

The United Nations Convention on the Rights  
of the Child report  
- As Civil Rights and Liberty an example

工具青年陣線

Tool Youth Organization

台灣青年性別平權聯會

Taiwan Youth Sexual Equality Association

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# Chapter 1

## General implement of CRC in Taiwan.

### 1-1 the general principles of the inspection

#### 1、principle of anti-discrimination

According to the second article of CRC, States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

However, we can still observe discriminations amongst students in school because of other students' gender, sexual orientation, gender traits and gender identity. Male students in public speak with sexual, stereotypes or even discrimination words to female students and others, such as: off-color jokes. To those who has different sexual orientation, gender characteristics, gender identity, they may be insulted by more aggressive words such as frit, pussy, sissy, Tomboy, or even be edged out.

Discrimination against races and nationality is also endless, to those whose parents who are Chinese(PRC) or Southeast Asian people, so-called new immigrants second generation, often suffer from mean languages, such as: commies, china bastard, your mom is cheap. Based on the examples above, Taiwanese adolescents are still suffered from discrimination in the school because of gender, sexual orientation, gender traits, gender identity, nationality and race. It's believed that to avoid situations above, it is necessary to have more gender education, gender equality education, multicultural education for the children and youths of the Republic of China, and also add anti-discrimination articles to the Constitution and formulate anti-discrimination laws and criminalize it.

In past few years, many countries have begun to focus on sexual minority issues related to human rights, we all know that to change a person's values, we must start from education. The Ye Yong-il incident in 2000 highlighted the lack of gender education in Taiwan and force the Bisexual Equity Education Act to change to the Gender Equity Education Act. However, the modify of law is only the very first step, after the completion, how to implement it is the real problem. These days, most of the students whose gender tendencies are different from the majority, are still living under the shadow of verbal bullying from peers or even their teachers. Even more, many anti-same-sex marriage parties try to discredit and defame modern gender education, misleading parents (<https://kairos.news/66850>) into thinking that gender education is "inducing" children to become homosexuals. However, as a student, the forefront of education, and as a transgender, I sincerely feel extremely lack of understanding and respecting for other genders is in Taiwan, which needs to be changed, only by education.

Taking school and social experience of a transgender individual from our team as an example, even the gender education equity law has been established for more than 10 years,

she still feels a lot of discrimination at school, and what she felt are no longer straightforward malicious behaviors, but hostility beneath environment or attitude.

Take my school as example, the school specifically outlined that all male should not enter female dormitories, by broadcasting in class, and also promote the same idea on intramural weekly newspaper, but never mentioned females enter the female dormitories unauthorized, which basically label all physiological male as potential criminals, and even night guards treat men and women in different ways, and the school often responds to these kind of uneven behavior with indifferent attitude.

When the need for labor, the radio is often: "Please boys in the class ....", rather than: "Please the strong of the class ....." This kind of gender-based broadcast, although seemingly harmless, But imperceptibly instilled unnecessary gender stereotypes to children, caused great suffering for non-mainstream gender temperament students. (The rest of the school on the subject of the discussion: <https://goo.gl/G0NHhv>, the following excerpts)

### 1. The concept of gender issues of school (Note 1)

Gender issues are always the starting point of many disputes, but if handled properly, it will be a big step forward in school. We understand that under a patriarchal society, talking about gender equality is very challenging, but one of the issues that we have to face. To achieve true equality, in addition to the policy, the law to proceed, the most important is the change of one's values, which is the ultimate goal of education, life-long benefit for students. The school environment we refer to does not simply refer to school policy making, but the values and ideas of each school-related person who communicate with different individuals. This will be the key to the growth of a person. The place of education is not just textbooks, but also how each individual interacts is the knowledge we will keep for generations.

#### 1.1. Details of the relevant events

##### 1.1.1. The gender implications of broadcasting

As mentioned earlier, the devil is often hidden in the details, the stereotype is often overlooked, the school is too stigma on the physiological men, for the excessive protection of physiological women, in fact, there are many problems worth thinking about: to move heavy objects, Always say, " Please appoint male students to the Office of Academic Affairs" rather than "strong students". These sentences foster stereotypes like "boys are often stronger to do more things than girls. Girls stay inside and take care of their own things.". Lots of people may think this as "Too picky" , "These are harmless, doesn't cause any problem." "However, we think about it thoroughly, if so, why the government has developed many gender-related legal safeguards, and there are still many unequal things happening? Because each person's words and deeds reveal their own values, and these values also affect everyone, these are the most important, affecting and most far-reaching things. The law has changed, but it will means nothing as long as the stereotype exists. Citizen's textbooks can tell

you the theories, but more importantly, whether we have that moral sensitivity to discover these problems and realize that these inequalities.

#### 1.1.2. Discussion: From the red line at the female dorm to "Boys are more dangerous"

Authority of the school drew a thick red line in the girls dormitory a few months ago, the weekly broadcast called out "female dorm isn't available for male, to change the quilt, please wait for other female students or your mother", "male students whom cross the red line will be severely punished by school."

This is also the main reason I decided to write this article, and it was also a major reason why we started studying gender issues (Note 2). I believe that many people have understood that this is actually a case seriously defame physical male. To some people's doubt, statistically, males take most part of sex offending, so it should only keep an eye on men. However, this is also the main reason for data analysis to make the problem out of focus. People have repeatedly emphasized the "Male are beast, female are relatively good at self-controlling" the stereotypes caused by the impression. The whole society agrees male to have more right to talk about sex (note 3). Under these inequalities, it is of course also the result that the perpetrators are mostly male. The red line of the school department also tagged girls that "girls are always pressured by boys", "girls are unable to protect themselves" invisibly. (Note 4)

#### 1.1.3 Night guard manager biased women publicly.

The next question is more subjective, but it is believed that if the school sends out anonymous questionnaires, it will be found that, regardless of gender of subjects, will all agree that night guards normally tend to care more about female students. When facing questions, some administrators persuade male student make concession to female students. But there is no need for "Give in". This can't be on behalf of the criminal law is the same reason, and why men must make concession to women? When the class is noisy if you can't confirm the specific reasons, often called all boys to stand up for penalty. situations like this upsets many boys. After the administrator saw the more certain point of view, then they enter a vicious circle. In order to avoid this undesirable result, the school should strengthen the gender knowledge.

1.1.4 Last, it is also inappropriate for schools to deal with non-mainstream gender. Because the school still heavily restricts hair and other clothing regulations, when I was about to graduate, for the future in the community more free life and decided to wore long hair, after the student administrator learned that, we talked for a few times, by the time, I did not explain to the school about my transgender identity, and when I revealed my sex orientation. Student administrator repeatedly remind me that, though there have been similar students like me before, but still refered me as male, such words cause great harm on transgender people. And finally did not even respect the practice of "making short hair and then wearing wigs in non-school places", in order to cooperate with the school unreasonable provisions to compromise their own lives, in fact, has caused serious harassment.

It can be seen that both the students and the teacher's gender awareness need to be strengthened, this is not alone can be resolved by the law.

Note 1: This topic is published in the Research Committee of the Ministry of Education.  
<The connotation of student rights and obligations and the norms of the campus: the case study of Taiwan and the United States and the comparative study of "school rules"), gender bias Prejudice is less noticeable, easy to live in as a matter of course, gender expectations and the role of division of labor and I do not know. (As in P.26, question 7), it is particularly important to find out that, especially in the school, the subjects (students, teachers, and related staff) in the school are relatively insistent on gender issues (the emphasis here is Inter-subject communication implied values, non-legal development does not attach importance to)

Note 2: Many incidents in school before have a certain impact on me, but this is the tipping point, which made me feel strongly violated. I can't say a word but only felt "mistreated". Can't determine what is malicious, but then I always feel malicious. The world's color has changed and many invisible discrimination has emerged. So now, I am equipped with knowledge and wisdom, decided to come back to understand what happened in the end, because neither anyone want to be harmed the second time.

Note 3: We can imagine a scene: today in school, heard a group of boys walked through the corridor, but also happy to talk about last night to see A story, with a group of girls walked, chatting last night to see A story, which Will make us subconsciously feel more offensive? You will find this society on the sexual repression is more serious

Note 4: Once, a female student had joked with me, said: "Even if you're not doing anything now, as long as I shouted," What are you doing? Why are you touching me? "You'll be in big trouble, Even if you didn't do anything, the school will certainly think you and these people nothing but an animal. "A seemingly joking remarks let me think for a long time, what would it be?

## 2. Respect for the right of children to express their opinions

- Respect for children to express their views

Family education and the national education environment in Taiwan, adults always teach their children about obedience, it's often to hear the saying "children only have ears , not mouth , "a serious violation of the child's freedom of expression, but rarely questioned. Children who grow up in Taiwan are accustomed to such social values and often want to talk with their parents, often because they do not meet the expectations of adults, are being told to shut up or be threatened. So that, children fear to express their views. When asked about these cases, children did not even conscious about that their right might be violated, but to

answer " it is normal. Everyone acts this way." Concerned about whether the children have been educated, they should defend their own rights?

In the campus, the teaching model of national education in the Republic of China is: "The teachers speak, students listen and do what they are told to. ", although some of the teaching environment has improved, but the results cannot be called good, the pursuit of scores, cannot question in class, nor can you question the teachers. In addition, most schools in Taiwan do not fully implement system of student autonomy, the current high school students (class) will be nominally for the student self-government organizations, but it's only used for hang out with other schools, or simply arranging activities, but when it comes to school meeting, The students have nearly no power of making any decisions. The following is a real experience of a classmate:

*The final documents of the school meeting will be handed over to the headmaster, but the principal has an absolute veto, and the student representatives will be privately informed before the meeting that some "cases" can not be brought up. (Student A)*

The unfair events such as the above are all over the campus, the family, but the children of Taiwan have to be accustomed to, because no one told them that this is their right! They were infringed.

## Chapter 2

### Civil rights and Liberty

#### One, child and youth right for expressing

- freedom of speech
- ideological and religious freedom
- Respect for children to express their views
- Freedom of assembly and peaceful assembly

Under the system of the Republic of China, the right of children to express their views is suppressed. On the basis of social interests, neither the educational structure nor the social structure can allow children to express their opinions completely. In the Republic of China, The way of eliminating the subjectivity is based on the idea of *Besonders Gewaltverha* (many of the latter phenomena we have repeatedly referred to the harm caused by this outdated principle) in the twentieth century, and established the thinking in this way, For most of this age group of children, especially in the student or military training stage, are to suppress this principle.

The way the Republic of China suppresses the child and youth can be divided into two types: disciplines and ritual

- Discipline:

In the both social and educational thought of R.O.C. discipline is a effective also authoritative system that oppresses the child and youth. So as ,with the Besondere Gewaltverha and some confusing blurry definition of law , the authoritative thought deeply-rooted in government, administrative system also the educational systems, continuously oppressing the child and youth.

- Military training

Although the provisions of Article 20 of the Constitution of the Republic of China: "the people have the obligation to serve military service in accordance with the law." However, apart from the unreasonable military recruitment system (forced deprivation of adult youth career planning by government regulations), gender inequality System for the patriarchal masculine extension of thinking), military training is extended from the military service system openly into the education system.

In addition to military training, the role of military training in the field of education is also absurdly in charge of the task of fostering and carrying out various authoritarian rules, and the entire military training system does not have any professional educator and counseling, but it is under the name of education, not only it's violating the freedom of the children, also violated the conclusion of the sixty-second session of the CRC Committee. "The Committee recommends that the State party abolish the content of military training in the general education curriculum and take Measures to prohibit mainstream education courses and school organizations to enable children under the age of 18 to receive military training on the use of firearms "

- Instructor

Republic of China military man is a special presence in the educational field, there will be the several harmful elements toward the right of children:

- Foster pickets

The Republic of China government presence in the campus field, forced or semi-forced recruitment of its henchman, often referred to as the school service team or picket team, its purpose is often not public welfare, the contrary is to violate children's rights and interests, in the field of education is responsible for the reporting, scoring, management of students, in particular, to catch the error to provide to the military man disciplinary reference.

- Rehabilitation community

If the soldiers of the Republic of China aware of the tendency to abuse drugs. Instead of reporting to relative organizations. The soldiers of the Republic of China are using a community organization to counsel these people. As well as the spirit of education, often with harsh physical training, information bombardment or to restrict their freedom to

achieve rehab, no matter what kind of measures, that is, do not seek the relevant units of professional medical care and counseling assistance.

- Violence

Since the military service of the Republic of China is subject to military training, so in the discipline, are the standard of police and police in the treatment of children, so no matter what the situation to deal with, to violent behavior, they Will be intimidated, extortion, oppressive abuse or even hands-on violence against children, because they are not subject to the Ministry of Education jurisdiction, they do not need to accept teacher evaluation, do not need to go through the teacher's test do not need to accept the relevant education regulations supervision, so this Class behavior from the military into the education after sixty years of endless.

- Unprofessional education

Since these soldiers in the field of education are not subject to any education and legal training, so they are on how to educate and how to comply with the law of these projects above, almost ignorant; there have been students in the Ministry of Education law enforcement "We do not need to comply with the laws of the Ministry of Education, and you are in compliance with the standards of clothing," he said.

- Forced to join the party and join the army

In the past, these military personnel stationed in the field of education will force the children into the government-owned party and force all the minorities to abide by the government's ideology, especially at that time, almost all students must accept the subordinate ideology of the surveillance, any kinds of doubting will be reported to the prosecution police units, and may even get retaliation afterwards, so all the minorities almost dare not violate the expression of the meaning of these military personnel; Personnel will also be in the field of education to sell military value, and strongly through the landscaping of the children to join the ranks of the military and police, often these actions have become the military and the police to cover up the fault of the microphone, while making the group in this area Message reception is distorted.

- The Rules for Prevention of Misconducts of Juveniles and Adolescents with High Probability of Committing Crimes

According to the " The Rules for Prevention of Misconducts of Juveniles and Adolescents with High Probability of Committing Crimes Article 3" before the law changed in 1997, minor minorities were determined according to the following criteria as "juvenile bad behavior", will be subject to the law enforcement of the law enforcement agencies: "involved in physical and



mental harm Healthy places or other juveniles improperly enter the place. ", " Late at night wandering ", " on the parents, honor or teacher attitude arrogant, rude behavior. ", " Wearing fancy dress, weird appearance or men wearing long facial hair. " Secret language strange conversation, behavior secretive. "And such subjective criteria.

It is naturally very backward to look back at this standard, especially when it comes to inflicting physical and mental health or other juvenile improper access to the place. ", " Wearing fancy dress, weird appearance or men wear long facial hair. " ,But the school is still on the excuses of maintenance of health, continuously doing Hair regulations, and those against their standards will be punished. There are no improvement after students informed the Ministry of Education, it can be seen very hinder the children Freedom of movement, freedom of appearance, the authority of the past for the minority groups of oppression can be seen, even after the fifth revision in 2013, still retain "involved in physical and mental health or other juvenile improper access to the place.", "Parents Or the attitude of the teacher arrogant, rude behavior. "And other subjective identification principle, these backward standards of acceptance will be subjectively identified by the minority groups, forced into the juvenile care system, behind the" children's freedom "will once again explain this situation The

- Educational institutions Campus norms

The vague definition authority under *Besonders Gewaltverha* has been able to order specific norms other than the relevant geographies, so that the campus, the military and police training institutions, etc., have the relevant norms to limit their minority groups, including: not to organize member organizations And the trade unions, the restriction of autonomy (the later chapter of autonomy), restrictions on participation in public affairs and even limited groups of children, etc., from the fundamental point of view, *Besonders Gewaltverha* created by the relevant norms is a big violation of CRC and The current constitution.

- The backwardness of the educational community

The self-governing organizations of the minority groups, as well as the societies that have developed the skills of interest, which are supposed to be outside the system, are often subject to the education law and must be classified under the administrative and control of the educational institutions. The following phenomena arise: Can't play any role, the malicious manipulation of educational institutions, and even many educational fields to prohibit minorities to participate in the relevant training courses and community activities. When the community has the expression of autonomy, freedom and freedom of expression, it is often because of the status of the relevant community organization by the education system to suppress, and can't make any free expression. There are also "high levels of inequality in the

educational content that can lead to history, culture, democracy, social participation and so on, but the relevant autonomous community can't make a similar example". The stereotyped ideology of educational institutions is the reason why educational organizations within any institution and the autonomous community can't have any effect.

- Ceremonies

The Republic of China government since the period of martial law, for the people to set "national etiquette paradigm" and other regulations to regulate the national character, then extended to the relevant regulations, " National Emblem and National Flag of the Republic of China Act", "Taipei City public and private schools at all levels of the ceremony ", The school set the teacher counseling and discipline students approach matters", the Republic of China education on the ritual of the rules and regulations mainly include the flag-raising, clothing appearance to the national identity, etc.:

- Flag-raising ceremony:

"Taipei City public and private schools at all levels of school lift flag ceremony implementation points": "elementary school students lined up by class, followed by music in progress, the pace neatly, the rise of the chest into the playground", " Salute to the flag, , From the Republic of China's education policy began, the minor minority groups were semi-forced to accept this kind of ritual And the ritual will be connected to the military training part of the ritual in the governing part of the Republic of China is the school instructors at the same time the school's administration and management will also use this ceremony for children's discipline There is also the spread of false information, from the ritual point of view is actually very unprofitable, but often children, especially students in their discipline requirements, they must be able to rain and rain, no matter what other Conditions, forced to participate in this ritual activities, from the whole process it seems that this is an authoritarian era of military training left behind Outdated ceremony.

Apparel regulations:

From the time of the martial law period, due to the need to control the minority groups, self-school teachers and counseling students to set the precautions, and under the implementation of points to punish the implementation of the points, and these compulsive control is almost from head to toe no reason:

- Hair style

Education authorities in accordance with the gender of the binary method: for example, men must be short, women must be long rigid principle, to determine the hairstyle of children regardless of beauty, hair makeup, performing arts and other related professional, must follow Related to the provisions of the hair, even the color, hair care

methods, must be subject to strict control of educational institutions, if there are unqualified will punish, control and even forced guidance and other ways to punish children.

- vision correction device

Regardless of the need for visual correction in the minorities, the educational institution ignores any individual needs of the correction, and the vision correction tool must conform to its prescribed style otherwise.

- Body Decorations

Minor groups are forbidden to carry out any piercing, piercing or tattoo art.

- Cosmetics

Minor groups are also prohibited from making any cosmetic use

- Clothing

A small number of ethnic groups are forced to wear any particular clothing that can represent the educational institution and may not have any difference in style, nor any difference between them, but also disregard the wearing requirements of each of the groups, regardless of temperature, ventilation, Disease, price, comfort or not, must be completely in accordance with the clothing authorities clothing instructions.

- Footwear

Regardless of any climate, temperature, easy to walk comfort or not, must be forced to wear the shoes designated by the agency.

- Backpack

All children must be forced to wear a backpack with a representative of the educational institution badge, and the style must not be changed.

## II, Convention on the Rights of the Child

- The redress and implementation of Taiwanese language and cultural diversity.

*"Culture has different manifestations in different generations. Cultural diversity is the uniqueness and diversity of the characteristics of the various groups and societies of mankind. Cultural diversity is the source of communication, innovation and creation, and for human beings As biodiversity is essential to maintaining a biological balance, and in this sense cultural diversity is a common heritage of mankind and should be recognized and affirmed from the interests of contemporary and future generations. "*

References from UNESCO's <Declaration on the Universal Declaration of the World Culture> Article 1 Cultural diversity: the common heritage of mankind

What about the situation of Taiwanese language and culture? We can make a practical understanding from this picture, which is the proportion of the language of the National Education Radio program of the Ministry of Education.

As National Education Radio which organized by Ministry of Education an example (24 hours, Seven days a week)

Language	Hours of broadcast show	Percentage of broadcast show time
Aboriginal language	4.58 hrs	2.73 %
Hakka	5.83 hrs	3.47 %
Taiwanese	2.25 hrs	1.34 %
Mandarin Chinese	155.34 hrs	92.46 %

Why is this happening? Is the use of other languages accounted for the minority population deliberately ignored or what reason?

No, this is the colonial rule of the ROC regime, when the ROC regime through the national machine armed massacre of Taiwan residents and intellectuals, to the military and police agents to fully control the tense of Taiwan society, in addition to political , The overall control of the economy and the distribution to specific groups, the cultural part of the education and media through political oppression and stigma, making the original island of 6 million original residents were forced to fully study and use only to occupy the island population 20% of the Chinese language, and to completely obliterate the local culture of Taiwan's culture, only to maintain its rule is also a comprehensive in Taiwan Island to create China's ideology, a comprehensive Chinese

Although the political oppression of Taiwan language in the past 20 years has lifted the regime from the regime, there are also Taiwan language related courses which are added to each section of the ROC Elementary Class (one week at primary school) Is 35 classes), but in today's ROC basic compulsory education, the teacher with Chinese teaching, exam writing Chinese language, still 9 Chengdu is the use of Chinese language teaching, such a curriculum in name only, let alone the majority of the language and literature classes, literature The orientation of the language and the writing of the language, the media's stigma is also due to the lack of knowledge of Taiwan's language and the persistence of China's ideological hegemony

And the adults are also in the past social context and stigma has not changed the use of Taiwanese language and not consciously, Taiwan language situation has reached UNESCO to assess the degree of language health in the exact endangered and serious endangered state, Home no longer learn the mother tongue, the mother tongue only the grandfather said that the parents can understand but do not teach the pupil, which will lead to the demise of Taiwan language and culture

Only by making the distribution of ethnic language resources equally, clearly informing and thinking about past mistakes and apologies of Chinese hegemony, we have also formulated the national language development law of cultural equality, fully implement the Taiwan language in education, encourage and provide Taiwan language in the media On the resources and services such as New Zealand language nest of early childhood education, it is possible to fully save Taiwan language and culture.

- free from torture or other forms of cruel, inhuman or degrading treatment or punishment

The State Party referred to in article 39 of the Convention shall take all appropriate measures to restore and reintegrate the physical and mental health of the child in any form: negligence, exploitation or abuse in any form; torture or any other cruel, inhuman or degrading Treatment or punishment; or children in armed conflict. Such rehabilitation and reintegration should be carried out in an environment that promotes the health, self-esteem and dignity of the child. While Taiwan has been sentenced to juvenile nursing homes because of the criminal law that violated Taiwan. These children in juvenile nursing homes will be subject to unspoken rules and many inhuman treatment.