

The Convention on the Rights of Children
Report of Children and Youth for the International Review of the
Second National Report

Subject: “What Problems Are Faced by Children and Youth whom Adults Believe Are Happy?” —Opinions on Issues Related to Children and Youth’s Rights in Daily Life

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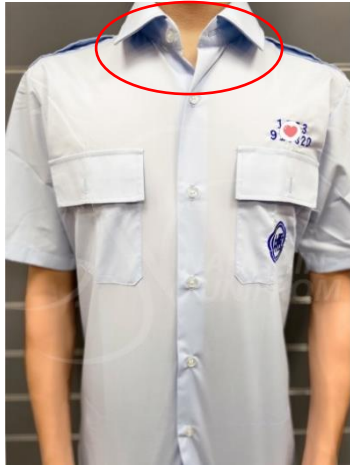
I. Gender Equality

1. Degendering of uniforms

Nowadays, students in Taiwan are still required to wear uniforms. Even leaving aside whether wearing uniforms deprives the students of the right to express themselves, the uniforms are designed to highly disregard individual differences. Many schools in Taiwan require female students to wear skirts and ask male students to wear pants as their uniforms without considering the needs of diverse genders. As for the color choice, boys' uniforms are usually blue, whereas girls' uniforms are often red, or any other colors that have once been used to represent men and women. There are often differences in the designs of the uniforms for boys and girls, although they are not necessary from our point of view. For example, some school uniforms have different collar styles for boys and girls for no reason (See the two pictures below).

In addition to colors and styles, the requirements for embroidering names and student ID numbers on uniforms are also different based on gender. Boys' names and student numbers must often be embroidered on their uniforms, while there is no need for girls to embroider their names on their uniforms, and only their student ID numbers must be embroidered. Almost no schools or relevant units can give a logical explanation for this unreasonable requirement. It is ridiculous that some schools claim that the purpose of the requirement is to protect female students from being harassed after their names are memorized. Therefore, the female students are exempted from embroidering their names. Is it not possible that male students will also be harassed after their names are memorized? Fortunately, some schools have begun to abolish such rigid designs and systems, such as the Affiliated Senior High School of National Taiwan Normal University, New Taipei Municipal Banqiao Senior High School, etc..

Such rigid and outdated systems are harmful to the students' gender self-identification. What's worse, they may greatly bother transgender students or students with gender dysphoria (GD) and are likely to cause anxiety and fear. As a result, we think uniforms should not be differentiated based on gender. The government should promote the degendering of uniforms and review the necessity of wearing uniforms.



2. Roles in schools

In schools, it is common to see teachers assigning jobs for students based on gender stereotypes. For example, class teachers often assign female students to be the class president or other class officers responsible for maintaining order, or to art-related tasks when electing class officers. On the other hand, they tend to appoint male students to carry out physically active work or work requiring energy, e.g. sports leader, activity coordinator, or coordinator of sports day competitions. As for class activities, this difference also occurs when the work is split up. For instance, teachers often assign female students to take part in class decoration competitions or various literary contests (Chinese language competitions, English language competitions), whereas male students are likely to be appointed to participate in sports day competitions or STEM-related competitions (e.g. math, science, programming). This will not only lead to students limiting themselves, but it's also not beneficial to their diverse learning. Furthermore, the students' interest in or motivation for learning relevant knowledge may be destroyed.

II. Student Self-Governance

Self-governing student organizations in tertiary education in Taiwan have been evolving for more than 10 years and become well developed. However, at the senior high school level, the development of self-governing student organizations is currently in the initial stage. The self-governing student organizations of many schools lack "a well-organized structure and complete functions." In addition, the self-governing student organizations in many schools are not formed for the original purpose of "student self-governance". Instead, they turn into units responsible for performing the activities of student affairs units. There are no self-governing student organizations in most junior high and elementary schools. Although some elementary schools may hold elections to

elect the self-governance leader, the position is more symbolic than practical and has no actual functions. The elected representative generally participates in training or courses, but they have no right to perform self-governance functions. If such self-governance leader is regarded as a self-governing student organization, then it exists in name only.

III. Counseling and Guidance

Currently, a three-level guidance and counseling mechanism is adopted for student guidance and counseling in Taiwan. The first to third levels represent the professionalism of counselors and the centralization of guidance and counseling services. There are many problems in the existing guidance and counseling mechanism. For example, when students need to seek advice from professional counselors, they must be transferred from the 1st level to the 2nd level through their class teachers or other 1st-level guidance personnel according to the Ministry of Education's handbook for student guidance and counseling as the professional counselors are in the 2nd-level.

Besides, since the staffing ratio for the 2nd-level professional counselors is low, many of them are snowed under, causing difficulties in controlling the quality of the guidance and counseling services. In addition, the conversations between students and professional counselors are sometimes spread around among teachers and administrative personnel, showing that the students' right to privacy is often infringed. According to the ethics code for professional counselors, their conversations with clients shall be kept confidential, while the professional counselors at school frequently reveal them to other teachers and administrative personnel.

IV. Borrowing Periods

It is not uncommon that teachers borrow class periods from other teachers from elementary schools to senior high schools in Taiwan. The periods for non-core subjects (such as P.E., art, integrated curriculum, technology) are often borrowed by core subject teachers (math, Chinese, English, social sciences, science). This practice has not only greatly affected students' balanced development, but also directly threatened their right to education. However, many non-core subject teachers have no choice but to swallow their anger even though their class periods are often borrowed by core subject teachers to keep up with the teaching schedule, give exams or review them. The students' chances to discover other interests are taken away and they are forced to study core subjects with the time they originally had to learn non-core subjects. This is harmful to their development. What's even worse is that this circumstance not only affects children

and youth's right to education, but also reflects the fact that our exam-oriented education system which has been adopted for years pays no attention to arts subjects and shows no respect for teachers in their professional fields. Does that fit the government's idea of "nurture by nature and providing a fair chance for all children"?

V. Right to Privacy

1. Family

As the old saying goes, "there are no bad parents in the world". However, this is not the case nowadays. Parents often violate the privacy of their children out of concern for them, e.g. reading their children's diaries or chat logs without their consent, or watching their documents for which the legal guardian's signature is not required. In Chinese culture in the past, these actions might have been quite normal, and such parents were even praised for being responsible. Nevertheless, in today's 21st century, children and youth's right to privacy is very important and must be valued. Parents should not violate the rights of children and youth or even control their thinking. Otherwise, this may give them a wrong idea that they can touch the personal belongings of others without their consent, as well as affecting their physical and mental development. Such children and youth may end up having difficulties in building trust with others and living in fear all the time.

2. School

Educational institutions in Taiwan often show no respect for students' right to privacy, e.g. by checking their personal belongings without them being present or even with no lawful basis. It is even more common that there are no protection measures for the students' personal data. Many schools in Taiwan have "filing cabinets for classes" in place to put documents in the cabinet for each class. The class officers will bring the documents back. However, due to the administrative personnel's negligence, documents containing students' personal data are sometimes put in the cabinets, causing huge information security risks and privacy problems, for example, the accounts and passwords for students during the period of the policy of "Learning Never Stops". Another situation is where the class teachers having the students' personal data fail to fulfill the responsibility to protect the data by negligently putting it on the desk or in other public areas, leading to the disclosure of the students' personal data or the violation of their right to privacy.

One of the common situations is the disclosure of students' socioeconomic status. Take the city where my school is located as an example. The city offers breakfast

vouchers for low-to-middle income families. The class teacher told the students from middle-to-low income families to go outside the classroom during class in front of other classmates to give them the breakfast vouchers. This action resulted in revealing the students' socioeconomic status and might cause discrimination against them, but the school does not often take this seriously. Another incident is that the government recently started to provide free period products for low-to-middle income families. The teacher asked the students to go outside the classroom in front of other students and gave them the period products, which was reckless behavior.

VI. Improper Discipline Corporal Punishment Insults

We can often hear about improper disciplinary practices in schools in Taiwan. Both corporal punishment and insults are common on campuses. Even though the government has for a long time been dedicated to prohibiting corporal punishment and improper discipline, its policies had no effect. Today, we can still read news about students being insulted or receiving corporal punishment from time to time. Moreover, students come across a lot of difficulties when using the appeal mechanisms in Taiwan. For example, they may be given a hard time by the school when they need to acquire an appeal form; they are unable to make an appeal if their legal guardians do not approve of them doing so as their signature is required for the appeal form; the school threatens to kick students out of school if they make an appeal, etc. As a result, students have for a long time been disciplined improperly, which affects their physical and mental health. Only if a legislator or news channel reveals such situations, will Taiwan's government be aware of them. In reality it is neglecting its duty.

VII. Laws and Regulations Regarding Education

1. Off-campus

Most laws and regulations related to students' rights in Taiwan are administrative guidance which only has the nature of "advice", e.g. dress codes for students, guidelines for the learning time for students, regulations for teachers' guidance and discipline, etc. In January 2021, Su Tseng-Chang, the premier, published a post on Facebook saying: "The government is here to support students, so they can wear their own jackets without worry.", to encourage schools to allow their students to wear their own clothes with their uniforms. In reality, however, there were cases where plaintiffs lost lawsuits because "the administrative guidance is non-binding in nature", showing that the government is not only unreliable, but may also cause problems.

2. On-campus

There are a variety of requirements regulating the daily life and behavior of students in schools. However, such requirements sometimes do not make sense and are even contradictory, and thus they are confusing to students and cause teachers to be weighed down. The administrative personnel of schools establishing these requirements only have little knowledge of the relevant laws and regulations and lack channels for regular continuing education. After the competent education authority establishes new regulations, schools do not amend their school rules accordingly. Some schools do not even realize that there are errors in their requirements or that their rules are inappropriate until the competent authority sends several official letters to them. Schools sometimes discipline students with no respect for procedural justice or based on improper associations. This severely violates the rights of students. Schools take this in stride, and even make arbitrary excuses for their mistakes by deeming that students only want to talk back to their teachers. Since the administrative personnel of schools needs to teach concurrently and often fails to take care of the administrative affairs and teaching simultaneously, working overtime has become the norm for them.

VIII. Conclusion

Children and youth in Taiwan spend long hours at school, and thus ensuring their rights in schools is extremely important. “Children do not lose their human rights by virtue of passing through the school gates”, as specified in the Convention on the Rights of the Child. It also indicates that the human rights of children and youth do not differ from place to place. The government should turn the idea into reality.