
Review on the Implementation of Children's Rights

18 November 2022

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International Review Committee

Concluding observations on the second report of the Republic of China (Taiwan)

I. Introduction

1. The International Review Committee ('the Committee') considered the initial report of the Republic of China (Taiwan) at its 1st meeting, held between 20 and 22 November 2017, and adopted the present concluding observations at its 1st meeting, held on 24 November 2017.
2. The International Review Committee welcomes the submission of the second report of the Republic of China (Taiwan) and the written replies to the list of issues, which furthered our understanding of the situation of children's rights in Taiwan. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the Government. The Committee expresses its appreciation to the active participation of civil society, and particularly children, which was essential to the review process.
3. The International Review Committee expresses its appreciation to the Ministry of Health and Welfare, and particularly to its CRC Team, for providing the Committee with substantive and logistical support.

II. Follow-up measures taken and progress achieved by the State party

4. The International Review Committee welcomes Taiwan's considerable efforts to adopt and amend legislation following the previous review. In particular, the Committee highlights the adoption or amendments of the following: The Suicide Prevention Act (2019), The Protection of Children and Youths Welfare and Rights Act (2021), Human Rights Action Plan 2022-2024 (2022), the Policy for the Alternative Care of Children (2022).

III. Main areas of concern and recommendations

5. The International Review Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The International Review Committee would like to draw of the Government of the Republic of China (Taiwan) ('the Government') attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: general measures of

implementation (para. 6-14); violence against children (para. 31-35); children deprived of a family environment (para. 36-42); children with disabilities (para. 45); mental health (para. 47); education (para. 53-57); and rest, play and leisure (para.58-59).

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

6. The International Review Committee notes with appreciation that the Government initiated a process of legislative review, with a view to harmonizing domestic law with the CRC. Since gaps were identified in a number of laws, regulations and other legal acts, but the process is not finalized. **The International Review Committee recommends that the Government expedites finalization of the legislative review and starts discussion on reviewing The Protection of Children and Youths Welfare and Rights Act, to fully harmonise it with the contents and spirit of the CRC.**

Comprehensive policy and strategy

7. Taking note of the Government's efforts to initiate drafting of the national plan of action for children, but the International Review Committee regrets that such plan has not yet been adopted. **The Committee recommends that the Government develops and implements a comprehensive plan of action for the implementation of the CRC, based on the CRC Committee's General Comment no. 5, with the involvement of regional and local authorities, civil society organisations, relevant professionals, children, and parents/ guardians.**

Coordination

8. While the International Review Committee appreciates efforts of the Child Rights Group to coordinate activities through Government departments, the Committee is concerned with information on the nature and outreach of the Child Rights Group, especially regarding its institutional capacities and regular function. **The Committee recommends that the Child Rights Group is empowered fully so that it can be a permanent Government body that is well staffed, adequately resourced and continuously operating to coordinate activities throughout the Government.**

Allocation of resources

9. The Government has allocated substantial budgets to social protection, child friendly justice, the child's access to good quality counselling services and child protection from violence and harmful practices. **The Committee recommends that the Government follows the guidance made by the CRC Committee's General Comment no. 19, and continues to increase respective budget allocations, while assessing the impacts of such allocations for the most vulnerable groups of children.**

Training and Education

10. The International Review Committee welcomes the Government's efforts to disseminate the CRC, notably through the "CRC education, training and effectiveness training program". The Committee is however concerned that those awareness-raising activities are not effectively coordinated and that knowledge of the CRC, especially among government officials and professionals working with and for children, the media, parents/guardians and children themselves, still remains limited. **The Committee recommends that**

the Government, in cooperation with civil society and the media and with the participation of children, further strengthens its awareness training programmes.

State Monitoring

11. The International Review Committee welcomes information on the adoption of ongoing monitoring through children's rights impact assessments. **The Committee recommends that the Government continue assessment of compliance of its laws and practices with international standards.**

Independent Monitoring

12. The International Review Committee welcomes establishment of the National Human Rights Commission ('NHRC') in 2020 and its initial work on child rights. However, there is a concern over capacity of the NHRC to take the lead in the overall promotion of the rights of the child and to fully address cases of violation of the rights, in line with the CRC Committee's General Comment no. 2. **The Committee recommends that the Government enables a well-staffed, well budgeted and well-trained unit within the NHRC that will deal fully with the rights of the child or considers establishment of separate independent institution for the rights of the child. The Committee suggests that the Government seeks international support to enable full functioning of an NHRC for children.**

International Cooperation

13. The International Review Committee notes with appreciation the Government's international support to children in humanitarian crises, as well as the Government's support to NGOs that engage in international work. Additionally, the Committee welcomes the efforts made towards international exchange of knowledge and experience, and cooperation with international experts. **The Committee encourages the Government to continue and develop such activities.**

Access to Justice and Complaints Mechanisms

14. The Government has introduced a commendable number of complaints procedures for children who believe their rights have been violated within the education, health, social or other systems. The International Review Committee is nonetheless concerned with children's reluctance to report violations due to different barriers such as lack of trust in the complaint procedures, fear of being identified, lack of confidence in a just outcome. **The Committee recommends that the Government continues to improve complaint mechanisms to ensure that they are child-friendly, confidential, and independent, with appropriate remedies. The Committee also recommends that children have access to complaint mechanisms in all settings including education, health, child protection, and the justice system.**

B. Definition of the child (art. 1)

15. The Committee welcomes the amendment of the age of majority from 20 years old to 18 years old and the alignment of the age of marriage between men and women in the Civil Code.

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

16. The International Review Committee welcomes the focus of the National Human Rights Action Plan on establishing a Comprehensive Equality Law. **The Committee recommends that the Government consider including age (not just protection of the elderly) as a specific ground of discrimination and consult children on any proposed legislation, including in particular provision for a child-friendly complaint mechanism.**

17. The International Review Committee recognises the efforts of the Government to collect data about children and to disaggregate this by sex, severity and forms of disability, location and whether a child is indigenous. **The Committee recommends that data is collected and disaggregated in a uniform way across all Government departments and to include information on different forms of disability/ impairment, children who identify as LGBTI and children from low-income families.**

18. The International Review Committee commends the Government in its ongoing efforts to promote gender equality across Government and in schools. **The Committee recommends that practice is monitored robustly to ensure that the policy is being implemented uniformly and effectively in schools.**

Best interests of the child

19. The International Review Committee acknowledges the efforts of the Government to provide guidance and case studies on the implementation of the best interests principle. **The Committee recommends that all information and training is reviewed to ensure that it complies with the comprehensive guidance on Article 3(1) provided by the UN Committee on the Rights of the Child in General Comment no. 14.**

20. The International Review Committee is concerned about the application of the best interests principle in family law proceedings. **The Committee recommends that the Government ensures that in those proceedings that the assessment of the child's best interests is a mandatory and integral part of the process.**

Right to life, survival and development

21. **Given the high death rate of children, the International Review Committee recommends that the Government consider whether to introduce a single, robust child death review process for all children.**

22. The International Review Committee acknowledges the considerable efforts of the Government to address the level of child suicide, such as the introduction of the Suicide Prevention Act (2019), the Three Level Student Self-Harm Prevention Work Plan, and increasing the availability of counselling in school. However, suicide rates continue to increase, and it is important that these increases are not attributed to personal factors affecting the individual child but the wider structural issues that lead to poor mental health including academic stress, bullying and maltreatment. **The Committee emphasises the importance of addressing these other children's rights issues as part of any overall strategy for reducing the number of child suicides.**

23. There have been many initiatives to address the issue of death and injury in traffic accidents, including road safety education and the development of safe parking zones at schools. **The International Review Committee recommends that central Government**

takes action to ensure that these regulations are implemented at a local level and that children are involved meaningfully in developing road traffic and transport policy.

Respect for the views of the child

24. The International Review Committee commends the Government on the very significant progress made in implementing the child's right to be heard particularly in public decision-making. **With a view to building on these achievements, the Committee recommends that the Government:**

(a) Continues in its efforts to increase the diversity of children involved in local and central Government, including in particular encouraging the involvement of younger children;

(b) Develops a transparent system for capturing and reporting on the impact of children's views on law and policy;

(c) Ensures that the child's right to be heard is promoted among parents/guardians, in family education and child-care facilities; and

(d) Ensures that children have a safe, confidential and effective mechanism for raising issues that concern them in schools, and sports and leisure and other after-school activities.

D. Civil rights and freedoms (arts. 7–8 and 13–17)

Identity

25. The International Review Committee is concerned about continuing reports of problems facing children born in Taiwan to foreigners, especially undocumented migrants, in relation to acquisition of identity documents, residency rights and/or access to basic services, and sometimes involving statelessness. **The Committee reiterates its recommendation (2017 Concluding Observations para. 33) that the Government take all appropriate measures to address such situations consistent with the best interests and other rights of the child.**

26. **The International Review Committee, recognising the vital importance of the mandate of the Child and Juvenile Adoption Information Centre for establishing or re-establishing the identity of adoptees, urges the Government to put in place resources and procedures to ensure that applicants, particularly adoptees, seeking information receive all necessary and appropriate assistance and counselling during the search process.**

27. **Given the severe negative consequences for donor-conceived children of being denied access to information on their origins, the International Review Committee urges the Government to ensure that such information held by the Kinsfolk Relation Records can be made available to them on request and with appropriate support.**

28. **Recognising that surrogacy is illegal in Taiwan, the International Review Committee strongly recommends that the Government ensures that any child born through surrogacy, either in the country or abroad, with intending parents in Taiwan, benefits from all rights without discrimination on the basis of birth status, including rights guaranteeing the establishment and preservation of identity (notably name, nationality and family relations).**

Access to Information, Freedom of Expression, Right to Privacy

29. The International Review Committee welcomes the Government's commitment in the National Human Rights Action Plan 2022-2024 to protect human rights including children's

rights in the context of digital environments. The Committee also welcomes the proposed new white paper on media literacy education and the commitment to the principle of digital priority for rural schools. **The Committee recommends that when implementing its plans with respect to digital human rights, the Government:**

(a) **takes into account the CRC Committee’s General Comment no. 25 on Children’s Rights in the Digital Environment; and**

(b) **facilitates the effective participation of children and young people consistent with article 12 of the CRC.**

Freedom of Association and Assembly

30. The International Review Committee notes concerns about the ability of children to join and form associations and participate in public assemblies. **The Committee recommends that the Government review all relevant legislation including the Social Association Act and Assembly and Parade Act to ensure they are consistent with children’s right to freedom of association and peaceful assembly under article 15 of the Convention.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Definition of Abuse and Neglect

31. The International Review Committee commends the Government for efforts to define abuse and neglect in the national legislation and in interpretive documents. **The Committee recommends that the definitions are reviewed to be consistent with the CRC Committee’s General Comments no. 8 and no. 13. The Committee also recommends that the definitions are used for further activities, including for data collection and impact assessment.**

Root Causes of Violence and Reporting

32. Noting the efforts that Government has put into the prevention of violence in all settings, the International Review Committee is concerned with the persisting occurrence of violence, particularly in schools. **The Committee recommends that the Government continues to invest into the training and education of teachers, social workers and other professionals dealing with children. The Committee also recommends that the Government encourages more research into the root causes of violence, as well as research into the ratio between occurrences and reporting.**

Violence in the Digital Environment

33. The Government has undertaken legislative and practical activities to address sexual violence in all settings, including in the digital environment. However, the International Review Committee is concerned with the actual increase in cases of sexual abuse of children in schools and placement institutions. **With regards to sexual violence in the digital environment, the Committee recommends that the Government develops mechanisms for implementation of the Child and Youth Exploitation Act, with a view to investing human and financial resources in the protection of the rights of children.**

Safeguards for Children Victims and Witnesses of Crime

34. In order to develop a system of coordination in cases involving children as victims or witnesses of crimes, the Government developed a very elaborate cooperation mechanism: “Severe Child Abuse Case Judicial Early ~Intervention Tripartite Collaboration Procedure”. However, the International Review Committee is concerned about the implementation and effectiveness of this mechanism. **The Committee recommends that regular assessments are undertaken in that regard. The Committee suggests that the Government considers the establishment of a *Barnahus* (‘child-house’), an institution in which a victim or witness is interviewed and appropriately treated by suitably qualified professionals.**

35. The Government has done a lot in providing legal and practical frameworks for the recovery and reintegration of child victims or witnesses, but we have not yet seen the results of such measures. **The International Review Committee recommends that Government follows closely and analyses data on the results of legal and administrative measures to enable recovery and reintegration of child victim or witness of crime.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

Children deprived of a family environment / Alternative Care

36. The International Review Committee acknowledges with appreciation the publication of the “Policy for the Alternative Care of Children in Taiwan” and notes its findings and strategic goals. The Committee particularly welcomes the emphasis placed on preventing the need for recourse to alternative care. **The Committee recommends that special attention be paid to enabling families to care for children with disabilities, including through promoting and facilitating self-help groups of these parents/ guardians and, where necessary, providing for respite care arrangements.**

37. The International Review Committee welcomes the initiative of the Government to designate small group homes as a statutory form of alternative care and thence, when residential care is deemed to be in the best interests of the child, to prioritise consideration of a placement in that care setting rather than in a larger facility. **The Committee recommends that the Government allocates adequate resources to implement this objective.**

38. Pending the development of a comprehensive strategy for deinstitutionalizing the alternative care system, the International Review Committee notes with concern that, not only are the majority of residential care facilities are run by private providers. The Committee is also concerned about the outcome of inspections, which show that it is only certain privately-run facilities that have been evaluated as requiring urgent and substantial improvement. **The Committee strongly recommends that:**

(a) **initial licensing of private facilities is aligned to need and subject to more stringent conditions; and**

(b) **through effective gatekeeping and other measures, reliance on the private sector provision for alternative care be reduced to a level that can be independently and effectively monitored on a frequent and regular basis (UN Guidelines for the Alternative Care of Children, para. 128), with special attention to ensuring that required improvements are made in a timely fashion.**

39. **The International Review Committee strongly urges the Government to ensure that the quality of care in private residential facilities, including through the recruitment and retention of adequate numbers of qualified staff, is not compromised by a facility’s inability to secure appropriate funding from non-State sources, and recommends that the financing of private care provision be subject to in-depth examination.**

40. The International Review Committee notes with concern credible reports that a significant number of residential care facilities impose inappropriate surveillance and disciplinary measures, as well as potentially unduly restrictive conditions on privacy and everyday life. **The Committee strongly recommends that such reports be investigated and that licensed residential care facilities be systematically obliged to respect relevant provisions in the UN Guidelines for the Alternative Care of Children in particular paras 89, 92, 94 and 96 in this regard.**

41. **The International Review Committee encourages the Government to carry out an in-depth evaluation of the outcomes of current service provision for:**

(a) **Securing the successful return of children from family-based and residential alternative care to the care of their family; and**

(b) **Enabling care-leavers who are unable to return to their family to transition to a suitable and safe setting, including semi-independent living (supervised or supported) where appropriate.**

42. The International Review Committee notes that, while alternatives to custodial sentences exist for persons in conflict with the law, either at the discretion of the court or (post-sentencing) of the prosecutor, there are no sentencing guidelines for courts dealing with parents/ guardians of children. **The Committee urges the Government to draw up, in consultation with representatives of the judiciary and other relevant actors, including children, sentencing guidelines specifically for such cases. These guidelines should bear in mind the rights and best interests of children in such situations by recommending that courts impose custodial sentences only in exceptional instances to avoid separation of children from their parents/ guardians as well as potential placement in an alternative care setting.**

Adoption

43. The International Review Committee acknowledges that, in common with many other countries, there is often a reluctance to adopt children with disabilities, with the result that many such children are adopted abroad. **The Committee is convinced that the rights and best interests of those children would generally be better met through family-based care enabling them to remain in Taiwan. The Committee recommends that the Government provides appropriate material, practical and other forms of ongoing assistance to adopters of children with disabilities, including the promotion of support groups for these adoptive parents.**

44. The International Review Committee notes with concern the significant rate of breakdown of domestic adoption arrangements. **While understanding that socio-cultural factors may explain some breakdowns, the Committee suggests that the Government examine the extent to which this problem might be mitigated by improvements in current measures for, inter alia, the selection, preparation, matching and/or post-adoption support of adoptive parents, as well as for ensuring that the opinion of the child is heard and duly considered both before and following the adoption.**

G. Children with disabilities (art. 23)

45. The International Review Committee welcomes the Government's commitment in the National Human Rights Action Plan 2022-2024 to ensure equality and non-discrimination for persons with a disability including children. **The Committee recommends that the implementation of this plan is consistent with the recommendations of the Review Committee for the Convention on the Rights of Persons with a Disability in 2022 and**

the CRC Committee's General Comment no. 9 (2007) on the Rights of Children with a Disability and that the Government take all necessary appropriate steps to:

(a) Review all relevant legislation including the People with Disabilities Protection Act, Special Education Act and relevant sub laws to ensure the laws in Taiwan are consistent with the rights of children with a disability;

(b) Develop an understanding of how children with disabilities can be supported to enjoy the fullest possible social integration and individual development and participation in all settings, particularly in education, alternative care, the justice system, leisure and recreation;

(c) Move beyond the narrow biomedical model of disability in preference for the social and rights-based understanding of disability;

(d) Collect disaggregated data on children under this broader definition of disability including data on the mental health disabilities experienced by children which reflects the growing understanding of neurodiversity;

(e) Ensure access to effective and quality inclusive education for children with a disability living in both urban and rural areas by providing adequate resources and appropriately qualified staff to address the diverse needs of all children with disabilities;

(f) Continue to provide appropriate support services for children with disabilities, their families and/ or caregivers;

(g) Facilitate access to meaningful play, leisure and recreation opportunities for children with a disability and to develop 'all abilities' playgrounds; and

(h) Develop appropriate practices to enable children with a disability are heard in the implementation of measures to assist them consistent with art. 12 of the CRC and art. 7 of the Convention on the Rights of People with Disabilities.

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Consent

46. The International Review Committee remains concerned that a child may still have to obtain the consent of their parents/ guardians in circumstances, when a child has the capacity to consent to medical treatment including, for example, when a child is seeking an abortion. **The Committee recommends that the Government consider implementation of the CRC Committee recommendation in General Comment no. 12, including para. 101 that states adopt legislation which provides for a fixed age at which the right to consent is transferred to the child.**

Mental health

47. The International Review Committee welcomes the ongoing efforts of the Government to provide targeted and age-appropriate mental health services for children. However, the Committee remains concerned at the incidence of children experiencing problems with their mental health, especially the high suicide rate and the gaps experienced by some children in accessing mental health services. The Committee therefore welcomes the commitment of the Government in its National Human Rights Plan 2022-2024 to strengthen resources for dealing with mental health illness among young people. **The Committee recommends that when implementing this plan:**

(a) Sufficient additional budgetary resources are allocated to ensure the effective provision of appropriate mental health services;

(b) Research is undertaken to address the structural issues that contribute to children's mental health conditions; and

(c) Practices are developed to enable children with a mental health condition to have their views taken into account in the implementation of measures to assist them consistent with Art. 12 of the Convention.

Obesity

48. The International Review Committee welcomes the pilot initiatives undertaken by the Government to address obesity among children. The Committee notes with concern however that the rate of obesity is still high and additional measures are required. **The Committee therefore recommends that the Government:**

(a) Expand the implementation of existing measures to address obesity by encouraging physical activity and healthy eating choices among children;

(b) Examine whether other measures such as food labelling and the regulation of advertising could also assist in addressing obesity among children; and

(c) Ensure that children have the right to be heard consistent with Art 12 of the Convention when seeking to develop effective, non-stigmatising measures to address childhood obesity.

Sexual Health

49. The International Review Committee appreciates that the Government has a long-standing commitment to deliver effective education to children regarding their sexual and reproductive health. It notes however that many children and NGOs expressed their concerns with respect to the availability and content of this education; that the incidence of sexually transmitted diseases remains high and in some cases is increasing; while there is still a significant number of teenage pregnancies.

50. **The International Review Committee reiterates its recommendation from the 2017 Review that the Government undertakes an independent review of the current sexual health curriculum to determine whether any amendments are required to improve its effectiveness. This terms of reference to this review would be to ensure that the curriculum:**

(a) Is consistent with the recommendations of the Committee on Economic, Social and Cultural Rights regarding adolescents in its General Comment No 22 on Sexual and Reproductive Health and the recommendations of the CRC Committee in its General Comments on Adolescent Health and Development (GC 4) and the Rights of Adolescents (GC 20);

(b) Is age-appropriate and evidence based;

(c) Is co-designed with children consistent with CRC Art. 12 to ensure the effective protection of the right to sexual and reproductive health of all children, including children who identify as LGBTI and children with a disability;

(d) Includes information on respectful relationships, consent, and measures to empower and protect children before they engage in any sexual activity;

(e) Provides appropriate information about support services available to a child who becomes pregnant; and

(f) Takes into account the views of parents/ guardians and also educates them about the meaning and significance of a child's right to sexual and reproductive health.

Environment, Climate Change and Health

51. The International Review Committee notes that children have concerns in relation to the quality of the environment and climate change and the potential negative impact on their health. The Committee therefore welcomes the commitment of the Government in its National Human Rights Plan of Action 2022-2024 to address the impact of climate change on human rights. **The Committee also recommends that the Government:**

(a) Takes special measures to assess the impact of the environment and climate change on children rights, including a review of the mandate of the Environmental Protection Administration to ensure that it takes into account these impacts;

(b) Takes steps to ensure the effective participation of children consistent with CRC Art. 12 in the development of measures to address the impact of climate change; and

(c) Be guided by the pending CRC Committee's General Comment no. 26 on Children's Rights and Climate Change in the development of such measures.

LGBTI Children

52. The International Review Committee welcomes the commitment of the Government in its National Human Rights Plan of Action 2022-2024 to promote equality and non-discrimination for people including children who identify as LGBTI. **The Committee urges the Government to consult with LGBTI children and to ensure that they have access to all necessary and appropriate medical and other support services to enable them to enjoy all their rights under the Convention.**

I. Education, leisure and cultural activities (arts. 28–31)

Early Childhood Education

53. The International Review Committee recognises the very considerable efforts to increase the opportunities for young children to receive pre-school education. **The Committee recommends that the Government extends its efforts to ensure that children receive quality early childhood education and in particular ensure that all early childhood educators receive training on children's rights and that the current staff/child ratios are reviewed and reduced.**

Curriculum

54. The International Review Committee commends the Government's goal to diversify the curriculum, including the introduction of Curriculum 2019. The Committee is concerned that children report that many schools continue to prioritise academic attainment in a narrow range of subjects and do not always comply with the requirements of the revised curriculum. **The Committee recommends that:**

(a) The Government reviews its systems of monitoring and inspecting implementation and, in particular, ensures that children's experiences of and views on Curriculum 2019 are captured and addressed; and

(b) **There is research, including with children, on the impact of the National Examination on children's right to enjoy an education that complies with CRC Article 29 and CRC Committee's General Comment no. 1.**

Human Rights Education

55. The International Review Committee welcomes the existing efforts to ensure that all children learn about human rights in schools. **The Committee recommends that this includes a specific focus on children's rights and, given that children learn about their rights by seeing them applied in their daily lives, school policies and practices are reviewed to ensure that they are children's rights-compliant.**

Physical, Emotional and Psychological Abuse in School and Extra-Curricular Activities

56. The International Review Committee recognises that the Government has extended the definition of bullying to include teachers bullying pupils. However, the Committee is deeply concerned that children continue to report that they are subjected to physical, emotional and psychological abuse, including verbal abuse, in schools and after-school activities. The existing system, where the discipline of teachers is aligned to the severity of the impact of an individual child and where there is a need for the child and their family to instigate and evidence an allegation, does not comply with the CRC. **The Committee strongly urges that this is replaced with regulations that provide clear direction as to what constitutes violence and cruel and degrading treatment, as defined in CRC Committee's General Comments no. 8 and no. 13. Teachers and others who work with children should face disciplinary action, and where appropriate criminal prosecution, if they have engaged in such behaviours, irrespective of the outcomes for an individual child.**

School Dress Codes

57. The International Review Committee notes the concerns of children about the application of school dress codes. **The Committee recommends that schools should be required by law to consult with children and to ensure that dress codes and their implementation are non-discriminatory and are consistent with their enjoyment of all children's rights.**

Rest, Play, Leisure and Culture

58. The International Review Committee remains deeply concerned about the lack of time for children to rest, play and enjoy leisure activities due to the long hours spent at school and in after-school educational programmes. **The Committee recommends that:**

(a) **The regulations on school hours are monitored and enforced;**

(b) **The Government considers introducing regulations on the opening hours and pedagogical practices of so-called "cram schools"; and**

(c) **Sustained efforts are made to inform parents/ guardians about the negative consequences for their children's development and health when they have limited time to rest and play.**

59. **In order to ensure that children enjoy the right to play and leisure and can do so safely, the Committee recommends that legislation is introduced that requires central and local Government to ensure that children's right to play and leisure is addressed, and that children are consulted, in rural and urban development policy and planning processes.**

Culture and Indigenous Children

60. The International Review Committee acknowledges the considerable efforts of the Government to promote Indigenous children's right to culture and opportunity to speak their own language. **The Committee recommends that the Government engages with Indigenous children and incorporates their perspectives on how best to continue to do this in ways that will support children to enjoy their culture most effectively.**

J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

Refugees and asylum seekers

61. Bearing in mind the special situation of Taiwan and the reported lack of consensus regarding a support mechanism for refugees and asylum seekers, as well as unsuccessful efforts to date to secure the passage of a Refugee Act, the International Review Committee nonetheless remains concerned about the possible ramifications of case-by-case treatment of children in that situation. **The Committee therefore encourages the Government to actively pursue attempts to establish a specific framework within which all such cases can be dealt with according to agreed protocols and procedures corresponding to international standards.**

Economic Exploitation of Children

62. The International Review Committee notes with appreciation that the minimum age for child labour is in conformity with the standards set in ILO Convention 138. However, the Committee is concerned that a number of children below the age of 6, between 6 and 11, and between 6 and 15 are working. It is not clear whether the standards for working children aged 15 and above also apply for working children below the age of 15. The regional competent authority reviews this practice in accordance with the regulations governing determination criteria and inspection of harm to mental and physical health (Article 45, Labour Standard Act). **The Committee recommends that the Government takes the necessary measures to ensure that work by children below the age of 15 is in full compliance with ILO 138.**

Drug Abuse

63. The International Review Committee welcomes the rule that children who are using drugs are not treated as delinquents but as children at risk and are provided with guidance and assistance accordingly. However, children with drug addiction are dealt with by the juvenile court which can decide to follow either the protection or juvenile justice approaches that can result in placement in a correctional institute for reformatory education. **The Committee recommends following the child protection approach for all children using drugs, including children who are considered to have an addiction.**

64. Children engaged in production, selling or transporting are indicted and if found guilty can be sentenced to imprisonment for up to 4 years. **The International Review Committee recommends that the Government takes all appropriate measures, including if necessary to change legislation, to ensure that for children engaged in production, sale or transport of illegal drugs, that deprivation of liberty is a measure of last resort by providing alternatives, such as fines and diversion.**

Children in Conflict with the Law

65. The International Review Committee welcomes the amendment of the Juvenile Justice Act in accordance with the recommendation of the Committee made in its previous Concluding Observations, meaning that status offences are abolished and that children who commit an offence when they are below age 12 will not be prosecuted. According to the Juvenile Delinquency Act, offences committed by children under the age of 18 can be dealt

with as a child protection matter, or a matter of criminal law. The Committee is concerned that this possibility can mean that a child of 12 or 13 years of age who is sentenced under the Juvenile Delinquency Act can be placed in a juvenile detention centre. **The Committee recommends that the Government amends the Juvenile Delinquency Act to ensure that no child below the age of 14 shall be prosecuted.**

66. The International Review Committee notes the information during the dialogue that there are no restrictions on parents/ guardians visiting children who are placed in correctional facilities. The Committee is concerned, however, that the facilities establish their own rules, and that this could lead to restrictions on visitation of families and discriminatory practices. **The Committee encourages the Government to provide the correctional institutions with a set of rules for a policy for visiting children by family members of the child, and for communication by phone and/ or via social media. A similar set of rules should be provided for children who are sentenced to imprisonment.**

67. **The International Review Committee recommends that every placement of a child, separating them from their parents/ guardians, is in accordance with CRC Art. 25 and is regularly reviewed with special attention for the possibility of reunification with their parents/ guardians.**

Restorative Justice

68. The Juvenile Justice Act provides the Juvenile Court with the possibility to transfer the child to an external organisation to pursue restorative justice. **The International Review Committee encourages the Government to expedite the measures for making this possibility a real option for the Juvenile Court and to make restorative justice an integral part of the child justice practice.**

Sale of Children, Sexual Exploitation and Sexual Abuse of Children

69. The International Review Committee notes that the Government has taken measures to deal with the distribution of sexual abuse images via online platforms and that the Government is in the process of incorporating the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography of the CRC. **The Committee recommends that the Government produces and implements a comprehensive policy, that includes the implementation of the general principles of the CRC, to prevent the sale and sexual exploitation of children. The policy should comply with all recommendations made by the CRC committee in its guidelines for the implementation of the OPSC.**

K. The adoption and incorporation of the Optional Protocols to the Convention

Optional Protocol on the sale of children, child prostitution and child pornography ('OPSC') and Optional Protocol on the involvement of children in armed conflict ('OPAC')

70. The International Review Committee notes that the Government has made efforts to incorporate the OPSC. **However, the Committee recommends that the Government undertakes a review of all legislation to ensure full compliance with the obligations under the OPSC and OPAC.**

IV. Implementation and reporting

A. Follow-up

71. **The International Review Committee recommends that the Government takes all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the second periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.**

72. **The International Review Committee appreciates the timely submission of the second report, the transparent and participatory approach undertaken throughout the review process. The Committee encourages the Government to continue its engagement with civil society, and in particular children, and to commit to an ongoing process of periodic review.**