



Taiwan Mad Alliance

Submission to the CRC

submissions on the draft of general comment No. 27

(Children's Right to Access to Justice and to an Effective Remedy)

Organization Profile

Taiwan Mad Alliance (TMA) is the only representative organization of persons with psychosocial disabilities in Taiwan and a core member of Transforming Communities for Inclusion (TCI Global) .

We committed to developing a variety of peer support models and services, and to deepening both the localization and complexity of “mad” culture in East Asia, also monitors the equitable allocation and appropriate use of mental health resources, and actively engages in legal reform and policy advocacy

Our mission is to ensure that all persons with psychosocial disabilities—regardless of official disability status—enjoy equal recognition before the law and are guaranteed the right to independent living, health and medical autonomy, and full and effective participation and inclusion in political and public life, on an equal basis with others, in accordance with CRPD.

Our Submission

Our submission focuses on three key areas:

1. Ensuring the rights and inclusion of children with disabilities.
2. Advancing deinstitutionalization and community-based alternatives.
3. Promoting child-led decision-making and participation.

1. Article 15(b) – Best Interests of the Child

Original Draft:

(b) Best interests of the child (Article 3, para. 1): Remedy mechanisms should be designed, implemented and result-oriented with the best interests of the child as the primary consideration, reflected in both procedural and substantive decisions. In particular, where the child is a victim (e.g. of sexual exploitation, trafficking, or other violence), the child should be recognized as a victim and not as an offender, and protected from being treated as such when reporting

Recommended Revision:

(b) Best interests and autonomy of the child (Article 3, para. 1): Remedy mechanisms must embed both the best interests and autonomy of the child as core principles, realized in all procedures and substantive decisions. When a child is a victim (such as of sexual exploitation, trafficking, or violence), States Parties must ensure protection from blame, reprisals, and secondary harm. It should also be strictly prohibited to impose a “victim” label and subject a child to “protective” or placement frameworks without independent review and the child’s explicit, informed consent. All protection, placement, or intervention measures—including for child sex workers, “wayward girls,” or children with disabilities—must be based on informed consent, individualized assessment, and meaningful child participation.

Key Points of Proposed Revision:

- Adds the principles of “autonomy” and “participation” to all remedy and

placement procedures involving children.

- Requires “informed consent, individualized assessment, and meaningful participation” in all protective or intervention measures.

Strictly prohibits forced placement based solely on victim labeling or under the guise of protection, without independent review and the child’s explicit, informed consent

2. Article 37 – Child-Friendly Information and Legal Literacy

Original Draft:

Children should receive information on their rights, procedures, roles, and outcomes in an understandable manner. States should develop teaching materials such as videos, handbooks, and mock courts, and provide one-stop legal and social services in communities.

Recommended Revision:

States Parties should promote a legal plain-language movement specifically targeting children, systematically adapting judicial documents (including court notices, statements of defense, judgments, etc.) into universally comprehensible language and formats. The adaptation process must regularly consult children’s opinions. States should develop diverse teaching tools (such as videos, handbooks, mock courts), and provide one-stop legal and social services in communities, ensuring children truly access and understand all relevant information and assistance.

Key Points of Proposed Revision:

- Specifically requires a legal plain-language movement and systematic adaptation of judicial documents and information to easy-to-read formats accessible to children.
- Mandates regular consultation of children’s opinions to ensure genuine

participation in the design and delivery of legal and judicial information.

3. Article 47 – Accessibility and Reasonable Accommodation for Children with Disabilities

Original Draft:

Children with various types of disabilities should be provided with universal accessible facilities and measures, as well as reasonable accommodation not restricted by “disproportionate burden,” such as physical accessibility, simplified language, technological aids, a trusted support person, and extended time limits. Widespread provision of assistance dogs and sensory rooms is also recommended.

Recommended Revision:

States Parties must ensure that all children with disabilities, regardless of type and degree, have universal and barrier-free access to facilities, information, procedures, and services throughout judicial, administrative, and complaints processes. Reasonable accommodation must never be refused on the grounds of “disproportionate burden,” and should include (but not be limited to): physical accessibility, simplified language, easy-to-read information, technological and communication aids, trusted support persons, extended procedural time limits, as well as widespread provision of assistance dogs, sensory rooms, and other multi-sensory supports.

Key Points of Proposed Revision:

- Specifies that all children with disabilities must have full accessibility and reasonable accommodation throughout all relevant procedures and services.
- Prohibits refusing reasonable accommodation on grounds of “disproportionate burden,” and includes diverse supports such as simplified language, easy-to-read materials, technological aids, trusted

support persons, and sensory supports.

4. Article 48 – Complaint Mechanisms, Institutionalization, and Deinstitutionalization

Original Draft:

All public authorities affecting children’s rights should establish accessible complaint mechanisms for children, including administrative agencies, schools, hospitals, care institutions, and closed settings. Complaints can take diverse forms. Closed settings suppress children’s legal capacity and access to remedies. The guidelines on deinstitutionalization state that institutionalization must never be used as a means of protecting children with disabilities.

Recommended Revision:

All public and private entities affecting children’s rights—including administrative agencies, schools, hospitals, care institutions, and closed or residential settings—must establish multiple, accessible, confidential, and independent child-friendly complaint and remedy mechanisms, ensuring children can safely and without fear of reprisal submit complaints. Closed settings should be subject to regular, unannounced visits by independent external bodies, who proactively listen to children, investigate rights violations, and ensure immediate access to complaint and withdrawal mechanisms. It should be strictly prohibited to place children, especially children with disabilities or other vulnerable children, in adult institutions under the guise of protection; immediate withdrawal and effective remedy mechanisms must be established. States must prioritize community, family, and peer support alternatives, and regularly publish data on placements and complaint outcomes to ensure transparency and accountability.

Key Points of Proposed Revision:

- Requires all sectors—including public and private entities—to establish multiple, confidential, and independent child-friendly complaint and remedy mechanisms.

- Demands regular, unannounced monitoring of closed or institutional settings by independent bodies, with proactive engagement with children and immediate access to complaint and withdrawal mechanisms.
- Strictly prohibits the placement of children, especially those with disabilities, in adult institutions under the guise of protection, and requires effective withdrawal and remedy mechanisms.

5. Article 83 – Rights-Based Training for Complaint Handlers

Original Draft:

All personnel handling children’s complaints should receive rights-based training, including communication skills and principles of protection.

Recommended Revision:

All personnel responsible for handling children’s complaints should receive rights-based training covering communication skills and protection principles. Training must include direct engagement with children who have complaint experience, and incorporate their feedback and lived experiences into training materials and practice discussions. There should be systematic and ongoing involvement of such children in designing training curricula and mock scenarios, with regular review to ensure training meets the diverse needs of children.

Key Points of Proposed Revision:

- Requires rights-based training for all personnel handling children’s complaints, systematically incorporating feedback and lived experience from children with complaint experience.
- Mandates regular review to ensure training meets the diverse needs of children.