with intellectual disabilities, and had obtained services and resources aimed at addressing this problem throughout his coming of age. It was not until the intervention of social workers when he was in his 20s that they found his problem was not so much intellectual disabilities as learning disabilities that can be overcome with proper pedagogical tools. However, more than a decade of prime time of the case subject has been blundered away due to such a mistake. In view of this deficiency, trans-disciplinary collaboration is required to integrate education, social resources and parenting abilities for the purpose of comprehensively and continuously improving and assisting the physical and mental growth and development of children and youth.
116. Since early intervention is attributed to “professional medical care,” not only the services provided by medical institutions such as language assistance and the hours of occupational and physical therapies are curtailed, but the primary caregivers are also excluded from the treatments, which always results in ineffective rehabilitation. To sustain and enhance the effect of early intervention on the children and youth in need, their caregivers should be included in the treatments as assistants, helping them do exercises in their daily lives. This should be applied to the children and youth with special needs placed out of home. The competent authorities should provide house-call early intervention services for them, creating an ideal combination of daily care and healing.
117. In response to Point 212 in the Initial Report, the governmental authorities perform poor management of early intervention institutions. Relevant laws and regulations stipulate that developmentally delayed children who need daycare shall be placed in kindergartens or early intervention institutions. However, a large number of cram schools tend to confuse the parents with the titles such as “inspiration center” or “child development center,” prompting them to mistake these “centers” for professional early intervention institutions, which causes inadequate treatments and even incidents of child abuse.
118. In addition, the rate of report on children with developmental delay in Taiwan is less than 10%, which is a compound result of the parents’ inadequate understanding about early intervention, their cultural stereotypes, and their initial reluctance to accept the diagnosis. This phenomenon also reflects one of the dire predicaments that the implementation of early intervention policy for developmentally delayed children in Taiwan has faced.
119. We suggest that, in addition to carrying out a rigorous inspection upon and management of early intervention institutions, local governments should correctly implement the mandatory reporting system under Article 32 of the Protection of Children and Youth Welfare and Rights Act, so as to facilitate subsequent counseling and referral services that provide reliable information on early intervention for parents in need.
120. In response to Point 212 in the Initial Report, so far there is no such thing as a clear law to mandate legal guardians or legal representatives to cooperate in reporting and assessing the demands of children and youth with special needs. The children’s rights to growth and development would be infringed upon if their parents refuse to cooperate in this aspect. To remedy this deficiency, we advocate amending Article 17 of the Special Education Act which provides that when necessary the competent authorities may require the guardian or legal representative to cooperate and assist making arrangements for post-assessment special

education placement and related services and measures. The phrase “when necessary the competent authorities may require” should be replaced by “the competent authorities shall require.” Besides, the government should use every means of communication and persuasion to protect children’s rights to early intervention.

121. In response to Point 212(a) in the Initial Report, General Comment No. 7 – Implementing Child Rights in Early Childhood states that “[f]rom an early age, children should themselves be included in activities promoting good nutrition and a healthy and disease-preventing lifestyle.” If their caregivers are adolescent parents, local governments should provide them with house-call services of nurses or nannies in order to improve both their parenting abilities and the effect of implementing their children’s rights in early childhood.
122. In response to Point 215 in the Initial Report, although there are laws mandating additional care to children and youth with special needs in schools, children with severe disabilities still lack related medical support such as sputum suction in schools. We suggest emulating foreign countries’ in-school special medical supporting system, deploying manpower for special medical care in key schools, and improving the coordination and referral between medical and educational systems as a better way to protect the right to learning of children with severe disabilities.
123. Under the Special Education Act, the in-school special education practices are simply based on the results of professional assessments combined with available medical resources for rehabilitation, training and therapy of students with special needs, which omits the goal of improving students’ learning effectiveness. We suggest integrating education with rehabilitation, training and therapy, customizing the means of assistance according to each individual’s situation, so as to adequately facilitate teachers’ pedagogic strategies and students’ learning processes.
124. In response to Point 227 in the Initial Report, the government provides subsidies to sponsor activities that promote gender equality and related issues and coordinates the efforts of communities and schools to sponsor lectures on sexual health in schools. However, the official website for youth sex education set up by MHW’s Health Promotion Administration is imparting erroneous information about homosexuals. Heteronormativity and reproductive health remain part of the mainstream in the sex education courses, websites, institutions and many other types of resources offered by the government, which blatantly ignores the social existence and fundamental needs of homosexuals. Taiwan Tongzhi (LGBT) Hotline Association practical experiences and the existing state of affairs in Taiwan clearly indicate that the government has not helped homosexual youth construct their self-identities.
125. In response to Chapter 6 in the Initial Report on children and youth health, health care and medical assistance, the MHW classified the emergency responsibility hospitals into three levels, namely normal, intermediate and advanced, and only the advanced ones have the capability in treating the five major emergency and critical conditions. However, there exists nowadays a yawning gap in medical resources between urban and rural areas. According to the 2015 district list of emergency responsibility hospitals, Miaoli, Nantou, Taitung, Penghu, Kinmen and Lienchiang saw the absence of advanced emergency responsibility hospital. Patients who need advanced emergency services must be transferred to other cities/counties. On top of that, systematic analyses showed that the “golden window of opportunity” to save people suffering from severe injury is 60 minutes, yet the drive from many remote areas to advanced emergency responsibility hospitals tends to exceed this amount of time. (For example, it takes 160 minutes from Taitung City to its nearest advanced emergency responsibility hospital, and 190 minutes from the Orchid Island to Hualien Tzu-Chi Hospital.)

D. The uncertain quality and high cost of child care service

126. In response to Point 235 in the Initial Report on the government’s integrated child care policies,

many remote areas and indigenous communities lie outside the coverage of the child care services. Such a situation has been deteriorating rapidly after the massive mergers of preschools and daycare centers in recent years. 403 daycare centers (35% of the total) closed down between 2009 and 2012, and a majority of them were public daycare centers in remote areas. This situation has deprived the children in those areas of daycare services. We suggest founding additional public and non-profit preschools according to the number of children demanding daycare services and the area-based requirements for public daycare centers, in order to simultaneously alleviate the impact of the mergers of preschools and daycare centers on and meet the demands for child care services from remote areas.

127. The lack of child care services in remote areas has a more detrimental impact on disadvantaged children (or children with special needs). Public and non-profit preschools around Taiwan except those in major cities such as Taipei are reluctant to increase the enrollment of children with special needs. We suggest that the local authorities should comply with Article 7 of the Early Childhood Education and Care Act and provide public and non-profit preschools with extra professional aids if the enrollment of disadvantaged children outnumbered a certain ratio, so as to protect the rights of disadvantaged children.
128. In response to Point 235 in the Initial Report, the 2016 MOE statistics revealed that only 141,698 preschoolers (30.7%) are enrolled in public preschools, while 69.3% in private ones with higher charge. Besides, the younger the preschoolers are, the lower proportion of them are enrolled in public preschools (for 3-year-old preschoolers, only 27% of them have the chance to attend public preschools). According to the 2013 Women's Marriage, Fertility and Employment Survey carried out by the Directorate-General of Budget, Accounting and Statistics of the Executive Yuan, the average charge of private preschools is 8,930 NT dollars per month, which is twice as many as that charged by public ones. This situation has turned child care into a substantial economic burden for parents. Although both the CRC and the Early Childhood Education and Care Act stipulate that "the government shall provide all children with high-quality, universal, affordable and accessible educare services," there is still considerable room for improvement in providing public educare services available to all children.
129. The MOE has planned to establish 100 non-profit preschools within 5 years from 2014. However, there is a shortfall in the number of trained preschool teachers concerning the manpower entailed by this plan. On top of that, the inequitable distribution of educare resources among different areas remain unsolved. Moreover, private preschool teachers are often poorly paid, which has resulted in their high turnover rate. This situation not only hinders the development of children's attachment, but also poses a conundrum for the child care policies in Taiwan.
130. In view of this problem, we suggest the government to continue the Tuition Free Program for Five-Year-Old Children and found additional public preschools as a way to provide affordable educare services for parents whose children are 3-4 years old. The government should also strike a proper balance of learning resources among different areas, allowing all children to enjoy equal opportunity of enrollment. To remedy the shortfall in the number of preschool teachers and their high turnover rate, the government should not only increase the number of teachers trained in child education but also raise their wages.
131. In response to Point 236 in the Initial Report on after-school child care, the Establishment and Management Regulations for After School Care Classes stipulates that children with physical and mental disabilities enjoy the priority of enrollment and free access to after-school care classes. In practice, however, most of them have no access to substantial resources in this regard. In addition to free access, we advocate offering disadvantaged children and youth small-size after-school care classes and the ensuing transportation services, thereby allowing them to enjoy the resources of after-school care.

Chapter 6 : Education, Leisure and Cultural Activities

A. There are distinct discriminations / treatments in rights to education

132. Some educational authorities treat the placed children and youth as special students and require them to study in different school districts with the excuse of schools' limited counseling resources, which constitutes obvious educational discrimination. For example, the education department of Miaoli County Government infringed upon the right to education of the placed children and youth by dispersing them in different school districts with the excuse of insufficient resources. The educational authorities should arrange the placed children and youth to study in the school districts where their placement institutions are located, or discuss the suitable districts with their placement institutions based on their best interest when facing a lack of resources.
133. In response to Point 241 in the Initial Report, the compulsory education stipulated by the Primary and Junior High School Act was originally intended to protect children's right to education. However, this stipulation has forced children in remote areas to leave their parents and study in another school district due the abolishment policy on small-scale schools. For example, some students were forced to study far away from home because their school in a remote area of Hsinchu County was abolished. They stayed in the same dormitory building without supervisors, and collective bullying and sexual assault happened among them for years as a result, which seriously undermined their physical and mental development. The dormitory accommodation for children between 6 and 12 years old performs functions more than education. It even replaced the support from students' families, which makes itself a dead ringer for placement institutions of children and youth. In addition, the Guidelines for Class Size and the Number of Faculty and Staff Member in Elementary and High Schools should be amended. Schools should be equipped with "official counselors" in charge of life guidance at every dormitory building accommodating less than 12 students. Beside, alternative caring arrangement and assessment should be in place, so as to satisfy children's need for attachment, ameliorate their hostile emotional reaction, manage conflicts among them, and give them correct understanding of appropriate behavior, thereby preventing the abovementioned incidents from taking place over and over again.
134. In response to Point 244 in the Initial Report on protecting the right to education of children and youth with special needs, corresponding educational supporting services such as adaptive teaching materials, caring manpower, rehabilitation services, assistive devices, and barrier-free environment are not well provided, which obviously infringes upon their right to education. We suggest that the government should evaluate the special needs of children and youth, examine their learning environment, and providing supporting services they need under Article 33 of the Special Education Act, so as to cope with their demand for education.
135. In response to Point 246 in the Initial Report, the 2016 MOE statistics revealed that only 141,698 preschoolers (30.7%) were enrolled in public preschools, while 69.3% in private ones with higher charge. Besides, the younger the preschoolers were, the lower proportion of them were enrolled in public preschools (for 3-year-old preschoolers, only 27% of them had the chance to attend public preschools). According to the 2013 Women's Marriage, Fertility and Employment Survey carried out by the Directorate-General of Budget, Accounting and Statistics of the Executive Yuan, the average charge of private preschools was 8,930 NT dollars per month, which was twice as many as that charged by public ones. This situation has turned child care into a substantial economic burden for parents. Article 18 of the CRC provides that "[s]tates 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." The Early Childhood Education and Care Act also stipulates that "the government shall provide all children with high-quality, universal, affordable and accessible educare services." However, there is still considerable

room for improvement in providing public educare services available to all children. The MOE has planned to establish 100 non-profit preschools within 5 years from 2014. However, there is a shortfall in the number of trained preschool teachers concerning the manpower entailed by this plan. On top of that, the inequitable distribution of educare resources among different areas remain unsolved. Moreover, private preschool teachers are often poorly paid, which has resulted in their high turnover rate that hinders the formation of children's attachment. In view of this problem, we suggest the government to continue the Tuition Free Program for Five-Year-Old Children and found additional public preschools as a way to provide affordable educare services for parents who have children aged 3 or 4. The government should also strike a proper balance of learning resources among different areas, allowing all children to enjoy equal opportunity of enrollment. To remedy the shortfall in the number of preschool teachers and their high turnover rate, the government should not only increase the number of teachers trained in child education but also raise their wages. (Jing Chuan Child Safety Foundation)

B. Only a single form of secondary education is developed which ignored needs and developments on children are differed.

136. In response to Point 247 in the Initial Report, the education system in Taiwan progressed from 9-year compulsory education to 12-year basic education (i.e. 9-year compulsory education plus 3-year post-compulsory and free education), which is highly commendable in terms of the popularization rate of compulsory education.
137. In response to Point 247 in the Initial Report, since Taiwan is a developed country, we should not be complacent about our achievements in the popularization rate of compulsory education. Rather, we should further ensure full protection of equal access to education as well as the quality of education.
138. In response to Point 247 in the Initial Report, the right to education of students in Taiwan has particularly favored those who deliver good performance in the entrance examination subjects, which is utterly unfair to those who display special aptitudes for non-entrance examination subjects and leads to the infringement of their right to school education.
139. In response to Point 247 in the Initial Report, the admissions to senior high schools and universities are based primarily on students' entrance examination results in the subjects of Chinese, English, Mathematics, Nature, and Society. To help students pass the entrance examinations, a majority of schools tend to spend a great deal of time guiding students to become proficient in these subjects, leaving the students who display special aptitudes for non-entrance examination subjects frustrated and depressed at school.
140. In response to Point 247 in the Initial Report, the curriculum guidelines allocate most of the time to the entrance examination subjects without giving schools the authority to flexibly adjust the teaching hours of different subjects on the basis of students' aptitudes, which also makes students who display special aptitudes for non-entrance examination subjects frustrated and depressed at school.
141. In response to Point 247 in the Initial Report, to guide students pass the senior high school entrance examination, many junior high schools tend to breach the terms of "normal class grouping" under the Primary and Junior High School Act by adopting an "ability-driven streaming system" that gathers students having better performance together in specific classes and pooling almost all resources to help them with the examination, which relatively deprives those having lackluster performance of the educational resources they were supposed to receive.
142. In response to Point 247 in the Initial Report, those law-flouting schools often adopt an ability-driven streaming system under the tacit agreement or even under the cover of the municipal department of education. In 2015, the Education Union of Nantou County reported that a junior high school whose students have brilliant performance in the entrance examination

violated the law by adopting an ability-driven streaming system. Instead of demanding that school to make immediate improvement and punishing the personnel involved, the county mayor and the department of education blamed the union for causing disturbance to the school, cancelled the union cadres' business leave in 2017, and threatened that they were going to discourage teachers from joining the union on the county council.

143. In response to Point 247 in the Initial Report, students assigned to the "A-level class" under the ability-driven streaming system may access school resources of all stripes, but they tend to live in a state of physical and mental fatigue and learning burnout. Their learning program is confined to the limited content of textbooks, and they are immersed in a mastery learning environment with daily practice and tests. In addition to the legally-binding school hours, they are often required to "voluntarily" stay in school until 21:00, and to attend school or study in school during weekends as well as winter and summer vacations. They are mired in a learning state in which they are deprived of choices, kept in a narrow-minded perspective, and overcome by fatigue without any learning quality, let alone have an 8-hour sleep per day. Overlong and excessive mastery learning may reduce students' intrinsic motivation for learning to nothing.
144. In response to Point 247 in the Initial Report, the nationwide entrance examinations and the rigid curriculum guidelines that trample on the needs and rights of students are the villain of the piece that causes the inequitable distribution of educational resources and inflicts a great deal of agony upon students at school.

C. Returning to schools without any changes seemed nothing but a mandatory requirement to students once drop-out of schools.

145. In response to Point 253 in the Initial Report, the government's annual spending on the alternative education for dropouts amounts to only 0.2 billion NT dollars, which is less than one thousandth of MOE's overall annual budget. The current alternative education resources have an annual service allowance of about 2,000 dropouts, which accounts for only 50% of the total every year. It implies that half of the dropouts have no access to relevant resources and services at all. With the implementation of the 12-year basic education, the range of dropout issue includes vocational and senior high school students. There are 25,000 vocational and senior high school dropouts every year, which is five times as many as elementary and junior high school dropouts. For the former, however, alternative education and institutions such as alternative schools, home schooling and transition schools are still inexistent.
146. In response to Point 254 in the Initial Report, although the MOE has established the reporting procedure of vocational and senior high school dropouts, the supporting system and resources of referral and counseling are not in place, giving the dropouts severely restricted access to the guidance programs provided by private and public sectors. We suggest that the government should integrate the efforts of authorities in charge of education, labor affairs and social affairs with the resources from private sectors to provide measures and resources for education and employment guidance as stipulated in the Protection of Children and Youths Welfare and Rights Act.
147. In response to Point 255 in the Initial Report, NGOs are the main guidance providers for dropouts in local communities. However, the government spent most of the alternative education budget on the school system, leaving only small subsidies for local communities. On top of that, the personnel costs associated with the collaborative transition classes co-organized by private and public sectors are excluded from the subsidies, which makes it difficult for NGOs to maintain professional counseling manpower in local communities. We suggest reviewing the budget allocation and the implementation of alternative education, thereby helping civil groups promote guidance programs for dropouts with due subsidies.

D. Bullying prevention will not be taken seriously while violence is still existed and embraced

by education.

148. In response to Point 256, relevant laws and regulations on preventing school bullying do not govern the case in which teachers bully students. As a matter of fact, bullying happens when teachers deride or crowd out students having unusual characters or poor performance and their classmates act in kind. An incident even involved a principal bullying a student.
149. The government ignores that, in the educational environment, the violence and oppression perpetrated by educational personnel against children having unusual characters or different opinions are exactly part of the causes of bullying. In view of the fact that 27.8% of elementary school students and 35.4% of junior high school students have ever experienced corporal punishment, it is sheer hypocrisy that using violence against children and meanwhile asking them to learn to solve problems with non-violent means. To avoid school bullying, the government should take on the responsibility for creating a non-violent learning environment when advocating non-violence.
150. Many schools do not provide proper guidance and counseling for students being bullied. On top of that, some schools do not follow the consultation suggestion put forward by the committee on the prevention of bullying but submitted counseling records in mere formality to report what they have done in the line of duty. Without effective guidance and counseling, the students punished for bullying, along with their friends, tend to crowd out and bully the victims in a harsher manner.
151. According to the survey conducted by the Child Welfare League Foundation, 16% of children aged under 18 are suffering from bullying, for which gender remain the top 3 reasons. Despite the introduction of the Gender Equity Education Act since 2004 in Taiwan, several politicians frequently make use of gender and homosexual issues to divide the society, manipulate elections, and attack their opponents. In addition, anti-LGBT groups tend to cooperate with these politicians through council questioning, administrative concerns and parents' intervention, which not only puts the front-line educational workers under considerable pressure, but also confronts them with strong resistance during the promotion of gender quality and LGBT education. Moreover, the MOE Gender Equality Education Committee not only includes teacher and parent representatives who have made discriminatory remarks on LGBT groups, but even considers raising the number of parent representatives to 50% of the total committee members, which will place LGBT teenagers under a more difficult situation at school.

E. The execution of discipline in campus lack has been done without ways of supervision, counter-balance and complaint.

152. In response to Point 258 in the Initial Report, the government has not yet completed the examination on the conformity of the disciplines of all schools in Taiwan to the accepted human rights standards. Only those of the schools directly subordinate to the MOE have undergone such examination, while local governments have made a lukewarm response. By 7 March 2016, a rule of the Taipei First Girls High School still had it that "students who smear the head of state and do not follow admonition shall get a major demerit." Such a rule is in breach of the freedom of speech and was identified by a member of the Legislative Yuan. The MOE conveyed purposely misrepresenting information in the Initial Report (Point 258) in the full knowledge that so far no school discipline shall be subject to expert examination by law, thus deliberately misleading the examination committee. The MOE should confess to the omission and submit regulation draft to the Legislative Yuan, ensuring the disciplines of all schools to be subject to the examination on the conformity to the accepted human rights standards through legislative process.
153. In response to Point 258 in the Initial Report, Article 51 of Senior High School Education Act provides that "[s]enior high schools shall stipulate regulations on rewards and penalties for students; such regulations shall be implemented after the general meetings' approval and

reported to the corresponding competent authorities for record” without the stipulation that the regulations shall be examined by experts and scholars in advance or afterwards.

154. In response to Points 81, 118 and 258 in the Initial Report, the Reward and Punishment Provisions of Senior High School Students and the Guidelines on School Regulations on Student Counseling and Discipline are the only two regulations on school disciplines and used simply for reference purposes without any legally-binding or monitoring effect.
155. In response to Point 259 in the Initial Report, existing laws and regulations do not authorize vocational and senior high schools to expel students. However, schools often deal with the case subjects in the way of guided transfer. The common practice is that schools will put the case subjects on probation and require them to sign an agreement on guided transfer. Under the agreement they signed, their student status shall be revoked for any further breach of school disciplines, which leads to de facto expulsion in the name of guided transfer though it is prohibited by law. The government should be acutely aware of the way schools exploit the loopholes in existing laws and regulations and at the same time forbid them from employing the means that infringe upon students’ right to education.
156. In response to Point 259 in the Initial Report, schools are prohibited from expelling students or guiding them to transfer to another school. In practice, however, many schools (particularly private and vocational high schools) tend to compel students and their parents to sign the agreement on voluntary transfer by declaring the students have got three major demerits.
157. In response to Point 260 in the Initial Report on students’ complaints about their schools’ improper disposal, elementary and junior high school students are allowed to file complaints to the municipal department of education. There might not be complaints procedure for vocational and senior high school students. In some counties and cities, students can only file complaints to their schools, and, in others, schools remain the authorities to address the re-filed complaints, which prevents vocational and senior high school students from having effective remedies.
158. In response to Point 260 in the Initial Report, there is a paucity of channels for students at the senior high level and below to file complaints, and their complaints can only be addressed by the appeals committees in their own schools. So far there is no any higher authorities or independent agency to deal with the infringement of students’ human rights.

F. Unsatisfied needs in supportive services on employment and counselling resource

159. In response to Point 261 in the Initial Report, the cooperative education system in Taiwan usually turn the students in the system into the substitute employees of industries. The participating schools no longer serve the functions of career education and counseling, and the government has no practical monitoring and management mechanisms in this aspect. The MOE’s survey on the students in cooperative education programs disclosed that 60% of them come from economically disadvantaged families, and one third of them participate in this kind of programs for their lack of learning achievement. The cooperative education system was supposed to protect the right to learn and labor rights of the participating students. In practice, however, these students tend to be situated in poor working conditions with 12-14 working hours on average, and their labor is often abused by the service industry. Some teachers may turn a blind eye to the employers’ exploitation of their students. Meanwhile, teachers and employers have a stranglehold on students’ grades. If students file complaints about the workplace conditions, some teachers may even threaten the students by claiming that “it’s fine if you cannot adapt well to the workplace, but you have to choose between leaving the program or transferring to another workplace.” Accordingly, the MOE’s K-12 Education Administration should thoroughly review and identify the schools and employers that have exploited students and failed to provide courses with technical depth in the cooperative education programs over the past 3 years. Although the MOE set up the review committee on

cooperative education programs under a special act, the committee meets half-yearly only upon schools submitting applications for launching cooperative education programs or during the mid-term assessment and site inspection. The K-12 Education Administration undertakes no other inspection on the practical performance of the industries and schools in the cooperative education system than the abovementioned meetings, which is obviously in breach of the special act. It fails to prevent students from their employers' exploitation. Their schools neither make timely intervention, nor recruit enough professional teacher-counselors to help students adapt to the workplace and keep tabs on the working environment where their students work as interns.

160. Recent examples:

- (a) On 22 February 2017, a cooperative employer asked the students from De Lin Institute of Technology to pose as certified engineers to inspect and repair an elevator system of a building under the tacit agreement of the institute.
- (b) On 23 February 2017, the restaurant Sparkle Pâtisserie demanded the students from National Kaohsiung University of Hospitality and Tourism to work more than 10 hours on that day, slashed their salaries, and forged their clock-in records. The students filed a complaint about this exploitation and quit the program, only to confront the threat from the employer who demanded them to pay 600,000 NT dollars in compensation that left a blot on their careers. It was not until the incident happened that the university was aware of the exploitation.

161. In response to Point 262 in the Initial Report, the MOE's statistics indicated that, between 1994 and 2014, the college and university enrollment rate of vocational high school students had rocketed from 26% to 81%, and senior high school students from 57% to 96%. To put it another way, 8.6 out of 10 vocational and senior high school students pursued an advanced degree. However, nearly 25% of undergraduates were uninterested in their majors or even encountered education-employment mismatches. According to the Survey on Youth Career Development undertaken by the Taiwan Alliance for Advancement of Youth Rights and Welfare in 2015, 90% of vocational and senior high school students between 15 and 19 years old required career development plans, yet only 51% of them actively collected pertinent information and these pieces of information were gathered not so much from the school curriculum as from mainstream media. This survey also highlighted that 64% of vocational and senior high school students expected to formulate an interest-driven plan for their own study and occupation. At the moment of making a decision, however, almost 60% of them submitted the list of university department choices in order of preference according to their entrance examination results. In the final analysis, many schools' career education or counseling either provides nothing but the forecasts about available options of university department based on students' entrance examination results rather than familiarizes them with the job market and employment prospects, or guides students to earn certificates in all trades and regards the qualification rate as a significant indicator for excellent training, despite the fact that proficiency certification has been unable to gear itself to the needs of the job market as well as students' abilities and interests. Due to credentialism and educational inflation, the phenomenon of education-job mismatch has spilled over into the level of vocational and senior high schools, causing nearly 20,000 dropouts every year, and 40% of them dropped out because their career goals are no longer aligned with their schools' objectives.

162. In response to Points 263-265 in the Initial Report, the youth unemployment rate in Taiwan has long been 11%, and the government's employment counseling and facilitating strategies have failed to meet the exact needs of the youth. Some of the training projects listed in the Initial Report such as the Mentoring Training Project and the Youth on Light Project are facing termination or transformation due to poor performance. With regard to cooperative education programs, large numbers of participating students notwithstanding, the effectiveness of the

career education and counseling in these programs, as mentioned in the previous point, fell short of our expectations, making participating students ruthlessly exploited as lower-cost labor by their employers.

163. The employment counseling for the youth, particularly for the disadvantaged youth, is substantially different from that for adults. The intervention of employment counselors can effectively prevent the (disadvantaged) youth from exploitation and facing unreasonable demands and frustrations when they enter the workforce for the first time. Besides, the employment counselors can help the (disadvantaged) youth formulate their own career plans. However, the governmental projects tend to ignore the necessity and incubation of professional personnel in youth employment counseling. We suggest that the government should include the (disadvantaged) youth as the subjects in employment stimulation projects and incorporate employment counseling policies and dedicated manpower and budget into pertinent laws on the rights and welfare of children and youth.

G. Sex, gender and emotional education are not provided appropriate hours and correct knowledge by laws.

164. The Initial Report pays no attention to affective education at all, but some laws and regulations as well as practices on the promotion of affective education do exist in Taiwan:

- (1) Article 13 of the Enforcement Rules for the Gender Equity Education Act provides that “[t]he curriculum related to gender equity education referred to the second paragraph of Article 17 of the Act shall cover courses on affective education, sex education, and LGBT education in order to enhance students’ gender equity consciousness.”
- (2) The MOE’s response to the press on 19 July 2012: The MOE has actively promoted affective education and protected students’ physical autonomy by taking heed to schools’ effort in this regard, and incorporating affective education into the curriculum guidelines at the senior high level and below. The MOE has also taken “skills required for a healthy relationship,” “dating and break-up,” “romantic relationship and autonomy” and “respect for physical autonomy and privacy” as indicators of core competences. By virtue of the relevant courses, the MOE expects students to learn to express their emotions appropriately toward people of different genders, have the knowledge and ability to cope with relationships, foster self-respect and positive values, and lead a healthy life.

165. Despite the inclusion of affective education in the Enforcement Rules for the Gender Equity Education Act and the competence indicator of the Grade 1-9 Curriculum Guidelines, such inclusion contains nothing but roughly outlined concepts and indicators without detailed content and any mention of practical methods, let alone the channels for teacher education, which greatly undermines the effectiveness of affective education because each school administers in its own way. We suggest:

- (1) developing clear indicators as well as primary and secondary concepts of affective education (which should include the cultivation of the perspective of gender diversity, the awareness of self-boundaries, the tolerance of differences in interpersonal relationships, and the refusal of democratic social intercourse) based on the age of students; and systematically collating the resources and lesson plans with reference value for schools at every level;
- (2) establishing a task force on teacher training in affective education, preparing pedagogic tools and strategies based on the aforementioned content, and training teachers with the perspective of gender diversity for schools at every level;
- (3) comprehensively and progressively implementing affective education in parenting education for families, gender education at school, and media education in the society, thereby immersing children in a gender-friendly and gender-diverse atmosphere and

allowing them to learn to respect people with different genders and affective relationships.

166. Existing laws and regulations in Taiwan treat “consensual sexual intercourse” with the minors under 18 years old as sexual assault. There are, in practice, cases in which the subjects had sexual intercourse with “unclear intention” (half-heartedly). However, there are many other cases in which consensual sexual intercourse took place between the minors aged under 18. If we criminalize these cases as sexual assault and punish these minors who had no criminal intent, they would come under severe censure and pressure for the blot on their character. Contrarily, the Occident do not squander judicial resources on consensual sexual intercourse occurred among the minors. In Taiwan, consensual sexual intercourse occurred among the minors will be punished according to the Criminal Code, which not only tramples on the characteristics of development tasks of adolescence but is also unhelpful for juveniles to learn appropriate ways of managing relationships from the incidents. We ergo advocate amending the pertinent laws and regulations.
167. The problem of criminalizing consensual sexual intercourse has spilled over into the issue of report. Under the governing laws, the cases of consensual sexual intercourse shall be immediately reported if one or both of the subjects are under 16 years old (and under 18 years old in the cases of campus security). The resources allocated to tackling cases of real sexual assault are thus carved up. Meanwhile, teachers have responsibility for reporting cases of sexual intercourse and assault among the minors. The responsibility instills in the teachers who deliver affective and sex education the fear that their students may raise questions or share personal experiences with them and hence present them with the dilemma about whether to report their students’ cases or not as well as the ensuing teacher-student tension, which always ends up in teachers’ reluctance to deliver affective and sex education. We suggest the competent authorities to reflect on relevant regulations on reporting the cases of consensual sexual intercourse.
168. In addition, the Criminal Code distinguishes victims from offenders according to their “age.” However, parents and teachers habitually base their judgments on “gender.” Even both case subjects are at the same age, the male subject tends to be regarded as the offender and relevant remedies are not in place.

H Insufficiency in leisure, recreation, and cultural participants

169. In response to Point 276 in the Initial Report, children in Taiwan, particularly those between 12 and 18 years old (i.e. junior and senior high school students), are generally deprived of the rights to leisure, recreation and cultural activities.
170. In response to Point 276, it is not so much the law as the rigid nationwide entrance examination system that deprives children of the rights to leisure, recreation and cultural activities. To help students have better performance in the entrance examinations, schools and parents collectively force students to spend most of the time poring over textbooks and taking class tests day after day. Students have very little time undertaking leisure activities, let alone have an 8-hour sleep per day.
171. In response to Point 276 in the Initial Report, students in schools that set great store by grades have to take tests from 07:30 at school, and the day’s classes do not end until 16:00 or 17:00. Then they need to go to cram schools that teach the same content as that in the daytime. It tends to be 20:00 or 21:00 when they leave cram schools. Then they have to do homework and prepare for the tests tomorrow back home, and it has become a common occurrence for them to go to bed after 23:00.
172. In response to Point 276 in the Initial Report, some high schools even require the students with better grades to “voluntarily” stay in school for evening classes from Mondays to Fridays. For high school seniors, their schools tend to require them to take classes or study at school on Saturdays. Besides, students need to attend remedial classes during winter and summer

vacations. Students can at best use their meager amount of leisure time to temporarily relieve the tension in their school lives, without having the chance to lavish their time on exploring or cultivating their hobbies (e.g. learning to play instruments).

173. In response to Point 276 in the Initial Report, since the main function of schools is to help students get better entrance examination results, student clubs related to leisure activities, if there is any, are given little weight. Schools seldom allocate budget to hire club mentors, and tend to leave students quite limited option of clubs that may not fit with their preferences.
174. In response to Point 276 in the Initial Report, to provide facilities and equipment for disadvantaged children and youth, we should not employ the segmentation design just for meeting their special needs. In addition to ensuring accessibility, we suggest following the conceptual principle of inclusive and universal design, so as to end the segregation among children of all stripes and eliminate the discrimination on the grounds of mental or physical disabilities.
175. In response to Point 283 in the Initial Report, playing in the park is an important part of a child's life. In 2012, the Jing Chuan Child Safety Foundation gave the slides in 50 parks in the five special municipalities a spot check in terms of their locations, materials, structures, specifications, and functions. The result nevertheless showed that 96% of them failed the inspection, and only the slides in 2 parks met the national standards. It highlighted the government's long-term ignorance of children's needs for play and the playground safety. Besides, the myth that modular playground equipment is safer than traditional one has surrounded the public sectors, and the consequence has become apparent in the prevalence of the former in public spaces. Moreover, the government's rigid contract system leads to the similarity in the appearance of modular playground equipment around Taiwan. The low diversity of these pieces of playground equipment not only reduces their enjoyable quality, but also strips children of the opportunities to explore themselves and develop their cognition from playing. We suggest that the competent authorities should seek a better understanding of the national standards and support relevant industries, for the purpose of developing safe and diverse items of playground equipment that meet children's needs for play.
176. In response to Point 276 in the Initial Report, the space for leisure activities on campus gradually arises as an issue in Taiwan. The MOE stipulates a student density of one in every 6 m² for elementary schools, and 8 m² of space per student for junior high schools. In Taipei City, however, 87% of elementary schools are in breach of this rule. The leisure space in Tun Hua Elementary School is even as little as 0.53 m² per student. On top of that, this school adamantly converted its small sports ground to a parking lot strictly for the use of teachers in 2016 without considering utilizing the large-scale parking areas in the vicinity. This practice indicated that the school does not assign priority to students' need for leisure space at all.
177. In response to Point 277 in the Initial Report, the results of a questionnaire indicated that 77.9% of junior high school students needed to attend the eighth class, and 69.4% of the class was used for teaching new lessons, while 44.6 % giving tests. Once new lessons were taught or tests were given in the eighth class, students in fact needed to stay in school. In addition, 28.6% of the students who attended the eighth class were compelled to be present by their schools or teachers. It conspicuously infringed upon the personal liberties and freedom of opinion of the students. Moreover, 63.1% of junior high school students were required to arrive at school before 07:30. A cross-reference of the two situations showed that 49.3% of students stayed in school for over 10 hours per day, 4% over 11 hours and 1.2% over 12 hours. It implies that students' rights to leisure, recreation and cultural activities are severely curtailed. Please refer to the Annex 2016 Humanistic Education Foundation Report on the Questionnaire about Educational Normalization.
178. Recess is a period of time between classes when students can play and rest. However, the 2016 Humanistic Education Foundation Report on the Questionnaire about Educational

Normalization indicated that 80.9% of elementary school students and 41.8% of junior high school students either witnessed or suffered the punishment of having no recess. 42.88% of elementary school students had suffered such punishment, 8.5% for over 20 days within a semester, 11.99% for all day, 1.41% for over 1 month, and 0.75% for all day throughout a whole semester. The worst case is that 0.37% of junior high school students were not allowed to have recess and go to the toilet for all day. We regard such punishment is tantamount to child abuse. Please refer to the Annex 2016 Humanistic Education Foundation Report on the Questionnaire about Educational Normalization.

179. In response to Points 105, 278 and 279 in the Initial Report, cultural activities provided for children and youth in Taiwan mainly focus on children aged under 12. The teenagers between 13 and 18 years old barely have dedicated recreational places and activities. The youth activity centers established in several counties or cities are either seldom used or oblivious to the needs of teenagers. For example, the only dining choice in the Taipei City Youth Development Office is an expansive upscale restaurant.
180. In response to Point 291 in the Initial Report, military training instructors still hold positions at senior high schools after the lifting of martial law. As military personnel, they deliver defense education in schools. Senior high schools usually provide their sophomores (17 years old) with firearm training at military camps with live ammunition. In October 2016, officials from the Ministry of Defense even argued that the firearm training shall be provided on an annual basis, thereby “turning all vocational and senior high school students into qualified riflemen after graduation.” Besides, special attention should be paid to the fact that military training instructors have the power to maintain order and security on campus. A majority of schools tend to assign the duty of managing student affairs (particularly life guidance and discipline) to them.
181. In Taiwan, children playgrounds in all parks as public infrastructures, have never involved primary users ‘children (aged 0-18, in Taiwan kids as 0-12 and teens as 13-18)’ and their carers, not even included their opinions, in the aspects of site-selecting, designing, planning, purchasing, building, maintaining and managing, until recently the rise of an advocacy group ‘Parks and Playgrounds for Children by Children (PPFCC)’ in late 2015. Children playground project bidders have been playset importers/sellers or consulting/engineering companies who have neither obtained adequate expertise on children’s physical or mental development, nor competent play profession. Under this circumstance, ‘canned-food-like’ playsets, as so-called KFC (identical Kit, Fence, and carpet areas) in the United Kingdom, have replaced traditional slides, swings or sea-saws made by natural materials instead of artificial plastics in the old times (i.e. before 1990s). Moreover, mud lands and sandpits have gone nowhere to be found. In PPFCC’s statistics, a swing has to be shared and queued by 15,000 children and all children have to be crowded and sardined in merely 6 sandpits in the nation wealthiest capital Taipei City. PPFCC has advocated that children’s playright and right to participate and express opinions have to be accomplished at least in the milieu of children’s playgrounds in all parks by at least removing all ‘canned-food-like’ plastic playsets, which lack of considering three fundamental factors for children: (a) their age ranges from 0-18, not just for pre-school kids aged 2-5, all ages need to be considered and inclusiveness has to be concerned (b) their physical and mental development must be planned and adequate stimulations and challenges for all abilities should be designed to the best extent and (c) their play modes, play flows and play behaviours should be studied and their opinions and participations should be obtained from start to the end of public infrastructure projects.

Chapter 7 : Special Protection Measures

A. Many remains left in campus.

182. In response to Point 291 in the Initial Report, military training instructors still hold positions at senior high schools after the lifting of martial law. As military personnel, they deliver defense

education in schools. Senior high schools usually provide their sophomores (17 years old) with firearm training at military camps with live ammunition. In October 2016, officials from the Ministry of Defense even argued that the firearm training shall be provided on an annual basis, “turning all vocational and senior high school students into qualified riflemen after graduation.”

183. Through long history of autocracy, many remains left in campus, merging into our lives. NPOs questioned the government why our students have to accept demands different from regular civilians, especially the military education that is forbidden in international conventions. In 2013, when the Legislative Yuan passed “Senior High School Education Act”, the attached resolutions of the act claimed that military training instructors should fully evade from the school campus before 2021. However, the resolution was overruled in 2015. The ministry of education decided to leave military training instructors in campus as counselors. Indeed, there should be more counselling resources in campus. However, NPOs oppose the rule of military training instructor to directly transform into the professional counselor. There should be no more military ceremony in school morning meeting, such as counting march, ordering lining up by duty officer, and the superior commander stage. Also, the use of firearms and target practice shouldn't be the required subject of senior high education

B. Children who commit or be drown into crime

184. In response to Point 293 in the Initial Report, Every year, the Executive Yuan demands that national and local governments should carry out the "Youth Project" from 1 July to 31 August in order to ensure a safety environment for young people during summer vacation and maintain their physical and mental development. The assessment of the project has been set as one of key performance indicators for police agency and subordinate branches as well as other project related sectors. However, this assessment work results in the performance-oriented implementation and brings huge pressure for the first line implementer. Especially for the grassroots police, they are often forced by the higher authorities to achieve the set-up KPIs and then intend to abuse their power on adolescent during spot check. Many young people reported to social workers that they ever encountered investigation processes without following legal procedures. Some juveniles in juvenile correctional facilities were arrested under police's solicitation. The KPI-oriented implementation result in the persecution of young people's human rights and the overworking for the first line police officers. Educational units with this KPI business have also been reported to violate adolescents' human rights. The policy and its implementation should be fully reviewed.
185. In response to Point 300 - 301 in the Initial Report, The violence bullying and sexual abusing events in Juvenile correctional facilities and welfare or cultivation institutes are burst time after time. Many occurrences imply the issues of lacking adequate human resources and many blind spots in these facilities or institutes where are not easy to monitor. Therefore, it is difficult for institution supervisors to acquire these message and deal with these incidents in the first time. It also indicates that supervisors are inadequate trained and juvenile victims failed to access to the existing grievance System and results in a significant impact to juvenile victims' physical and mental health. The Government should immediately setup a public-private partnership to comprehensively review and address the human resource issue and environmental problems in Juvenile correctional facilities and welfare or cultivation institutes. It should also strengthen the grievance system for juvenile and needs to consider of their mental and physical security. There is an urgent need to introduce sexual education and related counseling system to every institutions in order to achieve the goal of "Establishing a juvenile justice system targeting the positive and physical and psychological rehabilitation.
186. In response to Point 304 in the Initial Report, some correctional institutions not only offer vocational training but also combine resources from workplaces in local communities, which allows juveniles in detention to adapt to workplaces before leaving correctional institutions. Such a practice is highly commendable. We suggest all the other relevant institutions to

emulate this practice.

187. In response to Point 310 in the Initial Report (please refer to Point 145 in this shadow report), the increase of administrative burdens is used as an excuse by juvenile detention houses and juvenile reform schools to ask community-based social workers to talk with the inmates through the iron-barred window or to reduce their frequency of visit to the inmates. Since social workers play an active role in helping the inmates resume a stable life after they go back home, juvenile detention houses and juvenile reform schools should not reject social workers' counseling interviews with the inmates simply for reasons of increasing their administrative burdens. Instead, they should collaborate with community-based social workers in a more active manner.

C. Children struggle in the low-paid, dangerous, unprotected labor environment

188. In response to Points 316-320 in the Initial Report regarding the protection of the labor rights of juveniles between 16 and 18 years old, the survey administered by the MOL disclosed that the number of the youth between 15 and 24 years old who work part-time had been increasing in the past 6 years, and the number reached about 175,000 in 2015, among which the number of the youth between 15 and 19 years old exceeded 110,000. It implies that working part-time has become a common phenomenon among the youth in Taiwan. The concluding observations and recommendations adopted by the international review committee in its 2017 Review of the Second Reports of the Government of Taiwan on the Implementation of the International Human Rights Covenants recognized this issue by stating that “[t]he Review Committee has received information regarding the situation of students between 16 and 18 years of age, who reportedly work to pay for school tuition and related expenses. Apparently there is a growing number of under-aged students who also work in spite of an existing ban. Furthermore, it is reported that these working students do not receive a minimum wage, have no insurance, and often work long night hours. The Review Committee strongly recommends a thorough study on this issue. It would appreciate detailed information in the Government’s next report, regarding the actual situation, including the measures undertaken by authorities to protect these students from exploitation and abuse.”
189. Our opinions and suggestions on relevant issues proceed in the following four aspects: working hours, occupational safety, labor rights, and labor inspection regarding the youth.
- (a) Work at night: The existing labor laws and regulations in Taiwan on the minors who work at night do not distinguish the youth aged above 16 from adults, but do stipulate the protection of child labor (15-16 years old) and the students in cooperative education programs. In recent years, an increasing number of youth between 16 and 18 years old must found long-term part-time jobs on the night shift during non-school hours in order to repay their student loans or to ameliorate the difficult financial situations of their families. However, relevant laws and regulations provide no protection measures for this group, and thus their employers may take advantage of this loophole.
Case: In 2017, a 17-year-old juvenile who worked at a 24-hour convenience store to lighten the economic burden for his family was robbed and his palm was chopped off by the robber when he was taking care of the store alone at 23:00. It was not until the accident happened that his employer was blamed for letting the juvenile taking care of the store alone at midnight without offering him adequate insurance.
- (b) Occupational safety: According to the data provided by the MOL’s Occupational Safety and Health Administration, the rate of occupational injuries covered by labor insurance in 2014 was 3.453, but the rate for the youth between 15 and 19 years old was 5.2003, which is relatively high in comparison with other age groups. This rate (which exceeds 5) implies that the occupational safety for the youth in Taiwan is below the standards of advanced countries, which definitely deserves our urgent attention.

- (c) Poor working conditions and inadequate protection: the youth work most often in micro-enterprises with less than five employees and therefore are not compulsorily to be covered by labor insurance under relevant laws and regulations. As a result, they are unable to defend their labor rights or obtain compensation for occupational injuries. In addition, students are often exploited by their employers in the ways such as cutting their wages and extending their working hours or requiring them to work on holidays without overtime premium, which is obviously in breach of relevant laws and regulations.

Case: The 2015 Survey on the Labor Rights of Youth Part-time Workers conducted by the Taiwan Alliance for Advancement of Youth Rights and Welfare indicated that the wages of 52% of student part-time workers were lower than the minimum wage. On top of that, only 40% of youth part-time workers had labor insurance. Nearly 20% of them stated that their employers do not offer them any insurance. 25% of them suffered wage cut by their employers for various reasons. In 2017, a student group investigated the working conditions of student part-time workers around several universities in Taiwan and found that nearly 68% of employers contravened the Labor Standards Act by paying salaries lower than the minimum wage to student workers and offering them neither labor insurance nor national health insurance.

- (d) Ineffective labor inspection: the competent authorities should make labor inspection more specifically on the workplaces where youth part-time workers are most frequently seen as well as on the enterprises in cooperative education programs, thereby regulating employers' illegal conducts such as demanding unduly long working hours, paying salaries lower than the minimum wage, and offering no insurance.

190. Accordingly, we advocate amending Chapter 5 of the Labor Standards Act by reference to the suggestion of the ILO and including the following phrases: "workers between 16 and 18 years old shall not work between 22:00 to 06:00 the next day." Meanwhile, the current planning for labor policy, including complaints procedure, labor inspection, and labor education, should have dedicated projects and manpower on youth labor affairs. In addition, the MOL should make a thorough labor inspection on night-shift workplaces and require the employers to propose self-disciplinary improvement measures, thereby preventing the minors from working in a dangerous environment (such as taking care of the store alone). Moreover, the Labor Education Act should be passed and the Worker Education Act should be amended as soon as possible, so as to enforce the rules that employees aged under 18 and their employers should receive regular education and training on labor rights and occupational safety, thereby preventing similar tragedies from happening again.

D. The situation of drug-abusing keeps deteriorating with the aggression of nation policy

191. In response to Point 326 in the Initial Report, we have seen the effort of anti-drug campaign made by all relevant authorities. However, the trade and use of narcotics replaced the theft as the most common crime committed by juveniles. This implies that the judicial and police authorities must invest extra effort to deal with the problem of narcotics in addition to anti-drug campaign.
192. In response to Point 328 in the Initial Report, it is heartening to see the extensive investigation work against narcotics undertaken by local governments. Some counties and cities even established drug enforcement centers to fight against drug abuse with dedicated resources. Nonetheless, due to the emphasis on the performance in drug investigation, some police agents may frisk juveniles on the street or interrogate them at night. Juveniles may also be called in by several police stations for questioning due to the same incident. We expect police authorities to protect the fundamental human rights of juveniles when tackling relevant issues and focus their performance on cracking down the upper stream in the narcotics supply chain.
193. In response to Point 332 in the Initial Report, once juveniles are caught using drugs, the subsequent counseling mechanism would inevitably label them negatively, which prompts

them to resist the social workers' intervention services. This situation is endemic in many countries in the world. Recent studies on social work practice revealed that parents with the willingness to cooperate is a necessary condition for providing their drug-using children with appropriate counseling. In other words, supporting and providing relevant information and services for the parents are potentially helpful for their drug-using children. Accordingly, we advocate transforming "compulsory parenting education" into the provision of counseling and guidance to parents of drug-using children and youth, thereby improving parents' willingness to look for help and their ability to assist their children.

194. In response to Point 333 in the Initial Report, the key to help juveniles beat drug addiction is not so much offering them relevant resources as strengthening their motivation. We suggest concentrating resources on the social workers who can build intimate relationships with drug-using juveniles and their parents, thereby galvanizing drug-using juveniles into action and helping them overcome drug addiction.

E. The policy against sexual exploitation does not focus on children and reveal insufficient information

195. In response to Point 335 in the Initial Report, the best interests of children and youth, the assessment of appropriate intervention, and the refinement of family intervention plans are emphasized in the Child and Youth Sexual Exploitation Prevention Act. However, the Garden of Hope Foundation's experience in helping sexually exploited children and youth and their families shows that 25% of them are unable to return home for different reasons. As the Committee on the Rights of the Child particularly pointed out, the children and youth who cannot return home are the primary victims of acts of violence. We also found that the sexually exploited children and youth who cannot return home tend to be influenced by their friends or sex work service providers when they gradually become self-reliant. They have to struggle with exploiters and tend to be exploited again if a stable supporting system for them is absent. As a remedy, we suggest the government to develop robust assessment indicators, strengthen the transition mechanism from placement to a self-reliant life, foster the collaboration among placement institutions, family intervention and follow-up counseling, and ensure the continuity of relevant services. Besides, the competent authorities should not only help sexually exploited children and youth build awareness and capacity of service through the Youth Independent Living Program, but also provide them with acceptable, accessible and viable vocational training.

196. In response to Point 336 in the Initial Report, the service analysis performed by the Garden of Hope Foundation showed that, in urban areas, about 50% of the cases of sexually exploited children and youth occurred through the mediation of the Internet or friend-making software, which evinced the malign influence of the Internet on urban children and youth. However, to obtain a better understanding of the crime modalities and to plan effective crime prevention and investigation strategies, the data analysis provided by the police and social affair authorities is a necessary commodity. The statistical data provided by the National Police Agency illustrated simply the number of cases captured/rescued and the number of clients, which is of no help for us to address this issue. We suggest local governments to include the information about the rescue channels for children and youth as well as the types of sex work service providers in the official statistics in order to facilitate subsequent crime prevention endeavors.