



Implementation of the Convention on the Rights of the Child

Initial Report Submitted under Article 44 of the Convention
Republic of China (Taiwan) 

行政院
Executive Yuan



Child and Youth Welfare and Rights Promotion Group



Implementation of the Convention on the Rights of the Child - Initial Report (ROC)

November 2016

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INTRODUCTION

1. The “Constitution of the Republic of China (Taiwan)” (the Constitution) stipulates that children and youth¹ should, in principle, enjoy the same basic human rights as adults, except for the right of suffrage, the right of taking public examinations and the right of holding public offices. In addition, the Constitution provides that the state should implement child welfare policies, allow all children between the ages of 6 and 12 to enjoy the right to basic education, and give special protection to children doing manual labor.
2. From 1963 to 1971, Taiwan received aid from the United Nations Children’s Fund (UNICEF) to promote child welfare in the country. To express its determination to promote child welfare, the Taiwan government declared 1979 as the Year of the Child in Taiwan, following the United Nations’ designation of 1979 as the International Year of the Child. In 1995, it declared to the international community that it would comply with the spirit of the Convention on the Rights of the Child (the CRC).
3. Taiwan passed the “Children Welfare Act” – the country’s first welfare law covering a specific group of the population – in 1973 and the “Youth Welfare Act” in 1989. In 2003, the two laws were merged to form the “Children and Youth Welfare Act,” which was amended and renamed the “Protection of Children and Youths Welfare and Rights Act” in 2011.
4. Civil groups began lobbying the government to sign and join the CRC in 1992. In 1995, the groups collected thousands of signatures from the public in support of accepting the CRC, and played an active and important role in drafting and amending child and youth-related laws, advocating child and youth issues, and initiating various child and youth programs. Due to the advocacy of NGOs and lawmakers, Taiwan passed the “Implementation Act of the Convention on the Rights of the Child” (the “Implementation Act of the CRC”, refer to Attachment Intro.-1) in 2014, promulgated the Act on June 4 that year and implemented it on Nov. 20 the same year. On April 22, 2016, Taiwan’s Legislative Yuan passed a bill to support the adoption of the CRC, paving the way for the president to sign the Instrument of Accession to the CRC on May 16.

¹ Article 1 of the CRC stipulates that a child means every human being under the age of 18. Article 2 of Taiwan’s “Protection of Children and Youths Welfare and Rights Act” stipulates that children are people under the age of 12, and youth are people aged 12 and over but under the age of 18. When discussing Taiwan’s laws in this report, “child” or “children” is used to refer to those under the age of 12; “youth” is used to refer to those 12 years of age and above and under the age of 18; and “children and youth” is used to refer to those below the age of 18 (which is the definition of a child under Article 1 of the CRC). Refer to Attachment Intro.-2 regarding population overview of children and youth.

5. Articles 6 and 7 of the Implementation Act of the CRC stipulate that the Executive Yuan should establish a committee to promote the welfare and rights of children and youth and the committee should submit a national report within two years of the implementation of the Act. The report should be written in the format as detailed in the “Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties (HRI/GEN/2/Rev.6),” “General Guidelines Regarding the Form and Content of Initial Reports to Be Submitted by States Parties (CRC/C/5),” and “Treaty-specific Guidelines Regarding the Form and Content of Periodic Reports to be Submitted by States Parties (CRC/C/58/Rev.3).”

CHAPTER 1 GENERAL MEASURES OF IMPLEMENTATION

A. Harmonizing National Laws and Policy with the Provisions of the Convention - Article 4

The practice and review of national law

6. Article 2 of the “Implementation Act of the CRC” stipulates that the CRC shall have the effect of domestic law. Article 9 of the Act stipulates that governments at all levels shall review existing laws and regulations based on the provisions of the CRC and add, amend or abolish any laws and regulations inconsistent with the provisions, as well as improve administrative measures, by 2019. Taiwan set up a procedure for reviewing the above laws, regulations and measures in 2014 and provided a priority review list of seven categories of laws, 13 laws and 18 articles on Nov. 20, 2015. The review of the priority list of laws and articles is set to be completed in 2017 (refer to Attachment 1-1).
7. The Ministry of Health and Welfare is the central competent authority in charge of laws and regulations pertaining to child and youth welfare, rights and protection. Such laws and regulations have been amended according to the CRC. In 1993, the “Children Welfare Act” was amended to establish a mechanism for reporting, protecting and providing placement for abused and neglected children. In 2003, a chapter on protective measures was added to the “Children and Youth Welfare Act.” In 2011, the “Protection of Children and Youths Welfare and Rights Act” was substantially revised to add measures related to the identity, health, safety, education, social participation, welfare and protection of children and youth, and to ensure that they enjoy play and recreational rights and development opportunities appropriate to their ages and aptitudes. The “Child and Youth Sexual Transaction Prevention Act” was passed in 1998 and renamed the “Child and Youth Sexual Exploitation Prevention Act” in 2015 in response to Constitutional Interpretation No. 623. Furthermore, the “Domestic Violence Prevention Act” was passed in 1998, and in 2015, the Act extended its protection to children and youth who have witnessed domestic violence.
8. The Ministry of Education is the central competent authority in charge of laws and regulations pertaining to child and youth education. The “Compulsory Education Act” was enacted in 1944 and the “Primary and Junior High School Act” in 1979 to protect Taiwan citizens’ rights to a primary and junior high school education. In 1984, the “Special Education Act” was promulgated to ensure that disabled and gifted citizens receive appropriate education. The “Educational Fundamental Act” was passed in 1999 to establish guidelines for

basic education, and the “Early Childhood Education and Care Act” was enacted in 2011 to ensure preschool children’s right to early childhood education.

9. The Judicial Yuan and Ministry of Justice are the central competent authorities in charge of laws and regulations pertaining to juvenile justice and correction. The “Juvenile Delinquency Act” was implemented in 1971. In 1997, the Act was amended to adopt the principle of “replacing punishment with education and replacing probation with protection.” The Ministry of Justice is responsible for enforcing reformatory education for juvenile inmates and managing institutions that provide such education, as stipulated under the “Act of the Establishment of Juvenile Reformatory Schools and Enforcement of Education” (though the official translation uses the term “reformatory,” the law refers to what are called “correctional schools” in this report) and the “Organic Statute of Reform Schools.”
10. The Ministry of Labor is the central competent authority in charge of laws and regulations pertaining to child and youth labor protection. The “Labor Standards Act” was enacted in 1984 and included a chapter on child workers. In 2013, the Act extended the application of its provisions to people under the age of 15 who provide their labor, and introduced a cap on the working hours of child workers. Furthermore, the Ministry of Education introduced the “Act of the Cooperative Education Implementation in Senior High Schools and the Protection of Student Participants’ Right” in 2013 to protect students’ labor rights.
11. The aforementioned laws and regulations all include administrative penalties, and the court is allowed to intervene under certain statutory circumstances, such as in civil, criminal, juvenile and family cases and administrative proceedings², to protect children’s rights.

The budget for executing CRC

12. Articles 4, 5 and 8 of the “Implementation Act of the CRC” stipulate that governments at all levels shall promote the CRC, actively push for the fulfillment of the rights of children and youth, and ensure that relevant budgets are allocated as a priority.
13. The government’s budget for children and youth over the years has been mainly allocated to education, health, medical care, social welfare and culture. The budget totaled NT\$44.8 billion in 2014 and rose to NT\$46.9 billion in 2015, largely due to increases in funding for some programs, such as a program that promotes tuition aid for senior and vocational high

² Historically, a total of seven constitutional interpretations and 1,041 court verdicts have cited the CRC. From Nov. 20, 2014, when the “Implementation Act of the CRC” was put into effect, to the end of April 2016, 401 court verdicts had cited the CRC.

school students; a program that provides child care and nursing subsidies to parents; and a program that focuses on youth education and counseling (refer to Attachment 1-2).

International assistance

14. Taiwan has provided international assistance to children and youth overseas, and has supported numerous projects in the areas of economic development, medicine, culture, education and information technology equipment (refer to Attachment 1-3).

Cooperation with civil groups

15. To involve civil groups in the formulation of child and youth policies, governments at all levels always invite members of these groups to participate in child and youth projects, committees or coordination meetings. This cooperation with civil groups is mandated in Article 6 of the “Implementation Act of the CRC” and Article 10 of the “Protection of Children and Youths Welfare and Rights Act.” According to Articles 25, 28 and 76 of the “Protection of Children and Youths Welfare and Rights Act,” representatives of the groups shall also be invited to attend meetings on family child care services, the prevention of accidents and injuries to children and youth, and the review of after-school care classes and centers for children. Meanwhile, Articles 4, 9 and 39 of the “Early Childhood Education and Care Act” stipulate that representatives of the groups shall be invited to meetings on education and care services for children, the review of non-profit preschools and child rights appeals.
16. In order to adopt the CRC into domestic law, governments at all levels have invited civil groups to jointly review laws and regulations. Multiple review meetings on writing national reports were also convened and the groups were invited to provide their opinions. The government, civil groups, scholars and experts also formed a group to prepare for the international review.

B. Coordinating Child and Youth Policies and Monitoring the Implementation of the Convention - Article 4

Child and youth policy coordination mechanisms

17. A minister without portfolio acts as the convener and a deputy minister of health and welfare acts as the executive secretary of the Executive Yuan’s Child and Youth Welfare and Rights Promotion Group. Twenty-one scholars, experts, and representatives from civil groups are invited to participate in the promotion group. The promotion group convenes a meeting every

four months for coordination, research, reviews, consultation, advocacy and education and training, and to handle complaints related to violations of the CRC.

18. The government has established various promotion and coordination groups and committees to handle child and youth policies that call for joint efforts from various government ministries and agencies. They include groups that promote welfare and rights for children and youth, early intervention services for developmentally delayed children, and the prevention of domestic violence and sexual assault. They also include groups and boards that work to prevent child and youth accidents, injuries, human trafficking and serious cases of abuse. There are also committees that promote human rights and gender equality education, as well as provide guidance on special education, student counseling and family education.
19. Local governments have established groups to protect the welfare and rights of children and youth, in accordance with Article 10 of the “Protection of Children and Youths Welfare and Rights Act.” Convened by heads of local governments, the groups consist of scholars, experts and representatives of civil groups. They are responsible for the coordination, research, review, and promotion of child and youth policies. If necessary, youth representatives may be invited to attend the groups’ meetings (see Paragraph 77). Authorities are also required to regularly monitor and hold coordination or consultative meetings on efforts related to early intervention, child care, safety, after-school care, preschool education and care, management of child care providers, and the prevention of child and youth sexual exploitation (see Paragraph 15).

Mechanisms for monitoring the implementation of the Convention

20. Under the Constitution, the Executive Yuan is responsible for proposing policy objectives and reporting to the Legislative Yuan on the progress of the “Implementation Act of the CRC.” The Control Yuan is responsible for receiving and handling people’s petitions. In cases of infringements or violations of human rights, the Control Yuan shall rectify wrongdoing by government agencies or request that they make improvements. Between 2011 and 2015, 86 of the Control Yuan’s investigation reports were related to child and youth issues. Among them, cases involving the right to education accounted for the largest share (31%), followed by cases on the right to life (24%) and cases on sexual assault (14%).
21. Every two years, the central competent authority invites scholars and experts to assess the performance of local governments in implementing child and youth welfare policies, in allocating and executing the budgets for these policies and in enforcing the CRC and other

child and youth laws and regulations. The results of the assessment affect the distribution of general funds from the central government to local governments.

C. Publicizing the Provisions of the Convention - Article 42

22. The CRC was published in Chinese in 1990. In 2000, a revised version included new content, such as the origins of child and youth rights, the formation process of the Convention and an article-by-article explanation of the Convention's text. In 2014, based on the "Implementation Act of the CRC," the government proposed a plan to enable authorities at all levels to provide education and training to relevant personnel to further their understanding of the CRC (refer to Attachment 1-4 for the results of the education and training). A CRC website – <https://crc.sfaa.gov.tw> – was also launched, and digital learning materials and various interpretations of the provisions of the Convention were produced to meet the varying needs of the public, children and youth, and government workers. Local governments and civil groups also received subsidies to organize a diverse range of promotional activities.

D. Publicizing this Report - Article 44. 6

23. A press conference and international symposium was held in November 2016 to present the report to the public. All relevant information is to be published on the CRC website.

CHAPTER 2 DEFINITION OF THE CHILD

A. Definition of the Child - Article 1

24. Article 2 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that children and youth are people under the age of 18, of whom “children” are under the age of 12, and “youth” are aged 12 and above and under 18.

B. Terms and Age Limits - Article 1

Age of compulsory education

25. Article 2 of the “Primary and Junior High School Act” and Article 2 of the “Compulsory Education Act” stipulate that school-age citizens between 6 and 15 years of age shall receive compulsory education.

Minimum age for enlistment (including both compulsory and voluntary military service)

26. The “Act of Military Service System” stipulates that all male citizens who have reached the age of 18 are required to perform military service, which shall begin any time during the year after the individual turns 18. The minimum age for performing voluntary military service may vary depending on specific requirements of different programs. During the military school period, military school cadets are not considered to be military personnel. A military school student who is at least 18 years old shall begin his or her active duty after graduation and the successful completion of all training.

Minimum voting age

27. Article 130 of the Constitution, Article 11 of the “Presidential and Vice Presidential Election and Recall Act,” and Article 14 of the “Civil Servants Election and Recall Act,” as well as Article 7 of the “Referendum Act,” stipulate that any citizen who has reached 20 years of age shall have the right of suffrage, unless a declaration of guardianship has not yet been revoked.

Minimum age for marriage

28. Articles 980 and 973 of the “Civil Code” stipulate that a male who has not reached the age of 18 and a female who has not reached the age of 16 shall not conclude a marriage; a male who has not reached the age of 17 and a female who has not reached the age of 15 shall not make an agreement to marry.

Legal age of majority and the age of disposing capacity to perform juridical acts

29. Articles 12 and 13 of the “Civil Code” stipulate that the age of attainment of majority is 20. A natural person who has reached majority has full disposing capacity to make juridical acts as do minors who have married. Minors who have not attained the age of 7 have no capacity to make juridical acts, while minors who have reached the age of 7 are granted a limited capacity to make juridical acts.

Minimum age of criminal responsibility

30. Article 18 of the “Criminal Code of the Republic of China” (the “Criminal Code”) stipulates that a person who has not reached the age of 14 is excluded from criminal liability, while the criminal liability of a juvenile aged 14 or over but under 18 may be reduced. But criminal cases involving such juveniles shall first be sent to Juvenile Court and processed based on procedures for handling them laid out in the “Juvenile Delinquency Act.”

Minimum age of sexual consent

31. According to Article 227 of the “Criminal Code,” the age of consent for sexual activity is 16. Therefore, a person who has sexual intercourse with a male or female under the age of 16 shall be sentenced to jail. The penalty becomes more severe if a person has sexual intercourse with a male or female under the age of 14.

Minimum age to file a lawsuit without parental consent

32. A child or youth may file a lawsuit in court, but the consent of his or her legal representative is required. However:

- (a) Article 45 of the “Taiwan Code of Civil Procedure” and Article 27 of the “Administrative Litigation Act” stipulate that a minor under 20 who is already married has the capacity to litigate independently. Minors 7 years old and above who are allowed to operate a business independently with the consent of a legal representative have the capacity to litigate in civil or administrative cases related to their businesses.
- (b) Under Article 319 of the “Code of Criminal Procedure,” a person who has not reached the age of 20 but is married, may independently file a private prosecution.
- (c) Article 14 of the “Family Act” stipulates that a minor aged 7 or over or a minor under the age of 7 who can prove he or she is capable of declaring an intention, except as otherwise provided in the statutory law, can file a complaint in court with regard to family matters concerning his or her identification or personal liberty without parental consent.

Legal age to voluntarily testify in court

33. The law does not specifically limit the age of any person to voluntarily testify against another person in court. Every citizen has a duty to appear and testify when subpoenaed as a witness in a criminal case, except as otherwise provided in the statutory law. According to Article 186 of the “Code of Criminal Procedure,” however, a person who has not reached the age of 16 shall not be ordered to make an affidavit that he or she will tell the truth, in consideration of his or her immature physical and mental abilities as well as an inability to understand the meaning and effect of an affidavit. Under those and other circumstances, the individual will be advised not to make an affidavit to avoid committing perjury, according to the Article.

Minimum age of personal liberty restrictions due to judicial protection or child welfare placement

34. The “Criminal Code,” the “Juvenile Delinquency Act” and the “Code of Criminal Procedure” stipulate that the minimum age for serving a prison sentence and being detained is 14 years old. Article 85-1 of the “Juvenile Delinquency Act” stipulates that children aged 7 or over but under 12 who violate criminal laws shall apply for juvenile delinquent protection.

Meanwhile, the minimum age at which a child can have his or her personal liberties restricted under “protective measures” is 7 years old³.

35. The “Protection of Children and Youths Welfare and Rights Act” and the amended “Child and Youth Sexual Exploitation Prevention Act” do not define a specific minimum age for placement services. However, if a person in placement reaches the age of 18 and still needs to remain in placement based on an evaluation, the placement can be continued until the individual turns 20; college students in placement can remain there until they graduate.

Minimum age for child workers and for hazardous employment

36. The chapter on child workers in the “Labor Standards Act” stipulates that a worker aged 15 and above but under 16 shall be considered as a child worker. No employers shall hire any person under the age of 15; however, this does not apply if the person has graduated from junior high school or has been authorized by the competent authority. Employers who hire workers under the age of 18 shall keep the letters of consent from legal guardians and age certificates for such workers on file.

³ The state does not place restrictions on the personal liberty of children during placement. Between 2011 and 2015, only one child per year aged at least 7 but under 12 was ordered to receive reformatory education, and the orders were not carried out until each of them reached 12 years of age.

37. Article 29 of the “Occupational Safety and Health Act” stipulates that employers shall not hire any person who has not reached the age of 18 to perform any potentially dangerous or hazardous work.

Minimum age for obtaining a medical consultation, medical treatment or a surgical procedure without parental consent

38. Articles 63 and 64 of the “Medical Care Act” stipulate that a minor who undergoes a surgical operation, anesthesia or an invasive examination or treatment must have the letter of consent signed by his or her legal guardian. In case of emergency, however, the provisions above shall not apply.

Minimum legal age for drinking and smoking

39. Article 43 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that persons under the age of 18 shall not smoke or drink. Article 12 of the “Tobacco Hazards Prevention Act” also stipulates that persons under the age of 18 shall not smoke.

Media Classification

40. According to the “Videos and Publications Classification Regulations,” restricted-rated programs are not allowed to be viewed by any person under the age of 18.

41. The “Videos and Publications Classification Regulations” and the “Regulations Governing the Classification of Motion Pictures and Trailers and the Use of Advertisements and Promotional Materials for a Motion Picture” classify videos, films and movie trailers into the following five categories in accordance with their content:

- Restricted (R) – Viewing by any person under the age of 18 is not permitted.
- Parental guidance 15 (PG-15) – Viewing by any person under the age of 15 is not permitted.
- Parental guidance 12 (PG-12) – Viewing by children under the age of 12 is not permitted.
- Protected (P) – Viewing by children under the age of 6 is not permitted. It is permitted for children aged 6 or over but under 12 when accompanied by a parent, teacher, or other adult.
- General audiences (G) – Viewing by all audiences permitted.

42. The “Regulations Governing the Classification of Television Programs” divide television programs into the following four categories in accordance with their content:

- Restricted (R) – Viewing by any person under the age of 18 is not permitted.

- Parental guidance (PG) – Viewing by children under the age of 12 is not permitted. It is permitted for youth aged 12 or over but under 18 when accompanied by a parent or teacher.
- Protected (P) – Viewing is not permitted for children under 6 years old. It is permitted for children aged 6 or over but under 12 when accompanied by a parent, teachers, or other adult.
- General audiences (G) – Viewing by all audiences is allowed.

Classification for video game software and electronic game arcades

43. The “Game Software Rating Management Regulations” divide game software into the following five ratings categories in accordance with its content:

- Restricted (R) – Only persons aged 18 or over may use such software.
- Parental guidance 15 (PG-15) – Only persons aged 15 or over may use such software.
- Parental guidance 12 (PG-12) – Only persons aged 12 or over may use such software.
- Protected (P) – Only persons aged 6 or over may use such software.
- General public (G) – Persons of all ages may use such software.

Meanwhile, the “Electronic Game Arcade Business Regulation Act” divides electric game arcades business into the following two ratings in accordance with their content: General and Restricted. The latter prohibits entry of any person under the age of 18.

Minimum age to take non-professional driver’s license exams (and to obtain a non-professional driver’s license)

44. The “Rules on Road Traffic Safety” stipulate that a person who is under the age of 18 shall not take a driver’s license exam (and obtain a driver’s license) for a non-professional automobile, ordinary light motorcycle and ordinary heavy motorcycle.

Minimum age to purchase a public welfare lottery ticket

45. Article 9 of the “Public Welfare Lottery Issue Act” stipulates that the delegated organization or retail outlet shall not sell lottery tickets or pay prizes to any person under the age of 18.

Minimum age to possess a credit card

46. Article 21 of the “Regulations Governing Institutions Engaging in Credit Card Business” stipulates that a main credit card holder shall be 20 years old or above, while a supplementary credit card holder shall be 15 years old or above.

Minimum age to participate in administrative procedures

47. According to the “Administrative Procedure Act,” a person who has disposing capacity is able to act in administrative procedures. A person who has no disposing capacity for administrative procedures shall be represented by his or her statutory agent to act for and on behalf of him or her in administrative procedures. More details on the question of disposing capacity can be found in Paragraph 29.

CHAPTER 3 GENERAL PRINCIPLES

A. Non-Discrimination - Article 2

48. Article 7 of the Constitution stipulates that “All citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law.”
49. The “Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights” was introduced in 2009, the “Enforcement Act of Convention on the Elimination of All Forms of Discrimination against Women” in 2012, and both the “Act to Implement the Convention on the Rights of Persons with Disabilities” and the “Implementation Act of the CRC” in 2014. These laws ensure protection of basic human rights of women, children, youth and the disabled.
50. The same benefits and education are provided to children and youth, without considering who they are, or who their parents or guardians are.
51. Children and youth are required to be covered by the national health insurance program, according to Articles 8 and 9 of the “National Health Insurance Act.”
52. The “Medical Care Act,” the “Artificial Reproduction Act,” the “Genetic Health Act,” the “Physicians Act” and the “Medical Technologists Act” ban the practice of fetal gender selection by hospitals and medical personnel. More details can be found in Paragraph 71.
53. Article 12 of the “Standards for Establishing Children and Youth Welfare Institutes” stipulates that “Nursery service centers shall not reject children for reasons of developmental delay, disabilities or that theirs are low-income or low-to-middle income families.”
54. To help integrate children and youth with disabilities into society, the “Act to Implement the Convention on the Rights of Persons with Disabilities,” and Articles 16 and 74 of the “People with Disabilities Rights Protection Act” stipulate that people with disabilities shall not be discriminated against in education, medical care, residence/housing, migration and employment. Discriminatory or biased reports by media outlets shall not be allowed. Articles 9 and 22 of the “Special Education Act” require that all governments should set special education budgets at no less than 4.5% of the yearly educational budget of the central government and no less than 5% of the educational budget of the local government. The schooling of people with disabilities is given priority under local government budgets. The above articles also stipulate that all schools and test centers must not reject student admission because a person has disabilities.

55. Articles 10 and 11 of the “Education Act for Indigenous Peoples” stipulate that public preschools, non-profit preschools, and community or tribal cooperative education and care service centers shall be widely established in indigenous regions and that indigenous schools and/or indigenous classes at any level should be established to improve the school attendance of indigenous students and maintain their indigenous culture. Meanwhile, Article 7 of the “Early Childhood Education and Care Act” and Article 4 of the enforcement rules of the Act require public preschools and non-profit preschools to give priority to disadvantaged children⁴ to safeguard their access to education services.
56. Articles 4 and 7 of the “HIV Infection Control and Patient Rights Protection Act” prohibit unfair treatment or the denial of education, medical care, employment, day care, or housing to children or youth who have contracted the HIV virus, and require the government to launch educational and promotional campaigns that discourage these types of discrimination. Article 7 of the “Regulations Governing Protection of the Rights of HIV Patients” offers a channel for appeals against unfair treatment.
57. Article 22 of the “Protection of Children and Youths Welfare and Rights Act,” the “Primary and Junior High School Act,” and the “Regulations for Subsidizing Life Assistance as well as Nursery and Medical Expenses of Disadvantaged Children and Youth” give foreign or stateless children and youth the same rights to medical services, care and education enjoyed by ROC nationals.

B. Best Interests of the Child - Article 3

Legislation and measures adopted to protect the best interests of children and youth

58. Article 5 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that when handling matters involving children and youth, their best interests should be taken into consideration as a top priority by the government, public/private institutes, and groups, and that “in case of unlawful invasion, the government will properly assist and protect the rights and interests of children and youth.”
59. Articles 56 and 61 of the “Protection of Children and Youths Welfare and Rights Act” authorize the government to take immediate action and place children or youth into proper care based on their best interests and respectful of their will. Interviews, interrogations,

⁴ Disadvantaged children include those from families of low-to-middle incomes or in special situations, with physical or mental disabilities, of aboriginal heritage, as well as children of people with medium to serious disabilities.

examinations, or physical checkups of children and youth during placement that are not for the purpose of protecting them are prohibited.

60. “Regulations for Placement of Helpless Children and Youth” have been introduced to establish procedures and measures for providing protection and placement for abandoned or homeless children and youth, including helping them find adoptive families or placing them in foster or institutional care, based on their best interests.
61. Articles 14 and 44 of the “Domestic Violence Prevention Act” require courts to consider the best interests of the child when ruling on exercising the rights or assuming the duties toward minors as well as on visitation rights. If necessary, the court may also consult the child and the social worker for their views. The court may alter its rulings based on the best interests of the child, if domestic violence reoccurs.
62. Article 15 of the “Sexual Assault Crime Prevention Act” requires the presence of social workers appointed by local governments during investigations and trials when the victim is a minor, unless it is deemed unnecessary. Article 15-1 of the Act authorizes assistance from professionals to underage victims during investigations and trials. In 2017, the Ministry of Health and Welfare plans to provide a list of experts in conducting interviews with minors to help judicial and police authorities prepare training programs for their personnel.
63. Article 1055-1 of the “Civil Code” stipulates that a court, when ruling on parental rights in a divorce, should make its decision based on the best interests of the child. The “Family Act” also introduces the role of social workers to make visits and accompany the minors in court in such cases, and authorizes the appointment of a guardian ad litem.
64. The court is required to consider the best interests of the child when selecting or changing a minor’s guardian or when approving an adoption or the termination of an adoption of a minor under Articles 1106, 1106-1, 1079-1 and 1080 of the “Civil Code.”

Measures taken to ensure standards of institutions and facilities serving children and youth for their best interests

65. Regulations have been introduced for the establishment, approval, management and review of preschools, welfare institutes for children and youth, and care centers, as well as for assessing the qualifications of these organizations’ employees. Rules are also in place to regulate the number of people at each facility, the services offered, building and safety requirements (including guidelines for floor space, special needs and fire safety requirements), requirements for training and training hours, and the ratio of children and youth to professionals working in a facility.

66. Apart from mandatory requirements on the qualifications of professionals working in welfare institutes for children and youth and care services, authorities are required to check if employees of these facilities have a criminal history of sexual offenses, or a record of abuse of minors, improper behavior, mental disease, or physical or mental disorders (as certified by two or more doctors) that prevent them from performing their duties.
67. Article 84 of the “Protection of Children and Youths Welfare and Rights Act” requires the government to visit and inspect welfare institutions for children and youth to maintain the quality of service at these facilities. Authorities are also required to supervise and monitor improvements made by underperforming institutions.

C. The Right to Life, Survival and Development - Article 6

68. Article 15 of the Constitution stipulates that “the right of existence” shall be guaranteed to the people while Articles 155 to 157 of the Constitution and Article 10 of the “Additional Articles of the Constitution” specify the state’s obligation to offer assistance and relief to the aged and the infirm who are unable to earn a living and to victims of unusual calamities; promote motherhood and the welfare of women and children; establish extensive services for hygiene, health protection, and national health insurance; and support the development and self-reliance of people with disabilities and indigenous peoples.
69. Article 23 of the “Protection of Children and Youths Welfare and Rights Act” and Article 14-1 of the “Gender Equity Education Act” ensures the right to education of minors who are pregnant or become a parent and that of their children, and require the government to provide them necessary assistance. The numbers of pregnant students who remain in senior high school are listed in Attachment 3-1.
70. Except for procedures carried out under the “Genetic Health Act,” causing or conducting illegal abortions are offenses punishable under Articles 288 to 292 of the “Criminal Code.”
71. The “Physicians Act” and the “Medical Technologists Act” ban medical personnel from conducting fetal gender selection or tests to determine the gender of fetuses for selection purpose, while the “Regulations for Artificial Reproduction Institution Permit” have been amended to include monitoring of the gender ratio of newborns. A working group was set up by the Ministry of Health and Welfare to check the gender ratio of newborns in hospitals. The government also continues to promote gender equality through educational campaigns and to crack down on illegal advertisements.
72. Articles 49 and 56 of the “Protection of Children and Youths Welfare and Rights Act” prohibit acts that endanger children and youth or put them at risk of imminent harm, and

authorize the government to take action such as emergency protection or placement or other necessary measures.

73. To avoid moral hazard and protect the lives of minors, Article 107 of the “Insurance Act” stipulates that if a minor under the age of 15 is the insured party in a life insurance policy, benefits for the insured minor’s death will not be paid until the minor would have reached 15 years of age.
74. The “Household Registration Act” governs registration of deaths, including those of minors. Statistics on the live births-to-stillbirth ratio, infant deaths and mortality rate, causes of infant deaths, percentage of minors in the overall population (based on mid-year populations) and mortality rates among minors, rate of accidental deaths among minors, and suicide rate among minors are shown in Attachments 3-2 to 3-7.
75. See Section A of Chapter 6 for more on the right to life and development, and Chapters 5 to 8 on child development and poverty; parental responsibilities; health; standard of living; education and leisure; and protection measures.

D. Respect for the Views of the Child - Article 12

Protection provided in the Constitution

76. Articles 11 and 14 of the Constitution state that people shall have freedom of speech, teaching, writing, publication, assembly and association.

The views of children and youth on welfare- and health-related rights

77. Article 5 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that “the government, public/private institutes, and groups will consider the opinions of children and youth according to each individual’s mental maturity when dealing with relevant matters.” Article 10 states that authorities shall invite youth representatives to attend meetings of groups to promote the welfare and rights of children and youth (see Paragraph 19). Under Article 38, the government is required to work with private institutes and groups to offer opportunities and encourage children and youth to participate in public affairs in schools and communities. Several local governments in Taiwan have selected representatives of minors to attend the abovementioned meetings on protecting and promoting the welfare and rights of children and youth⁵.

⁵ As of March 2015, 15 county and city governments had selected a total of 269 representatives among children and youth.

78. Local governments are responsible for supervising placement institutions, and children and youth in their care may attend internal meetings and file complaints through formal channels. During placement, authorities should consult minors and respect their will when their parents or guardians apply to visit them.
79. On the rights of children and youth who are victims of domestic violence to express themselves, see Paragraph 61. In cases of sexual harassment, Article 13 of the “Regulations of Sexual Harassment Prevention” offers all parties involved, including minors, an opportunity to make a statement and to defend themselves. The “Sexual Assault Crime Prevention Act” guarantees the right to express views during investigations and trials. For more on this, see Paragraph 62.
80. See Paragraph 38 for issues relating to minors’ consent to medical treatments under the “Medical Care Act.” The protection of victims’ privacy and consent to medical treatments in the cases of sexual assault, incest, HIV tests and abortion are regulated by Article 11 of the “Sexual Assault Crime Prevention Act,” Article 15-1 of the “HIV Infection Control and Patient Rights Protection Act,” and Article 9 of the “Genetic Health Act.”

The views of children and youth on rights of education

81. Articles 25 and 55 of the “Senior High School Education Act” require junior college and senior high schools to ensure the presence of representatives elected by students when meetings are held on the formation of rules on students’ schoolwork, lives, rewards and punishment, and requirements for graduation. Article 2 of the Ministry of Education’s guidelines on schools’ formation of rules regarding how teachers should counsel and discipline students require one-fifth of the meeting’s participants to be student representatives in senior high schools and schools at higher levels, and one-tenth in elementary schools and junior high schools.

The views of children and youth on labor rights

82. Article 20 of the “Act of the Cooperative Education Implementation in Senior High Schools and the Protection of Student Participants’ Right” gives students working outside schools under cooperative education programs the right to file complaints with the school over disputes on terms of their participation in such programs.

The views of children and youth in judicial procedures

83. Article 1055-1 of the Civil Code requires the court to consider the will of the child in cases related to parental rights. The “Family Act” stipulates that minors should have the opportunity to express their will or make statements. It also has provisions for holding closed court sessions; creating a friendly court environment; allowing social workers’ participation; and conducting interrogations in a separate space in parental rights cases. There are also provisions for appointing a guardian *ad litem*; introducing assistance from experts in child or youth psychology or in other relevant fields; removing personal information in verdicts to protect minors; and order child and family investigators to investigate facts with regard to a particular matter and mediators to handle family matters.

84. Article 3-1 of the “Juvenile Delinquency Act” stipulates that “while investigating or hearing a juvenile case, the police, prosecutor, juvenile investigator, or judge shall notify the juvenile the facts of an offense or causes for potential delinquency, hear his or her statements, and notify the juvenile their rights to select a defender.” The Act also allows a juvenile to be accompanied by his or her legal representative, guardian, attorney or persons assisting in defending the juvenile during the investigation and court sessions.

The views of youth in juvenile correctional schools

85. Articles 7 and 8 of the “Act of the Establishment of Juvenile Reformatory Schools and Enforcement of Education” protect the rights of juveniles in correctional schools to express their views on their school’s educational practices. They can also file complaints with the school’s appeals committee if their rights have been infringed upon, or if they disagree with the way they have been treated or disciplined. The schools are required to allow students to hold class meetings and give juveniles the right to express their opinions publicly or anonymously.

CHAPTER 4 CIVIL RIGHTS AND FREEDOMS

A. Name and Nationality - Article 7

Reporting and registration of the birth of a child

86. Article 14 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that a person who delivers birth shall report the relevant birth information within seven days after the delivery of the baby to the health authorities. If it was stillborn, the same applies.
87. Pursuant to Articles 6, 48, 48-2, and 79 of the “Household Registration Act” as well as Article 5 of the “Online Birth Reporting Operational Directives,” any nationals under 12 years of age born in the ROC shall be subject to birth registration within 60 days of birth. If the concerned parties fail to register the birth after being notified, the birth registrations shall be filed directly by the government.
88. Registration of newborns of non-nationals shall be made in accordance with the “Standard Procedure for the Registration of a Newborn of an Alien in Taiwan,” and the record will be kept on file. The parents will be notified to apply for residence for the newborn within 30 days of the birth, pursuant to Article 26 of the “Immigration Act.”
89. For foreign and stateless children and youth unable to acquire residence permits, the priority for the authorities concerned is to help them obtain nationality, household registration, or a residence permit. Before completing such steps, the authorities concerned should provide assistance related to social welfare services, medical care and schooling rights, according to Article 22 of the “Protection of Children and Youths Welfare and Rights Act.”

Name

90. Article 1059 of the “Civil Code” stipulates that parents should agree on the surname of their children in writing. Without such an agreement or when an agreement cannot be reached, the surname shall be determined by drawing lots at the Household Registration Office. A child’s surname can be changed as desired (by agreement between the parents before the child reaches maturity, or by the child after he or she has reached maturity), or by a judicial declaration. There are restrictions on the number of times and conditions an individual can apply for surname changes. According to Article 1078 of the “Civil Code,” an adopted child may assume the surname of the adopter or maintain his or her original surname. When a husband and wife co-adopt a child, they shall agree in writing whether the adopted child will

assume the surname of the adoptive father or of the adoptive mother or maintain his or her original surname.

91. Article 1 of the “Name Act” states that an indigenous person or a person of an ethnic minority may register his or her name in accordance with his or her culture and customs. When an ROC national marries a foreign national or stateless person, the Chinese names of their children should conform to the practice of naming in the ROC. This shall also apply to the Chinese name of a foreign national or stateless person applying for naturalization.

Nationality

92. According to the Republic of China’s “Nationality Act” revised in 2000, ROC nationality in principle follows *jus sanguinis*, though there are exceptions when *jus soli* is applied. A person whose father or mother is a national of the ROC at the time of his or her birth qualifies for nationality. A person born after the death of his or her father or mother who was, at the time of death, a national of the ROC, can also be a national of the ROC. A person who was born in the territory of the ROC to parents whose nationality could not be ascertained or who were both stateless can become a national of the ROC. Children of naturalized foreign nationals can apply for naturalization. The ROC nationality of a child or youth cannot be automatically invalidated for whatever reason. A person who wishes to give up ROC nationality should apply to the authorities, and it will become effective after the application is approved.
93. Stateless or foreign minors may, under certain conditions on a case-by-case basis, be allowed to reside in the ROC, have schooling rights and medical care, and, later on, have the right to apply for naturalization, pursuant to “minutes of the meeting to resolve issues regarding overstaying foreigners who have children with ROC nationals and the reporting system of non-national newborns,” revised “Standard Procedures for Newborns of Foreigners in Taiwan” promulgated in 2015, and “Standard Procedures for Checks by the National Immigration Agency under the Ministry of the Interior of Illegal Immigrants and their Minors under 18.” Also, see Paragraph 57.

The authorities will try their best to guarantee the right of adopted children to know the identity of their biological parents and be looked after by them

94. Article 21 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that the central government agencies concerned should keep records on the identities and health of adopted children and their biological and adoptive parents and other information related to each individual’s case. The “Information Management and Regulations of Child and Juvenile

Adoption” state that related authorities may provide assistance to those who wish to find their biological family. Courses taken by adopters to prepare them for adoption should cover “informing adopted children of their identities” so as to guarantee the right of adopted children to know their biological parents.

B. Preservation of Identity - Article 8

95. It is stipulated in Articles 1064 and 1065 of the “Civil Code” that a child born out of wedlock, who has been acknowledged and raised by the natural father, whose natural father and mother have married each other, or whose relation to a parent is confirmed by the court, is deemed to be legitimate and entitled to the rights of a child of a married couple.
96. The “Status Act for Indigenous Peoples” stipulates that the identity of an indigenous person may follow either patrilineal or maternal pedigrees. When an indigenous child is adopted by a non-indigenous person or when an indigenous child is born out of wedlock, the child will maintain his or her status as an indigenous person. Parents or legal representatives are not allowed to give up the child’s indigenous identity on the child’s behalf regardless of the willingness of the child.
97. The “Mongolian and Tibetan Identity Certificates Act” stipulates that Mongolians and Tibetans in Taiwan can apply for identity certificates. When a Mongolian or a Tibetan is married to a non-Mongolian or a non-Tibetan, is adopted or has reached the age of 20, that person may apply to renounce his or her identity as a Mongolian or a Tibetan if he or she so wishes. The change of identity will have no effect upon the Mongolian or Tibetan identity of his or her direct relatives.
98. The government actively assists children in placement to reunite with their original families and relatives, and to provide them information about the original families in accordance with the wishes of the children. Related measures have been included in the “2015 evaluation of placement institutions for children and youth.”

C. Freedom of Expression - Article 13

99. Children and youth have the full right to express their opinions (see Section D of Chapter 3) and rights of association and assembly (see Section F of this chapter).
100. According to Constitutional Interpretation No. 364, the protection of the freedom of speech described under Article 11 of the Constitution includes the expression of opinion via radio or television. Although the ROC has not set up an appeal mechanism regarding the rights of children and youth to express opinions via communications media, there is a mechanism

handling appeals regarding broadcasting content, and “broadcasting content monitoring reports” are published regularly. In addition, radio and television operators, in producing and broadcasting programs targeted primarily at children and youth, are required to respect the rights of children and youth to have access to programming and express their opinions. Through regulatory oversight mechanisms, including the regular evaluation and renewal of licenses, the government promotes the concept of respecting the opinions of children and youth and advises operators to take those opinions into consideration when producing and broadcasting programs.

101. The government subsidizes sponsorship of child and youth literature camps and literature prizes as incentives to inspire literary creativity.
102. High schools should respect the independence of reporting and editing of student publications. No content censorship is allowed, except for lawful screening.

D. Access to Appropriate Information - Article 17

103. In a 2011 white paper on the communications rights of children and youth, the National Communications Commission (NCC) initiated such measures as “distinguished marks for quality child and youth television programs and websites,” “specific classification of television programs,” “(promotion of a) higher percentage of programs designed for children and youth,” “the establishment of a regulatory and protection mechanism,” and “respect for the views and opinions of children and youth.”
104. The NCC drafted a “policy framework and strategies regarding communications rights of children and youth,” declaring those rights as follows:
 - (a) Protection from the influence of inappropriate content, freedom from being exploited for political or business interests;
 - (b) Prevention of a child or youth’s privacy, reputation, information, and correspondence from being interfered with or illegally infringed;
 - (c) Protection of their image when presented in the media or the right to decline to appear in the media;
 - (d) Access to communication media and freedom of expression;
 - (e) Receipt of abundant high-quality information;
 - (f) Access to media literacy education.

Encouraging and promoting information and materials beneficial to children and youth

105. Based on Articles 39 and 40 of the “Protection of Children and Youths Welfare and Rights Act,” the government encourages the development of child and youth literature, audio/video publications and programs and the introduction of quality international audio/video publications for children and youth. It also rewards good quality publications, video, radio and television programs, and game software, sponsors the selection of good quality publications, and has established a children’s culture website that provides information on award-winning books at home and abroad. The government also provides assistance in organizing international children's film festivals, so as to broaden the cultural horizons of children and youth.
106. The government has set up public libraries and libraries for high school, vocational school, junior high school and elementary school students⁶. Mobile libraries have been set up in 13 counties and cities to provide more reading resources to children and youth in remote regions. In addition, volunteers serve in libraries around the country to promote reading, and the government provides illustrated children’s books to 100 public-private collaborative resource centers for child care nationwide, encouraging parents to read with young children under the age of 3.

Guidelines for proper development, protection of children and youth from the influence of inappropriate information

107. Films and commercials: The “Regulations Governing the Classification of Motion Pictures and Trailers and the Use of Advertisements and Promotional Materials for a Motion Picture” classify films and commercials into five categories. Members of the “Film Classification Screening Committee” include representatives of children and youth welfare and rights groups. Movie theaters should require viewers to present proof of age. Children and youth are not allowed to watch films rated “restricted” for their age groups. Parents and adults who ignore such regulations and take children or youth to age-restricted films will face penalties.
108. Game software: The “Game Software Rating Management Regulations” classify game software into 5 ratings categories. The government has promulgated the reference table of ratings and set up a Game Software Rating Information website to provide comprehensive

⁶ As of 2015, the government had set up 534 public libraries and 169 affiliated service stations, providing all kinds of publications (books, periodicals, newspapers, non-book materials, and digital materials) – 39,321,176 volumes in total. A total of 86,042 seats are available. Taiwan’s 3,473 libraries at high schools, junior high schools, vocational schools and elementary schools have a total of 272,078 seats and 66,597,143 publications of various kinds.

information and to help related businesses regulate themselves. A Digital Game Rating Committee was set up with the participation of scholars, representatives of civil groups and game software developers to establish a communication platform. (See Paragraphs 43 and 286.)

109. Publications and videotaped programs: The “Videos and Publications Classification Regulations” set guidelines for classifying publications and videotaped programs to help businesses regulate themselves. Violators will face penalties.
110. Newspapers: Article 45 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that newspapers must not publish content harmful to the physical or mental health of children and youth. Taking into consideration both the rights of children and youth and the spirit of press freedom, newspaper associations should take the initiative to develop a self-disciplinary mechanism. A review committee should be set up to handle petitions and complaints from readers and hold meetings to review and deal with those situations. In cases where the committee fails to respond within three months or disputes arise regarding the committee’s decision, local authorities, representatives of related civil groups and specialists will review the case together. Any violation of the “Protection of Children and Youths Welfare and Rights Act” will be subject to a penalty.
111. Internet: Articles 46-1 and 94 of the “Protection of Children and Youths Welfare and Rights Act” stipulate that spreading or transmitting content harmful to children or youth via the internet or allowing children and youth to obtain or watch such content without taking workable protective measures or conforming to the protective measures of internet platform providers is prohibited. Violators will be fined or be ordered to close their businesses. Article 46 of the same Act establishes an “i-WIN Internet” content protection mechanism (the Institute of Watch Internet Network) to address complaints regarding inappropriate internet content. Complaint cases will be processed and referred to the relevant agencies.
112. Radio and Television: Article 21 of the “Radio and Television Act,” Article 27 of the “Satellite Broadcasting Act,” and Article 35 of the “Cable Radio and Television Act” stipulate that advertisements and program content must not be harmful to the physical and mental health of children and youth. Article 26-1 of the “Radio and Television Act” and Article 28 of the “Satellite Broadcasting Act” stipulate that television operators should classify programs to be broadcast (See Paragraph 42). Any violation of the classification regulations will be penalized in compliance with laws and regulations. Starting in 2012, Taiwan Media Watch has been entrusted to select programs and award the “Schoolchildren’s Program Mark” to selected programs. Selection results are announced every half year.

113. Because there are so many types of application software and classifying them can be difficult, developers in many democratic countries have engaged in self-discipline or introduced filtering or conditional-use software to supplement the inadequacies of the classification system. Currently, digital distribution platforms such as App Store and Google Play have their own classification systems.

Encouraging the media to attend to the language needs of minority and indigenous children and youth

114. Hakka People: Article 12 of the “Hakka Basic Act” stipulates that television channels dedicated to Hakka programming shall produce programs suitable for children and youth. Related government agencies should sponsor summer camps focused on media for third to sixth graders. In addition, the government has set up a Hakka language learning website.

115. Indigenous peoples: Article 12 of the “Indigenous Peoples Basic Law” and Article 29 of the “Education Act for Indigenous Peoples” stipulate that television channels dedicated to promoting indigenous languages and culture should produce language learning programs. In addition, the government has set up an indigenous language learning website.

E. Freedom of Thought, Conscience and Religion - Article 14

Religion, thought, and conscience

116. Article 13 of the Constitution stipulates: “The people shall have freedom of religious belief.” The government respects the freedom of religious belief of the people, which includes freedom of religious belief and freedom of participation in religious activities among children and youth.

117. When a local government is to arrange placement of a child or youth, it is required that a proper agency will be arranged that respects the religious persuasion of the child or the youth and his or her right to participate in religious activities. No child or youth should be forced to participate in activities of any specific religion. This issue is part of the evaluation of placement institutions.

118. Freedom of Thought: See Section D of Chapter 3 and Section C of this chapter. Freedom of thought of students is included in human rights education in the school curriculum. In addition, clause 2 of the “Reward and Punishment Provisions of High School Students” stipulates that provisions for rewards and penalties in schools should be drafted in compliance with the Constitution, the “International Covenant on Civil and Political Rights,” the “International Covenant on Economic, Social and Cultural Rights,” and the

“Educational Fundamental Act,” and that such provisions respect and protect the freedom of speech and the rights of assembly, education, learning, physical autonomy and character development of students.

F. Freedom of Association and Peaceful Assembly - Article 15

119. For related regulations in the Constitution, please see Paragraph 76. There is no age restriction regarding participation in an assembly or parade, but the organizer of an assembly or parade should be aged of 20 or above, according to the “Assembly and Parade Act.”
120. Article 53 of the “Senior High School Education Act” stipulates that a senior high school should help students establish a self-governing organization and that representatives of the organization are elected by all the students.
121. There is no age restriction regarding a laborer’s right to join a union stated in the “Labor Union Act.” Child laborers are also entitled to join labor unions, and they also have the right to vote. Based on provisions in the “Civil Code,” Article 19 of the “Labor Union Act” stipulates that only members aged 20 or over can be elected as a director or supervisor of a labor union. However, Article 7 of the “Regulations for Implementing Labor-Management Meeting” stipulates that laborers aged 15 or over have the right to elect and be elected as a representative of the labor side in a labor-management meeting.

G. Protection of Privacy - Article 16

122. According to Constitutional Interpretation No. 603, the right to privacy is guaranteed in Article 22 of the Constitution.
123. Articles 18 and 195 of the “Civil Code” stipulate that when one’s privacy is infringed or is in danger of being infringed, one may apply to the court to remove or prevent the infringement. Any infringement of another person’s privacy can be subject to compensation claimed by the victim, even if no material damage was incurred. Article 66 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that secrets or private matters learned through one’s job should be kept confidential. Any violation of the “Personal Information Protection Act” can be subject to criminal responsibility, compensation or administrative punishment.
124. Article 69 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that the media should refrain from reporting or recording the names or identities of children or youth who are (a) under protection, (b) in emergency placement, (c) using narcotics or controlled drugs, (d) involved in litigation concerning the parent-child relationship, adoption, parental rights or guardianship, or (e) litigants or victims in criminal or juvenile

delinquency cases. Local authorities are required to check on the media with regard to the matter and to accept petitions and complaints from the public. If the complaints have merit, the violations should be handled in accordance with the law. The protection of privacy of children and youth should be taken into consideration when the authorities review the operations of broadcasting and television companies before renewing their licenses⁷. In addition, the authorities should join hands with civil groups in visiting schools and urging teachers and students to participate in the supervision of printed media and to report on violations.

125. It is stipulated in the “Child and Youth Sexual Exploitation Prevention Act,” the “Sexual Assault Crime Prevention Act” and the “Domestic Violence Prevention Act” that the privacy of abused children or youth should be protected, that they be given a proper medical environment, that the investigation be confidential, and that the media shall not disclose the person’s identity. Any violation will be punished by law.
126. According to the “Juvenile Delinquency Act,” “Directives for Media in Processing Reports on Criminal Investigations by Prosecutors and the Police” and “Guidelines for Police Authorities in Preventing and Handling Juvenile Delinquency,” no one is allowed to publicize records, photos and information, including through the media, related to the name, residence and school of the person concerned. Photo taking, interviewing or clipping pictures from video monitors of the delinquent teenagers is not allowed. The police can set up a “Juvenile Protection Room” for privacy protection. The “Juvenile Delinquency Act” also includes regulations on expunging the criminal records of juveniles.
127. Court proceedings of cases concerning juveniles or family law shall be conducted in a private court except when the law specifies otherwise. Judicial documents related to children and juveniles will not be open to the public. If such documents are made public, information regarding the identity of children or juveniles should be eliminated. Any violation will be punished in accordance with the law.

⁷ In order to broaden civil participation and to accommodate more viewpoints, the government has set up “The Consultation Conference for Radio and Television and Commercials.” Issues related to protection of children and youth are to be included while reviewing the operations of a broadcasting business by the authorities before renewing a license. The authorities will hold a “Symposium on Guidelines for Broadcasting Contents and Exchanging Reviews of Production and Broadcasting” annually. Specialists, scholars, representatives of civil groups and broadcasting operators will be invited to participate in the consultations, evaluation and license renewal discussions as well as the symposium, to offer their views on issues related to the protection of children and youth. In addition, to broaden civil participation in monitoring broadcasting content, the government has established “The Broadcasting Content Complaints Website,” and, to inform the public on the monitoring efforts of the authorities, the government regularly issues a “Broadcasting Content Monitoring Report.”

128. Article 17 of the “Student Guidance and Counseling Act” stipulates that personnel involved in student counseling work are bound by the obligation of confidentiality. Article 22 of “The Gender Equity Education Act” and Article 23 of the “Regulations on the Prevention of Sexual Assault, Sexual Harassment and Sexual Bullying on Campus” stipulate that information regarding incidents of sexual abuse on campus should be kept confidential. If a student finds that the information has been revealed, he or she can file a complaint. Article 28 of “The Gender Equity Education Act” provides that the victim of a sexual assault or sexual harassment on campus or his or her guardian may apply for an investigation of the case.
129. Placement institutions for children and youth in need should follow regulations regarding the protection of personal information and privacy. Surveillance cameras cannot be installed in bedrooms, and advance notice is required for checking personal items. Children or youth in placement may file a complaint to relevant authorities through proper channels if a privacy violation has occurred.
130. Article 72 of the “Medical Care Act” stipulates that medical institutions and their staff are not allowed to disclose information regarding a patient’s illness or health condition obtained during the practice of medicine, unless there is proper reason. Guidelines regarding the protection of privacy of children and youth are included in the training guidelines for pediatric physicians. Regulations regarding the privacy protection of patients suffering mental illnesses, AIDS, venereal disease, rare diseases, and Yu Cheng Disease (poisoning by PCB), and their survivors are listed in the “Mental Health Act,” the “HIV Infection Control and Patient Rights Protection Act,” “The Rare Disease and Orphan Drug Act” and “Yu Cheng Patients Health Care Services Act.”

H. The Right Not to Be Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment - Article 37 (a)

131. Article 63 of the “Criminal Code” stipulates that the death penalty or life imprisonment shall not be imposed on an offender who is under the age of 18. In addition, Articles 126 and 286 provide rules on the punishment of a public official who has committed an act of violence or cruelty to a prisoner and the punishment of a person who has maltreated a minor and caused harm to the health and development of the minor. Article 78 of the “Juvenile Delinquency Act” stipulates that juveniles cannot receive a sentence that deprives them of their citizen’s rights or has them engage in enforced work.

132. With reference to Section I, Chapter 5, parents and institutions are prohibited from imposing inappropriate discipline upon children or youth.
133. Corporal punishment in school is banned as stipulated in the “Educational Fundamental Act,” the “Teachers’ Act,” the “Act of Governing the Appointment of Educators,” and the “Implementation of Performance Appraisals of Public School Teachers at the Elementary, Middle, and High School Levels.” A principal or a teacher who has unlawfully punished students or who has imposed inappropriate discipline upon students is subject to punishment, as stated in the “Teachers’ Act.”
134. A child or youth forced to be hospitalized for treatment of a psychiatric problem should be handled in accordance with regulations under the “Mental Health Act.” The medical institution should assume full responsibility for protecting the rights of the patient. The child or youth must not be abandoned, tortured, or put into an environment dangerous or harmful to mentally-ill children and youth incapable of looking after themselves. A medical institution must abide by the law and regulations if, for specific reasons, a patient is confined to his or her living quarters or has his or her movement restricted⁸.
135. Parents or guardians can request the “Juvenile Counseling Committee” to coordinate with the authorities concerned as well as welfare organizations in helping guide and improve the behavior of juveniles inclined to delinquency. If similar cases are handled by the police, in addition to legal procedures, the police should provide verbal guidance, and refer the case to the “Juvenile Counseling Committee” if necessary.
136. No corporal punishment is allowed in juvenile correctional institutions. If a delinquent juvenile is to be punished according to law, there should be individual counseling and the parents must be informed.

⁸ There were four cases of children or youth forced to be hospitalized, with the approval of the authorities in 2012, one case in 2013, five cases in 2014, and no such case in 2015.

CHAPTER 5 FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental Guidance - Article 5

137. To comply with the “Family Education Act,” local governments have established “Family Education Centers” to coordinate the efforts of schools and civil groups in sponsoring educational programs on parental responsibilities and offering related courses. They also provide related resources through public-private collaborative resources centers for child care in community-basis. The central government has set up a national family education counseling hotline and an online parenting platform to make information on parenting easily accessible. For more on the implementation of these programs, refer to Attachment 5-1.

B. Parental Responsibilities - Article 18. 1-2

138. Articles 1084 and 1089 of the “Civil Code” stipulate that parents have the right and duty to protect, educate and bring up their minor children and that parents shall jointly exercise those rights and duties unless otherwise provided by law.

139. Articles 3 and 4 of the “Protection of Children and Youths Welfare and Rights Act” stipulate that parents or guardians are responsible for the protection and education of children and youth. They also require the government, public/private institutions and civil groups to assist parents, guardians, or other people who take care of children and youth to care for and promote the healthy physical and mental development of children and youth.

140. In response to Taiwan’s low birth rate, the Executive Yuan approved “Population Policy White Paper” in 2008 and friendly child-rearing environment policies were initiated in 2013 and have been reviewed regularly since. In 2015, the Executive Yuan approved a “Family Policy” that emphasized the family’s role in looking after children and youth, the integration of resources, and the sharing of family responsibilities.

141. The government has initiated several measures to assist parents with child care, as follows:

- (a) Welfare services for children: Early intervention services for developmentally delayed children; child care services (family, institutional or community-based); community-based care for children and youth from disadvantaged families; (emergency) living assistance for disadvantaged children and youth; living assistance to families in hardship; medical subsidies for children and youth; allowances for unemployed parents with children under the age of 2; and child-care subsidy for employed parents with qualified child care providers.

- (b) Educational support: Affordable after-school care is provided to children. Children from low-income households, children with disabilities and indigenous children are given priority to enroll in the programs and are exempt from paying related fees. Also, all 5-year-old children can attend preschool free of charge, and children from disadvantaged families will receive additional subsidies to cover other preschool expenses. Preschool children from indigenous families aged 3 or over but under 5 are entitled to special subsidies.
- (c) Support for working parents: Unpaid parental leave; parental leave allowance; family care leave; guaranteed breaks for breastfeeding for female workers; and shortened working hours or flexible working hours. Employers are encouraged to set up breastfeeding (breast milk collection) rooms, child care facilities or provide suitable child care measures.
- (d) Tax breaks: Article 17 of the “Income Tax Act” allows for a special tax deduction for preschool children. Taxpayers who have children 5 years of age or younger can claim a special tax deduction for each preschool child of NT\$25,000 (US\$791).

For details on the implementation of these measures, refer to Attachments 5-2 to 5-17. For more on child care services and facilities, see Section D of Chapter 6.

C. Separation from Parents - Article 9

- 142. Articles 1055 and 1089-1 of the “Civil Code” stipulate that after a husband and wife effect a divorce or the two have not lived together for more than six months, one parent or both parents will exercise the rights or assume the duties in regard to the minor child by mutual agreement. If there is no mutual agreement or the two parties fail to reach an agreement, the court may decide on related matters based on the best interests of the child. Also, see Paragraph 63.
- 143. Article 49 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that no one is allowed to do harmful things to children or youth. If the life, body or freedom of a child or youth is in imminent danger or at risk, local authorities shall arrange emergency placement for the child’s protection (for no more than 72 hours). If an extended period of protection is needed, extensions of three months at a time can be requested. During the placement period, the authorities are required to arrange regular parent-child meetings, and parents or guardians may apply for permission to visit.
- 144. Article 14 of the “Domestic Violence Prevention Act” stipulates that as the court conducts a trial related to a protection order, it may give a provisional ruling on exercising the rights or

assuming the duties regarding a minor, and the court can decide on the time, location and form of parent-child meetings.

145. Article 28 of the “Statute on the Establishment of Juvenile Detention Houses,” Article 44 of the “Organic Statute of Reform Schools” and Article 73 of the “Act of the Establishment of Juvenile Reformatory Schools and Enforcement of Education” entitle juvenile inmates and reform school students to receive visits and correspondence from family and friends. Reform institutions are required to help foreign juveniles in detention houses or reform schools who want to get in touch with people on the outside by arranging meetings or correspondence with diplomatic or consular personnel from the juvenile’s country.
146. Based on provisions in the “Prison Act” and “Detention Act,” female inmates may be permitted to have their children live with them in the prison. Correctional institutions have nursing rooms and may provide food, clothing and other necessities to the children when the inmates are not able to prepare them by themselves. Physical examinations are arranged for the children and medical care is provided as needed. In the meantime, the authorities can help find foster families or make other arrangements.
147. If children or youth are not being protected or not being looked after properly because their parents are having financial problems or do not have a permanent home, the government will first try to help improve the child or youth’s living conditions so that they can grow up in a stable home. If the parents refuse to accept arrangements to improve living conditions and put the safety of a child or youth at risk, the authorities shall arrange emergency protective measures or placement, as stipulated in Articles 56 and 57 of the “Protection of Children and Youths Welfare and Rights Act.”
148. According to “Regulations for Type and Methods of the Temporary Injunction in Family Non-litigation Matters,” the court may order parents not to take children from a designated place or out of the country and can set rules on the time and form of meetings.
149. For procedures on handling children who have been separated from their parents because they were given up for adoption, see Section G of this chapter.

D. Family Reunification - Article 10

150. Children and youth or parents who wish to enter the ROC for the purpose of family reunification must submit an application to the Ministry of Foreign Affairs or the National Immigration Agency. If a person wishes to leave the country for family reunification, he or she may do so after completing the proper inspection procedures unless the person is under travel restrictions.

151. In compliance with the spirit of international conventions on the rights of free movement and family reunification, the government has drafted or revised regulations regarding the forcible deportation of foreign nationals, including “Regulations Governing Forcible Deportation of Foreigners,” “Regulations Governing Forcible Deportation for Nationals without Household Registration in the Taiwan Area” and “Regulations Governing Forcible Deportation of People from Mainland China and Hong Kong or Macau Residents.” Forcible deportation (ordered exit, deportation) imposed on any foreign national in ROC territory should be conducted in accordance with legal procedures. For a foreign national with a resident permit (permanent residence, temporary residence) facing forcible deportation, the case will be reviewed by a special committee consisting of impartial persons before the order is executed.
152. Between 2011 and 2015, the government issued a total of 2,178 visitor and resident visas to foreign minors who are the children of ROC nationals with household registration in Taiwan to enable them to unite with their families. Such visas are known as “TC code” visas (refer to Attachment 5-18).

E. Recovery of Maintenance for the Child - Article 27. 4

153. Under the “Civil Code,” parents have joint financial responsibility for raising their children. In the event of a divorce, each parent should assume a financial responsibility commensurate with his or her financial capability.
154. Article 63 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that local authorities can collect from the individuals responsible the expenses needed for the upbringing of children or youth living with foster families or in foster institutions due to neglect or abuse or a family crisis.
155. Under Article 14 of the “Domestic Violence Prevention Act,” if the court confirms the facts of domestic violence and deems it necessary, it can issue an ordinary protection order after the trial and order the opposite party to pay the expenses for the upbringing of the minor child.
156. Article 28 of the “Child and Youth Sexual Exploitation Prevention Act” stipulates that if a parent, adoptive parent or guardian has forced a child or youth to engage in sexual intercourse or obscene acts in exchange for money or other things of value, the court can select or re-select a guardian for the child or youth, and order the parent, adoptive parent, guardian or others with parental obligations to pay for the child or youth’s upbringing.

157. Article 60 of the “Juvenile Delinquency Act” stipulates that the juvenile court may order the juvenile or the guardian of the juvenile to bear part or all of the education expenses for executing the “protective measures.”

F. Children Deprived of a Family Environment - Article 20

158. Under provisions of the “Protection of Children and Youths Welfare and Rights Act,” if children and youth can no longer live a normal life in their family environment because of a family crisis, their parents or guardians can apply to the authorities for placement or assistance. In the case of child abuse, the government steps in and takes action to protect the child. Priority for placement will be given to the kinship family, then a foster family, and finally a placement institution. If a youth’s period of placement has concluded but that young person cannot return home, is not capable of supporting himself or herself, or is still in school, the government provides assistance to help the individual develop the ability to live independently.

159. Arranging protective placement or declaring the suspension of parental rights are the court’s responsibility.

160. See Section B of Chapter 3 and Section J of this Chapter for more on regulations on institutional care and the regular review of the situations of children and youth in out-of-home care. See Section G of this Chapter for more on adoption procedures.

161. For statistics on children and youth living in institutional care, foster care, and long-term placement, children and youth with nobody to care for them, and independent living programs for youth, refer to Attachments 5-19 to 5-23. For figures on kinship care, refer to Attachment 5-36.

G. Adoption - Article 21

General adoption

162. The “Civil Code” requires adoptions to be effected in writing and petitioned for a court’s approval, and it prohibits the court from approving an adoption if there are reasons for which it should be ruled void or annulled or if it violates other laws. Minors under the age of 7 must have a statutory agent declare their intention to be adopted or accept a declaration of intention to adopt on their behalf when they are to be adopted. Minors aged 7 or over must have their statutory agent agree to the adoption.

163. In addition to provisions in the “Civil Code,” Articles 16 and 17 of the “Protection of Children and Youths Welfare and Rights Act” stipulate that parents or guardians unable to

take responsibility for their children can have licensed adoption agencies look for appropriate adopters. These service providers are required to conduct interviews and any necessary investigations and submit their assessments to the court for reference (except when it involves an adoption by a step family or certain relatives). In principle, priority is given to an adoptive family within the country. There are currently nine licensed adoption agencies (with 13 service outlets) in Taiwan.

164. Before the court approves the adoption of a child or youth, it may order a family matter investigation officer, the authorities concerned, or children and youth welfare organizations to conduct interviews and submit reports and proposals related to the adoption. The court can also order the adopted child to live with the adoptive parent for a certain period, or order the adoptive parent to receive education on parenting and parental responsibilities and accept a psychiatric evaluation and testing for drug or alcohol use. Regardless of whether the court approves or denies the adoption, local authorities should be informed of the court decision to be able to make the necessary visits or take other measures.

165. Article 1080 of the “Civil Code” states that a petition must be filed with the court to terminate an adoption if the adoptive child is a minor. If the adopted child is under the age of 7, the termination of the adoptive relationship is to be declared on behalf of the child and agreed to by the person who will be the child’s statutory agent after the adoption is terminated. If the adopted child is 7 years of age or above, the child can petition for termination of the adoptive relationship, but it shall still be subject to the consent of the child’s statutory agent after the adoption is terminated. However, the adoptive parents or the adoptive child, the authorities concerned or a stakeholder can file a petition with the court to have the adoption terminated based on sound legal reasons.

Inter-country adoption

166. Article 21 of the “Permit and Management Regulations for Children and Youth Adoption Service Providers” stipulates that when an adoption agency processes an inter-country adoption, it must present a certificate proving that the agency has sought to give priority to domestic adoption. A “Child and Youth Adoption Services Information System” has been developed that enables adoption agencies to share information on children and youth put up for adoption, improving the odds of adoptions occurring within the country and reducing waiting times.

167. When the court approves an adoption involving people from foreign countries or China, Hong Kong or Macau, it must consider the same issues as detailed in Paragraph 164 and also consult Article 54 of the “Act Governing the Choice of Law in Civil Matters Involving Foreign Elements⁹.”
168. The procedures, screening standards, services and protection of interests and rights in inter-country adoptions are the same as for domestic adoptions, in line with provisions in the “Protection of Children and Youths Welfare and Rights Act” and “Permit and Management Regulations for Children and Youth Adoption Service Providers.”
169. Article 9 of the “Permit and Management Regulations for Children and Youth Adoption Service Providers” requires an adoption agency applying for a license to handle inter-country adoption services to submit documents proving that its foreign counterpart is licensed in its country. In cases of inter-country adoption, related documents are to be reviewed by the central government agencies concerned to ensure that it complies with the regulations of the related countries. There are currently six adoption agencies approved to handle inter-country adoptions, and they cooperate with over 30 counterpart agencies and organizations in 11 countries.
170. Article 19 of the “Permit and Management Regulations for Children and Youth Adoption Service Providers” establishes maximum fees for specific services. Monitoring of the fees charged and their purposes has been strengthened through regular inspections to prevent adoption agencies from overcharging or collecting fees based on false pretexts.
171. For statistics on adoption, refer to Attachments 5-24 to 5-27.

H. Illicit Transfer and Non-return - Article 11

172. Articles 241 and 242 of the “Criminal Code” stipulate that anyone who abducts a person under the age of 20 from that person’s family or the person responsible for his or her supervision will be punished. More severe punishment will be imposed if the abducted person is transferred abroad. Attempts to commit such a crime will also be punished. For statistics on the number of cases prosecuted and convictions obtained under Articles 241 and 242, refer to Attachments 5-28 and 5-29.

⁹ The establishment and termination of adoption must comply with laws of the country of the adopters and the adoptees. Regulations regarding the legal validity of the adoption or termination of the adoption must comply with the domestic law of the adoptive parents’ home country.

Measures to search for missing children or youth taken away by parents or relatives without official permission

173. The government has put in place “Procedures to Help Search for Missing Children or Youth Taken Away by Parents (or Relatives) without Official Permission.” Refer to Attachment 5-30. It has also set up a one-stop contact point to accept reports of such missing cases, provide related counseling services, track progress in a case and coordinate resources and services. If a case is under the jurisdiction of a ROC court and involves a country (area) with a mutual legal assistance agreement with the ROC, the authorities shall investigate the case and search for evidence in compliance with the agreement. If the case involves a country that does not have a mutual legal assistance agreement with the ROC, it will be handled based on the reciprocity principle. For cases not under the jurisdiction of the ROC, overseas representative offices will help with the search and make any visits necessary to understand the child or youth’s situation. Refer to Attachments 5-31 and 5-32 for more information on the implementation of this policy.
174. Under “Guidelines on Searches for Missing Persons,” relatives of a missing child or youth who has been taken away by his or her parents or other relatives can report the case to the authorities, and police departments nationwide will search for the missing person. Refer to Attachment 5-33 for statistics on missing children or youth taken away by parents or relatives.
175. People controlling the ROC’s borders are required to follow the guidelines below in cases involving children or youth being taken away by parents or relatives without official permission:
- (a) Immigration agencies shall prohibit the exit of the child or youth based on a court order “prohibiting a related person with his or her minors from leaving a designated place or leaving the country.”
 - (b) After a police agency receives a report that a child or youth has been taken away from home without official permission and confirms that the child or youth has not left the country, it shall inform immigration agencies and have them keep a record.

I. Abuse and Neglect, including Physical and Psychological Recovery and Social Reintegration - Articles 19, 39

Protective measures

176. Based on provisions in Articles 49, 51 and 56 of the “Protection of Children and Youths Welfare and Rights Act,” no one is allowed to engage in such improper conduct as

abandoning or physically or mentally abusing children or youth, including using children or youth to perform dangerous activities, beg or commit a crime, or putting children or youth with disabilities or unusual physical traits on display. It is also prohibited to deny children and youth the opportunity to receive compulsory education, force them to get married or get them to commit suicide. Anyone violating the law and regulations will be punished.

177. The authorities have set up a 24-hour “113” toll-free counseling hotline offering child and youth protection services and a mandatory reporting mechanism on child and youth protection. Article 53 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that medical personnel, social workers, educators and people involved in child welfare should report cases of abuse or neglect of children or youth to the authorities within 24 hours of learning about them. Statistics on the number and types of cases reported can be found in Attachment 5-34.
178. Upon receiving a report of child abuse or neglect, local authorities are first required to assess the safety of the children or youth involved. They then decide whether to arrange emergency placement or work out a safety plan with family members who are willing to participate and protect the affected child or youth. In addition, the government has developed the Structured Decision-making Model to conduct child and youth safety and risk assessments and track them to gauge their validity. Statistics on children and youth who have been abused and put in protective placement can be found in Attachments 5-35 to 5-37.
179. Article 64 of the “Protection of Children and Youths Welfare and Rights Act” requires that local authorities devise family treatment plans for children or youth under protection within 3 months of admission that include assessments of family functions and the safety and placement of a child or youth, counseling, psychotherapy, and addiction treatment. The parents who committed child abuse are also required to undergo four to 50 hours of compulsory parenting education to improve their parenting skills and enhance the family’s role of protecting and caring for children or youth.
180. For children or youth who witness or are victims of domestic violence, local authorities can petition the court to request protective placement or have it declare partial or complete termination of parental rights or guardianship or termination of adoption.
181. Local governments have set up domestic violence and sexual assault prevention centers to assist children or youth in need of help. The central government is responsible for coordinating efforts by judicial, health care, police, social services and education agencies to set up an integrated service system to keep victims of sexual assault from having to repeat their statements and improve the interrogation and examination skills of specialists. A

protective placement mechanism has also been initiated that provides counseling, legal assistance and services related to placement, in compliance with provisions in the “Protection of Children and Youths Welfare and Rights Act.”

182. In 2010, the government initiated a plan to set up a task force on preventing serious cases of child or youth abuse that will be responsible for overseeing inter-agency review committees set up by local authorities, examining reporting and treatment procedures for serious child or youth abuse cases, analyzing risk factors and making proposals for improvement.

Preventive measures

183. To promote the “Implementation Plan for Caring for and Counseling High-risk Children and Youth,” the government works with district office officials, public health nurses, educators, day care staff, policemen, employment service center staff, and medical personnel to identify high-risk families facing serious problems, such as unemployment, poverty, a family member in prison, drug or alcohol addiction, mental illness or marital issues. When such families are identified, the authorities step in with preventive services to reinforce the functions of the families. Details on the policy’s implementation can be found in Attachment 5-38.

184. Under the “Active Care Program for Disadvantaged Children Aged 6 or Under,” the government identifies high-risk families by checking several indicators: a child’s birth was not registered by the parents; failure to get vaccinations within the prescribed time; cases of school-age children not attending school; families not enrolled in the national health insurance program for over a year; families receiving financial assistance from the government; parents in correctional facilities; and young parents under the age of 18. When a high-risk family is identified and children or youth need protection, the authorities concerned report the case to a social affairs department to visit the family and provide counseling services. Details on the policy’s implementation can be found in Attachment 5-39.

185. Through “Children and Youth Community Care Service Programs for Disadvantaged Families,” families in which the main income earners are unemployed are considered eligible for guidance and counseling and receive supportive services from their local communities.

See Section D of Chapter 4 and Section A of Chapter 7 regarding the harm to children and youth caused by violence in the media or on the internet and injuries caused by corporal punishment or bullying in school. See Section C of Chapter 8 regarding other forms of exploitation.

J. Periodic Review of Placement - Article 25

186. Articles 56 and 57 of the “Protection of Children and Youths Welfare and Rights Act” stipulate that children who are maltreated and face imminent danger or risk to their life, body or personal freedom be put in protective placement for up to 72 hours by local authorities. If an assessment of the situation indicates that an extension of placement is needed, the local authorities concerned should petition the court for an extension of up to three months at a time. Article 65 of the Act requires the authorities concerned to come up with a long-term treatment plan for children or youth who have been in placement for more than two years and either cannot return home or whose family situations are found lacking. Regular assessments for out-of-home placement include emergency placement assessments, assessments of petitioning the court for continuous placement every three months, and assessments of a long-term treatment plan after a two-year placement.
187. See Paragraphs 78 and 83 for information on respecting the freedom of opinion of children and youth in making placement decisions, during the time of placement, and after the conclusion of the placement.

CHAPTER 6 BASIC HEALTH AND WELFARE

A. Survival and Development - Article 6.2

188. See Section C of Chapter 3, Section I of Chapter 5, and Sections C and E of this chapter regarding the right of existence. See Chapter 4 and Chapter 7 regarding development rights.
189. Strategies to lower mortality rates of newborn babies, infants, and children include measures to: ensure that a child enjoys a full and healthy life through a life course approach; prevent deaths due to congenital anomalies; lower the death rate of premature babies; prevent perinatal infection; set restrictions on the number of artificial embryo implantations; and lower the risks of accidents and injuries and sudden death syndrome of infants. For children aged 7 or under, the authorities concerned provide free preventive health services and health education, and conduct environmental inspections regarding home safety.
190. To promote immunization of children and youth, a special fund called the “National Vaccine Fund” has been established in compliance with Article 27 of the “Communicable Disease Control Act” to coordinate the procurement of vaccines, map out policies regarding vaccination, and implement those policies. Vaccine-preventable diseases are mostly under control and have even been eliminated in some cases.
191. Public health and welfare and educational authorities work together to prevent suicide by: promoting awareness of child and youth mental health through the mass media; setting up a 24-hour hotline to provide psychological counseling service free of charge; and monitoring reports of the four leading print media and internet information. Suicide prevention strategies are devised based on analyses of suicide reports and death statistics. If inappropriate content that violates the “Protection of Children and Youths Welfare and Rights Act,” such as a lurid suicide, appears in the media, the case shall be reported to the “i-WIN” internet content protection mechanism to protect the mental health of children and youth. Article 6 of the “Student Guidance and Counseling Act” stipulates that schools at all levels provide three types of counseling – developmental guidance, intervention counseling and remedial counseling – based on students’ physical and mental condition and needs.
192. May 15 is Child Safety Day. The authorities have promoted the “Implementation Plan for Child and Youth Safety” by coordinating the efforts of government agencies in carrying out strategies to improve the safety of individuals, homes, transportation facilities, campuses, recreational facilities, waters, workplaces, the internet and other areas. A revision of the “Protection of Children and Youths Welfare and Rights Act” promulgated in 2011 laid out

measures to ensure the safety of children and youth and prevent accidents and injuries, and a special committee to prevent accidents and injuries was set up in 2012. The committee convenes coordination meetings every six months to better integrate the resources of the central and local governments.

193. In recent years, the leading causes of accidental deaths among children and youth in Taiwan were traffic accidents, drowning and falls. Refer to Attachment 6-1 for details. The authorities have taken the following preventive measures:

- (a) Sponsored traffic safety campaigns; drafted transportation regulations targeted at child safety; strengthened enforcement of child safety in vehicles, such as requiring safety seats for children in automobiles, and forbid children aged 6 or under from being left alone in an automobile.
- (b) Reinforced management and inspection of swimming pools and other water recreation facilities and set up warning signs on river banks where drowning accidents have repeatedly occurred to prevent such accidents from happening again.
- (c) Made the publicizing of measures to prevent children from falling a key indicator in local government evaluations of the management of apartment or commercial buildings.

B. Disabled Children - Article 23

194. Article 10 of the “Additional Articles of the Constitution” stipulates: “The State shall guarantee insurance, medical care, obstacle-free environments, education and training, vocational guidance, and support and assistance in everyday life for physically and mentally challenged persons, and shall also assist them to attain independence and to develop.”

Assessment of status

195. In 2012, a new system for assessing disabilities and evaluating the needs of people with disabilities was adopted. People with disabilities were classified into eight categories based on impairments of body functions. Physicians and specialists take into account a disabled person’s physical functions, participation in activities and his and her environment to evaluate whether the individual’s disability affects his or her living requirements, and a disability certification card is issued accordingly in compliance with regulations. Refer to Attachment 6-2 for statistics related to children with disabilities.

Support, assistance and measures for development

196. The government has put in place “Implementation Measures for Plans to Assist the Disabled with Personal Development and Career Transitions” and “Implementation Plans for Career Transition Services for the Disabled” that cover medical, educational, employment and home care services for people with disabilities. The measures also establish a coordination mechanism of related agencies among agencies at all levels of government and provide for continuous lifetime career services.
197. Individuals with disability identification / certification cards only pay co-payments of NT\$50 for medical care. Under a “Pilot Plan of Special Dental Care Services” initiated in 2002, physically and mentally challenged individuals and children with developmental delay are provided with special dental care services. The national health insurance system covers the cost of a professional teeth cleaning every three months for children with disabilities under the age of 12, instead of every six months as is the case for ordinary citizens. Under a “Pilot Plan to Provide Children with Cerebral Palsy Traditional Chinese Medicine Outpatient Services” launched in 2006, children aged 12 or under with cerebral palsy can receive traditional Chinese medicine treatment, and the plan also strengthens the ability of caregivers to provide home care to such children.
198. A “Special Education Act” has been enacted to: regulate venues for different stages of education; coordinate medical resources in providing rehabilitation, training and treatment based on assessments by professionals; reduce or waive tuition and fees for students with disabilities according to the level of the disability; and provide free bus services or subsidies to students unable to travel between their home and school by themselves. In addition, according to “Establishment and Management Regulations for After-School Care Classes,” children with physical or mental disabilities have priority for admission to public after-school care classes, and are exempt from paying tuition and fees. Refer to Attachment 6-3 for more on the schooling of children and youth with physical or mental disabilities. Based on the “Networking Plan in Support of Special Education in Juvenile Correctional Institutions,” juvenile correctional institutions coordinate special education resources for juveniles under placement who need special education, then report to the authorities concerned if necessary, forward the cases to related agencies or apply for professional counseling services. “Regulations on Changes in Academic Status or Return to School of Children or Youth Receiving Counseling while in Placement or Reformatory Education” were implemented at the end of 2013. From 2014 to the present, 10 physically or mentally

challenged children and youth in correctional institutions have made successful transitions back to regular schools.

199. Article 10 of the “Regulations on Transition Guidance and Services for Students with Disabilities of All Levels of Education” stipulates that high schools with vocational classes and the secondary school departments of special education schools shall conduct vocational capability assessments of students with disabilities in their first year. To prepare students with disabilities for the job market, schools are to cooperate with labor affairs agencies to reinforce vocational training, develop students’ job skills and provide them with opportunities for internships in workplaces two years before these students are scheduled to graduate. In addition, the government has set up an “Advisory and Service Center for the Transition to the Job Market” to help students find employment after graduation. In compliance with the “People with Disabilities Rights Protection Act,” the government has sponsored special vocational training classes for people with disabilities, and different levels of courses are offered free of charge to people with different physical and psychological conditions and learning barriers. Adopting a specialized training approach, the classes are conducted with the assistance of specialists and specialized teaching aids. Statistics on individuals aged between 15 and 18 receiving vocational training or attending special vocational training classes can be found in Attachment 6-4. The central government subsidizes local governments to set up service windows for people with disabilities and assign administrators to handle cases regarding vocational training for the disabled in order to assist people with disabilities find employment through effective networking and usage of resources.
200. To ensure the economic security of people with disabilities, subsidies are provided monthly based on each individual’s impairment level and economic situation. For people with disabilities settled in institutions, the expenses of day care or residential care are subsidized, and for those certified as requiring assistive devices, the costs of the devices are also subsidized. The government also subsidizes the national health premiums of people with disabilities depending on each individual’s condition. Statistics on subsidies, beneficiaries and the number of disabled children or youth in welfare institutions can be found in Attachments 6-5 to 6-8.
201. Article 51 of the “People with Disabilities Rights Protection Act” and the “Regulations on Home-based Care for the Disabled” stipulate that the government provide various services based on assessment of needs, including offering family members training and practice, arranging home visits, and providing other services to enhance the capabilities of family

caregivers and improve their quality of life. Refer to Attachment 6-9 for the results of these initiatives.

202. Services related to recreation and culture:

- (a) Providing Fu-Kang buses (catering to people in wheelchairs) to improve mobility; implementing the “Implementation Measures regarding Preferential Treatment for the Disabled on Domestic Public Transportation” and the “Guidelines for the Establishment of Barrier-free Facilities in Public Transport Services;” advising arts and cultural establishments to install paths, seats, and toilets catering to people with disabilities; and offering them discounted fares or admission.
- (b) Implementing the “Guidelines for Developing Barrier-free Websites;” drafting implementation measures regarding the testing standards, formulation, frequency, and certification of barrier-free websites; and developing software for monitoring and testing barrier-free websites.
- (c) Subsidizing projects run by civil groups to adapt and produce quality publications for people with disabilities in compliance with the “Guidelines for the Promotion of Literature and Cultural Activities.”
- (d) Providing barrier-free environments at museums and offering children and youth with disabilities special guided tours.

203. Refer to Attachment 1-3 for more on international cooperation.

C. Health and Health Services - Article 24

204. Article 157 of the Constitution and Article 10 of the “Additional Articles of the Constitution” stipulate that the State shall implement health care and universal health insurance. Article 4 of the “Protection of Children and Youths Welfare and Rights Act” requires that the government provide services and adopt measures to help children and youth who need protection, assistance, guidance, treatment, early intervention or rehabilitation of physical or mental disabilities. The “National Health Insurance Act” requires the government to provide children and youth health insurance to protect their right to medical care.

Prenatal and postpartum care

205. Articles 7 to 11 of the “Genetic Health Act” stipulate that the authorities should provide fertility regulation services and guidance; progestational, prenatal, perinatal and postnatal health care services and guidance; and health services for infants and small children. The

articles also require the government to regulate the use of contraceptive devices and drugs, induced abortion, and ligation. Articles 33, 33-1 and 50 of the “Protection of Children and Youths Welfare and Rights Act” stipulate that pregnant women be given priority when using public transportation or getting medical care. In addition, no one, including the pregnant woman herself, is allowed to engage in behavior harmful to prenatal development. The revised “Tobacco Hazards Prevention Act” promulgated in 2009 includes pregnant women in the categories of those forbidden to smoke.

206. Based on the provisions of Article 7 of the “Genetic Health Act,” pregnant women are given access to 10 prenatal examinations, one ultrasound examination, and one Group B Streptococcus screening (GBS) free of charge. Refer to Attachment 6-10 for statistics on utilization rates of prenatal examinations.
207. The government started to implement programs offering prenatal health care guidance and services to pregnant women in 2014. Assessments and health education regarding important health issues during pregnancy are provided during the first trimester and third trimester of pregnancy. Also provided are guidance on preventing premature delivery and assessments of premature delivery risk while conducting prenatal examinations.
208. Pregnant women considered to be at high risk for genetic abnormalities are provided with subsidies of up to NT\$5,000 per person for prenatal diagnoses; for low-income households and families in remote areas where genetic health-related medical services are lacking, subsidies of up to NT\$8,500 are provided for each diagnosis. Refer to Attachment 6-11 for figures on utilization of subsidies for genetic screening expenses.
209. The authorities have set up a toll-free hotline and website regarding prenatal and postpartum care and have developed an App to help women manage pregnancy information and remind mothers of prenatal check-ups.

Providing children and youth the necessary medical assistance and health care, with an emphasis on primary health care

210. In order to provide pregnant and postpartum women with information on health care, prevention of infectious diseases and immunization of infants, the health authorities issues a “Maternal Health Handbook” to expectant mothers, which serves as a reference for pregnancy care, and a “Children’s Health Handbook” to parents, which serves as a reference for routine childhood immunization schedule and a tool for keeping immunization records. National immunization coverage rates for children can be found in Attachment 6-12.

211. Based on the provisions of Article 7 of the “Genetic Health Act,” the government has strengthened health care for newborn babies, provided hearing screening services, and subsidized the cost of screening for metabolic and other inherited disorders. For those identified as having metabolic and other inherited disorders, health authorities provide follow-up treatment and counseling services. Attachments 6-13 and 6-14 describe the implementation of these policies in past years. In addition, medical institutions with pediatrics or family medicine divisions can receive government subsidies for providing children aged 7 or under seven preventive health care checkups. Refer to Attachment 6-15 for utilization rates of these services.
212. Early intervention for children having developmental delay:
- (a) Dozens of early intervention treatments, including rehabilitation check-ups, physiotherapy, occupational therapy, language therapy, psychosocial rehabilitation, and psychological treatment are covered by the national health insurance program.
 - (b) The government has introduced “Improved National Health Insurance Payments for Early Intervention Outpatient Services” to provide family function assessments and counseling services along with referrals to social welfare and educational resources to families with children with delayed development under the aged 6 or under.
 - (c) High-quality traditional Chinese medicine outpatient services available. See Paragraph 197.
 - (d) Assistance is given to city and county governments to establish “joint assessment centers for child development” in one to four local hospitals in an area based on the number of children aged 6 or under in the area and its population, land area and medical resources. Up to now, 47 of these joint assessment centers have been set up. A plan to improve the quality of service of these joint assessment centers has been initiated.
 - (e) According to the “Implementation Plan regarding Subsidies for Expenses of Early Intervention Treatment of Developmental Delay Children,” each child with developmental delay can receive a monthly subsidy between NT\$3,000 and NT\$5,000 for medical treatment and transportation, depending on the condition of the child. Refer to Attachment 5-2 for more on subsidies provided in past years.
213. The central government provides subsidies to local governments to promote eye sight screening services for 4- and 5-year-old children. Education on the myopia prevention to caregivers of preschool and elementary school children; the eye sight screening rate for 4- and 5-year-old children; the rate of diagnosis of children with suspected vision problems; and care for groups at high risk of myopia are all key indicators used in the performance

evaluations of related local authorities. Information on the implementation of this program over the years can be found in Attachment 6-16.

214. The government subsidizes the cost of a professional teeth cleaning with fluoride once every six months for children under 6, and the cost of the same service once every three months for children under the age of 12 from low-income households, with disabilities, or who live in remote areas, on outlying islands, or in aboriginal areas.
215. Based on the “School Health Act” and the “Regulations on Implementing Student Health Checkups,” schools across educational levels are required to offer courses on health; set up health centers with nursing staff; hold periodic medical checkups for students; provide guidance in preventing, treating and tracking diseases; assist students with vaccinations upon enrollment; adopt disease prevention and monitoring measures; and improve care and services to students with disabilities or suffering from serious illnesses, injuries, or rare diseases. Students in the first, fourth and seventh grades are provided with subsidies for medical checkups. Smoking is banned and selling commodities deemed harmful to an individual’s physical or mental health is not allowed in elementary, junior and senior high schools. Also, when a youth at a juvenile correctional facility is ill, he or she can receive medical care at the institution, be allowed to get outpatient treatment accompanied by a guardian, or be granted medical parole. Youth in juvenile correctional facilities have been covered by the national health insurance program since 2013.
216. The government subsidizes the medical expenses of households in aboriginal areas and outlying islands, of low-income and low-to-middle income households and of people with disabilities, in compliance with existing laws and regulations. In addition, children and youth of Tibetan families in Taiwan are provided with medical care in accordance with the “Taiwan Resident Tibetan Care Program.”

Eliminating diseases and malnutrition

217. Four children’s hospitals of a “medical center” standard were set up in 2014, and they have put in place pediatric care indicators and team-based incentive programs for treating children with serious illnesses. The number of pediatricians increased from 1,754 in 2003 to 3,895 in 2014. On average, there were 8.71 pediatricians for every 10,000 children in 2014, as compared to 3.28 pediatricians for every 10,000 children in 2003, an increase of 166%. Between 2013 and 2015, the annual recruitment rate of resident pediatricians averaged 89%, and it reached 100% in 2015.
218. Vaccination policies have been carried out. See Paragraphs 190 and 210.

219. Efforts are being made to provide adequate nutrition. See Paragraphs 221 and 222.
220. Regarding a clean water supply, the “Water Supply Act” and the “Drinking Water Management Act” stipulate that water supply companies and environmental protection authorities should jointly guarantee the quality of drinking water. Also, 113 “water quality and quantity protection zones” have been created to ensure the quality of drinking water.

Publicizing and applying knowledge on the health and nutritional benefits of breastfeeding, environmental hygiene, and safety measures to prevent accidents and injuries

221. The government is pushing for passage of legislation to promote nutrition and a healthy diet among the country’s citizens (the draft “Population Nutrition Act”). The proposed legislation would establish nutrition-related targets, policies and strategies based on the “Rome Declaration on Nutrition” and the accompanying “Framework for Action.” It would also require government agencies and schools to sponsor courses on a healthy diet and provide food and beverages catering to the nutritional needs of children and youth. There are already several laws that provide for the safety of food consumed by children, including the “Act Governing Food Safety and Sanitation,” “Regulations Governing the Management of Infant and Follow-up Formula Advertising and Sales Promotion,” and “Regulations Governing (the) Advertisement and Promotion of Food Products Not Suitable for Long-term Consumption by Children.”
222. The government has promoted certification of “baby-friendly hospitals” since 2001. By 2015, there were 182 certified baby-friendly hospitals, and 80.7% of newborn babies were delivered in these hospitals. In 2015, 45.4% of babies less than 6 months old in Taiwan were purely breastfed, close to the World Health Organization’s 2025 target of 50%. The government promulgated the “Public Breastfeeding Act” in 2010 to provide a friendly environment for breastfeeding. In addition, working women with a baby less than a year old are entitled to two 30-minute breaks per day specifically for breastfeeding, as provided by the “Act of Gender Equality in Employment.”
223. The government amended the “Tobacco Hazards Prevention Act” in 2009 to prohibit the supply of tobacco products to people under the age of 18, and children or youth who smoke are given smoking cessation education.
224. Because preschool and school children are considered high risk groups for and high-transmission groups of influenza and enterovirus infections, the government reinforces the propagation of prevention and treatment knowledge through multiple health education

channels, and provides publicly funded flu vaccinations to preschool children and school children. Environmental education platforms, such as e-school and e-library, have also been set up online to cover issues related to environmental hygiene.

225. A study published in June 2016 by the National Health Research Institutes indicates that students at the Syucuo Branch of Ciaotou Elementary School in Yunlin County may be at risk of developing liver disease because of exposure to pollutants. To protect the students' physical and mental health, the Ministry of Education instructed the Yunlin County government to relocate the students as soon as possible. But parents of the students insisted that their children continue to attend school at the Syucuo Branch. After several rounds of negotiations, however, an agreement was reached to have Ciaotou Elementary School arrange to make available six classrooms for these students. Students of Syucuo Branch started to attend school at Ciaotou Elementary School on Sept. 5, 2016, and the Ministry of Education is providing support and assistance to ease the transition.
226. Other safety measures have been adopted to prevent accidents and injuries. See Paragraph 192.

Plans and guidance on the development of parenting and family education

227. The government provides subsidies to sponsor activities that promote gender equality and related issues and coordinates the efforts of communities and schools to sponsor lectures on sexual health in schools. It has also set up a website for youth (<http://young.hpa.gov.tw/>) to offer adolescent sexual health education and be used as an online forum for interaction. In addition, 71 teenager-friendly outpatients have been set up in cities and counties to provide services and counseling related to sexual health, child-bearing and birth control¹⁰.
228. Fertility regulation services and guidance are provided. See Paragraph 205. Also, a person or his or her spouse or child/children with a mental disorder or genetic disease, who have been issued a disability identification card or are categorized as part of a low-income household, may apply to local authorities for subsidies to cover the cost of fertility regulation services.

Reviewing traditional customs that may cause harm to the health of children and youth

229. A review of traditional fertility and child-bearing customs among Taiwan's ethnic groups found that none of the customs cause harm to the health of newborn babies or children.

International cooperation

230. Information on international cooperation can be found in Attachment 1-3.

¹⁰ Among the 71 clinics, 26 in 13 cities and counties provide counseling and other services related to induced abortion.

D. Social Security and Child Care Services and Facilities - Articles 26, 18.3

Social security measures

231. Social insurance is at the core of the Republic of China's social security system and is complemented by social allowance. Social assistance is the last line of defense.
232. The national health insurance program is the primary form of social insurance. For detailed information on health insurance coverage of children and youth, refer to Attachment 6-17. Child laborers aged 15 and above are insured¹¹ under the labor insurance program as required by Article 6 of the "Labor Insurance Act," and they are entitled to a wide range of benefits. Children aged 3 or under receive subsidies covering partial expenses of hospitalization or outpatient treatment, as per the "Medical Subsidy Regulations for Children and Youth," and insurance premiums for children of low-to-middle income families are subsidized. Minors who are survivors of a person insured under the national pension program are entitled to surviving family pension payments. The number of children and youth receiving national pension payments as surviving family members and the total amount of the payments can be found in Attachment 6-18.
233. For more on child care allowances, see Paragraph 141 and Attachments 5-2 to 5-17. A parent (or parents) who is (are) not working and looking after a child under the age of 2 at home is eligible to receive a monthly child care allowance ranging from NT\$2,500 to NT\$5,000, while employed parents, requesting child care providers or infant centers to care for children, can receive a monthly subsidy ranging from NT\$2,000 to NT\$5,000. A family that needs support to care for children due to financial hardship or a family crisis can receive emergency assistance of NT\$3,000 per month for each child. In case of a family crisis, such as domestic violence, a pregnancy out of wedlock, a divorce, the death of spouse, or a family member put in jail, the government provides emergency assistance, living allowances for children, medical subsidies in case of injuries or sickness, subsidies for child care, and educational expenses, as detailed in the "Act of Assistance for Family in Hardship." Local governments provide subsidies to junior high schools and elementary schools to provide free lunches to students from poor families.
234. Under the "Public Assistance Act," the government provides low-income households continuous support that includes subsidies for national health insurance premiums, raising children, their children's school fees, and medical care. Depending on a household's actual

¹¹ According to statistics compiled by the Bureau of Labor Insurance, as of the end of 2015, the number of laborers under the age of 18 covered by the labor insurance system totaled 34,073.

needs and the local government's financial capacity, the local government shall provide nutrition subsidies to women who have just given birth and their babies, child care subsidies, subsidies for free lunches for students, maternity subsidies, hospital care subsidies, and household subsidies. A local government can use its own resources or mobilize resources from private organizations to provide material support to people in need. Statistics on children and youth of low-income and low-to-middle income households can be found in Attachment 6-19.

Measures to provide child care services to employed parents

235. The government began implementing integrated child care policies in 2012.

The Ministry of Health and Welfare is authorized to carry out policies that provide child care services for children aged 2 or under. The services, listed in the "Protection of Children and Youths Welfare and Rights Act," include:

(a) Family child care services; "Registration and Management Regulations for Family Child Care Services Agencies" were put in place to reinforce supervision and elevate the quality of child care services.

(b) Child care by licensed institutions; these services are regulated according to the "Standards for Establishing Children and Youth Welfare Institutes," "Regulations for Governing Qualifications and Training of Professional Personnel of Children and Youth Welfare Institutes" and "Regulations for the Establishment and Permission of Private Children and Youth Welfare Institutes." Local governments supervise the establishment of private infant centers and promote the establishment of public-privately collaborative resource centers for child care that care for children under the age of 2. Since 2012, local governments have been given guidance on regulating the establishment of public-privately collaborative resource centers for child care. Because of these many initiatives, families with children up to 3 years old now enjoy convenient access to child care resources and parental education. More on the implementation of these services can be found in Attachment 6-20.

The Ministry of Education is in charge of policies regarding early childhood education for children aged between 2 and 5. The "Early Childhood Education and Care Act" covers the management of kindergartens and related guidelines to ensure the quality of early childhood education. Refer to Attachment 6-21 for the number of children enrolled.

236. The "Establishment and Management Regulations for After-School Care Classes" requires schools to provide after-school care services and help with school assignments to elementary

school children. Students with physical or mental disabilities or from indigenous or low-income households are given free access to these services. Statistics on related services can be found in Attachments 5-11 and 5-12.

237. Employers are encouraged to provide child care services to employees. Article 23 of the “Act of Gender Equality in Employment” requires employers with a certain number of employees to set up child care facilities or provide suitable child care measures. The Act was amended in 2016 to require employers with 100 or more employees to provide child care facilities or suitable child care measures, down from employers with 250 employees previously¹².

(a) For employers who set up child care facilities individually or jointly for employees, the government will provide up to NT\$2 million in subsidies for newly constructed facilities and for child care facilities already in operation, the government will provide a subsidy of up to NT\$500,000 per year. For employers who provide child care allowances to employees for them to send their children to outside child care institutions, the government provides subsidies of up to NT\$600,000 a year. (Refer to Attachment 6-22.)

(b) The government sponsors activities to publicize and provide guidance on child care service concepts, including establishing the website (<http://childcare.mol.gov.tw/>) to provide information on companies’ child care services and breastfeeding (breast milk collection) rooms and producing related publications. For employers who fail to provide child care services, the government investigates the situation and then offers guidance and makes proposals regarding the establishment of such services.

E. Standard of Living - Article 27. 1-3

238. The responsibilities of parents to raise their children are mentioned in Section B of Chapter 5. The obligations of parents to bear the costs of raising their children are mentioned in Section E of Chapter 5.

239. According to Section D of this chapter, every child is entitled to an adequate standard of living to support their physical, mental, spiritual, moral and social development, and the government offers economic assistance to disadvantaged families. Under the provisions of

¹² According to “Gender Equality in Employment Survey Reports” conducted in 2015, the number of business establishments with more than 4 employees totaled 256,382, and the number of employees in these businesses totaled 6,517,270. The number of businesses with more than 250 employees totaled 2,823, and the employees hired by them accounted for 37.46% of the nation’s employed population. In 2015, 81.5% of the businesses with more than 250 employees had either set up child care facilities or provided related measures, as compared with a ratio of 45.2% in 2002 when the “Act of Gender Equality in Employment” was first enforced.

the “Housing Act” and the “Housing Subsidy Resources Implementation Plan,” several groups of people can apply for rental subsidies and interest subsidies for mortgages. Families with children; people under the age of 25 who have no place to go after completing a period of placement or leaving their adoption families; victims of domestic violence or sexual assault and their children; families encountering extraordinary hardship; single-parent families; and three-generation families are given priority when it comes to rental subsidies or preferential interest rates on mortgages. Statistics on households receiving interest subsidies for mortgages and rental subsidies can be found in Attachment 6-23.

CHAPTER 7 EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including Vocational Training and Guidance - Article 28

Guaranteeing equal opportunity to receive an education

240. Articles 21 and 159 to 161 of the Constitution stipulate that the people shall have the right and duty of receiving citizens' education; that all citizens shall have equal opportunity to receive an education; that children between the ages of 6 and 12 shall receive free primary education; that students from poor families shall be supplied with books by the government; and that all levels of governments shall extensively establish scholarships to assist students of good scholastic standing and exemplary conduct who lack the means to continue their school education.
241. The "Primary and Junior High School Act" stipulates that citizens between the ages of 6 and 15 shall receive compulsory education that is free and does not require an entrance exam. In the past five years, school attendance rates have averaged around 98%, and the nation's literacy rate in 2015 was 98.6%. Parents also have the right under the "Enforcement Act for Non-school-Based Experimental Education across Education Levels below Senior High School" to apply to the authorities concerned for home-schooling their children themselves. Statistics on participation in non-school-based experimental education; the number of formal employed teachers and the student-teacher ratio in primary and junior high schools; the number of full-time and part-time substitute teachers in primary and junior high school; and average enrollment rates at different levels of education can be found in Attachments 7-1 to 7-4.
242. The government has initiated an "Innovative Development Program for Education in Remote Areas" to devote more attention and adequate resources to education in remote areas and improve the learning outcomes of students in those regions.
243. Children of foreign nationals residing in Taiwan can enroll in schools in Taiwan. Overseas Chinese students¹³ are offered opportunities to study in Taiwan every year under "Regulations Regarding Study and Counseling Assistance for Overseas Chinese Students in Taiwan."

¹³ The term "overseas Chinese student" refers to a student of Chinese/Taiwanese descent who has come to Taiwan to study, who was born and lived overseas until the present time, or who has been living overseas for six or more consecutive years in the immediate past and obtained permanent or long-term residency status overseas. For those applying to study in the departments of medicine, dentistry, or Chinese medicine at universities, a minimum of eight consecutive years of overseas residency is required.

244. In terms of education for children and youth with disabilities, the government provides suitable teaching methods and teaching aids to visually impaired and hearing impaired students. See also Paragraphs 54 and 198. The government has also put in place “Regulations on Transition Guidance and Services for Students with Disabilities of All Levels of Education” to help students with special needs achieve such transitional goals as living independently, adapting to society, going to school and making it into higher grades, and finding employment.
245. Under provisions of the “Act of School Fundraising to Support the Education of Financially Disadvantaged Students,” schools can open “Education Savings Accounts” for the purpose of collecting money and using it to assist financially disadvantaged students.

Extending citizens’ education to cover preschoolers

246. The government began to implement a “Free Tuition Education Plan for Five-year-old Preschoolers” in the 2011 school year¹⁴ to guarantee the right of young children to receive an education and to raise the enrollment rate of 5-year-old preschoolers. Refer to Attachment 7-5 for related information.

Developing different types of high school education, adopting appropriate assistance measures for schooling

247. The “Senior High School Education Act” provides that admission to senior high school be mainly exam-free and senior high education be mainly tuition-free depending on certain requirements. Students from households with an annual income under NT\$1.14 million are exempt from paying tuition if they are enrolled in a vocational school and pay the same tuition as for a public school if they attend a private high school. The government intends to institute free high school education for all vocational high school students and for senior high students from households with an annual income below NT\$1.48 million. Refer to Attachment 7-6 for figures on tuitions at senior high schools.
248. Article 35 of the “Senior High School Education Act” stipulates that educational authorities shall publicize diversified entrance programs and career development avenues to help students develop self-awareness and pursue self-exploration. Junior high school students receive guidance on senior high school education.

¹⁴ A “school year” in Taiwan is made up of two semesters and begins in August and ends in July the next year. For instance, the 2011 school year began in August 2011 and ended in July 2012.

249. Upon graduation, junior high school students can continue their education in two categories of schools: (1) senior high schools, including regular senior high schools with a core curriculum; skilled-based high schools, where the curriculum consists primarily of professional subjects and practicum; comprehensive high schools, which offer a core curriculum as well as professional subjects and practicum; and “specialty-based” high schools, which have a core curriculum centered around a specific subject or field: and (2) junior colleges, which are dedicated to developing highly skilled professional people and help prepare students for employment through a curriculum featuring specific fields of applied science or technology.
250. The “Regulations Regarding Student Loans to Students of Senior High School and Higher Levels” and the “Implementation Guidelines Regarding Student Loans to Students of Senior High School and Higher Levels” stipulate that the repayment period for a student loan begins one year after graduation. Those who have difficulty repaying the loan can apply to postpone the repayments or to extend the repayment period. Refer to Attachment 7-7 for statistics on student loans.

Making higher education accessible to all children on the basis of their abilities

251. Senior high school students are given career planning guidance through various self-exploration activities to help them make suitable choices in pursuing their development and learn more about ways to get into universities, university departments or employment opportunities if the person decides not to continue to college. A multi-channel university admission plan was implemented in 2012, creating multiple channels of access to a university education. In the 2015 school year, the rate of university acceptance through examinations was 95.58%.
252. See Paragraph 250 for information on student loans.

Encouraging regular school attendance and lowering dropout rates

253. Based on “Measures Regarding a Mandatory Reporting System of Dropouts from Elementary and Junior High Schools and Guidance for Them to Return to School,” the government coordinates the efforts of education, interior, police, and social agencies to take steps on the notification of and search for dropouts and on guiding them to return to school. Refer to Attachment 7-8 for statistics on dropouts from elementary and junior high schools and dropout rate, and Attachment 7-9 for statistics on senior high school students discontinuing schooling rate.

254. The government has mapped out principles for the K-12 Education Administration under the Ministry of Education to subsidize local government efforts to prevent and track dropouts and provide guidance to help dropouts return to school. The measures provide for: subsidizing local authorities to issue regular reports on guiding dropouts to return to school and monitoring their progress; integrating community resources; recruiting retired teachers and volunteers to carry out mentoring/tutoring programs for dropouts; and sponsoring alternative education and courses on dropout prevention and flexible guidance approaches.
255. The government has learned from advanced countries' approaches to alternative education, and educational authorities and the social welfare system have cooperated in planning the implementation of schools for social development. The measures taken in this area are divided into "educational guidance" and "living support," with education authorities responsible for the curriculum and teaching, and social affairs authorities responsible for caring for and guiding the lives of potential dropouts.

Preventing bullying in schools

256. The government has mapped out "Guidelines for Preventing Bullying in Schools" and an "Implementation Plan for Preventing Bullying at All Levels of Schools," with an emphasis on promoting education related to the rule of law, human rights, ethics, and the value of life, adopting supplementary measures, and establishing multiple channels for reporting bullying cases and multiple channels for seeking help. Refer to Attachment 7-10 for statistics on school bullying.

Ensuring that school discipline is administered in a manner consistent with children and youth's human dignity and in conformity with the Convention

257. Students are protected from any form of corporal punishment. See Paragraph 133.
258. The "Primary and Junior High Education Act" and the "Senior High School Education Act" stipulate that the local authorities concerned and senior high schools shall devise regulations on appropriate rewards and punishments for students, and the regulations drafted will be reviewed by experts and scholars to ensure compliance with the Constitution. See Paragraph 118.
259. To protect the right of students to receive an education, the "Regulations Regarding Student Registration Data Management of Senior High Schools" does not include any provisions for expelling students. Article 19 of the "Student Guidance and Counseling Act" stipulates that

schools shall provide comprehensive and continuous transition guidance services and ensure that such guidance services are continued for students at each stage of their education.

260. Options available to children or youth whose right to education is violated:

- (a) If the rights and interests of a child in preschool are violated, the child's parents or guardian may raise objections or file a complaint with the authorities concerned.
- (b) If a student in primary or junior high school believes the way he or she has been disciplined has violated the law or regulations or has infringed on his or her rights and interests, the child's legal representative shall petition the school in writing.
- (c) Senior high schools shall set up a "student grievance review committee" to review complaints from students or student organizations on the impact of punishments or other measures imposed by the school on students' rights and interests.

Enabling all children and youth to have access to educational and vocational information and guidance

261. See Section C (a) of Chapter 8 for details on cooperative education.

262. The "Grade 1-9 Curriculum Guidelines" list career development education as an important issue. Subjects related to self-exploration, career awareness and choices of development are incorporated into the curriculum as well as school activities to help students understand their individual interests and capabilities. The "Technical and Vocational Education Act" requires primary schools and junior high schools to provide classes that help youth explore career options and offer career guidance; arrange visits to companies; and provide job skill education to ninth graders to give students greater opportunity to explore different professions.

263. Refer to Attachment 7-11 for training programs meeting the requirements of youth at various stages of development. For youth in school, the government has instituted an "Industry-Academia Training Cooperation Program" and a "Dual System of Vocational Training Project in Taiwan" to integrate vocational training into the education system to help students acquire skills needed by the industrial sector. For youth who have left school and want to enter the workforce, the government is promoting a "Youth's Employment Ultimate Plan" and a "Mentoring Training Project" to equip youth with vocational knowledge and skills needed in the workplace through apprenticeships.

264. The government has mobilized the resources of the Ministry of Labor, local governments and non-profit civic organizations in promoting the "Youth On Light Project," which seeks out junior high school graduates who have not continued their studies or are not employed

and helps them return to school, find employment, or attend vocational training programs.

Refer to Attachment 7-12 for more on the implementation of this program.

265. The government has set up the employment website Taiwan Jobs (<https://www.taiwanjobs.gov.tw>) and a website offering youth vocational training resources (<http://ttms.etraining.gov.tw/eYVTR/>) to provide training or job information to youth interested in finding employment. Public employment service agencies also provide services that give youth direction on the kind of job they want to pursue, enhance their skills and their interest in finding work, and help them find suitable employment.

International cooperation and exchanges

266. Refer to Attachment 1-3. The government introduced a “Plan to Promote International Education at Primary and Junior High Schools” to nurture the global vision of primary and junior high school students. Under the plan, internationally oriented courses and international exchange activities are used to help students understand, respect and appreciate different cultures, gain exposure to international and global issues, and acquire cross-cultural knowledge and communication skills. Statistics of teachers and students participating in international exchange programs can be found in Attachment 7-13.

B. Aims of Education - Article 29

Aims of education specified in the Constitution

267. Article 158 of the Constitution specifies that education and culture shall aim at the development among citizens of a national spirit, the spirit of self-government, national morality, good physiques, scientific knowledge, and the ability to earn a living. Accordingly, the “Educational Fundamental Act” defines the purpose of education as cultivating citizens with sound personalities, democratic literacy, an idea of the rule of law, a sense of humanity, patriotic education, concern for their native land, information technology literacy, strong physiques, and the ability to think critically and creatively. It also defines the goal of education as promoting citizens’ respect for human rights, environmental awareness, and an understanding of and concern for different countries, ethnic groups, genders, religions, and cultures, and making them modern citizens with a national consciousness and international perspective.

Comprehensive development of personality, talent, and spiritual and physical potential

268. The “Early Childhood Education and Care Act” requires preschool education and care services to cooperate with families and communities in implementing early childhood education and care, so as to help children maintain their physical and mental health, develop good habits, enrich their life experiences, reinforce their sense of ethics, nurture their social skills, expand their aesthetic experiences, develop creative thinking, construct a cultural identity, and show concern for the environment.
269. According to the “Grade 1-9 Curriculum Guidelines,” the curriculum for citizens’ education shall encompass three aspects – individual development, society and culture, and the natural environment. It shall also cover seven areas of study – language, health and physical education, social science, arts and the humanities, mathematics, natural science and living technology, and integrated activities. Another seven important topics – gender equality, environmental education, information technology education, home economics education, human rights education, career development education, and marine science education – shall also be included in the curriculum.
270. The “General Principles of the Outline for General High School Curriculum” state that the design of the general high school curriculum shall be linked to the Grade 1-9 curriculum and the general education university curriculum with the goal of enhancing students’ physical and mental health and their study of aesthetics and morality based on an equal emphasis on moral, intellectual, physical, social and aesthetic education.
271. To enforce normalized teaching and to strengthen faculty in all disciplines, the government has developed an “Implementation Plan for Inspection of Normalized Teaching in Junior High Schools.” Junior high schools that fail to arrange courses in accordance with the expertise of teachers or have not abided by class schedules will be punished. In addition, educational authorities shall sponsor advanced courses for teachers, including courses on second areas of specialization and teaching demonstrations, to promote effective teaching methods and multiple evaluation approaches and improve the overall quality of education.
272. The authorities have set up a data bank containing evaluations of students’ learning outcomes to help regularly analyze and track trends in the development of students’ academic abilities. Meanwhile, access to educational resources on outlying islands and in remote areas has improved and the gap in learning opportunities between various parts of the country has narrowed through the implementation of the “Plan for Remedial Teaching in Primary and Junior High Schools” and the “Priority Region Education Plan.”

273. The government provides subsidies to schools to offer multi-lingual and multi-cultural courses and sponsoring international day events, so as to help children and youth recognize, respect and appreciate the cultures and values of new immigrants in Taiwan, the Hakka people and indigenous people.
274. The government provides support for the education of overseas compatriots and organizes study programs or tours that provide overseas youth access to opportunities to learn about the culture, languages and values of their parents or grandparents at home or abroad.
275. The government has mapped out a medium-term plan for human rights and citizens' education, established the Committee for Human Rights Education under the Ministry of Education, and initiated the establishment of an online human rights education counseling resources center. Human rights topics are included in the Grade 1-9 curriculum. Educational authorities have also sponsored human rights seminars and events to promote human rights and citizens' education.

C. Leisure, Recreation and Cultural Activities - Article 31

Measures related to leisure, recreation and cultural activities for children and youth on campuses

276. According to the "Standards for Essential Facilities and Equipment of Preschools and Branches," "Standards for Facilities of Primary and Junior High Schools," "Standards for Facilities of General High Schools" and the "Arts Education Act," schools shall provide children and youth a proper environment for art, recreation and leisure activities that includes different kinds of teaching equipment. Among the measures adopted to achieve this:
- (a) The government provides subsidies to all levels of schools to improve school facilities, and recreational and sports equipment.
 - (b) Schools at all levels try to facilitate arts education, beautify campus environments, use campus space flexibly and efficiently, and take architectural aesthetics into account in building new facilities.
 - (c) To meet the needs of special education courses and students, schools are required to create barrier-free educational environments and provide accessible teaching equipment and educational assistive devices.
 - (d) To encourage students to get into the habit of exercising regularly, schools hold diversified sports activities in addition to regular physical education courses.

277. To give children and youth sufficient leisure time, the “General Guidelines for the Implementation of Normalized Teaching in Primary and Junior High Schools” state that after-school tutoring sessions should be finished before 5:30 p.m. and shall not be held on weekends and national holidays. The guidelines also mandate that educational and cultural learning programs sponsored by schools during winter and summer vacations be held on weekday mornings. In principle, students can freely participate in all of the above-mentioned after-school courses and programs.

Measures related to off-campus leisure, recreation and cultural activities for children and youth

278. Article 33 of the “Protection of Children and Youths Welfare and Rights Act,” which was added in 2014, stipulates that public utilities, privately operated public facilities, and privately run businesses, including transportation facilities, cultural establishments, scenic areas, and recreational establishments, shall provide children age-based preferential treatment.

279. Governments at all levels should sponsor events suitable for children and youth, including concerts, children’s plays, book fairs, cartoon or illustration exhibitions, parent-children reading sessions, and art education courses. They should also sponsor tours of arts groups and mobile museums to remote areas to narrow the cultural gap between cities and rural areas and set up recreational centers for children and youth.

Playground equipment and toy safety

280. The government has carried out an “Implementation Plan for Child and Youth Safety” and holds “Child and Youth Injury Prevention Coordination Meetings” regularly. See Paragraph 192.

281. The government has set “Standards for Facilities of Primary and Junior High Schools” and “Standards for Facilities of General High Schools” to regulate the installation of playground equipment. Because safety is the top priority, the design, materials, location and spaces of all equipment shall comply with the safety standards. Regular and special inspections of equipment and activity venues are required, and any piece of equipment or venue found to be subpar shall be sealed off. Warning signs shall be posted and the equipment or venue refurbished or eliminated as soon as possible.

282. The authorities concerned should conduct regular safety inspections and re-inspections, on-site inspections and investigations of violations of mechanical amusement facilities, in compliance with the “Building Act” and the “Regulations for Inspection and Management of

Mechanical Amusement Facilities.” Besides, the government has also established “Design Directions for Disable Facility of Building,” and the government is now drafting rules on the design of accessible mechanical amusement facilities to include in the Directions. The new rules are expected to be promulgated by the end of 2016.

283. Non-mechanical recreational facilities are regulated by the “Guidelines for Safety Management of Children’s Recreational Facilities Attached to Business Establishments.” Designs of children’s recreational facilities and barrier-free equipment at business establishments must comply with national standards, related regulations and comparable international standards, and managers are to be specifically assigned to ensure the safety of the recreational facilities. The businesses are also required to arrange courses and training for employees to enhance their safety knowledge and skills.
284. Toys and other high-risk children’s products that are announced to be subject to mandatory inspection in accordance with the “Commodity Inspection Act” shall comply with relevant inspection standards, complete inspection procedures and bear commodity inspection mark before they can be marketed or imported. For those products placed on the market, market surveillance projects are also implemented in accordance with the same Act so as to ensure protection of children’s safety.
285. The government has developed guidelines for the prevention and inspection of enteroviruses that focus on the interiors of public venues frequently visited by children to prevent the spread of the disease. The guidelines stress correct hand-washing steps, equipment and environmental disinfection, and the promotion of education on good hygiene. The concerned authorities are also to provide assistance in helping clean and disinfect areas around children’s recreational facilities.

Regulating game software, electronic game arcades, and radio and television media

286. The following measures are enforced to regulate game software (see Paragraph 108):
- (a) Keeping the domestic legal environment up to date with developments in the game software industry, guiding businesses to abide by the law and regulations, publicizing proper digital game concepts and game software ratings, and enhancing the professional knowledge of law enforcement officers.
 - (b) Establishing a website for game software rating information (www.gamerating.org.tw) and providing a mechanism for the public to report cases of irregularities.
287. It is stipulated in the “Electronic Game Arcade Business Regulation Act” that general-rate electronic game arcade business should prohibit persons under the age of 15 from entering

or staying during school hours and after 10 p.m.; restricted-rate electronic game arcade business should prohibit the entry of anybody under 18 years of age. Radio and television media and the internet shall follow the regulations to avoid causing harm to the physical or mental health of children and youth. For related details, see Paragraphs 40 to 42 and Paragraphs 107 to 113.

CHAPTER 8 SPECIAL PROTECTION MEASURES

A. Children in Situations of Emergency

(a) Refugee Children - Article 22

288. A draft “Refugee Act” has been submitted to the Legislative Yuan in 2016 for review.

Related individual cases will be referred to non-governmental organizations.

289. See Paragraphs 57 and 89 for more on services to non-national children and youth who are not able to obtain legal resident status.

290. Refer to Attachments 1-3 for details on international assistance.

(b) Children in Armed Conflicts - Articles 38, 39

291. Children and youth and students of military schools are prohibited from participating in combat under the “Act of Military Service System.”

B. Children in Conflict with the Law

(a) The Administration of Juvenile Justice - Article 40

Preventing children and youth from committing criminal offenses

292. A “Program to Prevent Children and Juveniles from Committing Criminal Offenses” has been in place since 1979 and has three levels of preventive measures – “general prevention” (involving protection, education and counseling), “special prevention” (counseling for deviant tendencies, prevention and prohibition of deviant behavior, and referrals, placement and counseling for children and youth in special situations), and “recidivism prevention” (probation, correctional treatment, and rehabilitation protection). These measures harness central government, local government and private sector resources to impart crime prevention knowledge to children and youth through household visits, broadcast media and promotional activities and provide assistance and counseling to young lawbreakers to help them develop proper attitudes and behavior.

293. The government’s “Summer Vacation Youth Protection Project” sponsors activities combining education on the law, physical training, and academic learning and gets involved searching missing ones and inspection and elimination of potential juvenile crime hot spots.

294. See Paragraphs 326 to 328 for information on measures to prevent children and youth from using drugs.

295. Article 52 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that if parents, guardians or others are unable to correct the serious deviant behavior of the children and youth they are looking after despite their best efforts, they can apply for assistance from the authorities concerned to help, counsel or arrange placement for the children or youth. Refer to Attachment 8-1 for statistics on placement of children and youth in institutions.

Establishing a juvenile justice system targeting the positive and physical and psychological rehabilitation

296. To ensure the sound growth of juveniles, improve the environments in which they grow up and strengthen their character, the government enacted a “Juvenile Delinquency Act” to deal with juvenile¹⁵ criminal cases. Once they complete an investigation, juvenile courts shall decide on reprimand measures according to the seriousness of the criminal behavior and the specific situation. In principle, the juvenile courts shall give priority to applying protective measures; criminal punishment shall be meted out in exceptional cases only.

297. Under the “Juvenile Delinquency Act,” cases involving children and juveniles aged 7 or over but under 18 who have violated criminal laws are dealt with, in principle, by applying rules for juvenile delinquent protection. Only in special cases, in which a juvenile aged 14 or over has committed a serious crime subject to a minimum prison sentence of five years; or in which a juvenile has reached 20 years of age when a case against him or her is being heard in the juvenile court; or under special circumstances in which a juvenile court judge considers it necessary, will a juvenile criminal case be transferred to prosecutors and be prosecuted in accordance with criminal prosecution procedures. There is also a judicial intervention system for status offenders aged 12 and above. (Refer to Attachments 8-2 and 8-3 for statistics on child and juvenile criminal offenders and status offenders).

Constitutional Interpretation No. 664 has found that detaining a juvenile status offender who regularly misses school or runs away from home violates the principle of proportionality under the Constitution and violates the moral rights of the juveniles. The authorities concerned are conducting an overall review to streamline the types of activities considered to be status offenses.

¹⁵ It is stipulated in the “Juvenile Delinquency Act” that juveniles are legally defined as being aged 12 or above but under 18; however, children aged 7 or above but under 12, who have committed criminal offense conducts, are also subject to the “Juvenile Delinquency Act.”

298. Article 24 of the “Juvenile Delinquency Act” stipulates that regulations regarding witnesses, identification, interpreters, inspections, evidence preservation, searches and detentions in the “Code of Criminal Procedure” can be applied as long as they do not violate the nature of juvenile protection. Article 70 of the “Juvenile Delinquency Act” stipulates that in the process of an investigation and trial, some articles of the “Code of Criminal Procedure” can also be applied, including Article 154 (the presumption of innocence and the need for the facts of an offense to be established by evidence); Article 156 (confessions cannot be obtained by improper means); Article 95 (the accused must be informed of his or her rights and should not make a statement against his or her own will); and Article 99 (gives the accused the right to an interpreter). Sections of the “Juvenile Delinquency Act” that can be applied are Articles 31 and 32 (covering the right to a defender); Article 71 (bars pre-trial detentions in principle), Article 72 (requires that interrogations be conducted separately), and Article 73 (provides for private hearings).

(a) Presuming innocence: Under the “Code of Criminal Procedure,” an accused is presumed to be innocent prior to a final conviction, and this is also applied to juvenile legal cases.

(b) Informing the accused of the offense charged and providing proper assistance in mounting a defense: The “Juvenile Delinquency Act” states that in during an investigation and trial of a juvenile criminal case, the accused shall be informed of the criminal offense (in the case of a status offender, the grounds for the criminal charge), and the right to select a defender. During an investigation, the court may summon the juvenile accused and his or her statutory agent or a person who currently protects the juvenile, and inform the defender of the date, time and place of the interrogation. The accused juvenile can select a defender or have one appointed for him or her. In the process of trial, the juvenile’s statutory agent and defender and person who currently protects the juvenile should be given opportunities to make statements. The accused juvenile can apply for legal aid, in line with provisions in the “Legal Aid Act.”

(c) Children and juveniles must not be compelled to testify or to make a confession. See Paragraph 33. Article 95 of the “Code of Criminal Procedure” stipulates that an accused shall be informed that he or she may remain silent and does not have to make a statement against his or her own will. Articles 181 and 186 of the same Act stipulate that a witness may refuse to testify for fear that his or her statement could lead him or her to face criminal prosecution or punishment, and witnesses should be informed by the court or the prosecutor of their right to remain silent. Related regulations in the “Code of Criminal Procedure” shall also apply to children and juveniles.

- (d) Filing an appeal with a higher judicial institution: If a litigant in a juvenile delinquent protection case disagrees with the rulings by a juvenile court, he or she may file an interlocutory appeal or apply for a trial de novo. If a litigant in a juvenile criminal case disagrees with the verdict, he or she may resort to judicial relief procedures, such as an appeal, a new trial, an extraordinary appeal, or an interlocutory appeal.
- (e) Interpreter services: If a juvenile is hearing and speech impaired, or not conversant with the language, he or she may use an interpreter, and the interrogation can be conducted in writing. A contract interpreter system was established in 2006, and there have been 276 contract interpreters able to provide services in 19 languages since the service was launched. The State pays for the interpreter's expenses.
- (f) Legal aid: Under Article 5 of the "Legal Aid Act," a juvenile defendant with any one of the following conditions who has yet to select a defender may apply for legal aid:
- his or her charge carries a minimum sentence of at least three years in prison, or is in a first trial being adjudicated by the high court;
 - he or she possesses the status of indigenous peoples; or
 - he or she is unable to make full statements due to damage or impairments of the nervous system or of his psychological or mental functions.
- (g) Respecting the privacy of children and juveniles during a court process: Investigation of juvenile protection cases, and justice process, shall not be public. The trial of juvenile criminal cases may be made in private. Article 83 of the "Juvenile Delinquency Act" prohibits disclosing to the media or making public information, records or photos related to a case involving a juvenile. Article 83-1 stipulates that the juvenile court shall notify the institution responsible for safeguarding the juvenile's criminal records and relevant data to remove such data. Any violation shall be punished by the authorities concerned.

299. The Taiwan Kaohsiung Juvenile Court was established in 1999. With the implementation of the "Juvenile and Family Court Organization Act," the juvenile court was renamed Taiwan Kaohsiung Juvenile and Family Court in 2012. In areas without juvenile court, district courts have juvenile divisions to handle juvenile cases.

300. Juvenile correctional facilities can be classified into three categories – juvenile detention houses, juvenile reform schools, and juvenile correctional schools. Juvenile detention houses are for juveniles under investigation or awaiting trial; reform schools accommodate juveniles deemed by the court to require reformatory education; correctional schools generally accommodate juveniles who have been given prison sentences or a period of detention ordered by the court and are required to receive reformatory education.

Transfer of judicial Cases – multiple dispositions depending on situation of individual case and legal offense

301. Article 29 of the “Juvenile Delinquency Act” stipulates that juveniles who have committed legal offenses and juvenile status offenders will not face a court trial for a minor offense but will be transferred to social welfare or cultivation institute for counseling. Article 42 of the same Act stipulates that the juvenile court may pronounce a ruling of sending a juvenile to a proper welfare or cultivation institute. Refer to Attachments 8-2 and 8-3 for statistics on transfer and placement cases. “Regulations on Changes in Academic Status or Return to School of Children or Youth Receiving Counseling while in Placement or Reformatory Education” have been implemented since 2013. The number of cases in which juveniles were not prosecuted and allowed to continue school or given other opportunities totaled 324 in 2014 and 283 in 2015.

(b) Children Deprived of their Liberty, including any Form of Detention, Imprisonment or Placement in Custodial Settings - Article 37 (b), (c), (d)

It is forbidden to deprive the liberty of juveniles illegally or recklessly. If the liberty of a juvenile is to be deprived, it must be in compliance with legal regulations, only as a measure of last resort, and may only be of a brief duration.

302. Under the “Juvenile Delinquency Act,” courts can only order a juvenile to be held in a juvenile detention center in situations where the juvenile cannot be handed over to parents or guardians or where such a handover is obviously improper, and the period of detention may not exceed two months. If an extension is necessary, it may not exceed one month. Also, in juvenile criminal cases, a juvenile defendant may not be detained unless there are no alternatives.

Juveniles deprived of their liberty should be treated humanely, kept apart from adult criminals, and allowed to stay in contact with family members

303. Prosecutors are responsible for handling juvenile offenders’ sentences in accordance with the “Standards for Treatment of Prisoners Designated by the Ministry of Justice.” Juvenile offenders are first sent to the prison in the prosecutor’s jurisdiction while under investigation but should be segregated from adult prisoners. Once it is confirmed that the juvenile offender is not involved in any criminal case under investigation or being tried in court, and there is no reason to postpone a transfer, he or she will be transferred to Ming Yang Junior High School (a juvenile correctional school).

304. The “Statute on the Establishment of Juvenile Detention Houses,” the “Organic Statute of Reform Schools” and the “Act of the Establishment of Juvenile Reformatory Schools and Enforcement of Education” stipulate that all correctional institutions should take personalized approaches to meet individual needs, provide education and vocational training, and help develop positive lifestyle habits. See Paragraph 145 for details on rules for juveniles in detention communicating with family members.

Right to file an objection with the court or other judicial authorities, requesting prompt access to legal and other proper assistance

305. See Paragraph 298 regarding the assistance available to a juvenile involved in a juvenile delinquent protection case.

306. Police involved in investigating and processing juvenile delinquency cases shall abide by the regulations stipulated in the “Juvenile Delinquency Act,” the “Habeas Corpus Act,” and the “Regulations for Coordination between Juvenile Courts and Judicial Police Authorities in Processing Juvenile Delinquency.” The procedures are as follows:

- (a) Police should escort the juvenile to the court, together with related documents, within 24 hours after arrest.
- (b) The police should inform parents, the statutory agent, or the person protecting the juvenile at the time to be present.
- (c) See Paragraph 298 for more on a juvenile’s right to select a defender (who can be a lawyer).
- (d) Any attempt to lead or give hints to a juvenile during the interrogation is not allowed.
- (e) Within 24 hours after arrest, the police should inform the juvenile under arrest and a relative or friend designated by him or her in writing the reason for and the time and location of the arrest, as stipulated in the “Habeas Corpus Act.”
- (f) In cases of administrative punishment, the police shall inform family members of the juvenile to take him or her home, or the police will escort the juvenile home. If the juvenile is a student, the police may inform his or her school, under the circumstances.

(c) The Sentencing of Juveniles, in Particular the Prohibition of Capital Punishment and Life Imprisonment - Article 37 (a)

307. Article 63 of the “Criminal Code” stipulates that the death penalty or a life sentence shall not be imposed on an offender who is under the age of 18.

(d) Physical and Psychological Recovery and Social Reintegration - Article 39

308. Correctional schools are similar to junior high schools, and reform schools cooperate with some junior high schools to set up branches. Both provide tutorial courses to help juveniles in placement complete their basic education. If a juvenile placed in a juvenile detention house has yet to graduate, the school he or she is attending should retain his or her academic status and oversee further education courses. In addition, according to the “Regulations on Changes in Academic Status or Return to School of Children or Youth Receiving Counseling while in Placement or Reformatory Education,” a coordination committee is responsible for implementing a plan regarding the individual’s academic transition and resumption of schooling. Up to now, each school has accepted the transition and resumption of schooling of a student from juvenile correctional institution.
309. Articles 21 and 22 of the “Regulations for Execution of Child and Juvenile Protection Programs” call for protection officers and counselors responsible for placement counseling to jointly develop a counseling plan and remain in constant contact to help juvenile offenders return to their families, schools and communities. Judges and protection officers shall make regular and special visits, and the juvenile cultivation institutions responsible for placement counseling shall submit monthly reports on the progress in the counseling to juvenile courts. Also, prosecutors or juvenile court judges are responsible for evaluating how effectively correctional institutions are carrying out a juvenile’s penalty and reformatory education on a monthly basis.
310. Correctional counseling measures adopted by juvenile correctional institutions include the following: (for information on the implementation of the measures, refer to Attachment 8-4):
- (a) Arranging visits for families and holding meetings between juveniles and their family members attended by judges and protection officers, and sponsoring lectures on parenting education and other related activities.
 - (b) Providing religious instruction and individual counseling.
 - (c) Developing skills, giving vocational training and offering guidance on participating in skills certification exams.
 - (d) Drawing on special education resources for assistance in counseling.
 - (e) Implementing follow-up counseling and school transfers or resumptions of schooling for juveniles leaving correctional institutions and informing social affairs agencies to complete evaluations before arranging school transfers or resumptions of schooling; also, assisting juveniles to catch up on their studies based on the “Regulations on Changes in

Academic Status or Return to School of Children or Youth Receiving Counseling while in Placement or Reformatory Education.”

311. For information on counseling for juveniles using narcotics, see Section C of this chapter (Paragraphs 329 to 333).
312. Article 82 of the “Juvenile Delinquency Act” requires that a juvenile who is on probation and under supervision while out on bail or serving a suspended sentence must report to the court on the day he or she leaves the correctional institution. In the first three months after leaving the institution, the juvenile must meet his protection officer at least two times per month, and the protection officer shall visit his or her residence, workplace or school every three months.
313. Article 81 of the “Prison Act” and Article 20 of the “Sexual Assault Crime Prevention Act” give juvenile correctional institutions responsibility for treatment and counseling for juveniles involved in cases of sexual assault, and they can hire psychiatrists, psychotherapists, and certified social workers to provide treatment and counseling. Before a juvenile involved in a sexual assault case leaves the institution, an evaluation of the treatment and counseling shall be submitted to the local authorities concerned, and related agencies in the community shall be informed. Internal and external mechanisms are in place to prevent recidivism of sexual offenders. Refer to Attachment 8-5 for statistics on the number of juveniles in correctional institutions for committing sexual assaults.
314. Articles 67 and 68 of the “Protection of Children and Youths Welfare and Rights Act” stipulate that the government shall continuously offer children and youth being handled under the “Juvenile Delinquency Act” and their family members the necessary welfare services. In addition, the authorities concerned shall keep track of a juvenile and his or her family and provide counseling for at least one year after he or she has completed, or has been exempted from, placement counseling or reformatory education, or is transferred to a counseling program under the “Juvenile Delinquency Act.” Refer to Attachment 8-6 for information on the implementation of the tracking and counseling program.
315. The government sponsors courses on finding employment and publicizes information on the job market to strengthen the job capabilities, job search skills and interest in finding a job among juveniles. For those interested in finding employment, the government provides one-stop employment services. Refer to Attachment 8-7 for details on the implementation of these services.

C. Children and Youth in Situations of Exploitation, including Physical and Psychological Recovery and Social Reintegration - Article 39

(a) Economic Exploitation, including Child Labor - Article 32

Preventing children and youth from taking jobs that may hinder or affect their right to receive education or may hurt their physical and mental development

316. The government has set criteria for employing persons under the age of 15 in the “Regulations Governing the Determination Criteria and Inspection of No Harm to Mental and Physical Health in Article 45 of the Labor Standards Act.” The regulations set maximum daily working hours, break times, vacation days, and employment permit restrictions and list the jobs forbidden to be performed by employees under the age of 15, as well as related inspection procedures. The employment of persons under the age of 15 (including child labor) should be approved by the local authorities concerned.
317. See Paragraph 196 for information on job transfer services for people with disabilities (including mild mental retardation). Refer to Attachment 8-8 for details on the implementation of employment services for disadvantaged youth.

Regulations regarding minimum age for employment

318. See Paragraph 36 regarding rules on minimum age for employment. Article 45 of the “Labor Standards Act” stipulates that a person under the age of 15 who acquires employment through other persons to provide services to a third party, or provides services for pay without an employment relationship, shall be subject to child labor protection regulations.

Regulations on working hours and proper working conditions

319. Articles 47 and 48 of the “Labor Standards Act” stipulate that the daily working hours of a child worker should not exceed eight hours and weekly working hours should not exceed 40 hours. Working on regulated day off or between 8 p.m. and 6 a.m. is not allowed.
320. Paragraph 1 of Article 29 of the “Occupational Safety and Health Act” stipulates that employers should not have employees under the age of 18 perform dangerous or hazardous work. “Criteria for dangerous or hazardous jobs forbidden to be performed by female workers who are pregnant or have just given birth or juveniles under the age of 18” have been established and specify dangerous and hazardous jobs. Also under Paragraph 3 of Article 29 of the “Occupational Safety and Health Act,” if an employee is declared unfit to perform his or her designated job after an assessment by doctors as stipulated in Article 20 or 22, the employer should transfer the person to another working environment, change the

type of work, or shorten the person's working hours, as suggested by doctors. The employer should also adopt health management measures. In 2015, two businesses were found to have violated the regulations.

Appropriate penalties or other sanctions

321. Under Article 77 of the "Labor Standards Act," an employer who violates regulations on the minimum age of a child worker, the working environment and working hours (including as related to night shifts), are subject to a maximum sentence of 6 months in jail, criminal detention, or a fine or a combination of imprisonment and a fine or detention and a fine.
322. Based on the "Act of the Cooperative Education Implementation in Senior High Schools and the Protection of Students' Participation Right," the authorities have established "Guidelines for the Ministry of Education regarding Management Procedures and Punishments in Case of Violations of Senior High School Cooperative Education Implementation Regulations," and the Ministry of Education has issued a handbook for cooperative education students on working conditions and rights. The authorities shall conduct regular evaluations of schools based on "Guidelines for Evaluation of Senior High Schools' Cooperative Education Programs."
323. Under Article 79 of the "Labor Standards Act," employers who fail to keep on record a consent letter from the statutory agent of a juvenile under the age of 18 and age certification document for juveniles in their employ will be fined. Employers who have violated Paragraph 1 of Article 29 of the "Occupational Safety and Health Act" (see Paragraph 320) are subject to a maximum sentence of one year in jail, criminal detention or a fine. In some cases, the sentence can be imprisonment plus a fine or criminal detention plus a fine, as stated in Article 41 of the "Occupational Safety and Health Act." If employers violate the provisions of Paragraph 3 of Article 29 of the "Occupational Safety and Health Act" (see Paragraph 320), they will be fined according to Article 45 of the same Act.
324. To fully implement the provisions of Articles 44 to 48 (regarding child labor) and Articles 64 to 69 (regarding apprentices) of the "Labor Standards Act" and Article 29 of the "Occupational Safety and Health Act" (regarding prohibition of assigning juveniles under the age of 18 dangerous or hazardous jobs), related issues shall be listed as points of emphasis in annual inspections of labor conditions. The authorities will also conduct special inspections of labor conditions faced by students doing part-time jobs and working as apprentices as part of their cooperative education. Refer to Attachment 8-9 for information on the implementation and results of such inspections.

325. Whether working part-time or full-time, children and youth shall be covered by labor insurance, and employers shall be the units enrolling them in the insurance program, as provided in Articles 6 and 8 of the “Labor Insurance Act.” According to Article 72 of the same Act, an employer that fails to enroll an employee in the labor insurance program shall be fined four times the total premiums owed for that employee. In 2015, in 60 inspections of the employment terms of cooperative education students, two employers were found to have failed to enroll the cooperative education students in the labor insurance program on the date of employment.

(b) Drug Abuse - Article 33

Preventing children and youth from using illegal drugs

326. Local governments have set up “Narcotics Hazards Control Centers” to integrate the anti-drug efforts of judicial, educational and health and welfare agencies and develop a preventive network against the hazards of drug abuse. In addition, to intensify education on drug abuse hazards and the rule of law, education authorities have launched a “say-no-to-drugs” campaign to promote awareness.

327. According to Article 9 of the “Narcotics Hazard Prevention Act,” adults guilty of compelling juveniles to use narcotics by means of violence, coercion, deception or other illegal methods (Article 6 of the same Act), luring others into using narcotics (Article 7 of the same Act), or transferring narcotics (Article 8 of the same Act) shall face increased penalties.

328. The government has put in place “Guidelines for Narcotics Control Strategies and Implementation by Police Authorities,” an “Implementation Plan for Police Authorities to Reinforce Investigation of Juvenile Crimes” and a “Special Action Plan regarding Combination Drugs” to reinforce investigations on drug abuse cases and suppliers, with student drug abuse cases one of the priorities. The police are responsible for conducting irregular nationwide anti-drug investigations and special-operations to check on all possible sources of drugs on campuses. Meanwhile, police and educational agencies hold regular meetings to better integrate networks and strengthen prevention and controls.

329. Article 53 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that personnel performing duties related to the welfare of children and youth shall immediately report any cases of children or youth using drugs¹⁶ or controlled medicines to authorities

¹⁶ In Taiwan, narcotics are classified into four categories based on the degree to which they lead to addiction and abusive usage or hurt society. In category one, heroin is the most predominant; category two, amphetamines and MDMA; category three, ketamine; category four, zolpidem.

whenever they learn of them. The reported cases should be categorized within 24 hours, and related investigation reports should be submitted to the authorities concerned within either 4 or 30 days, depending on the level of urgency of each case. In 2015, a total of 3,525 cases were reported¹⁷.

330. Juveniles using category one or category two drugs are considered to have engaged in criminal conduct and they are to be monitored and ordered to get treatment, based on provisions in the “Narcotics Hazard Prevention Act,” or put under protective measures based on the “Juvenile Delinquency Act.” In only one case in 2011 did prosecutors request a summary sentence for such an offense. Juveniles who use category three and category four drugs are treated as status offenders, subject to protective measures. Protective measures usually consist of probation and supervision along with intensive support from medical, educational and social affairs agencies. Refer to Attachments 8-10 to 8-12 for statistics on juvenile narcotics-related criminal offenders.
331. Juveniles caught using category one and category two drugs who are ordered to be monitored and go through rehabilitation are to be given religious, career development and rehabilitation guidance and shall receive instruction on the humanities, health and the law, as stipulated in the “Act of Execution of Rehabilitation Treatment.” For those who show tendencies toward re-using drugs and are forced to undergo rehabilitation, they shall attend courses in three phases as prescribed in the “Act of Execution of Drug Abuser Treatment” – an adjustment period, a psychological counseling period and a social adaption period. For juveniles ordered to receive reformatory education, reformatory institutions shall recruit rehabilitation specialists to help them overcome addiction.
332. Children and youth not attending school who are caught using category three and category four drugs shall receive treatment services provided by local governments or jointly provided by local governments and civil organizations. In 2015, a total of 852 children and youth received the related services. In addition, based on Article 102 of the “Protection of Children and Youths Welfare and Rights Act,” parents of drug-using juveniles should receive parenting education to learn how to properly support their youngsters. Drug-using school children and youth shall receive guidance from special “campus anti-drug units,” which also improve the access of students to helpful resources and refer them to medical care to keep

¹⁷ Among the 3,525 cases reported, 1,046 cases were children or youth not attending school using category three or category four drugs. Local governments have been tracking the cases and providing treatment services (852 have received treatment services, accounting for 81.45% of the cases reported). Another 713 cases were juvenile delinquency cases that have been transferred to juvenile courts.

them away from the danger of drugs. Refer to Attachment 8-13 for statistics on drug-using students reported by schools.

333. There are 157 drug addiction rehabilitation centers nationwide that offer rehabilitation and medical treatment to children and youth. The government provides subsidies for medical treatment to those attending rehabilitation programs, in compliance with the “Subsidy Regulations for Rehabilitation Medical Treatments of Persons with Non-opioid Addiction.” In addition, the government has set up a platform with a mechanism for referring campus drug addicts to institutions providing rehabilitation services. Juvenile reform schools, juvenile detention houses and juvenile correctional schools also provide such services.

Preventing children and youth from being used to engage in the production and trafficking of illegal drugs

334. According to Article 4 of the “Narcotics Hazard Prevention Act,” manufacturing, transporting or selling narcotics is considered to be criminal conduct. Any adult who abets, assists or uses children or youth to manufacture, transport or sell narcotics, who commits crimes of manufacturing, transporting or selling narcotics together with children or youth, or who intentionally leads children or youth into committing narcotics-related crimes, will face up to 1.5 times the standard sentence for such crimes, as mandated in Article 112 of the “Protection of Children and Youths Welfare and Rights Act.” Between 2011 and 2015, the Coast Guard Administration under the Executive Yuan arrested 2,335 suspects involved in drug trafficking, and 18 of them were under the age of 18, representing just under 1% of the suspects. Refer to Attachments 8-14 and 8-15 for details.

(c) Sexual Exploitation and Sexual Abuse - Article 34

Prevention of sexual exploitation

335. In 1995, the government introduced and began implementing the “Child and Youth Sex Trade Prevention Act.” In 2015, it was expanded and renamed the “Child and Youth Sexual Exploitation Prevention Act” and is expected to take effect on Jan. 1, 2017. With the Act’s terminology changed from “sex trade” to “sexual exploitation,” Article 2 of the Act now specifies all types of child or youth “sexual exploitation” that are forbidden¹⁸. Anyone

¹⁸ The behaviors that constitute “child or youth sexual exploitation” are: (a) causing a child or youth to engage in sexual intercourse or obscene acts in exchange for monetary or other considerations; (b) using a child or youth to engage in sexual intercourse or obscene acts for others to watch; (c) filming a child or youth engaging in sexual intercourse or obscene acts, or producing pictures, photographs, films, videotapes, compact disks, electronic signals or other objects that show a child or youth engaging in sexual intercourse or obscene acts; and (d) using a

violating the law will face not only a criminal penalty but also administrative sanctions.

Those convicted shall receive a certain number of hours of counseling, and parents, guardians or others who are looking after the victimized children or youth shall receive 8 to 50 hours of parenting education to reinforce the functions of the family.

336. The government has introduced the “Implementation Plan for the Prevention of Sex Trade Involving Children or Youth” and the “Plan for Reinforcement of Sex Crimes Investigations” to strengthen the hand of the authorities in cracking down the violations of Articles 22 to 29 of the “Child and Youth Sex Trade Prevention Act,” notably the use of violence or coercion by criminal gangs to force juveniles to work in the sex trade. Refer to Attachments 8-16 to 8-18 for statistics on children and youth in the sex trade.
337. Article 49 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that no one is allowed to force, seduce, shelter or act as a broker to arrange children or youth to engage in obscene or sexual activities. Also, it is prohibited to use children or youth to produce publications, photos, videos, films, CDs, disks, electronic signals, game software, internet content or other products with violent, bloody, sexual, obscene or other content harmful to the physical and mental health of children and youth.
338. For performing arts productions that have received government subsidies, the government shall review the production through a screening and evaluation mechanism before the show opens to the public to prevent children and youth from being used in pornographic performances and to prevent the use of child pornography materials. In addition, preventing child and youth sexual exploitation is included in training courses and final examinations for tour guides and tour leaders, and information on the importance of reporting illegalities and adopting preventive measures is posted in venues where hotel staff are trained.

Protective measures for children and youth victimized by sexual exploitation or suspected of being sexually exploited

339. Protective placement: Within 24 hours after prosecutors and police have uncovered and rescued a child or youth victim, the case shall be forwarded to the local government to decide whether to have parents or guardians take the child or youth back, or to have a proper institution arrange emergency placement. For a child or youth put in emergency placement for 72 hours, if the authorities concerned decide to continue the placement, they must submit

child or youth as a host/hostess in a bar or club, or for services, such as tour escorts and singing or dancing companions, that involve sexual activities.

a related report to the court prior to the court hearing on the issue within 45 days of the start of the extended placement period. The authorities can request placement extensions of up to three months at a time. If the court decides a victim should be put under protective placement, the maximum period is two years. For cases in which an extension of protective placement is necessary, the authorities concerned must submit to the court an evaluation in support of the extension request. Each extension can be for a maximum of one year. Refer to Attachment 8-19 for statistics on approved protective placement cases.

340. Education: Article 22 of the “Child and Youth Sexual Exploitation Prevention Act” requires the authorities concerned to consolidate private resources and establish transition schools that employ professionals specialized in social work, psychology, counseling and education so as to provide alternative education and counseling to victimized children and youth. Students of transition schools shall have their student status registered at regular schools, and their diplomas shall be awarded by those regular schools. There are two kinds of transition schools – schools jointly operated by social welfare institutions and local educational authorities¹⁹ and schools that are independently operated²⁰. Refer to Attachments 8-20 to 8-22 for details on students in different types of transition schools, and transition school services.

341. Judicial investigations:

- (a) When questioning a child or youth victim of sexual exploitation, police and judicial personnel should inform the authorities concerned to assign a social worker to be present and offer his or her opinions.
- (b) The victim should not be summoned after being questioned legally, unless it is necessary. During the questioning, the victim must be accompanied by a legal representative, immediate relatives or other relatives within three civil degrees, a spouse, parents or family members.
- (c) Witnesses, victims, informers, accusers, and prosecutors in child and youth sexual exploitation cases shall be protected in accordance with the provisions of the “Child and Youth Sexual Exploitation Prevention Act.” If a judge considers it necessary, related provisions in the “Witness Protection Act” shall be applied.

¹⁹ In transition schools jointly operated by social welfare institutions and local educational authorities, the institutions will provide measures for protective placement, and education authorities will be responsible for providing courses. Currently, there are two such schools in Taiwan.

²⁰ Independently operated transition schools are patterned after regular schools, and the protective placement and educational functions are implemented within the schools. Currently, there are three such schools in Taiwan.

- (d) While questioning a child or youth victim, the authorities should pay attention to that individual's personal safety, provide a safe environment, and adopt appropriate security measures. When necessary, the victim should be questioned in isolation.

Helping children and youth victimized by sexual exploitation or suspected of being sexually exploited to recover physically and mentally and re-enter society

342. See Paragraph 339 regarding protective placement. The authorities concerned shall keep track of child or youth victims after their protective placement has concluded and provide them guidance. In addition, the victims shall receive assistance in schooling, employment, and independent living for at least one year, and under certain circumstances, until they reach the age of 20. Those put in transition schools shall receive education on personality development, ethics, the law, knowledge and skills, and the development of sound values in addition to vocational training to prepare them to adapt to society after graduation. Refer to Attachment 8-23 for statistics on students returning home after attending transition schools.

(d) Other Forms of Exploitation - Article 36

Preventing any other form of exploitation

343. For information on protecting children and youth from exploitation by the media and privacy protection, see Section G of Chapter 4.
344. To protect the rights of human research subjects based on the "Human Subjects Research Act" and the "Medical Care Act," prior to conduct a research should be submitted the research protocol for review and approval by the Institutional Review Board/Research Ethic Committee (hereinafter "IRB/REC") and be obtained the legally effective informed consent of the subject or the subject's legally authorized representative. Simultaneously the information that is given to the subject or the representative shall be in language understandable to the subject or the representative²¹. In Drug Clinical Trials, the assurance

²¹ Before obtaining the letter of approval, the leader of a research team or a designated team member should give a subject of a human research project and his or her legal representative plenty of time and opportunities to learn about details of the clinical trial. Article 20, Paragraphs 2 and 3 of the "Regulations for Good Clinical Practice" stipulate that a subject of human research and his or her legal representative should be provided with satisfactory answers to questions about the clinical trial plan. Article 79 of the "Medical Care Act" requires researchers to give the subject plenty of time to think it over and not use any form or coercion when asking the subject to give his or her consent to participate in the trial. If the subject of research is a fetus, the mother shall be informed of the details to decide on matters related to the letter of consent. If the research subject is a person who has been declared to be of limited legal capacity, consent shall be obtained from both the individual and his or her legal representative. Article 12 of the "Human Subjects Research Act" and Article 79 of the "Medical Care Act" also stipulate that if a research subject is incompetent, the letter of consent shall be obtained from his or her legal representative.

of informed consent process for subject under a legal disability is regulated by the “Regulations for Good Clinical Trial.”

345. Article 3 of the “Training Guidelines of Sports Classes and Sports Teams across Educational Levels below Senior High School” lays out guidelines for the hours that can be spent by children and youth in sports classes or in training by sports teams. Schools are required to monitor the hours depending on the different types of sports and training, the intensity of training and the training cycle. The maximum training allowed (including related classes) is three hours per day.

(e) Sale, Trafficking and Abduction - Article 35

Preventing human trafficking

346. The government has promulgated the “Human Trafficking Prevention Act.” To prevent children and youth becoming victims of human trafficking, judicial and law enforcement authorities have reinforced inspections on land and at sea, and the Ministry of Justice has specifically assigned prosecutors to investigate human trafficking cases. In recent years, the government has signed cooperation agreements on immigration affairs and human trafficking prevention with many countries, including Indonesia and Nauru, etc., contributing to the prevention of the illegal transferring of children or youth. Refer to Attachment 8-24 for details on cases of child or youth trafficking victims uncovered by judicial and police agencies.

347. Article 49 of the “Protection of Children and Youths Welfare and Rights Act” stipulates that no one should abduct, kidnap, sell, or use children or youth as hostages. Anyone who violates the regulations shall face a criminal penalty, be fined, and have his or her name released publicly. In addition, to eliminate child trafficking, regulations on adoption are included in the “Protection of Children and Youths Welfare and Rights Act.” See Paragraph 166 for details.

348. The “Human Organ Transplant Act” stipulates that transplanted organs must be provided or received without any form of compensation. Any violation of the related regulations will be subject to both civil and criminal penalties. An ROC national who has committed a crime regarding organ transplantation in another country where organ transplantation is not legally regulated is still subject to the “Human Organ Transplantation Act.” Up to now, there have been no illegal organ transplantation cases (including cases involving children or youth) reported in the ROC.

349. Foreign workers employed in Taiwan must be aged 16 or over. As of the end of 2015, there were 20 foreign workers aged 16 or 17 working in Taiwan, all in the manufacturing sector. To prevent foreign workers from falling victim to human traffickers, the government has implemented the following measures:

- (a) Minimizing exploitation by labor brokers: The “Standards for Fee-charging Items and Amounts of the Private Employment Services Institution” regulates charges by domestic brokers. In addition to the establishment of the “Direct Hiring Service Center,” a direct, web-based cross-border hiring management service system was established to help employers recruit foreign workers themselves.
- (b) Minimizing exploitation by employers: The “Employment Service Act” stipulates that employers are not allowed to illegally withhold or seize passports, residence permits or the belongings of foreign workers. In addition, the “Regulations on the Permission and Administration of the Employment of Foreign Workers” stipulates that employers should pay salaries directly to foreign workers in full.
- (c) Providing channels for filing complaints and informing foreign workers of those channels: The government has set up a “1955” labor consultation and protection hotline for foreign workers as a channel for filing complaints. In addition, foreign workers service centers have been set up at airports, seminars on related issues have been held, and handbooks on workers’ rights are available. The authorities also commission radio stations to produce programs to publicize the available services.

Physical and psychological recovery and social reintegration

350. Under the “Human Trafficking Prevention Act,” the authorities concerned shall provide protection and sheltering, medical assistance, translation services, legal assistance, psychological counseling and other services to victims and suspected victims of human trafficking. During the investigation and court procedures, the victims and suspected victims shall be accompanied by social workers and provided with the necessary financial assistance and other forms of help.

Cross-strait and international cooperation

351. During the period from 2011 to 2015, the majority of unauthorized migrants interdicted in Taiwan were adults with only one four-year-old stateless girl interdicted in 2015, who was provided immediate assistance by the competent authority then. Since the majority of unauthorized migrants interdicted in Taiwan were Vietnamese, the government has

instructed legal attachés and police attachés stationed overseas to conduct coordination with law enforcement counterparts, to collect information related to human trafficking, and proactively prevent and protect minors from abduction and human trafficking.

352. The government actively participates in activities regarding immigration affairs and human trafficking prevention. The ROC has signed cooperation agreements and memorandums or established communication channels on the issue with 15 other countries or areas.

353. Refer to Attachment 1-3 for more on international cooperation.

D. Children Belonging to a Minority or an Indigenous Group - Article 30

354. According to government statistics, there were 4,043,357 children and youth in the ROC in 2015, of whom 138,538 belonged to indigenous groups. There were 64 Mongolian children and youth and 85 Tibetan children and youth, and an estimated 820,000 children and youth were of Hakka origin, though the government has not conducted any surveys to confirm the figure.

Right to keep their religion

355. Article 13 of the Constitution states that the people shall have freedom of religious belief (see Paragraph 116). The government respects religious minorities and honors traditional forms of worship, religious discipline, practices, and sermons.

Right to maintain their cultures and related measures

356. Articles 21 and 22 of the “Education Act for Indigenous Peoples” provide for safeguarding the right of education of indigenous students. Governments at all levels shall provide preschool, elementary school and junior high school indigenous students with opportunities to learn their respective ethnic languages, histories and cultures, and education authorities should design curriculums and teaching materials related to ethnic education. In addition, all levels of schools should adopt multi-ethnic perspectives and incorporate the history, culture and values of ethnic groups in designing related courses, in accordance with the “Five-Year Indigenous Education Development Program.” The government has introduced the “Plan for Establishing Tribal Schools” and the “Plan for Subsidizing Community Cooperative and Tribal Cooperative Educare Services” to promote a schools-based curriculum featuring ethnic education and to promote the establishment of indigenous educational experimental schools.

357. The government initiated the “Guidance project for foreign and mainland Chinese spouses” in 2003 to safeguard and strengthen the educational and cultural rights and interests of children of new immigrants. In 2005, the “Foreign Spouses Development Fund” (in 2016 renamed the “New Immigrants Development Fund”) was set up to provide subsidies to related agencies to ensure that children of new immigrants have multi-cultural learning environments that enable them to become familiar with the languages of their new immigrant parents (Refer to Attachment 8-25). The Executive Yuan founded the New Immigrants Affairs Coordination Task Force in 2015 to reinforce cross-agency cooperation in safeguarding the rights and interests of new immigrant families in Taiwan.
358. Every year, in accordance with Tibetan calendar, Tibetans in Taiwan celebrate Losar, the Tibetan New Year, and Mongolians in Taiwan pay tribute to Mongol Empire founder Genghis Khan in an annual ritual. In addition, horse-riding programs and archery camps have been held for Mongolian children and youth to expose them to the traditional culture and customs of their ancestors.
359. To promote Hakka cultural activities, the government encourages local governments and civil groups to sponsor Hakka festivities and performances of Hakka opera. Hakka TV, the TV channel featuring Hakka culture in the Hakka language, produces at least 90 hours of programs suitable for children and youth every year. The authorities concerned also provide subsidies and assistance to help with the production of children’s programs in the Hakka language and to promote cross-media cooperation.
360. The welfare and rights of children and youth of indigenous people and new immigrants who are involved in family proceedings are taken into account in scheduling decisions. The Judicial Yuan have collected information on the dates of festivities of indigenous tribes and public holidays in Southeast Asian countries for the reference of courts when deciding the dates of parents-child meetings, for example, because it is important for these children and youth to learn about their traditional cultures through these meetings. Related information is also released through the internet.

Rights to use their own languages

361. The “Grade 1-9 Curriculum Guidelines” require all primary school students to take one local dialect course and list local dialects as optional courses of study for junior high school students. Local dialects include languages of indigenous tribes. Languages of new immigrants are expected to be included in school curriculums when the 12-year basic education system is implemented. In addition, through the implementation of the

“Guidelines for the Promotion of Mother Tongue Days in High Schools and Below as well as Preschools,” schools and preschools are encouraged to select one day every week as “Taiwan Mother Tongue Day.” On that day, children and youth are encouraged to use the local dialect most commonly used by people in the community where the school or kindergarten is located and the languages of minorities living in the neighborhood. Refer to Attachment 8-26 for statistics on the number of classes in which local dialects are taught and participating students.

362. To safeguard the rights of indigenous children and youth to learn their own languages, the government has implemented the “Second Six-Year Plan for Reviving Indigenous Languages.” The plan specifies several steps to promote indigenous languages, including “Incentives for Child Care by Indigenous Nannies,” the “Plan for Immersive Indigenous Language Teaching in Preschools,” sponsorship of immersive indigenous language camps, conversation classes and family learning environments, and coordination with churches.
363. The government has launched the “Taiwan Resident Tibetan Care Program,” which sponsors cultural promotion activities to help Tibetan children and youth obtain related knowledge. In addition, the government has set “Guidelines for the Mongolian and Tibetan Affairs Commission to Establish Mongolian and Tibetan Language Classes” to help Mongolian and Tibetan children and youth in Taiwan to learn their own languages. Language classes at junior and senior high school levels are open to different age groups of children and youth. Refer to Attachment 8-27 for details on beneficiaries of the language programs.
364. The government has developed the “Hakka Living School Plan” to create a living environment for Hakka language learning. The government provides subsidies to public as well as private junior high schools, primary schools, and preschools to promote programs such as “Hakka Living Schools,” “Hakka Culture, Handicrafts, and Music Classes,” “After-School Arts Programs,” and the “Immersive Hakka Language Teaching Program.” The schools use lectures, readings, plays, contests, and other activities to promote the Hakka language based on the principles of bringing the language to life, making it open to everyone, having it taught in schools and promoting diversity. The government has also developed “HAC Operation Directions for Subsidizing Publications” to provide subsidies for the production of Hakka books, periodicals and language teaching materials. Refer to Attachment 8-28 for statistics on Hakka language proficiency certification.