

Taiwan

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

NGO ALTERNATIVE REPORT

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NGO Alternative Report

March 29, 2022

Prepared for the Second State Report Review

Submitted by

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About this report

The Guardian - National Association for Children and Family (GNACF) has been paying great attention to the progress of the Convention on the Rights of the Child in Taiwan. The founding members submitted the article addressing the issues of alternative child care to the Taiwan CRC committee and then participated in the first CRC national report meeting in 2016. In this regard, special appreciation would be given to the previous international review committee for thoroughly reading the national report and the non-governmental report and giving the adequate instructions and guidance, especially pointing out the part of the "GACC, The UN Guidelines for the Alternative Care of Children" to become the main reference of making policy.

With the suggestion of the international committee, we are glad to see that Taiwan government in 2022 finally announced its "Alternative Child Care Policy". Unfortunately it is also noticed that the government only renamed the title of services without changing the contents of actual services or playing with the number of statistics (e.g., children in placement arranged by parents). It showed that the government is not determined to deal with the core issues of children and families.

In general, policy planning is not based on needs and problem assessment and accurate statistics, and only takes a passive review of regulations; In terms of administrative management and supervision, there is no competent authority dedicated to children, nor a monitoring authority designated to children welfare with independent personnel and finance to supervise and inspect the quality of care within the existing institutions. In relation to family support, there is a lack of adequate family preventive and supportive service as well as resources resulting from preventing alternative care taking place. In terms of children's rights, the rights to express themselves of children in alternative care have not been protected and so have their equal rights to receive education. Their rights to access religious beliefs freely has been restricted. Furthermore, their rights to be cared for has also been violated due to insufficient manpower as well as resources. As a result, these children in care can only move from one placement to another constantly. Lastly, culturally, the rights of aboriginal children in care have not been compromised due to not considering cultural differences resulting in culture disruption.

The statistics and achievements presented by the government are often significantly different from what is actually observed in the field. Children's rights are still being violated in the system, which means that children continue to suffer. Especially when writing this report,



it is sad and disturbing to see that children taken care by the writers have not been followed up and supported well after returning home and finally entered judicial custody. We are very sad and outraged to see this happening. Therefore, it strengthens our determination to write this independent non-governmental report with the hope that the report can assist the international review committees to better understand the current situation in Taiwan and to help these children in the second national report and practical observations.

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Report body

The gap between domestic law and policies and the Convention (§1) (CRC§4)

1. Response to the *Second Report* (§5) - When the Government reviewed if laws and administrative regulations are in compliance with the CRC, it only examined whether wording in any provisions explicitly infringes on children's rights, but it did not examine if any provisions infringe on children's rights by neglect. For example, the *Park Management Ordinance* does not actively infringe on children's rights, but it does not require parks to provide age-appropriate leisure facilities in proportion to the child/teen population in the community, either. Park facilities are mostly for the elderly and there is a lack of leisure facilities for teenagers. Therefore, it is recommended that the Government should proactively review the laws and relevant regulations based on the principles of the CRC in order to implement human rights for children.

Children representatives' participation is not implemented (§2) (CRC§12)

2. Response to the *Second Report* (§§ 10, 73 and 74) - The following are observations and recommendations regarding the practice of child and youth representatives' participation.
 - a. Lack of representation: Officially designated child and youth representatives are all students from well established schools, mainly children from the middle class and above, and representatives of disadvantaged children and children in the placement system lack resources to participate.¹
 - b. Children's participation is not taken seriously: The Government only provided information on the number of children who participated at each level of the Government, but not the results of the meetings, including the number of times the children spoke and whether their opinions were accepted. In practice, the experience of children representatives in government meetings is that they are only able to sit in, their proposals are listed as extraordinary motions, and their participation is not respected or valued.
 - c. Recommendation: Representation should be improved, and the number of representatives from disadvantaged and placed children should be guaranteed;

¹ Representatives of children and children in special situations include aboriginal, new residents, and persons with disabilities, etc. No disadvantaged children and children in the placement system participated, for *Second Report Attachment 3-12*.



furthermore, the number and ratio of proposals passed should show how many proposals are from the Government and how many from children representatives. The statistics can serve as an effective indicator of the implementation of children's right to express and participate at all levels of government and schools.

Equal education rights of children are not protected (§3) (CRC§28, GACC§85)

3. Response to the *Second Report* (§§ 243-248) - Regarding the protection of equal access to education, children should have access to formal, non-formal and vocational education in the local community, in accordance with §§ 15 and 85 of the UN Guidelines for the Alternative Care of Children, and discrimination should be eliminated. However, the right to education for children with special needs² in Taiwan is often not protected because of their special circumstances, such as being discouraged from enrolling in local schools, denied admission, forced to transfer to another school, stranded in a placement organization and therefore unable to enroll in school, or having to travel across school districts to attend school. Such discrimination in schooling has been corrected twice by the Control Yuan,³ but the authorities in charge of education and welfare services, both central and local, have shirked their responsibilities, even blaming on poor communication from the organizations, or pressuring the organizations that filed complaints,⁴ thus increasing discrimination in education. It is recommended that the Government should make the percentage of children with special needs attending school in the school district where they are registered or have an organizational address an assessment indicator for social welfare and education provided by county and municipal governments, with a percentage of 80% or higher being the target. This would effectively reduce discrimination in education and promote formal education for children in their local communities.

² Children who have special needs, including autism, Attention Deficit Hyperactivity Disorder (ADHD), emotional disorder or other physical and mental disorders, and also include children in juvenile justice, and children in placement.

³ There are two surveys by Control Yuan on the right to education, 2013 case of the right to education of students in placement institutions; and the 2020 case of autistic students being denied admission to public schools.

⁴ In 2019, a child care facility made a grievance to Department of Education in Yulin County regarding one student diagnosed with Asperger spectrum disorder was bullied by parents association in school, but this situation was not dealt with well.



Limitations and Dilemmas of Monitoring and Grievance Mechanisms (§4-5) (GACC§99, 128-130)

4. Response to the *Second Report* (§26) - There is no independent supervisory mechanism for "children's human rights" in Taiwan. The existing evaluation of child placement organizations, financial auditing, and county and municipal governments review are only "periodic inspections", and the National Human Rights Commission of the Control Yuan is currently exercising the responsibility of supervising children's human rights as proxy. From 2010 to 2021, the Control Yuan investigated 45 cases of alternative care services for children in general, focusing on family support, child protection, children's rights and care, and supervision, respectively, and held the relevant agencies accountable. Unfortunately, the following limitations and difficulties remain in the system and implementation:
 - a. The Committee on the Rights of the Child in the Control Yuan faces limitations due to the lack of an independent budget and staffing, and the members are Control Yuan commissioners who serve both roles concurrently, which is not in compliance with the Paris Convention and the Guidelines for the Alternative Care of Children; the investigation focuses mostly on individual cases and human errors, and less on the review of the whole system, which results in limited improvement.⁵
 - b. Investigations into services for children are mostly passive and conducted only after complaints are filed, and few complaints come from children; without a touring visit mechanism, it is difficult to identify the plight of children in the national system.
 - c. The proposed amendment to the Constitution in 2021 - which might abolish the Control Yuan in the future and bring the supervisory power under the Legislative Yuan - does not consider creating a third party institution to independently supervise children's human rights, and the existing supervisory power would lose its independence if the Control Yuan becomes done away with. It is recommended that the UN commissioners include this in the Concluding Observations for follow-up.

5. Response to the *Second Report* (§30) - The existing grievance channels for children's organizations lack the independent third-party which leads to the issues that the complaints cannot be handled fairly. In particular, when children's rights are involved with local governments' practice, neither the children nor the placement organizations have effective ways of lodging complaints. If the organizations insist on filing a complaint for children's rights, they may experience pressure exerted from executive departments, or even have to

⁵ For example, in the inspection reports over the years, the problems of insufficient manpower and the ratio of care to manpower have been mentioned many times, but there is no effective and proper improvement plan.



close their operations.⁶ It is recommended that a third-party agency with independent executive, budgetary, and adjudicative powers be established to handle complaints, so that the complaint mechanism will not lose its function under the control of the executive authorities; secondly, a protection clause for whistle blowers should be formulated to prevent local governments or organizations from punishing whistle blowers.

Unfreedom in freedom of belief (§6) (CRC§14, GACC§75, 88)

6. Response to the *Second Report* (§100) - Regarding children's freedom of thought, belief and religion, the Government seems to respect the freedom of religion, but in reality, religion is forbidden in schools and cannot be discussed, nor can relevant information be provided. As for placement organizations, most of them are founded by religious groups, but religious culture is strongly restricted, which is contrary to the Guidelines for the Alternative Care of Children (§75),⁷ which respects the culture and religious customs of caregivers. The Government has a misconception about respecting children's religious freedom. For example, if a placement organization is found to conduct religious activities, it is considered violating religious freedom.⁸ It is recommended that education and welfare services should respect the substantive freedom of religion in schools and placement organizations. As for the evaluation of placement organizations on religious matters, evaluators with expertise in religious studies should be consulted to make recommendations, so that the substantive freedom of religion in placement organizations and of children will not be infringed.

⁶ In Tainan City, a children's placement organization once filed a complaint with the Control Yuan due to the harm of children's rights. And assessment of the organization has been consistently ranked A over the years, but it will be closed in 2020.

⁷ The UN Guidelines for the Alternative Care of Children (§75) "Cultural and religious practices regarding the provision of alternative care, including those related to gender perspectives..."

⁸ Regarding freedom of religion, some child placement organizations actively provide children with the opportunities to get to know three different religions, but they are still criticized for being insufficiently diverse in the evaluation and are required to improve. On the contrary, as long as placement organizations do not handle any religious-related activities, the evaluation suggests that there will be no requirements for improvement in religious freedom. In other words, "no religion is freedom."



**Protecting children from all forms of violence: failure of social safety nets (§7-8)
(CRC§19)**

7. Response to the *Second Report* (§111) - The Government built a social safety net system in 2018, with cross-system and public-private collaboration, intending to protect children at risk through multiple layers of the network but in fact repeatedly failing to do so. In this regard, the Control Yuan published the following investigation report on child abuse in 2021:⁹
- a. Between 2014-2020, the number of child abuse death cases reached 144, of which 38 (26.49%) were reported once and 62 (43.06%) were reported twice or more. A total of nearly 70% of these cases had been reported once or multiple times, but none of these reports were effective in preventing the regrettable incidents.
 - b. For example, in the case of a girl born in Nantou who was abused to death, the social safety net missed the opportunity to help her for 3 times: (1) failure to report when vaccinations were not administered on time after her birth; (2) failure to open a case when she was reported missing; and (3) failure to open a case when she had an accidental brain injury. It was only when she was 4 years old and reported missing that she was found to have been abused for many years and died of drug overdose through injection by others.
 - c. The case involved a series of failures in the systems, including vaccination reminders in the health care system, home visits in the welfare system, injury assessment in the medical system, and traffic accident handling and looking for missing person in the police system. This shows that collaboration among systems is fractured and fragmented, said Control Yuan Commissioner Wang, Mei-Yu.

Recommendation: The existing system and human resources are unable to prevent child abuse deaths, especially because of the fractured collaboration among systems. The main cause for this is that after the Children's Bureau, the original children's authority, was dissolved in 2013 after government restructuring, the work with children and families has been divided among various agencies and there is a lack of coordination, which deviates from the child-as-part-of-the-family principle in the Guidelines for the Alternative Care of Children. Therefore, it is recommended that an authority for children be reinstated so that policies for children can be well implemented and coordinated.

⁹ Source: Mei-Yu Wang(2021) Abuse on children's protection notified cases. Number: 110(she-tiao) 0019. Control Yuan, Taipei. Url: <https://www.cy.gov.tw/CyBsBoxContent.aspx?n=133&s=17712>.

8. Response to the *Second Report* (§152) - The Government indicates that the Structured Decision Making (SDM) as a tool for child protection is effective in reducing unnecessary out-of-home placements. However, whether it is effective remains to be seen. When comparing the change in numbers between 2016 and 2020, cases evaluated to be unsafe and requiring placement decreased by 80.68%,¹⁰ which appears to be an effective reduction in unnecessary placements. Yet, the number of abused children increased by 133.28% (Attachment 5-2) and that of emergency placements increased even more significantly by 206.51% (Attachment 5-14) during the same period. It was found that the family of orientation did not become safer, and a reduction in placements did not mean a reduction in risks.

Insufficient support to the family of origin makes it difficult for the child in care to return home (§9-10) (GACC§14, 44-45)

9. Response to the *Second Report* (§153 and 170) - The *State Report* refers to the family treatment programs for children in placement (Attachment Table 6-18). However, gaps remain between the programs and the actual results as perceived by children's organization workers, including the lack of improvement in parenting over the years of placement, the children's alienation from their families, the difficulty in returning home, the re-occurrence of abuse or even death upon return,¹¹ and the re-reporting of cases. It is evident that the existing system, resources, and manpower for family reunification services are not sufficient for effective family reconstruction and cannot achieve the goal of §14 in the Guidelines for the Alternative Care of Children, "Removal of a child from the care of the family...should, whenever possible, be temporary and for the shortest possible duration".
 - a. Most children in placement are unable to return home:¹² Among placement cases closed in 2016-2020, an average of 42.77% of cases of children in foster care were closed, of which 48.9% returned to their families of origin. However, only 9.90% of cases of children in residential placement were closed, of which 17.48% returned home.¹³ In short, it is particularly difficult for children in residential placement to return home.

¹⁰ About the data of cases evaluated to be unsafe and requiring placement, for *Second Report Attachment 6-17*.

¹¹ In 2019, in Taichung City, two months after a child was placed in foster care and resettled home, the child expressed his desire to return to the foster home and was abused to death. Url: <https://news.ltn.com.tw/news/society/breakingnews/3269590>.

¹² In the definition of family of origin returned in this article, kinship or adoptive families are not included.

¹³ According to the data of children returning home after placement, for *Second Report Attachment 6-27*.

- b. The duration of placement is also getting longer: the number of children placed for more than two years continued to grow from 47.66% in 2017 to 51.73% in 2020.¹⁴ As the duration expands, children become more alienated from their families of orientation and have more difficulties returning home, creating a vicious cycle.
- c. High rate of post-closure re-reporting: In 2019, there were 4,892 post-service closures for high-risk families¹⁵, and as many as 1,046, or 21.4%, were re-reported.¹⁶ This means that the existing capacity for family treatment programs does not allow children to grow up in a stable home.
- d. Recommendation: Provide adequate resources, manpower and systematic support for family services, continuously review the effectiveness of services and overall planning, and conduct statistical evaluation, so that family services can be truly implemented and children can return home with peace of mind.

10. Response to the *Second Report* (§115) - The welfare services are divided into different service groups, such as the elderly, victims of violence, children, and so forth, resulting in the disintegration of family services and the inability to provide effective reunification of and treatment for families. For example, the three-level counseling for children in school only focuses on interpersonal relationships, learning and emotional stability. A case is closed after short-term stabilization is reached, lacking planning for long-term counseling. Victims of violence in the family often act as guardians for the children, and they have to shoulder the financial and caregiving responsibilities and deal with the psychological trauma of the children witnessing the violence while they themselves are under the physical and mental stress of the violence.¹⁷ Therefore, it is recommended to take the family as a whole unit when dealing with the problem of adult victims of violence and children who witness it. This is complemented by the three-level counseling in schools. While the long-term treatment plan is prepared by the social worker in charge, schools and

¹⁴ It seems that the total number of children in placement seems to be decreasing year by year. The fact is that the number of time frame within the placement period groups of 6-12 months and 12-24 months was decreasing. On the other hand, the number of time frame over 2 years has increased, which means that the placement period of children will continue to be extended. For *Second Report Attachment 6-23*.

¹⁵ Source: Mei-Yu Wang(2021) Abuse on children's protection notified cases. Number: 110(she-tiao) 0019. Control Yuan, Taipei. Url: <https://www.cy.gov.tw/CyBsBoxContent.aspx?n=133&s=17712>.

¹⁶ The data on the rate of post-closure re-reporting, according to the statistics of 6 cities, New Taipei City has the rate of post-closure re-reporting (3.4%) and the rest Taoyuan, Taichung, Tainan and Kaohsiung cities are all higher than the average, ranging from 27.6% to 38%.

¹⁷ While the child is witnessing the violence, the child's caregiver also suffers from domestic violence. If the caregiver is not stable physically, mentally and financially, the secondary injury to the child will be more severe than before.



domestic violence prevention centers should combine their resources to provide adequate family support and counseling to effectively help improve the situation of the family.

**Violation of children's rights caused by insufficient personnel and resources (§11)
(GACC§113-115)**

11. Response to the *Second Report* (§§133 and 164) - Discussions about violation of children's rights caused by insufficient personnel and resources are as follows:

- a. In practice, workers in placement organizations are required to complete more than 18 hours of professional training each year to meet government targets, and some organizations even arrange 30 hours of training. However, there are still an average of 6 incidents of inappropriate discipline or abuse each year, which shows that training is not the main factor, but the lack of personnel is.
- b. When caregiving personnel cannot meet the actual needs, it is difficult for them to individualize and differentiate child care, so they resort to generalized and military-like management.
- c. If we analyze the placement cost from the structural perspective, it can be estimated that the children and youth placement organizations directly managed by the Ministry of Health and Welfare receive NT\$47,000-52,000 per month per child (not including some personnel cost), significantly higher than the placement fee of NT\$23,000-29,000 received by private organizations per month per child.¹⁸ After the Government prohibited placement organizations from accepting placement arranged by parents on their own, most organizations now mainly provide mandatory services for children referred by the Government. In addition, the Government has ignored the fact that care is a type of service procurement, and has routinely demanded that the standard of care be raised, while paying under the name of "subsidy" to avoid paying for professional services to private organizations,¹⁹ which makes operation very challenging for most

¹⁸ The monthly placement fee for children is not calculated based on the average living cost, but discriminatively calculated by 1.8 times the minimum living cost. It is not negotiated and adjusted with reference to the actual expenditure, nor does it include labor costs.

¹⁹ According to the calculation of the placement fee for children in Japan, each child is paid the placement fee and professional service fee. However, the placement fee paid by Taiwanese local government does not include professional service fee, which was the main reason that the placement costs is low in Taiwan. The professional service fee "subsidized" by the Central Ministry of Health and Welfare is only for the personnel expenses of the organization. The amount is less than 45% of the salary of social workers and less than 20% of the salary of first-line caregivers, and does not subsidize the actual shift workers.



organizations. Although the Control Yuan has corrected the situation²⁰ and the Legislative Yuan has pointed this out in the public hearing, the payment in the form of "subsidy" has not yet been rectified.

- d. The Government's inadequate placement funds are a direct cause of low wage, high turnover and insufficient personnel, impacting both organizations and workers. The shortage of personnel creates many problems, including military-like discipline and even abuse, as well as the risk of sexual assault, sexual harassment, and children fighting and injuring each other in organizations. The surveillance system is useless in these situations.
- e. This report recommends that the Government should calculate the actual cost of placement for each child based on the three-year expenses of public child placement organizations and use it as the benchmark for fees paid for mandatory placement services. It should also require local governments to include such fees in the public service budget, use it as part of welfare service assessment, and publish the information on government website accordingly.

Vocational Training Restrictions for Youths leaving placement and starting living independently (§12) (GACC§135-136)

12. Response to the *Second Report* (§140) - Youths leaving placement and starting living independently are often not qualified for vocational training due to limited education (e.g., they need to graduate from junior high school or high school to receive training), and are unable to enhance employability and can only work low-paying part-time jobs. It is recommended that the Government take stock of vocational training resources suitable for disadvantaged children aged 15-17, provide free training and assist them in applying for living subsidies. The Government should also actively promote the participation of such children in training as an affirmative strategy to protect their labor rights.

²⁰ Source: Fong-Sian Gao(2018) Insufficient manpower in child placement agencies and evaluation and Withdraw Mechanism .Number: 108(nei-diao)0001. Control Yuan, Taipei. Url: <https://www.cy.gov.tw/CyBsBoxContent2.aspx?n=718&s=5945>.



Current Situation Regarding Relative Placement and Group Home (§13-14) (GACC§29)

13. Response to the *Second Report* (§159) - The Government has given importance to placement with kin and significant others, which is a positive and well-intended policy for children's rights. Unfortunately, kinship placement has declined significantly from a peak of 22.90% in 2006 to 5.54% in 2020. Although there have been slight ups and downs during this period, the overall decline has been more than 3/4 (75.8%) over the past 15 years. In the case of placement with kin and significant others, the national system places great emphasis on emotional and biological responsibility, and assumes that kin should help care for the children. As a result, kinship placement payments are lower than those for foster families for long periods of time and it is not clearly positioned. Often, after the kin are assigned as providers of placement and granted custody, the case is deemed closed and payments are discontinued, eliminating the financial incentive beyond sentimental considerations. Therefore, it is recommended that the Government should recognize kinship families as formal alternative child care and establish a comprehensive mechanism for nurturing, counseling and support to ensure the rights of children to be cared for.
14. Response to the *Second Report* (§162) - It is commendable for the Government to provide "group homes" to take care of children with special needs. However, it is a pity that the current group homes are actually "small residential institutions", not family-style placement. The arrangement and personnel deployment are all very similar to those of an institution, and it is an experimental program as statutory non-permanent placement²¹ (subsidized for a maximum of 3 years and then shifts to self-financing). Since its implementation in 2010, due to factors such as staffing, space, and child care difficulties, organizations participating in the program have been less willing to continue, and organizations that take on the program are constantly changing. In practice, children who are placed in group homes are required to switch to a new placement after a maximum of 3 years due to the end of the program, adding to the instability of placement.

²¹ Ministry of Health and Welfare Social and Family Department (2022) Policy for the Alternative Care of Children. Reading time: 2022.3.7. Url: <https://www.sfaa.gov.tw/SFAA/Pages/Detail.aspx?nodeid=268&pid=11213>.



Mechanisms of child placement organizations inspection fail to ensure the quality of care (§15) (CRC§3, GACC§128)

15. Response to the *Second Report* (§163) - The national mechanism for assessing the quality of child placement organizations is not effective in determining and improving the quality of care, and the following points need to be discussed:

- a. The assessment seems to have an adverse selection effect, with a high rate of closures among better performers. Between 2004 and 2021, 34 children and youth placement organizations were closed. Prior to the closure, 13 of them were ranked with "A" or "A+", 9 with "B", 8 with "C", and 4 with no ranking. In total, 64.7% of those organizations with a ranking of "B" or higher decided to close, but only 23.5% with a ranking of "C" or lower did so. This means that among all the placement organizations which closed, most of them actually had better rankings.
- b. The assessment does not differentiate and support organizations that care for children with high levels of difficulty. For example, of the 20 private organizations willing to care for children in juvenile justice in 2005,²² only 7 were able to sustain their services in 2021, marking a 65% closure rate. Most of the organizations willing to care for children with high levels of difficulty can hardly sustain.
- c. Significant incidents were handled with varying standards: Assessments do not hold public and private organizations to the same standard,²³ as observed in publicly available assessment reports. In 2015, 2 private organizations received a lower ranking due to incidents of sexual harassment and suspected sexual assault. However, some public organizations had incidents of sexual assault and bullying in 2015 and incidents of sexual harassment and violent fighting in 2018, but did not receive a lower ranking, and the public organizations have been consistently ranked "A" or "A+" since 2012.

Lost number of children in placement arranged by parents (§16) (GACC§32-38)

16. Response to the *Second Report* (§152 and 165) - The current policy on the best interests of children in placement arranged by parents is contrary to the Concluding Observations on the Initial Report, which states that "all placements of children in alternative care are

²² Source: Shou-Jung Yang(2005) Intense Care Systems of Private Welfare Institutions toward Juvenile Delinquency Cases. Community development journal quarterly, 108: 109-119.

²³ For example, in the 2019 Control Yuan report (108 she-tiao 0048: 21), the competent authority stated that "if something happens to the child placement organization during the evaluation period, its Class A qualification will be cancelled, and the professional service fee obtained by the organization will be deducted, etc. ", which means that the same standard should be applied to the major incidents of public and private organization by the competent authorities, but this is not the case.



based on a decision of the family court." In particular, the promulgation of a change in the operational process to require discretionary consent of the competent authority, which is said to reduce unnecessary placement, results in a significant decrease of children in placement arranged by parents (without government involvement) by 81% between 2016 and 2020.²⁴ While such placement decreased, the number of children in commissioned placement and foster care increased by 6.92% and 0.85% respectively. This means that the placement arranged by parents was reduced simply for the purpose of cutting the number, and the best interests of children are not fully protected. In fact, there was a case in which a child, who had been admitted to a placement organization without government involvement, was not given good care and family support after being assessed by the Government to be ready to return home. The child was left to wander in the community to violate the law, and sent to reformatory education by a judicial ruling in January 2022, which is a distressing result.

Transition-Retransformation of Placed Children (§17) (GACC§60)

17. Response to the *Second Report* (§167) - Among the residential placement and foster care cases that were closed, a high percentage of them was not closed because children returned home, but because children were referred to another placement. If we look at the cases closed in 2020 where children were transferred to other placements,²⁵ they accounted for 24.03% of cases closed in foster care and 42.86% of cases closed in residential placement. In reality, the children were referred to other placements. However, if we look at the Control Yuan report for 2021,²⁶ we find an even more alarming picture of transferred placement: between 2018 and 2020, they accounted for 68.98% of cases closed in foster care, 71.63% of cases closed in residential placement, and 26.19% of cases closed in kinship placement. Such a high rate of placement transfer means that Taiwan's alternative care system is unable to prevent what is stated in §60 of the Guidelines for the Alternative Care of Children, "Frequent changes in care setting are detrimental to the child's development and ability to form attachments." It also fails to provide long-term and stable care, making it difficult for children to establish stable attachments as they change placement frequently.

²⁴ Data on the decrease in the number of children in placement arranged by parents, for *Second Report Attachment 6-25*.

²⁵ Data on the cases closed where children were transferred to other placements, for *Second Report Attachment 6-27* °

²⁶ Source: Mei-Yu Wang(2021) Abuse on children's protection notified cases. Number: 110(she-tiao) 0019. Control Yuan, Taipei. Url: <https://www.cy.gov.tw/CyBsBoxContent.aspx?n=133&s=17712>.



Status and Limitations of Follow-up Counseling for Children who Return home (§18) (GACC§131-134)

18. Response to the *Second Report* (§169) - The one-year follow-up counseling service after placement was originally designed to assist children in returning home, finding employment, restoring relationship, and supporting the family, but the quality of the service is limited by the difficulty of building relationships with the children,²⁷ and the lack of personnel and resources (funding is not regularly budgeted).²⁸ When the function of the family of orientation is not restored, the children are left to support themselves in the community, and 10% of them break the law again in order to survive. Therefore, it is recommended that the Government should integrate welfare and follow-up services for children in the judicial system, and use public budget to improve the support for children and their families.

Indigenous Child in care: A Stolen Generation (§19) (CRC§20)

19. Response to the *Second Report* (§§278-287) - It is recommended that the Government should develop suitable principles and treatment programs for placing children of indigenous peoples. Under the Han-people-oriented out-of-home placement, the culture of shared responsibilities in raising children among indigenous communities is often neglected. In the placement system (including foster care, group home, and residential organization), cultural disconnection has not been addressed, resulting in "Stolen Generations" in the Taiwanese context. Indigenous children become marginalized in cities after leaving the organizations and are unable to return to indigenous communities.

²⁷ The current entrusted service of follow-up counseling after placement is limited to three months before the case is closed. The follow-up counseling mode is mostly two telephone calls and one visit per month, which makes it difficult for staff to establish relationships and often lose contact with children.

²⁸ The government has not paid much attention to the manpower and resources required for service of follow-up counseling. For example, among the 2,302 teenagers over the age of 15 who left placement from 2018 to 2020, only 520 entered the self-supporting assistance program, accounting for 22.59%. Its funds are only covered by the Feedback Fund of Public Welfare Lottery, and the annual subsidy is only maintained at 12 million.