

COMPLETION REPORT

Yen-Chi Liu

Fu Jen Catholic University

In this research, I compare pathways to fulfilling children's rights and especially implementing the United Nations Convention on the Rights of the Child (hereafter refer to as the CRC) both in Taiwan and Japan.

In 1989, the United Nations General Assembly adopted the CRC, whose preamble emphasizes "the need to extend particular care to the child" and that "childhood is entitled to special care and assistance." The enforcement of the CRC gave the Taiwanese government as well as child protectionists impetus to reexamine the old Child Welfare Act. In 1991, the Legislative Yuan (the Congress) embarked on revising the 1973 Child Welfare Act. Elements of foreign legislation and the CRC were incorporated into the new 1993 Child Welfare Act. Although not a state party to the CRC, Taiwan domesticated some CRC provisions (Arts. 3, 8, 18) in the Act. A few years after the passage of the 1993 Child Welfare Act, child protectionists began to advocate that the Child Welfare Act and the Juvenile Welfare Act be incorporated into each other. In 2011, the Act was renamed as "The Protection of Children and Youths Welfare and Rights Act," and children's autonomy was emphasized in multiple articles. In 2014, Legislative Yuan passed the "Implementation Act of the Convention on the Rights of the Child" to officially make the CRC a domestic law. The Implementation Act marked a great shift of child protection from simply selectively adopting some CRC principles in legislation to formally requiring all governmental authorities to take all provisions of the CRC into consideration when enacting policies that would affect children's benefits. Two trends can be found in children's rights in Taiwan: (1) in the 1990s and mid-2000s, children's vulnerability was underscored. Therefore, policies stressing welfare, care and protection were written in the law. (2) In the 2010s, children's agency has been highlighted, as a result of legal education prevailing on high school campuses and important social movements organized by college students.

In Japan, as a signatory country of CRC since 1994, child protection policies have been promoted by local governments since mid-1990s because of devolution. Owing to ageing issues and appalling news of child abuse incidents, policies have been proposed and implemented. Since the 2000s, child poverty and discrimination against children have been worsening according to academic literature as well as the state reports under the requirement of Article 44, Paragraph 1 of the CRC. In order to deal with these social problems, the enactment of the "Act on Promotion of Development and Support for Children and Young People," which functions as Taiwan's "Protection of Children and Youths Welfare and Rights Act," helps to integrate policies of children. Juvenile justice, bullying and truancy are also stressed in the child-protection agenda.

Compared to Taiwan, Japan has focused on covering a wide range of areas of child protection but put more emphases on poverty and child abuse, which means that children's vulnerability and dependency are much considered. However, in Taiwan, children's autonomy and agency gain more public attention. Additionally, Japan relies more on local governments owing to the power of self-government; while in Taiwan, the central government controls from dimensions of policies to implementation details, which means that policies for children could be affected more owing to political turmoil.

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<p>Thesis (Name of Journal and its Date, Title and Author of Thesis, etc.)</p> <p>In progress.</p>
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