

# Taiwan

## National Child Protection Legislation

### National Legislation

- Age of Child: **Children – 0-11 years; Youth – 12-18 years**  
[The Protection of Children and Youths Welfare and Rights Act](#)  
**Art. 2**  
Children and youth in this Act are people below the age of eighteen. Children are aged below twelve, and youth are regarded as between twelve and eighteen.
  
- Age of Consent: **14 years old**  
[Criminal Code of the Republic of China](#)  
**Art. 227**  
A person who has sexual intercourse with a male or female under the age of fourteen shall be sentenced to imprisonment for not less than three years but not more than ten years.  
  
A person who commits an obscene act against a male or female who is under the age of fourteen shall be sentenced to imprisonment for not less than six months but not more than five years.  
  
A person who has sexual intercourse with a male or female who is over the age of fourteen but under the age of sixteen shall be sentenced to imprisonment for not more than seven years.  
  
A person who commits an obscene act against a male or female who is over the age of fourteen years but under the age of sixteen shall be sentenced to imprisonment for not more than three years.  
  
An attempt to commit an offense specified in paragraphs 1 and 3 is punishable.
  
- Age of Marriage: **15 years old for females and 17 years old for males**  
[Civil Code the Republic of China](#)  
**Art. 973**  
A male who has not reached his seventeenth year of age and a female her fifteenth [ma]y not make an agreement to marry.  
  
**Art. 974**  
Where a minor makes an agreement to marry, he shall obtain the consent of his statutory agent in advance.  
  
Age of Marriage: **22 for a male and 20 for a female**  
[Marriage Law of the People's Republic of China](#)  
**Art. 6**  
No marriage may be contracted before the man has reached 22 years of age and the woman 20 years of age. Late marriage and late childbirth shall be encouraged.
  
- Age of Criminal Responsibility: **16 years old**  
[Criminal Code of the Republic of China](#)

**Art. 17**

If a person who has reached the age of 16 commits a crime, he shall bear criminal responsibility.

If a person who has reached the age of 14 but not the age of 16 commits intentional homicide, intentionally hurts another person so as to cause serious injury or death of the person, or commits rape, robbery, drug- trafficking, arson, explosion or poisoning, he shall bear criminal responsibility.

If a person who has reached the age of 14 but not the age of 18 commits a crime, he shall be given a lighter or mitigated punishment.

If a person is not given criminal punishment because he has not reached the age of 16, the head of his family or his guardian shall be ordered to discipline him. When necessary, he may be taken in by the government for rehabilitation.

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▪ **Extraterritoriality**

[Criminal Code of the Republic of China](#)

**Art. 6**

This Law shall be applicable to anyone who commits a crime within the territory and territorial waters and space of the People's republic of China, except as otherwise specifically provided by law.

This Law shall also be applicable to anyone who commits a crime on board a ship or aircraft of the People's Republic of China.

If a criminal act or its consequence takes place within the territory or territorial waters or space of the People's Republic of China, the crime shall be deemed to have been committed within the territory and territorial waters and space of the People's Republic of China.

**Art. 7**

This Law shall be applicable to any citizen of the People's Republic of China who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People's Republic of China; however, if the maximum punishment to be imposed is fixed-term imprisonment of not more than three years as stipulated in this Law, he may be exempted from the investigation for his criminal responsibility.

This Law shall be applicable to any State functionary or serviceman who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People's Republic of China.

**Art. 8**

This Law may be applicable to any foreigner who commits a crime outside the territory and territorial waters and space of the People's Republic of China against the State of the People's Republic of China or against any of its citizens, if for that crime this Law prescribes a minimum punishment of fixed-term imprisonment of not less than three years; however, this does not apply to a crime that is not punishable according to the laws of the place where it is committed.

**Art. 9**

This Law shall be applicable to crimes which are stipulated in international treaties concluded or acceded to by the People's Republic of China and over which the People's Republic of China exercises criminal jurisdiction within the scope of obligations, prescribed in these treaties, it agrees to perform.

**Art. 10**

Any person who commits a crime outside the territory and territorial waters and space of the People's Republic of China, for which according to this Law he should bear criminal responsibility, may still be investigated for his criminal responsibility according to this Law, even if he has already been tried in a foreign country. However, if he has already received criminal punishment in the foreign country, he may be exempted from punishment or given a mitigated punishment.

[Child & Youth Sexual Transaction Prevention Act](#)

**Art. 22**

If a person has sexual transaction with a child or teenager under the age of 16, he shall be punished in accordance with the provisions of the Criminal Code.

If a person over the age of 18 has sexual transaction with a person who has reached the age of 16 but not the age of 18, he shall be sentenced to fixed-term imprisonment of less than one year or criminal detention or a fine not more than NT\$100,000.

If a citizen of the Republic of China commits a crime prescribed in the preceding two paragraphs outside the territory and territorial waters and space of the Republic of China, he shall be punished in accordance with this Act no matter what provision is enacted or not in the laws of the place where it is committed.

- **Dual Criminality**

[Criminal Code of the Republic of China](#)

**Art. 10**

Any person who commits a crime outside the territory and territorial waters and space of the People's Republic of China, for which according to this Law he should bear criminal responsibility, may still be investigated for his criminal responsibility according to this Law, even if he has already been tried in a foreign country. However, if he has already received criminal punishment in the foreign country, he may be exempted from punishment or given a mitigated punishment.

- **Mandatory reporting requirements**

[The Protection of Children and Youths Welfare and Rights Act](#)

**Art. 53**

Medical personnel, social workers, educational personnel, day care personnel, police, judicial personnel, administrators of villages (community) or other conductors implementing children and youth welfare that acknowledge on their duties one issue of the below issues relating to children and youth will report it to the authorized municipal agencies and county (city) governments in no less than 24 hours:

1. Use drugs, illegal controlled medicines or other material to be harmful to mental health.
2. To be waiter/waitress in the places described in Paragraph 1 of Article 47.

3. Behaviours caused by provisions described in each paragraph of **Article 49**.
4. Any issue listed in Article 51.
5. Any issue listed in Paragraph 1 of **Article 56**.
6. Any issue caused by other damages.

Anyone who observes the issues in each subparagraph of the paragraph for children and youth must report it to the authorized municipal agencies and county (city) governments.

Authorized municipal agencies and county (city) governments will immediately take care of the first two cases after acknowledging or receiving the report in less than 24 hours, and the conductor will release investigation report within four days after accepting the cases. The central authorized agency will enact the reporting and the handling methods in the three paragraphs. Identification information of the reporter mentioned in the Paragraph 1 and 2 must be kept in secret.

*[Art. 49 - No one will do the following to children and youth:*

3. *Utilize children and youth to undertake dangerous activities or deceiving behaviours against health.*
7. *Force children and youth to marry.*
8. *Abduct, kidnap, sell, and pledge children and youth.*
9. *Force, seduce, remain, or act as broker for children and youth to undertake obscenities or sexual behaviours.*
11. *Utilize children and youth to take or record publications, photos, video program tapes, films, CDSs, electronic signals, gaming software, internet contents or other articles relating to violence, blood, sex, obscenities that will harm their mental health.*

#### **Art. 56**

*Authorized municipal agencies and county (city) governments will take urgent protection, placement, or disposal acts in the case of children and youth who are in immediate danger to their lives, bodies or freedom without immediate protection, placement or other settlement; in the following cases:*

1. *Improper maintenance or care of children and youth.*
2. *Necessary diagnosis without medical care to children and youth.*
3. *Children and youth that are abducted, kidnapped, sold, pledged, forced, or seduced to participate in abnormal behaviours or tasks.]*

#### **[Child & Youth Sexual Transaction Prevention Act](#)**

##### **Art. 9**

Physicians, pharmacists, nurses, social workers, clinical psychologists, educators, counselors, town council staff, police officers, judicial personnel, and other persons responsible for the welfare of children and teenagers who know that anyone under the age of 18 shall engage in sexual transactions, or anyone who engages in or is suspected of engaging in criminal activities referred to in Chapter 4 of this regulation, shall immediately report to the local competent authorities or specific units stated in Article 6. The identity of the person who reported the incident shall remain confidential.

##### **Art. 27**

The competent authority at the municipality or city/county level or the institution, school, foster family, or suitable person entrusted with the care of a victim as ruled by a court shall, within the scope of placement or protection and education to the victim, exercise parental rights and

assume parental obligations over minor children during the period of placement or protection and education.

**Art. 28**

In the event that a parent, foster parent, or guardian commits the offenses set forth in Articles 32 to 38 and Paragraph 2 of Article 39 against his/her child, foster child, or ward under the age of 18, the victim, prosecutor, closest elder relative of the victim, competent authority at the municipality or city/county level, child and youth welfare institution, or other interested parties may request a court to stop such a person from exercising parental rights and assuming parental obligations over the victim and to select another guardian. In the case of a foster parent, a request may be submitted to the court for declaring the termination of adoption.

When selecting or reselecting a guardian pursuant to the preceding paragraph, the court may designate the competent authority at the municipality or city/county level, a child and youth welfare institution, or another suitable person as the guardian of the victim. Moreover, the court may designate a method of guardianship, order the victim's parents, original guardian, or other people who are obligated to provide maintenance to hand over the child, to pay the selected or reselected guardian a certain amount of maintenance and remuneration, order the imposition of other necessary treatment, or decide on necessary matters.

The aforesaid rulings may serve as writs of execution.

[Regulations for Reporting and Processing Protection of Children and Youth](#)

**Art. 2**

When medical personnel, social workers, educators, care givers, policemen, village officers and any personnel executing the children and youth welfare on duty learn information about children and youth that require protection, they shall fill out a communication report in no less than twenty-four (24) hours and report it to competent authorities of the municipal or county (city) government by internet, facsimile or through other technological telecommunications. In case of emergency, they may report orally or by telephone, and fill out the communication report within twenty-four (24) hours from the moment of knowing and then submit it to competent authorities of the municipal or county (city) government.

The preceding reporting personnel shall include reasons for reporting, any condition violating provisions in each subparagraph of Paragraph 1, Article 53 of the Act, basic data of the children and youth and any other relevant information in their reports.

**Art. 3**

Any party other than those personnel mentioned in the previous paragraph may communicate and report to competent authorities of the municipal or county (city) government through the ways mentioned in the previous paragraph or any other ways when learning about children and youth requiring protection.

[Sexual Assault Crime Prevention Act](#)

**Art. 8**

During the turn of duty, should medical workers, social workers, education workers, nursery workers, police or administrative workers learn of suspicious sexual assault incidents, they must report to the relevant authorities of special municipalities or County (City) within 24 hours. The manner and content of the report is as formulated by the relevant central authorities. The content of the report, the name and address of the reporter and any

information that is sufficient to identify him/her are confidential unless it is specified otherwise in the Law.

- **Obligations of Educational Institutions**

[Sexual Assault Crime Prevention Act](#)

**Art. 7**

In each academic year, students at all levels of middle and primary schools should have four hours or more of courses on sexual assault prevention.

The sexual assault prevention courses should contain:

- A. The structure and function of the reproductive organs of both sexes.
- B. Safe sexual behavior and knowledge of self-protection.
- C. Education in equality of the sexes.
- D. Building a correct sexual psychology.
- E. Respect for others' sexual freedom.
- F. Realization that sexual offences are crimes.
- G. Dealing with dangers of sexual offenses.
- H. Techniques of sexual offense prevention.
- I. Other relevant education about sexual offenses.

**Art. 8**

During the turn of duty, should medical workers, social workers, education workers, nursery workers, police or administrative workers learn of suspicious sexual assault incidents, they must report to the relevant authorities of special municipalities or County (City) within 24 hours. The manner and content of the report is as formulated by the relevant central authorities. The content of the report, the name and address of the reporter and any information that is sufficient to identify him/her are confidential unless it is specified otherwise in the Law.

[The Protection of Children and Youths Welfare and Rights Act](#)

**Art. 53**

Medical personnel, social workers, educational personnel, day care personnel, police, judicial personnel, administrators of villages (community) or other conductors implementing children and youth welfare that acknowledge on their duties one issue of the below issues relating to children and youth will report it to the authorized municipal agencies and county (city) governments in no less than 24 hours:

1. Use drugs, illegal controlled medicines or other material to be harmful to mental health.
2. To be waiter/waitress in the places described in Paragraph 1 of Article 47.
3. Behaviours caused by provisions described in each paragraph of Article 49.

- **Prohibition to hold certain positions**

[The Protection of Children and Youths Welfare and Rights Act](#)

**Art. 81**

People who has the following matters mentioned below will not serve as responsible person or employee of welfare institutes, after school care classes and centres for children and youth:

1. Guilty verdict for sexual harassment and sexual assault.

2. Misbehaviour causing damage to the interests of children and youth, in case of serious offences verified by the relevant authorities.
3. Relevant psychiatrists assigned by authorized agencies have confirmed a psychiatric disease or mental disorder.

The authorized agency or educational authority will verify whether responsible people of welfare institutes or after school care classes and centres are involved, as described in Paragraph 1: Workers will be automatically verified before employment at Welfare institutes or after school care classes and centres for children and youth. Welfare institutes or after school care classes and centres for children and youth will terminate the duty of any employee who is involved in the acts mentioned in Paragraph of this Article.

#### [Private School Law](#)

##### **Art. 20**

Persons meeting one of the following criteria shall not be founders, board members or supervisors:

1. Having been president or board member of a private school belonging to a juridical person, or president, board member or supervisor of a school legal person, or schoolmaster of a private school, who have abused their power to commit crimes and been convicted, removed from office or dismissed before the Law, amended on (date), entered into force.
2. Having been sentenced to one year or longer in prison and completed serving their time for less than three years.
3. Having been declared and remain bankrupt.
4. Who are incompetent or having limited capability.

##### **Art. 43**

Schoolmasters having abused their power to commit crimes and prosecuted shall be suspended before conviction, with one of the school's staff named to temporarily take his place on approval by the school authority.

If convicted, found having violated educational regulations or breached the public's trust, the schoolmaster shall be removed, with a new schoolmaster chosen in accordance with applicable laws.

If the school legal person fails to suspend the schoolmaster as stated in the first paragraph, the school authority may suspend him and find a temporary replacement from among the school's staff. If the school legal person fails to remove the schoolmaster as stated in the second paragraph, the school authority shall remove him and appoint a competent person to act as the provisional schoolmaster until a qualified person is found and takes office.

#### ▪ **Employment Law**

##### [Teacher's Act](#)

##### **Art. 14**

After being employed, a teacher may not be dismissed, suspended, or denied renewed employment unless one of the following situations pertains

1. Having been sentenced to a prison term of one year or more without probation.
2. Having been found guilty and convicted or being subject to an arrest warrant for a case that is still pending for corruption or negligence while employed in civil service.

3. Having been found guilty and convicted of a breach of Article 2, Paragraph 1 of the Sexual Assault Crime Prevention Act.
4. Having been dismissed from their place of employment in accordance with the law, or currently still undergoing a period of suspension from employment as a disciplinary measure or having been suspended from employment because of an indictment with the case not yet resolved.
5. Having been deprived of their civil rights, with their rights having not yet been reinstated.
6. Having been subject to the commencement of guardianship or assistantship and those orders not having yet been revoked.
7. Having been certified by a qualified physician as having a mental disorder and having not yet recovered from it.
8. Having had the Gender Equity Education Committee of the school or another relevant committee set up in accordance with the law investigate and verify their having committed a sexual assault.
9. Having being Gender Equity Education Committee of the school or another relevant committee set up in accordance with the law investigate and verify their having committed sexual harassment or sexual bullying, of a serious nature.
10. Upon becoming aware of a suspected sexual assault incident on the campus where the teacher is employed, failing to report the matter in accordance with the provisions of the Gender Equity Education Act, thereby leading to a subsequent sexual assaults on campus; or forging, altering, destroying, or concealing evidence of any such assault committed by any other person, where any such failure to report or forging, altering, destroying, or concealing of evidence has been investigated and verified by the authorities concerned.
11. Forging, altering or destroying evidence of any other person committing any criminal offence involving narcotics or hazardous drug on campus, where the matters has been investigated and verified by the authorities concerned.
12. Inflicting corporal punishment on or bullying student(s), causing severe physical or mental injury.
13. Behavior which is against any law, where the matter has been investigated and verified by the authorities concerned.
14. Specific instances of their not fulfilling a teacher's duties, or being incompetent to teach; or violating their employment contract in a way which constitutes a serious offence.

The case of a teacher to whom any of the circumstances set out in Subparagraphs 12 to 14 of the preceding paragraph pertain shall be dealt with by a Teachers' Review Committee with at least two-thirds of its members present and at least two-thirds of the attending members being in agreement with its decision. With the exception of any case where the circumstances constitute a serious offence, if the circumstances set out in Subparagraph 13 pertain, and the Teachers' Review Committee has decided to dismiss the teacher or not renew their employment, the Teachers' Review Committee shall determine a period of between one to four years, based on the nature of the offence, during which that person may not be re-employed as a teacher, and the details shall be reported to the competent education administrative authority.

A teacher to whom any of the circumstances set out in Subparagraphs 1 to 12 of Paragraph 1 or in the last part of the preceding paragraph pertain may not be re-employed as a teacher. Except when any of the provisions for handling the matter listed below apply, a teacher already employed shall be reported to the competent educational administrative authority to review the matter and approve the disciplinary measure, and then be dismissed, suspended, or not have their employment renewed:



1. Those to whom the circumstances set out in Subparagraph 7 pertain shall be retired or laid off in accordance with the regulations.
2. Those to whom the circumstances set out in Subparagraph 8 and Subparagraph 9 pertain shall be dealt with in accordance with the regulations in Paragraph 4.
3. Those to whom the circumstances set out in Subparagraph 3, Subparagraph 10 or Subparagraph 11 pertain shall be dismissed after their case has been reported to the competent educational administrative authority to review, and their dismissal has been approved.

Within one month of becoming aware of a teacher being involved in the circumstances set out in Subparagraph 8 or Subparagraph 9 of Paragraph 1, after the Teachers' Review Committee has reviewed the matter and given approval, the employing school shall suspend that teacher's employment, and wait for the results of an investigation. If the investigation verifies that the circumstances did occur, the employing school shall dismiss the teacher after reporting the details to the competent educational administrative authority and received its ratification.

To avoid employing any teacher to whom the circumstances set out in Subparagraphs 1 to 12 of Paragraph 1 or the last part of Paragraph 2, pertain, the competent educational administrative authority at each level and schools at all levels shall comply with the regulations governing reporting, the collection of information, and investigation. The regulations governing the reporting, collection information, investigation, and other mandatory requirements shall be established by the Ministry of Education.

With the exception of anyone who has committed a sexual assault; sexual harassment, or sexual bullying, which constitute a severe breach of the law severe; or who have caused severe physical or mental injury to student(s) as a result of corporal punishment or bullying, any teacher who before the Amendment to the Teachers' Act took effect on June 27th, 2013, was investigated and verified by the authorities concerned to have impaired their professional dignity and status as a teacher by behaving inappropriately, and was therefore dismissed or did not have their appointment renewed, may be re-employed as a teacher after at least four years from the date of effect of their dismissal or the non-renewal.

#### [Early Childhood Education and Care Act](#)

##### **Art. 27**

Preschool educators and other staff for whom any of the following items are applicable shall not serve in preschools:

1. Convicted and sentenced in a final and unappealable judgment for sexual assault, sexual harassment, or child abuse, or is the subject of an arrest warrant for a case that remains pending.
2. Disorderly conduct damaging the rights and interests of children, in case of serious offences verified by the relevant competent authority.
3. With unrecovered mental illness and incapable of performing educare duties.
4. Unfit to serve as preschool educators or staff in accordance with the provisions of other laws.

Preschool educators or other staff for whom Subparagraph 1 and 2 of the preceding Paragraph are true shall be dismissed or have their contract terminated, those for whom Subparagraph 3 is applicable shall be forced to retire or be laid off, for whom Subparagraph 4 is applicable shall be dealt with in accordance with the relevant provisions.

In the case where preschool educators or other staff exhibit behaviors described in the preceding Paragraph, the preschool shall report the matter to the municipal or county (city) competent authority for reference, who shall in turn notify other municipal and county (city) competent authorities.

#### **Art. 28**

Under any one of the following circumstances, an individual is disqualified from being the responsible person, chairperson, or member of the board of directors:

1. Behaviors prescribed in Subparagraph 1 and Subparagraph 2, Paragraph 1 of the preceding Article.

...

The preschool license shall be revoked by the municipal or county (city) competent authority if Subparagraph 1 of the preceding Paragraph applies to the responsible person of the preschool; if Subparagraph 1 in the preceding Paragraph applies to the juridical person, chairperson, or member of the board of directors, the municipal or county (city) competent authority shall order his removal from the position.

#### [Labor Standards Act](#)

##### **Art. 11 – Termination with notice and severance pay**

No employer shall, even by advance notice to a worker, terminate a labor contract unless one of the following situation arises:

1. Where the employers' businesses are suspended or has been transferred.
2. Where the employers' businesses suffer an operating losses, or business contractions.
3. Where force majeure necessitates the suspension of business for more than one month.
4. Where the change of the nature of business necessitates the reduction of workforce and the terminated employees cannot be reassigned to other suitable positions.
5. A particular worker is clearly not able to perform satisfactorily the duties required of the position held.

##### **Art. 12 – Termination without notice or severance pay**

In any of the following situations, an employer may terminate a labor contract without advance notice:

1. Where a worker misrepresents any fact at the time of signing of a labor contract in a manner which might mislead his/ her employer and thus caused him/her to sustain damage therefrom.
2. Where a worker commits a violent act against or grossly insults the employer, his /her family member or agent of the employer, or a fellow worker.
3. Where a worker has been sentenced to temporary imprisonment in a final and conclusive judgment and is not granted a suspended sentence or permitted to commute the sentence to payment of a fine.
4. Where a worker is in serious breach of the labor contract or in serious violation of work rules.
5. Where a worker deliberately damages or abuses any machinery, tool, raw materials, product or other property of the employer or deliberately discloses any technical or confidential information of the employer thereby causing damage to the employer.
6. Where a worker is, without good cause, absent from work for three consecutive days, or for a total six days in any month.

Where an employer desires to terminate a labor contract pursuant to Subparagraphs 1 and 2, Subparagraphs 4 to 6 of the preceding paragraph, he/she shall do so within thirty days from the date he/she becomes aware of the particular situation.

▪ **Criminal Law - Defamation**

[Criminal Code of the Republic of China](#)

**Art. 310**

A person who points out or disseminates a fact which will injure the reputation of another for the purpose that it be communicated to the public commits the offense of slander and shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than five hundred yuan.

A person who by circulating a writing or drawing commits an offense specified in the preceding paragraph shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than one thousand yuan.

A person who can prove the truth of the defamatory fact shall not be punished for the offense of defamation unless the fact concerns private life and is of no public concern.

Sexual Offenses Against Children

[Criminal Code of the Republic of China](#)

**Art. 10 (Excerpt)**

The term sexual intercourse means the following listed sexual acts that are not based on rightful purposes:

1. Insertion of a reproductive organ into the reproductive organ, anus or mouth of another person or an act that makes them connect.
2. Insertion of a body part or object other than the reproductive organ into the reproductive organ or anus of another person or an act to make them connect.

**Art. 221**

A person who by threats, violence, intimidation, inducing hypnosis, or other means against the will of a male or female and who has sexual intercourse with such person shall be sentenced to imprisonment for not less than three years but not more than ten years. An attempt to commit an offense specified in the preceding paragraphs is punishable.

**Art. 222**

A person who commits an offense specified in the preceding article under one of the following circumstances shall be sentenced to imprisonment for not less than seven years:

1. Offense committed by two or more persons
2. Offense against a male or a female under the age of fourteen
3. Offense against a mentally, physically or otherwise handicapped person
4. Offense with the use of a drug in the offense
5. Abuse against the victim
6. Offense committed by taking the opportunity of operating a means of transportation used for the public or unspecified people

7. Commission of an offense by intruding into a residence or a structure used for residence or a vessel or by hiding inside of it for commission of the offense
8. Carrying a weapon while the offense is committed

An attempt to commit an offense prescribed in the preceding paragraph is punishable.

**Art. 224**

A person who commits an obscene act against a male or female against their will through the use of violence, threats, intimidation, or hypnosis shall be sentenced to imprisonment of not less than six months but not more than five years.

**Art. 224-1**

A person who commits an offense specified in the preceding article under one of the circumstances specified in paragraph 1 of Article 222 shall be sentenced to imprisonment for not less than three years but not more than ten years.

**Art. 227**

A person who has sexual intercourse with a male or female under the age of fourteen shall be sentenced to imprisonment for not less than three years but not more than ten years.

A person who commits an obscene act against a male or female who is under the age of fourteen shall be sentenced to imprisonment for not less than six months but not more than five years.

A person who has sexual intercourse with a male or female who is over the age of fourteen but under the age of sixteen shall be sentenced to imprisonment for not more than seven years.

A person who commits an obscene act against a male or female who is over the age of fourteen years but under the age of sixteen shall be sentenced to imprisonment for not more than three years.

An attempt to commit an offense specified in paragraphs 1 and 3 is punishable.

**Art. 227-1**

The punishment specified in the preceding paragraph shall be reduced or remitted for an offender under the age of eighteen.

**Art. 233**

A person who for purpose of inducing a male or female who is under the age of sixteen to make an obscene act or sexual intercourse with another induces, retains, or arranges them shall be sentenced to imprisonment for not more than five years, short-term imprisonment, and a fine of not more than five thousand yuan. An offense by fraudulence is subject to the same punishment.

A person who commits the offense prescribed in the preceding paragraph for purpose of gain shall be sentenced to imprisonment for not less than one year but not more than seven years; and, in addition thereto, a fine of not more than fifty thousand yuan may be imposed.

[The Protection of Children and Youths Welfare and Rights Act](#)

**Art. 2**

Children and youth in this Act are people below the age of eighteen. Children are aged below twelve, and youth are regarded as between twelve and eighteen.

**Art. 49**

No one will do the following to children and youth:

Section 9: Force, seduce, remain, or act as broker for children and youth to undertake obscenities or sexual behaviours.

Section 11: Utilize children and youth to take or record publications, photos, video program tapes, films, CDSs, electronic signals, gaming software, internet contents or other articles relating to violence, blood, sex, obscenities that will harm their mental health.

**Art. 97**

Anyone who violates one of the regulations described from Paragraph 1 to 11 or from Paragraph 15 to 17 of Article 49 will be fined a sum of no less than NT\$ 60,000 and no more than NT\$300,000 and their name or title will be announced. However, parents and guardians of offenders or other people looking after children and youth who were ordered to receive parental education and have completed it are not included.

[Child & Youth Sexual Transaction Prevention Act](#)

**Art. 22**

If a person has sexual transaction with a child or teenager under the age of 16, he shall be punished in accordance with the provisions of the Criminal Code.

If a person over the age of 18 has sexual transaction with a person who has reached the age of 16 but not the age of 18, he shall be sentenced to fixed-term imprisonment of less than one year or criminal detention or a fine not more than NT\$100,000.

If a citizen of the Republic of China commits a crime prescribed in the preceding two paragraphs outside the territory and territorial waters and space of the Republic of China, he shall be punished in accordance with this Act no matter what provision is enacted or not in the laws of the place where it is committed.

**Art. 23**

One who seduces, permits, makes a match of, helps or by other means having a person under the age of 18 engage in sexual transaction shall be sentenced to a limited imprisonment of more than one year but fewer than seven years, with a fine of, or under NT\$3,000,000. Shall it be conducted under crookery the punishment will be the same as prescribed above.

One who commits a crime prescribed in the preceding paragraph with the purpose of profit shall be sentenced to a limited imprisonment of more than three years but fewer than ten years, and a fine of, or under NT\$5,000,000.

One who makes a match of, accepts or hides the victim prescribed in the preceding paragraphs, or conceals the victim, shall be sentenced to a limited imprisonment of more than one year but fewer than seven years, and a fine of, or under NT\$3,000,000.

One who acts as the medium of the crime prescribed in the above-mentioned paragraphs shall be punished by the same sentence.

An offender who attempts to commit a crime but fails (non-penetration) in the afore-mentioned four paragraphs shall be punished as well.

**Art. 24**

One who has a person under the age of 18 engage in sexual transaction by violence, menace, medicament, control, hypnogenesis or other means against the will of himself/herself, shall be sentenced to a limited imprisonment of more than seven years, and also received a fine of, or under NT\$7,000,000.

One who commits a crime prescribed in the preceding paragraph with the purpose of profit shall be sentenced to a limited imprisonment of more than ten years, with a fine of, or under NT\$10,000,000.

One who makes a match of, accepts or hides the victim prescribed in the preceding paragraphs, or conceals the victim, shall be sentenced to a limited imprisonment of more than three years but fewer than ten years, with a fine of, or under NT\$5,000,000.

One who acts as the medium of the crime prescribed in the afore-mentioned paragraphs shall be punished by the same sentence.

An offender who attempts to commit a crime but fails (non- penetration) in the afore-mentioned four paragraphs shall be punished as well.

**Art. 25**

One who intends to have a person under the age of 18 engage in sexual transaction, and to deliver or accept him/her to or from other person by means of dealing, impawning or other ways, shall be punished by a sentence of more than seven years in prison, with a fine of, or under NT\$7,000,000. Shall it be conducted under crookery the sentence will be the same as stated above.

One who commits a crime prescribed in the preceding paragraph by means of violence, menace, medicament, control, hypnogenesis or other ways against the will of himself/herself, the final sentence one receives shall be 1.5 times the original one.

One who makes a match of, accepts or hides the victim prescribed in the preceding paragraphs, or conceals the victim, shall be sentenced to a limited imprisonment of more than three years but fewer than ten years, with a fine of, or under NT\$5,000,000.

One who acts as the medium of the crime prescribed in the above-mentioned paragraphs shall be punished by the same sentence.

An offender who attempts to commit a crime but fails (non-penetration) in the afore-mentioned four paragraphs shall be punished as well.

One who attempts to commit a crime in the first and/or second paragraphs mentioned above shall be sentenced to a limited imprisonment of or under two years.

**Art. 31**

With intent to commit the act listed in Article 23 to Article 25, Article 26 of second half of the first paragraph, or Article 27, and move the victims into and out of Taiwan area shall be in accordance with each article's sentence and enhanced by up to one half more than the base term of punishment. Those who attempt to commit any of the offenses listed in the preceding paragraph shall be penalized.

**Art. 32**

If parents commit a crime prescribed in this Act to his children and cause other crimes prescribed in Article from 23 through 28 of this Act be found and investigated because of the parents confession or voluntary surrender, the parents shall be sentenced to a punishment less than the prescribed punishment or shall be exempted from punishment.

If a person commits a crime prescribed in Article 22 and cause other crimes prescribed in Article from 23 through 28 of this Act be found and investigated because of his confession or voluntary surrender, he shall be sentenced to a punishment less than the prescribed punishment or shall be exempted from punishment.

**Art. 34**

If a person commits a crime prescribed in Article from 22 through 29 and has been sentenced, the competent authority shall declare his name, his photo and the keystone of judgment to the public. If a criminal prescribed in the preceding paragraph has not reached the age of 18, the provision of the preceding paragraph shall not be applied.

**Art. 35**

If a person commits a crime prescribed in Article from 22 through 29 and has been sentenced, the competent authority shall carry out guidance and education to him the ways of guidance and education shall be determined by the competent authority.

If the person does not accept guidance and education prescribed in the preceding paragraph or does without enough time, he shall be fined not less than 6,000 but not more than NT\$30,000 if he still does not accept it after the second notice, he shall be fined again and again according to the times of notice.

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**Art. 2**

The terms used in this Act are defined as follows:

1. Human trafficking:

(1) To recruit, trade, take into bondage, transport, deliver, receive, harbor, hide, broker, or accommodate a local or foreign person, by force, threat, intimidation, confinement, monitoring, drugs, hypnosis, fraud, purposeful concealment of important information, illegal debt bondage, withholding important documents, making use of the victim's inability, ignorance or helplessness, or by other means against his/her will, for the intention of subjecting him/her to sexual transactions, labor to which pay is not commensurate with the work duty, organ harvesting; or to use the above-mentioned means to impose sexual transactions, labor to which pay is not commensurate with the work duty, or organ harvesting on the victims.

(2) To recruit, trade, take into bondage, transport, deliver, receive, harbor, hide, broker, to sex transactions, labor to which pay is not commensurate with the work duty, or organ harvesting, or to subject people under 18 years of age to sexual transactions, labor to which pay is not commensurate with the work duty, or organ harvesting.

2. Offenses of human trafficking:

Referring to acts of human trafficking conducted in violation of this Act, the Criminal Code, Labor Standard Law, or Child and Youth Sexual Exploitation Prevention Act, or other related laws.

**Art. 20**

Any human trafficking victim or suspected one, who is a minor or juvenile and fits any of the following circumstances, shall be sheltered and protected in accordance with the prioritized Statute for Prevention of Sexual Exploitation Involving Children and Adolescents; anything not provided for by the Statute shall be regulated by this Act:

1. Discovered to be suspected of engaging in sexual transactions;
2. Fitting the circumstance set forth in the preceding subparagraph and deemed by a court at a trial to be engaging in sexual transactions in accordance with the Statute for Prevention of Sexual Transactions Involving Children and Adolescents.