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1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your country):

- a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

As a general note to the following questions: Taiwan government enacted the Convention on the Rights of the Child Implementation Act on November 20, 2014 to adopt and implement the Convention on the Rights of the Child (“CRC”) in Taiwan. The Second Report on the CRC, Republic of China (Taiwan) was issued on November 2021 (“Report”). Section 99 of the Report stating that the Protection of Children and Youths Welfare and Rights Act and the Child and Youth Sexual are domestic laws protecting rights enshrined in the CRC. The responses provided hereunder cover the abovementioned acts. Given the above, the rights under the CRC have been taken into account under the responses.

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=D0050193&norge=10>

1. “Child” refers to a person below the age of 12; “youth” refers to a person below the age of 18 but with an age of 12 or more.

(Article 2 of the Protection of Children and Youths Welfare and Rights Act)

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=D0050001&norge=2>

2. “Minor” refers to a person below the age of 18.

(Article 12 of the Civil Code)

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=B0000001&norge=12>



- b. **child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

Child Sexual Exploitation refers to any of the following actions:

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, distributing, broadcasting, delivering, publicly displaying, or selling 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.
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.

(Paragraph 1, Article 2 of the Child and Youth Sexual Exploitation Prevention Act)

Link:

<https://law.moj.gov.tw/Eng/LawClass/LawSearchContent.aspx?pcode=D0050023&norge=2>

- c. **sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)**

No specific definition is provided, but there are relevant concepts used in Taiwan laws and regulations:

1. Sexual intercourse refers to any of the following sexual actions that are not based on a justifiable cause:
 - (1) Insertion of a reproductive organ into the reproductive organ, anus or mouth of another person or an act of making them connected.
 - (2) Insertion of a body part or an object other than a reproductive organ into the reproductive organ or anus of another person or an act of making them connected.

(Paragraph 5, Article 10 of the Criminal Code)

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=C0000001&norge=10>

2. The term “lewd act” has no definition under the Criminal Code, but in practice, the explanations given in Judicial Yuan Interpretation No. 617 are used as its definition:

“...although the term “obscene” as used in the context of obscene material or objects in Article 235 of the Criminal Code is an indeterminate legal concept, it should be limited to something that, by objective standards, can stimulate or satisfy a prurient interest, whose contents are associated with the portrayal and discussion of sexual organs, sexual behaviors and sexual cultures, and that may generate among average people a feeling of shame or distaste, thereby offending their sense of sexual



morality and undermining social decency.”

Link: <https://cons.judicial.gov.tw/en/docdata.aspx?fid=100&id=310798>

d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)

Abuse refers to any act of abuse or maltreatment of another person in a violent, coercive or inhumane way, while there is no specific definition provided for Child Sexual Abuse.

(Paragraph 7, Article 10 of the Criminal Code)

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=C0000001&norge=10>

e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)

No specific definition is provided, but there are relevant concepts used in Taiwan laws and regulations:

1. A sexual image or video of a child or a youth.
2. Any drawing, audio recording, or any other depiction of a child or a youth, as provided under the Child and Youth Sexual Exploitation Prevention Act.

(Paragraph 3, Article 2 of the Child and Youth Sexual Exploitation Prevention Act)

Link:

<https://law.moj.gov.tw/Eng/LawClass/LawSearchContent.aspx?pcode=D0050023&norge=2>

f. computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)

No specific definition is provided, so the laws and regulations relating to child pornography or CSAM shall apply.

g. enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)

No specific definition is provided, but there are relevant concepts used in Taiwan laws and regulations, and the criminal liabilities for those actions are provided under Paragraphs 2 and 3, Article 36 of the Child and Youth Sexual Exploitation Prevention Act:

1. 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, or produce 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.
2. 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, or produce 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.

(Paragraphs 2 and 3, Article 36 of the Child and Youth Sexual Exploitation Prevention Act)

Link:

<https://law.moj.gov.tw/Eng/LawClass/LawSearchContent.aspx?pcode=D0050023&norge=36>

h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?

No specific rule provides a legal age of consent for sexual activity, but the following laws and regulations provide that criminal liabilities will be imposed on a person who engages sexual activity with a person with an age below 18:

1. Engaging in sexual activity with a person with an age below 16.

(Article 227 of the Criminal Code)

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=C0000001&norge=227>

2. Engaging sexual activity with a person with an age below 18 but with an age of 16 or more in exchange for consideration.

(Paragraphs 2, Article 31 of the Child and Youth Sexual Exploitation Prevention Act)

Link:

<https://law.moj.gov.tw/Eng/LawClass/LawSearchContent.aspx?pcode=D0050023&norge=31>

i. Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

No specific definition is provided, but there are relevant concepts used in Taiwan laws and regulations, and the criminal liabilities for those actions are provided under Paragraphs 2 and 3, Article 36 of the Child and Youth Sexual Exploitation Prevention Act:

1. 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, or produce 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.

(Paragraph 3, Article 36 of the Child and Youth Sexual Exploitation Prevention Act)

Link:

<https://law.moj.gov.tw/Eng/LawClass/LawSearchContent.aspx?pcode=D0050023&norge=36>

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

a. review, screen, moderate, or detect content to identify child pornography or CSAM content

Assuming that the Online Platform used under Question 2 fits the definition of “Internet Platform Provider” as used in the Child and Youth Sexual Exploitation Prevention Act and the Protection of Children and Youths Welfare and Rights Act, under which the Internet Platform Provider means those providing any internet platform services after the connection to the internet, including on-line storage space or information, value-added services and web page connection services provided on the websites established through the internet.

No specific law or regulation in Taiwan explicitly provides that that the Online Platform has such obligations, but the Online Platform needs to first proactively restrict the browsing of, or remove, information (materials or content) relating to relevant webpage(s) when it learns from any internet content protection agencies, competent authorities, police agencies, or other entities of any matters suspected to constitute any of the offenses stipulated in the Child and Youth Sexual Exploitation Prevention Act.

(Paragraph 1, Article 8 of the Child and Youth Sexual Exploitation Prevention Act)

Link:

<https://law.moj.gov.tw/Eng/LawClass/LawSearchContent.aspx?pcode=D0050023&norge=8>

b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child

Please refer to the response to Question 2a.

c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization

No specific law or regulation in Taiwan explicitly applies to an Online Platform as such. However, when the Online Platform becomes aware of such matters, the Online Platform may report to the competent authorities in accordance with Paragraph 2, Article 53 of the Protection of Children and Youths Welfare and Rights Act, because under such provision, among others, any person who becomes aware of any of the following situations may report it to the competent authority of the local governments:

1. Taking advantage of a child or youth to produce publications, photos, video program tapes, films, CDs, disks, electronic signals, gaming software, internet contents or other articles relating to violence, blood, sex, obscenities, or sexual intercourse that will harm the physical and mental health of the child or youth.
2. A child or youth is encountered any harmful situation.



(Paragraph 2, Article 53, and Article 49 of the Protection of Children and Youths Welfare and Rights Act)

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=D0050001&norge=49>

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=D0050001&norge=53>

d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about

Yes. The Online Platform needs to first proactively restrict the browsing of, or remove, information (materials or content) relating to relevant webpage(s) when it learns from any internet content protection agencies, competent authorities, police agencies, or other entities of any matters suspected to constitute any of the offenses stipulated in the Child and Youth Sexual Exploitation Prevention Act.

(Paragraph 1, Article 8 of the Child and Youth Sexual Exploitation Prevention Act)

Link:

<https://law.moj.gov.tw/Eng/LawClass/LawSearchContent.aspx?pcode=D0050023&norge=8>

e. review content by human moderators to screen or moderate for child pornography or CSAM

No specific law or regulation of Taiwan imposes such obligations on the Online Platform.

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

Yes.

1. The Online Platform needs to first proactively restrict the browsing of, or remove, information (materials or content) relating to relevant webpage(s) when it learns from any internet content protection agencies, competent authorities, police agencies, or other entities of any matters suspected to constitute any of the offenses stipulated in the Child and Youth Sexual Exploitation Prevention Act.
2. Further, during the relevant investigation or trial, the Online Platform needs to check or remove the sexual image(s) or video(s) of the victim insofar as technically feasible as per the requests made by the competent authorities which are in the position of assisting the victim.

(Paragraph 1, Article 8 of the Child and Youth Sexual Exploitation Prevention Act)

Link:

<https://law.moj.gov.tw/Eng/LawClass/LawSearchContent.aspx?pcode=D0050023&norge=8>

g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:

- i. "Hashing technology" (<https://www.thorn.org/blog/hashing-detect-child-sex->

abuse-imagery/). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.

- ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.

No specific law or regulation of Taiwan imposes such obligations on the Online Platform.

- h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?

Please refer to the assumption regarding the Online Platform in relation to the definition of "Internet Platform Provider" as introduced in the response to Question 2a.

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

No specific law or regulation of Taiwan imposes such obligations on the Online Platform. However, the Institute of Watch Internet Network ("IWIN"), an institute established by relevant competent authorities including the NCC in accordance with Article 46 of the Protection of Children and Youths Welfare and Rights Act, has prepared the Online Platform self-regulatory rules template (i.e., the Illustrative Framework for the Protection Levels Applying to the Content on the Internet that is Harmful to Physical and Mental Health of Children or Youth, or the "Illustrative Framework"). In the Illustrative Framework, verifying the user's age is proposed as one of the measures of protecting child or youth, but the Illustrative Framework does not further elaborate that how the age verification process is enforced and managed.

The Online Platform (following the definition provided in answer for Question 2a) needs to develop self-regulatory rules establishing clear and workable protective measures in relation to certain protective mechanisms provided in Article 46 of the Protection of Children and Youths Welfare and Rights Act. Those mechanisms include, among others, promoting and reviewing the contents rating system.

The details of the self-regulatory rules shall be decided by each Online Platform, and an Online Platform which has not prepared their own rules shall take necessary measures under the template of self-regulatory rules (i.e., Illustrative Framework).

Under the Illustrative Framework, the protections are broken down into 5 levels, and under the "Restriction by Age" protection, the Online Platform needs to verify the user's age. However, the Illustrative Framework does not further elaborate that how the age verification process is enforced and managed:

1. Prohibition: Content that is prohibited from being distributed throughout the internet, such as selling, exchanging or introducing contents relating to real child or youth sexual activities.
2. Restriction by Age (below the age of 18): Content that is strictly harmful to the physical or



mental health of children or youth, such as contents describing the details of consensual sexual abuse. For those contents, the measures the Online Platform may take include, among others, adopting a membership structure, under which the members' ages should be verified.

3. **Blocking:** Content that is harmful to the physical or mental health of children or youth, but has not reached the level of "strictly harmful", such as contents describing the details of consensual and safe sexual abuse. For those contents, the measures the Online Platform may take include, among others, using a bridge page as a block to prevent children's or youth's access to or review of such contents.
4. **Warning:** Content that may have adverse effects on the behavior or physical or mental health of child or youth, such as contents describing the details of sexual harassment. For those contents, the measures the Online Platform may take include, among others, adding a warning specifying that this page includes content that is not suitable for child or youth.
5. **No protection mechanism is required:** Content that can be read by any person, such as contents showing female breasts with reasonable meaning (e.g., breast-feeding).

(Article 46 of the Protection of Children and Youths Welfare and Rights Act)

Link: <https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=D0050001&norge=46>

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

No specific law or regulation of Taiwan imposes such obligations on the Online Platform.

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

YES

a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?

Yes. The victim may, throughout relevant entities indicated in Paragraph 1, Article 8 of the Child and Youth Sexual Exploitation Prevention Act, to ask the Online Platform remove relevant information, and upon receipt such requests from relevant authorities, then the Online Platform has the obligation to remove.

(Paragraphs 1 and 3, Article 8 of the Child and Youth Sexual Exploitation Prevention Act)

Link:

<https://law.moj.gov.tw/Eng/LawClass/LawSearchContent.aspx?pcode=D0050023&norge=8>

b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?

No. The Online Platform's obligation is to remove such information as per relevant authorities'

requests. Please refer to the response to Question 5a.

- c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?**

No. However, the competent authority will impose a fine on the Online Platform which violates the removal obligation provided under Paragraphs 1 and 3, Article 8 of the Child and Youth Sexual Exploitation Prevention Act. If such violation continues, the competent authority will impose fine on the Online Platform consecutively per violation, and/or order such Online Platform to impose restrictions on the access to relevant information.
(Article 47 of the Child and Youth Sexual Exploitation Prevention Act)

Link:

<https://law.moj.gov.tw/Eng/LawClass/LawSearchContent.aspx?pcode=D0050023&norge=47>

- d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?**

No.

- e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?**

The victim has the ability to ask for financial damages under civil proceeding by claiming that his or her right of reputation has been damaged.

(Article 195 of the Civil Code)

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=B0000001&norge=195>

- f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?**

Yes.

The victim has the ability to seek for victim compensation (NT\$100,000 to NT\$ 400,000) in accordance with Item 3, Article 57 of the Crime Victim Rights Protection Act, if he or she is a victim of sexual assault crimes (the definition of sexual assault crimes is provided in Item 2, Paragraph 1, Article 3 of the Crime Victim Rights Protection Act).

(Item 2, Paragraph 1, Article 3 and Item 3, Article 57 of the Crime Victim Rights Protection Act)

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=I0050005&norge=3>

Link:

<https://law.moj.gov.tw/ENG/LawClass/LawSearchContent.aspx?pcode=I0050005&norge=57>

- g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?**

No.

6. “Safety by Design” is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate “Safety by Design” into their systems?

No specific law or regulation of Taiwan imposes such obligations on the Online Platform.

i. If so, must these steps be taken before the launch of an Online Platform?

N/A.

ii. If so, if an Online Platform has already been in public use, when must they have incorporated “Safety by Design” measures?

N/A.

iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.

N/A.

b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform’s incorporation of “Safety by Design”?

N/A.