



2022 Parallel Report on the Convention on the Rights of Children

Regarding Articles: 7, 9, 23, and 40

Coordinated by



人權公約施行監督聯盟
Covenants Watch

March, 2022

2022 Parallel Report on CRC

Coordinated by: Covenants Watch

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Participating NGOs

(in alphabetical order)

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人權公約施行監督聯盟	Covenants Watch
台灣身心障礙兒童權利促進會	Disabled Children's Rights and Advocacy Association in Taiwan (DCRAAT)
台灣關愛之家	Harmony Home Taiwan
人本教育基金會	Humanistic Education Foundation
台灣身心障礙者自立生活聯盟	Independent Living Taiwan
台北市新活力自立生活協會	New Vitality Independent Living Association, Taipei
嘉義市新世界自立生活協會	New World Independent Living Association, Chiayi
中華民國紅心字會	Red Heart Association
台北市行無礙資源推廣協會	Taiwan Access For All Association
台灣廢除死刑推動聯盟	Taiwan Alliance to End the Death Penalty
社團法人臺灣教育協會	Taiwan Education Association
台灣國際醫學聯盟	Taiwan International Medical Alliance (TIMA)
台灣聾人聯盟	Taiwanese Deaf Alliance

Regarding Arts. 7, 9, 23, and 40

March, 2022
Taiwan

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Art. 7 The Right to Acquire a Nationality

In Response to Paras. 60 and 91 of the State Report

Stateless children

1. The government is yet to be able to report the actual number of stateless children: The State Report does not provide the latest statistics on stateless children. Deducing from the press releases of the National Immigration Agency, from 2007 to the end of July 2020, 941 children were rendered stateless by the undocumented or falsely reported immigration status of their biological mothers; with 622 of which were repatriated with their mothers, under the administration of the National Immigration Agency.¹ Further, according to press releases of the Control Yuan, as of June 2020, the whereabouts of 240 stateless children were still being investigated.² The aforementioned figures, however, only reflect the statistics of the government, while recent journalistic reports have revealed a large discrepancy between the number of stateless children in our government's knowledge and the actuality.³
2. Children of undocumented migrant workers rendered stateless:
 - (1) According to statistics from the National Immigration Agency, the number of non-national unaccompanied children born in Taiwan had been increasing, with most of their mothers being undocumented migrant workers or those with unknown identities.⁴ The main reason being that pregnant migrant workers were not equally covered by labor rights provisions: migrant workers were not regarded by the *Labor Standards Act*, thus unable to take paid and unpaid maternity leaves; in practice, labor contracts may be terminated and a high sum of liquidated damages will be requested upon pregnant migrant workers.⁵ In these circumstances, pregnant migrant workers were often forced to become undocumented and go into labor in private, and would not dare to take their children to the hospital for vaccinations, resulted in some children passing away due to infections.⁶
 - (2) Since large proportion of biological mothers of these cases are undocumented migrant workers, should the government be able to identify them, impeded by

¹ Press release of National Immigration Agency: <https://reurl.cc/2DWpK4>

² Press release of Control Yuan: <https://reurl.cc/EpGEjn>

³ UDN, <https://reurl.cc/Qj4z5b> ; The Strom Media: Discrimination Kills! Pregnant Migrant Workers Forced to Run, Requiem to "Underground Babies": Fatally Infected for Unable to be Vaccinated, the Mother Would Like to Bury Them At a Mosque... (2019 Aug 6th): <https://reurl.cc/KpMNlm> ; Up Media: [Exclusive] Good Ending for Migrant Workers and Their Stateless Children? National ID May be Applicable (2017 Jan 25th) <https://reurl.cc/NpqVlq>

⁴ 2021 Budget Assessment Report, National Immigration Agency, Ministry of the Interior: <https://reurl.cc/Ddrb2R>

⁵ Press release, Control Yuan: <https://reurl.cc/EpGEjn>

⁶ The Strom Media: Discrimination Kills! Pregnant Migrant Workers Forced to Run, Requiem to "Underground Babies": Fatally Infected for Unable to be Vaccinated, the Mother Would Like to Bury Them At a Mosque... (2019 Aug 6th): <https://reurl.cc/KpMNlm>

fear or concern regarding supporting the child, the mothers might refrain from coming forward. This causes their children unable to acquire legal residency, and can only obtain one-year temporary residence via the “Alien Residence Certificate”, with the assistance of the Department of Social Affairs and issuance by the National Immigration Agency.⁷ In principle, should the whereabouts of the biological mother remain unknown, the court shall issue an injunction to deprive the biological parents of their parental rights in accordance with Article 1094 of the *Civil Code*,⁸ and then acquire Taiwanese nationality along with the adoptive parents in accordance with Article 4 of the *Nationality Act*.⁹ At present, however, only a small proportion of cases were handled in accordance with the aforementioned measures, with most biological mothers reluctant to come forward and most cases were cared for by institutions, foster families, and adopters. These children are deprived of legal residence statuses, thus cannot enjoy benefits of National Health Insurance, schooling, and other relevant social welfare resources.¹⁰

3. The repatriating of stateless children to their countries of origin was obstructed by the pandemic: According to statistics of the National Immigration Agency, “repatriate child along with their biological mother to the country of origin” remains the largest proportion of how non-national unaccompanied children were handled.¹¹ According to reports, however, since nations limited their border accesses as a part of pandemic response since 2020, the repatriation process had been hindered, rendering children unable to access the culture and language of their country of origin, which may affect their ability in identifying and connecting with their country of origin.
4. Recommendations:
 - (1) The government shall provide latest statistics on stateless children, and disaggregate the data on the dimension on holding effective certificates of residence or not. The criterion for children in the disaggregated data compiled by the National Immigration Agency shall be altered to “under 18 years old” from the current “under 15 years old”, to meet the accurate definition of children. The statistics shall also contain figures on persons who have not obtained a valid residence certification.
 - (2) Implement maternal protection in the workplace and right to emergency medical services for pregnant migrant workers: The *Labor Standard Act* and *Act*

⁷ The issuance of “Alien Residence Certificate” was based on Article 6 of the *Regulations Governing Visiting, Residency, and Permanent Residency of Aliens*: “Any alien born in Taiwan may apply for the Alien Resident Certificate through his/her parent, custodian, or a child and juvenile welfare organization.”

⁸ Article 1094. the *Civil Code*: <https://reurl.cc/oeG5rl>

⁹ Article 4, the *Nationality Act*: <https://reurl.cc/Go0Kpp>

¹⁰ Paragraph 503, 2020 Parallel Report on the Implementation of ICCPR and ICESCR, Coordinated by Covenants Watch: <https://reurl.cc/Wk9v0Z>

¹¹ Relevant measures for non-national juveniles born in Taiwan until July 2020.

of *Gender Equality in Employment* shall be applicable for migrant care workers; the provisions on employment accommodation and obligation of establishing child care facilities for employers having one hundred or more employees, contained in the *Act of Gender Equality in Employment*, shall also be implemented. Migrant workers shall be able to enjoy the right to await delivery in Taiwan or settle in their country of origin, while retaining their position.

- (3) Normalize the legal right of residence of migrant workers who have children after arrival in Taiwan: We recommend the government to recognize the legal right to temporary residence for undocumented migrant workers who got pregnant or had children in Taiwan, in order to ensure migrant workers and their children can enjoy the right to family reunification as promulgated by the Convention, to avoid the dilemma faced by migrant workers between themselves and the right of their children, and to abide by the provisions promulgated by Article 16 of the ICCPR and Article 7 of the Convention which designated the right to name and nationality for newborn children, and the right to know and be cared for by their parents.
- (4) Expedite the process of obtaining temporary residential statuses for stateless children: although a loosened criterium was applied by the Executive Yuan from 2017 and thus affirmed that it will exhaust all effort to grant ROC nationality to children who cannot be reunified with their parents, in accordance with Article 2 of the *Nationality Act*.¹² However, for children whose parents have known identity, albeit unwilling to come forward, a limited “Alien Residence Certificate” with an one-year expiration date can only be obtained after a protracted process of “searching” for their parents, while the right to health and education for the children was deprived. Therefore, it is recommended for the State to issue the “Alien Residence Certificate” directly after cases were reported, and consider amendments of Article 2 of *Regulations Governing Visiting, Residency, and Permanent Residency of Aliens*,¹³ to relax restrictions on the extension of the residence period for reported cases.
- (5) The decision on whether to repatriate a non-national child shall be made in accordance with the consideration of the best interest of the child: The State shall cooperate with the social affairs organs of the country of origin to conduct regular and consistent tracking on the settlement conditions of individual cases, to prevent returning the child to places where risk of torture and disadvantaged

¹² Up Media: [Exclusive] Good Ending for Migrant Workers and Their Stateless Children? National ID May be Applicable (2017 Jan 25th) <https://reurl.cc/NpqVlq>

¹³ In principle, according to Article 2 of the *Regulations Governing Visiting, Residency, and Permanent Residency of Aliens*, extensions shall not exceed the limit of six months, with the exception of pregnancy, diseases, or natural disasters. <https://reurl.cc/bkKq96> We recommend including “stateless children” in the grounds for extensions.

scenarios exist, in accordance with Paragraph 27 of General Comment No.6 of the Convention.

Art. 9

In Response to Paras 180-182 of the State Report (Children of Inmates)

The best interests of a child whose parent is imprisoned or sentenced to death have not been adequately considered

5. In judicial proceedings in which a child's parents are prosecuted and sentenced to death, the best interests of the child of the defendant were not adequately considered and assessed, the State also failed to provide any necessary psychological or other forms of support to children whose parents were sentenced to death. For example, both Shen Wen-bin, who was sentenced to death in 2020, and Li Hong-ji, who was executed by the Ministry of Justice in 2018, had minor children, yet the courts claimed in their verdicts that the best interests of these children were not required to be considered in the imposition of the death penalty; when the Ministry of Justice executed Li Hong-ji in 2018, it even claimed that the execution was in compliance with the ICCPR and the Convention. With domestic provisions failed to recognize rights of children whose parents were imprisoned or sentenced to death, and the State's inability to know where they are or how many are there, those children were rendered as the collateral invisible victims of the death penalty.
6. Recommendations:¹⁴
 - (1) The State shall conduct comprehensive executive, legislative, judicial, and policy reviews and assessments on the impact against children whose parents were prosecuted or sentenced to death.
 - (2) Courts shall recognize the existence of these children and assess their best interests while sentencing. Prosecutors ought to consider the best interest of these children and refrain from making a death sentence plea, the State shall also provide psychological and other necessary support for children whose parents were sentenced to death.

¹⁴ See Committee on the Rights of the Child, Concluding Observations on the Second Periodic Report of Kuwait, U.N. Doc. CRC/C/KWT/CO/2(29 October 2013), para. 31-32; Committee on the Rights of the Child, Concluding Observations on the Second Periodic Report of the United Arab Emirates, U.N. Doc. CRC/C/ARE/CO/2(30 October 2015), para. 52; Committee on the Rights of the Child, Concluding Observations: Singapore, U.N. Doc. CRC/C/SGP/CO/4-5(28 June 2019), para. 34; Committee on the Rights of the Child, Concluding Observations: Qatar, U.N. Doc. CRC/C/QAT/CO/3-4 (22 June 2017), para. 28; Committee on the Rights of the Child, Concluding Observations: Bahrain, U.N. Doc. CRC/C/BHR/CO/4-6 (27 February 2019), para. 35.

Children of inmates unable to enjoy the right to reunification and the right to communications

7. In present, visitation regulations for correctional facilities hinder the maintenance of emotional connection between inmates and their children.
- (1) Article 68 of the Prison Act provides that visitations shall be arranged on weekdays, and correctional institutions may also arrange visitations on holidays and other vacations at their discretion. In practice, general visitations were arranged mostly on work or school hours on weekdays, when most family members of inmates find it difficult to accommodate. Visitation on holidays were also arranged on the first Sunday of each month, and since this arrangement was preferred by relatives of inmates, the time for visitation was often compressed to 10-15 minutes from the statutory 30 minutes. Furthermore, despite that "mobile visitation" and "long-distance visitation" were implemented by the Agency of Corrections, visitations can only be arranged on work hours,¹⁵ which is nevertheless inconvenient for children of inmates.
- (2) According to Article 56 of *Statute of Progressive Execution of Penalty* and relevant practices, inmates with assigned or level 4 statuses can have one visitation per week, and inmates with level 3 statuses can arrange one to two visitations per week. According to the practical observations of the Red Heart Association, however, children experience the highest level of emotional demand during the early periods of imprisonment, while only a few newly admitted inmates were assigned a level of treatment; inmates with shorter period of incarceration also may be unable to acquire enough points to be assigned with treatment levels higher than level 3, that is, the children of inmates can only meet their parents once or twice a week, which does not meet the children's needs and is not conducive to the development of subsequent emotional connections.
- (3) In practice, the cramped visitation space was also equipped with a glass separation between the inmates and their children. Children of inmates cannot have physical contact with their parents, with face-to-face activities being the only opportunity for physical contacts. Face-to-face activities were, in practice, held on the eve of Spring Festival, Mother's Day, Mid-Autumn Festival and other vacations; that is, children of inmates and their caregivers were nevertheless required to ask for leaves to reunite with their family members. In recent years, the face-to-face activities were all canceled due to the pandemic.
8. Recommendations:

¹⁵ Take Taipei Prison as an example, according announcements on its website, the available time for visitations is based on the working days listed in the "Office Calendar of the Administrative Organs of the ROC" announced by the General Office of Personnel Administration of the Executive Yuan, <https://reurl.cc/12bOVp>.

- (1) The Agency of Corrections shall construct spaces for family visitation, allow children of inmates to have physical contact with their parents, and to increase available times for visitations (weekday evenings and holidays, for instance).
- (2) Revise relevant provisions on visitations to enable newly-admitted inmates to communicate with their parents, times of allowed visitations shall also be increased to meet the needs of the children.
- (3) At present, visitations via communication equipment were limited to twice per month.¹⁶ Due to in-person visitations and face-to-face activities being canceled during the Covid-19 pandemic, it is recommended for the Agency of Corrections to increase the quota of communication visitations during the pandemic.

Accompanying children of inmates: insufficient nursery environment in correctional institutions

9. Correctional institutions shall establish nurseries in accordance with the law, the establishment, however, varies depending on the space of the institution, category of the incarcerated, and the population. According to a 2019 Investigative Report of the Control Yuan, it can only be known that the nursery in Taoyuan Women's Prison has been fitted into dedicated space for inmates and their children; holding parenting classes, children's playground, and inmates' workplace during the day, and as a lodging space at night.
10. According to a 2019 Investigative Report of the Control Yuan, Taoyuan Women's Prison, which housed the largest number of accompanying children, did not specify funds for accompanying children and their mothers in its annual budget; the resources for its strengthening of nursery environments, construction of outdoor playgrounds, and holding of classes on child development most relied on grants from the Agency of Corrections and external donations.¹⁷ In addition, according to practical experience, when parents of accompanying children were to be released, the State was unable to provide settlement institutions where the parent and the children can live together, resulting in the separation of parents and children, infringing the best interest of the child.
11. Recommendations:
 - (1) The Agency of Corrections shall disclose how nursery spaces in correctional facilities were utilized, and whether exclusive spaces for accompanying children of inmates were provided.
 - (2) The Agency of Corrections shall allocate dedicated budgets for accompanying minors.

¹⁶ Article 10, Regulations for Conducting Visits via Communication Devices in Prisons and Detention Centers: <https://reurl.cc/QjQZmZ>

¹⁷ Control Yuan investigative report number 0020 in 2019: <https://reurl.cc/X4KpmE>

- (3) The State shall provide housing facilities for accompanied living, to enable shared settlement for children and their mothers.

Art. 23 The Rights of Children with Disabilities

In Response to Paras. 58-59 of the State Report (Equality and Non-discrimination)

The absence of explicit provisions on discrimination against children with disabilities

12. Although Articles 16, 40, and 74 of the *People with Disabilities Rights Protection Act* prohibited discrimination in the context of education, examination, employment, work, housing, migration, medical treatment, and media representation, the forms of discrimination (for instance, direct discriminations, indirect discrimination, refusal to provide reasonable accommodation, and harassment) and their definitions were not outlined. In addition, per para. 17 of General Comment No.6 of the CRPD, prohibition of discrimination against persons with disabilities includes discrimination against related personnel, per paras. 19 and 21 of the same document, multiple discrimination, intersectional discrimination, and discrimination by association should all be prohibited; but these nuances are not presented in the *People with Disabilities Rights Protection Act*.
13. Further, per para. 22 of General Comment No.6 of the CRPD, the State bears “positive obligations to protect persons with disabilities from discrimination, with an obligation to enact specific and comprehensive anti-discrimination legislation”, which shall include appropriate and “effective legal remedies and sanctions” in civil, administrative and criminal provisions. In reality, with the example of Article 16 Paragraph 3 of the *People with Disabilities Rights Protection Act*, which stipulated that all public examinations hosted by public and private sector entities, organizations, schools and enterprises shall provide diversified and appropriate assistance in accordance with the demands of individual candidates with disabilities, the penal provisions in Chapter VIII of the *Act* does not contain remedy or punitive measures regarding the breaching of the said provision; this leaves candidates with disabilities nowhere to seek assistance, should their demands be denied.
14. The *Special Education Act*, which directly dictates education for children with disabilities, has not been fully reviewed and amended for more than 10 years, rendering it noncompliant with the Convention and the Convention on the Rights of Persons with Disabilities. With the failure to stipulate prohibition on discrimination against children with disabilities, and promulgate the notion of “refusal to provide reasonable accommodation as a form of discrimination”, the *Act* is also incompatible with current special education practices. Currently,

practitioners are unfamiliar with the notion of reasonable accommodation, with most of them equating the construction of accessible environments with the administering of reasonable accommodations, and unable to satisfy the individualized needs of children with disabilities.

15. Recommendations:

- (1) The National Human Rights Commission shall conduct total reviews on the *People with Disabilities Rights Protection Act* and the *Special Education Act* in accordance with the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child, and submit proposals for amendments to the Legislative Yuan.
- (2) The Legislative Yuan should immediately specify the forms and definitions of “discrimination” in the *People with Disabilities Rights Protection Act* and the *Special Education Act*, the notion of “refusal of providing reasonable accommodation as a form of discrimination” shall be included. This criterion shall be universally applicable to public and private sectors, with obligation bearers explicitly identified in respective statutes, and means of remedies promulgated.
- (3) Foremost, the State shall familiarize with the correct substance of reasonable accommodation, and conduct educational training on reasonable accommodations in CRPD for civil servants, especially education personnel.

COR Points 58-59

In Response to Paras. 188-202 of the State Report

Comprehensive overview on children with disabilities

16. The State persists in applying the biomedical/welfare model upon persons with disabilities, and the mentality of “friendliness, love, therapy and correction” are generally present in the handling of disability issues. The State has yet to implement the substantive connotation of the Convention on the Rights of Persons with Disabilities (hereinafter “CRPD”) and the Convention on the Rights of the Child (hereinafter “CRC”) of enabling children with disabilities to enjoy rights on an equal basis; the State has also not actively eliminated environmental or institutional barriers, proposed affirmative policies, or recognized the necessity of including children with disabilities in the deliberation and decision-making processes of policies.

Definition and demographic statistics on children with disabilities

17. The official definition of persons with disabilities was those who possess a certificate of disability or a disability card, which also serves as the basis for most statistics in the State Report. Per the State's definition, as of 2020, 5.08% of the total

population are persons with disabilities. Men with disabilities accounted for 5.70% of the male population, and women with disabilities accounted for 4.48% of the female population, which is significantly lower than the international mean of 15% of the total population.¹⁸ The definition of persons with disabilities was awfully narrow and biased toward the biomedical model, wherefore only part of those who are in need can receive proper resources.

Comprehensive inclusive education has not been fully implemented yet¹⁹

18. Students with disabilities are still rejected admission to school. Today, there are still some schools rejecting students with disabilities, claiming that the schools lack special education resources. Although the provisions of Article 22 of the *Special Education Act* specify that schools must not reject admission of students with disabilities, some schools still dissuade students with disabilities who plan to seek admission and their parents behind closed doors. Also, since some schools are unable to actively provide support for special education, students with disabilities and their parents have no choice but to seek admission to other schools.
19. Still, no structural reforms are made in most policies aiming to realize inclusive education. Although the statistics in para. 193 of the State report indicates that the proportion of students with disabilities which were enrolled in special education institutions had decreased, students with disabilities were merely “being placed” in the general education system. Students with disabilities often struggle to adapt to general education; what’s worse, some of them have frequent conflicts with others,²⁰ which causes immediate or lasting harm to their lives. The difficulties that students with disabilities face in the general education system also cause students with disabilities and their parents to feel anxious and distressed about entering the general education system from segregated settings (e.g., special education schools or special education classes), and reduce their willingness to enter the general education system.
20. There is still an invisible form of segregation in schools in the general education system. Schools at pre-university level or below have all established Course Development Committees and Subject/Area Teaching Research Groups to facilitate

¹⁸ WHO, Disability and health Key facts, November 24th, 2021: <https://reurl.cc/Q7Ad3o>.

¹⁹ Paragraphs 250-254, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch: <https://reurl.cc/Wk9vVD>

²⁰ The bullying and conflict cases regarding students with disabilities continue to arise. For example, a bullying case of a student with intellectual disabilities happened in late January 2021 in Fengshan District, Kaohsiung City, which drew public attention in Taiwan. Another example is the conflict between a student with emotional disorders and the class the student belonged to in September 2020 in Taoyuan City. The student with the disorder was attacked by their classmates’ parents at the classroom after the incident. It’s worth noting that not all the bullying or conflict cases draw the public’s attention, and some cases even didn’t receive any concern or weren’t addressed appropriately.

professional dialogue among subject teachers of seven areas (language, health and physical education, social studies, arts and humanities, mathematics, natural and living technology, and integrative activities), and to support course development in schools. However, few teachers of special education, students with special educational needs, and parents of those with special educational needs participate in the dialogue, hindering professional opinions of special education in entering the communication platforms mentioned above. The circumstances structurally exacerbate the predicaments of students with disabilities under an inclusive education system.

21. With regard to the vocational and professional training of students with disabilities, the approaches specified in the laws and regulations still limit the options available for their self-realization. According to the provisions of article 32.2 in the *People with Disabilities Rights Protection Act*,²¹ the law still encourages colleges to open departments related to massage. Although the approach specified in the article is more like an encouragement rather than a mandatory policy, it indirectly conveys an image and understanding of the career of a specific group of persons with disabilities to schools and society. Therefore, the approach limits the right of persons with disabilities to career decision-making autonomy and is against the principle of inclusive education.
22. Recommendations:
 - (1) The State should review and revise the *People with Disabilities Rights Protection Act*, *Special Education Act* and relevant sub-laws to make the provisions regarding education meet the principles of inclusive education, lifelong learning, and on-the-job education stated in the CRPD and the CRC.
 - (2) The State should enforce the laws prohibiting discrimination, and all the acts of passive dissuasion and exclusion must be prohibited. Meanwhile, the government should ensure adequate special education resources available for all schools to prevent students with disabilities from being forced to give up their education options due to lack of adequate resources.
 - (3) The State should propose special education policies with a specific timeline and effective approaches, and ensure that inclusive education is not just formally integrated education so that students with disabilities can receive comprehensive support. Also, to help students with disabilities adapt to the general education system, such as get along with their peers and develop interpersonal relationships, adequate and effective assistance should be provided. In particular, bullying in schools should be prevented or addressed appropriately.
 - (4) The State should revise or abolish the provisions in the *People with Disabilities*

²¹ Article 32, *People with Disabilities Rights Protection Act*: <https://reurl.cc/0DIAWo>

Rights Protection Act that limit the right of persons with disabilities to choose their own careers. Instead, the regulations should encourage colleges and universities to help students with disabilities explore suitable career possibilities based on their personalities and learning status.

The lack of disability awareness in the education system, including the teacher training system, causes exclusion and segregation²²

23. The teacher training system lacks adequate knowledge and skills to teach students with disabilities. Take the program of the College of Teacher Education in National Taiwan Normal University as an example, through training a teacher in general education (“general education teacher”), the course related to special education is an elective course, and it is merely an introductory course about special education.²³ A general education teacher only acquires limited knowledge and expertise about teaching students with disabilities. At least three hours of a special education training program every year is not sufficient to respond to the differentiation among diverse learners with disabilities and the systematic knowledge and methods of special education, which evolve day by day. The lack of awareness will further affect the approaches to designing a practical teaching scene for inclusive education, and to understand the needs of and proper arrangements for students with disabilities. In Taiwan, the area of special education has not been emphasized for a long time through the training of a teacher. It is difficult to systematically train a special education teacher with adequate knowledge and skills.
24. Teachers’ on-the-job courses also lack a systematic plan, which makes it difficult for a general education teacher to identify the uniqueness and differentiation among students with different disabilities in their learning capacities, demands, forms of learning, and acquisition of knowledge. This affects a teacher’s competence to implement inclusive education in terms of classroom management, classroom planning, course design and customization, and learning assessments.
25. A teacher-training process lacking the development of awareness of persons with disabilities makes teachers lack a solid understanding of students with disabilities. It’s hard for students with disabilities in an inclusive education system to obtain adequate and proper education in regular schools. For example, the professional subject teaching environment is full of learning obstacles, so special education schools become more appealing to students with disabilities, which intensifies the opposition and segregation between the mainstream education system and the special education system.

²² Paragraphs 255-258, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch: <https://reurl.cc/Wk9vVD>

²³ Pre-Service Education Courses and Course Credit List for Secondary School Teachers in All Subjects (applicable for students from 2020), released by the College of Teacher Education in National Taiwan Normal University, December 2020: <https://reurl.cc/qmYE9g>.

26. Recommendations:

- (1) Para. 172 of the 2017 Parallel Report released by Covenants Watch should be reiterated. According to paras. 40-41 of the CRPD General Comment No. 4, the State should not maintain separate education systems for mainstream and special/segregated education. During the process of gradually implementing inclusive education, the CRPD must be interpreted meticulously and comprehensively. A timeline must be set out in accordance with the general goals of CRPD to continuously, gradually, and fully realize the various rights of all students under the education system, including those students with disabilities.
- (2) Para. 180 of the 2017 Parallel Report released by Covenants Watch should be reiterated. According to para. 71 of the CRPD General Comment No. 4, the State should incorporate awareness of persons with disabilities and related knowledge and skills into the teacher training process (including general education teachers, special education teachers, and assistant personnel) to equip them with the knowledge of disabilities and the ability to implement inclusive education. The change is expected to further transform the inclusive education system. Therefore, students can learn and grow in an environment that their daily lives interconnect and interact with their communities. The learning environment can gradually help persons with disabilities to live independently in their communities. Also, with the transformation of the inclusive education system, there are more education options available for families with disabilities, and in turn, there will be, gradually, fewer and fewer students attending special education schools.
- (3) The Ministry of Education should separate the special education affairs from the Department of Student Affairs and Special Education. An independent department should be established to communicate and formulate policies with other departments. According to para. 38 of the CRPD General Comment No. 4, the State should ensure that all the learning phases, including pre-school education, schools at all levels, tertiary education, and lifelong education, incorporate persons with disabilities into their policy development. During the negotiation and decision-making processes, representatives of persons with disabilities and children/teenagers with disabilities should be invited to participate, so as to protect them from discrimination and secure their equal opportunity. Also, the government should draft related guide manuals that clearly state the parties accountable for the reasonable accommodation and other related guidelines.

The definition of students with disabilities excludes some groups of persons with disabilities²⁴

27. According to the definition of students with disabilities in the *Special Education Act* and the relevant sub-laws, the definition does not correspond to the current qualifications of obtaining a disability certificate in Taiwan. The definition and the qualification have two sets of classifications and are not aligned with the ICF classification.²⁵ In other words, it is possible that some individuals identified as persons with disabilities under the ICF assessment, and various aspects of their lives are continuously and comprehensively affected by their disabilities, can still be excluded from the current special education system.
28. The *Special Education Act* overly emphasizes that all students with disabilities should belong to a certain category without considering that one person can have multiple disabilities and that the disabilities are affecting many aspects of their lives. The assessment criteria in the *Special Education Act* are still limited to the biomedical model of disability, ignoring the social factors that cause disabilities apart from physiological damage. Although some persons with disabilities haven't met the current qualification of students with disabilities, they still need the support of special education. The rigid definition in the law excludes some persons with disabilities from the special education system in terms of living, interpersonal relationships, and education. This exclusion affects those with unilateral hearing loss, some students with learning disabilities, or those who fail to meet the qualification because their disability types don't fit the definitions specified in the law.
29. The assessment standard of students with disabilities doesn't correspond to a realistic learning scenario. The assessments are mainly based on document reviews rather than considering the applicants in a realistic learning scenario. It's also impossible to demonstrate the learning barriers these applicants face in their daily lives since these barriers cannot be presented in the form of a written document. As a result, such assessments fail to prioritize the rights and interests of students with disabilities. For those who want to appeal against an assessment result, they have only a couple of minutes to express their opinions.

²⁴ Paragraphs 259-262, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch: <https://reurl.cc/Wk9vVD>

²⁵ Disabilities meant in the Act are referred to as physiological or psychological disorders, assessed and diagnosed by professionals to be in need of special education and related services, and categorized as follows: A. Intellectual Disabilities; B. Visual Impairments; C. Hearing Impairments; D. Communication Disorders; E. Physical Impairments; F. Cerebral Palsy; G. Health Impairments; H. Severe Emotional Disorders; I. Learning Disabilities; J. Severe/Multiple Impairments; K. Autism; L. Developmental Delays; M. Other Disabilities. (Article 3 of The Special Education Act: <https://reurl.cc/O07Ney>).

30. Recommendations:

- (1) Apart from the statistics of special education, the government should provide yearly statistics related to students with disabilities in each education phase to ensure that they truly receive the support and resources needed for learning.
- (2) The State should comprehensively and structurally review and revise the *Special Education Act* and the relevant sub-laws, addressing all the needs in all the learning phases for persons with disabilities and individuals who haven't been identified as persons with disabilities while still needing the support. No individual should be excluded due to the forms of disabilities, the extent of severity, or the types or quantity of demands. All classifications and assessment standards should be reviewed instantly to establish a reasonable set of classifications and assessment standards that protect students' rights and interests. Meanwhile, the government should ensure the types and amounts of support that students with disabilities obtain will not be limited due to their classifications.
- (3) As the previous point stated, the *Special Education Act* should specify the regulations of reasonable accommodation to secure equal education without any discrimination against students with disabilities.
- (4) The support for students with disabilities should not only include the support based on the classification of their disabilities, but also encompass various aspects. It is worth noting that "all-encompassing" means whether students with disabilities can easily and effectively access the support and resources, not just on the legal or procedural basis.
- (5) An assessment of students with disabilities should not merely focus on physiological damage examinations, but be based on a more comprehensive observation, including putting more emphasis on social barriers. An assessment process should include more perspectives such as real campus life and the barriers students will encounter instead of only interpreting medical statistics in documents. Also, practical opinions of realistic learning scenarios should be able to join the assessment process and be truly considered in the process. The determination of the assessment should exclude all the negative factors that should not be burdened by persons with disabilities, such as the general lack of special education resources or the assessment committee's stereotypes of certain disabilities.

The education system still cannot provide adequate support to students with disabilities²⁶

31. The special education budget and resources that schools can obtain are still far

²⁶ Paragraphs 263-267, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch:
<https://reurl.cc/Wk9vVD>

from sufficient, which results in inadequacy in the accessible environment, and failure to provide support and reasonable accommodation for each student with disabilities. The working hours of the assistant personnel can only be partially disbursed, so students with disabilities who need assistant personnel can only receive assistance for a limited time. There's a ceiling on consumables expenses, such as assistive devices, so schools cannot provide various assistive devices for different disabilities.

32. For students with disabilities below pre-university level, despite the help of assistant personnel of teachers and special education students at school, students with disabilities still often cannot receive appropriate aid in their daily lives or after-school learning. Partly because of the unsatisfactory work environment and the insufficient compensation of assistant personnel, the services provided by the assistant personnel cannot meet the needs of students with disabilities. The main reason for this can be attributed to the State's failure to formulate policies that take all the everyday life needs of students with disabilities in terms of learning into consideration.
33. Students with disabilities who join a homeschooling experimental education program do not acquire sufficient support and resources. According to the provisions of Article 26 in the *Enforcement Act for Non-school-based Experimental Education at Senior High School Level or Below*, the municipal, county, or city competent authority and the nominal school shall provide necessary resources and assistance to special education students who participate in an experimental education program.²⁷ In one instance, a family couldn't afford a private teacher and wanted to apply for tuition subsidies, but the local government dismissed their application. The local government claimed that "the above-mentioned article does not apply to the fees to pay for professional instructors in various fields". As a result, special education students still cannot enjoy equal learning resources as general education students.
34. Recommendations:
 - (1) To enable students with disabilities to enjoy the right to education without obstruction from the lack of assistive devices, personnel, or the presence of unfitting environments, home visits and meetings shall be conducted by schools before students with disabilities are enrolled. Accessibility of the environment shall be inspected in accordance with the needs of the student, application shall be expeditiously filed to the Department of Education should individualized needs be raised, programs and funds shall also be formed to address the needs of environments and assistive devices.
 - (2) The State should provide students with disabilities with the support they need

²⁷ Article 26 of the Enforcement Act for Non-school-based Experimental Education at Senior High School Level or Below: <https://reurl.cc/e94o1W>.

to receive adequate education, including improving special education teachers' teaching hours and work environment, scheduling adequate working hours of assistant personnel to help meet learning-related needs of students with different disabilities, and offering various assistive devices or other special education resources.

- (3) The State should establish a system of professional specialization with different service items. A talent database to reassess the allocation of assistant personnel is also needed.
- (4) The State shall adopt point 63(d) of the Concluding Observations of the 2017 initial report on the CRPD, and provide universal design and reasonable accommodations to ensure children and youth with disabilities can enjoy education in general education institutions. This includes timely provisions of instructional materials, supplementary materials, and reference books in a variety of accessible formats, as well as the collection, publication, and consistent updating of syllabuses and instructional tool designs.
- (5) The State should review and offer more explanation about the education laws and regulations regarding students with disabilities or students with special educational needs, so as to ensure these laws can provide them with adequate and appropriate resources and support.

Individualized education programs do not focus on students with disabilities and do not adequately protect their privacy²⁸

35. Although Article 9 of the *Enforcement Rules of the Special Education Act* had been amended in July 2020 to promulgate the participation of students in the development and discussion process of the Individualized Education Programs (IEPs), in practice, the decisions are made mostly by teachers and parents, which means persons with disabilities themselves cannot participate in the discussion and decision-making process. Even if persons with disabilities join the IEP discussion and express their opinions, their opinions are often not adopted by the IEP. In fact, the IEP fails to focus on students with disabilities entirely. Some schools just complete the IEP by copying the template or the content of others instead of truly having a conversation with each student to develop the most appropriate IEP, which affects students' rights.
36. The content in the IEP and students' privacy are not protected, including all the education data of students with disabilities from the beginning of their education. Schools can obtain the past records of students with disabilities, which means students with disabilities enter a new phase of education with their previous records and cannot enjoy equal opportunities like general education students do.

²⁸Paragraphs 268-270, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch: <https://reurl.cc/Wk9vVD>

37. Recommendations:

- (1) The State should adopt and enforce COR 63 (c) of the 2017 COR to not only enable students with disabilities to participate in their own IEP planning, but also to receive their informed consent at the end of the IEP planning.
- (2) The provisions related to IEP in the *Special Education Act* should be revised to protect and respect the privacy of students with disabilities. All the personal information of students with disabilities along the way of education should be protected and can only be provided to schools when students with disabilities consider it necessary and agree to provide such information.

Lack of equal accessibility to cultural, educational, and recreational areas for children with disabilities²⁹

38. The State does not review recreational areas open to the public, such as national parks, forest recreation areas, farms and gardens. Some of the aforementioned areas only provide limited walking space, have trouble operating shuttle buses within the parks, and lack accessible accommodation. Riverside parks under the Department of Water Resources often put roadblocks on the areas for cycling or walking, and some parks and recreational areas with several entrances and exits often put roadblocks, which renders persons with disabilities unable to freely access these areas.
39. The State emphasized the notion of “special features” in its paragraphs regarding accessible recreational areas, while neglecting the play needs of children with disabilities in design, and omitting consultation with children with disabilities. In reality, existing accessible recreational areas often cannot ensure the right to play of children with disabilities, as those were often equipped with only one or two equipments or facilities which are accessible by children with disabilities, while outfitted with only one accessible exit/entrance.
40. Recommendations:
 - (1) Comprehensive and full accessibility shall be prioritized for campuses, community playgrounds, libraries, and cultural and educational venues under the management of the Ministry of Education.
 - (2) The State shall actively review and improve dimensions of transportation, physical space, facilities and equipment, and service related to recreational areas, as well as the different purposes of use and spatial characteristics of different venues, to ensure that children with disabilities are not obstructed from participating in recreational, leisure and sports activities on an equal basis.
 - (3) Taiwan currently lacks a market for play design and development for children with disabilities. Imported inclusive play equipment is expensive and scarce,

²⁹Paragraphs 367-369, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch:
<https://reurl.cc/Wk9vVD>

hence it is recommended for the State to draft relevant methods to encourage businesses to develop inclusive play equipment, and to invite children with disabilities to participate in the research and development process.

The inclusiveness in the sporting provisions is not sufficient to support persons with disabilities to participate at their will³⁰

41. Although the current *National Sports Act* covers school sports and Sport for All, if we delve deeper into its *Enforcement Rules*, it's not hard to find out that the State places emphasis mostly on competitions and international games. The budgets for Sport for All and school sports are clearly insufficient.
42. Even though the State provides persons with disabilities with some sporting activities, most of which are only carried out by local governments through offering courses in specific areas designed for persons with disabilities and subsidies. Inclusive sporting facilities and courses are still lacking; even up till today, wheelchairs' moving on running tracks is prohibited.
43. Recommendations: the *National Sports Act*' shall be amended, in which exercising areas, facilities and equipment, training programs and course designs should take into account the diversity of persons with disabilities. Aside from providing necessary exercising areas, coaches with the sense of the rights of the persons with disabilities shall be hired. Specifically reserved areas, voice prompts, and assistive devices (e.g. back support) and other reasonable accommodation shall be provided if necessary, allowing persons with disabilities to be involved in individual exercising or group exercising. The design of exercising areas shall take into account the needs of persons with disabilities and their assistive devices, no discrimination or refusal is allowed.

No regulations on the accessibility of participation in cultural life, impacting the access rights of persons with disabilities³¹

44. there is no legal standing to forcibly ask TV programs to include audio descriptions and closed captions. Practically speaking, there are no such designs in broadcasting TV programs. In addition, the *Copyright Act* and the *People with Disabilities Rights Protection Act* do not advocate the spirits of the *Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled* from the World Intellectual Property Organization (WIPO), so not all private publications come with easy-to-read formats for persons with visual impairment.

³⁰ Paragraphs 360-362, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch: <https://reurl.cc/Wk9vVD>

³¹ Paragraphs 363-366, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch: <https://reurl.cc/Wk9vVD>

45. National Taiwan Library is the competent library to provide services to persons with visual impairment. Given that the library has done much to promote accessibility in reading, most of the publications in the library are only sponsored by the State and obtained through "donations," which goes against Social and Human Rights spirits in CRPD. Privately published books are mainly "donated" from civil society, and the State does not proactively ask publishers to publish an accessible format as well, neglecting the accessibility rights of persons with disabilities.
46. Recommendations:
- (1) The State shall specify that certain proportions of the productions of TV programs include audio descriptions and closed captions for those in need to choose from, and the percentage shall rise gradually year by year.
 - (2) The State shall establish "sunrise provisions" on publications, specifying that all publications during a certain period of time shall provide accessible formats for persons with visual impairment to read. All e-publishing platforms shall provide accessible formats for all (persons with/without visual impairment). The State shall align with the Marrakesh Treaty under WIPO to specify that all domestic publications shall come with accessible formats at the same time.

Sexual abuse and maltreatment in special education schools and institutions³²

47. No independent mechanisms of the State, such as the National Human Rights Commission, the Control Yuan, or other independent mechanisms, have yet to systematically review and address instances of sexual abuse and maltreatment in special education schools and institutions. For instance, the subsequent improvements regarding the sexual abuse occurrences in special education schools and institutions which were publicized by the Humanistic Education Foundation and mentioned in paras. 45-49 of the 2017 parallel report coordinated by Covenants Watch,³³ were obscured, which was induced by the lack of an effective follow-up monitoring mechanism; the specific ameliorations made to address the said cases, became unidentifiable after the Control Yuan conducted an investigation, released corrective measures against the Affiliated School for Students with Hearing Impairments of National University of Tainan (formerly the Tainan School for the Hearing Impaired), the Ministry of Education, the Ministry of the Interior, and the Tainan City Government, and impeached 16 persons who it deemed culpable of dereliction of duty or illicit behavior.³⁴ Despite the fact that the State conducted

³² Paragraphs 56-64, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch: <https://reurl.cc/Wk9vVD>

³³ Parallel Report on the Implementation of the Convention on the Rights of Persons with Disabilities, Coordinated by Covenants Watch, June 2017, <https://reurl.cc/ZQN8OA>

³⁴ Press release of the Control Yuan, "The Control Yuan Publishes Corrective Measures Against

investigations regarding individual cases, the function of said inquisition was limited to administrative supervision, and was unable to further examine and address the internal institutional and structural problems of special education institutions.

48. Structural factors contributing to the sequestration of incidents of sexual abuse and maltreatment in special education schools or institutions: According to the empirical experience of the Humanistic Education Foundation, special education schools and institutions frequently utilize systematic pressuring to avert informed faculties from reporting what they have seen, even ousted teachers or staff who legally participated in the investigation or the complaint relief mechanism through coercion. Take the Tainan School for the Hearing-Impaired Sexual Abuse Case for instance, the teacher who participated in the investigation later faced retaliation in the form of being secluded by the faculty, and receiving the only “B grade” performance appraisal in the entire school, leading to their premature (of 10 years) retirement. Moreover, should gender equity complaint mechanisms be introduced to special education schools and institutions, the effectiveness of it would also be nevertheless limited due to obstacles in communication (gender equity committee members being unfamiliar with sign languages) which leads to difficulties in gaining the trust of the students, or the adversities in obtaining suitable information due to committee members’ incapability to properly perceive the communicative methods of students with disabilities.³⁵ Finally, special education schools or institutions are also prone to leniently handling or even concealing cases of sexual abuse and maltreatment, in fear of cases affecting fundraising abilities and funding sources.
49. Inadequate implementation of sex education, gender education, and sexual abuse prevention measures in special education schools and institutions, the inability of establishing appropriate sex/gender awareness and approaching methods has rendered students unable to properly express their encounters with gender equity incidents, and the faculty unable to provide effective assistance to those who encountered such events. Despite the fact that the Ministry of Education has provided category-sensitive gender equity materials for students with disabilities after the incidents regarding the Tainan School for the Hearing Impaired, it has not

Four Entities Including the Tainan School for the Hearing Impaired, Regarding the Tainan School for the Hearing-Impaired Sexual Abuse Case”, August 2012 <https://reurl.cc/e9klWM>.

³⁵ In Schools for the Hearing Impaired, the use of sign language to communicate is the key to gaining the trust of the deaf students or students with hearing disabilities; in special education institutions, conceptualization of the modes and characteristics of the students with disabilities in understanding and perceiving information is the necessary antecedent of engaging in an understandable conversation.

been updated since 2017,³⁶ and has not issued reports regarding the effectiveness of said materials. Furthermore, in para. 33 of the State's response to 2017 CRPD COR it was mentioned that a "Project for Gender Empowerment and Gender-Equity Incident Prevention in Special Education Schools and Institutions" was in effect since 2018 with the intent to improve students' gender awareness,³⁷ the implementation was hindered by practical adversities.

50. The counseling and consulting groups of the Ministry of Education are incapable of adequately correcting the internal predicaments of special education schools and institutions, due to inconsistent exit mechanisms. The Taipei City Government and the Ministry of Education had established counseling and consulting groups in response to occurrences of sexual abuse incidents in the Taipei School for the Hearing Impaired and the Tainan School for the Hearing Impaired, to go to the site, apprehend the situation, and propose time-limited commendations of improvement. In terms of result, with continued stationing and intervening across a timeframe of 3 years, the counseling and consulting had effectively terminated ineligible faculty members of the Taipei School for the Hearing Impaired, and improved gender equity circumstances of the campus; contrastingly, with its members merely engaged in periodic visits, it being deprived of independent and authentic authorization, its eventual merger with the university and the resulting transformation into the "Campus Gender-Equity Professional Advisory Group" after the school recognized into the Affiliated School for Students with Hearing Impairments of National University of Tainan, and its dissolution into inactivity without issuing a closure report, the result and outcome of the improvements yielded by the counseling and consulting group of the Tainan School for the Hearing Impaired remained unknown.
51. Under the special education system, parents cannot unscrupulously express their opinions which will not be attended to anyway. Concerned about the straight promotion system of special education schools and institutions, and the high association between academic performance and career options, parents are less inclined to report incidents of sexual abuse, sexual harassment, or maltreatment in fear of it affecting the career development of their children. Furthermore, the inadequacy of inclusive education in general schools and institutions has limited the educational options of students with disabilities, leading to parents believing that special education schools and institutions are somehow advantageous for students with disabilities, which in turn emboldened special education schools and

³⁶ Ministry of Education, Gender Equality Education Global Information Network Special Education Teaching Resources: <https://reurl.cc/zbKX17>

³⁷ Ministry of Health and Welfare: In Response to the Concluding Observations and Recommendations of the Initial State Report on the Convention on the Rights of Persons with Disabilities: <https://reurl.cc/jkQWXq>

institutions and enabled them to be inadvertent to the opinions of the parents.

52. Recurrent incidents of improper discipline in special education schools and institutions: The Humanistic Education Foundation had received multiple cases of improper discipline from special education schools and institutions across the nation, such as the National Chiayi Special School, the National Tainan Special School, the Kaohsiung Municipal Special School, and the Taichung Special School for the Student with Hearing Impairments:

- (1) Take the case of National Chiayi Special School for instance, using “teaching and discipline” as an alibi, the teachers had engaged in maltreatments, such as physical violence, verbal and behavioral intimidation against students; including force feeding “facing heaven peppers”, prolonged running on treadmills as punishment, threatening to chop students’ hands off with a butcher’s knife, forcing students to wear diapers on their heads while attending classes, and forcing students to destroy their beloved Pikachu plush toys, to name a few. These abuses had caused devastating physical and psychological harm and abuse of students. The Control Yuan had conducted investigations and issued corrective measures against the National Chiayi Special School in 2019,³⁸ and the school had responded with dismissing, demeriting, and issuing admonitions against faculty members who were involved in the abuses; however, the charge on coercion was deemed not guilty by the trial court on the grounds of insufficient evidence at the end of 2020, after a prosecutor had prosecuted two teachers who were accused of dereliction of duty.³⁹
- (2) In National Tainan Special School, teachers in the preschool section, the junior high section, and the senior high section were all involved in abusive behaviors against the students: a teacher in the preschool had twice wounded a four-year-old, with swollen sores and bruise around their eyes; a teacher in the junior high school was engaged in physical brawl against schoolboys; and a teacher in the senior high school had marred a schoolgirl with bruises all over her thighs and hips, shortly after they broke her arm. The victim in the junior high school had lost both criminal and civil litigations after filing, which ironically fits his teachers’ mockery: “You’re dumb, no one will believe what you say.”
- (3) Such cases had indicated that the State had failed to recognize the power imbalance between students and teachers, and neglected the intersecting

³⁸ Press release, the Control Yuan: Incident of Abusive Behavior Against Students Had Occurred in the National Chiayi Special School, Causing Severe Trauma on the Students. Control Yuan Member Wang Yu-Ling and Kao Yung-Cheng Proposed Corrective Measures, and Requested the Ministry of Education to Carefully Examine the Eligibility of Incompetent Administrators and Teachers who Violated the Intent of Special Education. February 2019
<https://reurl.cc/6yXv2d>.

³⁹ Judgment: Chiayi District Court [(109) Yi Zhi No.572] Criminal Judgment, December 30, 2020:
<https://reurl.cc/a58O13>.

vulnerabilities experienced by children with disabilities, which subsequently exposed them to the risk of torture or cruel, inhuman or degrading treatment or punishment, and abided the harm against their physical health, mental integrity, and their human dignity.

53. Regarding the sexual abuse and maltreatment cases in the judicial system and the plight it faces refer to para. 68-69 of this report.
54. As mentioned in the above paragraphs, despite the fact that some of the derelict teachers were convicted and terminated, most ineligible teachers remained in special education schools and institutions as the result of inconsistent exit mechanisms. The schools were also prone to be dismissive to factual elements of the case, and handled the complaints with procrastination, avoidance and passivity; such lethargy had rendered students fearful of the school and lowered their willingness to attend, in turn affecting their right to education.
55. Recommendations:
 - (1) The National Human Rights Commission (NHRC) shall initiate a national inquiry to comprehensively and systematically comprehend the status of sexual abuses and maltreatment in special education schools and institutions, conduct analysis on the basis of relevant human rights laws, and propose recommendations to oblige the State for comprehensive, systemic, and structural improvements.
 - (2) The State shall formulate and execute relevant regulations and policies in accordance with the COR paras. 53 and 57 of the first CRC international review: per the guidelines and instructions of General Comment No.13 of the CRC,⁴⁰ sustain the strengthening of preventive measures of violence against children, draft and implement a long-term comprehensive national action plan in order to prevent and protect children from all forms of violence in all environments (including families); in accordance with the General Comment No.8 of the CRC, enable public entities, enforcement agencies, students, and parents to be aware of the negative effects of corporal punishment and dehumanizing treatments and their alternatives, and the importance of eliminating corporal punishment and reporting such cases; via legislation and amendments, policy implementation, information disclosure, and education and training. It must be particularly emphasized that in the process of discussing, formulating and implementing relevant laws and policies, it is necessary to ensure the participation of persons with disabilities, and children with disabilities.
 - (3) The Ministry of Education shall jointly work with relevant authorities such as

⁴⁰ Concluding Observations and Recommendations Adopted by the International Review Committee on the Initial Report of Taiwan on the Implementation of the Convention on the Rights of the Child, Jan. 29th, 2018. Social and Family Affairs Administration, Ministry of Health and Welfare: <https://reurl.cc/W3aajO>.

the Social and Family Affairs Administration of the Ministry of Health and Welfare, and Gender Equality Committee of the Executive Yuan, to develop and regularly update the monitoring mechanism for the planning and teaching circumstances of sex education and gender education; and to ensure the rights of students with disabilities of preschool education, schools at all levels, higher education and lifelong education, to access complaint mechanism for incidents that concerns gender-equity, maltreatment, and improper discipline. Should the State learn that a school or institution is incapable of undertaking such obligations, it should be considered to enable external professional entities to assume control, equipped with explicit standards and mechanism for the exiting.

- (4) The State shall re-examine the allocation of special education resources and funds and the targets of funding, and redistribute resources and funds accordingly. Special education resources should be allocated according to the demands of students with special education needs, the direct allocation of relevant resources to the individual in need. The control of resources of special education schools and institutions shall also be reduced to ensure equal opportunities and non-discrimination for students with disabilities.
- (5) The State shall establish an exit mechanism for faculties members who are deemed culpable of dereliction of duty or illicit behaviors; the state shall undertake its obligation to serve, care and educate all students (including students with disabilities) through clearly stipulated sanctions and aggravated amercements, dismissal, or permanent interdiction.

Children with Disabilities in Juvenile Correctional Institutions

56. The juvenile justice system lacks a practical approach of assessment. In addition to the lack of training for juvenile investigation and juvenile probation officers in identifying disabilities, a substantial proportion of children were suspected of presenting symptoms of attention deficit hyperactivity disorder (ADHD), leading to the tendency of recommending parents to seek medical attention on ADHD, rather than recommending judges to grant assessments per mechanism, affecting the right of children with disabilities to be treated appropriately.
57. The State has not released statistics on inmates with disabilities in juvenile correctional schools and juvenile probation institutions: Although the State provided statistics on persons under the age of 18 in correctional institutions from 2018 to the end of July 2021 in its response to the List of Issues of International Review Committee on 2021 ICCPR and ICESCR State Report, statistics on persons with disabilities in individual institutions are yet to be released. According to the Treatment Plan for Inmates with Disabilities in Correctional Institutions promulgated by Agency of Corrections in April 2021, Ministry of Justice, the status

of disability or suspected disability will be checked at the physical evaluation for new inmates. In addition, the Control Yuan investigative report number 0031 in 2021 had also contained “numbers of students with disabilities in juvenile reformatory schools until 2020”⁴¹, with data provided by the Agency of Corrections, this indicates that the State is indeed capable of conducting such a survey.

58. Inability of providing appropriate educational support to juvenile inmates with disabilities: According to the *Special Education Act* and its relevant sub-provisions,⁴² individual treatment plans shall be drafted for students with disabilities; juvenile correctional facilities, however, lack relevant resources for special education and counseling. Should juvenile inmates with disabilities suffer from emotional adversities or show signs of committing self-harm or suicide, solitary confinement or restraints will be used instead of counselling. The Agency of Corrections does not usually request professional aid and resources from the Ministry of Health and Welfare and Ministry of Education.
59. Recommendations:
- (1) The State shall allocate relevant budgets for assessment of disabilities in juvenile judicial processes, and provide disability awareness training for juvenile judicial personnel to raise their ability to identify disabilities, and to expeditiously administer treatment and support where appropriate.
 - (2) The State should provide data disaggregated by gender and types of disability among juvenile inmates with disabilities in custody of juvenile reformatory schools and juvenile detention facilities.
 - (3) Juvenile correctional institutions shall uniformly conduct health inspections and inquire needs of special education, and further examine whether particular needs of studying (for instance, IEPs) were raised. The will and autonomy of students with disabilities shall be respected in the inspection process, with their right to participate in the decision making process ensured.
 - (4) The Agency of Corrections shall cooperate with the Ministry of Health and Welfare and the Ministry of Education, to provide appropriate treatment and assistance for children with disabilities in juvenile correctional institutions.

⁴¹ According to the Control Yuan investigative report number 0031 in 2021, percentage of students with disabilities in reformatory schools are as follows: Ming Yang High School 7.96%, Chengheng High School 10.21%, Dun Pin High School 8%, Li Zhi High School 10%: <https://reurl.cc/EZ3xD1>

⁴² Article 28 of the Special Education Act: <https://reurl.cc/O07Ney>; Article 9 of the Enforcement Rules of the Special Education Act: <https://reurl.cc/2DqE9X>

COR Points 86

In Response to Para. 280 of the State Report

Inadequate opportunities for sign language learning for infants and preschool toddlers⁴³

60. As mentioned in paras. 65-67 of 2021 Parallel Report on CRPD, Coordinated by Covenants Watch, by virtue of the insufficient sign language policy of the State, parents are unable to access information regarding sign language learning, rendering infants with hearing disabilities unable to obtain sign language education at the infant-toddler stage; parents who are not familiar with sign language have no means to learn sign language to communicate with their children, which affects the subsequent use of sign language, and the ability and learning development of the children.
61. The lack of awareness of the importance of sign language to deaf people and the early treatment system has led to the widespread suggestion for children to use electronic ears in clinical practices, rather than the conveying of information regarding sign language learning.
62. Recommendations:
 - (1) The central and local governments shall jointly formulate and implement sign language policies, to enable all families in need in a range of learning stages to be able to access sign language education.
 - (2) The State shall expeditiously include sign language into the early treatment system, recognize the advantages of “sign language as a visual language” for the development and learning of children, and ensure that sufficient information on sign language learning is provided at the sites of clinical practice.

The status of sign language remains unequal compared to other national languages⁴⁴

63. As mentioned in paras. 280-282 of 2021 Parallel Report on CRPD, Coordinated by Covenants Watch, the *Development of National Languages Act* was enacted and promulgated in 2019, where Taiwan Sign Language was recognized as a national language. However, in practice, Taiwan Sign Language doesn't obtain a status of a mother tongue as Taiwanese, Hakka, and indigenous languages. There is no elective of Taiwan Sign Language available in the mother tongue curriculum at school nor a sign language TV channel. The situation not only reduces the

⁴³ Paragraphs 65-67, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch:
<https://reurl.cc/Wk9vVD>

⁴⁴ Paragraphs 280-282, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch:
<https://reurl.cc/Wk9vVD>

opportunities for people to learn sign language and its culture, but it also affects the rights of people with hearing impairments to acquire information.

64. The education system lacks sign language curriculums, teachers, and other adequate support, which makes it difficult for deaf children to obtain real inclusive education.
65. Recommendations:
 - (1) The State should establish a designated department, which is similar to the Hakka Affairs Council or the Council of Indigenous Peoples, to manage research, education, and promoting tasks focused on preserving, passing on, and developing sign language culture.
 - (2) The State should incorporate sign language education into the current education system and arrange sign language interpreters based on students' demands so that the goal of inclusive education can be fulfilled. This allows persons with hearing impairments to freely choose the places to learn and obtain the same quality learning experience as students without hearing disabilities.
 - (3) The equality measures for persons with hearing impairments to enter a teaching scenario: the government should provide the statistics of the teachers for students with disabilities who use sign language to teach in each education phase. The State should also provide sufficient dedication, resources, and support for their jobs and training to eliminate the barriers in the education system and establish a role model.

Issues not mentioned by the Concluding Observations and Recommendations

Opinion of children with disabilities neglected during medical procedures

66. In practice, children with disabilities often find themselves unable to express their physical or psychological conditions during medical consultations. For children with mental/intellectual disabilities or apparent signs of disabilities, physicians habitually neglect the person of concern and communicate with the guardians, without respecting and consulting the child with disabilities.
67. Recommendation: In addition to professional knowledge, CRPD and awareness training shall be included in regular training of medical practitioners, to respect the will of the patient and to honor medical autonomy.

Access to justice for children with disabilities⁴⁵

68. As mentioned in para. 139 of 2021 Parallel Report on CRPD, Coordinated by

⁴⁵ Paragraphs 139 and 143, 2021 Parallel Report on CRPD, Coordinated by Covenants Watch: <https://reurl.cc/Wk9vVD>

Covenants Watch, judicial practices lack accommodations for children with disabilities:

- (1) In practice, police officers, prosecutors, and judges will ask questions relating to the precise details of an incident, such as the time, place, and other details (such as how many times and where one was hit). However, persons with mental disabilities, or children with disabilities, often find it difficult to provide answers in a form that complies with the regular court procedures and requirements. Although they might be able to provide answers via alternative methods, such as body language or drawings, such methods of expression are not routinely accepted.
- (2) Children with disabilities might find it difficult to provide clear answers, or might need more time to respond. However, in practice, they are often treated with impatience or rudeness, making it even more difficult for them to properly express themselves.

69. Recommendations:

- (1) The State should study the UN's *International Principles and Guidelines on Access to Justice for Persons with Disabilities*,⁴⁶ consider current routines and practices in Taiwan, and amend relevant laws and regulations, to protect the rights of persons with disabilities' access to justice, as well as fair treatment before the law. These amendments should include, but not limited to, procedural accommodations, accessibility, and legal aid.
- (2) Personnel related to judicial processes, such as judges, prosecutors, lawyers, police officers and court staff, etc. should be given training, including in understanding the rights of persons with disabilities, and responsibilities in making procedural and reasonable accommodations.
- (3) The State should provide appropriate procedural accommodations for children with disabilities, especially allowing such witnesses to utilize alternative appropriate methods to express themselves, and not use their disabilities as a reason to treat them as less credible.

Art. 40 Juvenile Justice

COR Points 95-97

In Response to Paras. 338-367 of the State Report

Children under the minimum age of criminal responsibility are still subject to the *Juvenile Justice Act* and are deprived of their personal liberty

70. The current *Juvenile Justice Act* divides law-breaking cases into protective and

⁴⁶ International Principles and Guidelines on Access to Justice for Persons with Disabilities:
<https://reurl.cc/VjV496>

criminal incidents. Although the *Act* excludes children under the age of 14 from juvenile criminal cases,⁴⁷ the *Act* is yet applicable to children over the age of 12 and under the age of 14,⁴⁸ which is in contravention with the General Comment No.24 of the CRC which promulgates that the juvenile justice system shall only apply to children over the minimum age of criminal responsibility at the time of the commission of a crime, and point No. 96 of the Concluding Observations and Recommendations of 2017 International Review Committee on the Implementation of the CRC which recommended that the State “deal with children below the age of 14 who have been alleged as, accused of or recognized as having infringed the criminal law, under the *Protection of Children and Youth Welfare and Rights Act* and not under the *Juvenile Delinquency Act*, and undertake the necessary legislative and other measures to that effect”.

71. The *Juvenile Justice Act* provides legal basis for deprivation of liberty of children in the situations including: pre-trial detention - placement in a juvenile institution, detention; post-judgment enforcement - placement in a correctional facility, imprisonment.⁴⁹ The *Act*, however, did not stipulate a minimum age limit for deprivation of liberty of children. Further, according to the Appendix 9-28 of the Second State Report on the Implementation of CRC, children under the age of 14 were presently admitted to juvenile correctional institutions.
72. No statutory limitation was set for determining the execution of pretrial detention and its maximum timespan of confinement: In present, rather than designated by the *Juvenile Justice Act*, the determining standard for pretrial detention was left to the discretion of the judge. Furthermore, Article 26-2 of the *Act* provides that "The duration a juvenile detention center detains a juvenile may not exceed two (2) months during the phase of investigation or trial. Where the juvenile court finds it necessary to continue the detention, it may extend the period of detention by ruling before the said period lapses. The extension of detention may not exceed one (1) month and may only be made once", that is, the longest period of confinement is

⁴⁷ Article 27, “The juvenile court shall transfer a juvenile to a prosecutor in the prosecutors’ office of a competent court by ruling upon finding that the said juvenile violated criminal law and has one of the following situations in accordance with the results of the investigation: 1. Where the juvenile commits an offense for a minimum punishment of five (5) years of imprisonment; 2. Where the juvenile reaches the age of twenty (20) after the matter is pending before the court. Besides the circumstances specified in the foregoing paragraph, the juvenile court may transfer a juvenile to a prosecutor in the prosecutors’ office of a competent court by ruling if the court, based on results of investigation, finds the offense serious and a criminal disposition appropriate, taking into account circumstances such as the juvenile’s character, personality and experience. The two foregoing paragraphs shall not apply where the juvenile in question is less than fourteen (14) years old at the time of committing the offense.”

⁴⁸ Article 2, the *Juvenile Justice Act* is applicable to “a juvenile referred to in this Act is a person who has reached the age of twelve (12) years but under the age of eighteen (18) years.”

⁴⁹ Placement in juvenile institutions and placement in correctional facilities are for cases of juvenile protection; detention and imprisonment for juvenile criminal offenses.

six months. The calculation of the period may be reset should the case be remanded. The six months limitation mentioned above is limited to a single case, should a juvenile be involved with multiple cases simultaneously, such as involved in multiple fraud cases as a money mule, they may be detained for more than six months. Appendix 9-28 of the State Report, however, only disclosed the average length of detention, without providing information on the maximum period of detainment in practice.

73. Recommendations:

- (1) The scope of application of *the Juvenile Justice Act* shall be rectified to juveniles aged 14 to 18 at the time of the offense; while law-breaking children under the age of 14 be treated in accordance with the *Protection of Children and Youths Welfare and Rights Act*.
- (2) Not only did the General Comment No.24 of the CRC encourages the State to designate a minimum age for depriving juvenile of their liberty, the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* (the Havana Rules) further directed that States “ought to” designate such age restrictions. Therefore, it is recommended for the State to establish in the *Juvenile Justice Act* that the liberty of children under the age of 16 shall not be deprived under any circumstances and in any form, including pretrial detention and post-verdict enforcement.⁵⁰
- (3) The determining criteria for pretrial detention shall be specified in the the *Juvenile Justice Act*, the maximum period of pretrial detention shall also be determined, with the consideration of cases of remands and involvement in multiple cases.

Parole

74. Overburdened juvenile investigation and probation officers: According to Article 9 of the *Juvenile Justice Act*, while different scope of duties were applied for juvenile investigation officers and juvenile probation officers, in practice, the two were often required to undertake tasks of the other. The workload of juvenile investigation and probation officers, deducing from the number of cases of probation custody, it is conspicuous that juvenile investigation and probation officers are overburdened. According to the 2020 Annual Report of the Judicial Yuan, juvenile probation and investigation officers are responsible for an average of 78.6 cases of probation custody per year,⁵¹ with New Taipei District Court and Taoyuan District Court

⁵⁰ The example case raised in Para. 89 of General Comment No. 24 of the CRC was 16 years old, thus it is recommended for the State to designate minimum age higher than the given figure.

⁵¹ In 2020, the total number of juvenile investigation officers and juvenile probation officers in district courts was 190, with the gross number of probation and custody cases being 14932 cases. Source: The 2020 Annual Report of the Judicial Yuan, Actual Number of District Court

having the heaviest caseloads. (121.7 cases for officers of New Taipei District Court,⁵² 111.9 cases for officers of Taoyuan District Court⁵³) In addition, despite the existence of a statutory maximum of three years, the duration of probation custody varies, which is exceedingly time consuming for juvenile probation and investigation officers.

75. Lackluster outcome of revoking custody and administer probationary education: According to Article 55(4) of the *Juvenile Justice Act*, juveniles who violated relevant regulations during custody, or were under repeated observations of juvenile delinquency, the probation officer may revoke custody and administer probationary education.⁵⁴ In practice, for probationary education less than a year, the current *Ordinance of Progressive Treatment Awarding for Students in Juvenile Correctional Schools* is unable to award scores that enables the student to be released early due to the lack of time, which subsequently resulted in withdrawal, unwillingness to receive probationary education, and incidents of unrest.
76. Recommendations:
- (1) The State shall increase the number of juvenile investigation and juvenile probation officers, to increase effectiveness of probationary custody, to enable profession-based division of labor, and to avoid overlapping of roles and its ensuing deprivation of procedural justice for juveniles in probationary custody.
 - (2) The State shall reformulate the progressive treatment ordinances for juvenile correctional institutions and provide incentives for those under probationary education to actively accept education, and leave juvenile correctional institutions expeditiously.

Issues regarding juvenile judicial settlement institutions

77. The target of settlement for institutions is too diverse to administer appropriate treatment for individual children in accordance to their needs. Currently, under respective provisions, settlement institutions may accept children from dysfunctioning families, children subjected to sexual exploitation, and law-

Employees by Agency; District Court Juvenile Investigation and Probation Officers' Enforcement of Protection and Control Cases by Year and Agency, <https://reurl.cc/8W6eX4>.

⁵² In 2020, the total number of juvenile investigation officers and juvenile probation officers in the New Taipei District Court was 24, with 2930 cases of probation and custody. Source: The 2020 Annual Report of the Judicial Yuan, Actual Number of District Court Employees by Agency; District Court Juvenile Investigation and Probation Officers' Enforcement of Protection and Control Cases by Year and Agency, <https://reurl.cc/8W6eX4>.

⁵³ In 2020, the total number of juvenile investigation officers and juvenile probation officers in the Taoyuan District Court was 19, with 2127 cases of probation and custody. Source: The 2020 Annual Report of the Judicial Yuan, Actual Number of District Court Employees by Agency; District Court Juvenile Investigation and Probation Officers' Enforcement of Protection and Control Cases by Year and Agency, <https://reurl.cc/8W6eX4>.

⁵⁴ Article 55, Juvenile Justice Act: <https://reurl.cc/RjMypz>

breaking children.⁵⁵ The diverse family backgrounds and lived experiences of these children shall be addressed by individual treatments and different ways of accompaniment. Settlement institutions, however, often lack diversified expertise and personnel to administer appropriate treatment for children.

78. Understaffing of civil resettlement institutions and militarized management in some: while public settlement institutions were fully funded by the governments, private settlement institutions are only applicable to partial funding and subsidizing and needs to seek public donations. With funding prioritized, institutions were incentivized to present a positive appearance, and are thus prone to shielding of negative events and malfunction of notification systems. Furthermore, the understaffing had caused institutions to prefer a militarized and unified method of discipline. The 2018 sexual abuse incident in an institution in Nantou, which was investigated by the Control Yuan, had presented a case where sexual abuse incidents were not reported, false reports on number of settled cases were submitted, occurrence of illicit over settlement, and high-pressure discipline on settled students of the institution were observed.⁵⁶

79. Recommendations:

- (1) While deinstitutionalizing, the State shall also provide sufficient funding for private settlement institutions, and ensure that institutions were adequately staffed with staff with diverse professional backgrounds.
- (2) The courts shall reliably conduct irregular visitations to institutions, to ensure the rights of parties of juvenile justice under settlement were not infringed. In addition, local administrative authorities shall conduct multi-day on-site visitations during inspections, to acquire a realistic understanding of the institution.

Issues regarding juvenile correctional institutions

80. The Agency of Corrections has yet to formulate relevant operational regulations in response to frequent incidents of bullying and fighting in juvenile correctional facilities, and the staff also lack basic concepts of education, counseling, and professional training in juvenile justice; the relevant notification system also malfunctions:

- (1) The Agency of Corrections has yet to apply the Campus Bullying Prevention Guidelines (for ordinary schools) to formulate its own guidelines to address incidents of bullying in juvenile correctional facilities; instead, regulations

⁵⁵ Regulations governing settlement institutions include the Protection of Children and Youths Welfare and Rights Act, the Child and Youth Sexual Exploitation Prevention Act, and the Juvenile Justice Act.

⁵⁶ Control Yuan investigative report number 0048 in 2019: <https://reurl.cc/6EjGxO>

regarding bullying in adult correctional facilities were applied;⁵⁷ the handling emphasized solely on punishment and separation, and did not provide education or counseling for students.

- (2) Correctional staff in juvenile facilities followed the management mindset of facilities for adults, which designates strong, gang-related, and influential students as cadres to assist with its management. This had formed a subculture of brute power struggle, leading to endless incidents of bullying and fights, in the severity of 7 to 1 fights or even 12 to 1 fights.⁵⁸
- (3) What's more, the staff had ignored situations where student cadres performed drills on the newly admitted which caused the newly admitted to be sent to medical care; failed to report incidents where student cadre gambled with or blackmailed other students; or exploited security passes to carry contrabands such as cigarettes and erotic materials for student cadre.⁵⁹ This indicates that not only did the staff neglected incidents of bullying but also maintained such occurrences. Under such an environment and the fear of retaliation, the victimized students dare not file any complaint.
- (4) When incidents of violent conflicts occur among students, correctional staff ought to report the incident to competent authorities such as the Agency of Correction, Courts which govern the student's case, and the Social Affairs section of the local government. In practice, however, when such incidents occur, some staff may downplay it as individual fights and fail to report; further, according to Control Yuan investigation report number 0031 in 2021,⁶⁰ the case statistics by juvenile reformatory facilities do not match the statistics of notifications of violent conflicts reported by juvenile probation officers of the judicial system, and the actuality still cannot be determined, demonstrating that the notification is thoroughly malfunctional.

81. Improper handling of incidents of sexual assaults and sexual harassment in juvenile reformatory and correctional facilities: As per regulations, should students in custody be subjected to sexual assault and sexual harassment, reformatory schools shall carry out notification, investigation, protection and handling procedures, and procedures for handling violations, according to Control Yuan investigative report number 0031 in 2021,⁶¹ however, Dun Pin High School only

⁵⁷ Specific Measures for Correction Agencies in Preventing Incidents of Sexual Assault and Bullying Among Inmates: <https://reurl.cc/95je0V>

⁵⁸ Control Yuan investigative report number 0027 in 2021: <https://reurl.cc/jgNzYy>

⁵⁹ In 2021, in Ming Yang High School which accommodates juveniles sentenced to imprisonment, an instructor and an administrator carried contraband for students in custody and was determined to be guilty by the court (Disciplinary Court 2020 Qing Shang Zi No. 9 Disciplinary Judgment).

⁶⁰ Control Yuan investigative report number 0031 in 2021: <https://reurl.cc/EZ3xD1>

⁶¹ Control Yuan investigative report number 0031 in 2021: <https://reurl.cc/EZ3xD1>

implemented punishments such as exhortation, suspension of visits, and labor services, which are not effective in addressing the situation. In addition, the dilapidated school buildings cannot effectively separate victimized students from the perpetrators.

82. Dilapidated environment and insufficient equipment in juvenile reformatory schools: Take Dun Pin High School as an example,⁶² when incidents of bullying, fighting, sexual assault, or sexual harassment occur, given the housing is provided in the form of a dorm hall, the victimized student cannot be effectively separated from the perpetrator. The current practice can only allocate a room for students with repeated offenses in a room with prominent monitoring cameras. After a mass fight, the victimized student would be moved to an isolation room in the name of protection, while the perpetrators are assessed in their original classes, confusing the students on their understanding of punishment.⁶³
83. Recommendations:
 - (1) The Ministry of Education and the Agency of Corrections shall jointly formulate a “Prevention Program for Anti-Bullying” for juvenile correctional schools.
 - (2) The Agency of Corrections shall conduct relevant training on CRC for all staff in juvenile correctional institutions, and gradually eliminate the practice of power struggles.
 - (3) The external inspection team shall conduct irregular visitations to juvenile correctional institutions and interview individual students, in order to avoid cases of malfunctioning of the notification system.
 - (4) The State shall provide sufficient funding to gradually improve the environment and equipments of juvenile correctional schools.

⁶² Dun Pin High School accommodates juveniles who have been sentenced to probation education. Its predecessor was Taoyuan Reform School. In 2019, it was restructured into Chengjheng High School Taoyuan Branch in 2019, then restructured into an independent Dun Pin High School in August 2021.

⁶³ Control Yuan investigative report number 0027 in 2021: <https://reurl.cc/jgNzYy>

Appendix 1: Introduction of Participating NGOs (in alphabetical order)

1. Chinese National Association of the Deaf

Established on August 9, 1992, the Chinese National Association of the Deaf is jointly established by a group of overseas persons with hearing disabilities in the United States, and the enthusiastic support of people with hearing disabilities from all walks of life. The Association is a legally registered nationwide social association, with the aim to convene all intellectuals from Taiwan and abroad to jointly promote the welfare of persons with hearing disabilities, and to conduct development and research on education for persons with hearing disabilities and sign language education; to improve the quality of life of persons with hearing disabilities; to organize cultural, artistic, technical, sports, and publishing activities to actively cooperate with the policies and social needs of the government; and to develop accessible spaces for persons with hearing disabilities, thereby protecting the rights and welfare of the persons with hearing disabilities. The purpose of this association is as follows:

1. Eliminate the estrangements between persons with hearing disabilities and persons without hearing disabilities, provide assistance to the government in formulating various relevant laws and regulations, and monitor the implementation of welfare policies for persons with hearing disabilities.
2. Research and promote sign language education, and assist persons with hearing disabilities in solving other related issues related to social interaction.
3. Seek to address the difficulties encountered by persons with hearing disabilities in education, employment, accessing medical treatment, and accessing nursing care, so as to achieve the goal of an accessible environment.

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2. Covenants Watch

Established on December 10, 2009 and convened by democracy forerunner Mr. Peter Huang (Huang Wen-shiung), Covenants Watch is comprised of more than 40 human rights organizations, lawyers and scholars, and was officially registered in 2016.

Through human rights advocacy, monitoring, research and education, we are committed to the promotion of the ratification of the 9 core human rights instruments designated by the UN. We notably utilized Taiwan's "self-made" international review mechanism to oversee the government's proactive measures for the consummation of human rights through domestic legal and policy reforms; we

also coordinated, empowered, facilitated civil society organizations to participate in the quadrennial international review of human rights instruments, and jointly provide critical observations and reform suggestions independent of the government; from 2013 to 2020, we regularly coordinated civil society organizations to submit a parallel/shadow report, of which covered diverse dimensions, include: places of detention, judicial justice, death penalty, labor, migrant workers, persons with disabilities, transitional justice, children, women, LGBTI, and business and human rights.

Covenants Watch also participated in rescue actions; including the case of Li Ming-Che, which Covenants Watch, alongside with all members of the Li Ming-Che Rescue Committee, filed a complaint to the United Nations which was successfully received, and later reported on this case to the UN and the European Parliament. Covenants Watch also jointly drafted the bill of the Refugee Act with other NGOs, and requested the government to incorporate the intent of the Refugee Act in its laws and regulations regarding China, Hong Kong, and Macau. Human Rights Wednesdays, our monthly event which aims to expand society's concern and imagination for human rights, was also held monthly for five consecutive years. Meanwhile, we also joined international human rights networks, to discuss with international human rights organizations and their human rights workers on the practical experience of advocating, implementing and monitoring human rights conventions in various countries.

Since our establishment, Covenants Watch has continued to promote the implementation and deepening of Taiwan's local human rights mechanisms through domestic and international human rights initiatives.

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3. Disabled Children's Rights and Advocacy Association in Taiwan (DCRAAT)

The Disabled Children's Rights and Advocacy Association in Taiwan (DCRAAT) is composed of children with disabilities and their parents, to espouse the basic human rights of children with disabilities. Since birth, children with disabilities are compelled to face various problems and challenges in their lives; due to lack of resources, unsound policies, and incomplete implementation, children with disabilities and their families face many obstacles in their lives. Children with disabilities are not found on the playgrounds, because of the inaccessibility of the places for play; they are not found on the campus, because of the unsoundness of inclusive education policies; they are not seen by you and me, because of the hostilities of traffic and the environment; since their needs have long been ignored, the support that is essential for the equal right to enjoy things has also been lost.

Although there is the People with Disabilities Rights Protection Act domestically, and the consecutive ratification of the Convention on the Rights of Children and the Convention on the Rights of Persons with Disabilities of the UN, DCRAAT remained active at supervising the government to participate in the formulation of relevant policies, to ensure the implementation of human rights ideals, thus ensure the assurance of the basic rights of children with disabilities and the deliverance of an environment of equal opportunity and full participation.

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4. Harmony Home Taiwan

Today, Harmony Home has established 5 AIDS halfway houses in Taiwan. So far, it has assisted in receiving nearly 600 of those infected and provided assistance and consultation for more than 2,500 infected individuals. At present, we have received more than 200 infected persons and children affected by AIDS in total. In addition, Harmony Home has long been devoted to visiting prisons and schools of all levels. We also cooperate with the Ministry of Education, the Ministry of Justice, and the CDC in providing AIDS education, anti-discrimination campaigns, and drug prevention education to the public in order to eliminate public stigma and discrimination against AIDS.

In recent years, the number of migrant workers in Taiwan has risen rapidly. Since 1997, the service work of Harmony Home has been extended to foreign victims, new immigrants, and female migrant workers. Children of migrant workers are among the most vulnerable individuals in society as they have difficulty in obtaining medical, social welfare, and education-related resources due to not being registered under a household. Therefore, taking care of and sheltering those children, as well as those infected or affected by AIDS, have become some of the main services at Harmony Home, Taiwan.

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5. Humanistic Education Foundation

The Humanistic Education Foundation is a private, non-profit organization dedicated to the development of human-centered education in Taiwan. The foundation identifies problems in contemporary education, promotes alternative educational ideas, and helps create a social and political forum to discuss the purpose and means of education. Our works include:

1. Anti-corporal punishment movement, which includes our well-known complaint hotline for dealing with corporal punishment and other disputes on campus, and our campaign of “Establish a Country without Corporal Punishment of Children” which encourages parents to creatively use non-punitive education methods to educate children. We also provide handbooks, speeches and initiatives, for parents to better their education, and for boards of education to provide teachers with professional development to educate children without using corporal punishment.
2. The publication of Humanistic Education Journal, which addresses the most recent issues facing Taiwan’s education system.
3. Establishing a Resource Center, with a wide range of educational books, audio CDs, and supplementary math teaching materials.
4. Organizing seminars and conferences addressing education issues.
5. Designs summer school programs for children to experience human-centered education in every winter and summer vacation.
6. Offers teachers training on issues related to humanistic education.
7. Organizes Educational Policy Research Team, which is composed of education experts and scholars with humanistic ideals, with the mission to evaluate educational policies, and publish its findings and recommendations.
8. Lobbying the government through legislators, to make changes in Taiwanese educational law.
9. Host the Forest School, which is a small, alternative elementary school that is operated under the principles of humanistic education. Students are allowed to freely plan their daily lives and courses, which emphasizes non-academic learning and regular out-of-class excursions, in addition to typical courses. The teachers are also dedicated to their own personal and professional learning and participate in an ongoing self-study program, fusing educational theory with practice.
10. Runs growth programs to promote human-centered education, including parent education, teacher education, adolescent growth, and volunteer training.
11. Manage Humanistic Education Foundation Sanchung Teenagers’ House, a house with independent spaces established in 2001 for teenagers in Sanchong City, with its mission being accompanying the teenagers to grow by themselves, and to provide them with motives and interest to learn.

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6. Independent Living Taiwan

Five independent living associations, including Taipei, Chiayi, Tainan, Kaohsiung, and Hualien, finally co-hosted the inaugural meeting of "Independent Living Taiwan" on April 1, 2018 after years of operation. This alliance connects independent living associations across Taiwan to formulate appropriate policies for community life support services for persons with disabilities, to improve social physical and service facilities, and to establish the social value of anti-discrimination, which responds to the intent of the international movement of persons with disabilities: "Nothing about us without us." Mission of this alliance includes:

1. Connect independent living associations, groups, and promotion groups across the country.
2. Promote the concept of independent living, and emphasize that persons with disabilities can make "self-selection, self-determination, and self-responsibility" according to their needs.
3. To enshrine the subjectivity of persons with disabilities, and to emphasize that for all initiatives and organizations, persons with disabilities shall meet the ½ quota, with different categories of disabilities.
4. Strive for the rights and interests of persons with disabilities. Urge the government to ensure the rights and interests of persons with disabilities, and protect the rights and interests of persons with disabilities in social participation, human support, accessible environment, economic security, and career development.
5. Break the "professional myth" and emphasize that people with disabilities are the experts in solving their own problems.
6. Conduct international exchanges, to form connections with foreign independent living organizations and disabled peoples' organizations (DPOs) and learn from one another.
7. Cultivate talents with disabilities, encourage self-voicing, connect needs, and advocate rights.
8. Realize a nation built on human rights, and jointly create a better society.

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7. New Vitality Independent Living Association, Taipei

New Vitality Independent Living Association is an organization run by and for people with different types of physical and mental disabilities. Founded in 2007, the organization is devoted to helping people with disabilities to live in the community

with dignity by offering them personal assistance to engage in their life activities, aiming to enable people with disabilities to realize their full potential, live independently, and reduce the obstacles and discrimination in their lives.

The biggest difference that sets the organization apart from others is that the majority of the decision makers (including the board) are with physical or mental disabilities and have cross-disabilities. From our own experience, characters can be shifted from being the receiver of care, to being the provider of care for other persons with disabilities, to bring together our strengths, to change this inaccessible world, and to eliminate discrimination. We believe that persons with disabilities were “disabled” by the environment and attitudes, should the society accept the existence of diverse groups, many disabilities will be eliminated, and all can independently live in communities.

Our mission includes: (1) Personal assistance services; (2) Planning for independent living; (3) Peer support services; (4) Promotion of accessibility; (5) Education and promotion; and (6) Striving for rights.

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8. New World Independent Living Association, Chiayi

We came across the idea of independent living, and identified strongly with the notion of “self-selection, self-determination, and self-responsibility” of persons with disabilities, after receiving relevant information. We decided to formally establish the Association on July 6, 2012; we uphold the autonomous rights of persons with disabilities, and hold that deinstitutionalization and integration into the community are the path to values of lives with disabilities.

In addition to serving persons with disabilities in the Chiayi area and conducting local initiatives, the organization also actively participated in CRPD-relevant meetings in recent years, with the aim of implementing human rights and fundamental freedoms of locals with disabilities with the power of international human rights instruments. We also recognize that persons with disabilities are the experts to address their own issues, thus more than 90% of our staff are persons with disabilities. The mission of the Association are as follows:

1. Raise the self-awareness of persons with disabilities and enable them to strive for their due rights.
2. Provide peer psychological support and develop independent living plans for persons with disabilities.
3. Provide housing and transportation information.

4. Host regular lectures and networking activities, to foster solidarity and obtain new knowledge.
5. Improve accessibility of the environment.
6. Promote and educate the importance of independent living to the public.
7. Communicate with domestic and foreign independent living organizations and join resources.

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9. Red Heart Association

The Red Heart Association (RHA) became the first registered social welfare organization in 1988 to support families of prisoners. With the belief that family members should not be punished along with a criminal, the Red Heart Association provides care and support to inmates' families while the inmates serve prison sentences. Over many years, our experiences have revealed that the majority of prisoners predominantly live in generational poverty or are from low socioeconomic families with repeated crime occurrences. Thus, the RHA primarily offers services that aim to connect people in need to resources, care for and empower children and young people, and restore and maintain relationships, striving to achieve goals of ending generational poverty, rebuilding family relationships, and breaking the cycle of violence.

The RHA has observed from the past experiences that children and young people are key to bringing about changes to the dynamics of inmates' families, serving as an opportunity to break rigid and avoidant patterns of adult interactions. The RHA adheres to the beliefs that children and young people are the opportunity to change a family and families all have the resilience for recovery. Based on such philosophies, child and youth-focused family services models have been developed. The services became available in 2011 and have been in use until now with effective outcomes.

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10. Taiwan Access For All Association

From the initiation to the operation, Taiwan Access for All Association has jointly participated with persons with disabilities, families and citizens who care about this issue. Founded in August 2004, this Association aims to combine societal resources and strengths to promote a fully accessible life, we encourage persons with disabilities to speak up, and to participate in relevant governmental entities. We

hold that accessible life, in its definition, must be comprehensive with the inclusion of hardware and software dimensions; so that persons with disabilities can participate in societal matters, integrate within the society, and freely be themselves on an equal basis. Therefore, the Association conducts regular surveys to understand the inaccessible dimensions of life, and present persons with disabilities through tourism, art, and various dynamic or static leisure activities, so they can be seen and serve as a starting point for social participation and social change. We believe that the external process of improving accessible environments is also an internal project of transforming people's minds. To move towards a more peaceful and inclusive society, strengths contributed by persons with disabilities are absolutely crucial.

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11. Taiwan Alliance to End the Death Penalty

The Taiwan Alliance to End the Death Penalty (TAEDP) was founded in 2003 by local NGOs and academics. The Alliance was formed to stress and promote the absolute value of life and human dignity as core to the protection and promotion of human rights. Profoundly understanding that the society has yet to be exposed to the debate concerning death penalty abolition, and that the general public seems to support capital punishment as a form of revenge against perpetrators of major crimes, the alliance aims to create an open discussion forum for society on various abolition issues. Furthermore, it advocates shaping a better penal system that both respects the value of life while truly compensating the victims so as to really uphold justice and safeguard human rights for all.

Our work includes:

- **Death Watch:** The TAEDP works on individual death penalty cases with pro bono lawyers. Meanwhile, we provide criminal defense training for lawyers to ensure defense quality, and monitor the trial procedure to ensure that every defendant receives a fair trial.
- **Research:** The TAEDP conducts interviews, writes articles and makes video clips for specific issues and cases. In 2014, for instance, we conducted a face-to-face public opinion survey, interviewing more than 2,000 citizens around Taiwan.
- **Public Dialogue and Education:** In order to better communicate with the public, the TAEDP regularly holds seminars and discussions. The TAEDP also holds triennial film festivals, and the TAEDP Thursday Forum.

- The TAEDP mobilizes school teachers and has formed an Education Team to develop abolition education materials which can be used in the classroom. We also publish TAEDP online newsletters on a regular basis.
- Promotion for Social Security: The TAEDP takes part in advocating prison reform and promoting crime victims' rights and support. A working group consisting of victims' families, NGO workers, social workers, and counselling experts was formed in 2012, to understand the needs of the victims' families and to promote the rights of victims and their families.
- International Networking: The TAEDP promotes regional and international networking as a way introducing Taiwan to the latest information on the abolition movement. The TAEDP has been participating in the World Congress against the Death Penalty since 2004, and is one of the founding members of the Anti-Death Penalty Asia Network (ADPAN) and an active member of the World Coalition against the Death Penalty (WCADP), where it has served as a Steering Committee member since 2009.

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12. Taiwan Education Association

Taiwan Education Association (TEA) is a non-government organization founded in 2021. It has been committed to promoting education, ensuring and enhancing the rights of the learners. In addition, it creates an inclusive learning environment in order to protect the rights of marginalized groups and to eliminate the inequalities regarding the social structure and education system.

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13. Taiwan International Medical Alliance (TIMA)

Founded in January 2001, the Taiwan International Medical Alliance (TIMA) is dedicated to promoting the right to health and alleviating the health inequalities among different social strata and classes, both domestically and regionally. TIMA has been working with Cambodian partners on the development and enforcement of health-related policies, including tobacco control. As a member organization of Covenants Watch, TIMA takes up the responsibility of developing human rights policies and quantitative human rights methods, such as human rights indicators and impact assessment.

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14. Taiwanese Deaf Alliance

The Taiwanese Deaf Alliance (TDA) is an integrated organization of all organizations for the deaf across the nation. We strive to establish a cooperative network, and to drive the government to legislate or amend laws and regulations relevant to the rights, interests, and welfare of persons with hearing disabilities. We also fight for and assure basic rights of the deaf, and to organize (or facilitate) various deaf-related affairs, including assist the deaf to develop various professional skills, establish a friendly learning, living and employment environment for the deaf, establish a friendly environment for Taiwanese sign language, and revitalize the inheritance and development of the deaf culture.

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