



## Article Content

**Title :** Child and Youth Sexual Exploitation Prevention Act

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**Amended Date :** 2024-08-07

**Category :** Ministry of Health and Welfare (衛生福利部)

### Chapter I General Provisions

**Article 1** This Act is enacted to protect children and youths from all forms of sexual exploitation and safeguard the sound development of the physical and mental health of children and youths.

**Article 2** Sexual exploitation of a child or a youth mentioned herein refers to any of the following conducts:

1. causing a child or a youth to engage in any sexual intercourse or lewd acts in exchange for consideration;
2. taking advantage of a child or a youth by engaging the said child or the said youth in any sexual intercourse or lewd acts for others to watch;
3. filming, producing, reproducing, possessing, distributing, broadcasting, delivering, publicly displaying, selling, or paying the consideration for watching, any sexual images or videos of a child or a youth, or any drawing, audio recording, or any other item of a child or a youth that is sexually relevant and, by objective standards, arouses sexual desire or shame; or
4. causing a child or a youth to act as a host or a hostess in a bar or a club or engage in any acts associated with any escort companion services, singing companion services or dancing companion services involving any sexual activity, or any other similar acts.

A victim mentioned herein refers to a child or a youth who is, or who is suspected of being, sexually exploited.

Article 3 The term “competent authorities” as used in the Act means, at central government level, the Ministry of Health and Welfare; at the special municipality level, the city government; at county (city) level, the county (city) government. The competent authorities shall set up a separate budget and appoint dedicated personnel to perform work tasks on the prevention of sexual exploitation against children or youths.

The duties and responsibilities of the competent authorities and the competent regulatory authorities specified in the Act are as follows:

1. Competent authorities: Planning, promotion and supervision of the child and youth sexual exploitation prevention policies, and other related matters; protection and assistance to victims, administrative sanctions, counseling education for offenders, regular publication of the statistics related to child and youth sexual exploitation, and other relevant matters.
2. The competent authority for the administration of health affairs: medical examinations and collection of evidence for victims, and physical and psychological treatment for offenders, and other relevant matters.
3. The competent authority for the administration of education-related affairs: sexual exploitation prevention education at every school level (including the preschool level), protection of the right to education of victims, transition schools and other relevant matters;
4. The competent authority for the administration of labor affairs: vocational training and employment services for victims, and other relevant matters;
5. The competent authority for the administration of police administrative affairs: prevention and investigation against, and compilation of statistics related to, child and youth sexual exploitation crimes; registration and reporting of, and visit to, offenders, access to records of offenders, and other relevant matters;
6. The competent authority for the administration

of legal affairs and law enforcement:

investigation against child and youth sexual exploitation crimes, corrective measures, and other relevant matters;

7. The competent authority for the administration of immigration affairs: assistance to victims who are nationals without registered permanent residence in the Taiwan Area, foreign nationals, stateless persons, people of the Mainland China Area, or residents of Hong Kong or Macao, that have overdue stay or residence in the Taiwan Area as a result of child and youth sexual exploitation, in protecting their rights and interests to stay or reside in Taiwan, as well as their follow-up repatriation; and assistance in the follow-up deportation and other relevant matters of offenders who are nationals without registered permanent residence in the Taiwan Area, foreign nationals, people of the Mainland China Area, or residents of Hong Kong or Macao;

8. The competent authority for the administration of cultural affairs: handling of publications in violation of the Act and other relevant matters;

9. The competent authority for the regulation of telecommunications and broadcasting services: handling any violation of the Act by any broadcaster, any television (company), or any other media regulated and supervised by the competent authorities in accordance with the law, and other relevant matters;

10. The competent authority for the administration of digital development affairs: technical supports for prevention of crimes against sexual images or videos of a child or a youth.

11. The competent authority for the administration of economic affairs: handling of business places of particular industries in violation of the Act and other relevant matters;

12. The competent authority for the administration of household registration: provision of personal identification data and household registration records of victims, and other relevant matters; and

13. Any other child and youth sexual exploitation

and sexual images or videos prevention measures shall be handled by competent regulatory authorities ex officio.

A competent authority and other relevant authorities mentioned in the preceding Paragraph shall jointly publish and review the performance and outcomes of tasks, such as education, promotion, rescue and protection (of victims), punishments for offenders, placement (of victims), and services (to victims), on a regular basis.

A competent authority shall invite relevant scholars or experts, representatives of relevant private institutions or organizations, and representatives of the competent regulatory authorities (to the consultation meeting(s) convened by the said competent authority) to coordinate with each other on, study, review, consult together about, and promote and implement the policies on the prevention of sexual exploitation against a child or a youth. The number of such scholars, experts, and representatives of relevant private institutions or organizations shall not be less than half (of the attendees attending a consultation meeting mentioned in the preceding Paragraph), and the number of either gender of the attendees attending a consultation meeting mentioned in the preceding Paragraph shall not be less than one third (of the attendees attending the said consultation meeting).

In order to help victims with the restrict browsing or removal of sexual images or videos, the central competent authority may, on its own or via a private organization, establish a sexual image/video processing center and delegate dedicated personnel to handle the following matters:

1. Acceptance of the complaint, consultation and inspection against sexual images or videos.
2. Notification to the internet platform provider, internet application service provider or internet access service provider (hereinafter referred to as the internet service providers collectively) to restrict the browsing of, or

remove, the sexual images or videos of a child or a youth.

3. Other sexual images or videos prevention matters.

The central competent authority may apply the technology to patrol and investigate any activities suspected of involving crimes against sexual images or videos of a child or a youth on the internet voluntarily. A competent authority for the administration of digital development affairs shall provide related technical assistance pursuant to laws.

The internet service providers shall not evade, obstruct or refuse the patrol and investigation referred to in the preceding paragraph.

**Article 4** Schools at the secondary and lower levels shall organize educational courses or campaigns on the prevention of sexual exploitation against a child or a youth for at least two hours each semester. An educational course on the prevention of the child or youth sexual exploitation against a mentioned in the preceding Paragraph shall include all of the following:

1. campaigns against sex as the subject of transactions;
2. awareness of the crimes of sexual exploitation;
3. situations where one may be subjected to sexual exploitation;
4. knowledge of online safety and proper use of the Internet; and
5. other matters related to the prevention of sexual exploitation.

Schools at various level (including the preschool level) shall implement the child and youth sexual exploitation prevention education and promotion for their faculty and preschool educators.

## **Chapter II Rescue and Protection**

**Article 5** The competent central authority for the administration of legal affairs and law enforcement and the central competent authority for the administration of police administrative affairs shall appoint respective dedicated

subsidiary agencies to direct and superintend the local district prosecutors offices and the local police departments in the investigation of crimes defined in this Act. The local district prosecutors offices and the local police departments shall appoint dedicated personnel who have received professional training to handle cases to which the Act applies.

In order to investigate the crimes against the sexual exploitation referred to in subparagraph 3, Paragraph 1, Article 2 herein, the police departments shall designate or establish the dedicated units to create the sexual image/video digital forensics database for victims.

The regulations governing the contents, storage, management and use of the database referred to in the preceding paragraph shall be enacted by the central competent authority for the administration of police administrative affairs. The central competent authority for the administration of police administrative affairs, the competent central authority for the administration of legal affairs and law enforcement and Judicial Yuan shall duly provide education and training on child and youth sexual exploitation prevention to enrich the competence and expertise of judicial police, judicial police officers, prosecutor's investigators, prosecutors, or judges who investigate or try child and youth sexual exploitation cases.

Article 6 In order to protect children and youths from sexual exploitation, the competent authorities at the special municipality or city (county) level shall offer a runaway child or a runaway youth (a child or a youth who left his or her family) emergency shelter, counseling, care, contact, and other necessary services.

Article 7 Medical personnel, social workers, educational personnel, caregivers, migration management personnel, employees of immigration service agencies, household registration personnel, village officers, police personnel, judicial personnel, employees of tourism businesses,

employees of electronic game arcade businesses, employees of computer entertainment businesses, employment service personnel, personnel of condominium management services, and other personnel responsible for the welfare affairs of children or youths who learn of a victim during the performance of their statutory duties or work shall immediately, no later than twenty-four (24) hours following their learning of the said victim, report the said victim to the competent authority at the special municipality or city (county) level.

The personnel mentioned in the preceding Paragraph who learn of a criminal suspect (as defined in Chapter IV) during the performance of their statutory duties or work shall immediately, no later than twenty-four (24) hours following their learning of the said suspect, report the said suspect to the authorities or personnel prescribed in Article 5.

Any individual who learns of a victim or a criminal suspect defined in Chapter IV may report the said victim or the said suspect to the competent authority at the special municipality or city (county) level, or the authorities or personnel prescribed in Article 5.

The personally identifiable information of a reporter mentioned in the three preceding Paragraphs shall be kept confidential.

When the competent authority at the special municipality or city (county) level receiving a report described in Paragraph 1 of this Article learns that an offender is a child or a youth, the said competent authority should refer the said offender, in accordance with relevant laws and regulations, to the respective responsible authorities, which will offer education, psychological therapy or counseling, legal counseling, or other services to the said offender.

**Article 8** The internet service providers, who learn of any matters suspected to be any of the offenses prescribed in Chapter IV via any competent authority or other authorities, shall proactively

restrict the browsing of, or remove, the webpage(s) information (materials or content) related to any of the offenses prescribed in Chapter IV within 24 hours.

The offending webpage(s) information (materials or content) mentioned in the preceding Paragraph, as well as the personal data and internet usage records of a suspect, shall be retained (by the responsible internet platform provider(s), the responsible internet application service provider(s), or the responsible internet access service provider(s) mentioned in the preceding Paragraph) for one hundred eighty (180) days and shall be provided to judicial authorities and police agencies for investigations.

The competent authority at the special municipality or city (county) level may assist a victim in submitting a request to the responsible prosecutor during the investigation, or to the competent court during the trial, to reproduce (any of) the confiscated sexual image(s) or video(s) of the said victim. The internet service providers referred to in Paragraph 1 shall, upon notification by the competent authority at the special municipality or city (county) level, compare, remove, or take down the sexual image(s) or video(s) of a victim insofar as technically feasible.

The sexual image/video processing center, upon learning of webpage information suspected of involving the crimes against sexual images or videos of a child or youth, shall notify the internet service providers, police departments and central competent authority.

The notification referred to in the preceding paragraph shall include the following details:

1. The website name and URL where the suspected criminal activity occurred, as well as the URL for the sexual image.
2. The online platform account or internet protocol (IP) address of the offender.
3. The notifying country, agency, contact person's name, telephone number, and email address.

Upon receipt of the notice as prescribed in



Paragraph 4, the central competent authority shall immediately order the internet service providers to restrict browsing or remove webpage information related to crimes in accordance with Paragraph 1.

The order referred to in the preceding paragraph shall include the following details:

1. Circumstances referred to in the subparagraphs of Paragraph 5.
2. The website name, URL or internet protocol (IP) address of the internator operator, or other features sufficient to identify the alleged internet service provider.
3. The subject matter, facts, reasons and legal basis of the disposition.
4. Contents of the incidental provisions, if any.
5. The name of the authority rendering the disposition, with the signature and personal seal of its head officer, and also counter-signed by the agent or appointee, if any, of the authority; provided that, an administrative disposition made en masse by means of automatic machine may bear only the seal in lieu of the signature.
6. Reference number and date of the document.
7. The statement to the effect that it is an administrative disposition and the means of remedy available in case of dissatisfaction with the administrative disposition, the time period within which remedy may be sought and the authority with which application for remedy must be filed.

Article 8-1 The administrative dispositions issued by the competent authority against internet service providers in accordance with the preceding article and Article 47 herein may be transmitted in electronic format over the internet to the electronic mail or electronic form publicly disclosed, designated, or registered for domain name by the internet service provider for notification, and such transmission shall be deemed as served.

The electronic document mentioned in the preceding paragraph, upon being transmitted by the competent authority to the electronic mail or

electronic form publicly disclosed, designated, or registered for domain name, by the internet service provider, shall take effect as having been duly served, notified, or made known in accordance with the law after one working day upon such transmission. However, the following circumstances are not subject to this time limit:

1. When the electronic document has been transmitted but has not entered the electronic mail or electronic form publicly disclosed, designated, or registered for domain name, by the internet service provider.
2. When the electronic document has entered the electronic mail or electronic form publicly disclosed, designated, or registered for domain name, by the internet service provider after one working day but the internet service provider provide an explanation that they cannot read it.
3. When the internet service provider can prove that the electronic document entered the electronic mail or electronic form publicly disclosed, designated, or registered for domain name by it at an earlier or later time.

In the event of a dispute regarding the circumstances described in the subparagraph 1 of the proviso in the preceding paragraph, it shall be proven by the competent authority. If the competent authority cannot provide proof, the electronic document shall be redelivered, notified, or made known in an appropriate manner. In the circumstances described in Subparagraph 2 of the proviso in Paragraph 2, the competent authority shall redeliver, notify, or make it known in an appropriate manner.

In the circumstances described in Subparagraph 3 of the proviso in Paragraph 2, the effectiveness of delivery, notification, or making it known shall occur based on the earlier or later time point as proven by the internet operator, in accordance with the law.

In any of the following circumstances, the competent authority may restrict the access:

1. Where it is unable to ascertain the contact information of the internet service provider and, therefore, cannot effect the service referred to

in Paragraph 1.

2. Where it believes that the crime involved by the webpage information should be considered material and there should be an immediate need for disposition to prevent crime, expansion of hazards or avoid imminent danger.

3. Where the internet service provider is suspected of involving in any of the offenses prescribed in Chapter IV for changing its domain name or any other methods after being restricted from the access.

In order to help the competent authority execute the restricted access under the preceding paragraph and Article 47 herein, the competent authority for the administration of digital development affairs, competent authority for the administration of education-related affairs, competent authority for the regulation of telecommunications and broadcasting services, competent authority for the administration of police administrative affairs and internet access service provider shall provide assistance pursuant to laws.

Article 9 In the event of an interrogation (or questioning) of a victim during an inquiry, an investigation, or a trial, police and judicial personnel shall notify the competent authority at the special municipality or city (county) level of the need to assign a social worker to be present to accompany the said victim and shall allow such accompanying social worker to state his or her opinion.

If a victim has been legally questioned during the aforesaid investigation or trial, and the said victim's statement is clear enough without requiring any further questioning, the said victim shall not be summoned again.

Article 10 When a victim is being interrogated (or questioned) or examined during an investigation or a trial, a guardian, a lineal relative by blood or a collateral relative by blood within the third degree of kinship, the spouse, a parent, a family member, a physician, a

psychologist, a counselor, or a social worker of the said victim may be present to accompany the said victim and state his or her opinion. The same rule shall apply to an inquiry (conducted) by judicial police officers or judicial police. The preceding Paragraph does not apply when a person eligible to be present to accompany a victim is a suspect or a defendant of a crime prescribed in this Act.

Article 11 In addition to the protection provided pursuant to this Act, Articles 4 to 14, Paragraph 2 of Article 15, Article 20, and Article 21 of the Witness Protection Act may, when the responsible prosecutor or the presiding judge considers it necessary, apply to a witness, a victim, a reporter, an informant, or a complainant of a case involving sexual exploitation.

Article 12 When questioning a child or a youth during an investigation or a trial, the responsible prosecutor or the presiding judge shall attend to the personal safety of the said child or the said youth and institute an environment and measures to secure the safety of the said child or the said youth. The responsible prosecutor or the presiding judge shall adopt proper isolation procedures if necessary. Moreover, the responsible prosecutor or the presiding judge may, upon application or sua sponte, conduct the questioning of a child or a youth outside the court.  
The preceding Paragraph shall apply to an inquiry (conducted) by judicial police officers or judicial police.

Article 13 A statement made by a child or a youth during an investigation (conducted) by a prosecutor investigator, a judicial police officer, or a judicial police, which has been especially proven credible, and which is essential to prove the facts of a criminal offense, may be admitted as evidence, despite any of the following conditions occurs to the said child or the said youth during a trial:

- 1.the said child or the said youth is unable to

make a statement due to physical or psychological trauma;

2.when appearing before the court, the said child or the said youth, due to physical or psychological stress, is unable to make a complete statement or refuses to make a statement during questioning or examination; or

3.the said child or the said youth cannot be summoned or fails to appear after being summoned because the said child or the said youth is not in the Taiwan area or the whereabouts of the said child or the said youth is unknown.

**Article 14** No publicity material, publication, broadcasting services, television services, internet sources, or any other types of media may report or cover the name, date of birth, residential address, school, or any other personally identifiable information of a victim.

Unless the law provides otherwise, one shall keep confidential any personally identifiable information of a victim known to him or in his possession by reason of his office or employment. Documents made known to the public by administrative agencies or judicial agencies may not reveal any personally identifiable information about a victim. However, this restriction shall not apply if the law provides otherwise.

Any person other than those mentioned in the three preceding Paragraphs may not, through the media or any other means, reveal to the public or disclose the name of or any other personally identifiable information of a victim.

### **Chapter III Placement and Services**

**Article 15** Within twenty-four (24) hours after finding out and rescuing a victim, the responsible prosecutor, judicial police officer, or judicial police shall transfer the said victim to the competent local authority at the special municipality or city (county) level.

The competent authority at the special municipality or city (county) level mentioned in the preceding Paragraph shall immediately conduct

an assessment on a victim (transferred to the said authority in accordance with the preceding Paragraph) in terms of the school enrollment, employment, adaptation to life, and personal safety of the said victim, as well as the functions of the said victim's family in offering protection and education (to the said victim), and proceed with any of the followings if the said victim is identified as a subject for protection:

- 1.informing any of the parents, guardian(s), or relatives of the said victim to bring the said victim home and offer proper protection and education (to the said victim);
- 2.transferring the said victim to an appropriate place that offers emergency placement, protection, and services to the said victim; or
- 3.offering any other necessary protection and assistance to the said victim.

In the event that a victim mentioned in the preceding Paragraph is not identified as a subject for protection, the competent authority at the special municipality or city (county) level may offer help, depending on what the said victim needs, to the said victim by referring the said victim to any relevant services or sources. The preceding two Paragraphs shall apply when the competent authority of a special municipality or city (or county) receives a report about or discovers a victim or when a victim seeks help by himself or herself.

Article 16      Within seventy-two (72) hours following (the time of) an emergency placement of a victim by a competent authority at the special municipality or city (county) level pursuant to the preceding Article, the said competent authority should conduct an assessment on whether the said victim requires any further placement. If, following the aforesaid assessment, the competent authority at the special municipality or city (county) level finds that a victim requires no further placement, the said competent authority should no longer place the said victim under any placement and shall hand over the said victim to (the care

of) the parents or guardian(s) of the said victim or any other suitable person. If, following the aforesaid assessment, the competent authority at the special municipality or city (county) level finds that a victim requires further placement, the said competent authority should submit a report to and file a motion requesting a competent court to issue a ruling (on whether the said victim requires further placement).

If a competent court, following its receipt of a motion filed pursuant to the preceding Paragraph, finds that a victim requires no further placement, the said court shall issue a ruling ordering that no further placement (is required) for the said victim and that the competent authority at the special municipality or city (county) level shall hand over the said victim to (the care of) the parents or guardian(s) of the said victim or any other suitable person. If a competent court, following its receipt of a motion filed pursuant to the preceding Paragraph, finds that a victim requires further placement, the said competent court shall order the competent authority at the special municipality or city (county) level to place the said victim at a child and youth welfare institution, a foster family, or any other appropriate medical or educational institution for a period of not more than three (3) months.

During the period of placement of a victim, a competent court may, sua sponte or upon a motion filed by the competent authority at the special municipality or city (county) level, by the said victim, by the parents or guardian(s) of the said victim, or by any other suitable person, issue a ruling ordering to halt the placement of the said victim, and that the competent authority at the special municipality or city (county) level shall hand over the said victim to (the care of) the parents or guardian(s) of the said victim, or any other suitable person, for protection and education.

The competent authority at the special municipality or city (county) level may continue placing a victim under placement before receiving

a (court) ruling mentioned in the second Paragraph (of this Article) above.

Article 17 The seventy-two (72) hours period prescribed in the first Paragraph of the preceding Article shall commence from the moment when a victim is placed under emergency placement pursuant to Subparagraph 2 of Paragraph 2 of Article 15. However, none of the following counts in the aforesaid seventy-two (72) hours period:

- 1.the duration of escort;
- 2.the duration of a delay caused by any traffic obstructions;
- 3.the duration during which the conduction of an assessment on whether a victim requires placement is impossible due to any other laws or regulations; or
- 4.the duration of a delay caused by any other force majeure events.

Article 18 The competent authority at the special municipality or city (county) level shall, within forty-five (45) days of placement of a victim, submit a pretrial report to a competent court and file a motion requesting a court ruling (on whether the said victim requires any placement). The aforesaid court may order the said competent authority to amend the said pretrial report within seven (7) days (following the said court order) if the said court finds the said pretrial report incomplete.

A pretrial report mentioned in the preceding Paragraph shall contain a placement assessment and suggested treatments (for a victim). The content(s), items, and format of a pretrial report shall be formulated by the competent central authority.

Article 19 Upon a motion filed in accordance with the preceding Article, a competent court shall, within seven (7) days following the completion of the investigation of relevant evidence, issue any of the following rulings with respect to a victim:

- 1.when a competent court finds that a victim requires no placement, the said court shall issue



a ruling ordering that the said victim requires no placement and shall be handed over to (the care of) the parents or guardian(s) of the said victim or any other suitable person. The same rule shall apply to foreigners without valid visitor or residence permits, people of the Mainland Area, residents of Hong Kong and Macau, and nationals without registered permanent residence in the Taiwan area;

2. when a competent court finds that a victim requires placement, the said court shall issue a ruling ordering the competent authority at the special municipality or city (county) level to place the said victim under placement at a child and youth welfare institution, a foster family, a transition school, or any other appropriate medical or educational institution established or commissioned by the said competent authority, for a period of not more than two years; or

3. a ruling ordering (the adoption of) any other appropriate treatments.

Prior to the repatriation of a victim who is not placed under any placement pursuant to the latter part of the first Subparagraph of the preceding Paragraph, the competent authority at the special municipality or city (county) level shall commission or subsidize a private organization to continue offering counseling (to the said victim). The competent immigration authority shall arrange for repatriation (of the said victim) as soon as possible and safely repatriate the said victim.

Article 20 Any of the competent authority at the special municipality or city (county) level, the responsible prosecutor, the parents or guardian(s) of a victim, or any other suitable person who disagrees with a court ruling may file an interlocutory appeal within ten (10) days of receipt of the said ruling.

A ruling issued by the competent court of interlocutory appeal is subject to no further appeal.

The enforcement of the original (court) ruling

shall not be halted during the process of interlocutory appeal.

Article 21 After placing a victim under placement in accordance with Article 19, the competent authority shall conduct an assessment (on the said victim) every three (3) months. If, following an assessment mentioned above, the competent authority finds that a victim requires no further placement, that the said victim needs to be transferred to a different placement facility, or that the said victim requires any other more appropriate treatments, the said competent authority may file a motion requesting a competent court to issue a ruling ordering the halt of placement of the said victim, the transfer of the said victim to a different placement facility, or (the adoption of) any other appropriate treatments.

If, prior to the end of (the period of) placement of a victim ordered by a competent court in accordance with Subparagraph 2 of Paragraph 2 of Article 19, the competent authority at the special municipality or city (county) level finds that the said victim requires further placement, the said competent authority should, within forty-five (45) days before the end of (the period of) the said victim's placement, submit an assessment report to a competent court and request the said court to issue a ruling ordering the extension of placement of the said victim. The period of each extension (of placement of a victim) shall not exceed one (1) year. However, the placement of a victim shall not be extended beyond the twentieth (20th) birthday of the said victim.

If an assessment of a victim, who reaches the age of eighteen (18) during the placement (period) of the said victim, finds that the said victim requires further placement, the said victim may be placed under further placement until the end of placement (period) of the said victim or until the twentieth (20th) birthday of the said victim. In the case that a victim is exempted from placement, that a victim requires no placement,

or that the placement of a victim is halted, the competent authority at the special municipality or city (county) level shall assist the said victim and the family of the said victim in making necessary arrangements beforehand for the return of the said victim.

Article 22 The competent central authority carrying out regulatory activities relating to education-related affairs, and the competent central authority, shall jointly or work in coordination with the competent authorities at the special municipality or city (county) level to establish halfway schools that offer placements to victims. The organization of and the education offered at halfway schools shall be otherwise formulated in the form of statutes.

Article 23 The competent authority at the special municipality or city (county) level shall assign (, designate, or appoint) a social worker (or social workers) to offer counseling treatment(s) to a victim subjected to a ruling issued by a competent court pursuant to the former part of Subparagraph 1, or Subparagraph 3, of Paragraph 1 of Article 19 for a period of at least one (1) year or until the eighteen (18th) birthday of the said victim.

If, during the counseling period specified in the preceding Paragraph, the competent authority at the special municipality or city (county) level, the parents or guardian(s) of a victim, or any other suitable person finds that the counseling treatment(s) offered to a victim is unhelpful or that a victim requires (further) placement, the said authority may, sua sponte or upon request by the parents or guardian(s) of the said victim or by any other suitable person, file a motion, together with evidence and a statement of cause prepared by the said authority, by the said parents or the said guardian(s) of the said victim, or by the said suitable person, requesting a competent court to issue a ruling pursuant to Subparagraph 2 of Paragraph 1 of Article 19.

- Article 24 Those to whom have been entrusted the care of a victim, as ruled by a competent court pursuant to Paragraph 2 of Article 16 or Paragraph 1 of Article 19, shall assist the social worker(s) assigned (, designated, or appointed) by the competent authority at the special municipality or city (county) level in the counseling (treatment(s)) of the victim.
- Article 25 The competent authority at the special municipality or city (county) level shall make proper arrangements, in accordance with with the Protection of Children and Youths Welfare and Rights Act, for victims who are unable to return home after they have been exempted from placement or the placement has been halted or terminated.
- Article 26 The provisions of the Juvenile Delinquency Act and the Social Order Maintenance Act do not apply to a child or a youth who is, or who is in danger of being, subjected to sexual exploitation when the said child or the said youth has not committed any other crime(s).  
If a child or a youth mentioned in the preceding Paragraph commits any other crime, the said child or the said youth shall be referred to the competent authority at the special municipality or city (county) level pursuant to Article 15 before the referral of the said child or the said youth to a competent juvenile court in accordance with the Juvenile Delinquency Act.
- Article 27 During the period of placement, or protection and education, of a victim, the competent authority at the special municipality or city (county) level, or the institution, school, foster family, or any other suitable person entrusted with the care of the said victim as ruled by a competent court, may, within the scope of placement or protection and education to the said victim, exercise parental rights and assume parental obligations over minor children.
- Article 28 In the event that a parent, an adoptive parent, or a guardian commits any of the offenses

prescribed in Articles 32 to 38, or Paragraph 2 or Paragraph 4 of Article 39, against a child, an adopted child, or a ward, any of which is under the age of eighteen (18), the said victim, a prosecutor, the next of kin of the said victim, the competent authority at the special municipality or city (county) level, a child and youth welfare institution, or any other interested parties, may submit an application to a competent court (for a court order) to suspend the (exercise of) parental rights and responsibilities of the said parent, the said adoptive parent, or the guardian's rights and responsibilities of the said guardian, and to appoint another (alternative) guardian. If an adoptive parent commits any of the offenses mentioned above against an adoptive child, the aforesaid application may contain a request requesting the competent court to terminate the adoption (relationship between the said victim and the said adoptive parent).

When appointing a guardian or an alternative guardian for a victim pursuant to the preceding Paragraph, a court may (by issuing a ruling to) appoint the competent authority at the special municipality or city (county) level, a child and youth welfare institution, or any other suitable person as the guardian of the said victim. Moreover, (the ruling of) the said court may direct specific ways for the exercise of guardianship, may order the parents, the original guardian(s), or any other child support obligor(s) of the said victim to hand over the said child (the said victim) or to pay the appointed guardian or the appointed alternative guardian an appropriate amount of maintenance and remuneration, may issue an order demanding any necessary action, or may decide on necessary matters.

A court ruling mentioned in the preceding Paragraph may serve as a writ of enforcement.

Article 29    The competent authority at the special municipality or city (county) level may order (require) the parents or guardian(s) of a victim,

or any other person who actually takes care of a victim, to take parental education and counseling for a period of not less than eight (8) hours and not more than fifty (50) hours, and may implement a family treatment program.

Article 30 The competent authority at the special municipality or city (county) level shall offer counseling treatment(s) to, and follow up on, a victim who falls under any of the following circumstances and shall provide the said victim with assistance in school enrollment, employment, or independent living, or with any other necessary assistance for a period of at least one (1) year or until the twentieth (20th) birthday of the said victim:

- 1.the said victim is treated pursuant to Subparagraphs 1 and 3 of Paragraph 2 of thethe5;
- 2.the said victim is no longer placed under any (further) placement pursuant to Paragraph 1 or Paragraph 2theAthele 16;
- 3.the said victim was placed in a child and youth welfare institution, foster family, or any other appropriate medical or educational institution pursuant to Paragraph 2 of Article 16 and returned to the said victim's home following the expiration of the placement period;
- 4.the said victim is subject to a court ruling, issued pursuant to Paragraph 3 of Article 16, ordering to halt the placement of the said victim and hand over the said victim to (the care of) the parents or the guardian(s) of the said victim, or any other suitable person, for protection and education;
- 5.the placement offered to the said victim pursuant to Subparagraph 2 of Paragraph 1 of Article 19 expires; or
- 6.the placement offered to the said victim expires or is halted under a court ruling issued pursuant to Article 21.

The authorities for education-related affairs, labor affairs, health affairs, or police administrative affairs shall fully cooperate with the competent authority at the special municipality or city (county) level in offering

the counseling treatment(s) and follow-up mentioned in the preceding Paragraph.

#### **Chapter IV Penal Provisions**

- Article 31 Any person who engages in sexual intercourse or lewd acts with a minor under the age of sixteen (16) in exchange for consideration shall be subject to the punishment prescribed under the Criminal Code.
- Any person aged eighteen (18) or older who engages in sexual intercourse or lewd acts with a minor over the age of sixteen (16) but under the age of eighteen (18) in exchange for consideration shall be subject to imprisonment of not more than three (3) years or detention, or in lieu thereof or in addition thereto a fine of not more than one hundred thousand New Taiwan dollars (NT\$100,000).
- Article 32 Any person who, by means of inducement, offering shelter, recruitment, arrangement, assistance, or any other means, causes a child or a youth to engage in sexual intercourse or lewd acts in exchange for consideration shall be subject to imprisonment for not less than one (1) year and not more than seven (7) years, or in addition thereto, a fine of up to three million New Taiwan dollars (NT\$3,000,000). A person who commits any of the aforesaid offenses by (means of) fraud shall be subject to the same sentence prescribed for any such offense.
- Any person who commits any of the offenses prescribed in the preceding Paragraph with intent to make profits shall be subject to imprisonment for not less than three (3) years and not more than ten (10) years, and in addition thereto, a fine of up to five million New Taiwan dollars (NT\$5,000,000).
- Any person who arranges for, delivers, receives, transports, or harbors a victim of any of the offenses prescribed in the two preceding Paragraphs, or causes any such victim to be hidden, shall be subject to imprisonment for not less than one (1) year and not more than seven (7) years, or in addition thereto, a fine of up

to three million New Taiwan dollars  
(NT\$3,000,000).

Any person who arranges for the delivery, receipt, transport, or harboring of a victim mentioned in the preceding Paragraph shall be subject to the same sentence prescribed in the preceding Paragraph.

An attempt to commit any of the offenses prescribed in any of the four preceding Paragraphs is punishable.

- Article 33 Any person who, by means of violence, coercion, intimidation, control, drugs, hypnosis, or any other means against the free will of the child or the youth concerned, causes a child or a youth to engage in sexual intercourse or lewd acts in exchange for consideration, shall be subject to imprisonment for not less than seven (7) years, or in addition thereto, a fine of up to seven million New Taiwan dollars (NT\$7,000,000).
- Any person who commits any of the offenses prescribed in the preceding Paragraph with intent to make profits shall be subject to imprisonment for not less than ten (10) years, and in addition thereto, a fine of up to ten million New Taiwan dollars (NT\$10,000,000).
- Any person who arranges for, delivers, receives, transports, or harbors a victim mentioned in the two preceding Paragraphs, or causes any such victim to be hidden, shall be subject to imprisonment for not less than three (3) years and not more than ten (10) years, or in addition thereto, a fine of up to five million New Taiwan dollars (NT\$5,000,000).
- Any person who arranges for the delivery, receipt, transport, or harboring of a victim mentioned in the preceding Paragraph shall be subject to the same sentence prescribed in the preceding Paragraph.
- An attempt to commit any of the offenses prescribed in any of the four preceding Paragraphs is punishable.

- Article 34 Any person who, by means of human trafficking, taking into bondage, or any other means, delivers



or receives (the body of) the child or the youth concerned, with intent to cause a child or a youth to engage in sexual intercourse or lewd acts in exchange for consideration, shall be subject to imprisonment for not less than seven (7) years, or in addition thereto, a fine of up to seven million New Taiwan dollars (NT\$7,000,000). A person who commits any of the aforesaid offenses by (means of) fraud shall be subject to the same sentence prescribed for any such offense.

Any person who, by means of violence, coercion, intimidation, control, drugs, hypnosis, or any other means against the free will of the child or the youth concerned, commits any of the offenses prescribed in the preceding Paragraph shall be subject to one-half of the sentence for any such offense.

Any person who arranges for, delivers, receives, transports, or harbors a victim mentioned in any of the two preceding Paragraphs, or causes any such victim to be hidden, shall be subject to imprisonment for not less than three (3) years and not more than ten (10) years, or in addition thereto, a fine of up to five million New Taiwan dollars (NT\$5,000,000).

Any person who arranges for the delivery, receipt, transport, or harboring of a victim mentioned in the preceding Paragraph shall be subject to the same sentence prescribed in the preceding Paragraph.

An attempt to commit any of the offenses prescribed in any of the four preceding Paragraphs is punishable.

Any person who prepares to commit any of the offenses prescribed in Paragraph 1 or Paragraph 2 of this Article shall be subject to imprisonment for not less than two (2) years.

Article 35 Any person who, by means of recruitment, inducement, offering shelters, arrangement, assistance, exploitation, or any other means, causes a child or a youth to engage in sexual intercourse or lewd acts for others to watch shall be subject to imprisonment of not less than

three (3) years and not more than ten (10) years, or in addition thereto, a fine of up to three million New Taiwan dollars (NT\$3,000,000).

Any person who, by means of violence, coercion, drugs, fraud, hypnosis, or any other means against the free will of the child or the youth concerned, causes a child or a youth to engage in sexual intercourse or lewd acts for others to watch shall be subject to imprisonment of not less than seven (7) years, or in addition thereto, a fine of up to five million New Taiwan dollars (NT\$5,000,000).

Any person who commits any of the offenses prescribed in any of the two preceding Paragraphs with intent to gain profit shall be subject to one-half of the sentence for any such offense.

An attempt to commit any of the offenses prescribed in any of the three preceding Paragraphs is punishable.

Article 36 Any person who films, produces, or reproduces without justification, any sexual image or video of a child or a youth, or any drawing, audio recording, or any other item of a child or a youth that is sexually relevant and, by objective standards, arouses sexual desire or shame, shall be subject to imprisonment for not less than one (1) year and not more than seven (7) years, or in addition thereto, a fine of more than one hundred thousand New Taiwan dollars (NT\$100,000) but less than one million New Taiwan dollars (NT\$1,000,000).

Any person who, by means of recruitment, inducement, offering shelter, arrangement, assistance, or any other means, causes a child or a youth to be filmed, self-film, produce, or reproduce without justification, any sexual image or video, or any drawing, audio recording, or any other item that is sexually relevant and, by objective standards, arouses sexual desire or shame, shall be subject to imprisonment of not less than three (3) years and not more than ten (10) years, or in addition thereto, a fine of up to three million New Taiwan dollars (NT\$3,000,000).

Any person who, by means of violence, coercion, drugs, fraud, hypnosis, or any other means against the free will of the child or the youth concerned, causes a child or a youth to be filmed, self-film, produce, or reproduce without justification, any sexual image or video, or any drawing, audio recording, or any other item that is sexually relevant and, by objective standards, arouses sexual desire or shame, shall be subject to imprisonment for not less than seven (7) years, or in addition thereto, a fine of up to five million New Taiwan dollars (NT\$5,000,000). Any person who commits any of the offenses prescribed in any of the three preceding Paragraphs with intent to gain profit shall be subject to one-half of the sentence for any such offense.

An attempt to commit any of the offenses prescribed in any of the four preceding Paragraphs is punishable.

Any attachments, drawings, or items mentioned in any of Paragraphs 1 to 4 of this Article shall be confiscated, regardless of whether any such item belongs to an offender or not.

Any tools or equipment used for the filming, production, or reproduction with justification, of any sexual image or video of a child or a youth, or any drawing, audio recording, or any other item of a child or a youth that is sexually relevant and, by objective standards, arouses sexual desire or shame, shall be confiscated, regardless of whether any such tool or equipment belongs to the offender or not. However, the aforesaid confiscation shall not apply if any such tools or equipment belongs to a victim.

Article 37 Any person who commits any of the offenses prescribed in Paragraph 1 or 2 of Article 33, Paragraph 2 of Article 34, Paragraph 2 of Article 35, or Paragraph 3 of Article 36, and knowingly and willfully murders the victim(s), shall be subject to (a penalty of) death or life imprisonment; any person who commits any of the aforesaid offenses and causes serious physical injury to the victim(s) shall be subject to life

imprisonment or imprisonment for not less than twelve (12) years.

Any person who commits any of the offenses prescribed in Paragraph 1 or Paragraph 2 of Article 33, Paragraph 2 of Article 34, Paragraph 2 of Article 35, or Paragraph 3 of Article 36, and consequently causes the death of the victim(s), shall be subject to life imprisonment or imprisonment for not less than twelve (12) years; any person who commits any of the aforesaid offenses and causes serious physical injury to the victim(s) shall be subject to imprisonment for not less than twelve (12) years.

Article 38 Any person who, by means of distribution, broadcasting, delivery, public display, or any other means, makes available any sexual image or video of a child or a youth, or any drawing, audio recording, or any other item of a child or a youth that is sexually relevant and, by objective standards, arouses sexual desire or shame, for others to watch or listen, shall be subject to imprisonment of not less than one (1) year and not more than seven (7) years, or in addition thereto, a fine of up to five million New Taiwan dollars (NT\$5,000,000).

Any person who possesses any of the items mentioned in the preceding Paragraph with intent to distribute, broadcast, deliver, or publicly display any such item shall be subject to imprisonment of not less than six (6) months and not more than five (5) years, or in addition thereto, a fine of up to three million New Taiwan dollars (NT\$3,000,000).

Any person who commits any of the offenses prescribed in any of the two preceding Paragraphs with intent to gain profit shall be subject to one-half of the sentence for any such offense.

Any person who sells any sexual image or video of a child or a youth, or any drawing, audio recording, or any other item of a child or a youth that is sexually relevant and, by objective standards, arouses sexual desire or shame, as set forth in any of the two preceding Paragraphs shall be subject to the same sentence prescribed

for any such offense.

An attempt to commit any of the offenses prescribed in Paragraph 1 or Paragraph 3 of this Article is punishable.

Any discovered attachments, drawings, or items mentioned in any of Paragraphs 1 to 3 of this Article shall be confiscated, regardless of whether any such item belongs to an offender or not.

- Article 39 Any person who, without justification, pays the consideration for possessing any sexual image or video of a child or a youth shall be subject to imprisonment of more than one (1) year but less than seven (7) years, or in addition thereto a fine of more than one hundred thousand New Taiwan dollars (NT\$100,000) but less than one million New Taiwan dollars (NT\$1,000,000).
- Any person who, without justification, possesses any sexual image or video of a child or a youth shall be subject to imprisonment of not more than three (3) years or detention, or in addition thereto a fine of more than sixty thousand New Taiwan dollars (NT\$60,000) but less than six hundred thousand New Taiwan dollars (NT\$600,000).
- Any person who, without justification, possesses any drawings, audio recordings, or any other items of a child or a youth that is sexually relevant and, by objective standards, arouses sexual desire or shame, and is discovered for committing such an offense for the first time, shall be subject to a fine of not less than ten thousand New Taiwan dollars (NT\$10,000) and not more than one hundred thousand New Taiwan dollars (NT\$100,000), and may also be ordered to take counseling education for a period of not less than two (2) hours and not more than ten (10) hours. Any attachments, drawings, or items shall be confiscated, regardless of whether any such item belongs to the possessor (who possesses any such item) or not.
- Any person who, without justification, possesses any drawings, audio recordings, or any other items of a child or a youth that is sexually relevant and, by objective standards, arouses

sexual desire or shame, and is discovered for committing such an offense for the second time or the subsequent times, shall be subject to a fine of not less than twenty thousand New Taiwan dollars (NT\$20,000) and not more than two hundred thousand New Taiwan dollars (NT\$200,000). Any discovered attachments, drawings, or items mentioned in any of Paragraphs 1, 2 and 4 of this Article shall be confiscated, regardless of whether any such item belongs to the offender or not.

Article 40 Any person who, by means of publicity materials, publications, broadcasting services, television services, telecommunication services, internet sources, or any other means, distributes, transmits, publishes, or posts any messages sufficient to induce, arrange for, suggest, or otherwise cause a child or a youth to be in danger of being subjected to sexual exploitation mentioned in any of Subparagraphs 1 to 3 of Paragraph 1 of Article 2, shall be subject to imprisonment for not more than three (3) years, or in addition thereto, a fine of up to one million New Taiwan dollars (NT\$1,000,000). Any person who commits any of the offenses prescribed in the preceding Paragraph with intent to make profits shall be subject to imprisonment for not more than five (5) years, or in addition thereto, a fine of up to one million New Taiwan dollars (NT\$1,000,000).

Article 41 A public servant or an elected public official who commits any of the offenses prescribed in this Act or who covers up any other person who commits any of the offenses prescribed in this Act shall be subject to one-half of the sentence for any such offense.

Article 42 Any person who transports a victim into or out of the Taiwan area with intent to commit any of the offenses prescribed in Articles 32 to 36 or the latter part of Paragraph 1 of Article 37 shall be subject to one-half of the sentence for any such offense in accordance with the respective provision(s).

An attempt to commit any of the offenses prescribed in the preceding Paragraph is punishable.

Article 43 The sentence for a father or a mother who commits any of the offenses prescribed in this Act against his or her child, and makes a confession or voluntarily turns himself or herself in, leading to the discovery of (the commission of) any of the offenses prescribed in Articles 32 to 38, or Paragraph 1, Paragraph 2 or Paragraph 4 of Article 39, shall be reduced or remitted.

The sentence for a person who commits any of the offenses prescribed in Article 31, and makes a confession or voluntarily turns himself or herself in, leading to the discovery of (the commission of) any of the offenses prescribed in Articles 32 to 38, or Paragraph 1, Paragraph 2 or Paragraph 4 of Article 39, shall be reduced or remitted.

Article 44 Any person who pays the consideration for watching any child or youth in any sexual intercourse or lewd acts or any sexual image or video of the child or youth shall be subject to imprisonment of more than one (1) year but less than seven (7) years, or in addition thereto a fine of more than one hundred thousand New Taiwan dollars (NT\$100,000) but less than one million New Taiwan dollars (NT\$1,000,000).

Article 45 Any person who causes a child or a youth to act as a host or a hostess in a bar or a club, or to engage in any acts associated with any escort companion services, singing companion services, or dancing companion services involving any sexual activity, or any other similar acts, shall be subject to a fine of not less than two hundred thousand New Taiwan dollars (NT\$200,000) and not more than two million New Taiwan dollars (NT\$2,000,000), and shall also be ordered to correct the said misconduct within a designated period of time. If the aforesaid person fails to correct the said misconduct within the said designated period, the competent authority at the special municipality or city (county) level shall

refer the case to the competent regulatory authority carrying out regulatory activities relating to affairs in connection with the relevant industry, which shall issue an order to suspend the operation of the business of the aforesaid person for a period of not less than one (1) month and not more than one (1) year.

Any person who, by means of recruitment, inducement, offering shelters, arrangement, assistance, or any other means, causes a child or a youth to act as a host or a hostess in a bar or a club, or to engage in any acts associated with any escort, singing, or dancing companion services involving sexual activity, or any other similar acts, shall be subject to imprisonment of not more than one (1) year, or in addition thereto a fine of up to three hundred thousand New Taiwan dollars (NT\$300,000).

Any person who, by means of violence, coercion, drugs, fraud, hypnosis, or any other means against the free will of the child or the youth concerned, causes a child or a youth to act as a host or a hostess in a bar or a club, or to engage in acts associated with escort companion services, singing companion services, or dancing companion services involving any sexual activity, or any other similar acts, shall be subject to imprisonment of not less than three (3) years and not more than five (5) years, or in addition thereto a fine of up to one million five hundred thousand New Taiwan dollars (NT\$1,500,000).

Any person who commits any of the offenses prescribed in any of the two preceding Paragraphs with intent to gain profit shall be subject to one-half of the sentence for any such offense in accordance with the respective provision.

An attempt to commit any of the offenses prescribed in any of the three preceding Paragraphs is punishable.

Article 45-1 Any property or any property interest under the control of an offender who commits any of the offenses prescribed in Articles 32 to 36, Article 38, Article 40, or Article 45 shall be confiscated when evidence sufficiently proves



that the said offender obtained any such property or any such property interest from, through, or as a result of the offense(s) committed by the said offender.

Article 46 Any person who breaches the confidentiality obligation(s) prescribed in Paragraph 4 of Article 7 shall be subject to a fine of not less than sixty thousand New Taiwan dollars (NT\$60,000) and not more than six hundred thousand New Taiwan dollars (NT\$600,000). Any person who, without justification, violates Paragraph 1 of Article 7 by failing to report or by failing to report within the required period shall be subject to a fine of not less than six thousand New Taiwan dollars (NT\$6,000) and not more than sixty thousand New Taiwan dollars (NT\$60,000).

Article 47 Any person who engages in any of the following misconducts without justification shall be subject to a fine of not less than sixty thousand New Taiwan dollars (NT\$60,000) and not more than six hundred thousand New Taiwan dollars (NT\$600,000) imposed by the competent authority carrying out regulatory activities relating to affairs in connection with the relevant industry and shall also be subject to an order issued by the said competent regulatory authority ordering the said person to correct the said misconduct(s) within a period designated by the said competent regulatory authority; provided that, if the said person fails to correct the said misconduct(s) within the aforesaid period designated by the said competent regulatory authority, the said competent regulatory authority may impose fines on the said person consecutively per violation, and may also order the said person to impose restrictions on access to the information (materials or content) in question:

1. A violation of Paragraph 7 of Article 3 by evasion, obstruction or refusal of the request;
2. A violation of Paragraph 1 of Article 8 by a failure to restrict the browsing of, or remove, the webpage information (materials or content) in

question.

3. A violation of Paragraph 2 of Article 8 by a failure to retain the information (materials or content) in question for one hundred eighty (180) days or by a failure to provide the information (materials or content) in question to judicial authorities or police agencies for investigations.

Article 48 Any broadcaster or any television company in violation of the reporting prohibition under Paragraph 1 of Article 14 shall be subject to a fine of not less than sixty thousand New Taiwan dollars (NT\$60,000) and not more than six hundred thousand New Taiwan dollars (NT\$600,000) imposed by the competent regulatory authority carrying out regulatory activities relating to affairs in connection with telecommunications and broadcasting services, and shall also be subject to an order issued by the said competent regulatory authority ordering the said broadcaster or the said television company to correct the said misconduct(s) within a period designated by the said competent regulatory authority; provided that, if the said broadcaster or the said television company fails to correct the said misconduct(s) within the aforesaid period designated by the said competent regulatory authority, the said competent regulatory authority may impose fines on the said broadcaster or the said television company consecutively per violation.

Any person in charge of any publicity materials, publications, internet sources, or any other types of media, other than those mentioned in the preceding Paragraph, that is in violation of the reporting prohibition or the covering prohibition under Paragraph 1 of Article 14 shall be subject to a fine of not less than sixty thousand New Taiwan dollars (NT\$60,000) and not more than six hundred thousand New Taiwan dollars (NT\$600,000) imposed by the competent regulatory authority carrying out regulatory activities relating to affairs in connection with the relevant industry, may be subject to an order issued by the said

competent regulatory authority confiscating any items mentioned in Paragraph 1 of Article 14, and may be subject to an order issued by the said competent regulatory authority ordering the said entity or the said organization to remove, take down, or adopt any other necessary measures for, the information in question, within a period designated by the said competent regulatory authority; provided that, if the said entity or the said organization fails to comply with the aforesaid order within the aforesaid period designated by the said competent regulatory authority, the said competent regulatory authority may impose fines on the person(s) in charge of the said entity or the said organization consecutively per violation until the said entity or the said organization fully complies with the aforesaid order of the said competent regulatory authority.

Any person who breaches the confidentiality obligation(s) prescribed in Paragraph 2 of Article 14 shall be subject to a fine of not less than sixty thousand New Taiwan dollars (NT\$60,000) and not more than six hundred thousand New Taiwan dollars (NT\$600,000).

Any person who, without justification, violates Paragraph 4 of Article 14 (which prohibits the reveal or disclosure of the name of or any other personally identifiable information of a victim to the public) shall be subject to a fine of not less than twenty thousand New Taiwan dollars (NT\$20,000) and not more than one hundred thousand New Taiwan dollars (NT\$100,000).

If there is no person in charge of a particular publicity material, a particular publication, a particular internet source, or any other particular types of media, or if the person in charge (of the said publicity material, the said publication, the said internet source, or the said other types of media) is not in a position to supervise the responsible perpetrator (of the said misconduct(s)), the fine prescribed in Paragraph 2 of this Article shall be imposed on the responsible perpetrator.

Article 49 Any person (who is ordered (required) (by the competent authority at the special municipality or city (county) level) to take parental education and counseling mentioned in Article 29) that refuses to take the said parental education and counseling or refuses to complete the hours required for taking the said parental education and counseling shall be subject to a fine of not less than three thousand New Taiwan dollars (NT\$3,000) and not more than fifteen thousand New Taiwan dollars (NT\$15,000). The competent authority at the special municipality or city (county) level may impose the aforesaid fines on any of the aforesaid persons consecutively per violation.

Any of the parents or the guardian(s) of a child or a youth, or any other person who actually takes care of a child or a youth, fails to diligently fulfill his or her responsibilities to watch over the said child or the said youth to cooperate, resulting in the refusal of the said child or the said youth to take counseling treatment(s) or to be followed up, as prescribed in Paragraph 1 of Article 23 and Article 30, shall be subject to a fine of not less than one thousand two hundred New Taiwan dollars (NT\$1,200) and not more than six thousand New Taiwan dollars (NT\$6,000).

Article 50 Any (person responsible for the conduct of any) publicity materials, publications, broadcasting services, television services, internet sources, or any other types of media that distributes, transmits, publishes, or posts, on behalf of any other persons, any messages sufficient to induce, arrange for, suggest, or otherwise cause a child or a youth to be in danger of being subjected to sexual exploitation mentioned in Subparagraphs 1 to 3 of Paragraph 1 of Article 2, shall be subject to a fine of not less than fifty thousand New Taiwan dollars (NT\$50,000) and not more than six hundred thousand New Taiwan dollars (NT\$600,000) imposed by a competent regulatory authority carrying out regulatory activities relating to affairs in connection with the

relevant industry.

A competent regulatory authority carrying out regulatory activities relating to affairs in connection with the relevant industry shall issue a press release and disclose the medium (or media) in violation of the preceding Paragraph. When an internet source or any other types of media mentioned in Paragraph 1 of this Article has exercised due diligence to prevent any person from distributing, transmitting, publishing, or posting messages that may cause a child or a youth to be in danger of being subjected to sexual exploitation mentioned in Subparagraphs 1 to 3 of Paragraph 1 of Article 2, a competent regulatory authority carrying out regulatory activities relating to affairs in connection with the relevant industry may, after obtaining a deliberated consensus (on reducing or remitting the fine to be imposed on the said internet source or the said medium) reached by the child and youth welfare organizations, scholars, and experts invited to attend the meeting(s) (convened by the said competent regulatory authority) on whether (or not) to reduce or remit the fine to be imposed on the said internet source or the said medium, reduce or remit the fine to be imposed on the said internet source or the said medium.

Article 51 Articles 31, 33 to 35, 42, 43, Article 50 and Article 51 of the Sexual Assault Crime Prevention Act apply *mutatis mutandis* to one who is convicted guilty, by a final judgment, of committing an offense prescribed in Paragraph 3 of Article 36 herein.

The competent authority at the special municipality or city (county) level shall provide an offender who is convicted guilty, by a final judgment, of or who is placed on deferred prosecution for (committing) any of the offenses prescribed in Paragraph 2 of Article 31, Paragraph 1 of Article 36, Paragraph 1 of Article 38, Paragraph 1, Paragraph 2 or Paragraph 4 of Article 39, or Article 44 herein, with counseling education for a period of not less than eight (8)

hours and not more than fifty (50) hours.  
The competent authority at the special municipality or city (county) level may coordinate the provision of the aforesaid counseling education to an offender with the responsible correctional facility (or facilities) during the period when the said offender is serving his sentence. Correctional facilities shall offer venues and necessary assistance.  
An offender (who is ordered to take the counseling education mentioned in Paragraph 2 of this Article or Paragraph 3 of Article 39 herein) that, without justification, refuses to take the counseling education mentioned in Paragraph 2 of this Article or Paragraph 3 of Article 39 herein, or refuses to complete the hours required for taking the said counseling education, shall be subject to a fine of not less than six thousand New Taiwan dollars (NT\$6,000) and not more than thirty thousand New Taiwan dollars (NT\$30,000).  
The competent authority at the special municipality or city (county) level may impose the aforesaid fine on an aforesaid offender consecutively per violation.

Article 52 If the sentence for an offense prescribed in (a provision set forth in) any other law is more severe than the sentence for the same offense prescribed in (a provision set forth in) this Act, (any such provision set forth in) any such other law shall prevail.  
The (provisions of this) Act shall apply mutatis mutandis to the investigations and trials conducted by a military tribunal in regard to an offense committed by a member of the armed forces in active service.

Article 52-1 A national of the Republic of China who commits any of the offenses prescribed in this Act outside the territory of the Republic of China shall be punished in accordance with this Act, regardless of whether the conduct of the said national is punishable under the laws of the jurisdiction where the said conduct took place.

## Chapter V Supplementary Provisions

Article 53 The regulations governing the subjects, methods, subject matters, and other compliance matters of the counseling education mentioned in Paragraph 3 of Article 39 and Paragraph 2 of Article 51 of this Act shall be jointly formulated by the competent central authority and the competent authority for the administration of legal affairs and law enforcement.

Article 53-1 The pre-amended Article 39 or the pre-amended Article 44 of this Act (before the amendment to this Act on January 10, 2023) shall apply to the conduct of a person who, without justification, possessed any sexual image or video of a child or a youth, or who paid consideration to watch a child or a youth engaging in sexual intercourse or lewd acts, either of the foregoing conduct was conducted before the amended Articles 39 and 44 of this Act came into effect, but is punishable after the amended Articles 39 and 44 of this Act came into effect.

Article 54 The enforcement rules of this Act shall be formulated by the competent central authority.

Article 55 The effective date of the Act shall be determined by the Executive Yuan.  
Articles of this Act amended on January 10, 2023, shall become effective on the date of promulgation (of the said amendment to this Act), except for Article 22, for which the effective date shall be determined by the Executive Yuan.  
Any provisions of the Act amended on July 12, 2024 shall become effective on the date of promulgation, other than Article 3, Article 8, Article 8-1 and Article 47, for which the effective date shall be determined by the Executive Yuan.