

**Alternative Reply 2022
on the Implementation of the
Convention on the Rights of the Child**

Response to the “List of Issues re 2nd Report of Taiwan on
implementation of the CRC”

Response to the “State Responses to the list of Issues re 2nd Report of
Taiwan on implementation of the CRC”

CRC WATCH

2022.09.30 (Open to the public)

Convener : CRC Watch

Email : service@youthrights.org.tw

Supporting Group

(in alphabetical order)

Children's Right Alliance Taiwan
Chinese Children Home and Shelter Association
Christian Salvation Service
CRC Watch
Good Friend Mission
Harmony Home Association Taiwan
Humanistic Education Foundation
Independent living Taiwan
Jing Chuan Child Safety Foundation
Judicial Reform Foundation
Liang-shean Tang Social Welfare Foundation
Media Watch Taiwan
Naivety ADHD Federation Association
Parents Association for Persons with Intellectual Disability Taipei City
Parent Participating Education Taiwan
Parents Association for Persons with Intellectual Disability Taiwan
Parents Association for the Visually Impairs Taiwan
Presbyterian Church in Taiwan, Indigenous Mission Committee
Prison Watch

Taipei Christian Church Association Cheng Feng Teenager's School
Taiwan Association for Human Rights
Taiwan Alliance to End the Death Penalty
Taiwan Community Mutual-Care Action Association
Taiwan Gender Equity Education Association
Taiwan Hard of hearing Association
Taiwan Indigenous LBGTQ Alliance
Taiwan Labor Front
Taiwan Obasang Political Equality Party
Taiwan Tongzhi(LBGTQ+) Hotline Association
Taiwan Youth Association for Democracy
Teacher Chang Foundation
Teenager Performing Arts League
The Garden of Hope Foundation
The National Federation of Teachers Unions
Yilan De-An Family Association
Youth Rights Alliance Taiwan

Editors

Convener

CRC Watch

Editor-in-Chief

Youth Rights Alliance Taiwan

Associated Editors

Children's Right Alliance Taiwan

Chinese Children Home and Shelter Association

Humanistic Education Foundation

Jing Chuan Child Safety Foundation

The Garden of Hope Foundation

Taiwan Gender Equity Education Association

Taiwan Alliance to End the Death Penalty

Taiwan Tongzhi (LGBTQ+) Hotline Association

Taiwan Association for Human Rights

Table of Contents

Chapter 1: General Measures	1
List of Issues Point 1.4	1
List of Issues Point 1.6	2
List of Issues Point 1.10	2
Chapter 3: General Principles	6
List of Issues Point 3.1	6
List of Issues Point 3.3	7
List of Issues Point 3.4	7
Chapter 4: Civil Rights and Freedom	8
List of Issues Point 4.5	8
List of Issues Point 4.6	8
List of Issues Point 4.7	9
Chapter 5: Preventing Violence Against Youth	10
List of Issues Point 5.1	10
List of Issues Point 5.2	11
List of Issues Point 5.3	12
List of Issues Point 5.4	13
List of Issues Point 5.5	14
Chapter 6: Family Environment and Alternative Care	15
List of Issues Point 6.3	15
List of Issues Point 6.4	17
List of Issues Point 6.9	17
Chapter 7: Disability, Basic Health, and Welfare	19
List of Issues Point 7.5	19
List of Issues Point 7.9	19
List of Issues Point 7.10	20
Chapter 8: Education, Leisure, and Cultural Activities	22
List of Issues Point 8.2	22
List of Issues Point 8.3	22
List of Issues Point 8.4	22
Chapter 9: Special Protection Measures	24
List of Issues Point 9.1	24
List of Issues Point 9.9	25

Chapter 1: General Measures

List of Issues Point 1.4

1. The issues described in Points 39 and 200 of the alternative report have not substantially improved as a result of rebalancing budget allocations. The government has not elaborated about how an increase in budget has increased assistance available to children, nor has the government pointed to new resulting policy. The government has only commented on an overall budget increase but has been unable to show how the government has acted to alleviate the difficulties faced by children. For example, the Taiwanese judicial system does not appoint experts trained in communicating with children, obstructing clear communication between the court and children. Not only do children struggle to fully comprehend what they have been asked, the court is also unable to fully grasp the child's experience or claims. Children are, thus, substantially disadvantaged when speaking in court; moreover, this disadvantage is more common and pronounced for children with psychiatric or cognitive impairments. Overall, this issue has yet to improve as a result of budget increase.
2. Though children are still often subject to violence and harmful practices in schools, the Ministry of Education (MOE) has yet to explain how it has tangibly invested funds to implement the CRC on campus. Our understanding is that while the government subsidizes CRC-related education in many schools, the content taught is only loosely related to the CRC. In fact, much of what is taught under the banner of the CRC is unrelated to children's rights and actually focused on initiatives such as smoking prevention, drug prevention, and anti-bullying. Therefore, we believe the government has not properly monitored the effective allocation and use of the budget.
3. Taiwan presents budgetary allocation for children in six major categories. However, despite the defined categories and descriptions, the line-items and proportion of the budget allocated to each category is unclear and has yet to be clarified by the government's response to this Point. For example, in 2018, of the \$28.9 billion in welfare funding provided by various governmental departments,

72.67% was for benefits including maternity insurance payouts, maternity/parental leave without pay, maternity benefits, bereavement benefits, etc.¹ A more detailed list of budget items is needed to determine whether the remaining funding can adequately cover the funds needed for alternative care, disability benefits, social assistance, family welfare services, etc.

4. The government's response should include the total demand for services as well as total services provided in order to assess if the increased budget is able to meet demand.

List of Issues Point 1.6

5. The power and authority of committee members on the National Human Rights Commission (NHRC) largely comes from their positions in the Control Yuan. The NHRC, as a result, is an insufficiently independent authority. Therefore, the issues regarding "[independent] procedures available for receiving complaints" raised in Point 1.10 exist in both the Control Yuan and the NHRC.
6. Neither the Control Yuan nor the NHRC are directly authorized to handle human rights violations in the private sector, and no additional powers have been designated to the NHRC to handle violations of children's rights in the private sector.
7. Legislation proposed to rectify the situation and afford the NHRC greater independence and authority was shelved after the administration failed to proactively address the misunderstanding of the bill by the Legislative Yuan.² In light of the NHRC's current powers and lack of independence from the Control Yuan, we believe Taiwan has failed to comply with the Paris Principles, and this has impeded the NHRC's ability to effectively uphold children's rights.

List of Issues Point 1.10

8. In regards to state response Point 25
 - a. Available information:

¹ Chen, J.-H. (2020). Budget allocation for children in recent years. Legislative Yuan

² https://www.upmedia.mg/news_info.php?Type=1=103264

- i. The Control Yuan has not stated the number of petitions received that were independently raised by children or the proportion of these cases overall. The Control Yuan has also failed to disclose if the numbers or proportions of petitions that were rejected, redressed, or resulted in impeachment were similar to those raised by legal adults.
 - ii. Though the Control Yuan cited three means by which children are able to file petitions, it did not address whether the personnel in charge of reviewing petitions were specially trained or qualified in communicating with children.
 - b. The Control Yuan has not widely promoted the channels in which children can independently file petitions, and children generally do not understand that they are able to do so.
 - c. The Control Yuan has recognized it is unable to directly address violations of children's rights by the private sector and is only able to indirectly send signals to the private sector through redressing or impeaching those in the public sector
- 9. In regards to state response Point 26
 - a. The Ministry of Education has failed to elaborate on the procedures available for receiving complaints from children as it has not provided data on the number and proportion of student complaints filed/rejected or statistics on the reasons for rejection.
 - b. Current regulations stipulate that the majority of members on the complaint review council should consist of school faculty members. Yet teachers and faculty are still inclined to uphold the use of discipline, even if the measures are inappropriate or violent. This reality poses a conflict of interest for council members who are also obligated to protect the rights of students. Therefore, the complaint review council is insufficiently independent, and often results in teachers breaking confidentiality obligations and discussing student complaints among themselves.

- c. From the MOE's response, it is clear that there is no direct channel to file an oral complaint in schools. This lack of accessible, child-friendly practices makes it more difficult or frightening, especially for younger students, to raise a complaint.
- 10. In regards to state response Point 27
 - a. The Social and Family Affairs Administration of the Ministry of Health and Welfare has yet to provide statistical data on complaints raised by children in placement agencies.
 - b. Although most child placement agencies have established internal and external complaint mechanisms, these mechanisms are very rarely accessed. Reasons for low use include: children have orally communicated their needs directly to management at the placement agency and consulted their opinion; children do not know how to access the complaint mechanism; and/or children who have used the complaint mechanism in the past were unsuccessful or made to take responsibility. Furthermore, most complaint channels or mechanisms are not child-friendly as they are primarily designed for the convenience of institutional management and lack feedback from those currently or formerly in placement agencies. In addition, external complaint mechanisms should invite self-sufficient young people who have been through placement to serve as members of the committee in charge of processing complaints. Furthermore, in order to protect the best interests of the child and remove potential obstacles, complaint-related investigations should be unannounced, research-based, and informed by the functions and benefits of complaint mechanisms.
- 11. In regards to state response Point 28
 - a. Children are currently unable to independently file an appeal without the consent of their legal guardian. Furthermore, there is no mechanism outlined in the Administrative Appeal Act to designate special representatives, and the appeals procedure in Taiwan is highly restrictive for children wanting to

independently exercise their right to file an administrative appeal.

12. Over the past two years, all county and city governments have established external mechanisms or guidelines for handling complaints from children in out-of-home placements. Children can file complaints with local authorities in writing, by telephone, through e-mail, verbally, or by calling the 1999 Citizen Hotline. In 2022, the Ministry of Health and Welfare (MOHW) established principles for handling further appeals from children in out-of-home placements, which allow children to file complaints or further appeals in writing or verbally.
13. However, most placement agencies have strict regulations on electronic devices, and available time and space limits the use of placement agency computers. Some counties and cities even stipulate that elementary school children and younger are not allowed to use mobile phones. This calls into question the accessibility of complaint mechanisms requiring the download of forms off the internet, transmission of information, or use of mobile phones. Additionally, experienced practitioners have reported that internal complaint mechanisms in placement agencies are very rarely utilized. Whether external complaint channels are effectively used by children has yet to be determined as the government still needs to publish usage rates.

Chapter 3: General Principles

List of Issues Point 3.1

14. Response to state response Point 30
 - a. Although each school is required to form a gender equity education committee (GEEC), committee members are far from independently chosen. By law, the school principal must serve as the head of the committee, while teachers hold the majority of remaining seats. Therefore, the actions and efficacy of GEEC is highly dependent on the discretion of schools and teachers. Most GEECs are primarily tasked with handling gender-related incidents on campus. Whether the committee serves to actually promote gender equity values on campus varies across schools.
15. Response to state response Point 31
 - a. Though the Ministry of Education (MOE) requires senior high schools to complete a checklist on the implementation of gender equity education, this process is a mere formality as the checklist data is not adequately compiled or analyzed and, therefore, there is no follow-up action taken. Furthermore, only senior high schools are required to complete this checklist. The reality on campus is that schools and teachers still lack awareness of gender equity. For example, survey results show that there is still a high proportion of teachers making homophobic remarks in schools.³ In addition, while gender equity education is required to be implemented in primary and secondary curriculum plans, many schools only include these lesson plans to meet formal review requirements and do not actually teach the curriculum. Therefore, we believe that, in addition to the formalities described, the MOE must incorporate gender equity courses into current professional development sessions, in-service, and pre-service training. The MOE must also require schools to present,

³ According to the Survey on the campus experience of Taiwan's LGBTQ+ students published by the Taiwan Tongzhi Hotline Association in 2021, 68.5% of LGBTQ+ students surveyed have heard a teacher or school faculty member make homophobic remarks.

demonstrate, and discuss lessons incorporating gender equity teaching materials.

List of Issues Point 3.3

16. In state response Point 35 (p. 36), a "trial run" was mentioned. It has been more than three years since 2018 and the third reading to amend Article 13 of The Protection of Children and Youths Welfare and Rights Act was passed in March 2019, which specifies that the central health authorities should conduct and publish retrospective analyses of the causes of death of children under six years old. Yet, there are still some counties and cities where numbers of child deaths climb higher each year but still have not conducted these retrospective analyses.
17. In addition, most retrospective analyses on causes of death conducted abroad include data from all children under the age of 18; yet, current domestic practice only includes data from children under the age of 6.

List of Issues Point 3.4

18. Studies conducted abroad have proven that teachers' attitudes and professional competence are crucial in promoting traffic safety education. However, teacher training in Taiwan does not address traffic safety, and front-line educators largely lack a solid understanding of the subject matter. Any supposed promotion of traffic safety in schools is thus a mere formality under these circumstances.
19. To prevent traffic accidents involving children, traffic safety programs abroad are often structured around the 3E's (Engineering, Enforcement and Education) where, in conjunction with education, priority is also given to engineering improvements and regulation enforcement. However, Taiwan has been unable to implement a human-centered traffic environment, such as employing traffic calming measures and installing pedestrian facilities, making it difficult to protect children's safety.

Chapter 4: Civil Rights and Freedom

List of Issues Point 4.5

20. In regards to state responses Points 60 and 61
 - a. As stated in the state's response, between 2016 and 2018, the Legislative Yuan discussed a proposal for a draft bill with new measures allowing minors to serve as the head of social associations as long as they had the approval of their legal guardian. However, the new session of parliament in 2020 saw two legislators propose differing proposals for this proposed social association bill. Both of these proposals passed the first reading but have not been reviewed in committee or raised by the Ministry of the Interior, so it is difficult to determine when this bill will move forward.

List of Issues Point 4.6

21. Obtaining parent/guardian consent for student health examinations, including the examination of genitals, is a fairly standard process in schools, and for parents, these consent forms are just one of many sent home. However, current practices do not ensure children's wishes are respected. The consent form for health examinations only generally states that parents should take into account their child's wishes. We believe that before consent forms are issued, the school must explain in a child-friendly way that the child has the right to express their wishes and can refuse the genital portion of the health examination. The school must also routinely prepare alternatives to help the child feel safe.
22. Genital examinations conducted in schools are currently only conducted on students assigned biologically male, even though genital abnormalities may be present in others as well. This type of discrimination on the basis of assigned sex may stem from stereotypical views that place less value on boy's/men's privacy and oppress girls/women by implying a need to protect their chastity. Policies that support physical examinations specifically targeting these male students also highlight a persistent culture of gender

oppression on campus, disrespect privacy, and undermine health rights of others.

List of Issues Point 4.7

23. In regards to state responses Points 66 and 67
 - a. Though it may appear that child placement agencies have gradually implemented measures to protect children's right to privacy, accounts from children currently in placement and those who have left placement pointed to several instances of violations of privacy rights. Although most of these violations were trivial, accumulated incidents over time affected the quality and happiness of their lives. According to them, privacy needs continue to be left unmet in regards to, for instance, storage of personal possessions, expressing emotions, accessing space undisturbed, and/or using mobile devices to contact friends (or partners).

Chapter 5: Preventing Violence Against Youth

List of Issues Point 5.1

24. The government has yet to provide school staff with consolidated, specific, actionable behavioral guidelines to reduce physical and psychological violence against children. Physical and psychological violence against children in schools is still often excused as a mere form of discipline. In handling individual cases, the government has failed to communicate clear boundaries establishing that all forms of physical and psychological violence are unacceptable. The severity of psychological violence, in particular, is often overlooked. Since the last CRC review, the Humanistic Education Foundation (who are often called upon to intervene in cases where children's rights have been violated) has assisted with at least five cases in Taichung City alone. Even in cases where social and administrative agencies have fined teachers for physical/psychological abuse or inappropriate behavior towards children, none of these cases have resulted in the dismissal of a teacher.⁴
25. Despite quite a few incidents, the authorities have not provided statistical data, analysis, or solutions to the root causes of abuse and neglect in schools. Our observations have led us to the conclusion that educational institutions have not systematically improved the environmental factors that make children vulnerable to abuse, neglect, and violence. Furthermore, these same institutions are not concerned with the content, quality, or efficacy of teacher professional development and training courses they provide, rather their concerns are limited to the number of training courses offered and number of participants in attendance.
26. According to data from the Ministry of Health and Welfare, 84% of factors associated with abuse are linked to insufficient parenting

⁴ For example, there was a report of an elementary teacher in Taichung City who had been using corporal punishment on students for an extended period of time (e.g. striking students on the palm, forcing students to stand with their hands raised, and ordering them to complete up to 150 repetitions of jumping exercises, etc.). Even though the social administrative authorities issued fines and affirmed that the teacher clearly imposed physical and psychological violence against students and is unfit to teach, the school is still unwilling to dismiss the teacher.
<https://www.cna.com.tw/news/alog/202206170292.aspx?fbclid=IwAR2xsqdZXA1OWZvt6T72ujal0zv0Ai74-atwrD9To5NgSXXG9nTSU8LZGpks>

education.⁵ In fact, insufficient parenting education often results in parents or prospective parents lacking needed support to break away from using physical and psychological violence. These parents often continue to irrationally believe violence is an acceptable means of parenting.

List of Issues Point 5.2

27. In addition to the issues mentioned in our earlier response to Point 1.10, the student complaint procedures on school campuses do not directly address teacher-to-student physical or psychological violence, with the exception of incidents of sexual violence or bullying. Instead, these incidences must be addressed by campus affairs meetings, hearings, and assessments. However, in the above three procedures, children are not treated as a party to the case; children are not guaranteed an opportunity to express themselves, and there is no path forward if they do not agree with the outcome. The faults of this system have greatly frustrated many children who have experienced violence and are why the on-campus complaint process is not trusted.
28. Experiences of violence and reporting obstacles: Instances of sexual assault reported to the Ministry of Health and Welfare (MOHW) can be used to aggregate data about source where the incident was reported, the reporting party, the relationship between the two parties, and primary location of incident. Statistics can then be compiled to examine how the competent authorities can address and improve locations of these incidents.
29. The government has not offered a direct response to address violent incidents in placement agencies or the barriers that prevent the children or others from reporting them. Practitioners have reported children must navigate both unequal adult-child power relations and, in some agencies, the shame of class stigma. As a result, these children become submissive, obedient, and do not dare express objections. Furthermore, there may also be reporting barriers due to children not being trusted by adults and peer pressure from adult colleagues.

⁵ State response to Point 5.1

30. While we recognize that the National Human Rights Commission (NHRC) is conducting a National Systematic Inquiry into Child Sexual Abuse in Schools and Institutions (NSSAI), this program is only designed to investigate cases of sexual abuse. Institutional violence has been a problem for a long time and must be investigated to prevent it from recurring.

List of Issues Point 5.3

Understanding Sexual Exploitation and Prevention Training

31. Article 4 of the Child and Youth Sexual Exploitation Prevention Act stipulates that, "Schools at the secondary and lower levels shall organize educational courses or campaigns on the prevention of child and youth sexual exploitation each academic year." The Ministry of Education has also issued related guidance of this nature. However, the reality is that the provided training is not specific enough, as evidenced by frequent inquiries from schools to government agencies asking about the reporting process. We recommend that the MOE increase awareness campaigns about sexual exploitation, including at least one training session for students and one session for teachers each year. In addition, there is a lack of consensus between relevant government agencies in determining if a child has suffered from digital gender-based violence. We suggest that the government proactively organize training for those in education, social affairs, police affairs, justice, etc., as well as invite parents and other important stakeholders to participate.
32. In addition, cases involving children who have experienced sexual exploitation as described in Article 2, Clause 2⁶ may need to be handled in a way that is different from other cases. Though different counties and cities have different practices, all measures must be appropriate and ensure the best interests of the child.

⁶ "Filming a child or youth engaging in sexual intercourse or obscene acts, or producing pictures, photographs, films, videotapes, compact disks, electronic signals or other objects that show a child or youth engaging in sexual intercourse or obscene acts."

List of Issues Point 5.4

33. In regards to state response Point 79(a)
 - a. In 2020, a incident involving an obscene act occurred in an placement agency in eastern Taiwan, and in 2021, a sexual harassment incident occurred in a northern placement facility. Both of these incidents were perpetrated by facility staff (e.g., directors, life counselors), and the children impacted stated they were afraid to seek help due to the caregiver's position of authority and control over their interests. If they chose to seek help, they may have had to deal with concerns of institutional betrayal. From this, it is clear that the government's guidance and mandatory complaint channels are not sufficiently equipped to meet the challenges of the placement agencies or the needs of children who have difficulty articulating their needs.⁷⁸
34. The government has not specifically addressed the root causes or environmental factors around the increase in sexual assault causes on campuses and in placement agencies. We believe that the reason for this is because the government has not conducted large-scale, generalized investigations or studies of such.
35. It is clear from state response Point 79(b) that the government has not considered the circumstances of the children in the placement agencies and has only noted obligatory reporting duties. The government has failed to sufficiently look into reasons why children may refuse or fear investigations.
36. We suggest that the government should conduct a general survey to understand the causes of children's resistance or refusal to allow investigations in order to address and prevent the root causes and environmental factors driving sexual violence in institutions. After reporting, and during the investigation process, we believe the government must provide children with adequate support in order to ensure child-friendly, transparent processes where children feel a

⁷ Tsao, F.-N. (2022, July 04). "Betrayed by the One I Trusted—the First State Investigation of Child Placement Agencies and Campus Sexual Assault." *The Reporter*. <https://www.twreporter.org/a/sexual-assault-in-youth-welfare-institutes-and-campus-research-start>

⁸ Lin, J. (2021, January 25). "A Nightmare: Child Abuse and Sexual Harassment Exposed in Taipei City Child Welfare Agency." *Mirror Media*. <https://www.mirrormedia.mg/story/20210124soc007/>

sense of security and are unimpeded from filing complaints or requesting an investigation.

37. At present, the statute of limitations under Article 80 of the Criminal Code of the Republic of China sets the period of recourse to pursue crimes against sexual autonomy at 20 years from the time of the crime. However, in actuality, there are often victims of childhood sexual violence who want to pursue their cases after reaching adulthood, but whose period of recourse has expired. We recommend that Article 80 of the Criminal Code be amended to allow the period of recourse for victims of sexual violence to begin 20 years from the time they become of age.

List of Issues Point 5.5

38. In regards to state response Point 81
 - a. Digital gender-based violence continues to get worse by the day. Perpetrators have even formed organized, commercialized chains to illegally distribute private sexual images of victims for profit. This was seen in the Nth Room case in South Korea where many of the victims were minors.⁹ The law provides very little protection for such victims. In such cases where the victim is a minor, the iWIN (Institute of Watch Internet Network) Agency, established under the Child and Youth Sexual Exploitation Prevention Act, can contact the platforms involved to take down the image/video; however, this process takes a long time and iWIN has no enforcement authority. In cases where the image/video is uploaded to an overseas platform, the law enforcement agencies have no form of recourse. We believe the government must amend the law as soon as possible and establish a comprehensive network of social workers to assist victims of online sexual violence.

⁹ (2022). "Adolescent Purgatory: Private Images." *Mirror Media*.
https://www.mirrormedia.mg/projects/image_based_sex_abuse_scam/

Chapter 6: Family Environment and Alternative Care

List of Issues Point 6.3

39. When determining best placement for a child, the government should prioritize kinship placements, followed by foster families, then agencies or group homes. In order to enhance the overall quality of out-of-home placements, the government must provide an explanation for the effectiveness of kinship placement and the current strategies and evaluation mechanisms for foster home placements.
40. Resources are unevenly distributed between placement agencies. Statistics from placement agencies in 2020 showed a bed occupancy rate of 54.6%, with 43% of children placed outside of their county or city. This means that children not only must leave their homes, but also need to take time to adjust to new communities, residencies, and schools. More detailed consideration is needed on how to effectively allocate these resources, reduce placements across jurisdictions, and optimize bed occupancy.
41. 43% of children in foster care ultimately returned home after their case was closed. Of children in placement agencies, 42.86% were transferred to other agencies after their case was closed and only 15% returned home. Data also reveals a low proportion of children in independent living situations. It appears that the majority of children may have experienced multiple transfers between institutions, but it is difficult to cross-analyze current national data to understand the trajectories through placement institutions, and therefore the basis for effective intervention in policy design is lacking.
42. The percentage of children with disabilities in childcare facilities is increasing. 55% of the children placed with The Garden of Hope Foundation have physical and/or psychological conditions. However, these statistics are also impacted by many issues and resources needed for official diagnosis, and so less than one-half of the children have a disability identification card.¹⁰ Due to difficulties faced by placement agencies and the rising demand for caregivers,

¹⁰ Literally translated as “disability manual” in the People with Disabilities Rights Protection Act.

the government should allocate more resources and support measures to this area.

43. In regards to state response Point 99

- a. The Protection of Children and Youths Welfare and Rights Act and the primary agency responsible, the Social and Family Affairs Administration (SFAA), have laid out post-placement procedures and standard operating placement procedures. However, a survey of placement channels with options for alternative care showed that the majority of alternative placements are still to placement agencies (60%). It is clear that there is a lack of resources for family-based alternative care (and a lack of clear effectiveness). Issues surrounding foster care, for instance, include insufficient subsidies, high societal expectations of foster families, lack of independent space provided to foster children, and the inability of elderly foster parents to take care of children with special needs. There are also cases where children have reported abuse in foster homes. The government has not yet established comprehensive, specific measures to enact improvement.

44. In regards to state response Point 100

- a. Group homes-- A new model for placing children with special needs. The high number of care providers required by group homes are an attempt to attend to the best interests of children; however, a director of a private placement agency who had formerly been in charge of a public group home program recalled limited funds available for personnel, making it difficult to recruit a sufficient number of workers with expertise in caring for children with special needs. Furthermore, the director did not understand the government's specific goals or expected outcomes of these programs. Some placement agencies in similar situations decided to end services after realizing they were insufficiently equipped. It is still unclear how group homes can effectively operate differently from placement agencies.

List of Issues Point 6.4

45. In regards to state response Point 102
 - a. Currently, private placement agencies are finding that the government is trying to reduce the scale of care in placement agencies and that the city/county social workers are not conducting thorough assessments of the child's family, resulting in negative or unfortunate incidents. As a result, after establishing routines and starting down the road to recovery in placement agencies, some children who return to their families ultimately end up returning to the social welfare or justice system once more because their family is unable to care for them, poor economic conditions, or unhealthy living environments. Therefore, we believe the government's policy of deinstitutionalization is not well developed in terms of how resources are used to maintain and support the original families.

List of Issues Point 6.9

46. As the government has stated, there are currently no sentencing guidelines for the detention of pregnant women or women with young children in Taiwan. The measures cited in the government response (e.g. commuting sentences to fines or community service, suspending sentences, etc.) are measures already established in Taiwan's legal framework. These established systems have nothing to do with the separation of the parent/primary caregiver from the child nor do these provisions consider or explicitly address the interests of the child. For example, the Taiwanese government executed Lee Hung-chi in 2018 and sentenced Shen Wen-pin to death in 2020. Both Shen and Lee had underage children, yet the court failed to take into account the best interests of these children or the separation of the parents/primary caregivers from their children.
47. In addition to the fact that there are no explicit protections requiring the courts to protect the interests of children when sentencing, as the government explicitly acknowledges, there are no official documents that support alternatives to incarceration for parents/primary caregivers. The government statement cited that the prosecutors

were responsible for executing the sentence in accordance with the main text of the court's decision. That is to say, there are no laws, systems or measures in Taiwan to protect children's rights by ensuring that children are not separated from their parents/primary caregivers as a result of criminal punishment or imprisonment.

48. The government does not have statistics on the number of children whose parents/primary caregivers are currently serving prison sentences, have been/are awaiting execution, or are on trial. Thus, it is difficult for government agencies or civil organizations to assess whether related psychological, economic, social, and educational resources are actually helping to protect the rights of children in care. Furthermore, it is not possible to monitor the availability of these measures.
49. When designing child-participation in the criminal proceedings of parents/primary caregivers, courts at all levels have not yet allocated private, appropriate spaces for children, established judicial processes suited to children's ability and understanding, and few judicial practitioners have received professional training in communicating with children.

Chapter 7: Disability, Basic Health, and Welfare

List of Issues Point 7.5

50. The government failed to provide data on participation in sports activities outside of school by students with disabilities. Furthermore, sports activities within the school fail to demonstrate a basic awareness of safety and protection for students with disabilities.¹¹

List of Issues Point 7.9

51. In regards to state response Point 148
- a. Currently, the Ministry of Education does not conduct regular surveys on children's understanding of sexual and reproductive health at the elementary, middle, and high school levels, nor does it have measures to regularly collect student feedback.
52. In regards to state response Point 149
- a. The Gender Equity Education Act only stipulates that the gender equity education committee "may" appoint a student representative. The reality is that the gender equity education committee's main responsibility is to handle gender-related incidents on campus. It is nearly impossible for gender equity education committees below the high school level to include a student representative, let alone LGBTIQ+ children.
53. The issue of sexual and reproductive health of young girls is often related to cultural and societal views. Often, most critical is how families view and discuss sex education with their children. The government must recognize that views around sexuality education are closely related to the family and school and consider multiple ways to promote parental involvement in sexuality and gender education programs.

¹¹ A Taichung Municipal Wuri Elementary School student with congenital heart disease was required to take part in running exercises. The adult in charge did not observe him the entire time, resulting in delayed emergency medical treatment and the student ultimately entering a persistent vegetative state (PVS). <https://news.ltn.com.tw/news/life/paper/1399677>

List of Issues Point 7.10

54. In regards to state response Point 151
 - a. As stipulated by the Genetic Health Act, pregnant minors must have the approval of their legal guardian to obtain an abortion. However, pregnant minors have long been purchasing abortion drugs and seeking illegal medical treatment to prevent their legal guardians from learning they are pregnant, a practice which is harmful to the physical and mental health of minors.
55. In regards to state response Point 153
 - a. It is difficult for children to obtain condoms and other contraceptives. Although the Ministry of Education (MOE) began allowing the sale of condoms on college campuses in 2005, the sale of condoms is still prohibited on high school campuses and below. In stores, many people still mistakenly believe that minors are not allowed to buy condoms, and some store owners even prohibit minors from buying condoms themselves.¹²¹³
56. The court's Third-Party Assistance Mechanism for Pregnant Minors is based on The Garden of Hope Foundation's direct findings that minors facing the physical and psychological changes of an unplanned pregnancy are in great need of companionship, and so courts are urged to support them in an efficient and child-friendly manner that is in the best interest of the minor.
57. A similar issue concerns the remains of abortions. According to The Garden of Hope Foundation, aborted remains of pregnancies terminated before 20 weeks are disposed of by the hospital as waste; the parents cannot send the baby's body to a crematorium or cemetery for burial. However, the remains of pregnancies terminated after 20 weeks may be eligible for a certificate of stillbirth, which would allow parents to apply for cremation or subsequent funeral proceedings. Therefore, it is suggested that those in charge of these policies in the Ministry of Health and Welfare and the Ministry of

¹² (2011). "Purchase of Condoms Allowed on College Campuses, Banned in High Schools." *PTS News*. <https://news.pts.org.tw/article/49131>

¹³ (2020). "Legal at 16 but Can't Purchase Condoms until 18?" *ETtoday*. <https://www.ettoday.net/news/20200730/1772209.htm>

the Interior should discuss how to best respect the needs of those parents and families coping after abortion.

Chapter 8: Education, Leisure, and Cultural Activities

List of Issues Point 8.2

58. As mentioned in Point 134 of the alternate report, cases of teacher-student and coach-student bullying are difficult to establish even with tangible aggression and evidence. However, the government's response did not mention any ways to address this issue, showing that the government has yet to take this issue seriously.
59. As mentioned in Points 125, 126, and 127 of the alternate report, there is still a widespread culture of physical and psychological violence in student athletic training. However, it is clear that the government is largely unaware of the severity of the issue. To determine whether amended regulations have resulted in substantial improvements, root causes and environmental factors must be studied and monitored.
60. We suggest that the Ministry of Education immediately establish specific guidelines on professional ethical boundaries for teachers and coaches, including emotional boundaries, relationship boundaries, authority boundaries, communication boundaries, and physical boundaries. These boundaries should aim to help teachers be aware of which behaviors are considered physical and psychological violence against children and to recognize that these behaviors are a serious, unacceptable violation of teacher ethics.

List of Issues Point 8.3

61. As mentioned in Points 34, 35, and 36 of the alternate report, the systematic obstruction of complaints from students with disabilities shows that the government has not provided these students with appropriate, effective complaint channels. The state's response also shows that the government has not prioritized monitoring of relief for students with disabilities whose rights have been violated.

List of Issues Point 8.4

62. Before the Ministry of Education amended its guidance on the daily routines of secondary school students, there were already regulations and complaint mechanisms in place. Therefore, the government is

unable to claim that they are unable to provide data on such merely because guidelines have been amended.

63. The government has neglected to enforce regulations in response to students' complaints or petitions, and as a result, some schools have begun regularly violating these regulations. As described in Point 242 of the alternate report, the majority of schools do not comply with schedule regulations. This is also evidenced by the corrective measures raised by the Control Yuan.

Chapter 9: Special Protection Measures

List of Issues Point 9.1

64. In regards to state response Point 169
- a. When considering extending asylum to refugees, the Taiwanese government maintains issues of national security are of utmost importance. Civil society groups do not deny the importance of national security; however, we believe that by acting in the name of national security, the government often drops the ball, even with the small number of asylum seekers they are willing to process. If any of these asylum seekers are children--or legal restrictions do not provide children with education, medicine, or other basic needs--we highly doubt the basic rights outlined by the CRC can be met during the asylum application process.
 - b. For example, the current legal system in Taiwan allows foreigners to take entrance examinations for all universities but only some high schools. This makes it very difficult for those under the age of 18 to enroll in school. There have been cases of asylum seekers from Hong Kong, for instance, where secondary and primary students required assistance from the Taiwan-Hong Kong Economic and Cultural Co-operation Council to step in and communicate with different agencies to enroll. Furthermore, young children who do not acquire nationality before coming to Taiwan are considered stateless and cannot even access the legal rights afforded to foreigners. Instead, they are forced to rely on private, informal resources. Regardless of the fact that the government claims that it has "never returned a person to a country or region where he or she might be subjected to torture or inhumane treatment," there have been cases of asylum seekers from Hong Kong who were forced to decide to return to Hong Kong to obtain passports and other documentation for their children.
 - c. In addition, according to news reports,¹⁴ there were cases in 2018 and 2019 where several Turks had their passports

¹⁴ Reported anonymously by "David" in <https://www.twreporter.org/a/turkish-refugee-in-taiwan>

confiscated by the Turkish government. Their short-term visitor visas made it impossible to legally depart the country, and they were eventually forced to leave Taiwan to seek asylum in European countries on their own by way of connecting flights.

65. In regards to state response Point 170
 - a. In 2016, a draft Refugee Act passed the first reading under the Committee of Internal Administration but the Legislative Yuan has subsequently not sent it through to second and third readings. At present, government intentions to pass the act between 2022 and 2024 are only seen through the listing of the passage of the Refugee Act as a key achievement benchmark in the National Human Rights Action Plan. Civil society, however, continues to doubt as to if this can be done in two years.

List of Issues Point 9.9

66. In order to provide multiple, diverse options for out-of-home placements and supporting measures, the government must take the initiative to understand the proportions of those who remain at home versus those who go into placements as well as the subsequent treatment of children in each type of placement experience.
-