

# NHRC's Parallel Response to the List of Issues with the Consideration of the CRC Second Report

September, 2022

## Chapter I: General Measures of Implementation

### LOI 1.1

Please explain in more detail the position regarding ratification of the Optional Protocols to the CRC on the Children Involved in Armed Conflicts and on the Sale of Children, Child Prostitution and Child Pornography, specifying in particular if any elements of either Protocol would cause problems for full implementation in Taiwan.

#### **NHRC response:**

- I. The NHRC recommends that the Government conduct an overall national policy inventory in connection with the *Optional Protocols to the CRC on the Involvement of Children in Armed Conflicts and on the Sale of Children, Child Prostitution and Child Pornography*, and encourages the Government to adopt the above-mentioned Protocols.
- II. In view of political and economic tensions and changes across the Taiwan Strait, the Government should ensure the protection of children's rights in times of war.

#### **i. In times of peace:**

1. The NHRC believes the topic of "peace" is more important in highly conflict-affected areas, and recommends the Government consider incorporating peace studies into the national defense education curriculum to teach children about ways to resolve international conflicts and maintain order in the region other than through war, violence or surrender, as well as how to ensure protection of rights in armed conflicts.
2. The NHRC has observed that children do not have a clear understanding of the process of evacuation and locations of shelter in the event of war. The Government should make reference to the Japanese experience and implement nationwide education and drills for disaster prevention and sheltering.

#### **ii. In times of war:**

1. According to the Ministry of Education's (MOE) "School Youth Service Mobilization Program", students aged 16-18 from high school and vocational schools are expected to assist in simple first aid, firefighting, and transportation duties during wartime. To prevent children from being identified as armed personnel during wartime, the NHRC recommends the Government develop detailed guidelines for such duties.
  2. The NHRC found that some high schools/vocational schools still include "self-defense combat" in their annual implementation plans for school youth service mobilization, and recommends that this should be reviewed.
- III. The Government should pay attention to the re-victimization of children in court proceedings for sexual violence cases due to repetitive statements, and to the violation of children's rights by commercial practices such as sexually exploitative products and emerging information and communication media.

LOI 1.6

Para. 26. Please provide information on the effectiveness of the National Human Rights Commission in overall promotion of the rights of the child and in addressing cases of violation of the rights of the child, in light of the basic requirements for a visible, child friendly, accessible, and well budgeted child rights.

**NHRC response:**

Since the establishment of the NHRC on August 1, 2020, the Commission has been actively carrying out its statutory mandate in accordance with Article 2 of the *Organic Act of the NHRC*, and has been formulated annual strategic plans for 2021 and 2022 to promote all key areas of work. To fulfill its mission as the national human rights institution, the NHRC is committed to comprehensive promotion and protection of children's rights based on the four principles of visibility, child-friendliness, accessibility and adequate budget, and has achieved the following concrete results:

- I. National Preventive Mechanism (NPM) pilot program: As the Commission's investigation reports have uncovered many cases of bullying, mass fighting, student riot, and sexual assault in juvenile correctional institutions and placement organizations in recent years, it has passed a resolution in January 2021 to appoint six members with backgrounds in children's rights and other disciplines to form the NPM task force. A total of 301 interviews were conducted at eight correctional and placement facilities for children and youth under MOJ's Agency of Corrections and the MOHW.
- II. Draft "Operational Procedures for Handling Human Rights Petitions and Complaints by the NHRC": Handling petitions and complaints involving torture, human rights violations, or various forms of discrimination.
- III. Universalize the concept of human rights and embed it in education early on:
  - (1) Human Rights Education Project in collaboration with the MOE: Introducing the four-phase action plan of the United Nations *World Programme for Human Rights Education*. A joint press conference was held on April 26, 2021, to launch the joint initiative to promote human rights education in

primary/secondary schools, with the aim of turning schools into "human rights-based" education platforms.

- (2) Human Rights Education Film Festival in collaboration with the MOE: In order to promote and deepen human rights education, the NHRC has organized the "Human Rights in Words and Images - Our Human Rights Education" film festival tour during 2021-2022, screening human rights films such as "Gwangju Video: The Missing", "Deepest Uprising", and "A Letter to A'ma - Collective Memory of the Island" in northern, central, southern, and eastern Taiwan. The program is combined with school activities or classes, and film directors are invited for post-screening discussions. The target audience includes research teachers from various centers of the MOE, seed teachers, teachers from all levels of schools, staff of the Control Yuan/MOE, as well as students and staff from all levels of schools across Taiwan to open a dialogue on human rights education.
- (3) Research on implementation of human rights education and the CRC: In addition to commissioning the National Academy for Educational Research to examine (from November 19, 2021 to June 30, 2022) "the current status of the implementation of national human rights education", the Humanistic Education Foundation was also commissioned to study "the situation of children's rights and the implementation of related education laws/regulations in schools in compulsory education in Taiwan" in July 2022, in order to understand the practical implementation of human rights education and children's rights in schools.

IV. Enhance social dialogue and communication on human rights issues relevant to children and different communities:

- (1) "Children's Human Rights - Your Voice, My Voice", the 2020 International Children's Day event: Children representatives from various municipalities/counties/cities were invited to visit the NHRC. In a lively "World Cafe" session, at each table one NHRC commissioner served as the table leader to guide the group of children representatives to discuss human rights issues and listen to children's concerns.
- (2) Public-private partnership to promote human rights protection: In

March 2021, the "Social Dialogue - Human Rights Hub" project was launched, in which all Commissioners and many NGO members held face-to-face discussions on human rights, including rights for children, indigenous people and women, and gender equality. The NHRC invited civil society organizations to hold forums and listen to their opinions, which serve as important reference for subsequent investigation, initiation of systematic visits, policy research on human rights issues, and preparation of Independent Opinion on the state reports of international human rights conventions. It is expected that the NHRC serves as a bridge of communication between civil human rights groups and government departments by ensuring the openness and pluralism as a national human rights institution in accordance with the *UN Paris Principles*.

- V. In view of inadequate allocation of public resources to the national budget for children and the budget for "development of children" is not given priority, the NHRC recommends in §§32-33 of its Independent Opinion that Government should ensure allocation of resources and budgetary support for the fulfillment of children's rights, and promote participatory budgeting for children. It should explore ways to increase resources to promote children's rights to participation, to be heard, to play and leisure, cultural activities, and career development, and to monitor and evaluate the implementation by governments at all levels.
- VI. Systematic visits to study human rights violations against children: The NHRC is currently conducting systematic visits to study "sexual abuse in placement organizations and schools" and "how migrant workers raise children in a foreign country".

LOI 1.10

Please elaborate on the procedures available for receiving complaints from children in relation to education, social care, juvenile justice and health and explain how these are independent, confidential, accessible and child friendly and how do children realize their right to a remedy.

**NHRC response:**

I. NHRC has identified challenges for children in educational settings to file complaints in §§ 57-58 of its Independent Opinion.

II. The NHRC learned from a Control Yuan (CY) investigation report<sup>1</sup> that a junior high school teacher in Taichung City has been abusing Student A for a long time, repeatedly taking the student to the laboratory or storage room outside the range of surveillance camera, beating A with water pipes and wooden boards, taking A to the baseball class for public humiliation, calling A names, and setting up a "fan page" to humiliate the student. The teacher not only took Student A to under a tree in the playground for abuse or force the student to have lunch there, but also asked the entire class to come and watch and recorded videos for students in other classes to watch. This caused Student A unable to return to regular schooling due to post-traumatic stress syndrome from long-term abuse.

The Social Affairs Bureau of Taichung City Government fined the teacher \$60,000 in accordance with Article 49 of the Children and Youths Act for physical and mental abuse and disclosed the name of the teacher. However, the teacher was simply given a major demerit instead of being suspended or dismissed from the school, even after multiple reviews by the school's teacher evaluation committee, composed of 12 newly added external members in 2020 along with 19 internal members, during the 2017-2020 school years. Since teachers are the respondents subject to the Teachers' Act, students and parents are not considered parties to the case and therefore not eligible to file a complaint against the unreasonable disciplinary decision made by the committee.

III. NHRC is concerned that students and parents are not able to attend the meetings to present their views during the deliberations of the teacher evaluation committees, and that the majority of committee members

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<sup>1</sup>Control Yuan investigation reports approved on Jun 16, 2022.

are teachers, with a low proportion of external children and legal professionals, which is not conducive to the protection of the rights of students. It is recommended that the Government add a chapter on students' rights to the *Educational Fundamental Act* to safeguard their rights.

## Chapter 3: General Principles

### LOI 3.4

Para. 69 (b) Please provide further information as to what measures are being taken to reduce the danger to child pedestrians/ cyclists from traffic related injury. How are drop-off zones/ pedestrian areas determined and enforced?

#### NHRC response:

- I. NHRC has pointed out in §§51 and 53 in the Independent Opinion that there has been no significant decrease in the number of child traffic fatalities. The latest CY investigation report<sup>2</sup> found that low birth rate is a serious problem in Taiwan, with 98,267<sup>3</sup> fewer children in the last two years (2020 and 2021), but the number of child traffic fatalities has not decreased significantly in recent years. The number of injuries in 2020 is 27,519, compared to 24,435 in 2011, an increase of 12.62%. While the number of injuries in 2021 decreases to 24,349 compared to 2020, the decrease of injuries/fatalities is due to the decline in the population of children, and the overall injury/fatality rate increases from 0.66% in 2018 to 0.70% in 2021 (24,450). The highest numbers of injuries/fatalities occurred among those aged from 15 to under 18 (51.12%).
- II. In addition, "failure to yield according to traffic regulations" is the most common among the top 10 causes of traffic accidents involving child injury/fatality from 2018 to 2021, followed by "failure to pay attention to the situation in front of the vehicle"; the highest number of cases of child traffic violations is "driving without a license under the age of 18", with an average of more than 42,000 cases reported by the police each year. During 2018-2021, the second most common cause of injury/fatality involves children driving scooters without a license,

<sup>2</sup>Control Yuan investigation report approved on May 10, 2022.

<sup>3</sup>

Year Category	2018	2019	2020	2021
Children	2,414,712	2,389,411	2,352,964	2,295,929
Youths	1,363,808	1,312,796	1,263,003	1,221,771
Total	3,778,520	3,702,207	3,615,967	3,517,700



leading to an average of more than 7,000 injuries and deaths per year.

III. Although the numbers of injuries/fatalities among children fluctuate from year to year, Taiwan ranks behind the OECD countries in terms of fatality rate of children in "traffic accidents". It also failed to meet the expected target of "no increase in injuries/fatalities in child traffic accidents each year" set in the Executive Yuan's "Implementation Plan for Child and Youth Safety".

IV. NHRC Recommendations:

- (1) The Executive Yuan should refer to the *CRC* and consider children the subject of traffic accident prevention policies, supervise central ministries and local governments on transportation, health and welfare, education, and internal affairs, etc., to highlight children's safety, systematically collect children's opinions, promote traffic safety policies from a child-friendly perspective, and strengthen traffic safety education at the same time.
- (2) The priorities in the "3E Policy", i.e. "Engineering", "Education" and "Law Enforcement", require local adaption and revision accordingly in order to deliver people-oriented transportation.

### LOI 3.5

Paras. 73 and 80 Please provide further details as to how the participation in local government and in the curriculum review is working? Please include details about how children are selected to participate and what steps are taken to ensure that the groups are as representative as possible. Please provide examples of how participation is monitored and what impact, if any, children had on policy and practice.

#### **NHRC response:**

- I. The NHRC is concerned that the needs of children with disabilities are often overlooked. When protecting the rights of persons with disabilities, adults' perspectives are generally adopted, resulting in the rights of children with disabilities being overlooked and the protection of such rights being jeopardized. Therefore, in the concluding observations of the CRPD reports released worldwide, the Committee on the Rights of Persons with Disabilities of the UN repeatedly indicated that states should systematically ensure the right of children with disabilities to participate in decision-making. Nevertheless, government at all levels has still not selected representatives of children with disabilities to participate in decision-making, thereby failing to protect their right to be heard and respect their opinions.<sup>4</sup> Thus, the NHRC advises that government at all levels comply with General Comment No. 7 of the *CRPD*, Articles 12 of the *CRC* and General Comments No. 9 of the *CRC*, to create an environment favorable to the establishment and operation of organizations representing children with disabilities. Such an environment must provide appropriate resources to support and train families and

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<sup>4</sup>According to the survey results attached in Social and Family Affairs Administration's (SFAA, MOHW) written reply, the number of children with disabilities serving as children representatives in local governments from 2017 to 2019 was 9, 3, and 7 respectively, accounting for 1-2% of the total number of children's representatives. As this is comparable to the percentage of children with disabilities in the children population, the number of counties/cities where children with disabilities serve as representatives was as low as 5, 3, and 5, respectively. In 2019, the Committees for the Protection of the Rights of Persons with Disabilities of MOHW and at county/city level did not include children with disabilities. In response to the aforementioned lack of participation by children with disabilities, the MOHW stated children with disabilities can be invited to participate in discussions on issues related to their rights through organizations for people with disabilities or parent groups, and that it will maintain close contact with these organizations to plan appropriate ways for children with disabilities to participate. However, it highlights the fact that whether children with disabilities can be involved in decision-making and discussions of issues is passively and selectively decided by government agencies, which is not adequate to protect the right of children with disabilities to be heard and respect their opinions, and is therefore not in line with the *CRPD* and *CRC*.

relevant professional personnel (See §35 of Opinions on the Second National Report of Republic of China (Taiwan) on the Rights of Persons with Disabilities).

## Chapter 4: Civil Rights and Freedoms

LOI 4.7

Para 107 Please clarify whether the regulations concerning privacy for children and youth in placement institutions confirm with the relevant international standards such as the United Nations Rules for the Protection of Juveniles Deprived of their Liberty or the UN Guidelines for the Alternative Care of Children.

### **NHRC response:**

NHRC has provided statistics and recommendations on the complaint mechanism for placement organizations in §24 and 25 (3) of its Independent Opinion. The following is the supplement from NHRC's 2021 NPM visits to child correctional facilities and placement organizations.

#### **I. Privacy**

##### **i. Correctional system:**

1. Shower rooms and toilets for males in correctional organizations do not have partitions or shower curtains. While the toilets in wards are partitioned by low walls in some organizations and not in others, non of them provide adequate privacy. There is no emergency button in any shower rooms or toilets. The toilet in the isolation ward is not shielded at all.
2. Students in reform schools are still required to wear handcuffs and leg shackles when going to court, funerals, or external medical facilities, which undermines their dignity.
3. Students newly admitted to reform schools or returning to schools must undress and be examined by teachers, not medical personnel, or even by peer students who serve as cadres in the school. Reform schools still keep a form to record whether a student has tattoos and genital beading.
4. External correspondence and letters in reply are opened and checked by the teachers.

##### **ii. Placement organization:**

1. Lockers are available but not necessarily locked. One of the organizations visited checks children's bags for contraband during lunchtime in addition to dormitory checks; school

bags given to the children are transparent.

2. Some organizations conduct urine tests and physical examinations for children after holidays.
3. Some placement organizations check the correspondence of children.

## **II. Prohibition of all forms of violence**

### **i. Placement organization:**

Most of the organizations visited impose corporal punishment, including split jumps, push-ups, running, and standing (sometimes for hours). In addition, labor service and prohibition from participating in activities are also commonly used as a form of punishment, and some organizations may only allow students to go home for rest days after they complete labor service as a punishment.

### **ii. Correctional system:**

1. All organizations maintain solitary confinement (isolation ward), often for as long as 7-14 days, or even up to 2-3 months.
2. Some staff have used pepper spray on students who hit others, and some organizations still use collective punishment.

## **III. Communication and contact with the outside world**

### **i. Placement organization:**

1. Some placement organizations limit children to one phone call a month and limit calls to family members to seven minutes and to friends to five minutes.
2. Some organizations determine whether the child can return home for a while based on their performance.
3. Some organizations have blocked most websites, including search pages, making it difficult for students to obtain or look into information.

### **ii. Correctional system:**

1. Use of Internet is completely prohibited.
2. Inmates can only contact relatives within the third degree of kinship, and cannot contact friends (no visitation/correspondence).

## **IV. Complaint Mechanism**

### **i. Correctional system:**

1. Correctional institutions all provide suggestion boxes, but they are rarely used. The reason for this is that most correctional institutions tell students they can speak to teachers or administrators if they have a problem and do not need to go through the suggestion box.
2. Some students indicated that the suggestion box is not effective and issues they raised are not resolved. However, some students still think that suggestion boxes are a must in case speaking is not the best way to express their opinions.

**ii. Placement organization:**

All placement organizations have suggestion boxes, but student feedback on the use of suggestion boxes is mixed. Some students said they are reluctant to use the suggestion box as their complaints would be leaked and their opinions usually rebutted by teachers. Some said they are not aware of the suggestion box.

LOI 5.2

Para. 129-133 Please explain discrepancies in information on reporting and addressing violence in schools, state care, penitentiary, correctional and other state institutions.

Please provide information on any research that analysis ratio between violence occurrence and reported cases.

Please provide information on analysis of barriers that prevent children and others to report violence in any setting.

**NHRC response:**

§28b) and 29b) of the Concluding Observations of the ROC's Initial CRPD Report stated that sexual abuse of children with disabilities has been widely reported in segregated special schools, and the IRC urged the Government to take steps to investigate, respond to, and redress the sexual abuse of children with disabilities in school settings. However, the NHRC discovered the MOE has not yet conducted a detailed statistical analysis of suspected cases of sexual violence. Therefore, detailed factual information regarding sexual abuse of children with disabilities in special schools could not be learned, and sexual abuse of children with disabilities in special schools cannot be effectively prevented (See §32 of Opinions on the Second National Report of Republic of China (Taiwan) on the Rights of Persons with Disabilities)

## Chapter 5: Protecting Children from Violence

### LOI 5.6

Para. 140. As an indication that a child has been exposed to violence represents an important opportunity for protection, justice and recovery, please provide information on efforts to protect children victims and witnesses of crime by enabling their safe and confidential participation in the proceedings.

Please provide information on how protection of child victims and witnesses of crime is understood as shared responsibility of many different actors including medical and psychological support.

Finally, could you please explain your plans to integrate child protection, medical interventions, therapeutic interventions and criminal investigation and the investigative child interview, enabling multidisciplinary approach in a child friendly and participatory environment, inclusion, professionalism, and interagency collaboration.

### **NHRC response:**

- I. In its Independent Opinion, NHRC states in §77 that major child abuse cases still happen frequently, even though the Government has established a social safety net and reporting system, regional medical integration centers for child protection, and additional protective measures such as early judicial intervention and retrospective analysis of child deaths. The Commission reminds the Government of the need to gain insights into whether human resources allocation is adequate and increase primary prevention.
- II. The *Children and Youths Act* was amended and promulgated on April 24, 2019. To improve the child protection network, the *Act* specifies that central health authorities shall conduct retrospective analysis of the deaths of children under the age of 6 and regularly publish analysis results, and shall also provide early judicial intervention in the investigation procedures of child protection cases.
- III. The NHRC found from the CY investigation report<sup>5</sup> that the current retrospective analysis of the deaths of children under 6 years old, led by the health administration, is an important investigation mechanism

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<sup>5</sup>Control Yuan investigation reports approved on Nov 17, 2021 (Effectiveness of Policies and Implementation of Child Protection Safety Net Promoted by Government Agencies); on Nov 13, 2019 (The *Forensic Pathologist Act* and Integrated System of Medical Examination for Children); on Jun 12, 2019 (Implementation of Early Judicial Intervention in Major Child Abuse Cases).



to reinforce child protection. However, it is regrettable that the analysis excludes cases of child abuse and death that are handled by welfare services, and therefore fails to cover all causes of child death comprehensively and prevent such incidents. In addition, it has been the latest goal of the child protection network to promote judicial and medical intervention, more accurate injury identification and more detailed analysis of cause of death. Early intervention of the judiciary in the investigation has yet to be achieved through communication and coordination among the network units to build consensus.

- IV. In view of the fact that a child protection network requires the cooperation of welfare, medical, police and judicial units, the NHRC recommends that the Government should strengthen the horizontal linkage of medical, welfare, police and prosecutorial systems to build a comprehensive network, to protect children from violence and create an environment conducive to their sound physical and mental development.

## Chapter 8: Education, Leisure and Cultural Activities

LOI 8.1

Please provide further details of the supports given to students with disabilities and children in remote areas to ensure that they had continued access to education, including access to online education during school closures related to the pandemic. What is the plan for possible future lockdowns?

**NHRC response:**

During the pandemic, all school education was conducted online. However, some students with disabilities fell behind due to digital divide such as limited hardware or Internet speed, or lack of reasonable accommodation for their individual needs. Though the MOE reminded schools to actively respond to students' needs and continued to noted down issues schools/teachers reported, it did not include disabled persons' organizations in discussion. Instead, the organizations took the initiative and compiled a list of issues affecting students with different disabilities and complained to the MOE that the long distance learning system and materials generally lacked accessibility, and that it was nearly impossible for parents to take on the roles of teacher's/student's assistants to support children in their education. This highlights the problem of remote learning without prior planning for reasonable accommodation (See §7 of Opinions on the Second National Report of Republic of China (Taiwan) on the Rights of Persons with Disabilities).

LOI 8.2

Please provide details on policy/ measures taken to ensure that students are not subjected to bullying from teachers and coaches.

**NHRC response:**

- I. In §82 and §84 of the Independent Opinion, the Commission suggests that the Government should take a serious look at the increasing problem of teacher-to-student verbal bullying and psychological violence, take preventive measures as soon as possible, and refer to *UNESCO's 2006 Guide (Positive Discipline in the Inclusive, Learning-Friendly Classroom – A Guide for Teachers and Teacher Educators)* to help teachers replace competition and negative reinforcement with integration, acceptance, and friendly learning in classroom management, in order to change the competitive culture in class and reduce bullying.
- II. In addition, the NHRC found from the CY investigation report<sup>6</sup> that the existing fashion of teaching sports tacitly allows corporal punishment and violence by forcing children to obey and endure, and keeping parents out of the way in the name of discipline. This underlines the issue of disregarding children's right to be heard and the lack of consideration for their best interests and respect for their dignity, resulting in violation of children's rights. Moreover, although the MOE has established a coach license inquiry system after the CY investigation, those who are not licensed are not bound by the *Regulations Governing the Establishment of Sports Coach Qualification Assessment and Management by Designated Sports Organizations* on qualification verification, participation in lectures, tests, professional training, and dismissal of unsuitable coaches. It is insufficient in preventing those who are not licensed from teaching sports. It is recommended that the Government should provide competence training to all teachers who teach children sports to raise their awareness of children's rights, and prohibit all forms of violence and corporal punishment as part of professional self-regulation. It should also develop a certification mechanism to prevent any form of abuse against children in sports teaching.

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<sup>6</sup> Control Yuan investigation report approved on Mar 16, 2022 (Taichung Judo Gym's Unlicensed Instructor Slams Child to Death).

LOI: 8.3

Please provide further details on the numbers of children with disabilities in mainstream schooling, the outcomes and attainment for these children and the numbers and outcomes of any complaints made by parents/guardians.

**NHRC response:**

Based on opinions gathered from representatives of NGOs in regional forums, it is apparent to the NHRC that persons with disabilities commonly face discrimination and rejection. After requesting and analyzing data provided by related authorities, the NHRC has raised the following concerns and hoped that the competent authorities will proactively undertake internal reviews and provide solutions to eliminate discrimination towards persons with disabilities: government agencies process very few disability discrimination cases. The MOHW only processed 2 infringement of rights cases filed by persons with disabilities in 2019; between 2016 and 2019, only one of 22 local governments had an appeal (petition/infringement of rights) case filed by a person with disabilities. By Aug 2021, the MOE's Special Education Student Appeals Council has not processed any cases related to disability discrimination since its establishment, and there were only two petitions from schools under the high school level in 2019. Furthermore, the MOI has not responded to any of such cases. There is an obvious discrepancy between the reported number of cases and the discrimination persons with disabilities still face (See §20 of Opinions on the Second National Report of Republic of China (Taiwan) on the Rights of Persons with Disabilities).

## Chapter 9: Special Protection Measures

LOI: 9.9

If the child is a victim of sexual abuse in the family, is it then possible to remove the alleged perpetrator from the family home instead of placing the child outside of the family home?

### **NHRC response:**

- I. According to MOWH's 2016-2021 cross-sectional statistical analysis of the age of victims of sexual assault and the relationship between perpetrators and victims, among victims under 18, the proportion of sexual abuse in the family has increased from 11.97% in 2016 to 18.50% in 2021, an increase of 54.55%, which shows that sexual abuse in the family is an issue of great concern.
- II. In accordance with the *Domestic Violence Prevention Act*, if a child is sexually abused by a family member defined in Article 3 of the *Act*, the legal representative of the child or a relative by blood or marriage within the third degree of kinship, the prosecution/police, or the competent authority of special municipality/county (city) may apply to the court for a protection order, requesting the court to order the respondent to move out of the child's residence, in accordance with Articles 10 and 14 of the same *Act*.
- III. In addition, according to the "Alternative Care of Children Policy" (hereinafter the Policy) adopted by the Child and Youth Welfare and Rights Promotion Group, Executive Yuan, in January 2022, the MOHW's 2018 research on "Child Protection & Family Reunification Services and Return Home Assessment Refinement Project" found that the number of children who had not been able to return home in two years was significantly higher among cases involving sexual abuse, parents with substance abuse, or children with disabilities. In order to reduce child abuse risk and prevent out-of-home placement, the Policy provides a specific strategy and action plan for "active petition for a civil protection order" for child protection cases within the family. It is hoped that through the civil protection order, the judiciary may exercise stronger intervention to order the perpetrator to stop committing violence, stay away, move out of the residence, or complete the intervention plan.
- IV. However, in recent years, there has been little government research

on child domestic sexual abuse victims. According to the 2012 "Study on Social Worker Intervention Model for Child Domestic Sexual Abuse Victims - Placement Assessment and Trauma Recovery", a commissioned research report<sup>7</sup> published on the website of Department of Protective Services (MOHW), the types of domestic sexual abuse cases tend to occur in various forms. In-depth interviews with practitioners in various counties/cities revealed that child sexual abuse cases will certainly go to judicial proceedings. Therefore, besides personal safety of the victim, the supportive attitude of non-perpetrator relatives, and the function of the system, placement assessment in practice considers the integrity of evidence and judicial viewpoint when placing children, so that the victim will not face pressure at home and change testimony, which may affect the verdict and lead to judiciary-oriented placement.

- V. The NHRC has reviewed current laws and regulations, policies and practices, and found although the Government has such legislation, policies and complementary measures in place for the above-mentioned protective order, the implementation and effectiveness of which have yet to be studied in depth by the Government. In view of the unique nature of sexual abuse within the family, the NHRC recommends that the Government implement the Alternative Care of Children Policy, and the deprivation of family care for children should be the last resort. The focus and approach to the intervention of child victims of such sexual abuse at various stages of intervention should take into account General Comment No. 14 of the *CRC* and develop appropriate integrated intervention based on best interests of the child and respect for the child's right to be heard.

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<sup>7</sup>Source: Commissioned Research on the website of the Department of Protective Services, MOHW.(<https://dep.mohw.gov.tw/dops/cp-1234-6828-105.html>)