

Review Meeting of the ROC's Initial Reports under the ICCPR and ICESCR

公民與政治權利國際公約 經濟社會文化權利國際公約

中華民國初次報告國際審查會議

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地點：公務人力發展中心福華國際文教會館

Venue：Howard Civil Service International House, Taipei, Taiwan

Date：25– 27 February 2013

作為簽約國報告組成部分的核心文件

簽約國根據《公政公約》第40條提交之初次報告

公政公約審查委員會提出之問題清單

**Consideration of reports submitted by States parties under article 40 of the Covenant
Republic of China (Taiwan)**

the list of issues to be taken up in connection with the consideration of its initial report

[23 January 2013]

公政公約審查委員會提出之問題清單內容(List of Issues submitted by Review Committee for Initial ICCPR Report)

條文	編號	問題內容(原文)	中文參考翻譯
共同核心文件	1.	<p>National Institution for the Protection and Promotion of Human Rights (preface and para. 143)</p> <p>Taiwan has not yet established a national human rights institution that complies with the Paris Principles adopted by United Nations General Assembly resolution 48/134 of 1993. What progress is being made towards the setting up such an institution?</p>	<p>保障與促進人權的國家機構(國家報告前言及第 143 段)</p> <p>台灣尚未建立與聯合國大會 1993 年 48/134 號決議通過之「巴黎原則」相符的國家人權機構。請說明為建立此等機構已取得之進展?</p>
	2.	<p>United Nations core instruments in the field of human rights (para. 97 and table 53)</p> <p>Taiwan has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Covenant on Economic, Social and Cultural Rights (CESCR), the Covenant on Civil and Political Rights (CCPR) in the last few years. Is it envisaged to ratify other more recent UN core instruments, notably the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the International Convention on</p>	<p>聯合國在人權方面的核心文書(第 97 段及表 53)</p> <p>台灣在過去幾年已經批准《消除對婦女一切形式歧視公約》(CEDAW)、《經濟社會文化權利國際公約》(CESCR)以及《公民與政治權利國際公約》(CCPR)。貴國政府是否預定將批准其他較為近期出現的聯合國核心人權公約，特別是《禁止酷刑公約》(CAT)、《兒童權利公約》(CRC)、《保護移徙工人及其家庭成員權利國際公約》(MWC)、《身心障礙者權利公約》(CPD)，以及《保障所有人不受強迫失蹤公約》(CPED)</p>

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		the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), the Convention on the Rights of Persons with Disabilities (CPD), and the International Convention for the Protection of All Persons from Enforced Disappearance (CPED)?	
	3.	<p>Domestic Implementation of both Covenants (preface and para.99)</p> <p>According to Article 8 of the Implementation Act all levels of governmental institutions and agencies should review laws, regulations, directives and administrative measures within their functions for any revision or amendments within a period of two years after the Implementation Act entered into effect (i.e. by 10 December 2011). Please provide information about progress made and difficulties encountered in this review process.</p>	<p>兩公約的國內施行情形（前言及第 99 段）</p> <p>根據兩公約施行法第 8 條，各級政府機關必須在施行法施行後兩年內（亦即在 2011 年 12 月 10 日），檢討所主管之法律、命令、指令與行政措施。請提供資訊，說明在檢討過程中，有哪些進展，遭遇何種困難。</p>
	4.	<p>Human Rights Protection Committee established by the Control Yuan (para.149)</p> <p>Please provide more specific information on the activities carried out by this Committee. Does it conduct such activities only at the request of the Control Yuan or also on</p>	<p>監察院設立的人權保障委員會（第 149 段）</p> <p>請提供具體資訊，說明監察院下設置之人權保障委員會辦理之工作。該委員會是只依監察院之要求辦理，或是自行辦理？該委員會是否有權調查不利人權之可疑貪腐行為？</p>

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		its own initiative? Would the Committee be entitled to investigate presumed corruption practices that adversely affect human rights?	
	5.	<p>Corporate responsibility relating to human rights</p> <p>While the corporate sector contributes in many instances to the realization of the rights enshrined in the Covenants, there may also be corporate activities that are detrimental to the enjoyment of these rights. Examples may occur in such matters as unsafe labour conditions, restrictions on trade union rights, discrimination against female workers and migrant workers, corruptive practices. Please provide information on measures taken with regard to the role and impact of the corporate sector on the enjoyment and the realization of the rights included in the Covenants.</p>	<p>企業的人權相關責任</p> <p>儘管許多事例指出企業部門對於公約權利的實踐有所助益，但是企業活動亦可能危害權利的享有。此等案例包括不安全的勞動條件、限制工會權利、歧視女性勞工與外籍勞工，以及貪腐行為。請提供資料說明，針對本公約所保障的權利之享有及實現，(政府)*採取何種做法，(以規範)企業部門的角色及其影響。</p> <p>* 括號內文字為譯者所加</p>
公政 第 1 條 及第 27 條	1.	Please explain the current situation concerning the final disposal site for low-level radioactive waste in an aboriginal region, the hotel and resort development project at the Dulan Bay and Shan-Yuan Coast of Taitung, and the "controversial" development of the Luming Hydropower Plant along Lakulaku River. In this connection, please	請說明關於位在原住民族地區內的低放射性廢棄物最終處置設施、台東都蘭灣、杉原海岸的觀光飯店開發案、位在拉庫拉庫溪的鹿鳴水力發電廠開發爭議案的目前處理狀況。與此相關的，請說明為何原住民族土地及海域法草案尚未經行政院通過的原因。(國家報告第 7 及 8 段)

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		explain why the Draft of Indigenous Land and Sea Territory Act has not been approved by the Executive Yuan. (Government Report paras. 7 & 8)	
	2.	With respect to reconstruction of the disaster-ridden areas, please explain in more detail why the Sanying Tribe in the water resource land along Duhan River rebuilt their houses after they were dismantled by the government. Also, please clarify the composition and competence of the "planned" Indigenous Peoples' Court. (Ibid., paras. 9 and 359)	關於受災區域之重建，請更詳細的說明為何位在大漢溪水利地的三鶯部落的房舍在被政府拆除後又重建。也請闡明「計畫中的」原住民族法院的組成及權限。(國家報告第 9 及 359 段)
	3.	Considering the number and diversity of foreign immigrant workers in Taiwan, please explain how their human rights are protected and remedies guaranteed if their rights are violated. (paras. 352-354)	考量到臺灣的外籍勞工之人數與多元性，請說明若他們的權利受侵害時要如何對他們的人權給予保障及救濟。(第 352-354 段)
公政 第 2 條	4.	Initial Report of ROC (Taiwan), Paragraph 10, states that the Legislative Yuan approved the “Enforcement Law for the Two Covenants” which carries the power of a domestic law. However, according to Paragraph 12, while most of the Covenants provisions are visible in the ROC domestic laws, complete protection of individual rights under the ICCPR has not been possible. So the questions are:	中華民國（臺灣）的初次報告第 10 段提到立法院通過具有國內法效力的「兩公約施行法」。然而依據第 12 段，儘管公約條文所保障之權利多可見於中華民國國內法律，但並未能完整保障各項公政公約所保障的權利。因而有以下問題：

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	5.	What is the exact status of the ICCPR in the ROC domestic legal system? In this connection, please explain the following sentence in Paragraph 13: “The Ministry of Justice is in charge of...improving regulatory and administrative measures non-compliant with the Covenant, which shall survive the two-year deadline indicated in the Enforcement Law of the Two Covenant”. Please indicate if the ICCPR is below the Constitution but above the ordinary laws. If it has the same status as the ordinary laws, can subsequent law override ICCPR provisions?	公政公約在中華民國國內法律體系的確切位階為何？與此相關的是，請說明第 13 段的這句話：「法務部負責…針對與公約不符之法令及行政措施進行檢討與改進，不能因為兩公約施行法規定的兩年已過而停止」。請指出公政公約的位階是否低於憲法但高於一般法律。若它與一般法律位階相同，後法能否推翻公政公約的條文？
	6.	Please clarify the jurisdiction and competence of the Presidential Human Rights Advisory Committee, Grand Justices, courts, the Control Yuan and the Ministry of Justice. (See also Core Document, Paragraph 50.)	請闡明總統府人權諮詢委員會、司法院大法官、法院、監察院以及法務部的管轄範圍與職能。(並請參見共同核心文件第 50 段)
	7.	Please indicate if there has been any court’s decision citing any provision of ICCPR. In this connection, please clarify the following description of Core Document, Paragraph 128: “The Judicial Yuan Interpretation No.392 by Grand Justices, prior to the enactment of the Act to Implement the Two Covenants, cited Paragraph 3, Article 9 of the ICCPR....	請指出是否有任何法院判決引用任何公政公約的任何條文。與此相關的是，請闡明下列共同核心文件第 128 段的描述：司法院大法官釋字第 392 號解釋於上開施行法制定前，即援引《公政公約》第 9 條第 3 項規定…。司法院大法官釋字第 582 號解釋理由書援引《公政公約》第 14 條第 3 項第 5 款規定…。此外，各級法院於判決書

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		The reasoning of the Judicial Yuan Interpretation No.582 by Grand Justices involved citation of Subparagraph 5, Paragraph 3, Article 14 of the ICCPR.... In addition, judgments rendered by courts at all levels that have cited the Two Covenants include: The Supreme Court: Tai-Shang No.2364 (2011), Tai-Shang No.1045 (2011), Tai-Shang No.8223 (2010), Tai-Shang No.5079 (2010) And Tai-Shang No.5283 (2009); and Hualien Branch, Taiwan High Prosecutors Office: Appeal No.253 (2009)".	內援引《兩公約》者，例如：最高法院 2011 年台上字第 2364 號、2011 年台上字第 1045 號、2010 年度台上字第 8223 號、2010 年度台上字第 5079 號、2009 年度台上字第 5283 號及花蓮高分院 2009 年上訴字第 253 號等。
公政 第 3 條	8.	Initial Report, Paragraph 16 states that the Legislative Yuan approved the “Enforcement Act of CEDAW”, but it also states that, while the Executive Yuan has had the gender equality complaint box set up since 2010 to accept related complaints, there are no administrative dispositions, substantial punishments, and court decisions available yet on violations on CEDAW. So, the following questions:	初次報告第 16 段提到立法院通過消除對婦女一切形式歧視公約施行法，但也提到行政院自 2010 年起設置性別平等申訴信箱受理相關申訴，惟目前尚無違反 CEDAW 的行政處置、具體罰則及法院判決。因此，有下列問題：
	9.	If there has been any subsequent development, please specify.	請指出是否有任何後續的發展。
	10.	How do you explain a very large percent of recent complaints about employment discrimination is based on	貴國如何解釋近年來有高比率的『性別』就業歧視之申訴？（參見初次報告表 9）

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		“gender”? (See Table 9, Initial Report)	
	11.	In civil matters, gender equality in law seems to have been gradually promoted about such issues as the choice of domicile, children’s surname and marital property. Is this true with transmission of parent’s nationality to children? And, how about in fact as compared with “in law”?	在民事事件，在法律層面似乎已逐漸促成例如住所選擇，子女姓氏與婚姻財產等事項上的性別平等。在子女取得父母親的國籍方面是否也是如此？以及若與「法律」相比，事實情況又是如何？
	12.	The report under article 3 uses both expressions gender equality and gender equity. The title of the act on education reads Gender Equity Education Act. Please explain why both expressions are used. Is there any difference between gender equality and gender equity or are these terms used interchangeably	報告第三條的部分同時使用性別平等(gender equality)與性別公平(gender equity)。教育方面的法案名稱定為性別公平教育法。請說明為何這兩個語詞都被使用。性別平等(gender equality)與性別公平(gender equity)是否有所不同或者這些語詞只是被交替使用。
公政 第 2 條 第 1 款 及第 26 條	13.	Persons with Disabilities; A NGO report (The League of Welfare Organizations for the Disabled) indicates that disabled persons are often abused by discriminatory languages or frequently protested by local communities. What specific measures are the government taking against this? In this connection, please explain the cases mentioned in Paragraph 22. In addition, how are Hansen Disease patients dealt with in ROC?	身心障礙者； 一份非政府組織的報告（中華民國殘障聯盟）指出身心障礙者常常被歧視性的語言所欺凌或經常被當地社區所抗議。政府對此種情形有無採取特定措施加以處理？與此相關的是，請說明第 22 段所提到的案例。此外，漢生病患在中華民國是被如何處理對待？

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	14.	<p>Foreign Workers and their Families;</p> <p>ROC has been inviting many foreign workers to cope with the shortage of its labor force, and Paragraph 53 and Table 11 show that large numbers of them switch their employers rather often CCPR List of Issue 3 and the government has set up a fund to take care of marital immigrants and their families (Paragraphs 50 to 56). In this connection, while Paragraph 27 states that one discrimination case each in 2009, 2010 and 2011 was handled by a Review Panel of the National Immigration Agency, the number looks too small. Therefore, more information is required with regard to their actual situation and the related problems, including long working hours.</p>	<p>外籍勞工及其家庭成員；</p> <p>中華民國已引進許多外籍勞工來處理短缺的勞力，第 53 段及表 11 顯示大量外籍勞工時常轉換僱主以及政府已設立基金來處理外籍配偶及其家庭（第 50 到 56 段）。與此相關的是，雖然第 27 段提到在 2009 年、2010 年、2011 年各有 1 個案件被入出國及移民署的審議小組加以審議，但這數據太少。因此，委員會需要貴國提供與實際情況和包括長時間工作在內的相關問題的更多資訊。</p>
公政 第 4 條	15. (1)	Paragraph 73 states that Constitutional emergency mechanisms include the Martial Law and emergency decrees. Please explain how to guarantee the non-derogable rights.	在第 73 段提到憲法緊急狀況機制包括戒嚴法與緊急命令。請說明對於具有不可減免性質的公約權利有如何的保障。
公政 第 6 條	15. (2)	In para 94, the State Report affirms that the „death penalty is brutal from the perspectives of humanity and the Covenant“. Nevertheless, policies on how to abolish the death penalty	在第 94 段，國家報告確認從人道及公約的角度來說，死刑就是一種酷刑。但如何廢除死刑的政策「仍待形成」。目前台灣政府已做了哪些努力以廢除死刑及減少死刑判

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		<p>“are yet to take shape”. Which efforts have been undertaken by the current Government of Taiwan to abolish the death penalty and to reduce the number of death sentences and to at least introduce a moratorium in accordance with various UNGA resolutions? Why were the meetings of the Research and Implementation Group on Gradual Abolishment of Death Penalty unsuccessful?</p>	<p>決數量及至少依據諸多的聯合國大會決議而暫時停止執行死刑？為何逐步廢除死刑研究推動小組的會議多次流會？</p>
	16.	<p>According to para 83, the family is not informed before the convict on death row is executed. What are the reasons for this practice?</p>	<p>依據第 83 段，執行死刑前並未通知家屬。這個作法的理由何在？</p>
	17.	<p>In para 85, the State Report refers to the method of execution of organ donors. Are organ donations by death row prisoners legal in Taiwan? What are the incentives for death row prisoners to donate organs? Can you provide statistics about the number of death row prisoners having donated organs before their execution?</p>	<p>在第 85 段，國家報告提到器官捐贈受刑人的執行死刑方式。在台灣死刑犯的器官捐贈是合法的嗎？死刑犯願意捐贈器官的誘因是什麼？貴國能否提供關於在執行死刑之前已捐贈器官的死刑犯的統計數據？</p>
	18.	<p>What are the detention conditions of death row prisoners? Are they kept under stricter conditions than other prisoners regarding constraints (shackles etc.), solitary confinement, rights of correspondence, visits etc.?</p>	<p>死刑犯的監禁環境為何？就拘束（使用戒具等）、單獨監禁、通訊權、接見權等方面是否比其他受刑人受到更嚴格的限制？</p>

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	19.	Can persons with mental or intellectual disabilities be sentenced to death? Have there been such cases in the past?	精神或智能障礙者能否被判處死刑？過去是否有這類案例？
	20.	Do death row prisoners in Taiwan enjoy the full right to seek pardon, amnesty or commutation of the sentence in accordance with Article 6(4) CCPR? Have the nine convicts executed in 2010 and 2011 as well as the six convicts executed in 2012 submitted petitions for amnesty, pardon or commutation to President Ma Ying-jeou? If so, had these petitions been answered before their executions?	台灣的死刑犯是否依據公政公約第 6 條第 4 項享有完整的聲請大赦、特赦、減刑的權利？2010 年及 2011 年執行的 9 位死刑犯及 2012 年執行的 6 位死刑犯是否已向馬英九總統提出大赦、特赦及減刑之聲請？如果是，在執行死刑之前是否已獲得回覆？
	21.	In para 95, the State Report states that the actual conditions on abortion and the number of abortions “may require precise investigations and more proactive solutions”. What is meant by more proactive solutions? What is the policy of the present government in relation to abortion?	在第 95 段，國家報告提到實際墮胎情形與數目「可能需要確實調查」。更主動的解決之道是什麼？目前政府對於墮胎的政策為何？
公政 第 7 條 及第 10 條	22.	Is there a separate crime of torture under the Criminal Code of Taiwan? If not, is the Government planning to criminalize torture?	台灣刑法是否有處罰酷刑的個別罪名？如果沒有，政府是否計畫將酷刑行為予以刑罰化？
	23.	In para 100, the State Report refers to “allegations and cases of extraction of confessions by means of torture, criminal dismemberment, corporal punishment, and abuse against	在第 100 段，國家報告提到「實際上仍出現刑求、凌遲人犯、體罰及虐待精障者之指控與案例」。貴國能否具體指出這些案例？行為人是否受到法律制裁？被害人是否

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		people with mental disorders”. Can you specify such cases? Have the perpetrators been brought to justice? Have the victims received adequate reparation for the harm suffered?	就其所受損害受到適當補償？
	24.	In para 103, the State Report states that neither corrective institutions nor police supervisory authorities had received any complaints of torture from 2006 to 2011. Are these complaints procedures effective and do prisoners and detainees in police custody enjoy effective access to such procedures without fear of reprisals? The CW Shadow Report (p 49) comments in this respect that there are doubts as to whether there have not been any cases of illegal treatment. By way of example, it refers to the treatment of the Taipei prisoner Chen Chin-yi in 2010, which has led to corrective action by the Control Yuan against the Taipei Prison. Did Chen Chin-yi receive adequate reparation for the harm suffered and have the responsible prison officers been brought to justice? When are shackles used in prison? When is the use of shackles mandatory? Are death row prisoners shackled? Have there been other similar cases of ill-treatment of prisoners which have not been included in	在第 103 段，國家報告提到 2006 年至 2011 年，矯正機關或警政督察單位並無接獲任何酷刑的申訴案件。這些申訴程序是否有效以及受刑人及被警察限制人身自由者是否無需擔心受到報復而能有效地使用這些程序？兩公約施行監督聯盟的影子報告（第 49 頁）就這方面認為完全沒有非法對待的案例是令人質疑的。例如，它提到台北監獄在 2010 年對受刑人陳錦一的處遇方式導致監察院對台北監獄提出糾正案。陳錦一是否因其所受損害而受有賠償以及應負責的監獄管理人員是否受到制裁？監獄在何時可以使用戒具？何時可以強制使用戒具？死刑犯是否隨時都帶著戒具？有無其他受刑人遭受不當處遇的類似案例卻因被害人未曾提出正式申訴以致未被納入國家報告？

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		the report because the victims had not filed an official complaint?	
	25.	Have there been any cases or complaints of excessive use of force by the police which may amount to cruel, inhuman or degrading treatment?	是否有遭受警察過度使用武力而可等同於殘忍、不人道或貶抑處遇的案件或申訴案例？
	26.	In para. 102, the State Report explains that confessions extracted by improper means (including torture) shall not be admitted as evidence. In this respect, the CW Shadow Report refers to the cases of the Su Chien-ho trio (pp 47 and 48), whose torture had been clearly established and who were nevertheless convicted and to the well-known case of Chiou Ho-shun, who had spent already 23 years in detention before his death sentence was finally certified by the Judicial Yuan in July 2011 despite the fact that his confession was extracted by torture (see also shadow report at pp 33 and 55 et seq.). Which actions does the Government intend to undertake to provide these persons with an adequate remedy and reparation for the harm suffered? Are there other cases of convictions based on evidence extracted by torture?	在第 102 段，國家報告提到以不正當方法（包括刑求）所取得的自白不得作為證據。就此方面，兩公約施行監督聯盟的影子報告提到蘇建和三人的案例（第 47 及 48 頁），他們已清楚證明受到刑求而仍然被判決有罪確定，也提到廣為人知的邱和順案，他在 2011 年 7 月被司法院判決有罪確定之前已被羈押 23 年，雖然他的自白是基於刑求所取得（參見影子報告第 33 及 55 頁以下）。政府對這些人要採取哪些行動以對其所受損害提供適當的救濟與補償？有無其他以刑求所取得的證據為有罪判決基礎的案例？

條文	編號	問題內容(原文)	中文參考翻譯
	27.	In para 108, the State Report admits that there are presently no adequate laws implementing the principle of non-refoulement. Have there been recent cases of deportation of aliens to countries in which they faced a serious risk of torture? If so, which actions has the Government taken to provide reparation to the victims? Are legislative changes planned to bring the law of Taiwan in conformity with the principle of non-refoulement derived from Article 7 CCPR?	在第 108 段，國家報告承認台灣並無適當的法律規範不遣返原則。近期是否有將外國人驅逐出境到他們極有可能遭受酷刑的國家的案例？如果有，政府已採取哪些行動以提供補償予被害人？是否計劃修法使台灣的法律能與公政公約第 7 條所衍生的不遣返原則相符？
	28.	In para 110, the State Report states that an amendment of the Educational Fundamental Act of 2006 had been promulgated “to prevent students from any corporal punishment that results in physical and mental harm”. Does this mean that corporal punishment which does not result in physical or mental harm is still permitted in Taiwanese schools? Which forms of corporal punishment are permitted and/or practiced in Taiwan in other environments, such as in the military?	在第 110 段，國家報告提到 2006 年教育基本法修正公布，「使學生不受任何體罰，造成身心之侵害」。這是否表示不造成身心傷害的體罰在台灣的校園仍是被允許的？哪些形式的體罰在台灣的其他環境仍被允許及/或實施，例如在軍隊裡？
	29.	The CW Shadow Report (pp 51 et seq.) refers to grave infringement on the health rights of detainees and mentions	兩公約施行監督聯盟影子報告（第 51 頁以下）提到受拘禁者的健康權受到極大的侵害並提及在這方面的數個案

條文	編號	問題內容(原文)	中文參考翻譯
		several cases in this respect. Do the conditions in Taiwanese prisons and other detention facilities, and the medical treatment of detainees in particular, conform to the prohibition of inhuman and degrading treatment and punishment in Article 7 CCPR and to the right of detainees under Article 10 CCPR to be treated with humanity and dignity? If there were violations of these human rights of detainees, did the victims receive adequate reparation and have the perpetrators been brought to justice?	例。台灣的監獄以及其他拘禁處所的環境，以及特別是受拘禁者的醫療待遇，是否與公政公約第 7 條禁止不人道與貶抑的處遇及處罰以及受拘禁者所享有的公政公約第 10 條受人道與尊嚴處遇的權利相符合？若有違反受拘禁者的這些權利，被害人是否受到適當補償以及行為人是否受到司法制裁？
	30.	According to the US State Department Report 2011, prisons in Taiwan operated at 122.2 percent of designed capacity. The CW Shadow Report speaks of chronic overcrowding and a “deleterious detention environment that violates the stipulations of Article 10(1)” CCPR (pp 93 et seq., 99 and 105). Para 146 of the State Report also admits that the “issue of crowdedness at jails is an urgent problem”. Which measures have been taken or are envisaged by the Government of Taiwan to address the problem of overcrowded prisons?	依據美國國務院 2011 年報告，台灣的監獄所收容的人犯是容納量的 122.2%。兩公約施行監督聯盟影子報告提及長期的擁擠與有害的拘禁環境違反公政公約第 10 條第 1 項的規定（第 93 頁以下，99 及 105 頁）。國家報告的第 146 段也承認「監獄人口擁擠的問題亟待解決」。台灣政府已採取或設想哪些措施以解決監獄擁擠的問題？
	31.	31) Para 150 of the State Report states that “Article 38 of	國家報告第 150 段提到「羈押法第 38 條有關羈押被告之

條文	編號	問題內容(原文)	中文參考翻譯
		the Detention Act is unspecific about the treatment of detained defendants” ...and “ is against the Covenant and presumption of innocence”. Can you please explain what this means and what measures are envisaged by the Government of Taiwan to address this problem?	處遇籠統準用監獄行刑法...規定」及「有違反《公約》及無罪推定原則」。能否請台灣政府說明這是什麼意思以及已設想何種措施以解決這個問題？
	32.	The CW Shadow Report alleges that there is “no clear regulation to segregate juvenile offenders from adult inmates”, in particular in drug rehabilitation facilities (pp 96 et seq. and 104). Which measures are envisaged to comply with the respective provisions in Article 10(2) and (3) CCPR?	兩公約施行監督聯盟影子報告指稱「少年犯與成年犯的分界收容並無明確的規定」，特別是在毒品觀察勒戒處分之執行處所（第 96 頁以下及 104 頁）。貴國政府已設想哪些措施以符合公政公約第 10 條第 2 項及第 3 項？
	33.	According to the US State Department Report 2011, more than 100.000 cases of domestic violence were reported in 2011 in Taiwan, and 2.469 persons were convicted for this crime, usually to less than six months in prison. Which measures, in addition to criminal prosecution of perpetrators and protection orders to victims, does the Government of Taiwan take to reduce the widespread problem of domestic violence?	依據美國國務院 2011 年報告，在台灣 2011 年共通報超過 10 萬件的家庭暴力案件，有 2469 人被判有罪，通常是 6 個月以下有期徒刑。除了刑事追訴行為人及對被害人核發保護令之外，台灣政府採取哪些措施以減少普遍存在的家庭暴力問題？
公政	34.	Para 120 of the State Report explains that hard labour is the	國家報告第 120 段說明易服勞役是指「無力全額繳納罰

條文	編號	問題內容(原文)	中文參考翻譯
第 8 條		<p>“alternative punishment when the criminal is unable to pay the fine”. Which authorities decide to impose hard labour? For which type of criminal offences (e.g. crimes, misdemeanors, petty offences) may hard labour be applied? How is hard labour defined in Taiwanese law?</p>	<p>金之替代刑罰」。易服勞役是由哪些機關做決定？易服勞役可適用於哪類罪名（例如刑事犯罪（crimes）、最重本刑為一年以下之輕罪（misdemeanors）、最重本刑為 6 月以下有期徒刑之微罪（petty offences）？台灣的法律如何定義「勞役」（hard labor）？</p>
	35.	<p>Para 115 of the State Report refers to problems under the business-education cooperation projects, and the CW Shadow Report refers to student apprentices as “slave labor” (p 62) and recommends, inter alia, that the work day of the student apprentices should be limited to eight hours. Does the Government of Taiwan agree with this recommendation? Which other measures are envisaged to reduce the risk of exploiting student apprentices as “slave labor”?</p>	<p>國家報告第 115 段提到建教合作計劃的問題，兩公約施行監督聯盟影子報告認為建教生是「奴工」（第 62 頁）並特別建議建教生的每天工作時數應限制在 8 小時以內。台灣政府是否同意這樣的建議？是否設想其他措施以降低建教生被剝削為「奴工」的風險？</p>
	36.	<p>In para 116, the State Report admits that violations of rights of alien workers “have never stopped”. In its 2011 Report, Amnesty International states: “Migrant workers in Taiwan faced multiple abuses of their rights, including the right to transfer between employers and to form unions. Harsh and discriminatory working conditions, and exorbitant brokers’ fees contributed to large numbers leaving their original</p>	<p>在第 116 段，國家報告承認侵害外籍勞工權利的事件「從未停止過」。國際特赦組織在 2011 年報告中提到：「外籍勞工在台灣面臨多重的權利侵害，包括轉換僱主權及組織工會權。惡劣及歧視的工作環境，以及高額的仲介費用促使大量外勞逃離原僱主而成為無證外勞。兩公約施行監督聯盟影子報告建議（第 74 頁）勞委會應對扣留受僱者的證明文件及財物的僱主嚴加處罰，落實就業服務</p>

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		<p>employer and becoming undocumented. The CW Shadow Report recommends (p 74) that the Council of Labour Affairs (CLA) should severely penalize those employers that confiscate the documents and valuables of their employees, putting into practice the regulation stated in the Employment Services Act (ESA). Does the Government of Taiwan agree with this recommendation? Which other measures are envisaged to address the slavery-like exploitation of migrant workers?</p>	<p>法的規定。台灣政府是否同意此項建議？是否設想其他的措施以解決奴隸般的剝削外籍勞工？</p>
	37.	<p>In para 116(3), the State Report states that for “alien workers engaged in domestic work, there are no applicable requirements under the LSA at the moment”. The CW Shadow Report adds that according to statistics from the CLA, “42.4% of all migrant workers working in the home do not get any holidays or rest days in a given year” (p 66). The Amnesty International Report 2011 states: “Domestic workers are not protected by the Labor Standards Law, and are particularly vulnerable to sexual harassment, inadequately paid overtime and poor living conditions” (p 316). The Amnesty International Report 2012 adds that</p>	<p>在第 116 (3) 段，國家報告提及「從事家事勞動之外籍勞工，目前未適用勞基法相關規定」。兩公約施行監督聯盟影子報告附加說明依據勞委會的統計資料，「42.4%從事家事勞動的外籍勞工一整年都沒有休假或休息日」(第 66 頁)。國際特赦組織 2011 年的報告提及：「家事勞動者不受勞動基準法之保障，尤其容易受到性騷擾、不合理的加班費及不良的工作環境」(第 316 頁)。國際特赦組織 2012 年的報告附加說明外籍家事勞工及看護常常被迫工作而無適當休息 (第 329 頁)。台灣政府已計畫採取哪些措施以防止在家事勞動者方面有如奴隸般的習慣？報告第 116 (3) 段提及的「家事勞工保障法」是否有任何</p>

條文	編號	問題內容(原文)	中文參考翻譯
		<p>domestic migrant workers and care-givers were often forced to work without adequate rest (p 329). Which measures of the Government of Taiwan are planned to prevent slavery-like practices relating to domestic migrant workers? Has there been any progress in adopting the “Labor Protection Act for Domestic Workers” mentioned in para 116(3) of the report?</p>	<p>進展？</p>
<p>公政 第 9 條</p>	<p>38.</p>	<p>Para 140 of the State Report explains that a “total of 7.655 illegal aliens were placed in major NIA temporary shelters in 2011.... Those who disagree with the placement decision may file a petition with the NIA, and those who do not agree with the petition decision may file for administrative remedy.” This regime of administrative detention of foreign nationals is strongly criticized by the CW Shadow Report as violating the right to a “speedy court hearing” in Article 9(3) CCPR (p 81) and the right to habeas corpus in Article 9(4) CCPR (p 82). Article 9(4) requires that anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that “court may decide without delay on the lawfulness of his detention</p>	<p>國家報告第 140 段提及：「移民署各大型收容所 2011 年收容非法外來人口計 7,655 人....。不服收容處分者，得向移民署提出收容異議，不服異議之決定者，得提起行政救濟。」此一外國人收容機制被兩公約施行監督聯盟的影子報告批評，認為不符本條第 3 項「迅速審理」（兩公約施行監督聯盟的影子報告，第 81 頁）及第 4 項「受司法救濟」（兩公約施行監督聯盟的影子報告，第 82 頁）之意旨。本條第 4 項規定任何人因逮捕或拘禁被剝奪自由的人，均有權利向法院提起訴訟，「以迅速決定其拘禁是否合法」。請問：在台灣，這些受到收容的外國人是否（又要多長時間）才能向法院對其收容提起訴訟？又是否有採取任何措施使目前的情況符合本條第 4 項「受司法救濟」之規定？</p>

條文	編號	問題內容(原文)	中文參考翻譯
		and order his release if the detention is not lawful”. How long does it until an illegal alien in Taiwan may challenge his or her detention by the National Immigration Agency (NIA) before an independent court? What measures are envisaged to bring this situation in line with the requirements of habeas corpus under Article 9(4) CCPR?	
	39.	The CW Shadow Report (p 83) states that aliens without valid travel documents (e.g. stateless persons) and PRC nationals can be held indefinitely in administrative detention. Is this true? If so, what measures are envisaged to address this situation and bring it in line with the requirements of Article 9 CCPR?	兩公約施行監督聯盟的影子報告第 83 頁提及：部分沒有合法旅遊證件的外國人（如無國籍人）或中華人民共和國國民在目前的行政收容機制下，可能被無限期拘禁？此是否為真？果真如此，是否有採行任何措施來回應此一問題，以使其符合本公約第 9 條之規定？
	40.	Article 9(3) CCPR stipulates that it shall “not be the general rule that persons awaiting trial shall be detained in custody”. The CW Shadow Report (pp 83 et seq.) provides evidence that for persons accused of a serious crime, remand detention seems to be the rule in Taiwan since prosecutors and courts consider that with regard to these persons risk of flight is very high. Is this observation correct? If so, which measures are envisaged by the Government of Taiwan to	本條第 3 項規定「後訊人通常不得加以羈押」。但兩公約施行監督聯盟的影子報告第 83 頁以下提到「重罪羈押」目前仍然實務上的通例，因為檢察官及法官偏重考慮被告逃亡的風險。兩公約施行監督聯盟的影子報告所提出的觀察是否正確？倘若正確，政府是否有採行任何措施來讓相關刑事程序符合本條第 3 項之規定？

條文	編號	問題內容(原文)	中文參考翻譯
		bring the system of pre-trial detention in line with the requirements of Article 9(3) CCPR?	
	41.	The CW Shadow Report also alleges that there are no clear time limits for court review proceedings required by Article 9(3) CCPR (p 85). Which measures are intended to address this problem?	兩公約施行監督聯盟影子報告(第 85 頁)也提及目前對於司法審理程序仍沒有具體的時間限制，不符本條第 3 項規定之意旨。是否有採行任何具體措施來回應此一問題？
	42.	The CW Shadow Report further alleges that the application of Article 5 of the Criminal Speedy Trial Act, which stipulates a maximum period of eight years of detention without a final judgment being reached, violates the “reasonable time limit” required by Article 9(3) CCPR? Which measures are envisaged by the Government of Taiwan to address this problem?	兩公約施行監督聯盟影子報告提及〈刑事妥速審判法〉第 5 條「審判中之羈押期間累計超過八年者，如判決尚未確定，羈押視為撤銷」之規定，仍不符合本條第 3 項之意旨。是否有採行任何措施來具體回應此一問題？
	43.	The CW Shadow Report also alleges that the administrative detention regimes under the Act of Punishment of the Armed Forces, the Communicable Disease Control Act, the Child and Youth Sexual Transaction Prevention Act and the Protection of Children and Youths Welfare and Rights Act violate the requirement the right to habeas corpus (court review procedures “without delay”) in Article 9(4) CCPR	兩公約施行監督聯盟影子報告(第 87-91 頁)亦提及〈陸海空軍懲罰法〉、〈傳染病防治法〉、〈兒童及少年性交易防制條例〉、及〈兒童及少年福利與權益保障法〉中的行政拘留機制(包括禁閉、隔離、安置)與本條第 4 項人身自由之限制應由司法決定之意旨。請問政府如何回應民間此一批評？

條文	編號	問題內容(原文)	中文參考翻譯
		(pp 87 to 91). How does the Government of Taiwan respond to this criticism?	
公政 第 11 條	44.	Para 159 of the State Report provides figures in relation to cases of court rulings of taking debtors into custody. It is doubtful whether this practice is in conformity with the requirements of Article 11 CCPR. Has the Government of Taiwan reviewed the relevant legal provisions and practice in relation to the requirements of Article 11 CCPR?	國家報告（第 159 段）提及「國家及債權人在一定條件下，可以使用拘禁人身自由之方式迫使債務人履行義務或提出財產」，並提供法院受理拘提、管收的相關數據；但此一實踐是否符合本條頗有疑問。政府是否曾檢討過相關法令及其實踐與本條之關連？
公政 第 12 條	45.	According to para 162 of the State Report, ROC citizens are entitled to enter their country without a permit only if they have a residence registered in the Taiwan area. How many ROC citizens applied for a permit to enter Taiwan during the last five years? In how many cases was the permit refused? What are the reasons to refuse such a permit?	根據國家報告（第 162 段），僅有在台灣設有戶籍之中華民國國民，有權自由出入國境、而無須任何許可。在過去五年間，有多少中華民國國民曾經申請進入台灣的許可？在這些案件中，有多少申請被拒絕？被拒絕的理由為何？
	46.	According to Table 22 on p 70 of the State Report, more than 50.000 citizens of the ROC were prevented from leaving their own country in 2011. How many of these restrictions were issued by administrative authorities? Can these decisions be appealed to the courts? If so, does the appeal have suspended effect? What are the 21.826	根據國家報告（表 22，第 162 段），2011 年有超過 50,000 中華民國國民不被准許出境。這些不允許出境的決定，其中有多少是由行政決定？而對這些行政決定是否允許提出司法救濟？倘若可以提出司法救濟，其司法救濟的提出是否可以暫時中止行政決定？表 22 中有 21,826 件「保護管束案」是何種案件？

條文	編號	問題內容(原文)	中文參考翻譯
		“protection cases” mentioned in Table 22?	
	47.	Para 164 refers to a highly restrictive policy relating to HIV positive aliens and states that this policy is being discussed in light of international human rights requirements. According to the CW Shadow Report (p 110), all foreign nationals who intend to stay for three months or more must undergo HIV testing. Those testing HIV positive are required to leave the country or forcibly deported. This would even apply to foreign spouses of ROC nationals. Is this information correct? Which measures does the Government of Taiwan envisage to bring its HIV policy in line with UNAIDS standards and human rights requirements?	國家報告（第 164 段）提及對非本國籍愛滋病毒感染者採取全面限制入境之措施，並提及「未來配合愛滋病毒感染者之國際人權潮流」，將研議刪除此一限制。兩公約施行監督聯盟影子報告（第 110 頁）提到，要入境台灣三個月以上的外國人，必須檢查或檢附是否感染愛滋病毒的檢驗報告，檢查或檢驗結果呈現陽性反應者得令其出境。此一規定亦適用於本國人之外籍配偶。兩公約施行監督聯盟的影子報告所提出之資訊是否正確？政府是否有採行任何措施使愛滋病防制相關政策符合〈聯合國愛滋病防制總署〉(the Joint United Nations Programme on HIV/AIDS)的相關標準及人權規範？
公政 第 13 條	48.	When does the Government of Taiwan intend to enact an asylum law?	請問政府擬於何時制定難民之相關法律？
	49.	Can you please explain the legal procedure regarding expulsion of aliens? At which point are the persons concerned detained? What are the legal rights of aliens to contest an expulsion or deportation order? Is the principle of non-refoulement taken into account?	請說明關於外國人驅逐出境的法律程序？又在甚麼原因之下，這些外國人會被收容？外國人不服驅逐或遞解出境之命令時，享有哪些法律權利？在這些相關法律或程序中，不遣返原則是否有被納入考慮？

條文	編號	問題內容(原文)	中文參考翻譯
公政 第 14 條 至 第 16 條	50.	<p>Judiciary (paras 199, 201)</p> <p>Please provide further information on the procedures for selecting judges and the training of judges. What measures are being taken to ensure the impartiality of the judiciary, especially in politically sensitive criminal cases? What measures are being taken to protect the judiciary against corruption? The newly-passed Judges Act has introduced evaluation of judges and new grounds for disciplinary actions. What is the impact of this new system in terms of increasing the competence of the judiciary and protecting judicial independence?</p>	<p>司法（國家報告第 199 及 201 段）</p> <p>請提供更多關於選任及訓練司法官之程序的資訊。已採行何種措施以確保司法之中立性，特別是對於政治敏感之刑事案件？採行何種措施以防免司法貪污？甫通過之法官法已建立法官評鑑機制以及法官懲戒事項。就增進法官適任性及保障司法獨立而言，該新機制之引進造成何種影響？</p>
	51.	<p>Delays in criminal proceedings (para 218)</p> <p>The Legislature has passed the Criminal Speedy Trial Act to respond to the problem of prolonged trials and prolonged detention before the final judgment on appeal. Please explain the causes for delays in criminal proceedings and provide further information on the extent to which the Criminal Speedy Trial Act has addressed such problems in practice. What other measures are being taken? Are the current resources and judicial staff sufficient to handle trials</p>	<p>刑事程序之遲延（國家報告第 218 段）</p> <p>立法院已通過刑事妥速審判法，以因應於上訴至終審前，審判遲延及延長羈押之問題。請解釋刑事程序中造成遲延之原因，並提供更多實際上刑事妥速審判法就此方面所能回應之問題的資訊。何種措施已被採取？目前的資源以及司法人員是否足以於不延遲之狀況下進行訴訟及審判程序？</p>

條文	編號	問題內容(原文)	中文參考翻譯
		without delay?	
	52.	<p>Checks on prosecution</p> <p>What procedures exist to protect against prosecutors' abuse of the power to indict? Please elaborate on the conditions under which the prosecutor can file an appeal and what procedures exist to protect against prosecutors' abuse of appeals? The Supreme Court recently passed a resolution abandoning the practice of ex officio court investigation of evidence against the defendant. Further information is needed on the impact of this resolution on the prosecution's burden of proof and the current practice.</p>	<p>檢察權之監督</p> <p>何種程序得避免檢方濫用其起訴之權力？請說明於何種情形下檢方得提起上訴，以及何種程序得避免檢方濫用其上訴權力？最高法院最近通過一項決議，揚棄法院依職權調查對被告不利之證據之實務作法。需要更多資訊以說明本項決議對於檢方舉證責任與現行實務作法之影響。</p>
	53.	<p>Media influence and leaks of investigation information (para 209)</p> <p>There is grave concern about media influence over ongoing criminal investigation and trials and especially leaks to the media of investigation information. Under what conditions and to what extent can investigating agencies reveal information about ongoing investigation? What measures are taken in practice to prevent leaks and media reporting that undermine the principle of presumption of innocence?</p>	<p>媒體影響以及洩漏偵查資訊（國家報告第 209 段）</p> <p>媒體對於偵查與審判進行中刑事案件之影響，以及向媒體洩漏偵查資訊二事，已引起高度關注。於何種情形以及至何種程度下，偵查機關得洩漏進行中偵查之資訊？目前提供了何種現行措施以避免洩漏資訊或危及無罪推定原則之媒體報導？洩漏偵查資訊之個人是否會被調查並受罰？新的立法是否足以改善此種現象？</p>

條文	編號	問題內容(原文)	中文參考翻譯
		Are individual leaks of investigation information investigated and punished in practice? Is new legislation necessary to improve the situation?	
	54.	<p>Pre-trial detention's impact on a fair trial (paras 125, 211)</p> <p>Please elaborate on the procedures of detention hearings and the standards for detention. How much information, time and legal assistance are available to suspects before detention hearings? Are they adequate for the defence to argue in favour of bail and other opportunities for pre-trial release? What measures are being taken to ensure that detained defendants receive legal assistance sufficient to enable them to obtain a fair trial?</p>	<p>審前羈押對公平審判之影響 (國家報告第 125 及 211 段)</p> <p>請說明羈押訊問及決定之程序以及決定羈押之標準。犯罪嫌疑人於羈押訊問前獲有多少資訊、時間與法律協助？是否足以使犯罪嫌疑人或被告主張具保或其他審前獲釋之機會？目前採行何種措施以確保受羈押之犯罪嫌疑人或被告享有獲得公平審判之法律協助？</p>
	55.	<p>Special problems of legal assistance (paras 212-216)</p> <p>Mandatory defence is available in the investigation stage only for people with intellectual impairments. Please indicate whether the government plans to expand mandatory defence for the investigation phase. Please provide information on access to legal aid of people who have mental health conditions, in addition to people with</p>	<p>法律協助之特別問題 (國家報告第 212 至 216 段)</p> <p>於偵查階段之強制辯護僅適用於智能障礙者。請指出政府是否計畫放寬偵查階段強制辯護之要件。除智能障礙者外，請提供心理健康問題者取得法律扶助之資訊。死刑案件於一審及二審之法院審判程序中，須強制辯護。雖然政府計畫修正刑事訴訟法以放寬死刑被告於最高法院享有免費辯護人之要件，目前已有何種措施確保於最</p>

條文	編號	問題內容(原文)	中文參考翻譯
		intellectual impairment. In capital cases, mandatory defence is provided in the courts of first and second instances. While the government plans to revise the Criminal Procedure Code to expand free legal representation to capital defendants in the Supreme Court, what measures are being taken now to ensure free legal aid in capital cases in the Supreme Court (see General Comment 32, paras 10 and 51)? What measures are taken to ensure the quality of the legal aid?	高法院之死刑案件獲有免費之法律扶助？（請參照第 32 號一般性意見第 10 段及第 51 段）採行何種措施以確保法律扶助之品質？
	56.	<p>Foreign populations (paras 216-217)</p> <p>Please elaborate on whether court interpretation is available and sufficient for the increasing populations of foreign migrant workers and foreign spouses. Please provide statistics on the legal aid provided to foreigners. What is the meaning of the State Report's statement that "legal aid will be discussed" in the case of certain victims of human trafficking? Should not legal aid be made available to all aliens who wish to contest the government claim that they are illegally residing in Taiwan?</p>	<p>外國人（國家報告第 216 至 217 段）</p> <p>請說明是否有法院通譯、並足供外國移工與外籍配偶使用？請提供予外國人法律扶助之統計資料。國家報告中曾提及，於人口販賣案件中部分受害者之「法律扶助將予討論」，是為何意？針對政府所指控並非合法居留於台灣之所有外國人，難道不應對之提供法律扶助？</p>
	57.	<p>Confessions (paras 102-104)</p> <p>To what extent are convictions based on confessions? To</p>	<p>自白（國家報告第 102 至 104 段）</p> <p>自白在何種程度內可作為有罪判決的證據？非法或不當</p>

條文	編號	問題內容(原文)	中文參考翻譯
		<p>what extent are allegedly coerced confessions challenged and excluded from evidence? What measures, such as training, evaluation and punishment of law enforcement officers, are currently taken to implement legislative prohibitions against coerced confessions? In practice, how do courts investigate defendants' allegations of coerced confessions?</p>	<p>取得之自白於何種程度內可以排除其證據能力？目前採行何種措施（例如訓練、評鑑及處罰執法官員）以落實法律對於非法取得自白之禁止？實務上，法院如何審理被告對於非法取得自白之指控？</p>
	58.	<p>Review by a higher tribunal (para 224) The report indicates that there are cases where the defendant may not be able to appeal a guilty verdict for a substantive review, including cases where the court of second instance reverses the acquittal of the lower court. Please elaborate on aspects of the domestic legal system that prevent the defendant from seeking a substantive review in ordinary courts and military courts (see General Comment 32, paras 47-48). What steps are being taken to amend existing legislation so as to be in conformity with Article 14 paragraph 5?</p>	<p>上級法院之審理（國家報告第 224 段） 國家報告指出某些案件之被告無法針對有罪判決請求實質上訴審理，包含二審法院廢除一審法院無罪判決之案件。請說明國內法律系統限制被告於普通及軍事法院請求實質審查之層面（請參照第 32 號一般性意見第 47 段至第 48 段）。目前已採行何種步驟以修改現行立法，使之符合公約第 14 條第 5 項？</p>
公政 第 17 條	59.	<p>The report states that regulations on the protection of and non-interference with people's privacy are available in the</p>	<p>國家報告敘明針對人民隱私權保障與不干預之規範可見於刑法及其他數部法律之中（國家報告第 238 段）。請提</p>

條文	編號	問題內容(原文)	中文參考翻譯
		Criminal Code and in several other laws. (para 238) Please provide information on the conditions under which this right may be legally restricted and how any abuse of power under such legal provisions is monitored and what action has been taken in case of abuse. Please provide information on the complaints that may have been filed by individuals whose right to privacy under the various laws has been violated and the results.	供資訊，敘明於何種情形下此種權利得合法受限，以及於該法律規範下，如何監督任何權力之濫用與對此相應之措施。請提供隱私權遭侵害之個人所可能提出之申訴及其申訴結果。
	60.	Please provide details of various types of personal data collected, the purposes and the agencies, governmental or non- governmental authorised by law to do this. Is there a monitoring of abuse or CCPR List of Issue 10 misuse of such authority and practices and is there a dedicated agency to ensure protection of personal information and compliance with the law.	請提供各種個人資訊蒐集之詳細細節、其目的及主管機關、依法授權進行此事之政府或非政府機構。是否設有監督機制以防免該等機關及實際操作上有濫用或誤用之情形？是否設有專職機關確保個人資訊之保障及相關法律之遵行？
	61.	In particular, the report states that the communication surveillance petition filed by judicial police to facilitate criminal investigation goes through two levels of judicial control (para 238). Please provide data on petitions filed by judicial police for communication surveillance and	特別是，國家報告提及：為促進犯罪偵查，由司法警察聲請之通訊監察將經由兩階段司法監控(國家報告第 238 段)。請提供由司法警察聲請通訊監察之資料，以及核發之比例。請提供可能由個人所提出之關於通訊監察程序誤用之申訴及其申訴結果。

條文	編號	問題內容(原文)	中文參考翻譯
		percentage approved. Please provide information on complaints that may have been filed by individuals on the misuse of the communication surveillance procedures and the results.	
公政 第 19 條	62.	Please provide information on the ownership of various media institutions- print as well as electronic inclusive of ownership by conglomerates. Is there a law that prevents anti -monopoly of the media?	請提供資訊以說明媒體（報刊雜誌及廣電媒體）所有權、是否有集中於特定集團之情形？是否有防止媒體壟斷之法令？
	63.	Please provide an explanation of the reasons for the disputes over the operation of the Public Television Board of Directors (para 258).	請提供說明公共電視董事會運作發生爭議的原因（第 258 段）。
	64.	The report under article 19 provides information on regulations restricting freedom of speech and its rationale (table 34). Please provide information on prosecutions for violations of these regulations. Who has been prosecuted, for what violations and what are the findings.	國家報告在公約第十九條項下提及限制言論自由之相關法律規定及理由（表 34）。請提供違反這些相關法律規定之案件的起訴事由，包括起訴的對象、所違反的相關法律規定、以及起訴的結果。
公政 第 21 條	65.	Para 268 of the report acknowledges the shortcomings of the Assembly and Parade Act which are in violation of the Covenant. Since the Covenant takes legal precedence over domestic laws please indicate reasons for the continued use	國家報告（第 268 段）肯認集會遊行法違反《公約》對於和平集會與表達意見權利之保障；《公約》效力既已優先於國內法，請說明各政府機關繼續適用集會遊行法的理由。請說明關於集會遊行法、行政命令的修法方案以

條文	編號	問題內容(原文)	中文參考翻譯
		of the Assembly and Parade Act by the authorities. Please indicate what plans are in place for reform of this Act and related administrative rules and procedures including the time frame.	及修法時程。
公政 第 23 條	66.	Please inform the Committee whether the national census captures the diversity of sexual identities and orientations prevalent in the country, or partnerships or families formed other than through heterosexual relationships or through cohabitation. If so, provide demographic data on such populations. Please provide information on the problems or difficulties faced by such people in exercising the rights contained in the Covenant if such an assessment has been done by any agency governmental, non-governmental or academic.	請告知委員會國民普查的內容是否包含國民的多元性別身分及性傾向、或包含異性戀以外的多元家庭、非婚同居伴侶。如果是的話，請提供多元性別族群的地域分布資訊。如果曾有政府機關、非政府機關或學術單位曾就多元性別族群在行使《公約》權利時所面臨的難處而為評估，亦請提供審查委員會相關資訊。
	67.	Has the proposed gender equality and sexual diversity education programme in schools been implemented? If not please provide reasons for the delay	國家報告所提及的性別平等及多元性傾向教育課程是否曾在各級學校實施？如果未曾實施請提供未及實施的理由。
	68.	The report states that for division of matrimonial property, there are three regimes: statutory regime, and the contractual regime whereby the latter is further divided into the	國家報告（第 292 段）提到三種夫妻財產制：法定財產制、及以契約約定選用共同財產制或分別財產制。請提供資料說明各種夫妻財產制的選擇比率、以及相應的夫

條文	編號	問題內容(原文)	中文參考翻譯
		community of property regime and the separation of property regime (para 292). Please provide data showing percentages regarding the regime chosen by couples and correlated by the socio-economic status of the couples. Please provide information on how or which party makes the decision as to which regime is to be decided on –if such information is available.	妻政經地位。如果可行，請提供資訊說明是由夫或妻何者進行財產制的選定？又是如何進行財產制選定？
	69.	The report states that the government provides various child and teenager benefits and subsidies to ease burden of single parent families (see para 303). Please provide information on the percentage of single parents needing such assistance disaggregated by sex. Please also provide the quantum of such assistance provided and the categories of assistance.	國家報告（第 303 段）提到政府提供給單親家庭多種兒童及少年生活補助，請提供資訊說明單親父親與單親母親個別需要補助的比率、並請提供相關補助的金額及補助的類型。
	70.	Is legal aid available to women seeking divorce or custody of child or under the domestic violence act? If so, please provide information on quantum of legal aid so provided to women as against the total legal aid dispersed.	是否提供婦女關於聲請離婚、請求判予子女監護權、或遭受家暴的法律協助？如果是的話，請提供資訊說明提供給婦女的法律協助總量（對照法律協助總量）。
公政 第 24 條	71.	Please provide data on the number of abandoned, orphaned or destitute children in the country and the types of institutional programmes and services including coverage,	請提供資訊說明被遺棄兒童、孤兒、或是窮困兒童的數量，以及關於兒童保護及其發展需求的服務措施及協助方案

條文	編號	問題內容(原文)	中文參考翻譯
		implemented for their protection and developmental needs.	
	72.	Please provide information on the implementation of the Human Trafficking Act with regard to children below 18 years such as the number of children who are benefiting, whether male or female, types of services provided and the success of this programme.	請提供資訊說明人口販運防制法實施於十八歲以下兒童的情形，尤其是受益於該法的兒童人口數量、性別分布、相關的服務措施類型以及實施成果。
	73.	Paras 313 to 316 detail incidents of bullying and sexual assault in schools. Please provide information on what action has been taken against the perpetrators and what concrete measures are being implemented such as penalties for perpetrators, remedies for victims or to protect victims who complain.	國家報告（第 313 到 316 段）提及校園性侵害、性騷擾或性霸凌事件，請提供資訊說明對加害者的處置、懲處加害者的具體措施、對受害者的補償、以及對於提出申訴的受害者之保護措施。
	74.	What education awareness raising on child abuse/assault or child labour is provided and for whom as well as the scale and scope of such programmes.	曾採取哪些提升虐童或童工問題意識的教育方案？教育對象、教育層級及範圍為何？
	75.	Please provide information on the state policy and support services in place to assist working parents to combine work and child upbringing /family responsibilities.	請提供資訊說明國家對於雙薪家庭的育兒負擔、家庭責任負擔之扶助方案及措施。
公政 第 25 條	76.	Please provide comprehensive information on any factors that may impede citizens from exercising the right to vote	請提供詳盡的資訊說明阻礙公民行使投票權、公投投票權的任何可能因素，以及任何排除投票障礙的積極措施。

條文	編號	問題內容(原文)	中文參考翻譯
		including in referenda and the positive measures which have been adopted to overcome these factors.	
	77.	Please describe the legal provisions which establish the conditions for holding elective public office, and any limitations and qualifications which apply to particular offices including conditions relating to nomination dates, fees or deposits.	請說明服公職的法律資格限制，以及各公職的具體資格限制，包含提名時間、參選費用或選舉保證金在內。
	78.	Please provide data disaggregated by sex as well as rural /urban on voter turn out at the latest general election.	請提供資訊說明最近一次全國範圍選舉的選民性別分布及城鄉分布。

壹、我國回應公政公約審查委員會之內容 (Replies from the Government of Taiwan to the List of Issues)

(題次)

中文回應(標楷體，12 號字，單行間距)

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