



The Convention on the Rights of Children Parallel Reply to NGO Question List

September 27th, 2022

(Based on the Government Responses to the List of Issues on the
Second National Report of the Convention on the Rights of the Child)

Public Report

Table of Contents

Chapter 1 Government Neglect of Alternative Care Resources.....2

Article18

Chapter 2. Discrimination of children and youth in the placement agency at the educational scene.....4

Article2 、 28 、 29

Chapter 1 Government Neglect of Alternative Care

Resources

Corresponding Article: Article 18 - Parental Responsibilities and State Assistance

Responses to CRC 2nd National Report Issues List Government Response Point 102

In point 102 of the government response to the list of issues in the CRC's 2nd national report, the government stated that "for temporary shelters, efforts are made to optimize the quality of their care ... and the establishment of reasonable placement cost subsidies and other strategies to improve the quality of their services." According to the press announcement of the Ministry of Labor on September 1st, 2022,¹ "The Basic Wage Review Committee has decided that starting from January 1st, 2023, the monthly basic wage shall be adjusted to NTD 26,400, which is an increase of about 4.56%; the hourly basic wage shall be adjusted to NTD 176. This will be announced and implemented after the report is approved by the Executive Yuan." The adjustment of the statutory basic wage will affect the labor insurance, health insurance, and labor retirement expenses that the shelter pays for the staff. However, so far, the government has not established a reasonable subsidy method for the professional service fee subsidy standard of the placement agencies until now. The government "actively de-institutionalizes and passively improves the quality of care of the placement agencies", which is ignoring the role and importance of child and youth placement agencies in the government's alternative care policy.

Recommendations:

1. The child and youth placement agency only subsidizes one half of the current staff salary, plus labor insurance, health insurance, and labor retirement expenses that other employers should provide, the

¹ The Ministry of Labor (September 1st, 2022) press release, the Basic Wage Review Committee concluded today's meeting that starting from January 1, 2023, the monthly basic wage will be adjusted to NTD 26,400, and the hourly basic wage will be adjusted to NTD 176. It will be announced and implemented after being reported to the Executive Yuan for approval.
<https://www.mol.gov.tw/1607/1632/1633/54936/post>

subsidy amount only accounts for 1/3 of the personnel cost. Group family services are provided by the government, with full subsidies for personnel costs, facilities, and equipment. There should be consistent standards for the funding subsidy for the alternative care model for children and youth outsourced by the government.

2. The government should formulate as soon as possible the “Standards for Subsidy to Placement Expenses of Children and Youth Placement Agencies” and refer to the Consumer Price Index as an adjustment indicator.

Chapter 2. Discrimination of children and youth in the placement agency at the educational scene

Corresponding Articles: Article 2 - Principle of Non-Discrimination, Article 28 - Right to Education, Article 29 - Purpose of Education

Responses to CRC 2nd National Report Issues List Government Response Points 16 and 158

The government stated in point 158 of the CRC's 2nd national report list of issues that "the Educational Fundamental Act stipulates that the state shall protect students' rights to study, education, physical autonomy and personality development." Affected by the Covid-19 pandemic, some county and city governments, on the grounds of local self-governance, have allowed schools to request placement agencies for children and youth to implement stricter epidemic prevention measures than the central government² in the name of parent-teacher associations. Children in placement agencies are required to undergo quick screening every day before they go to school, but there is no such requirement for children in ordinary families. This is actually discrimination against children in placement agencies.

The government stated in point 16 of the government's response to the list of issues in the 2nd CRC national report that the central ministries and local governments should provide education and training for the public servants and the children and youth affairs professionals under their jurisdiction on following the "CRC Education Training and Effectiveness Evaluation Implementation Plan"³ approved by the Executive Yuan's Child Rights Group. The target of the program is all specialists involved in child and youth affairs, such as teachers, social workers, medical professionals and care professionals, and the government's response to the "Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus" mentioned in point 158 also does not mention the bullying of other students by parents and autonomous groups in schools.

² Ministry of Education (2022, August 22nd) online latest news, epidemic prevention measures for schools at all levels in the first semester of the 2022 academic year. https://www.edu.tw/News_Content.aspx?n=9E7AC85F1954DDA8&s=ED12F5637C4525F9

³ Child and Adolescent Welfare and Rights Promotion Group, Executive Yuan (November 11th, 2019), Implementation Plan for Education and Training and Effectiveness Evaluation of the Convention on the Rights of the Child. <https://crc.sfaa.gov.tw/Document/Detail?documentId=1C788BD2-FBCC-451E-BEA8-D8159DFBB50A>

There are still omissions in the management and education and training of the objects, which has led to the discrimination of children and youth in the campus life from time to time.

Recommendations:

1. Article 11 of the current “The Protection of Children and Youths Welfare and Rights Act” stipulates that “the government, public and private institutions and groups shall train children and juvenile welfare professionals and shall regularly hold orientation training and on-the-job training”. Article 4 of the current “Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus” does not compel parents of students or members of autonomous groups on campus to receive school bullying prevention training. The government should start to revise the above two laws, and include the trainees of school bullying and the protection of children’s rights and interests into members of the school’s self-governing groups such as school parent association officials and their members, student government officials and their members, etc. It is only by meeting the assessment standards for admission to autonomous groups can we effectively reduce the situation that children and adolescent in placement agencies are discriminated against on campus.
2. The parent associations and student associations of schools at all levels have the right to participate in educational affairs. The implementation target of the “CRC Educational Training and Effectiveness Evaluation Implementation Plan” should include the above-mentioned members to avoid the repeated occurrence of campus discrimination and bullying.

References:

The Ministry of Labor (September 1st, 2022) press release, the Basic Wage Review Committee concluded today's meeting that starting from January 1, 2023, the monthly basic wage will be adjusted to NTD 26,400, and the hourly basic wage will be adjusted to NTD 176. It will be announced and implemented after being reported to the Executive Yuan for approval. <https://www.mol.gov.tw/1607/1632/1633/54936/post>

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Child and Adolescent Welfare and Rights Promotion Group, Executive Yuan (November 11th, 2019), Implementation Plan for Education and Training and Effectiveness Evaluation of the Convention on the Rights of the Child.

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