

**身心障礙者權利公約（CRPD）初次國家報告**  
**國際審查委員會提出之問題清單及政府機關回應內容**

條文	點次	原文	中譯（草稿）
第 1 條及第 2 條 定義及宗旨 第 3 條 一般原則 第 4 條 一般義務	1.	Please provide information regarding the review of terminology and amending laws to recognize the full human rights of persons with disabilities, beyond the current emphasis on the need for their protection alone.	請提供關於術語檢視與法律修正之資訊，以承認身心障礙者在現有強調對其保護需求以外之完整人權。

中文回應：

- 一、我國於 2014 年通過《身心障礙者權利公約施行法》，透過施行法將《公約》內國法化，以《公約》推行我國對身心障礙者之完整人權保障，並且依據《公約》檢視各政府單位需依據《公約》檢視法律規定、行政規範及施行細則、辦法等是否違反該項《公約》的基本精神，訂定期程進行修改。
- 二、我國在修正既有法規時依照《公約》精神進行規劃篩選法規資料庫，開放政府機關、民間團體及個人填報可能有違反《公約》精神之法律及行政措施。所檢視並且修正的包含：(1)涉及歧視性文字，如：法條或要點中出現之「殘廢」、「殘障」之歧視性文字一律修正，如銓敘部業將公（政）務人員相關法規所涉「殘廢」用語研修為「失能」，並公告周知，俾實現《公約》第 3 條所述「不歧視」等原則；(2)影響身心障礙者權益的法規內容，例如：修正《獸醫師法》、《藥師法》、《會計師法》等法條中關於精神異狀不能執行職務之內容，消除對身心障礙者就業的限制。除此以外也檢視雖符合《公約》之法律，但透過積極修法提升對身心障礙者的權益維護。
- 三、為檢視我國法規是否符合《公約》精神，訂定《落實身心障礙者權利公約法規及行政措施檢視標準作業流程》，辦理教育訓練，並建置法規及行政措施資訊填報系統，供各級政府以及個人或民間團體填報。邀集各級政府、民間團體以及社福、法律領域專家學者召開法規檢視審認會議，並經行政院身心障礙者權益推動小組確認，計 370 部（95 部法規、275 個行政措施），共 674 條列入優先檢視清單；截至 2017 年 8 月已修正完成 94 條。我國將於 2017 年 12 月完成優先檢視清單之增修、廢止及改進，並於 2019 年全面完成其餘法規之制訂、修正或廢止及行政措施之改進。

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英文回應：

1. Taiwan enacted the Act to Implement the Convention on the Rights of Persons with Disabilities (hereinafter referred to as the “Act”) in 2014, through which Taiwan harmonized relevant domestic laws with CRPD and promoted the integral human rights protection for persons with disabilities pursuant to CRPD, and accorded with CRPD to review whether the legal provisions, administrative regulations, enforcement rules, and orders violate the fundamental spirits of CRPD and to set a schedule for amendments.
2. When amending the existing laws and regulations, Taiwan, in accordance with the spirits of CRPD, planned to sift the Laws and Regulations Database and opened up to the governmental authorities, non-governmental organizations and individuals to report the laws that are likely in contravention of the spirits of CRPD. The contents that have been reviewed and amended included: (1) Words concerning discrimination, e.g.: discriminatory words of “disabled”, “handicapped” appearing in the articles of laws or guidelines have all been amended, for example, laws and regulations pertaining to civil servants and political appointees which previously contained the words "deformation", "handicapped", "infirm", or similar wording have since been revised to use the term "disabled" or "disability", and an official announcement concerning this change has been issued. The revision serves to realize the principles set forth under Article 3 of CRPD, in particular the principle of non-discrimination; (2) Contents of laws and regulations that impact the rights and interests of the persons with disabilities, for instance: amending the contents in the articles of the Veterinarian Act, Pharmacists Act, Certified Public Accountant Act that relate to being unable to perform one’s duties because of insanity and eliminating the restrictions on the employment of persons with disabilities. In addition, Taiwan has also reviewed those laws even if they are in compliance with CRPD and actively amended the laws to enhance protection for the rights and interests of persons with disabilities.
3. In the process of our review whether our national laws and regulations are in compliance with CRPD, Taiwan established the “Standard Operational Procedures for Review of Laws, Regulations and Administrative Measures to Implement the Convention on the Rights of Persons with Disabilities”, conducted educational training and established the Reporting System for Laws, Regulations and Administrative Measures to facilitate reporting of individuals or non-governmental organizations by completing a form on the system. Thereafter, Taiwan invited governmental authorities, non-governmental organizations and experts and scholars in social welfare and legal fields to convene four sessions of laws and regulations review and approval meeting, during which Taiwan decided to establish the List of Reviewed Items with Priority for

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amendment and 674 articles of 370 items (95 laws and regulations and 275 administrative measures) shall be included in the List of Reviewed Items with Priority. As of August 2017, Taiwan has completed 94 items of legal amendments and will accomplish the enactment, amendment or repeal of the remaining laws and regulations and the improvement of administrative measures by 2019.

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中文回應：

依《身心障礙者權益保障法》，我國目前乃採用聯合國世界衛生組織（World Health Organization, WHO）的國際健康功能與身心障礙分類系統（International Classification of Functioning, Disability, and Health, ICF）作為行政上界定身心障礙人口之依據。於《公約》國內法化前，我國便已建置一套身心障礙者服務系統並運作多年。其中，身心障礙者身分之認定與福利給付資格有著連動的關係，涉及範圍廣泛且全面，如現金給付、津貼、補助資格、服務資格等認定問題。若全面依據《公約》人權觀點重新建立系統，修改與另訂定制度框架，社會福利給付上身分認定問題將面臨嚴峻挑戰。因此，我國承諾在目前制度下，以《公約》第 3 條及第 8 條為目標，全面提升社會大眾具有身心障礙意識、降低社會對身心障礙者之歧視與制度式保障身心障礙者免於不平等之對待。

英文回應：

According to People with Disabilities Rights Protection Act, Taiwan currently uses the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization (WHO) as the basis to administratively define persons with disabilities. Before harmonizing relevant domestic laws with CRPD, Taiwan has built a set of service systems for persons with disabilities and been operating it for years. In this set of systems, the identification of persons with disabilities is linked with the eligibility for welfare benefits, which involves wide and all-round range, such as the eligibility for cash benefits, allowances, and subsidies. If rebuilding the systems, modifying and establishing rules otherwise entirely according to the human right perspectives of CRPD, Taiwan will face severe challenges to the identification for social welfare benefits. Therefore,

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Taiwan is willing to, under current systems and targeting Article 3 and Article 8 of CRPD, comprehensively raise the society's awareness of disability, reduce public discrimination against persons with disabilities and systematically protect persons with disabilities from being treated unfairly.

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中文回應：

- 一、我國禁止任何形式之歧視，並於《身心障礙者權益保障法》第 16 條中明確規定身心障礙者之人格與權益應受到尊重和保障，對其接受教育、應考、進用、就業、居住、遷徙、醫療等權益，不得有歧視之對待。雖我國未明確定義「合理調整」及「拒絕提供合理調整即構成歧視」（報告第 7 點次），但政府積極採取相關措施以確保實質平等的落實，並於相關法規中可見「合理調整」之精神，包括《身心障礙者權益保障法》第 27 條與第 30 條，即明定學校不得以身心障礙、尚未設置適當措施或其他理由拒絕身心障礙者，並應依其障礙類別與障礙程度及學習需要提供必要之支持與協助，如提供特殊教材、教育輔助器材、助理人員等，以確保其接受教育之機會；第 33 條，提供身心障礙者個別化職業重建服務，如職業輔導評量、職業訓練、職務再設計等，使身心障礙者有平等參與勞動市場之機會；第 16 條，公、私立機關、團體、學校與企業公開辦理各類考試時，應依身心障礙者的個別需求，提供多元化適性協助，保障其公平應考的機會。
- 二、平等與不歧視乃我國立法之重要原則，若身心障礙者遭受不利待遇或處境，違反規定者不僅得依《身心障礙者權益保障法》處罰鍰，亦可能構成侵權行為（報告第 17 點）。
- 三、針對「合理調整」及「拒絕提供合理調整即構成歧視」此二概念，我國正進行研議，但卻面臨許多挑戰，包括「合理」與「不造成過度負擔」（undue burden）的範圍及程度。因此，規劃在未來透過與各界進行多方的討論，逐步凝聚國內對於「合理調整」的共識，據以制訂符合國內脈絡與制度之具體架構。

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### 四、教育：

- （一）我國《特殊教育法》於 1984 年制定公布，之後隨著特教需求增加及環境變遷，分別於 1997、2001、2004、2009 年增訂修正，透過立法具體落實提升特殊教育學生受教品質、保障其受教權益。該法已有明定關於合理調整的規定，例如，第 19 條明定特殊教育之課程、教材、教法及評量方式，應保持彈性，適合特殊教育學生身心特性及需求；第 12 條明定特教學生之教育階段、年級安排、教育場所及實施方式，應保持彈性，並得視實際狀況，調整（縮短或延長）修業年限。
- （二）在不得歧視及拒絕教育方面，各教育階段學校均依《特殊教育法》第 22 條之規定落實零拒絕理念，不會以身心障礙為由，拒絕學生入學或應試。此外，身心障礙學生大專校院甄試招生簡章經過多年、多次的檢討修正，已將「尚無全面無障礙設施、無法滿足學生需求、生活須能自理、不宜報考...」等限制性文字刪除，即為確保對身心障礙者沒有歧視且提供機會均等的入學條件。
- （三）政府及學校在辦理各項入學考試時，均依《身心障礙學生考試服務辦法》之規定，提供各項合理調整之考試服務措施，包括應衡酌考生之考試科目特性、學習優勢管道及個別需求，提供適當之試場服務、輔具服務、試題（卷）調整服務、作答方式調整服務等各種必要之服務。其中，在試場服務方面包含調整考試時間（如提早入場或延長作答時間）、提供無障礙試場環境、提醒服務（如視覺或聽覺提醒、手語翻譯）、單人或少數人特殊試場。在試題、試卷、作答方式調整方面，包含提供點字試卷、有聲試題、口語（錄音）作答、代謄答案卡等服務。此外，身心障礙學生參加校內學習評量時，學校亦可依學生之個別化教育計畫（IEP）或個別化支持計畫（ISP）所列之需求，提供上述各項考試服務。
- （四）身心障礙學生升學高中職或大專校院，除了參加與一般學生相同之升學管道，教育部另外提供額外之升學管道。在升學高中職方面，依《身心障礙學生適性安置高級中等學校實施要點》之規定提供適性輔導安置，將身心障礙學生安置於一般高中職之集中式特教班或特殊教育學校。另外在升學大專校院方面，教育部除了依《身心障礙學生升學輔導辦法》之規定，每年採外加名額方式辦理升學大專校院甄試，同時獎助學校依身心障礙學生之特性，辦理單獨招收身心障礙學生考試。
- （五）關於依個別需求提供特殊教育服務，高級中等教育階段以下學校依《特殊教育法施行細則》第 10 條之規定，根據身心障礙學生之實際狀況擬訂其個別化教育計畫（IEP），且每學期至少檢討 1 次並予以合理調整。在高等教育階段，《特殊教育法》第 30 條之 1 明定，學校應為身心障礙學生訂定個別化支持計畫（ISP），提供符合其需求之教育，以協助學生學習及發展，且在訂定 ISP 時應邀請相關教學人員、身心障礙學生或家長參與。有關學校對 IEP 或 ISP 之執行情形，均列入主管機

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關相關評鑑（訪視）之評核指標。

### 五、工作與就業：

- （一）依《就業服務法》第 5 條第 1 項規定，雇主不得因求職人或受僱者身心障礙情形予以歧視。求職者或受僱員工如認雇主有違反就業歧視禁止規定者，即可依法向工作所在地之勞工行政主管機關提出申訴，並由就業歧視評議委員會據個案事實評議，如確有違法事實，依《就業服務法》第 65 條規定，處新臺幣 30 萬元以上 150 萬元以下罰鍰。
- （二）現行《身心障礙者權益保障法》已有身心障礙者就業促進之合理調整相關規範，有關補充身心障礙者合理調整相關規定一節，將配合衛生福利部相關法規檢視之期程辦理。
- （三）有關身心障礙者職務再設計歷年成效及執行經費，說明如下：

表 3.1（單位：件、千元）

年別	服務案量	執行經費
2011	847	33,069
2012	1,062	32,868
2013	1,390	30,822
2014	2,117	35,760
2015	2,193	37,983
2016	1,991	35,701
2017（截至 6 月）	1,215	18,101

### 六、國家考試：

- （一）自 1991 年起舉行各種國家考試時，即為身心障礙應考人設置特別試場。於 2009 年 2 月訂定發布《國家考試身心障礙應考



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人權益維護措施要點》，將國家考試提供身心障礙應考人之各項應試協助措施予以法制化，並成立身心障礙應考人權益維護措施審議小組，負責審議身心障礙應考人權益維護措施之疑義案件，審議結果經核定後交由考試承辦單位據以執行，並列入後續參考案例。

- (二) 身心障礙應考人申請之照護措施，如設特別試場、安排熟諳手語或口語溝通之監場人員、提供平面桌、斜面桌、輪椅、椅墊、可升降電腦椅、桌上型擴視機、附放大鏡視障燈、檯燈、警示燈、大字報、語音計算機等因屬協助性與必要性之照護措施，並不涉考試公平性，均直接提供以滿足申請人之需求。對於申請使用電腦（含盲用電腦）作答、於放大之測驗式試卡上勾選答案或申請延長每節考試時間等權益維護措施，審議小組另根據其所附診斷證明書、考試題型與作答方式審慎考量，在不影響考試公平性前提下，儘量准予申請人使用電腦作答或延長每節考試時間等權益維護措施，以協助其克服閱讀試題、書寫試卷之困難。為使身心障礙應考人感受到更貼心之協助及服務，考選部提供應考人服務措施如附表：

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表 3.2 身心障礙應考人服務措施

編號	服務措施	
1	設置固定試區加強無障礙設施	<ol style="list-style-type: none"> <li>1. 請臺中、高雄、花蓮及臺東四考區各地方政府商借固定學校作為國家考試試場，並商請教育部及相關地方政府補助學校改善與維護無障礙設施。</li> <li>2. 2010 年選定無障礙環境設施較完善之學校作為國家考試固定試區。</li> <li>3. 2011 年增設花蓮及臺東考區、2012 年增設宜蘭考區。</li> </ol>
2	免費提供專車接駁	考試期間增設免費接駁專車，提供應考人及陪考人免費搭乘，並妥適規劃接駁地點、時間及班次。
3	加強試場環境布置	<ol style="list-style-type: none"> <li>1. 針對各障礙類別應考人需求安排試場樓層。各試場應考人數酌予減少，座位前後距離加大。</li> <li>2. 加強試場標示及環境清潔。</li> <li>3. 入場證上載明應試試場樓層別，並將試場分布略圖與入場證一併寄予應考人，俾利得知試區試場位置。</li> </ol>
4	增設手語及志工服務	<ol style="list-style-type: none"> <li>1. 增設手語志工及製作各項注意事項之大字報。</li> <li>2. 各試區增設社工服務人員。</li> </ol>
5	延後得准入場應試時間	持有身心障礙手冊或證明，且經考選部核准之身心障礙應考人，每節考試開始 15 分鐘內，仍得准入場應試。（非身心障礙者除每天第一節可於考試開始 15 分鐘內入場外，其餘各節均為 3 分鐘內即得入場）
6	提供救護醫療資源	考區配置護理人員以提供緊急救護。

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英文回應：

1. Taiwan prohibits any forms of discrimination and expressly provide in Article 16 of the Act Governing the Protection of the Rights of Persons with Disabilities that the dignity and rights and interests of people with disabilities shall be respected and guaranteed. There shall be no discriminatory treatment against their rights and interests to, among others, education, examinations, employment, occupation, residence, relocation, medical care. Although Taiwan has not explicitly defined “reasonable accommodation” and “denial of reasonable accommodation constitutes discrimination” (Paragraph 7 of the Initial Report), it has actively taken relevant measures to ensure the implementation of substantial equality and the spirit of “reasonable accommodation” can be seen in relevant laws and regulations, including Article 27 and Article 33 of the Act Governing the Protection of the Rights of Persons with Disabilities, namely that the schools may not refuse people with disabilities because of their disability, the fact of not well-equipped/well-installed in the organizations/institutions, and other reasons, and shall, in accordance with the disability type, disability level and needs for learning of people with disabilities, provide necessary support and assistance, such as providing special teaching materials, educational assistive devices, assistants, to ensure their opportunities to have education; Article 33, to provide individualized occupational reconstruction services to the persons with disabilities, such as occupational coaching and assessment, occupational training, task redesign, etc. so as to enable people with disabilities to have opportunities to equally participate in the labor market. Article 16, namely that, when carrying out various examinations in public, the public, private authorities, organizations, schools and corporations shall based on the individual needs of persons with disabilities, provide diversified assistance in adaptability to ensure the opportunities for them to take examinations in a fair way.
2. Equality and non-discrimination are important principles for our legislation. If any person with disabilities suffers from disadvantageous treatment or situation, the violator will not only be imposed with a fine, but also be likely deemed as having committed a tortious act (Paragraph 17 of the Initial Report).
3. Aiming at the two concepts of “reasonable accommodation” and “denial of reasonable accommodation constitutes discrimination”, Taiwan is carrying out research and discussions but faces many challenges, including the range and the extent of “reasonability” and “not imposing an undue burden”. Therefore, Taiwan has planned to gradually build domestic consensus on “reasonable accommodation” through discussions with all sectors in the future so as to establish a concrete structure that conforms to the domestic context and systems.

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4. Education:

- (1) Here in Taiwan, the Special Education Act was first promulgated in the year 1984. Subsequently amidst the mounting need in special education and change in circumstances, the Act was amended with either addition or modification in 1997, 2001, 2004 and 2009. Thanks to the sound legislative process, students with special educational needs (SEN) have enjoyed upgraded quality of education and been firmly assured for their inherent rights to receive education. The Special Education Act expressly stipulates the mechanism of rational adjustment. Article 19 of Special Education Act, for instance, expressly states: “The curriculum, materials, methods and assessment in special education should be flexible to the extent that they meet the needs and suit the characteristics of individual students”. Article 12 expressly provides: “The educational level, grade placement, class venue and instruction practice of special education students should be flexible to the extent sensitive to their special educational needs. The duration of schooling may be duly adjusted (either cut short or extended) as the actual requirements may justify.”
- (2) With regard to potential discrimination against special education students, Article 22 of Special Education Act expressly provides that all the schools and examination centers will not reject student admission to school or examination for the sake of disability itself. Besides, toward the students with SEN, the Student Recruitment Regulations for universities/colleges have been reviewed and modified on multiple updates. The previous restrictive terms like "in absence of accessible facilities, unable to satisfy the students' needs, and these without self-help skills, such students should not participate in examination" have been deleted. Just as an effort to prevent a potential discrimination against the students with disabilities from the opportunity of being admitted.
- (3) Both the governmental authorities and schools have, accordingly, pursuant to the requirements set forth under the Regulations Governing Services to be Provided to the Students with disabilities in Examinations, provided a variety of rational adjustment of service measures and facilities, including notably the efforts to provide appropriate examination site services, auxiliary services, services in adjustment in test questions (examination papers) and answering modes, etc. Among the thoughtful services, those to be rendered at the venues of examinations include flexible adjustment of the examination duration (e.g., admission ahead of schedule, extension of the answering duration), provision of freely accessible environments to persons with disabilities, reminding services (e.g., audio or video reminding, sign language interpretation services), extraordinary examination venues for a single or specifically few examinees) and the like. The

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efforts to adjust the test questions, examination papers and answering methods include the efforts to provide Braille exam papers, audio exam papers, spoken (sound recording) answering, transcription services of the answers on behalf of examinees with disabilities. Besides, where a student with disability participates in an on-campus study examination, the school may provide a variety of services for examinations as mentioned above on the grounds of the Individualized Education Plan (IEP) or Individualized Support Plan (ISP).

(4) Where a student with disability goes on higher education up to a senior high school, a senior high vocational school or a college/university, the Ministry of Education elaborately offers an extra way other than the ones oriented to ordinary students. To help entering senior high (vocational) schools, the appropriation placement measures have been duly provided to the students with disabilities in accordance with the requirements set forth under the Enforcement Guidelines to help students with disabilities Entering Senior High Schools. Under such efforts, students with disabilities are specifically arranged into self-contained classrooms in special education in an ordinary senior high (vocational) school or assigned to a special education school. Where a student with disability intends to upgrade to a university/college, other than the Regulations Governing Management & Guidance for Students with Disabilities for Higher Education, the Ministry of Education offers extra quota to admit students with disabilities through entry examinations and, meanwhile, grant the universities/colleges to hold individually entry examinations for students with disabilities.

(5) In terms of the special education services in response to the individual requirements for schools under senior high school level, in accordance with Article 10 of the Enforcement Rules of the Special Education Act, the IEP is duly worked out exactly as substantially required for the students with disabilities. The IEP is reassessed and adjusted in a rational manner at least once per semester. In the phase of higher education, as expressly provided for in Article 30-1 of the Special Education Act, a school should specifically work out ISP for students with disabilities in an effort to provide education exactly oriented to the needs of such students to help them study and develop in a sound manner. During the process in working out the ISP, the school should invite relevant teaching staff, the students with disabilities themselves or their parents to participate. The accountability in implementation of IEP or ISP by schools is taken as the indicators of related evaluation or visits by the educational authorities.

5. Employment:

(1) According to Article 5, Paragraph 1 of the Employment Services Act, an employer is prohibited from discriminating against any job

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applicant or employee on the basis of disability. If any job applicant or employee considers the employer in violation of prohibition of employment discrimination stipulated in the Employment Service Act, he/she may report it (file a complaint) to the competent authority in charge of labor affairs at the place of work according to the law. The Employment Discrimination Review Committee will review the case based on the facts. If the case is determined to be in violation of the Employment Services Act, the employer may be fined an amount of no less than NTD 300,000 and no more than NTD1,500,000 according to Article 65 of the Employment Services Act.

- (2) The People with Disabilities Rights Protection Act has provided reasonable accommodations in the promotion and protection of employment for persons with disabilities. With regards to reasonable accommodation for persons with disabilities, it is subject to the schedule of review of relevant laws and regulations promulgated by the Ministry of Health and Welfare.
- (3) Regarding the job redesigned for persons with disabilities, the results and budgets are as follows:

Table 3.1 (Unit: case; NTD)

Year	Number of Applications (Cases) Processed	Budget (NTD1,000)
2011	847	33,069
2012	1,062	32,868
2013	1,390	30,822
2014	2,117	35,760
2015	2,193	37,983
2016	1,991	35,701
2017 (as of June)	1,215	18,101

6. National Exams:

- (1) Since 1991, whenever national examinations are held, special venues are set up for persons with disabilities. In February 2009, the

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*Protection Guidelines* for Disability Rights in National Examinations was established and promulgated, through which assistive measures to be provided to people with disabilities upon participation in national examinations were institutionalized. A Review Committee for the Protection of Disability Rights was also established to review all questionable cases concerning the protection of disability rights; the Committee's approved deliberations on questionable cases would be executed by examination organizing agencies and recorded for future reference.

- (2) Special care measures that examinees with disabilities may apply for are as follows: setting up special examination venues, arranging for invigilators that understand sign language or other oral communication languages, providing sloping desks, wheelchairs, seat cushions, elevating office chairs, desktop video magnifiers, lights for people with disabilities with magnifying glasses, desk lights, warning lights, large-print posters, voice calculators, etc.. The above-mentioned care to be provided are regarded as assistive, necessary, and do not affect the fairness of examinations, thereby may be provided directly upon demand of applicants. As for care applications that involve the protection of disability rights, such as using computers to answer questions (including computers for the blind), answering questions on enlarged testing sheets, or expanding the examination time, shall be reviewed by the Committee with reference to proof of diagnosis, examination question type and answer method; under the prerequisite that the care provided do not affect examination fairness, the Committee shall grant care applications that involve the protection of disability rights for answering with computers or expanding examination time so as to help examinees overcome difficulties in reading and answering questions. The Ministry of Examination provides the following measures to assist and serve examinees with disabilities:

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Table 3.2: Measures provided to assist and examinees with severe disabilities

No.	Services provided	
1	Enhance accessible facilities in certain examination venues	<ol style="list-style-type: none"> <li>1. Request local governments of Taichung, Kaohsiung, Hualien, and Taitung to rent certain schools on a regular basis to use as national examination venue, and request the MOE and related local governments to subsidize the schools in improving and maintaining its accessible facilities.</li> <li>2. Schools with comparably comprehensive accessible facilities were chosen as regular examination venues for national examinations in 2010.</li> <li>3. Additional examinations were set up in Hualien and Taitung in 2011, and in Yilan in 2012.</li> </ol>
2	Free shuttle buses	Free shuttle buses are provided to examinees and companions during examination period; pickup and drop off location, schedule, and shifts are planned out in detail.
3	Enhance layout of examination venue	<ol style="list-style-type: none"> <li>1. Floor arrangement of examinations should accord with demands of different disabilities. The number of examinees per venue should be comparably lower with bigger space in between seating.</li> <li>2. Enhance signs and cleanliness of examination venues.</li> <li>3. Entry permits should clearly state the floor on which the examination venue is set; mapping of examination venue and entry permit should be mailed together to examinees for them to know where the examination venue is situated.</li> </ol>
4	Increase sign language and volunteer services	<ol style="list-style-type: none"> <li>1. Increase the number of sign language volunteers and make large-print posters for public announcements.</li> <li>2. All venues should increase the number of social workers.</li> </ol>



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5	The period of time that examinees are permitted to enter the examination venue should be extended	Examinees who hold a disability card and who have been approved by the Ministry of Examination to be an examinee with disabilities may be allowed into the examination venue within 15 minutes after every examination subject has begun (general examinees are allowed into the examination venue within 15 minutes after the first examination subject has begun, but for all examination subjects afterwards, examinees must enter the examination venue within 3 minutes after exams have begun).
6	Provide emergency medical resources	Paramedics should be deployed at all examination venues to provide emergency assistance.

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條文	點次	原文	中譯（草稿）
第 1 條及第 2 條 定義及宗旨 第 3 條 一般原則 第 4 條 一般義務	4.	Please indicate what steps are being taken to amend legislation to include a definition of universal design and how it will be regulated in areas such as: education, health, transportation, and the built environment.	請說明採取何步驟以透過修改立法，納入通用設計之定義，以及其將如何在教育、健康、交通及建築環境中加以規範。

中文回應：

建築：

- 一、內政部營建署依據《身心障礙者權益保障法》及《建築法》、《市區道路條例》等規定授權，已針對建築物、道路人行空間及所轄管都市公園綠地等活動場所訂定《建築物無障礙設施設計規範》、《市區道路及附屬工程設計標準》及《內政部主管活動場所無障礙設施設備設計標準》；另衛生福利部於 2016 年 4 月 22 日以部授家字第 1050700508 號函請各相關部會參考內政部營建署所定上開標準規範內容，依《身心障礙者權益保障法》第 57 條第 2 項規定，訂定該管活動場所無障礙設施設備設計標準，以維護身心障礙者使用活動場所權益。
- 二、內政部營建署已就主管公共建築物、市區道路及都市公園綠地部分，分別對地方政府辦理無障礙環境督導勘檢，並經常辦理相關研討課程，廣為宣導落實無障礙環境之人權觀念。
- 三、內政部營建署已於建築技術規則納入無障礙建築物規定、建築物無障礙設施設計規範，自 2013 年 1 月 1 日起朝新建、增建建築物全面無障礙化推動。另於 1997 年 8 月 7 日訂頒《既有公共建築物無障礙設施替代改善計畫作業程序及認定原則》，以推動既有公共建築物無障礙設施改善。

教育：

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- 一、為落實融合教育並具有通用設計之意涵，特殊需求學生課程，以十二年國民基本教育課程（普通教育）為基礎，因應學生需求，結合個別化教育計畫（IEP），進行課程調整，如調整學習節數/學分數配置比例，或再提供其他所需之外加式課程與相關支持服務，使身心障礙學生有機會和一般學生一起學習。在規劃十二年國民基本教育課程的同時，已考慮到特殊需求學生（含身心障礙學生）的差異性，特別增列課程調整手冊。
- 二、為使一般學校相關人員具備特殊教育知能，學校在進用特殊教育業務承辦人，或特殊教育學校進用主管人員時，均依《特殊教育法》第7條及《特殊教育法施行細則》第2條之規定，要求該等人員已修習特殊教育學分3學分以上或曾參加54小時以上之特殊教育研習。
- 三、教育部及各地方政府透過各種會議或研習來宣導通用設計概念，請各級學校及社教館所除了依法規改善無障礙設施，在營造或改善無障礙環境時，應考量整體性並朝通用設計方向規劃。在協助學校改善無障礙設施方面，政府自1998年起已計畫性逐步推動，教育部及各地方政府均將改善無障礙校園環境列入施政計畫，並編列專款預算且訂定補助要點，每一所學校均可依照規定擬訂改善計畫申請補助經費。

### 健康：

- 一、《醫療機構設置標準》有關無障礙設施規定如下：
  - （一）醫院：
    1. 主要走道台階處，應有推床或輪椅之專用斜坡道。
    2. 浴廁、走道、公共電話等公共設施，應有對行動不便者之特殊設計。
  - （二）診所：設「復健治療設施」者，應有無障礙設施：
    1. 應設電梯或斜坡道。但僅使用地面一樓之建築物，不在此限。
    2. 主要走道台階處，應有推床或輪椅之專用斜坡。
    3. 浴廁、走道、公共電話等公共設施，應有對行動不便者之特殊設計。
- 二、衛生所依建築技術規則《無障礙設施設計規範》，之規定應設置無障礙設施，衛生所如設有復健治療設施，則應依醫療機構設置標準設置無障礙設施。

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三、至醫事機構之無障礙設施規定，悉依建管相關法規辦理。

四、按醫院評鑑評核結果顯示，2016 年總計 148 家醫院接受評鑑，針對有關無障礙就醫服務相關條文評核，達成率約達九成以上。

五、2017 年規劃辦理《醫療院所無障礙就醫環境輔導計畫》，進行國內無障礙就醫環境現況調查、彙整國內無障礙就醫資訊、編製醫療機構無障礙空間設置參考手冊（包含不同障礙類別之友善就醫流程參考指引）、辦理標竿學習活動與相關教育訓練課程。

六、預計於 2018 年試辦無障礙就醫環境改善之獎補助計畫，將就 2017 年研究成果，按國內無障礙空間之需求進行補助順序排程（補助對象包含無復健設施之診所），逐步加強醫療院所提供友善就醫環境（包含軟硬體設施）。

交通：

一、運輸工具：依據《身心障礙者權益保障法》第 53 條規定訂定《大眾運輸工具無障礙設施設置辦法》，設置上下運輸工具及乘坐運輸工具之無障礙設施。如：補助客運業者購置低地板公車及通用無障礙大客車，致全國市區客運低地板公車比例由 2009 年 7.2% 大幅提高至逾 51%、補助購置無障礙計程車，營運數量至 2016 年底止共計 677 輛、高鐵於每列車第 7 節車廂，設置身心障礙者及行動不便旅客使用區及無障礙廁所等。

二、運輸場站：交通部所轄管相關運輸場站，如高鐵、捷運、航空、港埠等依《建築技術規則建築設計施工編》及《建築物無障礙設施設計規範》規定辦理場站之無障礙設施建置；臺鐵部分亦依上開規定，改善運輸場站無障礙設施，至 2017 年 3 月止共完成 131 站增設無障礙電梯，涵蓋臺鐵服務旅客總數約 92.15%，並已完成第一階段車廂月臺齊平化作業。

三、運輸服務：除依據《大眾運輸工具無障礙設施設置辦法》提供專人協助及引導服務外，並依據《大眾運輸工具無障礙設施設置辦法》給予身心障礙者及必要陪伴者半價優待、優先乘坐等服務，亦依據《身心障礙者專用停車位設置管理辦法》，提供身心障礙者外出就近停車之照顧措施。

英文回應：

Construction:

1. The Construction and Planning Agency of the Ministry of the Interior is authorized, according to Persons with Disabilities Rights Protection Act, Building Act, and Urban Road Act, to enact Design Directions for Accessible Facility of Building, Notes to the Design Standards of Urban

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Roads and Accessory Works, and the Design Standards of Accessible Equipment and Facilities. On 22 April, 2016, the Ministry of Health and Welfare sent an official letter to the relevant departments, advising them to refer to the above-mentioned regulations and standards enacted by the Construction and Planning Agency, and Article 57, Paragraph 2 of the Persons with Disabilities Rights Protection Act, to improve the design standards of accessible equipment and facilities, as to protect the rights and interests of persons with disabilities.

2. The Construction and Planning Agency of Ministry of the Interior regularly supervises the municipalities and counties on the accessible environment of public buildings, urban parks and greeneries and holds relevant seminars to promote the implementation of human rights concept of accessible environment.
3. The Construction and Planning Agency of Ministry of the Interior, has stipulated accessible building regulations in its construction technics rules and related design Directions for Accessible Facility of constructions, the new construction and additional buildings were promoted toward the comprehensive accessibility since January 1, 2013. In addition, on August 7, 1997, the operational procedures and the identification Directions for improvement of accessible facilities on existing public buildings were provided to facilitate the improvement of accessible facilities for existing public buildings.

**Education:**

1. In an effort to inclusive education, the curriculum for students with SEN shall be based on the twelve-year fundamental national education curriculum through appropriate adjustment in concert of IEP through the numbers of classes of credits proportionally, or with addition of the relevant classes. Through such elaborate device, the students with disabilities are provided inclusive learning with ordinary students. At the same time, upon mapping out the twelve-year fundamental national education curriculum, the difference and diversity of the students with SEN were already adequately taken into account. The curriculum adjustment handbook was specifically provided as a result.
2. It is necessary that the teaching faculty and staff of a school should possess knowledge of special education. Where a school employs personnel-in-charge of or supervisory executives over special education, that school in charge of special education should require that the candidates and applicants have satisfactorily completed three credits minimum on special education or have satisfactorily completed the special education

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related educational & training programs for a minimum of 54 hours as required under Article 7 of the Special Education Act and Article 2 of the Enforcement Rules of the Special Education Act.

3. Both the Ministry of Education and municipality, county (city) government authorities shall try to publicize the concept of universal designs through a variety of meetings, conferences or seminars, reminding schools of all levels and social education institutions to orient themselves to accessible facilities to persons with disabilities. Whenever they devise or improve the accessible environments, they should take overall consideration toward universal designs. In the efforts to help schools improve their accessible facilities, the government authorities have launched such very efforts since 1998 under a well-planned systematic policy. Both the Ministry of Education and municipality, county (city) government authorities have put the plan to improve accessible facilities on campuses into the annual enforcement plans and have budgeted special funds along with the guidelines for financial allowances. Under the elaborately designed policy, every school of such attribute is entitled to draw up the improvement programs and apply for allowance funds.

**Health:**

1. The Standards for the Establishment of Medical Care Institutions provides regulations regarding accessible facilities:
  - (1)Hospitals:
    - A. Ramps designated for wheeled stretchers or wheelchairs are required at steps that lead to main hallways.
    - B. Public facilities such as restrooms, aisles, and public phones should come with special design for people with mobility limitations.
  - (2)Clinics: Accessible facilities should be available in clinics with “rehabilitation therapy facilities”:
    - A. Elevators or ramps should be available, but this requirement does not apply to clinics that use only the first floor of the building.
    - B. Ramps designated for wheeled stretchers or wheelchairs are required at steps that lead to main hallways.
    - C. Public facilities such as restrooms, aisles, and public phones should come with special design for persons with mobility limitations.
2. Accessible facilities should be set up at Public Health Centers pursuant to the Design Specifications of Accessible and Usable Buildings and Facilities, which are provided in the Building Technical Regulations. However, in the case of Public Health Centers with rehabilitation therapy facilities, accessible facilities should be set up pursuant to the Standards for the Establishment of Medical Care Institutions.

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3. Regulations regarding accessible facilities of medical care institutions shall be in accordance with the relevant building regulations.
4. According to the hospital accreditation results, a total of 148 hospitals underwent accreditation review in 2016, and more than 90% passed the review in terms of compliance with the regulations governing accessible medical services.
5. An accessible medical service guidance program for medical care institutions was planned and offered in 2017, which includes a survey on the accessible medical care status quo in Taiwan, compilation of accessible medical care information in Taiwan, preparation of an accessible spatial layout guidebook for medical care institutions (including guidelines on medical care procedures for people with different types of disabilities), benchmark learning activities and related education and training courses.
6. Incentive and subsidy programs are planned for 2018 for improvement of the accessible medical care environment. Requests for accessible space in Taiwan will be prioritized for subsidization according to the research results in 2017 (subsidy recipients include clinics without rehabilitation facilities). It is expected that medical care institutions would gradually create a friendly medical care environment (both hardware and software).

**Transportation:**

1. Mode: According to Persons with Disabilities Rights Protection Act, the Ministry of Transportation and Communications promulgated the Regulations Governing the Installation of Accessible Facilities in Public Transportation that regulated the provision of accessible facilities in getting on and off, and taking public transport. For example, the Ministry of Transportation and Communications subsidized bus carrier to buy accessible buses, and as a result, the proportion of accessible city bus has increased from 7.2% in 2008 to more than 50% in 2016. The Ministry of Transportation and Communications subsidized accessible taxies, so that there were 677 accessible taxies as of 2016. Taiwan High Speed Railway also set accessible zone and accessible bathroom in its 7<sup>th</sup> compartment.
2. Station: Transportation stations, such as Taiwan High Speed Railway, Mass Rapid Transit, airport, and port have established accessible facilities according to the Building Design and Construction of Building Technical Regulations and Design Specifications of Accessible and Usable Buildings and Facilities. Taiwan railway also improves its accessible facilities according to the above regulations. Taiwan Railways

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Administration added 131 accessible elevators as of March 2017. It almost covers 92.5% total amount of service customers. Taiwan Railways Administration completed its first stage work of making platform and car bottom equal height.

3. Service: According to the Regulations Governing the Installation of Accessible Facilities in Public Transportation, transport carriers provide not only help and guide by hand, but also half-price tickets for persons with disabilities and their companies, priority seats for persons with disabilities etc. Transport carriers provide parking care service in accordance with The Regulations for Establishment of Parking Lots for People with Disabilities.



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條文	點次	原文	中譯（草稿）
第 1 條及第 2 條 定義及宗旨 第 3 條 一般原則 第 4 條 一般義務	5.	Please provide information on the measures taken to ensure the effective realization of the principles established in article 3 in all laws and policies adopted by Taiwan.	請提供有關國家採取之措施以確保所有法律與政策能有效實現《公約》第 3 條所述之原則的相關資訊。

中文回應：

**衛生福利部**

- 一、《公約》第 3 條提出八個原則包括尊重身心障礙者之尊嚴、個人自立、不歧視、男女平等、無障礙等等。在法律方面，我國採取措施，在行政院所屬各機關主管法律案之報院審查程序中，訂定《行政院所屬各機關主管法案報院審查應注意事項》及《中央行政機關法制作業應注意事項》之審查規定，法律案須依照 2014 年 8 月 15 日生效之「法案及性別影響評估檢視表」填寫評估。法案研擬完成後，將「法案及性別影響評估檢視表」的填寫結果送請性別平等專家學者進程序參與，並參酌其意見修正法案內容，作為我國法律考量人權權益的措施，其中「法案及性別影響評估檢視表」檢視之內容包括性別統計、性別分析、法案對不同性別、性傾向、性別認同者所造成影響的分析、對人權之影響、是否符合《憲法》、《公民與政治權利國際公約》、《經濟社會文化權利國際公約》及《消除對婦女一切形式歧視公約》等項目。未來法案影響評估程序會增加以《公約》第 3 條原則作為法案整體對身心障礙者影響之基礎評估原則。
- 二、目前就確保法案及政策對身心障礙者能有效實現《公約》第 3 條之原則透過以下措施以實現：
  - （一）透過檢視全國法律及行政措施，將不符合《公約》精神的相關規定，訂定修改期程。
  - （二）《身心障礙者權益保障法》第 16 條規定不得歧視相關規定，第 10 條規定主管機關應遴聘（派）身心障礙者或其監護人代表、身心障礙福利學者或專家、民意代表與民間相關機構、團體代表及各目的事業主管機關代表辦理身心障礙者權益保障事項，並且保障身心障礙者及民間相關機構、團體代表比例。遴聘之身心障礙權益保障推動小組辦理之權益保障事

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項包括整合規劃、研究、諮詢、協調推動促進身心障礙者權益保障相關事宜等。於 2014 年 11 月 20 日施行《兒童權利公約施行法》，將對兒童的權益發展一併納入我國的法制系統中。

- (三) 《長期照顧服務法》於 2017 年 6 月 3 日正式施行，該法明訂服務對象包含身心失能者，使受平等對待，獲得長照服務機會均等，不予歧視或排擠；爰推動《長期照顧十年計畫 2.0》，提供從支持家庭、居家、社區到住宿式照顧的多元連續服務，並提升長照需求者與照顧者之生活品質。《長期照顧十年計畫 2.0》，擴大服務對象至 49 歲以下失能身心障礙者，衛生福利部透過各項服務計畫，結合身心障礙團體、機構資源，積極佈建失能身心障礙者長照服務資源，其中包括失能身心障礙者日間照顧服務、失能身心障礙者家庭托顧服務、擴增輔具中心服務量能、身心障礙福利機構老化專區等。
- (四) 《精神衛生法》第 1 條規定：「為促進國民心理健康，預防及治療精神疾病，保障病人權益，支持並協助病人於社區生活」，另於相關條文明定需尊重病人之人格及保障其合法權益；對於病情穩定者，不得以曾罹患精神疾病為由，而拒絕就學、應考、僱用或予其他不公平之待遇。在充分參與部份，《精神衛生法》也訂定有關於精神病人相關之政策規劃亦需邀請病情穩定之病人及家屬共同參與之規定。精神科醫院、精神復健機構及精神護理之家，應符合建築法規定之無障礙環境建置，前開之措施皆與《公約》第 3 條原則相符。衛生福利部每年補助各地方政府工作計畫項目內容即為要求落實《精神衛生法》之相關規定，且衛生福利部自 2016 年起辦理實地考核或輔導，以持續督導各地方政府落實執行。
- (五) 依據《憲法增修條文》第 10 條第 5 項前段規定，國家應推行全民健康保險。其為一強制性社會保險，目的在於集合多數人力量，透過保險風險分擔、自助互助機制，共同解決弱勢民眾之就醫經濟障礙，包括身心障礙者均可獲得公平醫療服務。

### 行政院性別平等處

- 一、針對《公約》第 3 條所述八大原則之一「男女平等」，行政院自 2005 年起呼應國際趨勢積極推動性別主流化工作，研發符合我國體制之性別主流化工具，包含性別影響評估、性別統計與分析、性別預算及性別意識培力，並於各部會推動設置性別平等專案小組，督導各部會持續推動性別平等業務。此外，行政院自 2006 年起實施《行政院各部會推動性別主流化實施計畫》，由各機關分別就業務相關之性別議題訂定關鍵績效指標及年度目標值，並逐年檢討推動落實情形。
- 二、為確保各部會於擬訂重要計畫及法律案時均能融入性別觀點，我國自 2009 年起規範國家重要中長程計畫及法律案均應進行性別影

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響評估，運用性別統計及性別分析，評估計畫及法律案之實施結果是否潛藏性別不平等現象，並特別關注計畫及法律研擬過程中不同性別參與情形，以及公共空間之軟硬體規劃設計，是否兼顧不同生理差異之需求，及是否注意到弱勢族群的多重歧視，並依評估結果採取積極作為，以提升性別效益。

- 三、我國於 2011 年制定《消除對婦女一切形式歧視公約施行法》，於 2012 年至 2014 年間完成檢視各機關之法律、命令及行政措施共 33,157 件，其中涉及身心障礙者各項生活補助、服務計畫、身心障礙福利機構管理、人力遴聘及培訓等共計 537 件法律、命令或行政措施。其中 5 件地方政府身心障礙補助審核規定，全家人口計算範圍排除與父母不同戶籍之出嫁女兒，但兒子無論是否同戶籍皆納入，經審查違反《消除對婦女一切形式歧視公約（CEDAW）》第 5 條，各機關業已完成法規修正。

### 教育部

- 一、為確保所有法律與政策能符合《公約》之精神與規定，依據《身心障礙者權利公約施行法》規定，教育部在 2016 年完成檢視 1,113 個法規/行政措施，經專家學者、民間團體反映仍有部分法規需再檢討修正，後又於 2017 年 7 月再邀請專家學者、民間團體及相關行政單位，共同檢視討論修正事宜。如有歧視性文字或規定者，將於 2017 年底前完成修正，如需配合其他法規始得修正者，則於該等法規修正後半年內隨之修訂。
- 二、教育部及各地方政府依《特殊教育法》第 5 條之規定各自設立特殊教育諮詢會，由教育部部長及各縣市縣長或市長擔任召集人，遴聘學者專家、行政人員、教師組織代表、家長代表、特殊教育相關專業人員（如醫師、物理治療師、社會工作師等）、相關機關（構）及團體代表，參與諮詢、規劃及推動特殊教育相關事宜，其提供諮詢意見包括：研修法規、資源分配、培訓師資、教學、輔導及相關特教服務措施等，且通常會針對相關教育政策或措施是否符合《公約》所定原則提出討論。
- 三、為使身心障礙者能順利就學，《特殊教育法》第 22 條明定，各級學校不得以身心障礙為由，拒絕學生入學或應試。對於其家庭經濟條件不利者，由學校依《特殊教育法》第 32 條之規定減免該學生之就學費用，此外，對於無法自行上下學之身心障礙學生，由主管機關依《特殊教育法》第 33 條之規定，免費提供交通工具或補助其交通費。
- 四、為保障身心障礙學生參與各項活動的機會均等，各主管機關要求學校依《身心障礙學生支持服務辦法》第 10 條之規定，除了應配合身心障礙學生需求，建立或改善整體性之設施設備，同時也要求學校在辦理相關活動時，應考量身心障礙學生參與之需求，包括調整活動內容與進行方式、規劃適當動線、提供輔具、人力支援及危機處理方案等相關措施。

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### 司法院

- 一、《法院辦理民事事件調解委員日費旅費及報酬支給標準》第4條第3項，業於2017年2月14日將「殘障」用語修正為「障礙」；另《法院辦理民事事件證人鑑定人日費旅費及鑑定費支給標準》第4條第1項，業於2016年12月30日將「殘障」用語修正為「障礙」，俾實現《公約》第3條所述「不歧視」等原則。
- 二、為尊重身心障礙等弱勢當事人之差異，使其有效、均等、無障礙參與訴訟程序，《家事事件法》已明定社工陪同、應使用通譯、選任程序監理人、請兒少心理專家協助、應訊問鑑定人後始得為監護或輔助宣告等制度，並準用《民事訴訟法》作證時不解具結意義者不得令其具結之規定；《少年事件處理法》明定以保障少年健全之自我成長為目的，另有審前調查、選任輔佐人、令入相當處所實施治療、轉向處遇等制度，並適用《刑事訴訟法》有關通譯、不得令具結、選任辯護人、通知法律扶助機構指派律師到場為其辯護、社工人員陪同在場等規定（《家事事件法》第11條、第15條、第19條、第108條、第165條、第167條、第178條、第185條、《民事訴訟法》第314條、《少年事件處理法》第1條、第1條之1、第19條、第28條、第29條、第42條、《刑事訴訟法》第31條、第35條、第99條、第159條之3、第186條等參照）。

### 法務部

《臺灣高等法院檢察署暨所屬各署檢察官偵辦案件審慎起訴應行注意要點》第4點第2款，「殘障」一詞業於《公約》法規檢視期間修正為「身心障礙之人」；另法務部矯正署對於《外役監受刑人遴選實施辦法第2條》亦於2016年10月11日將第2條第1項第8款「重度肢體殘障」，修正為「重度肢體障礙」；其餘列為法規優先檢視清單之法規刻正修法研議中，期能於2017年12月3日前完成相關作業。

### 經濟部

經濟部逐步採取相關措施確保法律與政策能有效實現《公約》第3條所述之原則：

- 一、修正法令：如《著作權法》已於2015年進行修正，擴大身心障礙者之合理使用範圍，已符合世界智慧財產權組織《馬拉喀什條約》之標準，經濟部智慧財產局並著手修正《專利師法》，刪除罹患精神疾病或身心狀況違常者不得充任專利師或專利代理人之規定，

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以消除對於身心障礙者之歧視。

### 二、訂定法令：

- （一）經濟部標準檢驗局依據《身心障礙者權益保障法》第 52 條之 1 第 2 項規定訂定《無障礙產品設計獎勵辦法》，就無障礙產品設計、製造於每年辦理獎勵甄選活動。另針對無障礙部分，制定身心障礙者輔具及無障礙等相關國家標準共計 97 種，包含輔具 62 種、無障礙設計 30 種、無障礙設備 5 種，提供各機關（構）參考。經濟部將持續研擬、制定身心障礙者輔具及無障礙相關國家標準，俾利保障人民之權益。
- （二）部分縣市攤販管理自治條例對於攤位或空攤訂有保留一定比率予身心障礙者設攤營業之規定，或對於攤販設攤許可之資格條件訂有須領有身心障礙手冊者之限制。另部分縣市於該公有零售市場相關子法（如《攤鋪位管理辦法》等）訂有新設市場或公有市場攤鋪位保留一定比率優先予身心障礙者申請或經營。

### 金融監督管理委員會

金融監督管理委員會於 2012 年 3 月 3 日修正《保險業招攬及核保理賠辦法》，已明定保險業除訂立保險契約時，係以保險精算及統計資料作為危險估計之基礎者外，不得對特定承保對象，或僅因被保險人為身心障礙者而有不公平待遇。

### 交通部

交通部於 2011 年成立「交通部無障礙交通環境推動小組」，邀請身心障礙團體代表及相關專家學者擔任小組委員，每 6 個月開會 1 次，定期檢討無障礙措施及體檢、督導及協調部屬機關辦理無障礙交通環境改善。詳細成果請參閱國家報告。

### 國家通訊傳播委員會

國家通訊傳播委員會修訂《無障礙網頁開發規範 2.0 版》與相關法規時，參酌全球資訊網協會（W3C）發布之《網頁內容可及性規範 2.0 版（WCAG 2.0）》進行研擬，俾確保前揭法規符合《公約》之原則與精神。

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### 勞動部

- 一、為確保勞動部法規及政策皆能落實《公約》意旨，勞動部業於 2016 年 4 月 26 日召開促進身心障礙者訓練與就業推動小組第 1 次臨時會，檢視及討論主管法規及行政措施是否符合《公約》規定，針對不符合或似不符合《公約》之法規及行政措施，後續將於法定期限內完成修訂與改進。
- 二、另為建立「防制就業歧視及職場平權」觀念，勞動部每年與各地方政府合作辦理「職場平權暨性騷擾防治研習會」至少 25 場次，2015 年製作中高齡及身心障礙就業歧視禁止教育教材「人生大廚」微電影光碟片，並透過多元行銷管道播映，提升社會大眾就業歧視禁止意識及認知，另 2016 年新增辦理「防制就業歧視研習營」，加強雇主瞭解《就業服務法》及《性別工作平等法》等相關就業歧視禁止之法令規定及職場平權之意涵。

### 文化部

文化部為推動館所無障礙及文化平權觀念，訂定《文化部推廣文化平權補助作業要點》，以提供經費挹注至相關族群，包含身心障礙者。另訂定「文化展演場館友善服務暨設施（備）檢核表」、「辦理文化活動之無障礙設施及服務自我檢核表」供文化部及所屬館所辦理無障礙活動、提供軟硬體服務措施時之自我檢核，期能創造友善無障礙及平權的文化環境。

英文回應：

### Ministry of Health and Welfare

1. Article 3 of CRPD provides eight principles, including respect for inherent dignity of persons with disabilities, individual autonomy, non-discrimination, equality between men and women, accessibility, etc. With regard to the legal aspects, Taiwan has taken measures, in the procedures whereby each authority subordinated to the Executive Yuan shall submit a bill, to establish such regulations for examination as provided in the “Directions for Deliberations on the Bills Handled and Submitted to the Executive Yuan by All Authorities Subordinated to the Executive Yuan” and Directions for Legislative Operations of the Central Administrative Authorities to require that each authority must fill in the Bill and Gender Influence Assessment/Review Form which became effective on August 15, 2014 for assessment of a bill. After completing the draft of its bill, the authority shall deliver the results of the Bill and Gender Influence Assessment/Review Form to the experts and scholars

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in gender equality for their participation in the procedures and shall take their opinions into consideration for amendments to the contents of the bill. In the Bill and Gender Influence Assessment/Review Form, the contents subject to review, including gender statistics, gender analysis, analysis on the impact on the persons with different genders, sexual orientation, gender identification affected by the bill, the bill's impact on human rights, whether the bill complies with the Constitution, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights and the Convention on the Elimination of all Forms of Discrimination Against Women, are assessed and reexamined by the legislative units and delivered to the experts and scholars in gender equality for inclusion in the procedures of gender impact assessment. These are the legal measures which Taiwan takes to protect the human rights and interests of persons with disabilities.

2. To ensure the effective implementation of the principles provided in Article 3 of CRPD in the bills and policies for persons with disabilities, Taiwan has taken the following measures:
  - (1) Through reviewing the laws in the Laws and Regulations Database of The Republic of China, all ministries, commissions/committees, non governmental organizations and individuals fill in a form of report the provisions and laws that are likely not in compliance with CRPD and conduct statistics, and set the schedule to accomplish the amendments to those laws that do not conform to the spirit of CRPD.
  - (2) As to the non-discrimination principle, Taiwan has enacted the Employment Service Act, Gender Equality Platform, Act of Gender Equality in Employment, Gender Equity Education Act, Article 16 of the Act Governing the Protection of the Rights of Persons with Disabilities and regulations related to anti-discrimination. In terms of the principle of effective participation and inclusion in society, Article 10 of the Act Governing the Protection of the Rights of Persons with Disabilities provides that the competent authorities shall select and employ (appoint) persons with disabilities or their guardians/representatives, scholars or experts in welfare for persons with disabilities, elected representatives, representatives of related non-governmental organizations/groups and representatives of competent authorities governing enterprises for various purposes to conduct protective matters for the rights and interests of persons with disabilities and ensure the proportion of persons with disabilities and representatives of related non-governmental organizations/groups. The protective matters carried out by the team of protection and promotion of the rights and interests of persons with disabilities include integrative planning, research, consultation, coordination, promotion, facilitation and related matters for the protection of the rights and interests of persons with disabilities. To respect the capacities of children with disabilities and their right of identities, Taiwan promulgated the Implementation Act of the Convention on the

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Rights of the Child on November 20, 2014 and will bring the development of the rights and interests of children with disabilities into the domestic legal system.

- (3)The Long Term Care Service Act is officially implemented on June 3, 2017. The legislation stipulates that equal treatment and equal long-term care service opportunities for the service target include the physical and mental disability without any discrimination or exclusion. The government promotes the Ten Year Plan for Long-Term Care in Taiwan and provides a diverse continuous service ranging from family support, household, community, to boarding care that improves the quality of living for those in need of long-term care and their caregivers. The Long-Term Care 2.0 policy extends its services to persons with physical and mental disabilities aged below 49. Through various service plans and collaborating with disability organizations and institutions, the Ministry has actively deployed and built up long-term care service resources for persons with disabilities, which include day-care services for persons with disabilities, family support services for persons with disabilities, expansion and augmentation of service capacity of the assistive devices centers, special zones for aging persons in disability welfare institutions, etc.
- (4)Article 1 of Mental Health Act provides that “Mental Health Act is specifically formulated to promote the mental health of the population, prevent and treat mental illnesses, protect patients’ rights and interests, support and assist patients living in community.” In addition, the others articles of Mental Health Act stipulate that patients’ personality, legitimate rights and interests shall be respected and protected. For patients with stable conditions, it is prohibited to refuse their access to schooling, examination, and employment or to implement any other unfair treatment for the reason that they had ever suffered from mental illnesses. To encourage full participation, Mental Health Act also requires that when making policies relating to psychiatric patient, the patients with stable condition and their family members need to be invited for such discussion and planning. As for physical accomodation, psychiatric hospitals, mental rehabilitation institutions and mental care nursing homes should be in line with the Building Act of the provisions of the accessibility environment. These provisions are consistent with the principles of CRPD Article 3. Ministry of Health and Welfare requires the supervised divisions in municipality and counties (cities) to implement the above-mentioned provisions of Mental Health Act to be qualified in the subsidization plans on relevant projects. The department has gone through the field assessment or counseling annually to continuously supervise and ensure the implementation of these projects since 2016. According to Article 10, Paragraph 5 of the Amendments to the Constitution further stipulates: “The State shall promote



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the national health insurance.” The National Health Insurance program which has been established since 1995 is a compulsory social insurance program. It aims to gather the strength of the whole society to reduce the barrier for economically and socially disadvantaged Taiwanese to access medical services through the spirit of risk-sharing and “self-help and mutual-aid.” All Taiwanese enjoy equal rights to medical services, including people with disabilities.

(5) According to Article 10, Paragraph 5 of the Amendments to the Constitution further stipulates: “The State shall promote the national health insurance.” The National Health Insurance program which has been established since 1995 is a compulsory social insurance program. It aims to gather the strength of the whole society to reduce the barrier for economically and socially disadvantaged Taiwanese to access medical services through the spirit of risk-sharing and “self-help and mutual-aid.” All Taiwanese enjoy equal rights to medical services, including persons with disabilities.

**Department of Gender Equality, Executive Yuan**

1. In 2005, the Executive Yuan set out to begin researching and developing gender mainstreaming tools tailored to accommodate Taiwan's system of government based on the notion of "equality between men and women" - one of the eight principles set forth under Article 3 of CRPD - and with the aim to actively promote gender mainstreaming in line with international trends. Such tools include gender impact assessments, gender-based statistics and analysis, gender budgeting, and gender awareness training as well as promoting the creation of gender equality task forces within various government ministries and departments to oversee the continued promotion of gender equality efforts throughout each ministry and department. Furthermore, beginning in 2006, the Executive Yuan implemented the Gender Mainstreaming Action Plan for Executive Yuan Subordinate Agencies. This plan calls for government agencies to individually formulate key performance indicators and annual targets pertaining to gender issues within the scope of their respective operations as well as conduct annual reviews of the latest progress and implementation status.
2. Since 2009, Taiwan has required gender impact assessments to be carried out for all major national mid- and long-term projects and legislation in order to ensure that every government ministry and department is able to incorporate gender perspectives when drafting major programs and legislation. Such assessments include the use of gender statistics analysis to evaluate the implementation results of various programs and legislation

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and to determine whether any lingering vestiges of gender inequality are still in existence. Furthermore, special emphasis is placed on the participatory conditions of different genders during the process of researching and formulating programs and legislation, determining whether planning and design of tangible and intangible facilities in public spaces take into account different needs arising from physiological differences, and determining whether attention is paid to intersectional discrimination of disadvantaged groups. Active response measures are subsequently adopted based on the results of the assessments in order to boost the efficacy of gender equality measures.

3. In 2011, Taiwan enacted the Implementation Act of Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW Enforcement Act"). In the wake of the Act, from 2012 to 2014, a total of 33,157 laws, legal orders, and administrative measures of government agencies were examined and reviewed, including a total of 537 laws, administrative orders, and administrative measures involving living subsidies and service plans for persons with disabilities as well as management, hiring practices, and personnel training of social welfare institutions which represent persons with disabilities. Among the cases under review were five local government regulations pertaining to the procedure for approving subsidies issued to persons with disabilities in which the scope of calculating household subsidies excluded married daughters with a household registration that differed from that of her parents but permitted sons to remain eligible to receive such subsidies regardless of whether they were listed on the same household registration as their parents. This regulatory inequality was found to be in violation of Article 5 of CEDAW, and amendments to applicable laws and regulations have since been enacted by relevant departments and agencies.

**Ministry of Education**

1. To firmly assure that all laws concerned will satisfy the spirits and requirements of CRPD, exactly in accordance with the Implementation Act of The Convention on the Rights of Persons with Disabilities, the Ministry of Education completed the review and reassessment of a total of 1,113 laws/administrative measures in 2016. As responded by scholars and experts as well as non-government organizations, there are still rules and regulations calling for further reassessment and amendment. In July 2017, as a result, the Ministry of Education further invited scholars and experts as well as the administrative authorities to jointly review the necessity for further amendment. Against such wording or requirements containing implication of discrimination, the government is scheduled to complete the entire amendment process before the end of 2017. For

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any parts for which the amendment could not be completed unless in coordination with other laws and ordinances concerned, all such parts shall be amended within six months after the aforementioned amendment.

2. Both the Ministry of Education and municipality, county (city) governments have, in accordance with Article 5 of the Special Education Act, established special education consultation committees for which the Minister of Education and the mayoral heads of the municipality, county (city) governments serve as the conveners and invite scholars and experts, educational and school administrators, delegates of teacher organizations, parent representatives, professionals of related areas (e.g., doctors/physicians, physical, social workers specialists) , and delegates of related institutions and groups to participate in consultation, planning and development of special education. The consultative opinions so provided include study and update of laws and ordinances concerned, distribution of resources, training of teachers, teaching, guidance and relevant services about special education. Normally, those Committee members will study and discuss whether the educational policies would satisfy the principles stipulated under the Convention.
3. To firmly safeguard people with disabilities for their entitlement to go to school, Special Education Act expressly provides in Article 22: All the schools and test centers must not reject student admission to school or test for the sake of disability itself. Toward students with disabilities in adverse financial conditions, such a school shall, in accordance with Article 32 of Special Education Act, reduce or waive the educational expenses of students with SEN based on their family's financial circumstances. Toward students with disabilities who are not in the capability to go to school on their own, the competent authority shall provide transportation or offer traffic allowances in accordance with Article 33 of Special Education Act.
4. To assure equal opportunities for the students with disabilities to participate in a variety of activities, the competent authorities shall, as required under Article 10 of the Regulations Governing Supportive Services toward the Students with Disabilities", set up or improve the overall equipment and facilities in coordination with the need by the students with disabilities. At the same time while a student sponsors the relevant activities, they should take into account the substantial need by the students with disabilities in participation, including notably adjustment of the contents and mode of progress, the efforts to map out appropriate movement lines, provide assistive technology, human resources as well as the measures to deal with crisis.

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### Judicial Yuan

1. Article 4, Paragraph 3 of Standards for Per Diem, Travelling Expenses and Remuneration Payment to Civil Matter Mediation Members of Courts was amended on February 14, 2017. The term “handicapped” was amended to “disability.” In addition, Paragraph 1, Article 4 of “Standards for Per Diem, Travelling Expenses and Examination Fee Payment to Witness and Expert Witness of Civil Matters of Courts” was also amended on December 30, 2016. The term “handicapped” was amended to “disability” in order to implement the “non-discrimination” principle prescribed in Article 3 of the Convention.
2. In order to make sure the minors participate in the procedures of litigation effectively, evenly, and non-restrictively due to their variances, the Family Act has stipulated systems such as accompanying by social workers, appointing an appropriate interpreter, selecting guardian ad litem, asking for help from experts in child or youth psychology or in other relevant fields, declaring guardian or auxiliary only after consulting the appraisers. Meanwhile, the provisions of the Code of Civil Procedure shall apply, mutatis mutandis, where a witness is under the age of sixteen or with mental disabilities to understand the meaning and the effect of a written oath, he/she shall not be ordered to sign a written oath. The purpose of the Juvenile Delinquency Act is “to ensure the sound growth of juveniles, adjust their environment, and rectify their character.” The Act also allows investigation prior to court hearings, selecting a defender, sending them to a relevant treatment center for rehabilitation, and transferring them to social welfare institutes. And the rules regarding interpreters, avoiding committing perjury, selecting a defender, having the Legal Aid Foundation assign attorneys to provide defense and allowing social workers’ participation in the Code of Criminal Procedure shall apply.

### Ministry of Justice

Point 4 Subparagraph 2 of the Guidelines for Taiwan High Prosecutors Office and Subordinate Organizations to Handle Criminal Cases and Discreet Prosecution, the term “Disabled” was amended to “persons with disabilities” during the period of reviewing the laws and regulations as required by the Implementation Act of CRPD. In addition, Article 2, Paragraph 1, Subparagraph 8 of the Regulations Governing Inmate Selection for Open Prison of Agency of Corrections, the term “severe physically disabled” was amended to “persons with severe physical disabilities” on

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October 11, 2016. As for the amendment to other laws and regulations, the process of review is still undergoing, in the hope that they may be accomplished by December 3, 2017.

**Ministry of Economic Affairs**

Ministry of Economic Affairs takes measures to ensure the effective realization of the principles established in Article 3 of CRPD in all laws and policies adopted by Taiwan :

1. Amendments

The Copyright Act was amended in 2015 to expand the scope of copyright exception for persons with disabilities, which is in line with the standard set by the WIPO Marrakesh Treaty. The Ministry of Economic Affairs is now making the amendment of Patent Attorney Act, which plans to delete the rule that any person with mental disabilities or other physical or mental impairment shall not practice as a patent attorney or a patent agent, in order to avoid the discrimination against persons with disabilities.

2. Promulgating orders

(1)The Bureau of Standards, Metrology and Inspection of the Ministry of Economic Affairs adopted Regulations Governing the Award of Accessible Products Design in accordance with Article 52-1, Paragraph 2 of the “Persons with Disabilities Rights Protection Act, to hold annual campaigns for the design and manufacture of accessible products. In terms of the part of accessibility, the BSMI published 97 national standards related to assistive devices for persons with disabilities and access-free design, including 62 on assistive devices, 30 on access-free design, and 5 on access-free equipment, as references for related government bodies or agencies. The Ministry of Economic Affairs continues to develop and publish additional national standards on assistive devices and access-free to protect the rights of the people.

(2)Some autonomous regulations of the county and city governments provide for the provision of stalls for people with disabilities at a certain rate for the stall, or for the eligibility criteria for disability identification. In addition, some by laws of counties and cities which regulate public retail markets retain a certain percentage of priority to persons with disabilities to apply and operate.

**Financial Supervisory Commission**

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The Financial Supervisory Commission amended Regulations Governing Business Solicitation, Policy Underwriting and Claim Adjusting of Insurance Enterprises on March 3, 2012, stipulating that the risk estimation of insurance contracts is subject to actuarial and statistical information as the basis. Insurers may not treat specific policyholders unfairly because of their disabilities.

### Ministry of Transportation and Communications

Ministry of Transportation and Communications established the steering group of accessible traffic environment that invite organizations of disability and specialists to supervise its subordinate organs improving public transportation environment by universal design. The meeting of the steering group is hosted every six months. The detailed result is recorded in the national report of CRPD.

### National Communications Commission

To ensure the effective realization of the CRPD principles and by referring to guidelines of W3C wcag2.0 so as to adhere to international norms, National Communications Commission has revised the Accessible Web Development Guidelines 2.0.

### Ministry of Labor

1. To ensure that laws and policies of the Ministry of Labor fulfill the purpose of CRPD, the Ministry of Labor called the first special meeting of the task force for promoting the training and employment of persons with disabilities on April 26, 2016 to review and discuss whether laws and administrative measures were in compliance with CRPD. Laws and administrative measures which were not or seemed to not be in compliance with CRPD would be amended and improved within the legal timeline.
2. To form a concept of employment equality and employment non-discrimination, the Ministry of Labor works with city and county governments to organize at least 25 seminars on equal employment and sexual harassment prevention every year. In 2015, a microfilm “Chef of Life”, which promotes the prohibition of employment discrimination against the elderly and persons with disabilities, was produced and broadcast through diverse channels to raise public awareness on the prohibition of employment discrimination. In 2016, a seminar on the prevention of employment discrimination was organized to strengthen employers’ understanding about the significance of employment equality, and about the laws and

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regulations on prohibiting employment discrimination stipulated in the Employment Service Act and the Act of Gender Equality in Employment.

**Ministry of Culture**

To promote accessibility across its venues and cultural equality, the Ministry of Culture established the “Ministry of Culture Directions Governing the Subsidy for Promoting Cultural Equality” to provide funding to people in need, such as persons with disabilities. The Ministry of Culture also compiled the “Cultural/Performance Venue Accessibility Checklist” and “Cultural Activity Accessibility and Service Checklist”, which would be implemented during activities for disability accessible by the ministry or its venues. The checklists will examine the software and hardware and ensure a friendly and accessible environment with cultural equality.

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條文	點次	原文	中譯（草稿）
第 1 條及第 2 條 定義及宗旨 第 3 條 一般原則 第 4 條 一般義務	6.	Please indicate whether the State provides support to national and local associations of persons with disabilities and how those organizations are involved in decision-making processes concerning legislation, public policies, and budgeting, including organizations of women and of children.	請說明國家是否對全國性與地方性身心障礙組織提供支援，且此等組織如何參與和立法、公共政策、預算相關之決策，其中包括婦女與兒童組織在內。

中文回應：

- 一、我國各級政府機關於訂立身心障礙福利相關立法、政策時，以辦理政策說明會使服務提供者及身心障礙者瞭解最新政策規劃與內容，且所召開之相關研商會議皆邀請身心障礙組織代表與會，另中央機關設有衛生福利部身心障礙者權益保障推動小組，地方政府亦設有身心障礙者權益保障推動小組，邀集政府機關代表、身心障礙福利領域專家學者及身心障礙組織代表為委員，共同參與立法、公共政策規劃等決策過程。對於身心障礙組織，政府提供人事費用補助、環境設施或設備等硬體補助，及辦理活動與提供服務所需經費補助，2011 年至 2015 年間平均補助新臺幣 2,340 萬餘元。
- 二、為檢視並關注身心障礙兒童的權益，我國積極發展周延及整體性的兒少福利政策與措施，並運用補助方式支持兒童福利組織及早期療育團體等參與、負擔多元的兒童權益福利服務工作。另中央機關設有兒童及少年福利與權益推動小組及發展遲緩兒童早期療育服務推動小組，全國地方政府設有促進兒少福利政策之委員會，邀集政府機關代表、身心障礙福利領域專家學者及身心障礙組織代表為委員（例如：臺灣兒童發展早期療育協會、伊甸社會福利基金會等為現任委員；中華民國智障者家長總會推薦身心障礙兒童擔任兒少代表），共同把關身心障礙兒童權益。上開組織或團體為身心障礙兒少事務之立法、公共政策或預算分配事項提出之建言，透過中央或地方交流平臺，將形成國家決策方向之重大指標，進一步由各行政機關執行或廣泛補助兒童福利組織辦理。
- 三、針對身心障礙婦女代表如何參與公共政策決策一節，行政院第 3 屆性別平等會委員（任期自 2016 年 7 月 1 日至 2018 年 6 月 30 日）已包含 1 名身心障礙女性代表，參與性別平等政策相關諮詢工作；另行政院《性別平等政策綱領》明定「各部會性別平等專案小組、相關委員會及各地方婦權會或行政院性別平等會之委員邀請，應提升原住民、新移民、老年、身心障礙、勞動、農村及



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偏遠地區等不同身分女性及多元性別之代表性，以增進其參與治理機會」。

英文回應：

1. When any level of governments in Taiwan bring in any legislations or policies related to welfare for persons with disabilities, they held policy meetings to enable service providers and persons with disabilities to have knowledge of the planning and contents of new policies, and they would invite representatives of organizations of persons with disabilities to attend all related consultation conferences which they have held. In addition, the central authorities have set up a team of protection and promotion of the rights and interests of persons with disabilities in the Ministry of Health and Welfare and the local governments have also set up the teams for the protection and promotion of the rights and interests of persons with disabilities, whose members consist of representatives of governmental authorities, experts/scholars in the field of welfare for persons with disabilities and the representatives of organizations of persons with disabilities, to jointly participate in the decision making process for legislation and public policies planning. With regard to organizations of persons with disabilities, the governments provide subsidies for human power expenditure, subsidies for hardware like environmental facilities or equipment and subsidies for expenses needed for holding activities and offering services. Average subsidies amount to TWD 23,400,000 during the years from 2011 to 2015.
2. To review and protect the rights and interests of children with disabilities, Taiwan has actively developed inclusive and integral welfare policies and measures for children and youth and uses subsidies to support child welfare organizations and early intervention organizations to participate in and assume diverse services for children's rights, interests and welfare. In addition, the central authorities have set up the Group to Promote the Welfare and Rights and Interests of the Children and Youth and the Group to Promote Early Intervention for Developmentally Delayed Children, while nationwide local governments have set up Group to Promote the Welfare and Rights and Interests of the Children and Youth by inviting the representatives of governmental authorities, experts and scholars in the field of disability welfare and representatives of disability organizations to serve as its members (*e.g.*: Taiwan Association of Child Development and Early Intervention, Eden Social Welfare Foundation are incumbent members; Taiwan Parents' Association for Persons with Intellectual Disability recommended some children with disabilities to serve as representatives of children and youth) to jointly protect the rights and interests of children with disabilities. The recommendations rendered by the above-mentioned organizations for legislation, public policies or budget allocation of the affairs concerning children and youth

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with disabilities, through central or local communication platforms, will become significant indicators for decision-making directions and can be further executed, or carried out by the child welfare organizations through widespread subsidies from all administrative authorities.

3. Regarding the question of how to facilitate greater participation and representation of women with disabilities in the areas of public policy and decision-making, the third Gender Equality Committee of the Executive Yuan (whose members serve a term from July 1, 2016 to June 30, 2018) now includes a woman with disabilities among its ranks who participates in advisory tasks related to gender equality policies. Furthermore, the Executive Yuan's Gender Equality Policy Guidelines clearly stipulates that "the solicitation of committee members who may serve on gender equality task forces and relevant committees in each government ministry and department as well as committee members for various women's rights committees and gender equality committees in various cities and counties shall increase the number and proportional representation of women of various backgrounds and diverse gender identities including indigenous persons, new immigrants, senior citizens, persons with disabilities, blue-collar workers, and persons from agricultural areas and remote regions in order to increase opportunities for greater participation and administrative oversight among such individuals."

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條文	點次	原文	中譯（草稿）
第 5 條 平等及不歧 視	7.	Please provide information about the government's and the private sector's role and responsibilities in improving attitudes towards persons with disabilities and in monitoring and combatting direct and indirect discrimination against persons with disabilities in all respects.	請提供有關政府與民間在改善對身心障礙者態度方面的責任，以及監測與對抗對身心障礙者在各種層面之直接與間接歧視的相關資訊。

中文回應：

- 一、我國透過教育與媒體展開宣傳以改善對身心障礙者態度的措施，使社會大眾認識身心障礙的特質。消除法律及大眾傳播中出現對身心障礙者歧視性的描述及文字來改善歧視態度，並且透過正面的態度及語言使社會瞭解身心障礙者及其權益。我國廣電業者成立之「中華民國電視學會」或「中華民國衛星廣播電視事業商業同業工會」針對新聞報導身心障礙者羅列相關自律規範，避免使用歧視性文字或身體與心理特徵以標籤化身心障礙者。政府亦有《媒體報導精神疾病之準則》改善大眾傳播中對身心障礙者可能造成偏見的報導。
- 二、在消除對身心障礙者的歧視方面，為提升我國公務人員對身心障礙權益的意識，在各地舉行 13 場次之教育訓練課程，並且製作《公約》數位課程供公務人員學習使用。各部會亦以多元教育方式宣導《公約》，自 2014 年 12 月 1 日起至 2017 年 6 月 30 日止共舉辦講座（8,318 場次，957,223 人次）、數位學習課程（6,245 小時，6,177 人次）、讀書會或影片欣賞（57 場次，2,859 人次）、口頭宣導（56 場次，5,212 人次）、媒體、文字、電子化或其他方式宣導（511 次）等教育訓練或宣導方式。2017 年亦持續規劃針對社會大眾為宣導對象之方式提升對身心障礙者之態度，包括運用媒體通路辦理宣導，使社會大眾認識身心障礙者，以廣播帶、《公約》影片、海報、宣傳折頁、兒童繪本、法規概要、及文宣品等方式，針對不同年齡的對象進行宣導，以提升整體社會對身心障礙者的瞭解並且改善歧視的態度。
- 三、監測及對抗對身心障礙者的歧視方面，我國政府規劃在法規檢視過程應邀請身心障礙者或民間團體參與，對於不符合《公約》精神或涉及直接與間接歧視的法規及行政措施，系統化地要求各主管機關及地方政府進行限期修改，且在修改過程中均應邀請身心障礙團體參與討論。

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- 四、依據《身心障礙者權利公約施行法》第 5 條第 2 項規定，我國已於 2017 年著手進行建立評估公約落實與影響之人權指標、基準及政策、法案之影響評估研究，以作為未來政策規劃參考。此外，在中央部會及地方政府皆設有人民陳情機制，地方政府設有身心障礙者權益受損協調機制，若身心障礙者在各層面遭受歧視及不平等待遇，可尋求權益保障。
- 五、於 2014 年，弘愛服務中心因整修，短暫遷至台北市某學校閒置校舍的安排而遭家長反對。抗爭期間，地方政府積極進行協調，聆聽家長的疑慮並促成多方溝通、採取具體的規劃，包括校方擬定完善流程及措施以因應心智障礙者進駐校園期間的安全，台北市智障者家長協會挹注專業之照顧服務人力。最後達成共識，弘愛服務中心短期進駐該校園，化解了彼此的疑慮並接納身心障礙者，具體落實《身心障礙者權益保障法》第 82 條，成為地方政府為排除身心障礙者因進駐社區而遭受任何形式反對的實例。

### 教育：

- 一、各級學校、幼兒園及機構依《身心障礙學生支持服務辦法》第 13 條之規定，每年辦理特殊教育相關宣導活動，鼓勵全體教職員工與學生認識、關懷、接納及協助身心障礙學生，促進校內全體師生了解身心障礙者，並提升對身心障礙者的正向態度，以支持其順利學習及生活，並規定在設計活動時，應兼顧身心障礙學生之尊嚴。各級學校的辦理成效會列入各主管機關之相關評鑑（訪視）評核指標。
- 二、在消除歧視方面，身心障礙學生對鑑定、安置及輔導認有爭議，或於學習、輔導、支持服務及其他學習權益事項受損時，均可依《特殊教育法》第 21 條之規定提出申訴，且學校及主管機關應提供該等學生申訴服務。而且，各級學校在處理特殊教育學生申訴案件時，應依《特殊教育學生申訴服務辦法》第 5 條之規定，在學校原設立之學生申訴評議委員會中，增聘特殊教育學者專家、特殊教育家長團體代表或其他特殊教育專業人員擔任委員；《特殊教育學生申訴服務辦法》第 6 條規定，各級主管機關及各級學校處理特殊教育學生申訴事宜，應依學生個別或家庭需求提供相關輔具及支持服務，並得指派專人協助。

### 司法：

依《刑事訴訟法》規定，被告、證人、鑑定人為聾啞人士者，得用通譯，並得以文字訊問或命以文字陳述。法務部訂有《檢察機關通譯倫理規範》及《檢察機關辦理刑事案件使用通譯應行注意事項》，明訂檢察官依《檢察機關辦理刑事案件使用通譯應行注意事項》第 3 點主動了解、詢問當事人或關係人有無傳譯之需求，並視個案需要選任通譯。

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### 勞動與就業：

- 一、依《就業服務法》第 5 條第 1 項規定，雇主不得因求職人或受僱者身心障礙情形予以歧視。違反者，依《就業服務法》第 65 條規定，處新臺幣 30 萬元以上 150 萬元以下罰鍰。另《就業服務法》已明訂地方政府掌理就業歧視之認定，並得依規定組成就業歧視評議委員會，以審理就業歧視案件。求職者或受僱員工如認雇主有違反就業歧視禁止規定者，即可依法向工作所在地之勞工行政主管機關提出申訴，並由就業歧視評議委員會據個案事實評議，如確有違法事實，依《就業服務法》第 65 條規定，處新臺幣 30 萬元以上 150 萬元以下罰鍰。
- 二、勞動部每年辦理全國地方勞工行政主管機關受理就業歧視申訴案件之調查統計，另每兩年定期辦理「地方政府勞工行政主管機關推動就業平等業務績效評鑑」，加強掌握各地方勞工行政主管機關辦理防制就業歧視業務執行情形，並督責各執行機關建立及落實完善之防制就業歧視機制。

### 英文回應：

1. Taiwan develops publicity through education and media to improve attitudes toward persons with disabilities and let the public become aware of the characters of disabilities. Taiwan eliminates the description and words with discrimination against the persons with disabilities that appear in the laws and mass communication in order to end discriminatory attitudes and, through positive attitude and language, enable society to understand persons with disabilities and their rights and interests. The Association of Terrestrial Television Networks, Taiwan, or the Satellite Television Broadcasting Association R.O.C formed by the broadcasting and TV enterprises in Taiwan set out related self-discipline regulations for news reporting about persons with disabilities to avoid using discriminatory words or physical and psychological features to label persons with disabilities. Taiwan also established the Code of Media Report about Mental Disease to improve reports in mass communication that might cause prejudice against persons with disabilities.
2. In respect of eliminating discrimination against persons with disabilities, Taiwan has 13 educational training courses around the country and produced digital courses of CRPD to offer for the use and learning of public servants to raise the national public servants' awareness of the rights and interests of persons with disabilities. Each ministry/council also conducted publicity and guidance with CRPD in diverse educational forms. From December 1, 2014 to June 30, 2017, 8,318 lectures with 957,223 participants, 6,245 hours of digital lessons with 6,177 participants,

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57 sessions of reading parties or movies with 2,859 participants, 56 sessions of oral publicity and guidance with 5,212 participants, 511 instances of publicity and guidance in the form of media, words, electronics or other forms. In 2017, Taiwan also continues using these means targeting the public to improve their attitude toward persons with disabilities, including utilizing media channels to conduct publicity and guidance to enable the public to possess knowledge regarding persons with disabilities, making use of the forms of broadcast tapes, CRPD movies, posters, promotional folding pages, children's picture books, abstracts of laws and regulations and promotional materials to conduct publicity and guidance for targets at different ages so as to enhance the entire society's understanding of persons with disabilities and improve the non-discriminatory attitude.

3. In the respect of monitoring and combating discrimination against persons with disabilities, Taiwan has set up procedures to review domestic laws and regulations, whereby the local governments review by themselves whether the laws and regulations and administrative measures under their jurisdiction comply with CRPD and in the course of which persons with disabilities or non-governmental organizations are invited to participate to jointly enumerate the laws and regulations and administrative measures that do not conform with the spirit of CRPD or involve direct or indirect discrimination. Taiwan systematically requires all competent authorities and local governments to conduct modification within given periods, during which the disability organizations shall be invited to participate in discussion.
4. Pursuant to Article 5, Paragraph 2 of the Act to Implement the Convention on the Rights of Persons with Disabilities, Taiwan has established a human rights index, standards and a mechanism to assess and monitor the impact of policies and bills whereby Taiwan assesses the implementation and impact of CRPD to assess the impact of disability policies and bills in 2017. In the process of designing the index, Taiwan invited persons with disabilities, disability organizations and experts/scholars to participate and took into consideration the needs of different disability types, ages, genders, sexual orientations, populations and religions to reflect social and environmental disability situations. In addition, Taiwan has established complaints and petitions mechanisms in all central ministries/councils and local governments and the local governments have established the mechanisms to coordinate on the damage to the persons with disabilities. Thus, if persons with disabilities suffer discrimination and unequal treatment at any level, they may complain through central or local complaint petition mechanisms to seek protection of their rights and interests.
5. In 2014, the arrangement to temporarily relocate the Hong Ai Service Center, due to its renovation, to an idle schoolhouse of a school in Taipei

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City was objected to by parents. During the protest, the local government actively conducted coordination, listened to the parents' concerns, facilitated multilateral communication and adopted concrete plans, including that the school worked out sound procedures and measures to safeguard the safety of persons with mental and intellectual disabilities during their stay in the school and that the Taipei City Parents' Association for Persons with Intellectual Disability contribute their specialized manpower into the care service. Finally, consensus was reached that the Hong Ai Service Center would station in the school for a short term, whereby mutual concerns were resolved and the persons with disabilities were accepted and as a result, Article 82 of the People with Disabilities Rights Protection Act was concretely implemented. This has become a practical example that the local government eliminated any forms of objection against persons with disabilities due to their stay in the community.

Education:

1. Exactly as required under Article 13 of the Regulations Governing Supporting Services toward Students with Disabilities, schools of all levels and kindergartens shall sponsor special education related activities every year to encourage the entire teaching faculty and students to better understand, concern, accommodate, and help students with disabilities to make the entire teaching faculty and students better understand the students with disabilities and boost their attitude in a more positive way toward people with disabilities and support them in learning and life in a more comfortable and pleasant way. Upon devising the activities, the entire teaching faculty and students are prudentially advised to honor the dignity of the students with disabilities. The competent authorities will take performance by schools of all levels as target indices in their relevant performance evaluation or visits.
2. In the effort to eliminate potential discrimination against students with disabilities, when there is a dispute regarding the evaluation, placement and guidance, or whenever he or she is impaired in his or her rights in learning, guidance, supporting services or other learning rights, he or she is entitled to file a complaint in accordance with Article 21 of Special Education Act, and the school and the competent authority shall render services to support the student. Moreover, whenever a student with SEN lodges grievance, his or her school shall, as required under Article 5 of the Regulations Governing Grievance Services toward Students with Disabilities, additionally recruit special education related scholar(s) and expert(s), special education oriented parent group representative (s) or other special education related

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professional (s) to serve as additional Committee members of Student Grievance Evaluation Committee. The same Regulations also expressly stipulates in Article 6, in settlement of grievance for a student with SEN, the competent authorities of respective levels shall provide relevant assistance devices and supporting services and may further provide designated personnel to render support in response to the substantial need of the student or his or her family.

**Judiciary:**

According to the Code of Criminal Procedure, if the accused, witness, expert witness are persons with hearing or vocal and speech impairment, an interpreter may be used; he or she may also be examined in writing or ordered to make a statement in writing. Ministry of Justice issued the Code of Conduct for Prosecuting Organs Interpreters and the Guidelines for Prosecuting Organs to Handle Criminal Cases When an Interpreter Is Needed. According to point 3 of the latter, prosecutor should take the initiative to comprehend and inquire about whether an involved party has the need for interpreter, and appoint to an interpreter in individual case depending on its need.

**Labor and Employment:**

1. According to Article 5, Paragraph 1 of the Employment Service Act, an employer is prohibited from discriminating against any job applicant or employee on the basis of disability. An employer who violates this regulation will be fined an amount of no less than TWD\$300,000 and no more than TWD\$1,500,000 according to Article 65 of the Employment Service Act. According to Employment Service Act, the Employment Discrimination Review Committee may be set up by municipal or city/county competent authorities to review and determine the employment discrimination. If any job applicant or employee considers the employer in violation of the prohibition of employment discrimination stipulated in the Employment Service Act, he/she may report it (file a complaint) to the competent authority in charge of labor affairs in the place of work according to the law. The Employment Discrimination Review Committee may review the case based on the facts. If the case is determined to be in violation of the Employment Service Act, the employer will be fined an amount of no less than TWD\$300,000 and no more TWD\$1,500,000 according to Article 65 of the Employment Service Act.



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2. The Ministry of Labor collects statistics on employment discrimination cases processed by local competent authorities in charge of labor affairs every year; in addition, every two years the Ministry of Labor carries out a performance evaluation of equal employment efforts by the local competent authorities in charge of labor affairs, aiming at better understanding how local labor authorities are preventing employment discrimination and monitor how the implementation bodies are establishing and implementing mechanisms to prevent employment discrimination.

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條文	點次	原文	中譯（草稿）
第 5 條 平等及不歧 視	8.	Please explain the government's plan to strengthen government's and civil society's capacity and legal expertise in disability-related discrimination to facilitate lodging grievances in court.	請說明政府對於強化政府與公民社會在身心障礙相關歧視上的能力與法律專業，以協助在法庭上提出申訴之計畫。

中文回應：

**司法院**

一、為保障精神障礙或其他心智缺陷被告之訴訟權，《刑事訴訟法》及《法院辦理刑事訴訟案件應行注意事項》設有下列規定：

（一）辯護人部分

1. 《刑事訴訟法》第 27 條第 3 項、《法院辦理刑事訴訟案件應行注意事項》第 7 點：

被告或犯罪嫌疑人因精神障礙或其他心智缺陷無法為完全之陳述者，應通知法定代理人、配偶、直系或三親等內旁系血親或家長、家屬得為被告或犯罪嫌疑人選任辯護人。

2. 《刑事訴訟法》第 31 條第 1 項及第 5 項前段、《法院辦理刑事訴訟案件應行注意事項》第 6 點、第 34 點：

（1）被告因精神障礙或其他心智缺陷無法為完全之陳述者，於審判中未經選任辯護人者，審判長應指定公設辯護人或律師為被告辯護。

（2）被告或犯罪嫌疑人因精神障礙或其他心智缺陷無法為完全之陳述者，於偵查中未經選任辯護人，檢察官、司法警察官或司法警察應通知依法設立之法律扶助機構指派律師到場為其辯護。

（二）輔佐人部分

《刑事訴訟法》第 35 條第 3 項前段、《法院辦理刑事訴訟案件應行注意事項》第 7 點：

被告或犯罪嫌疑人因精神障礙或其他心智缺陷無法為完全之陳述者，應有得為輔佐人之或其委任之人或主管機關、相關社福機構指派之社工人員或其他專業人員為輔佐人陪同在場。

二、司法院每年辦理之法官等所屬人員職前及在職研習中，均有規劃身心障礙者保護相關課程，例如兒少精神疾患診斷與治療、《公約》、身心障礙者權益保障等，以提升對身心障礙保護之意識及能力。

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三、《家事事件法》所定程序監理人、陪同社工、兒少心理專家等均可協助身心障礙當事人進行訴訟程序；程序監理人為受監理人之利益，並得為一切程序行為，亦可獨立上訴、抗告或聲明不服。《少年事件處理法》所定輔佐人，除保障身心障礙少年程序上之權利外，亦應協助法院促進少年之健全成長，另可依法提起抗告或聲請重新審理（《家事事件法》第 16 條、《少年事件處理法》第 31 條之 2、第 61 條、第 64 條之 1 參照）。

### 法務部

- 一、為便利人民以言詞告訴、告發或自首起見，各級法院檢察署，裝設電鈴一具定名為申告鈴，以備人民隨時按鈴申告。值日檢察官於知悉按鈴申告後，即率同書記官開庭訊問，並依法製作筆錄。而申告鈴係裝置於各級法院檢察署門崗附近，為確保身心障礙人士亦能按鈴申告行使權利，依《檢察機關申告鈴使用須知》第 2 點規定，應有適合身心障礙人士使用之設置，並由執勤法警輪流管理並指導使用，不得有抑阻情事。
- 二、又依《刑事訴訟法》規定，被告、證人、鑑定人為聾啞人士者，得用通譯，並得以文字訊問或命以文字陳述。又法務部訂有《檢察機關通譯倫理規範》及《檢察機關辦理刑事案件使用通譯應行注意事項》，明訂檢察官依《檢察機關辦理刑事案件使用通譯應行注意事項》第 3 點主動了解、詢問當事人或關係人有無傳譯之需求，並視個案需要選任通譯。且選任通譯時，應避免選任有偏頗之虞之人擔任通譯。各檢察機關單一窗口聯合服務中心及開庭報到處，則備置有使用通譯聲請書，供需要傳譯服務之刑事案件當事人或關係人填寫。
- 三、臺灣高等法院檢察署及其分署自 2013 年 6 月份起，陸續辦理該署特約通譯之續聘及新聘，經資格審查及講習合格，自 2015 年 11 月 1 日起，聘用 143 位特約通譯（聘期自 2015 年 11 月 1 日起至 2017 年 10 月 31 日止）。
- 四、在教育訓練安排方面，法務部依據不同之研習對象，於職前研習安排基本權利保障之課程，並於在職進修期間規劃相關進階課程（例如 2014 年及 2015 年婦幼保護及性別平等研習會「兒童、智能障礙者身心發展特性、訊問技巧與證詞可信度評估」等課程），以符合職務之需求。

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英文回應：

**Judicial Yuan**

1. In order to protect the right of instituting legal proceedings of defendants who suffer from mental disturbance or other unsound mind, The Code of Criminal Procedure and Regulations Governing Court's Handling of Criminal Cases provide that:

(1) Defense Attorney:

A. Article 27, paragraph 3 of The Code of Criminal Procedure and Point 7 of Regulations Governing Court's Handling of Criminal Cases:

A statutory agent, spouse, lineal blood relative, collateral blood relative within the third degree of kinship, family head, or family member may independently retain defense attorneys for the accused or suspect, in case an accused or a suspect is unable to make a complete statement due to mental disturbance or other unsound mind.

B. The forepart of Paragraph 5 and Paragraph 1 of Article 31 of The Code of Criminal Procedure and Point 34 and Point 6 of Regulations Governing Court's Handling of Criminal Cases

(a) Where the accused is unable to make a complete statement due to mental disturbance or other unsound mind, the presiding judge shall appoint a public defender or a lawyer to defend the accused if no defense attorney has been retained.

(b) If the accused or suspect is unable to make a complete statement due to mental disturbance or other unsound mind, the public prosecutors, judicial police officers and judicial policemen should notify Legal Aid Foundation of assigning a lawyer to defend the accused or suspect if no defense attorney has been retained in investigation.

(2) The Assistant of the Accused:

The forepart of Paragraph 3 of Article 35 of The Code of Criminal Procedure and Point 7 of Regulations Governing Court's Handling of Criminal Cases:

In cases an accused or a suspect is unable to make a complete statement due to mental disturbance or other unsound mind, he shall be accompanied by one of the qualified assistant or his authorized agent, or a social worker appointed by a governmental agency in charge thereof.

2. Courses for the protection of people with disabilities are planned in the preliminary and on-the-job trainings for judges and other judicial

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personnel by Judicial Yuan. These courses include diagnosis and therapy for mental diseases of children and juvenile, Convention on the Rights of Persons with Disabilities and protection on rights and interests of persons with disabilities in order to improve the awareness and capacity of the protection for persons with disabilities.

3. The Family Act stipulates that the guardian ad litem, the accompanying social workers, and the experts in child or youth psychology or in other relevant fields can all assist the minors or people with mental disabilities party in the judicial procedure. A guardian ad litem is granted the capacity, on behalf of and in the interest of the person under his or her guardianship, in performing every act with respect to court proceedings, as well as in independently filing an appeal, an interlocutory appeal, or otherwise raising an objection. Besides protecting a physical and mental retardation juvenile's procedural rights, a defender shall also support the court in facilitating the sound growth of the juvenile, and also can appeal a court decision or apply for a new trial under the Juvenile Delinquency Act.

**Ministry of Justice**

1. In order to facilitate people to file a lawsuit, report a criminal crime or surrender himself or herself, all levels of the Prosecutors' offices shall install a bell which is known as an accusation bell for people to declare at any time. When a prosecutor who works a shift-on duty is informed of the accusation bell, he or she shall start an inquiry session with the clerk and the oral complaint shall be put in record in accordance with the law. In order to ensure that persons with disabilities are able to exercise their rights by an accusation bell, all levels of the Prosecutors' offices have already installed an accusation bell at its front door. According to point 2 of "User Guidance of The Accusation Bell at Prosecuting Organs", a proper device for persons with disabilities is required, and the bell is safe kept and instructed by bailiff who works a shift-on duty. The use of bell shall not be hindered by anyone.
2. According to the Code of Criminal Procedure, if the accused, witness, expert witness are people with hearing or vocal and speech impairment, an interpreter may be used; he or she may also be examined in writing or ordered to make a statement in writing. Ministry of Justice issued "The Code of Conduct for Prosecuting Organs Interpreters" and "The Guidelines for Prosecuting Organs to Handle Criminal Cases When an Interpreter Is Needed". According to point 3 of the latter Guidelines, prosecutor should take the initiative to comprehend and inquire about

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whether an involved party has the need for interpreter, and appoint to an interpreter in individual case depending on its need. And an interpreter who may be prejudiced in the exercise of his functions should be avoided. The application form for interpreters is available at the prosecuting organ for the involved party or other persons involved in a criminal case to fill in, if required.

3. Taiwan High Prosecutors' Office and Subordinate Organizations have already arranged the initial employment and renewed employment of contracted alternate interpreters successively since June 2013, and has employed 143 contracted alternate interpreters starting from November 1, 2015 after they passed the qualifications review and training.
4. The Ministry of Justice arranges courses regarding protection of fundamental rights in the pre-service training and provides relevant advanced courses in the on-the-job training for all participants to meet their needs in different circumstances and functions (for example, The physical and mental development characteristics, the interrogation technique and the evaluation of the reliability of testimonies of children or people with intellectual disabilities, 2014 and 2015 Maternal and Child Protection and Gender Equality Seminar, which was held by Ministry of Justice).

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條文	點次	原文	中譯（草稿）
第 6 條 身心障礙婦女	9.	Please provide information on programmes, including affirmative action measures, to promote the rights of women and girls with disabilities, especially intersecting forms of identity status.	請提供為促進身心障礙婦女與女孩權利計畫之資訊，包括積極行動措施，特別是具有交叉形式身份者。

中文回應：

- 一、我國制定《性別平等政策綱領》與《提升女孩權益行動方案》，針對女孩（含身心障礙女孩）「身心健康維護」、「教育及人力投資」、「人身安全」、「媒體與傳統禮俗」面向，由各部會推動相關措施，促進女孩權益受到關注與保障。衛生福利部依據上開方針，與地方政府與民間團體合作推廣「親職教育」、「社區照顧」、「托育服務」、「特殊境遇扶助」及「兒少培力」等業務，除促進女孩對自身權益之認識、鼓勵其參與公共事務外，並加強對弱勢家庭女孩之經濟支持與關懷，結合多元媒體能量，建立社會性別平等之正確觀念。
- 二、《消除對婦女一切形式歧視公約（CEDAW）》第 2 次國家報告國際審查委員總結意見第 32 點，建議政府收集身心障礙婦女現況資料，區分一切相關類別，據以制定全面性的政策及行動計畫。我國現由衛生福利部定期公布身心障礙者各類統計資料，並辦理「2016 年身心障礙者生活狀況及需求調查」，整體評估我國女性身心障礙者生活處境，並據以擬定積極行動措施。
- 三、原住民族委員會為提升機構式身心障礙原住民生活品質、減輕原住民家庭經濟負擔，自 2015 年辦理原住民身心障礙者養護服務生活資材費用補助計畫，2015 年補助原住民身心障礙者共 155 人，其中女性 75 人，占總補助人數 48%；2016 年補助原住民身心障礙者共 195 人，其中女性 89 人，占總補助人數 45%。另外，為充權具有雙重弱勢身分之原住民婦女，每兩年辦理一次原住民婦女意見領袖培育計畫。

英文回應：

1. Taiwan has established the Gender Equality Policy Guidelines and Action Plan for Enhancement of Girls' Rights, whereby all ministries/councils promote related measures in the aspects of "physical and psychological health protection", "education and capability building" "physical safety", "media and cultural traditions" for the girls (including girls with disabilities) to facilitate the attention to and

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protection for the rights and interests of girls. The Ministry of Health and Welfare, in accordance with abovementioned guidelines and Action Plan, has been cooperating with local governments and non-governmental organizations in promoting the affairs of “family education”, “community-based care”, “child care service”, “living assistance to families in hardship” and “cultivation of children and youth’s abilities”, etc. not only to facilitate girls’ knowledge of their own rights and interests and encourage them to participate in public affairs, but also to strengthen the economic support and care for the girls from disadvantaged families, to integrate the powers of multi-media to build right concepts on social gender equality.

2. In Recommendation No. 32 issued by the international review committee for Taiwan's Second CEDAW National Report, it was recommended that the government gather data concerning the current status of female persons with disabilities, clearly delineate all relevant categories, and use this as a basis to formulate comprehensive policies and action plans. At present, Taiwan's Ministry of Health and Welfare regularly publishes various categories of statistical data collected on persons with disabilities. In addition, the Ministry of Health and Welfare also carried out the "2016 Survey of Current Living Circumstances and Needs of Persons with Disabilities", consisting of a comprehensive assessment of the living conditions of women and persons with disabilities in Taiwan. The results of the survey were used as a basis for formulating practical actions and measures.
3. Council of Indigenous Peoples has been implementing the subsidy program of nursing materials from 2015. Assisting indigenous people with disabilities living in long-term care organization to improve their quality of life and reduce their financial burden. In 2015, Council of Indigenous Peoples subsidized 155 indigenous peoples with disabilities, there were 75 female among them, which takes up 48%. In 2016, Council of Indigenous Peoples subsidized 195 indigenous peoples with disabilities and there are 89 female, constituting 45% of the total. More, Council of Indigenous Peoples has provided other program of human resource development for indigenous peoples once every two years.



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條文	點次	原文	中譯（草稿）
第 6 條 身心障礙婦女	10.	Please explain why the Gender Equality Policy Guidelines lack specific provisions to protect the rights of women with disabilities.	請說明為何性別平等政策綱領缺乏保護身心障礙婦女權利的條文。

中文回應：

- 一、行政院自 2010 年起邀集學者專家、民間婦女團體與各級政府單位共同參與撰擬工作，於 2011 年函頒《性別平等政策綱領》，作為我國性別平等施政藍圖。為能與時俱進並回應社會各界建議，行政院於 2017 年研修《性別平等政策綱領》，為保障身心障礙族群者，增列請各機關提升身心障礙者女性代表決策參與治理機會；強化身心障礙者性別平等意識能力建構與暴力防治宣導服務；培訓心智障礙者性侵害服務專業詢問人才，以及防治人口販運詢問身心障礙者之輔助人才；此外，強化身心障礙者性別友善醫療環境服務；倡導國民對身心障礙者多元外觀體態之平權價值教育；補助及獎勵身心障礙生活自立輔具研發；規劃無障礙建築環境或交通系統應納入身心障礙團體參與等措施。
- 二、《性別平等政策綱領》為我國性別平等政策最高指導方針，由行政院性別平等處督導各機關依職權推動性別平等政策措施，以我國婦女議題密切相關之七大領域為架構，共 221 項具體行動措施，其中七大篇章皆有規範保障身心障礙者權益，共計 14 項具體行動措施，簡述其內容如下：
  - （一） 權力、決策與影響力篇：明定部會及地方政府應提升性別平等相關委員會之身心障礙者代表性。
  - （二） 就業、經濟與福利篇：健全照顧相關法制與普及化照顧服務政策，由衛生福利部提供身心障礙者平價、優質、可近性之居家式及社區式照顧服務。
  - （三） 人口、婚姻與家庭篇：保障身心障礙者就學、就業、就醫、就養權益，主要由勞動部提供身心障礙者就業服務；衛生福利部建置身心障礙福利資源網絡，以及教育部提供身心障礙就學補助及數位圖書資源研發等。
  - （四） 教育、文化與媒體篇：強化提供身心障礙者等性別弱勢群體性別平等意識能力建構與培力，由衛生福利部、內政部及法務部提供身心障礙者及相關專業人員暴力預防教育宣導及培訓，由教育部編製特殊教育性別平等教材及課程等。
  - （五） 人身安全與司法篇：
    1. 針對資訊傳達不易與求助管道缺乏之身心障礙弱勢處境者，由衛生福利部、教育部、原住民族委員會、行政院農業委

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員會及文化部提供家庭暴力及性侵害被害人保護服務、諮詢，並辦理暴力防治預防宣導活動及人員培訓課程等。

2. 強化保護性案件及人口販運案件之身心障礙者專業詢訊問與輔助人才，由衛生福利部、內政部及法務部辦理在職訓練及資格檢核等措施。

（六）健康、醫療與照顧篇：推動性別友善醫療照護環境並重視身心障礙者需求，由衛生福利部鼓勵醫事人員投入性別親善診療服務；並提升婦產專科醫師服務量能及照護品質。

（七）環境、能源與科技篇：主要由科技部辦理產學研合作及身心障礙相關輔具創新研發補助；交通部於交通運輸系統、場站及運具設計納入身心障礙族群需求；勞動部協助企業依身心障礙者職場需求辦理職務再設計等；衛生福利部提供輔具購買補助及居家無障礙環境改善服務。

英文回應：

1. Beginning in 2010, the Executive Yuan set out to invite scholars, experts, and representatives from NGOs and personnel from departments at each level of the government to jointly take part in the legislative drafting process. As a result of this combined effort, the Gender Equality Policy Guidelines were issued in 2011 to serve as a policy blueprint for promoting gender equality in Taiwan. In order to stay abreast of current developments and incorporate recommendations received from different sectors of society, the Executive Yuan reviewed and amended the Gender Equality Policy Guidelines in 2017. In particular, the revisions aimed to afford greater protections to persons with disabilities by including new provisions which urge government agencies to offer more opportunities for female persons with disabilities to participate in the decision-making process and exercise greater administrative oversight; strengthen frameworks for promoting gender equality awareness and providing violence prevention advocacy services for persons with disabilities; and train specialized guidance personnel to assist persons with intellectual disabilities in matters relating to sexual assault and additional support personnel to provide guidance on preventing human trafficking among persons with disabilities. In addition, the amended Guidelines call for cultivating more gender-friendly medical care environments and services for persons with disabilities; advocating for education on the values of equal rights among citizens to foster respect for the diverse physical appearances of persons with disabilities; subsidizing and incentivizing the research and development of assistive devices that enable persons with disabilities to live more

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independently; and ensuring that accessibility planning for buildings, spatial layouts, and transportation systems incorporate various measures including participation by groups which represent persons with disabilities.

2. The Gender Equality Policy Guidelines comprise the most authoritative compendium of protocol for formulating gender equality policies in Taiwan. The Guidelines also serve as a basis for the Department of Gender Equality to oversee the promotion of gender equality policies and measures across various government agencies within the scope of their respective authorities. A total of 221 specific action measures have been devised under a framework of seven major domains that are highly relevant to women's issues in Taiwan, and a total of 14 specific action measures are contained in seven major chapters which stipulate regulations for protecting the rights and interests of persons with disabilities. A brief summary of each chapter of the Guidelines is given below:

- (1)Chapter on Gender Issues Relating to Equal Rights, Decision Making, and Influence: Clearly stipulates that government ministries, departments, and local county and city governments shall increase the proportional representation of persons with disabilities serving on relevant gender equality committees.
- (2)Chapter on Gender Issues Relating to Employment, Economics, and Welfare: Calls for the establishment of a sound regulatory framework and policies for accessible caregiving services. The Ministry of Health and Welfare provides services for obtaining fair-priced, high-quality, and easily-accessible in-home and community-based caregiving to persons with disabilities.
- (3)Chapter on Gender Issues Relating to Demographics, Marriage, and Family: Outlines protections for persons with disabilities in terms of the right to schooling, employment, medical care, and upbringing. The task of providing employment services to persons with disabilities is primarily handled by the Ministry of Labor. The Ministry of Health and Welfare has established a welfare resource network for persons with disabilities, and the Ministry of Education provides tuition subsidies to persons with disabilities and conducts research and development on digital library resources.
- (4)Chapter on Gender Issues Relating to Education, Culture, and Media: In order to strengthen the implementation of gender awareness training and capacity building for gender-disadvantaged communities including persons with disabilities, the Ministry of Health and Welfare, Ministry of

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the Interior, and Ministry of Justice provide instruction and training on violence prevention education to persons with disabilities and related professional staff. The Ministry of Education has also drafted educational materials and compiled a series of special education courses which address gender equality issues.

(5) Chapter on Gender Issues Relating to Safety and Legal Protections:

- A. In order to aid persons with disabilities and disadvantaged groups who are difficult to reach and who lack adequate channels for obtaining assistance, the Ministry of Health and Welfare, Ministry of Education, Council of Indigenous Peoples, Council of Agriculture, and Ministry of Culture provide protective services and consultations to victims of domestic violence and sexual assault, organize informational campaigns aimed at preventing violence, and hold personnel training courses.
- B. Moreover, to increase the availability of professional counseling and guidance personnel and additional support personnel to handle protective cases and human trafficking cases on behalf of persons with disabilities, the Ministry of Health and Welfare, Ministry of the Interior, and Ministry of Justice organize various measures including holding on-the-job training and qualifications reviews.

(6) Chapter on Gender Issues Relating to Health and Healthcare: Under the framework of promoting gender-friendly medical care environments and drawing attention to the needs of persons with disabilities, the Ministry of Health and Welfare encourages healthcare professionals to offer gender-friendly medical services and increase the service capacity of and quality of care provided by obstetric and gynecological (OB/GYN) physicians.

(7) Chapter on Gender Issues Relating to Environment, Energy, and ICT: Primary tasks implemented by the Ministry of Science and Technology include cooperative industry-academia-research projects and subsidies for the research and development of innovative assistive devices tailored to meet the needs of persons with disabilities. The Ministry of Transportation and Communications seeks to incorporate the needs of persons with disabilities into transportation systems, transit hubs, and vehicle design. The Ministry of Labor helps enterprises organize occupational redesign projects to meet the workplace needs of persons with disabilities. The Ministry of Health and Welfare offers subsidies for the purchase of assistive devices and home improvement services designed to provide greater accessibility.

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條文	點次	原文	中譯（草稿）
第 7 條 身心障礙兒 童	11.	Please elaborate on the role of families in the evaluation and placement of children with disabilities and on the options for placement.	請詳述家庭在評估與安置身心障礙兒童，以及在安置選項上的角色。

中文回應：

- 一、依《兒童及少年福利與權益保障法》第 4 條規定，政府及公私立機構、團體應協助兒童及少年之父母、監護人或其他實際照顧兒童及少年之人，維護兒童及少年健康，促進其身心健全發展，對於需要保護、救助、輔導、治療、早期療育、身心障礙重建及其他特殊協助之兒童及少年，應提供所需服務及措施。爰針對身心障礙兒童及少年之需求，應先提供必要之服務及措施。惟如兒童及少年因家庭發生重大變故，致無法正常生活於其家庭者，按《兒童及少年福利與權益保障法》第 62 條規定，其父母、監護人得申請地方政府安置或輔導。
- 二、至前述安置之選擇與評估，依《兒童及少年福利與權益保障法》第 5 條規定，應以兒童及少年之最佳利益為優先考量；復依《兒童及少年福利法施行細則》第 10 條規定，地方政府依法安置無依、家遭變故及受虐、受疏忽等兒童及少年時，應循安置於親屬家庭、寄養家庭、兒童及少年安置及教養機構或其他安置機構之順序為原則，據以保障兒童及少年（包含身心障礙兒童及少年）接受照顧的權利與兒童及少年的最佳利益。
- 三、依《兒童及少年福利與權益保障法施行細則》第 8 條規定，早期療育是透過社會福利、衛生、教育等專業人員以團隊合作方式，落實以家庭為中心的服務理念，依發展遲緩兒童及其家庭的個別需求，邀請家長或主要照顧者參與擬定發展遲緩兒童的服務計畫，同時鼓勵家長或主要照顧者一起與專業人員協助兒童接受療育服務、教育安置等相關照顧措施。

英文回應：

1. Pursuant to Article 4 of the Protection of Children and Youths Welfare and Rights Act, the governments and public/private bodies and groups shall assist the parents and guardians of children and youth or other persons who actually take care of the children and youth in maintaining their health and facilitating healthy and sound development of their body and psychology and shall provide necessary services and measures for the children and youth that need protection, rescue, coaching, treatment, early intervention, rehabilitation and other special assistance.

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Therefore, Taiwan shall provide necessary services and measures for the needs of children and youth with disabilities first. However, if any children and youth cannot normally live in their families because of significant distress befalling these families, their parents, guardians can apply with local governments for placement or guidance in accordance with Article 62 of Protection of Children and Youths Welfare and Rights Act.

2. As for the choice and assessment of aforesaid placement, first priority shall be given to the consideration of best interests of children and youth in accordance with Article 5 of Protection of Children and Youths Welfare and Rights Act. Furthermore, in accordance with Article 10 of the Enforcement Rules of the Act, when placing the children and youth who are helpless, suffer family misfortune, maltreatment and negligence, local governments shall abide by the principles to place in the order from the relatives families, foster families, children and youth placement and education institutions or other placement institutions so as to protect the rights of children and youth (including those with disabilities) to be taken care of and their best interests.
3. According to Article 8 of the Enforcement Rules of the Protection of Children and Youths Welfare and Rights Act, early intervention is to carry out the family-centered service philosophy by means of team work of the professionals in social welfare, health and education, to invite the parents or main caregivers to participate in service plans for developmentally delayed children based on individual needs of developmentally delayed children and their families and to simultaneously encourage the parents or main caregivers to work together with professionals, and accept care measures such as intervention services or educational placement to assist their children.

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條文	點次	原文	中譯（草稿）
第 7 條 身心障礙兒 童	12.	Please explain what steps are being taken to allow children with disabilities to speak for themselves and to recognize the evolving capacity of children with disabilities.	請說明目前讓身心障礙兒童為自己發言，並承認身心障礙兒童能力之演進所採取的步驟。

中文回應：

- 一、考量我國法律定義之發展遲緩兒童係指未滿 6 歲兒童，對於為自己發聲的表達能力較屬有限，因此透過衛生、教育及社政等專業人員與兒童主要照顧者及家庭工作，擬定適切個別化服務計畫，提供符合早期療育家庭需求的相關服務。
- 二、依據《兒童及少年福利與權益保障法》第 38 條，政府應結合機構團體提供機會並鼓勵兒童參與公共事務。自 2014 年起，由政府機關與民間團體、公司積極合作，辦理多元、內容豐富的培力活動（例如：論壇、參訪、共識營、問卷調查、議事規則訓練等）並製作多種教材，期望協助兒童認識其權利，並提升其發表意見所需的知識與能力。總計 2014 年至 2016 年間補助 5,363 萬 4,760 元，至少辦理 244 場次，使 43 萬 2,642 人次受益（男性 197,902 人；女性 234,740 人）。
- 三、為提供身心障礙兒童行使表意權之平臺，我國 22 個地方政府均已依據《兒童及少年福利與權益保障法》第 10 條規定設置促進兒少福利政策之委員會，例行性邀請兒少代表參與兒少福利政策之委員會表示意見或主動提案，以確保國家兒少福利與權益保障政策是符合兒少所需。查 2017 年在任兒少代表概況，計有臺北市、桃園市、臺南市、彰化縣、基隆市等縣市有身心障礙兒少代表出任，總計 9 人，多屬於神經系統構造及精神、心智功能障礙類型。
- 四、未來將透過相關醫事人員訓練，強化醫療機構於受理兒童之發展聯合評估過程時，鼓勵兒童表達自身的身心狀況及參與評估。
- 五、《特殊教育法》第 6 條及第 28 條分別規定，訂定個別化教育計畫（IEP），應邀請身心障礙學生家長參與，辦理鑑定及安置會議時，應通知家長列席。復於《特殊教育法施行細則》第 9 條規定，參與訂定個別化教育計畫之人員，應包括學校行政人員、教師、家長、相關專業人員等，並得邀請學生本人參與。
- 六、自我決策是身心障礙學生成為獨立個體的重要技能。但此技能的表現目前在我國較少被積極鼓勵，其概念亦普遍模糊。未來將鼓勵身心障礙兒童表達意見，並加強對家長與教師宣導，教導身心障礙兒童透過相關會議或活動，學習為自己發言，展現自我擁護及自我決策能力。

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七、十二年國民基本教育身心障礙相關之特殊需求領域課程綱要，以總綱之三大核心素養「自主行動、溝通互動及社會參與」為主體架構，搭配特殊教育課程之分項目標，包含：(1)以「生活管理課程」學習表現自我覺察、倡導個人權益以促進自我實踐；(2)以「社會技巧課程」學習接收解讀訊息、傾聽表達需求；(3)以「溝通訓練課程」學習增進溝通能力與意願。透過各學程學習內容的規劃，提升學生自我倡導及表述之能力。

英文回應：

1. Considering that the developmentally delayed children defined by Taiwan's laws refer to those below 6 years of age whose expression abilities to voice for themselves are limited, the government has therefore made appropriate personalized services programs through the collaboration of the professionals in health, education and social welfare with the children's main caregivers and families to provide related services that meet the needs of families in early intervention.
2. According to Article 38 of the Protection of Children and Youths Welfare and Rights Act, governments at all levels shall collaborate with institutions/organizations to offer opportunities for, and encourage, children and youth to participate in public affairs. Since 2014, the governmental authorities have actively cooperated with non-governmental organizations and companies in carrying out diverse and content-rich empowerment activities (e.g.: forums, visits, consensus camps, questionnaire surveys, deliberation rules training, etc.) and produced multiple teaching materials, expecting to assist children in awareness of their rights and to enhance their knowledge and abilities needed for expressing their opinions. The government had subsidized 244 sessions of such activities with TWD 53,634,760 which benefited 432,642 persons (197,902 males and 234,740 females).
3. To provide a platform for children with disabilities to exercise their right to expression, 22 local governments of Taiwan have established Group to Promote Children and Youth Welfare Policies according to Article 10 of the Protection of Children and Youths Welfare and Rights Act (hereinafter referred to as the "Group"), which routinely invite the representatives of children and youth to participate in the Group to express their opinions or initiatives so as to ensure that the national protection policies for welfare, rights and interests of children and youth conform to the needs of children and youth. Reviewing this year's (2017) general situation of current representatives of children and youth, there are nine representatives with disabilities serving the children and youth from Taipei City, Taoyuan City, Tainan City, Changhua County and Keelung



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City, whose types of disability are in nerve system and structure, mental and intellectual disabilities.

4. Through relevant medical personnel training, the government plans to strengthen the healthcare institutions in the process of Children Development Joint Evaluation and encourage the participation of children while motivating them to express their physical and mental status.
5. The Special Education Act further provides in Articles 6 and 28 respectively that upon enactment of the IEP, the students with disabilities' parents shall be invited to participate in the process. In the process of an identification and placement meeting, their parents shall be advised to take part as a guest participant. Enforcement Rules of Special Education Act further require under Article 9 that the participants in enactment process of the IEP shall include a school's administrative staff, parents and relevant professionals. The students with disabilities may be invited to participate in the event as well.
6. Self-determination is a key skill for students with disabilities before they become an independent entity. In Taiwan, nevertheless, such a skill has seldom been encouraged into positive enforcement. Its concept has been vague or even ignored. In the days and years ahead, the government should highly encourage the students with disabilities to speak up their opinions courageously and strengthen publicity and dissemination toward their parents and school teachers into added efforts to guide them to speak up for themselves, develop into the capabilities of self-advocacy and self-policymaking performance.
7. In the twelve-year fundamental national education, the curriculum outlines oriented to the specific requirements for the students with disabilities focus on three major core elements under the Master Principles, i.e., "autonomous actions, interacting communications and social participation "in concert with the sub items of the special education curricula, including: (1) "Life-management curriculum" oriented learning performance to initiate individual interests to boost self-accomplishment; (2) Taking "social skill curriculum" to learn the know-how to accept and interpret messages and attentively listen to the requirements in expression; (3) Aiming at "communication training curriculum" learning to enhance the capability of and desire communications. By means of mapping out the contents of learning in various curricula, the government would try to help students promote self-advocacy and capability of expression.

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第 7 條 身心障礙兒 童	13.	Please explain what steps are being taken to ensure coordination of services for children with disabilities from diagnosis to early intervention to other supports, services, and education.	請說明正採取哪些步驟，確保身心障礙兒童自診斷、早期介入至其他支援、服務及教育間的服務協調。

中文回應：

- 一、依據《兒童及少年福利與權益保障法》第 32 條規定，醫療機構應向地方政府通報發展遲緩個案，地方政府依法必須將接獲醫療機構通報之個案資料建立檔案管理，及視個案需求提供、轉介適當之服務。
- 二、我國透過設有小兒科及家醫科等醫療機構，提供 7 歲以下 7 次兒童預防保健服務（含身體檢查及發展篩檢），運用兒童健康手冊提供包括身體生理、動作神經、語言、認知、情緒及社會及人際發展等面向之評估題項，加強家長重視兒童發展狀況，並提醒家長依時程接受檢查，如院所發現疑似發展遲緩兒童，均予協助轉介至相關科別或聯合評估中心或評估醫院進行確診。
- 三、為掌握早期評估契機，提升兒童發展聯合評估中心服務品質及可近性，輔導地方政府政府輔導轄區醫院設置聯合評估單一窗口及跨團對評估服務 2017 年計輔導設置 47 家醫院辦理兒童發展聯合評估中心，另 2017 年地方政府衛生局亦依其財源輔導轄下醫院成為評估醫院計 45 家。2016 年聯合評估中心受理疑似發展遲緩兒童之評估數計 19,235 人，因失聯、出國等尚無法結案計 293 人，已結案個案計 17,978 人，經評估確診遲緩計 13,360 人（確診遲緩類別以語言遲緩居多、知覺動作發展次之），無異常個案計 998 人，須持續追蹤之疑似遲緩兒童計 3,620 人。
- 四、另依發展遲緩兒童早期療育服務實施方案之規定，結合社政、衛生、教育等相關單位資源，落實推動未滿 6 歲疑似發展兒童接受評估確診，協助早期療育家庭依其個別需求順利連結相關療育及家庭支持服務，並建立通報轉介中心、個案管理中心、聯合評估中心、評估醫院及療育單位間的個案轉銜與追蹤機制。發展遲緩兒童如有進入幼兒園或國民小學就讀之需求，將透過地方政府教育單位及社政單位的橫向協調合作，辦理相關轉銜服務。另外，為強化社政與教育單位跨部會合作機制，衛生福利部與教育部已協調辦理發展遲緩兒童通報暨個案管理整合系統、特殊教育通報網定期交換 2 至未滿 6 歲兒童服務資料。
- 五、地方政府均成立早期療育推動委員會並定期召開會議，倘有涉及府內跨單位服務協調事宜，可透過該會議進行溝通與合作；如有涉及需要中央相關部會協調事項，亦可透過衛生福利部每半年召開一次之發展遲緩兒童早期療育服務推動小組研議跨單位合作機

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制。

- 六、為方便民眾查詢各地方政府實際提供日間療育、時段療育及到宅服務之社會福利、衛生、教育單位資訊，瞭解全國早期療育資源分佈情形，衛生福利部即時更新「各直轄市、縣（市）政府早期療育單位彙整表」，並登載於衛生福利部社會及家庭署發展遲緩兒童通報暨個案管理整合服務網。
- 七、為滿足早期療育家庭個別療育需求，衛生福利部督導地方政府主管機關積極協助早期療育家庭連結醫療院所療育、時段療育（含定點療育）、日間療育、到宅療育及其他療育等服務資源，依衛生福利部公務報表，近五年（2012年至2016年）發展遲緩兒童及身心障礙兒童接受前開各類療育服務者，業由2012年2萬3,634人次提升至2016年3萬4,450人次。
- 八、對身心障礙學生之特殊教育，需以跨專業、跨領域、跨單位方式，提供團隊性與整體性之服務。如身心障礙學生需要在教育場域中進行復健與訓練治療時，各級主管機關必須依據《特殊教育法》第23條之規定，除了需依專業評估結果，也需要結合醫療相關資源。各級學校對於身心障礙學生之評量、教學及輔導工作，必須依《特殊教育法》第24條及之《特殊教育支援服務與專業團隊設置及實施辦法》規定，以專業團隊合作進行為原則，由特殊教育教師、普通教育教師、特殊教育相關專業人員（如醫師、物理治療師、心理師、社工師、職業輔導人員等）及學校行政人員等共同參與，提供身心障礙學生學習、生活、心理、復健訓練、職業輔導評量及轉銜輔導與服務等協助。教育部及各地方政府會編列預算，補助學校提供上述之相關專業服務所需之經費。
- 九、為了協助各級學校執行特殊教育及提供諮詢、輔導與相關服務，各級主管機關依《特殊教育法》第44條之規定，整合特殊教育諮詢會、鑑定及就學輔導會、教育輔具中心、特教通報網、大學特教中心等相關資源，建立特殊教育行政支持網絡，提供充足之行政支援。
- 十、教育部及各地方政府為了實行《特殊教育法》第8條之規定，由教育部成立特教通報網結合各縣市資源，每年定期辦理特殊教育學生狀況調查及教育安置需求人口通報，且與衛生、社政主管機關所建立之通報系統互相協調與交換資料。另外，為推動學前融合教育，由教育部特教通報網與全國幼兒園幼生管理系統進行資料交換，與衛生福利部合作共同推動早期療育及家庭支持服務，落實跨階段轉銜輔導及特殊需求服務，保障特殊需求幼兒教育權益與品質。

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英文回應：

1. According to Article 32 of the Protection of Children and Youths Welfare and Rights Act, healthcare institutions should report cases of developmental delay to the local government, and in accordance with the legislation, the local government should establish a database of the reported cases and provide suitable referral services pertaining to the needs of the case.
2. Through the Department of Pediatrics and Family Medicine in medical institutions, the government provides seven times preventive healthcare services (including physical examination and developmental screening) to children under the age of seven. Furthermore, the children's health booklet provides the list of evaluation items which includes physical health, motor-neural, language, cognitive, emotional, social and interpersonal development evaluation services. The booklet aims to raise the awareness of parents, emphasizing on child development and serves as a reminder for parents to have their child receive age-specific checkups. If the medical institutions identify suspected cases of delayed child development, they will assist in the referral process to related departments, joint evaluation center or evaluation hospitals for further analysis.
3. In order to grasp the opportunity of early evaluation and improve the service quality and accessibility of Child Development Joint Evaluation Center, the local governments of all cities and counties were directed to setup a single contact window in regional hospitals for joint evaluation services. In 2017, a total of 47 hospitals have Child Development Joint Evaluation Centers, moreover, hospitals that are financially supported by local health bureaus have been designated as evaluation hospitals. In 2016, suspected developmental delayed cases were 19,235, cases that were unable to finish due to lost contact or emigration were 293, completed evaluation cases were 17,978, positive developmental delayed cases were 13,360 (mostly language development delays followed by perceptual motor development delay), cases with no abnormality were 998, and suspected developmental delayed cases requiring follow up were 3,620.
4. According to the provisions of the Program to Implement Early Intervention Service for Developmentally Delayed Children, the government has combined the resources of relevant social welfare, health, education units to implement and push forward that children who are below six years of age and suspected to be developmentally delayed take an assessment for diagnosis, assist the families in early intervention in successfully connecting with relevant intervention and family support services according to their individual needs. The government has also set up a mechanism of referral and connection of individual cases between Notification and Referral Center, Individual Case Management Center,

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United Assessment Center, assessed hospitals and intervention units, and follow-up on such individual cases. If any developmentally delayed children need to go to kindergarten or national elementary school, the government will carry out related assistance in transitions through horizontal coordination and cooperation between local government's educational units and social administration units. In addition, to strengthen the cross-ministry/council cooperation mechanism between social administration and education units, this Administration and the K-12 Education Administration, Ministry of Education coordinate on carrying out the Integration System of Notification and Individual Case Management for Developmentally Delayed Children and periodically exchanging the service information of children between two and six years of age on the Special Education Transmit Net.

5. All local governments have established Promotion Committees for Early Intervention to periodically convene meetings. If any coordination on cross-functional services within the governments is involved, they can communicate and cooperate with each other through such meetings. If local governments have a need for the coordination of relevant central ministries/councils, they can also discuss a cross-functional cooperation mechanism through the meetings of Promotion Team of Early Intervention for Developmentally Delayed Children which are held once every six months by the Ministry.
6. To facilitate public queries for information on social welfare, health and education units which actually provide day intervention, time intervention and home services and the public understanding of the distribution status of nationwide early intervention resources, the Administration updates the Summary Sheet of Early Intervention Units of the Municipal, County (City) Governments in an immediate manner and publishes it on the Integrated Service Website of Notification and Individual Case Management for Developmentally Delayed Children.
7. To satisfy the needs of families in early intervention for individual intervention, the Administration supervises and instructs local governments to actively assist families in early intervention in connecting with the service resources of intervention by hospitals or clinics, time intervention (including fixed-place intervention), day intervention, home intervention and other interventions. According to the Ministry's public affairs statements, the number of children with developmental delays and disabilities that enjoyed aforementioned various intervention services grew from 23,634 in 2012 to 34,450 in 2016 over the past five years (2012-2016).
8. The special education towards students with disabilities shall be carried out cross-profession, cross-domain and cross-agency means to render integrated services through teamwork. Where students with disabilities call for rehabilitation and therapies, the competent authorities of all

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- levels shall team up with medical care related resources based on the outcome of professional evaluation as required under Article 23 of the Special Education Act. Schools of all levels shall conduct evaluation, education and guidance over students with disabilities by means of the concert of professional teams in accordance with Article 24 of the Special Education Act and requirements set forth under the Regulations Governing Establishment and Enforcement of Special Education Supporting Services and Professional Teams. All those special education related professionals (e.g., doctors/physicians, physical therapists, psychiatrists, social workers and professional guidance personnel) and the administrative staff of schools shall jointly take the respective roles to help students with disabilities in their learning, life, mentality, rehabilitation training, occupational advisory guide evaluation, transition guidance services and such supports. Both the Ministry of Education and the municipality, county (city) government authorities shall budget funds to meet the needs for the aforementioned professional services.
9. To help schools of all levels enforce special education and provide consultation, guidance and relevant services, the competent authorities in various levels shall, in accordance with Article 44 of the Special Education Act, duly integrate the special education consultation councils, evaluation & schooling guidance councils, educational assistance device centers, special education notification networks, special education centers in universities and such relevant resources into a whole and into establishment of the Special Education Administrative Supporting Networks so as to render adequate administrative support as required.
10. Where the Ministry of Education and the municipality, county (city) governments enforce requirements set forth under Article 8 of the Special Education Act, the Ministry of Education shall duly set up the Special Education Transmit Net (SETN) to team up with resources of all cities and counties to conduct surveys over performance of the special education and the population required for educational placement on a regular basis every year. Meanwhile, the SETN so established shall team up with the notification systems set up by the competent authorities in charge of health and social administrative affairs in close coordination and exchange of information. Meanwhile, in an effort to carry out preschool inclusive education, the SETN of the Ministry of Education shall proceed with exchange of information with nationwide preschool education managerial systems and shall team up with the Ministry of Health and Welfare into concerted teamwork to jointly carry out early intervention and family supporting services to implement thoroughly cross-phase career transit guidance and services oriented to specific needs. Through such efforts in teamwork, the government shall be able to well safeguard the interests and quality in preschool education.

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條文	點次	原文	中譯（草稿）
第 8 條 意識提升	14.	What nationwide awareness-raising campaigns and strategies, based on a human rights model of disability, have been adopted to address harmful stereotypes and stigma associated with persons with disabilities?	根據身心障礙人權模型，已採取哪些全國性意識提升活動與策略以解決身心障礙人士相關之有害刻板印象與污名？

中文回應：

- 一、2007 年 7 月 11 日修正公布之《身心障礙者權益保障法》，納入《公約》之精神及內容，將其轉化為具體法規條文，從法規即保障身心障礙者各項基本權益，且《身心障礙者權益保障法》目前為各部會及各級政府落實身心障礙者權益維護之重要法規。
- 二、我國於 2015 年 2 月 16 日通過《落實身心障礙者權利公約（CRPD）推動計畫》，請各級政府機關及學校持續辦理《公約》相關意識提升及宣導活動，並於半年統計一次宣導成果。依據《公約》宣導成果之統計，除了提供新進公務人員「人權議題認識與發展」（內容包含《公民與政治權利國際公約》、《經濟社會文化權利國際公約》、《消除對婦女一切形式歧視公約》、《身心障礙者權利公約》及《兒童權利公約》）基礎訓練，針對公務人員亦有數位學習課程、講座、教育訓練、讀書會或影片欣賞等意識提升之活動，針對一般民眾則多以社區宣導、講座、媒體口頭宣導、文字方式宣導、體驗活動等，從人權觀點，提升一般民眾平等對待身心障礙者之觀念，2014 年 12 月 1 日至 2017 年 6 月 30 日間各級政府機關辦理之宣導成果統計如下：

表 14.1

辦理單位	講座	數位學習課程	讀書會或影片欣賞	口頭宣導	媒體、文字、電子化及其他方式宣導
各級機關	8,416 場次(含國軍訓練課程)，965,833 人次。	6,552 小時，6,357 人次。	230 場次，5,610 人次。	92 場次，16,941 人次。	10,988 次。

- 三、為持續提升民眾意識，衛生福利部除製作 2 支《公約》影片，運用各式媒體通路託播（2016 年計 6,094 檔次），2017 年進一步規劃

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適合各年齡層民眾之宣導策略，內容包含：製作廣播帶託播；製作 7 款分眾海報（一般民眾 4 款、13-18 歲青少年 1 款、7-12 歲國小學童、3-6 歲幼兒 1 款），預計發送於各鄉鎮市公所、村里辦公室、公立圖書館、公立醫院、全國大專校院、高中、國中、國小及幼兒園，約 5 萬張；宣導折頁 1 款，預計發送於各地方政府及各鄉鎮市公所，約 4 萬 5,000 張，並運用網路、戶外媒體通路及活動進行宣導；另預計出版兒童繪本及法規概要，以易於理解的方式呈現，提升民眾對於身心障礙者之瞭解。

英文回應：

1. The spirits and contents of CRPD have been brought into the Protection Act of the Rights of Persons with Disabilities amended and promulgated on July 11, 2007 and transformed into concrete regulations. This means that Taiwan protects all basic rights and interests of persons with disabilities according to laws and regulations. And this Act is currently an important legislation for all ministries/councils and all levels of government to implement protection of the rights and interests of persons with disabilities.
2. Taiwan approved the “Promotion Plan to Implement CRPD on February 16, 2015, whereby the government required all levels of government, authorities and schools to continuously carry out awareness raising, publicity and guidance activities related to CRPD and produce statistics of the results of publicity and guidance every six months. According to these statistics of such results of publicity and guidance, Taiwan has not only provided basic training of “Cognition and Development of Human Rights Topics” to newly employed public servants, but also provided such awareness-raising campaigns as e-learning courses, lectures, educational training, reading groups or movie screenings to all public servants and provided publicity and guidance and experiential campaigns in the forms of community publicity/guidance, lectures, media, oral publicity and guidance and words to general public to enhance the sense of general public to equally treat the persons with disabilities. Statistics of results of the publicity and guidance carried out by all levels of governmental authorities from December 1, 2014 to June 30, 2017 are as below:



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Table 14.1

Implementing Units	Lectures	E-Learning Courses	Reading groups or movie screenings	Oral publicity and guidance	Publicity and Guidance in The Forms of Media, Words, Electronics and Other Forms
Authorities at all levels	8,416 sessions (including servicemen training courses), 965,833 participants	6,552 hours 6,357 participants	230 sessions 5,610 participants	92 sessions 16,941 participants	10,988 times

3. To continuously raise public awareness, the Administration has not only produced 2 CRPD films and authorized various media to broadcast them (6,094 sessions in 2016), but further planned strategies of publicity and guidance for the public at all age levels, which contents include: To produce broadcast tapes and entrust broadcasts; to produce 7 styles of diversified posters (4 for the general public, 1 for youth aged 13-18, 1 for students of elementary schools aged 7-12 and children aged 3-6), 50,000 pieces of which, as estimated, will be sent to village offices, national libraries, national hospitals, nationwide universities and colleges, high schools, middle schools, elementary schools and kindergartens; 1 promotional folding page, around 45,000 pieces of which, as estimated, will be sent to the county/city governments and township/city/ offices. Taiwan also utilize internet, outdoor media channels and programs to proceed with publicity and guidance. In addition, Taiwan estimates to publish children’s drawing books and abstracts of laws and regulations to make presentations in an easy-to-understand way so as to raise the public understanding of persons with disabilities.

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第 8 條 意識提升	15.	Please explain what steps are being taken to eliminate pejorative words such as “retarded” from legislation and regulations.	請說明正採取哪些步驟，從法律法規中消除「智障」等貶抑用語？

中文回應：

- 一、我國於 2015 年建立《法規及行政措施檢視標準作業流程》，供各部會辦理全國法規檢視作業及填報檢視結果，列出需優先檢視之法律，訂定期程並進行修正。此優先檢視清單由部會、地方政府自行檢視所轄法規及行政措施是否符合《公約》，將條文內容中出現如「殘廢」、「殘障」、「傷殘」等具歧視身心障礙者意涵之文字辦理修訂。檢視過程邀請身心障礙者或民間團體參與；民間團體或個人亦得於該系統填報疑似違反《公約》或是涉及貶抑、歧視性用語之法律。
- 二、2016 年衛生福利部蒐集各部會、地方政府檢視結果及民間團體或個人填報案件，於 2016 年 8 月邀集政府機關、民間團體代表以及社會福利、法律背景之專家學者，共召開 4 場審認會議，將會議成果提報行政院身心障礙者權益推動小組審認，總共 240 部、492 條法條涉及歧視性用語，並將涉及歧視性用語的 492 條法律條文列入國家發展委員會 GPMnet 系統列管，以系統性地追蹤修正進度。優先檢視清單之增修、廢止及改進訂定於 2017 年 12 月完成修正，其餘法規之制（訂）定、修正或廢止及行政措施改進之期程則應於 2019 年 12 月完成。

英文回應：

1. The Ministry of Health and Welfare established the Standard Operational Procedures for the Review of the Acts and Regulations and Administrative Measures in 2015, whereby all ministries/councils carry out reviews of acts and regulations and reported the results of review, enumerated the laws needed to be reviewed with priority, set up the schedule and proceeded with amendments. Based on this List of Acts and Regulations To Be Reviewed With Priority, the ministries/councils and county/city governments review whether the acts and regulations and administrative measures under their jurisdictions comply with CRPD and amend the words with meaning of discrimination against persons with disabilities that appear in the legal provisions, such as “disabled”, “handicapped”, “mutilated” etc. persons with disabilities or non-governmental organizations are invited to participate in the course of review and any NGOs or individuals can also log into the system to report the laws

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suspected to be in violation of CRPD or involving pejorative and discriminatory words.

2. In 2016, the Ministry of Health and Welfare collected the results of review by all ministries/councils and county/city governments and the case reports by individuals and invited governmental authorities, representatives of non-governmental organizations and experts/scholars with legal backgrounds to convene 4 deliberation and approval meetings in August 2016, the results of which, totaling 492 articles of 240 act that involve discriminatory words, were submitted to the Committee for the Promotion of the Rights of Persons with Disabilities of the Executive Yuan for deliberation and approval. Taiwan input all those 492 legal provisions involving discriminatory words to the National Development Council GPMnet System so as to systemically track the progress of amendments. Taiwan determined that the addition, amendment, repeal and modification of the acts and regulations in the List of Acts and Regulations to Be Reviewed with Priority shall be accomplished by December 2017 and the enactment (establishment), amendment or repeal of other laws and regulations and the modification of administrative measures is scheduled to be accomplished by December 2019.

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第 8 條 意識提升	16.	Please provide information on the plans to update the CRPD translation into traditional Chinese, and to prepare accessible versions, including sign languages and easy-read versions of the CRPD.	請提供有關更新 CRPD 為繁體中文，以及準備無障礙版本的資訊，其中包括手語與 CRPD 易讀版。

中文回應：

- 一、《公約》繁體中文版邀集法學、社福等領域專家學者及身心障礙團體代表召開 8 次會議討論確定，於 2016 年 4 月 22 日立法院院會審議通過。
- 二、關於《公約》無障礙版本，目前與身心障礙團體合作進行《公約》易讀版之編撰，預計於 2017 年 10 月底前完成初稿。
- 三、依《公約》第 2 條內容，「語言」包括口語、手語及其他形式之非語音語言，為推廣《公約》至所有民眾，本國規劃於 2018 年出版《公約》手語版。

英文回應：

1. Taiwan has invited experts and scholars in the fields of law and social welfare and representatives of disability organizations to 8 meetings to discuss and finalize the traditional Chinese version of CRPD, which was deliberated and approved by the Yuan Sitting of Legislative Yuan on April 22, 2016.
2. As to the accessible versions of CRPD, the Ministry is currently cooperating with disability organizations to compile an easy-read version of CRPD. It is estimated that the initial draft can be completed by the end of October 2017.
3. Pursuant to Article 2 of CRPD, “Language” includes spoken and sign languages and other forms of non-spoken languages. To promote CRPD to all of the public, Taiwan plans to publish the sign language version of CRPD in 2018.

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條文	點次	原文	中譯（草稿）
第 8 條 意識提升	17.	Please provide on information on the training provided to civil servants to raise their awareness regarding the CRPD.	請提供有關訓練公務人員以提升其關於 CRPD 意識之資訊。

中文回應：

- 一、為提升公務人員對於《公約》意識之瞭解，政府規定新進公務人員必須完成 2 小時「人權議題認識與發展」基礎訓練，2014 年至 2016 年間共計有 23,293 位公務人員參與訓練；每年亦有身心障礙者權利保障研習班 6 小時課程（「身心障礙者權利公約之法規說明」2 小時及「身心障礙者權利公約之實務說明」4 小時）、「聯合國身心障礙者權利公約及實務」課程 3 小時及數位課程 4 單元 8 小時供公務人員進行研習；針對各級法官每年度規劃「人權系列講座－身心障礙者權利公約專題系列」使法院各級人員瞭解身心障礙者之權益，2015 年至今共辦理 21 場次、計有 1,127 位人員參與。
- 二、衛生福利部於 2015 年 7 月至 2016 年 3 月間針對中央及地方機關人員辦理 13 場次種子師資培訓課程以培養公務人員種子師資，廣泛訓練公務人員以提升其《公約》相關意識，課程主題包含：「身心障礙的概念與歧視」2 小時、「CRPD 簡介」2 小時、「兩公約國家報告撰寫經驗分享」2 小時、「CEDAW 國家報告撰寫經驗分享」2 小時、「國外 CRPD 國家報告執行經驗」2 小時、「CRPD 國家報告撰寫準則」2 小時、「身心障礙者權利公約一般原則與義務」2 小時、「無障礙」2 小時、「司法與政治參與」2 小時、「社區居住」2 小時、「無障礙與文化生活」2 小時、「工作與就業」2 小時，參與人數共計 1,276 人。

英文回應：

1. To raise the civil servants' awareness regarding CRPD, the government requires that all new civil servants must complete a 2-hour basic training of "Cognition and Development Regarding Humans Rights Issues." From 2014 to 2016, 23,293 civil servants participated in the training. 6-hour courses of workshop regarding the protection of the rights or persons with disabilities (2-hour "Explanations of CRPD" and 4-hour "Practical Instructions of CRPD"), 3-hour courses of "CRPD and Practices" and 4 units of 8-hour digital courses have been provided on a yearly basis to the civil servants for their studies. "Human Rights Series Seminars-CRPD Series" for judges at all levels have been arranged on a yearly basis to enable them to have knowledge of the rights and interests of persons with disabilities. In 2015, 21 seminars were held and the number

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of participants totaled 1,127.

2. The Social and Family Affairs Administration of Ministry of Health and Welfare carried out 13 sessions of seed trainers training courses for the staff of central and local authorities from July 2015 to March 2016 to cultivate seed trainers among civil servants to widely train civil servants so as to raise their awareness regarding CRPD. The topics of such courses included: 2-hour “Definitions of Disability and Discrimination”, 2-hour “CRPD Introduction”, 2-hour “Sharing of Experience Writing National Reports of Two Conventions”, 2-hour “Sharing of Experience Writing National Reports of CEDAW”, 2-hour “Foreign Experience Implementing National Reports of CRPD”, 2-hour “Standards for Writing National Reports of CRPD”, 2-hour “General Principles and Obligations under CRPD”, 2-hour “Accessibility”, 2-hour “Participation in Justice and Politics”, 2-hour “Residence in Communities”, 2-hour “Accessibility and Cultural Life”, 2-hour “Job and Employment”. The number of participants totaled 1,276.

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第 8 條 意識提升	18.	Please explain the extent to which Taiwan involves representative organizations of persons with disabilities in the training and awareness-raising initiatives it carries out.	請說明國家在執行訓練與意識提升方面，身心障礙者代表組織參與的程度。

中文回應：

- 一、政府於執行意識提升相關活動時，會參考身心障礙組織最近關注之主題，並邀集身心障礙組織之代表參與，如辦理相關主題教育訓練時，邀請適合之身心障礙組織代表擔任講師，共同規劃訓練課程。
- 二、在規劃教育訓練教材時，亦重視身心障礙組織代表之參與，例如於 2015 年 6 月 5 日至 7 月 3 日間即邀集身心障礙福利領域專家學者及身心障礙組織代表召開 3 場「教育訓練教材焦點團體會議」，審議可作為後續訓練之教材內容，且政府仍持續規劃教材之更新。
- 三、為鼓勵身心障礙者代表組織參與意識提升與訓練，藉由補助社會福利團體辦理身心障礙者意識提升與訓練相關計畫，2012 年至 2017 年期間共計 12 案，合計補助金額為 81 萬元。未來廣續推展社會福利補助作業規定，扶植身心障礙福利團體辦理意識提升與訓練，提高身心障礙組織代表對意識提升的參與程度。

英文回應：

1. When carrying out related awareness-raising campaigns, the government will refer to the subjects to which the organizations of persons with disabilities pay attention recently and invite the representatives of organizations of persons with disabilities to participate. If carrying out any educational training related to such subjects, the government will invite qualified representatives of organizations of persons with disabilities to be the trainers and work with them together to program the training courses.
2. When program the educational training courses, the government also values the participation of representatives of organizations of persons with disabilities. From June 5 to July 3, 2015, the government invited experts/scholars in the field of welfare for persons with disabilities and the representatives of organizations of persons with disabilities to convene 3 sessions of “Organizations’ Meeting Focusing on Educational Training Materials” to review the content that can be taken as subsequent training materials. Meanwhile, the government still continues programming

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the update of training materials.

3. To encourage representative organizations of persons with disabilities to participate in awareness raising and training, Taiwan carried out 12 programs of related plans of awareness raising and training of persons with disabilities through subsidizing TWD 810,000 to social welfare organizations from 2012 to 2017. In the future, the government will continue to support welfare organizations for persons with disabilities in carrying out awareness raising and training and improve the extent to which the representative organizations participate in awareness raising in accordance with the Guide of Subsidizing to Promote Social Welfare.



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條文	點次	原文	中譯（草稿）
第 9 條 無障礙	19.	Please describe the government’s plan for barrier-free public buildings, housing, public spaces, public transportation, and street environments, throughout the country.	請說明政府對於全國無障礙公共建築、住宅、公共空間、公共運輸及街道環境的計畫。

中文回應：

- 一、內政部營建署已於《建築技術規則》納入無障礙建築物規定、建築物無障礙設施設計規範，自 2013 年 1 月 1 日起朝新建、增建建築物全面無障礙化推動。為便利行動不便者進出及使用建築物，明定新建、增建之公共與非公共建築物均需設置無障礙設施。另規定無障礙通路應通達之空間及無障礙樓梯、無障礙廁所盥洗室、無障礙浴室、輪椅觀眾席位、無障礙停車位、無障礙客房數量，至於各項設施設計規範，於建築物無障礙設施設計規範訂定之。至於既有建築物無障礙環境改善，另已於 1997 年 8 月 7 日訂頒《既有公共建築物無障礙設施替代改善計畫作業程序及認定原則》，視建築物使用用途不同，須進行室外通路、避難層坡道及扶手、避難層出入口、室內出入口、室內通路走廊、樓梯、昇降設備、廁所盥洗室、浴室、輪椅觀眾席位、停車空間等設施之改善，以落實無障礙環境推動。
- 二、行政院於 2017 年 4 月 5 日核定前瞻基礎建設計畫，其中《提升道路品質-公共環境改善計畫》將自 2017 年至 2020 年期間積極推動，期透過無障礙通行之建設，進行公共通行空間檢討與改善，落實保障高齡者與身心障礙者戶外通行的便利與安全，以塑造無障礙通行環境。
- 三、有關住宅無障礙修繕部分，《住宅法》第 54 條已明定，任何人不得拒絕或妨礙住宅使用人從事必要之居住或公共空間無障礙修繕。
- 四、交通部自 2010 年起陸續推動《公路公共運輸計畫》，每年預算約 30-50 億元，其中部分經費用於改善公共運輸車輛及場站無障礙化，亦有《鐵路行車安全改善六年計畫》，其中涉無障礙部分為預計於 2021 年完成 83% 臺鐵場站之無障礙電梯設置。

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英文回應：

1. Construction and Planning Agency, Ministry of the Interior, has stipulated the accessible building regulations in Building Code and related design Directions for Accessible Facility of Building. The new construction and additional buildings were promoted toward the comprehensive accessible since January 1, 2013. On August 7, 1997, the operational procedures and the identification Directions for improvement of accessible facilities on existing public buildings were provided to facilitate the improvement of accessible facilities for existing public buildings. In order to facilitate the use of buildings for people with disabilities, it is required to provide accessible facilities for public and non-public buildings. These facilities were stipulated in related design Directions. They include accessible passageway and stairs, accessible toilets, accessible bathroom, wheelchair seating, accessible parking and accessible rooms of hotel. Depending on the use of the building, it was necessary to carry out outdoor access, slope, handrail, and the entrance, indoor access for refuge floor, indoor access corridors, stairs, lift equipment, toilets, bathrooms, wheelchair seats, parking space and other facilities to improve the implementation of accessible environment to promote.
2. The Executive Yuan approved Forward-looking Infrastructure Development Program on April 5, 2017, which included the promotion of road quality - the public environmental improvement program. From 2017 till 2020, the accessible construction program will be implemented to carry out the improvement of public access space, the implementation of the elderly and people with disabilities to protect the convenience and safety of outdoor access to create an accessible environment.
3. Regarding accessible renovations, Article 54 on Housing Act stated that “No one may reject or interfere with residence users undergoing necessary accessible renovations of their residence or public space at their own expense.”
4. Since 2010, Ministry of Transportation and Communications implements programs to promote the development of public transportation, which budget is NTD 300-500 million each year. Part of the budget is used to install accessible facilities to buses, stops and stations. Ministry of Transportation and Communications also implement 6 years Improvement Plan of Railway Drive Safety, and expect to complete 83% accessible elevators of Taiwan Railways Administration stations by 2021.

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條文	點次	原文	中譯（草稿）
第 9 條 無障礙	20.	Please provide information on how accessibility standards, monitoring systems and sanctions for noncompliance are planned to be improved.	請提供為改善無障礙標準、監測系統以及對違規案件制裁之計畫。

中文回應：

建築：

- 一、內政部營建署已於《建築技術規則》納入無障礙建築物規定、建築物無障礙設施設計規範，自 2013 年 1 月 1 日起朝新建、增建建築物全面無障礙化推動。另於 1997 年 8 月 7 日訂頒《既有公共建築物無障礙設施替代改善計畫作業程序及認定原則》，推動既有公共建築物無障礙設施改善；至於既有建築物無障礙環境改善，視建築物使用用途不同，須進行室外通路、避難層坡道及扶手、避難層出入口、室內出入口、室內通路走廊、樓梯、昇降設備、廁所盥洗室、浴室、輪椅觀眾席位、停車空間等設施之改善，以落實無障礙環境推動。
- 二、為有效推動建立公共建築物無障礙生活環境，積極督促地方政府及內政部指定之特設主管建築機關落實執行清查及改善工作，自 2004 年起逐年辦理地方政府及內政部指定之特設主管建築機關業務督導，作為相關人員獎懲之依據、補助款之增減及日後推動、改進之參考，以貫徹執行成效。
- 三、按「新建公共建築物及活動場所，應規劃設置便於各類身心障礙者行動與使用之設施及設備。未符合規定者，不得核發建築執照或對外開放使用。……公共建築物及活動場所之無障礙設備及設施不符合前項規定者，各級目的事業主管機關應令其所有權人或管理機關負責人改善。但因軍事管制、古蹟維護、自然環境因素、建築物構造或設備限制等特殊情形，設置無障礙設備及設施確有困難者，得由所有權人或管理機關負責人提具替代改善計畫，申報各級目的事業主管機關核定，並核定改善期限。」、「違反第 57 條第 3 項規定未改善或未提具替代改善計畫或未依核定改善計畫之期限改善完成者，各級目的事業主管機關除得勒令停止其使用外，處其所有權人或管理機關負責人新臺幣六萬元以上三十萬元以下罰鍰，並限期改善；屆期未改善者，得按次處罰至其改善完成為止；必要時，得停止供水、供電或封閉、強制拆除。」為《身心障礙者權益保障法》第 57 條及第 88 條第 1 項所明定，新建公共建築物未符合規定者，不得核發建築執照；既有公共建築物如未進行改善，則依該法第 88 條第 1 項規定裁罰。因係屬溯及既往之強制性規定，如僅以裁罰方式要求所有權人或管理機關負責人改善，將衍生民眾對於無障礙環境推動之錯誤理解，徒增民怨，形成

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輿論對立，實非推動無障礙環境改善之本意。且裁罰僅係手段之一而非為最佳方式，更需要透過教育宣導將無障礙環境的建制觀念深植人心，實為根本之道。爰此，當地主管建築機關多以透過勘查輔導改善之方式，協助既有建築物依本認定原則規定辦理改善或提具替代改善計畫改善，即係增加民眾對於推動無障礙環境之認同與配合度。

四、內政部營建署為建立安全性無障礙人行環境，針對道路、人行道、無障礙設施等公共空間規劃設計，訂有市區道路及附屬工程設計規範以為地方政府規劃設計之參據，尚無罰責相關規定。自 2007 年起，每年度辦理市區道路人行無障礙環境考核，以督促地方政府就步行需求較大之區域優先改善通行環境，並就各地方考核缺失提供精進方向及建議。

交通：

交通部於 2008 年 4 月 7 日修訂發布《大眾運輸工具無障礙設施設置辦法》，2013 年 1 月 11 日由原 12 條修正發布全文 20 條，規定大眾運輸工具無障礙設施項目、設置方式及其他應遵行事項，如有不符合該規定者，各級交通主管機關應令運輸營運者於一定期限內提具改善計畫或替代改善計畫，並訂定改善期限；未改善或未提具替代改善計畫或未依核定改善計畫之期限改善完成者，該管交通主管機關得處新臺幣一萬元以上五萬元以下罰鍰，並限期改善；屆期未改善者，得按次處罰至其改善完成為止。目前實務操作待改進部分，主要由交通主管機關督請運輸營運者研提改善計畫，追蹤改善進度，未有受罰則案例。

資訊通訊：

- 一、各政府機關學校倘在人工檢測與抽測有不合「無障礙網頁開發規範 2.0 版」之情形，國家通訊傳播委員會將視情況適度輔導各機關並請其限期改善。經統計 2016 年經國家通訊傳播委員會人工檢測不合格之件數共達 894 件，其中經改善後取得無障礙網頁標章者共 534 件，改善比率約達六成。
- 二、查各級政府機關與學校之網站應依《身心障礙者權益保障法》第 52 條之 2 取得無障礙標章，爰倘前揭機關之網頁有不合該規定之情事，係屬機關違法事項，監察院得依《監察法施行細則》第四章「糾正」相關規定進行查處。

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英文回應：

Construction:

1. Construction and Planning Agency, Ministry of the Interior, has stipulated the accessible building regulations in Building Code and related design Directions for Accessible Facility of Building. The new construction and additional buildings were promoted toward the comprehensive accessible since January 1, 2013. On August 7, 1997, the operational procedures and the identification Directions for improvement of accessible facilities on existing public buildings were provided to facilitate the improvement of accessible facilities for existing public buildings. In order to facilitate and exit the use of buildings for people with disabilities, it is required to provide accessible facilities for public and non-public buildings. These facilities were stipulated in related design Directions. They include accessible passageway and stairs, accessible toilets, accessible bathroom, wheelchair seating, accessible parking and accessible rooms of hotel. Depending on the use of the building, it was necessary to carry out outdoor access, slope, handrail, and the entrance, indoor access for refuge floor, indoor access corridors, stairs, lift equipment, toilets, bathrooms, wheelchair seats, parking space and other facilities to improve the implementation of accessible environment to promote.
2. To effectively promote the living environment for public buildings with accessible facilities and actively urge the local governments to implement the inspection and improvement task, since 2004, The Ministry of the Interior has gradually supervised local government to implement the improvement task, as the basis for rewards and punishments of the relevant personnel, the increase or decrease of the subsidy and the reference for the future promotion and improvement.
3. According to People with Disabilities Rights Protection Act, "The public buildings and gathering places to be newly constructed or manufactured shall include facilities/installation and equipment that are convenient for people with disabilities to use. The government shall not issue construction licenses to the public buildings, or gathering places that are not in conformity with the foresaid provision, nor allow them to be opened to the public..... The competent authorities of individual levels in charge of specific business shall order the owners or the people in charge of the management of the public buildings and gathering places to improve if the access-free equipment and facilities/installation are not in conformity with the regulations of the above paragraph, But where it is difficult to establish access-free equipment and facilities/installation due to military control, protection of ancient relics, natural factors, construction of the buildings, restriction of the equipment or facilities/installation, or other special conditions, the owners or the people in charge of the management of the agency/organization/institution

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may submit an alternative improvement plan to the competent authorities of individual levels in charge of specific business. The competent authorities shall specify a time limit for implementing the improvement plan.” Where the regulations of no improvement, or no alternative improvement plan submitted, or the improvement not completed within the time limit specified in the approved improvement plan (in charge of the management of public buildings, gathering places and public transports), referred to in Article 57, Paragraph 3, are violated, the competent authorities of individual levels may stop using the public buildings, gathering places, and public transports, and fine the owner or the principal of the management department/agency a sum no less than TWD\$60,000 and no more than TWD\$300,000, and order improvement within a stipulated time limit. In case improvement is not completed within the stipulated time limit, the competent authorities may continue to issue fines till the improvement is completed, and can cut the water or electricity supply, or shut them down completely and dismantle it where necessary.” Due to its nature of retroactivity, seeking improvement by punishing the owner or person responsible for managing the establishment could result in raising the blame on the part of the public, and misunderstanding on the promotion of the accessibility of the environment. Punishment is not the best way, education and promotion are better ways to develop an accessible environment deeply rooted in the people. In this way, the local authority will assist the existing building in accordance with the principle of determining the improvement or propose an alternative improvement plan through the means of improvement of the survey guidance.

4. To establish a safe and accessible pedestrian environment, Construction and Planning Agency, Ministry of the Interior, published Urban Road and Ancillary Engineering Design Specifications as a reference for local government to plan and design roads, sidewalks, accessible facilities and other public space. There is no penalty for noncompliance. Since the beginning of 2007, Construction and Planning Agency, Ministry of the Interior, has held the accessibility assessment of the city road to the local government on a yearly basis to improve the accessible environment and provide directions advices to those counties and cities which failed the assessment.

Transportation:

Ministry of Transportation and Communications legislated Regulations Governing the Installation of Accessible Facilities in Public Transportation on April 7, 2008 and revised the above regulation from 12 to 20 articles on January 11, 2013. It regulated accessible items, construction methods and other related matters of accessible facilities in public transportation. If transport carriers do not follow the regulation, transport authorities

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should supervise them and offer improvement plans or substitutes within a given time. If transport carriers do not improve, do not offer or overdue, a fine from TWD\$10,000 to TWD \$50,000 will be levied and a deadline for improvement would be imposed. If they still do not improve, punishment would occur each time until they accomplish the improvement. In fact, there is no punishment case so far.

**Information and Communication**

1. Once National Communications Commission has verified a government institution which has not complied with Accessible Web Development Guidelines 2.0, it shall provide guidance to the institution in question to undertake corrective action within a certain period, which shall depend on the circumstances of the situation. Statistics show 894 verified cases during 2016 - 534 of which gained Web Accessibility Accreditation badges after improvement had been implemented, a ratio of almost 60%.
2. Websites of all governmental agencies and schools are required to obtain the Web Accessibility Accreditation badges to comply with Article 52-2 of the Persons with Disabilities Rights Protection Act. Should any government institution refuse to comply with the Article, the case would be investigated by the Control Yuan to see if it violates the rules in accordance with Chapter IV of Corrective Measures of Enforcement Rules of the Control Act.

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條文	點次	原文	中譯（草稿）
第 9 條 無障礙	21.	Please explain the regulatory system requiring accessibility in all community facilities and services including healthcare and education.	請說明為要求所有社區設施與服務無障礙的規範系統，包括醫療保健與教育。

中文回應：

建築與公園綠地：

- 一、內政部營建署已於《建築技術規則》納入無障礙建築物規定、建築物無障礙設施設計規範，自 2013 年 1 月 1 日起朝新建、增建建築物全面無障礙化推動。已明定新建、增建之六層以上之集合住宅或五層以下且五十戶以上之集合住宅，除專有及約定專用部分以外，其他均應設置無障礙通路、無障礙樓梯、無障礙停車位等設施，以便利行動不便者進出及使用建築物。至於各項設施設計規範，於建築物無障礙設施設計規範訂定之。至於既有建築物無障礙環境改善，另已於 1997 年 8 月 7 日訂頒《既有公共建築物無障礙設施替代改善計畫作業程序及認定原則》，要求五層以下且五十戶以上之集合住宅，須改善室外通路、避難層坡道及扶手、避難層出入口等設施。六層以上之集合住宅須改善室外通路、避難層坡道及扶手、避難層出入口、昇降設備等設施。
- 二、為利身心障礙者順利進出公園及無礙使用相關設施，內政部營建署自 2014 年度起即循序督促辦理都市公園綠地無障礙環境建構工作，首先於 2014 年 8 月 29 日函頒《都市公園綠地各主要出入口無障礙設施設置原則》，並依該原則於 2014 年及 2015 年完成全國公園綠地主要出入口督導計畫。其次於 2015 年 10 月 22 日訂定《內政部主管活動場所無障礙設施設備設計標準》，並於 2016 年及 2017 年針對都市公園綠地完成無障礙環境督導計畫，未來仍將賡續加強推動辦理。

教育：

- 一、《特殊教育法》第 18 條明定，政府及學校提供特殊教育或相關服務措施，或設置相關設施，都必須符合適性化、個別化、社區化、無障礙及融合之精神。另外，在《身心障礙學生支持服務辦法》第 10 條亦明定，學校除了應配合身心障礙學生需求，建立或改善整體性之設施設備，同時也要求學校在辦理相關活動時，應考量身心障礙學生參與之需求，營造最少限制環境，包括調整活動內容與進行方式、規劃適當動線、提供輔具、人力支援及危機處理方案等相關措施，以支持身心障礙學生參與各項活動。
- 二、教育部及各地方政府每年補助學校共約新臺幣 2 至 3 億元，要求學校依無障礙設施需求急迫性，擬訂改善計畫列出改善進度及時



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間表，依其改善優先順序，分年逐步改善，並要求學校於未完成改善前，必須提供替代方案，如安排地面樓層教室，以免影響學生受教權益。並持續請學校依《建築物無障礙設施設計規範》及《既有公共建築物無障礙設施替代改善計畫作業程序及認定原則》改善無障礙設施，除依法規最基本規定設置與改善外，並考量身心障礙者實際使用所需，打造友善學習環境。

三、另配合轉知內政部營建署委辦之無障礙設施勘驗講習訊息，請各機關、學校確實瞭解最新法令規定情形，同時視需要參加該勘驗講習，以增強勘檢能力，提升確實營造改善無障礙校園環境之施工品質。

醫療照顧：

一、《醫療機構設置標準》有關無障礙設施規定如下：

（一）醫院：

1. 主要走道台階處，應有推床或輪椅之專用斜坡道。
2. 浴廁、走道、公共電話等公共設施，應有對行動不便者之特殊設計。

（二）診所：設「復健治療設施」者，應有無障礙設施：

1. 應設電梯或斜坡道。但僅使用地面一樓之建築物，不在此限。
2. 主要走道台階處，應有推床或輪椅之專用斜坡。
3. 浴廁、走道、公共電話等公共設施，應有對行動不便者之特殊設計。

二、辦理成人預防保健「健康加值」方案之特約醫事服務機構，於醫療院所部分，應依據《醫療機構設置標準》規定，於坡道、浴廁、走道、公共電話應有無障礙設計，違反者可依法處分；並將室外通路、坡道及扶手、避難層出入口、室內出入口、室內通路走廊、樓梯、昇降設備、廁所、浴室、停車空間等列入醫院評鑑項目。衛生所也依《建築技術規則無障礙設施設計規範》，之規定應設置無障礙設施，衛生所如設有復健治療設施，則應依《醫療機構設置標準》設置無障礙設施。

三、為確保精神病人照護需要、安全權益，衛生福利部訂有精神科醫院、精神復健機構及精神護理之家之設置標準法規，內容已明定應設置便於身心障礙者行動及使用之設施、設備，並應符合建築法規規定之無障礙環境建置。另地方政府對轄內機構業務，每年皆訂定計畫實施督導考核，並請消防及建管相關人員檢視其無障礙設施及其安全性，以維護住民照護品質。未來將配合內政部修訂《建築物無障礙設施設計規範》，適時修訂上開機構之設置標準有關無障礙環境之建置規範。

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- 四、醫院評鑑基準中，規範醫院應提供多元管道的就醫資訊及醫療諮詢服務，維護病人就醫的權益。醫院應提供民眾就醫相關資訊、引導服務、及病床推送或輪椅借用之服務，並可依病人需求提供適切的溝通服務，如：病人慣用語言或外語之翻譯，聽障者手語翻譯、唇語、筆談、同步聽打、寫字板、溝通板，視障者點字資料、18 號字體以上之資料。
- 五、2016 年一般護理之家將無障礙設施納入評鑑基準，另於《護理機構設置標準》中亦規定應有身心障礙或行動不便之特殊設計，一般護理之家需符合《護理機構設置標準》始得取得設置許可。
- 六、2016 年獎勵 30 家醫院辦理《特殊需求者口腔整合性照護計畫》（含示範中心 7 家及一般醫院 23 家），提升特殊需求者口腔醫療照護品質。另各地方政府則依《身心障礙者特別門診管理辦法》，全國共計指定 85 家醫院提供身心障礙者牙科醫療特別門診服務，相關醫院名單均公告於衛生福利部或地方政府衛生局網站。
- 七、推動高齡友善健康照護機構認證計畫，將友善環境及社區服務與轉介納入認證標準，截至 2017 年 6 月底，計 313 家機構（170 家醫院、77 家衛生所、65 家長期照護機構、1 家診所）通過認證，以提供全人身心健康促進，包括環境及服務的無障礙，所建置友善環境能同時提升對身心障礙者之服務。
- 八、2016 年《醫療區域輔導與醫療資源整合計畫》中，由衛生局輔導醫療機構（尤其是地區醫院）營造對於身心障礙者之友善就醫環境，於 2017 年辦理《醫療院所無障礙就醫環境輔導計畫》，以加強醫療院所提供友善就醫環境。
- 九、持續辦理醫事人員對於身心障礙者權益保障之繼續教育；強化菸害防制宣導及教育，設置菸害防制資訊網以提供菸害防制相關法規、資訊及宣導單張、手冊等，符合無障礙網頁開發規範，適合身心障礙人士使用瀏覽或聽取。
- 十、另為利身心障礙者使用各項社區式服務（包括社區居住、社區式日間照顧、社區日間作業設施、家庭托顧等）時，能有友善使用空間，於《身心障礙者個人照顧服務辦法》中第 29 條、第 40 條、第 50 條、第 54 條明定相關服務設施之空間大小、空間配置、環境設備等，例如社區式服務平均每人應有 6.6 平方公尺以上之空間、應設盥洗室等設備（各項社區式服務規範不同）、得為服務對象設置適當且獨立之空間及設備，提供個別化服務。另各項服務設施如位於公共建築物，則其無障礙設施設備應符合內政部營建署所訂定之《無障礙建築技術規範》之規定。

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英文回應：

Construction and Parks:

1. Construction and Planning Agency, Ministry of the Interior, has stipulated the accessible building regulations in Building Code and related design Directions for Accessible Facility of Building. The new construction and additional buildings were promoted toward the comprehensive accessible since January 1, 2013. The six floors and above or below six floor with over 50 units of new and additional buildings residential buildings, in addition to individual unit and designated private areas, the other should be set up accessible access, accessible stairs, accessible parking and other facilities for the use of buildings by people with disabilities. As for the related design Directions for Accessible Facility of Building, the design of the accessible design of the building is set. As for the improvement of the accessible environment of the existing buildings, the existing public buildings have been set up on August 7, 1997. The procedures for the improvement of the planned procedures and the principle of identification are required. The below six floor with over 50 units residential buildings are required to improve their outdoor access, shelter slope and handrails, shelter and other facilities. The six floors residential buildings are required to improve the outdoor access, shelter slope and handrails, refuge floor entrance, lifting equipment and other facilities.
2. For the convenience of physical and mental disabilities in and out of the park and the use of related facilities, Since 2014, Construction and Planning Agency, Ministry of the Interior, supervise the construction of accessible environment of urban parks and greeneries, and enacted the "Principles for the Establishment of Accessible Facilities at the Main Entrance of Urban Parks and Greeneries" in August 29, 2014, and according to the principles to complete the supervision program of accessible environment for urban park major entrances in Taiwan. Then, based on the principles to establish and announce The Design Standards of Accessible Equipment and Facilities for Ministry of the Interior on October 22, 2015, the Construction and Planning Agency will continue to strengthen the promotion in the future.

Education:

1. As expressly provided for in Article 18 of the Special Education Act, provision and programming of special education and related services should be based on appropriateness, individualization, communitization, accessibility, and inclusion. Meanwhile, the Regulations Governing Supporting Services toward the Students with Disabilities expressly provides in Article 10 as well: Other than the effort in coordination with

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the substantial need of the students with disabilities by setting up and improving the integrated equipment & facilities, a school should take into account the requirements by students with disabilities in participation by building the circumstances of the least possible barriers, including the efforts to flexibly adjust contents of the activities and modes of progress, to map out sound and appropriate movement lines, provide aiding facilities, human resources support, programs to deal with a potential crisis and such relevant facilities so as to warmly back up students with disabilities to participate in a variety of activities.

2. Currently the Ministry of Education and municipality, county (city) government authorities budget around TWD\$200-300 million annually to schools with a request to draw up plans and implementation time schedule in line with the accessible facilities. Based on the time schedule so drawn up, the schools should complete the improvement programs on a year-by-year basis. The government authorities further require the schools that before the scheduled improvement programs are completed, they should work out and provide scheme of alternatives, e.g., the efforts to arrange ground floor classrooms to prevent a potential impairment of such students from their inherent rights to receive education. Meanwhile, schools are continually requested to faithfully follow the Design Specifications for Accessible Facilities in Constructions and Operating Procedures and Identification Principles for Alternative Schemes of Accessible Facilities for Existent Public Constructions for better accessible facilities. Other than the improvement on the grounds of most fundamental requirements, all schools are advised to take the substantial need by the students with disabilities and build up learning-friendly ambiances.
3. Forward of the information issued by the Construction and Planning Agency of Ministry of Interior regarding accessible facilities inspection seminars to keep all institutions and schools better informed of law updates. The institutions and schools shall participate in such inspection oriented training seminars as necessary to gain added capability in surveys and inspection and to upgrade the quality of the construction of the accessible facilities on campuses.

Medical Care:

1. The Standards for the Establishment of Medical Care Institutions have set down regulations regarding accessible facilities as follows:
  - (1) Hospitals:
    - A. Ramps designated for wheeled stretchers or wheelchairs are required at steps that lead to main hallways.

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- B. Public facilities such as restrooms, aisles, and public phones should come with special design for people with mobility limitations.
- (2) Clinics: Accessible facilities should be available in clinics with “rehabilitation therapy facilities”:
- A. Elevators or ramps should be available, but this requirement does not apply to clinics that use only the first floor of a building.
  - B. Ramps designated for wheeled stretchers or wheelchairs are required at steps that lead to main hallways.
  - C. Public facilities such as restrooms, aisles, and public phones should come with special design for people with mobility limitations.
4. The contracted medical service institutions implementing the Value-added health related adult preventive care program have setup the following in accordance to the regulation on Facility standards of healthcare institutions as stipulated by the Ministry of Health and Welfare, namely accessible design should be incorporated into slopes, bathrooms, passages, and public telephones. Furthermore, outdoor passages, slopes, railings, emergency entrance and exit, indoor entrances and exits, indoor passageway, stairs, elevation equipment, bathrooms, shower rooms, and parking spaces are listed as part of the hospital accreditation items. In accordance to the Template for the design of accessible facilities, the health department established accessible facilities as per regulation, and if a health department have rehabilitation and treatment facilities, then the Facility standards of healthcare institutions will apply.
5. In order to ensure the care needs and security interests of psychiatric patients, the relevant regulations of psychiatric hospitals, psychiatric rehabilitation institutions and psychiatric nursing homes establishment have been made. It is stated that facilities and equipment should be set up for the use of persons with disabilities, and should comply with construction regulations as well as accessibility environment standards. In addition, the municipality and county (city) government authorities should make plans to conduct annual supervision and inspection on their jurisdiction of business, while fireman and official construction personnel are responsible for the inspection of accessibility facilities to ensure the safety and quality of caring residents. Meanwhile, the regulations will be amended to correspond to "The regulation for design of buildings with accessibility facilities" from Ministry of the Interior.
6. Under the standards of hospital accreditation, the hospitals are regulated to provide medical information and healthcare consultation services across diverse channels of communication to protect the rights and interests of the patients’ access to medicine. By the standard, hospitals should provide relevant medical information to the public, and provide services such as guidance, sickbed movement, or wheelchair rental. Furthermore, appropriate communication services should be provided according to patients’ needs such as: interpretation and translation of patients’ natural

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- language, sign language interpretation, lip-reading, simultaneous dictation, writing board, communication board, braille data, and information with font size at least 18 and above.
7. The accessible facilities have been incorporated in the evaluation standards of the general nursing homes in 2016. Furthermore, the special design for people with physical and mental disabilities are also included in the standards for facilities in nursing institutions. General nursing homes can obtain the permit for establishment only if it meets the standards for facilities in nursing institutions.
  8. Hospital of Outpatient management approach, based on Article 24, Paragraph 2, of People with Disabilities Rights Protection Act, our country's 22 local Health Bureaus have designated 85 hospitals to provide dental care outpatient services. And to help in improving the quality of care service, central government has encouraged 29 hospitals which included 7 modeling centers and 22 general hospitals to handle the “Dental Care Integration Program for People with Special Needs” in 2016.
  9. The promotion of age-friendly healthcare institution certification program brings friendly environment, community services, and referral under the certification standard. By the end of June 2017, a total of 313 institutions (130 hospitals, 77 health departments, 65 long-term care institutions, and 1 clinic) passed the certification. The program aims to provide holistic physical and mental health promotion, including the accessible environment and services, so as to create a friendly environment that also elevates the services to the people with mental and physical disabilities.
  10. An accessible medical care environment guidance program for medical care institutions was offered in 2017 to help medical care institutions create a friendly medical care environment.
  11. Continuing education on protection of the rights of people with disabilities is offered continually for medical personnel. In order to strengthen the promotion and education of tobacco control, the government established the Smoking Prevention Website to provide tobacco control related regulations, information, flyers, and brochures. Furthermore, the website meets Accessible Web Development Guidelines (AWDG) that is suitable for the listening and browsing by people with disabilities.
  12. To facilitate that persons with disabilities can have user-friendly space when using various community-based services (including residence in communities, community-based day-care, community facilities for operation at daytime, family support, etc.), the government provides explicitly the space sizes of relevant service facilities, spatial allocation, environmental equipment, etc. in Article 29, Article 40, Article 50, Article 54 of the Regulations of Personal Care Services for persons with disabilities, for example, for community-based services, there shall

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be 6.6 square meters or more space per person on average, there shall be facilities like a bathroom (different norms for various community-based services), there may be appropriate and independent spaces and facilities for targets of services to provide personalized services. In addition, if all services facilities are located in a public building, then the accessible facilities and equipment therein shall comply with the Technical Specifications for Accessible Building established by the Construction and Planning Agency, Ministry of the Interior.

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條文	點次	原文	中譯（草稿）
第 9 條 無障礙	22.	Please provide information about the steps taken to improve compliance with accessibility requirements in the finance and commerce sector as well as the media.	請提供對金融與商業、媒體領域有關符合無障礙規定之改善步驟相關資訊。

中文回應：

- 一、金融監督管理委員會向來重視身心障礙者使用各項金融服務之權益，目前已要求銀行協助身心障礙者之友善金融措施如後：各銀行營業場所提供無障礙環境及「服務專員」，並設有符合輪椅者使用之無障礙 ATM 及符合視障者使用之語音 ATM。截至 2017 年 4 月符合輪椅民眾使用機型之 ATM 已達 80% (22,071/27,515)，符合視障民眾使用機型之 ATM 已達 740 台，另有關信用卡開卡及掛失服務部分，各發卡機構已提供電話語音開卡及掛失服務（非本人亦可代為掛失），另為提供聽障民眾便利之服務，金融監督管理委員會已請銀行公會設置聽障民眾專屬諮詢管道、並請銀行提供網路信用卡開卡與掛失服務。未來將持續督促金融機構提供友善金融服務。
- 二、目前銀行網站已提供利率、匯率等公開資訊之無障礙版網頁，為提供身心障礙者更友善之金融服務，目前 37 家本國商業銀行及中華郵政已取得公共資訊無障礙網頁 A+ 標章。證券商業同業公會及淨值達 100 億元以上證券商，已於 2017 年 1 月 1 日前將官網調整為無障礙網頁，於首頁上設置「無障礙金融友善服務專區」，並取得 A+ 等級認證標章。產壽險業者多均已於官網設置金融友善服務專區，尚餘 1 家產險業者規劃於 2017 年 10 月完成設置，另部分產壽險業者已設置無障礙網頁。
- 三、為確保身心障礙人士充分享有基本權利、平等及合理便利之金融服務，各金融業同業公會業已訂定「金融友善服務準則」及「友善服務作業 Q&A」，各業者應依身心障礙者個別需求提供適當之友善服務措施，其範圍包括環境（營業處所設置無障礙設施或派專人服務）、溝通（提供意見表及客服人員等）、服務（線上或營業場所外開戶服務，並引導身心障礙者採合適交易方式等）、商品、資訊（官網公告友善金融措施相關訊息、資訊或統計資料，如未設置網站，應於營業處所公告相關資訊）等無障礙措施，且不得有歧視性之行為，並至少每年對金融友善服務準則所列情事進行檢核。其中就金融商品或服務部分，要求金融機構應提供適當形式之協助，如手語翻譯、遠端視訊或其他溝通輔具等專屬諮詢服務，或應依不同類別之身心障礙人士需求，提供適當之友善服務措施，如線上預約、到府服務等。
- 四、2012 年全國商工行政入口網已取得無障礙 A+ 等級認證標章。2014 年經濟部召開「網路無障礙推廣座談會」，協助網路零售業建置



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無障礙網站；另辦理網購無障礙宣示記者會，獲得國內許多電子商務業者支持，率先宣示將提供如簡化會員登入及結帳流程、導入網頁定位點，加強網站語音導覽等功能，並將先針對民生消費商品之圖片，新增替代文字說明，以協助消費者快速了解商品內容。

五、國家通訊傳播委員會為促進公共資訊無障礙並維護身心障礙者之權益，刻正辦理《無障礙通訊傳播近用環境行動方案》相關事宜。

英文回應：

1. The Financial Supervisory Commission always concerns the rights of people with disabilities to access financial services, and requires banks to implement friendly financial measures to help them. Banks shall provide an accessible environment, arrange service assistants, and set up accessible ATMs for wheelchair users and voice ATMs for people with visual impairment. By April 2017, 80% of the ATMs (22,071 sets) nationally had been adapted to suit wheelchair users and 3% of them (740 sets) are voice ATMs for people with visual impairment. Credit card issuers have provided telephone card activation and loss reporting services. (Persons other than the card holder can also report loss for the card holder.) The Financial Supervisory Commission has required the Bankers Association of the of China (BAROC) to set up a consultation hot-line for people with hearing impairment, and has requested banks to provide online card activation and loss reporting services. The Financial Supervisory Commission will continue to supervise financial institutions and ensure they will provide such disability-friendly financial services.
2. Banks have begun to provide accessible webpages that show the interest rate and exchange rate openly. The websites of 37 domestic commercial banks and Chunghwa Post Co., Ltd. have received the A+ mark for providing friendlier financial services for people with disabilities. Taiwan Securities Association and securities firms with net worth above TWD 10 billion adjusted their official websites and were A+ certified by January 1, 2017. Financial associations and most of their members have placed the Friendly Financial Service Guidelines in the “Friendly Financial Service Area” of their websites. In addition, some insurance companies have also introduced accessible interface design to their web pages.
3. Ensuring people with disabilities are fully entitled to basic rights, equal, reasonable and convenient financial services, financial associations have formulated the “Friendly Financial Service Guidelines” and the “Friendly Service Q&A.” Every financial institution member should provide appropriate and friendly financial services to meet the personal needs of people with disabilities. The scope of friendly financial services

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include the environment (provide an accessible environment and arrange service assistants), communication (provide questionnaire and customer service personnel, etc.), services (provide the service of opening accounts online or places other than business premises, and guiding people with disabilities to adopt proper transactions, etc.), products, information (announce information or statistics related to friendly financial services on official websites, or post announcements in business premises if there is no website) and other obstacle-free measures. There shall be no discriminatory behavior, and an examination on the practice of Friendly Financial Service Guidelines shall be conducted at least once per year. Regarding financial products or services, financial institutions are required to provide suitable assistance, for instance, dactylology translation, video call, or the other communication supplementary instruments, as well as online reservations and home service to meet the needs of people with disabilities.

4. Commerce Industrial Services Portal has been certified to conform to Level A+ of the government website accessibility standard on April 16, 2012. Ministry of Economic Affairs held a Web Accessibility Promotion Seminar in 2014 and helped online retail companies to build accessible websites. It called a press conference to call attention to online purchase accessibility and won the support from numerous domestic e-commerce companies. The ministry has announced that it will facilitate simplification of member login and checkout processes, introduction of webpage anchors, and enhancement of website audio guides. Alternative texts are added to the images of daily consumer products to help consumers understand the products quickly.
5. In order to promote accessible public information and maintain the rights and interests of physical disabilities, the Accessible Communications Environment Action Plan is currently being processed by National Communications Commission.

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條文	點次	原文	中譯（草稿）
第 10 條 生命權	23.	Please provide information on how the Ministry of Justice determines if an inmate has psychosocial or intellectual disabilities as they relate to the administration of the death penalty and indicate the number of inmates who have been found to have psychosocial or intellectual disabilities and who were therefore exempted from the administration of the death penalty since 2015.	請提供法務部如何判定實施死刑時，囚犯是否為精神或智力障礙之資訊，並說明 2015 年以來發現有精神或智力障礙之囚犯並因此豁免死刑之人數。

中文回應：

- 一、矯正機關對於死刑定讞待執行者之醫療照顧與一般收容人無異，如發現精神或智力障礙情形，視其病情安排機關內門診或戒送醫院治療，依醫囑服藥控制病情，並視病情追蹤看診，給予妥適醫療照顧。
- 二、矯正機關配合檢察署調查，協助查明死刑定讞待執行者有無《刑事訴訟法》第 465 條事由。
- 三、經法務部統計，並無是類囚犯。

英文回應：

1. The medical care provided by correctional facilities to convicts sentenced to death is of the same service provided to the regular inmates. If a convicted is found to have a mental or intellectual disability, an appointment with the facility clinic or an escorted visit to a hospital, as the situation may be, will be arranged. The inmate will control the symptoms by taking medications as prescribed by the physicians, going to follow-up appointments for further checks and receiving proper medical care as needed from the correctional facility.
2. The correctional facility will cooperate with the Prosecutors Office in the latter's investigation to identify grounds, if any, for suspension of the execution of the death sentence pursuant to Article 465 of the Code of Criminal Procedure.
3. The census and statistics office of the Ministry of Justice has inquired the medical team of The Agency of Corrections and there is no such inmate.

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條文	點次	原文	中譯（草稿）
第 11 條 危險情況及 人道緊急情 況	24.	Please provide information on how organizations of persons with disabilities have been involved in the design, implementation and evaluation of different measures ensuring the protection and safety of persons with disabilities during natural disasters.	請提供身心障礙組織如何參與不同措施之設計、執行、評估，以確保身心障礙者在自然災害中的保護與安全。

中文回應：

**內政部**

- 一、查《災害防救法》第 22 條及第 27 條訂有各級政府實施弱勢族群災害防救援助等減災事項，與弱勢族群特殊保護措施，並律定各級政府依權責列入各該災害防救計畫辦理。
- 二、未來將請地方政府於檢討地區災害防救計畫時，邀請身心障礙團體共同參與研修，以強化身心障礙者在自然災害中的保護與安全保障。

**農業委員會**

- 一、依據《災害防救法》第 24 條規定，有災害發生或有發生之虞，地方政府應對民眾進行勸告或撤離，且農業委員會《土石流災害防救業務計畫》內容亦要求地方政府對於弱勢族群（外籍人士、病患、孕婦、老弱婦孺、身心障礙及行動不便者）避難疏散作業應予以優先協助。
- 二、避難路線及處所選定因屬地方政府權責，農業委員會後續辦理《土石流災害防救業務計畫》檢討時，將於計畫內敘明地方政府辦理災害預防及整備作業時，邀請身心障礙團體參與討論或納入其意見。

**經濟部**

- 一、經濟部每年督導各地方政府擬訂《水災危險潛勢地區保全計畫》，該計畫列為中央對地方政府災害防救訪評工作查核項目，地方政府務必於汛期前依限完成及提報備查，而保全計畫內容彙整水災潛勢地區內之保全對象、收容所位置及疏散避難地圖及通報人員

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等資料，俾快速應用於疏散撤離作業，減少人命及財產損失。保全對象即是指長期病患、獨居老人、行動不便、身心障礙等需支援護送之弱勢族群。

二、未來將請地方政府於擬定《水災危險潛勢地區保全計畫》時，邀請身心障礙團體共同參與研修，以強化身心障礙者在自然災害中的保護與安全保障。

### 衛生福利部

一、《災害防救法》第 22 條將身心障礙者災害防救援助列為減災必要事項，衛生福利部得邀請身心障礙團體共同參與有關災害防救措施規劃與執行評估會議，以確保身心障礙者在自然災害中的保護與安全。

二、此外，衛生福利部於災害業務係主責督導地方政府辦理災民收容及民生救濟物資整備調度業務，以保障受災民眾於災時獲得妥適照顧。地方政府依轄內民眾及保全人口需求，落實收容場所內弱勢族群之照顧，包含老人、身心障礙者收容空間安排合宜性，並考量年齡、性別及身心障礙者等民眾需求儲備特殊民生物資。對於需要特殊照護不適合安置於一般收容場所之民眾，另行擇定其他處所妥為安置。

三、訂有《強化對災民災害救助工作處理原則》，請地方政府對於老人或身心障礙者等特殊需求個案，應協請轄內老人長期照顧機構、身心障礙福利機構空餘床位，視需要妥為安置，確保安置品質。另考量現行並無相關法規予以明確律定避難收容處所收容能量之推估標準及空間安排建議，衛生福利部於 2017 年委託海棠文教基金會辦理「災害救助資源整合網絡先導性研究」，以供地方政府作為收容場所規劃之參考。

四、另就其他身心障礙者災時可能遭遇之議題（如居家使用維生器材身心障礙者遇斷電時之因應），則於跨部會研商會議中邀請相關團體共同參與，以了解需求，擬定合適因應方案。

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英文回應：

**Ministry of the Interior**

1. According to Article 22 and 27 of Disaster Prevention and Protection Act, various tiers of governments shall implement mitigation affairs such as disaster prevention and protection supports and special protection measures for the disadvantaged minority, and various tiers of governments shall depend on its functional authorities, including the mitigation affairs under the preceding paragraph to each prevention and protection plan.
2. To enhance the protection and safety of people with disabilities during natural disasters, Ministry of the Interior will work with local governments to invite organizations of people with disabilities to be involved in the design, implementation and evaluation measures of Regional Disaster Prevention and Protection Plan.

**Council of Agriculture**

1. According to the Article 24 of Disaster Prevention and Protection Act, local governments shall advise or evacuate people when disaster occur or may occur. Also, local governments shall give priority to disadvantaged groups (such as foreign nationals, patients, pregnant women, elderly, women and children, and people with disabilities) for evacuation due to the Debris Flow Disaster Prevention and Protection Project of Council of Agriculture.
2. Because selecting evacuation routes and shelters belongs to local authorities, Council of Agriculture will ask local governments to invite disability organizations to participate in discussion when conducting operation of disaster prevention and preparedness, and state in their point of review.

**Ministry of Economic Affairs**

1. Ministry of Economic Affairs supervises local government to formulate Flooding Prevention and Disaster mitigation Plan in Potential Hazardous Region every year. In particular, this plan has been used to check good service quality and performance of local government. On the other hand, local government must submit the plan to Ministry of Economic Affairs before flood season every year. The plan includes to find protected person in potential hazardous region, shelter location, evacuation route map, emergency contact person information, etc. Here

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protected person such as chronically ill patients, the elderly living alone, people with disabilities. The motivation of this plan is to apply quickly to evacuation operations and reduce casualties and personal injury.

2. In the future, organizations of disabilities will be invited to participate and design Flooding Prevention and Disaster mitigation Plan in Potential Hazardous Region. The implementation will strength the protection of people with disabilities during natural disasters.

**Ministry of Health and Welfare**

1. Article 22 of the Disaster Prevention and Protection Act lists Disaster prevention and protection supports for the disadvantaged minority as one of the necessary disaster mitigation affairs. Ministry of Health and Welfare shall invite Organizations of Disabilities to join Disaster Preparedness and Response Planning meetings to ensure people with disabilities are well protected and safe in case of natural disasters.
2. The Department of Social Assistance and Social Work Division in the disaster business is responsible to supervise the local government to handle the victims and schedule livelihood relief supplies, making sure that the victims in the disaster will gain proper care. According to the demand of the public and the safety of population, the local government implements the care of underprivileged groups within the shelter, including appropriate space arrangements of the elderly and people with disabilities, and considers the age, the gender, population, and the public needs of underprivileged groups to reserve special livelihood materials. For people who need special care is not suitable for placement in the general shelter, the local government will choose other places properly placed for them.
3. The Ministry of Health and Welfare rules The Principle of Strengthening Work of the Assistance in Disaster for the Victims. For the special needs of the elderly or people with disabilities, the local governments should manage the vacant beds in the local long-term care institution and disability institution, properly placing them if necessary, and ensuring the quality of placement. Additionally, no relevant laws and regulations provide a clear legal basis for the estimated standards and space arrangements about accommodation energy of evacuation shelters; in 2017, the Ministry of Health and Welfare commissioned Begonia Foundation to conduct the Disaster Relief Resource Integration Network Pilot Research, which provides local government to regard as a reference for shelter arrangement.
4. According to the other issues that the underprivileged groups may encounter, including power failure when the household uses subsistence appliances, the Department of Social Assistance and Social Work Division will invite relevant groups to participate in the cross-sectoral meeting

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to understand the needs, and develop proper coping strategy.



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條文	點次	原文	中譯（草稿）
第 11 條 危險情況及 人道緊急情 況	25.	Please indicate how the gender perspective and the view of indigenous persons with disabilities are reflected in the above-mentioned measures.	請說明於上述措施中，如何反映性別和身心障礙原住民的觀點。

中文回應：

**內政部**

- 一、查風災及震災災害防救計畫等相關內容，業針對老人、外國人、嬰幼兒、孕婦、產婦及身心障礙者等弱勢族群之災害援助、特殊保護、避難收容及安置等，律定相關規範，並據以執行，地方政府於避難收容場所空間規劃區分有單身男、女區、家庭區、身心障礙專區等，及設置相關無障礙設施，並備有嬰兒尿布、奶粉等相關物資。又計畫中律定地方政府於避難場所應有避難所需設備之整備，並主動關心及協助避難場所與臨時收容所中災害避難弱勢族群之生活環境及健康照護，辦理臨時收容所內之優先遷入及設置老年或身心障礙者臨時收容所，並藉由辦理相關防災宣導、演習、教育訓練等活動，使民眾熟悉相關法令規定、避難路線、處所位置等資訊。
- 二、另於上項計畫中亦律定原住民族委員督導並協助山地原住民地區相關生活安置、相關民生物資之儲備與供應、居民緊急醫療救護等事項。

**行政院性別平等處**

《性別平等政策綱領》環境、能源與科技篇，針對不同性別與弱勢處境民眾基本需求之滿足，明定各相關部會應針對各種災變、汙染、公共衛生等風險進行研究，瞭解不同性別與屬性的人口之風險脆弱性，並提出因應策略；另於結合民間力量以提高治理效能項下明定，在防災、救災與重建過程中，積極結合民間網絡，促進不同民間團體的對話，並確保女性能充分參與決策過程。

**農業委員會**

參閱第 24 點次所述。

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### 衛生福利部

- 一、《災害防救法》第 22 條將身心障礙者（含不同性別和原住民族群）災害防救援助列為減災必要事項，衛生福利部得邀請性別、原住民與身心障礙團體共同參與災害防救業務計畫之討論，以確保身心障礙者在自然災害中的保護與安全。
- 二、地方政府現行依轄內民眾及保全人口需求，妥適規劃收容場所內弱勢族群之照顧，並考量年齡、性別、族群及身心障礙者等民眾需求儲備特殊民生物資。

英文回應：

### Ministry of Interior

1. According to the Wind storm and Earthquake Disaster Prevention and Protection Operation Plan, for the disadvantaged groups of evacuation, such as the elderly, the foreigner, people with disabilities, infants, and pregnant women, local governments shall prepare equipment which is needed at shelters, such as setting up zones for men, women, families, people with disabilities, and building free access for people with disabilities, preparing diapers, milk powder. Local governments shall proactively concern and help the people who live in emergency dwelling and temporary shelters, and take care of their health and surroundings; set up temporary shelters for elderly and people with disabilities, and help them to live in preferentially; arrange for the elderly and children to social welfare organizations in the meantime. Local governments shall also hold education, training, propaganda and drill of disaster prevention and protection familiarize civilians with laws, evacuation routes and point, etc.
2. Council of Indigenous Peoples shall supervise and assist mountain indigenous districts to handle affairs as life care, supplies storage, and emergency medical care for people.

### Department of Gender Equality, Executive Yuan

In the Gender Equality Policy Guidelines, the Chapter on Gender Issues Relating to Environment, Energy, and ICT clearly stipulates that relevant government ministries and departments shall conduct studies on various types of catastrophic events, pollution, and public health to seek greater understanding of the differences between gender populations in terms of risk vulnerabilities in order to satisfy the basic needs of persons with

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different genders and persons from disadvantaged backgrounds as well as propose response strategies for identifiable risks. In addition, the section on combining private power and improving governance results clearly stipulates that, in the course of disaster prevention, emergency rescue, and rebuilding efforts, private networks of individuals should be actively linked together, dialogues should be promoted between different private groups, and steps should be taken to ensure that women are able to fully participate in the decision-making process.

**Council of Agriculture**

Refer to Point 24.

**Ministry of Health and Welfare**

1. Article 22 of the Disaster Prevention and Protection Act lists Disaster prevention and protection supports for the disadvantaged minority (including people of both sexes and the aboriginal groups) as one of the necessary disaster mitigation affairs. Ministry of Health and Welfare shall invite gender groups, aboriginal groups, and organization of disabilities to participate in the discussions on disaster prevention and protection to ensure people with disabilities are well protected and safe in case of natural disasters.
2. According to the demand of the public and the safety of population, the local government properly plans on the care of underprivileged groups within the shelter, and considers the age, the gender, the population, and the public needs of underprivileged groups to reserve special livelihood materials.

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條文	點次	原文	中譯（草稿）
第 12 條 在法律之前 獲得平等承 認	26.	Please inform the Committee of what measures Taiwan has taken to conform the Civil Code to Article 12 of the CRPD as it has been interpreted by the CRPD Committee in its General Comment 1.	請告知委員會，國家已採取哪些措施使《民法》符合《公約》第 12 條及 CRPD 委員會於《公約》第 1 號一般性意見中的詮釋。

中文回應：

《民法》設有監護宣告及輔助宣告機制，在成年人之監護部分，有關監護人之產生，係由法院依職權選定監護人，係於本人喪失意思能力始啟動之機制，無法充分符合受監護人自主意思，爰法務部自 2015 年 1 月邀請中華民國智障者家長總會等社會福利團體及學者專家共同研商「意定監護制度」，採行由當事人自主意思選擇監護人之相關措施規定，以尊重人性尊嚴及本人利益，完善《民法》監護制度。法務部將於近期儘速完成意定監護修法草案陳報行政院審議。至於受監護宣告之人之行為能力問題，法務部將錄案研議。

英文回應：

The Civil Code provides the order of commencement of guardianship and order of commencement of assistance. An adult's guardian shall be selected by a court ex officio. In other words, said order would not be implemented until the adult loses his/her capability of communication. Under the circumstance, the definition of a ward's independence cannot be met perfectly. Therefore, the Ministry of Justice invited the social welfare groups, including Parents' Association for Persons with Intellectual Disabilities, Taiwan, and scholars and experts as of January 2015, in order to research the "Voluntary Custody System" which applies the relevant policies allowing the adult to select his/her guardian on his/her own accord, so that the adult's personality, dignity and interest may be respected and the custody systems under the Civil Code can be more well-founded. Given this, Ministry of Justice will complete the draft of amendments to the laws for establishment of the voluntary custody system, and submit the same to Executive Yuan for examination as soon as possible. The Ministry of Justice will also proceed to record and research the motion about the capability of a person subject to the order of commencement of guardianship separately.

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條文	點次	原文	中譯（草稿）
第 12 條 在法律之前 獲得平等承 認	27.	Please inform the Committee how many persons with intellectual or psychosocial disabilities are under guardianship, and how many of those same populations are not under guardianship.	請告知委員會，受到監護的智力與精神障礙人數，以及在此人口中，有多少人未受監護？

中文回應：

一、本點所載「監護」，如係指法院為監護或輔助宣告裁定之情形，2014 年到 2016 年間各地方（少年及家事）法院宣告監護及輔助宣告之人數詳表 27.1。至於有多少智力與精神障礙人數未受監護乙節，事涉全國身心障礙人口之統計，司法院無相關數據可資提供。

表 27.1 （單位：人）

年別	監護宣告	輔助宣告
2014	3,609	260
2015	3,799	263
2016	4,081	266

二、《精神衛生法》第 19 條規定，精神疾病嚴重病人應置保護人，係基於保障權利及協助接受醫療及生活照護，且保護人僅精神病人於嚴重病人狀態下，方得依法行使前開協助；又嚴重病人之保護人，以考量嚴重病人利益，由其監護人等 5 類人互推一人為之。查目前我國關懷訪視之嚴重精神病人為 7,900 人，保護人大部分係家屬自願或互推擔任，少部分（0.2%）由衛生主管機關選定適當人員、機構或團體擔任保護人。另於《精神衛生法》之子法規中，亦有訂定保護人消極資格，針對不勝任保護人者，得由嚴重病人親屬或利害關係人之申請或由地方主管機關依職權另予選定。

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英文回應：

1. The guardianship in this point refers to the circumstances in which the commencement of guardianship and assistance by the court. For the number of persons who have been commenced of guardianship and assistance by the courts (juvenile and family) from 2014 to 2016, see schedule 1. As for the number of intellectual and mental disorders that were not in guardianship, since it involves the national statistics of disability population, there is no relevant data available.

Table 27.1 : The number of persons who have been commenced of guardianship and assistance by the courts from 2014 to 2016

(Unit: People)

YEARS	commenced of guardianship	commenced of assistance
Year 2014	3609	260
Year 2015	3799	263
Year 2016	4081	266

2. Article 19 of the Mental Health Act provides that "For one diagnosed or examined by a specialist physician to be a severe patient, a protector shall be designated." This article is based on the concept to facilitate those patients properly exercise their rights and accept assistance of the medical and life care. Therefore, the former article is only applied to the patients suffer in the severe mental illness. Considering the best interests of the patients in severe mental illness condition, the protector shall be chosen among five categories of people, including patient's guardians. Currently, there are 7,900 severe patients in Taiwan, and most of their protector were volunteered or chosen from their family members, while only a small part (0.2%) of protectors were appointed by the health authority among appropriate personnel, institutions or organizations. Moreover, in the implementing regulation of Mental Health Act, there is also a passive qualification for the protectors. For those who is not suitable to be protector, the relative of the patient or the interested person may petition for removal, and request the municipality and county (city) competent authorities to designate a new protector for replacement under discretion.

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條文	點次	原文	中譯（草稿）
第 13 條 獲得司法保護	28.	Please inform the Committee of specific measures and safeguards provided to persons with disabilities at all steps in the criminal and civil justice systems, and why those measures and safeguards conform to CRPD Article 13.	請告知委員會，在所有刑事與民事司法系統各環節中，對身心障礙者所提供的特定措施與保護，且為何這些措施與保護符合《公約》第 13 條？

中文回應：

**內政部**

查《刑事訴訟法》第 41 條、第 43 條之 1、第 100 條之 1 及第 100 條之 2 均對訊（詢）問被告或犯罪嫌疑人訂有明確規範，同法第 35 條第 3 項並對於精神障礙或其他心智缺陷無法為完全之陳述者明定陪同在場人，以保障其權益；另內政部警政署訂頒之《警察偵查犯罪手冊》第 118 點依循上揭條文而為相關規定，對於犯罪嫌疑人为身心障礙者，應通知其法定代理人、配偶、直系或三親等內旁系血親或家長、家屬或其委託之人或主管機關指派之社工人員為輔佐人陪同在場。對於被害人为身心障礙者時，亦同，相關在場人並得陳述意見。以上規定均屬於對身心障礙者所提供之特定措施與保護，並符合《公約》第 13 條之意旨。

**司法院**

一、在民事司法系統中，對身心障礙者所提供的特定措施與保護部分：

- （一）因精神障礙不解具結意義及其效果之人為證人者，不得令其具結。（《民事訴訟法》第 314 條、《非訟事件法》第 31 條準用《民事訴訟法》第 314 條）
- （二）參與辯論人如為聾、啞人，法院應用通譯。（《民事訴訟法》第 207 條第 2 項）

二、在刑事司法系統中，除了前述第 8 點有關辯護人及輔佐人之規定外，尚有下列保護規定：

- （一）被告為聾或啞或語言不通者，得用通譯，並得以文字訊問或命以文字陳述。（《刑事訴訟法》第 99 條）
- （二）證人因精神障礙，不解具結意義及效果者，不得令其具結。（《刑事訴訟法》第 186 條第 1 項第 2 款）

綜上，身心障礙者於刑事訴訟程序中，不論其身分為被告、犯罪嫌疑人或證人，或於偵查程序、審判程序，均有提供適當之保護措

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施。

三、在行政訴訟程序中，對身心障礙者所提供的特定措施與保護部分：

（一）身心障礙者如無法在法庭上為事實上陳述時，得選任輔佐人到庭代為陳述，以載明聲請輔佐人事由之聲請書狀由向法院聲請。（《行政訴訟法》第 55 條）

（二）訴訟文書送達部分，就無訴訟能力之身心障礙者對其送達，應向其全體法定代理人為之。（《行政訴訟法》第 64 條）

（三）如身心障礙者符合訴訟救助要件，行政法院應依聲請，以裁定准予訴訟救助。（《行政訴訟法》第 101 條）

（四）另身心障礙者於法院當證人時，如不解具結意義及其效果者，不得令其具結。（《行政訴訟法》第 150 條）

均為提供身心障礙者程序上適宜的對待措施，發揮司法保護之功能。

四、《家事事件法》已明定社工陪同、應使用通譯、選任程序監理人、請兒少心理專家協助、應訊問鑑定人後始得為監護或輔助宣告等制度，並準用《民事訴訟法》作證時不解具結意義者不得令其具結之規定；《少年事件處理法》明定以保障少年健全之自我成長為目的，另有審前調查、選任輔佐人、令入相當處所實施治療、轉向處遇等制度，並適用《刑事訴訟法》有關通譯、不得令具結、選任辯護人、通知法律扶助機構指派律師到場為其辯護、社工人員陪同在場等規定（《家事事件法》第 11 條、第 15 條、第 19 條、第 108 條、第 165 條、第 167 條、第 178 條、第 185 條、《民事訴訟法》第 314 條、《少年事件處理法》第 1 條、第 1 條之 1、第 19 條、第 28 條、第 29 條、第 42 條、《刑事訴訟法》第 31 條、第 35 條、第 99 條、第 159 條之 3、第 186 條等參照），均為增進身心障礙者於所有法律訴訟程序中，有效發揮其作為直接和間接參與之一方（包括作為證人）之措施，司法院並持續對法官等所屬人員辦理相關教育訓練，以強化並增進對身心障礙者權益保護之認知及敏銳度。

五、為加強對外籍人士、原住民、聽覺或語言障礙者等不通曉國語人士及身心障礙者之司法權益保障，自 2006 年起採行「特約通譯制度」，目前法院已建置 18 種語言類別，共 229 名特約通譯，於各法院審理刑事案件及民事事件有傳譯需求時，為訴訟當事人或關係人選任通譯到庭協助傳譯，以保障訴訟當事人及關係人等之司法訴訟權益。

六、司法院筆錄已全面數位化，另法庭亦採科技化設備進行審理，現行科技法庭採透過投影設備搭配 PDF-XChange Editor 法院可視訊問需要調整電子卷證文字大小及其內建之功能進行文字朗讀，並可搭配使用 Windows 作業系統之輔助工具，例如「啟用放大鏡」或「設定高對比」等功能，以利視障者訊問過程中與確認筆錄之內容。



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### 法務部

一、《刑法》中有關身心障礙者的特定保護如下，符合《公約》第 13 條之意旨：

（一）身心障礙者為刑事犯罪行為人時，相關減輕或免除刑責規定如下：

《刑法》第 19 條規定：「行為時因精神障礙或其他心智缺陷，致不能辨識其行為違法或欠缺依其辨識而行為之能力者，不罰。行為時因前項之原因，致其辨識行為違法或依其辨識而行為之能力，顯著減低者，得減輕其刑。前二項規定，於因故意或過失自行招致者，不適用之。」刑法第 20 條規定：瘡啞人之行為，得減輕其刑。

（二）身心障礙者為刑事犯罪被害人時，加重犯罪行為人刑責規定如下：

1. 《刑法》第 222 條第 1 項第 3 款規定：「犯前條之罪而有下列情形之一者，處 7 年以上有期徒刑：三、對精神、身體障礙或其他心智缺陷之人犯之者。」
2. 《刑法》第 225 條規定：「對於男女利用其精神、身體障礙、心智缺陷或其他相類之情形，不能或不知抗拒而為性交者，處 3 年以上 10 年以下有期徒刑。對於男女利用其精神、身體障礙、心智缺陷或其他相類之情形，不能或不知抗拒而為猥褻之行為者，處 6 月以上 5 年以下有期徒刑。第 1 項之未遂犯罰之。」
3. 《刑法》第 341 條規定：「意圖為自己或第三人不法之所有，乘未滿 18 歲人之知慮淺薄，或乘人精神障礙、心智缺陷而致其辨識能力顯有不足或其他相類之情形，使之將本人或第三人之物交付者，處 5 年以下有期徒刑、拘役或科或併科 50 萬元以下罰金。以前項方法得財產上不法之利益或使第三人得之者，亦同。前 2 項之未遂犯罰之。」

二、在教育訓練安排方面，法務部依據不同之研習對象，於職前研習安排基本權利保障之課程，並於在職進修期間規劃相關進階課程（例如 2014 年度、2015 年度婦幼保護及性別平等研習會「兒童、智能障礙者身心發展特性、訊問技巧與證詞可信度評估」等課程），以符合職務之需求。

英文回應：

### Ministry of the Interior

Article 41, Article 43-1, Article 100-1 and Article 100-2 of the Code of Criminal Procedure have clearly stipulated about interrogation of the defendant or the suspect. Article 35, Paragraph 3 has clearly defined that in case a person cannot state fully due to mental health conditions, one

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shall be accompanied by one to protect his rights and interests. According to Article 118 of the Investigation Protocols for the Police by National Police Agency, Ministry of the Interior, following the above-mentioned and relevant articles, for criminal suspects with disabilities, one's legal representative, spouse, strait relatives, collateral blood relatives within the third degree of kinship, parents, family members or representatives, social workers assigned by the competent authority shall be informed. The same rule shall apply to a victim with disabilities. The relevant persons can also state their opinions. The above provisions fall under the specific measures and protection provided by persons with disabilities and conform to Article 13 of the CRPD.

**Judicial Yuan**

1. Specific measures and protections provided to people with disabilities in civil procedures are as follows:
  - (1) Where a witness with mental disabilities to understand the meaning and the effect of a written oath, he/she shall not be ordered to sign a written oath. (Article 314 of the Code of Civil Procedure, Article 31 of the Non-litigation Case Act applies mutatis mutandis Article 314 of the Code of Civil Procedure)
  - (2) The court shall appoint an interpreter where a person who participates in the argument is unable to hear or is mute (Paragraph 2, Article 207 of the Code of Civil Procedure)
2. Under criminal justice system, besides the answer to the question 8 relating to defense attorney and the assistant of the accused, there are provisions that:
  - (1) If an accused is deaf or dumb, or not conversant with the language, an interpreter may be used; such accused may also be examined in writing or ordered to make a statement in writing (Article 99 of The Code of Criminal Procedure).
  - (2) A witness shall not be ordered to make an affidavit, if he is unable, because of mental disability, to understand the meaning and effect of an affidavit (Subparagraph 2, Paragraph 1, Article 186 of The Code of Criminal Procedure)

In conclusion, no matter what status the people with disabilities are, including a defendant, a suspect or a witness, in investigation or at trial, proper protective measures or other assistance are provided in the criminal procedure.
3. Specific measures and protections provided to people with disabilities in the administrative litigation procedures are as follows:

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- (1) Where a person with disabilities is unable to make factual statement in the court, he or she may select an assistant to make the statement on his or her behalf. The person with disabilities shall apply for an assistant by written application to the court stating the reason for requiring an assistant. (Article 55 of the Administrative Litigation Act)
- (2) For the service of litigation documents, the litigation documents for a person with disabilities without proceeding capacity shall be served to all legal representatives of the person. (Article 64 of the Administrative Litigation Act)
- (3) Where a person with disabilities meets the criteria of litigation aids, the administrative court shall grant the litigation aids by ruling based on the application made by the person. (Article 101 of the Administrative Litigation Act)
- (4) Where a person with disabilities serves as a witness in a court, the court shall not request the person to sign a written oath if the person does not understand the meaning and effect of the written oath. (Article 150 of the Administrative Litigation Act)

The Act provides proper procedural measures for people with disabilities to protect them.

4. The Family Act has stipulated systems such as accompanying social workers, appointing an appropriate interpreter, selecting guardian ad litem, asking for help from experts in child or youth psychology or in other relevant fields, declaring guardian or auxiliary only after consulting the appraisers. Meanwhile, the provisions of the Code of Civil Procedure shall apply, mutatis mutandis, where a witness is under the age of sixteen or with mental disabilities to understand the meaning and the effect of a written oath, he/she shall not be ordered to sign a written oath. The purpose of the Juvenile Delinquency Act is “to ensure the sound growth of juveniles, adjust their environment, and rectify their character.” The Act also allows investigation prior to court hearings, selecting a defender, sending them to a relevant treatment center for rehabilitation, transferring them to social welfare institutes. And the rules regarding interpreters, avoiding committing perjury, selecting a defender, having the Legal Aid Foundation assign attorneys to provide defense, and allowing social workers’ participation in the "Code of Criminal Procedure" shall apply. These provisions are to increase the effective participation of physical and mental disabilities in all legal proceedings, direct or indirect (including as a witness). We will continue to provide judges and other personnel with relevant training to strengthen and enhance the awareness and sensitivity of the protection of rights and interests of persons with disabilities.
5. To protect the rights and interests of people with limited Chinese proficiency, such as foreigners, indigenous people, and people with disabilities, such as hearing impaired or speech disordered, Taiwan has implemented “contracted interpreter system” since 2006. Currently,

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we have 229 contracted interpreters in 18 languages. Where criminal or civil cases require interpretation services during the proceedings, the court may select interpreters for litigants or related parties to protect their rights and interests.

6. The records on courts have fully digitalized. The trial processes are equipped with digital equipment, such as projectors and PDF-XChange Editor. The tools using in Courts can dynamic tuning size, pixel which are projecting in the screen. For visually impaired people, the windows accessibility tools such as “enabled magnifier” or “set high contrasted” can help confirming the contents of the transcript and smoothing interrogation period.

#### **Ministry of Justice**

1. The specific protections of people with disabilities in Criminal Code of Taiwan are considered to be in compliance with Article 13 of the Convention.
  - (1) If the person with disabilities is the perpetrator, relevant regulations for reduction or exempt of his or her criminal responsibility are as followed:

According to Article 19 of Criminal Code of Taiwan, an offense is not punishable if it is committed by a person who is mentally disorder or defects and, as a result, is unable or less able to judge his act or lack the ability to act according to his judgment. The punishment may be reduced for an offense committed for the reasons mentioned in the preceding paragraph or as a result of obvious reduction in the ability of judgment. Provisions prescribed in the two preceding paragraphs shall not apply to a person who intentionally brings the disabilities or defects. According to Article 20 of Criminal Code, punishment may be reduced for a conduct committed by a person with hearing or vocal and speech impairment.
  - (2) If the person with disabilities is the victim, relevant regulations for increasing his or her criminal responsibility are as followed:
    - A. According to Article 222, Paragraph 1, Subparagraph 3 of Criminal Code of Taiwan, a person who commits an offense specified in the preceding article under one of the following circumstances shall be sentenced to imprisonment for not less than seven years:
      3. Offense against a mentally, physically or otherwise person with disabilities.

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- B. According to Article 225 of Criminal Code, a person who takes advantage of the mental or physical disabilities, mental or intellectual defect, or a similar condition which makes resistance impossible for intercourse with a male or a female shall be sentenced to imprisonment for not less than three years but not more than ten years. A person who takes advantage of person with mental or physical disabilities, mental or intellectual defect, or a similar condition which makes resistance impossible for obscene behavior with a male or a female shall be sentenced to imprisonment for not less than six months but not more than five years .An attempt to commit an offense prescribed in paragraph is punishable.
- C. According to Article 341 of Criminal Code of Taiwan, a person who takes advantage of the ignorance, inexperience of another person who is under the age of eighteen or the obvious lack of distinguishing ability or the suffering of similar conditions caused by mental health, intellectual defect of another person to cause him to deliver property belonging to such other or to a third person for purpose to exercise unlawful control over it for himself or for a third person shall be sentenced to imprisonment for not more than five years or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of less than TWD\$500,000 may be imposed. A person who by the means specified in the preceding paragraph takes an illegal benefit in property for himself or for a third person shall be subject to the same punishment. An attempt to commit an offense specified in the one of the two preceding paragraphs is punishable.
2. The Ministry of Justice arranges courses regarding protection of fundamental rights in the pre-service training and gives relevant advanced courses in the on-the-job training for all participants to meet their needs in different circumstances and functions (for example, “The physical and mental development characteristics, the interrogation technique and the evaluation of the reliability of testimonies of children or people with intellectual disabilities”, 2014 and 2015 Maternal and Child Protection and Gender Equality Seminar, which was held by the Ministry of Justice).

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條文	點次	原文	中譯（草稿）
第 13 條 獲得司法保 護	29.	In doing so, provide concrete information regarding what facilitation is provided to individuals with intellectual or psychosocial disabilities at every stage in criminal and civil proceedings.	請提供關於在刑事與民事法律程序各階段中，提供給智力或精神障礙人士協助之具體資訊。

中文回應：

**內政部**

查《刑事訴訟法》第 31 條第 5 項規定，被告或犯罪嫌疑人因精神障礙或其他心智缺陷無法為完全之陳述者，於偵查中未經選任辯護人，檢察官、司法警察官或司法警察應通知依法設立之法律扶助機構指派律師到場為其辯護。該項規定能確實提供智力或精神障礙人士在刑事訴訟程序中具體之法律資訊及協助；另內政部警政署並訂定《警察機關通知法律扶助機構指派律師到場辯護作業程序》，對於拘提、逮捕、通知、自首或自行到場之犯罪嫌疑人，遇有精神障礙或其他心智缺陷證明或自述為精神障礙或其他心智缺陷或觀其言語無法為完全之陳述可疑為精神障礙或其他心智缺陷者，即認屬強制辯護案件，依法通知法律扶助機構指派律師到場，俾落實相關身心障礙者司法人權。

**司法院**

一、為保障精神障礙或其他心智缺陷被告之訴訟權，《刑事訴訟法》及《法院辦理刑事訴訟案件應行注意事項》設有下列規定：

（一）辯護人部分

1. 《刑事訴訟法》第 27 條第 3 項、《法院辦理刑事訴訟案件應行注意事項》第 7 點：

被告或犯罪嫌疑人因精神障礙或其他心智缺陷無法為完全之陳述者，應通知法定代理人、配偶、直系或三親等內旁系血親或家長、家屬得為被告或犯罪嫌疑人選任辯護人。

2. 《刑事訴訟法》第 31 條第 1 項及第 5 項前段、《法院辦理刑事訴訟案件應行注意事項》第 6 點、第 34 點：

（1）被告因精神障礙或其他心智缺陷無法為完全之陳述者，於審判中未經選任辯護人者，審判長應指定公設辯護人或律師為被告辯護。

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(2) 被告或犯罪嫌疑人因精神障礙或其他心智缺陷無法為完全之陳述者，於偵查中未經選任辯護人，檢察官、司法警察官或司法警察應通知依法設立之法律扶助機構指派律師到場為其辯護。

### (二) 輔佐人部分

《刑事訴訟法》第 35 條第 3 項前段、《法院辦理刑事訴訟案件應行注意事項》第 7 點：

被告或犯罪嫌疑人因精神障礙或其他心智缺陷無法為完全之陳述者，應有得為輔佐人之入或其委任之入或主管機關、相關社福機構指派之社工人員或其他專業人員為輔佐人陪同在場。

二、除了前述一、有關辯護人及輔佐人之規定外，尚有下列保護規定：

#### (一) 《刑事訴訟法》第 99 條：

被告為聾或啞或語言不通者，得用通譯，並得以文字訊問或命以文字陳述。

#### (二) 《刑事訴訟法》第 186 條第 1 項第 2 款：

證人因精神障礙，不解具結意義及效果者，不得令其具結。

綜上，身心障礙者於刑事訴訟程序中，不論其身分為被告、犯罪嫌疑人或證人，或於偵查程序、審判程序，均有提供適當之保護措施。

三、《家事事件法》有社工陪同、應使用通譯、選任程序監理人、請兒少心理專家協助、應訊問鑑定人後始得為監護或輔助宣告等制度，並準用《民事訴訟法》作證時不解具結意義者不得令其具結之規定；《少年事件處理法》有審前調查、選任輔佐人、令入相當處所實施治療、轉向處遇等機制，並適用《刑事訴訟法》有關通譯、不得令具結、選任辯護人、通知法律扶助機構指派律師到場為其辯護、社工人員陪同在場等規定（《家事事件法》第 11 條、第 15 條、第 19 條、第 108 條、第 165 條、第 167 條、第 178 條、第 185 條、《民事訴訟法》第 314 條、《少年事件處理法》第 1 條、第 1 條之 1、第 19 條、第 28 條、第 29 條、第 42 條、《刑事訴訟法》第 31 條、第 35 條、第 99 條、第 159 條之 3、第 186 條等參照）。

四、我國制定《法律扶助法》之目的，在於保障人民權益，對於無資力或因其他原因，無法受到法律適當保護者，提供必要之法律扶助。依照《法律扶助法》規定，對於神經系統構造及精神、心智功能損害或不全，無法為完全陳述者，法律扶助基金會應依其申請，指派扶助律師於偵查或審判中提供辯護或輔佐之法律扶助，以保障其訴訟權益。

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### 法務部

- 一、依《刑事訴訟法》第 95 條第 1 項規定，訊問被告前，應先告知被告犯罪嫌疑與所犯所有罪名、得保持緘默、無須違背自己之意思而為陳述、得選任辯護人及得請求調查有利之證據後，始能進行犯罪事實之訊問；因前述告知係以口頭為之並記明筆錄，惟被告若為聲語障礙或智能障礙者，恐無法瞭解告知事項，則依《檢察機關辦理刑事訴訟案件應行注意事項》第 33 點規定，改以其他適當方式使之明瞭，如有必要，並得將所告知之事項，記載於書面交付被告閱覽前述告知。
- 二、有關證人為精神障礙者之部分：證人於檢察官偵查時，於案情有重要關係之事項，在其證述前或證述後具結，而為虛偽陳述者，將涉及刑法偽證罪。惟證人若因精神障礙，有不解具結意義及效果者，則不得令其具結，此為《刑事訴訟法》第 186 條第 1 項 2 款所明定。

英文回應：

### Ministry of the Interior

According to Article 31, Paragraph 5 of the Code of Criminal Procedure, during investigation, if defendants or suspects are unable to make a complete statement due to mental health conditions, the prosecutor, judicial police officer or judicial policeman shall inform a legal aid institution to appoint a lawyer to defend them. The above-provisions provide the persons with intellectual or mental disabilities with concrete legal information and assistance during criminal investigation procedures. Besides, according to Protocols for Police of Informing Legal Aid Institutes to Appointment Lawyers to Defend enacted by the National Police Agency, Ministry of the Interior, if an arrested, noticed, surrendered or self-informed suspect appears to be mental disorder, other mental deficiency or unable to make a complete statement, or suspicious of mental disorder, the case shall be categorized as a compulsory defense case, a legal aid institute shall designate lawyers to be present according to the above-mentioned protocols, for human rights protection.

### Judicial Yuan

1. In order to protect to the right of instituting legal proceedings of defendants who suffer from mental disturbance or other unsound mind, The Code of Criminal Procedure and Regulations Governing Court's Handling of Criminal Cases provide that:



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(1) Defense Attorney:

- A. Paragraph of Article 27 of The Code of Criminal Procedure and Point 7 of Regulations Governing Court's Handling of Criminal Cases:  
A statutory agent, spouse, lineal blood relative, collateral blood relative within the third degree of kinship, family head, or family member may independently retain defense attorneys for the accused or suspect, in case an accused or a suspect is unable to make a complete statement due to mental disturbance or other unsound mind.
- B. The forepart of Paragraph 5 and Paragraph 1 of Article 31 of The Code of Criminal Procedure and Point 34 and Point 6 of Regulations Governing Court's Handling of Criminal Cases
  - a. Where the accused is unable to make a complete statement due to mental disturbance or other unsound mind, the presiding judge shall appoint a public defender or a lawyer to defend the accused if no defense attorney has been retained.
  - b. If the accused or suspect is unable to make a complete statement due to mental disturbance or other unsound mind, the public prosecutors, judicial police officers and judicial policemen should notify Legal Aid Foundation of assigning a lawyer to defend the accused or suspect if no defense attorney has been retained in investigation.

(2) The Assistant of the Accused:

The forepart of Paragraph 3 of Article 35 of The Code of Criminal Procedure and Point 7 of Regulations Governing Court's Handling of Criminal Cases:

In cases an accused or a suspect is unable to make a complete statement due to mental disturbance or other unsound mind, he shall be accompanied by one of the qualified assistant or his authorized agent, or a social worker appointed by a governmental agency in charge thereof.

2. Under criminal justice system, besides the aforementioned provisions relating to defense attorney and the assistant of the accused, there are also provisions that:

(1) Article 99 of The Code of Criminal Procedure

If an accused is deaf or mute, or not conversant with the language, an interpreter may be used; such accused may also be examined in writing or ordered to make a statement in writing.

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(2) Subparagraph 2, Paragraph 1, Article 186 of The Code of Criminal Procedure

A witness shall not be ordered to make an affidavit, if he is unable, because of mental disability, to understand the meaning and effect of an affidavit.

In conclusion, no matter what status of the person with disabilities are, including a defendant, a suspect or a witness, in investigation or at trial, proper protective measures or other assistance are provided in the criminal procedure.

3. The Family Act has stipulated systems such as accompanying social workers, appointing an appropriate interpreter, selecting guardian ad litem, asking for help from experts in child or youth psychology or in other relevant fields and declaring guardian or auxiliary only after consulting the appraisers. Meanwhile, the provisions of the Code of Civil Procedure shall apply, mutatis mutandis, where a witness is under the age of sixteen or with mental disabilities to understand the meaning and the effect of a written oath, he/she shall not be ordered to sign a written oath. The purpose of the Juvenile Delinquency Act is “to ensure the sound growth of juveniles, adjust their environment, and rectify their character.” The Act also allows investigation prior to court hearings, selecting a defender, sending them to a relevant treatment center for rehabilitation, and transferring them to social welfare institutes. And the rules regarding interpreters, avoiding perjury, selecting a defender, having the Legal Aid Foundation assign attorneys to provide defense, and allowing social workers’ participation in the Code of Criminal Procedure shall apply.
4. To protect people’s rights and interests, Legal Aid Act is enacted for providing necessary legal aid to people who are indigent or are unable to receive proper legal protections for other reasons. For those who are unable to make full statements due to damage or impairment of the structures of the nervous system, or of the psychological or mental functions, the Legal Aid Foundation shall, based on the application, assign attorneys to provide defense or assistant legal service during investigation or proceedings to protect the litigation rights.

**Ministry of Justice**

1. As Article 95, Paragraph 1 of the Code of Criminal Procedure specifies, the interrogator shall inform the accused of the suspicion and all of the offenses charged, the right to remain silent without the need to make statements against his/her own will, appointment of defense attorneys, and

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request for investigation of evidence favorable to him/her. Since the information is given orally and put down in the record, the accused with hearing or vocal and speech impairment may not understand what he/she is informed, and the interrogator must use other appropriate tools to make him/her understand the information, including writing it down and presenting it to the accused for reading, if necessary. (Refer to Point 33 of the Guidelines for the Prosecuting Organs to Handle Criminal Cases.)

2. If a witness is suffering from mental disturbance: As Article 186, Paragraph 1, Subparagraph 2 of the Code of Criminal Procedure specifies, a witness shall be ordered to make an affidavit that he will tell the truth unless one of the following circumstances exists: he is unable, because of mental disability, to understand the meaning and effect of an affidavit.

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條文	點次	原文	中譯（草稿）
第 13 條 獲得司法保 護	30.	Please also provide the Committee with concrete examples of protections afforded to persons with disabilities during interactions with the court system in cases where they have been subjected to sexual violence.	亦請向委員會提供有關若身心障礙者為性暴力對象，在法庭上互動時，對其提供保護的具體範例。

中文回應：

**司法院**

- 一、依《性侵害犯罪防治法》第 15 條之 1 規定「兒童或心智障礙之性侵害被害人於偵查或審判階段，經司法警察、司法警察官、檢察事務官、檢察官或法官認有必要時，應由具相關專業人士在場協助詢（訊）問。但司法警察、司法警察官、檢察事務官、檢察官或法官受有相關訓練者，不在此限。」故法官得衡酌具體個案情形，委請具有訊問專業之人士，協助心智障礙性侵害被害人於訴訟中充分陳述，以強化對弱勢被害人的保護。此外，若個案有特別需求，前揭訊問程序，亦得以透過單面鏡、聲音影像相互傳送之科技設備，或適當隔離措施等方式為之，保護被害人免遭受二度傷害。
- 二、為落實《性侵害犯罪防治法》第 15 條第 1 項規定「被害人之法定代理人、配偶、直系或三親等內旁系血親、家長、家屬、醫師、心理師、輔導人員或社工人員得於偵查或審判中，陪同被害人在場，並得陳述意見。」之陪同制度，司法院業於 2011 年 2 月 21 日修正《法院辦理性侵害犯罪案件應行注意事項》第 7 點，明定「傳喚性侵害犯罪案件被害人時，得於傳票後附『陪同人詢問通知書』，同時送達被害人，以利依法得為陪同人之人在場陪同」、「法院辦理性侵害犯罪案件，得安排陪同人坐於被害人之側，以利其在場陪同，併應注意維護陪同人之人身安全」等，司法院 2011 年 4 月 11 日秘台廳刑二字第 1000008661 號函亦同此旨。
- 三、身心障礙者若為性暴力對象，少年及家事事件處理程序中，得採取下列保護措施：
  - （一）少年事件係準用法院辦理性侵害犯罪案件應行注意事項有關規定辦理，例如：
    1. 寄發開庭通知時，得檢附「陪同人詢問通知書」予被害人，了解是否須通知依法得為陪同人之人在場陪同。被害人如為兒少，除顯無必要者外，應通知地方政府指派社工人員陪同在場，並得陳述意見。
    2. 得安排使用安全通道、不同之等候處所、讓陪同之人坐在被害人之側等。
    3. 裁判及其他必須公示之文書，不得揭露足以識別被害人身分之資訊。如確有記載之必要，得僅記載其姓氏、性別或以使用

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代號之方式行之。

4. 法院如認有必要，應選任具相關專業人士在場協助詢（訊）問。但法官受有相關訓練者，不在此限。
  5. 審理程序不公開；詢（訊）問時，得透過單面鏡、聲音影像相互傳送之科技設備，或適當隔離措施為之。
- （二）如係家庭暴力，法院於處理相關之民事保護令或家事事件時，得採取之保護措施包括：
1. 寄發開庭通知時，得檢附「涉及家庭暴力被害人詢問通知書」予被害人，以利其了解得聲請隔別訊問或社工人員等陪同在場。
  2. 得安排使用安全通道、請社會工作人員陪同開庭及讓陪同之人坐在被害人之側等。
  3. 開庭時，令加害人與被害人保持適當之安全距離。
  4. 不同時間到庭或退庭。
  5. 到庭、退庭使用不同之出入路線及等候處所。
  6. 審理程序不公開；詢（訊）問時，得透過單面鏡、聲音影像相互傳送之科技設備，或適當隔離措施為之。
  7. 請警察、法警或其他適當人員護送離開法院。

### 法務部

- 一、依《性侵害犯罪防治法》第 15 條之 1 規定，心智障礙之性侵害被害人於偵查階段，經檢察官認有必要時，應由具相關專業人士在場協助訊問；但檢察官受有相關訓練者，不在此限；該專業人士於協助訊問時，檢察官得透過單面鏡、聲音影像相互傳送之科技設備，或適當隔離措施為之；該規定自 2017 年 1 月 1 日施行。法務部為落實該規定，規劃《法務部辦理兒童或心智障礙之性侵害被害人訊（詢）問相關訓練及認證實施計畫》，業經簽奉核可自 2017 年 1 月 1 日實施，並依該計畫辦理相關訓練，以強化檢察官對心智障礙之性侵害被害人訊問及偵查之專業能力。
- 二、按行政機關、司法機關及軍法機關所製作必須公示之文書，不得揭露被害人之姓名、出生年月日、住居所及其他足資識別被害人身分之資訊，《性侵害犯罪防治法》第 12 條第 2 項定有明文，故以下真實案例之時間、地點、相關人姓名皆不予揭露：乙男為甲女之伯父，兩人具有血親關係，且甲女領有中度智能障礙之身心障礙手冊，為心智缺陷之人，乙男卻乘機對甲女為性交行為之犯行，因性侵害案件具有隱密性，蒐證不易，為保障被害人權益，《性侵害犯罪防治法》於第 6 條規定地方政府應設性侵害防治中

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心，辦理下列事項：一、提供二十四小時電話專線服務。二、提供被害人二十四小時緊急救援。三、協助被害人就醫診療、驗傷及取得證據。四、協助被害人心理治療、輔導、緊急安置及提供法律服務。五、協調醫院成立專門處理性侵害事件之醫療小組。六、加害人之追蹤輔導及身心治療。七、推廣性侵害防治教育、訓練及宣導。八、其他有關性侵害防治及保護事項。前項中心應配置社工、警察、醫療及其他相關專業人員；其組織由地方政府定之。另鑒於此類型案件其直接證據取得之困難性及被害人之特殊性，同法第 15 條復明定一定關係之人得於偵查、審判中陪同在場及陳述意見。此之陪同人，除與被害人具有親屬關係者外，尚包括法律社會工作者之社工人員、輔導人員、醫師及心理師等專業人士在內；陪同在場具有穩定及緩和被害人不安與緊張之情緒，避免受到二度傷害，在本案偵查中兩位社工人員陳 OO 及蔡 OO，就其所介入輔導本件個案經過之直接觀察及以個人實際經驗為基礎所為之書面或言詞陳述，法院判決認得供為判斷被害人陳述憑信性之補強證據，乙男行為係犯《刑法》第 225 條第 1 項之乘機性交罪，利用甲女精神、身體障礙、心智缺陷或其他相類之情形，不能或不知抗拒，而對之為性交行為。

### 衛生福利部

鑒於兒童及心智障礙被害人因年齡、認知、記憶及語言能力等限制，很難完整陳述案情經過，若證詞收錄不全、品質不良或遭人質疑證詞汙染，案件將難以起訴甚而成立判決，使其司法正義難以伸張。為確保其有效獲得司法保護，2015 年 12 月 23 日總統公布之《性侵害犯罪防治法》部分條文修正案，業增訂第 15 條之 1 有關專業人士在偵查或審判階段協助被害人詢（訊）問，並自 2017 年 1 月 1 日施行。衛生福利部為培力《性侵害犯罪防治法》第 15 條之 1 所稱專業人士，2016 年度已訂頒《衛生福利部辦理性侵害犯罪防治法第 15 條之 1 專業人士培訓及資料留用實施計畫》，截至 2017 年 6 月為止，業提供計 67 名專業人士（含培訓類 37 名及推薦類 30 名）供司法院、法務部及內政部警政署參考運用。今（2017）年度為了解現職專業人士實務困境，衛生福利部業委託財團法人現代婦女教育金會辦理 2 場次現職專業人士回流訓練課程，並賡續辦理 32 小時之初階、進階課程，計培訓出 50 名專業人士，另擬於明（2018）年度賡續充實專業人士名冊，並強化現職專業人士回流教育。

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英文回應：

Judicial Yuan

1. Article 15-1 of Sexual Assault Crime Prevention Act provides that whenever considered as necessary by a judicial policeman, judicial police officer, prosecuting officer, prosecutor or judge at the investigation or trial level, if the victims of sexual assault incidents are children or have mental disabilities, they may be interrogated (examined) with the assistance of relevant professionals at their side. This provision is not applicable when the judicial policemen, judicial police officer, prosecuting officer, prosecutor or judge has received relevant professional training. Thus, a judge could consider circumstances in a specific case and assign relevant professionals to assist the victims of sexual assault incidents who have mental disabilities in making a complete statement at trial, so as to protect vulnerable victims. Besides, if necessary, a one-way mirror, technology equipment such as audio, video conference or any other suitable means so that the victim could be separated from others could be utilized in order to protect victims from the second injury during interrogation.
2. Article 15, Paragraph 1 of Sexual Assault Crime Prevention Act provides that The victim's legal representative, spouse, immediate family member or relative within the third degree, parents, family members, doctor, psychiatrist, consolation workers or social workers may accompany the victim during investigation or trial and offer their opinions. To put this accompany system into effect, Judicial Yuan revises Point 7 of Regulations Governing Court's Handling of Sexual Assault Cases on February 21, 2011. It stipulates that when a witness of sexual assault is summoned to appear in court, "a notice for accompany" could be attached to the summons and sent to the victims simultaneously so that people who may accompany victims could escort victims at trial. It also provides that while handling of sexual assault cases, the court may arrange the company to sit beside the victims so that the company could escort victims accompany, and the court should take notice of the safety of the company. The letter of no.1000008661, dated on April 11, 2011 announced by Judicial Yuan also expressed the same.
3.
  - (1) Juvenile delinquencies shall apply the Regulations Governing Court's Handling of Sexual Assault Cases, for example:
    - A. When sending a notice of hearing, a "notice of the inquiries for the accompanying person" could be attached and sent to the victims so that people who may accompany the victims could escort the victims at trial. If the victim is a child or a juvenile, the presence and opinion of a social worker who is assigned by the authority is required.

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- B. Arrange safe exit, asking the social workers to accompany the victim during court hearings and allowing the accompanying person to sit next to the victim.
  - C. Judicial documents related to children and juveniles shall not be public. If such documents are to be made public, information regarding the identity of children or youth should be eliminated. When necessary, only names and gender can be recorded.
  - D. Whenever considered necessary by a court, they shall be interrogated (examined) with the assistance of relevant professionals at their side. This provision does not apply when the judge has received relevant professional training.
  - E. Conduct in a private court: during the hearings, the court may use single mirror, technology equipment of audio and video transmission or other appropriate isolation measures.
- (2) Under the circumstances of domestic violence, the court may take the following protective actions when dealing with matters concerning the petition for a civil protection order or family events:
- A. When mailing the notice of hearing, the court may provide the victim “Notice of questionnaire regarding involvement of victims of domestic violence” so that the victim may understand his/her right to call for separate interrogation or to be accompanied by social workers.
  - B. To arrange safe exit, ask the social workers to accompany the victim during court hearings and allow the accompanying person to sit next to the victim.
  - C. During the court hearing, keep an appropriate and safe distance between the assailant and the victim.
  - D. Make the assailant and the victim appear in court and retreat from the court at different time.
  - E. Have the assailant and the victim use different entrances exits and waiting areas.
  - F. Conduct in a private court: during the hearings, the court may use single mirror, technology equipment of audio and video transmission or other appropriate isolation measures.

Ministry of Justice



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1. According to Article 15-1 of Sexual Assault Crime Prevention Act, whenever considered as necessary by prosecutor at the investigation level, if the victims of sexual assault incidents are children or have mental disabilities, they may be interrogated (examined) with the assistance of relevant professionals at their side. This provision is not applicable when the prosecutor has received relevant professional training. The prosecutor may use a one-way mirror, audio and visual transmission technology equipment or other appropriate isolation measures when the professionals specified in the preceding Paragraph are assisting with the interrogation (examination). The regulation mentioned above went into effect on January 1, 2017. To implement the above regulation, the Ministry of Justice has planned an implementation program which went into effect on January 1, 2017 for handling the interrogation of sexual assault crime victim who are children or people that suffer from mental disturbance or intellectual disability and other related training and certification. In order to strengthen the professional competence for prosecutor to interrogate and investigate the sexual assault crime victim who are people that suffer from mental disturbance or intellectual disability, workshops and trainings have been organized according to the program.
2. According to Article 12, Paragraph 2 of Sexual Assault Crime Prevention Act, the published legal documents, produced by the executive, judicial and military authorities, should not reveal the victim's name, date of birth, address or any other information that is sufficient to identify one's identity. Therefore, the time, the place and names of involved people of the following true case are concealed: B was the uncle of A and they were lineal blood relatives. A had a disability certification for moderate intellectual disabilities, however B took advantage of A's disability who made resistance impossible for sexual intercourse. B had committed a sexual offense. Given the characteristic of secrecy and difficulty for searching evidence in sexual assault cases, and in order to ensure the right of victim, Article 6 of Sexual Assault Crime Prevention Act, a municipality and a county (city) government should set up a Sexual Assault Prevention Center, which undertakes the following tasks: 1. Provide a 24-hour hotline service. 2. Provide victims with a 24-hour emergency rescue. 3. Assist victims by obtaining medical treatment, medical examinations and evidence. 4. Assist victims with psychological treatment, counseling, emergency placement and legal services. 5. Coordinate hospitals to set up special medical teams for dealing with sexual assault incidents. 6. The offenders' tracking counseling and physical and psychological treatment. 7. Promote sexual assault prevention education, training and advertising. 8. Other relevant issues about sexual assault prevention and protection. The Sexual Assault Prevention Center should be equipped with social workers, police, medical teams and other professionals. Its organization is arranged by the relevant authorities of the municipality or of the county (city). In addition, given the difficulty

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for searching direct evidence and special characteristic of victim in such cases, Article 15 of the same Act, the victim's legal representative, spouse, immediate family member or relative within the third degree, parents, family members, doctor, psychiatrist, consolation workers or social workers may accompany the victim during investigation and offer their opinions. Because such accompany may ease the nervousness and restless of the victim and protect victim from adding insult to injury. In the investigation period of the above case, the written or verbal statements of the two social workers, Chen OO and Chai OO, on the basis of their direct observation of the case and of personal practical experience, were regarded as reinforcement evidence by the court's judgment for judging the victim's statement to be virtue. Therefore, B had committed the crime of taking advantage of person with mental or physical disabilities, mental or intellectual defect, or a similar condition which makes resistance impossible for intercourse with a male or a female, according to Article 225, Paragraph 1 of Criminal Code of Taiwan.

**Ministry of Health and Welfare**

Due to the young age or the limited cognitive ability, memory, and language ability, it is difficult for child and victims with mental health conditions to give a comprehensive statement of what happened. If their testimony is incomplete, of poor quality or questioned to be contaminated, prosecution can hardly proceed and hence judgment hardly be established. As a result, justice cannot be upheld. To ensure effective judicial protection, an addition of Article 15-1 was made in the partial amendment to the Sexual Assault Crime Prevention Act, which was promulgated by the President on December 23, 2015. The added article allows professionals to assist the victim with interrogation during investigations or court proceedings. The amendment was put into effect on January 1, 2017. To empower the professionals mentioned in Article 15-1 of the Sexual Assault Crime Prevention Act, the Ministry of Health and Welfare promulgated the “Ministry of Health and Welfare Implementation Program for Training of Professionals Stated in Article 15-1 of the Sexual Assault Crime Prevention Act and Retention of Their Personal Information” in 2016. By June 2017, 67 professionals (37 of them received the training and 30 were recommended through referral) had been recommended to the Judicial Yuan, Ministry of Justice, and National Police Agency under the Ministry of the Interior. In 2017, the Ministry of Health and Welfare also commissioned the Modern Women’s Foundation to organize 2 sessions of continued training for serving professionals, in order to understand the problems they faced during their practices. Furthermore, the Ministry of Health and Welfare continued to offer 32 hours of elementary and advanced training

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courses, with 50 professionals having completed the training. Plans were made to expand the professional list in 2018 and reinforce continued education for serving professionals.

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條文	點次	原文	中譯（草稿）
第 14 條 人身自由及 安全	31.	Please inform the Committee of what measures Taiwan has taken to conform to Article 14 of the CRPD as it has been interpreted by the CRPD Committee in its issued guideline.	請告知委員會，國家已經採取哪些步驟以遵守《公約》第 14 條，亦正如 CRPD 委員會在其發行之指南中的詮釋。

中文回應：

- 一、精神疾病收容人於收容期間，均安排精神科醫師評估、診治，依醫囑服藥控制病情，並視病情追蹤看診、戒送外醫，如發現有情緒及行為不穩定、傷害他人或自傷之虞、呈現與現實脫節之怪異思想（如：幻聽、幻想、妄想等）及奇特行為致不能處理自己事務之特殊情形，採醫療優先處理原則，經醫師評估有必要者，移送病監收治。
- 二、二代全民健康保險實施後，收容人即能於矯正機關內接受與一般民眾相同品質之健保醫療服務，已提高矯正機關之醫療可近性及醫療品質。
- 三、為使嚴重精神病人能獲得完善之醫療及兼顧其人身自由之保障，《精神衛生法》第 41 條所定之強制住院許可，係以嚴重病人為對象所作之行政處分，嚴重病人如對該處分不服，得循訴願及行政訴訟途徑，提起救濟（《訴願法》第 1 條、《行政訴訟法》第 4 條規定辦理）。又嚴重病人之緊急安置及強制住院涉及人身自由之限制，《精神衛生法》第 42 條第 3 項及第 5 項亦明文規定嚴重病人、其保護人及相關公益團體均得提起司法救濟，法院並得就相關人等於聲請時，嚴重病人是否有立即停止緊急安置或強制住院之情事進行審理。爰此，現行法採雙軌制（行政救濟及司法救濟管道），對於嚴重精神病人具有雙重保障，亦符合國際人權法規規定。
- 四、我國《精神衛生法》已於 2017 年開始進行研修，預計於 2018 年完成修法，擬將現行強制住院、延長強制住院、強制社區治療行政機關審理之方式修正為符合本國《憲法》第 8 條「法官保留原則」，以符合《公約》第 14 條之精神。
- 五、我國 2008 至 2017 年 6 月強制住院件數、審查情形及申請行政救濟件數統計表如下：

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表 31.1 （單位：件、%）

年別	強制住院（含延長）					
	審查案件	許可		不許可		申請 行政救濟
		件數	比例	件數	比例	
2008 年 7 至 12 月	669	576	86.1	93	13.9	3
2009	1,679	1,555	92.6	124	7.4	8
2010	1,670	1,585	94.9	85	5.1	9
2011	1,211	1,164	96.1	47	3.9	10
2012	1,221	1,181	96.7	40	3.3	11
2013	772	735	95.2	37	4.8	14
2014	728	680	93.4	48	6.6	10
2015	677	634	93.6	43	6.4	3
2016	725	686	94.6	39	5.4	5
2017 年 1 至 6 月	337	313	92.9	24	7.1	6

註：

1. 2008 年 7 月 4 日精神衛生法修正施行。
2. 2015 年增加強制鑑定、緊急安置診斷書給付費用。

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六、我國 2010 年至 2017 年 6 月強制社區治療案件數、審查情形及申請行政救濟件數統計表如下：

表 31.2 （單位：件、%）

年別	強制社區治療					
	審查案件	許可		不許可		申請 行政救濟
		件數	比例	件數	比例	
2010	26	26	100	0	0	1
2011	40	39	97.5	1	2.5	1
2012	56	52	92.9	4	7.1	2
2013	63	62	98.4	1	1.6	0
2014	48	40	83.3	8	1.7	0
2015	70	68	97.1	2	2.9	0
2016	66	64	97	2	3	0
2017 年 1 至 6 月	25	25	100	0	0	4

英文回應：

1. The facilities provide access to a psychiatrist to inmates with mental disabilities. The psychiatrist evaluates the inmate's conditions and prescribes medications accordingly to get the symptoms under control. The follow-up appointments and escorted hospital visits are arranged depending on the inmate's condition. For inmates who are showing emotional instability and abnormal behavior, hurting others and him/herself, or experiencing things disassociated or deviated from the reality (e.g. hallucination and delusion), and that such deviation has resulted in a demonstrated incompetence to handle their own affairs, the facility will grant priority access to medical treatment to these patients. Such inmates may be moved to the medical ward for treatment upon the physician's assessment and recommendation.

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2. After the second-generation National Health Insurance program becomes effective, the inmates have access to medical care services of the same quality available to regular civilians covered under the national health insurance program. The accessibility and quality of medical care offered by these correctional facilities have been much enhanced in this regard.
3. To ensure that a severe patient can obtain a sound medical care without sacrifice their freedom of personal liberty, the permission of mandatory hospitalization under Article 41 of the Mental Health Act is an administrative action for severe patients. If severe patients disagree with such administrative action, they may appeal through the administrative appeals procedure and administrative litigation proceedings for a relief (Article 1 of the Administrative Appeal Act, Article 4 of the Administrative Litigation Act).
4. In addition, when the emergency placement or the mandatory hospitalization involves restriction to the physical freedom of every patients, Article 42 (3) and (5) of this Act also provide that the severe patients, the protector and the relevant public interest groups may file a petition for a judicial relief. The court should hear the case and determine whether, the severe patients is entitled to immediately stop for the emergency placement or mandatory hospitalization. The above-mentioned methods are in line with the provisions of international human rights law, including a dual safeguard system for severe patients (administrative remedy and judicial relief). The amendment of Mental Health Act has been started in 2017, which is expected to be completed in 2018. The draft amendment intents to amend the Article 41, Article 42, Article 45 for the mandatory hospitalization, extended mandatory hospitalization, mandatory community treatment to be in conformity with of the principle that certain matters should be reserved to the judge under Article 8 of Constitution, which is complied with the spirit of Article 14 of CRPD.
5. From July 2008 to June 2017 in Taiwan, the statistics of mandatory community treatment cases, review results, and the applications for administrative remedies are as follows:

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Table 31.1 (Unit: cases, %)

Years	mandatory hospitalization (include extended mandatory hospitalization)					
	Review the case	Permission		Rejection		Applications for administrative remedy
		number	proportion	number	proportion	
2008 July to December	669	576	86.1%	93	13.9%	3
2009	1,679	1,555	92.6%	124	7.4%	8
2010	1,670	1,585	94.9%	85	5.1%	9
2011	1,211	1,164	96.1%	47	3.9%	10
2012	1,221	1,181	96.7%	40	3.3%	11
2013	772	735	95.2%	37	4.8%	14
2014	728	680	93.4%	48	6.6%	10
2015	677	634	93.6%	43	6.4%	3
2016	725	686	94.6%	39	5.4%	5
2017 January to June	337	313	92.9%	24	7.1%	6

Notice: 1. Mental Health Act Amendment was enforced on July 4, 2008.

2. Increased the mandatory examination, emergency placement diagnostic fees in 2015.

6. From January 2010 to June 2017 in Taiwan, the statistics of mandatory hospitalization cases, review results, and the applications for administrative remedies are as follows:



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Table 31.2 (Unit: cases, %)

Years	mandatory community treatment					
	Review the case	permission		Rejection		apply for administrative remedy
		number	proportion	number	proportion	
2010	26	26	100%	0	0%	1
2011	40	39	97.5%	1	2.5%	1
2012	56	52	92.9%	4	7.1%	2
2013	63	62	98.4%	1	1.6%	0
2014	48	40	83.3%	8	1.7%	0
2015	70	68	97.1%	2	2.9%	0
2016	66	64	97%	2	3%	0
2017 January to June	25	25	100%	0	0%	4

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條文	點次	原文	中譯（草稿）
第 14 條 人身自由及 安全	32.	Please also inform the Committee what measures have been put into place to ensure that persons with disabilities are able to give their free and informed consent regarding admission or detention in psychiatric facilities as permitted under the Mental Health Act.	亦請告知委員會，已經採取哪些措施，確保身心障礙者對於入住或留置於精神病院—根據精神衛生法的允許範圍—的知情同意。

中文回應：

依據我國《精神衛生法》第 36 條規定：精神醫療機構診治病人或於病人住院時，應向其本人及其保護人說明病情、治療方針、預後情形、住院理由及其應享有之權利等有關事項。目前病人於住院時，必須簽署住院同意書；倘為精神疾病嚴重病人且有傷害他人或自己或有傷害之虞，經專科醫師評估需要全日住院治療，依據本法第 41 條規定，經詢問嚴重病人意見，仍拒絕接受或無法表達時，應即填具強制住院基本資料表及通報表，啟動緊急安置及強制住院審查之機制，並於強制住院審查過程，審查委員會啟動視訊或電話會議，請嚴重病人陳述意見。上述之作為，已充分維護留置於精神醫療機構之精神病人有知情同意之權益。另全國指定精神醫療機構需張貼申訴陳情電話或救濟管道（如法律扶助基金會或病權保障協會等電話），同時請各地方政府確實督導醫療機構配合，協助精神病人提出司法救濟事宜，並納入地方政府考核項目辦理，以符合本國醫療服務之品質。上述之作為，已充分維護留置於精神醫療機構之精神病人有知情同意及提供申訴管道之權益。

英文回應：

According to the Article 36 of the Mental Health Act provides that: “As patients are treated or hospitalized, psychiatric institutions shall explain to patients and or their protectors matters related to the illness conditions, treatment policies, aspects of prognosis, reasons for hospitalization, rights entitled to by the patients and their protectors, and so on.” At present, the patient needs to sign an agreement for hospitalization. If the severe patients may harm others or themselves or imposing the danger of harming others, whom have been diagnosed by specialist physicians that full-day hospitalization is necessary, according to Article 41 of Mental Health Act, after asking for such patient’s opinions and they refuse to accept hospitalization or are unable to express their decisions, the designated psychiatric institutions shall immediately fill out the mandatory

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hospitalization basic information and reporting sheets to initiate the emergency placement and mandatory hospitalization procedures. During the reviewing process of the mandatory hospitalization, the Review Committee may initiate video or conference calls to hear the opinions from the severe patients. In addition, the municipal health bureaus are required to supervise the psychiatric institutions to assist mental patients in advising on judicial relief methods (such as providing the phone numbers of Legal Aid Foundation or the Organization for the Protection of the Patient Rights and Interests). This is part of the county regular assessment project, to ensure such practice meet the quality of domestic medical services. The above acts have adequately safeguarded the patients' right of informed consent and complaint channel while those patients remain in the mental health service.

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條文	點次	原文	中譯（草稿）
第 14 條 人身自由及 安全	33.	Please provide the Committee with data since 2014 on the number of persons with disabilities accused of criminal conduct who have been declared incompetent to stand trial, and whether these individuals were transferred to psychiatric facilities.	請告知委員會，自 2014 年以來，因刑事罪刑遭到指控，但被宣判無行為能力出庭之身心障礙者人數，且此身心障礙者是否轉移至精神病院。

中文回應：

2014 年至 2017 年 7 月 31 日各級法院普通刑事案件，依《刑事訴訟法》第 294 條第 1 項規定，裁定被告心神喪失，應於其回復以前停止審判之人數詳如表 33.1。至此身心障礙者是否轉移至精神病院，尚無相關資料可資提供。

表 33.1 （單位：人）

年別	人數
2014	16
2015	19
2016	23
2017 年 1 月至 7 月	11

英文回應：

The attached table shows the number of the accused with mental disabilities and based on Article 294(1) of the Code of Criminal Procedure the trial was suspended until the accused recover from 2014 to July 31, 2017. However, there is no statistics relating to whether the accused with mental disabilities were sent to mental homes or institutions.

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Table 33.1

Year	2014	2015	2016	January to July 2017
The Number of the accused with mental disabilities whose trial was suspended until the accused recover	16	19	23	11

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條文	點次	原文	中譯（草稿）
第 15 條 免於酷刑或殘忍、不人道或有辱人格之待遇或處罰	34.	Please inform the Committee of what measures Taiwan has taken to ensure that persons with disabilities receive adequate support to make decisions with fully informed consent regarding medical procedures and treatments.	請告知委員會，國家已經採取哪些措施，確保身心障礙者得到充分的支持，並對醫療程序與治療完全知情狀況下做出決定。

中文回應：

- 一、依《醫療法》第 63 條規定：醫療機構實施手術，應向病人或其法定代理人、配偶、親屬或關係人說明手術原因、手術成功率或可能發生之併發症及危險，並經其同意，簽具手術同意書及麻醉同意書，始得為之。第 64 條規定：醫療機構實施中央主管機關規定之侵入性檢查或治療，應向病人或其法定代理人、配偶、親屬或關係人說明，並經其同意，簽具同意書後，始得為之。準此，為確保身心障礙者就醫得到充分的支持，並對醫療程序與治療完全知情狀況下做出決定，醫療機構亦應遵守前開規定。
- 二、我國於 2011 年通過之《人體研究法》，明定對於研究對象權益之保障。研究計畫應依審查會審查通過之同意方式及內容，取得研究對象之同意。為無行為能力人或受監護宣告之人時，應得其法定代理人或監護人之同意。目前得免倫理審查委員會審查之人體研究案件範圍規定，人體研究案件以易受傷害族群（含身心障礙者）為研究對象，得應列為倫理審查委員會審查之人體研究案件範圍。
- 三、各項檢查與處置同意書之說明與簽署過程，可有輔助人員及見證人確保溝通內容與書面一致。又現行醫院評鑑基準已包含針對聽、語障者提供合適之溝通服務（手語翻譯、寫字板等）及針對視障者提供點字服務之就醫檢查流程說明等指引。
- 四、2017 年規劃辦理醫療院所無障礙就醫環境輔導計畫，作業內容包含編制醫療機構無障礙空間設置參考手冊，除提供醫療院所如何改善硬體設施外，在軟體方面，將編訂就不同障礙類別建置友善就醫流程參考，並進行推廣，以加強醫療機構提供友善就醫環境。
- 五、綜上，本國持續致力讓身心障礙接受醫療服務時，能免於酷刑、不人道或有辱人格之待遇或虐待。

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英文回應：

1. Article 63 of the Medical Care Act provides that: Medical care institutions shall explain the reasons for surgical operation, success rate, possible side-effects and risks to the patient or his/her legal agent, spouse, kin, or interested party, and must obtain his/her consent and signature on letter of consent for surgery and anesthesia before commencing with surgical procedure. Article 64 provides that: Medical care institutions shall explain the invasive examination or treatment regulated by the central competent authority to the patient or his/her legal agent, spouse, kin, or interested party, and must obtain his/her consent and signature on the letter of consent before commencing with the procedure. Accordingly, medical care institutions shall abide by the aforesaid provisions when treating people with disabilities, so they will get full medical support and be able to make informed decisions based on a thorough understanding of the medical procedures and treatments.
2. The Human Subjects Research Act was passed in Taiwan in 2011, which expressly stipulates the protection for research subjects' rights. In a research project, the subjects' consent must be obtained in a way and with the content of consent reviewed and approved by the Institutional Review Board (IRB). Where a subject is incompetent or under guardianship, consent shall be obtained from his/her legal representative or guardian. Based on the provision regarding human subjects research exempted from IRB's review, human subject research with the vulnerable population (including people with disabilities) as subjects shall not be exempted from the IRB's review.
3. An assistant or witness may be present during the process of explaining and signing consent forms for various examinations and treatments to make sure the results of communication are consistent with the written information. In addition, the existing hospital accreditation standards have included guidelines for providing appropriate communication services (sign language interpretation, writing board, etc.) for people with hearing or speech impairment and providing braille service for people with visual impairment to explain the medical examination procedures.
4. An accessible medical service guidance program for medical care institutions was planned and offered in 2017, which includes the preparation of an accessible spatial layout guidebook for medical care institutions. Apart from advising medical care institutions on how to improve their hardware facilities, the guidebook also provides examples of accessible medical care procedures for people with different types of disabilities to enhance the medical service. The guidebook has been generally promoted to help the medical care institutions create an accessible environment.
5. In conclusion of the above, Taiwan has been dedicated to the prevention of torturing, inhumane or humiliating treatment or disservice for people

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with disabilities when they receive medical services.



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條文	點次	原文	中譯（草稿）
第 16 條 免於剝削、 暴力及虐待	35.	Please inform the Committee about the existence of a monitoring system in line with Article 16, para 1 of the CRPD.	請告知委員會是否存在符合 CRPD 第 16 條第 1 項的監測系統。

中文回應：

- 一、監察院為我國五權憲法體制下的監察機關（ombudsman），依據《憲法》、《憲法增修條文》及《監察法》等規定，獨立行使彈劾、糾舉、審計職權，受理人民陳情。監察委員對於政府機關侵害或違反人權案件，或不當政策與措施，得進行個案調查或通案性調查。若調查結果確實發現機關涉有違失，得進行糾正或函請政府機關改善，保障人民權利，消除歧視，促進及保護人權。監察院並對糾正案件持續追蹤監督，俾確認政府機關改善情形。「監察院人權保障委員會」法定職掌涵蓋各類別人權項目，且對於各級政府機關及其公務人員可能違反身心障礙者人權之作為，得推派監察委員調查，或由監察委員自動調查，履行及監測我國執行各項人權公約情形。有關監察院調查涉及身心障礙者人權之案件，請參見國家報告點次 121 及表 16.2。
- 二、為有效掌握各地方政府對身心障礙者保護個案處遇服務品質，衛生福利部透過定期對各地方政府實施的評鑑制度，督導、考核地方政府有關身心障礙者保護業務推動狀況，包括政策措施的落實、對個案評估與服務品質提出改善建議等，以確保我國身心障礙者人身安全保護工作之完善。
- 三、依身心障礙福利機構與身心障礙者家屬簽訂之「機構服務身心障礙者契約」規定，機構應依主管機關訂定之身心障礙福利機構辦理身心障礙者日間照顧及住宿照顧收費原則收取費用，相關執行情形納入機構評鑑指標及地方政府查核事項。該機構評鑑除規劃共同性評鑑指標外，並依機構服務特性及多元服務障別實務需要，分別於環境設施及安全維護、權益保障兩大項目中分別訂定其標準與級分，包括緊急呼叫設備、廁所、洗澡設備、寢室隱密性及方便性等。透過訂定明確的指標，以規範機構並維護機構身心障礙者受到充分的保障。另機構服務對象參與作業活動，機構須訂有合理的獎勵措施並經服務對象權益委員會決議通過，作業活動時間每天不得超過 4 小時且有專人指導並有紀錄。

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英文回應：

1. The Control Yuan is the national ombudsman institution under the five-power constitutional system in Taiwan. It independently exercises its functions and powers provided by the Constitution and its Additional Articles and the Control Act, which include auditing, receiving and handling of people's complaints, conducting investigations, proposing corrective measures, and exercising impeachment and censure powers. The Control Yuan can investigate into any individual human rights violation by government agencies, and launch systemic investigation into improper policies and inappropriate measures. In the light of a confirmed violation, the Control Yuan can, based on the findings, make recommendations and propose corrective measures to the relevant public agencies for improvement. To confirm progress of improvements, the Control Yuan follows up with the government agency on any case until a satisfactory correction has been made. In this way, discriminations can be eliminated, and human rights can be protected and promoted. The Control Yuan's Human Rights Protection Committee mandatorily protects all types of human rights and monitors the domestic implementation of the international human rights conventions by government agencies of all levels and their staff. Should a possible violation of disability rights occur, Control Yuan Members may initiate own-motion investigation or be assigned by rotation to probe into the matter. Please refer to Paragraph 121 and Table 16.2 of the CRPD Initial Report for Control Yuan investigations related to the human rights of people with disabilities.
2. To effectively keep track of the quality of local governments' intervention service for persons with disabilities who require protection, the Ministry of Health and Welfare conducts regular evaluations on local governments. The evaluation criteria include timeliness of case processing, case evaluation capacity, intervention plan, resource connection, supervision mechanism and feedback. Supervision and evaluation approaches are used to keep track of the current status of local governments' protective work for persons with disabilities. These also include policy execution, assessment of individual cases, and recommendations for improvement of service quality to ensure the integrity of protective work for the personal safety of persons with disabilities in Taiwan.
3. According to the Contract of Institutional Services for Persons with Disabilities entered into between disability welfare institutions and the family members of persons with disabilities, the institutions shall charge fees according to the Charging Principles for Day Care and Accommodation of Persons with Disabilities Carried Out by Disability Welfare Institutions which was established by the competent authority and relevant execution status have been included in the institution evaluation indicators and the matters to be audited by local governments. In

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addition, when Taiwan evaluates the disability welfare institutions, besides planning the common evaluation indicators, it has also established, based on the characteristics of institutional services and the practical needs for services diversified for different disability levels, the standards and ratings for both items of environmental facilities and security protection and right and interest protection, including emergency calling equipment, toilets, bath equipment, privacy and convenience of bedrooms, etc. By setting out explicit indicators, the institutions are regulated and adequate protection can be provided for persons with disabilities in the institutions. Moreover, for the participation of persons served by the institutions in operational activities, the institutions must set out reasonable rewarding measures and have the Served Persons' Rights and Interests Committee resolve and approve them. The time for operational activities may not exceed 4 hours per day, and special staff shall be designated to guide as well as making records.

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條文	點次	原文	中譯（草稿）
第 16 條 免於剝削、 暴力及虐待	36.	Please also inform the Committee about violence against women and children with disabilities, including indigenous women and children with disabilities, and what specific measures Taiwan has put into place to prevent and eliminate all forms of violence across all aspects of society.	亦請告知委員會，對於身心障礙婦女與兒童之暴力行為，包括身心障礙原住民婦女與兒童，以及國家已經採取哪些特定措施防止與消除來自社會各面向的所有形式之暴力。

中文回應：

我國《性別平等政策綱領》人身安全與司法篇，明定規範相關部會針對身心障礙等弱勢處境者，應加強性別暴力零容忍之宣導與諮詢；此外，加強培訓對兒童及心智障礙者之專業詢問人才，強化性侵害案件之專業處理能力；以及訓練專業身心障礙者輔助人材。其中具體措施包含衛生福利部辦理家庭暴力被害人服務方案與性侵害創傷資源中心服務據點，建置保護資訊系統及相關資源網絡整合；教育部編製身心障礙性別平等及性教育教材，並辦理校園宣導及專業人員培訓；法務部培訓對兒童及心智障礙者之專業詢問人才及資格檢核，提升檢察官辦理婦幼案件專業知能；以及內政部提升警政人員辦理心智障礙者性侵害案件之偵辦專業知能。

一、原住民族委員會：

直接服務方面，全臺設置 59 處原住民族家庭服務中心，以個案管理模式支持與轉介原住民受暴者，並配合社政人員於調查評估過程中依原住民身心障礙者意願提供族語轉譯措施。間接服務方面，於 2014 年至 2016 年期間，至少辦理 227 場家庭暴力防治宣導與 227 場人身安全講座，防止與消除來自社會各面向的所有形式之暴力。

二、衛生福利部：

為倡導全民防暴觀念，將反家暴意識紮根社區，以強化社區初級預防宣導工作。因此，衛生福利部每年以政策性補助民間團體結合各地方政府辦理家庭暴力防治社區宣導活動發掘各社區的暴力議題，並就該社區之文化、多元族群特性（包括：婦女、兒童及青少年、男性、原住民、新住民、老人、身心障礙者）及其核心議題，擬定具永續性、在地性的社區宣導計畫，而各地方政府扮演資源整合與支持輔助角色，協助社區連結各網絡資源，提供相關培力與支持輔導，同時藉由頒獎典禮暨成果發表觀摩會中公開發揚，分享宣導模式與經驗傳承，期達拋磚引玉效果，鼓勵更多社區投入防暴優先區行列。

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英文回應：

In the Gender Equality Policy Guidelines adopted by the government of Taiwan, the Chapter on Gender Issues Relating to Safety and Legal Protections sets forth clearly-defined regulations for relevant government ministries and departments regarding persons with disabilities and other disadvantaged groups, urging them to reinforce advocacy services and consultations which promote zero tolerance for gender violence. In addition, the chapter calls for measures to expand training of specialized guidance personnel who help children and individuals with intellectual disabilities, enhance professional capabilities for handling sexual assault cases, and training for additional specialized support personnel to provide services to persons with disabilities. Specific measures include services and programs offered by the Ministry of Health and Welfare for victims of domestic violence and service locations for persons who have been traumatized as a result of sexual assault as well as the creation of an e-Care system and integration of relevant service platforms. In addition to compiling a series of educational materials concerning persons with disabilities, gender equality, and sex education, the Ministry of Education disseminates related information in schools and organizes professional training programs. The Ministry of Justice offers training to specialized guidance personnel who provide services to children and persons with intellectual disabilities and also organizes qualifications reviews, thereby boosting the professional knowledge and skills of prosecutors who handle cases involving women and children. Furthermore, the Ministry of the Interior works to augment the professional knowledge and skills of law enforcement personnel tasked with handling investigations and prosecutions of cases of sexual assault that involve persons with intellectual disabilities.

1. Council of Indigenous Peoples

About direct services, Council of Indigenous Peoples has set up 59 Indigenous People Family Service Centers, which provide and refer victims of violence to the appropriate resources through case management; further, based on the willingness of indigenous peoples with disabilities, Council of Indigenous Peoples also provides service of interpreting during the process of investigation. On the other hand, about indirect services, Council of Indigenous Peoples had hold at least 227 symposiums on preventing domestic violence and 227 lectures of personal safety during 2014 to 2016, aiming to eliminate all forms of violence across different aspects of society.

2. Ministry of Health and Welfare

The concept of anti-domestic violence has to be rooted in the community to strengthen the primary prevention work at the community

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level for the goal of popularizing anti-violence awareness in society. Therefore, the Ministry of Health and Welfare has a policy of subsidizing private organizations annually to organize community publicity activities for prevention of domestic violence and uncover violence issues in the community. Sustainable and localized community publicity programs have been drawn up according to each community's culture, demographic diversity (including women, children and youth, male residents, aboriginals, immigrants, senior citizens, persons with disabilities), and key issues. Local governments play an important role in integrating resources and offering support and assistance, in order to help communities line up the necessary networks and resources and provide relevant empowerment and guidance programs. Besides, award-giving ceremonies and outcome presentations have been held to offer commendation and share successful models and experiences. It is hoped that more communities will join the anti-violence campaign through the modeling effect.

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條文	點次	原文	中譯（草稿）
第 17 條 保護人身完整性	37.	Please inform the Committee what measures Taiwan intends to enact to amend the Genetic Health Act (Eugenic Health Law) so as to prevent violations of Article 17.	請告知委員會，國家計畫採取哪些措施，啟動遺傳健康法（優生保健法）的修法，以避免違反《公約》第 17 條。

中文回應：

- 一、我國《憲法》第 15 條明定人民的生存權應予以保障。《刑法》第 288 條至第 292 條定有墮胎罪，以保護胎兒的生命權。如為符合《優生保健法》第 9 條規定之要件，有可能影響胎兒或孕婦身心健康情形者，孕婦得依其自願施行人工流產。
- 二、政府為強化對於身心障礙者人身完整性的保障，對於因醫學理由，可能影響胎兒或孕婦身心健康情形者，係得由孕婦依其意願施行人工流產，並無強制身心障礙者施行人工流產或絕育手術之情事。若屬未成年人、受監護或輔助宣告之人，亦應得法定代理人或輔助人之同意。為尊重人身自主權，刻蒐集國際作法研擬修正配偶同意權，並引入司法制度作為爭端解決機制。
- 三、業研擬《優生保健法》修正草案，包含修正法案名稱（修正為《生育保健法》）、刪除「不正常」、「有礙優生」及勸告施行人工流產或結紮手術等字詞；另為保障未成年人、受監護或輔助宣告者接受結紮或人工流產之自主權，並引入司法制度作為爭端解決制度，使草案內容符合《公約》條文精神。刻規劃召開修法座談會，邀請專家、相關團體代表討論，以蒐集各方意見，凝聚最大共識，作為修法方向之參據。

英文回應：

1. Article 15 of the Constitution of Taiwan clearly stipulates the right of existence shall be guaranteed to the people. Furthermore, Article 288 to Article 292 of the Criminal Code of Taiwan deem abortion as a criminal offense to protect the rights of fetus to exist. Under Article 9 of the Genetic Health Act, in the event of potential risk to the fetus or the pregnant woman's physical or mental health, the pregnant woman can request an induced abortion subject to her own accord.
2. In order to strengthen the protection of the integrity of people with disabilities, in the event of potential risk to the fetus or pregnant woman's physical or mental health, the pregnant woman can request an induced abortion subject to her own accord. Moreover, pregnant women with

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disabilities are not forced to undergo induced abortion or surgical sterilization. Induced abortion to in a minor or a woman under guardianship or assistance shall be subjected to her statutory agent's or assistant's consent. To respect personal autonomy, the government has collected international practices to amend spouse's right to consent and to introduce a judiciary system as a dispute settlement mechanism.

3. The draft amendment of the Genetic Health Act has been drawn up, that includes amending the title of the act as Reproductive Health Act, elimination of words “abnormal” and “obstruction genetics”, and deleting the persuasion of induced abortion or ligation. Furthermore, to protect the personal autonomy of minors, and individuals under guardianship or assistance receiving ligation or induced abortion, the draft amendment also incorporates the judiciary as a dispute settlement mechanism, thereby making the contents of the draft amendment in line with the spirit of the CRPD. The Ministry of Health and Welfare plans to hold a symposiums for the draft amendment to collect opinions and consensus of experts and related civil groups as the reference for the direction of the amendment.



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條文	點次	原文	中譯（草稿）
第 17 條 保護人身完整性	38.	Please also inform the Committee what measures Taiwan intends to enact to amend the Mental Health Act so as to prevent violations of Article 17.	亦請告知委員會，國家計畫採取哪些措施，啟動精神衛生法的修法，以避免違反《公約》第 17 條。

中文回應：

為符合《公約》第 17 條，使得精神疾病病人在與其他人平等基礎上獲得身心完整性之尊重，我國《精神衛生法》已於 2017 年開始進行研修，預計於 2018 年完成修法，並擬將現行第 41 條、42 條、45 條強制住院、延長強制住院、強制社區治療修正為符合本國《憲法》第八條「法官保留原則」且降低人為之操作因素，以達《公約》之精神。

英文回應：

In order to comply with CRPD Article 17, to ensure complete respect on the equal basis between mental illness patients and other patients, Mental Health Act has been under amendment process since 2017, and is expected to be complete in 2018. The current Articles 41, 42 and 45, which govern the mandatory hospitalization, extended mandatory hospitalization, mandatory community treatment, will be amended to comply with the principle that certain matters should be reserved to the judge under Article 8 of the Constitution, to reduce the human negligence or mistakes from manipulation and honor the spirit of the CRPD.

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條文	點次	原文	中譯（草稿）
第 18 條 遷徙自由及 國籍	39.	Please provide information on the situation of migrants and asylum seekers with disabilities, including detention of migrants with intellectual and/or psychosocial disabilities.	請提供關於身心障礙移民與求取政治庇護者之現況資訊，包括留置有智力及／或精神障礙之移民。

中文回應：

- 一、有關身心障礙移民，依《入出國及移民法》第 18 條及《大陸地區人民進入臺灣地區許可辦法》第 13 條規定，外國人及大陸地區人民患有足以妨害公共衛生或社會安寧之傳染病、精神疾病或其他疾病者，得禁止入國（境），惟前揭條文係以妨害公共衛生或社會安寧為前提，並不違反《公約》之精神。
- 二、另身心障礙者求取政治庇護，我國目前並無政治庇護專責法規；至留置有智力及（或）精神障礙之移民，依《入出國及移民法》第 38 條之 1 第 1 項第 1 款及第 5 款規定，精神障礙或罹患疾病，因收容將影響其治療或有危害生命之虞；衰老或身心障礙致不能自理生活者，得不暫予收容；又同條第 2 項規定，並得通報相關立案社福機構提供社會福利、醫療資源及處所，內政部移民署如查獲身心障礙之非法移民，實務上得不暫予收容，以執行收容替代處分為原則。

英文回應：

1. According to Article 18 of the Immigration Act and Article 13 of the Rules Governing Permits for People in Mainland China Entering Taiwan, National Immigration Agency, Ministry of the Interior, shall prohibit an alien from entering Taiwan if he/she has presently afflicted with a contagious disease, a mental disease, or other diseases that may jeopardize public health or social peace. Furthermore, the provisions mentioned above state that an alien passenger with mental disease could be prohibited from entering only when he/she jeopardizes public health or social peace. Therefore, the provisions do not constitute any violation of the CRPD.
2. Currently, Taiwan do not have specific laws or regulations for political asylum seekers. According to Immigration Act Article 38-1, Paragraph 1, Subparagraph 1 and 5, a migrants or an asylum seekers with mental disability or physically sick with the detention possibly affecting treatment or endangering his/her life, or who is unable to take care of himself/herself due to senility or disability, may have his/her detention sanction

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temporarily suspended. In addition, according to Article 38-1, Paragraph 2, the National Immigration Agency, Ministry of the Interior, may notify registered social welfare institutions that provide social welfare medical resources and shelter to an aliens experiencing any of the above situations. Therefore, if an illegal migrant with disabilities has been arrested, the National Immigration Agency, Ministry of the Interior, may have his/her detention sanction temporarily suspended and an alternative detention can, in practice, be implemented.

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條文	點次	原文	中譯（草稿）
第 19 條 自立生活及 融合社區	40.	Please provide information about the measures taken by the government to open society and to welcome persons with disabilities into the community in terms of making housing, transportation, public buildings, community facilities and services barrier-free and usable by all.	請提供政府對於社會與身心障礙者在社區融入之相關資訊——建造住屋、運輸、公共建築、社區設施與服務之無障礙，且所有人皆可用。

中文回應：

- 一、內政部營建署已於《建築技術規則》納入無障礙建築物規定、建築物無障礙設施設計規範，自 2013 年 1 月 1 日起朝新建、增建建築物全面無障礙化推動。已明定新建、增建之六層以上之集合住宅或五層以下且五十戶以上之集合住宅，除專有及約定專用部分以外，其他均應設置無障礙通路、無障礙樓梯、無障礙停車位等設施，以便利行動不便者進出及使用建築物。至於各項設施設計規範，於《建築物無障礙設施設計規範》訂定之。至於既有建築物無障礙環境改善，另已於 1997 年 8 月 7 日訂頒《既有公共建築物無障礙設施替代改善計畫作業程序及認定原則》，要求五層以下且五十戶以上之集合住宅，須改善室外通路、避難層坡道及扶手、避難層出入口等設施。六層以上之集合住宅須改善室外通路、避難層坡道及扶手、避難層出入口、昇降設備等設施。
- 二、內政部營建署亦依據《無障礙住宅設計基準及獎勵辦法》，業補助臺中市等 8 個地方政府辦理原有住宅公寓大廈增設昇降設備及無障礙設施改善。
- 三、為利身心障礙者順利進出公園及無礙使用相關設施，內政部營建署自 2014 年度起即循序督促辦理都市公園綠地無障礙環境建構工作，首先於 2014 年 8 月 29 日函頒《都市公園綠地各主要出入口無障礙設施設置原則》，並依該原則於 2014 年及 2015 年完成全國公園綠地主要出入口督導計畫。其次於 2015 年 10 月 22 日訂定《內政部主管活動場所無障礙設施設備設計標準》，並於 2016 年及 2017 年針對都市公園綠地完成無障礙環境督導計畫，未來仍將賡續加強推動辦理。
- 四、內政部營建署補助地方政府社會住宅先期規劃費，要求地方政府興辦社會住宅時，應考慮高齡、幼童、婦女及行動不便者使用之環境設施需求。外部空間及建築物內部公共空間，須符合內政部訂頒《建築物無障礙設施設計規範》規定及《無障礙住宅設計基準及獎勵辦法》並取得無障礙住宅標章。
- 五、為協助身心障礙者社會參與、社區適應，政府於《身心障礙者個人照顧服務辦法》中第 26 條、第 30 條、第 32 條、第 37 條、第

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47 條等提供各項社區式服務（包括生活重建、社區居住、社區式日間照顧、社區日間作業設施等），服務內容中除日常生活能力之培養、人際關係及社交技巧訓練外，同時亦規劃辦理生活參與之促進、社區適應等活動，協助身心障礙者積極參與社區活動、加強其與家人及社區居住互動，落實社區融入之精神。

- 六、依據《身心障礙者權益保障法》第 50 條規定，地方政府應依需求評估結果，辦理身心障礙者生活重建、社區日間作業設施、社區式日間照顧、社區居住及家庭托顧等服務，建立以社區為基礎的身心障礙者支持服務。各地方政府皆積極佈建社區式日間照顧、社區居住及家庭托顧服務據點，截至 2017 年第 2 季止，全國計有 159 個社區日間作業設施、114 個社區式日間照顧服務據點、94 處社區居住服務據點及 129 處家庭托顧服務據點，共計服務 5,326 人，並為協助身心障礙者自立生活於社區，在能自我決定、選擇、負責，於均等機會下，選擇合適住所，平等參與社會，政府推動身心障礙者自立生活支持服務，截至 2017 年第 2 季止，計服務 14,402 人次。
- 七、此外，亦積極規劃建立身心障礙者社會參與機制，例如提供身心障礙者及陪伴者搭乘大眾運輸工具半價優惠，公民營風景區、康樂場所或文教設施免費或半價優惠，手語翻譯及聽打服務，復康巴士服務等，並結合民間團體共同辦理社會宣導，以促進身心障礙者社會參與。
- 八、為協助身心障礙者融入社區，交通部自 2010 年起補助客運業者購置低地板公車及通用無障礙大客車，至 2016 年底止，全國市區客運低地板公車比例已大幅提高逾 50%，自 2013 年度起鼓勵地方政府申請補助購置無障礙計程車，營運數量至 2016 年底止共計 677 輛，並補助符合規定之無障礙計程車營運獎勵金及地方政府辦理無障礙計程車教育訓練、行銷費用等。
- 九、為加強低地板公車駕駛操作相關無障礙設施、設備，交通部公路總局已完成製作《低地板大客車無障礙設備駕駛員操作說明》教學影片，並辦理全國性觀摩會；亦已於 2015 年 11 月 12 日修正《大眾運輸營運與服務評鑑辦法》，將「身心障礙服務」列為評鑑項目，並於「評鑑委員會」增設身心障礙委員名額。
- 十、另依據《大眾運輸工具無障礙設施設置辦法》，客運業者已將無障礙公車班次資訊標示於場站及網路。

英文回應：

1. Construction and Planning Agency, Ministry of the Interior, has stipulated the accessible building regulations in Building Code and related design Directions for Disable Facility of Building. The new construction and additional buildings were promoted toward the comprehensive

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accessibility since January 1, 2013. The six floors and above or below six floor with over 50 units of new and additional buildings residential buildings, in addition to individual unit and designated private areas, the other should be set up accessible passageway, accessible stairs, accessible parking and other facilities for the use of buildings by people with disabilities. As for the related design Directions for Disable Facility of Building, the design of the accessible design of the building is set. As for the improvement of the accessible environment of the existing buildings, the existing public buildings have been set up on August 7, 1997. The procedures for the improvement of the planned procedures and the principle of identification are required. The below six floor with over 50 units residential buildings are required to improve their outdoor access, shelter slope and handrails, shelter and other facilities. The six floors residential buildings are required to improve the outdoor access, shelter slope and handrails, refuge floor entrance, lifting equipment and other facilities.

2. According to Regulations on Design Standards and Encouragement of Accessible House, the eight municipalities and counties (cities) government subsidies lift equipment and accessible facilities for the original residential apartment building.
3. For the convenience of people with disabilities in and out of the park and the use of related facilities, since 2014, the Construction and Planning Agency supervise the construction of accessible environment of urban parks and greeneries, and enacted the Principles for the Establishment of Accessible Facilities at the Main Entrance of Urban Parks and Greeneries in August 29, 2014, and according to the principles to complete the supervision program of accessible environment for urban park major entrances in Taiwan. Then, based on the principles to establish and announce The Design Standards of Accessible Equipment and Facilities for Ministry of the Interior on October 22, 2015, the Construction and Planning Agency will continue to strengthen the promotion in the future.
4. Asking municipal and county (city) competent authorities shall actively implement the following matters and include the matters in housing plans to consider the demands of advanced age, child and women, when Construction and Planning Agency, Ministry of The Interior, provide subsidies for planning social housing. The design of inner space and outer space of social housing must conform to Regulations for Design Specifications of Accessible and Usable Buildings and Facilities and Regulations for Standard of Design of housing for Accessible and Usable and Renewal moreover it should get the accessible housing labeling.
5. To assist persons with disabilities in participating in society and adapting to the communities, the government provides in Article 26, Article 30, Article 32, Article 37, Article 47 of the Regulations of Personal Care Services for persons with disabilities various community-based services

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(including life reconstruction, residence in communities, community-based day-care, community facilities for operation at daytime, etc.). With regard to the content of these services, besides providing daily living skill training, inter-personal relationship and social skill training, the government also plans and carries out campaigns to promote participation in life and adaption to communities simultaneously to assist persons with disabilities in actively participating in community activities, to enhance their residing interaction with families and communities and to implement the spirit of inclusion in communities.

6. Pursuant to Article 50 of the People with Disabilities Rights Protection Act, local governments shall, based on the demand assessment results, carry out life reconstruction, community facilities for operation at daytime, community-based day-care, residence in communities and family care services for persons with disabilities and establish supportive services for persons with disabilities on the basis of community. All local governments have been actively planning and establishing community-based day-care, residence-in-communities and family care service centers. As of the second quarter of 2017, there were 159 community facilities for operation at daytime, 114 community-based day-care service centers, 94 residence-in-communities service centers, and 129 family care service centers, which served 5,326 persons. Moreover, to assist persons with disabilities in living in the communities independently and choosing the living places that are suitable to them and participate in society equally under the preconditions that they can make their own decisions, choices and be self-reliant and that opportunities are equal for them, the government promotes supportive services for independent living of persons with disabilities and had served 14,402 persons by the second quarter of 2017.
7. In addition, the government also plans actively to build the mechanism for persons with disabilities to participate in the society, for instance, offering 50% discounts for the persons with disabilities and their accompaniers to travel by mass transport facilities, State/private-owned scenic areas, recreation places or cultural/educational facilities with no cost or 50% discounts, sign language interpretation and video transcription services, Rehabus services, etc. and collaborates with non-governmental organizations to jointly carry out social publicity and guidance so as to promote the participation of persons with disabilities in the society.
8. In order to help persons with disabilities assimilate into communities, the Ministry of Transportation and Communications subsidized bus carrier to purchase accessible buses, so the proportion of accessible city bus is increasing from 7.2% (2008) to more than 50% (2016). The Ministry of

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Transportation and Communications subsidized accessible taxies (subsidizing purchase, giving bonus to those accessible taxi drivers, subsidizing local government training drivers and marketing), so there were 677 accessible taxies as of 2016.

9. To enhance bus drivers' ability of operating disability facilities, the Ministry of Transportation and Communications produced "The Operating Specifications of Accessible Facilities for Low-Floor Bus Drivers" teaching video, and held nationwide observation tour. The Ministry of Transportation and Communications also revised Regulations for the Operation and Service Evaluations of the Public Transportation on November 25, 2015 to add "proving accessible service" as evaluation indicator and to increase the quota of disability members.
10. According to Regulations Governing the Installation of Accessible Facilities in Public Transportation, bus carrier announced the information of accessible bus timetables on the internet and at the station.



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條文	點次	原文	中譯（草稿）
第 19 條 自立生活及 融合社區	41.	Please describe the government's plan for progressively phasing out residential institutions, small and large, and, instead, phasing in community-based individualized support services, such as personal assistance, in combination with progressively increasing the barrier-free part of the country's housing stock.	請說明政府對於逐步淘汰大小型住宿型機構，並以社區為基礎的個人化支持服務，例如個人協助，以及逐步提高國內住宅無障礙為取代的計畫。

中文回應：

- 一、為提供身心障礙者以社區為基礎的個人化支持服務，地方政府依據需求評估結果，辦理身心障礙者生活重建、社區式日間照顧、社區日間作業設施、社區居住及家庭托顧等服務，積極佈建各項社區式服務據點，2013 年計有 366 個服務據點；2014 年計有 400 個服務據點；2015 年計有 429 個服務據點；2016 年計有 469 個服務據點；截至 2017 年第 2 季止，全國合計有 496 個服務據點，其中 114 個社區式日間照顧服務據點、159 個社區日間作業設施服務據點、94 個社區居住服務據點及 129 個家庭托顧服務據點，共計服務 5,326 人。
- 二、為協助身心障礙者自立生活於社區，並且能自我決定、選擇、負責，於均等機會下，選擇合適住所，平等參與社會，政府推動身心障礙者自立生活支持服務，截至 2017 年第 2 季止，計服務 14,402 人次。
- 三、衛生福利部將持續透過政策引導及經費補助機制，督導各地方政府依《建置未來 5 年身心障礙照顧服務資源計畫》之照顧服務資源目標積極佈建落實執行，並規劃每年定期召開會議，協助推動各項福利服務資源擴展，建構無縫接軌的照顧模式。
- 四、為達精神病人「社區化照護」之目標及提升社區精神復健服務品質，俾協助具精神復健潛能之精神病人回歸社區，業於 2014 年函請各地方政府針對所轄精神復健機構新設立或擴充服務量之申請案，以訂立「50 床以下」服務規模原則，輔導機構辦理。迄至 2016 年底，已有 84.24% 之精神復健機構，其服務規模在「50 床以下」。未來將納入《精神復健機構法》規研修之考量，以逐步淘汰精神病人收住於「大型化」或「機構化」場所，並提供多元化之社區服務，支持精神病人於社區生活。
- 五、有關住宅無障礙如第 40 點次所述。

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英文回應：

1. To provide community-based individualized support services for persons with disabilities, based on the demand assessment results, local governments shall carry out life reconstruction, community-based day-care, community facilities for operation at daytime, residence in communities and family care services for persons with disabilities and establish supportive services for persons with disabilities on the basis of community. Between 2013 and 2016, there were 366 service centers, 400 service centers, 429 service centers and 469 service centers respectively. As of the second quarter of 2017, there were 469 service centers, including 114 community-based day-care service centers, 159 community facilities for operation at daytime, 94 residence-in-communities service centers, and 129 family care service centers, which served 5,326 persons.
2. To assist persons with disabilities in living in the communities independently and choosing the living places that are suitable to them and participate in society equally under the preconditions that they can make their own decisions, choices and be self-reliant and that opportunities are equal for them, the government promotes supportive services for independent living of persons with disabilities and had served 14,402 persons by the second quarter of 2017.
3. To develop an integrated care model, the Ministry of Health and Welfare has supervised local governments to actively implement the 5-Year Plan of Establishing Care Service Resources through policy guidance and subsidization. Moreover, periodic meetings have been held to promote various welfare service resources.
4. In order to achieve the goal that “caring psychiatric patients in the community” and enhance the quality of psychiatric rehabilitation services, as well as to assist the psychiatric patients with better condition in returning to their community, in 2014, we requested the department of public health in every municipality or county (city), to limit the total quantity of bed (50 beds or less) on the application of new establishment or service expansion proposed by psychiatric rehabilitation institutions. As of the end of 2016, up to 84.24% of psychiatric rehabilitation institutions have adjusted their service scale to 50 beds or less successfully. This practice will be taken into consideration when amending the relevant regulations for psychiatric rehabilitation institutions in the future, to gradually reduce the psychiatric patients’ number from staying at large rehabilitation centers or institutions. Rather, we aim to provide the patients with a wide range of community service choices to facilitate them adjusting and living within the community.

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5. Refer Point 40 for accessible housing.

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條文	點次	原文	中譯（草稿）
第 19 條 自立生活及 融合社區	42.	Please explain the government's system for periodic assessment of the disabled population's needs in the community, for planning measures for meeting these needs, and for evaluating the performance of such measures.	請說明政府對於定期評估社區內身心障礙人口的需 求、滿足此等需求之規劃措施，以及評估此等措施績 效之系統機制。

中文回應：

依《身心障礙者權益保障法》規範，現行身心障礙證明有效期限為 5 年，社區中身心障礙者至少每 5 年會接受政府評估並籌組專業團隊確認其需求，提供個人及家庭之支持照顧服務。另各級政府應至少每 5 年舉辦身心障礙者之生活狀況、保健醫療、特殊教育、就業與訓練、交通及福利等需求評估及服務調查研究，並應出版、公布調查研究結果。在社會福利績效考核指標中，亦將各地方政府有據需求調查或需求評估結果擬定實施計畫並編列預算執行列為考核指標，作為評估績效之系統機制。

英文回應：

As provided in the People with Disabilities Rights Protection Act, the valid term of a disability certificate is 5 years. The persons with disabilities in a community will take the government's assessment at least once per 5 years, and the government will organize a professional team to confirm their needs and provide supportive care services for individuals and families. In addition, all levels of governments shall conduct assessment and service research on the living situation, demands of persons with disabilities for health care, special education, employment and training, transportation and welfare and shall publish and announce the results of such research at least once per 5 years. In the performance evaluation indicators of social welfare, Taiwan also takes the performance that each local governments shall make implementation plans and prepare and execute the budget in accordance with the demand research or demand assessment result as the evaluation indicators. These are Taiwan's systematic mechanisms to evaluate performance.

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條文	點次	原文	中譯（草稿）
第 20 條 個人行動能力	43.	Please provide information about the government's efforts to promote the use of assistive technology by persons with disabilities, in particular, by improving freedom of choice in selecting and adapting items to one's individual needs, and by widening the use of assistive technology among persons with disabilities regardless of geographic location, gender, age and household income.	請提供政府對於促進身心障礙者使用輔具的努力，尤其是在改善選擇自由、使品項配合個人需求，以及在擴大身心障礙者在輔具使用方面，不論地理位置、性別、年齡、家庭收入。

中文回應：

一、科技部

科技部自 2013 年以專案方式推動身心障礙者輔具研發計畫，研發不同種類的輔具（視障輔具、聽障輔具、復健輔具），例如：

- （一）研發自動物品辨識系統，具有語音回饋功能、可協助視障者透過商品條碼分辨生活週遭物品，可辨識超過 260 萬項的物品，如食品、清潔衛浴用品、書籍各種物品，有 16 個視障機構參與推廣活動。
- （二）研發國內盲用電子圖書閱讀系統，開發 APP 軟體為視障學齡兒童及成人提供電子圖書閱讀系統，和國立公共資訊圖書館合作，研發及推廣中。
- （三）中文報讀軟體的開發，提供視障者日常生活語音報讀工具，其功能包含訊息報讀（簡訊、電子郵件、來電、未接來電等），已和有聲書協會合作進行推廣。
- （四）開發手機 APP 軟體，幫助輕中度聽損者聽力檢測系統，幫助托老中心聽力篩檢服務。
- （五）研發使用 3D 掃描偏癱者下肢，並以 3D 列印技術製作客製化的輔具。
- （六）重度肢障者可利用摩斯碼控制器可控制電腦或家電，改善生活品質，已和 5 個協會合作推廣。
- （七）開發機器人輔助手指開合物理復健輔具系統，針對肌肉能力損傷無法順利活動手部之患者開發穿戴式人體試驗手部復健輔具。

除了專案的推動，亦鼓勵學者進行產學合作計畫，以期未來輔具的產品能有更多品項可供需求者選擇。

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### 二、經濟部

- (一) 經濟部支持開發可因應個案差異選配之輔具，輔具可提供身心障礙者一視同仁的幫助，不分性別、場域及家庭背景差異；例如智慧型懸吊系統之攀爬復健系統可適用於身心障礙者運動復健治療，系統的特色，可提供支撐重量提升安全性，透過調整病患下肢負重狀況，除患者的復健外，也能夠針對下肢肌力衰退之老年人進行漸進式訓練，由被動模式逐漸改為主動踩踏模式的肌力訓練。
- (二) 依行政院《加速行動寬頻服務及產業發展方案（2015年至2017年）》，經濟部協助打造行動寬頻友善應用，在改善選擇自由、使品項配合個人需求，以及在擴大身心障礙者在輔具使用方面，推動下列應用：
  1. 推動廠商開發視障行動學習應用，輔助視障者運用智慧型手機手勢建立閱聽書籤功能。幫助視障者自由編製播放所需多媒體影音內容書籤，提升視障朋友行動閱讀與學習的便利性及自由度。
  2. 推動廠商開發聽障者智慧型手機手語輸入應用，讓聽障者透過應用程式進行文字與手語圖示雙向轉換，達到溝通自由。
- (三) 經濟部透過《產業升級創新平台輔導計畫》，引導業者開發「全感應安全防護樓梯升降輔具」，可適用於各式居家用階梯，解決高齡者及行動不便者的爬梯問題。
- (四) 經濟部透過輔具產業技術推廣計畫，協助國內業者導入客製化智慧輔具系統及通用品開發為發展重點，協助業者投入高附加價值之輔具產品開發，藉以提高輔具產品的使用性、舒適性與美觀性。
- (五) 經濟部推動之協助傳統產業技術開發計畫，透過提供輔具相關業者研發補助資金，於改善選擇自由、使品項配合個人需求，以及在擴大身心障礙者在輔具使用方面，做出以下努力：
  1. 將輔具研發列入產業升級轉型研發主題，並對相關研發案予以優先支持，並加強協助輔具產業研發先進輔具產品。
  2. 以人因工程及復健醫療角度，協助業者開發如輪椅、醫療床等相關輔具，致力滿足長照或身心障礙族群之護理、復健或無障礙空間所需，並提升生活品質。

### 三、衛生福利部

- (一) 考量部份初取得身心障礙者資格或因障礙程度加重者，其於短期內有較多項使用輔具之需求，為提高其使用輔具之選擇性，衛生福利部於2012年修正《身心障礙者輔具費用補助辦法》，將輔具補助之項次限制由原定「1年內得申請2項」放寬為「2年內得申請4項」。並將補助項目由85項增加至172項，以提高身心障礙者使用輔具之選擇。另為提供身心障礙者多

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元給付，輔具補助方式包含現金給付及實物給付，且為充分運用有限資源，輔具中心均提供二手輔具回收再利用及輔具借用或租用服務，以提供民眾多元選擇，減輕其購買輔具之經費負擔。

- (二) 為提供民眾專業且可近性之輔具服務，確認民眾可取得適切的輔具，衛生福利部輔導各地方政府設置各地方輔具中心，該中心配置輔具評估人員、社工人員及輔具維修技術人員等專業人力，以提供民眾輔具諮詢、評估、取得、使用訓練、追蹤、維修、調整等服務。截至 2017 年 6 月底，全國計有 28 所地方輔具中心，另為強化輔具服務之機動性，衛生福利部於 2017 年度補助各地方政府購置 19 輛輔具服務專車，以巡迴方式提供輔具評估、維修等服務。此外，為協助科技部與經濟部研發最能符合使用者需要的輔助科技產品，持續蒐集使用端的輔具使用需求，以提高輔具需求者福祉。

英文回應：

### 1. Ministry of Science and Technology

Since 2013, the Ministry of Science and Technology has implemented assisting devices research and development projects for persons with disabilities, to research and develop the different types of assisting devices (visual, hearing and rehabilitation assisting devices), for example:

- (1) Develop the automatic object identification system, with voice feedback function, capable of assisting persons with visual impairment to identify their surrounding objects through the bar codes on the items, capable of identifying more than 2.6 million objects, such as food, cleaning toiletries, books and other objects. 16 organizations of visual impairment have participated in the promotional activities.
- (2) Develop the domestic e-book reading system used by the blind, the App software to provide an e-book reading system for children and adults with visual impairment, and work in cooperation with the National Public Information Library, which is currently in the process of research, development and promotion.
- (3) Develop the Chinese reader software to provide everyday life voice reading tools for persons with visual impairment. Its functions have included message reading (text message, e-mail, incoming telephone calls, missed calls, etc.), and conducted its promotion in cooperation with Taiwan Digital Talking Book Association.
- (4) Develop the App software, a hearing detection system for persons with mild to moderate hearing loss and the senior citizen care center with hearing screening services.

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- (5) Develop the 3D scanning of the lower limbs of persons with hemiplegia, and produce customized assisting devices using 3D printing technology.
- (6) Develop the Morse Code Controller to control the computer or home appliances for persons with disabilities, to improve their quality of life. It has already worked in joint promotion with five associations.
- (7) Develop the robotic device to assist finger opening and closing rehabilitation. It is the wearing-type rehabilitation assisting device for the patients unable to move their hands because of muscle damage.

In addition to promoting the project, the Ministry of Science and Technology also encourages scholars to conduct an industry-academe collaboration program. The Ministry expects that more assistive devices in future can be chosen for persons in need.

**2. Ministry of Economic Affairs**

- (1) The Ministry of Economic Affairs funds assistive-technology development to fit individual needs. Eventually, the Ministry will provide kinds of assistive-technologies to the people with disabilities regardless of geographic location, gender, age and household income. A “Sling based climbing system for intelligent rehabilitation” is taken as an example: It ensures user’s safety via weight-shifting by the sling system. Also, user’s lower limb weight-bearing is adjustable; therefore, it is available for (1) rehabilitation for people with disabilities. (2) Healthy aged people’s muscle training, from passive range of motion to active pedaling exercise, progressively.
- (2) According to the Executive Yuan’s Accelerating Mobile Broadband Service and Industry Develop Program (2015-2017), The Ministry of Economic Affairs has committed to promoting several accessible mobile broadband applications to increase their freedom of choice and increase the availability of new assistive devices that meet their particular needs. Two applications are as follows:
  - A. The Ministry of Economic Affairs helps start-ups develop mobile learning application. This app enables people with visual impairments to create their multimedia content bookmarks through hand gestures. They can easily manage all the audio bookmarks and choose the right content they want. The convenience and freedom of learning and reading is therefore improved.
  - B. The Ministry of Economic Affairs helps start-ups develop mobile sign language input application. This two-way text-sign language translation application enables people with hearing impairments to communicate their idea with much less effort.



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- (3)By means of the R&D subsidy from Taiwan Industrial Innovation Platform Program (TIIP), the Ministry of Economic Affairs supports companies to develop advanced assistive devices for persons with disabilities. The “Full-Actuated Safety Protection Stair List Assistive Device” could be applied to various home staircases, which helps the elderly as well as persons with disabilities while they climb stairs.
- (4)The Ministry of Economic Affairs drove the introduction of customized assistive technology devices and general products to Taiwan Assistive Technology Industry to develop high value added items that are easy to use, comfortable, and presentable.
- (5)According to the project of “Conventional Industry Technology Development, CITD” executed by IDB, CITD has committed to assist corporations to develop the assistive technology for persons with disabilities by providing government subsidies. For the purpose of improving freedom of choice in selecting and adapting items to one's individual needs, there are two major efforts made as follows:
- A. CITD has given high priority to provide the subsidies for the corporations that develop advanced assistive devices by persons with disabilities. This strategy has been considered as a policy of CITD since the year of 2016.
- B. CITD assists corporations to develop the assistive devices for persons with disabilities, such as wheelchairs, medical beds, crutches, rehabilitation shoes etc., by using human factor engineering or rehabilitation technology. These devices highly improve the quality of life for the persons with disabilities, and achieve the purpose of accessible space.
3. Ministry of Health and Welfare
- (1) Considering that some persons with disabilities who have been eligible for disabilities for the first time or whose disability extent has turned more serious and need to use more assistive devices within the short term, the Ministry of Health and Welfare amended the Regulations of Subsidies for the Costs of Assistive Devices for Persons with Disabilities in 2012, whereby the item limits of assistive devices to be subsidized have been loosened from “2 items may be applied for within 1 year” as provided originally to “4 items may be applied for within 2 years” and the number of items to be subsidized have increased from 85 to 172 to enhance their options to use assistive devices. In addition, to provide diverse payments to persons with disabilities, the manners of subsidies for assistive devices include payments in cash or in kind, and, to adequately utilize limited resources, all assistive devices centers offer services of recycling of used assistive devices, lending or lease of assistive devices so as to provide diverse options to the public and relieve their burdens of costs to purchase the assistive devices.

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- (2) To provide professional and accessible assistive device services to the public and ensure that the public can obtain suitable assistive devices, the Ministry of Health and Welfare has guided all local governments to set up assistive devices centers in all counties and cities, where the assessment staff of assistive devices, social workers and technicians to repair the assistive devices have been allocated, so as to provide the services of consultation, assessment, acquirement, use training, tracking, repair and adjustment to the public. There were 28 local assistive devices centers nationwide by the end of June 2017. In addition, to strengthen the mobility of assistive device services, the Ministry of Health and Welfare subsidized all local governments for purchasing 19 vehicles specialized in assistive device services in 2017 whereby the services of assessment and repair of assistive devices are provided in a rotating manner. Moreover, to assist the Ministry of Science and Technology and the Ministry of Economic Affairs in developing the scientific and technological assistive devices that can best satisfy the needs of users, the Ministry of Health and Welfare continues collecting the needs for using the assistive devices from the users end so as to enhance the well-being of persons needing assistive devices.

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條文	點次	原文	中譯（草稿）
第 20 條 個人行動能力	44.	Please explain the government's policies regarding subsidization of motor ownership and adaptation, drivers' training and licensing for persons with disabilities.	請說明政府對於身心障礙者在擁有與改裝機汽車、駕訓及證照之補貼政策。

中文回應：

- 一、駕訓服務：為確保駕訓教學品質，每月均不定期針對其師資、教學、設備、經費等事項辦理考核，鼓勵業者配置身心障礙特製教練車提供服務，並積極輔導新設立之駕訓班設置無障礙空間（如無障礙坡道、無障礙停車空間、無障礙廁所等），以提供身心障礙受訓學員友善的教學空間。
- 二、考照服務：各公路監理機關皆有無障礙設施，並由監理同仁及志工協助辦理身心障礙者辦理駕駛執照考驗；其考驗依《身心障礙者報考汽車及機車駕駛執照處理要點》規定辦理。
- 三、為協助身心障礙者（肢體障礙者及平衡障礙者）減輕因肢體障礙造成行動障礙，滿足其短、中距離移動需求，可透過汽機車改裝後，獨立駕駛外出就醫、就學、就業或參與活動等社會參與，衛生福利部於 2012 年修定《身心障礙者輔具費用補助辦法》及《身心障礙者輔具費用補助基準表》，提供汽車油門煞車連桿改裝、機車加裝輔助後輪、機車加裝輪椅直上裝置或裝設倒退輔助器等補助，以減輕其經濟負擔。各地方政府每年編列預算推動辦理，2017 年度 1 月至 6 月共計補助 194 萬餘元，受益人次計約 433 人次。
- 四、為照顧身心障礙者行之需求，對於已稅汽（機）車改裝或加裝輔助設備為身心障礙者專用車輛，改裝或加裝部分免徵貨物稅。

英文回應：

1. Service of driving training: In terms of pursuing the course quality of the driving schools, the Directorate General of Highways (Ministry of Transportation and Communications) inspects their tutors, teaching, facilities, and fares every monthly randomly. In the aspect of implementing the accessible environment for the disability students, the Directorate General of Highways not only promotes the driving schools to prepare the training cars equipped with the facilities especially for the disability students, but also advises the driving schools to implement the accessible environment such as accessible slope, parking lots, and toilet etc.
2. Service of driver's license test: There are accessible facilities in all motor vehicle offices. The staff and volunteers will help people with

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disabilities to take tests for the driver's license. The tests will be conducted in accordance with Disposal Directions for the Driver's License Test Application for Citizens with Disability.

3. To assist persons with disabilities (persons with disabilities in limbs and balance) in mitigating the action barriers caused by disabilities in limbs, satisfy their needs to move for a short and medium distance and enable them to participate in the society, such as seeing a doctor, studying, work or participating in activities, by independently driving a motorcycle/automobile after its adaptation, the Ministry of Health and Welfare amended the Regulations of Subsidizing the Costs of Assistive Device for Persons with Disabilities and the Standards of Subsidies for the Costs of Assistive Device for Persons with Disabilities in 2012 to subsidize for adaptation of the auto accelerator, brake and connecting rod, addition of assistive back wheels to motorcycles, addition of wheelchair straight-up devices to motorcycles or installation of backward adjusters to motorcycles so as to relieve their economic burdens. All local governments prepare budgets to promote such conducts every year. From January to June of 2017, TWD\$ 1.94 million subsidies were provided to benefit 433 persons.
4. In order to take care of the transportation need of people with disabilities, the modified or newly installed equipment used for the people with disabilities on the taxed vehicle or motorcycle shall be exempted from the commodity tax.

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條文	點次	原文	中譯（草稿）
第 21 條 表達與意見 之自由及近 用資訊	45.	Please explain the government's plan to insure persons with disabilities' full access to information in media, internet and electronic information from public and private entities.	請說明政府為保障身心障礙者能從公民營實體完整取得媒體、網際網路及電子資訊之計畫。

中文回應：

- 一、國家通訊傳播委員會為維護身心障礙者之權益，依據《通訊傳播基本法》第 12 條及《身心障礙者權益保障法》第 52 條規定，訂定《無障礙通訊傳播近用環境行動方案》（以下簡稱行動方案），行動方案經行政院身心障礙者權益推動小組第 2 屆第 1 次會議報告通過後，決議請本行動方案相關機關積極辦理方案內各項工作，落實身心障礙者通訊傳播近用權。
- 二、為落實身心障礙者無障礙接取通訊傳播等資訊，國家通訊傳播委員會推動電視臺製播口述影像節目；協調政府機關與電視業者於重大活動或緊急訊息發布時，提供手語翻譯服務；另外並結合評鑑、換照及自律機制，檢視廣播電視事業對於身心障礙族群之媒體再現與近用狀況。
- 三、查各級政府機關與學校之網站應依《身心障礙者權益保障法》第 52 條之 2 取得無障礙標章，經統計 2016 年度核發之無障礙標章，政府機關網站共 1,104 件，而私立機構共 80 件，標章核發件數皆有逐年上升之趨勢，相關推廣與教育訓練事宜國家通訊傳播委員會賡續辦理中。
- 四、另查國家通訊傳播委員會目前刻正辦理《行動版應用程式（APP）無障礙開發指引》之公告行政程序，俾利未來各公部門與私人企業在開發 APP 時得依前揭指引進行設計以落實資訊近用無障礙。
- 五、為關切視障者與高齡者對媒體近用權，並有感國內視障口述影像專業人力不足，文化部於 2017 年度辦理口述影像人才培育及優良影視作品口述影像製作，期扮演推動國內口述影像服務之火車頭角色。
- 六、公共電視為擴大服務身心障礙族群，除於電視頻道規畫系列節目外，更於公視經營的網路平台規劃相關頻道主題，如公視於 YouTube 經營的【點點愛】頻道（<https://goo.gl/yzPiqj>），其中內容豐富；包括公視手語新聞、公視自製的聽聽看節目，更提供戲劇類節目、動畫內容等的口述影像版，希望透過目前國內最大的社群影音媒體，服務更多的身心障礙者。公視影音網（vod.pts.org.tw）也整合了 YouTube 點點愛頻道，統一影音窗口，讓身心障礙者更容易獲得公視影音內容資訊。更成立了公益平

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台（<http://npo.pts.org.tw>），將更多 NPO、NGO 組織的相關活動，介紹給需要的團體。此外，公視也會透過公視 APP，及 line 及臉書社群等方式宣傳相關訊息，為需要的朋友提供服務。

- 七、文化部均依《文化部輔導數位出版產業發展補助作業要點》第十二點要求獲補助者應履行之負擔：為落實文化平權，提供視覺障礙者、學習障礙者、聽覺障礙者或其他感知著作有困難之障礙者使用數位出版品，申請數位出版之獲補助單位，應將該申請案中獲補助出版之出版品無償提供國家指定之典藏機構運用。
- 八、關於身心障礙之公（政）務人員之公教人員保險、退撫及失能慰問金等相關權益，以及相關修正規劃等資訊，已可由銓敘部全球資訊網及臺灣銀行公教人員保險服務網站上查詢瞭解。

英文回應：

1. With the aim of protecting the rights of persons with disabilities and in accordance with Article 12 of the Fundamental Communications Act and Article 52 of the People with Disabilities Rights Protection Act, National Communications Commission has established the Accessible Communications Environment Action Plan, which was approved by the 2nd Committee for the Promotion of the Rights of Persons with Disabilities, Executive Yuan during its first meeting. Subsequently, the Committee has also requested relevant authorities and agencies to actively engage in matters concerning the Action Plan so as to ensure the rights of access to communications for persons with disabilities.
2. In order to realize accessible communications for those with disabilities, the plan promotes the production of audio descriptions of broadcasts and coordination with government agencies and providers of television programs to also include sign language services of major events or emergency announcements, etc. The plan also includes combining the evaluation of broadcasts of the radio and television industry and their access for persons with disabilities as part of the process of license renewal and examination of self-discipline mechanism.
3. According to the Article 52-2 of the People with Disabilities Rights Protection Act, any website of a government institution is required to gain a Web Accessibility Accreditation badge. The number of Web Accessibility Accreditation badges for websites of government institution issued by National Communications Commission during 2016 reached 1,104, as well as 80 cases for the private institutions. These cases are increasing year by year due to increased promotion and education training activities.
4. The announcement procedure of Developing Guideline of Mobile APP Accessibility is currently being undertaken by National Communications

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Commission so that soon any government and private institutions can design an APP according to these guidelines, improving accessibility.

5. To promote media access for persons with visual impairment and the elderly and in light of the lack of audio description professionals in Taiwan, Ministry of Culture, in order to be the leading promoter of audio description services in Taiwan, has conducted audio description trainings and produced audio descriptions for excellent movies and videos.
6. To expand its service for people with disabilities, Public Television Service (PTS), in addition to producing relevant programs in its television channel, has also planned a series of relevant programs in its online channels, such as the Points of Love (點點愛) YouTube channel, which includes PTS sign language news, the Listening Eye series (produced by PTS) and a variety of dramas and animations with audio descriptions. Public Television Service's VOD also includes the content on its Points of Love (點點愛) channel, making it easier for persons with disabilities to access PTS' content. PTS has also established a website for NPOs (<http://npo.pts.org.tw>), which helps groups in need to access information on NPOs and NGOs. On top of this, PTS also promotes relevant information through its official app, Line account, Facebook page and other social media.
7. In compliance with Article 13 of MOC Directions Governing the Subsidy for Counseling Digital Publishing Industry Development, the Ministry of Culture has requested subsidy recipients to fulfill their obligations by providing digital publications accessible to persons with visual/hearing impairment or with learning/sensory disability. Organizations that have been granted the subsidy should authorize the archives designated by the government to use the subsidy-receiving publications for free.
8. Information concerning benefits for civil servants and political appointees with disabilities, including civil servant and teacher insurance, retirement and bereavement compensation, and solatium for compensation, as well as other relevant information on planned amendments is now available through the official website of the Ministry of Civil Service and the Bank of Taiwan Government Employee and School Staff Insurance website.

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條文	點次	原文	中譯（草稿）
第 22 條 尊重隱私	46.	Please provide information on the safeguards within the Personal Information Protection Act which protect the privacy of persons with disabilities, preventing the arbitrary sharing of information among different ministries and agencies. Please provide the number of cases in which damage compensation has been claimed and awarded under the Personal Information Protection Act.	請提供個人資料保護法中，關於保護身心障礙者隱私，避免不同部會任意共享資訊的相關資訊。請提供根據個人資料保護法中，已經索賠並發出之傷害賠償件數。

中文回應：

- 一、查《身心障礙者權益保障法》第 71 條之 1 第 2 項規定，主管機關為辦理經費補助業務需要所取得之資料，應盡善良管理人注意義務，確實辦理資訊安全稽核作業，其保有、處理及利用，並應遵循《個人資料保護法》之規定，是以，有關身心障礙者隱私之保護，應依上開規定辦理。
- 二、就司法院統計處資料，2014 年 1 月至 2017 年 5 月各法院以個人資料保護法為案由之民事判決僅有 1 件，惟該件與保護身心障礙者隱私無涉。

英文回應：

1. According to Article 71-1, Paragraph 2 of the People with Disabilities Rights Protection Act, the competent authorities shall duly perform the duty of care of information obtained for processing the subsidies and precisely carry out the information safety audit operation, and possess, process and use that information according to the provisions of the Personal Information Protection Act. Therefore, privacy of the people with disabilities shall be protected in said manner.
2. In accordance with the data of the Statistics Department, there was only 1 civil judgment under the cause of personal information protection in all courts between January 2014 and May 2017, and it did not involve in the protection of the privacy of people with disabilities.



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條文	點次	原文	中譯（草稿）
第 23 條 尊重家居及 家庭	47.	Please inform the Committee about measures taken to ensure that women with disabilities, including indigenous women, women who are deaf, deafblind, hard-of-hearing or have intellectual disabilities, can equally exercise their sexual and reproductive health rights, and parent, or adopt children.	請告知委員會為確保身心障礙婦女，包括原住民婦女、聾、聾盲、聽力困難、智力障礙者，得以平等行使其性與生育健康、養育或收養孩子之權利所採取的措施。

中文回應：

- 一、我國從孕期至健康出生，依生命歷程提供平等之服務措施，包含原住民、身心障礙之婦女及兒童，補助提供全國孕婦 10 次產檢、1 次超音波檢查、1 次乙型鏈球菌篩檢、2 次衛教指導服務、產前遺傳診斷、補助未納健保前新住民產檢、提供孕產婦關懷專線、APP 及網站、推動友善母乳哺育環境，及補助新生兒聽力及代謝異常疾病篩檢、7 次兒童預防保健及 7 次衛教指導等。
- 二、2017 年規劃辦理醫療院所無障礙就醫環境輔導計畫，作業內容規劃不同障礙類別之友善就醫流程參考指引，內容將納入身心障礙婦女（包括原住民婦女）就醫權益之議題。
- 三、2018 年規劃試辦無障礙就醫環境改善之獎補助計畫，將就 2017 年研究成果，按國內無障礙空間之需求進行補助順序排程，逐步加強醫療院所提供友善就醫環境（包含軟硬體設施），評估補助無障礙產科檢查台之可行性。
- 四、有關醫師養成訓練，以及醫事人員在職教育訓練已規劃身心障礙相關課程，以維護身心障礙婦女之醫療需求。經查醫事人員在職教育已開設身心障礙者之婚姻及生育權益、性需求、性教育、性別相關照顧等相關議題之課程。
- 五、本國將持續維護身心障礙婦女（包含原住民）於就醫過程之權益保障。
- 六、《兒童及少年收出養媒合服務者許可及管理辦法》第 10 條規定：「機構所定收養人條件，除應符合民法及其他相關法令規定外，並得包括身心狀況、人格特質、經濟能力、與被收養人之年齡差距、參與準備教育課程情形、試養之意願及有無犯罪紀錄等。但不得對收養人有相關歧視之限制。」因此，民眾只要符合《民法》與管理辦法情事，均得辦理收養，身心障礙者在收養方面與他人一樣具有平等的權利。
- 七、收養關乎兒童身分權益重大，法院、政府及公私立機構、團體處理未成年收養事件，均應以兒少最佳利益為優先考量。法院與機

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構審查收養人資格時，係整體綜合考量收養人之年齡、收養動機、身心狀況、人格特質、經濟能力、教養之態度及能力等，據以評估收養人之適任性。因此，不論收養人種族或有無身心障礙，只要收養家庭能發揮照顧、保護、教育及經濟等功能，即可滿足孩子成長與發展需求，自能維護及保障孩子權益。經專業評估適任，且經法院裁定認可即可完成收養。

- 八、收出養人倘屬原住民或有聽力、語言及認知障礙等情形，收出養媒合服務機構現行可結合機構內外部資源（如：口譯員、手語翻譯員、聽打服務、輔助器具、特殊教育人員等），協助其溝通與資訊傳遞，並提供收養人個別化親職教育課程，保障其平等享有收出養子女的權利。另衛生福利部社會及家庭署官網已建置收出養媒合服務專區及建置無障礙網頁，使身心障礙者可獲取相關資訊。
- 九、原住民族家庭服務中心提供身心障礙特殊人口群的醫療轉介服務，2014 年至 2015 年總計服務身心障礙者原住民婦女 410 人次。此外，辦理《原住民幼兒學前教育補助計畫》補助 3 歲至未滿 5 歲原住民幼兒（含原住民身心障礙者）就讀公私立幼兒園就讀費用。

英文回應：

1. According to the life course, the government provides service equality measures for all, which includes aboriginals, women and children with disabilities. The government subsidizes 10 prenatal examinations, one ultrasound examination, one Group B Streptococcus Screening, two prenatal health education and guidance, prenatal hereditary diagnosis, prenatal examinations for new immigrants not insured under National Health Insurance, hearing and metabolic disorder testing of newborns, as well as seven times child preventive health care service, and seven sessions of health education and guidance. Moreover, the government also provides Maternal Care Hotline, Cloud pregnancy APP, Pregnancy-care Website, and promote breastfeeding friendly environment.
2. An accessible medical service guidance program for medical care institutions was planned and offered in 2017, which includes guidelines on the accessible medical care procedures for people with disabilities. Issues about medical care rights of women with disabilities (including aboriginal women) are included.
3. Incentive and subsidy programs are planned for 2018 for improvement of the accessible medical care environment. Requests for accessible space in Taiwan will be prioritized for subsidization according to the research results in 2017. Medical care institutions will gradually create an

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accessible medical care environment (both hardware and software), and the feasibility of subsidizing accessible obstetric examination tables will be assessed.

4. For physician cultivation and in-service education and training for medical personnel, disability-related courses have been planned to make sure the medical care needs of women with disabilities are accommodated. It is found that courses relating to issues such as marriage and reproductive rights, sexual needs, sex education, and sex-related care of persons with disabilities have been offered as part of the in-service education for medical personnel.
5. Taiwan is committed to protecting the rights of women with disabilities (including aboriginals) during the medical care processes.
6. Article 10 of the Permit and Management Regulations for Children and Youth Adoption Service Providers provides that: “The conditions of adopters provided by the service providers shall not only conform to the Civil Code and other relevant laws, but also include physical and mental situations, personal characteristics, economic capabilities, the age gaps between adopters and adoptees, status of participation in preparatory education courses, willingness for trial adoption and whether there are any criminal records or not, etc. However, there shall be no discriminatory limits against adopters.” Therefore, all public can conduct adoption as long as they conform to the provisions of the Civil Code and the Management Regulations and the persons with disabilities have the rights equal to others’ in adoption.
7. As adoption is significant for the rights and interests of children, the prior consideration of the courts, governments and national/private institutions, organizations shall be the best interests of children and youth when they deal with adoption of minors. When examining the qualifications of an adopter, the courts and institutions take into consideration overall and comprehensively the age, motivation for adoption, physical and mental situation, personal characteristics, economic capability, teaching and caring attitude and capability of the adopter to assess the competency of adopter. Therefore, regardless of the race of an adopter or whether he/she has disabilities, he/she can satisfy the children’s needs with caring, protection, education and economic functions of an adopter, and then can certainly preserve and protect the rights and interests of children. Once a person has been professionally assessed to be competent and it has been approved by a court’s ruling, the adoption can be accomplished.
8. If the adopters or adoption givers are indigenous or have disabilities in listening, language and cognition, the service institutions matching the adoption/adoption giving may currently collaborate with resources inside or outside of the institutions (e.g.: oral interpreters, sign language

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interpreters, video transcription services, assistive devices, special education staff, etc.) to assist them in communication and information transmission and provide the adopters with personalized parenting education courses to ensure that they may fairly exercise their rights of adoption/adoption giving of children. In addition, this Administration has established on its official website a special zone for services matching adoption/adoption giving and the accessible web to enable persons with disabilities to obtain relevant information.

9. Indigenous People Family Service Center has been providing the services of medical referral of population with disabilities. From 2014 to 2015, the sum of referral was 410 among female indigenous with disabilities. Moreover, Council of Indigenous Peoples also promotes the “Educational Subsidy Program” which encourages children from 3 to 5 years old –including indigenous with disabilities – to attend both public/private kindergarten by providing the tuition fee.

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條文	點次	原文	中譯（草稿）
第 23 條 尊重家居及 家庭	48.	What kind of support measures does the government provide to the parents of children with disabilities so that children with disabilities can stay at home rather than at institutions?	政府對於身心障礙兒童的父母提供何種支持措施，使身心障礙兒童得留在家中，無須送至機構？

中文回應：

- 一、為落實以家庭為中心、以社區為基礎的服務理念，發展遲緩兒童早期療育服務實施方案業已明定社政單位、衛生單位及教育單位透過府內橫向聯繫合作，推動到宅、到社區療育據點、到早期療育機構、居家托育或其他定點等多元的療育服務，以滿足早期療育個案及家庭之需求，爰早期療育家庭在幼兒尚未就讀幼兒園前，可依其需要就近於家中或社區選擇適切之服務單位。另外。全國各縣市共設置 55 家兒童發展個案管理中心，協助早期療育家庭諮詢及連結相關服務資源。
- 二、依據《身心障礙者權益保障法》第 51 條規定，地方政府應依需求評估結果辦理臨時及短期照顧、照顧者支持、照顧者訓練及研習、家庭關懷訪視等服務，以提高身心障礙者家庭生活品質。前揭各項服務內容及各地方政府辦理情形如下：
  - （一）臨時及短期照顧服務：由服務員至身心障礙者家中，或運用社區內相關相關單位場地設施，提供身心障礙者臨時性或短期性之照顧服務。截至 2017 年第一季，全國合計服務 4,240 人，共服務 2 萬 4,044 人次。
  - （二）照顧者支持與訓練及研習服務：對照顧者提供心理及情緒支持、成長團體、諮詢服務與照顧技能訓練及相關研習。截至 2017 年第一季，全國合計服務 742 人，共服務 1,977 人次。
  - （三）家庭關懷訪視及服務：到宅關懷支持身心障礙者家庭，提供心理支持及資訊，並結合民間社會福利資源協助解決問題。截至 2017 年第一季，全國合計服務 3,469 人，共服務 6,003 人次。
- 三、各級學校依《特殊教育法》第 33 條及第 46 條之規定，提供特殊教育學生家庭諮詢、輔導、親職教育及轉介等支持服務。另外，經主管機關許可在家實施非學校型態實驗教育之身心障礙學生，得要求主管機關依《特殊教育法》第 24 條及第 33 條之規定，提供評量、教學及行政等支援服務，以及提供各項支持服務，包括教育輔具、適性教材、人力協助（如助理人員）、復健服務、家庭支持服務等。

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英文回應：

1. To carry out the family-centered and community-based service philosophy, the Implementation Programs for Early Intervention of Developmentally Delayed Children explicitly provide that social administrations, health administrations and education administrations shall promote diverse intervention services to homes, to community intervention centers, to early intervention institutions, of in-house care or to other designated points through horizontal connections and cooperation within governments so as to satisfy individual and family needs for early intervention. Thus a family in early intervention can choose a suitable service unit at home or in the community by proximity in accordance with its needs before the child has gone to kindergarten. In addition, 55 Management Centers for Individual Cases of Children Development were established in all counties to assist the families in early intervention in consultation and linking to relevant service resources.
2. Pursuant to Article 51 of the Act Governing the Protection of the Rights of Persons with Disabilities, the competent authorities of municipalities, counties or cities shall carry out the services of temporary and short-term care, support to caretakers, training and workshops for caretakers, caring and visiting families to improve the family life quality of persons with disabilities. The contents of aforesaid services and the status carried out by all counties and cities is as below:
  - (1) Temporary and short-term care services: service personnel visit the homes of persons with disabilities or use the places and facilities of relevant units in the community to offer temporary and short-term care services to persons with disabilities. In the first quarter of 2017, 4,240 persons around the country were served a total of 24,044 times.
  - (2) Support to training and workshops for caretakers: provide caretakers with mental and emotional support, growth groups, consultation services and care skill training and relevant workshops. In the first quarter of 2017, 742 persons around the country were served a total of 1,977 times.
  - (3) Caring, visiting and services for families: home caring and support for the families of persons with disabilities, providing mental support and information and combining social welfare resources of nonprofits organizations to assist in resolving problems. In the first quarter of 2017, 3,469 persons around the country were served a total of 6,003 times.

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3. Schools of all levels shall provide students with special educational needs with family consultation, guidance, parenthood education, referral and such supportive services as required under Articles 33 and 46 of the Special Education Act. Besides, students with disabilities who receive non-school experimental education at home as permitted by the competent authorities may request the competent authorities to provide evaluation, teaching, administration and such support services and, as well, provide a variety of assisting services, including assistive technology, appropriate teaching materials, personnel assistance (e.g., assistants), rehabilitation services, family support services as required under Articles 24 and 33 of the Special Education Act.

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第 24 條 教育	49.	Please provide information on the number of students with disabilities, disaggregated by impairment type, who are educated in special schools and self-contained special education classrooms and how their inclusive education is being promoted.	請提供在特殊學校、特殊教育班就學之身心障礙學生之人數，按照障礙類型分類，以及如何提倡融合教育。

中文回應：

一、在特殊教育學校、特教班就學之身心障礙學生之人數，按照障礙類型分類統計表，如附表。

2016 學年度各教育階段身心障礙學生人數統計

教育階段	障礙類別	智能障礙	視覺障礙	聽覺障礙	語言障礙	肢體障礙	腦性麻痺	身體病弱	情緒行為障礙	學習障礙	多重障礙	自閉症	發展遲緩	其他障礙	小計
一般學校	學前	498	32	420	461	223	445	207	60	-	290	1,047	12,785	146	16,614
	國民小學	9,574	300	1,085	1,039	798	771	993	2,782	14,100	2,008	5,911	-	885	40,246
	國民中學	6,472	220	584	167	467	558	611	1,629	10,585	962	3,391	-	159	25,805
	高中職	3,911	232	637	104	641	461	707	1,394	8,086	1,261	3,250	-	36	20,720
	大專院校	1,159	738	1,196	119	1,798	345	939	1,106	3,276	346	1,881	-	180	13,083
	小計(A)	21,614	1,522	3,922	1,890	3,927	2,580	3,457	6,971	36,047	4,867	15,480	12,785	1,406	116,468
一般學校 (集中)	學前	89	11	105	4	15	109	19	-	-	101	197	461	20	1,131
	國民小學	1,922	45	80	4	22	300	29	1	1	1,215	949	-	61	4,629
	國民中學	2,195	46	91	2	23	260	5	2	3	653	787	-	14	4,081
	高中職	2,489	83	106	-	35	194	7	8	2	1,045	949	-	12	4,930



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式特教班)	小計	6,695	185	382	10	95	863	60	11	6	3,014	2,882	461	107	9,841
特殊教育學校	幼兒部	61	14	79	-	-	-	-	-	-	4	-	-	51	209
	國小部	379	50	65	-	28	-	-	-	-	21	-	-	105	648
	國中部	615	51	83	-	67	-	-	-	-	26	-	-	125	967
	高中職部	3,882	98	116	-	102	-	-	1	-	-	-	-	134	4,333
	小計(B)	4,937	213	343	-	197	-	-	1	-	51	-	-	415	6,157
總計(A+B)		26,551	1,735	4,265	1,890	4,124	2,580	3,457	6,972	36,047	4,918	15,480	12,785	1,821	122,625

- 二、特教班身心障礙學生儘可能與一般學生共同參與全校性活動，如校慶、運動會、園遊會等，並視身心障礙學生學習狀況，安排部份課程與普通學生一起上課。
- 三、特殊教育學校之設置以社區化為原則，身心障礙學生儘量以通勤為主，住宿學生則每週返家一次，以增加學生與家人社區接觸的機會。特殊學校與鄰近普通學校相互參訪，聯誼交流。
- 四、在《特殊教育法》明定推動融合教育使身心障礙學生與一般學生在相同場域共同學習，一般學校需要推動特教業務之專責單位、處理校內特教學生輔導事宜、進用特教教師、特教相關專業人員、教師助理員、學生助理人員及行政支援等資源之挹注，均在法規中明定，包括：《特殊教育法》第 18 條明定提供服務及設置設施，應符合適性化、個別化、社區化、無障礙及融合之精神；同法第 14 條明定學校設置特教專責單位及進用教師、專業人員、教師助理員、學生助理人員；同法第 45 條明定學校，應成立特殊教育推行委員會以處理校內特教學生學習輔導事宜；同法第 22 條明定不得拒絕學生入學或應試；同法第 24 條規定主管機關應提供學校輔導身心障礙學生有關評量、教學及行政等支援服務，學校對於身心障礙學生之評量、教學及輔導工作，應以專業團隊合作進行為原則。
- 五、此外，相關子法亦詳細規範實施內涵，提供更為精緻的融合教育服務措施，如在《特殊教育課程教材教法及評量方式實施辦法》明定普通教育課程調整及特殊需求課程，次於《高級中等以下學校身心障礙學生就讀普通班之教學原則及輔導辦法》、《高級中等以下學校身心障礙學生就讀普通班減少班級人數或提供人力資源與協助辦法》，強化融合教育班安置型態及提供直接及間接服務

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模式，復次於《特殊教育支援服務與專業團隊設置及實施辦法》、《特殊教育行政支持網絡聯繫及運作辦法》，規範各項專業服務資源協助及協調整合方式。並透過前揭特殊教育及相關子法所建構出來的融合教育體系，對於普通班環境的支持，建立大學、地方政府和學校不同層級的支持系統，使普通班接受教育的特殊學生，由依賴資源班、普通班等點狀的資源，並透過特殊教育推行委員會建立支持面，結合縣市政府、大學特殊教育中心，由不同的層面建構出多層次的支持，以達融合教育政策之精神。

英文回應：

1. The number of students with disabilities studying at special education schools and special education classes is shown through statistics of classified disability categories, as shown through the Table annexed hereto.

Counting statistics of students with disabilities studying in various educational levels in Year 2016:

Levels of education	Categories of disabilities	Intellectual disability	Visual impairment	Hearing impairment	Communication disorder	Physical impairment	Cerebral palsy	Health impairment	Severe emotional disorder	Learning disability	Severe/multiple impairment	Autism	Developmental delay	Other disabilities	Subtotal
General schools	Preschools	498	32	420	461	223	445	207	60	-	290	1,047	12,785	146	16,614
	Elementary schools	9,574	300	1,085	1,039	798	771	993	2,782	14,100	2,008	5,911	-	885	40,246
	Junior high schools	6,472	220	584	167	467	558	611	1,629	10,585	962	3,391	-	159	25,805
	Senior high (vocational) schools	3,911	232	637	104	641	461	707	1,394	8,086	1,261	3,250	-	36	20,720
	Universities /colleges	1,159	738	1,196	119	1,798	345	939	1,106	3,276	346	1,881	-	180	13,083

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	Subtotal(A)	21,614	1,522	3,922	1,890	3,927	2,580	3,457	6,971	36,047	4,867	15,480	12,785	1,406	116,468
General schools (self-contained special education classrooms)	Preschools	89	11	105	4	15	109	19	-	-	101	197	461	20	1,131
	Elementary schools	1,922	45	80	4	22	300	29	1	1	1,215	949	-	61	4,629
	Junior high schools	2,195	46	91	2	23	260	5	2	3	653	787	-	14	4,081
	Senior high (vocational) schools	2,489	83	106	-	35	194	7	8	2	1,045	949	-	12	4,930
	Subtotal	6,695	185	382	10	95	863	60	11	6	3,014	2,882	461	107	9,841
Special education schools	Preschool department	61	14	79	-	-	-	-	-	-	4	-	-	51	209
	Elementary school department	379	50	65	-	28	-	-	-	-	21	-	-	105	648
	Junior high school department	615	51	83	-	67	-	-	-	-	26	-	-	125	967
	Senior high (vocational) school department	3,882	98	116	-	102	-	-	1	-	-	-	-	134	4,333

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	Subtotal(B)	4,937	213	343	-	197	-	-	1	-	51	-	-	415	6,157
Aggregate total (A+B)		26,551	1,735	4,265	1,890	4,124	2,580	3,457	6,972	36,047	4,918	15,480	12,785	1,821	122,625

2. Those students with disabilities studying at a special education class shall be encouraged to join ordinary counterparts in the school-wide programs, e.g., founding anniversaries, sports meets, garden festivals as far as possible. Besides, as the learning status of the students with disabilities may justify, all such students shall be arranged to team up with ordinary counterparts in regular classes.
3. Those special education schools shall duly established oriented to the local communities need. The students with disabilities shall commute to school as far as possible. Boarding students may return home on a weekly basis so as to be given maximum possible opportunities to communicate with their families and communities. A special school shall be arranged into inter-visit, social interchanges with neighboring ordinary counterparts.
4. The Special Education Act expressly provides the need for inclusive education to enable the students with disabilities to team up with ordinary students in joint studies in common venues. In an ordinary school, there must be a special unit to exclusively take charge of guidance toward special education students. In addition, such an ordinary school should hire special education teachers, special education professionals, teaching assistants, student assistants and administrative support. All such needs are expressly stipulated in law. In Special Education Act, for instance, Article 18 expressly provides: Provision and programming of special education and related services should be based on appropriateness, individualization, communitization, accessibility, and inclusion. Article 14 of the same Act: A school shall set up the special education office in charge of, where it needs, hiring and recruiting special education teachers, related professionals, teaching assistants, and aides to students with SEN. Article 45 of the same Act: A school shall set up the school wide special education implementation committee, taking care of learning affairs of students with SEN. Article 22 of the same Act: A school and a test center shall not reject student admission to school or examination for the sake of disability itself. Article 24 of the same Act: The competent authorities shall provide schools with support to students with disabilities for assessment, teaching and administrative support services. A school shall conduct evaluation, teaching and such guidance services toward students with disabilities based on an interdisciplinary team approach in principle.
5. Besides, such connotation of enforcement is detailed in the relevant infra-law regarding inclusive education measures. In "Regulations

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Governing enforcement of Special Education Curricular Materials & Teaching Methods & Assessment", for instance, it expressly provides that the adjustment of ordinary educational curriculum and SEN curriculum should be secondary to "Teaching Principles and Guidance Regulations for Students with Disabilities Studying in Ordinary Classes Under Senior High School Level", "Regulations Governing Support Human Resources or with Reduced Number of Classes for Students with Disabilities Studying in Ordinary Classes Under Senior High School Level" to emphasize inclusive education class placement styles and modes of providing services either directly or indirectly. Furthermore, they should be secondary to "Regulations Governing Establishment and Enforcement of Special Education Supporting Services and Professional Teams", "Regulations Governing Communications and Operation of Special Education Administrative Supporting Networks" to regulate support, coordination and integration of a variety of professional service resources. Further, via the aforementioned special education and the inclusive education systems set up on the grounds of the relevant ultra-laws, which would back up the environments of ordinary classes, set up universities, local level governments and supporting systems of varied levels of schools. Thanks to such efforts, those students with SEN who receive education in a general class, could benefit through the inclusive education dependent upon the resource classes, general classes and such dotted resources through the supporting aspect of Special Education Promotion Committee in combination of the municipality, county (city) government authorities, the special education centers in universities in the multilayered supports in the varied aspects to successfully accomplish the very spirit of inclusive education.

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條文	點次	原文	中譯（草稿）
第 24 條 教育	50.	Please provide information on school completion rates of the various levels of education for persons with disabilities compared to the general (non-disabled) population.	請提供身心障礙者各級教育之學校完成比率，並與一般（非障礙）人口比較。

中文回應：

2015 學年度各教育階段身心障礙學生及一般學生（非身心障礙者）之畢業率，在大專院校為 64% 及 92%，高中職為 98% 及 95%，國中為 93% 及 97%，國小為 88% 及 99%。各教育階段身心障礙學生及一般學生之畢業年級學生總人數、畢業人數及畢業率，詳如下表：

表 50.1 （單位：人、%）

2015 學年度	大專校院		高中職		國中		國小	
	身心障礙學生	一般學生	身心障礙學生	一般學生	身心障礙學生	一般學生	身心障礙學生	一般學生
畢業年級學生總人數（A）	3,335	249,504	7,597	254,173	10,484	264,432	8,664	207,172
畢業人數（B）	2,120	230,297	7,452	242,720	10,048	255,838	7,613	206,195
畢業率（B/A）	64	92	98	95	93	97	88	99

英文回應：

In Academic Year 2015, the graduation rates in various educational levels for students with disabilities and ordinary students were 64% and 92% respectively in university/college level; 98% and 95% in senior high (vocational) school level; 93% and 97% in junior high school level and 88% and 99% in elementary school level. In varied educational levels, the aggregate total number of graduates, number of graduates and graduation ratio of students with disabilities and ordinary students are detailed in the Table below:

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Table 50.1 (Unit: person; %)

Academic Year 2015	Universities/colleges		Senior high (vocational) schools		Junior high schools		Elementary schools	
	Students with disabilities	General students	Students with disabilities	General students	Students with disabilities	General students	Students with disabilities	General students
The aggregate total of students in the graduating year (A)	3, 335	249, 504	7, 597	254, 173	10, 484	264, 432	8, 664	207, 172
Number of graduates (B)	2, 120	230, 297	7, 452	242, 720	10, 048	255, 838	7, 613	206, 195
Graduation ratio (B/A)	64	92	98	95	93	97	88	99

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條文	點次	原文	中譯（草稿）
第 24 條 教育	51.	Please provide information on the impact of current pre- and in-service training of regular teachers to include students with disabilities and on how cooperation between special education and regular teachers is being fostered.	請提供目前一般教師接納身心障礙學生之職前、在職訓練，以及一般教師與特教教師如何進行合作之資訊。

中文回應：

- 一、關於一般教師接納身心障礙學生之職前、在職訓練，《特殊教育法》第 7 條規定，普通班教師特殊教育相關專業指修習特殊教育學分 3 學分以上。另現行中小學師資職前教育專業課程包括《特殊教育導論》或《特殊需求學生教育》2 至 3 學分。特殊教育 3 學分的課程包含特殊教育基礎篇、特殊教育學生教育篇及特殊教育支持服務篇。前揭規定及課程內容均為提供師資生修習，以強化普通教育教師的特殊教育知能。另有辦理身心障礙學生體驗活動，使普通班教師及學生共同認識身心障礙學生。
- 二、為增進在職普通教師、校長及相關人員了解接納身心障礙學生，相關法規規定該等人員每學年應參與特殊教育相關研習。《高級中等以下學校身心障礙學生就讀普通班減少班級人數或提供人力資源與協助辦法》第 5 條規定，身心障礙學生就讀之普通班，其班級導師有優先參加特殊教育相關研習權利與義務。另外，「教育部對地方政府特殊教育行政績效評鑑指標」及「學前特殊教育服務品質方案績效指標」，規定：校長、普通班教師、幼兒園之教保服務人員等，每年需參加特殊教育研習至少 3 小時以上，特殊教育教師至少 18 小時，教師助理員及特殊教育學生助理人員至少 9 小時，特殊教育相關專業人員（如物理治療師）至少 6 小時。
- 三、在一般教師與特殊教育教師進行合作方面，學校透過特殊教育推行委員會建立校內一般教師及特殊教育教師合作支持，並結合地方政府及大學特殊教育中心等單位，提供身心障礙學生特殊教育服務。另外，未來在推展十二年國民基本教育時，將連結高級中等以下各教育階段普通班教師及特殊教育教師專業成長，整體規劃各教育階段一般教師及特殊教育教師進行合作之模式。
- 四、為提升專業輔導高級中等以下學校及幼兒園階段視覺障礙教育與服務之師資，增進教師視覺障礙教育專業知能，並提供學生適性教育，自 2001 年起委託國立臺南大學辦理視覺障礙師資培訓等相關工作計畫，並自 2017 年起委託該校增辦聽覺障礙師資培訓計畫。



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英文回應：

1. A general schoolteacher shall have duly receive and complete the pre-service and in-service training programs on special education. As expressly provided in Article 7 of Special Education Act, general teacher shall completed a minimum of three credit hours of special education courses. In the current pre-service educational programs, teacher of the elementary and high school levels shall have duly complete 2 to 3 credit hours courses including Introduction to Special Education or Education on Students with Special Needs. The special education courses in three credit hours including notably Introduction of Special Education; Education and Supportive Services on Special Education Students. The contents of the aforementioned provisions and curricula are intended to be provided to both schoolteachers and students into hands-on practice to help teachers in the general education enhance their knowledge and capabilities of general education oriented teachers about special education. The equal efforts are also aimed at the experiencing programs toward students with disabilities in the hope that both teacher and student in the general classes will jointly come to the awareness of students with disabilities.
2. In an effort to help on-the-job teachers, school principals and relevant personnel become more accommodable to students with disabilities, the relevant laws require all personnel to participate in special education related educational & training programs in every academic year. For instance, the Regulations Governing Reduction of the Numbers in a Class or Provision of Human Resources and Assistance to the Students with Disabilities in Schools below Senior High School, provide under Article 5: If there's a student with disability in a general class, that class tutor is entitled and obliged to preferentially participate in special education educational & training programs. In addition, the Evaluation Indicators by the Ministry of Education toward Local Level Governments Regarding Administrative Accountability over Special Education and the Performance Targets in Quality of Services for Preschool Special Education require that school principals, general class teachers, kindergarten teachers shall participate in and satisfactorily complete special education oriented educational & training programs for a minimum of 3 hours every year. The same requirements shall be 18 hours minimum per annum in case of a special education teacher; 9 hours minimum per annum in case of a teacher assistant and a special education student assistant and 6 hours minimum per annum in case of a special education related professional (e.g., a physical therapist).
3. In terms of concerted teamwork by and between general teachers and special education teachers, schools should set up an on-campus Cooperation Support System between General Teachers and Special Education Teachers by the Special Education Promotion Committee which

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shall team up with local governments, special education centers of universities and such counterparts to render concerted services toward the students with disabilities. Besides, in our future efforts to promote twelve-year fundamental national education, the Ministry of Education shall team up both general class teachers and special education teachers in the levels below senior high school into integrated planning for teamwork by and between general course teachers and special education in various educational levels.

4. To upgrade the professional guidance of schoolteachers below senior high school level and the preschool level in charge of visual impairment education and services. To help schoolteachers enhance expertise in visual impairment education and to provide adaptive physical education to students, starting from 2001, the Ministry of Education commissioned National Tainan University to draw up visual impairment education teacher cultivation & training programs. Further starting from 2017, the Ministry commissioned that same University to sponsor additional visual impairment education teacher cultivation & training programs.

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條文	點次	原文	中譯（草稿）
第 25 條 健康	52.	Please provide information on measures taken to provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes.	請提出向身心障礙者提供與一般人相同範圍、品質、標準之免費或可負擔的健康照顧與計畫，其中包括性與生育健康、以人口為基礎的公共衛生計畫之措施。

中文回應：

一、我國提供各生命歷程最適切的預防保健服務，身心障礙者與一般民眾均享有同樣的各項服務：

- （一）生育保健服務：從孕期至健康出生，補助提供全國孕婦 10 次產檢、1 次超音波檢查、1 次乙型鏈球菌篩檢、2 次衛教指導服務、產前遺傳診斷、補助未納全民健康保險前新住民產檢、提供孕產婦關懷專線、APP 及網站。臨床上，經醫師診斷、評估身心障礙者或一般民眾之懷孕婦女確為醫療需求者，可循全民健康保險給付就醫。
- （二）照顧新生兒及兒童：推動友善母乳哺育環境，及補助全國新生兒聽力及代謝異常疾病篩檢、7 次兒童預防保健及 7 次衛教指導等。如院所發現異常或疑似發展遲緩兒童，均予協助轉介至相關科別或聯合評估中心或評估醫院進行確診。另，經醫師診斷評估身心障礙兒童或一般兒童有其他疾病之醫療需求，可循全民健康保險給付就醫。
- （三）青少年性健康促進服務：衛生福利部持續結合教育部在地健康促進學校辦理校園宣導講座及親職講座，宣導正確、健康的兩性關係、性價值觀，並建置青少年網站一性福 e 學園，提供青少年及家長正確的性知識資訊及教材之查詢參考。
- （四）菸害防制：提供戒菸服務，門診、住院、急診及社區藥局皆可提供戒菸治療或衛教服務。戒菸藥品比照一般健保用藥，病人每次處方，所須負擔的藥費不超過 200 元，大幅降低戒菸治療的經濟負擔，對弱勢民眾特別有意義。身心障礙者享有相同服務及補助。
- （五）健康檢查：身心障礙者之健康檢查係依《身心障礙者健康檢查及保健服務準則》，由地方政府舉辦身心障礙者健康檢查。另，我國因應國人罹患慢性疾病趨勢，依民眾年齡風險並參考國際機構之專業建議與研究實證，提供 40 歲以上未滿 65 歲者，每 3 年補助 1 次；65 歲以上者、罹患小兒麻痺且年在 35 歲以上者、55 歲以上原住民每年補助一次。已透過政府社福

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單位、各地方政府及身心障礙福利機構團體鼓勵身心障礙者利用成人預防保健服務。

（六）癌症篩檢：提供子宮頸癌、乳癌、大腸癌、口腔癌等 4 項癌症篩檢服務，藉由醫療院所建置主動提示系統，促使民眾及身心障礙者接受篩檢；另透過醫療院所及各地方政府以郵寄或電話方式，主動通知未篩檢者回診接受篩檢；以及醫療院所和衛生機關主動深入社區進行巡迴癌症篩檢服務，只要符合補助年齡，到特約健保醫療院所即可受檢。另，衛生福利部國民健康署運用多元媒體管道，除透過大眾電子及平面媒體外，更結合病友團體及民間企業，提高特殊族群如身心障礙者接受篩檢，鼓勵身心障礙者利用癌症篩檢服務。

（七）長者健康促進：鼓勵社區行動不便或身心障礙長者參與阿公阿嬤活力秀競賽，2016 年全國組隊逾 2,400 隊，約 10 萬名長輩組隊參與健康促進競賽。未來將持續辦理，期能延緩長者身體老化，增進身、心、社會全面的健康。

二、《全民健康保險法》第 1 條規定，本保險為強制性之社會保險，於保險對象在保險有效期間，發生疾病、傷害、生育事故時，依本法規定給與保險給付。無論性別、年齡、族群差異；對於特定病患給予減輕部分負擔費用如下：

（一）對於領有身心障礙證明者，門診就醫時無論醫院層級，門診基本部分負擔皆收取 50 元，較一般民眾（80 元至 360 元）為低。

（二）對於癌症、慢性精神病、洗腎或罕見疾病及先天性疾病等領有重大傷病證明之患者，免除該項疾病部分負擔費用，另為保障罕見疾病患者權益，凡屬於衛生福利部公告之罕見疾病必用藥品，健保均全額支付，實質減輕其就醫經濟負擔。

三、針對醫師畢業後一般醫學訓練及專科醫師訓練課程基準，訓練內容注意身心障礙者的需要與利益，除有醫療倫理相關課程外，並加強人本、人文與社會關懷，與病人、家屬之溝通技巧及人際關係，特別著重同理心應用之訓練，對發展遲緩者，除熟悉協助運用社會資源外，並協助轉診；此外，醫事人員在職教育已開設身心障礙者之婚姻及生育權益、性需求、性教育、性別相關照顧等相關課程。

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英文回應：

1. Taiwan provides the most appropriate preventive care service for the whole life course, the people with disabilities and the general public enjoy the same services, namely:
  - (1) Reproductive health services: From pregnancy to healthy delivery, the government subsidizes 10 prenatal examinations, 1 ultrasound examination, 1 Group B Streptococcus Screening, 2 prenatal health care and guidance, prenatal hereditary diagnosis, prenatal examinations for new immigrants not insured under National Health Insurance. On top of the subsidies, the government also provides Maternal Care Hotline, smartphone Cloud pregnancy APP and Pregnancy-care Website. Clinically, after the physician's diagnosis, pregnant women with healthcare needs (whether with disabilities or not) can seek medical attention through the National Health Insurance co-payment system.
  - (2) Newborn and Child Care: The government promotes breastfeeding friendly environment, and subsidizes nationwide newborn hearing and metabolic disorder screening, as well as 7 times child preventive health care services, and 7 sessions of health education and guidance. If the hospital identifies abnormality or children with suspected developmental delay, the case will be referred to relevant departments or joint evaluation center or evaluation hospitals for further confirmation. Additionally, after the physician has evaluated the child with disabilities or with healthcare needs for other diseases, the child can seek medical attention through the National Health Insurance co-payment system.
  - (3) Adolescent sexual health promotion services: The Ministry of Health and Welfare continue to combine efforts with the Ministry of Education to provide health promotion and parenting seminars at local health promoting schools so as to promote proper and healthy sexual relationship and values. Additionally, the government also established the Secret Garden website to provide correct sexual knowledge and information for parents and teenagers.
  - (4) Tobacco Control: the government provides smoking cessation services including available smoking cessation therapy and health education at outpatient, hospital, emergency, and community pharmacies. In accordance with the National Health Insurance program, the maximum payment of the smoking cessation services is TWD\$200. It greatly reduces the economic burden of smoking cessation treatment on the patient particularly for the disadvantaged groups, and also applies to people with disabilities.
  - (5) Health examination: the health examination for the people with disabilities are provided by the municipalities, city and county authorities in accordance to the Principle governing health examinations and care service for people with disabilities. Furthermore, in response to the

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growing trends of chronic disease, the government provides health examination according to international recommendations and research evidences on age risk. The government subsidizes health examinations once every three years for citizens between the age of 40 and 65; health examination is subsidized once every year for those over the age of 65, over the age of 35 with polio, and aboriginals over the age of 55. The government social welfare agencies, city and county governments, welfare institutions and groups for people with disabilities are called upon to encourage citizens with disabilities to utilize the adult preventive health care services.

- (6)Cancer screening: the government provides four major cancer screening services (cervical, breast, colorectal, and oral). Through the reminding notification system of the healthcare institutions, the government urges the general public and the people with disabilities to get screened. Additionally, the healthcare institutions and health departments of all cities and counties will actively mail or call those who should receive screening. Healthcare institutions and health authorities would actively visit the community to host mobile cancer screening services, for citizens who meet the age criteria for subsidy, they can get screened at any national health insurance contracted healthcare institutions. Next, through diverse media channels, the Health Promotion Administration promotes cancer screening through electronic and outdoor media, and at the same time combine patient groups and corporations to encourage special groups such as the people with disabilities to receive cancer screening.
- (7)Health promotion for the elderly: the government encourages the seniors with disabilities or elderly with partial disability to participate in the senior dance competition. In 2016, over 2400 teams participated from 22 cities and counties nationwide with 100,000 senior citizens demonstrating their vitality. In the future, the government will continue to organize such events in hope to delay the physical aging of the elderly, and promote their holistic health that includes the body, mind, and social needs.
2. According to Article 1 of the National Health Insurance Act:” This Insurance is compulsory social insurance. Benefits shall be provided during the insured term under the provisions of this Act, in case of illness, injury, or maternity occurred to the beneficiary.” By law, all Benefits shall be provided, regardless of age, gender, or employment status.
- Easing the Financial Burden of Co-payments:
- (1)People certified as having disabilities pay an outpatient co-payment of TWD\$50 regardless of where they receive care, lower than the TWD\$80- TWD\$420 co-payments the average patient pays.

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- (2) Patients with catastrophic illness, such as cancer, chronic mental disorders, rare diseases, and congenital diseases or who require kidney dialysis, are exempt from paying co-payments for treatment of those conditions. To safeguard the rights of rare disease patients to receive proper medical care, the cost of any medication listed by the Ministry of Health and Welfare as necessary to treat the affliction is paid by the National Health Insurance Administration, easing the economic burden of such patients as much as possible.
3. The needs and interests of people with disabilities are given due attention in the post-graduation general medical training and specialist training program for physicians. Apart from the medical ethics-related courses, the principles of human-centered healthcare, humanitarianism, and social care are also promoted with a focus on the communication skills and interpersonal relationships with patients and their family members. Emphasis is placed on the application of empathy. For those with developmental disabilities, physicians are trained to give assistance for the use of social resources and assist in their referral. In addition, it is found that courses relating to issues such as marriage and reproductive rights, sexual needs, sex education, and sex-related care of people with disabilities have been offered as part of the in-service education for medical personnel.

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條文	點次	原文	中譯（草稿）
第 25 條 健康	53.	Please provide information on the plans to revise People with Disabilities Rights Protection Act (PDRPA), including its article 8 on health, in line with a human rights model of disability, enshrined by the CRPD.	請提供修訂《身心障礙者權益保障法》（PDRPA）以配合《公約》所提出之身心障礙人權模型的計畫資訊，包括其第 8 條有關健康的部分。

中文回應：

依《身心障礙者權利公約施行法》規定，若有不符《公約》規定者，將進行法規之增修、廢止及行政措施之改進。我國目前針對《身心障礙者權益保障法》，包括其第 8 條，暫無修訂規劃。倘若於未來修法，將依身心障礙人權模式進行修訂，據以符合《公約》精神。

英文回應：

According to the Act to Implement the Convention on the Rights of Persons with Disabilities, in case of any inconformity with the Convention on the Rights of Persons with Disabilities, Taiwan will supplement, amend, repeal the laws and regulations and improve the administrative measures. At present, Taiwan has no plans to amend the People with Disabilities Rights Protection Act, including Article 8 therein. If it will be amended in the future, Taiwan will amend it based on the human rights model for persons with disabilities so as to conform to the spirit of the Convention on the Rights of Persons with Disabilities.



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條文	點次	原文	中譯（草稿）
第 25 條 健康	54.	Please provide a timetable to eradicate discrimination by insurance companies denying persons with disabilities, particularly those with intellectual and psychosocial disabilities under guardianship, health insurance.	請提供為消除保險公司拒絕承保身心障礙者，尤其是受監護之智力與精神障礙者醫療保險之歧視的時程。

中文回應：

一、《保險法》第 107 條第 3 項之檢視時程及方向：

按現行《保險法》第 107 條第 3 項規定之制定，係考量達特定狀態之精神疾病患者對周遭事物認識可能不同於一般人，而有過度輕信他人或無法認知現實危險可能性。為避免其遭人利用或被人蓄意加害，而對該類對象投保死亡保險之範圍進行適度限制，以保障其生命權。惟為確認本項規定是否符合《公約》之規定，金融監督管理委員會已將《保險法》第 107 條第 3 項列入法規優先檢視清單，嗣後將邀集相關身心障礙團體、專家學者共同檢視，並將於 2017 年 12 月 3 日前完成檢討或就疑義部分發布令釋。

二、金融監督管理委員會對於強化身心障礙者投保權益之相關法令規範：

(一)財政部 1994 年 9 月 6 日臺財保第 830396799 號函，各人身保險業對於盲、聾、啞或身心障礙同胞，應依公平、合理原則訂定承保標準，不得無故拒絕受理，每年並應就承保案件建立經驗統計資料，俾為日後承保標準調整之依循。

(二)2012 年 3 月 3 日修正《保險業招攬及核保理賠辦法》，明定保險業除訂立保險契約時，係以保險精算及統計資料作為危險估計之基礎者外，不得對特定承保對象，或僅因被保險人為身心障礙者而有不公平待遇。

(三)金融監督管理委員會對於保險業違反相關法令規定之處理：

關於保險業辦理身心障礙者投保業務，金融監督管理委員會將持續關注，倘保險業有違反法令規定之情事，金融監督管理委員會將依保險法相關規定論處。

三、金融監督管理委員會對於保險業辦理身心障礙者申訴服務之要求：

(一)申訴服務：

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1. 金融監督管理委員會依據《金融消費者保護法》於 2012 年 1 月 2 日成立「財團法人金融消費評議中心」，於訴訟途徑外，公平合理、專業迅速地處理金融消費爭議，提供金融消費者一具金融專業且有法律依據之紛爭處理機制，以維護金融消費者之權益。
2. 金融監督管理委員會保險局與各保險公司皆分別設有民意信箱及服務專線，為保障身心障礙者投保權益，金融監督管理委員會於 2016 年 6 月函請產、壽險公會設置身心障礙者投保申訴專線，並與各會員公司建立聯繫處理窗口，即時處理相關申訴案件。

### （二）加強宣導：

金融監督管理委員會於 2017 年 6 月 28 日舉辦「保險業招攬及核保制度座談會」，於會中就金融監督管理委員會為強化身心障礙者投保權益所採取之措施進行宣導，並就實務面及法令面提醒保險業相關應注意事項，以督促保險公司落實身心障礙者投保權益之保障。

### 四、金融監督管理委員會對於身心障礙者投保權益之強化措施：

#### （一）投保權益強化措施：

##### 1. 招攬部分，加強保險業務員之教育訓練：

要求產、壽險公會督促所屬會員，辦理業務員教育訓練時，應納入《公約》相關議題、應向業務通路廣為宣導落實協助身心障礙者投保保險之作法。

##### 2. 鼓勵保險業者受理身心障礙者要保案件，將承保情形納入安定基金差別費率基礎：

金融監督管理委員會業於 2017 年 7 月修正《人身保險及財產保險安定基金計提標準》，納入承保身心障礙者人身保險之保費收入，作為核算人身保險安定基金提撥率之經營管理績效指標。

##### 3. 檢視保險業者辦理消費者保護情形，施以差異化管理：

金融監督管理委員會運用「財團法人金融消費者評議中心」統計民眾申訴及業者辦理情形，每年檢視並評量保險業者是否有效執行消費者保護事宜，並依評量結果作為差異化管理之指標，如保險業新商品送審作業及核保作業之差異化管理。

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### 4. 要求保險業應書面敘明未承保理由：

2017年3月間，督促壽險公會修正《保險業承保身心障礙者處理原則》，修正內容包括將涉及歧視意涵之文字予以刪除、明定保險公司對身心障礙者之未承保案件，應以書面敘明未承保理由通知身心障礙者等。

### 5. 建立身心障礙者友善金融服務環境：

2016年7月備查產、壽險公會所訂《保險業金融友善服務準則》，規範保險業應依不同類別之身心障礙人士需求，提供適當之友善服務措施，如線上預約服務、專人提供相關協助，並引導身心障礙人士採用合適之交易方式及操作流程完成保險服務等。

### (二) 建立相關經驗統計資料庫：

1. 為協助保險業辦理身心障礙者要保案件之核保作業，財團法人保險事業發展中心自2012年起已區分身心障礙者類別，開始建立經驗統計資料庫。金融監督管理委員會將請財團法人保險事業發展中心持續蒐集保險業承保身心障礙者之經驗統計資料，俾供保險業者進行商品定價之參考依據。
2. 為瞭解身心障礙者遭拒保之原因，金融監督管理委員會業請財團法人保險事業發展中心規劃建置身心障礙者專屬資料庫（含拒保統計），預計自2018年5月起實施。未來除將統計保險業承保身心障礙者相關資料外，亦將納入身心障礙者遭拒保之相關統計數據。於前揭資料庫未完整建立前，將要求保險業者應審慎使用國外再保公司提供之經驗率，並依國民健康狀況酌予適當調整，以符合民眾投保需求。

### 英文回應：

#### 1. Progress on the review of Article 107 of the Insurance Act:

The objective of Article 107, Paragraph 3 of the Insurance Act is, as people with a chronic mental health condition reaching a specific state may have a different knowledge of the surroundings than average people, they might overly trust others or be unable identify the danger of reality. To avoid people with a chronic mental health condition reaching a specific state being exploited or harmed deliberately, the Article clearly states that, apart from funeral expense benefit, agreement to pay death benefits in life insurance contracts shall be void when he or she lacks the ability to act based on his or her comprehension. To confirm whether Article 107 of the Insurance Act complies with the Convention on the Rights of

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Persons with Disabilities, Article 107 of the Insurance Act has been included in priority review list by Financial Supervisory Commission. The Financial Supervisory Commission will invite disability parties, experts and scholars to review the Article together, and the review will be finished by December 3, 2017.

2. The relevant laws and regulations for strengthening rights and interests of people with disabilities on insurance:
  - (1) Ministry of Finance official letter no. 830396799 dated September 6, 1994 stated that life insurers should set the policy underwriting standards based on fair and reasonable principles for people with visual, hearing, vocal and speech impairment and should not refuse to insure them without reasonable reason. A database of policy underwriting statistics should be set up in the future as the standard for adjustment.
  - (2) The Financial Supervisory Commission amended “Regulations Governing Business Solicitation, Policy Underwriting and Claim Adjusting of Insurance Enterprises” on March 3, 2012, stipulating that the risk estimation of insurance contracts is subject to actuarial and statistical information as the basis. Insurers may not treat specific policyholders unfairly because they are people with disabilities.
  - (3) Any insurer violating the provisions of the Act shall be subject to punishment under the Act.
3. The complaints service for insurance for people with disabilities:
  - (1) The Financial Ombudsman Institution is established under Financial Consumer Protection Act in 2012, to protect the interests of financial consumers and to fairly, reasonably, and effectively resolve disputes related to financial consumer services, thereby reinforcing the confidence of financial consumers and promoting sound development of financial markets.
  - (2) The Financial Supervisory Commission Insurance Bureau and insurers have established public opinion mailbox and service lines, in order to protect the rights and interests of people with disabilities. In June 2016, the Financial Supervisory Commission asked the Life Insurance Association of the Republic of China and the Non-Life Insurance Association of the Republic of China to set up service lines for persons with disabilities for the handling of complaints immediately.
  - (3) On June 28, 2017, the Financial Supervisory Commission held a forum to publicize the measures for strengthening the insurance rights and interests of people with disabilities, to urge insurance companies to protect of the rights and interests of people with disabilities.
4. The strengthening measures on insurance for people with disabilities:

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- (1) Requiring that insurance companies should include the relevant issues about Convention on the Rights of People with Disabilities (CRPD) in sales training materials, and the concepts should be widely promoted in sales channels to implement the practice of assisting people with disabilities.
- (2) The Financial Supervisory Commission amended the “Standards for the Levy Rates of Life and Non-life Insurance Guaranty Fund” in July, 2017, to encourage the insurance industry to provide insurance to people with disabilities.
- (3) Reviewing the insurance complaints from the Financial Ombudsman Institution, inspecting and evaluating the implementation of consumer protection of the insurance industry. The results of the assessment will be the indicators of the differentiated management mechanism for the new-type insurance product filings, policy underwriting and so on.
- (4) At the urging of the Financial Supervisory Commission, the Life Insurance Association of the Republic of China amended the “Principles of Offering the Insurance Coverage for the People with Disabilities” in March 2017. The amendment includes deletion of the terms implying discrimination, and asking insurers to give formal notices with reasons to the people with disabilities while rejecting insurance coverage.
- (5) The Life Insurance Association of the Republic of China and the Non-Life Insurance Association of the Republic of China formulated “Friendly Financial Service Guidelines” in July, 2016. Insurance companies should provide appropriate and friendly financial service to meet the personal needs of people with disabilities, such as online reservations service, guide to adopt appropriate transaction, procedures to complete insurance services, and relevant assistance.
- (6) In order to assist the insurance industry to deal with the underwriting process for people with disabilities, Taiwan Insurance Institute has established an empirical statistical database for insured with disabilities since 2012. The Financial Supervisory Commission has asked Taiwan Insurance Institute to continue to collect such statistical data for the insurance industry to use as pricing reference.
- (7) In order to understand the reasons behind the rejection of policy underwriting for people with disabilities, the Financial Supervisory Commission already asked Taiwan Insurance Institute to establish an exclusive statistical database for people with disabilities (including declinature statistics) by May 2018. The Financial Supervisory Commission requires the insurance industry to prudently use the experience rate provided by the foreign reinsurance industry and adjusted according to our national health situation to meet the insurance needs of people with disabilities until the database is completed.

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國際審查委員會提出之問題清單及政府機關回應內容**

條文	點次	原文	中譯（草稿）
第 25 條 健康	55.	Please provide a timeline to ensure accessibility, both physical and information, to health and medical care services in the community.	請提供為社區健康與醫療照顧服務無障礙之時程，包括硬體與資訊。

中文回應：

- 一、推動高齡友善城市及高齡友善健康照護機構認證計畫，將友善環境及社區服務與轉介納入認證標準，以提供全人身心健康促進，包括環境及服務的無障礙，所建置友善環境能同時提升對長者及身心障礙者之服務。截至 2017 年 6 月底，計 313 家機構（170 家醫院、77 家衛生所、65 家長期照護機構、1 家診所）已通過認證高齡友善健康照護機構認證，為增進高齡友善健康照護之民眾可近性，預計將逐步於全國衛生所進行推廣高齡友善健康照護機構認證。
- 二、已於 2016 年《醫療區域輔導與醫療資源整合計畫》中，由衛生局輔導醫療機構（尤其是地區醫院）營造對於身心障礙者之友善就醫環境；2017 年規劃辦理《醫療院所無障礙就醫環境輔導計畫》，首要改善目標為地區醫院與基層診所，以提升社區醫療服務無障礙之量能。該計畫內容包括進行國內無障礙就醫環境現況調查、彙整國內無障礙就醫資訊、辦理標竿學習活動與相關教育訓練課程等事項；預定 2018 年完成出版醫療機構無障礙空間設置參考手冊（內容包含不同障別之友善就醫流程參考指引），以提供醫療院所建置友善就醫環境之規劃參考，2018 年規劃試辦《無障礙就醫環境改善之獎補助計畫》，將就 2017 年研究成果，按國內無障礙空間之需求進行補助順序排程，敦促醫療院所逐步建置無障礙空間設備與設施。
- 三、原住民族及離島地區衛生所室如有整修無障礙設施需求者，地方衛生局可提報年度工程計畫申請補助，另對於申請新重建衛生所室工程計畫者，地方衛生局亦將無障礙設施納入規劃設計考量；2011 年至 2016 年已完成原住民族及離島地區新重建衛生所室（含無障礙設施設計）計 9 間，並完成衛生所室無障礙設施改善計 7 間；另 2017 年至 2018 年預計辦理新重建衛生所室（含無障礙設施設計）5 間、衛生所室無障礙設施改善 1 間。
- 四、透過衛生福利部網站提供各項健康促進及預防保健康之相關資訊，包括相關法規、資訊及宣導單張、手冊等，符合無障礙網頁開發規範，適合身心障礙者使用瀏覽或聽取。
- 五、持續辦理醫事人員對於身心障礙者權益保障之繼續教育。

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英文回應：

1. The promotion of age-friendly city and age-friendly healthcare institution certification program brings friendly environment, community services, and referral under the certification standard. By the end of June 2017, a total of 313 institutions (130 hospitals, 77 public health centers, 65 long-term care institutions, and 1 clinic) passed the certification. To further improve the accessibility of age-friendly health care for the public, the government plans to roll out the age-friendly healthcare institution certification to all public health centers nationwide.
2. The Department of Health has guided medical care institutions (especially local community hospitals) to create an accessible medical care environment under the 2016 Medical Region Advisory and Medical Resources Integration Program. An accessible medical service guidance program for medical care institutions was planned and offered in 2017, with the primary goal of improving local community hospitals and base-level clinics to augment the capacity of accessible community medical services. The program includes a survey on the accessible medical care status quo in Taiwan, compilation of accessible medical care information in Taiwan, benchmark learning activities and related education and training courses. An accessible spatial layout guidebook for medical care institutions (including guidelines on medical care procedures for people with different types of disabilities) is scheduled to be completed and published in 2018 to provide a reference for medical care institutions in planning and building a friendly medical care environment. Incentive and subsidy programs are planned for 2018 for improvement of the accessible medical care environment. Requests for accessible space in Taiwan will be prioritized for subsidization according to the research results in 2017. Hospitals are urged to progressively set up accessible space, equipment, and facilities.
3. If aboriginal health departments or health departments in offshore islands is in need of furnishing accessible facilities, the local health bureau can allocate subsidies according to the annual construction application. For those who apply for the reconstruction of health departments, the local health bureau will also include accessible facilities in the construction plans. From 2010 to 2016, the local governments have completed the reconstruction of 9 health departments in aboriginal tribes or offshore islands, and the accessible facility improvement for 7 health departments. Additionally, from 2017 to 2018, the local governments plan to reconstruct 5 health departments (including accessibility), and accessible facility improvement for one health department.

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4. The website of the Health Promotion Administration provides all health promotion and preventive care related information, including related regulations, information, flyers, and brochures. Furthermore, the website meets Accessible Web Development Guidelines (AWDG) that is suitable for the listening and browsing by people with disabilities.
5. Continuing education on protection of the rights of people with disabilities is offered continually for medical personnel.



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條文	點次	原文	中譯（草稿）
第 26 條 適應訓練及 復健	56.	Please provide information on the plans to provide measures, including through peer support, to rehabilitation services in rural areas.	請提供有關偏鄉地區復健服務計畫之資訊，包括透過同儕支援。

中文回應：

- 一、目前各地方政府已依《身心障礙者權益保障法》辦理自立生活支持服務，並提供同儕支持、個人助理等直接服務內容，為充權身心障礙者，並促進社會共融活動及政策參與之機會，規劃 2018 年至 2010 年試辦身心障礙者自立生活中心服務模式，培力身心障礙者，學習自我選擇、決定與負責的能力及態度，及推廣自立生活精神。
- 二、為協助身心障礙者於社區中自立生活，我國推動自立生活支持服務，透過同儕支持員協助身心障礙者擬定自立生活計畫，達到自立生活的目標，於偏鄉地區亦提供同儕支持服務，截至 2017 年第 1 季止，計服務 2,603 人次。
- 三、為協助各地方政府掌握轄內居住於社區中心智障礙者雙老家庭情形，衛生福利部自 2014 年度辦理《心智障礙者雙老家庭支持網絡服務模式試辦計畫》，藉由各地方身心障礙個管中心與結合民間團體服務資源，以評估指標篩檢具有顯著或潛在危機之心智障礙者雙老家庭，評估其需求，積極導入服務資源並列冊追蹤評估，期使居住於社區中心智障礙者雙老家庭皆能於服務網絡中獲得所需之福利與服務，降低照顧者之壓力及負荷，達到預防雙重老化家庭危機事件發生；2017 年度已全面推廣至各地方政府辦理。
- 四、此外，亦補助北中南東四區共計至少 10 家醫院辦理《醫療復健輔具中心計畫》，以提供輔具之諮詢、評估及個別化設計等專業服務，使身心障礙者經由輔具之協助，獨立自主生活，其中一項計畫目標為社區服務，透過社區定點宣導、社區講座、到宅評估與機構巡檢深入民間，提供當地或偏遠地區民眾之輔具諮詢與評估服務，接受各社福團體轉介之個案或提供有輔具需求但不便出門之個案，到宅評估等服務。舉例來說，台東馬偕醫院執行成果顯示該院之物理治療師及職能治療師為提升偏鄉地區身心障礙者使用輔具復健或評估之可近性，深入成功長濱鄉、東河鄉、都蘭村及蘭嶼幫偏鄉及離島居民到宅進行輔具評估。

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英文回應：

1. At present, all county/city governments carry out supportive services for independent living according to the People with Disabilities Rights Protection Act and provide direct services like peer support, personal assistant, etc. To empower persons with disabilities and promote opportunities for them to participate in social, inclusive activities and policies, Taiwan plans to carry out the service mode based on independent living centers for people with disabilities on a trial basis from 2018 to 2020 to empower people with disabilities to learn the skills and attitudes to make autonomous choices and decisions and take responsibility and promote the spirit of independent living.
2. To assist people with disabilities in their independent living in the community, the government promotes supportive services for independent living, which are to assist people with disabilities in making independent living plans through supportive peers and achieving the goal of independent living and also provides peer support services in rural areas. 2,603 persons had been served this way by the first quarter of 2017.
3. To assist all local governments in mastering the situation of aging couples with mental/intellectual disabilities that reside in the communities under their jurisdiction, this Administration has carried out a supportive internet service model for aging couples with mental/intellectual disabilities since 2014. Through individual disability case management centers and by collaborating with the service resources of non-governmental organizations, this Administration uses assessment indicators to sift the families with an aging couple with mental/intellectual disabilities that are in significant or potential crisis, assess their needs to actively introduce service resources and register them for tracking and assessment so that all aging couples with mental/intellectual disabilities residing in the community can enjoy the welfare and services that they need in the service net, reduce the caretakers' pressure and burden to achieve the prevention of critical incidents from happening to families with aging couples. In 2017, this has been completely promoted to be carried out by all counties and cities.
4. The Ministry of Health and Welfare subsidizes at least 10 hospitals in northern, eastern, western, and southern regions to organize the Healthcare Rehabilitation Assistive Device Center Program that provides the consultation, evaluation and customization services. People with disabilities can live independently through the assistance of assistive devices. One of the program's goals is about community service. Through activities such as community promotion/community seminars, at-home evaluation, and tour review of institutions, the center can provide the local citizens or citizens in remote areas assistive device consultation and evaluation services. Furthermore, the center can receive referrals from various social welfare groups or provide at-home evaluation services to those who have assistive device needs but cannot leave their homes. For example,

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the Taitung MacKay Memorial hospital report shows that their physical therapists and occupational therapists were able to successfully improve the accessibility of people with disabilities in rural areas in the use of assistive device therapy or evaluation. The therapist conducted at-home assistive device evaluation in rural areas such as Changbin Township, Donghe Township, Dulan village, and Orchid Island (Lanyu).

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條文	點次	原文	中譯（草稿）
第 26 條 適應訓練及 復健	57.	Please provide information on the implementation on “Community healthcare and home care for children with delay programme” by the Social and Family Administration of the Ministry of Health and Welfare.	請衛生福利部社會及家庭署提供有關「遲緩兒童社區醫療與家居照護計畫」之資訊。

中文回應：

有關委員所詢《遲緩兒童社區醫療與家居照護計畫》，衛生福利部社會及家庭署為縮短早期療育資源城鄉差距，2013 年訂定《發展遲緩兒童社區療育據點服務實施計畫》，自 2014 年起由專業團隊、家長或實際照顧兒童之人參與擬定服務計畫，依早期療育家庭個別療育需求，推動近便性社區療育服務及到宅服務，提升發展遲緩兒童及其家庭之早期療育及家庭支持服務成效。另外，推動社區預防服務、社區培力服務，期能營造友善兒童發展的社區環境。2017 年有 11 個地方政府共服務 68 個鄉鎮區。

英文回應：

Concerning the Program of Community-Based Medical Care and Family Care for Developmentally Delayed Children, to narrow the rural-urban gap of early intervention resources, the Social and Family Affairs Administration, Ministry of Health and Welfare drew the Service Implementation Plan of Community-Based Intervention Centers for Developmentally Delayed Children in 2013 and, starting from 2014, professionals, parents and caregivers have participated in carrying out service plans, in accordance with developmentally delayed children and their families' needs, Taiwan promoted close and convenient community-based intervention services and home services in the areas that lack early intervention resources to enhance the efficiency of early interventions and family support services. In addition, the Administration promotes community prevention service, community empowerment service so as to build a community environment that is friendly and conducive to children's development. In 2017, 68 villages, towns and districts in 11 counties and cities were served.

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條文	點次	原文	中譯（草稿）
第 27 條 工作及就業	58.	Please explain the government's measures to improve access to public and private mainstream labour markets for persons with disabilities, and to decrease the current prevalence of segregated employment.	請說明政府為改善身心障礙者進入公私主流勞動市場之措施，以及為減少目前普遍採行的隔離式雇用之措施。

中文回應：

- 一、有關促進身心障礙者整體就業措施，已於國家報告描述，我國為協助身心障礙者進入公私主流勞動市場，主要採定額僱用模式，以定額僱用與差額補助費為基礎的積極性就業政策，透過法令強制公、私部門釋出一定比例的工作機會進用身心障礙者，在融合式的職場就業，可使社會大眾及雇主建立對身心障礙者工作能力之正確認識及肯定。截至 2016 年 12 月止，公、私立義務進用單位計 1 萬 6,881 家，依法應進用身心障礙者計 5 萬 6,079 人，實際進用已達 8 萬 1,984 人，超額進用 2 萬 5,905 人，進用率（即實際進用人數佔法定應進用人數比率）達 146.2%，實際進用人數較 2012 年底淨增加 1 萬 2,161 人，成長 17.4%，進用率則提升 11.3%。至於未達足額進用之義務進用單位，則須提繳差額補助費至轄內地方政府之身心障礙者就業基金，並依《身心障礙者權益保障法》運用於進用身心障礙者需購置、改裝、修繕器材、設備及其他相關進用必要措施及促進身心障礙者就業權益事項。
- 二、身心障礙者進入公部門工作的管道，也可透過國家公務人員特種考試身心障礙人員考試，勞動部自 2015 年起與相關單位合作，針對錄取人員辦理說明會，並引入職前適應輔導、職務再設計等服務資源，協助其穩定就業。
- 三、對於具就業能力及就業意願之身心障礙者，全國各地設置 300 餘個就業服務據點，提供就業媒合服務，並運用各項獎（補）助及輔導措施，提高雇主僱用意願，包括職務再設計補助，補助身心障礙者就業所需輔具、改善職場工作環境、改善工作機具設備、改善工作條件、調整工作方法等所需經費，每人每年補助金額最高 10 萬元；民營事業單位、團體或私立學校，向公立就業服務機構辦理求才登記，僱用失業之身心障礙者 30 日以上，依僱用人數每人每月發給雇主僱用獎助津貼；辦理職場學習及再適應計畫，依基本工資月薪或時薪提供「個案職場學習及再適應津貼」，以及「用人單位工作教練輔導津貼」，進用特殊就業困難個案，經評估得予延長至 6 個月。
- 四、對有就業意願及就業能力，但尚不足以獨立在競爭性就業市場工作之身心障礙者，推動《補助地方政府辦理身心障礙者支持性就業服務計畫》，運用個別支持或群組服務，於就業媒合後提供密集輔導 2 週以上，協助其於一般職場中就業，穩定就業結案後並追

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蹤輔導 3 個月。對於已就業的身心障礙者，經評估有需求者，提供職場適應服務之及時介入，相關服務包括提供職場訪視及輔導、雇主或專業機關（構）諮詢服務、就業成長團體、家庭支持服務、職場自然支持者座談會、身心障礙者就業議題研習或參訪活動、提供身心障礙者個別諮商及提供相關資源連結等，協助其因應障礙程度改變、工作調整等情形提供職場支持，繼續於原職場穩定工作。

- 五、為協助身心障礙者進入主流勞動市場，勞動部推動政府機關（構）及公營事業自行或委託辦理諮詢性電話服務工作進用視障者電服員，並提供相關促進就業與訓練措施，使身心障礙者具備諮詢性電話服務工作所需職能，以擴大其就業機會。截至 2017 年 6 月底，共計已協助 120 位身心障礙者於公部門從事電話值機工作。
- 六、另針對具有就業意願，而就業能力不足需長期就業支持之身心障礙者，由庇護工場提供庇護性就業服務，且庇護工場之設立須依法提出申請，並經地方勞工主管機關審查後始得設立。再者，庇護工場對庇護員工應每 2 年至少辦理 1 次工作能力評估，依評估結果及意願，協助庇護員工轉銜至一般職場，並運用職務再設計、僱用獎勵等就業促進工具，加強庇護員工之職場支持服務，協助其進入開放就業市場、融入社會。
- 七、考選部主要職掌為辦理國家考試，國家考試分為「公務人員考試」及「專門職業及技術人員考試」兩種考試，主要係配合用人機關及相關職業管理法律辦理考試，身心障礙者可依其具有之應考資格參加前述考試進入公部門及相關私部門市場。
- 八、公務人員特種考試身心障礙人員考試（以下簡稱身障特考）錄取人員分發，係依《公務人員考試法》第 3 條規定，依用人機關年度任用需求決定正額錄取人員，依序分配訓練。復依《公務人員考試及格人員分發辦法》第 7 條第 1 項規定略以，公務人員各項考試正額錄取人員，應由分發機關依用人機關年度需求之職缺及第 5 條之規定分配訓練。身障特考分配作業向依前開規定辦理，不因其障礙類別或程度而有不同。
- 九、另為確保用人機關所報職缺並無不適合身心障礙人員之情形，行政院人事行政總處除函請各機關於提報身障特考職缺時，應提供完整工作內容資訊外，亦函請勞動部勞動力發展署、衛生福利部社會及家庭署協助檢視身障特考職缺工作內容之妥適性後，始函送考選部彙辦。另於錄取人員選填志願時，行政院人事行政總處與勞動部勞動力發展署合作辦理身障特考錄取人員職務再設計及選填志願說明會，使渠等瞭解職務再設計法規及選填志願注意事項。此外，行政院人事行政總處於公告身障特考分配結果後，亦配合勞動部勞動力發展署辦理用人機關研習，使各機關明確熟悉相關行政部門可以提供協助之資源，強化對身心障礙同仁之照護。另提供錄取人員基本資料及分配機關等資訊，俾利勞動部勞動力發展署及其分署追蹤錄取人員後續工作情形及是否有職務再設計

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之需求，以落實身心障礙者權益保障。

英文回應：

1. Overall employment promotion measures for persons with disabilities have been explained in the Initial Report. To improve access to mainstream public and private labor markets for persons with disabilities, the government mainly relies on the employment quota system. These pro-active employment policies are based on quota employment and difference subsidies. Both public and private sectors are required by law to open up a certain share of job opportunities to persons with disabilities. In this inclusive workplace, both the general public and employments can develop the right understanding about the recognition and the working capabilities of people with disabilities. As of December 2016, a total of 16,881 public and private units were under the obligation to employ 56,079 people with disabilities according to the law, and actually employed 81,984 people with disabilities with the employment rate of 146.2% (the ratio of the actual number of people with disabilities employed to the statutory number of people with disabilities employed); compared to 2012, the actual number of people with disabilities employed increased by 12,161, a growth of 17.4%, and the employment rate increased by 11.3%. Obligatory units failing to employ sufficient people with disabilities shall pay the difference subsidies to the Disabled Employment Funds under the jurisdiction of the local governments; such funds shall be applied to purchase, modify, or repair devices and equipment required for the employment of people with disabilities and other necessary measures to employ people with disabilities and promote their rights and interests of employment according to the law.
2. For People with disabilities to work in the public sector, they can also take the National Civil Service Special Examination for people with disabilities. Since 2015, the Ministry of Labor has worked with related agencies to assist those who have passed the exam stabilize employment by providing orientation, pre-job adaptation counseling, and job redesign service.
3. For people with disabilities who have ability and intention to work, there are more than 300 employment service centers nationwide to provide employment matchmaking. Various subsidies and awards, and support measures are also utilized to incentivize employers to hire people with disabilities. The maximum annual subsidy amount is TWD\$100,000 per person for employers to purchase assistive devices required for employment, improve the working environment and conditions, and adjust work methods. For private businesses, organizations or schools, they can receive monthly employment subsidies when they register at public employment service centers and hire people with disabilities for 30

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days or more based on the number of persons hired every month. Allowances for on-the-job learning and re-adaptation is provided in the on-the-job learning and re-adaptation program based on basic monthly or hourly wages. Allowances for Workplace Job Coach is provided for persons having special difficulties finding employment, and can be extended up to six months upon evaluation.

4. For persons with disabilities who have an intention and an ability to work but are unable to work independently in the competitive job market, local governments are subsidized to establish a supportive employment service program. The program provides individuals or groups with two weeks of intensive counseling after employment matchmaking, helping them find jobs, stabilize employment, and follow up with three-month counseling. For those who have been employed, once needs are identified through evaluation, timely intervention of workplace adaptation services will be provided, including workplace visits and counseling, employer or institution (organization) consultation, employment development group, family support, natural support seminars, seminars or visits on employment of persons with disabilities, and individual consultation and related resources. These measures help people with disabilities adapt to changes depending on the degree of disability or work adjustments and continue to work stably in the original workplace.
5. To help people with disabilities enter the mainstream labor market, the Ministry of Labor urges government agencies and State-owned enterprises to employ visually impaired persons as telephone operators by themselves or through third parties and provide employment and training programs that equip the visually impaired persons with skills for consultative telephone services. As of June 2016, 120 visually impaired persons worked as telephone operators in the public sector.
6. For persons with disabilities who have an intention to work but need long-term support due to the lack of employability, shelter workshops will provide employment services. To establish a shelter workshop, an application shall submit to the local labor authority for review according to the law. In addition, shelter workshops shall evaluate employees' ability to work at least once in every two years and help them transfer to the general workplace based on the results of evaluation and their intention. Job redesign and employment rewards will also be provided for shelter workshops to enhance their workplace support and help the employees enter the job market and integrate into the society.
7. National Examinations include two categories of Civil Service Examinations and Professional and Technical Personnel Examinations. Examinations are mainly conducted in accordance to the staffing agencies' demands and relevant occupational regulations, by which examinees with disabilities may refer to, based on their own eligibility and apply for examinations, entering into government agencies or private



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organizations.

8. On the basis of Article 3 of Civil Service Examinations Act, Examination quotas shall be determined by the annual needs of employing agencies. The agencies also determine the number of in-quota qualifiers, whom shall be employed and allocated to positions in order of achievement. Besides, in Article 7, Paragraph 1, the Regulations for Assignment of People Passing Civil Service Examination: people passing Civil Service Examination are assigned to employing agencies and trained by the employing agencies according to the of Article 5. The regulations for assignment of People Passing Civil Service Examination will be the same irrespective of whichever category or degree of disabilities.
9. In order to ensure the employment environment of the employing agencies is suitable for the people with disabilities. Directorate-General of Personnel Administration request agencies to submit complete information of the positions about work content and environment. Workforce Development Agency and Social and Family Affairs Administration also inspect the information for appropriateness. Besides, in order to make employing agencies and qualified testees of Special Civil Service Examinations for the People With Disabilities familiar with assistance agencies, agencies can provide and assignment processes to strengthen the care of the people with disabilities. Directorate-General of Personnel Administration cooperate with Workforce Development Agency to hold not only briefings about job accommodation and position allocating, but training of employing agencies. Directorate-General of Personnel Administration also provides Workforce Development Agency and its branches with personal profile of qualified testees of Special Civil Service Examinations for the People with Disabilities, so that Workforce Development Agency and its branches would follow up on their work performance and needs of job accommodation.

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條文	點次	原文	中譯（草稿）
第 27 條 工作及就業	59.	Please provide information about the government's plan for supporting transition of persons with disabilities from segregated education and employment to the open labour market.	請政府提供有關支援身心障礙者從隔離式教育與就業轉移至開放勞動市場之計畫資訊。

中文回應：

- 一、為協助學生銜接自學校進入職場場域之落差，增進學生之適應能力，特殊教育學校透過課程設計外聘業界各領域管理人員蒞校教授門市實務課程、於校內開設實習商店提供學生操作機會、安排學生至企業門市進行實地實習、與各企業簽署合作同意書提供特殊教育學生畢業後就業機會等方式，協助學生順利轉銜至職場工作。
- 二、教育部設置職業轉銜與輔導服務中心，提供在高中（職）及特殊教育學校就學身心障礙學生之職業轉銜諮詢、輔導與服務，並提升該等學校一般教師、特殊教育老師與職業輔導員之職業轉銜輔導知能，另增進該等學校身心障礙學生之社會適應與職業適應等能力。同時，教育部也補助直轄市立特殊教育學校（班）所需之職業輔導員相關經費，辦理研習與座談、彙整大型企業職缺資訊等相關業務，以協助身心障礙學生就業。
- 三、身心障礙學生從學校畢業轉入職場前，學校依《各教育階段身心障礙學生轉銜輔導及服務辦法》第 4 條及第 11 條之規定，召開轉銜會議，邀請學生本人、家長及相關人員參加，訂定生涯轉銜計畫，依個案需求建議應提供之輔具及相關支持服務，將其填入轉銜服務資料，通報轉銜至社政、勞工或其他相關主管機關，以銜接提供社會福利、職業重建、醫療或復健等服務，並由學生原就讀學校追蹤輔導 6 個月。學校之執行成效，會列入主管機關相關評鑑（訪視）之評核指標。
- 四、為使身心障礙者就業階段前後之服務得以銜接，各地方政府設置職業重建個案管理員，接受教育等相關單位服務轉銜，透過職涯、全人觀點，深入評估身心障礙者特性、潛能與需求，提供個別化職業重建服務，擬定並執行職業重建計畫，內容包括：就業前準備、就業媒合與就業支持、穩定就業後支持服務等，以協助進入勞動市場，對於無法進入競爭性就業市場，需長期就業支持之身心障礙者，依其職業輔導評量結果，由庇護工場提供就業服務。
- 五、勞動部所訂庇護性就業計畫，除保障庇護員工勞動權益外，並協助其提升工作能力，庇護工場每 2 年至少辦理 1 次庇護員工工作能力評估，依評估結果及意願，協助轉銜至一般職場或相關勞政、社政服務資源。對庇護員工轉銜到一般職場，除給予庇護工場

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補助獎勵，並運用職務再設計、僱用獎勵等就業促進工具，加強庇護員工之職場支持服務，協助庇護員工進入開放就業市場、融入社會。

英文回應：

1. To help students well bridge themselves from the gap between the schools and the workplaces to help students better orient themselves with added adaptive ability, special education schools should through curricula designs outsource managerial experts to lecture the practical courses at school, set up internship shops on campus and assign students into operation of the hands-on jobs. Meanwhile, the school may, as well, arrange students to retail shops of enterprises into hands-on practicum and execute teamwork contracts with enterprises to hire special education graduates into employment. Through such concerted efforts, the special education graduates may well combine schools and employment in workplaces into a sound teamwork.
2. The Ministry of Education has duly set up the Guidance & Service Center for Occupation Transit to render consultation, guidance and services about occupation transit toward students with disabilities studying at senior high (vocational) schools and special education schools. That same Center is also intended to help general schoolteachers, special education teachers and occupational guidance advisors enhance their expertise in help students in occupational transit and help students with disabilities in those schools better adapt themselves to their workplaces with improved performance. Meanwhile, the Ministry of Education grants working funds to the municipalities as required to provide occupation guidance advisors for the special education schools (classes) to sponsor educational & training programs, symposiums and assemble all information of right job vacancies in the leading enterprises to better guide students with disabilities into secured employment.
3. Before a student with disability graduates from a school into workplace, that school shall, exactly as required under Articles 4 and 11 of Regulations Governing Guidance & Services toward Students with Disabilities in Career Transit in Various Educational Levels, convene a career transit meeting and invite that student himself or herself, his or her parents and relevant personnel to take part in the event to duly stipulate career transit plans. Through such efforts, that student shall be provided with assistive technology supportive services exactly based on his or her personal needs. All details of the career transit services shall be filled out and reported to the competent authorities in charge of social administration, labor or other issues concerned. Through such elaborate policies, all such issues including social welfare, occupational

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reconstruction, medical care treatment or rehabilitation shall be closely combined into a whole. The school where that student with disability previously studied is required to follow-up and trace all such information with required guidance for 6 months. The hands-on performance by that school shall be taken into the guiding targets for the competent authority in the relevant appraisal (visit).

4. To provide smooth work transition for people with disabilities, local governments have appointed rehabilitation case managers to process service transitions of education-related units, evaluate the features, potentials, and the needs of people with disabilities from a holistic career perspective, and provide individualized vocational rehabilitation services as well as plan and implement the vocational rehabilitation programs, including pre-employment preparation, employment matchmaking and support, and post-employment support. For those who are unable to enter the competitive job market and need long-term support, shelter workshops will provide employment services based on their results of vocational counseling.
5. In addition to protecting the rights and interests of employment of people with disabilities, a shelter employment program is established by the Ministry of Labor to improve their ability to work. Shelter workshops carry out the evaluation of employees' ability to work at least once in every two years and help them transfer to the general workplace or related labor or social services based on the results of evaluation and their intention. For employees who are transferred to the general workplace, employment promotion tools are utilized, such as subsidies, job redesign and employment rewards, to enhance workplace support and help employees enter the job market and integrate into the society.

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第 28 條 適足生活水 準及社會保 障	60.	Please provide information on government plans to review the current array of social and health insurance, retirement and early retirement pension, rent subsidies, tax deductions, exemptions, reductions, subsidies, etc. for the purpose of building an integrated, comprehensive and simplified system that promotes a dignified standard of living with self-determination regardless of a person's disability, sex, age or geographical location and regardless of other family members' income.	請提供政府審查目前各種社會與醫療保險、退休、提早退休之退休金、租金補貼、扣除額、免稅、減稅、補貼等，以建立一體性綜合簡化系統的計畫，促進自覺生活的品格標準，無論其障礙、性別、年齡、地理位置或其他家庭成員收入。

中文回應：

我國各社會與醫療保險、退休、提早退休之退休金、租稅、補助或津貼等均已資訊化及建立相關資訊系統。雖各系統由相關權責機關所管理，亦可透過勾稽或資料對比進行橫向連接，強化對個人資訊之掌握並簡化查詢與申請流程，如透過系統連接掌握申請者之經濟狀況（例如：低收入戶或中低收入戶），據以提供經濟支持。

補助與津貼：

- 一、我國《身心障礙者權益保障法》第 70 條中明文規定保障身心障礙者經濟安全，以生活補助、日間照顧及住宿式照顧補助、照顧者津貼、年金保險等方式提供保障；並依據《身心障礙者權益保障法》制定《身心障礙者生活補助費發給辦法》，提供經濟弱勢身心障礙者個人或家庭經濟補助，滿足他們基本需求，其補助資格也較低收入戶、中低收入戶寬鬆，不論在家庭總收入平均分配全家人口之金額、動產，或是不動產上限額度上；並且考量區域經濟之特性，針對城鄉之生活水平訂定不同審核標準，以確保其經濟之保障。
- 二、依據《身心障礙者權益保障法》第 73 條及《身心障礙者參加社會保險保險費補助辦法》規定為考量障礙程度越重家庭負擔越重之因素，依其障礙程度給予不同之身心障礙者加入社會保險補助。例如，全民健康保險補助極重度及重度身心障礙者全額補助，中

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度身心障礙者補助二分之一，輕度身心障礙者補助四分之一，以保障身心障礙者就醫權益。

- 三、為保障身心障礙者經濟安全，滿足其對輔具支持之基本需求，提供身心障礙者輔具費用補助。針對各障礙類別、障礙程度，未有限設籍、性別等限制。另依其家庭經濟狀況，提供不同補助比率，低收入戶由政府全額補助，中低收入者補助 75%，一般戶補助 50%，以提供減輕其經濟負擔。各地方政府每年編列預算推動辦理，2017 年度 1 至 6 月份共計補助 1 億 9,947 萬餘元（低收入戶計約 1,878 萬餘元、中低收入戶計約 461 萬餘元、一般戶計約 1 億 7,608 餘元），受益人次計約 2 萬 2,217 人次（男性計約 1 萬 1,880 人次、女性計約 1 萬 337 人次）。
- 四、內政部營建署自 2007 年度起辦理之《整合住宅補貼資源實施方案》，不限身分、性別及年齡，針對「家庭年收入 20% 分位點以下或最低生活費 1.5 倍以下」且無自有住宅之家庭，提供租金補貼。《整合住宅補貼資源實施方案》補貼採評點制度，具身心障礙者家庭可依障礙程度分別加計權重，以使其優先獲得補貼。2016 年度租金補貼核定戶數中，具身心障礙者家庭計有 1 萬 4,539 戶，其中男性 7,612 戶、女性 6,927 戶。惟辦理情形無區分年齡及障礙類別。

勞工保險與退休：

依照《勞工保險條例》第 53 條第 3 項及第 54 條第 2 項規定，符合請領勞工保險普通事故保險或勞工保險職業災害保險失能年金給付之被保險人，如具有國民年金保險年資，得由勞動部勞工保險局分別計算勞工保險失能及國民年金保險身心障礙年金給付後，合併發給，以簡化申請程序。另考量身心障礙勞工提早退休之需求，《勞工退休金條例》已明定領取社會保險失能或身心障礙年金給付，或障礙程度重度以上之身心障礙者，得向勞工保險局申請提前請領勞工退休金。

國民年金保險：

為減輕身心障礙者國民年金保險保險費負擔，以利其獲得國民年金保障，提高政府對身心障礙者保險費之補助比例，極重度及重度身心障礙者，由政府全額負擔，中度身心障礙者補助 70%，輕度身心障礙者補助 55%（一般被保險人政府負擔 40%）。另無論其障礙類別、性別、地理位置或其他家庭成員收入，國民年金提供身心障礙年金及身心障礙基本保證年金，以保障重度以上身心障礙且終身不能從事工作之被保險人基本經濟安全。

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農民健康保險：

《農民健康保險條例》於民國 1989 年制定公布施行，凡參加農民健康保險之農民，在遭遇事故時，可享有生育、身心障礙、喪葬津貼等多種給付。農民健康保險身心障礙給付之立法意旨係在保障被保險人因傷病致使其工作能力減少之生活補助。被保險人依其身心障礙等級得請領身心障礙給付。

公務人員保險與退休：

一、公教人員保險部分：

- （一）被保險人發生傷害事故或罹患疾病，導致永久失能，可領取失能給付（視其失能等級，給付 6 個月〈因公 8 個月〉至 30 個月〈因公 36 個月〉）。
- （二）被保險人因公傷病而命令退休，或全失能且經評估為終身無工作能力而退休（職）或資遣，除可領取失能給付外，尚可領取養老年金給付，且其加保年資未滿 15 年，將以 15 年計算其養老年金給付。
- （三）被保險人之遺族為身心障礙且無謀生能力者，請領遺屬年金可不受遺屬年金起支年齡 55 歲（配偶）之限制；子女則可終身領取。

二、公務人員退休部分：查現行《公務人員退休法》為照顧身心障礙者之退休基本保障，除在年資採計及退休金之給付與一般公務人員採取一致之標準外，是類人員成就退休條件訂定有特別規範（即《公務人員退休法》第 6 條命令退休規定），在支領月退休金條件上亦較為寬鬆，並無年齡上之設限。另外，針對因公傷病致身心障礙而不堪勝任職務者，如擇領一次退休金，其任職年資未滿 5 年時，以 5 年計；如擇領月退休金，其任職年資未滿 20 年時，以 20 年計。另因公傷病係因執行職務發生危險所致者，尚得依其失能程度加發 5 個至 15 個基數之一次退休金。此外，配合本次年金改革之推動，公務人員退休資遣撫卹法於今（2017）年 8 月 9 日總統令公布並自 2018 年 7 月 1 日生效，對於身心障礙公務人員除維持原有命令退休規定及較寬鬆之支領月退休條件外，另對於任職滿 15 年者，新增多樣之自願退休條件，以提供其得以提早辦理自願退休之機會，且以 55 歲為其月退休金法定起支年齡，此相較一般公務人員自願退休之月退休金法定年齡為 65 歲較為寬鬆。

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租稅：

為扶助身心障礙者自力更生並落實政府社會福利措施，對身心障礙者提供租稅支持，以減輕其租稅負擔：

- 一、《所得稅法》第 17 條第 1 項第 2 款第 3 目之 4 規定納稅義務人、配偶或受扶養親屬如為領有身心障礙手冊或身心障礙證明者，及《精神衛生法》第 3 條第 4 款規定之病人，可減除身心障礙特別扣除額（2017 年度為每人新臺幣 12 萬 8 千元）。
- 二、《遺產及贈與稅法》第 17 條第 1 項第 4 款規定被繼承人之配偶、父母及繼承人為直系血親卑親屬，如為重度以上之身心障礙者或《精神衛生法》規定之病人者，得再加扣身心障礙特別扣除額。
- 三、《使用牌照稅法》第 7 條規定供身心障礙者使用之車輛為「其本人、配偶或同一戶籍二親等以內親屬所有」者，限額免徵使用牌照稅。

英文回應：

Taiwan has established an electronic information systems regarding various social and medical insurances, pensions for retirement or early retirement, taxes, subsidies or allowances. Although the various systems are managed by different competent authorities, they can be horizontally linked through cross-reference or data comparison and can strengthen the grasp of personal information and simplify the application procedure, for example, grasping the economic situation of an applicant through the links between systems (e.g. low-income families or medium/low-income families) to provide economic support.

Subsidies and Allowances

1. Article 70 of the Act Governing the Protection of the Rights of Persons with Disabilities explicitly provides that the economic security of persons with disabilities shall be protected by means of living subsidies, subsidies for day care and residential care, allowances for care taker, annuity insurances. The Regulations on Subsidization of Living Costs for persons with disabilities were established in accordance with the Act Governing the Protection of the Rights of Persons with Disabilities to provide subsidies for the individuals or families of persons with disabilities who are economically disadvantaged to satisfy their basic demands, and the eligibility for subsidies under the said Regulations is more loose when compared with the ones for lower income families and medium/low income families, regardless of the amounts that are



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averagely allocated to all members from the total income of family, the ceiling value of moveable properties or real properties. Considering the characteristics of regional economies, different standards for approval have been established for urban and rural living levels to ensure economic protection for them.

2. In accordance with Article 73 of the Act Governing the Protection of the Rights of Persons with Disabilities and the Regulations on Subsidization of Premiums of Social Insurances for people with disabilities and considering that the severer is the disability extent, the heavier burden is for a family, Taiwan subsidizes for the social insurances for different people with disabilities on the basis of the extent of their disability. For example, the premiums of national health insurances are fully subsidized for persons with extremely severe and severe disabilities, 1/2 subsidized for people with moderate disabilities and 1/4 subsidized for people with mild disabilities to protect the rights and interests of people with disabilities to receive medical care.
3. To protect the economic security of people with disabilities and satisfy their basic needs for support with assistive devices, Taiwan subsidizes the costs of assistive devices for people with disabilities. No limits on household register or gender for various disability classes and extents. In addition, Taiwan subsidizes at various rates according to the economic situations of their families, namely full subsidies by the government to low income families, 75% to medium/low income families and 50% to general families, to relieve their economic burdens. All county/city governments prepare budgets to promote such conducts on a yearly basis. From January to June of 2017, Taiwan has subsidized 22,217 persons (around 11,880 males and 10,337 females) with total amount of TWD\$199,470,000 (over TWD\$18,780,000 to low income families, over TWD\$4,610,000 to medium/low income families, over TWD\$176,080,000 to general families).
4. Since 2007, Construction and Planning Agency, Ministry of the Interior established the Integrating Housing Relevant Funds Program to provide the housing subsidies regardless of status, gender and age. The applicant have to be comply with the standard below : 1. Applicant's family income is 20% lower than average of Taiwanese families or 1.5 times lower than Taiwanese minimum living standard and has no owner-occupied residence. The family has people with disabilities may accorded priority due to the score might weighted according to the grade of disabilities. In 2016, the Integrating Housing Relevant Funds Program approved 14,539 households including man of 7,612 household and woman of 6,927 households.

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**Labor Insurance and Retirement**

According to Article 53, Paragraph 3 and Article 54, Paragraph 2 of the Labor Insurance Act, for the insured person who is eligible for the disability pension benefit of ordinary insurance or occupational accident insurance under labor insurance coverage and has insurance coverage year in National Pension, the disability pension benefit of labor insurance and national pension insurance could be assessed separately and issued by Bureau of Labor Insurance, Ministry of Labor jointly to simplify the application process. In consideration of the need of early retirement for people with disabilities, the Labor Pension Act has specified that workers with disability pension or payment or with severe disabilities may applied for labor pension in advance with Bureau of Labor Insurance, Ministry of Labor.

**National Pension Insurance**

In order to reduce the National Pension Insurance premium burden on people with disabilities and to ensure their pension rights. Taiwan raises the proportion of subsidy for people with disabilities. The premium of persons with profound and severe disabilities are fully paid by Taiwan, persons with moderate disabilities are subsidized by 70%, persons with mild disabilities are subsidized by 55 % (generally insured persons are subsidized by 40%). Regardless of a person's disability level, sex, or geographical location or other family members' income, the National Pension system provides disability pension payment and disability basic guaranteed pension payment to protect the persons with severe and profound disabilities and whom with no capability to work, to secure their basic economic security.

**Farmer Health Insurance**

Farmer Health Insurance Act was enacted and implemented in 1989. Farmers with Farmer Health Insurance are entitled to various subsidies, such as birth giving, mental & physical disabilities, funerals and burials. The legislative intent of subsidies to people with disabilities is to protect people with disabilities whose living allowance reduced due to injury. Those insured person may claim insurance payment according to his or her grade of disabilities.

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Civil Servant and Teacher Insurance and Retirement Pensions

1. Regarding civil servant and teacher insurance:

- (1) An insured person who has permanent disabilities as a result of injury or illness is eligible to receive disability benefits; depending on the level of disability sustained, disability benefits shall be received an insurance pay of 6 months (the insurance pay shall be 8 months for those who suffered such due to the work-related execution) to 30 months (the insurance pay shall be 36 months for those who suffered such due to the work-related execution).
- (2) Where an insured person is subject to compulsory retirement as a result of injury or illness from work-related execution, or where the insured with disabilities and is examined as no capability to work permanently and must therefore retire or discharged with severance pay, the affected person may be eligible to receive disability benefits in addition to old-aged benefits. Where an individual has been insured for less than 15 years, payouts for old-aged benefits shall be calculated based on an insured period of 15 years.
- (3) Where a bereaved family member of an insured person is a person with disabilities who is unable to provide for his or her own welfare, he/she may be exempted from the requirement of having to be at least 55 years of age (a spouse) in order to claim for survivor's benefits; where the surviving family member is a child of the insured, he/she shall be eligible to receive such benefits for life.

2. Regarding retirement pensions for civil servants:

Pursuant to the prevailing provisions provided under the Civil Service Retirement Act (hereinafter referred to as the "Retirement Act") regarding the basic guaranteed retirement of an individual who cares for a person with disabilities, in addition to having a consistent standard applied for calculating seniority and pension payments as compared to ordinary civil servants, special provisions regarding conditions for retirement have been formulated which apply to this category of personnel (i.e., regulations concerning compulsory retirement as set forth under Article 6 of the Retirement Act), the conditions for such persons to receive monthly pension payments are relatively relaxed, and they are not subject to age restrictions. In addition, where a person is unable to adequately perform work duties due to physical or mental impairment, if he/she opts to receive a lump-sum retirement payment but has a seniority of less than 5 years, the payment is calculated based on 5 years of seniority; if he/she opts to receive a monthly retirement payment but has a seniority of less than 20 years, the payment is calculated based on 20 years of seniority. In addition, where an injury or illness is caused by an accident while performing on-the-job duties, an additional 5 to 15 units may be granted when calculating the individual's lump-sum retirement payment, depending on the extent of the disability. Furthermore, to accommodate the

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current push for pension system reform, the Act Civil Servants' Retirement, Discharge and Pensions was promulgated by way of a presidential decree on August 9, 2017. The Act, which will become effective on July 1, 2018, maintains existing rules governing compulsory retirement and relaxed conditions for receiving monthly pension payments with regard to civil servants with disabilities; in addition, the Act sets forth conditions for voluntary retirement of civil servants with disabilities who have accrued seniority of 15 years or longer in order to provide such individuals with an opportunity to retire early, should they so choose, along with a statutory retirement age of 55 to begin collecting monthly pension payments. This represents a loosening of the requirements for receiving payments among civil servants with disabilities as compared to the voluntary retirement conditions of ordinary civil servants, for whom the statutory retirement age is 65.

#### Tax

In order to help the people with disabilities and to reduce his/her tax burden, the government provides the following tax measure to implement government social welfare policy:

1. In accordance with Article 17 of the Income Tax Act, the taxpayer, his/her spouse, or each of their dependents who has disability identification or (and) certification, or being a patient as defined in Article 3, Subparagraph 4 of the Mental Health Act may enjoy a special deduction for the people with disabilities (e.g., TWD\$128,000 for 2017) per year per person.
2. In accordance with Article 17, Paragraph 1, Subparagraph 4 of the Estate and Gift Act, a special deduction for the people with disabilities heirs will be deducted from the gross estate if the surviving spouse, parents of the decedent, or the heir is a lineal descendant and is people with disabilities provided in the People with Disabilities Rights Protection Act or a mental patient as provided in the Mental Health Act.
3. Article 7 of the Vehicle License Tax Act provides the tax exemption for vehicles used by people with disabilities who has a driver's license; for people with disabilities who does not have a driver's license due to mental or physical condition, and the vehicle is owned by himself/herself, his/her spouse or direct-line relatives to a second generation, or siblings in the same household and which is to be used for the people with disabilities, one vehicle per person.

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條文	點次	原文	中譯（草稿）
第 29 條 參與政治及 公共生活	61.	Please provide the Committee with data on how many persons with disabilities were prevented from voting and on what grounds.	請提供委員會關於被禁止投票之身心障礙者的人數及其原因為何。

中文回應：

- 一、我國身心障礙者之選舉權受《憲法》保障，並未予以限制，至受監護宣告未有選舉權之情形，依我國法律監護宣告之聲請，須具備相當要件，經法院嚴謹審查，始能為監護宣告之裁定。
- 二、中央選舉委員會推動辦理投票所之無障礙化及身心障礙選舉人投票協助措施，除採行錄製有聲選舉公報、公辦電視政見發表會提供手語翻譯、投票所設置身心障礙選舉人投票遮屏、備置視覺障礙者投票輔助器、採取眼同協助或依其本人意思代為圈投等措施外，並要求地方選舉委員會進行投票所無障礙設施之檢核，提供投票所之無障礙環境，適度增加投票所工作人力，主動協助年長及身心障礙選舉人，並於網站建置無障礙選舉專區、影片增加中文字幕等，便利選舉人取得選舉資訊。

英文回應：

1. The Constitution of Taiwan guarantees the voting rights of persons with disabilities. However, a person who is under guardianship will lose such rights. In accordance with the laws, a guardianship order is judicially determined by the court; each case must be carefully examined with requisite elements and sufficient evidences.
2. The Central Election Commission has been introducing a number of accessibility and assistance measures for the convenience of voters with disabilities. Apart from recording audio versions of electoral bulletins, arranging sign language interpretation service for electoral public forums, setting up wheelchair-accessible polling booths, accommodating voters with visual impairment by providing ballot slip covers with Braille printing, and allowing assistants to vote on behalf of the person, the Central Election Commission also demands municipal/county/city election commission to enhance accessibility inspection and increase the number of assistants at local polling stations to provide active aid for senior citizens and voters with disabilities. Meanwhile, an accessible section has been created on The Central Election Commission's website, and all video clips were encoded with Chinese subtitles to help voters obtain vital information.

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條文	點次	原文	中譯（草稿）
第 29 條 參與政治及 公共生活	62.	Please also provide the Committee with data of how many persons with disabilities stood for public election.	亦請提供委員會身心障礙者參與公開選舉之數據。

中文回應：

關於身心障礙者參與公職人員選舉之數據，因候選人申請登記時，無須提供是否為身心障礙者之個人資料，又候選人是否為身心障礙者，不影響候選人資格及選舉結果，爰中央選舉委員會未獲有法律授權就候選人及當選人是否為身心障礙者進行統計，尚無相關統計資料可資提供。

英文回應：

In regard to the data on people with disabilities standing for elections, the Central Election Commission is not legally authorized to collect data on this matter. In addition, a person will not be required to provide information on whether he/she is a person with disabilities when registering to be a candidate for an election. The right to become a candidate as well as to be elected shall not be influenced by the physical and mental condition of a citizen.

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條文	點次	原文	中譯（草稿）
第 30 條 參與文化生 活、康樂、 休閒及體育 活動	63.	Please inform the Committee about plans to promote the accessibility of books for persons with disabilities, including production of digital books.	請告知委員會為促進提供予身心障礙者無障礙書籍的計畫，包括數位書籍的製作。

中文回應：

- 一、透過《著作權法》第 53 條的保障，身心障礙者可以更方便取得其所需之各種書籍。該法明定中央或地方政府機關、非營利機構或團體、各級學校，為專供身心障礙者（包括視覺障礙者、學習障礙者、聽覺障礙者或其他感知著作有困難者）使用之目的，得以翻譯、點字、錄音、數位轉換、口述影像、附加手語或其他方式，利用已公開發表之著作；其製作之著作重製物，也可以在上述之身心障礙者、政府機關、機構或團體、學校間散布或公開傳輸。
- 二、為提供各教育階段身心障礙學生無障礙教科書，中央及地方政府每年編列約新臺幣 6,000 萬元專款預算，製作點字書、大字體書及 mp3、daisy 等數位格式有聲書，同時也製作無障礙工具書及勵志叢書。
- 三、順應科技發達的年代，除了提供無障礙紙本書籍，教育部運用現代科技技術提供各種數位化之圖書與資訊。自 2003 年起建置視覺障礙資訊網暨華文視障電子圖書館無障礙全球資訊網 (<http://www.batol.net/index.asp>)、華文視障圖書館 (<http://elib.batol.net>)，網站內容含各教育階段視覺障礙學生所需之點字書、閱讀輔助、出版快訊、書報雜誌等電子圖書資訊提供，以期落實視覺障礙教育資訊化，豐富視覺障礙圖書內容與流通。此外，透過教育訓練教導身心障礙學生及其家長、老師瞭解輔助科技及運用各種科技產品，並透過教育輔具系統，提供學校或身心障礙學生掃描機、轉譯軟體等設備，由學生、老師或協助人員將紙本資料，透過盲用電腦轉化為點字或音聲檔案，以利後續應用。
- 四、於 2011 年修正《身心障礙者權益保障法》增訂第 30 條之 1 第 1 項條文，教育部依視覺功能障礙者之需求，考量資源共享及廣泛利用現代化數位科技，指定國立臺灣圖書館為視覺功能障礙者專責圖書館，負責視覺障礙資源徵集、編目、典藏、閱覽服務、推廣與研究及館際合作等事項，以可讀取之電子化格式提供圖書資源，以利視覺功能障礙者之運用；教育部隨即修正《身心障礙者數位化圖書資源利用辦法》。國立臺灣圖書館推動近年來執行之「強化視障者電子化圖書資源利用中程發展計畫」(2012 年至 2015



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年)及「強化身心障礙者數位化圖書資源利用中程發展計畫」(2016年至2019年),主要包含整合及強化身心障礙資源、建構身心障礙數位圖書館單一窗口、推廣身心障礙讀者服務、加強館際合作交流等4個部分。此外,視覺障礙資料中心持續透過自行製作、委外製作及交換贈送等方式,豐富視覺障礙者及其他身心障礙者所需之館藏資源,2014年全新開發「視障隨身聽」APP,可適用於iOS、Android系統環境,並支援書目資訊查詢、視覺障礙點字書報讀等功能;且可透過貼心的個人專區服務,將館方各項資源加入個人收藏,建立屬於自己的虛擬圖書館。

五、文化部均依《文化部輔導數位出版產業發展補助作業要點》第12點要求獲補助者應履行之負擔:為落實文化平權,提供視覺障礙者、學習障礙者、聽覺障礙者或其他感知著作有困難之障礙者使用數位出版品,申請數位出版之獲補助單位,應將該申請案中獲補助出版之出版品無償提供國家指定之典藏機構運用。

英文回應:

1. Through protection under Article 53 of the Copyright Act, varieties of books are more conveniently accessible to those people with disabilities exactly to meet their needs. The said Act expressly provides that the central or local level government agencies, nonprofit organizations and groups and all levels of schools, in an attempt to provide the people with disabilities (those with visual impairment, learning impairment, hearing impairment or others with sensual difficulty), by means of translation, Braille characters, sound-recording, digital transformation, verbal imagery, accompanying sign language or otherwise, utilize works which have been made public. The copies so reproduced may be distributed or publicly transmitted among the aforementioned people with disabilities, government agencies, organizations and all levels of schools as prescribed in the preceding paragraphs.
2. Where those students with disabilities call for freely accessible textbooks in various levels of education, both the central and local competent authorities of the governments have budgeted approximately TWD\$60 million funds annually. The funds so budgeted are exclusively aimed at production of Braille character books, big font books and audio books in mp3, daisy or such digital formula. Such funds so budgeted are also aimed at production of accessible reference books and inspirational books to meet such needs.
3. In the current high technology era, the Ministry of Education has utilized the modernized science and technology to provide a variety of digital books and information other than accessible paper prints. Starting from 2003, the accessible worldwide web (<http://www.batol.net/index.asp>),

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focusing on visual impairment information website, Chinese language visual impairment electronic book library (<http://elib.batol.net>). Through such contents, the competent authority of the government provides the Braille character books, auxiliaries for reading, updates of the latest publications, books, journals and such electronic book information to assure adequate information of visual impairment oriented books in active circulation. Meanwhile, by means of elaborately devised educational & training programs, the competent authority of the government tries to guide the students with disabilities and their parents, teachers into better awareness of the skills to make such assistive technology and technology into the maximum possible use and performance. Further through educational auxiliary devices, the competent authority of the government provides schools or the students with disabilities with such handy facilities including scanners, inter-translation software wherewith students, teachers or their assistants would convert paper prints into visual impaired people oriented Braille character or audio files for subsequent uses.

4. In the 2011 amendment to the People with Disabilities Rights Protection Act, Article 30-1, Paragraph 1 was added: The Ministry of Education should consider resource sharing and commonly used modern digital technology according to the needs of the visual impairment and appoint National Taiwan Library responsible for planning, integration, collection and access to the library resources in touchable digital form for the utilization of the visual impairment and other disabilities. The Ministry of Education will keep the Regulations Governing Utilization of Digital Library Resources for the People with Disabilities updated from time to time. The National Taiwan Library has in recent years implemented in full steam the Mid-range Development Program for Strengthening Utilization of Visual Impairment Oriented Electronic Library Resources (Years 2012-2015) and Mid-range Development Program for Strengthening Utilization of Disabled People Oriented Digital Library Resources (Years 2016-2019). Programs include four primary key points, i.e., the efforts to integrate and intensify people with disabilities related resources, set up one-step single-window for digital libraries toward those people, promote thoughtful services toward the readers with disabilities and to strengthen inter-library cooperation and interchanges. Besides, the Visual Impairment Data Center has spared no effort to continually enrich the librarian resources toward visual impairment and other disabilities by means of production by itself, outsourced production, exchanges and free donations. In Year 2014, the Library developed the brand new "visual impairment personal carry-on stereo" APP which may be operated through iOS, Android system environments with support to booklist information inquiry, visual impairment Braille character books and journals and such functions. Further through the thoughtful personal special zone services, the Library resources could be put into the personal collection

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to help such people with disabilities set up their own virtual (fictitious) libraries.

5. In compliance with Article 12 of Ministry of Culture Directions Governing the Subsidy for Counseling Digital Publishing Industry Development. The Ministry of Culture has requested subsidy recipients to fulfill their obligations by providing digital publications accessible to the people with visual impairment or hearing impairment and those with learning disabilities or unable to sense the publications. Organizations that have been granted with the subsidy should authorize those designated government/institute to use the subsidy-receiving publications for free.

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條文	點次	原文	中譯（草稿）
第 30 條 參與文化生 活、康樂、 休閒及體育 活動	64.	Please provide information on the steps taken to eradicate discriminatory regulations and practices by parks, amusement centers and sports centers rejecting persons with disabilities, including those with psychosocial disabilities.	請提供消除公園、遊樂中心、運動中心拒絕身心障礙人士，包括精神障礙者進入的歧視性法規與實務之措施的相關資訊。

中文回應：

**內政部**

- 一、為利身心障礙者順利進出公園及無礙使用相關設施，內政部營建署自 2014 年度起，即循序督促辦理都市公園綠地無障礙環境建構工作，首先於 2014 年 8 月 29 日函頒《都市公園綠地各主要出入口無障礙設施設置原則》，並依《都市公園綠地各主要出入口無障礙設施設置原則》於 2015 年及 2015 年完成全國公園綠地主要出入口督導計畫。其次於 2015 年 10 月 22 日又訂定《內政部主管活動場所無障礙設施設備設計標準》，並於 2016 年及 2017 年針對都市公園綠地完成無障礙環境督導計畫，未來仍將賡續加強推動辦理。
- 二、內政部營建署於管制維護國家公園之相關法令並無訂定拒絕身心障礙人士，包括精神障礙者進入的歧視性規定。各國家公園在建置無障礙環境上，雖受生態環境及地形等因素限制，惟在不違反國家公園設立宗旨之前提下，於園區建築物、重要景點已可提供優質無障礙環境及旅遊遊程，並依《內政部主管活動場所無障礙設施設備設計標準》之規定整建無障礙步道，截至 2017 年 7 月底止，已完成 4 條國家公園無障礙步道（合計約 2.4 公里），預計至 2019 年底前完成 11 條無障礙步道，合計約 13.53 公里。
- 三、為考量身心障礙者使用機械遊樂設施之可及性與可用性，內政部營建署已於《建築物無障礙設施設計規範》參考附錄納入機械遊樂設施，刻正進行法規修正之相關作業，於建築物無障礙設施設計規範完成修正發布施行後，可供機械遊樂設施設置之參考。
- 四、內政部營建署業分別對地方辦理無障礙環境督導勘檢，並經常性辦理研討課程，廣為宣導落實無障礙環境之人權觀念。

**衛生福利部**

- 一、我國法規之優先檢視清單中，總共列管 7 條涉及公園、遊樂中心、運動中心等拒絕身心障礙人士進入之法條及自治條例。截至 2017

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年 8 月，其中 4 條之法條及自治條例已完成修改，其餘 3 條將於 2017 年 12 月修正完畢。

- 二、「遊戲」是兒童學習與發展的重要媒介，也是兒童應享有的權利，聯合國《兒童權利公約》及《身心障礙者權利公約》均有明定，身心障礙兒童參加玩耍、娛樂以及休閒和體育活動的平等機會應該獲得保障。
- 三、為保障身心障礙兒童的遊戲權，內政部刻正研訂機械遊樂設施無障礙設備草案。另經濟部在國家標準 CNS12642 之 9.1 至 9.4 章節，已針對無障礙兒童遊戲場設施訂有相關規定。
- 四、鑑於現行提供身心障礙及一般兒童共融式的遊樂設施尚未普及，衛生福利部社會及家庭署刻正委託專家學者進行研究，探討先進國家共融式兒童遊樂設施之規範與演變及其實際推動情形，俾供各相關主管機關參考，目前臺北市、新北市、高雄市等地方政府亦積極規劃興建共融式兒童遊戲場，以維護身心障礙兒童之遊戲權益。

### 教育部

- 一、教育部補助地方政府興建國民運動中心，其建築設計除依《建築法》及《建築技術規則》相關法規規定辦理外，於 2016 年針對營運中 23 座運動中心召開專案會議，邀請中華民國身心障礙聯盟及地方政府共同研商，檢視場館設施使用管理辦法或相關規定，檢討修訂對身心障礙者歧視性之規定。2017 年營運中 28 座運動中心已將上述會議所提注意事項作為落實《公約》之參據，未來將有 15 座國民運動中心陸續完工啟用，教育部亦將賡續輔導地方政府將身心障礙者權益納入整體考量，落實《公約》之規定。
- 二、教育部所屬之國家圖書館、國立公共資訊圖書館及國立臺灣圖書館，無規範讀者之身分皆可入館，對身心障礙人士之協助，包括：無障礙設施、專用停車位、檢索電腦席位、閱覽席位、輪椅座椅，針對視聽障讀者，提供服務中心之專人服務，並提供聽障讀者手語導覽及不定期辦理活動講習。教育部所屬社教機構對身心障礙者及其必要陪同者均免費，並設有專用停車區、友善廁所、電梯及扶手等各項無障礙設施設備；此外亦訂有人民陳情案件處理原則或規定，倘身心障礙者進入各館，遭遇有違反《身心障礙者權益保障法》之情事，均得提出申訴。

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英文回應：

Ministry of Interior

1. For the convenience of people disabilities in and out of the park and the use of related facilities. Since 2014, Construction and Planning Agency, Ministry of the Interior, supervise the construction of accessible environment of urban parks and greeneries, and enacted the Principles for the Establishment of Accessible Facilities at the Main Entrance of Urban Parks and Greeneries in August 29, 2014. According to the principles to complete the supervision program of accessible environment for urban park major entrances in Taiwan. Then, based on the principles to establish and release The Design Standards of Accessible Equipment and Facilities for Ministry of the Interior in October 22, 2015. The Construction and Planning Agency will continue to strengthen the promotion in the future.
2. The Construction and Planning Agency, Ministry of the Interior, in charge of the maintenance of national parks, enacts no certain discriminatory acts and regulations which prohibit the entry of persons with disabilities, including those with mental disorders. National Parks have to face the restriction of natural environment and terrains while building the accessible settings. However, following the main purpose of national parks, several high-quality accessible environment and tours have been provided in the park buildings and hot spots. As well as the accessible trails constructed according to “The Design Standards for Equipment for Accessibility Facilities in the Ministry of the Interior”. By the end of July 2017, four accessible trails have been established in four national parks (total length about 2.4 kilometers). The goal is to complete 11 accessible trails by the end of 2019, sum up to about 13.53 kilometers.
3. In order to consider the accessibility and availability of mechanical amusement facilities for people with disabilities, Construction and Planning Agency, Ministry of the Interior, is creating the design guidelines of accessible facilities for the mechanical amusement facilities in related design Directions for Disable Facility of Building. After the completion of the revision of the Directions, it can be used as a reference for the provision of mechanical amusement facilities.
4. Construction and Planning Agency, Ministry of the Interior, has already supervised to the local government for the accessible environment of urban parks and greeneries respectively.

Ministry of Health and Welfare

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1. In the List of Reviewed Items with Priority of Taiwan’s Laws and Regulations, 7 articles of laws and self-governance articles concerning denial of entry of people with disabilities to the parks, recreation centers and sports centers have been enumerated, 4 of which had been completely amended by August 2017 and remaining 3 of which will be completely amended by December 2017.
2. “Games” are important media for children’s learning and development and are children’s entitlements. The United Nation Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities both provide that the equal access of children with disabilities to participation in play, recreation and leisure and sporting activities shall be ensured.
3. To ensure the entitlements of children with disabilities to games, currently the Ministry of the Interior is drafting the Specifications of Accessible Equipment in Mechanical Amusement Facilities. In addition, the Ministry of Economic Affairs has provided the stipulations related to accessible facilities in children’s playgrounds in Sections 1 through 4 of Charter 9 of national standard CNS12642.
4. With a view to the fact that the inclusive amusement facilities currently provided for both general children and those with disabilities are still not commonplace, the Social and Family Affairs Administration of the Ministry of Health and Welfare is currently authorizing experts and scholars to research and discuss the regulations, evolution and actual promotion status of advanced countries regarding inclusive children amusement facilities so as to provide references to relevant competent authorities. At present, the local governments of Taipei City, New Taipei City and Kaohsiung City are also actively planning to build inclusive children playgrounds so as to preserve the rights and interests to which the children with disabilities are entitled.

**Ministry of Education**

1. The Ministry of Education grants financial subsidies toward the local governments to set up national sports centers, which have been designed and built in accordance with the Building Act and Regulations Governing Architectural Technology. Toward the 23 sports centers already at work, the Ministry of Education convened a special project conference in 2016 where the League for Persons with Disabilities, R.O.C. and the local governments teamed up with one another to jointly study and review the regulations and relevant rules about management and use of the sports center facilities, specifically focusing on the parts with discrimination against people with disabilities. In Year 2017, the 28 sports centers at work virtually adopted the conclusions reached in the aforementioned conference as the very parameters to implement thoroughly CRPD. In

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the days and years ahead, there will be 15 more national sports centers to be completed into use in succession. The Ministry of Education will persistently cover the interests of persons with disabilities into overall account to implement thoroughly the spirit of the CRPD.

2. Those national libraries, National Public Information Library as well as National Taiwan Library under the jurisdiction of the Ministry of Education are free of any regulations go govern access to readers. The Ministry of Education, therefore, elaborately works out supporting efforts toward people with disabilities, including notably accessible facilities, parking facilities exclusively oriented to people with disabilities, computerized indexing of seats, reading seats, wheelchair friendly seats along with concierge services, sign language guides and training programs and seminars either on a regular basis or from time to time on a nonscheduled basis. All social education institutions under the jurisdiction of the Ministry of Education are readily accessible to people with disabilities and their necessary accompaniments, free of charge and are elaborately equipped with special parking zones, Accessible toilet, elevators, handrails along with a variety of other accessible equipment & facilities. Besides, there have been principles and regulations officially stipulated hereunder, whenever a people with disabilities runs into any act against the requirements set forth under the People with Disabilities Rights Protection Act, he or she may lodge grievance with protection by law.



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條文	點次	原文	中譯（草稿）
第 30 條 參與文化生 活、康樂、 休閒及體育 活動	65.	Please provide information on the provision of teaching of sign languages.	請提出提供手語教學的相關資訊。

中文回應：

- 一、鼓勵大專校院師資培育系所開設手語課程，目前在特殊教育系（所）開設有「手語」或「手語研究」課程大專校院，計有國立臺灣師範大學、國立臺北教育大學、臺北市立大學、國立清華大學、國立臺南大學、國立彰化師範大學、國立屏東大學、慈濟大學、慈濟科技大學、國立東華大學、國立高雄師範大學、國立中正大學、中山醫學大學、國立臺中教育大學等校；同時也鼓勵各大專校院學生成立手語研究社團。
- 二、編撰多元手語教材提供教師、學生、家長及社會人士使用，目前出版之手語教材有(1)常用詞彙手語畫冊及常用成語手語畫冊、手語教學及課程系列教材以及常用手語辭典電子書、教學光碟。(2)「初階及進階書面手語教材」、「手語理解能力測驗」。(3)性別平等教育手語詞彙畫冊、初階手語教材，編製初階手語教材手語理解能力測驗等。
- 三、辦理教師基礎手語學習工作坊，補助經費請各地方政府規劃辦理教授聽障生普通班教師基礎手語學習工作坊，各地方政府辦理手語相關研習及工作坊（含保存並推廣聾文化）。為推展融合教育及提升特殊教育教師素質，自 2014 年起委請臺中市立啟聰學校辦理教師在職進修手語專長增能研習，每梯次約 40 名教師參與。
- 四、每年辦理聽障學生手語營，培養聽障學子基礎手語溝通能力，建立以口語、手語與文字綜合溝通模式，拓展生活經驗與學習視野並由團體活動建立同儕支持網絡，擴展人際關係，提昇自我認同與競爭力。
- 五、補助各地方政府依聽障學生之需求，提供所需之相關輔具及依學生需求遴聘具手語能力協助學生學習之教師助理員人力。同時補助大專校院就具有特殊教需求之學生更提供適性服務及協助，例如為聽障學生提供課業輔導及專為聽障學生聘用手語翻譯員及聽打員等，以提供身心障礙學生在校學習及生活之必要協助。
- 六、我國於 2003 年訂定《推廣手語翻譯服務實施計畫》，內容包括建立手語翻譯服務窗口、培訓手語翻譯員、推動手語翻譯員證照制

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度、手語翻譯服務之管理及推動手語翻譯服務，目的在透過手語翻譯服務制度之完善，維護聽語障者基本權益。2004年正式將手語翻譯納入國家丙級技術士檢定項目，使手語翻譯制度更加明確。

七、現階段仍賡續補助社會福利團體辦理手語翻譯人才培訓等相關計畫，以2016年及2017年為例，補助手語翻譯人才培訓等相關計畫合計經費新臺幣97萬元。

英文回應：

1. The government authorities also encourage universities/colleges to set up sign language related course programs in respective departments and graduate schools. So far to date, quite a few Special Education Departments (Graduate Schools) have set up "Sign Language" or "Sign Language Study" courses, including those in the National Taiwan Normal University, National Taipei University of Education, Taipei Municipal University of Education, National Tsing Hua University, National Tainan University, National Changhua Normal University, National Pingtung University, Tsu Chi University, Tsu Chi University of Science and Technology, National Dong Hua University, National Kaohsiung Normal University, National Chung Cheng University, Chung Shan Medical University, National Taichung Normal University. The Ministry of Education, as well, encourages all universities/colleges to set up sign language study social groups.
2. In the efforts to compile multiple sign language teaching materials to better serve schoolteachers, students, parents and general people in the society, the sign language teaching materials having been published into use so far include (1) Painting Albums of Sign Languages in Frequent Use; Painting Albums of Sign Language Idioms in Frequent Use, Sign Language Teaching Curricular Material Series and Sign Language Dictionary in electronic books and sign language CD-ROM teaching guides. (2) Sign Language Teaching Materials in the Initial Level and Advanced Level, Test on Sign Language Comprehension. (3) Painting Album on Gender Equity Education Related Sign Languages, Sign Language Teaching Materials in Initial Level, Compilation of Sign Language Teaching Materials in the Initial Level and Test on Sign Language Comprehension.
3. The efforts to carry out Fundamental Level Sign Language Learning Studio for Schoolteachers, grant auxiliary funds to the local government authorities to sponsor Fundamental Level Sign Language Training Studio for Teachers on General Education, to the local government authorities to sponsor sign language related training programs (including the efforts to preserve and promote deaf culture). In an attempt to promote

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inclusive education and upgrade the quality of special education teachers, starting from Year 2014, the government has commissioned Taichung Special Education School for The Hearing impaired to sponsor in-service training programs for teachers to enhance their expertise in sign language. The training program in each echelon accommodates appropriately 40 teacher trainees.

4. On an annual basis, the government sponsors sign language training camps for students with hearing impairment to help the students with hearing impairment enhance their comprehension of communications by means of sign language, set up sound modes of communications by means of oral language, sign language and wording in combination, expand the range of their hands-on experiences in life, vision of learning. Further, through sponsoring group activities, the government helps such students set up peer supporting networks, broaden their interrelationship, and strengthen their confidence in self-identification as well as competitive edge.
5. The government grants financial allowance to local government authorities to offer the relevant supporting aids as the actual requirements may justify, select capable of students with sign language comprehension as the handy assistants to teachers. Meanwhile, the government authorities grant financial allowance to universities/colleges to help them grant more services and supports more congruent to students with special educational needs. Exclusively toward students with hearing impairment, for instance, they would render learning assistance and hire sign language interpreters and hearing impairment oriented typists as well as assistance helpful and necessary to the students with disabilities in their study at school and in their daily routines.
6. The government set out the Implementation Plan to Promote Sign Language Service in 2003, the contents of which included building a sign language interpreter service window, training sign language interpreters, promoting the certification system of sign language interpreters, sign language interpretation service management and promoting sign language interpretation service, targeting to protect the basic rights and interests of persons with disabilities in listening and speaking through the perfection of sign language interpretation system. In 2004, Taiwan included officially the sign language interpretation in the test items of National Class C Certified Technician to make the sign language interpretation system more clearly defined and classified.
7. At the current stage, Taiwan continues to promote the Regulations for Subsidies as Social Welfare to offer subsidies to the social welfare organizations for their plans related to the training of talents in translation of sign languages. Taking 2016 and 2017 as examples, Taiwan offered subsidies amounting to TWD\$ 970,000 for the expenses of plans related to the training of talents in translation of sign languages.

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條文	點次	原文	中譯（草稿）
第 31 條 統計及資料 收集	66.	Please provide detailed methodology for the collection of all forms of data e.g. the census, including disaggregated data, with regard to persons with disabilities, and how the methodology is aligned to a human-rights based approach.	請提供收集關於身心障礙者所有形式之資料，如普查，包括分類資料，以及此等方法如何合乎以人權為基礎的取向。

中文回應：

**教育部**

- 一、教育部自 1996 年起建立「教育部特殊教育通報網」資訊平臺，用以掌握特殊教育學生人數與安置情形，並據以規劃特殊教育政策，辦理相關特殊教育服務，以達提供特殊教育學生適當就學、完善特殊教育服務系統之目的。
- 二、本資訊平台提供各地方政府、各級學校直接通報特殊教育學生，填報學校、特殊教育班級、特殊教育教師等資料之管道。並建立相關轉銜服務系統、鑑定安置系統，以及各種相關服務或措施的申請、審核、督管作業系統。
- 三、同時，根據特殊教育通報網資訊，每年定期出版《特殊教育統計年報》。提供特殊教育實證基礎數據，反映教育系統的運作狀態與健康情形，作為擬定修改特殊教育政策及改進策略之參考依據。年報內容包括：(1) 特殊教育學校（班）設置概況，分各教育階段、班級形態等類別統計。(2) 特殊教育學生人數與安置，包含教育階段、障礙類別、性別、安置班別、畢業狀況等分類。(3) 特殊教育教師、支持服務、經費與研習等統計。
- 四、身心障礙學生本人或家長主動提出，或經學生（家長）同意由學校代為提出鑑定需求後，學校透過通報網蒐集傳遞該學生之相關資料，以提供其所需之特殊教育服務。相關資料之蒐集，需讓學生（家長）瞭解並同意，考慮學生之參與，尊重其尊嚴，保護其隱私。

**衛生福利部**

- 一、衛生福利部除定期蒐集業管相關身心障礙公務統計資料外，並每 5 年辦理身心障礙者生活狀況調查，該調查於 2016 年辦理新增「政治參與」及「自我決定」相關問項，以進一步瞭解身心障礙者行使權利時面臨之障礙。

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- 二、為利於規劃符合精神病人需要之各項服務方案，及提供出院精神病人之社區照護服務，本國已建立「精神照護資訊管理系統」，以供醫療機構傳送病人病情摘要，並由地方政府衛生機構接續提供出院後之關懷服務及協助病人與家屬串連各項社區服務資源。對於蒐集及統整精神病人資料以提供病人保護服務，已明訂於我國之《精神衛生法》。但為了合於人權保障之基礎，我國已刻正修正《精神衛生法》，更清楚於法律中訂定病人資料蒐集、處理、利用及保護之相關規定，以保障病人個人隱私，維護其人權。
- 三、依據《身心障礙者參加社會保險保險費補助辦法》規定，洽取身心障礙者資料執行健保費補助作業，若身心障礙者擔心身分曝光，得依上開辦法第9條第3項規定，向戶籍所在地之地方政府申請不列入資料交換，由政府直接補助；另訂有《全民健康保險保險人對外提供資料作業要點》，以保護個人資料被適當利用。

### 勞動部

- 一、依《身心障礙者權益保障法》第11條規定，勞動部依權責定期辦理「身心障礙者勞動狀況調查」，主要為蒐集身心障礙者之勞動狀況、就業情形及職業訓練與就業服務需求，提供訂定身心障礙者相關政策之參據，針對15歲以上之身心障礙者為調查對象，以障礙類別、障礙等級、地區別為分層變數，抽樣辦理；調查方法則以電腦輔助電話訪問法為主，其他方法為輔；各調查項目均按性別、年齡、教育程度、婚姻狀況、障礙類別、障礙程度及地區別等分類。
- 二、勞動部辦理該調查依《統計法施行細則》第45條規定，「各機關辦理調查、統計人員對各種統計調查取得之個別資料應予保密，除供整體統計分析之用外，不作其他用途。凡因洩漏個別資料致損害被調查者之權益時，得視其情節輕重予以議處，其涉及刑責者，應依法處理」。

### 銓敘部

- 一、參閱國家報告（附件）表28.13命令退休審定件數統計表僅涉及件數，未涉當事人姓名等個人資料，合乎隱私權等人權規範。
- 二、參閱國家報告（附件）表28.14失能慰問金請領統計表內資料，係辦理相關法規修正時，以通函請中央暨地方各主管機關人事機構提供；因僅涉件數及金額，未涉當事人姓名等個人資料，爰合乎隱私權等人權規範。
- 三、有關銓敘部身心障礙者任公務人員概況統計之資料收集方法，係由銓敘部應用全國公務人力資料庫產生身分證統一編號加密資料媒體檔，函請衛生福利部協助篩選，提供登記為身心障礙人員之資料電子檔，據以產製相關統計資料。對於衛生福利部所提供之

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資料電子檔，銓敘部則依照《個人資料保護法》等相關規定進行保護其個人資料，且不提供轉用。

### 原住民族委員會

原住民族委員會定期辦理原住民族人口及健康統計年報、原住民就業狀況調查，經檢視，調查項目中並未含有身心障礙者，未來將身心障礙者列入統計項目。此外，原住民族家庭服務中心以個案管理模式蒐集原住民身心障礙者社會福利需求，要求社會工作須恪守社會工作倫理，不得於公開場合蒐集個案隱私相關資訊、其後亦須遵守保密原則。

英文回應：

### Ministry of Education

1. The Ministry of Education set up the Special Education Transmit Net of the Ministry of Education data collection platform in 1996. Thanks to the function of that platform, the Ministry of Education has more accurately dominated the number of special education students and placement of them and, accordingly, mapped out the special education policies, carried out special education related services to accomplish the very targets to help students with special educational needs to study in an optimal ambience through the sound special education service systems.
2. The Special Education Transmit Net functions as the very handy way for competent authorities in charge of education in the local government level, schools of all levels to directly report the update information of special education students, fill out schools, special education classes and special education teachers. Also duly established systems include relevant transit service systems, identification and placement systems as well as systems very handy for application, review, and domination of a variety of relevant services or measures.
3. Further, on the grounds of the information as reported through the Special Education Transmit, the government publishes Annual Report on the Special Education Statistics on an annual basis. The Special Education Transmit also provides positive evidence base for special education, soundly reflect performance status of the educational system and health conditions which are taken as the grounding reference to map out special education policies and improvement strategy. The contents of the Annual Report on the Special Education Statistics include: (1) General information of placement in special education schools (classes), in statistics for various educational levels, class status and such categories. (2) Information of number and placement of students with special educational needs include educational levels, categories of impairments, genders,

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classes of placement, facts of graduation and such categories. (3) Such statistics including notably special education teachers, supportive services, funds and training programs.

4. After a request for appraisal is lodged by a student with disabilities himself or herself, his or her parent, or by the school for and on behalf of student (parent), the school shall collect and transmit the relevant information of that student through the Special Education Transmit to meet the substantial needs for special education. In collection of the relevant information, the subject student (his or her parent) shall be definitely informed with consent. The participation, respect, dignity and privacy of the involved student shall be taken into very prudential consideration to assure sound safeguarding of their dignity.

**Ministry of Health and Welfare**

1. The Ministry of Health and Welfare not only regularly collects register statistics on disabilities, but also conducts the living conditions survey of people with disabilities in every 5 years. To have more information about the obstacles faced by the people with disabilities while exercising their rights, questions related to political participation and self-determination are included in the “2016 survey.”
2. In order to facilitate the planning of services to meet the needs of the psychiatric patients, and to provide community care services for discharged psychiatric patients, the Government has established a Mental Health Care Information Management System for medical institutions to transmit a summary of patient's condition, and the local government health authority could provide care services after discharge and assist patients and their families in series with the community resources. The Mental Health Act of our country has provision of the collection and consolidation of psychiatric data in order to provide better patients protection services. However, in order to meet the principle of human rights protection, our country has amended the Mental Health Act regarding the data collection. We aim to set a higher and clearer standard for patient information collecting, processing, using and other relevant disposition to protect the patients’ personal privacy and safeguard their human rights.
3. According to the Regulations of Social Insurance Premium Subsidies for people with disabilities, the National Health Insurance Administration will access to data of the people with disabilities to provide subsidies. For having concern with identity exposure, the people with disabilities can apply to the city government where the household is registered for unwilling to share your personal data in exchange; and receive subsidies

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by government directly, in accordance with Article 9, Paragraph 3 of the Regulation of the above-mentioned. Besides, the National Health Insurance Administration has issued the Guidelines to Provide Information Outward to ensure the proper utilization of personal information.

**Ministry of Labor**

1. According to Article 11 of the People with disabilities Rights Protection Act, the Ministry of Labor is responsible to carry out the Survey on the Labor Force Status of People with Disabilities, which includes labor Force status, employment status and occupational training, and employment service needs of people with disabilities, on a regular basis and publish the survey as the basis of policy making. The subject of the survey is people with disabilities aged 15 years and over; the survey is categorized by the types of disability, the level of disability and the locality through sampling; the survey is carried out through computer-assisted telephone interviews and other supportive methods; each item is categorized by gender, age, education, marital status, classification of disability, grade of disability, locality and others.
2. The Ministry of Labor carries out the Survey in accordance with Article 45 of The Enforcement Rules of the Statistics Act: The statistics personnel of government agencies conducting the surveys shall keep all microdata obtained from various surveys confidential. Except statistical analysis in its entirety, the microdata cannot be used for any other purposes. If any statistics personnel disclosed a respondent's microdata resulting in injuries to the rights and interests of the respondent, he/she may be disciplined according to the seriousness of the injuries. He/she shall also be held accountable under the law for any criminal liability incurred from disclosing confidential microdata of the respondent.

**Ministry of Civil Service**

1. Relevant statistical data may be found in Table 28.13 "Tabulation of Approved Compulsory Retirement Cases" of the "Attachment" of the Initial Report. In keeping with human rights norms, including the right to privacy, this data only covers the number of cases and does not disclose any personal information, such as the names of individuals.
2. Relevant statistical data may be found in Table 28.14 "Tabulation of Solatium for Deformation Payments" of the "Attachment" of the Initial Report. This data was provided upon request by the respective personnel offices of each competent authority of central and local governments during the course of implementing amendments to relevant laws and regulations. In keeping with human rights norms, including the right to



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privacy, this data only covers numbers of cases and monetary amounts and does not disclose any personal information, such as the names of individuals.

3. To collect statistical data on the circumstances of persons with disabilities who are employed as civil servants, the Ministry of Civil Service utilized the All Civil Servants Database to produce an encoded file of National ID numbers and then solicited assistance from the Ministry of Health and Welfare to screen the results and provide an electronic data file which contains a list of personnel registered as persons with disabilities which was then used as a basis for generating relevant statistical data. In accordance with the Personal Information Protection Act and other relevant regulations, the Ministry of Civil Service took all necessary precautions to safeguard the privacy of persons whose information was included in the electronic file provided by the Ministry of Health and Welfare, and the file is expressly forbidden from being used for any other purpose.

#### **Council of Indigenous Peoples**

Council of Indigenous Peoples regularly survey on Annual Report of Indigenous Population and Health Statistics and Indigenous Employment Status Report. So far, there has not been any statistics concerning indigenous peoples with disabilities, thus, the survey will include this aspect in the future. More, Indigenous Peoples Family Service Center provides services by case management and integrating social welfare needs of clients. The employees of the Center are required to observe the privacy regulations and ethnics in social work – private information cannot be collected in public and related information is not allowed to make public.

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條文	點次	原文	中譯（草稿）
第 32 條 國際合作	67.	Please provide information on whether there is a policy for ensuring that bilateral aid and other forms of international cooperation, including those implementing the Agenda 2030 for Sustainable Development, support the inclusion of persons with disabilities, and if such policy exists, concrete examples of how that policy is being implemented.	請就是否有政策確保雙邊援助與其他形式之國際合作，包括為實行 2030 永續發展，支持納入身心障礙者。若擁有此相關政策，請提供該政策執行的實例。

中文回應：

- 一、雖我國國際地位常面臨嚴峻挑戰，我國仍積極參與區域或國際組織間之交流與合作，如定期參與亞洲智能障礙聯盟會議及國際復健組織世界大會，討論身心障礙相關議題並藉由國際會議，達到世界各國身心障礙福利交流與國際合作之積極目標，另自 2015 年起參與「APEC 身心障礙議題之友團體」（APEC Group of Friends on Disability, APEC GOFD）把握與各經濟體在身心障礙議題上的交流機會。此外，亦透過補助方式，致力促進我國身心障礙團體或非政府組織參與國際活動，如於 2015 年補助財團法人伊甸社會福利基金會參加第 23 屆國際復健組織世界大會（Rehabilitation International World Congress）（參閱國家報告第 302 點次）。同時亦補助身心障礙團體辦理各項國際活動，如研討會、研習會、工作坊、藝術展等。衛生福利部社會及家庭署自 2011 年起迄今，歷年累計補助 36 案、金額合計共 314 萬 3,400 元。
- 二、衛生福利部自 2007 至 2014 年均補助民間團體辦理《國際社區精神醫學與心理衛生人才培訓與合作研究平臺建置計畫》，該計畫合作研究國家包括泰國、印尼、越南等東南亞等國。此外，配合我國 2017 年規劃之《新南向政策推動計畫》，推動東南亞各國、澳洲與我國精神醫療國際人才培訓與交流、建立國際合作研究平臺、促進參與國際組織、推動新南向心理健康人才培訓計畫。同時，本年亦編列出國預算至國外參與國際研討會、觀摩學習國外精神疾病照護模式，以精進精神疾病照護政策之制定。
- 三、勞動部於 2016 年 11 月 28 日與澳洲辦事處續簽職業教育訓練合作備忘錄（MEMORANDUM OF UNDERSTANDING ON VOCATIONAL EDUCATION AND TRAINING COOPERATION），建立原則性合作架構，並由澳洲辦事處指定 TDA（TAFE Directors Australia）為澳洲實質合作執行單位。

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- 四、近期預計與 TDA 合作之促進身心障礙者就業事項為「身心障礙者職業重建專業制度交流」，預計將邀請澳方專家至國內進行交流分享研討活動，並規劃政策及績優職業重建專業人員至澳洲訪視汲取經驗，期望透過國際交流，提升服務職業重建專業人員服務品質，受惠更多身心障礙者。
- 五、針對在臺灣就學之身心障礙外國人，我國施予與本國人相同程序之特殊教育需求評估，並免費提供其所需之教育輔具、點字、大字體、有聲教科書、特殊教育相關專業人員、教師助理員、學生助理人員、手語翻譯等各項相關支持服務。另外，對於出國留學之本國身心障礙者，每年均提供公費留學及留學獎金甄試各 5 個名額。
- 六、學校、政府機構或民間團體可依《教育部補助辦理國際學術教育交流活動實施要點》向教育部申請經費補助，經審議通過後辦理國際學術研討會。學校、政府機關或民間團體若有舉辦與《公約》相關之國際性特殊教育學術研討會即可依前述規定申請，例如，於 2015 年辦理第 1 屆亞太地區融合教育國際研討會，邀請各國特殊教育專家學者來臺，針對國際特殊教育未來發展趨勢進行交流，作為未來我國特殊教育政策推展之參考依據。

英文回應：

1. Although Taiwan's international standing often faces severe challenges, Taiwan still actively participates in communication and cooperation among regions or international organizations. For instance it periodically participates in the Conference of Asian Federation on Intellectual Disabilities and Rehabilitation International World Congress to discuss issues regarding disabilities and to achieve the active goal of communication and international cooperation on disability welfare among the countries worldwide through international congresses/conferences. In addition, starting from 2015, Taiwan has been participating in the APEC Group of Friends on Disability Issues (APEC GOFD) to grasp opportunities to communicate with other economies. Moreover, Taiwan endeavors to facilitate the participation of national disability organizations or non-governmental organizations in international activities by means of subsidies, for instance, Taiwan subsidized Eden Social Welfare Foundation to participate in the 23rd Rehabilitation International World Congress (please refer to Paragraph 302 of the Initial Report) in 2015. Meanwhile, Taiwan has subsidized various international activities held by the disability organizations, such as seminars, workshops, studios, art exhibitions, etc. Starting from 2011, the Social and Family Affairs Administration of the Ministry of Health and Welfare has subsidized 36 projects for a total of TWD\$3,143,400

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2. Subsidizing civil society group for the International Community Psychiatry and Mental Health Talent Training and Collaborative Research Platform Program from 2007 to 2014, which includes many Southeast Asian countries such as Thailand, Indonesia and Vietnam. In line with the national New Southbound Policy in 2017, we enhance the training and exchange of international talents in Southeast Asian countries, Australia and China, establishment of international cooperation research platform, and promote the participation in international organizations, as well as the training of new experts on mental health. Meanwhile, Ministry of Health and Welfare has set the budget for participating in international seminars, observing the study of foreign mental illness care model, to improve the mental health care policy development this year.
3. The Ministry of Labor entered into the Memorandum of Understanding on Vocational Education and Training Cooperation with Australian Office on November 28, 2016 to build a cooperative framework. Australian Office appointed TAFE Directors Australia (TDA) as the unit promoting the cooperation.
4. An Exchange of Vocational Rehabilitation Systems for People with Disabilities is expected to be carried out in cooperation with TDA currently. Australian experts will be invited to share their opinions; in addition, outstanding vocational rehabilitation professionals will be scheduled to visit Australia and learn from experience in the hope of improving their service quality that benefits more people with disabilities.
5. Those foreign students with disabilities who study in Taiwan shall be granted with evaluation exactly in the terms equivalent for their domestic counterparts. They are provided with free educational aids, Braille characters, large fonts, audio textbooks, special education related professionals, assistants to teachers, assistants to students, sign language interpreters along with other supportive services concerned. Toward native students with disabilities who study abroad, public overseas education scholarships and other incentives are granted to five grantees every year.
6. All schools, government authorities or non-government entities may apply to the Ministry of Education for financial allowances in accordance with the Enforcement Guidelines for the Ministry of Education in Granting Financial Allowances for International Academic & Educational Interchange Programs. An applicant who is satisfactorily granted a pass may receive financial subsidies to sponsor international academic seminars or symposiums. A school, government authority or a non-government entity may duly apply in accordance with the aforementioned provisions whenever it holds CRPD related international academic seminar or symposium linked up with special education. In the first Asia-Pacific Region Conference on Inclusive Education, Taipei, Taiwan, 2015, for instance, the special education scholars and experts in many

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countries were invited to Taiwan into hands-on interchanges about the trend of future development in special education. The outcome so concluded in that event could function as very handy reference of our promotion of special education in Taiwan in the days and years ahead.

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條文	點次	原文	中譯（草稿）
第 33 條 國家實施及 監測	68.	Please provide a timetable for the formal designation of a focal point under article 33 paragraph 1.	請提供符合公約第 33 條第 1 項正式的協調中心之時程表。

中文回應：

我國為實施《公約》事項，並考慮於政府內設立或指定一協調機制，依《身心障礙者權利公約施行法》，即於 2015 年 1 月 1 日成立「行政院身心障礙者權益推動小組」，第 1 屆委員任期自 2015 年 1 月 1 日至 2016 年 12 月 31 日止，成員包含 10 位政府部門代表、7 位身心障礙福利領域專家學者及 7 位身心障礙組織代表，其間共召開 5 次會議，重大決議事項包含通過「落實身心障礙者權利公約（CRPD）推動計畫」及審認我國初次國家報告與法規檢視清單；第 2 屆委員任期自 2017 年 1 月 23 日至 2019 年 1 月 22 日止，成員包含 10 位政府部門代表、7 位身心障礙福利領域專家學者及 8 位身心障礙組織代表，目前已召開 1 次會議且持續辦理相關事項。本協調中心會配合第 70 點次所提及之國家人權機構的設立進行調整。

英文回應：

To implement the Convention on the Rights of Persons with Disabilities matters and consider setting up or designating a coordination mechanism in the government, Taiwan established the Committee for the Promotion of the Rights of Persons with Disabilities of the Executive Yuan on January 1, 2015 pursuant to the Act to Implement the Convention on the Rights of Persons with Disabilities. The tenure of the first members of Committee was from January 1, 2015 to December 31, 2016, consisting of 10 representatives of governmental departments, 7 experts and scholars in the field of welfare for persons with disabilities and 7 representatives of disability organizations. The committee has held 5 meetings and has made resolutions on significant matters including passing the Promotion Plan to Implement the Convention on the Rights of Persons with Disabilities and approving Taiwan's Initial Report and the List of Reviewed Items of Laws and Regulations during its tenure. The tenure of second cohort of members of Committee is from January 23, 2017 to January 22, 2019, and consists of 10 representatives of governmental departments, 7 experts and scholars in the field of welfare for persons with disabilities and 8 representatives of disability organizations and has held 1 meeting as so far and continues to carry out its tasks. This coordination center will be adjusted to cooperate in the establishment of the national human

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rights agency mentioned in Point 70.

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條文	點次	原文	中譯（草稿）
第 33 條 國家實施及 監測	69.	Please clarify whether the Committee for the Promotion of the Rights of Persons with Disabilities appointed by the Executive Yuan functions as a designated coordination mechanism.	請闡明行政院是否委任行政院身心障礙者權益推動小組作為指定之協調機制。

中文回應：

依《身心障礙者權利公約施行法》第 6 條規定略以：行政院為推動《公約》相關工作，應邀集學者專家、身心障礙團體（機構）及各政府機關代表，成立身心障礙者權益推動小組，定期召開會議，協調、研究、審議、諮詢並辦理下列事項：1.《公約》之宣導及教育訓練；2.各級政府機關落實《公約》之督導；3.國內身心障礙者權益現況之研究及調查；4.國家報告之提出；5.接受涉及違反《公約》之申訴；6.其他與《身心障礙者權利公約施行法》相關之事項。行政院身心障礙者權益推動小組職責包含協調及督導各級政府機關落實《身心障礙者權利公約施行法》，爰行政院身心障礙者權益推動小組為各級政府機關推動《身心障礙者權利公約施行法》之協調機制。

英文回應：

Article 6 of the Act to Implement the Convention on the Rights of Persons with Disabilities may be summarized as follows: In order to promote the works related to the Convention, the Executive Yuan shall invite scholars and experts, representatives of disability organizations (institutions) and all governmental authorities to establish a team for the promotion of the rights and interests of persons with disabilities, regularly convene meetings, coordinate, research, review, consult on and carry out the following matters: 1. Publicity/guidance and educational training regarding the Convention on the Rights of Persons with Disabilities; 2. supervision on the implementation of the Convention on the Rights of Persons with Disabilities by all levels of governmental authorities; 3. research and investigation into the current status of the rights and interests of persons with disabilities within Taiwan; 4. submission of Taiwan's reports; 5. acceptance of complaints about violations of the Convention on the Rights of Persons with Disabilities; 6. other matters related to the Convention on the Rights of Persons with Disabilities. The duties of the Committee for the Promotion of the Rights of Persons with Disabilities of the Executive Yuan include coordinating and supervising on the implementation of the Convention on the Rights of Persons with Disabilities by all levels of governmental authorities. Therefore, the Promotion Team for the Rights and



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Interests of Persons with Disabilities of the Executive Yuan is the coordination mechanism for all levels of governmental authorities to promote the Convention on the Rights of Persons with Disabilities.

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條文	點次	原文	中譯（草稿）
第 33 條 國家實施及 監測	70.	Please update the Committee about the plans to establish the National Human Rights Committee, in compliance with the Paris Principles.	請告知委員會有關建立國家人權委員會計畫的最新狀況，且該委員會乃符合巴黎原則。

中文回應：

- 一、我國迄今已施行 6 部聯合國核心人權公約，即《公民與政治權利國際公約》及《經濟社會文化權利國際公約》、《消除一切形式種族歧視國際公約》、《消除對婦女一切形式歧視公約》、《兒童權利公約》及《身心障礙者權利公約》，惟相關人權條約之推動仍缺乏一具高度統整及協調機制之專責機構。審查《公民與政治權利國際公約》及《經濟社會文化權利國際公約》初次及第二次國家報告之國際審查委員亦建議我國應遵循《巴黎原則》，儘速成立完全獨立且多元的國家人權委員會。
- 二、為研究規劃設置我國之國家人權機構，總統府人權諮詢委員會於 2012 年 6 月之第 8 次委員會議通過成立「國家人權機構研究規劃小組」案，積極展開相關研究規劃工作。該小組共召開 6 次會議，並於 2013 年 9 月至 12 月間召開 4 場諮詢會議，諮詢駐華使節、政府機關、民間團體及學者專家意見。2014 年 8 月、12 月國家人權機構研究規劃小組分別於總統府人權諮詢委員會第 15 次、第 16 次會議提案討論「國家人權機構研究規劃案」；該研究規劃案復於 2016 年 7 月總統府人權諮詢委員會第 22 次委員會議納入監察院所提之報告，併案討論，並決議我國應儘早成立符合《巴黎原則》之國家人權委員會或國家人權機構及 3 項可能設立方案之優先順序，該次會議討論過程中，委員支持 3 項可能設立方案之程度由高至低分別係：設置於總統府下、設置於監察院下及成立完全獨立之國家人權機構，有關該表決結果已呈請總統參酌。

英文回應：

1. Taiwan has implemented six human rights instruments of the United Nations, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Nevertheless, Taiwan has yet established a designating institution serving as an integrating and coordinating mechanism for the promotion of related human rights instruments. The international Review Committee for the

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initial and second reports of the International Covenant on Economic, Social and Cultural Rights also recommended the establishment of a completely independent and pluralistic national human rights commission in full compliance with the Paris Principles.

2. In order to plan for the establishment of a national human rights institution (NHRI), the Presidential Office Human Rights Consultative Committee, at the 8<sup>th</sup> meeting in June 2012, resolved to set up an ad hoc task force to discuss precisely where that institution will fit into our government structure, and what its exact functions and powers will be. After holding internal meetings and consultations with diplomatic envoys, government agencies, civil society groups as well as scholars and experts in 2013, the task force presented its report to the 15<sup>th</sup> and 16<sup>th</sup> meeting of the committee in 2014. In addition, a proposal made by the Control Yuan has been put into the discussion at the 22<sup>nd</sup> meeting of the committee in July 2016. The committee, therefore, resolved that Taiwan should establish a national human rights institution as soon as possible. The three favor options under consideration for establishing a national human rights institution in Taiwan in descending order are: within the Presidential Office; as part of the Control Yuan; and an independent national human rights institution. The results of the voting have been submitted to the President to take into account.