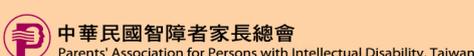


2022
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TAIWAN NGOs FOR CRC

The Second Alternative Report on the
Implementation of the Convention on the
Rights of the Child



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Preface

This Alternative Report is an independent viewpoint on the current situation of children and youth along with the response to the ROC's governmental second CRC report, written by Taiwan NGOs for CRC (TNCRC), which integrates the expertise and practice experience of 12 members of children and youth service groups. TNCRC has been one of the major NGO alliance advocating for the implementation of Convention on the Rights of the Child (CRC) since its foundation. Its primary mission is to assist child and youth protection workers better understand CRC and promote the core principles in the nation. The alternative report is the result of 20 online and offline meetings participated by all TNCRC members who profoundly engaged to improve the rights of children and youth in Taiwan. In addition, TNCRC also conducts international seminars and participates regional conferences to learn from the global experience of the implementation of CRC. Furthermore, TNCRC undertakes to become an effective force in monitoring the review process of CRC national reports. The report consists of 7 parts, 29 topics including: general implementation measures, general principles of CRC, civil rights and freedoms, family environment and alternative care, basic health and education, recreation and culture, as well as special protection measures. These reports are from the first-hand observation of the TNCRC members have been working with children and youth and the related field for long.

Although the CRC national report is compiled based on concluding observations, the implementation results over the past five years by the government, it is mostly a pure description of the work done by different sectors and lacks integration. After multiple rounds of discussion with NGOs, TNCRC made a core proposal: the government should establish a designated authority at the level of "Executive Yuan" of the central government. The designated authority would facilitate inter-ministerial coordination to solve the disunity of sectors so that could effectively handle the concurrent issues regarding the well-being of children and youth and the.

The amendment of Juvenile Justice Act (JJA) is an achievement in the judicial human rights of children and youth since the CRC national report first published. However, law and regulation are not panacea; enforcement protocols, a system that respects professionals to recruit right people and a clear division of labor are very much needed. It would be disastrous, for vulnerable children and for the society, if the system is not well-prepared for catching the vulnerable children and youth in the community

under the newly onset “diversion” concept in the JJA. Hence, five topics in the Part 7 are dedicated to address this issue.

Report on the implementation of children’s rights from 1997 to 2005 were conducted, but a lapse of 18 years, a shortage of survey data by random sampling and children’s voice renders a lot to improve. Despite children’s rights being added to the “2019 curriculum for primary schools,” only about one-third of children have heard of it and they barely understand the meaning. TNCRC members take it is an urgent need that a survey on children’s account of their experience of children’s rights should be conducted to inform the evidence-based policy.

This Alternative Report is made possible by 14 members of TNCRC, the secretariat held by NTU Children and Family Research Center, special thanks to Carol Shu Huey Wu, a PhD candidate in NTU Department of Social Work.

Taiwan NGOs for CRC

2022.03

Part 1 General implementation measures

1.1 Harmonizing national laws and policy with the provisions of the Convention (§34)

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)

Concluding Observation #10; Second State Report #4, #368

~ECPAT Taiwan~

I . Overview of the current situation

The legal liability for possessing child sexual exploitation materials in Taiwan Child and Youth Sexual Exploitation Prevention Act is much lighter than international standards, and there is no legal regulation on digital generated or pseudo child exploitation materials. Even though the International Review Committee has encouraged the Taiwan government to accept both OPSC and OPAC in the concluding observation 10 (2017), the Government has not yet taken any action so far.

1.The penalty of possessing child sexual exploitation materials is too light

ECPAT Taiwan has received 441, 516, and 811 reports of child sexual exploitation in 2018, 2019, and 2020. Among the reported cases received by NCMEC (The Missing Children Data Resource Center), those from Taiwan were 33,621 and 29,468 in 2019 and 2020 respectively.

In accordance with Article 39 of the Act, any person who is discovered for the first time to possess any child sexual exploitation materials shall be subject to an administrative fine; if the person is discovered for a second or subsequent time shall be subject to a fine for criminal offenses. The penalty does not meet international standards, nor does it comply with Article 3 of the OPSC. Moreover, a search warrant cannot be issued for administrative penalty cases under the Code of Criminal Procedure. In other words, even though the perpetrator is located, the law enforcement officers still cannot conduct a search. Furthermore, the lack of awareness of the harm of child sexual exploitation materials and the passive investigation attitudes of law enforcement officers caused the low number of administrative penalty cases which is only 4, 3, and 8 in 2018, 2019, and 2020.

2. No legal regulation on digital generated or pseudo child sexual exploitation materials

ECPAT Taiwan has received 28, 37, and 37 reports about digital generated or pseudo child exploitation materials in 2018, 2019, and 2020, but this is only the tip of the iceberg. Since no legal regulation on digital generated or pseudo child sexual exploitation materials under the Act, we cannot know the actual number of digital generated or pseudo child sexual exploitation materials.

In line with Article 2 of OPSC, a child sexual exploitation material means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. Although digital generated or pseudo child sexual exploitation materials exist on the online forum and social media platform, and one can even easily buy child sex dolls online, no law restricts this issue yet.

II. Comments on the 2nd State Report

In response to Concluding Observation 10, the government put forward "Reservation and Declaration" in the Second State Report "General Measures of Implementation", stating that although Taiwan has not joined the OPSC, the laws and regulations related to child and youth sexual exploitation prevention were established/amended based on the spirits of the Protocol.

The Government has proposed a draft amendment to criminalize possessing child sexual exploitation materials, but it has not been sent to the Legislative Yuan for review. Besides, there are no regulations on digital generated or pseudo child sexual exploitation materials in the draft amendment. In conclusion, Taiwan has not met the requirement set by the OPSC and fully followed the spirits in protecting children from sexual exploitation.

III. Recommendations

1. Possessing child sexual exploitation materials not only cause further harm to the victims but also aggravate the supply and demand of trading child sexual exploitation materials which result in more victims. We urge the Government to accept and incorporate OPSC as soon as possible and criminalize the possession of child sexual exploitation materials accordingly.
2. Digital generated or pseudo child sexual exploitation materials can cause the society normalize the sexualization of children and treat children as sexual objects which puts children at risk. The Government should legislate without delay to protect children from sexual exploitation.

3. Law enforcement officers need to put more effort into cracking down on the possession of child sexual exploitation materials. Also, the Government should emphasize the illegality of possessing child sexual exploitation materials and the risk of digital generated or pseudo child sexual exploitation materials.

1.2 Establish a Children's Rights Division under the National Human Rights Commission; Create a Children's Ombudsman Office; or Appoint a Children's Right Committee (§12 、 §19)

Concluding Observation #14, #15, #26; Second State Report #26 ~ #31

~Good Neighbors Taiwan~

I . Overview of the current situation

Due to the low birth rates in recent years, the government has pushed to increase childcare centers and kindergarten as part of the strategic plan to encourage fertility rates. From 2010 to 2020, the number of childcare centers and kindergartens increased from 169 to 1269. Yet, the consistent reporting on child maltreatment in schools has continued to cover the news in the past two years. Instances such as child abuse, threats, or improper discipline have caused children to panic and find it difficult to fall asleep at night. Therefore, it is critically important to set up a competent authority in children's rights under the National Human Rights Commission to investigate ongoing cases and safeguard children's fundamental rights actively.

II . Comments on the 2nd State Report

According to Section 26 in the 2nd State Report, the Control Yuan authorized the National Human Rights Commission (NHRC) establishment in August 2020. However, the state fails to respond or comment on concluding observation #15 regarding the recommendation to form a children's rights division under the NHRC; create a children's ombudsman office; or appoint a children's rights committee.

Section 27 to 31 in the 2nd state report primarily focuses on diversifying complaint mechanisms. Meanwhile, sections 28 to 30 only elaborated on information and procedures regarding the current complaint mechanisms in child care agencies, schools, or children placement organizations. NHRC remains reactive in handling the petitions. The commission lacks proactive and preventative intervention to protect children's rights. The CRC was domesticated as legislation in 2014. NHRC has yet to make pivotal progress and strategic work plans on improving children's rights in Taiwan. As a result, we urge the government to consider establishing a children's rights oversight body and ensure the competent authority is serving its function to advance the child's rights.

III. Recommendations

Given the analysis above, Taiwan NGOs for CRC highly recommends the following actions:

1. Promptly set up a children's rights division under NHRC; or create a children's ombudsman office; or appoint a children's rights committee. The oversight unit should act as a liaison, protector, and advocate to promote the rights of the child. Simultaneously, the oversight unit should monitor the government's effort to implement policies in the children's best interests. The oversight unit's responsibilities include but are not limited to:
 - a. Actively investigate whether the procedure and decisions made in legislative, administrative, and judiciary entities are aligned with the children's best interests. In addition, propose any advice, policy recommendation, or legislative amendment to further strengthen children's rights.
 - b. The children's rights oversight unit should have the authority to enter both public and private children welfare institutes or transition (halfway) schools to evaluate children's treatment and needs within these placements. It can also reference Article 46 in the Long-Term Care Services Act to collaborate with civil society groups to monitor the quality of children's rights services and serve as an independent competent authority to supervise these placement entities.
 - c. The oversight unit should provide the necessary support to children when needed. For example, connect children with service providers such as non-governmental organizations or other family assistance. Additionally, to provide sideline support on family consulting services.
2. Provide children with an accessible and diversified platform to file complaints. Ensure the resources and information to file complaints are widely disseminated to children in all areas. In addition, reassure the children that an independent office will manage these complaints with legitimate authority. The competent authority should be objective and unbiased when ruling the cases. All privacy information during the procedure will be protected.
3. The children's rights oversight unit should consistently publish an annual children's rights report, including the current progress on children's right to express.

1.3 Data Collection (§19. §2)

General Comments # 8, # 13; Concluding Observation # 20

~Child Welfare League Foundation,
Zhi-Shan Foundation TAIWAN~

I . Overview of the current situation

The statistics section on children and youth on the CRC (Convention on the Rights of the Child) website of Social and Family Affairs Administration, Ministry of Health and Welfare shows a variety of data and statistics on children and youth. However, the presentation methods, years and age groups are not consistent, which make it impossible to understand the current trends or the complete picture of the issues related to Taiwanese children and youth.

1. Improvement required for data collection and presentation

Currently, the Social and Family Affairs Administration, Ministry of Health and Welfare collects the data on children and youth from various government agencies for the statistics section on children and youth. However, they do not coordinate the data so the age groups, data update frequencies and dates are varied. Meanwhile, some of the data are stored on Google Drive, which could have credibility and information security issues. Terminology definitions and statistics are scattered across pages, making it inconvenient and may even be misused.

2. Frequent change of statistical indicators or incomplete data

The statistics on child and youth protection changes each year to be in line with policy. Hence, it is not possible to compare the years and understand the trends. Meanwhile, some services to children and youth are rendered by different agencies. As a result, the statistical indicators are not centralized and some are even defined differently, hence unable to reflect the actual circumstances. These are the problems with the data of placement of children and youth, sexual exploitation, sexual assault and bullying. There is also the question whether child and youth murders include killing own children and then suicide.

3. Lack of relevant statistics data on children and youth issues.

The data on indigenous children and youth is still very insufficient or incomplete. For example, an inquiry on the causes of death of indigenous peoples

from 2016 to 2019 via the interactive indicators obtains the relevant data on the causes of death of indigenous infants. However, the tabulated data on death statistics does not show the specific indigenous groups. Hence, it is impossible to validate the data from both sources and the accuracy of the data is compromised.

There is no reporting mechanism and statistics on bullying, children and youth of divorced parents, corporal punishment or illegal transfers of children and youth. The data on sexual harassment or child and youth labor is based on surveys of the children and youth currently in school or covered by labor insurance. It does not cover those not in schools, drop-outs, or working children and youth not covered by labor insurance. This causes a bias in the trend or the pattern.

Another issue is with the gradual reduction in the age of Taiwanese children using digital products for the first time. The percentage of Internet access by preschool children is on the increase but there is no sufficient data on the particulars of Internet usage among children below 12 years old. As a result, there is no empirical data for policymaking or measures when it comes to prevention and handling of Internet addiction among children and youth.

II. Comments on the 2nd State Report (#23)

The centralization of the statistics section on children and youth on the CRC website does facilitate inquiries on relevant data. However, there are gaps and omissions in the abovementioned data collection and presentation methods.

III. Recommendations

1. Improvement in website presentation and content

In order to present an overall picture and trends, presentation methods can be gradually optimized (e.g., interactivity and visualization) for the more stable and clearly defined statistical indicators such as demographic of children and youth or goals of prioritized policies and actions. The children-friendly presentation method described in General Comment No. 5 can serve as a reference. It is suggested that data should be regularly updated, systematically presented and accompanied with operational definitions.

2. Enhance collection of indicator data

To implement the suggestions from the 2017 Concluding Observations, a central data collection unit should be established, indicators and definitions should

be clearly defined (in reference to internationally accepted indicators and definitions) and relevant agencies should be asked to gather data. Meanwhile, the government should collect data and include status category such as children, youth and indigenous peoples, as stated by laws. For instance, a column for ethnic group statistics should be added to the statistics reports of social welfare services. In the statistics section on the webpage of Department of Statistics, Ministry of Health and Welfare, the statistical graphs and analysis on indigenous peoples can be constructed in the same way as the gender statistics section. This will enhance the robustness and the accessibility of the data on indigenous children and youth.

The survey on the internet usage by children below 12 years old serves as the basis of estimates for internet usage. In the absence of relevant empirical data, frontline workers may lack or lose the capabilities for immediate judgement and prevention. It is also necessary to build a database of statistics on child and youth protection, in order to gain an understanding of the patterns, annual trends and changes in the events related to child and youth protection in Taiwan and serve as a basis for planning relevant services.

In addition, given the impact of policy changes have on the definition of indicators, the government should backtrack and complete the missing parts as much as possible, in order to compare the different years and analyze trends and patterns.

Part 2 General principles of CRC

2.1 The principle of non-discrimination (§2)

Concluding Observation # 27~28; Second State Report #48~59

~Zhi-Shan Foundation TAIWAN~

I . Overview of the current situation

Indigenous children are still severely discriminated against in their growth.

According to the observations of front-line social workers who work with indigenous children, the proportion of indigenous children who experience ethnic discrimination on campus or in the community is still very high. Although there are legislative prohibitions, there is still a lack of non-discrimination measures against indigenous children, including concrete improvement practices that can be implemented in practice when children are discriminated against. In 2019, Zhi-shan Foundation conducted a sample interview with 12 indigenous children who were studying in Taipei City or New Taipei City. Results found that 100% of the 12 indigenous children have had the experience of being discriminated against to varying degrees. For example, one was teased for riding a wild boar to class, another was made fun of the skin color is too dark to be found in the dark. Moreover, a few were ridiculed that they do not need to study hard, anyway, they will upgrade due to the “upgrade guarantee system”. All these labelled negative experiences lead to a lower sense of self-ethnic identity among the indigenous children. Naturally, there will be a disconnection with the learning and cognition of the mother culture, making it difficult to produce ethnic identity, and even doubting themselves or lacking self-confidence. Ethnic identity makes it more difficult for indigenous children to establish a connection with ethnic culture in mainstream society.

II . Comments on the 2nd State Report

Paragraph 48 (p.9) of the 2nd State Report of the Convention on the Rights of the Child mentioned: 2018 Taiwan Children's Living Conditions Survey Report pointed out that 91.5% of the children sampled did not feel discriminated against, and only 8.5% felt discriminated against. This report seems to suggest that the problem of discrimination is not serious in Taiwan, but unfortunately, the report does not further analyze the ethnic identity of the 8.5% of the children who feel that they have been discriminated against. Even until now, the Taiwan government has no statistics on the experience of

discrimination against indigenous children. However, it is found from practical experience that Taiwan's indigenous children have a lot of experience of being discriminated against.

In paragraph 27 and 28 of the first concluding observations, the International Review Committee has already raised concerns that there are only relevant legal norms related to non-discrimination, and the lack of specific policies and action plans to implement the right to non-discrimination might led the principle of non-discrimination become a slogan only. It is a pity that in the 2nd state report, paragraph 48-59 (p.9-p.10), only the non-discrimination measures related to the implementation resistance of multi-gender issues are mentioned, and there is still no specific action plans for removing prejudice and stereotypes against indigenous children. The 2nd state report is still in the discussion of measures related to the special protection of education rights and cultural rights to indigenous children.

III. Recommendations

1. *System level:* Although there are laws and regulations prohibiting discrimination, most of them are of declarative significance, and there is a lack of relevant operational measures to implement anti-discrimination behaviors. In addition to the Ministry of Culture's "Directions on Subsidizing Cultural Rights" to promote cultural affirmative action, it is recommended that other relevant ministries, such as the Ministry of Education, the Ministry of Health and Welfare, and the Council of Indigenous People, extend and develop relevant operating methods in addition to the existing laws and regulations to promote the implementation of anti-discrimination measures.
2. *Social and adult education:* "Non-discrimination" can easily become a slogan. It is recommended that the "Compendium of Anti-Discrimination Cases for Children" produced by the Social and Family Affairs Department of the Ministry of Health and Welfare can be used to strengthen publicity and correct public attitudes, and further develop anti-discrimination action plans to eliminate discrimination, such as making the Cliff's notes version of non-discrimination, using the Internet, radio, newspapers and publications to promote the concept of diverse ethnic groups to the public and so on.
3. *School education:* It is recommended to popularize emotional education on campus (emotional education refers to attitudes, emotions and beliefs in broad interpersonal interactions, including family, friendship and love) and comprehensively promote the

understanding of diverse ethnic groups. In addition to encouraging and supporting students to form and to participate in indigenous associations, from primary school to middle school, students should also be required to take certain number of hours in emotional education, and then track the effectiveness. By strengthening the attitudes, emotions and beliefs of respect and acceptance that should be possessed in interpersonal interaction, and designing curriculum activities by understanding the history, culture and issues of diverse ethnic groups, we can promote mutual understanding, remove stereotypes, resolve prejudice and eliminate discrimination.

4. *Teacher training system:* The anti-discrimination action plan should be extended to educators. It is suggested that the teacher training system should include relevant courses on ethnic mainstreaming and multi-cultural viewpoint cultivation. Moreover, ethnic mainstreaming lesson plans, and incorporate "non-discrimination" should be developed into the Ministry of Education teachers' on-the-job training courses. As a result, they can cultivate the correct attitudes, emotions and beliefs that teachers and students should have when interacting, and through anti-discrimination case studies, teachers are also taught how to deal with discrimination issues in schools, so that the risk of occurrence of campus discrimination can be reduced.

2.2 Avoid Unintended Pregnancy Among Underage Girls (§2, §6, §18, §28)

Concluding Observations #65 ~ 67, Second State Report #226 ~ 229

~Taiwan Association for Sexuality Education~

I . Overview of the current situation

1. *Unintended pregnancy among underage girls is prevalent*

The statistics provided by Ministry of the Interior¹ reveals that over the past ten years, there are approximately 3000 teenage mothers aged 15 to 19 annually in Taiwan. No sign of effective decrease in adolescent pregnancy is displayed. The significant difference between the teen birth rate in six special municipalities (e.g. the rate in Taipei is 0.001) and rural areas (e.g. the rate in Hualien is 0.011) indicates issues such as urban-rural gap and the even distribution of medical and prevention resources. Control Yuan issued a corrective measure on this matter to Ministry of Health and Welfare and Ministry of Education via a press release in 2017². According to The Garden of Hope Foundation³, of all 590 pregnancy cases it assisted in 2019, nearly half (48.1%) were teenage girls and 11.7% were repeat unintended pregnancies.

2. *Elementary and secondary school students are in urgent need of more sexuality education*

Ministry of Education discovered in 2014⁴ that sexual knowledge among high school students have not substantially improved (rated 69%) in the past few years. Among those who have had experienced sexual intercourse, 13% have been pregnant or have impregnated their partners and only 26% have worn condoms. When asked about the school sexuality education on “pregnancy and contraception,” merely 30% of the students regarded the topic covered was in detail and sufficient, yet 14% commented that the topic was not discussed or was touched on briefly. Nonetheless, research also suggested that the more detailed the topic was taught and the more satisfied students felt, the more accurate sexual knowledge and more positive attitude students possessed. In addition, a survey carried out by Child Welfare League Foundation⁵ in 2016 indicated 26% of families had never talked about sexual knowledge, 67.6% and 56.3% had never discussed sexual behavior or relationships; 29.6% of students responded that teachers deliberately avoid sensitive topics at class. The older the students, the further teachers steer clear of the topic.

II. Comments on the 2nd State Report (#226 ~ 229)

1. #226 (a) of ROC's Second Report stated that The Deliberation to the Curriculum Guidelines Committee should consists of student members and the opinion of children and youth should be taken into consideration. We maintain that the government should conduct continuous and comprehensive research on the topic and understand the viewpoints of children and youth by collecting their feedback instead of relying on the way of a few student members.
2. #226 (b) of ROC's Second Report mentioned that 108 Curriculum Guidelines require schools to not only cover issues like "gender equality," including biological sex, sexual orientation, gender traits, and gender identity, but also should choose different teaching materials based on local culture and students' needs. #228 (a) stated that learning brochures and CDs about these issues should be published for parents to learn and teach their children. Although gender equality education indeed prevents sexual assault, sexual harassment and sexual bullying, we believe sexuality education and reproductive health education cannot be replaced by it.

In fact, elementary and middle schools do include sexuality education in Health Education course. Yet, competent authorities allow most classes be taught by teachers who do not have expertise in Health Education. The fundamental solution to the problem is to hire more Health Education teachers and put more efforts in sexuality education.

3. #228 (b)(c) of ROC's Second Report stated that the government created a "Health 99 -Youth Resource" website providing accurate resources on sexuality education and promoting health, and a consultation line for parents and youth. Yet, previously, the "Sexuality Education Consultation Line" and the "Sexual Health Education Campus" website set up by Ministry of Health and Welfare had been at service for multiple years, accumulating a large amount of resources and users. Unfortunately, they were instructed to end the service a couple years ago. The website should be restored to offer children, youth, parents and teachers professional help with privacy. The consultation line should enhance its' services.

III. Recommendations

Nip the problem in the bud. It is suggested that courses on sexual and reproductive health education to be resumed and to be revised accordingly. The following are specific suggestions:

1. Implement specialized teaching:

“Sexuality education” is a part of “Health Education” under the current Curriculum Guidelines for elementary, middle and high schools. Nevertheless, due to teacher shortages, it is common for non-specialized teachers to teach such courses. The competent authority should set concrete goals to recruit more health education teachers to meet the demand. Courses related to sexuality education should be added to the Elementary Teacher Education Program.

2. Teaching improvement plans:

Teachers often feel inadequate lack of formal training in teaching sexual health, therefore, more related training and competition should be held. (There aren’t enough workshops.)

3. Upgrade the counselling system:

Student counselling system should be upgraded to assist and accompany students when facing sex-related problems.

4. Parenting improvement plans:

Support groups or consultation platforms should be established to help parents better equipped with parent-child communication skills and sexual health knowledge.

5. Professional consultation:

Websites and consultation line on sexuality education should be restored to provide service for schools, teachers, and parents, who can seek for help via phone, email, or Q&A session online.

6. Teaching materials and teachers’ training programs:

Teaching materials and teachers’ training programs should be up to date.

¹ Ministry of Interior (2021), “Birth rate of women of different ages” (15 – 19 years old), Gender Equality Committee of the Executive Yuan.

² Press release of the Control Yuan (2017) on the website of Control Yuan

³ ZHENG Yu-Zhen (2020), The Garde of Hope Foundation: More than 70% of the cases seeking for help were under 18, 2020/10/15

⁴ CHENG, Chi-Chia, FENG Jia-Yu (2014), Research on sexual knowledge, attitude and behavior of high school students and education in Taiwan. Taipei: Ministry of Education.

⁵ Child Welfare League Foundation (2016), Research on sex education among children in Taiwan.

2.3 Right of Children and Youth to Be Heard –

Central Group of Child and Youth Representatives (§12, §13)

General Comment # 12, Concluding Observations # 31, # 32

~Child Welfare League Foundation~

I . Overview of the current situation

Our government officially established the Central Group of Child and Youth Representatives in 2020. Each year, three child and youth representatives will be selected by each county/city government. A total of 66 representatives will be selected and divided into three groups, Executive Yuan's Child and Youth Welfare and Rights Promotion Group, Ministry of Health and Welfare's Child and Youth Welfare and Rights Promotion Group and Ministry of Health and Welfare's Child and Youth Injury Prevention Promotion Group. There is an open recruitment of suitable non-profit organizations to empower the child and youth representatives and Child Welfare League Foundation, R.O.C. was selected from 2020 to 2022.

Inadequate expression of opinion for children and youth in the adult model

There are limited opportunities for child and youth representatives to voice opinions under the existing system. Meanwhile, participation from children and youth is difficult. This is partly because some cities/counties have yet to establish an open and fair selection mechanism. Another factor is that only few of the child and youth representatives are able to serve as formal committee members, attend meetings, and bring forward proposals. For example, in the Injury Prevention Promotion Group, children and youth can only attend and are unable to bring forward proposals.

Meanwhile, rules of procedure are centered on adult committee members. Children and youth must adapt to arduous rules of procedure and language of adult meetings in order to participate and make proposals. This makes involvement difficult. According to the end-of-term questionnaire survey that the trial group of child and youth representatives filled out in 2020, the top 3 most challenging things during the term were the development of proposals in a short period of time (56.7%), meeting schedule conflicts with school work and exams (50.0%) and unfamiliarity with the language and format used for proposals (30.0%). It is worth noting that the questionnaire survey was conducted when the child and youth representatives were just about to finish their term, which meant that they had already participated in a variety of empowerment programs and meetings. Still, 30% of the child and youth representatives were still unfamiliar with

the format and language used for proposals. This shows the difficulty for children and youth to adapt to the ways of adult meetings.

If the child and youth representatives lived in remote areas, had busy schedules due to school curriculums and important exams, or had teachers or adults who disapprove of their participation, it would make the exercise of the rights to be heard even harder for the child and youth representatives.

II. Comments on the 2nd State Report (#73)

It is a good start for national reports to clearly explain all the aspects of current efforts to encourage child and youth representatives to participate in regular discussions and decision-making mechanisms. However, there is a lot to be improved in practice. This includes the issues of transportation, scheduling and pressure from schools on meeting attendances by child and youth representatives. How to reduce the barriers to involvement is worthy of further planning.

III. Recommendations

1. Establishment of child-and-youth-friendly participation format

- a. It is suggested to consider the children's parliaments in other countries or arrange additional plenary sessions for children and youth to speak freely. The purpose is to avoid letting the formality of adults' rules compromise the children and youth's right to be heard. Suitable procedure rules and proposal formats for children and youth should be formulated, in order to incorporate the opinions from child and youth representatives during empowerment.
- b. Governments should consider diversifying the types of conferences and meetings by factoring in the transportation barriers, increasing the availability of venues, and exploring the possibility of online meetings.
- c. The scheduling of central meetings should take the dates of the national examinations taken by child and youth representatives into account. Appropriate adjustments should be made to encourage participation of child and youth representatives.

2. School support is of paramount importance

The Ministry of Education should advocate the importance of child and youth participation to schools at all levels, so the schools can provide support and assistance

to child and youth representatives to exercise the right to be heard. Schools should be a support, and not an obstacle to such right.

Part 3 Civil Rights and Freedoms

3.1 Violence Against Children – Child Protection Status (§3, §6, §19)

Concluding Observations # 56, # 57; Second State Report #113~ 114, #127~ 133

~Child Welfare League Foundation~

I . Overview of the current situation

1. Corporal punishment of children is common; regulations do not completely protect children from corporal punishment

Child Welfare League Foundation¹, R.O.C. conducted a survey in 2018 by randomly sampling the students from fifth grade to eighth grade in Taiwan regarding their experience of corporal punishment. According to the survey, 63.0% happened at home, 23.6% happened at cram schools or after-school care, 21.1% happened in school classes, and 11.6% happened at kindergartens. This indicates that it is common for children to receive corporal punishment in various places.

The spirit of CRC is to protect children from all forms of violence. Concluding Observations No. 56 and No. 57 of the Initial National Report suggest that corporal punishment at home should be banned by law, in order to implement CRC General Comment No. 8. However, the Civil Code of Taiwan allows parents to implement punishment “within the limit of necessity” and does not exclude corporal punishment of children from such a limit. In addition, Article 49 of the Protection of Children and Youths Welfare and Rights Act prohibits anyone from committing serious and improper treatment of children and youth such as physical and mental abuse. However, this article focuses on forbidding “serious” physical and mental abuse, which does not include general corporal punishment. As a result, there are no laws in Taiwan that places a ban on corporal punishment to protect the right of children in many settings such as in-house child care, infant care centers, placement organizations, reform institutions, after-school care and cram schools.

A number of severe corporal punishment cases occurred in infant care centers and cram schools during the past years. (For example, a nanny at the infant care center forced young children to take naps by physically forcing their bodies and hitting them on the head². A judo coach, angered by verbal confrontation from a boy, threw the boy to the floor repeatedly which eventually led to his death³). The laws do not prohibit corporal punishment in infant care centers and cram schools. Even if the rules against

corporal punishment are in place for schools and kindergartens, corporal punishment in school is still often reported by media⁴. This shows that the laws banning corporal punishment are not properly enforced.

2. Dramatic change in the secondary prevention system undermines the preventive function of child protection

During the recent years, the government gradually transformed the only nationwide secondary prevention system for children (i.e., high-risk family services) into the vulnerable family services (a.k.a. family empowerment or family support service) under the social safety net program. The original program is now divided into two: the high-risk cases are now included into Domestic Violence and Sexual Assault Prevention Center as the tertiary prevention for child protection and the low-risk cases are now incorporated into the vulnerable family services rendered by the government's community welfare centers. As a result of this transformation, social workers from the private sectors were no longer responsible for case management or solely focusing on child abuse prevention by providing supportive services to the families of child abuse risks. In the new system, social workers from the government are in charge of case management and expanding services to the those with mentally or physically disability, senior citizens, women, etc. Prevention of child abuse is not the only goal for the program anymore.

In general, this undermines the attention and dedication to the families with children and youth and dilutes the function of the original secondary preventive services for children and youth. As pointed out by the Control Yuan's report⁵, the drastic systemic change has caused a shortage of social workers and created insufficiently planned services for the preventive services for children and youth under the current social safety net. It is unable to handle the amount of cases. The hasty process of the program transformation has resulted in a high re-reporting rate. All these indicate the revamped system is ineffective and has taken a step back in terms of secondary prevention.

II. Comments on the 2nd State Report (#113~114, #127~133)

1. Comment on National Report's response to prohibition of corporal punishment at home (#127)

The National Report 127(b) indicates that it is not necessary to eliminate the parents' right to inflict punishment in the Civil Code of Taiwan. However, it does not

provide other proactive responses to the ban of corporal punishment within the family on a legal level. In other words, the government essentially does not respond to the suggestion in Concluding Observations No. 56 and No. 57 in the first report regarding the prohibition of corporal punishment at home. In fact, the prohibition of corporal punishment at home does not equate to the elimination of the parents' right to inflict punishment under the Civil Code. In Japan, where the national conditions are similar to those in our country, corporal punishment at home is banned with legislative amendment in 2019, but the parents' right to inflict punishment was not removed in the civil code. Rather, corporal punishment at home was banned via the amendment to the Child Abuse Prevention Law. To be specific, corporal punishment is beyond the "limit of necessity" of the parents' right of guardianship and education conferred by the Civil Code. The government may refer to Japan's experience in order to take proactive actions against corporal punishment at home.

2. *Comment on National Report's mentioning of other measures to prohibit corporal punishment (#129~133)*

National Report #129~131 mentions the prohibition of corporal punishment on campus. Attachment 5-25 lists that over 97% of elementary and junior high school students did not receive corporal punishment on campus over the years. This result is rather different from the findings that 21.1% of the students have experienced corporal punishment on campus, according to the aforesaid survey conducted by Child Welfare League Foundation, R.O.C. on the students from fifth to the eighth grades in 2018. Also, the survey by Humanistic Education Foundation⁶ in 2019 shows that 68.6% of the junior high school students have witnessed or experienced corporal punishment on campus. The statistics provided by the Ministry of Education underestimates the actual situation of corporal punishment on campus, possibly because of the way the survey was conducted and how the questions were asked.

National Report #127~133 also shows the inadequacy of the laws banning on corporal punishment in Taiwan. The prohibition of corporal punishment is only for schools and kindergartens. The law that prohibits corporal punishment at reform institutions is still under formation. There are no regulations against corporal punishment at home, in-house child care, infant care centers, cram schools or placement agencies.

3. *Comment on the transformation of high-risk family service program (#113~114)*

National Report #113~114 mentions the transformation of high-risk family services, the nationwide secondary prevention program for child protection. This is a major change in Taiwan's child protection policy. However, there has been no publication of reports or studies on the effectiveness of the service in the National Report after the nationwide program was divided into child protection and vulnerable families services. In the past, the number of cases, the percentage and the reasons of case intake under the high-risk family service were disclosed every six months on the website of Social and Family Affairs Administration, Ministry of Health and Welfare. However, the government has yet to publish any data on high-risk family services and vulnerable family services in the child protection system after the transformation in 2018. The first and the only statistics available is the extremely simplified data shown in National Report's Attachment 5-13, and such data does not provide comparability of the programs before and after transformation. The lack of transparency on the status of the service adds to our concern for the service quality and implementation.

III. Recommendations

1. Legislation and enforcement against corporal punishment of children in all settings

The government should accelerate the legislations or amendments that prohibit corporal punishment of children in all settings, including at home, in-house child care, infant care centers, placement agencies, reform institutions, after-school care classes and cram schools, in order to provide comprehensive child protection against violence on a legal level. At schools and kindergartens, where corporal punishment is already banned by laws, legal enforcement should be ensured via training, education and supervision of teachers and childcare personnel, and research, surveys and disciplinary actions addressing corporal punishment on campus.

2. A secondary prevention program exclusively for child protection and transparency of program assessment are required

The division of programs and the expansion of service after major adjustments to the child protection policy means that case management personnel no longer focus solely on child/family support services. As a result, the functions of secondary prevention service for child protection have been undermined. The government has yet to disclose the effectiveness of the alternative, the vulnerable family service program, after more than two years of implementation. This is in contrast with the previous and periodical publication of service data of the high-risk family service. The worrisome

and drastic policy change and the non-transparency of data may jeopardize the rights of children. We suggest that the government should reinstate the secondary prevention program and case management personnel exclusively for child protection, properly assess the services and regularly disclose the relevant statistics of the service.

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- ¹ Child Welfare League Foundation (2018) ° 2018 Survey of corporal punishment and related factors among children and children in Taiwan °
https://www.children.org.tw/publication_research/research_report/2235
 - ² Caregiver caught on camera suffocating baby in Taipei nursery
<https://www.taiwannews.com.tw/en/news/3671632>
 - ³ A 7-year-old judo student was slammed to the ground 27 times. He died months later
<https://www.washingtonpost.com/nation/2021/07/01/taiwan-boy-died-slammed-judo-coach/>
 - ⁴ Schools defying corporal punishment ban: survey
<https://www.taipetimes.com/News/taiwan/archives/2019/10/06/2003723470>
 - ⁵ Control Yuan's investigation report -2021 Social Survey 0019
https://www.cy.gov.tw/News_Content.aspx?n=125&s=21978
 - ⁶ Humanistic Education Foundation's (2019) questionnaire survey on campus
<https://hef.org.tw/20191003news/>

3.2 Children witness to domestic violence (§12, 19)

Concluding Observations: # 39, # 53; Second National Report # 111, #115~116

~Good Shepherd Social Welfare Foundation、
Taipei Women's Rescue Foundation~

I . Overview of the current situation

In 2015, Taiwan revised the Domestic Violence Prevention Act to have children witness to domestic violence (“witnesses”) under current protection system by formulating regulations regarding child protections and the involvement of children voice. However, while such efforts are supposed to strengthen child protection systems, the witnesses still face the following rights violations:

1. *Protection services for the witnesses are part of the domestic violence service, safety risks and psychological trauma the witnesses face are still easily overlooked.*

The current notification of witnesses is mainly through the domestic violence service. Children witnesses are only reported to the child protection service when they are being physical abused, otherwise, the witnesses are assessed by adult protective social workers of domestic violence service. Currently, information regarding how witnesses have gone through is mostly provided by their parents. The witnesses are not all, except for those under 6, entitled to social worker visits and assessment of their safety risks if they suffer from psychological trauma and have the needs of support or assistance.

2. *As appropriate assessment indicators are not in place; the witnesses are not guided to related services and resources that meet their needs.*

Based on the data collected by civic organizations and groups, it is estimated that more than 10,000 witnesses are reported every year, of which about 50% are referred to the education departments, 20% are referred to the social welfare organizations, and the 30% are under the same protection and follow-up systems as adults in domestic violence service.

With a large number of adult victims and witnesses, the witness case assessment is mainly based on the student identity and passed on to the education department. The cases that referral to social services, such as situations involving high risk family and frequent report to the authorities, could fail to make appropriate assessment, leaving

the witnesses unable to have the resources they need, because of lack of necessary or essential case indicators.

3. The judicial trials focus more on discretion on parental rights, and children's opinions are not always taken into consideration

According to civil organization statistics, about 30% of witnesses' case have entered the legal stage. Although the witnesses are able to express their opinions through the judicial procedure, the information they enquire is mainly in verbal form. The witnesses in young age or with special physical and mental disabilities may face challenges to express their feelings, and their opinions are thus easily overlooked.

In addition, the family courts attach importance to family harmony and Co-Parenting, so the court procedure focus more on the discretion of parental rights, judicial personnel may not be sensitive enough to grasp the specificity of domestic violence cases, the psychological trauma and safety risk of witnessing violence. Under the circumstances, the children's best interests and rights to be heard are difficult to be protected.

4. The judicial protection for visitation must be applied by adults, and the current service utilization rate is low

As visitation are often the battleground for high-conflict families, visitation should be evaluated and applied to necessary protective measures, such as supervised visitation. In most cases, however, such measures are mainly applied by adults, not the children.

From 2015 to 2019, only 106.6 cases¹ of protection orders issued each year relate to the visitations. It is estimated that the utilization rate of supervised visitation remains low, according to the Judicial Yuan statistics.

Parents who negotiate to have child visitation often get into conflicts which in turn makes the children once again suffer from psychological predicament of witnessing domestic violence or face "the loyalty dilemma" between their parents.

II. Comments on the 2nd State Report (# 111, #115, #116)

The second national report presents the overall child protection concept diagram of "The Social Security Network Plan" in Attachment 5-10, Articles 111 and 115 shows the government services and resources for the witnesses.

However, there is no relevant statistics and implementation data, which makes it difficult to assess whether the witnesses and their families receive resources and assistance in accordance with their needs.

Refer to Articles 83 of the initial national report, measures to safeguard children's right to express their opinions on family affairs were proposed, which involve private courts, the family investigators, and the guardian ad litem. Refer to Article 116 of the second national report shows statistics for the accompanied present in court. The implementation overview and outcome for above-mentioned judicial measures, however, are nowhere to be found, making it difficult to evaluate whether the implementation of each measure has managed to protect the legal rights and best interests of the witnesses.

III. Recommendations

1. Domestic violence protection personnel should enhance the professional knowledge training for witnesses to understand the impact of witnessing violence on children, implement safety and needs assessments, and connect to appropriate resources and services.
2. The domestic violence services should focus on the harm of witnessing violence on children and form a child protection cooperation mechanism.
3. The judicial personnel should conduct professional training concerning the witnesses, and when adjudicating parental rights arising from domestic violence cases, they should enhance their sensitivity to the physical and mental harm caused by the violence to children.
4. The judicial procedures for parental rights should subject to children to create children-friendly court, consult children's opinions, embrace diverse expressions, and value children's right to be heard and their best interests.
5. The court should evaluate and improve the applicability of supervised visitation based on the trauma assessment of the witnesses and the safety risk they face. The court should also include the children's willing into consideration and offer parent assistance and comprehensive services.

¹ The data is cited from the civil protection orders released by the local courts under the Statistical Office of the Judicial Yuan. <https://www.judicial.gov.tw/tw/lp-1268-1.html>

3.3 Sexual Exploitation

No related clauses in the Second State Report

~ECPAT Taiwan~

I . Overview of the current situation

1 .The narrow definition of sex trafficking in children

According to statistics from the Ministry of Health and Welfare, from 2017 to 2020, 22 foreign children have been sexually exploited, all of whom are female. The number of victims was increasing by years before the COVID-19 outbreak. Victimization includes engaging in sexual intercourse or obscene acts in exchange for monetary or other considerations, acting as a host/hostess in a bar or club, etc. However, only the former is mentioned as a form of sex trafficking in children under the Human Trafficking Prevention Act. It is obvious that the definition is too narrow to cover all the situations.

2. Lack of a comprehensive law about online grooming

In ECPAT Taiwan's victim support services, about 40% of the children are victims of online grooming. Children are groomed to send sexual images, be sexually assaulted, or be sex trafficked. Despite that, there is no comprehensive law to prevent online grooming in Taiwan. Thus, the relevant statistics are also lacking.

3. No specialized investigation unit for child sexual exploitation crimes

According to the statistics from 2017 to 2020 from the Ministry of Health and Welfare, about 70% of child sexual exploitation cases occurred online. At present, there is no specialized investigation unit for online child sexual exploitation in Taiwan. So far, the investigation of online sexual exploitation cases is carried out by the 9th Investigation Corps in Criminal Investigation Bureau, National Police Agency and only about 30 law enforcement officers are dealing with all types of cyber-crimes, furthermore, without the specialized investigation unit, law enforcement officers cannot accumulate experience, gain knowledge and learn skills, making them unable to handle the increasing online child sexual exploitation cases. As a result, the urgency of investigating child sexual exploitation crimes is easily neglected.

4. Ignoring the seriousness of self-generated sexual materials involving children

According to statistics from the Ministry of Health and Welfare, in 2019 and 2020, 59% and 78% of child sexual exploitation cases are about sexual exploitation materials

or sexual extortion. Even though self-generated sexual materials involving children have become a serious issue, the Government has not yet provided enough education or training to professionals, parents, and children.

II. Comments on the 2nd State Report

Although the Child and Youth Sexual Exploitation Prevention Act was amended in 2015 to expand the scope of protection of children, children who are exploited to act as a host/hostess in a bar or club, or engage in acts associated with tour escort and singing or dancing companion services that involve sexual activities, cannot be seen as the victims of sex trafficking on the basis of the Human Trafficking Prevention Act.

Moreover, no proactive prevention programs or investigation actions about the increasing online child sexual exploitation initiated by relevant government departments, including the Ministry of Education, the Ministry of Justice, and the Ministry of the Interior was mentioned in the Second State Report. All the facts show that the Government does not take the initiative to make policies on protecting child from sexual exploitation, causing children to be exposed to high-risk environments.

III. Recommendations

1. The Human Trafficking Prevention Act should be amended, replacing “sexual transaction” with “sexual exploitation”. By sharing the same definition as the Child and Youth Sexual Exploitation Prevention Act, the law will be able to cover all types of sex trafficking and effectively protect children from sex trafficking.
2. Online grooming should be seen as a separate crime. The Government should make a comprehensive law and allow law enforcement officers to step in immediately when online grooming happens, to effectively protect children from sexual exploitation.
3. The Government should establish a specialized investigation unit for child sexual exploitation crimes. With specialized personnel and budget, the investigation unit can carry out investigations and cooperate with other departments to prevent child sexual exploitation.
4. The Government should attach importance to child sexual exploitation, including distribution and sexual extortion of self-generated sexual materials involving children. Meanwhile, the Government should improve the education and training about online child sexual exploitation to teachers, social workers, and other professionals working with children. Additionally, the Government should improve the digital literacy of parents, children, and educators.

3.4 Violence Against Children – Bullying (§2, §3, §6, §12, §13, §29)

Concluding Observations #54~55; Second National Report #15, #134~137

~Child Welfare League Foundation~

I . Overview of the current situation

The reported number of campus bullying has been increasing steadily as a result of advocacy over the past years. Along with the enforcement of the Guidelines for Preventing Bullying in Schools, it has led to some changes of the definition of bullying and the handling of bullying cases at present.

1. *Current situation of campus bullying not clear*

The reporting statistics from the Ministry of Education is the only data on the current status of campus bullying in Taiwan. According to this data, there were only 224¹ confirmed cases of campus bullying in 2020. Obviously, many cases were left out of these statistics. In fact, the Ministry of Education conducts two campus-life questionnaire surveys each year on campus bullying but never discloses the results. The current status of campus bullying in Taiwan is unclear.

2. *Addition of “bullying by teachers” in Guidelines for Preventing Bullying in Schools*

The fifth paragraph of Article 3 of the Guidelines for Preventing Bullying in Schools defines that “bullying of students on campus and off campus by school masters, teachers, employees, janitors and students from the same school or different schools (hereinafter referred to as ‘faculty, staff, and students’).” However, teachers and students are in an unequal power relation to begin with. This is obviously not consistent with the international definition of bullying.

3. *Incidence of cyberbullying on the rise, but there are no comprehensive preventive or supportive mechanism*

As shown in the 2020 survey conducted by Child Welfare League Foundation², R.O.C., nearly half (47.0%) of the junior and senior high school students were involved in cyberbullying. This percentage is alarmingly much higher than the 22.2% in 2016. Among the respondents, 28.9% of them indicated that they have cyberbullied others and 36.3% of the respondents have been targets of cyberbullying. The survey by NTU Children and Family Research Center³ suggests that 10.2% of the sixth-grade students

in elementary schools (in 2016) and 16.5% of the students in the second year of junior high schools (in 2018) encountered cyberbullying from peers. Among these two cohorts, 5.8% and 13.3% of the respondents indicated that they have been cyberbullies. These numbers suggest there is an increase in the incidence of cyberbully as children and youths get older and Internet access becomes universal.

As far as support and handling of cyberbullying are concerned, cyberbullying materials are primarily removed and dealt by the Institute of Watch Internet Network (iWIN). However, most cyberbullying occurs among classmates who know each other well. Mere removal of contents without dealing with the conflicts between students will only address the symptoms, and not the root causes. Moreover, the online reporting of scoops from anonymous sources is popular in Taiwan. Without specific evidence indicating the identity of the cyberbully, it is difficult for the school to intervene and the student is left with no help.

II. Comments on the 2nd State Report (#16, #158)

National Report focuses on the amendment to the Guidelines for Preventing Bullying in Schools (#15) in 2020. However, not much is addressed in the report (#134-137) about the previous Concluding Observation (No. 54). The addition of teachers' bullying of students in the guidelines is different from the international definition and the responding strategy is also not suitable. The report also failed to reply to the questions raised in the 2017 Concluding Observations regarding the methods of the campus life questionnaire survey on bullying.

III. Recommendations

1. Incorporating suggestions from children and youths in the adjustment of survey methods

The government should adopt the opinions of the 2017 Concluding Observations by taking a serious look at the experience of children and youths who filled out the campus life questionnaire, in order to modify the survey methods. Survey results should be published, so as to enhance the mechanism of handling and assisting with bullying case.

2. Amendment to stipulations in relation to teachers' bullying of students in Guidelines for Preventing Bullying in Schools

The Guidelines for Preventing Bullying in Schools covers teachers' bullying of students. However, this is different from the international definition of bullying and it takes up administrative resources of schools. Given the unequal power relation between teachers and students, it is not suitable to include teachers' bullying into the Guidelines for Preventing Bullying in Schools. An amendment is suggested to revert to the mechanism of handling incompetent teachers when dealing with teachers' bullying of students.

3. Focus on prevention of cyberbully and the support mechanism

The protection based on iWIN's processing of webpage contents is not enough. It is necessary to enhance the capability of teachers in handling matters on campus. Measures to prevent cyberbully include the support to bullies and victims and enhancement of students' Internet etiquette. The legislative amendment in Japan is a good example of assisting schools to investigate and support by simplifying the procedures for victims to apply to Internet platforms for the data of those who make defamatory comments.

4. Review of the current status of support for students

The current mechanism is focused on reporting and investigating. Concluding Observation No. 54(4) mentions that there are no reports on the effectiveness of support to and recovery of the students involved in bullying. A review of the current status of how schools handle and investigate bullying cases is recommended. This includes if a supportive perspective is applied during the investigation process, whether relevant assistance and recovery are implemented for students and how effective the support measures are.

¹ Statistics on the reporting and confirmation of campus bullying cases in different academic systems according to Attachment 5-28 (Article 135) of the second CRC National Report Convention-Treaty Specific Document (page 87)

² Child Welfare League Foundation R.O.C. conducted a paper-based questionnaire survey with stratified multi-stage cluster sampling. The survey was on the sampled age group of 13 to 17 years old in proportion to the total population in different cities and counties of Taiwan. A total of 1,702 questionnaires were issued to 30 schools and 1,589 effective responses from students were selected, at a recovery rate of 93.4%. The confidence interval was 95% and the error was no more than $\pm 2.46\%$.

³ NTU Children and Family Research Center has conducted five surveys since 2014 to follow up on stratified and randomly sampled 6,290 children and youths in Taiwan.

3.5 Children and youth Helpline

Second State Report #70

~World Vision Taiwan~

I . Overview of the current situation

Most of the current children and youth protection services are passive and involuntary, or although there is a willingness to serve, the consent of the guardian is still required, which may prevent children and youth from receiving professional or emergency services immediately. The right to be protected is important for children and youth to understand the channels for seeking help, and to develop the ability to actively seek help. Therefore, it is important to understand the behavior of children and youth and their ways of coping with crisis events or solving problems. However, Currently, Taiwan is run by the government and the service content includes the consultation hotline in the field of children and youth's assistance. The service data has not been released. It is impossible to know the proportion of children and children and youth who actively seek help, the content of assistance, and it is difficult to assess whether this channel of assistance is timely, accessible and appropriate for children and youth.

At present, the special lines run by the government in Taiwan and whose service content includes the scope of children and youth assistance are: (1) 113 protection line, which provides consultation, notification and emergency rescue services for protection issues such as children and youth protection, domestic violence, sexual assault, sexual harassment, etc. in Taiwan; (2) 1925 Anxin hotline, which provides 24-hour telephone psychological counseling services for the public; (3) 0800-200-885 campus anti-bullying hotline. In Articles 20 and 63 of the concluding observations of the first national report, members suggested that a national-level data database should be established and the effectiveness of dedicated line services and notification mechanisms should be monitored. Age, gender, urban and rural distribution, identity and sexual orientation are classified to ensure the integrity of children and youth's assistance needs and data, and it is recommended that the government monitor and evaluate the effectiveness of the services provided to children and youth, including seeking assistance for children and youth through dedicated lines rate and effectiveness.

II. Comments on the 2nd State Report (#70)

The national report states that the National Suicide Prevention Center has studied and analyzed the suicide death trend of children and youth in the past 10 years, and has analyzed the variables of various school-age groups of children and youth, and has continued to promote the linkage of cross-ministerial databases to evaluate relevant factors.

In addition to suicide prevention, the report does not explain and analyze the 113 protection hotline, school bullying, and cyberbullying children and youth's initiative to seek help. The statistics of children and youth's initiative to seek help from the government's hotline have not been publicly released, so it is impossible to know the children and youth. It is difficult to understand the appearance of Taiwan's children and youth's help line and the dilemma of children and youth's help-seeking, and it is difficult to evaluate the effectiveness of monitoring the services provided to children and youth.

III. Recommendations

1. It is suggested that the government can provide systematic statistical data on the 113 hotline, the 1925 Anxin hotline and the 0800-200-885 campus anti-bullying hotline on the CRC data platform, including gender, age, county and city distribution, ethnic group, and asking for help. categories, etc., to understand the pattern of children and youth people seeking help, and to further examine the monitoring mechanism and notification procedures.
2. Based on the convenience and sense of security for children and youth, as well as from the viewpoint of children and youth, it is recommended that the government evaluate the use habits of the general public and children and youth in the current communication network, and also suggest that online help reporting methods can be added. To safeguard the right to protection of children and youth's rights.

Part 4 Family environment and alternative care

4.1 Family Environment and Alternative Care–Divorce (§9)

Concluding Observation #39; Second State Report #149-150

~Child Welfare League Foundation~

I . Overview of the current situation

Official statistics indicates that in 2020 alone, more than 51,000 couples divorced and 56,045 children and youths saw changes of guardianship as a result. As many children and youths are deeply affected by the divorce of their parents, ensuring the best interest of children and youths is an important issue that cannot be avoided.

1. No protection of the right of children and youths not to be separated from parents under the current laws on divorces

According to relevant articles in the Civil Code, the Protection of Children and Youths Welfare and Rights Act and the Family Act, parents do not need to decide on the guardianship and the care plan for minor children at the time of divorce. As a result, children and youths are unable to maintain good interactions with the parent that is not living with them. According to the 2020 survey by Child Welfare League Foundation¹, R.O.C., more than half of the children and youths with divorced parents say that their parents were not on good terms or not even on speaking terms. The statistics on divorce consultation during the same year shows that 55.34% of the callers encountered visitation problems. This shows that it is challenging for divorced families to maintain parental love.

2. Inadequate divorce support services

The Social and Family Affairs Administration, Ministry of Health and Welfare, started to include community and family consultation into the social safety net in 2019. However, only 13 civil society groups provided relevant services during the year. In 2018, only eight civil society groups with a total of 63 professionals offered community and family consultation². This is obviously not sufficient given the increase of nearly 50,000 divorced families each year in Taiwan. The Social and Family Affairs Administration, Ministry of Health and Welfare started to officially implement community-style family consultation services in 2020. A total of 327

families were provided with relevant services from January to June. The effectiveness should continue to be monitored.

3. Insufficient relevant data

There is a lack of information on minor children of divorced families. Hence, it is difficult to understand the current status and needs of the children and youths of divorced families.

II. Comments on the 2nd State Report (#149-150)

“Implementation Plan for Community-Style Family Consultation Services” was commenced in 2020. Local governments collaborate with civil society groups to advise parents to focus on the interest of children and assist them with parental rights, disputes over sharing of costs, parental roles and responsibilities via discussions and consultations. Updates of implementation in different cities and counties and detailed statistics on the services and effectiveness are not yet available.

III. Recommendations

1. Revisiting the divorce system to accommodate guardianship and raising of children and youths

The divorce system should be revisited in order to prompt the proper handling of guardianship and raising of children and youths before divorce and ensure the rights of women and the best interests of children. The training of judicial personnel such as judges and social workers should be enhanced. The role of the guardian ad litem should be strengthened to ensure the right of children and youths to be heard in divorce decisions (such as visits and guardianship).

2. Accessible community-style divorce consultation and family mediation services

According to the Protection of Children and Youths Welfare and Rights Act and the modification of relevant policies, services in the planning of parenting rights for minors should be offered at cities/counties for divorces or disputes over parenting rights. Assistance is provided to parents according to the Civil Code in the exercise of rights and the undertaking of burdens for minor children in order to protect the best interest of the children. This encompasses the selection of the person for the exercise of rights or the undertaking of burdens for minor children, the contents and methods of child-raising obligations, the protocol and the type and duration of family mediation.

Once both parents have agreed, a care plan for minor children is produced and logged with household registration offices for legal validity, in order to protect the right of children not to be separated from parents in CRC.

3. *Establishment and publication of data and statistics on children with divorced parents*

It is necessary to regularly disclose relevant numbers on the children with divorced parents in the country. This includes the number of divorced families, age distribution of minor children, the status of guardianship, cohabitation and services received.

¹ Child Welfare League Foundation, R.O.C. (2021). 2021 survey on children and youths regarding how they felt after the divorce of parents.

² Chiung-Tao Shen (2019). Review Project on Effectiveness of Consultation Services to Minor Children and Parents in Divorce Cases, report commissioned by the Social and Family Affairs Administration, Ministry of Health and Welfare.

4.2 Illicit Transfer or Non-Return of Children Abroad (§10, §11)

Concluding Observations #40~41

~Child Welfare League Foundation~

According to Second National Report's Attachment 6-40, based on the data submitted by the Ministry of Health and Welfare, a total of 980 children and youth were illicitly taken from homes from 2016 to 2019. Among these children and youth, 22.04% were taken out of the country and 7.25% have unknown whereabouts. As the government policy is unable to prevent illicit transfers, the public is inadequately aware or incentivized to report illicitly transferred children. Meanwhile, with the limited diplomatic resources available, family members searching for children are likely to find themselves alone and unsupported. In sum, it is difficult to help the illicitly transferred children and youth return home.

I . Overview of the current situation

1. Unknown number of illicitly transferred children and youths; statistics not showing the real picture

According to the statistics from the Ministry of Health and Welfare, there was a total of 1,419 reported cases of children illicitly taken away by relatives and family members from February 2014 to September 2019. Among these, 8.52% of the children were taken to China, Hong Kong or Macau, 11.35% to Vietnam, 2.33% to Indonesia and 2.89% to other countries¹. There has been no open information or analysis on the details of the illicitly transferred children. The publicly available data on the National Police Agency's website does not include whether the illicitly transferred children have left the country or not. It is hence difficult to conduct a comprehensive assessment or establish relevant system.

2. Reporting mechanism not properly implemented due to inadequate public awareness or incentives

Whilst the spirit of the Hague Convention on the Civil Aspects of International Child Abduction has been incorporated into relevant operating procedures in Taiwan, the public still thinks an illicit transfer of children and youths is a family matter, not a missing person case. Meanwhile, the reporting for illicit transfer of children and youths is not mandatory and there are not enough incentives. The police is also less likely to file the reporting or open investigation. As a result, it is difficult to effectively carry

out the reporting system and understand the actual situation and the number of cases. An inquiry on the National Police Agency's website showed that 319 cases of missing children left homes with parents during the first nine month of 2021. However, during the same period, only 113 cases were reported to the Missing Children Data Resource Center.

3. Current passport application cannot prevent illicit transfers

Article 31 of the Immigration Act stipulates that a foreign spouse can only retain residency after a divorce if he or she acquires child custody. This is the reason why the parent who is a foreigner tends to take children back to his/her home country in the process of fighting for custody. Under the current Passport Act, either parent can apply for passports of minor children. This allows a parent to apply for passports of minor children without consent from the other parent and illicitly take children abroad.

4. Limited resources provided by Ministry of Foreign Affairs; family members left helpless in the search of children overseas

The Ministry of Foreign Affairs requires citizens to provide specific addresses of the minor children illicitly taken overseas. In Taiwan, there is no organization that helps relatives contact and meet with children overseas. As a result, Taiwanese family members desperately searching for children are likely to feel helpless and fall prey to fraudsters.

5. Hague Convention on the Civil Aspects of International Child Abduction yet to be signed; no proper implementation of mutual legal assistance

The MOU between the AIT and the TECRO in the US has been signed for Cooperation on International Parental Child Abduction (IPCA MOU). However, the main destinations of Taiwanese children and youths illicitly transferred are China, Hong Kong and Southeast Asia. The political factors are standing in the way of searching and visiting mechanisms. Whilst Taiwan and Vietnam have signed "Agreement between the Taipei Economic and Cultural Office in Vietnam and the Vietnam Economic and Cultural Office in Taipei On Judicial Assistance in Civil Matters," there is no implementation regarding illicit transfer of children and youths. Even if the court in Taiwan has decided on the custody, the mutual assistance agreement can only help in investigating and has no legal basis to mandate that the children and youths return to Taiwan. The agreement essentially exists in name only.

II. Comments on the 2nd State Report (#176-179)

1. Attachment 6-40, #177: According to Second National Report's attached data provided by the Ministry of Health and Welfare, a total of 803 families had children and youths illicitly transferred from 2016 to 2020. Among these children and youths, about 11.83% come from families with new immigrants from China, Hong Kong or Macau, 15.94% from Vietnam, 2.37% from Indonesia, and 3.61% from other countries. A relatively high percentage of the children and youths were illicitly transferred to China/Hong Kong/Macau or Vietnam, compared to other destinations. However, currently, the relevant policies have not effectively addressed the situation regarding these regions and ethnic groups. Meanwhile, the data has not been disclosed on regular basis and the reported destinations are unspecific. It is hence difficult for civil society groups to monitor the government.
2. #179: Although the IPCA MOU has been signed with the U.S., most of Taiwanese children and youths illicitly transferred are to China/Hong Kong/Macau or Vietnam, according to the data from the Ministry of Health and Welfare. The political factors in relation to China/Hong Kong/Macau are standing in the way of improving searching and visiting mechanisms. Whilst the Taiwan and Vietnam have signed "Agreement between the Taipei Economic and Cultural Office in Vietnam and the Vietnam Economic and Cultural Office in Taipei On Judicial Assistance in Civil Matters," there is no implementation regarding illicit transfer of children and youths or responses to the ethnic group issues associated with illicit transfer of children and youths.

III. Recommendations

1. *Proper implementation of the reporting mechanism and regular disclosure of relevant statistics*

Although the Procedures of Assisting the Search of Missing Minor Children Illicitly Taken from Homes by Parents or Relatives in place are not mandatory, the government should require the reporting of the missing children illicitly transferred by relatives (regardless if the children are in the country or not), in order to facilitate professional handling by judicial personnel and social workers and protect the safety of these children and youths. In addition, the detailed data or analysis on the children and youths illicitly transferred should be disclosed on a regular basis. This will help the civil society to monitor the government and assist in policy assessment or system planning with specific statistics.

2. Amendment to the Passport Act

It is suggested that the consent of both parents is required to apply for passports of minor children. The abusers under domestic violence protection orders may be excluded. The practice in the U.S., Canada and Ireland can serve as a reference.

3. Enhanced assistance from domestic judiciary and international diplomacy

When the Taiwanese go overseas in search of children, the Judicial Yuan should assist in the investigation of parental right related litigations. The foreign offices of the Ministry of Foreign Affairs may help with translation, negotiation with foreign government agencies, searches, visits and meetings. Regular convening of meetings in reference to the IPCA MOU can encourage mutual communication. Meanwhile, the function of the mutual assistance agreements in place should be enforced and legal professionals should be available to help from both countries. The purpose is to let the illicitly transferred Taiwanese children and youths return home.

4. Enforcement of the Hague Convention on the Civil Aspects of International Child Abduction to facilitate international cooperation

The Taiwan government should proactively pursue the signing of the Hague Convention on the Civil Aspects of International Child Abduction, in order to facilitate formal cooperation with other countries.

¹ 2019 Discussion and Case Studies of Minor Children Illicitly Transferred by Parents/Relatives and Missing; organizer: Social and Family Affairs Administration, Ministry of Health and Welfare, implementor: Child Welfare League Foundation, R.O.C.

4.3 Family Environment and Alternative Care — Adoption (§20, §21, §8)

Concluding Observation No. 50; Second State Report #112-113, #207-211

~Child Welfare League Foundation~

The statistics on adoptions in Taiwan over the recent five years indicate that the number of children and youths waiting to be adopted is 1.3 times of the previous number. However, the number of children and youths who completed the adoption process is on a gradual decline. More than half of these children and youths (51.7%) were adopted abroad and close to 70% are children and youths with special needs. As Taiwan is facing the crisis of low birth rates, the government should pay attention to the care of children with special needs by formulating policies to support adoptive families, reduce the risk of termination for domestic and intercountry adoption and assist the parties with root search.

I . Overview of the current situation

1. Higher percentage of terminated adoptions by close relatives and stepparents in Taiwan

Concluding Observation No. 50 indicates a relatively high percentage of termination for adoptions by close relatives and stepparents in Taiwan. According to domestic research and statistics, the primary reasons for termination of adoptions are the divorce of adoptive parents, disappearance of adoption reasons, parenting issues, and health of adopted children. The disappearance of adoption reasons includes the adoption serving in the interest of adults, and not out of the necessity of the children.

2. Difficult for children with special needs to be adopted in Taiwan

Although the government invests a small amount of resources on advocacy via the media or offers measly subsidies to adoption related services, no national policy or substantial assistance has been put in place. In fact, it is difficult to match domestic adopters with children with special needs. As a result, the children with special needs need to stay in the placement system for a long time or have to be adopted overseas.

3. Risk factors remain after adoption

Statistics suggest that the three major reasons for the termination of adoption not by blood relatives in Taiwan from 2012 to 2018 are divorces, the disappearance of reasons for adoption, and parenting issues. This shows that risk factors for termination

still remain after the adoption and could make the children and youths face another loss of dependency.

4. Inadequate protection from intercountry adoption policies

When foreigners living in Taiwan wish to adopt a child, the adoption procedure needs to comply with Taiwan's laws or the foreigner's home country will not approve the adoption. If the adopters wish to apply for citizenship of their home country for their adopted child, they have to refer to the adoption and immigration laws in their home country, and the actual application process will take at least 18-24 months. During this time, the adopters have the right to take the adoptee away from Taiwan anytime, creating the risk of the adoptee having undetermined nationality, and could even be a loophole for human trafficking. Countries all over the world have regulated relevant policies to provide better protection for internationally adopted children such as only allowing its citizens to adopt children who are from the countries in the "The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption" or the sending countries can only send children to the receiving countries that have signed a treaty with them. Due to its peculiar political circumstances, Taiwan is not part of the Hague Convention and the current intercountry adoption policies in Taiwan offer insufficient protection to internationally adopted children.

II. Comments on the 2nd State Report (#112~113, #207~211)

1. Root searching services: (#113)

The root searching journey is complex and requires cross-agency cooperation in social and administrative affairs, foreign affairs, police administration and household registration agency. However, since the passage of the Information Management and Regulations of Child and Juvenile Adoption in 2005, there has been no establishment of a management committee and not a single meeting has been convened. In addition, since the inclusion of root searching into the Protection of Children and Youths Welfare and Rights Act in 2019, relevant government agencies have yet to create a systematic mechanism to assist with root searching. Although the central government has established the Child and Juvenile Adoption Information Center for safekeeping of adoption data, there is no mechanism to assist the victims of child trafficking

returning to Taiwan in search of birth parents. As a result, the searches are difficult to progress.

2. Promotion of domestic adoption of children and youths with special needs and post-adoption services:(#208 · 209)

CRC General Comment No. 14 defines that in adoption, the decision-makers need to allow children to retain their religions, languages and cultures as much as possible, in order to adhere to the best interest of adopted children. Despite the incorporation of the prioritization for domestic adoptions into laws in 2003, there has been no policy to encourage adoptions by the Taiwanese people. In the Second National Report, the government mentioned that the adoption of children with special needs are implemented via matching services and have assisted the matching service providers with development measures and program. However, the matching service providers are all civil society organizations, which means that the government itself has not implemented any relevant policies. Adopted children due to early adversity, have physical/mental needs. As a result, the adoptive parents tend to be mental/physical exhausted easily given a lack of resources and hence, terminate the adoption.

III. Recommendations

1. Review of adoption necessity assessments and enhancement of pre-adoption preparatory education

It is necessary to enhance the professional training of social workers and judicial personnel and strengthen the consensus across professional domains in order to strengthen the necessity assessment of adoptions not by blood relatives or adoptions by close relatives or stepparents. This reduces the non-necessary adoptions of children and youths and avoids the adoptee facing another unstable and uncertain situation when the reason for adoption vanishes. Legislative amendment is also advised so that adopters have to receive parenting preparation education, which would help increase their readiness for adoption.

2. Increase the likelihood of domestic adoption for children and youths with special needs

The government should proactively formulate national policies, provide more support and protective measures for adoption, and work with adoptive families to jointly take care of children with special needs. The suggested welfare policies are as

follows: Medicare and benefits for adopted children with special needs (e.g., priority to public childcare centers or kindergartens), tax incentives or special allowances for adoption.

3. Strengthening supportive resources to adoptive families

To avoid the risks of repeated loss of dependence for adopted children and youths, the government should enhance post-adoption services and resources on multiple fronts, in order to provide supportive services required by adoptive families in medicare, education and psychological consultations. We further suggest that the central government should develop protective and follow-up policies for children and youths whose adoptions are terminated.

4. Enhancement of policies and relevant legal procedures regarding intercountry adoptions

To avoid letting the internationally adopted children and youths face the risk of undetermined nationality, loss of dependence, re-adoption without termination and human trafficking, it is suggested that the central government should review the current intercountry adoption process and follow-up policies. The central government should also proactively clarify how to handle the situation when the adoption laws of a foreigner's home country are at odds with Taiwan's adoption process. The social and administrative affairs, judicial and foreign ministry agencies should come together to discuss the follow-up protective measures and relevant legal procedures of intercountry adoption in order to ensure the rights of the internationally adopted children.

4.4 The Placement for child protection

Concluding Observations #45~46; Second State Report #152~153, 160, 165, #168~170

~Good Shepherd Social Welfare Foundation~

I . Overview of the current situation

Since the first national report was released in 2017, the government stipulated related procedure to prevent parents who are not economically sufficient or unable to raise their children from making arrangement for their children by their own. In practice, there are still many vulnerable families who are unable to support their children and are economically disadvantaged. These children, thus, enter the protection and resettlement system by means of temporary or outsourced resettlement.

Although the rate of parents able to arrange replacement for their children has lowered, the overall number of children resettled outside their home remain almost the same, which highlights the implementation of children's protection policies facing issues such as the lack of family support, family connection maintenance and related reorganization efforts. On the other hand, from the data cited in the national report, it is indicated that the rate of children arranged to be taken care by their relatives or foster care has increased.

To response, the national policy aims to promote alternative care based on family environment. The order of placement goes as: relative care, foster family, and institution placement. When children reach their or when the relative care or foster families are deemed unable to support them, the children will be put under the institution placement system.

However, the government is short of information or analyses regarding the cause of the arrangement of children under the alternative care system, which leads to neglect of the multiple replacement facing these children, resulting in systemic trauma, especially in cases that involve juveniles.

The ill-functional side of their family is also observed in the process of children's return to their home. When family members or relatives of the children come along. However, the authorities lack adequate preparations for the family reorganization work (for example, the ability, willingness to take care of the children's value system and attitude) and also for the children' home returning.

As a result, the rate of children leaving after their home return is high, and the inconsistency of the community support and services after their return puts these children at a high risk situation and are neglected by the system.

II. Comments on the 2nd State Report

1. Statistics listed in Annex 6-26 of the report show that although the proportion of cases involving self-arrangement by parents has decreased over the years, the overall long-term children resettlement number has not changed much, indicating that the rate of children resettled outside their home has not significantly lowered.
 - a. How does this procedure ensure the sensitivity training and assessment review by the authorities for self-arrangement placement? Have relevant services and support been provided to the family before the resettlement assessment is made for the children? What is the treatment for the parents of the resettlement families? How many children return home after receiving temporary or protective resettlement? How do the authorities ensure that families are provided with adequate service rather than passively relocating these children in the families.
 - b. The number of children aged 12-18 who receive long-term resettlement is decreasing year by year, it is therefore acknowledge the current development of supporting measures for self-reliance measure. However, the community and self-reliance transition resources in different counties and cities differ greatly (which is more visible in residence/economic resources). In some counties and cities, for example, there are self-reliance dormitories/houses, but some do not. Social workers of these counties and cities have mentioned that it is hard to seek dormitories and resources are unevenly distributed.
2. Family work and supporting measures and resources should be implemented or used when entering the alternative care system. The aim is to allow children to return home. However, in fact, the rate of children returning home has been decreased yearly (statistics regarding the reasons for cases of children and juvenile institutions are in the national report's Annex 6-27, the second point).

We learned that the rate of children who left home after the institutional resettlement was high. They leave home and live in the community in about three to six months after leaving the institutional resettlement. As the community is short of supporting resources, we learned that children with special needs and mild intellectual disabilities are more likely to be marginalized. We also learned that they are quicker to

depend on men or get married at a young age and face high risk of exposing to sex industry

In addition, the number of children receiving long-term child placement (longer than 2 years) is high, according to the statistics in Annex 6-23 of the national report. It says more than 50% of the institutions have placed children for more than 2 years. In particular, the younger the children were when they were resettled, the higher the proportion of them receiving long-term resettlement. Besides, the authorities lack long-term counseling plans and related concepts for long-term resettlement for children.

3. The 153rd comment of the national report mentioned that family reorganization services, which provide for children and their families who are resettled outside their home, assist the original family to enhance the caring and parenting capacity and restore the children-family relationship and arrange family visit during the resettlement period, and provide gradual homecoming services, etc.....

However, in fact, the related standards and practices of each county and city varies and the difference is large. According to the chart of “the handling of child protection cases” in Annex 6-16, when the authorities conduct an assessment and decision-making meeting on children’s home coming procedure, institution representatives and children are not always to be invited to participate.

Even if they are invited to attend the meeting, they have no chance to speak. They are often informed of the meeting conclusion and requested to be prepared for the children to return home within a short period of time (2-3 months).

Even if the representatives and the children know that the children are yet ready to return home, they are told that because the children cannot be placed for a long term and deal with arising problems after the children’s return.

III. Recommendations

- 1. Proactively provide specific and long-term assistance measures for the long-term resettlement of children and cultivate their self-reliance ability:*

Children in long-term resettlement face great challenges when they leave the protection and resettlement institutions as they are short of knowledge concerning life. The challenges involve a variety of aspects, including economics, living and psychological adaptation, employment, and education, housing, medical care and counseling resources. When children return home or live independently in the

community, they still are in need of national policies to assist their family and community life. In addition to doing the follow-up care, more specific and active follow-up measures must be established to build a safety net for those children who are no longer in the protection and resettlement.

2. Implement the reorganization of family support to help children recover from trauma:

Children placed in settlement are often in their teenage years when the resettlement comes to an end. In practice, if family rectification cannot be effectively implemented during the period, issues of domestic violence will arise after their home return because their families are not ready for the arrangement, resulting in a situation where two sides unable to understand each other and create an environment where the children are more likely to be traumatized again.

Therefore, we call for gradually promoting the maintenance of parent-children relationship during the resettlement period, so as to effectively connect the family relations after the children's home return. Such work will not reach its expected aims only by a couple times of meetings and dialogues, but creating opportunities for both sides to restore their relationship.

3. Include the ideas and opinions of children in decision-making arrangements, so as to reduce and ease the harm to the arrangement or being put in-between places that will bring to the children.

At present, the sensitivity regarding CRC and resource gap among social workers in various counties and cities differ greatly, such differences and inconsistencies have harmed the rights of children in the decision-making procedure of resettlement.

The authorities thus have the responsibility to assist counties and cities to improve relevant measures and raise the awareness of children's rights, to avoid inappropriate treatment of children that is caused by the related system's inconsistency.

4.5 Kinship Care

Second State Report #159, #160

~World Vision in Taiwan~

I . Overview of the current situation

In Articles 43 and 45 of the Concluding Observations on the Initial Report of Taiwan, the Review Committee suggests that the Government examine the extent to which an ongoing increase in kinship care can be facilitated by alleviating certain onerous requirements regarding eligibility and access to subsidies for potential kinship carers, and promote and facilitate the use of family-based alternative care, in particular kinship care. However, currently in Taiwan, the kinship care is hard to find due to low willingness. It accounts for a lower proportion than foster care and institutional placement. According to the statistics of the Ministry of Health and Welfare (MOHW), the percentage of kinship care increased from 6.25% to 8.28% from the year of 2017 to 2019, which was somewhat inconsistent with the content of Point 158 of the first national report. The main reason is that the government does not provide sufficient support measures to kinship care, such as case management, financial assistance (replacement costs), supportive service programs (respite care service, psychological counseling), education and training (care and upbringing knowledge and skills), etc. What can only be relied on is the assistance from child and adolescent protection social workers and kinship care social workers. With regard to financial assistance, in some cities and counties, kinship carers do not get as much financial support as foster carers. As for supportive service programs and education/training, the current kinship carers, again, obtain less resources and support when they require to practice at work, and most of them can only rely on the help from the bureau that takes over and the social worker in charge.

In addition to the lack of supportive assistance provided by the government, the difficulties faced in kinship care since the Initial Report of Taiwan include:

1. Foster care and kinship care are handled by different competent authorities, which results in different policies and specifications.

Currently in Taiwan, the business of foster care goes to Social and Family Affairs Administration, MOHW, while that of kinship care goes to the Department of

Protective Services, MOHW. Because they belong to different competent authorities, there are regulations and measures in terms of policy formulation, support service provision (such as foster care fee subsidy standards, professional training programs, etc.), and work modes, which cannot be consistent.

2. In Taiwan's national context, it is difficult to integrate the economic, caregiver Characteristics, as well as legal and practical aspects of kinship care.

In terms of Taiwan's culture where kinship support is important, most of the current kinship placements are considered informal resources and are often requested in the name of ethics, kinship, traditional concepts and culture.

However, because of the numerous obstacles to help taking care of a relative's child (such as financial conditions, parenting attitudes, family disputes, etc.), it is to be expected that the relatives would easily say no. The characteristics of Taiwan's current kinship caregivers are mostly older and less educated. And most of the children entering the child and youth protection system are from poor backgrounds, and their relatives are in similar socio-economic situations, with low personal and family income. These characteristics, in general, also affect their ability to be a caregiver and provide decent living conditions. In summary, although the government has incorporated kinship care into the formal children and youth protection system and provided assistance as well, it has not yet addressed the difficulties encountered and given enough supplementary supportive services, which hence creates an issue where policy norms and practice cannot be integrated.

II. Comments on the 2nd State Report

The central government explains the contents and practices of the alternative care policies, including (#159), the amendment of the Children's Act in 2019, which states that, in addition to foster families and institutions, children and youths may be placed with relatives or a third person, and (#160) the establishment of the Working Group on Alternative Care Policy for Children in 2019 to conduct a review of the current situation in accordance with the United Nations Guidelines for the Alternative Care of Children, with a view to formulating an alternative care policy for children in Taiwan.

The government's care policy is to increase the number of categories and priorities for out-of-home placement, but it has not yet provided specific solutions and support for the hardships and resources encountered in the kinship care.

III. Recommendations

1. It is suggested that the authorities in charge of kinship care and foster care can come to a joint agreement and establish consistent alternative care measures and supportive services for out-of-home placements (such as placement fees, training courses, family counseling, etc.), and have these two sets of standards integrated.
2. It is suggested that the central competent authority formulate policies to support the local government to increase the budget for kinship care subsidies, assist the local government to solve the difficulties in the placement matching processes, and increase the incentives and willingness to be a kinship carers, so as to improve the rate of kinship placement, or to conduct a classification of kinship care fees as in the case of family foster care.
3. It is suggested that kinship care be treated as a type of foster home and that matchmaker guidelines be provided to help make the most appropriate assessment and provide more comprehensive care.

Part 5 Basic health and welfare

5.1 Children with Disabilities (§23)

Concluding Observations #58~59; Second State Report #192

~Parents' Association for Persons with Intellectual Disability, Taiwan~

I . Overview of the current situation

Following the trends of studies and implementations conducted abroad, Taiwan's parents and academic experts prioritize inclusive learning for children with disabilities in early childhood education. Until 2019, there are still approximately 2,891 children with disabilities or developmental delays studying in disability or early childhood intervention centers. However, there are opportunities for children to transition into an inclusive learning environment when available.

According to the data gathered from the Special Education Transmit Net, about 19,866 (94%) students are placed in inclusive early childhood education schools. While 1,289 (6%) students are continued to be placed in special education classrooms. In early childhood education, the data indicates that most Taiwanese children with disabilities have undertaken the inclusive learning settings available to them. Children with disabilities in inclusive learning settings most often use two of the following services. One is the Special Education Itinerant Consultation Service, and the other is the Multidisciplinary team Service. Both of the services that support children's needs are facing the following challenges:

1. The Recruitment of Special Education Itinerant Teachers is Difficult in Rural Areas or Places that are Less Accessible by Public Transportation:

The eligibility requirements for itinerant teachers become less rigorous when there is a consistent lack of interest during the first and second recruiting period. Due to the lowered requirements of teaching background and experiences, the expertise offered by the newly recruited itinerant teachers is insufficient to serve the preschool teachers of students with special needs. Thus, it undermines the intention to strengthen support for students through consultation services.

2. Inconsistent Itinerant Teacher to Student Ratio Among Cities and Counties:

Students in certain cities only get to see their itinerant teachers once a month due to the imbalanced itinerant teacher to student ratio. For example, the highest itinerant teacher to student ratio is 1:36 in Taipei city, whereas, the lowest is 1:7 in Lienchiang County.

3. Low Usage of the Multidisciplinary team Service:

The therapists that work with the collaborative team service are primarily part-time. Thus, their capacity to provide services is largely limited by its nature. Eventually, this leads to an unmatched gap in early childhood teachers' needs to request therapists versus the available resources. In addition, the application process to request collaborative team service differs by city and county, making the resources even less accessible to the teachers.

II. Comments on the 2nd State Report (#192)

Most children with disabilities are immersed in the inclusive learning environment in the early childhood education stage. However, the State Party Report fails to provide any descriptive data or analysis on how these children with special needs are using the available services. Appendix 7-8 provides the number of service users at the early childhood stage by "counts". Thus, it is uncertain how this number reflects the service used by the "actual number of students". In addition, the State Party Report explained the teacher to student ratio in special classes (self-contained classrooms), early childhood 2-3 classes, and mix-aged classes. Nevertheless, it did not mention the teacher to student ratio in terms of the itinerant consultation service.

III. Recommendations

1. Provide a Competitive Wage for Itinerant Teachers in Rural Areas:

To attract highly qualified itinerant teachers for children in rural areas, we recommend increasing the competitive wage by offering bonuses and transportation stipends to the rural itinerant teachers.

2. Increase Professional Partnerships to Strengthen Special Education Itinerant Consultation Service:

To strengthen the itinerant services to our students in rural or less accessible areas, we should build upon the existing special education itinerant consultation service and establish partnerships with other professionals in the area. For instance, partnering

with local early intervention centers for developmentally delayed children with a collaborative framework to expand a more diverse capacity for services.

3. The Ministry of Education should Standardize a Fair Itinerant Teacher to Student Ratio:

A more standardized and uniformed itinerant teacher to student ratio across all areas will ensure an equal learning experience for all students. Considering the different factors such as population density and transportation accessibility in different areas, standardizing the teacher to student ratio is the best practice to safeguard children's education quality and equity.

4. Implementation of a Consistent Process for Educators in each City and County to apply and match with Collaborative Team Service

Establishing a nationwide and consistent process for educators to apply for services will make the process faster and more efficient on their end to be matched with the sufficient resources. Currently, some cities and counties only provide a list of service providers for the teachers to contact, respectively. This is time-consuming as they need to call each service to make an appointment.

5.2 Children's Right to Health: Improving the Environment (§24)

Concluding Observations #68; Second State Report #216-218

~NTU Children and Family Research Center~

I . Overview of the current situation

According to the UN Sustainable Development Goals (SDGs), the third goal states: “Ensure healthy lives and promote well-being for all at all ages”. Air pollution poses countless damage on us health human. Children are most more vulnerable to the negative effects since they are lighter in weight and they breathe more rapidly than adults. As a result, the government should come up with better prevention and protection policies to protect children in no time. In Taiwan, the central and southern regions are often afflicted with poor air quality. What's worse, many studies have shown the significant association between air pollution and childhood illnesses. However, this issue has long been neglected in Taiwan. Current regulations in our nation are lax and lack of specific protection. Meanwhile, budgets for indoor air quality monitoring and improving equipment are not allocated to schools. The following further illustrates the pressing issue.

1. “The Protection of Children and Youths Welfare and Rights Act” fails to list the Environmental Protection Administration as the competent authority for children's rights. In addition, current regulations on air pollution control such as “Air Quality Act”, “Indoor Air Quality Act” and “School Health Act” go without monitoring, budgeting and setting special standards for the children and youth.
2. The threshold for activating the emergency response to worsening air quality in campus is unreasonably high. Outdoor classes are canceled only when the AQI level exceeds 200 (equivalent to PM 2.5 level of 150.5 $\mu\text{g}/\text{m}^3$) and indoor classes are canceled schools are closed when the AQI level exceeds 400 (equivalent to PM 2.5 level of 350.5 $\mu\text{g}/\text{m}^3$). In comparison to South Korea, the monitoring and prevention policy of indoor and outdoor air quality in Taiwan are more lenient. For example, when measuring the concentration of pollutants, Taiwan usually calculates the average value over a certain period of time while Korea directly uses the maximum real-time value.
3. When the air quality is considered as inappropriate for outdoor classes, some schools simply call off the outdoor PE classes and break time without offering students suitable alternatives, and thus, affect students' rights to exercise.

4. Children and youth are gradually taking an interest in environmental issues. Although the Environmental Protection Administration hosts “Human Rights Group” that focuses on topics such as gender and minorities, no platforms or mechanisms are in place for children and youth to participate and express their opinion.

II. Comments on the 2nd State Report

The government disregards the negative effects brought about to children and youth by air pollution. The Second Report fails to discuss possible solutions to prevent children and youth from the threats of environmental and air pollution. In the section responding to the First Report, the government also fails to propose methods to address children’s susceptibility to pollution and to allocate budget to improve children’s health.

III. Recommendations

As children and youth are more affected to air pollution than adults, stringent standards for indoor air quality should be set and budget should be distributed to monitoring air quality and improving the conditions of equipment. Specific suggestions are as follows:

1. We suggest that the Environmental Protection Administration shall be listed as the competent authority in the Article 7 of “The Protection of Children and Youths Welfare and Rights Act.”
2. The Environmental Protection Administration shall set stricter indoor air quality monitoring standards for children’s facilities and allocate budget for indoor air quality monitoring and improvement. Neighboring countries such as South Korea is a good reference. For instance, in Taiwan, outdoor classes will be canceled when the AQI level exceeds 200 (equivalent to PM_{2.5} level of 150.5µg/m³) while in South Korea, outdoor classes will be canceled when CAI level is greater than 250 (equivalent to PM_{2.5} ≥75µg/m³ or PM₁₀≥150µg/m³) and indoor classes will be canceled when PM_{2.5}≥150µg/m³ , PM₁₀≥300µg/m³.
3. The Environmental Protection Administration, Ministry of Health and Welfare, and Ministry of Education shall collaborate to ensure the Children’s right to health. Cross functional collaboration could help raise awareness of the children’s rights among administrators to further formulate policies, allocate budget, monitor campus air quality, upgrade indoor and outdoor spaces, and provide children and youth with alternatives when outdoor activities are banned.

4. We suggest the Environmental Protection Administration shall create mechanisms for children and youth to raise their voices.

5.3 Information Education and Internet Addiction Among Children and Youth (§25)

Second State Report # 36~37, #98

~NTU Children and Family Research Center~

I . Overview of the current situation

1. *Lack of internet usage guidelines for preschool children*

The average age of children engaging in digital products are declining year by year and the percentage of preschoolers surfing the Internet are on the rise. However, the authority hasn't proposed any new teaching model or included technology issues to early childhood education to ensure children's proper understanding and usage of digital products as well as their mental and physical health.

2. *“Curriculum Guidelines of 12-Year Basic Education _ General Guidelines” (108 Curriculum Guidelines) fail to take digital divide into account*

108 Curriculum Guidelines substitute partial information courses with “Information Technology Integrated into Instruction.” The reason behind this new curriculum is to give teachers more freedom to arrange courses and help students to learn critical thinking. Yet, unlike urban areas, far-flung areas see a shortage of resources and teachers. 108 Curriculum Guidelines should grant schools more flexibility to design courses that suit best for the resource-deprived regions and honor CRC.

3. *No competent authority is accountable for prevention of Internet addiction*

WHO defines “gaming disorders” in ICD-11 and DSM-5. As users do all sorts of activities online, it is impossible to list everything; hence, overall Internet addiction is not listed in ICD-11 and DSM-5. Moreover, according to WHO, to be diagnosed with gaming disorders, one needs to demonstrate compulsive, withdrawal and tolerant behaviors, which is different from what the public perceives as “heavy users of the Internet.” The above affects how our government handles issues like Internet addiction, diagnosis, healthcare, welfare system, public policies. In addition, parents would be affected as well.

4. *Online learning during the COVID-19 period affects the education rights of children and youth, especially the minorities*

The survey conducted by NTU Children and Family Research Center pointed out that the problem of digital divide among children in Taiwan is because of the “software” instead of “hardware.” Self-learning materials aren’t accessible for every student. What’s worse, some 20% teachers fail to teach students how to continue their learning online, which affects children’s right to education.

II. Comments on the 2nd State Report

Article 25, CRC indicates that the government has the responsibility to provide children resources to learn in this digital age. ROC’s Second Report (#36, 37) emphasizes the importance of online security to raise the awareness of self-regulation among the industry, but fails to mention the digital rights and protection of children. Furthermore, while Internet addiction are becoming more and more common these days, the Second Report did not address this merging issue, rendering it confusing for the authorities to distribute responsibilities and difficult to frame, implement, and assess policies. Related research is also disorganized (carried out by Ministry of Education, Ministry of Health and Welfare, medical organizations or non-governmental organizations). No fruitful result in the prevention of Internet addiction has been obtained.

III. Recommendations

1. *Skills and information competency should be included in the Curriculum*

Skills and information competency should be included in the 108 Curriculum Guidelines to ensure all children across the country are entitled with equal rights to information education. Meanwhile, preschool teachers should develop information competency and adjust their teaching accordingly, thereby better preventing children from having psychological or addiction problems due to inappropriate usage.

2. *In response to the pandemic, Ministry of Education should highlight the importance of self-learning and encourage teachers to prepare online extra learning materials.*

In this manner, the student could enjoy having a powerful companion, the Internet, along their learning journey and cultivate self-discipline.

3. *Suggestions on the lack of planning for the prevention of Internet addiction due to the lack of responsible government agencies:*

The workload of the prevention of Internet addiction is currently allocated to different competent authorities based on children’s age and symptoms. (e.g. Ministry

of Education is answerable to preschool children, hospitals are answerable to treatments of the addiction, and the responsibility of Ministry of Health and Welfare remains ambiguous) Nonetheless, children are not the only victims of Internet addiction. The government should first establish competent authorities and agencies in charge of the implementation. Secondly, parents, youth and children are urgently in need of accessible and user-friendly learning materials and medical resources.

5.4 Mental Health In Children And Youth (§28)

Concluding Observations #62~63; Second State Report #70-72, #219-220

~NTU Children and Family Research Center~

I . Overview of the current situation

1. *Suicide in children and youth is on the rise, and nearly 80% did not seek for help*

Suicide rate has tripled from 1.3% in 2015 to 3.9% in 2019 and has become the second cause of death among youth aged 12 – 17 years old. According to the Ministry of Education, nearly 80% of those did not attend regular seek counselling sessions at school. That is to say, these students showed no sign of suicidal behavior and the counselling at school failed to function seek for help before students taking their lives. Factors contributing to suicide among students are mostly related to emotional distress, low self-esteem, and family problems. Bullying, emotional dysregulation and poor problem- solving skills are causes for children to commit suicide.

2. *Lack of social-emotional and essential life skills learning*

Although the “Curriculum Guidelines of 12-Year Basic Education” explicitly lists emotional adjustment as a core competency, it fails to provide students with a systematic and practical approach to learning this vital skill.

3. *Research and policy intervention are needed to understand for social structural forces factors that lead to depression and rising suicides amongin children and youth.*

II . Comments on the 2nd State Report

Despite the “Prevention of Student Self-Injurious Behavior in Campus Plan” (#72), the number of counselors in campus fall short of students’ need, resulting in only 20% of those committed suicide having received counseling. Therefore, the government should focus on this specific problem and examine the structural dilemma students are facing now.

According to the “National Mental Health Program” (#219), the mental health of children and youth should be incorporated into schools’ endeavor to students’ rights. Yet, the Program failed to specify issues about the mental health of children and youth, rendering it difficult for schools to implement the program with the guidance of law.

III. Recommendations

1. Ministry of Education should provide contextualized materials on life skills

The Life Skill Training¹ (LST) developed by UNODC is a good example. LST aims to improve the emotion adjustment ability of children and youth and to boost self-esteem by cultivating their mental health literacy. When encountering setbacks, children and youth will be able to overcome the problems instead of resorting to self-injury or committing suicide. In addition, LST helps students to be better equipped with communication skills. Hence, children and youth would be able to solve interpersonal interaction issues properly.

2. Upgrade the training for teachers to better prevent tragedies from happening

NTU Children and Family Research Center found out that life skill trainings effectively strengthen children and youth's ability to adjust their emotions and reduce the likelihood of depression. A survey on children's anxiety during the pandemic suggests students who took PILOT courses are less anxious than those who didn't. The result indicates that PILOT could indeed help students maintain emotional stability under difficulties and prevent extreme emotional disturbance or self-injury and suicide.

3. More resources for children and youth's mental health are needed, including

- a. Research on the social structure that propels youth to end their lives should be conducted so the authority could understand causes such as the pressure from grades and peer competition.
- b. Besides consultation, we recommend the Department of Mental and Oral Health, Ministry of Health and Welfare putting more effort into the mental health prevention of children and youth by allocating more budget on this matter.
- c. To prevent common issues among teenagers such as self-injury, suicide, substance abuse, emotional instability and bullying, the authority should invite public health personnel to promote the importance of mental health at communities and to plan strategies and policies accordingly.
- d. Ministry of Health and Welfare and Ministry of Education should collaborate to roll out courses like emotional adjustment and communication to cultivate individual resilience.

¹ Positive Interpersonal & Life Orientation Training (PILOT), introduced by NTU Children and Family Research Center in 2013, has been proven to be effective in the prevention of substance abuse, bullying and depression. After localization and multiple editions, PILOT has been implemented in 22 middle schools in Taipei City, New Taipei City and Taoyuan.

5.5 Meal and Dessert Quality and Diet Education for Preschools (§24)

Second State Report #64, #216

~John Tung Foundation~

I . Overview of the current situation

Diabetes, hypertension and cardiovascular diseases are currently the top leading cause of death in Taiwan. These noncommunicable diseases are closely related to obesity. According to the Nutrition and Health Survey in Taiwan (2013-2016), the prevalence of overweight and obesity for preschool children is 18.1%¹⁻². Overweight and obesity are related poor eating habits and palate since childhoods. Therefore, it is necessary to establish proper eating habits and palate from an early age.

Due to the changes in family structures, younger children are usually sent to various child care centers, mostly to kindergartens. According to the Taiwan Birth Cohort Study 2018, at age of 5.5, 93.3%³ of children are sent to nursery institutions. These children stay at nurseries for 6-8 hours a day. Therefore, the quality of the foods provided have critical impact not only on children's growth but also on development of their palate. Together with dietary education, it can help children to adopt healthy eating behavior and to have the ability to distinguish the tastes of natural and processed foods, therefore, to establish proper eating habits that can extended to their adulthoods.

Compared with primary and secondary schools, the existing standards for meal supply and dietary education in preschools are relatively deficient, making it difficult to follow and implement. If a comprehensive standard can be imposed, the quality of meals and dietary education can effectively established.

II . Comments on the 2nd State Report

The Conclusive Opinion Point 64 of the Second National Reports though covered obesity prevention (216), it's tended to be palliative rather than curative. To prevent increasing prevalence of various chronic diseases such as hypertension, hyperglycemia, hyperlipidemia and cancer, obesity should be prevented in means of diet. As it is difficult to change certain habits in adulthoods, it is recommended to formulate clear regulations for preschools to follow as the basis to provide quality meals and dietary education and to help children to establish proper eating habits and palate.

III . Recommendations

1. In order to ensure the nutritional quality of children's meals and to strengthen dietary education, it is recommended to revise the regulations as follows:

- a. Improve the quality of meals : It is recommended to supplement the second clause of Article 12 of the Early Childhood Education and Care Act that the meals provided by nurseries should follow the "Preschool Meal Food Content and Nutritional Standards and Recipe Samples" (Amended and announced on 28 December 2020 by the National Education Administration) to provide hygienic, safe and nutritionally balanced meals. Hopefully, this can also attract parents' attention and through this attention, teachers can help children to build up proper eating habits and prevent obesity and chronic diseases therefore to establish healthy lives.
- b. Specify the content of dietary education : As the objective and guidelines of dietary education should be included in nursery education, it is recommended to supplement the second clause of Article 12 of the Early Childhood Education and Care Act the suitable guidelines of dietary education for nurseries.

2. To ensure the quality of preschool meals and the implementation of dietary education, the recommendations are as follows:

- a. Just as implemented in the primary and secondary schools, the central competent authorities should send personnel to coordinate with local county and city government every year to conduct irregular inspections of meals and kitchens in preschools to ensure them meet the requirements.
- b. In accordance of the Article 13 of "Implementation Regulations Governing Early Childhood Educare and Childcare Services" amended on 18/08/2021, preschools should provide health education. It is recommended to include "healthy dietary education" as the indicators of self-assessment and inspection which should be added in the "basic self-assessment forms of preschools".

¹ Nutrition and Health Survey in Taiwan (2013-2016), Ministry of Health and Welfare, <https://reurl.cc/qDrONR>

² Taiwan's Obesity Prevention and Management Strategy, Ministry of Health and Welfare, <https://www.hpa.gov.tw/Pages/EBook.aspx?nodeid=3813>

³ Taiwan Preschool Children's Health Image in the New Century, Ministry of Health and Welfare, <https://www.hpa.gov.tw/Pages/Detail.aspx?nodeid=248&pid=1299&sid=1297>

5.6 The Rights of the Child during the COVID-19 Pandemic and Disasters

Concluding Observation #68 ; Second State Report #40 、 #90 、 #148 、 #186 、 #225 、 #246

~World Vision Taiwan~

I. Overview of the current situation

According to the 68th recommendation of the concluding observations on the first report from the committee on the environmental pollution of the No. 6 Naphtha Cracker, there is no health right related action plan made to cope with natural disasters, communicable diseases, influenza etc. for children and youth in the second report. However, located in the Circum-Pacific Belt and also seismic zone, Taiwan is the spot tropical cyclone (typhoon) travels right through. Thus, chances of being plagued by various natural disasters are high. “Natural Disaster Hotspots: A Global Risk Analysis” published by World Bank in 2005 indicates Taiwan is probably one of the most vulnerable countries to natural disasters. 73% of the population in Taiwan live in areas probably impacted with more than three kinds of disasters. Over 90% of the national land area are vulnerable to two kinds of disasters.

COVID-19 pandemic started to be rampant in Taiwan in 2020. There has been continual impact on economy, environment and society. Public panic has also been triggered and it became public health crisis. Rights of the Child is also at risk as a result.

1. The right to life, survival and development

- a. The mental health maintenance of children and youth during the COVID-19 pandemic

Ambiguous message flood and frequently broadcasted COVID-19 pandemic news by mass media have unleashed a wave of public panic. There have been seemingly nonsensical behaviors as a result and it also misleads children with incorrect information and fear. In certain circumstances, some children and youth have become overly defensive or there have been bullying behaviors in public area.

- b. Family crisis caused by income plummets

Because of the impact of COVID-19 pandemic on various industries, the employment and livelihood of certain groups such as low-income families, temp

workers and hourly workers are affected particularly. Primary needs of family and children and youth fluctuate with the unstable income or income plummet. Thus, economic security issues are created.

2. The right to be protected from family crisis caused by unemployment and class suspension

Students in Taiwan started to take online courses at home during COVID-19 pandemic. Some household income providers also have to work from home but some have become unemployed or between jobs. Besides financial difficulties, the pressure of taking care of children and youth is also strengthened at the same time when parents and children and youth all stay home for long periods of time. Therefore, the risk of being abused and neglected for children and youth gradually increases.

3. The right to education: the relative exploitation caused by digital divide in low socioeconomic families during the COVID-19 pandemic

Socioeconomic differences result in digital divide of children in Taiwan. Lacking of facilities and Internet probably, low socioeconomic families suffer from relative exploitation in current learning methods. Digital divide of learning resources happens and further affects the right to education for children and youth.

II. Comments on the 2nd State Report

1. In this report, COVID-19 related contents newly added include the right to health (#40、90、225), the right to life, survival and development (#148、186), the right to education (#246). Primarily, research and development models of European and American countries are copied and information of younger age group is collected sequentially. Furthermore, vaccination guidelines are provided and COVID-19 subsidy to families with children are added and furnished. Economically disadvantaged students in remote areas are also supported with facilities such as mobile devices needed, 4G SIM cards and portable Wi-Fi router etc. Resources of multi-channel digital curriculum are collected through the “EDU Cloud” E-learning Platform of the Ministry of Education and online learning resource services are provided.

2. In addition to the aforementioned, there is no further comment on “Mental Health,” “Children and Youth Care” and “Domestic Violence” during COVID-19 pandemic in the report.
3. Chances of natural disasters such as typhoon, flood, earthquake etc. occurring in Taiwan are high and there seems no precautions or contingency plans accordingly in the report. Considering children and youth have special needs such as care from adults, relocation arrangement, and counseling on psychological and emotional trauma in the above situations, rights of children and youth and assistance should be considered in various emergency plans.

III. Recommendations

1. During COVID-19 pandemic, adults have turned to work from home or stay unemployed and children and youth also started to study at home at the same time. Families have faced various coexisting pressures resulted from taking care of children and youth, financial difficulties and education all at once. The risk of being abused and neglected for children and youth is generated but hard to be controlled at the same time. Furthermore, the follow up of the existing children and youth protection cases becomes difficult as the chances of schools and social administration visiting children and youth in person have become lower during COVID-19 pandemic. Central competent authority is expected to aim at COVID-19 epidemic trend and conduct detection of risk and crisis of children and youth protection database. Furthermore, providing practical packages and measures for social workers to make safe visits to children and youth is needed.
2. To prevent children and youth’s right to health, life, survival and development from the aftermath of natural disasters (typhoon, flood, earthquake etc.), authorities are expected to make contingency plans and measures of disaster prevention, disaster reduction and disaster preparedness. Specifics include life stabilization, mental reconstruction etc. Rights of children and youth in remote or potentially high-risk areas particularly ought to be secured and protected accordingly.

Part 6 Education, Recreation and Culture

6.1 Early Childhood Education/Child Care (§18, § 23, §2, §3)

General Comment #7; Concluding Observation #71~73

~Child Welfare League Foundation,
~Zhi-Shan Foundation TAIWAN~

I . Overview of the current situation

The government published the “Measures that Counter Falling Fertility Rate” in 2019. Whilst there seems to be some achievements such as the increase in quasi-public child care services and public services, material breaches of rules by child care institutions have often been in the news in Taiwan over recent years.

1. *Questionable quality of child care institutions and the absence of an oversight mechanism*

According to the 2021 survey by Child Welfare League Foundation R.O.C., 17.38% of the families indicated rule breaching by quasi-public child care services, including quasi-public institutions contracted by the government. For quasi-public kindergarten, it is 34.33%. The aforesaid rule breaching typically includes corporal punishment, violent treatment and improper care of children, number of children accepted outside the legally stated amount, recruitment of unqualified teachers and child care personnel, fees and charges under invented categories. Meanwhile, the disciplinary actions and the exit strategy are obviously inadequate and there is no capacity for proactive audits. All these suggest that the government is working for performance metrics, and not ensuring the care quality.

2. *Child care capacity at indigenous tribes dispersed by the national child care system designed for 0-6 years old*

The government’s division of management dictates that the child care for 0-2 years old is in the social work and administration system and governed by the Ministry of Health and Welfare. Meanwhile, while early childhood education for 2-6 years old is governed by the Ministry of Education. The two competent authorities

establish two sets of regulations and management guidelines. However, indigenous tribes are limited in resources in practice and are unable to set up two separate interactive early childhood care institutions.

II. Comments on the 2nd State Report (#239)

As shown in the contents of the Second National Report, the government has come a long way in terms of the availability of early education and care resources to the public, mechanism of affordable quasi-public early education and care, expansion of child-rearing allowances, and subsidies for companies offering early education and care services. It has made significant progress by providing a variety of supportive services to families with young children.

However, most of the services today are centered on reducing burden of expense on families for early childhood education of offering family support via subsidies and allowances. Other than general accreditation, there is no specific mechanism for auditing, oversight or exit strategy regarding the management of care quality by at-home babysitters, child care institutions and quasi-public kindergartens.

III. Recommendations

1. Continue increasing public child care resources

To provide inexpensive, close-by and convenient child care services, the government should explain the policy planning and expectation for delivery of different services for 0-2 years old such as at-home babysitters, public-sponsored privately-operated infant care centers and quasi-public child care services. The public, quasi-public or private kindergartens for 3-6 years old should also accurately present their current status and future policies. Details on how budgets are used should also be explained.

2. Enhanced audits and support mechanisms for poorly-operated centers and kindergartens

Audits and support mechanisms should be enhanced in order to review whether the laws and stipulations can effectively regulate poorly-operated child care centers and kindergartens. In addition, city/county governments should be asked to disclose the rule-breaking child care centers, as stated by laws. Or this can be disclosed by the central government. Incompetent personnel should be tracked in order to validate

whether they can work at infant care centers and child care services. It is also necessary to ensure the quality of child care to pre-school children.

An exit strategy should be put in place for centers and kindergartens that repeatedly violate rules. An inquiry map for rule-breaking child care centers has been constructed with civil society resources. The information can be made open for the reference of parents and relevant organizations either with likewise deployment or via industry-government cooperation.

3. Establishment of an integrated tribe center for education and care

Given the limited service capacity at indigenous tribes, the resources from the Ministry of Education, the Ministry of Health and Welfare and the Council of Indigenous Peoples should be integrated. A single contact window should be established by county governments to simplify the administrative and operational procedures. The tribe center for education and care can act as the one-stop service provider to indigenous children who are 0-6 years old.

6.2 Minority and indigenous children (§30)

Concluding Observation #87~88;

Second State Report # 56, #258, #279~280, #283, #308, #309, #311~313, #317

~Zhi-Shan Foundation TAIWAN~

I . Overview of the current situation

1. *The neonatal and infant mortality rates of indigenous people are still nearly 2 times higher than the national average*

According to the "2017 Indigenous Population and Health Statistics Annual Report", the total number of neonatal deaths of indigenous peoples in 2017 was 26, the mortality rate was 3.8 per 1,000 live births, and the number of under 1 Year-old infant deaths was totaled 52, with a mortality rate of 7.6 per 1,000 live births. As compared to statistics announced by the Ministry of Health and Welfare in 2017, the total number of neonatal deaths nationwide was 486, the mortality rate was 2.5 per 1,000 live births, and the total number of deaths of infants under the age of 1 was 772, with a mortality rate of 4.0 per 1,000 live births. Obviously the neonatal and infant mortality rate of indigenous peoples is nearly doubled as compare to the national average, and the main causes of death in order were: specific conditions originating from the perinatal period (40.4%), congenital malformations and chromosomal abnormalities (23.1%), and accident injuries (9.6%).

2. *Insufficient qualified teachers of indigenous nationality*

There have been cases of indigenous children being forced to choose non-native language courses at school. Although the "108 Curriculum" stipulates that every student at elementary schools and middle schools (from August 2022) can have one mother-tongue language class per week, it is not easy to hire qualified indigenous language teachers who meet the needs of each indigenous child, due to there are more than 14 indigenous language in Taiwan. In addition, there is a lack of a matching mechanism. If the school does not have a dedicated teacher to take responsibility on promoting, the rights and interests of indigenous students to learn native language are easily overlooked.

3. *The design of the affirmative actions of education for indigenous students (as known as the bonus point system) has caused both positive and negative impact on indigenous children*

In order to alleviate the past unequal treatments suffered by the indigenous people, the government actively adopts affirmative actions for indigenous students in high school and college entrance examination, which means indigenous students can receive certain bonus points for their enrollments of high schools and colleges. The design of the bonus point system, somehow, provides some indigenous children with learning opportunities, broadens their horizons, and then cultivates talents needed by the nation; however, it is also found that few indigenous children, they fell into the pressure of academic study after the upgrade, suffered from peer bullying, and discrimination, self-confidence gradually disappears, and finally quit or leave school. Zhi-shan Foundation Taiwan has accompanied with indigenous children in Jianshi and Wufeng Township, Hsinchu County for 25 years. Taking year 2021 as an example, in September 2021, 24 of the indigenous children entered the middle school after graduating because of the bonus point system. Unfortunately, the semester has not ended yet, 3 students have been left school due to their failure to keep up with their studies or economic factors. On the other hand, there are about half of the students who have entered public high schools because of the bonus point system, so that they have the opportunity to re-learn indigenous language and gain a better life.

4. *The horizontal connection between social work service networks is broken, resulting in loopholes in the social safety net*

Zhi-shan Foundation Taiwan finds that once the indigenous children they accompanied in tribes enter the protection system, they are often unable to not only further participate in the discussion of the follow-up treatment meetings, but also have no way to know the results of the follow-up treatment. Therefore, when the child return to tribes or communities after resettlement, it is difficult for private sectors workers (take Zhi-shan Foundation Taiwan as an example) in the tribe or the community to provide follow-up services. The connection between public and private sectors is therefore missed.

II. Comments on the 2nd State Report

In regard to the rights of urban indigenous children, paragraph 258 and paragraph 313 of the 2nd State Report of the Convention on the Rights of the Child only stress on

the formulation of laws and regulations on educational and cultural rights and the provision of subsidy measures. There is a lack of regular follow-ups of the implementation of laws and policies, specific outcome data or effectiveness analysis, and the narratives on the exploration of children's rights needs to other than educational and cultural rights. This also shows that the state does not have enough knowledge of the conditions, rights and well-beings of indigenous children living in urban areas.

III. Recommendations

1. It is recommended that in order to maintain the health of mothers and infants, and to reduce the neonatal and infant mortality of the indigenous people, the Ministry of Health and Welfare continue to strengthen on the importance of health education for indigenous pregnant women, and provide a wealth of information on motherhood knowledge, health education articles, and resources of neonatal care. In addition, the two prenatal genetic examinations of high-level ultrasound and chromosomal screening could be considered as the benefit package of the national health insurance for the indigenous pregnant women.
2. In response to the shortage of qualified indigenous teachers, the Ministry of Education is advised to:
 - a. Make good use of and promote the digital teaching material website of "Taiwan-Austronesian Indigenous Words and Narrations" (族語 E 樂園), enrich teaching resources and innovate teaching models, create the greatest possibility of students' learning benefit under the condition of limited indigenous language teachers resources, and then every indigenous child's right to education is ensured.
 - b. Encourage schools to have dedicated teachers of indigenous identity and actively promote the matching of indigenous language teachers.
 - c. Actively develop the indigenous teacher training system in cooperation with the Council of Indigenous Peoples in order to implement the Education Act for Indigenous Peoples, which stipulates that proportion of teachers with indigenous identities shall be at least one-third of the teachers in an indigenous school.
3. It is recommended that the Ministry of Education immediately review the affirmative actions of education for indigenous students (the bonus point system) corporately with the council of Indigenous Peoples. Follow-up research and evaluation on the impact of the bonus point system should be conducted in order to adjust the system and to propose necessary supporting measures.

4. It is recommended that the Ministry of Health and Welfare initiates a dialogue with the Council of Indigenous People to discuss the functions and roles that the Indigenous Family Service Center can offer in the institutional planning of the social safety net to establish a horizontal service linkage and cooperation mechanism.
5. By now more than half of the indigenous children have left the tribe and live in cities for schools and employment. It is therefore recommended that the state immediately take a comprehensive survey on the needs of indigenous children living in cities to develop specific measures for and ensure the rights of indigenous children living in the cities.

Part 7 Special Protection measures

7.1 A Profound Lack of Leisure Activities and Facilities for Teenagers (§23 、 §31)

Concluding Observations#78, 83-86, 90-91; Second State Report#223-225, 292-297, 333

~The Association of Probation Taiwan R.O.C~

I. Overview of the current situation

UN Convention on the Rights of the Child stresses the importance of children's rights to relax and play (§31), while numerous research also highlighted the fact that leisure activities bring about powerful effect on the physical and mental development of children, such as temperament cultivation, self-development, stress management, friend making, peer group participation, juvenile delinquency prevention and so on.

In addition, budgets for children and youth have pumped up from 2017 to 2019. (with an increase of 49.73%) (A study on budget allocation to children and youth, 2020) However, a further review of the budget allocation for the past three years indicates that education (60.89%) and welfare (24.43%) accounts for the largest portion of the central and local governmental budget, followed by health (11.35%), development (2.53%), and protection (0.77%). Budget for leisure activities only makes up for 2.53% according to the data provided by the Ministry of Health and Welfare, 2021.1 It is telling that budget for children and youth are insufficient.

II. Comments on the 2nd State Report

The second national report about leisure, recreational and cultural activities focus merely on children play ground facilities, parenting centers, nurseries and healthy lunch programs (#292-297) but fail to include policies and budget for leisure activities for youth over 12 years old.

In the 1990s, Iceland first initiated The Icelandic Model for Primary Prevention of Substance Use (IPM) which drastically reduced alcohol and substance abuse among youth in Iceland. Youth workers in Taiwan discovered that teenagers mostly use Class 3 and Class 4 drugs. On the other hand, the national anti-drug campaign aims at Class 1 and Class 2 drugs, which clearly neglects the crisis among teenagers. Hence, the government should materialize the concept of "prevention over treatment" by putting more efforts in promoting leisure and sports activities for youth. Not only is the approach in tune with

the Article 32 – 37 of the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), but also meets the actual need of the youth undergoing drug rehabilitation. Besides medical intervention, counselling and assistance are equally important.

III. Recommendations

1. The government should implement §31 of CRC, putting priority on children’s rights to relax and play and increasing the welfare budget for teenagers.
2. The government should focus on leisure activities and the prevention education of drugs among youth, and provide related services with budget and other resources. (Riyadh Guidelines#45 taken as a reference)
3. IPM of Iceland- Youth are advocated to partake in leisure and sport activities, afterschool care and parents are encouraged to accompany youth in their communities, which is a role model for Taiwan.
4. The government should establish Geographic Information System of deviant form of behaviors and crime mapping to understand drug abuse among teenagers.
5. Youth subculture should be used utilized to help youth cultivate the ability to independent living, self-discovery, net-working. Moreover, spaces are needed for youth to showcase their diverse talents.

¹ A study on budget allocation to children and youth. 2021. Ministry of Health and Welfare. Source: <https://crc.sfaa.gov.tw/Statistics/Detail/1>

7.2 Limits on The Maximum Period of Continued Juvenile Protective Detention

should be Placed(§37、§40)

Concluding Observations #94, 96; Second State Report #359-361

~The Association of Probation Taiwan R.O.C~

I. Overview of the current situation

Detention is a means of depriving youth of their freedom, and such method should be the last resort in exceptional circumstances. If a child poses danger to himself/herself, children protection measures should be applied. According to Article 86 of the United Nation Guidelines for the Prevention of Juvenile Delinquency” (Riyadh Guidelines), the court shall reduce the use of detention and minimize the duration of detention when detention is necessary. Article 26-2 of Juvenile Justice Act stipulated that during the detention in Juvenile Detention Houses, investigation or trial shall be conducted no more than two months and the extension of detention may not exceed one month and may only be made once. Yet, the actual proceedings of the first and second instance are not taken into account. When one party refuses to accept the ruling and lodges an appeal, it is likely that the detention would be extended and the best interests of children and youth would be violated.

Take Youth A as an example. Holding a record of two burglaries, Youth A was charged for his third attempt of burglary and was sentenced to a two-month detention along with a one-month extension during investigation. Then, Youth A was again, sentenced to a two-month detention along with a one-month extension during the trial period. Later, the case was handed over to the court of second instance and the judge ordered another two-month detention with a one-month extension during investigation. At last, the trial was dismissed on the grounds that partial doubts were not cleared.

The judge at the court of first instance ruled that institutionalization was of necessity. In the case of Youth A, the total period of detention exceeds 9 months. On the contrary, Article 55-1 and 56-1 of the Juvenile Justice Act provided that those who are under custody over 6 months with a significant improvement and are subjected to educational discipline over 6 months with a need of continuous treatment shall file a petition for waving the execution. Nonetheless, the petitions submitted either by youth or one’s statutory agents often result in lengthy detention which is longer than the enforcement of

protective measures. The longer the period of detention is, the less likely the juvenile would return to school.

II. Comments on the 2nd State Report

During the phase of trial, a juvenile court may order the custody of juvenile to a juvenile detention center and may send a juvenile to a juvenile investigation officer for consulting. (Article 26 of the Juvenile Justice Act) On the other hand, a juvenile court may deliver a ruling to send a juvenile to a juvenile investigation officer for observation for a duration not exceeding 6 months. (Article 44 of the Juvenile Justice Act) Hence, a judge has the legal right to appoint either a custody or observation order to a juvenile. However, the continuation detention and the appropriateness of detention were neglected in the Second National Report.

III. Recommendations

1. Convention on the Rights of the Child (Article 37) and United Nations Standard Minimum Rules for the Administration of Juvenile Justice stress the importance of children's right in the justice system, and therefore, the government should review the current regulations on detention and revise the maximum duration of detention and other alternative measures replacing detention to achieve the best interest of children and youth.
2. In Japan, juveniles transferred from the family court to the detention center are normally subjected to a two-week to maximum of four-week detention, which could be a reference for the future amendment.

7.3 Probation and Classification Shall Be Available in Juvenile Detention Centers (§40)

Concluding Observations #94, 96; Second State Report #16, 32(b), # 353-354, #363

~The Association of Probation Taiwan R.O.C~

I. Overview of the current situation

I-2 of United Nations Rules for the Protection of Juveniles Deprived of their Liberty stipulated that “deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her release.” Hence, for juveniles subjected to detention, a juvenile detention center is not one’s permanent home but an important place where one can self-reflect on the crime one committed when freedom is first deprived.

Juvenile Justice Act was amended to include evaluation and observation of the delinquents along with classification reports in 2019 based on the classification feature of the juvenile detention system in Japan. In 2020, Article 28-1 of the Regulations of Juvenile Court and Relevant Authorities Dealing with Juvenile Delinquency Cases further stated that juvenile detention centers should conduct physical and mental evaluation together with behavioral observation on juveniles to provide classification reports. If necessary, juvenile detention centers could request relevant competent authorities to provide medical resources for mental classification and may convene resource liaison meetings.

It is clear that in addition to accommodation, juvenile detention centers should improve their classification capacity.

II. Comments on the 2nd State Report

Although juvenile detention centers received favorable comments in Concluding Observations, the information disclosed on juvenile detention centers was insufficient.

In Japan, juvenile classification homes detain juvenile delinquents, conduct specific classifications and implement supervision over youth who violate the law. Juvenile classification homes first carry out classifications on physical and mental characteristics of juveniles via medical, psychological, pedagogical, sociological and other expertise to provide practical needs of investigation, trial and probation. Moreover, not only do

juvenile classification homes conduct classification work for the Ministry of Justice, they also take on classification requests from schools and families to offer suggestions.

In contrast, the recent amendment of Juvenile Justice Act which revised the professional mission of juvenile detention centers was in the best interest of juveniles. Therefore, all eyes are on how juvenile detention centers carry out tasks delegated by Juvenile Justice Act.

III. Recommendations

1. If necessary, juvenile judges may order the custody of juvenile to a juvenile detention center. In accordance with Article 26-1 of the Juvenile Justice Act and Article 3 of Statute on the Establishment of Juvenile Detention Houses, physical and mental evaluation and clinical diagnosis made by juvenile detention centers via health check, consulting, observation and psychological tests shall be used in future trial.
2. The placement of juveniles should be classified. According to Article 27 of United Nation Rules for the Protection of Juveniles Deprived of their Liberty, “as soon as possible after admission, each juvenile should be interviewed and a psychological and social report identifying any factors relevant to the specific type and level of care and program should be prepared. This report, together with the report prepared by the medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and program required and to be pursued.”
3. Juveniles in such centers should be entitled with the rights to education, rest and leisure. The centers should strengthen compulsory education, leisure education and ensure appropriate amount of free recreation time is allocated to juveniles.
4. In the future, juvenile detention centers should continue to pay heed to Article 37 of UN Convention on the Rights of the Child and United Nations Rules for the Protection of Juveniles Deprived of their Liberty and execute core missions such as detention, classification and protection. In particular, the expansion of juvenile shelters under overcrowding prisons that meets the best interest of children should be the long-term goal such centers strive for.

7.4 The Implementation of Juvenile Probation Officers and Juvenile Protection Officers (§3 、 §36 、 §40)

Second State Report #348

~The Association of Probation Taiwan R.O.C~

I. Overview of the current situation

Juvenile probation system is a part of the child justice system and the effectiveness of the system is crucial to the success or failure of correction treatment of crime. In 1997, Article 9 of the Juvenile Justice Act was amended to specialize the responsibility of probation officers: juvenile probation officers are responsible for pre-trial investigation and juvenile protection officers are answerable to the implementation of juvenile protection.

Article 22.1 of The Beijing Rules stated that “For social workers and probation officers, it might not be feasible to require professional specialization as a prerequisite for taking over any function dealing with juvenile offenders. Thus, professional on-the-job instruction would be minimum qualifications.” Hence, the core issue of a sound juvenile probation system in the child justice system lies in the respect of professionals and training.

II. Comments on the 2nd State Report

Juvenile probation system is indeed a vital part of the child justice system. Our nation has undergone several changes of policy such as the separation of trial and investigation, the unification of probation, and the interchangeable responsibility of probation officers and protection officers which cause a lot of uncertainties and disputes. However, the National Report failed to address the training and allocation of professionals, which is bound to have a profound impact on children’s rights to justice and whether the officers meet the qualifications.

III. Recommendations

In the judicial system, both juvenile probation officers and juvenile protection officers are important roles to protect the best interest of children. Unfortunately, they are the relative minorities in the system. Hence, the authority should overcome the difficulty and actively support the development of professionals.

The followings are recommendations for the juvenile probation system:

1. Lay out the responsibility of juvenile probation officers and juvenile protection officers and establish juvenile-oriented measures.
2. Guarantee a comprehensive personnel system and long-term professional training.
3. Avoid differential treatment within the system and raise funds for juvenile probation to safeguard the best interest of juveniles.
4. Given that the execution of juvenile probation involves the rights of juveniles, the duty of juvenile protection officers and juvenile probation officers should be protected by exclusive regulations like Rehabilitative Disposition Execution Act. It is inappropriate to rely on Regulations of Juvenile Court and Relevant Authorities Dealing with Juvenile Delinquency Cases as an expedience.

7.5 The Youth Counseling Committee Should Strengthen the Prevention of Youth Deviant Behaviors and Enhance the Functioning of the Consultation System

Concluding Observations #96~97; Second State Report #340, #342-344

~The Association of Probation Taiwan R.O.C~

I . Overview of the current situation

The amendment to Article 18 in the "Juvenile Delinquency Act" was passed in 2019. It essentially made the Youth Counseling Committee the primary authority to handle any delinquency acts committed by the juveniles. Afterward, regulations and drafted bills such as "Regulations on Juvenile Court and Relative Administrative Units in Handling Youth Delinquency Acts" (2020), "Regulations on Youth Delinquency Acts Prevention and Consultation" (2021), "Proposed Bill on Establishing the Youth Counseling Committee to Providing Counseling Services" (2021) have been passed and proposed.

Article 18 in the "Juvenile Delinquency Act" is the legal source to the "Proposed Bill on Establishing the Youth Counseling Committee to Providing Counseling Services." According to #7 in Article 18, "Youth Counseling Committee in the special municipalities, cities, and counties should delegate duties from # 2 to # 6 to employees with degrees and expertise in social work, psychology, education, and family education. Regulations regarding the Youth Counseling Committee's appointment, counseling structure, duties management, evaluation and requests to the juvenile courts should be agreed upon by the Executive Yuan and the Judicial Yuan." Thus, the functioning of the Youth Counseling Committee is not only the liaison and duty delegation between Ministry/Department of Education and Social Work but also be held accountable to support pretrial diversion and counsel the youth in terms of their deviant behaviors.

However, Article 2 and Article 5 of the proposed bill which contain the framework and structure of the Youth Counseling Committee inclined to set the functioning of the Committee towards counseling and creating resource pipeline among professional partnerships for youths that conducted deviant behaviors. In turn, it neglects the need to strengthen the internal structure of the Youth Counseling Committee to work on the prevention of youth deviant behaviors. It seems like creating a well-rounded network of professionals to assist the children and youth from the surface level. However, from the standpoint of structure operation, it limits the leadership of the professional team and the space for the professional staff to deliver their best jobs. Apparently, the part-time

leadership within the Committee pays insufficient attention to the needs of the front-line staff. Meanwhile, the front-line workers have no place to report their concerns due to the broad structure of the entity. The guidance and organizational support from the leaders are limited. Further, workers have the responsibilities but not necessarily an aligned authority within their areas of expertise. For the part-time staff, getting a raise becomes incredibly challenging. Their time at work is constrained by the contract, making it difficult to grow as much as they can. The inherent nature and design of the structure lack the appeal and framework to retain good talents. Thus, it lowers the expected outcome and functioning of the pretrial diversion.

II. Comments on the 2nd State Report

#340 in the 2nd State Report discussed the counseling framework that involves education, social affairs, and the administrative units for children who conduct deviant behaviors under the age of 12. However, the state fails to report the comparative framework for risk-exposed youths between the ages of 12 to 18. Through the "Regulations on Youth Delinquency Acts Prevention and Consultation," Article 6 fairly rules out the recipients of the counseling services and the principles on referrals for these risk exposed youths. Yet, it neglects other prominent factors that would make the service more successful. For example, the report did not elaborate on how they will recruit the staff, run the workshops, how to initiate a case, ways of dealing with urgent or violent issues, incidents such as drug abuses, emergency placements, the procedures to manage cases, how to conduct investigation and visits, the evaluation of cases, how to plan out counseling services, and the counseling strategies relating to crime prevention.

III. Recommendations

1. Article 2 in the "Proposed Bill on Establishing the Youth Counseling Committee to Providing Counseling Services" rules: "Special Municipality and county (city) governments should allocate the administrative responsibility and human resources, with the integration of police, education, health, social affairs, civil affairs, household administration, labor, finance, drug hazard prevention and other agencies (units), to set up Youth Counseling Committees. And integrate financial management, immigration, and other related resources to handle the following matters." Article 2 only focuses on establishing the Youth Counseling Committee, which should be responsible for the supervision, coordination, and implementation of the youth and children's deviant behavior counseling services, with the partnership of the Social

Welfare Bureau (Division) and the Education Bureau (Division). However, according to the "Juvenile Delinquency Act" and "Regulations on Youth Delinquency Acts Prevention and Consultation," the Youth Counseling Committee is mainly responsible for pretrial diversion and counseling and prevention of youth deviant behavior. The Committee's functionality is intentionally ignored in the proposed bill, which violates #7 of Article 18 in the "Juvenile Delinquency Act" and should be amended promptly.

2. In terms of the practical implementation of the Youth Counseling Committee, the design and formation of the following issues should be the government's priorities. For instance, the ways to notify juveniles of their delinquency acts and deviant behaviors, investigation, and evaluation, treatment decisions, the introduction of juvenile restorative justice, the integration of a multi-agency team, case management, prevention and counseling, consultation services, positioning of professional roles, functions of crime prevention, ways to cooperate with police agencies, ways to make referrals, ways to leverage relevant resources and welfare services, etc. Successful policy implementations used by other countries can be a mirroring strategy for ourselves. For example, the Youth Offending Team (YOT) in England and Wales, the Child Guidance Center in Japan, the Special Investigation Center for Juvenile Offenders in Sweden, and the Youth Justice Community Office in the New South Wales State Department of Youth Justice in Australia can be examples that we can use as a reference to structure the framework of the Youth Counseling Committee.
3. In the future, the Youth Counseling Committee should continue to actively plan services for risk-exposed youth and maintain consistent contact and partnership with the police. For example, Specialist Youth Officers are established within the Australian Police Department to provide police, youth, and parent-related advice. As well as making decisions on juvenile issues and verifying juvenile allegations. Undoubtedly, police are also a preeminent partner of the Youth Counseling Committee, schools, social affairs bureaus, and the community to reduce harm and strengthen the prevention of juvenile delinquency, violence, and antisocial behavior.

