



Alternative Report 2022

on the Implementation of the Convention on the Rights of the Child

CRC WATCH

2022.03.30

(Open to the public)

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Wu, Cheng-Che (1985-2021) - We appreciate your efforts to promote children's rights, which provided a solid and robust foundation for our report.

Introduction

The CRC WATCH comprises several front-line child service agencies, human rights groups, teachers, and youth workers in Taiwan. In 2017, the Alliance assembled 45 civil society organizations to complete the alternative report of the first round of CRC national review in Taiwan.

This report has two objectives. The first is to assist the International CRC Committee members in obtaining a "clear and complete" NGO alternative report that responds to the National Report. Another important goal is to present the observations and suggestions of practitioners on the implementation of CRC in Taiwan, trying to examine from the perspective of children as the subject of rights, including "inadequate laws and regulations," "ineffective policy implementation," and "civil groups in children's rights." Difficulties NGO workers encountered ". During the review of Taiwan's 2022 CRC National Report, what worries us is that there are merely descriptions of laws, policies, and plans and not enough country's effectiveness and influence in taking into account the Convention.

Taiwan is an island country with growing multi-cultural integration, and we expect to be able to express in the languages of all groups of people. This report hopes to encourage the Taiwanese people and its government to create a friendly environment for children to thrive with dignity as human beings, not limited by their young age.

Alternative report of CRC WATCH

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Chapter 1: General Measures of Implementation

In response to Point 8 in the Concluding Observations/Point 6 in the National Report

Impact Assessment of the Rights of Children and Youth

1. The impact assessment of the rights of children and youth was piloted from 2021. However, there is a notable lack of connections between the assessment (CRC/GC/No.5/para. 45 and 47) and the legislature; and, on top of that, the relevant methods still do not provide any planning for incorporating children's and youth's meaningful engagement and opinions.¹

2. Related data of the assessment are unavailable to children, youth, the multitude, and civil institutions.

In response to Point 10 in the Concluding Observations/Point 4 in the National Report

Reservation and Statement

3. The “Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography” not only involves cross-functional collaboration, but also becomes an internationally important issue concerning the protection of the rights of children and youth due to new forms of children and youth sexual exploitation and other internet problems. We suggest that the government should officially sign this optional protocol, so as to be linked with the CRC and refer to the legal amendments and basic guidelines provided by the United Nations in a timely manner. Just as the optional protocol stated, “the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach.”

In response to Point 7 in the National Report

Domestic Judicial Implementation of the CRC

4. According to CRC/GC/No.5/para. 20, the incorporation of the CRC into domestic law should mean that “the provisions of the Convention can be directly invoked before the courts and applied by national authorities.” However, this essential spirit is

¹ For the issues concerning the engagement of children and youth in governmental agencies, please see the points on the right to expression of children and youth in Chapter 3 of this report.

not examined in the National Report.

In response to Point 11 in the Concluding Observations/Point 17 in the National Report

National Action Plan

5. According to CRC/GC/No.5/para. 29, an effective national strategy for meaningful engagement of children and youth needs to be developed through a process of consultation, including with children and youth and those living and working with them. However, a clear system to examine the effectiveness of the national action plan remains wanting.

6. According to CRC/GC/No.5/para. 33, the national strategy is neither disseminated to children and the public after translated into child-friendly versions as well as into appropriate languages and forms, nor is it under any arrangement for monitoring and continuous review and for periodic reports to the Legislative Yuan.

In response to Point 13 in the Concluding Observations/Point 20 in the National Report

Coordination Mechanism for Children and Youth Policy

7. Currently in the Legislative Yuan, the legislation concerning the issues of children and youth relies solely on the research conducted by the Legislative Research Bureau or on the open hearings for related bills held by individual members that invite children and youth to express their views. The plans proposed by the National Report are non-standard mechanisms and lack practical effect, which falls short of the expectations about the child impact assessment mentioned in CRC/GC/No.5/para. 45.

In response to Points 16, 17, 81, and 82 in the Concluding Observations/Points 27-31 and 129 in the National Report

Complaint Procedure

8. In response to Point 29 in the National Report, many domestic laws and regulations recognize the legitimacy of student complaints, but, in practice, the percentage of student complaints being handled is quite small, and there is a glaring discrepancy between the reality and the official survey data.

9. Take the corporal punishment case occurring in the Yuan Ming Junior High School in Yunlin County for example. According to the competent authority's questionnaire

survey,² nearly half of the students have been subject to improper discipline such as “beating the palm, spanking, and slapping.” However, the complaint procedure required the students to file by name.³ The students were worried about the leak of their personal data to the school and teachers involved in the case and the risk of incurring revenge, and consequently they were under considerable psychological pressure.

10. We suggest:

- (1) The Ministry of Education, as the authority in charge of education, should reexamine the friendliness of the current student complaint procedure (incl. an anonymous complaint mechanism and a whistleblower protection mechanism), so as to ensure adequate protection of students’ personal safety and privacy during the complaint procedure.
- (2) Teachers who committed concrete offenses should be punished under the Teachers’ Act, so as to improve campus security.

In response to Point 18 in the Concluding Observations/Points 21 and 22 in the National Report
Resource Allocation

11. 75% of the state budget for children and youth is spent on education, whilst that on development, welfare, health, protection, etc. accounts for merely 25% of the total.⁴ Related studies⁵ indicate that, owing to the changes in the structure, composition and form of the society and households in Taiwan, the family support system has become more impotent in tackling pertinent issues. The government should provide more effective services of family support or supplementary care, through which the family support network can be improved, and family problems can

² Around 1/3 of the students have been subject to specific types of corporal punishment, and around 1/3 of the students have been punished for poor performance (one beat for each point below the standard score). Although the analysis of this questionnaire concluded that most of the students have never been subject to direct corporal punishment, they’ve heard that their teachers may inflict corporal punishment. This unpublished questionnaire is included in the material provided by the Yunlin County Government for the County Council. (10 March 2022)

³ “Minister of Education Pan Wen-Chung also admitted that, in view of the available data, the school’s disciplinary measures are indeed inappropriate. The Ministry of Education will set up a task force to cope with this issue, and will also ask the Yunlin County Government to adhere to the principle of law-based administration. Su Tseng-chang, the Premier of Taiwan, also stated that it is indeed unreasonable to require students to register their names if they want to file complaints, and demand the Ministry of Education to handle this issue properly.” Source: the Facebook page of Claire Wang, member of the Legislative Yuan. <https://www.facebook.com/wanyu.claire/photos/a.102159017918319/310400640427488/?type=3>

⁴ Appendix 1-2 of the National Report.

⁵ Chen Ru-Hui, “A Study on the Budget Allocation and Expenditure on Children and Youth in Taiwan in Recent Years,” (August 2020, No. 109115). <https://www.ly.gov.tw/Pages/List.aspx?nodeid=43912>

be prevented or solved.

In response to Point 20 in the Concluding Observations/Point 23 in the National Report

Statistical Data Collection

12. It is regrettable that there is a substantial gap between Point 23 in the National Report and CRC/GC/No.5/para.48. Currently, different administrative agencies collect data on their own without inter-agency coordination, and then they simply provide the links to the original files at the “Statistics” mentioned in the National Report on the website. There is an overall lack of meaningful data⁶ and analytical reorganization.⁷ Besides, the data sources are too unilateral to reveal a true picture.

13. The existing mechanism goes against the suggestion of the General Comment: not merely to establish effective systems for data collection, but to ensure that the data collected are evaluated and used to assess progress in implementation, to identify problems and to inform children about all policy development.

14. The statistical indicators in each file at the “Statistics” mentioned in the National Report are discrete. The categories such as age, region, and ethnic group were not standardized during data collection, which renders it difficult to compare the data in different files and to observe their correlations.

15. The “Statistics” is accessible on the CRC Information website. However, the kid’s version of that website does not contain “Statistics,” which ignores the need and right of children and youth to know the status quo of their populations and to use these data.

16. Many policies have been formulated without a comprehensive, factual data basis. Please refer to Points 26, 41, 51, 60, 115, 118, 121, 123, 139, and 206 in this report.

⁶ In Appendix 1-6 of the National Report, for example, the number of participants alone manifests neither the effectiveness of the CRC training for the personnel in government-affiliated public and private sectors in charge of children and youth affairs, nor the percentage of these personnel who have received the training. Also, in the Appendix 9-25 regarding the employment service for juveniles returning home from juvenile correction institutions, if the data on the service coverage is unavailable, there is no way to know how much the service has been promoted and how well the policy has been utilized.

⁷ The “Statistics” in the National Report is divided into 5 major categories. It contains a total of 218 statistical indicators. The data can be retrieved only by searching all the files one by one. The query will become more challenging when the numbers of both the indicators and files increase in the future. Please see <https://crc.sfaa.gov.tw/Statistics/Intro>

17. We suggest:

- (1) The database design should revolve around CRC's clauses, and the statistical indicators (incl. the categories in each indicator) should be standardized, ergo forming an interactive indicator query system that allows the data to be cross-compared for efficiency and convenience.
- (2) The kid's version of the CRC Information website should contain a graphic representation of "Statistics" and explicate its meaning, thereby making it easier for children and youth to use these data.

Complaint Procedure for Physical and Psychological Violence on Campus

18. School affairs meeting, professional review committee for teachers, and teachers' performance appraisal committee, rather than complaint procedure, are the primary measures for handling incidents of physical and psychological violence against children and youth. Under this system, children and youth as victims are not legal parties⁸ and cannot acquire complete investigative reports.⁹ The children and youth implicated are invited to make statements only when the committee considers it "necessary." The children and youth can neither protest against the committee's decision, nor resort to adequate remedies.¹⁰

19. We suggest: Legislation on this issue is urgently needed to grant the status of "legal party" to the children and youth, along with their parents, involved in the cases of school violence.

- (1) They should be entitled to browse the full investigative report before the competent authority makes a decision.
- (2) They should be entitled to question the investigative report.
- (3) They may protest against the committee's decision, and seek remedies from

⁸ Incidents of violence committed by school teachers or staff against children and youth tend to be handled under the Teachers' Act and the Regulations on the Dismissal, Suspension, or Discontinuation of Employment of Teachers at the Elementary, Middle, and High School Levels. The process is regarded as the school's appraisal of the involved teachers or staff, whereas the status of the children and youth as victims is not under adequate protection.

⁹ In most incidents of violence committed by school teachers or staff against children and youth, the school or the government tends to provide the "outcome of the handling process" instead of the complete investigative report. The information disclosed in the "outcome of the handling process" is insufficient to enable the victims to understand the investigation method, the investigation process, and the reasons for accepting the facts. Besides, in most cases, the competent authorities or the school will not even tell the victims what specific punitive measures will be taken against the perpetrators, but simply fob them off by saying that their cases "will be tackled in accordance with the law."

¹⁰ The case is opposite under the Gender Equity Education Act, where the children and youth as victims enjoy the status of legal parties. Meanwhile, the cases of physical and psychological violence against children and youth are divided into varying modalities, and the ways to implement related procedures and the levels of rights protection differ widely from one another as well, which makes it more difficult for children and youth to seek remedy.

higher authorities or courts.

In response to Points 21 and 22 in the Concluding Observations/Points 32-34 in the National Report
CRC Training

20. The government has not yet reported the quality and effectiveness of CRC training. The current data demonstrate the quantity of service only. Whether the introduction of related training has yielded concrete results remains unknown. Besides, questionnaires concerning the level of satisfaction should not be used as the primary measurement tool for CRC training.¹¹

21. The trainees should not be limited to the police officers, judges, prosecutors, and other personnel for juvenile justice who act in the field of children and youth protection. Instead, practitioners tackling incidents implicating children and youth should be sensitive enough and have basic understanding, otherwise incidents like that a local police officer put a 5-year-old boy to sobriety test would continue to occur.¹²

22. The competent authorities have released promotional material in different languages (e.g., Taiwanese, Hakka dialect, English, and those used in Southeast Asia). So far, however, the government does not provide promotional material in Taiwan's indigenous languages.¹³

23. Following Point 22, the target audience of the promotional material produced by the Environmental Protection Administration, the Ministry of Health and Welfare, the Ministry of Education, the Ministry of the Interior, and the Ministry of Justice include schools, government functionaries, parents, religious organizations, professional organizations, social groups, and business and freelance groups. The education and promotional material should be designed specifically for the "stakeholders" (the primary care-givers) in the environment where children and youth come of age, so as to effectively benefit children and youth and meanwhile safeguard their rights.

¹¹ Just as the training for correctional personnel mentioned in Appendix 1-8 of the National Report.

¹² A Tesla was hit by a 5-year-old boy on his bicycle, and the police officer put the boy to sobriety test. <https://www.cna.com.tw/news/firstnews/202004040073.aspx>

¹³ Please see Appendix 1-6 of the National Report.

24. We suggest:

- (1) To further analyze the difficulties and gaps in the CRC promotion, the government should develop an assessment mechanism to grasp the influence of the CRC intervention training for the aforementioned stakeholders.
- (2) The government should produce the promotional material in all languages spoken in Taiwan.
- (3) The government should reinforce the education and promotion for those who interact closely with children and youth, thereby heightening their awareness of the rights of children and youth, especially the youngest children or those whose rights are susceptible to oppression or discrimination.

Chapter 2: Definition of Children and Youth

In response to Points 25 and 26 in the Concluding Observations/Points 42-47 in the National Report

The Age Thresholds for Civil Rights

25. In Taiwan, the legal age of majority stipulated in the Referendum Act and the Civil Code has been lowered to 18 respectively in 2017 and 2021. However, the age thresholds (i.e., 20 years old) set for universal suffrage and for the candidate eligibility of different types of elected government functionaries in Taiwan remain unchanged due to the unreasonably strict requirements for constitutional amendment, which leads to a discrepancy from the regulations in other modern democracies.

26. Taiwanese youth aged 18 are entitled to vote on national referenda to decide important political and social questions, and their civil acts are governed by laws of the country, yet they do not enjoy universal suffrage and the candidate eligibility of elected government functionaries. The initiation of the constitutional amendment has been delayed for many years owing to the failure of the consult among political parties, which deprives young citizens at the age of 18 of their right to participate in public affairs. Even though the political parties have reached a consensus on this constitutional amendment,¹⁴ it has to be approved by a nationwide referendum, wherein the number of valid votes in favor shall exceed one-half of the total number of electors (i.e., 9.65 million) for the amendment to be ratified.

¹⁴ The constitutional amendment of lowering of the age threshold for civil rights passed the third reading in the Legislative Yuan on 25 March 2022. <https://news.ltn.com.tw/news/politics/breakingnews/3871533>

Chapter 3: General Principles

In response to Points 27 and 28 in the Concluding Observations/Points 48-59 in the National Report

Laws that Prohibit Discrimination

27. The rules and laws that prohibit discrimination are not effectively enforced, and corresponding solutions to this problem remain wanting. The overall data on the discrimination against children and youth of minority or special-needs groups fail to reflect their predicaments. Point 53 in the National Report only lists the measures adopted by the government. There is no way to know the implementation rate and effectiveness assessment of these measures.

Gender Equity on Campus

28. Under the laws in Taiwan, teachers shall enhance their awareness of gender equity and fulfill it in their educational activities.¹⁵ However, the awareness of gender equity of teachers who teach associated subjects¹⁶ in primary and secondary schools ranges from the sublime to the ridiculous. Some of them lack the understanding of gender diversity,¹⁷ make homophobic comments, and even indulge discrimination. This is not helpful in tackling sexual bullying on campus.¹⁸

29. The investigation by the Taiwan Tongzhi Hotline Association¹⁹ reveals that

¹⁵ Articles 15 and 19 of the Gender Equity Education Act.

¹⁶ Such as Health and Physical Education, Integrative Activities, Citizenship and Social Development, Healthcare, Life Education, and Career Planning.

¹⁷ A study shows that 38.81% of the students and 32.35% of the teachers agreed that “teachers lack the awareness of gender equity,” which is one of the predicaments that sexual and emotional education faces. See Guo Li-An, Chen Yu-Ping, Wang Ta-Wei, Liu An-Zhen, and Chang Shin-You, “A Study on the Content of Adolescent Sexuality Education and Affective Education: Comparisons and Contrasts of Teachers,” *Student Affairs and Guidance Counseling* 56:2, (2017) pp. 28-49.

¹⁸ According to the survey conducted by the Garden of Hope Foundation and its service experiences, a part of victims with multiple gender identities have suffered sexual bullying when they were enrolled in schools. Teachers who lack the awareness of gender equity are unable to handle sexual bullying immediately. Besides, the “Survey of LGBTG+ Students’ Campus Experience in 2020” pointed out that 68.5% of the students have heard homophobic comments from school faculty and staff or military instructors, 74% of the students have heard negative comments on gender expression from school faculty and staff, and about 40% of school faculty and staff just sit by and watch homophobic discrimination occurs.

¹⁹ The “Survey of LGBTG+ Students’ Campus Experience in 2020” conducted by the Taiwan Tongzhi Hotline Association collected 1,226 effective questionnaires from LGBT students enrolled in junior, senior and vocational high schools during September 2019 and July 2020.

homophobic comments are prevalent on campus, not only from students but also from school faculty and staff.²⁰ More than 25% of the respondents mentioned their experiences of being discriminated against on campus.²¹

30. We suggest:

- (1) The Ministry of Education should review the policy of gender equity education for teachers, improve their literacy on gender equity, and integrate gender equity education into schools' curricula.
- (2) The gender equity awareness of teachers, military instructors, school staff, principals, and top-level administrators should be heightened. Related educational training should explicitly include homosexual and transgender issues.
- (3) The competent authorities should make a thorough review of current school rules. Those violating the Gender Equity Education Act should be amended within specific time limit.

In response to Point 27 in the Concluding Observations

The Content of Gender Diversity in Textbooks

31. The competent authorities in charge of education include gender equity education in the core curriculum under the Grades 1-9 Curriculum Guidelines. However, in 2017, several parent groups put pressure on the Ministry of Education and textbook publishers in the name of reviewing textbooks, asking them to delete the content of “gender diversity” and “gender spectrum”²² in the integrative-curriculum textbooks, which prompted some publishers to remove the controversial content from the textbooks.

32. The current 12-Year Basic Education Curriculum Guidelines—Health and Physical Education in Taiwan stipulates that the content of gender education in elementary and junior high schools should contain “basic concepts about different

²⁰ 41.9% of the respondents indicate that they often hear that the term “gay” is used in a negative way on campus. 87.2% of the respondents express that they feel bothered or unpleasant when they hear the term “gay” is used in a negative way. 40.6% of the respondents state that school faculty and staff do not intervene in even if they hear homophobic comments on site. 68.5% of the respondents point out that they have heard homophobic comments made by their teachers or school staff.

²¹ For example, students are not allowed to wear clothes according to their own gender identities.

²² The Gatekeepers for Children's Education! Parent groups have persisted in identifying the controversial content in the teaching material of primary and secondary schools over the past 4 years. https://fongnews.net/breaknews/35556/?fbclid=IwAR39y--FP88Ns9wgSOLsTnE6a91tbe1r2Zl0Yj9FPoggPzhRUF89_in7HEk

types of sexual orientation and respect for these differences.²³ However, only the Kang Hsuan Educational Publishing Group, one of the three biggest textbook publishers in Taiwan,²⁴ addresses the issue of sexual orientation in pages 12 and 13 of its textbook on health and physical education (the first semester of Grade 7), the other two textbook publishers do not include sexual orientation-related content at all in their textbooks for Grades 7-9.

33. We suggest:

- (1) Textbook publishers should follow the Gender Equity Education Act, the Curriculum Guidelines of 12-Year Basic Education in different fields, and the associated rules of integration in Appendix 2 of the Curriculum Guidelines, and develop teaching material on gender diversity and sexual orientation.
- (2) The National Academy for Educational Research should fulfill professional review of textbooks and avoid the influence of reviewers' ideologies. The review should be based on the Curriculum Guidelines of 12-Year Basic Education.
- (3) The competent authorities in charge of education should raise the reviewers' awareness of gender equity and offer them professional development and training courses.

In response to Points 27 and 28 in the Concluding Observations/Points 29, 193, 194 and 197 in the National Report
Schools Discriminating against Students with Special Educational Needs

34. Some schools not only reject to provide reasonable accommodation for students with special educational needs, but even harness peer pressure to isolate them. These schools either belittle the academic performance of students with special educational needs, or use insufficient resources as an excuse, which forces their parents to transfer them to other schools. The situation has repeatedly manifested itself in the cases handled by civic groups.

35. Special-needs education laws in Taiwan do not include the principle of reasonable accommodation, which creates substantial obstacles to the remedies for students with special educational needs. In addition, relevant laws neither interdict nor define

²³ According to the current 12-Year Basic Education Curriculum Guidelines—Health and Physical Education, the content of sex education in the third phase of learning (Grades 5-6): Db-III-2 basic concepts about different gender identities, the influence of gender stereotypes, and countermeasures. The content of sex education in the fourth phase of learning (Grades 7-9): Db-IV-3 respect towards multiple gender expressions, roles and sexual orientations.”

²⁴ The three biggest textbook publishes in Taiwan are the Kang Hsuan Educational Publishing Group, the Nani Book Enterprise co., ltd., and the Hanlin Publisher. They collectively hold over 90% share of the textbook market.

discrimination explicitly, which results in the debatable inclusion of discrimination within the scope of complaint procedure for students with special educational needs. In face of insufficient, flawed and prohibited use of barrier-free facilities, students with special educational needs cannot file complaints or demand accountability.

36. The Ministry of Education neither appropriately informs students with special educational needs and their parents about the Regulations Governing Appeals Made by Students with Special Educational Needs, nor systematically promotes it, which renders them unable to access remedies.

37. We suggest:

- (1) The government should explicitly include the appeal against insufficient barrier-free facilities, the procedure of demanding reasonable accommodation, and the clause of non-discrimination in the rules and laws on special-needs education as soon as possible, in order to ensure procedural justice and accountability.
- (2) Teachers and children should be provided with adequate education on related rights established in the CRPD.

In response to Point 29 in the Concluding Observations/Points 62 and 63 in the National Report

Mechanisms for the Best Interests of Children and Youth

38. The National Report did not respond to the mechanisms proposed by the legislation sector to serve the best interests of children and youth. In practice, current public hearings in the Legislative Yuan and the studies done by the Legislative Research Bureau do not institutionalize GC 14/papa 31 and the demand of Point 32(c, d) in the Concluding Observations.²⁵

In response to Point 29 in the Concluding Observations/Article 3(1) of the CRC
The Best Interests of Children and Youth in the Judicial Process

39. The best interests of children and youth involved in the judicial process should be given primary consideration. However, the principle is only seen in a couple of rules and laws.²⁶ Apart from the flaws in frontline practitioners' practice, suggestions on

²⁵ Chapter Six of the National Report is an administrative procedure rather than legislation.

²⁶ The current related regulations in Taiwan include Article 1 of the Juvenile Justice Act, Articles 5 and 46 of the Guidelines Governing the Coordination between Juvenile Courts and Related Administrative Agencies in Handling Juvenile Delinquency, Article 6 of the Guidelines on the Prevention and Counseling of Juvenile Delinquency. All of them mention that the best interests of children shall be applied to connect potential resources in the judicial process.

professional operation in this regard remain wanting.²⁷ In the name of the best interest of minors, the Judicial Yuan Interpretation No. 805²⁸ even stresses that both minor litigants should directly enter the conciliation procedure without a delicate and professional process.

40. Miaoli District Court judge Zhou Jing-Ni asked the juvenile who violated laws to slap himself in court.²⁹ This event shows that the judge's personal issue took precedence over the principle of safeguarding the best interests of children and youth.

41. We suggest:

- (1) Those who deal with the cases involving children and youth should regularly receive education on the CRC and thereby understand that all minor litigants are victims.
- (2) In addition to providing a manual for practical operation, the government should draw a flowchart on the judicial process involving children and youth (including applicable laws), indicating the stages in which the best interests of children and youth should be given due attention.

In response to Point 29 in the Concluding Observations

Criminals Given Jail or Death Sentences and Their Minor Children

42. The government neither adopts any assessment or support mechanism, nor provides necessary psychological and other assistance for children and youth whose parents are either prosecuted or given death sentences in the judicial process. There is no clear data about these children and youth, let alone those on the number, situation, and distribution of them, which makes them “invisible victims” of the death penalty in Taiwan.

43. Shen Wen-Bin was given a death sentence in 2020 and Lee Hong-Ji was executed by shooting in 2018. Both of them have minor children. However, in the judgements on the two cases, the courts stated that “there is no need to consider the best interests of these children when imposing death penalty on the defendants.” The Ministry of Justice even claimed that “the exaction of this death penalty is consistent with the International Covenant on Civil and Political Rights and the CRC” when the execution of Lee Hong-Ji took place.

²⁷ Such as subject of expression, method of implementation, and timing of participation.

²⁸ The Judicial Yuan Interpretation No. 805. <https://law.moj.gov.tw/News/NewsDetail.aspx?msgid=164077>

²⁹ News link: <https://www.cna.com.tw/news/asoc/202103220263.aspx>

44. We suggest:³⁰

- (1) The government should conduct a comprehensive assessment of administration, legislature, justice and policy on the rights of children and youth whose parents are prosecuted by prosecutors or given death sentences by courts.
- (2) The courts should recognize the existence of children and youth and assess their best interests when imposing death penalty on their parents.
- (3) The prosecutors should avoid charging the defendants with death penalty, and meanwhile consider the best interests of the defendants' minor children.
- (4) The government should provide psychological and other necessary supportive resources for the children whose parents are given death sentences.

Juvenile Justice Act

45. After its amendment in 2019, the Juvenile Justice Act misinterprets juveniles from subjects to objects.³¹ Its practical implementation mainly adopts the views of personnel in the judicial and police systems. Opinions made by social workers who interact with juveniles before they break the law, conduct follow-ups to their status, or deal with their placement are often ignored in the assessment procedure and the treatment decision. The cooperative system and modus operandi vary from county/city to county/city in Taiwan as well.

46. Under the nationwide level 3 pandemic alert in 2021, all correctional facilities were closed to visitors and adopted tele-counseling. However, this approach contradicts Point 4(3) of the Principles for Counseling Psychologists Providing Tele-counseling Services issued by the Ministry of Health and Welfare, that is, “tele-counseling shall not apply to those who are under the age of 18,” which prevents children and youth in correction schools from seeking counseling.

³⁰ 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.

³¹ When a juvenile delinquent enters the judicial process from investigation, assessment and treatment decision to implementation and being released from imprisonment, different agencies/institutions (e.g., police agency, youth counseling committee, social welfare center, court, juvenile correctional institution, placement institution, school, and vocational institution) and roles (e.g., the police, social workers, counseling psychologists, counseling personnel, administrators in juvenile correctional institutions, juvenile probation officers, juvenile investigation officers, judges, guardians, legal representatives, and the third party holding the defendant in custody) engage in the process at different stages. However, all the rules and laws do not assign a high priority to the juvenile delinquent.

47. We suggest:

- (1) The competent authorities should adjust related laws and regulations including the Principles for Counseling Psychologists Providing Tele-counseling Services, allowing children and youth inside or outside the correctional institutions to enjoy the right to proper tele-counseling.
- (2) The Judicial Yuan, the Ministry of Justice, and the Ministry of Health and Welfare should collaborate in formulating operation guidelines, indicate the participants in different stages of litigation and their rights, as well as stipulate the participants and the timing for entry according to the modes of treatment, thereby enabling frontline practitioners to develop a smooth and professional litigation procedure through practice in a clear and meaningful way.

In response to Point 65 in the National Report
Children and Youth Drowning Accident Injury

48. The number of water-related deaths over the past five years (2016-2020) is 1,667 in total. Among which, the mortality rate of children aged 10-14 is 24.03%, and that of children aged 5-9 is even as high as 24.79%. Their morality rate is much higher than that of adults.³² However, the Children and Youth Safety Action Plan³³ promulgated in 2007 has not been subject to rolling adjustment according to its executive performance over the past 16 years. During this period, the drowning accidents still occurred and improvement measures are nowhere on the horizon.³⁴ ³⁵ Apparently, the current preventive measures do not exert positive effects, and the indicators of its executive performance are not useful for drowning accidents prevention.³⁶

49. We suggest:

- (1) The government should amend the Children and Youth Safety Action Plan as

³² Appendix 3-5 of the National Report.

³³ <https://www.sfaa.gov.tw/SFAA/Pages/Detail.aspx?nodeid=268&pid=4967>

³⁴ <https://news.ltn.com.tw/news/society/breakingnews/3107889>; <http://www.ibaby.org.tw/content/21548>; <https://today.line.me/tw/v2/article/rNWJ0X>

³⁵ <https://infogram.com/109and110-1h7j4dvol1en94n>

³⁶ The current indicators for assessing the performance of water safety in the Children and Youth Safety Action Plan include “the competent authorities, runners and visitors of water recreation facilities should attend two workshops annually on the safety of water recreation activities and related regulations,” and “the supervision on the annual examination of swimming pool facilities and lifeguard allocation, and the examination rate should exceed 90%.” According to the executive performance of this plan in 2020 compiled by the Ministry of Health and Welfare, the Council of Agriculture fulfilled the requirement by holding 50 on-campus promotions with 2,000 participants. The Sports Administration of the Ministry of Education reached 100% of check by inspecting 445 swimming pools in Taiwan.

soon as possible: it should be subject to rolling adjustment per year and revise the indicators of its executive performance, so as to respond to the current situation. The “water-safety indicators” should take into account the lack of water-safety literacy of the drowned children and youth and their companions,³⁷ thereby making preventive strategies that actually reduce the occurrence of drowning accidents.

- (2) Following (1), the government should implement water safety policy in a serious manner, including early warning, education, and policy promotion on the safety of water recreation activities. Besides, in order to prevent other subjects from crowding out the time arranged for water safety education which belongs to the integrative curriculum which is recommended by nature, the government should formulate an overarching inter-ministerial promotion strategy, requiring a minimum or specific number of course hours, insofar as to ensure the implementation of safety education in the curriculum design.

Fall-from-height Accident Injury

50. The statistics compiled by the Jing Chuan Child Safety Foundation over the past 15 years (2006-2020) shows that 83.77% of all fall-from-height accidents of children aged 0-14 happened at home, more specifically, at window and balcony. The main reasons behind these accidents are that the children and youth are left alone at home and they tend to be adventure-, curiosity- and exploration-oriented.³⁸ The amendment to Article 8 of the Condominium Administration Act was ratified in 2013,³⁹ which provides that households with children under 12 “may” install fall-prevention devices at openings in the outer walls or on balconies without impeding the emergency escape and protruding from the outer walls. However, this article is not compulsory. In practice, there used to be lawsuits filed for the management committee in question

³⁷ The statistics produced by the Sports Administration of the Ministry of Education between 2015 and 2019 demonstrate that streams (41.46%) and sea (36.59%) are the most dangerous places (together account for nearly 80%) where students in Taiwan drowned. 65% of the students who drowned when they were “playing in the water,” 53.66% of them were in the company of “friends or classmates,” 23.17% of them were “alone,” and 19.51% were “in the company of families.” Therefore, in addition to avoiding being alone when doing water activities, it is equally important to improve the knowledge of water safety for oneself, classmates and families. By doing so, people are able to provide appropriate assistance when accident happens.

³⁸ The Jing Chuan Child Safety Foundation, Press release for the press conference of stopping children from falling from height, 2019; The Taiwan Pediatric Association (2015), Statement on preventing children from falling from height, 2015.

³⁹ “Inhabitants in the condominium with children under 12 years of age or above 65 years of age may install fall-prevention devices at openings in the outer walls or on balconies without impeding the emergency escape and protruding from the outer walls. When the causes for the installation of such devices cease to exist and the devices do not comply with the condominium regulations or decisions made by the unit owner assembly as specified in the preceding paragraph, the unit owner is required to improve or restore the parts in concern to their original condition.”

refuses to cooperate, and the accidents of children fall from the balconies of their own homes occur continuously.⁴⁰ In addition, the Construction and Planning Agency of the Ministry of the Interior amended the Building Technical Regulations in 2007,⁴¹ ⁴² prohibiting horizontal braces for children to step on or climb, in order to prevent children from falling from height. However, the public works bureaus of local governments diverge on the definition of horizontal brace. Over the past decade, there have been accidents of children falling from height as they climb the protrusions on the exterior wall or empty holes.⁴³

51. We suggest:

- (1) The government should amend the wording “no horizontal brace for climbing is allowed” in Article 38 of the Building Technical Regulations on the Architectural Design and Construction Code, so as to solve the problem of inconsistent regulations in different counties/cities caused by the ambiguity of “horizontal brace.”
- (2) The government should strengthen the promotion and enforcement of Article 8 of the Condominium Administration Act, requiring all condominium regulations to include the clause of fall-from-height prevention.

In response to Points 65, 68 and 69 in the National Report Children and Youth Accident Injury Prevention System

52. “Accident injuries” have long been the major cause of death and injury for children and youth aged 0-17 in Taiwan.⁴⁴ The Children and Youth Safety Action Plan announced by the Executive Yuan is confronted with the difficulty in cross-agency

⁴⁰ <https://news.ltn.com.tw/news/society/breakingnews/3811566>; <https://news.tvbs.com.tw/local/1655130>

⁴¹ Article 38 of the Building Technical Regulations on the Architectural Design and Construction Code: The height of railings installed at terrace, balcony, outdoor corridor, outdoor stair, flat roof, and indoor impluvium shall not be lower than 1.10 meters. Those installed over the tenth floor shall not be lower than 1.20 meters. For the buildings whose purposes belong to Group A-1, A-2, B-2, D-2, D-3, F-3, G-2, and H-2, the railings shall not be equipped with horizontal braces for children to climb or empty space that allow objects having a diameter of 10 centimeters to pass through. <https://law.moj.gov.tw/LawClass/LawSearchContent.aspx?pcode=D0070115&norge=38>

⁴² Article 38(2) of the Building Technical Regulations on the Architectural Design and Construction Code: Description of the use of the building: A-1: assembly and performance, A-2: transportation site, B-2: supermarket, mall, department store, D-2: cultural and educational facilities; D-3: elementary school building, F-3: children welfare, G-2: office, H-2: residence.

⁴³ <https://news.ltn.com.tw/news/society/breakingnews/3767234>

⁴⁴ According to the Ministry of Health and Welfare’s 2020 Annual Cause of Death Statistics, 184 deaths were caused by “accident injury,” which was the leading cause of death among children aged 0-17. Besides, the Ministry of Health and Welfare’s 2019 National Health Insurance Annual Statistical Report presented that the total number of outpatient and inpatient cases (incl. cases of emergency medical treatment) of children and youth under 19 due to “Injury, poisoning and certain other consequences of external causes” was 1,043,747.

cooperation, the shortage of manpower and budget, insufficient injury monitoring, incomplete implementation, and the mere formality of supervision and performance assessment, which prevents the situation of children and youth accident injuries from being ameliorated. The current “action plan”⁴⁵ executed by law lacks the data on injury surveillance and corresponding indicators of performance assessment, which results in the lack of substantial measures for improvement.⁴⁶

53. We suggest:

- (1) The government should formulate clear objectives and preventive strategies for different types of injuries in the “Children and Youth Safety Action Plan” as soon as possible.
- (2) The Executive Yuan should elevate the level of the competent authorities in charge of the action plan or establish an independent and dedicated institution to solve the problems of the local governments’ ignorance and the poor inter-ministerial communication on the issue.
- (3) A dedicated budget and manpower should be allocated to set up a national accident injury surveillance platform, so as to fulfill the policy promotion and injury surveillance as well as develop preventive strategies and performance indicators.

In response to Point 68 in the National Report

Death Review System⁴⁷

54. Children and youth death review is now at the stage of trial implementation. The division of labor among different ministries and agencies is coordinated by the central and local health authorities, and the competences of central and local authorities are

⁴⁵ Articles 10 and 28 of the Protection of Children and Youths Welfare and Rights Act provide that the competent authorities shall serve as conveners to invite relevant practitioners to coordinate, study, review, consult, and promote the welfare policy for children and youth, including regularly convening coordinative meetings for the prevention of accidents and injuries suffered by children and youth, and formulating action plans for children and youth safety.

⁴⁶ Around half (32) of the total of 69 specific safety-oriented measures covered by the action plan belong to educational promotion. So far, only two local governments in Taiwan handle accident injury prevention through inter-agency meetings and cross-unit cooperation, which makes it difficult for us to grasp the effectiveness of this action plan.

⁴⁷ There are two reasons for promoting child death review. The first is that a significant number of child deaths are preventable. Related studies show that about one-fifth to one-third of child deaths are preventable. The second is that the existing statistics on cause of death provide limited information and ergo fail to serve as a specific source of reference for developing prevention (control) programs (Jiang Bo-Lun, 2020).

ergo established as well.⁴⁸ However, many local governments neither conduct children and youth death review according to the amendment to Article 13 of the Protection of Children and Youths Welfare and Rights Act,⁴⁹ nor devise institutionalized implementation measures. The practice varies from county/city to county/city (Table 1). In addition, the subjects of death review in most countries include children and youth under 18. In Taiwan, it only covers children under 6, which makes death review unable to consider multiple factors and reflect the major causes of death of children and youth in Taiwan and the preventability of their death.⁵⁰

⁴⁸ In order to allow the bureaus in different local governments to participate in child death review, the Executive Yuan's Child and Youth Welfare and Rights Promotion Task Force resolved on 20 April 2021 to "request the Ministry of the Interior, the Ministry of Education, the Ministry of Justice, the Ministry of Health and Welfare, and all local government agencies (units) to cooperate fully in providing the data necessary for child death review and to participate in the discussion at the meeting." The Ministry of Health and Welfare also sent an official letter to the relevant ministries and commissions on 10 August 2021, asking them to inform their respective agencies and relevant local government bureaus about how to cooperate and assist the health bureaus in promoting child death review and providing the required case records. (The Child Death Review Project Office, NCKU, 2021)

⁴⁹ Article 13 of the Protection of Children and Youths Welfare and Rights Act amended in 2019 provides that "central competent health authority shall conduct retrospective analyses of the deaths of children under 6 and publish the results of analyses on a regular basis."

⁵⁰ By reference to the occidental countries that have long been active in promoting child death review, we noticed that the selection of cases for review usually takes into account factors such as age, cause of death, place of residence, and whether to investigate or litigate. Therefore, we suggest our government to sort out the priority of death review according to the degree of preventability, such as traffic accident deaths, followed by other external causes of accidents, external causes of intentional injuries (e.g., suicide, child abuse, and homicide), unknown causes of death, infections, perinatal-related causes, and congenital deformities (Lu Zong-Xue, 2016).

Table 1: Comparison of Trial Implementation of Death Review in Different Counties/Cities

Counties/ Cities	Implementation Basis
New Taipei City	The “Child Death Review Task Force” is set up within the “Policy Advisory Committee for Children and Youth Welfare,” in which the deputy mayor serves as the convener and the department of health is responsible for coordination and implementation.
Taoyuan City	Death review is carried out by a task force, and the department of health serves as the point of contact.
Taichung City	The “Child Death Review Task Force” is set up within the “Taichung City Committee for the Protection and Promotion of Children and Youth Welfare and Rights,” and is responsible for related affairs according to Taichung City’s CDR implementation plan.
Tainan City	Child death review is implemented under the “Principles on the Establishment of the Child Death Review Task Force in Tainan City” approved by the city government.
Chiayi City	Child death review is implemented on an ad hoc basis by the department of health in the form of briefing.
Taitung County	Child death review is carried out by the “Inter-department Task Force for Increasing the Average Life Expectancy in Taitung” within the “Health City and Sustainable Development Committee.”
Kaohsiung City	Child death review is implemented under the “Guidelines for the Establishment of the Child Death Review Advisory Committee in Kaohsiung.”
Pingtung County	Child death review is implemented under the “Guidelines for the Establishment of the Advisory Committee on Death Review of Children under 6 in Pingtung.”

Source: *Manual for Local Governments to Implement Child Death Review*

55. We suggest:

- (1) The central competent authority should formulate guidelines for implementation, hold advisory meetings on child death review regularly, and authorize local governments to carry out the task, so as to sustain child death review, take local differences into consideration, and facilitate inter-department coordination.
- (2) The government should broaden the age range of death review,⁵¹ in order to meet the international trend and current situation in practice (see Tables 2 and 3). In consideration of the time it takes to register, select, survey and analyze the

⁵¹ Some local governments refuse to conduct death review of children over 6 for reasons of extra workload. However, as shown in Table 3, the number of cases from the age of 6 to 17 increases by 30%.

statistical data on the cause of death, there should be a clear schedule for the regular disclosure of death review.

Table 2: Characteristic Comparison of Death Review Practice in Different Countries

Country	U.K.	USA	Australia	India
Legal basis	V	V	V	V
Forward-looking instant response	V	V	X	V
Review organization	V	V	V	V
Age Range	0-18歳	0-18歳	0-17歳	0-5歳
Review of Critical Cases	V	V	X	V
Operational Guidance	V	V	X	V
Family engagement	V	X	X	X
Review Report System	V	V	V	V

Source: “Strengthen Child Death Review with Medical Records and Information Collection,” the Ministry of Health and Welfare

Table 3: Annual Number of Deaths of Children and Youth

	2018	2019	2020
Under 6 years old	969	872	752
0-11 years old	1,080	971	842
12-17 years old	1,375	1,252	1,102

Source: The Department of Household Registration, Ministry of the Interior

In Response to Point 69 in the National Report

Children's Road Traffic Safety

56. Currently, there is no clear regulations on the delineation of route to school and school area, which results in the lack of systematic planning and appropriate management system for pedestrian facilities. In December 2021, a junior high school teacher in Kaohsiung was hit by a car when acting as a crossing guard. The teacher has been in a coma for more than a month since the accident. This accident highlights the long-term problem of road traffic safety for schoolchildren. According to the spirit of Article 6 of the CRC, the government should not do nothing but pass the buck onto to schools.

57. We suggest:

- (1) The government should provide a comprehensive schoolchildren road traffic safety plan via the coordination among related ministries.
- (2) The transportation agencies should improve the traffic signs or traffic conditions on the roads with high traffic risk around schools, and the police agencies should strengthen law enforcement and crack down on traffic violation.
- (3) Apart from proactive promotion and law enforcement, all competent authorities should develop a route-to-school maintenance and management plan (whether regular or irregular) and check the implementation effectiveness, so as to continuously review and improve the plan.

Road Traffic Safety Education

58. The Ministry of Transportation and Communications has developed the “Road Traffic Safety Literacy Framework and Teaching Module.” However, it is little more than a means of encouragement in the school-based curriculum⁵² or integration curriculum termed by the Ministry of Education. Over 80% of teachers in Taiwan agree that schools should offer road traffic safety education.⁵³ Nevertheless, teachers are burdened with school affairs and have insufficient time to promote and teach road traffic safety, which is the greatest difficulty in delivering road safety education in school. Under the prevalent credentialism in Taiwan, the time originally arranged for

⁵² Take the elementary school level for example. The curriculum planning framework can be divided into two categories: “ministerial curriculum” and “school-based curriculum.” The former is a “domain learning curriculum” that helps students acquire basic knowledge and balanced development, while the latter is orientated as a “flexible learning curriculum” that includes, inter alia, cross-disciplinary and integrated thematic/topic/issue-based inquiry courses, club activities and skills courses, and special needs courses, setting great store by inquiry-based, cross-disciplinary, and integrated curriculum design, which is not mandatory but for encouragement purposes only.

⁵³ This survey was conducted among faculty and staff of all schools in Taiwan who had implemented road traffic safety education during the year.

road traffic safety education is bound to be rearranged for other subjects.⁵⁴ The Ministry of Education claimed that the promotion of road traffic safety lacks the general public's support, which is diametrically opposite to the survey done by the Ministry of Transportation and Communications indicating that nearly 90% of the public support the inclusion of road traffic safety education in the 12-year Basic Education.⁵⁵

59. We suggest:

- (1) The government should formulate an overarching inter-ministerial promotion strategy, ensure the inclusion of road traffic safety education in the curriculum, add new forms of safety risk and traffic modes in the purpose of teaching, and require a minimum or specific number of course hours.
- (2) The government should allocate sufficient resources to road traffic safety education, draw up appropriate budget, and provide professional manpower training and support system for schools and organizations at the regional and local levels. For example, the competent authorities can include road traffic safety education in the training program for prospective teachers, or strengthen in-service teachers' teaching capability and expertise to integrate road traffic safety into the subjects they teach. Also, the government should regularly track schools' instructional effectiveness and design an appropriate assessment mechanism.

Traffic Conditions of Schoolchildren's Route to School

60. In Taiwan, the injuries and deaths of children and youth under 17 from road traffic accidents on the route to/from school mainly occur when they ride slow-moving vehicles (Table 4).⁵⁶ However, the government only includes sidewalks into its "route-to-school planning,"⁵⁷ but ignores driveway planning and intersection design that are

⁵⁴ The Ministry of Transportation and Communications, "The Final Report on the 2021 Road Traffic Safety Curriculum Module Plan for All Learning Levels."

⁵⁵ 87.46% of the public support the "inclusion of road traffic safety education in the curricula of early child, elementary, and high schools," and the approval rate of the age group of 18-34 is higher than 90%. The Ministry of Transportation and Communications, "The Mid-term Report on the 2019 Road Traffic Safety Monitoring Indicator Study," pp. 136-137.

⁵⁶ The data may not reflect the seriousness of the current situation because the column of "Purpose of Travel" corresponding to the "Road Traffic Accident Investigation Report Form" has never been faithfully filled in.

⁵⁷ The *Urban Humanity-Oriented Transportation Design Manual* published by the Ministry of the Interior in 2018 defines the route to school as "using spatial planning and design or time zone control in school area to provide a safe route for students to enter and exit the school." The area set up as the route to school is "demarcated by school area, i.e., the area in which junior high and elementary school students live." However, the manual bewilderingly mentions that "there is no difference between the content and spirit of the establishment of the route to school and the connotation of the urban pedestrian environment planning and design."

more essential for schoolchildren's road traffic safety.⁵⁸ In addition, there is no clear regulations on the delineation of school route and school area, which results in the lack of systematic planning and appropriate management for pedestrian facilities. Moreover, the government fails to adequately inform the general public about the regulations on road traffic safety, the law enforcement is weak, and pedestrian zones are often encroached. Existing rules and laws notwithstanding, to ensure road traffic safety is still like herding cats.

Table 4: Statistic on the injuries and deaths of children and youth under 17 from road traffic accidents on the route to/from school in Taiwan (slow-moving vehicles and pedestrians)

	2017	2018	2019	2020	2021	Total	Average
Bicycle	354	383	368	341	243	1,689	337.8
Electrical Power Assist Bicycle	7	25	17	16	10	75	15
Electric Bicycle	41	59	87	94	92	373	74.6
Pedestrian	161	148	168	165	96	738	147.6
Total	563	615	640	616	441	2,875	575

Source: The Road Traffic Safety Data Integration and Analysis Platform, Ministry of Transportation and Communications

61. Schools at all levels do not fully grasp the drop-off and pick-up of students. The poor coordination and division of labor among the related agencies in the policy on “improving parent drop-off and pick-up area”⁵⁹ make it difficult to take proper planning and control measures. Besides, there is neither a clear and uniform definition of “parent drop-off and pick-up area,” nor the establishment guidelines. The government fails to provide statistics on parent drop-off and pick-up area, which renders the conditions and improvement rate unknown.

62. The government does not provide any data or statistics on the planning for “increasing pedestrian zones.” Besides, the policy implementation is subject to the

⁵⁸ Tai Yi-Zhen, “‘The Route to School’: Steering a Path to a Livable City,” 2021. Retrieved from <https://opinion.udn.com/opinion/story/12135/5782057>

⁵⁹ Previously, a local government's education department asked elementary schools to investigate the situation of the drop-off and pick-up for after-school tutoring, only to be questioned by city council members for buck passing, or was considered by front-line teachers as the most crap official document. News retrieved from <https://tw.appledaily.com/headline/20111024/2UJVMRV5WRAJIZRLHVFAQIPFCA/>

resources of each local government, and there is a significant urban-rural gap in this regard.⁶⁰

63. We suggest:

- (1) The route to school should take the holistic road design and space planning into consideration. Facilities such as bicycle lanes and pedestrian refuge islands that protect vulnerable road users should be proactively constructed.
- (2) The government should demand related agencies to formulate a “route to school maintenance and management plan” (whether regular or irregular), along with proactive promotion and law enforcement.
- (3) The government should provide clear planning schedule and concrete performance of implementation on the improvement of the route to school, including the sites of implementation, the spatial planning, the control measures, the types and numbers of installed facilities, as well as the statistics on implementation efficiency and performance assessment.
- (4) The local competent authorities should regularly investigate the modes of students going to/back from school⁶¹ by reference to the survey on parents’ opinions about school traffic management measures, and accordingly propose a clear and viable management strategy for drop-off and pick-up and an inter-agency division of labor in coordination with regular review and improvement through supervision and performance assessment.
- (5) When establishing pedestrian zones, physical facilities should be given a higher priority than road surface marking. The competent authorities should provide related statistics as well as clear and viable improvement plan and schedule.

Road Traffic Regulations and Law Enforcement

64. In Taiwan, special protection measures for vulnerable road users remain wanting. Related regulations fail to keep up with the international trend. For example, the fines for breaching the Road Traffic Management and Penalty Act (e.g., vehicles not yielding to pedestrians) are much smaller in comparison with those in most

⁶⁰ For instance, “build pathways,” “broaden curb side strips,” “remove electric poles,” “bicycle lanes,” “safety fences,” “colored paving,” “ensure the continuity of sidewalk pavement,” “install rubber cylinders,” “easily identifiable curb side strips,” “two-stage road crossing facilities,” “improve roadside gutter facilities,” and other road improvement measures. The Road Bureau, Ministry of Land, Infrastructure, Transport and Tourism, Japan, *Route to School: Examples of Measures Taken by Road Administrators to Ensure the Road Traffic Safety in Daily Life*, 2017. Retrieved from <https://www.mlit.go.jp/road/road/traffic/sesaku/pdf/a-jirei.pdf>

⁶¹ Including the distance between home and school, the time of arriving at school, the means of transportation, the number of passengers, after-school activities and venues.

countries.⁶²

65. The regulations on child restraint systems are contradictory and out-of-date. For example, the regulations governing safety equipment on tour buses were amended recently and require that children over 4 must fasten the seat belt. However, children under 4 are not subject to any mandatory requirement for restraint systems. In addition, the preschool buses in Taiwan are out-of-date and lack safety equipment such as seat belt, which is inconsistent with the international trend of child accident prevention.⁶³

66. We suggest:

- (1) The government should amend related rules and laws as soon as possible, explicitly demanding that all vehicles carrying children to and from school or other places must be equipped with seat belts or proper safety devices.
- (2) The government should conduct an overall review on current rules and laws, providing vulnerable road users with better protective measures and burdening drivers with heavier responsibilities. Meanwhile, more effective law enforcement and promotion are necessary to advocate a humanity-oriented transportation environment and culture.

Data Collection

67. Although the government has established the “National Health Insurance Research Database” and the “Road Traffic Safety Data Integration and Analysis Platform,” the data collection on non-fatal injury accidents of children still have the problems of incomprehensive monitoring areas, incomplete monitoring items, flawed data

⁶² According to the data provided by the Ministry of Transportation and Communications, the fines for vehicles not yielding to pedestrians in many countries are higher than those in Taiwan (1,200-3,600 NTD), such as France (4,739 NTD), South Korea (5,523 NTD), State of New Jersey, the U.S. (6,174 NTD), and Japan (13,689 NTD). Central News Agency, 2020. Retrieved from <https://www.cna.com.tw/news/firstnews/202009010041.aspx>

⁶³ “In the European Union, since 2006 all coaches and minibuses, including regular school buses, have been required to be fitted with seat belts. EU research has shown that child restraints can greatly reduce the severity of road accident injuries. According to the World Health Organization, seat belts are effective in preventing passengers from being thrown out of a vehicle: 44% of unrestrained vehicle passengers killed are ejected, partially or totally, compared to only 5% of those wearing seat belts. In Singapore, legislation was passed in 2009, mandating the fitting of seat belts in all small buses, following a fatal accident in 2008, when an eight-year-old, who was not wearing a seatbelt, was thrown out of a school minibus, and killed.” (2022 Position Papers, European Chamber of Commerce Taiwan, 2021). Besides, the Japan Automobile Research Institute has published a series of research on children-only bus with seat belt. It pointed out that, when a frontal collision or rollover occurs, the two-point seat belt will secure the child in the seat and have the effect of preventing or reducing injuries to the child (Sugita Koji and Hayashi Takehito, et al. 2019). It also ran experiments to show that, if children are properly trained, the use of seat belts will not take them a longer time for emergency escape (Ishii Mitsuru and Sugita Koji, et al. 2017). In 2020, the U.S. National Transportation Safety Board suggested that each state should make seat belts in school buses compulsory. The U.S. National Highway Traffic Safety Administration demand that school minibuses should be equipped with seat belts, because school minibuses are closer in size and weight to passenger cars and trucks, which renders seat belts in these vehicles necessary to afford occupant protection.”

registration, and data inaccessibility.⁶⁴ For example, the E-code in the National Health Insurance Research Database is always not concretely provided, resulting in incomplete records of injury locations, mechanisms, and activities. On top of that, it is not available for public inquiry for reasons of privacy and personal information protection.⁶⁵ The “Road Traffic Accident Investigation Report” is the data source of the Road Traffic Safety Data Integration and Analysis Platform managed by the Ministry of Transportation and Communications. Some items in the report are defined in a vague and general fashion, and there is a lack of information on people, vehicles, roads⁶⁶ and environment. Besides, front-line personnel are busy and lack adequate equipment, expertise and time, hence in incomplete records and presentation of existing data. Moreover, human errors are common in the process of data registration and archiving, which also undermines the usability of existing data.⁶⁷

68. We suggest:

- (1) Short-term: Based on the specific purpose of injury monitoring, the government should enhance the data collection, fully implement the E-code records of injury cases in medical institutions, establish a standardized registration procedure for statistical data, consistently define and explain the statistical categories, ensure data de-identification, and develop a list processing system that not only reduces human errors and demand for manpower, but also reinforces data connection and presentation.
- (2) Medium-term: The government should use the *Injury Surveillance Guidelines*⁶⁸ published by the World Health Organization as a reference, thereby taking stock of missing information on injury and working out an archiving schedule to improve the incomprehensiveness of monitoring areas. The government should also fulfill data visualization by integrating existing data into the Geographic Information System (GIS).
- (3) Long-term: The government should set up an independent first-level accident injury data monitoring agency which is responsible for coordinating and

⁶⁴ The Division of Child Health Research, National Health Research Institutes, “The 2030 Policy Proposal Outline for Children’s Healthcare,” The Ministry of Health and Welfare, May 2019. <https://reurl.cc/oxeNyv>

⁶⁵ Chen Pin-Ling and Bai Zhi-Wei, “Accident Injury Monitoring Data Statistics and Value-added Application Project (expanded after 2016),” The Health Promotion Administration, Ministry of Health and Welfare, November 2017. <https://reurl.cc/aN16Zl>

⁶⁶ For example, obstructed line of sight of drivers, seats and vehicle age.

⁶⁷ The Transportations Safety Division, Institute of Transportation, Ministry of Transportation and Communications, *Review, Revision and Statistical Application of Road Traffic Accident Investigation Report*, June 2019.

⁶⁸ World Health Organization, *Injury Surveillance Guidelines* (No. WHO/NMH/VIP/01.02), 2001.

integrating the data collected by central and local authorities, supervising the collected data, and achieving at least the minimum data set for monitoring purposes. In addition, the government should establish an inter-ministerial data archiving platform to analyze, assess, review, and propose evidence-based prevention strategies, orientations, and objectives for children accident injuries.

In response to Points 30, 62 and 63 in the Concluding Observations/Points 70-72 in the National Report

The Government Fails to Effectively Prevent Child Suicide

69. In Taiwan, the number of child death by suicide almost doubled between 2016 and 2020,⁶⁹ and the number of child suicide notifications spiked from 1,152 in 2016 to 5,464 in 2020.⁷⁰ As much regrettably, the number of student death by suicide at the elementary and high school levels also rose from 28 in 2016 to 47 in 2019.⁷¹ The National Report just repeats existing policies without outlining any proactive strategy.

70. Of all the notified minor suicide and self-inflicted injury cases, “depressive personality, depression or other mental illness” have become the primary causes in recent two years, and its percentage grows from 26.4% in 2016 to 47.1%. The other compound causes include family problems, adaptive obstacles, and emotional issues.

Statutory Regulations on Children and Youth Psychological Counseling

71. Article 19(2) of the Psychologists Act provides that “the psychologist shall also obtain the consent of his/her clients or their legal representatives and advise them of their rights.” This clause neither specifies the age threshold below which the consent of legal representatives is mandatory, nor clarifies related matters that require attention.

72. According to related practice, counseling psychologists are allowed to open cases only after obtaining the consent of minors’ statutory agents. However, the rigid and ambiguous regulations may result in belated intervention by professional counselors and neglect of the right of children and youth to express whether they will accept

⁶⁹ Appendix 3-5 of the National Report

⁷⁰ Appendix 3-10 of the National Report

⁷¹ Appendix 3-11 of the National Report

medical treatment or not.⁷²

73. Given the ambiguous psychological counseling regulations, even if children and youth can seek psychological counseling on their own, they can by no means afford the high cost of counseling.

High Rate of Suicide and Self-inflicted Injury among Children and Youth

74. The information released by the government comes from “notification information” rather than “case investigation,” and, under the current rules and laws, child death review is conducted only on children under the age of 6. Therefore, the factors behind suicide in children over the age of 6 remain unidentified.

75. Point 72 in the National Report states that the government has provided counseling for high-risk children and youth, such as those who have attempted suicide or self-injury. Nevertheless, the government has no specific and effective measures to eliminate the factors detrimental to children’s physical and mental health, such as physical and psychological violence, excessive workload, and insufficient rest.

76. According to practical experiences and special reports,⁷³ there is a shortage of manpower in the existing full-time counseling mechanism in schools. The counseling personnel range from the sublime to the ridiculous. The urban-rural gap in resources grows. The changes of counseling personnel occur frequently. The administration’s “Three-tiered Plan to Prevent Students’ Self-inflicted Injury” does not address the paucity of resources and expertise on campus.

77. We suggest:

- (1) The government should establish a death review system for children and youth aged 7-18. In particular, the cases of children and youth suicide should be prioritized for death review. The results should be publicly reported and the government should make policy responses.
- (2) The government should strengthen the promotion of physical and mental health for children, adolescents and their parents, with a specific focus on de-

⁷² Some of the situations are listed below for reference: (1) the legal representative disallows the minor to have psychological counseling, but the minor is in need of it; (2) the minor needs psychological counseling because of domestic violence or domestic sexual assault, and it is inappropriate to require the perpetrator’s consent; and (3) uncovering the reason for the minor to seek psychological counseling may lead to a stressful situation in the minor’s family.

⁷³ “The Melancholic Generation: Who Murdered the Adolescents in Taiwan,” *United Daily News*. https://udn.com/newmedia/2021/teenage_depression/

stigmatizing physical and mental issues.

- (3) In order to better understand the needs and difficulties of minors who seek psychological counseling, and to make corresponding policies and regulatory explanations, the central competent authority should: (A) Invite relevant professionals (e.g., counseling psychologists, psychiatrists, and youth counselors) to hold discussion forums on the measures for minors to seek counseling on their own. (B) Explicitly define the “age” mentioned in Article 19(2) of the Psychologists Act. (C) Convene expert meetings aimed not only at developing various channels that make children and youth as the subjects and allow their stakeholders to express their views, but also at investigating the needs and difficulties of children and youth in receiving psychological counseling and related service.

In response to Points 30, 86, and 107 in the National Report

Children’s and Youth’s Freedom of Expression in the Alternative Care System

78. Some children and youth do not have the opportunities of full participation and expression before entering the placement system, during the placement process, and at the transition stage. Currently in Taiwan, only the Juvenile Justice Act provides that court rulings shall take into account adolescents’ opinions. The entrusted placement in the social administration system employs an overly simplified scale to assess children’s and youth’s willingness to undergo the placement process. As for the phases of alternative care service, such as admission to placement, placement transition (incl. change of place and discharge), and treatment plans, no rule and law stipulate that adolescents’ opinions shall be taken into account.

Complaint Mechanism in Placement Organizations

79. Observing the life experiences of children and youth in placement organizations, we found that there are still staff members who lack awareness of child rights and curtail their freedom of expression. For example, when children and youth want to submit proposals for discussion at residential or family meetings, their proposals will be examined and filtered by the staff first. Some proposals may be blocked, or the staff may remind the children and youth that “fewer comments, fewer problems. It’s more trouble than it’s worth to have so many opinions,” which frustrates children’s and youth’s effort of expression and gradually curbs their willingness to make their voices heard.

80. Both the internal and external complaint mechanisms of the alternative care

system are neither friendly enough towards children and youth, nor adequate in protecting their privacy. Children and youth said that complaint boxes in alternative care centers are seldom used, and staff of alternative care centers also stated that the complaint line is mostly used by complaining parents. Over the past 10 years, the competent authorities have received only 6 external complaints, which clearly shows the ineffectiveness of the complaint channel.

81. We suggest:

- (1) Practitioners in the alternative care system should receive comprehensive training in child rights and establish a supervisory empowerment mechanism on site, so as to promote the best interests of children and youth as a priority in high stress care settings.
- (2) The government should establish a mechanism for children and youth to voice their opinions in the alternative care system, and solicit opinions from children and youth as well as consider including them in alternative care-related rules and laws.
- (3) The government should assist children and youth who have difficulties in expression, such as providing children and youth suffering physical and mental disabilities with personnel or equipment assistance to facilitate their expression, or arrange interpreters for non-Chinese speaking children and youth.

In response to Points 31 and 32 in the Concluding Observations/Points 73-86 in the National Report

Child-friendly Environment for Expression

82. Student organizations, children and youth committees in the public sector, and the children and youth delegation systems have been widely established to offer children and youth more opportunities to participate in decision-making on public affairs. However, when expressing their views, children and youth are often confronted with unfriendly responses from adults,⁷⁴ or the meetings are still set up from the adult perspective and do not meet the needs of children and youth.⁷⁵

⁷⁴ Student organizations often get unfriendly responses at school meetings. Their proposals may be directly handled by voting. They are even rebuffed when demanding that schools' measures should be in compliance with the law (e.g., lifting the hair ban, do not compel students to take the eighth class, do not punish students for violation of dress code). Some private schools may even tell their students that "this is the rule of this school. If you don't like it, you can enroll in another school."

⁷⁵ The meeting schedule, agenda, and process of the children and youth rights committee of each county and city are still designed primarily in consideration of adult members. Children and youth are often confronted with arrangements that are not in their best interests, such as meeting convened during school exam or shortened reporting durations in meeting.

83. The government just focuses on whether children and youth have the “opportunity for participation” and whether their “identity as children and youth” is required by the CRC. It lacks the implementation check mentioned in CRC/GC/No.12 (e.g., the right to be fully informed, child-friendly information environment, the right to be given due weight, and responses), and does not examine the effectiveness of children’s and youth’s physical participation. As a consequence, the government fails to encourage continued participation of children and youth in the process of public policy-making.⁷⁶

84. Although there is a promotional brochure compiled in cooperation with the private sector, and the CRC empowerment training courses are conducted under the Taiwan lottery feedback fund program, it is not mandatory for school faculty and staff or supervisors with decision-making power to understand and follow, hence no discernible effect on rights protection.

Delegates from Local Children and Youth

85. In Taiwan, the law has been amended⁷⁷ and the status of children and youth delegates in local governments’ children and youth committees had been elevated from “attending as non-voting delegates” to “attending as voting delegates.” In practice, however, the mechanism after the amendment is not as friendly as it was before the amendment. When children and youth delegates were simply non-voting attendees, most of them were allowed to be present in the meetings. After the amendment, some local governments allow only the children and youth who are committee members to attend the meetings and deprive other delegates of their right to participation for reason of “limited attendance.”

86. Some local governments set a limit on the number of proposals submitted by children and youth delegates, specify the standard format, distort the content of the proposals, or unduly involve in drafting the proposals, rendering delegates’ honest opinions unheard. School faculty and staff often prohibit children and youth delegates from taking leave for government meetings, because the former do not understand the latter’s engagement in public affairs.

87. There is a huge urban-rural gap in the capacity and resources among local

⁷⁶ Appendix 3-12 of the National Report

⁷⁷ The Implementation Act of the Convention on the Rights of the Child, and the Protection of Children and Youths Welfare and Rights Act

governments, which leads to a substantial difference in local governments' budget on empowering children and youth delegates. On top of that, the age of children and youth delegates varies from county/city to county/city, and some adults over the age of 18 are delegated to represent children and youth.

88. We suggest:

- (1) As the competent authority, the Ministry of Health and Welfare should lay down the rules for children and youth delegates to join government meetings as the minimum standard for local governments to follow, so as to ensure that the implementation by local governments will not trample on children's and youth's right to participation, and that no discrepancy will arise from differences among local governments.
- (2) The Ministry of Health and Welfare should hold regular liaison meetings to assist local governments in gradually incorporating the CRC's spirit into the children and youth delegation system, so as to rectify local governments' operational problems. Besides, the Ministry of Health and Welfare should increase its subsidies for local governments on the children and youth empowerment program, pool empowerment resources, and provide personnel training, in order to substantially change the quality of children and youth empowerment.
- (3) The Ministry of Health and Welfare should introduce an effectiveness evaluation mechanism that operates in conjunction with the current survey on children and youth empowerment,⁷⁸ in order to heighten the sense of self-efficacy experienced by children and youth delegates and to embody the spirit of effectively incorporating children's and youth's opinions into national policies.
- (4) In view of the situation in which schools prevent children and youth delegates from taking leave for statutory reasons, the Ministry of Education should develop guidelines for schools at all levels on this matter and provide school faculty and staff with the CRC educational training that increases their proficiency in this regard, insofar as to ensure that the participation of children and youth will not be restricted.

⁷⁸ Currently, the Ministry of Health and Welfare is responsible for conducting annual surveys on the practice of each local government in children and youth empowerment, and the data include the age and identity of children and youth delegates, the number of participants in the training programs, as well as the number and types of proposals put forward on the committee. However, no effective evaluation mechanism has been developed to investigate children's and youth's satisfaction with the training program, their sense of self-efficacy about submitting proposals to the committee, and their perceptions of how important they are, which is why the children and youth delegation system is often improved at no other level than legislation.

Chapter 4: Civil Rights and Liberties

In response to Points 27 and 28 in the Concluding Observations/Point 100 in the National Report

Religious Groups on Campus

89. The Gender Equity Education Act is not fully implemented. Many schools⁷⁹ still allow groups with religious backgrounds to deliver life education or character education in the morning session or after-school tutoring session. These groups promote Christian doctrines and chastity, reinforce gender stereotypes, and advocate anti-homosexuality in the classroom.⁸⁰ As a response, the Ministry of Education issued the “Notes for Off-Campus Personnel Assisting in Teaching or Activities at the Elementary, Middle, and High School Levels” in May 2020, stipulating that (1) regular teachers should be present when off-campus personnel assist in teaching; (2) the courses and teaching material they provide must be reviewed by the school;⁸¹ and (3) the content they deliver shall not violate the curriculum guidelines, related laws, and the International Bill of Human Rights.⁸² However, the “Notes” are not implemented properly, since incidents of religious groups on campus still occur frequently.⁸³

⁷⁹ Take the Rainbow Family Life Education Association for example. According to the exclusive interview by *IMPACT*, the association has more than 6,000 volunteers in over 600 elementary schools around Taiwan. Tsai Ming-Hsian, “The 20th anniversary of the Rainbow Family Life Education Association—The second-generation entrepreneurs tell stories by a story van touring around Taiwan as a token of appreciation for the efforts made by the 6,000 volunteers of the association,” *IMPACT*, 20 June 2019. <https://ct.org.tw/html/news/3-3.php?cat=12&article=1344181>

⁸⁰ It is difficult for outsiders to know the exact content the group teaches in schools, because their course and teaching material are not open to the public. Some parents created a Facebook fan page titled “Protecting Our Children—Return Purity and Professionalism to Schools,” accepting parents’ anonymous complaints and collating some of the content taught by the group. <https://www.facebook.com/schoolpure/>

⁸¹ Article 5 of the “Notes for Off-Campus Personnel Assisting in Teaching or Activities at the Elementary, Middle, and High School Levels.”

⁸² Article 6 of the “Notes for Off-Campus Personnel Assisting in Teaching or Activities at the Elementary, Middle, and High School Levels.”

⁸³ Chen Yen-Heng, “Playing tricks for religious infiltration: Religious groups like the Rainbow Family Life Education Association enter schools ‘under a false name’ and clandestinely disseminate anti-homosexual material and preach to students,” *Up Media*, 25 November 2020. https://www.upmedia.mg/news_info.php?SerialNo=100894

90. We suggest:

- (1) According to Article 15 of the Gender Equity Education Act, “gender equity education shall be incorporated into the pre-service training of teaching and other staff members, the orientation training of new staff members, in-service education programs and training courses for educational administrators. The professional teacher training programs provided by universities that offer teacher training programs shall have gender equity education related courses.” However, the effectiveness remains to be improved. The competent authorities should be more active in grasping the level of teachers’ knowledge about gender equity and thus properly implement related laws and regulations.
- (2) The competent authorities should supervise and urge schools to fully implement the “Notes for Off-Campus Personnel Assisting in Teaching or Activities at the Elementary, Middle, and High School Levels” and the review of curriculum.

In response to Point 33 in the Concluding Observations/Point 91 in the National Report

Stateless Children

91. Under the current regulations in Taiwan, the newborns whose parents do not have any proof of lawful residency (e.g., parents are both undocumented migrant workers, or one of them is a legal resident but the other is not) can only apply for Taiwan’s national health insurance on a case-by-case basis.⁸⁴ The newborns whose parents are lawful migrant workers, and the registered non-Taiwanese children and youth who have acquired their residence permits, ought to be eligible applicants for Taiwan’s national health insurance. In practice, however, the application procedure for the insurance is relatively complicated, and it will be quite difficult for them to apply without one-on-one assistance.

92. With regard to the infringement of the right of stateless children and youth to medical care, the Control Yuan Investigative Report⁸⁵ suggests that the National Immigration Agency should consider issuing provisional residence permits to stateless children and youth by treating them as the subjects of right instead of treating them with their parents’ identities or whereabouts.

⁸⁴ The procedure includes the presentation of official marriage certificate or the outcome of paternity test. The father in question may be unable to afford the cost of paternity test or doesn’t know how to do it owing to the complex process or information gap. If the mother in question is undocumented migrant worker, she may refuse to provide relevant documents for fear of exposing her identity.

⁸⁵ The Control Yuan, *The Control Yuan Investigative Report*, (2019), Nei-Diao no. 0100. <https://www.cy.gov.tw/CyBsBoxContent.aspx?2n=133&s=6871>

93. We suggest:

- (1) The National Immigration Agency should issue provisional residence permits to the children and youth whose parents do not have any proof of lawful residency. Social welfare centers or the social affairs bureaus of local governments may commission migrant worker-friendly institutions to tackle this issue on a case-by-case basis, thereby reinforcing the intervention in children's and youth's right to health and helping them acquire Taiwan's national health insurance and vaccination.
- (2) The description of the application procedure for Taiwan's national health insurance should be multilingual. Human resource agencies or NGOs can help distribute the description for migrant workers' reference, so as to bridge the information gap and enable them to apply for the insurance by themselves.

The Qualification of Hong Kongers as Political Refugees

94. Since 2019, political persecution in Hong Kong has forced many activists or supporters of the Anti-Extradition Law Amendment Bill Movement to leave their hometown.⁸⁶ Currently, Article 18 of the Laws and Regulations Regarding Hong Kong and Macao Affairs is the legal basis for Taiwanese government to deal with this issue. The competent authorities will conduct a joint vetting procedure of individual cases, and help the individuals apply for resident status after they passed the vetting. However, in other countries, individuals will directly acquire refugee status after passing the vetting, which is different from Taiwan's approach. In Taiwan, individuals who passed the vetting do not automatically obtain resident status but still have to complete the application procedure. Contrary to the general practice in the world, this procedure in reverse order will cause more difficulties for those who seek political asylum in Taiwan.

95. Following Point 94, due to the lack of clear laws to govern this issue, practical assistance is offered by the Taiwan-Hong Kong Services and Exchanges Office on an ad hoc basis. It is debatable whether such assistance is sustainable and stable. The situation worsens when it involves children. It is reported that an asylum seeker from Hong Kong gave birth to a baby in Taiwan. The baby becomes stateless because its parents cannot return to Hong Kong, and there are no applicable laws for it to obtain Taiwanese nationality.

96. Currently, medical resources such as vaccination for stateless newborns can only

⁸⁶ Most of them are young adults, and a small number of them take all their families along with them.

be acquired through private funding. Besides, stateless children's health may be severely undermined if they cannot have national health insurance during their coming of age owing to their identity issue.

97. Furthermore, the enrollment of stateless children will be affected for they cannot register as enrolled students. Even if they are allowed to sit in on classes, they will not receive school certificates after completion of studies.

In response to Points 35 and 36 in the Concluding Observations/Points 101 and 102 in the National Report

Minors' Freedom of Assembly and Association

98. At the end of 2020, the Legislative Yuan passed the amendment to the Civil Code, which lowers the legal age of majority from 20 to 18. It also passed the other 25 amendments to other laws such as the Civil Associations Act and the Assembly and Parade Act, replacing the term "20 years of age" in the original clauses with "majority." However, the only improvement made by these amendments is to lower the age threshold of the initiators to 18. The "spirit" of the two Acts since 1987 still manifests itself in other unreasonable restrictions on the citizens' (incl. children's) freedom of expression. Problems including the prior permission required for assembly and association, the cumbersome application procedure, restricted zone, and the abuse of the police power on the assembly sites have long been denounced. Civic groups have also proposed parallel reports many times in the national reports on the ICCPR for the meeting of the international review. Despite that, the amendments to the original frameworks of the two Acts remain wanting.

99. In addition, the two Acts only allow "nationals who have attained majority without criminal record" to initiate assemblies. The overall legislation does not consider the possibility for children or non-nationals to participate in assemblies or associations. In the current situation, children and youth who intend to initiate related activities must ask adults to apply for the activities on behalf of them.

100. In practice, problems arise because student groups on campus cannot register as civil associations. The operation of student groups is to a large extent subject to the influence of "adults" in schools, and students cannot autonomously determine the status of student groups. The closeness of schools and the power relations between teachers and students have prevented outsiders from obtaining relevant data.

101. The Ministry of the Interior has removed the age restriction in the draft of the

Social Associations Act it published in 2016. The requirement for “full disposing capacity” of the person responsible was relaxed as “the person who has limited disposing capacity with the consent of the person’s legal guardians.”⁸⁷ However, the Social Associations Act was not passed at that time. In the session of the Legislative Yuan that began in early 2020, the Executive Yuan did not send the draft to the Legislative Yuan for deliberation. In recent years, the number of student groups comprising children or youth has mushroomed, but they cannot register as civil associations, which directly results in the infringement of children’s rights of assembly and association because they can neither apply for governmental subsidies nor rent governmental venues.

102. We suggest:

- (1) The government should amend the Assembly and Parade Act as soon as possible, so as to lift unreasonable restrictions on assembly and parade.
- (2) The Legislative Yuan should pass the Social Associations Act as soon as possible, so as to protect children’s and youth’s right to form associations recognized by law.
- (3) When granting subsidies, the government should consider the application from unregistered children or youth groups.

In response to Point 37 in the Concluding Observations/Points 103-105 in the National Report

Privacy on Campus

103. “Teachers have carried out searches of students’ personal belongings for reasons other than those stipulated by law [...]. The Review Committee recommends that the Government take all necessary measures to protect children from such unlawful and arbitrary interference with their right to privacy.”⁸⁸ The National Report has listed relevant laws in Point 104 and indicated the number of people punished for infringement of privacy on campus in Attachment 4-3. However, the laws listed in the National Report have remained unrevised since last international review meeting. The number of people punished is merely 7 over the past 5 years, which is much smaller than the number of relevant cases actually handled by civic groups.

104. The National Report simply mentioned Article 30 of the Guidelines on Student

⁸⁷ “If the above-mentioned person responsible is a person who has limited disposing capacity, the person will have full disposing capacity on the affairs of the association to which the person belongs with the consent of the person’s legal guardian(s).”

⁸⁸ Please see Point 37 in the Concluding Observations.

Counseling and Discipline, but ignored Article 29 which stipulates that “schools may conduct regular or irregular search of student dormitories under the regulations governing the administration of student dormitories.” This article empowers school authorities to search student dormitories “without any justifiable reason.” We received a complaint from the students of the National Ping Pei Senior High School at the end of 2021.⁸⁹ The students accused that the military training instructors in their school entered the student dormitories during the final exam, searching their personal belongings and ignoring objections voiced by the student representatives on site. The Ministry of Education did not punish the school authority, which is obviously inconsistent with the content of the National Report.

105. Following Point 104, Article 30 of the Guidelines on Student Counseling and Discipline empowers school authorities to search for “books, pictures, videos or other items involving obscene or violence,” and “cigarette, alcohol, betel nuts or other substances hazardous to students.” These items may not cause imminent danger. However, the school made undue interference in students’ privacy, which violates the principle of proportionality and runs counter to the notion of “counseling prior to discipline.”

106. In addition, the current Guidelines for School Regulations on Student Counseling and Discipline empower school authorities to inspect students’ bodies and personal belongings. It is noteworthy that the Ministry of Education regards the Guidelines as “administrative guidance” in terms of legal status. It implies that the inspection power that the Guidelines grant school authorities, while actually not empowered by law, violates the principle of legal reservation.

107. We suggest:

- (1) The inspection of students’ personal belongings should be empowered by law and should not be conducted without any justifiable reason.
- (2) The scope of search conducted by school authorities should be confined to illegal items that may cause imminent danger.
- (3) There should be a comprehensive procedural protection during the search process, and students should be informed of the channels to file complaints and seek remedies. The competent authorities should impose fitting punishment on the school authorities who commit offenses.

⁸⁹ The school authority of the National Ping Pei Senior High School searched the student dormitories during the final examination. The students protested by arguing that even criminal suspects receive fairer treatment than they do. <https://udn.com/news/story/6898/5187459>.

Chapter 5: Preventing Violence against Children and Youth

In response to Point 39 in the Concluding Observations/Point 115 in the National Report

Children and Youth as Eyewitnesses of Domestic Violence

108. Regulations and laws⁹⁰ have been made on helping children and youth who have witnessed domestic violence: inform the competent authorities of the cases by referrals online, and schools decide whether to activate the level-3 counseling. However, there is neither related regulations on schools' assessors and assessment tools, nor the criteria for evaluating the level of counseling needs of children and youth.

109. According to official statistics on the counseling cases of children and youth as eyewitnesses of domestic violence in 2020,⁹¹ the competent authorities received the referrals of 12,722 children and youth (from kindergarten to senior high school) who have witnessed domestic violence, and the largest group among them (68%) were treated by class teachers and school counselors. However, apart from the “educational training” that helps teachers develop proficiency in counseling children and youth as eyewitnesses of domestic violence, there is no follow-up assessment and supervision mechanism concerning the situation of these children and youth after receiving counseling. Furthermore, there is a lack of related assistance for class teachers and school counselors who encounter difficulties in the counseling process.

110. We suggest:

- (1) Qualified professionals (e.g., social workers and counseling psychologists in this field) should be incorporated into the team when schools decide to activate level-3 counseling.
- (2) After activating level-3 counseling, schools should establish mechanisms for follow-up assessment and supervision, such as holding follow-up meetings on a regular basis to assess the cases that receive counseling, and inviting external professionals to offer assistance or suggestions for the counselors encountering difficulties.

⁹⁰ Articles 4 and 8 of the Domestic Violence Prevention Act, and the Guidelines on Counselling and Treating Children and Youth as Eyewitnesses of Domestic Violence.

⁹¹ The Ministry of Education (2021), the Working Report of the 6th Meeting of the 4th Task Force on Domestic Violence and Sexual Assault Prevention, the Ministry of Health and Welfare.

In response to Point 57 in the Concluding Observations/Points 127 and 128 in the National Report
Corporal Punishment as a Parental Right

111. According to the statistics compiled by the Ministry of Health and Welfare, the number of children and youth who died of the abuse committed by their parents or caregivers does not decrease under the current regulation of related laws.⁹² The government neither amends the laws to explicitly prohibit domestic corporal punishment (see Point 107), nor precisely defines “corporal punishment.”⁹³

112. In Taiwan, the Civil Code⁹⁴ breaches Article 19 of the CRC,⁹⁵ and the court agrees that parents may inflict corporal punishment upon their children.⁹⁶ It is clear that the country encourages parents to use child-rearing and upbringing as an excuse for corporal punishment.⁹⁷ The court’s ruling indicates that beating children and youth over their hands, legs and buttocks with “bare hands” or “leather belts” is within the parental right to use punishment. The judicial interpretation of the parental right to inflict punishment upon their children still includes partial corporal punishment.

113. Even if amendments are made to the Protection of Children and Youths Welfare and Rights Act in the future that include a prohibition on corporal punishment and verbal abuse, the parental right to corporal punishment may offer an affirmative defense to parents’ physical and psychological violence against children and youth that render such kind of conducts lawful (incl. administrative laws).

⁹² <https://dep.mohw.gov.tw/DOS/mp-113.html>

⁹³ So far, only the Enforcement Rules of the Teachers’ Act provides a definition of the corporal punishment inflict by teachers on students. However, this definition fails to encompass all types of perpetrator, which renders a separate legal definition necessary. Besides, the definition of corporal punishment in the Enforcement Rules of the Teachers’ Act is premised on the purpose of discipline, and is often misinterpreted in practice. For instance, some teachers or staff may claim that “this conduct has a purpose of physical training” as an excuse to circumvent the definition of corporal punishment, so as to escape penalties. The committees handling related cases usually accept this sort of claims.

⁹⁴ Article 1085 of the Civil Code provides that “parents may, within the limit of necessity, inflict punishment upon their children.”

⁹⁵ Zhang Yu-Ling (2017), *Moving toward a Non-Violence Child Rearing Society—Starting from Implementing the Prohibition of Corporal Punishment under the Convention on the Rights of the Child*.

⁹⁶ The Taiwan High Court’s Decision, Appeal No. 17 (2018) states: “The defendant is the birth mother of Pan (the child as the punishment receiver in this case), and is ergo entitled by law to punish her child within the scope of necessity [...]. The defendant punished Pan for disobedience. She beat Pan over his hands, legs and buttocks with bare hands and a leather belt because Pan disobeyed her admonishment and took dangerous articles (glass and lighter). This form of discipline is reasonable and within the scope of parental right to punish minor children. Under Article 21(1), this conduct is not punishable.”

⁹⁷ Child Welfare League Foundation (2016), *The 2016 Survey on the Domestic Violence against Children and Youth in Taiwan*, retrieved from: https://6www.children.org.tw/publication_research/research_report/2206

114. We suggest: Taiwan should learn from the precedent of South Korea, a neighboring country deeply influenced by its patriarchal system, and finally abolish the parental right to inflict corporal punishment upon their children, whereby Taiwan can go further in preventing violence against children and youth.

115. The incidence of domestic physical and psychological violence against children in Taiwan is increasing year by year.⁹⁸ Corporal punishment and scolding remain the staple of parents' approach to bring up their children. If the government refuses to abolish the parents' right to inflict corporal punishment upon their children, parents will continue to enjoy the legal justification and support for physical and psychological violence against their children, which is seriously detrimental to children and youth.

116. We suggest:

- (1) The government should repeal Article 1085 of the Civil Code, or replace it with the obligation of protection and upbringing.
- (2) The government should explicitly outlaw domestic corporal punishment, and prohibit physical and psychological violence, *quovis modo*, against children.
- (3) The definition of corporal punishment should be clarified by law, and it should not be confined to specific purpose and extent.

In response to Points 52, 53, 56 and 57 in the Concluding Observations/Point 130 in the National Report

Governmental Survey Questionnaire Concerning School Corporal Punishment upon Children and Youth

117. Designed by the government, the survey questionnaire is either completed as schools' self-appraisal or by students in classrooms with the presence of their teachers. There have been several instances of teachers guiding students to fill in the questionnaire at schools,⁹⁹ which clearly violates students' freedom of expression.

⁹⁸ Article 1085 of the Civil Code provides that "parents may, within the limit of necessity, inflict punishment upon their children." It results in a conflict between the parental right to inflict punishment and the right of children and youth to be protected from violence. According to the statistics in Appendix 5-2 of the 2nd National Report, victims of corporal punishment and inappropriate discipline has increased in number year by year. Parents are still accustomed to bring up their children with corporal punishment and scolding.

⁹⁹ In the cases of corporal punishment, some victims indicated that their teachers told them that "running on the track is not corporal punishment" or "demanding you to beat yourself is not corporal punishment because I didn't beat you." If the questionnaire is completed by children under the supervision of their teachers, their teachers may distort the definition of corporal punishment or directly "suggest" the answers for the questionnaire, and may even trample children's right of not to speak.

Besides, the questionnaire completed as schools' self-appraisal is an action of mere formality. Even if the content filled in the questionnaire is cut off from the realities, schools are not liable for the discrepancy. Therefore, the resultant data that tend to deviate from the real situation will hamper the government's efforts to formulate national policies that protect children and youth from violence in all its manifestations.

118. We suggest:

- (1) The government should assess the reliability and validity of data on sensitive issues.
- (2) The government should ensure that children and youth are adequately informed of related information and placed in a safe and friendly environment when filling in questionnaires.

In response to Points 52, 53, 56 and 57 in the Concluding Observations/Points 129 and 130 in the National Report

Physical and Psychological Violence against Children and Youth on Campus

119. Instances of physical and psychological violence against children and youth on campus still frequently occur.¹⁰⁰ From our practice in helping children and youth as victims in this regard, we found that, in the schools' mechanism for handling related cases, the committee having discretion comprises primarily "the colleagues of the perpetrator."¹⁰¹ With such a conflict of identity, the offenses that meet the definition of "corporal punishment" may be leniently interpreted as "inappropriate discipline,"¹⁰² which is often punishable by reprimand only.

120. In the government-collected data, the cases of "corporal punishment" may be categorized as "inappropriate discipline," hence the false illusion as to offenses of physical and psychological violence against children and youth on campus have decreased in number. The National Action Plan for Terminating Physical and

¹⁰⁰ The competent authorities have misunderstood the actual situation due to the bias mentioned in Point 115.

¹⁰¹ Article 4 of the Regulations on the Dismissal, Suspension, or Discontinuation of Employment of Teachers at the Elementary, Middle, and High School Levels provides that all the 5 members of the committee are selected by school principal, and 3 of them are colleagues at the same school. According to the Guidelines on the Formation of Teacher Evaluation Committee at the Elementary, Middle, and High School Levels, only 1 (parents' representative) of the 5-19 members is not colleagues at the same school. In practice, the number of external members has been increased so that "the faculty representatives who do not double as administrative staff or board member" account for less than 50% of the committee members. However, the colleagues at the same school will still build a majority in the committee if the members from administrative staff are included.

¹⁰² Please see the corrective measures proposed by the Control Yuan (no signs of improvement so far). <https://www.cy.gov.tw/CyBsBoxContent.aspx?n=134&s=6238>

Psychological Violence against Children and Youth will be thwarted as well. The government is not aware of the flaws in the procedure of safeguarding children and youth. It simply follows previous policies on stopping physical and psychological violence against children and youth, and ergo fails to yield practical results.

121. We suggest:

- (1) The government should have a clear picture of how children and youth suffer violence at school.
- (2) The government should propose practical measures against the cause of violence, with a particular focus on the conflict of identity¹⁰³ of the committee members who handle related cases under the current system, because Appendix 5-24 of the 2nd National Report does not differentiate between the administrative sanctions on the basis of extent and cause.

In response to Point 57 in the Concluding Observations/Points 129 and 130 in the National Report

Inappropriate Discipline in Preschool Education

122. Many rules and laws¹⁰⁴ forbid teachers to impose corporal or unlawful punishment upon students. However, related regulations and mechanism for handling inappropriate discipline in the phase of preschool education remain unclear, hence a growing number of controversial incidents of inappropriate discipline. Incompetent staff or teachers are not dismissed, and complete information is unavailable. The definition of “physical and mental abuse” in Article 49 of the Protection of Children and Youths Welfare and Rights Act is so ambiguous¹⁰⁵ that it is difficult for competent

¹⁰³ The Humanistic Education Foundation’s practical experience shows that most perpetrators received no other penalty than lenient administrative sanctions. On top of that, after schools’ gender equality committees are no longer the main authorities over instances of sexual assault and harassment on campus (which implies that school staff can no longer easily manipulate the procedure), the number of dismissals has increased from less than 10 to more than 100 per year. It indicates that school staff shielding perpetrators from punishment is an institutional issue that needs to be addressed.

¹⁰⁴ The personnel qualification and the prohibition against inappropriate discipline are clearly stipulated in Article 49 of the Protection of Children and Youths Welfare and Rights Act; Articles 23, 25 and 46 of the Early Childhood Education and Care Act; Article 12 of the Statute for Preschool Educators; Article 5 of the Guidelines on the Statute for Preschool Educators; Article 3 of the Standards of Early Childhood Education and Care Service; and Article 14 of the Guidelines on the Early Childhood Education and Care Act. The Notes for Competent Authorities at the Municipal and County (City) Levels in Handling Incidents Suspected to Be Mistreatment of Early Child by Preschool Educators has also been issued to govern the handling procedure and matters needing attention.

¹⁰⁵ As for the definition of abuse, practical opinions have generally recognized that “abuse” is not necessarily confined to long-term, continuous or repeated conducts since the amendment to Article 10(7) of the Criminal Code introduced in 2019. The document from the Ministry of Health and Welfare (Hu No. 1101460013) also points out that “the application of Article 49-1(2) and (15) tends to take account of the severity of the abuse, the repetition of the violent behavior, and the degree of physical and psychological harm caused to children and youth, which often leads to no penalties imposed in practice and results in a serious discrepancy with public expectations,” and “should obey the spirit of the CRC and the General Comments that interpret the definition liberally for application.” However, there is no clue about how to interpret it liberally.

authorities to apply it in sanctions. Besides, preschool educators who committed inappropriate discipline may not incur corresponding penalties.¹⁰⁶ As a result, there is no specific and consistent approach to the controversies in this regard, and the information about the sanctions is not fully registered and disclosed.

123. The survey administered by the Jing Chuan Child Safety Foundation shows that a total of 162 cases were on the news as a matter of controversy over the past 5 years (2016-2019). According to the statistics of judicial ruling, there were 62 cases of childcare providers, 19 cases of infant care centers, and 22 cases of kindergartens. By way of comparison, the government statistics reveals only the number of cases of inappropriate discipline committed by non-preschool educators (please see Appendix 5-27 of the 2nd National Report), whereas that by preschool educators is still wanting.

124. We suggest:

- (1) The government should develop clear indicators for the identification of violations and information disclosure.
- (2) The behavior that preschool educators shall not do to children and its penalty system should be specified.
- (3) The mechanism for information disclosure and for monitoring and managing incompetent staff and institutions should be improved (incl. withdrawal mechanism, offense modalities, recidivists, changes in institution name, the person in charge, and the rate of updates).

In response to Points 56 and 57 in the Concluding Observations

Violence against Children and Youth in Sports Training on Campus

125. After the serious incident of a Judo instructor abusing a 7-year-old child to death in Taichung on 21 April 2021,¹⁰⁷ it is unbelievable that the government has not provided an opinion or policy response in the National Report on the serious physical and psychological violence inflicted by instructors upon children in the name of “training” and “discipline” in sports training.

126. The situation mentioned in Point 123 has become a common occurrence in sports training whether on or off campus. However, at school, only “full-time” sports

¹⁰⁶ The Control Yuan, *The Control Yuan Investigation Report*, (2019), no. 0092 states that the rules and laws concerning children and youth in Taiwan do not contain any provision for “inappropriate discipline” of a lesser degree of violation.

¹⁰⁷ In the incident, the instructor kept throwing the child on the floor regardless of the child’s repeated refusal to continue the training, crying, and begging for mercy, which caused the victim severe injuries. The victim eventually died of serious injuries. <https://www.cna.com.tw/news/firstnews/202106040099.aspx>

instructors are regulated by law, whilst part-time sports instructors, club instructors, and coaches hired by parents clubs for varsity teams are not.

127. As for non-school venues, although the government promulgated the Guidelines on the Establishment and Combat Sports Training Centers after the abovementioned incident, there are neither mandatory measures to regulate the qualifications of personnel, the procedure of dismissal, the process of managing incompetent instructors, and the channels for children to file complaints, nor clear regulations on the venues¹⁰⁸ and the supervisory responsibility of the competent authorities.

128. We suggest:

The government should set up a transparent licensing system for “personnel of children sports training,” including:

- (1) A system for managing and registering incompetent instructors. If a sports facility employs an instructor who tramples on the rights of students, the employer, the person in charge of the facility, or the responsible entity shall be punished, unless he/she/it can prove that all selection and supervision responsibilities have been fulfilled.
- (2) An enforceable and transparent institutional framework for handling incompetent instructors.

In response to Point 126 in the National Report

Investigation Mechanism for Sexual Violence against Children and Youth

129. From the instances of sexual violence inflicted by teachers on students on campus, we notice that there are often multiple victims who suffer years of violence. Meanwhile, these victims tend to endure the sexual violence silently. Besides, to avoid trouble, schools and local governments often refuse or resist extensive investigations, and they are not willing to inform and explain to students, graduates, and their parents. The in-depth investigations carried out by the private sector have identified more victims,¹⁰⁹ but the capacity of the private sector is admittedly limited.

130. Point 129 demonstrated that the government does not adopt a child-centered

¹⁰⁸ He who runs a training center or works as a varsity team coach has responsibility for his students. Lee Yun-Hsiou, “After the Judo incident, is Taiwan ready to ponder about this painful lesson? An interview with Prof. Lin Jia-He,” *Humanistic Education Journal*, 2021, pp. 19-24. <https://hef.org.tw/journal384-3/>

¹⁰⁹ Take the cases of sexual assault in the Naba Elementary School and the Sinshih Elementary School in Tainan for example. The two schools and the government did not undertake systematic investigation and ergo ignored other victims. According to our follow-up investigation, a total of 31 children were victimized by the same perpetrator. The case was verified by the Control Yuan. <https://www.cy.gov.tw/CyBsBoxContent.aspx?s=17268>

approach to deal with cases of sexual violence against children and youth in institutions. We suggest:

- (1) The government should reasonably expand the scope of investigations into this type of cases, so as to avoid the situation in which the victimized children and youth get no counseling and have to bear the pain alone as a result of negligence on the part of the competent authorities.¹¹⁰
- (2) The extensive investigations should be fulfilled in terms of legislation, policy, and action, along with a mechanism for systematic and retrospective analysis of cases.
- (3) Schools and the government should provide a safe environment and ensure that victims have the right to choose between investigation or maintaining secrecy about their cases. Proactively offering victims counseling and psychological support can be extremely helpful for their recovery and in holding perpetrators accountable.

In response to Point 133 in the National Report

Mistreatment of Children and Youth in Placement Organizations

131. Mistreatment, sexual harassment, and sexual assault have occurred between staff and residents or among residents in some placement organizations. For example, in 2020, an exposé uncovered that a staff member at an orphanage in Taipei City used violence against the children, not only forcing them to eat swill and transcribe textbooks late into the night, but also taking nude pictures of the boys.¹¹¹ In the same year, the Children's Rights Alliance Taiwan (CRAT) organized an empowerment event for children and youth in placement. Some participants reported that they have ever witnessed that other children were punished by half squat with full buckets, or that a staff member found an 8-year-old child too noisy and therefore gagged the child with a used diaper. So far, the statistical data on mistreatment, sexual harassment and sexual assault in placement organizations are not available to the public, and the system for institution assessment is inadequate at reflecting the quotidian existence of children and youth in placement organizations, which leads to dark figures of this kind of instance that cannot be thoroughly investigated.

132. We suggest:

¹¹⁰ The PDIS Task Force of the Executive Yuan, the Ministry of Health and Welfare, the Ministry of Education, the Ministry of the Interior, and the Ministry of Justice, eds., *Tackling Sexual Abuse of Children - The government should conduct a comprehensive survey of sex crimes against children and the handling processes at all levels of schools and children's institutions in Taiwan*, Issue Pamphlet, 5 January 2020.

¹¹¹ See "'An orphanage of terror': A children welfare institution in Taipei City was exposed for child abuse and sexual harassment," *Mirror Media*, 25 January 2021. <https://www.mirrormedia.mg/story/20210124soc007/>

- (1) The government should improve the system for institution assessment and seek opinions from children and youth who have left the placement organizations, so as to grasp the day-to-day operation of these institutions.
- (2) The government should establish a complaint mechanism that is easily accessible and usable for children and youth and is able to fully protect their privacy.

In response to Points 15, 129 and 134 in the National Report

Teacher-to-student Psychological Violence

133. In Taiwan, the regulations prohibiting bullying were originally confined to bullying among minor students,¹¹² while the current practice incorporates teacher-to-student bullying into the same regulatory mechanism, regardless of the fact that the two bullying types are far removed from each other. There is an asymmetry in age and power between teachers and students. Therefore, teacher-to-student psychological violence is a breach of professional ethics, and there should be corresponding corrective measures rather than habitually focusing on the care, counseling, and education as if the bullying incident occurred between two minor victims.

134. The governmental definition of bullying does not encompass teacher-to-student psychological violence, and the same expert database and investigation procedure are applied to both types of violence.¹¹³ The cases of teacher-to-student psychological violence are only handled by teacher evaluation committees or teachers' performance appraisal committees upon completion of the process, which is an incomprehensive regulatory mechanism and an improper approach to related cases.¹¹⁴

135. We suggest:

- (1) The government should treat teacher-to-student psychological violence as a breach of ethics and an act of violence against children rather than simply issues of interaction, and such offenses should be held punishable. Teacher-to-student psychological violence and bullying shall be handled under different procedures.
- (2) The government should help investigators, teachers, and other interested parties advance their knowledge about psychological violence, and integrate content of

¹¹² The main purpose is to offer sufficient care to both parties. The bully receives adequate counseling and education, including introducing the concept of restorative justice in due course.

¹¹³ That is, student-to-student and teacher-to-student.

¹¹⁴ In one of the cases handled by the Humanistic Education Foundation, a teacher at an elementary school in Taipei City has been demanding the whole class to deride a child with a rare disease as "stupid" and "will not be successful in the future," which causes anxiety and behavioral degradation to the victim. However, this case is not deemed bullying despite the audio recording as evidence.

professional ethics into the chapter on the prohibition of psychological violence against children.

In response to Point 54 in the Concluding Observations/Points 15 and 134-136 in the National Report

School Bullying Prevention Policies and LGBT Students

136. In spite of related legislation,¹¹⁵ there is no signs of improvement in bullying LGBT children and youth on campus, and assistance for them is nowhere on the horizon. The “2020 Taiwan LGBTQ+ Student Campus Experience Survey”¹¹⁶ covered 1,226 LGBT students at junior, senior high and vocational schools between September 2019 and July 2020. The survey results showed that 62.1% have been verbally harassed, 17.8% have been physically harassed, 4.3% have been physically assaulted, and 10.6% have had their personal belongings deliberately stolen or damaged. Those who reported that they have experienced verbal and physical harassment “very often” and “usually” owing to their gender expression accounted respectively for 12.6% and 3.5%. Another study also indicated that 40% of LGBTQ+ individuals have experienced gender-based violence, and 73% of which occurred prior to their enrollment at senior high and vocational schools, with verbal and relational bullying as the staples.¹¹⁷

137. Following Point 136, the first survey revealed that more than half (55.2%) of LGBT students who experienced harassment or assault have never reported to and sought help from school faculty or staff. The key reasons include (1) they don’t think that school faculty or staff can properly handle their cases (53.4%); (2) talking with school faculty or staff about their cases can be emotionally taxing (48.8%); and (3) they don’t want to come out of the closet to school faculty or staff or their families (48.6%). Moreover, 16.8% of LGBT students said that they were afraid to seek help because school faculty or staff members themselves are homophobic/transphobic. The second survey pointed out that most of the victimized students repeatedly experienced violence and bullying, but the average number of times they sought help was less than one, primarily because they believed that “it’s completely futile trying to seek help.”

¹¹⁵ The existing statute has not only defined school bullying and sexual bullying, but also stipulated the report of sexual bullying on campus as mandatory.

¹¹⁶ The Taiwan Tongzhi (LGBTQ+) Hotline Association, “2020 Taiwan LGBTQ+ Student Campus Experience Survey Results,” 2021. <https://hotline.org.tw/news/3136>

¹¹⁷ The internet survey conducted by the Garden of Hope Foundation in 2019. https://www.goh.org.tw/mobile/news_detail.asp?PKKey=aBIPaB31aBMTaB35aBTHaB39aBRMaB34&Class1=aBSTaB33

138. According to the National Report, physical bullying (40%) is the most common type of school bullying from 2016 to 2020, followed by verbal bullying (32%), which together account for 72% of all reports. The “Statistics on the Number of Reports of Suspected Sexual Assault, Harassment and Bullying on Campus”¹¹⁸ released by the Ministry of Education illustrated that, after the law amendment in 2013, the average number of reports of sexual bullying is 79 per year, which is much smaller than that of sexual assault (1,505 per year) and that of sexual harassment (3,634 per year). The discrepancy between our practical experience and the statistical data shows that most of LGBTQ+ individuals suffered sexual violence before their enrollment at senior high and vocational schools. They seldom seek help even though they continuously suffered the violence.¹¹⁹ Even if they asked for help, they were not kindly treated.¹²⁰ Besides, physical bullying is the staple type of reported school bullying, which differs from the verbal and relational bullying suffered by LGBTQ+ individuals mentioned in the two aforementioned surveys. It implies that even if LGBTQ+ individuals managed to seek help after suffering violence, it remains quite difficult for them to be handled under the regulatory system due to the categorization of violence.

139. Apart from being unaware of the high correlation between LGBT students and bullying, the government does not formulate comprehensive, effective policies to prevent school bullying, much less addresses LGBT students’ personal predicaments and needs on campus. We suggest:

- (1) The regulations on school bullying (incl. sexual bullying) for schools at the elementary, middle, and high school levels should explicitly stipulate that bullying includes violence against students’ gender, sexual orientation, gender expression, and gender identity.
- (2) The Ministry of Education should conduct an in-depth survey on the modalities of sexual bullying, insofar as to understand the bullying types LGBT students suffer on campus and the difficulties they encounter in seeking help, and then establish guidelines to educate and train front-line school faculty and staff.

¹¹⁸ For details, please see the gender-based statistical indicator data—education environment on the official website of the Department of Statistics. <https://depart.moe.edu.tw/ED4500/cp.aspx?n=0A95D1021CCA80AE>

¹¹⁹ The Child Welfare League Foundation noticed that more than half of the children and youth in Taiwan have suffered sexual bullying, and nearly half of the victims would not tell their parents. Besides, around 30% of children and youth believe that schools do not care about the issue of bullying. See the Child Welfare League Foundation, “Investigation Report on the Status Quo of School Sexual Bullying against Children in Taiwan,” 2006, <https://www.children.org.tw/research/detail/69/231>; and the Child Welfare League Foundation, “An Investigation into the Status Quo of School Bullying Prevention in Taiwan,” 2018, <https://www.children.org.tw/research/detail/69/1458>

¹²⁰ Chung Dau-Chuan pointed out that schools tend to use a heterosexual mindset to address issues concerning sexual bullying, causing LGBT students to be reluctant to seek help for fear of secondary victimization. See Chung Dau-Chuan, “Violence and Harmful Situations against LGBTQ+ Individuals,” *Forum in Women’s and Gender Studies*, no. 94, (2011): 2-15.

- (3) The government should improve the existing reporting and investigation mechanism for school bullying (incl. sexual bullying), with a special focus on LGBT students and take the best interests of children and youth¹²¹ as the primary consideration.

In response to Points 162-165 in the National Report

School Bullying against Visually Impaired Children and Youth

140. According to the interviews and surveys conducted by the Parents Association for the Visually Impaired Taiwan, most of visually impaired students who have suffered verbal or physical bullying stated that their schools did not handle their cases properly, and their cases were left unresolved especially because they could not clearly identify the bullies and the schools have no relevant counseling mechanism. Some of them have a distrust of their schools' handling mechanism and therefore choose to endure in silence.

141. In addition to the lack of a code of conduct for bullying incidents involving visually impaired students, the government does not produce statistics on the number of schools that have activated the school counseling mechanism because the bully is a visually impaired student.

142. We suggest:

- (1) Schools should invite parents of visually impaired students or representatives of relevant professional organizations to take part in the bullying counseling mechanism.
- (2) The competent authorities should regularly review the appropriateness of school bullying counseling mechanisms for visually impaired students.
- (3) The government should categorize school bullying counseling cases by age, gender, and identity (incl. students with different disabilities) on an annual basis, and should also collect and publish the data on the handling results of each case.¹²²

¹²¹ Including whether to notify minor students' legal guardians or not.

¹²² In a way of de-identification.

Chapter 6: Family Environment and Alternative Care

In response to Point 33 in the Concluding Observations/Point 151 in the National Report

The Right to Identity of Immigrant Workers' Children

143. Matters on the nationality, identity, adoption, and education of helpless children are governed by law.¹²³ Take Vietnamese immigrant workers for example.¹²⁴ The commercial office responsible for their affairs responded that “if a child’s mother is an undocumented migrant worker, a marriage certificate between the child’s biological mother and father as well as a DNA paternity testing are required for the child to be available for adoption.” Besides, undocumented migrant workers in temporary shelters have to leave after 100 days of stay if they cannot obtain travel documents or passports, which makes it difficult for their children who are non-R.O.C. citizens to return to their homelands.

144. We suggest:

- (1) Since the status of Taiwan remains controversial in the international society, we can tackle the issues concerning the rights of migrant workers and children and youth via no other agency than foreign commercial offices in Taiwan. The government should propose practical measures that are able to optimize the contact system, facilitate friendly communication, ensure the acquirement of identity for migrant workers’ children, and protect foreign children’s rights.
- (2) The Labor Standards Act in Taiwan applies to domestic and migrant workers, but does not include foreign “family caregivers” who are mostly women. They are the main group of pregnancy, childbirth, and loss of contact. Their rights are not under the protection of Taiwan (e.g., they are fired and unable to find other jobs in the labor market after they get pregnant). As a consequence, they tend to take a risk out of desperation. The government should add another chapter exclusive to migrant workers’ rights to the Labor Standards Act, so as to effectively solve the problem of undocumented migrant workers and protect their children’s rights to be cared, thereby alleviating the problem of stateless children.
- (3) It takes two weeks for a migrant workers’ newborn to acquire its identity after

¹²³ Articles 6 and 7 of the Regulations for Placement of Helpless Children and Youth.

¹²⁴ Vietnam is one of the primary sources of migrant workers in Taiwan.

the notification of its birth.¹²⁵ However, its mother has already left the hospital where it was born after two weeks, which makes it difficult to register its identity and ergo its rights are affected. The government should optimize the process of notification and management system, in order to protect the basic rights of migrant workers' children.

In response to Point 39 in the Concluding Observations/Point 142 in the National Report

Parenting Education Leave

145. The right to education of children and youth includes a good partnership between teachers and parents,¹²⁶ foremost the parent-teacher meeting. However, schools tend to reschedule the parent-teacher meeting from weekdays to weekend or evening in an attempt to increase the attendance of parents. Frontline teachers pointed out that many parents who have to earn the livelihood for their families or work shifts are unable to attend the meeting, which not only undermines the parent-teacher partnership, but also affects parents' statutory right to participate in children's education.¹²⁷ Related laws become a mere formality.

146. We suggest: The government should provide paid parenting education leave, encourage all parents to take part in their children's education, thereby strengthening the school-family connection and improving the welfare of children and youth.

¹²⁵ The hospital notifies the case to the Health Promotion Administration within 7 days. Then the latter transfers the case to the National Immigration Agency who assigns its specialized operation corps in the 22 counties and municipalities to make an inspection and handle the identity application.

¹²⁶ Luo Xing-Fa and Lin Shu-Bi, "Establishing a mechanism to facilitate parents' positive participation in school affairs and activities, and improving the effectiveness of school education," *Taiwan Educational Review Monthly*, May 2015.

¹²⁷ Article 8(3) of the Educational Fundamental Act: "Parents have the responsibility to provide guidance to their children during the period of national compulsory education for their children, and have the rights to select the form and content of education and participate educational affairs of the school for the wellbeing of their children in accordance with relevant laws and regulations." Article 20-2(1) of the Primary and Junior High School Act: "To protect the rights and interests of their children at every stage of their primary and junior high school education, parents shall play their part by taking responsibility for counseling their children and attending parent association meetings. Parents have the right to participate in educational affairs to ensure students' rights to learning and their personality rights. Participation methods, content, procedures, and other related matters shall be determined by the central competent authority." Besides, Article 4(1) of the Guidelines on Parents' Participation in School Educational Affairs at the Primary and Secondary Levels mentions that "parents should take related responsibility to ensure their children's right to learning and coming of age. Article 4(3) of the Guidelines: Parents should supervise and assist their children in learning in coordination with school teaching activities. Article 4(4) of the Guidelines: Parents should maintain good interaction with teachers and schools to facilitate parent-teacher cooperation. Article 4(5) of the Guidelines: Parents should actively participate in educational seminars and events. Article 4(6) of the Guidelines: Parents should actively participate in the parents' association set up by the school.

In response to Point 146 in the National Report

Quasi-public Preschools

147. To remedy the deficiency of public and non-profit preschools and to reduce the burden upon parents, the government formulates the quasi-public preschool policy. By signing contracts with the government, quasi-public preschools will receive financial aid and shall not raise tuition fees during the contract period. However, the Ministry of Education modified its rules in August 2021, agreeing quasi-public preschools to increase tuition fees. This practice proved that the subsidy policy does not bring any touch of publicness at all. Parents' expenses seem to decrease under this policy, yet in reality the money is going into the pocket of the private sector through public funding. On top of that, the infrastructure and educational resources of quasi-public schools go without supervision after these schools obtained public funding. There is a lack of public accountability of quasi-public schools, which is totally against the spirit of publicized education.

148. We suggest:

- (1) The government should immediately stop loosening the fee-charging standards of quasi-public preschools, and reduce the subsidy for them year by year.
- (2) The government should allocate the funding to actually publicized preschools and increase the number of public preschools.

In response to Point 151 in the National Report

Health Rights and Placement of Children Regardless of Their Nationality

149. By October 2021, the Harmony Home Association, Taiwan have accommodated 6 children of documented migrant workers transferred by social affairs bureaus without any government subsidy. The National Immigration Agency' report¹²⁸ describes that pregnant migrant workers are provided merely with health education and supervision. The Ministry of Labor also stated that the Employment Security Fund covers only the placement expenditure for children of undocumented migrant workers and excludes those of documented ones.¹²⁹

¹²⁸ The National Immigration Agency of the Ministry of the Interior, "2021 Budget Review of the National Immigration Agency of the Ministry of the Interior and the New Immigrants Development Fund," (Oct. 2020), p. 13. https://www.ly.gov.tw/File/Attach/207059/File_293446.pdf

¹²⁹ The Ministry of Labor, "Official Letter Labor Fa-Guan No. 1100515201" (29 Sep. 2020) states that the Employment Security Fund is used for boosting employment and promoting welfare of all citizens as well as handling the employment and management of migrant workers. This case does not suit the purpose of the fund. The Employment Security Fund does not cover the nursery expenditure on children of Taiwanese workers. The lack of a nursery support system for children of documented migrant workers may practically prompt these migrant workers to resort to illegal labor market for child care support (e.g., unlicensed babysitters).

150. We suggest: The government should take into account the status and real situations of migrant workers, supplement the regulations on subsidies for children of “documented migrant workers” in need of placement, and ensure that placement organizations accommodating migrant workers’ children receive adequate support and assistance.

In response to Point 43 in the Concluding Observations/Point 159 in the National Report

Legislation on Kinship Care Placement

151. The number of children and youth under kinship care placement grew from 175 in 2014 to 280 in 2018.¹³⁰ Practitioners have misgivings over the selection of kinship caregivers for kinship care placement, the method of subsidy payment, and the professional training standards.¹³¹ Besides, there is a lack of effective legislation to protect the rights of children and youth during placement.

152. Article 10 of the Enforcement Rules of the Protection of Children and youth Welfare and Rights Act provides that proper relatives shall come first when placing children and youth. However, many local governments still follow the regulations on foster families when handling kinship care placement, and do not provide parenting training before placement. The government only commissions the Taiwan Fund for Children and Families to offer post-placement support services in 9 counties and cities.

153. We suggest: Local governments should make regulations on kinship care placement for children and youth, define the scope of kinship care placement, offer parenting education, and provide support services.

¹³⁰ Zhao Shan-Ru, Hu Chung-Yi, and Peng Shu-Hua, “Final Report on the Estimated Demand for Out-of-home Placement and the Effectiveness Assessment of the Existing Placement Model,” The Social and Family Affairs Administration of the Ministry of Health and Welfare, and the Taiwan Association of Welfare and Health, (Feb. 2021), p. 8.

¹³¹ Jessie Shu-Yun Wu, et al., “The Difficulties of Kinship Care Placement and Its Debating Issues: Perspectives from Practitioners,” *Social Policy & Social Work*, vol. 19, no. 2, (2015): 31-74.

In response to Points 42 and 45 in the Concluding Observations/Point 160 in the National Report

Authoritarian Approaches of Foster Institutions

154. Owing to the shortage of manpower,¹³² some public and private placement organizations have adopted institutionalized fostering approaches that ignore individual differences among children and youth, intrude on their privacy, and inflict collective punishment on them, which adversely affects the rights and welfare of children in placement.¹³³¹³⁴

155. We suggest:

- (1) The laws governing the establishment of placement organizations and their assessment regulations should guarantee equal and free participation of residents in the decision-making process concerning their rights and interests.¹³⁵
- (2) The government should proactively formulate policies that encourage foster institutions to substitute “empowerment” for “authoritarian management.”¹³⁶
- (3) The government should actively fix the general problem of manpower shortage

¹³² The shortage of manpower has become a common occurrence in placement organizations.

¹³³ For instance, residents must act collectively without options according to their age and free will. Placement organizations hold too many events that require collective participation and ergo reduce residents’ personal leisure time. Worrying that residents may cause trouble if they use smartphones, placement organizations not only prohibit the use of smartphones and the access to social networking services, but also check residents’ personal cell phones in order to avoid risks. Placement organizations also impose collective punishment on all residents when anyone of them makes mistakes. These measures violate the privacy of children and youth.

¹³⁴ The Chinese Childrenhome & Shelter Association, “2019 CRC Children and Youth Empowerment Group—Suggestive Report on the Table of Follow-up Actions of the Concluding Observations;” “2020 CRC Children and Youth Empowerment Group—A Simulated Report on Children and Youth in Placement Organizations;” Chen Wang-De, “My 13 Years in an Orphanage: After Years of Poverty, Shame and Stigma,” (15 Dec. 2017) <https://www.twreporter.org/a/opinion-childrens-home-years>; Dang Yi-Hsin, “Confession of an Adult Resident in a Placement Organization: My Home Is Not So Much a Home as an Elaborately Orchestrated Show,” (10 Mar. 2020) <https://npost.tw/archives/54372> ; Lin Yu-Hsuan, Chen Wang-De, and Chen Bo-Wei, “Is It Wrong to Be Grateful and Appreciating? How the Educational Culture of an Orphanage Create a Sense of Inferiority among Residents,” (20 Apr. 2021) <https://reurl.cc/zW1bzy>.

¹³⁵ This includes not only designing a “formal” participation mechanism (e.g., a family meeting), but also offering children and youth the opportunity to express their opinions, receive responses, and make decisions about their desired lifestyles. Placement organizations should allow service users to fully participate in the decision-making processes related to their rights and interests, and should not “infantilize” them in the name of “education” or sacrifice their basic human rights in order to facilitate management. Chen Wang-De, Chen Bo-Wei, and Lin Yu-Hsuan, “Empowerment or Constraint? Residential Child and Youth Care, Habitus of the Service User, and Class Effect,” *NTU Social Work Review*, vol. 42 (Dec. 2020): 1-55.

¹³⁶ Placement Organizations should empower service users to take control of their own affairs in order to enhance their physical and mental health and improve the quality of organizational life. Chen Wang-De, Chen Bo-Wei, and Lin Yu-Hsuan, “Empowerment or Constraint? Residential Child and Youth Care, Habitus of the Service User, and Class Effect,” *NTU Social Work Review*, vol. 42 (Dec. 2020): 1-55.

in placement organizations.¹³⁷

In response to Point 42 in the Concluding Observations/Point 163 in the National Report

Inspection and Assessment of Placement Organizations

156. The routine inspection of children and youth placement organizations is carried out by local governments according to law.¹³⁸ Placement organizations will pass the inspection as long as their practices conform to relevant regulations and no violations are detected. However, the assessment indicators derived from relevant regulations and the on-site assessment are determined unilaterally and subjectively,¹³⁹ which fails to provide a comprehensive understanding about the quality, output, and actual effect of their services.

157. The Control Yuan's 2017 investigative report noted that the assessment system has reduced placement organizations to nothing but machines for paperwork competition. Besides, local governments intervene only in those with ratings "below C" for improvement. Moreover, some C-rated organizations have instead deteriorated to D-rated after 6 years of guidance,¹⁴⁰ and there is no withdrawal mechanism for those rated D.¹⁴¹

158. Following Point 157, such unilateral assessment indicators do not take into account the thorny issues of delivering care services to children and youth with multiple difficulties. The government does not provide corresponding supportive resources. Organizations taking care of those children and youth are often forced to close due to unforeseen circumstances. It is much harder to take care of children and youth with multiple difficulties, which renders them isolated and transferred back and

¹³⁷ Meager manpower resources serve as the main reason for children and youth placement organizations to develop an education model of total control. The government should conduct surveys and studies to understand the actual need for manpower, revise relevant laws and regulations, and meanwhile raise the salaries of childcare workers. Chen Wang-De, Chen Bo-Wei, and Lin Yu-Hsuan, "Empowerment or Constraint? Residential Child and Youth Care, Habitus of the Service User, and Class Effect," *NTU Social Work Review*, vol. 42 (Dec. 2020): 1-55.

¹³⁸ According to Article 84(2) of the Protection of Children and Youths Welfare and Rights Act and Article 19 of the Regulations for the Establishment and Permission of Private Children and Youth Welfare Institutes, the competent authorities are entitled to carry out the inspection.

¹³⁹ Mostly assessed by documents, while site visits by the inspectors secondary.

¹⁴⁰ Wang Wan-Yu, "The Assessment of Children and Youth Placement Organizations Is Ineffective, Children Need 'Whistleblower Protection,' Too," 2020. <https://rightplus.org/2020/06/02/wang-wan-yu-1/>

¹⁴¹ Gao Feng-Xian, *The Control Yuan Investigative Report*, (2018), Nei-Diao no. 0001. <https://www.cy.gov.tw/CyBsBoxContent.aspx?n=133&s=5945>

forth among social welfare institutions.¹⁴²

159. We suggest:

- (1) The government should set up a neutral body¹⁴³ for the assessment system, and then work with public and private social welfare organizations to revise the assessment methods and indicators in addition to allowing residents of placement organizations or discharged adults to participate in the assessment mechanism, so as to eliminate the ineffectiveness in the assessment process.
- (2) The competent authorities should devise a proactive counseling mechanism and strategy to improve the overall care quality of placement organizations.
- (3) The government should establish a “specialized care” welfare service delivery system for children and youth with different needs. Meanwhile, the government should allocate budget for this endeavor, incubate professional manpower, conduct regular studies, and plan for pilot organizations, in order to make placement organizations fully capable of taking care of children and youth with multiple difficulties.

In response to Point 42 in the Concluding Observations/Point 164 in the National Report

The Government Subsidy and Professional Manpower for Private Placement Organizations

160. According to the statistics produced by the Taiwan Residential Child Care Alliance, the average caregiving cost for its small-scale members¹⁴⁴ is about NT\$71,000-\$77,000 per person/month, and that for its large-scale public members is about NT\$47,000-\$53,000 per person/month. However, the current government-approved subsidy for placement is merely about NT\$21,000 per person/month (lower than the 2019 standard wage of NT\$23,000).

161. Following Point 160, the costs of professional personnel, facilities, equipment and programs in private placement organizations are based on a “subsidy system.” The competent authorities decide the amount of subsidy according to the actual

¹⁴²Gao Feng-Xian, *The Control Yuan Investigative Report*, (2018), Nei-Diao no. 0001. <https://www.cy.gov.tw/CyBsBoxContent.aspx?n=133&s=5945>

¹⁴³ Lin Pei-Chun, “Toward a Better Understanding of the Right of the Child to Be Heard: A Rights-based Approach for Children in Child Protective Proceedings,” *Taiwan Human Rights Journal*, vol. 4, no. 1 (June 2017): 73-96.

¹⁴⁴ According to the definition in the 2018 Annual Plan for Joint Assessment of Children and Youth Placement Organizations and Foster Institutions (2022), small-scale institutions refer to those with 25 or fewer placed residents.

situation of service provision of each organization. The professional personnel cost is not fully subsidized, and the number of caregiving staff is calculated according to the minimum standard under the regulations. Such practice neither meets the practical needs, nor considers the reasonable labor rights of caregivers who work at these organizations. The above-mentioned phenomenon is one of the main reasons for the high turnover of caregivers, which affects the rights of children and youth in private placement organizations.¹⁴⁵

162. We suggest:

- (1) The central competent authority should take the lead and actively study, plan, and formulate a national alternative care policy that meets practical needs.
- (2) The costs of children and youth placement and professional personnel should be included in the main budget, and reasonable subsidies should be provided to the private sector.

In response to Points 43 and 44 in the Concluding Observations/Points 162 and 201 in the National Report
Borderline Children and Youth with Special Needs

163. Between 2014 and 2018, the number of children and youth with physical and mental disabilities placed out of home was on the rise in about half of the counties and cities in Taiwan, among whom the number of those with disability cards rose by 14.25%.¹⁴⁶ In 2020, children and youth with special needs accounted for 43% of the total residents at the placement organization run by the Garden of Hope Foundation. These children and youth with special needs are often plagued by multiple issues,¹⁴⁷

¹⁴⁵ Gao Feng-Xian, (27 May 2021), *The Control Yuan Investigative Report*, Nei-Diao no. 0001. <https://www.cy.gov.tw/CyBsBoxContent.aspx?n=133&s=5945>; Yeh Jing-Lun, (24 Aug. 2020), “The Ministry of Health and Welfare Takes the Lead in Disregarding Children’s Rights (Part 1): The Rationalization of “Ultra-low Cost Commissioning” in the Name of “Subsidy” Is Seriously Damaging to the Physical and Mental Health of Future Generations.” <https://rightplus.org/2020/08/24/placement-agency-1/>; “The Ministry of Health and Welfare Takes the Lead in Disregarding Children’s Rights (Part 2): The Central Government Runs the Largest Placement Organization in Taiwan, But Asks Private Placement Organizations to Reduce the Number of Their Residents, Leaving Children with Physical and Mental Disabilities Nowhere to Go.” <https://rightplus.org/2020/08/24/placement-agency-2/>; “There Are Beds but No Daily-life Assistants, Where Can Children and Youth Go/Where Is the Manpower of Placement Organizations? <https://rightplus.org/2017/04/21/placement-1/>; “Inadequate Wage, High Labor Intensity, Money Is No Longer an Incentive for Daily-life Assistants/Where Is the Manpower of Placement Organizations? <https://rightplus.org/2017/04/21/placement-2/>; “Whether Being on Call at Night to “Lull the Children to Sleep” Counts as Hours of Work?/Where Is the Manpower of Placement Organizations? <https://rightplus.org/2017/04/21/placement-3/>; “Tensions between Labor and Capital, When Will Sexual Assault, Violence and Overwork Be Quelled/Where Is the Manpower of Placement Organizations? <https://rightplus.org/2017/04/21/placement-4/>

¹⁴⁶ A small number of children are placed in disability institutions, hospitals, and nursing homes.

¹⁴⁷ For example, sexual trauma combined with mental retardation and psychiatric disorders. Besides, emotional disorders, depression, hyperactivity, and Asperger syndrome are commonly seen.

and not all of them have disability cards.¹⁴⁸ However, the assistant-resident ratio¹⁴⁹ under the current laws remains unrevised in face of this change, which makes it difficult for placement organizations to maintain the quality of professional services.

164. We suggest:

- (1) The government should allocate corresponding resources to the intervention of “specialized teams” or the operation of placement organizations, so as to improve the quality of their services.
- (2) The government should introduce care measures and determine the assistant-resident ratio for children and youth with “borderline mental retardation.”
- (3) Children and youth with special needs should be categorized according to their physical, psycho-emotional and environmental conditions. The cases of children and youth with special needs should be subsidized according to the categorization criteria and matched with appropriate placement organizations through this classification system.

In response to Point 48 in the Concluding Observations/Points 160 and 165 in the National Report

Placement Turnover Rate

165. In Taiwan, the children and youth in placement organizations have maintained a rapid turnover rate. The survey in 2019 demonstrated that 57.35% of the children and youth in placement organizations have been transferred at least once,¹⁵⁰ which goes against the experts’ suggestion that frequent transfer should be avoided in order to foster stable and healthy attachments for children and youth in placement organizations.¹⁵¹

¹⁴⁸ In the evaluation of the International Classification of Functioning (ICF), adolescents with borderline mental retardation do not meet the criterion of “Category 1—neurological structure and mental and psychological dysfunction,” and ergo they cannot apply for disability cards. However, they tend to fall behind with learning and life skills.

¹⁴⁹ Articles 22-1, 22-2, and 22-3 of the Standards for Establishing Children and Youth Welfare Institutes.

¹⁵⁰ Zhao Shan-Ru, Hu Zhong-Yi, and Peng Shu-Hua, “Final Report on the Estimated Demand for Out-of-home Placement and the Effectiveness Assessment of the Existing Placement Model,” The Social and Family Affairs Administration of the Ministry of Health and Welfare, and the Taiwan Association of Welfare and Health, (Feb. 2021), p. 96.

¹⁵¹ Ibid., p. 22.

166. Children and youth may be transferred to another placement organization because the original one is unable to meet their needs,¹⁵² and such incompetence is probably due to the problems on the part of the public sector or the organization per se.¹⁵³ Placement organizations have to solve this predicament by themselves, whilst governmental interventions are thin on the ground. As a consequence, when the needs from children and youth exceed the capacity of placement organizations, the latter tend to passively transfer the former to another organization or simply conclude the case. These practices have affected the self-identity, interpersonal relationships, and future career development of children and youth.¹⁵⁴

167. We suggest:

- (1) The government should take stock of local placement resources to ensure that they can meet the diverse needs from children and youth at local placement organizations.
- (2) The government should draw up budget and offer professional training courses on handling multiple issues, so as to improve the quality of services provided by the staff of placement organizations.
- (3) The government should identify the root cause of placement transfer and mitigate its negative impact.
- (4) The rights to expression and knowing of children and youth should be fully respected during the placement transfer process.

In response to Points 58 and 59 in the Concluding Observations/Points 193, 194 and 195 in the National Report

The Right to Education of Children and Youth with Special Needs

168. The acceptance of children and youth from placement organizations varies from school to school, and enrollment discrimination is unavoidable, such as forced cross-district enrollment, meetings before enrollment, and frequent requests to send these children and youth back to the placement organizations. The Control Yuan has corrected some local education bureaus on this matter. However, the budget for special education or general education cannot be transferred to the location of cross-

¹⁵² Including unwell situations, special issues (e.g., sex, self-inflicted injury, and causing harm to others), radical behavior, or placement transfer out of necessity because their needs for, inter alia, education and medical treatment cannot be satisfied.

¹⁵³ For example, resource allocation under national alternative care policy, the service capacity of placement organizations, the caregiving group dynamic of placement organizations and their abilities to coordinate and utilize the resource network.

¹⁵⁴ Dang Yi-Hsin, (2017), "Does a disobedient child deserve not to be loved?" *The Girls Being Placed and Then Abandoned in Those Years*. <https://npost.tw/archives/36816>

district enrollment.¹⁵⁵ As a result, schools still tend to use the insufficiency of counseling resources, special education manpower and teacher competence as the excuses to refuse the enrollment of children and youth from placement organizations.

169. We suggest: The Ministry of Education shall be responsible for overseeing local education affairs¹⁵⁶ in accordance with the law, and shall supervise and assist local competent authorities in increasing the knowledge, resources and budget concerning the education for disadvantaged children and youth with special needs.

In response to Point 49 in the Concluding Observations/Points 168 and 169 in the National Report

Self-reliance Services after Placement

170. The government has budgeted for the “Project on Enhancing the Capacity of Self-reliance Adaptation Assistance Services for Youth” (hereafter referred to as the self-reliance project”) according to the advocacy of civic groups and the needs of discharged youth. However, the overall system still separates placement services from self-reliance ones, and the two types of services are provided by different agencies, which fails to satisfy the needs of children and youth in the alternative care system who are preparing to be self-reliant.¹⁵⁷ On top of that, the paucity of budget and professional manpower may negatively affect the rights and interests of adolescents who are about to be discharged from placement organizations and become receivers of self-reliance services.¹⁵⁸

171. We suggest:

- (1) Alternative care institutions should initiate the self-reliance services assessment mechanism in advance, pay attention to the service design on issues concerning

¹⁵⁵ For example, if children and youth are placed in Miaoli County in a cross-district way, the Miaoli County Government will not obtain the education budget for those children and youth. According to the criteria established by the Ministry of Health and Welfare, the proportion of children and youth placed to rural areas in a cross-district fashion will only rise. Therefore, schools, placement organizations and local governments are actually the “victims” of the established system.

¹⁵⁶ Article 9 of the Educational Fundamental Act.

¹⁵⁷ According to the Hope of Garden Foundation’s statistics on the status and case concluding reasons of children and youth in placement, 30% of them want to go home, and 26% of them want to be self-reliant. However, they often feel anxious because of the weak function of their original families, the lack of self-reliance resources, or the turnover of social workers.

¹⁵⁸ Take the self-reliance services provided by the Chinese Childrenhome & Shelter Association for example. We found several problems in the current policy system, including insufficient number of professionals, insufficient amount of direct subsidies for self-reliant youth, insufficient government-approved items to meet the needs from self-reliant youth, and insufficient subsidies on self-reliance dormitories. Besides, the amount of self-reliance subsidies is seldom adjusted with the increase of personnel costs, which affects the quality of self-reliance services and the allocation of subsidies.

relational trauma, and substitute stage-based interdisciplinary collaboration for intermittent services.¹⁵⁹

- (2) The government should amend relevant regulations, pour resources, and support the placement organizations to fully implement the follow-ups and self-reliance services for discharged youth, so as to help them be positive, independent, steadily socialized, and even carve out a successful career.¹⁶⁰
- (3) The government should offer adequate professionals to the self-reliance project and dormitories, so that civil institutions can provide more comprehensive and effective self-reliance services.
- (4) The self-reliance project should annually adjust the total sum, items and limit of subsidy for youth who seek self-reliance by reference to the experiences of civil institutions.
- (5) The government should release an assessment report about the needs and effectiveness of self-reliance services at least on a triennial basis, so as to adjust the self-reliance project and serve as the dialogue basis for the public-private collaboration in providing self-reliance services.

In response to Point 50 in the Concluding Observations/Point 172 in the National Report

Welfare Support for the Families That Foster Children and Youth with Special Needs

172. The domestic welfare system is not friendly enough¹⁶¹ to families that foster children and youth with special needs, which is one of the main reasons why domestic families tend to refuse to adopt them.¹⁶² General adoptive families do require significant follow-up support, let alone those adopting children with special

¹⁵⁹ Domestic studies have proved that the self-reliance project focusing on trauma-related issues indeed has a positive influence on children. (Chen Yi-Fang, et al., 2013; Chang Chien-Yun and Hu Chung-Yi, 2018; Hu Chung-Yi, 2020).

¹⁶⁰ Scholars from home and abroad have pointed out that youth discharged from placement organizations do face higher risk of social exclusion (Stein, 2012: 156), especially low-educational performance, high possibility of unemployment, insufficient career readiness, high possibility of becoming vagabonds and young parents, heavy reliance on governmental subsidies, suffering intense loneliness, poor physical and mental health, requiring psychotherapy, alcohol and drug abuse, and committing crimes (Dixon & Stein, 2003, 2005; Mendes & Moslehuddin, 2004; Stein, 2004, 2012; Stein & Munro, 2008; Hu Chung-Yi, 2020). It is imperative to provide comprehensive self-reliant services for youth to recover from their traumas and return to the society steadily.

¹⁶¹ For example, those who foster children over 2 years old can only apply for “parental leave” and “allowance during parental leave without pay” rather than “parenting subsidies” prior to official adoption. The welfare support for children and youth with physical and mental disabilities is even scarcer.

¹⁶² The government encourages the development toward deepening the support for families fostering children and youth with special needs and sets up associated subsidy programs. However, the survey conducted by the Garden of Hope Foundation indicated that “unfriendly social welfare system” and “traditional cultural stereotypes” are two major reasons why domestic adoptive families refuse to foster children with special needs, and this problem cannot be solved simply by adoption matching service agencies.

needs.¹⁶³¹⁶⁴ Such insufficient social welfare support results in the difficulties to match domestic adoptive families and children with special needs, which makes transnational adoption the only viable option.

173. We suggest:

- (1) The criteria for childcare-related labor and social welfare for adoptive families should not be the same as those for ordinary families, but should be defined in a more specific manner. For instance, the clause of “start from the date of birth to 3 years old” should be amended as “2 or 3 years after the date of official adoption or after the date of beginning to live with the adoptee(s) prior to official adoption.”¹⁶⁵
- (2) The government should provide adequate and comprehensive follow-up support, e.g., medical, educational, and counseling assistance, for children with special needs and even for all adoptive families.

In response to Point 50 in the Concluding Observations

Governmental Monitoring of Domestic and Transnational Adoption

174. The rules and laws governing adoption provide that adoption should conform to the best interests of children. Besides, domestic adoption is prioritized and assessment indicators are developed.¹⁶⁶ However, clear and practical guidelines on adoption remain wanting.¹⁶⁷ In practice, adoption tends to proceed from the standpoints of “placement organizations and adoptive families,” which is suspected of being in conflict with the best interests of children.¹⁶⁸

¹⁶³ The surveys in Taipei and Kaohsiung revealed that adoptive families require considerable follow-up support, foremost educational and financial support. Counseling services account for over one-third. The surveys even identified that families fostering children with special needs require greater support in many aspects in comparison with general adoptive families.

¹⁶⁴ The Taipei City Adoption Resource Center, “Taipei City Survey on the Living Conditions of Adoptees and the Welfare and Service Needs of Adoptive Families,” 2013; The Kaohsiung City Adoption Resource Center, “Kaohsiung City Survey on the Living Conditions of Adoptees and the Welfare and Service Needs of Adoptive Families,” 2014; Lee Chia-Hsin, Chiu Ching-Hui, and Bai Li-Fang, “An Analysis of the Adaption and Welfare Needs of Adopted Children in Taipei and Kaohsiung,” *Community Development Quarterly*, no. 159, (2017): 278-290.

¹⁶⁵ Lai Yueh-Mi, 2018, “A Study on the Reasons and Strategies for Transnational Adoption of Children and Youth,” a study commissioned by the Social and Family Affairs Administration, Ministry of Health and Welfare.

¹⁶⁶ For example, the necessity of adoption, and the competence of the adoptive families.

¹⁶⁷ For example, is the assessment of adoption necessity based on the view of children and youth or that of their birth families?

¹⁶⁸ From their practical experience, civil adoption matching agencies have found that some adoptees are unwilling to be adopted.

175. We suggest:

- (1) The government should review the overall planning for the protection of children and youth, reinforce general family support projects, improve the quality of national placement and care, and offer adequate support to birth families, in order to help children or youth stay with their birth families and avoid the necessity of adoption.
- (2) The government should proactively utilize more effective media or modes to promote “proper understanding of adoption” and regularly assess the promotion effectiveness, so as to dispel conventional stereotypes about adoption.
- (3) We agree with the recommendation of Point 50 in the Concluding Observations; that is, the government should provide domestic adoptive families with more comprehensive support.

Chapter 7: Basic Health and Welfare

In response to Point 187, 246 in the National Report Alternative Care During the COVID-19 Pandemic

Subsidies and Assistance

176. Although the government subsidizes the agency with a monthly allowance of 1,500 NTD per person during the pandemic period with suspension of classes¹⁶⁹, the subsidy is only 50 NTD per child per day¹⁷⁰, which is quite insufficient. In addition, the foster family has no other assistance except for the special pandemic leave that isIn the past 25 years, Taiwan's temperature has risen by about 0.68°C, equivalent to 3.5 times the global warming rate. Economic and densely populated coastal settlements are affected by sea-level rise yearly. Children who will be 18 years old in 2039 estimated will live in less than hundreds of square kilometers compared to today, and the coastal areas south of Changhua will be the same.

177. During the school's closure, the alternative-care institutions without any guidance, the online learning forced the children of the institutions to live and learn their lessons in the institutions. They practically stayed together the whole day in the same environment. Institutions were often faced with insufficient hardware facilities and professional aids for children with special needs. It is even more challenging to obtain with professionals.¹⁷¹

Subsidy application verification mechanism

178. Although the government provides subsidies for children and families, there is no verification mechanism for the "family in need." One can quickly register and review the subsidy by presenting only the "Parent's ID Card number" and "Child

¹⁶⁹ See 'Regulations on homework placement of children and young children with COVID-19 during the period of school suspension for care and subsidy' of Ministry of Health and Welfare.

¹⁷⁰ See "One child per day is only subsidized 50NTD, the placement alliance calls one person one letter to the president 'don't sacrifice the resettlement of children.'"m Placement Alliance (2021.07.17) <https://tw.appledaily.com/life/20210717/DTRVSSE465H6NPQT6LFGUBILGQ/>

¹⁷¹ See ' Press Release: The pandemic is severe, do not let children in alternative care face the cold winter of rights and interests this summer' of Children's Right Alliance Taiwan.

Health Insurance Card number." The parents or guardians of the children in the alternative-care system, usually not the primary caretakers, will take away the subsidy. For example, in the experience of the previous "Revitalization Triple Voucher" policy, the "parents who have never cared about their children" disappeared after receiving the vouchers, whereas the cost of institutions that take care of children increases, but they cannot receive relevant subsidies.

Policies and supporting measures

179. During the pandemic, the loading of social workers and staff of the institution has increased rapidly, and the manpower allocation has been tight¹⁷²; children living in institutions all day also demonstrate the lack of space for activities; in addition, "self-reliant youth" who have left the alternative-care system also face their problem of a weak support network. Most of them are engaged in the service industry, and due to the covid-19, they may face reduced shifts or even be fired, causing employment and economic security issues and affecting their mental health. At the same time, schools at all levels took measures of distance learning; it is difficult for self-reliant youth to obtain high-quality online education without sufficient resources.¹⁷³

180. We suggest:

- (1) In light of the previous experiences of other countries where the pandemic outbreak took place a year before us, the government should take their example and fortify their policy on alternative care systems and the solutions to cope with the side effects caused by online learning, self-reliant youth encompasses and such.
- (2) During the pandemic, the loading of social workers and staff of the institution has increased rapidly, and the manpower allocation has been tight; children living in institutions all day also demonstrate the lack of space for activities; in addition, "self-reliant youth" who have left the alternative-care system also face their problem of a weak support network. Most of them are engaged in the service industry, and due to the covid-19, they may face reduced shifts or even be fired, causing employment and economic security issues and affecting their mental health. At the same time, schools at all levels took measures of distance

¹⁷² Adjusted the workflow in response to the three-level alert subdivision and diversion policy.

¹⁷³ Chen Won-de, "Group image of Fighters against Pandemic": School, mental health, incomes, dwelling are in the borderline to crash, rely-reliant life isn't easy.(2021.06.22)

learning; it is difficult for self-reliant youth to obtain high-quality online education without sufficient resources.

In response to Point 192 in the National Report

Special Needs student identification system

181. Local authorities should educate the personnel on proceeding with the diagnosis of the placement system and disabled and gifted students.¹⁷⁴ In contrast, the quality and criteria of which aren't coherent. In addition, in some of the local government In cities, personnel who graduated from "non" psychology-related departments are allowed to conduct work of psychological assessment work. In addition, special education schools are legally entitled to enroll students independently. Some parents choose not to enter the identification and placement process of the county and city governments and let their children attend special education schools.

182. We suggest:

- (1) Establish a "National Unified Appraisal and Placement System" and "Personnel Training Content".
- (2) It should be ensured that children from the age of two to all educational stages are professionally assessed and placed in the appropriate field by the "Special Education Students Diagnosis and Placement Counseling Committee."

The person conducting psychological diagnosis on special needs students

183. The person conducting psychological assessments on special needs students are professionals of the special education team, yet which position for the special needs student is substituted by "special education teachers." This practice has damaged both the right to education and the right to health of special education students. Special education teachers should focus on their own profession, teaching instead of part-time psychological assessors.

In response to Point 75 in the Concluding Observations/Point 192-194 in the National Report

Special Education Support for Visually Impaired Children

184. The opinions of visually impaired parents and visually impaired students were surveyed by non-governmental organizations, and most of them pointed out that

¹⁷⁴ Regulations Governing Special Education Students Diagnosis and Placement Counseling Committee

visually impaired students often encounter the problem of insufficient special education resources or manpower when they are studying in ordinary schools.¹⁷⁵

185. We suggest :

- (1) Special education for the visually impaired should follow relevant regulations¹⁷⁶ in developing to integrate with the local community.
- (2) For visually impaired students (including totally blind and low-vision students) studying in ordinary schools, schools at all levels should be subsidized to provide sufficient "braille" or "large-character teaching materials," as well as sufficient "teacher assistants" to facilitate visual Disabled students integrating into the public schools and educational environment.

In response to Point 193 in the National Report

Inclusive education for special needs students

186. According to the official data, the ratio of students enrolled in special education schools has declined, but the resources for special needs students who enter inclusive education are insufficient. Even though many types of professionals are in the special education team¹⁷⁷, the number of assistant hours special needs students can apply for is generally inadequate. "Special education assistants" are essential personnel who assist ordinary schools in implementing special education. Still, they are mainly recruited under a minimum wage and the one-year term contract conditions, resulting in a high staff turnover rate, which is not conducive to students adapting to life and learning in ordinary schools.

¹⁷⁵ It mainly includes supplementary textbooks, examination papers (including quizzes), or study sheets, not all of which are available in Braille or large print. There are often short teacher assistant hours regarding manpower assistance in class. Courses that require additional manpower support, such as physical education classes, art classes, science experiment courses, etc., cannot be assisted by assistants in every category.

¹⁷⁶ Article 18, 27 and 33 of the Special Education Act.

¹⁷⁷ Including Occupational therapist, Counseling psychologist, Speech-Language Pathologist, audiologist..etc.

Cross-regional schooling for children with special needs

187. The enrollment status of inclusive education has not been fully implemented, and the continuum of placement¹⁷⁸ is still the mainstream education for students with special needs. As for the children who require to be placed in special education classes, if there are no special education classes in the administrative district to which they belong, the students need to study in different communities, or there are certain schools with a good reputation for accompany special needs students. Some children with special needs, since they are in their early childhood, are forced to live in boarding school, an involuntary "institutional" type of life far away from their own home.

In response to Point 56, 57 in the Concluding Observations/Point 193, 194 in the National Report

Mistreatment of special needs students

188. Incidents of special education teachers and related staff mistreating special needs students have occurred frequently. For example, teachers of the special education class of Jiangong Elementary School in Hsinchu City used chili water to train special education students to spit water¹⁷⁹. To stop quarrels between students, the teacher pins schoolchildren to the ground¹⁸⁰. In addition, parents of special kids who have been mistreated are often unable to obtain appropriate support services after the incident.

189. We suggest:

- (1) Professional knowledge of special education teachers and relevant teaching staff should be strengthened in interacting with special students.

¹⁷⁸ Those of normal education classes inclusive with services of Centralized special education, Decentralized resource and Special education programs.

¹⁷⁹ That special education teacher who use chili water as training material. Humanistic Education Foundation Report. <https://hef.org.tw/epilogue-5/>

¹⁸⁰ Complaining kindergarten:
https://m.facebook.com/story.php?story_fbid=699485397301391&id=201226800460589 °

- (2) Administrative, legal, and psychological support and other services and assistance should be provided for parents or actual caregivers in the event of mistreatment.

In response to Point 58 in the Concluding Observations

Special textbook translation expenses

190. The government should provide textbooks with "appropriate teaching materials" for special education students studying in regular classes. However, in practice, teachers must prepare supplementary teaching materials by themselves. The supplemental teaching materials are processed and translated for teachers' use for special students. The subsidy standards for reprocessing and production costs vary by local governments, and some cities do not even provide it.

191. We suggest that the government should understand the actual demand and usage of teaching materials and increase the budget for "supplementary teaching materials" accordingly.

In response to Point 58(1) in the Concluding Observations

The right to preschool education for children with disabilities

192. The Special Education Act stipulates that the implementation of special education for children with special needs should begin at the age of two¹⁸¹. The practice varies from city to city. And the local preschool special education resources are insufficient¹⁸². For example, There are 589 preschool students with physical and mental special needs in Hsinchu County, yet only three centralized special education classes and 14 decentralized resource and special education programs are provided¹⁸³. The number of public kindergartens is insufficient, and it is impossible to accommodate all preschool students with special needs who want to go to school.

193. We suggest:

- (1) The government should keep track of the implementation of preschool education for social needs students of every local administration.
- (2) Increase the number of pre-school special classes' capacity to protect the right to education for children with special needs.

In response to Point 200 in the National Report

The right to cultural participation of children with special needs

194. In the Assessment Report on the Ministry of Culture's management and maintenance of monuments and historical buildings, the review indicators did not include accessibility. In addition, most of the historical sites and buildings ignore the importance of having accessibility facilities and equipment, or in some cases, they make claims to have accessibility facilities and equipment, yet in other parts of buildings or services such as guided tours, restroom or restaurant designs, are not

¹⁸¹ Article 23(b) of Special Education Act: In order for special needs children to receive early intervention, special education practices shall start as early as two years old.

¹⁸² Take Hsinchu County as an example, the qualification for pre-school special education appraisal and priority placement for public and young children is three years old. Hsinchu County 110th school year pre-school special education appraisal and public and child priority placement schedule. ° <https://serc.hcc.edu.tw/var/file/145/1145/img/157153255.jpg>

¹⁸³ Hsinchu County Special Education Statistical Annual Report for the 108th school year, Hsinchu County Government (2020, September). <https://serc.hcc.edu.tw/var/file/145/1145/img/1572/349079661.pdf>

included in the disability-friendly coherent mechanism.¹⁸⁴ These barriers cause a cultural gap between children with special needs and their peers.

195. We suggest that the government should plan how to gradually improve the environment of historical sites and buildings for children with special needs and promote the cultural participation rights of all children. The specific measures include: amending laws, referring to successful experiences, evaluating complete feasibility, building alternative actions, and implementing them. Incorporate BOT contracts and reviews into accessibility/accessibility metrics.¹⁸⁵

In response to Point 59 in the Concluding Observations
Preschool inclusive education for visually impaired children

196. Visually impaired children are often hindered from entering kindergartens to receive inclusive education. Through interviews with parents of visually impaired children, they stated that they had applied for admission to ordinary kindergartens and were discriminated against directly by the kindergarten or refused entry because they did not have enough teachers, assistants, or resources to teach the visually impaired children, and even suggested to the parents to accompany the children throughout the class, etc. The above measures blocked out visually impaired children from the kindergartens of their community, and finally can only choose to enter the preschool department of the special education school system.¹⁸⁶

197. To enable public and private kindergartens to enroll visually impaired children, the Competent Authority of education should:

¹⁸⁴ There have been cases where the exhibition venue provided an unfriendly environment with no accessibility, and the creator himself (a person with special needs) could not attend his own show.

¹⁸⁵ Might consider to correct the laws and regulations such as “Principles on the alternative improvement plan of accessibility facilities construction to exited public agency / organization / institution and buildings”, and “Act for Promotion of Private Participation in Infrastructure Projects”.

¹⁸⁶ According to the special education notification website of the Ministry of Education, in 2018 a total of 42 visually impaired children received pre-school special education services, 30 of whom received tour counseling or ordinary special education programs in general kindergartens, and the remaining 12 attended centralized special education classes. 28.6% of the visually impaired children who received pre-school special education services could not successfully enter general kindergartens.

- (1) continuously provide special-education-related training for kindergarten teachers to improve their special education knowledge and ability.
- (2) Subsidized kindergartens to hire more teachers' assistants to help visually impaired children integrate into the class curriculum.
- (3) via professional help from the itinerant teachers for visually impaired education, provide Braille teaching for visually impaired children fulfilling the goal of linking with elementary school education.

Children in the long-term care institutions

198. Children with special needs and low self-reliance are often placed in long-term care institutions, where staffing is usually insufficient. There are extreme cases in some private nursing homes where children are confined to beds. This situation leads to poor quality of education, caring services, and a low possibility of conducting Individualized Instruction.

199. We suggest:

- (1) The government should provide resources to support the expertise of relevant institutions.
- (2) Relevant institutions must develop strategies for special children and children's needs and care.

In response to Article 5 of the Convention

The right to seek, receive and impart information and ideas and expression of children with special needs in judicial and administrative procedures

200. Humanistic Education Foundation found that the officials ignored children's needs in the court observation of child abuse cases in special education schools. For example, during the interrogation, the prosecutor used difficult words, the question sentence was too long, the questioning time was as long as two hours, and he had to be questioned by the teacher, the suspect. In judicial or administrative procedures,

there is no "Forensic Interviewers"¹⁸⁷ who is a professional intermediaries in sexual assault cases to assist children with disabilities, which damages children's right to know and express their opinions. Although there are social workers to accompany the children, the social workers do not possess the professional ability to translate information to help the children receive, understand, and respond.¹⁸⁸ It is difficult for children with special needs to exercise their right of expression in court, and because there is no professional intermediaries, Secondary victimization of these children becomes very common.

201. We suggest:

- (1) In judicial and administrative procedures, intermediaries with different professions should be provided to assist children with special needs in interacting with the personnel in charge.¹⁸⁹
- (2) The Ministry of Education shall develop an assistance mechanism in the procedures for student complaints and administrative remedies for children with special needs.
- (3) The Ministry of Justice shall deliberate and provide an assisting mechanism for children with special needs to express themselves during the procedures such as complaint, indictment, litigation, or non-litigation, and correct relevant procedures in schools, which shall also be considered together

In response to Article 2,6,24 of the Convention **Gender gap in participation in physical activities**

202. The authorities have realized that worship of masculinity, gender stereotypes, and gender discrimination in the sports field is one of the main reasons for preventing women from participating in sports.¹⁹⁰ However, they have not yet taken any concrete

¹⁸⁷ Article 15-3 of Sexual Assault Crime Prevention Act: Whenever considered as necessary by a judicial policeman, judicial police officer, prosecuting officer, prosecutor or judge at the investigation or trial level, if the victims of sexual assault incidents are children or have mental disabilities, they may be interrogated (examined) with the assistance of relevant professionals at their side. ...The provisions of the two preceding Paragraphs apply mutatis mutandis to any case where the party, agent or defense attorney is cross-examining victims who are children or have mental disabilities.

¹⁸⁸ Court Room Sketch on the special needs children Abuse cases, Humanistic Education Foundation(2021)https://hef.org.tw/2021_work_1_4/

¹⁸⁹ States parties are also under the obligation to ensure the implementation of this right for children experiencing difficulties in making their views heard. For instance, children with disabilities should be equipped with, and enabled to use, any mode of communication necessary to facilitate the expression of their views, CRC/C/GC/12 para. 21.

¹⁹⁰ White Paper on Promoting Women's Participation in Sports, Sports Administration.

action. The "regular exercise rate" of young girls aged 13-17 is much lower than that of boys of the same age, with 16.8 percentage¹⁹¹. In addition, the proportion of female students in sports classes to cultivate professional sports athletes decreases as the education stage increases.¹⁹²

203. We suggest:

- (1) The content of physical education courses should include various types of sports and leisure activities.
- (2) Gender equality awareness among physical education teachers, sports referees, coaches, and other personnel should be actively advocated, and a gender-friendly sports learning environment should be provided.

In response to Point 60-63 in the Concluding Observations/Point 70 -72 in the National Report

Children's Rights to seek phonologist Consults

204. The number of reported cases of children's self-harm has not improved significantly¹⁹³. According to the investigation and research by the competent authority, family issues have become one of the three leading causes of self-injury or suicide in Taiwan¹⁹⁴. Therefore, when children seek outside help, the government should recognize that the children can fully understand and judge, and the right to

¹⁹¹ In 2019, 39.7% of females aged 13-17 had regular exercise habits, and 56.5% of men aged 13-17 had regular exercise habits, a difference of 16.8 percentage points, 2021 Gender Equality Index report, The Gender Equality Committee

¹⁹² According to '2019 School Sports Statistics Annual Report' of the Sports Administration, The proportion of female students in elementary school sports classes is 37.62%, middle school students are 29.6%, and high school vocational students are 26.74%. (2021)

¹⁹³ ◦ In 2018, according to the data from 'Number and Percentage of Suicide Reports by Relatives and Victims in Domestic Violence and Children and Children Incidents' conducted by the Suicide Prevention Society and the Suicide Prevention Center, during 2016 to 2018, there were 1,277 children counterparts and 1,829 children victims registered in suicide notifications. In addition, according to a sample survey of psychologists in the conference taught by the National Federation of Counseling Psychologists Associations during the pandemic, the results showed that after entering the national level 3 alert, among the 278 psychologists responsible for the cases, the number of people who interrupted counseling due to the pandemic reached 5,753. There are about 2,900 licensed psychologists at present, and it is estimated that the total number of interrupted consultations is around 60,000. About 60% of the members of the National Federation work in schools at all levels. It is estimated that more than 30,000 students have interrupted counseling due to the outbreak.

¹⁹⁴ According to the "2018-2019 Campus Student Self-Injury Incident Analysis and Prevention Strategy Report" by the Ministry of Education, it is difficult to single out student suicide, usually reported as multiple causes. The most common possible causes are (1) mental illness (41.9%), (2) Family relationships (33%), and (3) Emotional problems (24.6%).

consent should no longer be given only to the "parents."¹⁹⁵ Children's best interests, the rights to life, survival, and development, and the right to privacy should be considered while providing children in need with psychological counseling services.

205. We suggest:

- (1) The legal guardian's consent should not be regarded as the only necessary condition for the provision of psychological counseling services. The professional opinions of the psychological counselor, the best interests of children, their rights to life, and to make their own decision should be taken more seriously regarding whether to provide services.
- (2) The regulations of online counseling should be refined and revised, the age limit should be lowered, and psychological counselors should be given the flexibility to adjust accordingly.¹⁹⁶

In response to Point 63 in the Concluding Observations/Point 219 in the National Report

Preventive Psychological Support Resources for LGBT Children

206. Among the LGBT children support groups of the Hotline Association, there are often children who are excluded from their families, situated in hostile schools, and live in an environment that lacks support, which harms their mental health.¹⁹⁷ The data on children's "mental health" and "suicide" are not categorized by children's gender, sexual orientation, gender identity, and other personal characteristics, so it is impossible to understand the mental health of LGBT children fully. According to a

¹⁹⁵ Although Article 77 of Civil Code states that 'when the expression of intent relates to the pure acquisition of a legal advantage, or to the necessities of life according to his age and status, a person who is limited in capacity to make juridical acts do not need his guardian's approval , ' yet according to the lex specialis principle, Article 19 of Psychologists Act demands that in the case of minor, 'The psychologist shall also obtain the consent of his/her clients or their legal representatives and advise them of their rights.'

¹⁹⁶ According to clause 5 of "Reference principles for psychologists to perform communicative counseling practice", the object of the communicative, psychological consultation should be over the age of 18 and exclude patients with neurosis, mental illness, or mental insufficiency of the brain.

¹⁹⁷ The life stages of LGBT children encountering gender-based violence, cases in the middle school stage are the most severe (67.1%), followed by the high school vocational stage (46.9%) and the elementary school stage (50.4%). The perpetrators are school students (66%), family members (44.8%), and teachers of the third school (30%). The two highest levels of harm or impact were mental health: psychological 86.6%, self (value/identity/self-esteem) 81%. The Hope Garden Foundation (2019). Gender-Based Violence Online Survey on Multi-Gender Ethnic Groups.

https://www.goh.org.tw/tc/p2-news_detail.asp?PKey=aBVMaB31aBYWaB33aBHlaB37aBSLaB39

survey conducted by the Hotline Association, the "Gender Equality Student Association" in schools can be used as a mental health resource to provide peer support for LGBT students. However, only 8.1% of LGBTs in the survey indicated that their schools have such student associations.¹⁹⁸

207. We suggest:

- (1) When the government collects data on children's mental health and suicide, it should classify children according to their gender, sexual orientation, gender identity, and other personal characteristics to understand the groups needing support.
- (2) The competent education authority should produce specific policies and measures to provide psychological support resources for LGBT children. Before the support system is completed, it should actively ensure that student associations concerning gender equality issues in every level of schools, including senior high schools, are established as a proactive preventive measure of LGBT students' mental health.

In response to Point 67 in the Concluding Observations/Point 226(b) in the National Report

Sex Education Curriculum and LGBT Children's Right to Sexual Health

208. Children in the hotline LGBTs children support group said that the school's sex education curriculum ignores and excludes LGBT education.¹⁹⁹ The content of the curriculum is entirely heterosexual as the norm. In the absence of accurate sexual health information, many LGBT children contract STDs or AIDS in our service due to unsafe sex.

¹⁹⁸ 2020 Taiwan LGBTQ+ Student Campus Experience Survey Report, Taiwan TongZhi (LGBTQ+) Hotline Association (2020) <https://hotline.org.tw/news/3136>

¹⁹⁹ 2020 Taiwan LGBTQ+ Student Campus Experience Survey Report, Taiwan TongZhi (LGBTQ+) Hotline Association (2020) <https://hotline.org.tw/news/3136>

209. We suggest that the competent education authorities should incorporate diverse health issues into the "108 Curriculum" teaching guidance and develop textbook resources and teaching plans that teachers can use; Comprehensive sexuality education that includes LGBT groups.



In response to Point 65-67 in the Concluding Observations/Point 226(b) in the National Report

Children's right to education (sex education curriculum)

210. After confirming students' needs and obtaining their parents' consent, some teachers gave lectures on condoms and safe sex in the classroom but were sued by conservative groups outside the school for "public indecency."²⁰⁰ Furthermore, there were cases where schools offered parenting education lectures about sex education, in which conservative groups protested by holding banners at the school gates. Therefore, such phenomena led teachers to teach under pressure, and implementing gender equality education for children was affected.

211. We suggest:

- (1) Education competent authorities should establish guidelines and provide teacher training to ensure that school curricula provide student-centered education for students.
- (2) Regarding the conflict between sex education and gender equality education, competent education authorities should actively initiate social communication to clarify misinformation.

²⁰⁰ 'Giving lectures about sex education in schools but being "hunted" by conservative groups... In this gender equality movement, elementary school teacher Liu Yuhao insisted on going for the children in the south.', Business Weekly, Wu Zhongjie(2019.01.17). <https://www.businessweekly.com.tw/careers/indep/37648>

In response to Point 227, 228 in the National Report
Children's subjectivity and sexual autonomy

212. The health education website set up by the Ministry of Health and Welfare, in which the content and information highly problematize the sex-related issues among children.²⁰¹ The government has not provided teachers with complete and systematic training on sex education²⁰², which has resulted in limited teaching content or filled with teachers' "personal values," failing to implement the connotation of sexuality education curriculum, and the neglect of children's sexual autonomy. This protectionism further weakens the freedom and subjectivity of children.

213. We suggest:

- (1) The government should have an empowerment perspective in implementing the sex education curriculum and the training of teachers.²⁰³
- (2) An evaluation mechanism for the sex education curriculum should be developed to ensure that the content and attitude of teachers can respond to students' needs and achieve empowerment.
- (3) "Parents" should be seen as a subject of continuous study concerning gender equality. The government allocates funds to supervise schools to conduct "Sex Education Courses for Parents" to create a friendly atmosphere. Teachers' professions are valued, and students' rights and interests are protected.

²⁰¹ For example, suggesting same-sex relationships, etc. are just "seeking excitement and challenge, losing the true meaning of sexuality and the basis of love." <https://health99.hpa.gov.tw/article/18395>

²⁰² Both students and teachers believe that sex education teaching time is seriously insufficient. The lack of good training and teaching materials is the top two difficulties that teachers think are the most difficult. Guo Li'an, Chen Yuping, Wang Dawei, Liu Anzhen, Zhang Xinyou (2017). An exploration of the connotation of adolescent sexuality education and emotional education: A comparison of the perspectives of teachers, students, and parents. *Student Affairs and Counseling*, 56, 28-49.

²⁰³ Fang Gang (2013). *Empowering Sex Education: A Preliminary Exploration of Theory, Content, and Methods*. *Sexuality Research*, Volume 4.

In response to Point 229 in the National Report

Underage Pregnant Girls' Right to Education and Children of Young Parents' Right to Survival



214. About 2,000 underaged girls in Taiwan give birth every year. The Gender Equality Act guarantees the right to education for pregnant students. Yet, many female students are bullied and suffer physically and mentally due to pregnancy, termination of pregnancy, or have not enough supporting resources after giving birth. They stop their studies due to the lack of childcare resources²⁰⁴, and the existing school facilities and social welfare design cannot meet the needs of young parents to balance their studies and childcare. Lacking the knowledge and ability to take care of children at the same time facing unbearable pressures such as childcare, housing, economy, education, etc., young parents resulting in multiple incidents such as child abuse and even suicide that endanger children's right to survival.²⁰⁵

215. We suggest:

- (1) Complete sex education and emotion and relation education: Besides physical development and contraceptive knowledge, sex education should strengthen aspects such as sexual behavior, power relations, and emotional relations.
- (2) Formulate schooling and child care plans for young parents: integrate medium and long-term strategies such as family education, childcare, health education, and social welfare, and maintain young parents' enrollment in the school, which is conducive to guaranteeing the safety of their children. The above plans should aim to help young parents complete their studies and be able to find a job, taking care of their children independently.

²⁰⁴ The Education Ministry notified 3,927 pregnant students from 12018 to 2019, of which 2,737 were suspended from school, resulting in nearly 70% of pregnant students. It is challenging to define them as "teenage mothers," and the Ministry of Education has not conducted more detailed statistics. However, the concluding observations point 49 of CEDAW's third national report recommended the government take measures to reduce the burden on pregnant students and young mothers. Such as providing retake exams, meeting childcare needs, increasing scholarships, or other appropriate assistance, so the "Young parents" rather than "minor" parents define this particular stage.

²⁰⁵ ◦ The Ministry of Health and Welfare's "2016 Annual Analysis of Major Child and Adolescent Abuse Incidents" found that "young parent," "unstable employment," "lack of awareness of child development," and other factors were significantly associated with abuse.

In response to Point 68 in the Concluding Observations

Global Warming

216. The current national education syllabus has an environment, ocean, energy, and disaster prevention education curriculum. Yet, they are not compulsory and have not been integrated into "climate change" and "adaptation education," so children cannot understand the crisis they face. In addition, Taiwan's greenhouse gas emission objective is only halfway to the 2050 international goal. Under extreme weather, agriculture, health, transportation, and even energy security have all been affected.²⁰⁶ The government's lack of active advocacy of awareness of disaster prevention (drought/flood/earthquake) will expose children to climate risks and an increasingly severe living environment.²⁰⁷

217. We suggest:

- (1) Should amend the relative laws as soon as possible to make companies/facilities that emit greenhouse gases pay the related costs.
- (2) The right to receive information and education: Complete climate change and adaptation education by integrating knowledge in various professional fields into life so that children can fully understand the climate crisis, mitigate warming and be familiar with the response to climate disasters.
- (3) Significant oversight and right to voice: Children should have the right to participate in public affairs on climate issues.

²⁰⁶ ◦ Taking last year as an example, in the face of a severe drought in spring, the central part of the country implemented the "supply five days, stop two days" district water supply for 61 days, setting a record for the longest implementation time Taiwan over the years. In August, due to torrential rain entrained by Typhoon, some central and southern regions were seriously flooded, which led to a slope collapse that seriously affected driving safety for the first time.

²⁰⁷ In the past 25 years, Taiwan's temperature has risen by about 0.68°C, equivalent to 3.5 times the global warming rate. Economic and densely populated coastal settlements are affected by sea-level rise yearly. Children who will be 18 years old in 2039 estimated will live in less than hundreds of square kilometers compared to today, and the coastal areas south of Changhua will be the same.

Chapter 8: Education, Leisure and Cultural Activities

In response to Point 243 in the National Report

Overly high Senior-high School Student-teacher Ratio

218. After implementing the "108 curriculum", the teacher shortage has become even more apparent due to the increase in alternative learning, multiple subjects, appropriate student-grouping, internship grouping, and other courses in senior high schools. Thus, reducing the current class size of 35 students in vocational and senior high schools is necessary to make teaching manpower compatible.

In response to Point 246 in the National Report

Right to Education for Students with Physical and Psychological Disabilities during the Pandemic

219. According to regulations²⁰⁸, to meet the needs of special education students, their educational stages, grade arrangements, educational venues and implementation methods should remain flexible. Moreover, the measures and facilities provisioning for special education and related service shall conform to adaptability, individualization, communization, accessibility, and integration. However, in practice, the low labor participation rate of the disabled parents²⁰⁹ or the disabled students may have caused a relatively low internet penetration rate at home or stereotypical characteristics²¹⁰ in some categories, all can lead to the failure of students to participate fully in online learning.²¹¹

²⁰⁸ Article 12 and 18 of the Special Education Act.

²⁰⁹ The labor force participation rate of people with disabilities aged over 15 was 20.7%, and the unemployment rate was 8.1% in May 2019. Retrieved from: <https://statdb.mol.gov.tw/html/svy08/0841menu.htm>

²¹⁰ Students with autism or Asperger's syndrome, for example, are considered to take informal classes because they are not educated at school.

²¹¹ According to the *Survey on Children and Youth during the Pandemic* by the Taiwan Alliance for Advancement of Youth Rights and Welfare, the proportion of students with disabilities who cannot use digital products for online teaching and homework during homeschooling is much higher than that of ordinary students.

220. We suggest:

- (1) Check whether the affected students with disabilities have successfully reached the instructional resources and evaluate if the learning outcome is affected.
- (2) Eliminate the digital gap as much as possible to equal the rights of information reception and online education.
- (3) Maintain the "normal function" of family and school by reserving the rights for some students to attend the school where possible.

In response to Point 247 in the National Report
Teenage Pregnancy and Abortion

221. The Ministry of Health and Welfare (MOHW) has statistics on teenage fertility rates, and the Ministry of Education (MOE) has statistics on student pregnancy. However, there are no official "statistics on teenage pregnancy and abortion". According to the investigation by The Control Yuan, both MOHW and MOE have not been able to know the number of teenage pregnancies well. Therefore, The Control Yuan suggests creating an integrated platform to collect concrete statistics from schools to MOHW to further establish coherent measures and policies.²¹²

222. We suggest:

- (1) Provide correct official statistics on teenage pregnancies and abortions.
- (2) Conduct empirical studies to investigate the patterns and causes of teenage pregnancy.

²¹² The Control Yuan, *The Control Yuan Investigation Report*, (2017), no. 0070. <https://www.cy.gov.tw/CyBsBoxContent.aspx?n=133&s=5846>

In response to Point 70 in the Concluding Observations/Points 249, 250, 251, and 252 in the National Report

Obligation of Public and Private School Attendance

223. The government promotes a conditional tuition-free policy for senior secondary education.²¹³ However, according to the law²¹⁴, the Ministry of Education has enacted and amended the "Regulations Governing Private Senior Secondary Schools with an Excellent Performance Evaluation Being Subject to Less Stringent School Operation Requirements."²¹⁵ As a result, enlarging the difference in tuition fees between public and private schools and increasing the financial pressure for students.

224. We suggest:

- (1) Review the purpose of the regulations to encourage private senior secondary schools with excellent performance.
- (2) Consider rewarding high-performing private schools through government subsidies rather than transferring the obligation onto students.

In response to Point 72 and 73 in the Concluding Observations/Point 243 in the National Report

High Preschool Student-teacher Ratio

²¹³ Those who study in professional group subjects and the first three years of five-year junior college programs are exempt from tuition fees regardless of public or private schools; those who study in public or private high schools and whose annual family income is less than 1.48 million are exempt from tuition fees. When exceeding the threshold of 1.48 million, those who study in public high schools will not be subsidized, while in private high schools, there will be fixed subsidies considering the family's financial burden.

²¹⁴ Article 57(3) of the Private School Law: In addition to rewards, private schools whose evaluation results indicate that they have been well run shall not be bound by the Law and related regulations when setting out to do the following, after being approved by the school authority:

1. Adding new departments, schools, programs, and classes.
2. Deciding the departments, schools, programs, and classes that are enrolling, admissions, and student numbers.
3. Deciding the ages of the president and fulltime teachers.
4. Deciding tuition and fees, their uses and amounts. Limited to schools having a sound student aid mechanism.
5. Conducting experimental education in a school setting or on-campus educational experiments.

²¹⁵ After the amendment was announced in November 2019, private vocational and high schools are exempted from tuition fees. However, some schools are exempted from the relevant laws and regulations regarding the fees charged by students from Article 47(1) of the Private School Law and Article 56(4) of the Senior High School Education Act, and they can increase up to 20% of the sundry fees and 10% of the collecting fees.

225. The preschool student-teacher ratio enacted in 1981 by the Early Childhood Education and Care Act is 15:1. However, in recent years, the birth population has dropped from 410,000 to 180,000. Previously, the student number of each class in primary and junior high schools was 45. The number has shrunk to 29 in primary schools and 30 in junior high schools. On the contrary, the student-teacher ratio in preschools remains the same as 40 years ago, with 30 students in each class.²¹⁶ There is no apparent improvement dealing with childrens' injuries in preschools, and the high student-teacher ratio is one of the main reasons.²¹⁷

226. We suggest that lowering the student-teacher ratio can effectively improve the quality of child care in preschools or other child care institutes, reduce the overwork cases of manpower, and help decrease the manpower turnover rate. Therefore, the government should:

- (1) Propose a specific timetable for lowering the preschool student-teacher ratio, at least to 12:1.
- (2) Provide support to counties and cities governments willing to reduce the student-teacher ratio and subsidize additional classes or manpower costs.

In response to Point 74 in the Concluding Observations **Educational Resource Distribution in Remote Areas**

227. Children in remote areas have insufficient resources for childcare and education, and there is a problem of uneven distribution of resources between urban and remote areas. For example, regarding public educare services for children aged two to six, 54.71% of public preschools and 65.52% of non-profit preschools are located in Taiwan's six special municipalities, indicating the enormous gap between urban and remote areas.

228. Take a closer look at the "remote areas" of counties and cities defined by the Ministry of Education, 20 remote towns have a coverage rate of less than 60% of

²¹⁶ The integration of kindergartens and nursery schools in 2016 revised the Early Childhood Education and Care Act, lowering the student-teacher ratio for children aged 2-3 to 8:1, yet for aged 3-6 remained 15:1.

²¹⁷ Chang Hsin-Yi, "A Survey Study of Children's Safety in Kindergarten and Day Care Center", Department of Social Work & Child Welfare, Providence University, Master's Thesis, 1999.

public educare services, and 50 of them are between 60% and 90%. Moreover, among these 100 remote areas, 64 townships and cities have no private preschools.

229. In practice, the Community (Tribal) Cooperative Educare Centers (abbr. as the Educare Centers) has found that although the centers served children between the ages of two and six, there was a lack of care resources for newborns, infants and toddlers under the age of two in remote areas. Entrusted by parents, the Educare Centers provided "temporary babysitting," indicating that there are infant care needs in remote areas and tribes. Nevertheless, the central authority, the Ministry of Health and Welfare, is still "conducting an assessment."²¹⁸ NGOs also applied with the local governments, hoping to utilize the public spaces in the tribe to build up public educare homes, thereby fulfilling the infant care needs aged 0-2. However, local governments have declined their applications due to the high operation cost.

230. We suggest: The authority should promptly amend the law to respond to the Concluding Observations regarding protecting children's right to education in remote areas. Survey the educare needs of children aged 0-6 in remote areas. Furthermore, inject due funds to provide affordable, accessible, and good-quality public educare services.

In response to Point 78 in the Concluding Observations/Points 259-264 in the National Report
Dropout Children and Youth

231. In practice, the dropout students are intervened mainly by alternative education resources, and the definition of dropout is relatively narrow. Some counties and cities do not have alternative education resources yet²¹⁹, meaning there may not be

²¹⁸ The Ministry of Health and Welfare recently discussed a particular chapter about cooperation in the children educare act draft, intending to refer to the Educare Centers. So they visited the Educare Centers of Pinghe and Meiyuan tribes in Pingtung, and considered setting up public educare homes in the tribes.

²¹⁹ Such as collaboration transition class or middle way class.

resources for dropouts in time; besides, there are gaps in allocating rural-urban resources.²²⁰

232. To cooperate with "the policy to reduce the dropout rate," schools adopt a passive strategy, preventing many students from being reported as dropouts²²¹. These students attend school irregularly for a long time because they lack learning motives in the current educational system or are interrupted by other reasons. When not identified as dropouts, they cannot get counsel or other resources.

233. We suggest establishing an early warning mechanism for long-term absent students, keeping track and providing counseling. Furthermore, formulating concrete counsels and introducing resources from different support systems to stabilize their attendance.

Service System for High School Dropout Students

234. The as-is high school dropout counseling still focuses on "returning to school." Although the government currently has related resources for juveniles to refer to or choose from, the services are divided and lack a primary role of tracking, counseling, or managing resources. Resulting in concluding a case or terminating the service due to multiple causes, and leaving no way to follow up on the cases.

²²⁰ Financial Statement of Agency, K-12 Education Administration, Ministry of Education, 2020 (Certified) <https://www.k12ea.gov.tw/Tw/PublicInfo/InfoopenDetail?filter=6587798C-6F9E-4221-B5D2-880F9890F002&id=d170e5b9-0883-4637-b5c7-c993dcce244> ◦ The rechecked number of primary and junior high school dropouts was 3,086 in the 108 school year. In 2020, the K-12 Education Administration, Ministry of Education approved subsidies summed up 1,324 students and 89 classes for "middle way classes," "collaboration transition classes," and "Tzi-Huei classes." <https://www.k12ea.gov.tw/Tw/PublicInfo/EdufundDetail?filter=588AEF47-226C-4164-95A8-EE5EA941567F&id=7f349e8b-d68a-4a64-b08e-7989cfab6b2d>

²²¹ Schools must report the status of dropouts under the "Policy of Subsidizing the Implementation for the Dropouts Preventing, Tracking and Returning to School Counseling by the K-12 Education Administration, Ministry of Education" and the "Guidelines for Reporting and Returning to School Counseling of Unenrolled or Drop-out Students in Primary and Junior High Schools." However, schools often use strategies to avoid reporting, such as asking students to come in two days a week, allowing the students without entering the classrooms to stay in the counseling rooms, or taking leaves to accommodate the abovementioned policies. "Ministry of Education says Returning-to-school Rate of Dropouts Is Increasing, while Children and Youth Groups Expose the Lie and Reveal the Truth," retrieved from: <https://udn.com/news/story/6885/5104010>

235. We suggest:

- (1) Establish a case management unit for high school dropout services to provide juveniles with counseling or service referrals according to their needs. Track the cases and ensure they receive appropriate assistance or support.
- (2) Disseminate the related resources or support to junior-high students as prevention.

In response to Point 79 in the Concluding Observations/Point 275 in the National Report

Rules of School Uniform and Dress Code

236. In 2021, a non-governmental organization conducted the "Taiwan-wide Survey on Winter Clothes and Accessory."²²² The result pointed out that 72.5% of vocational and senior high schools still do not comply with the regulation; moreover, the figure is 95.6% in junior high schools, especially in private schools. The statistics showed that regardless of public or private, the schools ignored the regulation²²³ from the Ministry of Education and have continued to restrict students' dress codes illegally.

237. We suggest:

- (1) Strictly supervise the violated schools for improvement.
- (2) Refine the operation of the school uniform committee.

²²² Within two weeks, responses from 2,856 students in Taiwan were collected. A sum of 425 vocational and senior high school and 181 junior high school students participated in the survey. Results show that restrictions by schools on students' dress codes include "restricting exposed hoods from hoodies," "prohibiting students from wearing scarves and hats," "restricting the colors of students' winter clothes and accessories," "only skirts for girls' winter uniforms," "directly confiscate students' winter clothing and accessories." As suggested from the survey, private schools are more restrictive, arguing that "private schools are not under the control of the Ministry of Education," "students who do not like the school regulations, please transfer to another school," et cetera. Many students also said in the questionnaire, "It is such a difficult thing just to hope to be able to dress warmly in school." Hair bans are vague or empty descriptions, such as re-dye to the original color, no perm, not weird, neat and clean, simple, in line with the student's identity, et cetera, intended to cause confusion and conflicts for possible rule-violation.

²²³ The Ministry of Education has issued administrative guidelines such as "Principles for the Regulations of Students' Dress Codes in Senior High Schools," "Principles for the Regulations of Students' Dress Codes in Junior High Schools," and "Principles for the Regulations of Students' Dress Codes in Primary Schools."

- (3) Review the implementation of the new national school uniform regulation and really discipline schools involved in regulation violations.

In response to Point 82 in the Concluding Observations/Points 29, 31 and 276 in the National Report

Complaints Procedure for Reformatory Schools

238. The complaints procedure of reformatory schools is almost the same as that of adult prisons. With no independent, confidential, and secure complaints filing procedure, neither the reformatory school's appeal committee nor the re-appeal committee of the Ministry of Justice has clearly stated that Juvenile inmates have the opportunity to express their opinions. The six juvenile correctional agencies (Chengjheng High School, Ming Yang High School, Dun Pin High School, Li Zhi High School, Taipei Juvenile Detention House, and Tainan Juvenile Detention House) all closed their complaint cases by "groundless."²²⁴ From July 2020 to June 2021, these six agencies' total complaint case number is zero. It was until the victim's family made an external complaint that disclosed the fights, gambling, cell door shaking, and others that happened in Dun Pin High School. The Control Yuan started the investigation and issued the Corrective Report (Year 110 Jiu Zi no. 1) and Investigation Report (Year 110 Si Tiao 0027).

239. We suggest:

- (1) Actively provide various complaint filing channels to students, including newly-established external inspection teams for each correctional agency.
- (2) Although the Agency of Corrections, MOJ, has determined that reformatory schools are not ordinary schools and cannot apply the operation of the ordinary school appeal committee, they should at least include:
 - A. If one of the complainants or respondents is a special education student, the appeal committee shall contain a member with respective expertise;

²²⁴ [225] "Case Closure of Complaints of the Agency and Others", Agency of Corrections, Ministry of Justice. (last updated on July 23, 2021) Retrieved from: <https://www.mjac.moj.gov.tw/4786/4848/4873/988908/post>

B. During the appeal process, the complainant shall have the opportunity to express their opinions at the meeting and can answer the questions raised by the appeal committee;

C. Involving a student representative is worth working on, and new regulations can determine the election. As an essential citizenship education, the election process is scarce and necessary in juvenile correctional agencies.

In response to Point 80 in the Concluding Observations/Point 277 in the National Report

Military Training Instructors and Alternative Manpower

240. The policy of the Ministry of Education indicates that all schools cease to recruit new military training instructors from 2017 and schedule to "evade all the military training instructors from the school campus" by 2023. According to the "Guideline of Recruiting Innovation Manpower for Student Affairs in Senior High Schools" issued by the K-12 Education Administration, each military training instructor position replaces by one innovation manpower. However, there are many controversies about the innovation manpower in practice. In 2018, conflicts happened between students and faculties in Taipei Municipal Jianguo High School. The innovation manpower who worked as security guards has implemented a different school regulations standard than past military training instructors, resulting in students launching a petition against the innovation manpower position.²²⁵

241. There is no clear official statement about the difference between innovation manpower and its predecessors, whether they have the same authorities or can discipline students. We suggest:

- (1) Enhance the recruitment policy's promotion for innovation manpower to attract more candidates. The small number of applicants mainly came from relevant positions in the education system is the bottleneck for successful recruitment in practice.
- (2) Regulate the qualifications and authorities of the innovation manpower, re-clarify the job description, rather than just sending the military training

²²⁵ <https://tw.appledaily.com/life/20180914/SOHMH3JH3PEMIKON72U4FQF6WI/>

instructors off the campus and back to school with the name "innovation manpower in student affairs."

In response to Points 83-85 in the Concluding Observations/Point 291 in the National Report
School Time for Students

242. In 2016, the Ministry of Education amended the regulations to stipulate that students can decide to participate in early self-study during two specific school days. However, the regulations are limited to public and private high schools "supervised by the Ministry of Education," so local governments have no obligation to follow the regulations.²²⁶ Moreover, a deprived class recess as punishment is often, not to mention students still accused of tremendous schoolwork pressure in suicide notes²²⁷. Although there are regulations that require schools to protect students' right to sufficient rest, the regulations are in a low legal hierarchy, therefore, lack coercive power, causing minor improvement in some schools. Furthermore, no investigations were made public to the schools that violated these regulations, making it challenging to hold them accountable.²²⁸

243. We suggest:

- (1) The Ministry of Education should protect the right of discretion in early self-study for all students.

²²⁶ In response to the adoption of the proposal threshold in the public policy participation platform "Modify school hours for junior and senior high schools to 9:30-17:00," when the Ministry of Education held the first online public hearing, the participants asked about "Is there any school that illegally gives new lessons in the eighth class?" The students left comments "+1", which can be recognized as early self-study and academic tutoring regulations; many schools still violate the regulation as an open secret. Many students pointed out that their schools violated the regulation and hoped that the Ministry of Education would show courage and supervise the improvement of illegal schools, preventing these well-meaning policies from being seen not utilized by students.

²²⁷ News of a student studied in Taipei First Girls High School committing suicide, link: <https://news.ltn.com.tw/news/society/paper/1133231>

²²⁸ The government had already begun to persuade schools not to compulsorily participate in homework tutoring or evening self-study before the "Implementation Research of Education Normalization—Coordination Meeting for Junior High School Course Guidance and Self-study in Schools" in 2006. The persuasion period has exceeded 15 years, and there is still no guarantee of the student's right to adequate recess with disciplinary measures against the school. In addition, the improvement in the forced increase of study time is limited. According to the investigation by the Control Yuan, there is still an average incomplete pass rate of 58.78% regarding the complete improvement, indicating schools still infringe on students' right to recess under current policies.

- (2) The Ministry of Education should enforce laws and regulations, take accountability as the central education authority, not rely on the current investigations conducted by NGOs.

In response to Point 85 in the Concluding Observations

Low Satisfaction in Youth with Arts Education

244. Youth with art empowerment education have shown above-average results when conducting NGO questionnaires, as to willingness to participate in theater art activities, work in art industries, and art-related recreation time.²²⁹ However, only 10% of youth expressed satisfaction regarding the art education policy survey²³⁰, indicating enormous room for improvement about the current system.

Youth Arts Education

245. The government has injected relatively minor resources into the groups that empower youth drama arts. According to research by NGOs, to improve citizen cultural literacy and cultivate artistic talents, one must start from childhood or juvenile.²³¹

246. We suggest:

- (1) Promote and formulate the competent authorities related to art education policies. In addition to education agencies, include culture agencies as co-authorities.
- (2) Add government subsidy to encourage and promote youth art training or rooting plans by education and culture authorities.

²²⁹ "Impact Report on Promoting Sustainable Development with Theater Education by Teenager Performing Arts League," Teenager Performing Arts League, 2021.

²³⁰ "Impact Report on Promoting Sustainable Development with Theater Education by Teenager Performing Arts League," Teenager Performing Arts League, 2021.

²³¹ "Impact Report on Promoting Sustainable Development with Theater Education by Teenager Performing Arts League," Teenager Performing Arts League, 2021.

In response to Point 85 in the Concluding Observations/Points 199 and 296 in the National Report
Safety Management System of Children's Playgrounds

247. Although the Ministry of Health and Welfare has set relevant regulations for children's playgrounds,²³² there are still problems of ambiguous accountabilities and responsibilities²³³ due to the diversity of venues and the involvement of multiple authorities. In addition, due to the lack of workforce and funds for professional inspections, the current completion rate of qualified children's playgrounds is only 33%²³⁴. Unable to carry out improvement plans. Nevertheless, there is no complete quantitative data as a reference for overall policy planning.²³⁵

248. We suggest:

- (1) As to common playground injuries²³⁶, implement the coding records for external causes that conducted medical treatments in hospitals. Meanwhile, de-identify the data for further application.
- (2) Actively establish and implement the filing procedures for the "Basic Information of each Children's Playground and Facilities" and educate the case officers. Combine the existing data with a Geographic Information System (GIS) to create infographics.
- (3) Actively develop the industry's entry and withdrawal mechanism and the training and certification system to guide and encourage the private sector to

²³² "Children's Playground Safety Management Regulations," "Ministry of the Interior Design Standards for Barrier-Free Facilities and Equipment in Recreational Places," and relevant national standards such as CNS12642, 12643, 15912, 15913, et cetera.

²³³ The number and relevant management regulations of playgrounds are commonly not precise due to the turnover of pertinent contractors.

²³⁴ From the "2nd Accident Injury Prevention Coordination Meeting in 2021", most recreational places have not been implemented for future reference and are prohibited from opening, affecting children's right to play.

²³⁵ The government fails to master playground data such as GPS positioning, game types, playground size and nature, and injury monitoring data, causing a lack of an overall clear game-planning policy with risk-benefit assessment, which is challenging to take into account the needs of children regarding different ages, ethnic groups, and regions.

²³⁶ Such as falls, punctures, fractures, et cetera.

invest in the playground inspection business. In addition, take full responsibility for supervision and management.

In response to Point 85 in the Concluding Observations/Points 200 and 295 in the National Report²³⁷

Recreational Resources for Children and Youth with or without Disabilities in Non-Urban Areas

249. In non-metropolitan areas, there are limited recreational areas and facilities for children and youth. Unevenly distributed resources happen in urban and rural areas. Most public facilities locate in the city center; therefore, the accessibility is poor for children and youth living in remote areas²³⁸. In addition, there is no development of relevant recreational resources for children and youth with disabilities.²³⁹

In response to Points 267 and 323 in the National Report
Overseas Students Programs

250. The number of overseas students in the work-study program has increased yearly²⁴⁰, by five-fold in six years. In the deliberative conferences between central and local agencies, it was evident that the consensus is in favor of introducing overseas students to prevent the closure of private schools from poor enrollment.²⁴¹ Moreover, even the national policy²⁴² views overseas students as a solution to complement the labor shortage in Taiwan, ignoring the rights to education and

²³⁷ Appendix 7-14 and 8-27 of the National Report

²³⁸ For example, the average number of children and youth served in New Taipei City is 1,193; it is 1,444 in Taipei City and as high as 13,455 in Nantou County.

²³⁹ Appendix Page 170 of the National Report, the second draft. <https://crc.sfaa.gov.tw/Document/Detail?documentId=190168FD-DBE4-4092-B9AD-AC8C4FA2F322> ◦ Promotional Team of Child and Youth Welfare and Rights, Ministry of Health and Welfare, 2nd Meeting Minutes, Page 25, 2020.

²⁴⁰ The number of students gained from 281 in the 103 school year to 1726 in the 109 school year.

²⁴¹ "Overseas Students as the Cure for Private Schools on the Verge of Closure? Recruitments of the Cooperative Education Programs have doubled, and Students in Mainland China also shown Interest", United Daily News, link: <https://udn.com/news/story/6929/3793757>

²⁴² [243] The establishment of the "3+4 Overseas Compatriot Student Vocational Training Program" by the New Southbound Policy.

counseling for underage overseas students.²⁴³ Not to mention that the government cannot inspect and audit whether the educational organization equips with qualified counselors and teachers who can communicate in respective native languages to provide further assistance for underage overseas students.

Information dissemination for the Vocational Education

251. The labor rights of our student participants, such as ensuring that labor rights and interests are intact, are passively protected. Furthermore, evaluations on the training outcomes from partner institutions are not active. According to the "The Act of the Cooperative Education Implementation in Senior High Schools and the Protection of Student Participants' Right," schools should provide student participants with basic or pre-training to equip them with background knowledge. However, in the investigation reports on the rights and interests of student participants, the evaluation of "student participants obtaining adequate training" is not presented, such as whether obtaining skills evaluation certificates and the proportion amongst student participants.

252. There are 120 petition cases from 2016 to 2020, judging from the statistics, 20 of which are related to vocational skills training in cooperative education. The government should enhance the inspection and review about protecting the rights and interests of student participants.

In response to Point 300 in the National Report The Kite Project

253. Teenager Performing Arts League has established the Kite Projects autonomously since 2014. Starting from 2017, they introduced art empowerment programs as club activities in alternative education, decreasing the dropout rate yearly. However, the sustainability of those programs is an issue. After the program

²⁴³ "Training Foreign Workers or Educating Students: When Overseas Students from Southeast Asia Meet Novice Teachers in Vocational High Schools," The Reporter, link: <https://www.twreporter.org/a/opinion-southeast-asia-overseas-chinese-students-in-taiwan-vocational-high-school>

Excerpts from the report: The schools mixed students with different Chinese proficiency, making it difficult for students to learn; when students lacked motive or resisted occasionally, the school ordered them to bask in the sun and sing military songs on the sports field, and practice marching on the spot every day after school... ..and like local students, they are "trained" to be useful interns. Enterprises have also heard that there are obedient and cheap students, so they are more willing to negotiate with schools for cooperative education.

ends, the at-risk students are back to their routines.²⁴⁴ Currently, mainstream education has not valued art education,²⁴⁵ and there is no long-term, well-planned policy and implementation for accompanying art.

254. We suggest:

- (1) The government should recognize accompanying art education and provide subsidies for cultivating teachers.
- (2) Evaluate alternative education programs and incorporate the sustainable Kite Project into the curriculum design.

²⁴⁴ In the report by the Teenager Performing Arts League, schools are divided into five levels, the first one is the academic counseling classes in caring stations, the second is alternative school/education, the third is placement institutes, the fourth is Juvenile Detention Houses, and the fifth is Juvenile Reformatory Schools. In the early days, the League worked on Levels 3 to 5. The current focus is Level 2. The results are fruitful when accompanying those students. However, the students can easily be dragged down by their original lives when the semester ends.

²⁴⁵ [246] Chen Yu-Hsiang, "Discussion from a Competence-Oriented Perspective on the Status Quo and Practice of the Secondary School Teacher Training 'Arts Teaching Material and Methods' Curriculum", *Journal of Research in Education Sciences*, Volume 63, Issue 4 (2018), 63(4), 89-117 doi: 10.6209/JORIES.201812_63(4).0004

Chapter 9: Special Protection

In response to Points 56, 283, 314 in the National Report

Co-creating Tribal Preschools²⁴⁶

255. Consider the youth and elderlies in the tribe as teachers, integrate tribal cultures, and live within the context of tribal routines and ethics²⁴⁷ to foster children's abilities to grow self-reliant in the tribe. The realization of the Community (Tribal) Cooperative Educare Service Center (hereby Educare Center) has proven to be the best educational practice to pass on tribal cultures. Unlike the “childcare center voluntarily built up by the community” indicated in the Early Childhood Education and Care Act²⁴⁸, the government shall actively promote the Educare Centers with empowerment policies, from formulation, promotion, empowerment measures to system-completion, in order to help the tribes to succeed the indigenous cultures.

256. 60-70% of the operating funds for the Educare Center are from the central government's "subsidy programs"²⁴⁹, and the community fundraises from 20% to 30%. Especially in Pingtung County, where the Educare Centers are most popular, the "Community Development Associations" take accountability for these subsidy programs. However, the associations are not professional NPOs or NGOs and do not have sufficient financial resources or fundraising capabilities.²⁵⁰ Therefore, the community development association is very tight in the use of funds and even has to sacrifice the labor rights and interests of the educators (overtime pay, shift charge, et cetera.) to subsidize the operation of the center.

²⁴⁶ There is no designation for this preschool in current law and practice, and the official name is Community (Tribal) Cooperative Educare Service Center.

²⁴⁷ The educators at the Educare Centers designed the course content by themselves, including a complete series of life learning, starting from the nearby land, understanding the transitions of the four seasons, and important festivals in tribal culture.

²⁴⁸ Article 10 of the Early Childhood Education and Care Act.

²⁴⁹ The Council of Indigenous Peoples and the Ministry of Education will each pay half of the personnel expenses related to the Educare Center (teachers, cooks, activities and meals, facilities and equipment, et cetera). The meal subsidy is 800 NTD per child per month, which converts to only 36 NTD per child for lunch and snacks every day.

²⁵⁰ The Council for Cultural Affairs is in charge of the community development associations. It hopes that a group formed by the community undertakes the promotion of community construction. Community development association staff are unpaid unless there are subsidy programs.

Indigenous Children Subsidies

257. The Educare Center advocates the sharing of spirits and resources of indigenous tribes; therefore, it centrally uses the local government subsidies for indigenous children and youth that belong to the center²⁵¹ and makes up for the operating costs. In August 2021, the Ministry of Education(MOE) implemented a new child care policy, "National child care policy for ages 0-6." Since the MOE provides more allowance than the indigenous child care subsidy (21,000 NTD vs. 10,000 NTD), the Council of Indigenous Peoples filed an official document to local governments stating that they will cease to subsidize for indigenous child care. However, when the semester started, the Educare Centers found that they were not eligible for the new allowance policy from the MOE. The MOE mainly responded, "Because the Educare Center can compensate child care and education costs with subsidies from the central government. Therefore, the 'National child care policy for ages 0-6' does not apply to the Educare Center." The local government subsidies for indigenous children and youth to operate Educare Centers no longer exist, causing immense financial difficulties for community development associations that run the Educare Centers.

Fund for Pedagogic Materials in Co-creating Tribal Preschools

258. The Council of Indigenous Peoples requires that 50% of pedagogic materials for the Educare Centers integrate with the tribal culture. However, the Council does not provide any pedagogic materials or resources. When designing pedagogic materials, teachers must develop project plans, make music recorders, draw picture books, hire indigenous language teachers and invite tribe elders to class. The Educare Centers need to search and make additional proposals and applications for these irregular subsidies to cover the above expenses.

Teachers in Co-creating Tribal Preschools

259. There is no quota for administration staff in the Educare Centers²⁵², yet the administrative work is the same as that of public preschools. With the student-teacher

²⁵¹ The Educare Centers apply for the "Indigenous Children Subsidy" to the county or city governments. Each Indigenous child aged 3-5 in the Educare Centers will receive a maximum subsidy of 10,000 NTD per semester from the Council of Indigenous Peoples.

²⁵² There are administration staff and related personnel expenses allocated in public preschools.

ratio of 8:1, the teachers/educators still need to serve administrative duties. Moreover, in parallel with the non-profit preschools and immersion preschools, the educators' salaries in the Educare Centers are lower than in the former. The educators' salary in Educare Centers is based on educational backgrounds and indigenous languages certifications; however, most educators are mothers in the tribes and may not be able to afford or have time for advanced education. Furthermore, many tribes are in the mountain areas far from advanced education schools, indicating a tremendous cost of transportation.

260. We suggest:

- (1) The government should conduct an annual survey on the resources and needs of childcare for children aged 0-6. The scope of the survey should be specific to each township and urban area, and even more detailed to villages, communities, or tribes. Particularly, the childcare demands in rural, remote areas and indigenous tribes need special attention. Based on the survey results, set policy goals for setting up public childcare institutions, and reduce the resource gap between urban and remote areas yearly.
- (2) The government should face up to the actual outcomes of the Educare Centers, for they can meet the education and care needs of tribal parents and inherit the culture of indigenous people. View the Educare Center as a part of public care, formulate specific policy goals, and allocate sufficient budgets, to stabilize the operation of the Educare Center.
- (3) Regarding the research and development of pedagogic materials for the Educare Centers, the government should increase the subsidy to encourage them to develop localized pedagogic materials and courses.
- (4) The government should improve staff salaries in the Educare Centers, increase the number of salary subsidies, and do not use academic qualifications or indigenous language certification as the only salary standard. Instead, adopt multiple identification methods flexibly and respect different perspectives between indigenous groups about education and caregiving.

Gap and Cultural Discrimination in Minority Education

261. After the children from the Educare Centers enter primary school, they are no longer connected with indigenous education. Possibly because the neighboring primary school is not an indigenous school, or the children from the Educare Centers are positioned as lacking academic ability after entering the primary school stage, resulting in discomfort. In a more extreme case, it was found that the primary school authorities used a unified teaching standard to measure children's capabilities by academic achievement. Often, schools would abandon children who cannot keep up by the third and fourth grades. Compared with tribes, schools are fields that do specialization. The original tribal life context is scholastically extracted from traditional cultural knowledge, causing inherited tribal culture great difficulties.

262. Moreover, to avoid the problem of the previous point, parents can only choose to transfer their children who initially participate in the Educare Center to the public preschool, which has achieved the goal of perfectly connecting to primary school education. To effectively prevent discrimination and cultural gaps caused by education systems and policies, we suggest that the Ministry of Education should provide systematic and practical training for primary and junior-high school teachers, as well as systems and frameworks for learning materials, evaluation of students' abilities, and ethnic languages and indigenous cultures as basics. Furthermore, cultivate flexibility and respect for children and youth of different ethnic groups.

In response to Point 89 in the Concluding Observations / Points 318-322 in the National Report

Labor Data Collection and Rights for Children Under the Age of 15

263. The government can still not grasp the actual labor situation of "child labor under 15." The Labor Standards Act stipulates that children under 15 must make legal applications for work. However, the number of legal applications filed by the official is only 1,000 per year²⁵³ (more than 90% of which are in the entertainment industry). However, according to the Ministry of Health and Welfare's 2018 "Report on the Survey of Children and Adolescents Living Conditions"²⁵⁴, it is estimated that there are 73,778 junior-high-school students aged 12 to under 15 with working experience,

²⁵³ Refer to [Appendix] Appendix 9-6 of the National Report (p. 174).

²⁵⁴ Department of Statistics, Ministry of Health and Welfare, 2018, (1) 2018 Survey and Analysis - Children: <https://www.mohw.gov.tw/dl-70442-d0dc910a-407a-4fc0-a112-5155f1932ed7.html> ; (2) 2018 Survey and Analysis - Youth: <https://www.mohw.gov.tw/dl-70441-6400564b-96a3-4005-a153-c1f5b9598d07.html>

which is much higher than the number of legal applications. In addition, based on the same survey, far from the entertainment industry shown in the legal application, 40.5% of child labor working in the catering industry accounted for the highest percentage, and others included factories.

264. The illegal working conditions for child laborers under 15 are worrying and lack legal protection and labor insurance. Followed the child labor context, in 2020, there are still cases of economic exploitation in the capital, Taipei²⁵⁵. Furthermore, several social workers served in non-metropolitan areas, and the "Survey about Out-of-school labors of Continuing Education Students"²⁵⁶ indicated the actual labor exploitation cases in real life.

265. Currently, the Taiwan government merely conducts a "one-time" work survey targeting students aged 16-18 in continuing education in 2019.²⁵⁷ Which do not correspond with the "normality" and meaningful data collection about essential issues of children and youth mentioned in the Concluding Observations and General Measures of Implementation.

266. As stated above, there are also no relevant surveys and data on the ethnic groups that the CRC concerns peculiar. Only indigenous and non-indigenous groups are distinguished so far. Others, including data of new immigrant children, LGBTI, and high-risk families, are missing. Practice shows that often the minorities are less likely to be protected by labor insurance.

Underage Labor Rights and Occupational Safety

267. Under current laws and regulations, it is still impossible to protect underage children's labor rights and occupational safety effectively. Only children aged between 15 and 16 have exact regulations regarding working hours. According to the "Survey about Out-of-school labors of Continuing Education Students" by Taiwan Alliance for Advancement of Youth Rights and Welfare and the survey by Directorate-General of Budget, Accounting and Statistics, more than half of the youth aged 15-19 work over

²⁵⁵ In 2020, a chicken cutlet chain store in Taipei illegally hired several junior high school students for 60 NTD per hour (the legal minimum wage per hour was 160 NTD at that time). Link: <https://tw.appledaily.com/life/20200518/HOJWTL5DWSGOCLLPCLVTRLJ4I/>

²⁵⁶ See footnote 5.

²⁵⁷ Conducted by the Taiwan Alliance for Advancement of Youth Rights and Welfare "The Survey and Research about Out-of-school labors of Continuing Education Students aged under 18 in Senior High Schools 2019" (abbreviation: Survey about Out-of-school labors of Continuing Education Students) <http://www.youthrights.org.tw/news/1484>

forty hours a week, which is no different from adults.²⁵⁸ The same survey by Taiwan Alliance for Advancement of Youth Rights and Welfare pointed out that 35% of students work more than five days a week. Long working hours for children and youth causes physical and mental pressure, oppressing their right to education. Moreover, there are still 25% who work more than 8 hours a day, 15% work seven days continuously, and about 12% work late at night or in the early morning.

268. According to the Ministry of Labor statistics, about 120,000 children aged 15-18 are employed²⁵⁹. However, there are no statistics with accurate age classification, and in Appendix 9-5, National Report, there are only 21,000 children laborers within the same age range who have labor insurance. Based on a survey by Taiwan Alliance for Advancement of Youth Rights and Welfare and NGOs, from 2015 to 2020, about 40-50% of underage workers were not covered by labor insurance; meanwhile, the unnoticed number of underage workers without employment insurance was even higher.²⁶⁰ Meaning that juvenile workers are not covered by social insurance when facing unemployment and unpaid parental leave risks.

269. As stated in Point 262, in Taiwan, there have been two severe child abuse cases in the workplace over the past five years, resulting in one death and one serious injury. In both cases, the disadvantaged juveniles were in financial difficulties and unable to get a job; therefore, they reached out to illegal manpower agencies and could not get any backup or support when facing problems in the workplace. Among these two cases, a 17-year-old boy was imprisoned, abused, and required amputation treatment in 2020²⁶¹; the other 15-year-old boy, the second generation of new immigrants from Taiwan and India, was beaten to death in 2018²⁶². Both cases show that employers lack awareness of regulations related to the employment of children and youth, and the government's protection of labor rights and interests for disadvantaged children and youth is seriously insufficient.

²⁵⁸ See Table 22 in the link, <https://www.stat.gov.tw/ct.asp?xItem=46590&ctNode=3579&mp=4>

²⁵⁹ Refer to the statistical table 22 of the “Human Resources Utilization Survey” by the Directorate General of Budget, Accounting and Statistics, Executive Yuan in 2020, <https://www.stat.gov.tw/ct.asp?xItem=37200&ctNode=517&mp=4>

²⁶⁰ It is worth noting that the labor allowance for covid-19 in 2021 is based on employment insurance as an essential basis for the determination.

²⁶¹ "Changhua Teenager Working as an Iron Worker in Taoyuan was Abused and Detained by His Employer for 3 Months", 6 May 2020 <https://news.pts.org.tw/article/477681>

²⁶² "His mother left home while nowhere to find his father! 15-year-old Taiwanese-Indonesian boy working to support himself was abused to death by colleagues", 3 October 2018 <https://news.ebc.net.tw/news/society/133100>

270. The advocacy work of juvenile labor rights and its stakeholders is a mere formality and lacks result evaluation. There is also no reinforcement about individualized support and services for juveniles with disadvantages or high-intensity work needs.

271. We suggest:

- (1) Immediately entrust academics and NGOs to conduct a complete survey and research on "the situation of children labor aged under 15".
- (2) Conduct meaningful labor surveys and data summaries, including labor conditions, reasons, and the current status of supporting systems. Avoid formulating policies without the foundation of wholistic and actual statistics. Moreover, the utilization of relevant resources is unclear and without rolling review.
- (3) The government should accelerate formulating relevant laws and regulations to protect, appeal, and support underage labor rights.

In response to Points 90-91 in the Concluding Observations/Points 324-331 in the National Report

Juvenile Drug Abuse

272. The government has no clear strategy for juvenile drug abuse strategy. In practice, dealing with drug-addicted juveniles is often focused on preventing, reporting, and informing, like handling criminals or adverse problems, instead of physical and mental health issues that need support and counsel, based on CRC.

273. When facing juvenile drug use, the scattering mechanisms in police administration, social administration, and campus security and counseling assistance have different rules, and there is no clear guidance on site. For example, the Chun-Hui(Youth-Support) Project on campus mainly comprises student affairs staff. In junior high schools, the student affairs office is in-charge, while in high schools, the military training instructors (replacing with security guards after transitions) take the responsibility. Although both start from concerns about campus security and management accountability, contradictions happen from time to time between them and the counseling office. In an actual case, a teenager under treatment with a hospital

service group was investigated by the police on campus, infringing on his privacy and making him labeled. As a result, other children and youth with similar issues are even more afraid to ask for help. In addition, some high schools and vocational schools would reject applications from juveniles under custody because of their drug cases, affecting their right to education.

274. In 2021, the "Implementation Plan for the Prevention of Student Drug Abuse by the Ministry of Education" is revised, designing incentives and punishments to establish a real-time report system in conjunction with schools and police agencies. Meanwhile, the implementation plan stipulates that the information-reporting ratio for sources of individual cases and the rate of case counseling must reach 80%, creating potential contradictions on campus between the investigation of tracking drug dealers and the counseling for cases. In practice, the mission of tracking drug dealers will navigate the counseling strategy, challenging case counseling.

275. As stated above, another drug prevention measure on campus is the "Principles of Incentives and Disciplines for Reporting Specific Personnel at Schools at Senior Secondary Level or Below." However, the proportion of "specific personnel" being reported is a standard of performance, which distorts the operation of campus counseling.

In response to Point 333 in the National Report

Children and Youth Sexual Exploitation and Sexual Abuse

276. The front-line police officers currently lack understanding of victims of sexual exploitation, tending to stereotype them when interrogating. Moreover, when operating relevant procedures, they do not adjust their questioning or wording to the rights and interests of children and youth. Furthermore, some police officers are unaware of the procedure for children and youth sexual exploitation and provide wrong information to children, causing them to misunderstand or create confusion.

277. We suggest:

- (1) Include police personnel in the scope of the educational training in Point 85 in the National Report, along with prosecutors, prosecutor investigators, judicial police officers, and social workers.

- (2) Enhance the educational training about the "CRC" for police officers to implement the protection of children's rights and interests in judicial procedures when handling child sexual exploitation procedures.

In response to Point 337 in the National Report

Research on Juvenile Inmates

278. Reformatory schools and juvenile detention houses are "total institutions" with the judicial treatment of deprivation of liberty. They should be more active in reviewing and arranging different research cases based on the principles of children's best interests and the right to express and be heard, rather than apply one standard operating procedure.

279. We suggest:

- (1) Re-examine the pre-research preparation if the consent of the statutory agent is confirmed. In practice, juveniles often violate the law because of family relationships, and the agent's consent will be meaningless.
- (2) Ensure that children and youth are safe to speak for themselves and will not suffer from subsequence.
- (3) Make sure that no trauma is generated in the procedure.

In response to Points 95-97 in the Concluding Observations/Points 338-354 in the National Report

Children and Youth who Violate the Law

On-Campus Counseling Resources

280. There are different types of special students or high-risk students who need counseling in schools, and all primary schools with more than 24 classes have set up counseling offices. However, the recent declining birthrate has caused insufficient enrollment; thus, most primary schools no longer have counseling offices, resulting in a counseling manpower shortage. Taking the six southern counties and cities as an example, only Kaohsiung City has set up counseling offices without exception. Chiayi

City and Pingtung County have set up counseling teams, but Yunlin County, Chiayi County, and Tainan City have no counseling directors or team leaders. The current situation of school counseling manpower in primary schools presents "one country, multiple systems." Increase the level to the whole country, the insufficient campus counseling manpower will be even more severe, and the gap between urban and remote areas will be more obvious.

281. As mentioned above, facing the neediest students who are not on campus, the counseling manpower may have no time to visit or provide assistance. Even students who enter the counseling system at school may have to leave the ordinary classroom and concentrate in the counseling room for better management and control. Partly because they cannot perform stably in class and the on-site teachers cannot take care of their needs, which has become a specialization of isolation.

282. "Measures for the Prevention and Counseling of Juvenile Misbehaviors," as an integrated action plan under the "Juvenile Justice Act," has been criticized by the public for "mere connections with formality"²⁶³. It lacks substantial resource consolidation and re-evaluation of the current system; thus, it cannot effectively respond to the manpower-shortage dilemma and the resource distribution gap between urban and remote areas in the education sector.²⁶⁴

283. As the "Measures" stated above, it marks more than ten behaviors, such as "overuse 3C products," as deviations. As an extension of the "Juvenile Justice Act," it excessively spreads the regulation of the "Code of Criminal Procedure" to the legal behaviors secured by "The Protection of Children and Youths Welfare and Rights

²⁶³ The press conferences held by six NGOs and legislators (27 October 2020): <https://news.ltn.com.tw/news/Taipei/breakingnews/3333587>

²⁶⁴ According to Point 74 in the Concluding Observations on the initial report of the Republic of China/Taiwan on the implementation of the UN Convention on the Rights of the Child, in terms of educational resources, the review committee noted that the current allocation of educational resources is insufficient to ensure the quality of education for children in remote areas. The investigation report by the Control Yuan also indicated that there are shortages of on-campus counseling manpower for students with special needs in different regions. If even the resources to serve the special needs of children and youth in the system are insufficient, the resources will only become more difficult in the face of the students exposed to risks and deviant issues in the future.

Act." Which completely deviates from the CRC spirit about counseling first and removing judicial labels.²⁶⁵

In response to Point 29 in the Concluding Observations/Point 344 in the National Report

Children and Youth's Privacy Rights in Judicial Cases

284. There are times that after the mass media disclosed juvenile delinquencies, Netizens would find victims and perpetrators in the cases with the "human flesh search engine" and launched public trials on the Internet. Though "The Protection of Children and Youths Welfare and Rights Act" clearly states that no information about relevant children and youth in judicial cases are allowed to share. However, many media provide sufficient information to identify interested parties, such as the surname, school status, and living area, indicating a lack of specific practice procedures. NGOs have appealed to self-discipline committees of various media but with no apparent outcomes.

285. We suggest:

- (1) Establish a set of remedies for violations of children and youth's privacy under the management of a single competent authority.
- (2) Enforce a related discipline for media and individuals who leak information about children and youth in juvenile delinquencies.

²⁶⁵ According to Point 3 of the legislative reason of Article 86 of the "Juvenile Justice Act," the legislators intended to limit the types of "deviant behaviors" in the "Measures for the Prevention and Counseling of Juvenile Deviant Behaviors" to those listed in Article 3, Paragraph 1, Subparagraph 2 of the "Juvenile Justice Act," which listed three types of risk exposure behavior. However, it is questionable whether the Executive Yuan has exceeded the scope of the "Juvenile Justice Act" by adding 14 kinds of deviant behaviors to the "Measures for the Prevention and Counseling of Juvenile Deviant Behaviors," which were not included in the "Juvenile Justice Act." Second, although the Executive Yuan has repeatedly stated that "deviant behavior" theoretically "has no meaning of labeling specific children." Nevertheless, the "Measures for the Prevention and Counseling of Juvenile Deviant Behaviors" treat provisions of the "The Protection of Children and Youths Welfare and Rights Act," such as "use of electronic products beyond a reasonable time," as a type of "deviant behavior" with the level of "sub-law." Thus, it is inconsistent with the intention of "protecting rights" in the "Children's Rights Law." At the same time, classifying such behaviors as deviant behaviors with "risk of delinquency" is more likely to result in over-judgment of behaviors and "actual labeling effect."

In response to Points 345, 346 in the National Report

Professional Human Resources and Support Empowering System of Diversion

286. Other treatments (including custody) than being put on protection and transferring to the district prosecutors' office, there has not been a significant change, according to the "State of Filings and Dispositions of Juvenile and Child Protection Investigation Cases in the District Courts"²⁶⁶.

287. The implementation of treatments with diversion actions is not fully yet. According to Appendixes 9-21 and 22 in the National Report, more than half of the cases lodged, due to juvenile criminal cases and risk exposure behavior of juvenile, commence for trial. Meanwhile, the number of non-trial (including transferred guidance, send to discipline, reprimand) has not significantly increased yearly. The proportion of reform education also remains unchanged at 3-4%.

In response to Point 348 in the National Report

Restructuring of the Reformatory School

288. The competent functionary in the district government pointed out that: the pressure from policy implementation has caused the recruitment of junior professionals or manpower with no relevant working experience in juvenile correctional agencies. The government's empowerment support program needs to reinforce urgently.

289. As stated above, in reality, professional manpower are not employees but mainly contractors (previously, labor contracting) or undertaken by external NGOs and professionals. When these types of manpower enter a reformatory school, there are many restrictions on entry permits and actual counseling time. There are also problems such as uneven service qualities, which sacrifice the counseling effectiveness.

290. The "Measures for Transition of Student Status and Resumption of School for Children and Youths Received Placement Counseling, or Reform Education" implements too hastily. Usually, the implementation starts one month before the

²⁶⁶ Please see "The Statistics about Concluded Case of Children and Youth Incident in District Courts by the Judicial Court," source: <https://www.judicial.gov.tw/tw/dl-86550-541f0e41899f4dcbb0e097609d7e05bb.html>

reform education expires or the same month when the reform education ends, resulting in ineffectiveness.

291. As mentioned above, in reality, ordinary schools often directly refuse or decline to accept students with placement counseling or reform education on the grounds of opposition from other parents or difficulties in the discipline. Resulting in nowhere for the juvenile to go or attend schools with longer distances that are willing to provide support.

292. We suggest providing wholistic juvenile services from placement, the follow-up to transition for the sake of case continuity, and:

- (1) Start the transition plan and the comprehensive care and counseling as soon as possible. Formulate the treatment plan for the juvenile with the same team members, check the implementation outcomes accordingly, and adjust it timely.
- (2) Assist senior and professional implementers in collaborating with the novices. Meanwhile, ensure they have room for entering schools to perform their expertise.

In response to Point 349 in the National Report

Draft Act for the Treatment Implementation in Juvenile Correctional Agencies

293. The current draft is based on the "Prison Act" and "Detention Act" for adults, far from the CRC and the Havana Rules applicable to children and youth. The act's spirit is based on "education" yet unfortunately buried by the guard and control mindsets.

In response to Point 350 in the National Report

Identification Processes in the Juvenile Detention Houses

294. What dominates the operation of Juvenile Detention Houses is the existing discipline, which gives priority to guarding, controlling, and orders. With scarce management staff, the teachers during the daytime are not regular, and it is impossible to have a deep understanding of each teenager under observation. Completing the identification and scoring for a juvenile within one month goes through the motions.

295. As stated above, at the end of November 2021, there was a jail-bar-shaking incident at the Taipei Juvenile Detention House.²⁶⁷ On the surface, the cause seemed to be a conflict between two factions of students. However, the administrator deliberately acted against the new supervisor's "no pepper water" order by allowing juveniles to fight.

296. We suggest improving the working conditions of the staff in the Juvenile Detention Houses, supporting the station and training multiple professionals, reducing the administrators' sense of crisis in the surrounding, and improving the lack of flexibility when handling juveniles under detention.

In response to Points 351-353 in the National Report

Systems of Transition and Resumption of School

297. Based on the service outcomes disclosed in the "Resource Enhancement Plan for Alternative Care for Children and Youth in Out-of-Home Placement" and the "Quality Improvement Plan for Children and Youth Placement Services," it is still impossible to know the actual effect of enhancing judicial juvenile care from the existing data.

298. There are still cases of judicial juveniles being placed in reform education premises because the placement institutes could not accept the cases.²⁶⁸ The inability of the placement institutes to accommodate the case are diverse, including the care capacity (quantity and quality) of professionals, funding, community support resources, and acceptance of a community, all of which will affect the possibilities owned by children and youth. A single institution should not undertake these tasks alone but rely on the collaboration between relevant competent units.

299. From the current information, it is impossible to know the service coverage rate and outcome of transition after leaving the Detention Houses (Reformatory Schools). However, there are many difficulties with following up or self-reliance services for

²⁶⁷ "Surprisingly News about the Juveniles Did Jar-Bar-Shaking Riots Out of Hunger Detention House: Not because of Hunger, but the Juveniles Taunted and Provoked Each Other," 28 November 2021: <https://www.ettoday.net/news/20211128/2133730.htm>

²⁶⁸ In the case of "After Contacting 12 Placement Institutions, No One was Willing to Accept the Juridical Juvenile, and finally determined that the Juridical Juvenile Was Ordered to Reformatory", through the investigation report, the Control Yuan urged the Judicial Yuan and the Ministry of Health and Welfare to review and improve, 14 August 2019, the investigation report: https://www.cy.gov.tw/News_Content.aspx?n=124&sms=8912&s=14169

judicial juveniles who have left the Detention Houses (Reformatory Schools)²⁶⁹. In addition to the service difficulties of judicial juveniles themselves, there are many dilemmas at social worker services, institutional levels, and external levels (policy and environment) that remain to be resolved.

300. We suggest:

- (1) For the deployment of community services, the government should strengthen functions other than social affairs departments and actively cooperate with other departments (such as police, labor, and justice) and social workers to assist juvenile cases.
- (2) Actively link the policy resources and allocation for judicial juveniles with private children and youth organizations. Regularly inspect, put forward practical evaluation and review, to avoid losing contact with the practice or being a mere formality.
- (3) Construct a professional treatment model for judicial juveniles, improve the willingness of relevant workers to stay in office for a long time, and avoid the rupture of experience and relationship.

Employment Preparation and Transition Services for Judicial Juvenile

301. The government's employment service for juveniles in particular circumstances is still based on the service delivery of adults. The usage rate of juveniles in need is pretty low. Charts 9-25 and 26 only show the number of participants in the particular training programs, and the numbers for participation and employment referral are mere two digits. The average calculated by each county and city would be less than 10, while in remote areas, the usage rate is close to zero.

302. As mentioned above, it is difficult for judicial juveniles to return to the community to find jobs due to the social stereotype. The government has not provided employers with sufficient incentives to assist and support. Meanwhile, planning services for individuals lack systematic and structural support, such as employer incentives, and can only rely on private organizations to help themselves.

²⁶⁹ Hu Chung-Yi, Huang Shang-Hao (2019). The Practice and Challenge of Follow-up Service for Young Offenders Leaving Reformatory Education in Taiwan, *Crime and Criminal Justice International*, 31, pp. 71-100.

303. We suggest:

- (1) Provide individualized services and support for the particularities and needs of judicial juveniles. Not only aim at employment rate but also consider the willingness and capability to help them remove obstacles to successful employment.
- (2) When presenting statistics such as employment service implementation and participation in training, the location of projects should be included to monitor the availability of resources provided.
- (3) Develop a concrete incentive for employers, build and improve the system of juvenile-friendly stores, establish a matching platform, and connect more units to help juveniles become self-reliant in society.
- (4) Strengthen the use of various publicity channels such as mass media, eliminate the judicial juveniles stereotype of the public and companies, providing job opportunities.

In response to Points 355-362 in the National Report

Juvenile Delinquency/ Children and Youth that Deprived of Liberty (including any form of custody, imprisonment, or detention)

304. See the regulation introduced in the National Report, as shown in Appendix²⁷⁰: The average placement time in 2020 for delivery to placement institutions was the longest, reaching 734 days (more than two years), while in 2019 was 630 days, a difference of more than 100 days. The average number of days in juvenile reformatory schools decreases, but no significant change in Juvenile Detention Houses. In addition, although the course section indicates that it should match the 108 curriculum as much as possible, it does not explain the "flexibility" character of the 108 curriculum and how to implement it in the course arrangement.

²⁷⁰ Please refer to [Appendix] Appendix 9-27 (p. 196) and 9-28 (p. 197) of the second National Report

305. Students enter the reformatory school at different stages, the delinquencies are various, and the conditions and support from their families of orientation have huge differences. However, individual treatment plans are scarce.

306. As for the current situation of the counseling courses in the Juvenile Detention Houses, both psychologists and social workers are insufficient. For example, Taipei Juvenile Detention House, which has the most significant number of people in custody, has only one psychologist and one social worker, so they cannot undertake the identification tasks. The treatment arrangements in the Juvenile Detention Houses are based on the administrative rules issued by the Agency of Corrections, Ministry of Justice²⁷¹. However, various solitary detention rooms with different names, such as Room Jing-xin, still exist. Not to mention, other treatment methods that are prohibited are still available.

307. We suggest:

- (1) Initiate the evaluation and identification group meeting when the juveniles enter the juvenile detention house. Formulate different identification priorities and treatment suggestions according to individual situations. Fully utilizing the limited time in the juvenile detention house, working towards the "identify before treatment" goal is the priority. In addition, increase and strengthen the professional counseling manpower to prevent the delinquent juveniles from leaving the detention house without autonomous capability, or even knowing members of different gangs or joining the local mafia.
- (2) As to reformatory schools, Ming Yang High School²⁷² is an example of curriculum design, especially the arrangement of club activities, combined with the "flexible" characteristics of the 108 curriculum, to pilot and develop a characteristic curriculum of "reform education." Before formulating an individual treatment plan, identify the needs (including living and social interaction) that the juvenile lacks from the family and community in the

²⁷¹ On 23 October, 2019, Agency of Corrections, Ministry of Justice, An Zi No. 10801094420, released from: <https://mojlaw.moj.gov.tw/LawContentExShow.aspx?id=FE334548&type=E&kw=&etype=etype5>. The first point in the description section indicated that responding to the report of the Control Yuan, thereby increasing the supervision density by the juvenile court. Moreover, the "Statute on the Establishment of Juvenile Detention Houses" took effect when juridical juveniles violated disciplinary rules. It is forbidden to use "unlawful adverse actions such as stopping receiving visitations, shopping, or prohibiting outdoor activities, and prohibits establishing and using wards for rule-breakers and observation wards and other management measures."

²⁷² Lin Chiung-Yu, Chen Hung-Yi, "The Curriculum of the Juvenile Correctional School in Taiwan: A Case Study of Ming Yang High School", "Journal of Corrections", Vol. 6, No. 2 (2017), pp. 69-104: <https://www.mjac.moj.gov.tw/media/28212/77413555513.pdf?mediaDL=true>

previous lifestyle. Then, jointly formulate goals with the parties concerned about life after leaving the reformatory school and prepare for possible difficulties and support resources. Finally, carry out the transition work, and involve the social workers for follow-ups in earlier phases. What is more, in the process, add the opinions and thoughts of the juveniles into consideration.

In response to Points 364-467 in the National Report

Training for Juvenile Justice Professionals

308. Appendix 1-8 and 9-29 in the National Report²⁷³ show that the government only demonstrates the quantified number of sessions, participants, and the satisfaction questionnaire. However, the substantive content lists only major items without details. Especially for police officers, which divides into: (1) Incorporating "CRC" into the "Junior Police Work Seminar" education and training, but just adding one item to the original curriculum. (2) Introducing "CRC" in the training materials for women and children's safety professionals. Both have limited success with the investigation as to their primary goal.

309. We suggest:

- (1) Use "CRC" General Comment No. 24 (2019) on "the Rights of the Children and Youth in the Juvenile Justice System" as a coherent concept in the curriculum rather than fragmented.
- (2) The curriculum design compares the viewpoints integrated into the CRC with actual cases and the implementation cases of the specific CRC transition.
- (3) Juvenile correctional agencies are the most compulsory and restrictive measures. Therefore, it is essential to develop work guidelines with the "CRC" for reformatory schools and juvenile detention houses.

²⁷³ Please refer to [Appendix] Appendix 1-8 (pp. 15-16) and 9-29 (pp. 198) of the Second National Report.



CRC WATCH

2022.03.30