

**中華民國(臺灣)政府對經濟社會文化權利國際公約
審查委員會提出第二次國家報告問題清單之回應**

**Replies from Republic of China (Taiwan) to the List of Issues to
be taken up in Connection with the Consideration
of its Second Report**

2016 年 11 月

目錄

轉型正義－結論性意見與建議第 24 點及第 25 點(第 1 點).....	3
第 1 條－原住民族自決權(第 2 點至第 5 點).....	5
第 2(1)條、第 2(2)條－逐步落實 ICESCR 各項權利，不歧視(第 6 點至第 7 點).....	11
國家人權機構的角色(經社文公約第 10 號一般性意見)(第 8 點至第 10 點).....	14
第 3 條、第 10 條、第 7 條－男女平權、工作條件、兒童權利、家庭暴力(第 11 點至第 14 點).....	25
第 6 條、第 7 條－公正與合理工作條件之權利(第 15 點至第 19 點).....	44
第 6 條、第 7 條、結論性意見第 38 點及第 39 點－移工及其勞動條件(第 20 點至第 22 點).....	65
第 8 條－工會權(第 23 點至第 25 點).....	76
第 11 條－適足住房權(經社文公約第 4 號及第 7 號一般性意見)(第 26 點至第 29 點)	82
第 12 條－生理與心理健康(經社文公約第 14 號一般性意見)(第 30 點至第 35 點).....	95
第 12 條－性與生殖健康之權利(經社文委員會第 22 號一般性意見)(第 36 點).....	106
第 13 條－教育權(第 37 點).....	109
第 15 條－參與文化生活之權利(經社文公約第 21 號一般性意見)(第 38 點).....	111

Table of Contents

Transitional Justice(1).....	3
Article 1—Indigenous people’s right to self-determination(2-5).....	5
Article 2 (1) and 2 (2)—Achieving progressively the full realization of the rights recognized in the ICESCR, non-discrimination(6-7)	11
The role of national human rights institutions (CESCR General Comment no. 10)(8-10).....	14
Article 3, in conjunction with Art. 7 and Art. 10—Equal rights of men and women, conditions of work, children’s rights, domestic violence(11-14)	25
Articles 6 and 7—Right to just and favourable conditions of work(15-19).....	44
Articles 6 and 7—Migrant Workers and their Labour Conditions (COR, 2013, points 38-39)(20-22).....	65
Article 8—Trade Union Rights(23-25).....	76
Article 11—Right to Adequate Housing (General Comments No. 4 and 7)(26-29)	82
Article 12—Right to physical and mental health (CESCR General Comment no. 14)(30-35) ..	95
Article 12—Right to sexual and reproductive health (CESCR General Comment no. 22)(36)106	
Article 13—Right to education(37)	109
Article 15—Right to participate in cultural life (CESCR General Comment no. 21)(38)	111

經社文公約問題清單及政府機關回應 List of Issues and Reply to LOIs

轉型正義－結論性意見與建議第 24 點及第 25 點

Transitional Justice

點次	問題內容(原文)	中文參考翻譯
1	<p>In COR, 2013, points 24-25, the Review Committee underlined the importance of healing and reconciliation within the Taiwanese Society as well as revealing the full truth and achieving reparative justice about the gross violations of human rights that occurred in the years of the “White Terror”. The Review Committee duly notes the information provided on this matter by the Government in its response. The Review Committee also noted in this regard the Parallel Report of the Chinese Association for Human Rights and in particular, with the completion in 2014 of the work of the Foundation providing compensation and recovery measures to the victims and their relatives of the White Terror period, the further follow-up activities envisaged in the “Promotion of Transitional Justice Act” to be carried out under the auspices of the International Centre for Transitional Justice. The Review Committee invites the Government of Taiwan to keep the Committee informed of the ongoing and further activities in the implementation of the Promotion of Transitional Justice Act.</p>	<p>對於白色恐怖時期發生的嚴重人權侵害，審查委員會在 2013 年結論性意見與建議第 24 點及第 25 點強調，臺灣社會內部的療癒與和解，以及公布完整真相並達到修復正義(reparative justice)的重要性。審查委員會確實地注意到政府在國家報告中就此事提供之資訊。審查委員會亦注意到中華人權協會就此事提出之平行報告，提及向白色恐怖時期受難者及其家屬提供補償與恢復措施之基金會已於 2014 年完成工作，促進轉型正義條例(Promotion of Transitional Justice Act) 草案設想之後續活動將由國際轉型正義中心主持。審查委員會敦促臺灣政府向審查委員會報告執行促進轉型正義條例之進行中與後續活動。</p>

中文回應

1. 有關促進轉型正義條例草案，主要係由民進黨黨團於 2016 年 4 月 1 日提案，其間曾召開 5 次公聽會，最後一次公聽會係於 2016 年 6 月 20 日召開，目前該草案仍在司法及法制委員會審查中。另除該案外，亦有相類似法案於委員會審查中。
2. 該草案以開放政治檔案為其主要任務之一，國家發展委員會檔案管理局刻正依行政院指示研擬政治檔案法草案，以促進政治檔案之徵集、管理與開放應用。
3. 財團法人戒嚴時期不當叛亂暨匪諜審判案件補償基金會 1999 年 3 月 9 日成立，於 2014 年 3 月 8 日存續期間屆滿，同年 9 月 8 日解散。文化部承接基金會結束後之受難者撫慰及關懷、辦理紀念及回復名譽活動、人權宣導等業務。內政部承繼後續訴願及行政訴訟案件、申請或補發回復名譽證明書及陳情案件，2014 年 12 月 10 日委託財團法人二二八事件紀念基金會辦理。

英文回應

1. As for the draft of the Promotion of the Transitional Justice Act, the main proposal was submitted by a DPP caucus on April 1, 2016. A total of five public hearings (the last on June 20, 2016) have been convened so far. This draft is currently still under review by the Judiciary and Organic Laws and Statutes Committee. Other similar bills are currently also in the committee review stage.
2. One of the draft Act's main tasks is to open the political archives, National Archives Administration of the National Development Council is currently drafting Draft Political Archives Act to promote the acquisition, safekeeping, preservation, and openness.
3. The Juridical Foundation for the Compensation of the Wrongly Charged People during the Period of National Mobilization for Suppression of the Communist Rebellion was established on March 9, 1999. Its mandate expired on March 8, 2014, and it was disbanded on September 8 of the same year. The Ministry of Culture took over related tasks, such as caring for the victims, organizing events to remember the events and restoring affected people's reputation, and advocating human rights. Ministry of the Interiors has succeeded the business left by the foundation and then entrusted to the National Memorial Foundation of 228 including administrative appeals and litigation cases, the applications of rehabilitate reputations, and petitions.

第 1 條－原住民族自決權

Article 1 – Indigenous people’s right to self-determination

點次	問題內容(原文)	中文參考翻譯
2	<p>The Experts note with satisfaction the efforts made that led to the removal of nuclear waste from Orchid Island. Please provide further information on the communication with two county governments - Daren Township in Taitung County and Wuchiou Township in Kinmen County - with respect to the referendum concerning nuclear waste disposal. (COR p30, Response to COR p85 - 87).</p> <p>In paragraph 3 of the Second Report on ICCPR, a new Regulation to comply with Article 21 of the Indigenous Peoples Basic Law (IPBL) mentions that the government will have to consult indigenous peoples with the aim of getting consent prior to any development activities.</p>	<p>專家注意到各方的努力，使得核廢料從蘭嶼移除，並甚感滿意。請對與臺東縣達仁鄉和金門烏坵兩個地方政府，就貯存核廢料舉辦公投的溝通進度，提供更多資料。</p> <p>根據公政公約第二次國家報告第 3 點，新修訂之《原住民族部落會議實施要點》將符合原住民族基本法第 21 條，政府於開發行動前應該與原住民族諮商並取得原住民族部落同意。</p>

中文回應

1. 為解決核廢料最終處置問題，行政院原子能委員會已推動完成低放射性廢棄物最終處置設施場址設置條例之立法，明定經濟部為選址主辦機關，負責選址工作。經濟部依該條例規定已於 2012 年 7 月 3 日核定公告臺東縣達仁鄉及金門縣烏坵鄉二處建議候選場址，後續應辦理地方性公民投票，以擇定候選場址。
2. 臺東縣政府表示，「臺東縣公民投票自治條例」被縣議會審議退回在案，且縣議會認為設置低放處置設施屬重大事項，須經議會審議，故在法制未備與未經議會審議情況下，無法協助配合辦理地方公投。

3. 金門縣政府表示，烏坵鄉人口不及全縣的 1%，且孤立於本島 70 海浬外，以全縣公投方式決定烏坵鄉是否設置低放處置設施，似與住民自決精神相悖，故建請修法由該鄉住民自決。
4. 有關達仁鄉涉及原住民族地區議題，依原住民族基本法相關規定，經濟部於辦理地方公投時，應尊重當地原住民族意願，除須通過臺東縣公投門檻外，並須採計所在鄉原住民公投結果，始得核定為候選場址。原能會已督促經濟部及台電公司，依法妥適辦理選址作業，並持續與地方政府及民眾溝通。

英文回應

1. In order to solve the final disposal problem of nuclear waste, the Atomic Energy Council (AEC) of the Executive Yuan has completed the Act on Sites for Establishment of Low Level Radioactive Waste Final Disposal Facility. The Act stipulated that the implementing authority is the Ministry of Economic Affairs (MOEA), and is responsible for selecting the site of Low Level Radioactive Waste Final Disposal Facility. The MOEA determined and publicized that Daren Township in Taitung County and Wuchiou Township in Kinmen County are the recommended candidate sites in July 3, 2012. Then the MOEA will hold the local referendum to decide the Candidate site.
2. Taitung county government stated that the draft of Referendum Autonomy Ordinance had been returned by Taitung County Council, and the County Council deems that the low level radwaste disposal facility was a significant issue and have to be reviewed and approved by the County Council. Therefore, in the absence of the legal system and without reviewed by the County Council, Taitung county government can not help with holding the local referendum.
3. Kinmen county government states that the determination by county referendum of establishment of low level radioactive waste disposal facility contradicts to the spirit of self-determination of the residents, because the population of Wuchiou township is less than 1% of the population of county, besides, Wuchiou islet is located far away from the county about 70 nautical miles. So Kinmen county government suggests to amend the referendum law for the local residents self-determination.
4. The candidate site of Daren Township is located within the aboriginal areas. According to

the Indigenous Peoples Basic Law, the MOEA must respect the wishes of the local indigenous peoples during the siting process. In addition to the threshold through the Taitung County referendum, the result of the referendum of Indigenous Peoples in Daren Township shall be also considered in the process of the site selection. The AEC has urged the MOEA and the Taiwan power Company to select the site according to law, and to continue to communicate with local governments and the public.

第 1 條－原住民族自決權		
Article 1 – Indigenous people’s right to self-determination		
點次	問題內容(原文)	中文參考翻譯
3	The Report also mentions that the IPBL Promotion Committee of the Executive Yuan has completed 68 revisions to laws, ordinances, administrative rules and projects. What mechanisms are being applied to further monitor the implementation of the Regulation, the positive revisions and development programs on indigenous territories?	報告也提到《行政院原住民族基本法推動會》完成了 68 項法律、法規命令、行政規則和計畫之修訂。政府採用何種機制以監督上述實施要點之落實、法規命令之修訂、以及原住民族領域之開發計畫？

中文回應

1. 行政院原住民族基本法推動會係依原住民族基本法第 3 條設置，由行政院院長兼任召集人，並置委員 39 人，由相關機關首長、原住民族各族代表及專家學者派（聘）兼，任期二年；另推動會置執行長 1 人，由原民會主任委員兼任。
2. 本推動會主要任務係為審議、協調原住民族基本法相關事務，每 4 個月召開 1 次會議為原則，必要時召開臨時會議。對於應配合原住民族基本法修訂之法律、法規命令、行政規則和計畫等，係經相關機關切實盤點，再製表列冊後提交本推動會議協調處理及列管監督。

英文回應

1. The Executive Yuan Indigenous Peoples' Basic Law Promotion Committee was established in accordance with Article 3 of Indigenous Peoples' Basic Law, with the Premier of the Executive Yuan as the convener and thirty-nine committee members that comprise of representatives from relevant government bodies, delegates of each indigenous people and experts serving for two years in each term. The chief executive of the Committee should be served by the minister of the Council of Indigenous Peoples.
2. Main tasks of the Committee include deliberation and coordination of affairs regarding Indigenous Peoples' Basic Law. In principle, a meeting is convened once in four months, but provisional meetings may be held as needed. The Council of Indigenous Peoples prepares laws, regulations, rules and projects that should be revised in accordance with Indigenous Peoples' Basic Law after research and proposes a report to the Committee for deliberation, coordination and supervision as "Controlled and Classified Items".

第 1 條－原住民族自決權		
Article 1－Indigenous people's right to self-determination		
點次	問題內容(原文)	中文參考翻譯
4	What measures have been taken to ensure that indigenous peoples can fully participate in all stages of project planning and execution, including their representatives, measures that respect their traditional cultures and institutions?	政府採行何種措施，以確保原住民族能充分參與於計畫規劃與執行之各階段，包括各民族之代表，採行何種措施以尊重原住民族之傳統文化和制度？

中文回應

1. 為確保原住民族能充分參與政府於行政計畫規劃與執行，並落實原住民族基本法第 21 條之規定，原民會業於 2016 年 1 月 4 日發布施行《諮商取得原住民族部落同意參與辦法》，同時廢止《原住民族部落會議實施要點》，以提升其法令位階並強化其參與功能與行政機關輔助機制。

2. 政府或私人於原住民族土地從事開發行為前，應該依上開辦法程序與原住民族進行諮商並取得原住民族部落同意，否則授權其開發之行政處分應有瑕疵或無效，以確保原住民族知情同意之權利獲得保障。
3. 至如何尊重原住民族之傳統文化和制度部分，目前《諮商取得原住民族部落同意參與辦法》授權各部落得依其傳統規範成立部落會議，並設置其內部所需各該部門，以符合部落傳統文化和制度。另政府近期亦將發布《部落公法人組織設置辦法》，俟該辦法施行後，原住民族部落將得依程序成為公法上之行政主體，行使法律所賦予之公權力或執行公共任務。

英文回應

1. In order to safeguard indigenous peoples' right to fully participate in the planning and implementation of government projects and abide by Article 21 of Indigenous Peoples' Basic Law, the Council of Indigenous Peoples issued on 4th January of 2016 the "Regulations Governing the Acquirement of Indigenous Consent" and annulled "Direction Points for the Practice of Indigenous Tribal Conference", in order to uplift the legal status of the Regulations and enhance its function as an advisory instrument to government bodies.
2. Before developing indigenous land, both governments and private individuals should consult with indigenous peoples and acquire indigenous consent in accordance with the aforesaid Regulations. Otherwise, such development project shall be deemed as flawed or invalid, so that indigenous peoples' right to know and give consent may be protected.
3. Regarding the respect of indigenous traditional cultures and practices, each indigenous village is allowed by the current "Regulations Governing the Acquirement of Indigenous Consent" to set up a tribal conference and its affiliated bodies in accordance also with its own traditions and cultural practices. Also, the government is preparing to issue "Regulations Governing the Establishment of Tribal Public Person". After the Regulations comes into force, an indigenous village can complete necessary procedures and become the subject of administration in public laws, which allows the village to exercise power or execute public affairs in accordance with the powers granted it by laws.

第 1 條－原住民族自決權

Article 1 – Indigenous people’s right to self-determination

點次	問題內容(原文)	中文參考翻譯
5	Please provide information on the work of the Ping Pu Peoples Task Force and the response by the Executive Yuan to recognize the Ping Pu peoples. (ref COR p33, Response to COR p. 97 - 98).	請提供資料說明平埔族群事務推動小組以及行政院對結論性意見第 33 點（ <u>中文版</u> 回應第 16 頁至第 17 頁）有何反應，以承認平埔族之地位。

中文回應

1. 行政院林政務委員萬億於 2016 年 10 月 7 日邀請學者專家研商平埔族群民族身分及權利相關事宜，會議初步結論：為回應平埔族正名訴求，落實歷史正義，以修正原住民身分法的方式，認定為「平埔原住民」，並依其客觀需要盤點現有資源，設定期程逐項檢討，儘速檢討修正相關法規，以逐步回復平埔原住民族權利。
2. 平埔族群歷經 20 多年的正名訴求，多次的政黨輪替，一直均未獲政府正視其民族身分及權利。本次會議研討結果指出，政府過去推動原住民身分認定制度時，未能充分考量歷代殖民政府、社會結構改變等歷史因素。因此，為回應平埔正名訴求並落實歷史正義，林政委聽取學者專家意見後裁示：採修正現行原住民身分法的方式，認定平埔族群為「平埔原住民」
3. 為落實蔡總統 2016 年 8 月 1 日承諾「檢討相關法規，讓平埔族身分得到應有的權利和地位」，原民會將依上開承諾及裁示，盤點資源、依照平埔原住民族客觀需要，設定期程逐項檢討，以逐步回復平埔原住民族權利。

英文回應

1. Minister of State without Portfolio of the Executive Yuan Lin Wan-Yi invited experts to deliberate on the indigenous status and rights of plains aborigines on 7th October 2016. The conference concluded initially that laws and regulations must be reviewed as soon as possible in order to offer a proper response to the request of plains aborigines, practice

historical justice, revise the ways that define indigenous status, identify “Plains Aborigines” as legal, and make an inventory of resources according to their needs. The goal of these actions is to give back gradually rights to plains aborigines.

2. Plains aborigines in Taiwan have been fighting for government recognition for over two decade, but the government has never properly look at their identity and rights despite of several power transfers in the past. As the conference concluded, when planning indigenous identity recognition system, the government failed to take into full consideration the historical factors contributed by several settler colonial governments and changes in social structures. Therefore, in order to respond to the recognition request of the plains aborigines and put historical justice into effect, Minister of State without Portfolio Lin Wan-Yi listened to experts and ruled that the way to define indigenous status should be revised and the pingpu people should be recognized as “Plains aborigines”.
3. In order to implement the words of President Tsai Ing-wen on 1st of August 2016 that “laws and regulations should be reviewed in order to return plains aborigines their deserved rights and status”, the Council of Indigenous Peoples should follow these words, check resources and set review agenda to return the rights to plains aborigines step by step in accordance with the observed needs of the peoples.

第 2(1)條、第 2(2)條—逐步落實 ICESCR 各項權利，不歧視

Article 2 (1) and 2 (2)—Achieving progressively the full realization of the rights recognized in the ICESCR, non-discrimination

點次	問題內容(原文)	中文參考翻譯
6	Taiwan’s 2014 budget for international cooperation was 0.05% of GNI. In order to meet the international commitment of 0.7% of GNI, is there any plan to increase Taiwan’s ODA? Also, is there human rights impact assessment process before, during and after providing the ODA?	臺灣 2014 年用於國際合作之預算佔國民生產總額 (GNI) 之 0.05%。是否有任何計畫提升臺灣國際發展援助金額，以達成佔 GNI 0.7%之國際承諾？此外，在提供國際發展援助之前、中、後，是否進行人權影響評估？

中文回應

1. 近年來，我國囿於財政拮据，政府預算編列以零基成長為原則。在此條件下，我政府開發援助(ODA)之預算佔國民生產毛額(GNI)約維持在 0.05%。就我國政府財政現況而言，實無增加特定預算之條件，倘未來財政情況改善、稅收增加，始有提升政府開發援助金額之可能。
2. 外交部委託「財團法人國際合作發展基金會」作為執行政府開發援助之主要單位，該會以計畫循環(Project Cycle)規劃完善的中長期計畫強化援助成效，依循「計畫循環流程」並導入「計畫設計與監控框架」(Design and Monitoring Framework, DMF)，設計績效指標(Indicators)以衡量計畫影響(Impact)、計畫成果(Outcome)、計畫產出(Outputs)，顯現計畫各項結果(Results，包含影響、成果與產出)與投入(Inputs)之間的關聯性，藉此突顯各利害關係人所扮演的角色，以及預先評估計畫執行過程中可能發生的風險，確保計畫之有效性。執行之各項計畫中(如農林漁牧業計畫、公衛醫療計畫及教育類計畫等)，均落實上述流程及前、中、後各階段評估，以確保達成各項目標，促進社會發展，並改善人權條件。

英文回應

1. Due to fiscal constraints, the Zero-Based Budgeting System has been applied to government budgets for the past few years. Under these circumstances, our ODA/GNI ratio has been maintained at 0.05%. At present, it is unlikely that an increase in the ODA budget would be seen unless our fiscal condition improves.
2. The Ministry of Foreign Affairs commissions TaiwanICDF to execute ODA missions. TaiwanICDF follows a Project Cycle and has adopted a Design and Monitoring Framework, with indicators designed to measure project impacts, outcomes, and outputs, to show the correlation between such results (including impacts, outcomes, and outputs) and project inputs, to highlight the role of project stakeholders, and evaluate possible risks in advance that may affect a project during its implementation so as to ensure project effectiveness. The projects currently underway (such as agricultural, forestry, fishery, public health, and educational projects) have been and will be put to assessments before, during, and after their implementation according to the aforementioned framework to ensure that we meet our ODA goals, promote social development, and make progress on the condition of human rights.

第 2(1)條、第 2(2)條—逐步落實 ICESCR 各項權利，不歧視

Article 2 (1) and 2 (2)—Achieving progressively the full realization of the rights recognized in the ICESCR, non-discrimination

點次	問題內容(原文)	中文參考翻譯
7	Is there a comprehensive anti-discrimination legislation, covering all grounds of discrimination?	是否有一個完整的反歧視立法，以處理基於所有理由的歧視？

中文回應

1. 法務部曾於 2010 年函請中央各相關機關針對「應否制定反歧視專法」表示意見，惟各機關並未有共識。
2. 我國目前雖無反歧視專法，但為防止或處理相關歧視問題，除已制定公民與政治權利國際公約及經濟社會文化權利國際公約施行法外，亦已推動消除一切種族歧視國際公約國內法化相關施政作為，現行相關法律包括原住民族工作權保障法、就業服務法、性別工作平等法、身心障礙者權益保障法、老人福利法、性別平等教育法、入出國及移民法等，已定有所涉事務領域之反歧視原則及相關保護措施，且刑法及入出國及移民法對於人民與人民間發生之歧視亦有處理機制，爰我國對於不同領域之歧視均有相關規定可資適用。

英文回應

1. In 2010, the Ministry of Justice requested central government agencies to offer their opinions regarding whether to formulate an anti-discrimination law. However, there was no consensus among the agencies regarding this issue.
2. Although Taiwan does not have a comprehensive anti-discrimination legislation, the government has been working to domesticate several principal international treaties on the issue of anti-discrimination, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and International Convention on the Elimination of All Forms of Racial Discrimination. Under the principle of anti-discrimination, Taiwan has enacted a series of regulations,

such as, Indigenous Peoples Employment Rights Protection Act, Employment Service Act, Act of Gender Equality in Employment, People with Disabilities Rights Protection Act, Senior Citizens Welfare Act, Gender Equity Education Act and Immigration Act to provide legal guidelines and protections, covering all grounds of discrimination. Moreover, mechanism for mitigation of discrimination between people has been written in both Criminal Code of the Republic of China and Immigration Act. Generally, in Taiwan, there are corresponding covenants or regulations applicable to each kind of discrimination issues.

國家人權機構的角色(經社文公約第 10 號一般性意見)

The role of national human rights institutions (CESCR General Comment no. 10)

點次	問題內容(原文)	中文參考翻譯
8	<p>In the Concluding Observations and Recommendations Adopted by the Review Committee in 2013 (COR, 2013, points 8-9), the Committee recommended that a specific time frame be set for the establishment of an independent national human rights commission in accordance with the Paris Principles as a priority objective. In its Response the Government reported a series of activities by the National Human Rights Institution Research and Planning Task Force and the designation of the Ministry of Justice (Executive Yuan) as the competent authority dealing with the matter. Further, the Control Yuan became actively involved in the development of the legal basis of a National Human Rights Commission. In view</p>	<p>在 2013 年第一次國際審查的結論性意見與建議第 8 和第 9 點，審查委員會建議應優先設立明確的時程，以建立符合巴黎原則的國家人權委員會。政府回應稱已採取若干行動，包括設置「國家人權委員會研究規劃小組」，並指定行政院法務部為此一業務之主責機關。此外，監察院亦積極參與於發展國家人權委員會之法律基礎。著眼於此一獨立的國家機關擁有人權推動與保障之重要潛力，本委員會期待獲得更多資訊以說明本議題之整體優先性，以及達成目標之具體時程。請提供國家人權委員會組織法草</p>

<p>of the important potentials to be attached to such an independent national body for the promotion and protection of human rights, it will be appreciated to receive more specific information as to the overall priority given to this issue and the time frame set for that purpose.</p> <p>Please provide information on the main contents of the draft Law, including the scope of the mandate, composition and power of the National Human Rights Commission to be established, and how it would satisfy the Paris Principles.</p>	<p>案之主要內容，包括其職責、組成、權力，以及符合巴黎原則要求之情況。</p>
---	--

中文回應

1. 為研議成立符合巴黎原則之國家人權機構，總統府人權諮詢委員會(以下簡稱委員會)下設之國家人權機構研究規劃小組業於 2014 年 12 月 5 日第 16 次委員會議，分別就國家人權委員會之設置，提出(一)完全獨立(二)設置於總統府下及(三)設置於行政院下 3 項方案，各方案均有組織法及職權行使法等完善法制規劃。2016 年 1 月 8 日第 20 次委員會議就監察院提出之於該院下設置國家人權委員會之可行性方案及法制規劃進行討論。另因立法院尤美女委員及顧立雄前委員亦分別就於總統府及監察院設置國家人權委員會提出相關草案，故前揭 2 位立法委員之提案與上述 4 方案於 2016 年 7 月 22 日第 22 次委員會議併案討論。該次會議決議我國應儘早成立符合巴黎原則之國家人權委員會；委員並就其中 3 方案進行表決，支持程度由高至低為：設置於總統府下、設置於監察院下及完全獨立之機構。因設置於行政院下之方案較不符合巴黎原則，故此方案經討論後刪除，未列入表決。委員表決結果已呈請總統參酌，俟總統做成政策決定後始得定出何時設立之具體時程。
2. 有關設置於總統府下、設置於監察院下及完全獨立之機構等 3 方案之國家人權委員會組織法相關草案之主要內容略述如下：
 - (1) 設置於總統府下及完全獨立之機構 2 方案，均包括國家人權委會組織法及職權行使法，明定國家人權委員會之組成及權限範圍，該 2 方案除機關層級及委員選任方式不同外，其餘之法制規劃均相同，大致符合巴黎原則之要求：

- ①職責：國家人權委員會之職責包括：一、研究及檢討有關促進及保障人權之政策與法令，並提出建議、報告或草案。二、推動政府機關批准或加入國際人權文書並國內法化，促進並確保國內法令及行政措施與國際人權文書相符。三、得協助政府機關依聯合國各人權公約規定定期提出國家人權報告，並辦理國際審查。四、得對國家人權報告撰提獨立之人權報告。五、推動人權教育，宣導人權理念。六、瞭解政府機關推動人權業務之成效，建立人權評鑑機制。七、落實國際人權規範，促進國內外人權之交流與合作。八、受理侵犯人權之重大事件，必要時得進行調查、協助救濟及處理。九、其他促進及保障人權之相關事項。
- ②組成：委員會置專任委員 13 人，任期 4 年，有關委員之任命，完全獨立之方案係由總統召集 5 院院長及民間團體代表推選，經立法院同意後任命之；設置於總統府下之方案，則由總統府選任 7 人及立法院選任 6 人。2 方案均要求至少三分之一的委員為公民代表。
- ③權力：國家人權委員會依法獨立行使職權，定期舉行會議或召開臨時會議，不受總統及各機關之指揮監督，且委員會之年度概算，行政院不得刪除，係為確保其獨立性。委員會於行使法定職權時，得要求有關機關提供必要之協助，或就職掌內容有無侵害人權或相關改進方案提出說明。委員會並得依職權就法規、制度或行政措施是否侵害人權進行調查，人權受重大侵害之個人或團體亦得申請委員會就個案進行調查，委員會完成調查後，除將調查結果公布外，亦得進行和解、調解或仲裁。

(2) 設置於監察院之方案

- ①監察院是我國五權憲法體制下的監察機關。監察機關(ombudsman)被聯合國認為「國家人權機構」之一種態樣，且我國監察院在現有功能及實務運作上已符合巴黎原則要求之大部分條件。2015 年監察院曾研議充實職權以完全符合巴黎原則之方案與法制規劃，重點係在相關法律中明定監察院掌理人權保障相關事項，並賦予監察院得針對私部門侵害人權案件進行調查及相關救濟處理。監察院並已於 2015 年 12 月 10 日將研提方案與法制規劃—「監察院國家人權委員會組織法草案」，送請總統府人權諮詢委員會併案討論。未來監察院將以此為基礎，持續與外界溝通，強化說明監察院作為國家人權機構之優點，並積極參與本項議題之推動及討論。

②依前揭草案，監察院設立國家人權委員會具備促進及保障人權之功能。其職掌包括處理與調查侵害人權案件、對於政府機關提出建議、報告或草案、推動重要國際人權文書國內法化、撰提年度國家人權狀況報告、協助政府機關提出國家人權報告、推動人權教育、促進國內外人權之交流與合作等。國家人權委員會委員由全體監察委員擔任，並設諮詢委員會，置諮詢委員 11 人至 15 人，以廣納不同性別、族裔、專業領域之學者、專家及民間團體之經驗與意見。

英文回應

1. Within the context of the deliberations regarding the establishment of a National Human Rights Commission in accordance with the Paris Principles, The National Human Rights Institution Research and Planning Task Force which is subordinate to the Presidential Office Human Rights Consultative Committee put forth the following three proposals pertaining to the establishment of a National Human Rights Commission at the 16th committee meeting on December 5, 2014: (1) a fully independent institution,(2) a commission subordinate to the presidential office and (3) a commission subordinate to the Executive Yuan. Sound statutory planning including organic laws and power exercise acts has been carried out for all proposals. The feasibility and statutory planning with regard to the proposal to establish a National Human Rights Commission subordinate to the Control Yuan submitted by the Yuan itself was discussed in the 20th committee meeting on January 8, 2016. Due to the fact that the legislator Ms. Mei-Nu Yu and former legislator Mr. Li-Hsiung Ku submitted drafts to establish a National Human Rights Commission affiliated to the presidential office and the Control Yuan, respectively, said drafts and the aforementioned four proposals were jointly discussed at the 22nd committee meeting on July 22, 2016. Based on the resolutions adopted in said meeting, a National Human Rights Commission in accordance with the Paris Principles should be established at the earliest date possible. The committee members also voted on three of the proposals. The proposal to establish a commission subordinate to the presidential office received the highest level of support followed by a commission subordinate to the Control Yuan and a fully independent institution. Due to the fact that the proposal to establish a commission subordinate to the Executive Yuan does not conform to Paris Principles, this proposal was

rejected upon discussion and not put to vote. The president was petitioned to take the results of this vote into consideration. A specific time frame for the establishment of the commission will be determined upon the adoption of a policy resolution by the president.

2. The main contents of the drafts of the organic laws for the three proposals (establishment of a commission subordinate to the presidential office or the Control Yuan and a completely independent institution) can be briefly summarized as follows:

(1) The two proposals to establish a commission subordinate to the presidential office and a completely independent institution include an organic law and power execution act for the National Human Rights Commission. These laws clearly stipulate the composition and authority range of the commission. The statutory planning for the two proposals is identical except for the agency level and commission member election methods. Both proposals meet the main requirements of the Paris Principles.

① Responsibilities: The responsibilities of the National Human Rights Commission include the following: (1) Research and review of policies and laws related to the promotion and safeguarding of human rights and submission of relevant suggestions, reports and drafts. (2) Urging of government agencies to ratify or accede to international human rights documents and incorporate into domestic laws and guarantee that domestic laws and administrative measures conform to international human rights documents. (3) Provision of assistance for government agencies in the compilation of National Human Rights Reports on a regular basis and the carrying out of international reviews pursuant to the regulations set forth in the human rights conventions adopted by the United Nations. (4) Submission of an independent human rights report as a counterpart to the National Human Rights Report. (5) Promotion of human rights education and dissemination of human rights concepts. (6) Clear understanding of the effects of government efforts in the promotion of human rights concepts and establishment of a human rights evaluation mechanism. (7) Implementation of international human rights norms and promotion of national and international exchanges and cooperation in the field of human rights. (8) Handling of major human rights infractions as well as carrying out of investigations and provision of assistance in relief and processing. (9) Other

relevant matters pertaining to the promotion and safeguarding of human rights.

②Composition: The commission is comprised of 13 dedicated members who will serve for a term of 4 years. As for the appointment of commission members, the proposal for the establishment of a fully independent institution stipulates that the president shall convene the presidents of the five Yuans and NGO representatives to nominate suitable candidates who shall be appointed upon approval by the Legislative Yuan. The proposal for the establishment of a commission subordinate to the presidential office stipulates that the presidential office and Legislative Yuan shall select and appoint 7 and 6 members, respectively. Both proposals prescribe that one third of the commission members shall be civic representatives.

③ Powers: The National Human Rights Commission exercises its powers independently in accordance with relevant laws. It convenes regularly and on an *ad-hoc* basis and is not under the supervision of the president or a government agency. The Legislative Yuan is not authorized to delete the allocated annual budget of the commission to ensure its independence. The commission may request assistance from relevant authorities in the exercise of its statutory powers if deemed necessary. It may also clearly state its opinions regarding human rights infractions caused by relevant duties and responsibilities or related improvement plans. The commission may also conduct investigations regarding human rights infractions caused by laws and regulations, legal systems or administrative measures in accordance with its vested powers. Individuals or groups who suffered serious human rights violations may petition the commission to carry out case investigations. Upon completion of relevant investigations, the commission must publicize the investigation results and act as a mediator or arbitrator.

(2) Proposal for the establishment of a commission subordinate to the Control Yuan

①Under the five-power constitutional system, the Control Yuan is the national ombudsman office in ROC. An ombudsman office is recognized by the United Nations as a form of National Human Rights Institution. In terms of its functions and operation, the Control Yuan is highly compliant with requirements set forth by the Paris Principles. In order to fully comply with the said Principles, in 2015, the

Control Yuan deliberated on reinforcing its statutory duties to better protect and promote human rights and expanding its power to investigate the private sectors implicated with human rights violation and to provide remedial measures for victims. The Control Yuan drafted the Organic Law of Control Yuan National Human Rights Commission on December 10, 2015, which was brought forth for discussion at the Presidential Office Human Rights Consultative Committee. The Control Yuan shall continue communicating with the public by explaining the advantages of having the Control Yuan as the National Human Rights Institution and actively participating in the discussion and promotion of this issue.

- ② According to the draft law proposed by Control Yuan, the National Human Rights Commission is thus established under the Control Yuan to strengthen the responsibilities of the Control Yuan in enhancing and protecting human rights. This law specifies the mandates of National Human Rights Commission to handle and investigate human rights violation, make recommendations to public agencies, push forward the ratification of the international conventions, issue annual status report on human rights, assist public agencies in compiling country reports, and promote international exchange. The members of this commission shall compose of all the Control Yuan Members. In addition, an advisory committee composed of 11 to 15 advisors will be set up to invite representatives from scholars, experts and civil organizations to ensure pluralism in gender, race and expertise.

國家人權機構的角色(經社文公約第 10 號一般性意見)		
The role of national human rights institutions (CESCR General Comment no. 10)		
點次	問題內容(原文)	中文參考翻譯
9	Paragraph 180 of the initial review core document under the heading titled “Republic of China’s involvement in cases of human rights protection around world ”cited five cooperative	在初次國家報告核心文件第 180 點「中華民國與關懷世界各國人權案例」項下，提到五個具有優先性的合作計畫項目，包括消除

<p>projects as the top priority for the country's foreign aid strategies and directions: eradicating extreme poverty and hunger, achieving universal primary education, combating communicable diseases, establishing environmental sustainability and global development partnership. The CESCR's General Comment No. 3 stresses that international cooperation for the realization of economic, social and cultural rights, is an obligation of all States. In this regard, please describe the specific measures undertaken by the ROC to effectively implement these strategies and illustrate how they impact directly on the realization of economic, social and cultural rights in partner countries.</p>	<p>極度貧窮與飢餓、普及初級教育、對抗傳染病、確立環境永續及全球發展之夥伴關係等。經社文委員會第 3 號一般性意見強調為了實現經濟社會與文化權利而進行國際合作是所有國家之義務。在這方面，請描述中華民國政府採取何種手段以有效落實這些策略，並舉例說明這些手段如何直接影響伙伴國經濟社會與文化權利之實現。(參見經社文公約第 3 號一般性意見第 14 段)</p>
--	---

中文回應

1. 我國為順應世界潮流，確保我國際合作業務切實符合全球永續發展所需，並配合本身技術強項及具優勢之產業部門，擇定「消除極度貧窮與飢餓」、「普及初級教育」、「對抗傳染病」、「確保環境永續」及「全球發展之夥伴關係」等 5 項發展目標作為優先合作項目。
2. 以「聖文森資通訊技術合作計畫」為例，聯合國每兩年所發布的「電子化政府調查報告」指出，聖文森及格瑞那丁線上服務(Online Service)發展程度落後於加勒比海其他島國，且政府資訊化程度較低，導致民眾無法透過便利的網路取得政府資訊。該計畫自 2011 年簽約執行以來，已於該國成立一國家級資通訊中心，完成導入國際資安規範(ISO27001:2013)，並協助建置各項電子化政府系統及辦理各種人力資源培訓之教育課程，每年均有高達 200 人次接受專業教育訓練，大幅提升該國政府資訊透明度及行政效率，與技術人員資訊通信專業能力。

英文回應

1. To ensure that the ROC's international cooperation efforts match global trends and meet the global move toward sustainable development, and based on the nation's technological strengths, we have identified five priority areas for cooperation: eradication of extreme poverty and hunger; implementation of universal primary education; combating of HIV/AIDS, malaria, and other diseases; attainment of environmental sustainability; and establishment of a Global Partnership for Development.
2. The ICT Technical Cooperation Project in St. Vincent and the Grenadines is an example of ROC international cooperation contributing to the realization of economic, social, and cultural rights. The biennial UN E-Government Survey points out that online service in St. Vincent and the Grenadines (SVG) lags behind other Caribbean island countries, and government information is not as readily available to the public online as it is elsewhere. Since the project's implementation in 2011, a National ICT Center has been established and the International Information Security Standard (ISO27001:2013) reached. The project has also assisted in setting up e-government systems and conducting software courses for up to 200 people annually, which significantly increased the government's information transparency and administrative efficiency, and greatly enhanced the professional competence of local technicians in the field of information and communications technology.

國家人權機構的角色(經社文公約第 10 號一般性意見)		
The role of national human rights institutions (CESCR General Comment no. 10)		
點次	問題內容(原文)	中文參考翻譯
10	Please provide an overview regarding the plans and measures envisaged by the ROC, towards the attainment of the nationally-driven Sustainable Development Goals as well as the Paris Climate Agreement of 2015, in the context of their impact on the enjoyment on economic, social and cultural rights.	請綜觀說明中華民國政府朝達成永續發展目標 (SDG) 和 2015 巴黎氣候協定，有哪些國家推動計畫與方法，以及如何有助於經濟社會與文化權利之落實。

中文回應

1. 聯合國於 2015 年 9 月發表「轉型我們的世界—2030 永續發展議程」，永續發展目標為新議程之核心內容，計 17 項目標(Goal)及 169 細項目標(Target)，呼籲各國合力落實永續發展目標。為與國際接軌，且讓外國易於了解我國永續發展目標落實情形，行政院永續發展委員會(以下簡稱永續會)參考聯合國 17 項目標並考量我國國情，研訂我國永續發展目標草案，目標內容涵蓋經濟社會與文化權利之永續發展。草案將提至 2016 年 11 月召開之下(第 29)次永續會委員會議討論，確定後將由各目標主政機關進行後續推動工作。
2. 國發會研擬完成「國家氣候變遷調適政策綱領」與「國家氣候變遷調適行動計畫(2013-2017 年)」，分別業於 2012 年 6 月 25 日、2014 年 5 月 22 日奉行政院核定，各機關本於權責積極推動辦理。後續將依 2015 年 7 月 1 日公布「溫室氣體減量及管理法」推動辦理，並持續進行計畫滾動檢討。
3. 我國於西元 2015 年 7 月制定「溫室氣體減量及管理法」，明定溫室氣體長期減量目標為在西元 2050 年將排放量減至西元 2005 年排放量的 50%，亦將訂定每五年為一期之階段管制目標逐期推動落實，並全面提升因應氣候變遷的能力建構，推動跨部門溫室氣體排放減量有效管理，以符合「巴黎協定」鼓勵各國強化減碳企圖心之主軸，致力達成西元 2050 年溫室氣體排放長期減量目標。
4. 臺灣是世界上少數幾個將減少溫室氣體的排放納入法律目標的國家之一，但我國仍將進一步地提升能源效率，並提倡節能、改變產業結構以及提供更多元化的能源供應，以發展更多的再生能源，主要包括太陽光電、風力發電，以循環經濟作法發展畜牧業沼氣發電等，期望到西元 2025 年再生能源發電占比達 20%。我國已設立「行政院能源及減碳辦公室」，統籌國家能源政策，促進能源轉型及推動溫室氣體減量，整合跨部會協調與合作，建立中央部會與地方政府夥伴關係，共同落實執行低碳綠能工作。

英文回應

1. In September 2015, the United Nations (UN) published "Transforming Our World: The 2030 Agenda for Sustainable Development". Sustainable development goals are at the core of the 2030 Agenda, including 17 Goals and 169 Targets. In order to keep pace with international development, the NCSO has drafted the Taiwan sustainable development

- goals based on the UN goals, covering sustainable development in economic, social and cultural aspects. The draft of the Taiwan sustainable development goals will be discussed in the next (29th) committee meeting of the NCSD in November 2016. After approval of the draft, the related authorities will follow up to promote the work.
2. “Adaptation Strategy to Climate Change in Taiwan” and “Action Plan for Adaptation to Climate Change in Taiwan(2013-2017)”, drafted by the National Development Council, were approved by the Executive Yuan on June 25th, 2012 and May 22th, 2014 accordingly. Based on the approval, the related authorities have been taking proactive implementation to reach the goals. In addition, the “Greenhouse Gas Reduction and Management Act” was promulgated on July 1st, 2015. The related authorities can speed up its efforts based on this Act, and review its measures and performances periodically.
 3. Taiwan enacted the Greenhouse Gas Reduction and Management Act on July in 2015, setting the long-term target to reduce overall greenhouse gas emissions by at least 50% below 2005 levels by 2050. In addition, periodic regulatory goals that operate on a five-year basis will be specified in conjunction with the enhancement of capacity building of climate change and efficient management of greenhouse gas reduction across governmental agencies. These approaches are in line with the goals of Paris Agreement which encourages all countries to strengthen their determination to reduce emissions with the aim to achieve the long-term goal by 2050.
 4. Taiwan is one of a few countries in the world that have written the greenhouse gas emission reduction target into law. Furthermore, Taiwan will improve energy efficiency, promote the idea of energy conservation, transform industrial structure and diversify energy supply by tapping into renewable energy, including solar, wind and biogas which is derived from waste of livestock, based on the concept of circular economy. It is anticipated that by 2025, 20% of energy will come from renewable energy. The Office of Energy and Carbon Reduction under the Executive Yuan was established. Their main task are not only to overarch national energy policy, accelerate energy transformation and greenhouse gas emission reduction programs, but also to coordinate efforts among government agencies and establishes partnerships between central and local authorities to reduce carbon and develop green energy.

第 3 條、第 10 條、第 7 條—男女平權、工作條件、兒童權利、家庭暴力

Article 3, in conjunction with Art.7 and Art. 10—Equal rights of men and women, conditions of work, children’s rights, domestic violence

點次	問題內容(原文)	中文參考翻譯
11	Please provide information on government measures to eliminate horizontal and vertical job segregation by gender, as well as efforts to ensure not only “equal pay for equal work” but also “equal pay for work of equal value”.	請提供資料，說明政府採取哪些措施以消除工作上的水平與垂直性別區隔，又有哪些努力以確保不僅「同工同酬」，而且「同值同酬」。

中文回應

1. 查勞動基準法第 25 條規定：「雇主對勞工不得因性別而有差別之待遇。工作相同、效率相同者，給付同等之工資。」；性別工作平等法第 10 條並規定：「雇主對受僱者薪資之給付，不得因性別或性傾向而有差別待遇；其工作或價值相同者，應給付同等薪資。但基於年資、獎懲、績效或其他非因性別或性傾向因素之正當理由者，不在此限。」
2. 為進一步釐清「同工同酬」及「同值同酬」之意涵及實務作法，爰於 2015 年及 2016 年委託辦理「同工同酬、同值同酬研究案」，探討國際組織與先進國家之作法及經驗，並蒐集事業單位實施概況，進行實地訪談及焦點座談，研究結論將作為相關政策研議之參考。

英文回應

1. Article 25 of the Labor Standards Act specifies that “An employer shall under no condition discriminate between the sexes in the payment of wages. Worker shall receive equal wages for equal efficiency”, and Article 10 of the Act of Gender Equality in Employment specifies, “Employers shall not discriminate against employees because of their gender or sexual orientation in the case of paying wages. Employees shall receive equal pay for equal work or equal value. However, if such differentials are the result of seniority systems, award and discipline systems, merit systems or other justifiable reasons

of non-sexual or non-sexual-orientation factors, the above-mentioned restriction shall not apply.

- To further clarify the meaning and actual practices of “Equal Pay for Equal Work” and “Equal Pay for Equal Work Value”, the MOL commissioned the "Equal Pay for Equal Work and Equal Pay for Equal Work Value Research Project" in 2015 and 2016 to explore the practices and experiences of international organizations and advanced countries and to collect the implementation outline of the business units by conducting field interviews and focal points discussions. The conclusions from the study will serve as references for relevant policymaking.

第 3 條、第 10 條、第 7 條—男女平權、工作條件、兒童權利、家庭暴力		
Article 3, in conjunction with Art. 7 and Art. 10—Equal rights of men and women, conditions of work, children’s rights, domestic violence		
點次	問題內容(原文)	中文參考翻譯
12	Considering women’s career interruptions due to pregnancy and childbirth and their considerable negative effect upon women’s occupational positions (ICESCR report, Tables 9~11), what are the government measures to counter the negative effects? While recognizing the information on the child care system (paras. 170-173), please provide data on the number of children with childcare needs and their satisfaction rates for children up to age 5 for the past 10 years, including disaggregated by the disadvantaged groups of women such as women with disabilities, indigenous women and marriage immigrants.	考慮到女性職涯因懷孕、生產而中斷，以及對於女性職務之負面影響（經社文公約國家報告，表 9 至表 11），政府對這些負面作用有哪些對策？報告第 170 點至第 173 點已有兒童照顧系統之資料，請進一步提供 10 年內 5 歲前兒童有多少兒童有照顧需求，以及有多少比例兒童得到照顧？請將資料依處境不利群體分組呈現，包括身心障礙婦女、原住民族婦女、婚姻移民婦女。

中文回應

1. 依行政院主計總處 2013 年的「婦女婚育與就業狀況調查」，已婚女性對未滿 3 歲子女的照顧方式以家庭內照顧為主，其中自己照顧占 51.82%，祖父母及親屬照顧占 38.08%；此外，居家式托育服務及托嬰中心則分別為 9.07%及 0.76%，合計 9.83%，與 2013 年托育服務使用率(10.74%)相近。2008 年至 2015 年衛福部社家署轄管 0 至 2 歲托育服務使用情形，則呈現穩定增加趨勢，2015 年送托居家式托育及機構式托育服務合計 5 萬 5,483 人，使用率達 13.34%。

0 歲至 2 歲兒童托育方式及使用情形

單位：人

年別	未滿 2 歲 兒童數(A)	照顧人數			托育服務 使用率 (B/A*%)
		居家式托育服務 (保母)	機構式托育服務 (托嬰中心)	小計 (B)	
2006	400,855	-	1,626	-	-
2007	398,552	-	1,122	-	-
2008	393,014	16,011	1,760	17,771	4.52%
2009	381,391	16,985	2,613	19,598	5.14%
2010	352,160	22,134	3,254	25,388	7.21%
2011	356,415	25,509	3,391	28,900	8.11%
2012	419,670	35,348	6,745	42,093	10.03%
2013	421,039	33,841	11,362	45,203	10.74%
2014	396,866	36,099	12,006	48,105	12.12%
2015	415,762	41,983	13,500	55,483	13.34%

資料來源：衛生福利部

說明：2012 年起修正放寬可加入社區保母系統之托育人員資格，並得申請就業者家庭部分托育費用補助，因修畢托育人員專業訓練課程相較取得托育人員技術士證及相關學歷容易，吸引許多親屬照顧者接受專業訓練取得托育人員資格，故本表 2012 年至 2015 年未滿 2 歲兒童居家式托育服務收托數，包含取得托育人員資格之親屬所照顧的兒童。

2. 2012 年至 2015 年 5 歲幼兒人口數暨入園率統計如下表：

單位：人；%

項目 年別	人口數	入園率
2012	205,188	94.68
2013	206,957	93.74
2014	195,252	96.18
2015	178,326	96.05

- (1) 幼兒照顧需求數係以當年度 5 歲幼兒人口數計；幼兒得到照顧比率，係以幼兒進入幼兒園接受教保服務照顧之入園率計。
 - (2) 幼兒年齡之計算，以幼兒入幼兒園當學年度 9 月 1 日滿該歲數者認定之。
 - (3) 因 2011 年前尚未進行幼托整合，爰無 5 歲幼兒相關統計資料。
3. 另 5 歲幼兒統計資料並未針對幼兒母親之身心障礙、原住民族及婚姻移民等身分資料進行統計，爰無相關數據資料。
 4. 查性別工作平等法提供婦女生產、撫育子女之職涯協助措施，計有：產假、安胎休養、產檢假、陪產假、育嬰留職停薪、因育兒減少或調整工作時間及家庭照顧假等 7 項。依同法第 21 條規定，受僱者提出上開請求時，雇主不得拒絕或視為缺勤而影響其全勤獎金、考績或為其他不利之處分。雇主違反規定者，依同法第 38 條規定，處新臺幣 2 萬元以上 30 萬元以下罰鍰，應公布其姓名或名稱、負責人姓名，並限期令其改善，屆期未改善者，應按次處罰。
 5. 每年與各地方勞工行政主管機關合作辦理「職場平權暨性騷擾防治研習會」28 場次，約可觸達 2,800 人次，以宣導職場平權相關措施，督促雇主遵循法令，對懷孕及育兒婦女提供更加友善之職場環境。

英文回應

1. According to “Report on Women’s Marriage, Fertility and Employment” by Directorate-General of Budget, Accounting and Statistics, Executive Yuan, the most ways of married women raising under 3-year-old children are domestic care. The proportion of caring for children by themselves is 51.82%, and the proportion of caring by children’s grandparents or other relatives is 38.08%. Furthermore, the proportions of caring by

family childcare providers and infant centers are 9.07% and 0.76%, and the sum of the proportion for these two caring ways which is 9.83% is close to the utility rate of childcare service in 2013. The Administration is in charge of childcare service for 0-2-year-old children, and the condition of the service has been increased steadily from 2008 to 2015. The amount of children cared by family childcare providers and infant centers reached a total of 55,483, and the utility rate was 13.34%.

The statistic of childcare services utilization for 0-2-year-old children

Unit: Person(s)

Year	The number of children less than 2 years of age (A)	The number of children in care			The childcare services utilization (B/A*%)
		Family childcare services (childcare providers)	Institutional childcare services (infant care centers)	Subtotal (B)	
2006	400,855	-	1,626	-	-
2007	398,552	-	1,122	-	-
2008	393,014	16,011	1,760	17,771	4.52%
2009	381,391	16,985	2,613	19,598	5.14%
2010	352,160	22,134	3,254	25,388	7.21%
2011	356,415	25,509	3,391	28,900	8.11%
2012	419,670	35,348	6,745	42,093	10.03%
2013	421,039	33,841	11,362	45,203	10.74%
2014	396,866	36,099	12,006	48,105	12.12%
2015	415,762	41,983	13,500	55,483	13.34%

Source: Social and Family Affairs Administration, Ministry of Health and Welfare

Note: The Administration has amended and opened the qualities of family childcare providers since 2012, and children who have cared by them been allowed to apply Childcare Subsidies for Employed Parents with Qualified Childcare Providers. It's easier for completing required professional training courses for childcare providers than obtaining technician certificates and graduating from relative educational background, so many children's relatives received professional courses and owned the qualities for childcare

providers. Therefore, the amount of under 2-year-old children cared by family childcare providers in 2012 to 2015 includes the amount of children cared by relatives with qualities of childcare providers.

2. Number of 5-year-olds in Taiwan, and the percentage enrolled in a preschool program: 2012 to 2015 :

Unit : Person(s) ; %

Year \ Item	Population	Percentage Enrolled
2012	205,188	94.68
2013	206,957	93.74
2014	195,252	96.18
2015	178,326	96.05

Note:

- (1) “Population” refers to the total national 5-year-old age cohort in the given year. The “Percentage Enrolled” entry is obtained by dividing the number of five-year-olds enrolled in a preschool program by the population number.
 - (2) The number of children aged five is calculated using their age on September 1, the start of the school year in Taiwan.
 - (3) No enrollment statistics are available for 2011 and earlier. The MOE was not the regulatory body for day care centers before 2011.
3. No statistics were collected on factors such as whether the child’s mother had a physical or mental disability, had aboriginal ethnic identity, or is a migrant who married an R.O.C. citizen.
4. As the Act of Gender Equality in Employment provides career assistance measures to women’s childbirth and raising their children, including 7 items such as maternity leave, miscarriage prevention leave, prenatal exam leave, paternity leave, childcare leave without pay, adjustment of working hours due to childcare, and family care leave. According to the Article 21 of the same Act, when employees make a request pursuant to these items, employers may not reject the request and when employees enjoy the benefit pursuant to the preceding paragraph, employers may not treat it as non-attendance and

affect adversely the employees' full-attendance bonus payments, evaluation or take any disciplinary action that is adverse to the employees. Also, according to Article 38, employers who violate Article 21 shall be fined an amount between N.T. \$20,000 and N.T. \$300,000. For those who commit any of the conducts referred to in the preceding paragraph, their names or titles and the persons-in-charge shall be put on public notice, and they shall be ordered to improve within a specified period. For those who have not improved within the specified period, they shall be fined and punished consecutively for each violation after the aforementioned period expires.

5. The MOL, together with local labor administrations, conducts the "Gender Equality in Employment and Sexual Harassment Prevention Seminar" 28 times every year, with attendance by about 2,800 people; these seminars promote equal rights in the workplace and urge employers to comply with relevant laws and regulations and to provide for pregnant and child-rearing women more friendly workplace environment.

第 3 條、第 10 條、第 7 條—男女平權、工作條件、兒童權利、家庭暴力		
Article 3, in conjunction with Art. 7 and Art. 10— Equal rights of men and women, conditions of work, children’s rights, domestic violence		
點次	問題內容(原文)	中文參考翻譯
13	According to para. 158 of the report on ICESCR, more than 1,700 girls and boys under the age of 18 get married each year in Taiwan. What is the current situation of government efforts to raise the legal age for marriage?	根據經社文公約國家報告 158 點，臺灣每年有超過 1700 名未達 18 歲的男女孩結婚。政府有何努力以提高合法婚姻年齡，其現況為何？

中文回應

1. 經社文公約國家報告 158 點之數據為 18 歲以下男女結婚人數，含 18 歲及未達 18 歲之人數，若分析未達 18 歲結婚件數統計(結婚件數係按登記日期統計)：2012 年男性 90 人，女性 620 人(2012 年結婚總件數 143,384 件)；2013 年男性 96 人，女性 628 人(2013 年結婚總件數 147,636 件)；2014 年男性 86 人，女性 644 人(2014 年結婚總

- 件數 149,287 件); 2015 年男性 17 人, 女性 573 人(2015 年結婚總件數 154,346 件)。
2. 查「CEDAW 第 31 號一般性建議」有關強迫婚姻部分是指婚姻一方或雙方未親自充分、自由地表示同意結合為之。依據我國《兒童及少年福利與權益保障法》第 49 條第 7 款中規定「任何人不得對未滿 18 歲之兒童及少年有強迫婚嫁之行為」如有是類情形發生可依同法第 53 條第 2 項規定通報直轄市、縣(市)主管機關以啟動兒少保護機制。另如兒少係因遭遇性侵害事件懷孕而強迫婚姻, 我國對於性侵害被害人亦有相關保護扶助措施, 包括於驗傷採證時提供被害人事後避孕藥外, 亦得依優生保健法第 9 條規定, 依其自願施行人工流產, 避免因懷孕而被迫結婚, 以維護其權益福祉。
 3. 有關民法男女法定結婚年齡應為一致性規定, 符合國際公約之要求, 為法務部 2011 年提出民法修正草案後之一貫立場, 其後亦有立法委員提出結婚年齡之民法修正草案, 法務部亦表達相同意見。但考量修正現行女性結婚年齡之規定, 涉及未滿 18 歲女性結婚權利, 且尚須考量未達結婚年齡之未成年少女懷孕所衍生家庭及社會等相關問題及配套措施。因此, 法務部仍將審慎綜合評估上開各種因素, 並參考國際審查委員意見, 儘速研議處理。

英文回應

1. Paragraph 158 of the report on ICESCR provides statistics of marriages involving persons 18 years old or under. Statistics of marriages involving persons 1 to 17 years old: There were 90 boys and 620 girls in 2012 in a total of 143,384 cases; 96 boys and 628 girls in 2013 in a total of 147,636 cases; 86 boys and 644 girls in 2014 in a total of 149,287 cases; and 17 boys and 573 girls in 2015 in a total of 154,346 cases (the number of cases is calculated by the date of registration).
2. According to general recommendation no.31 of CEDAW, forced marriage is that one and/or both parties have not expressed full, free and informed consent. Also, according to “The Protection of Children and Youths Welfare and Rights Act” article 49 subsection 7 regulates that no one could force children and youths to marry. Once anyone who has observed such situation, could report to the authorized municipal agencies and county (city) agencies. The agency who receive the report, have to take care the child or youth immediately. If the child or youth was raped and led to pregnancy and forced to marry,

there are related protection services for sexual assault victims in Taiwan. The protection services include providing emergency contraceptive pills as collecting evidence, and induced abortion subject to her own accord according to “Genetic Health Act” article 9, which is to avoid forced marriage and protect her own right and welfare.

3. The consistency of regulations governing the statutory marrying age of male and female citizens as prescribed in the Civil Code and in conformity to the requirements set forth in international covenants represents the consistent position of the Ministry of Justice after the proposal of a Civil Code amendment draft in 2011. The Ministry expressed the same point of view with regard to the Civil Code amendment drafts pertaining to the marrying age proposed by legislators. However, it must also be considered that the amendment of current regulations governing the female marrying age affects the marrying rights of female citizens under the age of 18. Family and social problems generated by pregnancies of female minors who haven’t reached the legal marrying age and complementary measures also have to be taken into account. The Ministry of Justice will therefore conduct integrated assessments of the aforementioned factors in a meticulous manner in addition to the deliberation and handling of relevant matters in a prompt manner with reference to the opinions of the international review committee.

第 3 條、第 10 條、第 7 條—男女平權、工作條件、兒童權利、家庭暴力		
Article 3, in conjunction with Art. 7 and Art. 10—Equal rights of men and women, conditions of work, children’s rights, domestic violence		
點次	問題內容(原文)	中文參考翻譯
14	Is domestic violence punishable? If so, please provide information on the number of investigations and the punishment imposed.	家庭暴力可用法律懲罰嗎？若是，請提供進行調查之案例數，以及施加之懲罰。

中文回應

1. 為防治家庭暴力行為及保護被害人權益，臺灣已於 1998 年訂定家庭暴力防治法，並於第 2 條明定「家庭暴力罪」係指家庭成員間故意實施家庭暴力行為而成立其他法

律所規定之犯罪。另家庭暴力防治法採用民事保護令制度，被害人可向法院聲請民事保護令，以禁止相對人再次對被害人實施家庭暴力，並規定倘加害人犯家庭暴力罪或違反保護令罪時，可依其犯行狀況採取逕行逮捕、拘提或羈押等刑事作為，且違反保護令罪者亦可處三年以下有期徒刑、拘役或科或併科新臺幣十萬元以下罰金，期能透過民事及刑事司法力量，有效遏止加害人暴力行為。

2. 有關於 2015 年案件概況，2015 年警察機關通報家庭暴力案件 5 萬 7,239 件，較 2014 年 5 萬 2,105 件增加 5,134 件(+9.85%);協助或代為聲請民事保護令 1 萬 4,626 件，較 2014 年 1 萬 3,527 件增加 1,099 件(+8.12%);執行民事保護令 2 萬 3,312 次，較 2014 年 2 萬 1,975 次增加 1,337 次(+6.08%);查獲違反民事保護令 2,465 件，較 2014 年 2,109 件增加 356 件(+16.88%);逮捕現行犯 1,487 人次，較 2014 年 1,263 人次增加 224 人次(+17.74%);加害人交保飭回約制人數 1,186 人次，較 2014 年 954 人次增加 232 人次(+24.32%);2007 年家庭暴力防治法修法後，賦予警察機關逕行拘提權限，2011 年計逕行拘提 35 人、2012 年 66 人、2013 年 50 人、2014 年 41 人、2015 年 30 人。近 5 年來，警察機關受理(通報)案件數逐年增加，顯示民眾勇於報案維護自身權益；另執行保護令件數亦逐年上升，顯示員警積極依法處理家庭暴力案件，保護被害人人身安全。

地方法院檢察署辦理家庭暴力案件偵查收結情形

單位:件、人

資 料 期 間	罪 名 別	新 收 件 數	終 結 案 件 件 數							終 結 案 件 人 數						
			總 計	起 訴			緩 起 訴 處 分	不 起 訴 處 分	其 他	總 計	起 訴			緩 起 訴 處 分	不 起 訴 處 分	其 他
				計	通 常 起 程 序	提 起 公 訴					聲 判 請 決 簡 處 易 刑	計	通 常 起 程 序			
2012	總計	5,288	6,431	3,366	1,497	1,869	330	2,476	259	7,074	3,544	1,625	1,919	330	2,910	290
	家庭暴力罪	3,774	3,193	1,341	710	631	69	1,715	68	3,741	1,497	826	671	69	2,088	87
	違反保護令罪	1,514	3,238	2,025	787	1,238	261	761	191	3,333	2,047	799	1,248	261	822	203
2013	總計	5,038	6,495	3,268	1,597	1,671	272	2,620	335	7,152	3,431	1,724	1,707	273	3,081	367
	家庭暴力罪	3,543	3,131	1,266	721	545	47	1,736	82	3,710	1,413	837	576	47	2,145	105
	違反保護令罪	1,495	3,364	2,002	876	1,126	225	884	253	3,442	2,018	887	1,131	226	936	262
2014	總計	5,151	6,845	3,462	1,791	1,671	246	2,795	342	7,512	3,643	1,931	1,712	248	3,246	375
	家庭暴力罪	3,594	3,582	1,544	931	613	43	1,885	110	4,180	1,703	1,054	649	44	2,297	136
	違反保護令罪	1,557	3,263	1,918	860	1,058	203	910	232	3,332	1,940	877	1,063	204	949	239
2015	總計	5,840	7,541	3,847	2,101	1,746	213	3,075	406	8,304	4,027	2,235	1,792	213	3,604	460
	家庭暴力罪	3,799	3,886	1,712	1,088	624	38	2,012	124	4,576	1,876	1,211	665	38	2,500	162
	違反保護令罪	2,041	3,655	2,135	1,013	1,122	175	1,063	282	3,728	2,151	1,024	1,127	175	1,104	298

地方法院刑事第一審案件被告裁判結果

單位：件；人

資料期間	罪名別	終結 件數	被告 人數	裁判結果																							
				科刑情形														免除 其刑	無罪	免訴	不受 理	管轄 錯誤	通緝	撤回	其他		
				計	死刑	無期 徒刑	有期徒刑																			拘役	罰金
							計	六月 以下	逾六 月至 一年 以下	逾一 年至 二年 以下	逾二 年至 三年 以下	逾三 年至 五年 以下	逾五 年至 七年 以下	逾七 年至 十年 以下	逾十 年至 十五 年以 下	逾十 五年											
2012	總計	3,858	4,226	3,284		6	1,249	857	101	64	15	95	27	70	18	2	1,917	112	1	81	2	826	1	16	13	2	
	家庭暴力罪	2,272	2,617	1,711		6	710	341	78	64	15	95	27	70	18	2	902	93	1	71	1	814	1	10	8		
	違反保護令罪	1,586	1,609	1,573			539	516	23								1,015	19		10	1	12		6	5	2	
2013	總計	3,790	4,097	3,240	2	9	1,190	801	97	72	15	96	17	75	14	3	1,949	90	2	107		728		15	4	1	
	家庭暴力罪	2,261	2,547	1,732	2	9	720	352	79	69	15	96	17	75	14	3	936	65	2	83		717		11	1	1	
	違反保護令罪	1,529	1,550	1,508			470	449	18	3							1,013	25		24		11		4	3		
2014	總計	3,859	4,201	3,279		5	1,112	719	96	70	12	90	21	79	16	9	2,067	95	4	106	2	788	1	15	5	1	
	家庭暴力罪	2,398	2,710	1,819		5	686	305	84	70	12	90	21	79	16	9	1,057	71	4	89	2	778	1	12	4	1	
	違反保護令罪	1,461	1,491	1,460			426	414	12								1,010	24		17		10		3	1		
2015	總計	3,892	4,230	3,394		6	1,106	761	84	43	19	92	16	75	14	2	2,179	103	3	121	2	673		27	6	4	
	家庭暴力罪	2,298	2,603	1,823		6	668	332	76	42	19	92	16	75	14	2	1,071	78	1	93	1	662		19	3	1	
	違反保護令罪	1,594	1,627	1,571			438	429	8	1							1,108	25	2	28	1	11		8	3	3	

高等法院刑事第二審案件被告裁判結果

單位：件；人

資料期間	罪名別	終結 件數	被告 人數	裁判結果																										
				科刑情形																免除 其刑	無罪	撤回	免訴	不受 理	管轄 錯誤	通緝	發回 原審 法院	其他		
				計	死刑	無期 徒刑	有期徒刑																						拘役	罰金
							計	六月 以下	逾六 月至 一年 以下	逾一 年至 二年 以下	逾二 年至 三年 以下	逾三 年至 五年 以下	逾五 年至 七年 以下	逾七 年至 十年 以下	逾十 年至 十五 年以 下	逾十 五年														
2012	總計	627	682	529	6	4	390	94	45	24	9	89	26	86	14	3	123	6	102	33	14					4				
	家庭暴力罪	553	605	470	6	4	355	65	39	24	9	89	26	86	14	3	100	5	92	26	13					4				
	違反保護令罪	74	77	59			35	29	6								23	1	10	7	1									
2013	總計	673	726	573	2	7	394	106	42	36	10	78	22	82	16	2	159	11	109	33	1	8		1	1					
	家庭暴力罪	588	639	503	2	7	355	80	32	34	9	78	22	82	16	2	128	11	96	29	1	8		1	1					
	違反保護令罪	85	87	70			39	26	10	2	1						31		13	4										
2014	總計	611	660	525		12	367	103	49	30	11	80	12	61	14	7	137	9	2	93	23	16			1					
	家庭暴力罪	541	587	466		12	336	78	45	28	11	80	12	61	14	7	111	7	2	82	21	15			1					
	違反保護令罪	70	73	59			31	25	4	2							26	2	11	2	1									
2015	總計	548	612	469	1	10	310	112	25	21	11	55	17	57	9	3	135	13	118	15	1	7			2					
	家庭暴力罪	460	522	401	1	10	273	78	23	20	11	55	17	57	9	3	104	13	100	11	1	7			2					
	違反保護令罪	88	90	68			37	34	2	1							31		18	4										

地方法院檢察署執行家庭暴力案件裁判確定情形

單位:件、人

資 料 期 間	罪 名 別	件 數	被 告 人																									
			總 計	科 計	死 刑	無 期 徒 刑	有													刑 拘 役	刑 罰 金	免 刑	無 罪	免 訴	不 受 理	管 轄 錯 誤	撤 回	其 他
							期																					
							小 計	六 月 以 下	逾 六 月 未 滿	一 年 以 未 滿	二 年 以 未 滿	三 年 以 未 滿	五 年 以 未 滿	七 年 以 未 滿	十 年 以 未 滿	十 五 年 以 未 滿	逾 十 五 年	刑 拘 役	刑 罰 金									
2012	總計	3,038	3,190	2,590	-	1	918	766	48	13	9	32	13	28	8	1	1,593	78	1	49	-	549	-	-	1			
	家庭暴力罪	1,031	1,161	692	-	1	207	127	13	9	7	18	7	20	5	1	443	41	1	29	-	439	-	-	-			
	違反保護令罪	2,007	2,029	1,898	-	-	711	639	35	4	2	14	6	8	3	-	1,150	37	-	20	-	110	-	-	1			
2013	總計	3,150	3,301	2,655	-	1	914	716	52	40	17	25	19	31	12	2	1,684	56	2	75	1	562	-	-	6			
	家庭暴力罪	1,208	1,336	834	-	1	320	183	23	28	16	19	15	25	10	1	486	27	2	40	-	458	-	-	2			
	違反保護令罪	1,942	1,965	1,821	-	-	594	533	29	12	1	6	4	6	2	1	1,198	29	-	35	1	104	-	-	4			
2014	總計	3,150	3,289	2,582	-	3	826	653	42	28	7	43	10	29	13	1	1,685	68	2	86	1	613	-	-	5			
	家庭暴力罪	1,285	1,402	891	-	3	286	162	22	18	7	33	7	24	12	1	561	41	2	48	1	458	-	-	2			
	違反保護令罪	1,865	1,887	1,691	-	-	540	491	20	10	-	10	3	5	1	-	1,124	27	-	38	-	155	-	-	3			
2015	總計	3,348	3,535	2,789	-	7	853	691	47	25	13	25	15	31	6	-	1,869	60	2	102	1	635	-	-	6			
	家庭暴力罪	1,462	1,631	1,029	-	6	333	207	28	22	11	20	13	26	6	-	658	32	1	58	-	540	-	-	3			
	違反保護令罪	1,886	1,904	1,760	-	1	520	484	19	3	2	5	2	5	-	-	1,211	28	1	44	1	95	-	-	3			

英文回應

1. In order to prevent acts of domestic violence and to protect the interest of the victims, Taiwan enacted Domestic Violence Prevention Act in 1998. According Article 2 of the Act, an offense of domestic violence means a criminal offense stipulated by another law due to an act of domestic violence committed in a willful manner against a family member. The victim can file a petition with the court for an ordinary protection order or temporary protection order to prohibit the offender from committing acts of domestic violence against him/her. Besides, according Chapter 3 Criminal Procedure of the Act, if the offender commits an offense of domestic violence or breach of protection order, the offender may be arrested and detained. The offender who breach of protection order shall be penalized by a term of imprisonment of no more than three years, short-term imprisonment and/or a fine of not more than NT\$100,000.
2. The number of domestic violence cases reported increased from 52,105 in 2014 to 57,239 in 2015, an increase of 5,134 cases (+9.85%). In 2015, we process 14,626 cases of protection order application, enforced 23,312 protection orders and detected 2,465 cases of protection order violations, an increase of 1,099 cases (+8.12%) from last year's 13,527 cases, an increase of 1,337 cases (+6.08%) from last year's 21,975 cases and an increase of 356 cases (+16.88%) from last years' 2,109 cases, respectively. In 2014, the number of domestic violence offenders in flagrante delicto increased from 1,263 in 2014 to 1,487 in 2015, an increase of 224 people (+17.74%). In 2015, there were 1,186 registered domestic violence offenders who should regularly report to police agencies, 232 people (+24.32%) larger the number of 954 in 2014. Under the Domestic Violence Prevention Act of 2007, a police officer shall arrest any offender that is found to be committing an offense of domestic violence. Accordingly, persons arrested for sexual assault offenses from 2011 to 2015 are 35, 66, 50, 41 and 30 separately. The rising of police in domestic violence arrest rates over the past 5 years has shown that our citizens have the courage to complain about domestic violence. The result also suggests that police's relentless efforts to follow up domestic violence cases in a way to safeguard citizens' life and safety.

The investigation Cases Closed of offense of domestic violence by the District Prosecutors Office

Unit:case;individual

Year	Crime Type	New Cases	Cases Closed							The Number of People of Cases Closed						
			Grand Total	Indictment			Deferred Prosecution	Not to prosecute-d	Other	Grand Total	Indictment			Deferred Prosecution	Not to prosecute-d	Other
				Sub Total	Bring an Indictment through Regular Proceeding	Apply for Summary Judgment					Sub Total	Bring an Indictment through Regular Proceeding	Apply for Summary Judgment			
2012	Total	5,288	6,431	3,366	1,497	1,869	330	2,476	259	7,074	3,544	1,625	1,919	330	2,910	290
	An offense of domestic violence	3,774	3,193	1,341	710	631	69	1,715	68	3,741	1,497	826	671	69	2,088	87
	Violation of protection order	1,514	3,238	2,025	787	1,238	261	761	191	3,333	2,047	799	1,248	261	822	203
2013	Total	5,038	6,495	3,268	1,597	1,671	272	2,620	335	7,152	3,431	1,724	1,707	273	3,081	367
	An offense of domestic violence	3,543	3,131	1,266	721	545	47	1,736	82	3,710	1,413	837	576	47	2,145	105
	Violation of protection order	1,495	3,364	2,002	876	1,126	225	884	253	3,442	2,018	887	1,131	226	936	262
2014	Total	5,151	6,845	3,462	1,791	1,671	246	2,795	342	7,512	3,643	1,931	1,712	248	3,246	375
	An offense of domestic violence	3,594	3,582	1,544	931	613	43	1,885	110	4,180	1,703	1,054	649	44	2,297	136
	Violation of protection order	1,557	3,263	1,918	860	1,058	203	910	232	3,332	1,940	877	1,063	204	949	239
2015	Total	5,840	7,541	3,847	2,101	1,746	213	3,075	406	8,304	4,027	2,235	1,792	213	3,604	460
	An offense of domestic violence	3,799	3,886	1,712	1,088	624	38	2,012	124	4,576	1,876	1,211	665	38	2,500	162
	Violation of protection order	2,041	3,655	2,135	1,013	1,122	175	1,063	282	3,728	2,151	1,024	1,127	175	1,104	298

Data Source: Census and Statistics Department of The Ministry of Justice

Results of Judgments and Rulings of Criminal First Instance Cases by the District Courts

Unit:case:individual

year	Crime Type	Cases Closed	Defendants	Results of Judgments and Rulings																									
				Individuals Sentenced																Penalty release-d	Acquitt-ed	Exempt from prosecu-tion	Case not entered	Mistake in Jurisdiction	Wanted by the law	With-drawn	Other		
				Total	Death Sentence	Life Sentence	Timed imprisonment																					Detention	Punitive fine
							Subtotal	6 or less than 6 months	Over 6 months to 1 year	Over 1 year to 2 years	Over 2 years to 3 years	Over 3 years to 5 years	Over 5 years to 7 years	Over 7 years to 10 years	Over 10 years to 15 years	Over 15 years													
2012	Total	3,858	4,226	3,284		6	1,249	857	101	64	15	95	27	70	18	2	1,917	112	1	81	2	826	1	16	13	2			
	An offense of domestic violence	2,272	2,617	1,711		6	710	341	78	64	15	95	27	70	18	2	902	93	1	71	1	814	1	10	8				
	Violation of protection order	1,586	1,609	1,573			539	516	23								1,015	19		10	1	12		6	5	2			
2013	Total	3,790	4,097	3,240	2	9	1,190	801	97	72	15	96	17	75	14	3	1,949	90	2	107		728		15	4	1			
	An offense of domestic violence	2,261	2,547	1,732	2	9	720	352	79	69	15	96	17	75	14	3	936	65	2	83		717		11	1	1			
	Violation of protection order	1,529	1,550	1,508			470	449	18	3							1,013	25		24		11		4	3				
2014	Total	3,859	4,201	3,279		5	1,112	719	96	70	12	90	21	79	16	9	2,067	95	4	106	2	788	1	15	5	1			
	An offense of domestic violence	2,398	2,710	1,819		5	686	305	84	70	12	90	21	79	16	9	1,057	71	4	89	2	778	1	12	4	1			
	Violation of protection order	1,461	1,491	1,460			426	414	12								1,010	24		17		10		3	1				
2015	Total	3,892	4,230	3,394		6	1,106	761	84	43	19	92	16	75	14	2	2,179	103	3	121	2	673		27	6	4			
	An offense of domestic violence	2,298	2,603	1,823		6	668	332	76	42	19	92	16	75	14	2	1,071	78	1	93	1	662		19	3	1			
	Violation of protection order	1,594	1,627	1,571			438	429	8	1							1,108	25	2	28	1	11		8	3	3			

Results of Judgments and Rulings of Criminal Cases of the Second Instance Rendered by the High Courts

Unit:case;individual

Year	Crime Type	Cases Closed	Defendants	Results of Judgments and Rulings																							
				Individuals Sentenced															Penalty release-d	Acquitt-ed	With-drawn	Exempt from prosec-ution	Case not enter-tained	Mistake in Juris-diction	Wante d by the law	Remanded to the original trial court	Other
				Timed imprisonment												Deten-tion	Punitiv e fine										
				Total	Death Sent-ence	Life Sent-ence	Subtotal	6 or less than 6 months	Over 6 months to 1 year	Over 1 year to 2 years	Over 2 years to 3 years	Over 3 years to 5 years	Over 5 years to 7 years	Over 7 years to 10 years	Over 10 years to 15 years			Over 15 years									
2012	Total	627	682	529	6	4	390	94	45	24	9	89	26	86	14	3	123	6		102	33		14				4
	An offense of domestic violence	553	605	470	6	4	355	65	39	24	9	89	26	86	14	3	100	5		92	26		13				4
	Violation of protection order	74	77	59			35	29	6								23	1		10	7		1				
2013	Total	673	726	573	2	7	394	106	42	36	10	78	22	82	16	2	159	11		109	33	1	8		1		1
	An offense of domestic violence	588	639	503	2	7	355	80	32	34	9	78	22	82	16	2	128	11		96	29	1	8		1		1
	violation of protection order	85	87	70			39	26	10	2	1						31			13	4						
2014	Total	611	660	525		12	367	103	49	30	11	80	12	61	14	7	137	9	2	93	23		16				1
	An offense of domestic violence	541	587	466		12	336	78	45	28	11	80	12	61	14	7	111	7	2	82	21		15				1
	violation of protection order	70	73	59			31	25	4	2							26	2		11	2		1				
2015	Total	548	612	469	1	10	310	112	25	21	11	55	17	57	9	3	135	13		118	15	1	7				2
	An offense of domestic violence	460	522	401	1	10	273	78	23	20	11	55	17	57	9	3	104	13		100	11	1	7				2
	violation of protection order	88	90	68			37	34	2	1							31			18	4						

Enforcement of Final Results of Judgments and Rulings of Criminal Cases of offense of domestic violence by the District Prosecutors Office

Unit:case;individual

Year	Crime Type	Cases	Defendants																								
			Grand Total	Individuals															Sentenced								
				Sub Total	Death Sent-ence	Life Sent-ence	Timed imprisonment												Detention	Punitive fine	Penalty released	Acquitted	Exempt from prosecution	Case not entertained	Mistake in Jurisdiction	Withdrawn	Other
							Subtotal	6 or less than 6 months	Over 6 months to 1 year	Over 1 year to 2 years	Over 2 years to 3 years	Over 3 years to 5 years	Over 5 years to 7 years	Over 7 years to 10 years	Over 10 years to 15 years	Over 15 years											
2012	Total	3,038	3,190	2,590	-	1	918	766	48	13	9	32	13	28	8	1	1,593	78	1	49	-	549	-	-	1		
	An offense of domestic violence	1,031	1,161	692	-	1	207	127	13	9	7	18	7	20	5	1	443	41	1	29	-	439	-	-	-		
	Violation of protection order	2,007	2,029	1,898	-	-	711	639	35	4	2	14	6	8	3	-	1,150	37	-	20	-	110	-	-	1		
2013	Total	3,150	3,301	2,655	-	1	914	716	52	40	17	25	19	31	12	2	1,684	56	2	75	1	562	-	-	6		
	An offense of domestic violence	1,208	1,336	834	-	1	320	183	23	28	16	19	15	25	10	1	486	27	2	40	-	458	-	-	2		
	Violation of protection order	1,942	1,965	1,821	-	-	594	533	29	12	1	6	4	6	2	1	1,198	29	-	35	1	104	-	-	4		
2014	Total	3,150	3,289	2,582	-	3	826	653	42	28	7	43	10	29	13	1	1,685	68	2	86	1	613	-	-	5		
	An offense of domestic violence	1,285	1,402	891	-	3	286	162	22	18	7	33	7	24	12	1	561	41	2	48	1	458	-	-	2		
	Violation of protection order	1,865	1,887	1,691	-	-	540	491	20	10	-	10	3	5	1	-	1,124	27	-	38	-	155	-	-	3		
2015	Total	3,348	3,535	2,789	-	7	853	691	47	25	13	25	15	31	6	-	1,869	60	2	102	1	635	-	-	6		
	An offense of domestic violence	1,462	1,631	1,029	-	6	333	207	28	22	11	20	13	26	6	-	658	32	1	58	-	540	-	-	3		
	Violation of protection order	1,886	1,904	1,760	-	1	520	484	19	3	2	5	2	5	-	-	1,211	28	1	44	1	95	-	-	3		

Data Source: Census and Statistics Department of The Ministry of Justice

第 6 條、第 7 條—公正與合理工作條件之權利

Articles 6 and 7—Right to just and favourable conditions of work

點次	問題內容(原文)	中文參考翻譯
15	With respect to assistances for indigenous peoples (para. 28 and 35, Second Report on ICESCR), what measures have been taken to empower indigenous peoples in secure livelihoods, maintain their traditional occupations apart from guaranteeing employment. Please provide disaggregated employment data on indigenous peoples, their wages and opportunity for promotion.	關於對原住民族提供之援助（經社文公約國家報告第 28 點及第 35 點），除了協助就業外，採行了哪些措施以增強原住民族在安定生活、維持傳統工作之能力？請提供各原住民族之分組就業資料、他們的薪資和升遷機會。

中文回應

1. 依原住民就業狀況調查結果(2016 年 6 月)，勞動人口為 25 萬 5,484 人，勞動力參與率：60.90%高於全國民眾的 58.68%；就業人口為 24 萬 5,392 人，失業人數為 10,092 人，失業率 3.95%，較同期全國民眾失業率 3.92%高 0.03 個百分點；另原住民有酬就業者平均收入 2 萬 9,975 元，較 2015 年 2 萬 8,258 元增加 1,717 元；較 2014 年 2 萬 7,378 元增加 2,597 元整，顯示原住民失業狀況已有改善且工作收入亦逐漸增加。
2. 又依據 2014 年臺灣原住民經濟狀況調查研究：原住民家庭平均收入 65.81 萬元，較 2010 年成長 32.33%，係因就業狀況的改善，戶內有固定收入人口增加與實質薪資成長所致，另與我國全體家庭平均收入 107.14 萬元差距從 2010 年的 2.16 倍降為 2014 年的 1.63 倍。
3. 原民會目前推動薪資縮短策略及未來工作重點將依就業市場變動的脈絡，按下列 5 項工作策略持續規劃短、中、長期之計畫，並運用及整合各部會與地方政府之資源，打造多元化服務平臺，加速原住民族人力發展，創造出有助於原住民族就業永續發展之動能，藉以提升原住民有酬就業者收入與原住民家庭平均收入。
(1) 推動職能向上，輔導或推介已就業者轉職，提升整體平均薪資收入。

- (2) 增列人力提升專案計畫及規劃職業訓練計畫，獎勵取得專業證照，達成培育技術人力及提升整體就業技能之目的。
 - (3) 辦理原住民族青年就業多元輔導陪伴服務計畫。
 - (4) 推動在地經濟發展。
 - (5) 落實社會福利、推動微型金融政策。
4. 為協助原住民提升或培養就業技能，勞動部每年均運用政府訓練資源，針對工作技能不足或需補充就業技能之失業、待業原住民，規劃辦理各類訓練班次，以提升原住民工作實務技能，促進其就業。另為滿足原住民族山地及平地鄉參訓需求，持續加強運用民間訓練資源，以委託或補助方式辦理原住民專班，提供原住民就近參訓之機會。
 5. 原住民族失業者參加訓練，免負擔訓練費用，由政府全額補助。另提供職業訓練生活津貼，安定失業者於參加職業訓練期間之基本生活，使其能安心參訓並促進其再就業。
 6. 有關各原住民族之分組就業資料、薪資和升遷機會：原住民族就業資料、薪資及升遷相關資料，由原住民族委員會定期辦理之「臺灣原住民族經濟狀況調查報告」及「原住民族就業狀況調查」報告中調查統計。
 7. 有關原住民族提供之援助，已由原民會主管全國原住民事務，且為促進原住民就業、保障原住民之工作權及經濟生活，訂有「原住民族工作權保障法」，依原住民之生活習慣、傳統文化、就業特性等規劃辦理原住民促進就業業務。

英文回應

1. According to the “Report on the Situation Regarding Indigenous Employment” (June 2016), indigenous labor force projects a number 255,484 with a labor participation rate of 60.90%, which stands higher than the national labor participation rate of 58.68%. The number of employed indigenous population reaches 245,392, leaving 10,092 individuals unemployed. This unemployment rate of 3.95%, however, is only slightly higher than that of a national level of 3.92%. In terms of income for indigenous workers, the average in 2016 looks at 29,975 TWD, a growth from that of 28,258 TWD in 2015 by 1,717 TWD, from that of 27,378 TWD in 2014 by 2,597 TWD. These statistics indicate the situation regarding employment for indigenous peoples has

improved; besides, the average income is on a gradual climb.

2. Also according to the “Research and Investigation on the Situation Regarding the Economy of Indigenous Peoples in Taiwan” (2014), the average income per indigenous household is 658,100 TWD, higher than that of 2010 by 32.33%. This change was brought about by the betterment of working conditions, the increasing number of family members with regular income, and the growth of net income. In addition, the annual income gap between indigenous and non-indigenous households in Taiwan has declined from that multiplied by 2.16 in 2010 to that multiplied by 1.63 in 2014.
3. The Council of Indigenous Peoples has launched a “Strategy to Shorten Income Gap” and a Project, which sees to produce short-term, mid-term and long-term plans regarding the following five work strategies by observing the changes in the labor force market and coordinating resources from both central and regional government bodies, in order to reach the goals of establishing a multi-function service platform, propelling the growth of indigenous labor force, creating the agency that promotes the sustainable development of indigenous employment and increasing the income for both indigenous workers and indigenous households:
 - (1) Encourage improving skills needed in work; advise or introduce the employed on transfer; raise the average income.
 - (2) Produce special projects on the improvement of labor force and employment training; award the procurement of professional licenses in order to reach the goals of creating skilled labor force and enhance average labor functions.
 - (3) Implement the “Project of Standing by and Advising Indigenous Youth on Multi-Employment”.
 - (4) Promote developing regional economy.
 - (5) Put the policies of providing social welfare and promoting micro-economy into effect.
4. In order to assist the indigenous peoples in upgrading or developing their employment skills, the Ministry of Labor uses government training resources to improve the working skills of the indigenous peoples annually by providing training programs for unemployed indigenous people who are short of job skills or need to supplement their

employable skills. Various training courses are planned to upgrade the practical skills of the indigenous peoples and promote their employment. In addition, to meet the needs of the indigenous peoples in mountainous areas and rural areas, we will continue to strengthen the use of non-governmental training resources to conduct the indigenous peoples' classes by means of outsourcing or subsidy, providing opportunities for the indigenous peoples close to where they are located.

5. Unemployed indigenous peoples participate in training free of training costs and enjoy governmental full subsidy. In addition, vocational training living allowances are provided to secure the basic livelihood of unemployed persons during their vocational training so as to enable them to feel at ease and to facilitate their re-employment.
6. Information on the employment, salaries and promotion of the various indigenous peoples by group: Employment, salary and promotion related information of indigenous peoples are shown in reports of the “Economic Status Survey of Indigenous Peoples in Taiwan” and the “Employment Status Survey of Indigenous People”, conducted on a regular basis by the Council of Indigenous Peoples.
7. With regard to the assistance provided to the indigenous peoples, the Council of Indigenous Peoples has been in charge of the national indigenous peoples affairs. Also, in order to promote the employment of indigenous people and secure their right to work and their livelihood, the “Indigenous Peoples Employment Rights Protection Act” has been formulated to plan and conduct the business of employment promotion for indigenous peoples according to living habits, traditional culture, and employment characteristics of indigenous peoples.

第 6 條、第 7 條－公正與合理工作條件之權利

Articles 6 and 7－Right to just and favourable conditions of work

點次	問題內容(原文)	中文參考翻譯
16	With respect to post-disaster reconstruction, what measures have been and can be taken to	對於災後重建，有哪些已採行或可採行之災害防範或救災措施，

	ensure disaster prevention and relief, and to establish a climate change research focus on indigenous regions?	以及建立以原住民區域為核心的氣候變遷研究？
--	--	-----------------------

中文回應

1. 相關災害發生後，彙整中央相關部會及單位災後救助及便民措施，提供地方政府成立救助單一窗口，協助災民復原重建，期能提升便民措施，讓災民儘速復原，恢復正常生活。政府部門依據相關災害損失之統計資料及其災害特性，規劃未來施政重點：如易淹水地區水患治理計畫及氣候變遷下坡地防減災計畫等，防範災害並減低發生。
2. 依災害防救法第 36 條即規定，各級政府於災害發生後，應依權責實施相關災後復原重建事項，包含訂定及實施災後復原重建綱領與計畫或推動受災住宅、公共建築物之更新與復原重建，及實施捐贈物資、發放救助金、提供就業服務等措施，另於 2016 年增列有關提供受災民眾減稅、貸款、補助等相關救濟措施。
3. 水災、旱災：臺灣在經歷 2009 年莫拉克風災後，面對天然災害發生頻繁，水利署以「零傷亡、少災損」為災害防救目標，加強防災資訊服務，自動化提供即時雨量、河川水位及水庫蓄水情況等即時水情資訊，以及淹水警戒等災害預警訊息，協助防救災人員及民眾確實做好離災、減災的工作，有效減免災害損失。
4. 工業管線災害、公用氣體與油料管線、輸電線路災害
 - (1) 有關公用氣體及油料管線之災後重建，天然氣事業須考量地區特性、災區受損情形、氣候預測、人力物力等因素，以迅速恢復供應為目標，並從防止再度發生災害之觀點施以重建；重建對策以防止風災、水災、震災（含土壤液化）、土石流等天然災害為考量，加強災害潛勢地區輸儲設備之安全性。
 - (2) 在輸電線路災害發生後，將協助進行災害復原重建相關工作；在緊急復原狀況下，將簡化修復作業相關申請程序，以加速修復作業進行，並督導重建單位採取適當安全防護措施；在經濟協助部份，中央政府必要時得提撥資金，協助受災者自立；有關災後檢討部份，中央政府及指定公共事業將進行災情事故調查、統計分析及檢討，並納入事故資料庫，以作為未來防救災管理參考。
 - (3) 為使公用氣體與油料管線及輸電線路災害過後能儘速復原及重建，經濟部國營事業委員會已訂定發布「公用氣體與油料管線及輸電線路災害災區民眾安置或

重建簡化行政程序辦法」及「公用氣體與油料管線及輸電線路災害災區交通搶通或公共設施重建簡化行政程序辦法」，以減低重建時相關法令的約束並可縮短行政作業程序。

- (4) 工業管線災害之災害預防或減災措施，由研提工業管線維護管理計畫、規劃審查、定期稽核與實地訪視為基本的基礎架構，平時依據計畫書實施管線防蝕效能、檢測、巡管與異常點改善，以及整體計畫之落實執行、作業人員教育訓練、緊急應變計畫規劃與失誤情境模擬演訓，持續強化管線維護及應變的效能；輸送監控發現異常情況與疑似現場發生洩漏跡象時，啟動管線聯防到場巡察、儀器檢測、管線路線確認、緊急應變通報、應變體系啟動、災情評估、管制區域劃定、疏散避難、管線排空、緊急搶修、潛在危害確認、狀況解除，以及環境污染控制與復原，由災害防範或減災措施兩方面著手，建置管線維護管理與災害損失防制兩個面向的完整機制，藉確保災害防範或減災措施之落實。

5. 農業寒害

(1) 災害防範措施

- ①以新聞稿、廣播、農委會農漁會 430 個電子看板跑馬訊息、行政院全國 72 處 LED 跑馬燈據點，並透過平面及電視媒體，提醒農民嚴防寒害。
- ②透過農委會田邊好幫手多元發布管道，發送電子郵件、傳真、簡訊，通知農友及相關團體有關作物防寒相關訊息。
- ③農委會網站建置低溫專區，彙報各項預警、災損、救助、新聞等相關事項，供民眾參考，另於農委會 FB 刊登防寒廣告。

(2) 救災措施

- ①現行行政措施：依據「農業發展條例」第 60 條規定，農業生產因天然災害受損，政府得辦理現金救助、補助或低利貸款，以協助農民迅速恢復生產。農委會依據前開法令規定訂頒「農業天然災害救助辦法」，據以執行前述救助業務，所需經費並設置農業天然災害救助基金支應之。「寒害」係農業天然災害救助辦法第 4 條所定「天然災害」。
- ②措施內容：救助措施包括現金救助與低利貸款。啟動辦理救助方式，依農業天然災害救助辦法第 6 條規定略以，天然災害發生後 7 日內，直轄市、縣（市）主管機關得視農業損失嚴重程度報請本會公告辦理現金救助及低利貸款。救助對象：依據農業天然災害救助辦法第 5 條規定，救助對象為實際從事農、林、

漁、牧生產之自然人。倘農民從事農業確因寒害導致損失，並經公所現場勘查認定損失達 20%以上，即可依救助辦法規定核予救助金。惟依有關法令應辦理登記或核准而未辦理者，以及使用土地、水源及設施不符有關法令規定者不予救助。

- ③有關養殖漁業之寒害救災及防範措施，依「農業天然災害救助辦法」辦理現金救助及低利貸款。委託研究單位自 2016 年開始執行「協助養殖漁業因應寒害之策進研究」等科技計畫。

6. 土石流災害

- (1) 農委會 2016 年 2 月公開土石流潛勢溪流 1,687 條及更新土石流警戒基準值，建立土石流警戒發布機制，供各級防災單位疏散避難應用。
- (2) 為強化地方自主防災能力，農委會輔導地方政府推動自主防災社區、土石流防災演練及宣導、及培訓土石流防災專員，並於每年防汛期前檢討更新各地方政府之土石流疏散避難計畫。
- (3) 於颱風豪雨來臨前，針對農委會水土保持局所有在建工程，加強抽查臨時防減災，排、擋水設施及警告標示等，落實防汛安全檢查。
- (4) 因應颱風豪雨造成土石災害之緊急復原，農委會水土保持局每年均編列「定期預約緊急處理與維護工程」預算，辦理災害期間緊急水土保持處理與維護之搶險、搶通、搶修等工作；期間並視災害狀況，補助需要之地方政府辦理緊急搶修通工程。

7. 森林火災：對於森林火災災害之災後重建，主要依據火災跡地狀況，評估採行天然更新，或人工復育造林，其可採行之災害防範策略如下：進行林火行為研究分析，了解該地區林火潛勢，在於關鍵地點設置防火線及防火林帶，於下次森林火災發生時以減緩或阻絕火勢蔓延。又森林火災災害之發生，非限定於原住民區域，因此並未有針對原住民區域為核心之氣候變遷研究。

8. 動植物疫災

- (1) 農情蒐集(災害前)：農情、養豬頭數調查；事前牧場詢訪；建立農戶通訊錄。
- (2) 災害發生期：輔導農民發生災害第一時間即電話通報、上網申報災損及拍照紀錄災損情形；辦理斃死畜禽清運工作。
- (3) 災害結束後(重建期)：災損判定、現金救助、低利貸款、畜牧技術服務團協助復建。

9. 於天災發生時，行政院環境保護署除配合派代表進駐中央災害應變中心並同時於署內成立緊急應變小組，進行應變作業，依災情訂定環境清理行動計畫，督導執行環境清理消毒及飲用水水質檢驗確保安全等工作。
10. 原民會為協助莫拉克颱風原鄉災後重建及國土復育工作，於 2010 年起辦理原鄉山林守護隊，委託當地原住民族熟稔山林的天性，由在地部落族人管理土地的方式，維護生態環境，進而維護生物多樣性，並透過山林巡守及造林撫育，重新建構山林經營之機制，以對抗山坡地過度開發以及超限利用土地等破壞生態環境行為。其中山林守護隊協助原鄉地區防災救災工作內容包含野溪溝渠疏濬、潛勢溪流勘查以及道路防災勘查等工作項目，適時於災害發生協助原鄉地區防救災，進而阻止災害範圍擴大。山林守護隊於原住民保留地超限利用地改正造林及撫育管理，以造林及撫育等生態保育方法促進原鄉山林之永續發展，降低土石流災害之發生。
11. 原民會於莫拉克颱風災後重建時，將文化重建列為重點工作，茲相繼提出「離災不離村、離村不離鄉」之重建原則、「永久屋部落家屋建築文化語彙計畫」及「舊部落活化再利用及文化地景重現計畫」等，以重視當地在地文化，維護原住民族傳統文化價值。
12. 當面對全球氣候極端變化，災難更趨嚴厲的現今，各國頻傳災難發生，少數民族成為氣候變遷暖化最大受害者。原民會自 2009 年起辦理原住民族生物多樣性傳統知識保護等相關計畫，紀錄臺灣原住民各族群生態智慧與知識，以及強化生物多樣性的知識研究與管理，其中原住民族傳統智慧中含有許多永續環境的觀念，因應環境不同而改變生活方式，如春夏季從事耕作，冬季則從事狩獵、且於特定季節捕捉特定物種等，許多部落族人引以為戒的祖訓都隱藏著對大自然的敬畏及山林的生態智慧管理，我們應從不同環境區域的原住民部落中找到人類與大自然最初的平衡，多加運用傳統知識與現今生態保育結合，並再援引至政策研析與制定，相信會使在地文化得到重現與尊敬，並讓環境得到永續與發展。

英文回應

1. After the disaster happened, Executive Yuan compile the post-disaster aid and relief measures to provide local government establishing the All-in-one window for different kind of disaster victims, Aim to help them recovering from the disaster and returning to normal life quickly and efficiently as soon as possible. About the post-disaster

- reconstruction, the related government authorities will make comprehensive project to be carryout in the future for preventing and minimizing the disaster, according to the statastic of disaster damage data and type. Such these 「Regulation project of Flood-Prone Areas and Regulation project of hillside under weather Limate changing」.
2. According to Article 36 of Disaster Prevention and Protection Act, various tiers of governments shall implement recovery and reconstruction after a disaster, including authorizing and implementing program and proposals, or carrying out recovering of houses and public buildings, etc., and implement the disaster relief measures of distributing and handling donated resources and money, allocating relief, employment services for people, etc. Otherwise, in order to providing the measures of tax cutting, loan, subsidy for people in disaster affected, the article of Disaster Prevention and Protection Act had been amended and performed on 2016.
 3. Flooding, draught : After the attack of Typhoon Morakot in two thousand nine, we set “zero casualty and minimum damage” as the target for preventing and mitigating natural hazards. In practice, we improved disaster information services to automatically provide real-time data of rainfall, river water level, and reservoir monitoring status. Furthermore, the flood alert and warning information can be promptly disseminated. In doing so, we aim to help the disaster prevention staff and the public take necessary action for immediate evacuation and thereby minimize the damage from hazards.
 4. Industrial pipeline disaster, public gas, fuel pipeline and power transmission line failure
 - (1) With regard to the post-disaster reconstruction of public gas and oil pipelines, natural gas enterprises should aim at rapid restoration of supply by considering local characteristics, status of damage in disaster areas, climate prediction, manpower and materials and implement reconstruction from the perspective of preventing further disasters. The reconstruction strategies would be formulated to prevent nature disasters of windstorm, flooding, earthquake (including soil liquefaction), and debris flow, strengthen the safety of transport and storage facilities in potential disaster areas.
 - (2) After the disaster of power transmission line failure, will assist in the work related to recovering. In emergency recovery situation, will simplify application process of

repair to speed up the repair operations and will monitor the security measures of reconstruction place. For economic assistance, the central government may, if necessary, allocate funds to assist the victims. In the post-disaster review section, the central government and designated public utilities will conduct an accident investigation, statistical analysis and review of the causes, and summarize them into the accident database for disaster prevention in the future.

- (3) In order to rapidly recover and reconstruct from the public gas and oil pipeline and power transmission line disaster , the State-owned Enterprise Commission issued the " Regulations of Simplified Administrative Procedures for Helping the Public Settle Down or Rebuild in the Disaster Areas Caused by Public Gas and Oil Pipeline and Power Line Disaster " and " Regulations of Simplified Administrative Procedures for Recovering Transportation or Reconstructing Public Facilities in the Disaster Areas Caused by Public Gas and Oil Pipeline and Power Line Disaster ", so as to reduce restrictions on relevant laws and regulations ,and to shorten administrative procedures at the time of reconstruction.
- (4) For the industrial pipeline disaster prevention and relief, they should be based on the pipeline maintained management plan and government periodic inspection. In pipeline maintained management plan, the pipeline corrosive prevention and examination should be followed frequently. Different disaster scenarios, emergency response plans, and the employee training should be established. For the disaster relief, as the pipeline becomes an abnormal conditions or suspected leakage, the emergency response action should be started. Chemical identification is the first step. It can be ensured by environmental monitoring and pipeline maps. After leakage confirmed, the emergency announcement should be published. All the emergency activities should come up, such as: zoning, size-up, public evacuation, container venting. Before the pipeline reparation, all the potential hazards should be removed. Decontamination and environmental recovery is final concern in the end. In these proposal, both the disaster prevention and relief may be accomplished.

5. Frost

(1) Disaster Prevention Measures

- ① Delivering cold damage warnings through a wide range of channels, including press releases, radio broadcasts, 430 electronic sign boards at farmers' and fishermen's associations, 72 LED sign boards at Executive Yuan branches, as well as print media and TV programs.
- ② Informing farmers and relevant groups about cold damage prevention with the COA's mobile system, Field Helper, via e-mail, fax, and SMS.
- ③ A section of the COA's website is dedicated to cold damage prevention, as numerous warnings, damage reports, relief measures, news are presented for public references. Relevant promotion messages are also published on the Council's facebook page.

(2) Disaster Relief Measures

- ① According to Article 60 of Agricultural Development Act, in the event that agricultural production suffers damages from natural disasters, the government shall provide cash relief, subsidization or low-rate loans to assist farmers in resuming production in a quick manner. Based on this provision, the COA proclaimed Directions for Agricultural Natural Disaster Relief to instruct the execution of the aforementioned relief measures. Agricultural Natural Disaster Relief Fund is established to provide all the required funding. The definition of "Cold Damage" can be found in "Natural Disasters" paragraph in Article 4 of Directions for Agricultural Natural Disaster Relief.
- ② Relief Measures: including cash relief and low-rate loans. Procedures to Initiate Relief Measures: According to Directions for Agricultural Natural Disaster Relief, within 7 days of disaster occurrences, the responsible local authorities such as municipality or county (city) governments shall evaluate and report the agricultural loss to the COA for subsequent application of cash relief and low-rate loans.
- ③ Relief Targets: According to Article 5 of Directions for Agricultural Natural Disaster Relief, the subjects of relief are natural persons who do practice farming, forestry, fishery, or husbandry. For a farmer who conforms to this criteria does suffer loss from cold damages, along with site inspection by local offices confirming that the loss is above 20% of its total production, a relief funding can then be granted.

However, those who fail to register with legal authority or acquire proper authorization for their operation, or have their usage of lands, water supplies, and facilities violating the laws are excluded.

- ④ About the measures that have been and can be taken to ensure cold damage prevention and relief are listed below: Cash assistances and low-interest loan according to “Implementation Rules of Agricultural Natural Disaster Relief”. To entrust research institutes to perform technological projects from 2016, like “Advance research to improve and assist the response to cold damage for aquaculture industry”.

6. Debris flow

- (1) COA published 1,687 potential debris flow torrents and updated rainfall threshold value for debris flow warning in February, 2016. Also, COA enacted mechanism to release debris flow warning and disaster prevention divisions applied this mechanism for evacuating.
 - (2) To strengthen the abilities of local disaster prevention, COA assists local governments in developing disaster resilient communities, debris flow disaster prevention drills and publicity, cultivating debris flow disaster prevention volunteer. Meanwhile, COA review and update the local government's debris flow evacuation program before the flood season every year.
 - (3) The SWCB enhances disaster mitigation facilities, drainage and intercepting drain facilities, and warning sign of construction in the process to implement safety check for flood control before typhoons and torrential rain.
 - (4) The SWCB prepares budget for regular emergency management and maintenance engineering every year in response to the emergency disaster recovery by typhoons and torrential rain. Execute emergency soil and water conservation and maintenance for rescuing, reopening roads. In the meantime, subsidize local governments to conduct emergency engineering
7. Forest fire : For the post-disaster reconstruction of forest fire disaster, the following strategies are adopted to assess the natural regeneration or artificial reforestation: Based on the analysis of forest fire behavior, it is necessary to know the forest fires potential in

this area, to set fire break and fire resistance forest belts in the key locations in order to slow down or stop the spread of forest fire in the next time. And the occurrence of forest fire disasters are not limited to the indigenous areas, so there is no climate change research focused on indigenous region.

8. Animal and plant diseases

(1) Pre-disaster :

- ①Agricultural Statistics.
- ②Ranch visits.
- ③Establish contacts with farmers.

(2) Mid-disaster:

- ①Firstly of all, counseling farmers to record disaster damage by telephone, cellphone, network or camera.
- ②Shooting dead livestock removal work.

(3) Post-disaster:

- ①Loss determination of disaster damage.
- ②Cash assistance.
- ③Low-interest loans.
- ④Livestock technology services group assisted reconstruction.

9. Upon the occurrence of disasters, the Environmental Protection Administration (hereunder referred to as EPA for short) would respond to send delegates to the Central Emergency Response Center, and set up an emergency response center in the EPA, so as to conduct necessary procedures Related procedures include drafting an environmental clean-up action plan according to the disaster situation, supervising the implementation of environmental disinfection and assuring the drinking water quality safety with drinking water inspection.

10. To assist with post-Typhoon Morakot disaster reconstruction at indigenous regions and with the rehabilitation of national land, the Council of Indigenous Peoples organized teams Forest Watchers at indigenous townships, commissioning the local to take care of the land according to their best knowledge of nature, so that biodiversity can be maintained. Besides, Forest Watchers should also patrol the forests regularly and work on

reforestation in order to reconstruct the indigenous system of forest management and fight against destructive exploits of the environment such as excessive development on the hills and slopeland overuse. In terms of disaster relief and prevention, Forest Watchers should dredge rivers and ditches, inspect potential waterflows and reconnaissance roads for disaster prevention, so that they may relieve indigenous townships from natural destruction in time and stop the growth of affliction. By committing to environment-friendly tactics such as reforestation and rehabilitation management on overrun indigenous reserve land, Forest Watchers also help to reduce the probability of natural disasters such as landslides.

11. The Council of Indigenous Peoples regards the “Reconstruction of Culture” as an important agenda in its post-Typhoon Morakot reconstruction project. As such, it follows a reconstruction principal of “Away from Disaster but Stay Close to Home; Away from the Village but Stay within the Township”. It also launches projects including “The Cultural Elements of Permanent Indigenous Housing” and “Revitalize Old Villages and Reconstruct Cultural Landscape”, prioritizing local culture and maintaining indigenous tradition and cultural value.
12. Nowadays, native communities in the world often suffer the most from extreme climate change and worsening cases of natural disaster around the world. Since 2009, the Council of Indigenous Peoples has brought forth projects regarding the protection of indigenous biodiversity and traditional knowledge, which aim at documenting environment wisdom and knowledge of each indigenous people in Taiwan and strengthening the research and management of knowledge in biodiversity. The results show many indigenous peoples follow many rules in sustaining nature and adapt their ways of living according to the change of environment. For example, they cultivate in spring and summer, hunt in winter and chase certain species only in certain time of the year. Many ancestral teachings that indigenous peoples follow with awe conceal the wisdom of respecting nature and managing the forests. We should retrieve such primal equilibrium between human beings and nature and borrow more from the combined knowledge of traditional wisdom with present-day environment preservation in conceptualizing and drafting relevant policies. In this way, we believe that local culture will earn visibility and respect, and our environment will continue in sustainability and development.

第 6 條、第 7 條—公正與合理工作條件之權利

Articles 6 and 7—Right to just and favourable conditions of work

點次	問題內容(原文)	中文參考翻譯
17	<p>Taking into account the CESCR's general comment No. 23 (2016) on the right to just and favourable conditions of work, please provide updated information on the minimum wages, in particular with regard to:</p> <p>a) the levels of minimum wages in the last 4 years, differentiating between agricultural and non-agricultural sectors;</p> <p>b) whether business establishments are granted exemptions from complying with the minimum wage;</p> <p>c) the bases on which the minimum wage is reviewed and adjusted so that it is sufficient to provide a decent living for workers and their family members, and what is being done to raise those minimum wages for those falling below the poverty threshold;</p> <p>d) what sanction measures are available as regards employers who fail to pay the minimum wages, both in the formal and informal sectors of the economy.</p>	<p>參照經社文委員會針對公正與合理工作條件之第 23 號一般性意見 (2016)，請提供最低工資之更新資料，尤其是關於：</p> <p>a)過去 4 年最低工資之水準為何，區分農業與非農業部門；</p> <p>b)是否有任何行業公司獲得特許，不受最低工資之規範；</p> <p>c)最低工資審查與調整之基礎，以確保最低工資足夠維持受雇者及其家人適足的生活；對於在貧窮線以下之人，政府如何提升其最低工資？</p> <p>d)對正式和非正式部門當中未支付基本工資的雇主，有何制裁措施？</p>

中文回應

1. 依勞動基準法第 21 條規定，工資由勞雇雙方議定之。但不得低於基本工資。凡受僱於適用勞動基準法事業單位之勞工，不論農業與非農業部門，均受基本工資之保障。

2. 基本工資之調整，依勞動基準法第 21 條規定，由勞、資、學、政四方代表所共同組成之「基本工資審議委員會」擬訂後，由勞動部陳報行政院核定後實施。次依基本工資審議辦法第 4 條規定，為審議基本工資，基本工資審議委員會應蒐集國家經濟發展狀況、躉售物價指數、消費者物價指數、國民所得與平均每人所得、各業勞動生產力及就業狀況、各業勞工工資、家庭收支調查統計並研究之。近年，基本工資審議委員會並已將最低生活費及扶養比等因素納入考量。

單位：新臺幣；%

調整時間		基本工資		
		月薪	時薪	調幅
2013	1 月 1 日	-	109	5.83
	4 月 1 日	19,047	-	1.42
2014	1 月 1 日	-	115	5.50
	7 月 1 日	19,273	-	1.19
2015 年 7 月 1 日		20,008	120	3.81
2016 年 10 月 1 日		-	126	5
2017 年 1 月 1 日		21,009	133	5

3. 雇主支付之工資如低於基本工資，主管機關除依勞動基準法規定處新臺幣 2 萬元以上 30 萬元以下罰鍰，及公布事業單位或事業主之名稱、負責人姓名外，並限期令其改善；屆期未改善者，應按次處罰。
4. 依據勞動基準法第 21 條規定，工資由勞雇雙方議定之，但不得低於基本工資。上開規定旨在保障勞工基本生活並維持其購買能力；對於工資在基本工資數額邊緣的弱勢勞工，尤其重要。我國自 2017 年 1 月 1 日起，每月基本工資將調升至新臺幣 21,009 元，調幅達 5%，係自 2011 年以來第 6 次調升，對於保障基層勞工之生活，已有實質助益。

英文回應

1. In accordance with Article 21 of Labor Standards Act, a worker shall be paid such wages as determined through negotiations with the employer, provided, however, that such wages shall not fall below the basic wage. All workers employed business units applicable to the Labor Standards Act, regardless of the agricultural and non-agricultural

sectors, are protected by the basic wage.

2. The basic wage adjustment shall be formulated by the "Basic Wage Deliberation Committee ", which is composed of representatives of the labor, capital, academic and government, and implemented by the Ministry of Labor and submitted to the Executive Yuan for approval in accordance with Article 21 of the Labor Standards Law. Then, in accordance with the provisions set forth in Article 4 of Regulations for the Deliberation of Basic Wage, for the fixing of basic wage, Basic Wage Deliberation Committee shall collect and study conditions of national economic development, wholesale price index; retail price index, national income and average individual income, labor productivity of different industries & employment situation, workers' wages in different industries, and survey & statistical figures on household income & expenditure. In recent years, the Basic Wage Deliberation Committee has taken into account factors such as minimum cost of living and dependency ratio.

Unit : NTD ; %

Adjustment time		Basic wage		
		Monthly salary	Hourly rate	Adjustment margin
2013	January 1	-	109	5.83
	April 1	19,047	-	1.42
2014	January 1	-	115	5.50
	July 1	19,273	-	1.19
July 1, 2015		20,008	120	3.81
October 1, 2016		-	126	5
January 1, 2017		21,009	133	5

3. If employers pay wages below the basic wage, they shall be fined an amount between N.T. \$20,000 and N.T.\$300,000 (inclusive) by the competent authority in accordance with the provisions of the Labor Standards Act, and their names or titles and the persons-in-charge shall be put on public notice. In addition, they shall be ordered to improve within a specified period. For those who have not improved within the specified period, they shall be fined and punished consecutively for each violation after the aforementioned period expires.

4. According to the regulation of article 21 of Labor Standards Act in Taiwan, wage should be determined based on agreement between employees and employers, and should not be less than the basic wage (minimum wage). The regulation is intended to ensure living standard of workers. The monthly minimum wage in Taiwan will be increased by 5% to NT \$ 21,009 with effect from January 1, 2017. It has been raised six times since 2011. The increases in recent years have been very helpful to grassroots workers' livelihood.

第 6 條、第 7 條—公正與合理工作條件之權利		
Articles 6 and 7—Right to just and favourable conditions of work		
點次	問題內容(原文)	中文參考翻譯
18	Please provide updated information to address the large gender pay gap in both the public and private economy, and how the principle of equal remuneration for women and men for work of equal value is being implemented and enforced.	請提供資料以解釋性別之間巨大的薪資落差，公部門與私部門皆然，以及「同值工作男女相同報酬」此原則如何被落實與執行。

中文回應

1. 公部門分別依據「公務人員俸給法」、「教師待遇條例」、「陸海空軍軍官士官任官條例」及「軍人待遇條例」，男女性於同一職務上不因性別而有薪資差異。
2. 查勞動基準法第 25 條規定：「雇主對勞工不得因性別而有差別之待遇。工作相同、效率相同者，給付同等之工資。」；性別工作平等法第 10 條並規定：「雇主對受僱者薪資之給付，不得因性別或性傾向而有差別待遇；其工作或價值相同者，應給付同等薪資。但基於年資、獎懲、績效或其他非因性別或性傾向因素之正當理由者，不在此限。」
3. 為進一步釐清「同工同酬」及「同值同酬」之意涵及實務作法，勞動部業於 2015 年及 2016 年委託辦理「同工同酬、同值同酬研究案」，探討國際組織與先進國家之作法及經驗，並蒐集事業單位實施概況，進行實地訪談及焦點座談，研究結論將作為相關政策研議之參考。

英文回應

1. Based on Civil Service Pay Act, Teacher Remuneration Act, Act of Commission for Officers and Noncommissioned Officers of the Armed Forces Commission and Pay Act of the Armed Forces, men and women as civil servants, teachers or soldiers receive equal pay for equal work.
2. Article 25 of the Labor Standards Act specifies that “An employer shall under no condition discriminate between the sexes in the payment of wages. Worker shall receive equal wages for equal work of equal efficiency”, and Article 10 of the Act of Gender Equality in Employment specifies that “Employers shall not discriminate against employees because of their gender or sexual orientation in the case of paying wages. Employees shall receive equal pay for equal work or equal value. However, if such differentials are the result of seniority systems, award and discipline systems, merit systems or other justifiable reasons of non-sexual or non-sexual-orientation factors, the above-mentioned restriction shall not apply.”
3. To further clarify the meaning and practical practices of “Equal Pay for Equal Work” and “Equal Pay for Equal Work Value”, the MOL commissioned the "Equal Pay for Equal Work and Equal Pay for Work Equal Value Research Project" in 2015 and 2016 to explore the practices and experiences of international organizations and advanced countries, and to collect the implementation outline of the business units by conducting field interviews and focal points discussions. The conclusions of the study will serve as references for relevant policymaking.

第 6 條、第 7 條－公正與合理工作條件之權利		
Articles 6 and 7－Right to just and favourable conditions of work		
點次	問題內容(原文)	中文參考翻譯
19	Please give further information about the labour inspection service and its effectiveness during recent years.	請提供最近數年關於勞動檢查及其有效性之進一步資料。

中文回應

1. 勞動部自 2014 年起推動執行「補助直轄市、縣市政府督促事業單位遵守勞動條件相關法令實施計畫」，直轄市、縣市政府新增進用 102 名約用勞動條件檢查員，至 2015 年起則改以補助地方政府 325 名聘用勞動條件檢查員，執行轄內申訴檢查、一般檢查或專案檢查，檢查範圍包含勞動基準法、性別工作平等法、勞工退休金條例及勞資爭議處理法等勞動條件相關法令，檢查重點對象包含常態性違規企業、違反勞動條件法令比例較高之行業及僱用弱勢族群(母性、青少年、派遣工等)較多之相關事業單位。
2. 另中央及地方成立之勞動檢查機構，負責檢查轄內事業單位有關職業安全衛生法及其附屬法規之相關規定，並依轄內事業單位分布情形、產業特性及安全衛生條件現況，選擇高違規、高風險及高職災發生率之事業單位，列為優先受檢查對象，並將職業安全衛生法第 6 條第 1 項所定預防措施作為檢查重點項目，以保障勞工安全健康，並達成勞動條件與安全衛生專業分工之目標。
3. 目前勞動檢查量次業逐年成長，另職業災害給付千人率業已逐年降低(如下表)，未來勞動部仍將以賡續提升勞工勞動條件、安全衛生水準及降低職業災害為重要政策目標。

2013 年至 2015 年勞動檢查情形統計表

年別	勞動條件		職業安全衛生	
	總檢查次量	處分件次	總檢查次量	處分件次
2013	18,943	6,498	102,296	6,713
2014	21,551	5,522	90,937	7,482
2015	49,764	6,821	104,705	10,792

2013 年至 2015 年勞保職災千人率

年別	整體	死亡	失能	傷病
2013	3.703	0.026	0.256	3.420
2014	3.453	0.025	0.228	3.200
2015 (未扣除政策放寬)	3.191	0.026	0.214	2.951

英文回應

1. Since 2014, the Ministry of Labor has promoted the execution of "The Implementation Plan subsidizing municipalities, counties and cities to urge business units to comply with working conditions related Laws and Regulations". The municipalities and city/county government added 102 contracted working conditions inspectors. Starting in 2015, it was changed to subsidize the local government to provide 325 employed labor conditions inspectors to execute complaint inspections, general inspections, or projection inspections within their jurisdictions. The scope of inspections includes the laws and regulations of working conditions related to the Labor Standards Act, the Gender Equality in Employment Act, the Labor Pension Act and Settlement of Labor-Management Disputes Act. The key targets to be inspected include the enterprises that violate relevant laws and regulations on a regular basis, industries that violate labor laws and regulations in higher proportion, and business units which hire more from vulnerable groups (maternity, adolescents, and dispatched workers, etc.).
2. In addition, the labor inspection bodies established by the central and local governments shall be responsible for inspecting the relevant provisions of the Occupational Safety and Health Act and its subsidiary laws and regulations of business units within their jurisdiction. Also, according to the distribution of business units within the jurisdiction, their industrial characteristics, and current safety and health conditions, the business units of high irregularities, high-risk and high incidence of occupational injury are selected as the priority as inspection targets. Moreover, the preventive measures set forth in Paragraph 1 of Article 6 of the Occupational Safety and Health Act are taken as primary targets for inspection in order to protect the safety and health of workers and to achieve the objectives of required labor conditions and the professional division of safety and health.
3. Currently, the number of labor inspection has been increasing year by year, and occupational injury incidence rate under labor insurance has decreased year by year (as shown in Table 1 and Table 2 that follows). In the future, the Ministry of Labor will continue to improve labor working conditions, safety and hygiene standards and reduce occupational disaster, which are important policy objectives.

2013-2015 Statistics of Labor Inspections

Year	Working conditions		Occupational safety and hygiene	
	Total inspection times	Disposition cases	Total inspection times	Disposition cases
2013	18,943	6,498	102,296	6,713
2014	21,551	5,522	90,937	7,482
2015	49,764	6,821	104,705	10,792

2013-2015 Occupational Injury Incidence Rate under Labor Insurance (%)

Year	Overall	Death	Disability	Injury or sickness
2013	3.703	0.026	0.256	3.420
2014	3.453	0.025	0.228	3.200
2015 (relaxed policy is not deducted)	3.191	0.026	0.214	2.951

第 6 條、第 7 條、結論性意見第 38 點及第 39 點—移工及其勞動條件

Articles 6 and 7—Migrant Workers and their Labour Conditions (COR, 2013, points 38-39)

點次	問題內容(原文)	中文參考翻譯
20	In its 2013 Concluding Observations and Recommendations the Review Committee expressed serious concerns as to the abuse of rights and the absence of rights of migrant workers in such areas as their recruitment, often involving exorbitant brokers' fees, their almost complete dependence on their employers, and the restrictions on their transfer between employers, their loss of status as documented	國際審查委員會在其 2013 年結論性意見與建議，對下列移工的權利被侵犯或完全缺乏表達嚴重關切：其聘僱過程常牽涉到過高的仲介費、其處境幾乎完全依賴雇主、轉換雇主的限制、解僱後失去移工身份、無證勞工面臨立即遣返之威脅。在回應意見（第 38 點至第 39 點）以及經社文

<p>workers, and their becoming undocumented with the imminent risk of deportation. In its Response to the Concluding Observations and Recommendations (points 38-39) and in its second report submitted under Articles 16 and 17 of the ESC Covenant (points 70 ff.) the Government provided information which is duly noted but does not allay the serious concerns expressed by the Review Committee in 2013. Similar concerns were also expressed in the Country Report on Human Rights Practices in Taiwan for 2015 by the United States Bureau of Democracy, Human Rights and Labor under Section 7 – Workers Rights. The Review Committee invites the Government to provide information and comments on the following issues:</p> <p>(i) the caregiver and domestic worker industry is reported as largely controlled by brokerage agencies that hire workers in their home countries and act as their representatives in Taiwan. Consequently, the actual take-home salaries for domestic workers are often far below the poverty level and thus constitute unacceptable condition of work;</p> <p>(ii) the Council of Labour Affairs (CLA) is supposed to provide basic labour protection for foreign household caregivers but fails to strengthen its inspection tasks, including a more systematic oversight of foreign brokerage</p>	<p>公約第二次國家報告(第 70 點開始)，我們注意到政府提供了資訊，但是並未解除審查委員在 2013 年表達的嚴重關切。美國民主、人權與勞動署 2015 年的臺灣人權實踐國家報告第 7 點(勞動權)也表達了類似的關切。審查委員請政府對下列議題提供資料和評論：</p> <p>(i) 看護移工和家事移工產業據報告是由仲介商所掌控，他們在母國聘僱工作者並且在臺灣擔任移工之代表。結果，家事移工的實際薪資常遠低於貧窮線，因此是不可接受的勞動條件；</p> <p>(ii) 勞委會理應為家事看護移工提供基本勞動保護，但並未強化其檢查工作，包括比較系統性的監督外商仲介工司；</p> <p>(iii) 報告了臺籍漁船在新加坡外海普遍對移工的虐待勞動條件(參見 2016 年 4 月綠色和平對政府失能、以及非法、虐待、罪犯漁業的報導 http://www.greenpeace.org/taiwan/Global/taiwan/planet3/publications/reports/2016/Taiwan-Tuna-Rpt-2016.pdf)</p>
---	---

	<p>companies;</p> <p>(iii) reported abusive working conditions rampant for migrant workers on Taiwan – flagged fishing vessels operating out of Singapore (see further the April 2016 Greenpeace report on Government Failure and Illegal, Abusive and Criminal Fisheries).</p>	
--	---	--

中文回應

1. 現行家事類外籍勞工(含家庭幫傭及看護工)非勞動基準法適用對象，故薪資由勞雇雙方合意約定，並訂定於勞動契約。為維護家事類外籍勞工勞動權益及維持其在臺生活的基本需要，勞動部參考物價指數等數據，及考量雇主經濟負擔之情形下，適時與外籍勞工來源國就外籍勞工薪資進行協商，並作適當的調整。自 2015 年 9 月 1 日起，新申辦來臺之外籍家事勞工之勞動契約，薪資項目由 1 萬 5,840 元調整為 1 萬 7,000 元進行驗證。
2. 外籍勞工來臺工作前所繳納之費用，由各來源國律定管理，勞動部透過雙邊勞工會議建議各外勞來源國相關仲介費用應以外籍勞工第 1 個月薪資為上限，並促請各來源國積極查處國外仲介公司收費情形。另外籍勞工來臺工作後，如發現有國外人力仲介公司超收費用情形，可透過勞動部 1955 外籍勞工諮詢服務專線申訴，勞動部將請外籍勞工來源國協處；如查明屬實，勞動部將依法不予認可、廢止或撤銷其認可。
3. 為強化家事勞工權益之保障，歷經多年研議，前於 2011 年 3 月 15 日研訂完成「家事勞工保障法」(草案)，並於 2013 年 9 月 13 日再陳行政院續行審議。惟因長期照顧服務法將自 2017 年起施行，勞動部將配合長期照顧制度之推動，進一步檢討。
4. 境外僱用外籍漁工之勞動條件保障措施係由農業委員會依「漁業法」第 54 條及「漁船船主在國外僱用外籍船員作業應行遵守及注意事項」相關規定負責管理。有關綠色和平組織在 2016 年 4 月發表的報告中，所揭外籍船員個案、巨洋案、Eril Andrade 案及印度洋海上喋血案，均屬司法案件，倘司法機關有偵查需要，漁業署可協助提供相關漁船資料供司法調查。此外，漁業署並已將綠色和平述及巨洋案、Eril Andrade 案及印度洋海上喋血案部分擷取函送檢察機關作為偵辦之參考。

英文回應

1. The current foreign workers in the household category (including the caregiver and domestic worker) are not governed by the Labor Standards Act. Therefore, the wages are decided by the agreement of both parties (the labor and the employer) and set out in their labor contracts. To protect foreign domestic workers' labor interests and maintain the basic needs of their living in Taiwan, the Ministry of Labor refers to the price index and other data, considers the case of the financial burden of employers, negotiates the foreign worker wage with the source country of foreign workers on a timely basis, and makes appropriate adjustments. Starting on September 1, 2015, for labor contracts of new foreign domestic workers applying to work in Taiwan, the salary is adjusted from NT\$15,840 to NT\$ 17,000 as verification.
2. The fees paid by foreign workers before to Taiwan to work shall be legally managed by the source countries. The Ministry of Labor, through the bilateral labor conferences, recommends that the relevant brokers' fees of all source countries of foreign workers should be limited to the first month of foreign workers wages as the maximum amount and urges the source countries to actively investigate and deal with the situation of foreign brokerage agencies' charges. In addition, if foreign workers in Taiwan discover the situation of foreign brokerage agencies' overcharging, they can appeal through the Ministry of Labor 1955 Foreign Workers Advisory Service Telephone Hotline. The Ministry of Labor will then invite the source countries of foreign workers to assist in handling the situation. If it is found to be true, the Ministry of Labor will not recognize, will revoke or will abolish its approval in accordance with the law.
3. To strengthen the protection of domestic workers' rights and interests of domestic workers, after years of study, the formulation of the "Domestic Workers Protection Act" (draft) was completed on March 13, 2011. On September 13, 2013, it was submitted to the Executive Yuan for continuous review. However, because the Long-term Care Service Act will be implemented starting 2017, the Ministry of Labor will conduct further reviews in conjunction with the promotion of the long-term care system.
4. The protection measures for the employment of foreign fishers outside Taiwan are governed by the Council of Agriculture in accordance with the relevant provisions of

Article 54 of the Fisheries Act and Directions for Vessel Owners in Employing Foreign Crews Overseas. For the individual judicial cases such as the Giant Ocean case, the Eril Andrade case, and the shooting incident in Indian Ocean, the Fisheries Agency is willing to provide information regarding the relevant fishing vessel upon request of the judicial authority. In addition, Fisheries Agency has extracted the statements regarding these three cases from the Greenpeace’s report of April 2016, and sent them to the judicial authority for reference.

第 6 條、第 7 條、結論性意見第 38 點及第 39 點—移工及其勞動條件

Articles 6 and 7—Migrant Workers and their Labour Conditions (COR, 2013, points 38-39)

點次	問題內容(原文)	中文參考翻譯
21	The response to the concluding observations and recommendations on the initial review, as contained in paragraph 8, only makes a general reference to the completion in December 2014, of the Ministry of Labor’s assessment regarding the rights of migrant workers and members of their families. What were the specific recommendations that came about after the assessment and examination? Please provide a detailed, updated information on the status of these specific recommendations.	對第一次審查結論性意見與建議的回應，如第 8 點，僅約略提到勞動部 2014 年 12 月完成了對移工和其家屬權利的評估。此項評估與檢視產生了哪些具體建議？請針對這些具體建議目前的狀況提供詳細、更新的資料。

中文回應

勞動部於 2014 年 12 月委託完成「保護所有移工及其家庭成員權利國際公約國內法化」研究報告，建議針對下列國內法進行研議改進或修法，說明如下：

1. 有關外勞政策是否由客工制改為移工制：依國籍法與入出國及移民法相關規定，外籍勞工不得依來臺工作為由取得永久居留或我國國籍。至客工制改為移工制一事，

事涉國家整體人口及移民政策，宜由國家發展委員會、內政部等主管機關通盤審慎考量，勞動部將配合辦理。

2. 有關外籍勞工有權選擇報酬活動之自由：我國基於基層勞動力之不足，依補充性原則開放引進外籍勞工，又為避免影響國人就業權益，限制外籍勞工能從事之工作業別及內容。惟為維護外籍勞工權益，倘因不可歸責外籍勞工之事由，經勞動部核准得轉換雇主；至於轉換雇主之方式，可至公立就業服務機構辦理登記，或由外籍勞工、原雇主、新雇主三方合意轉換，或原雇主如有違法情事，可由新雇主與外籍勞工雙方合意轉換。經比較新加坡、韓國、香港等國家，均一致採取原則禁止、例外同意轉換作法，且我國在轉換方式及資訊透明等方面，均較前開國家更保障外籍勞工，查現行轉換成功率已達90%以上。
3. 勞動部勞動力發展署所辦理之職業訓練措施，係依據職業訓練法立法意旨，以協助「本國國民」進入就業市場或穩定就業為目的，包括失業者職前訓練、在職進修訓練及青年職業訓練等，故尚無運用公共資源直接針對未具國民身分之外籍人士提供培訓服務，惟所屬分署仍可於不排擠本國人參訓機會之前提下接受相關部會委託，協助代訓外籍人士，或由移工自費參加民間訓練單位之訓練課程。

英文回應

In December 2014, the Ministry of Labor commissioned the completion of the study on "Domestic Legalization of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families", proposing to improve or amend the following domestic laws, with the following explanations:

1. Whether the policy on foreign workers is changed from the guest worker system to the migrant workers system or not: In accordance with related provisions of the Nationality Act and Immigration Act, foreign workers shall not obtain permanent residence or nationality of Taiwan, Republic of China on the grounds of working in Taiwan. As for the issue on whether the guest workers system is changed into migrant workers system, this is related to the overall population and immigration policies of the country and must be considered carefully and comprehensively by competent authorities such as the National Development Council and the Ministry of the Interior; the Ministry of Labor shall work in conjunction with them.

2. For the freedom of the foreign workers to choose the remunerated activity: Based on the shortage of grass-roots labor force, Taiwan has opened and introduced foreign workers in accordance with the complementary principle, and in order to avoid affecting the employment rights and interests of Taiwan people, it restricts the work sectors and contents that foreign workers can work in and on. But in order to protect the interests of foreign workers, if the reasons are not attributed to foreign workers, they can change employers after approval from the Ministry of Labor. As for the ways to change employers, it can be done by registering with the public employment service agency, be agreed upon by foreign workers, former employers and new employers, or if former employers violate the laws in any manner, the change can be agreed upon by both parties, i.e. the new employers and foreign workers. After comparing with Singapore, Korea, and Hong Kong which unanimously adopt the principle of prohibition and consent by exception for change, the change methods and information transparency in Taiwan protect foreign workers more than the countries mentioned above. The current rate of successful change has exceeded 90 %.
3. The vocational training measures conducted by the Workforce Development Agency of the Ministry of Labor are based on the legislative intent of the Vocational Training Act assist "nationals" in entering the job market or stabilizing employment, including vocational training for the unemployed, on-the-job training and youth vocational training. Therefore, no direct use of public resources for foreigner workers is available to provide training services for them. However, the branches of the Agency can still be commissioned by relevant departments to help train foreigners given the premise of not squeezing nationals' training opportunities. Also, migrant workers may participate in the training program of private training units at their own expense.

第 6 條、第 7 條、結論性意見第 38 點及第 39 點—移工及其勞動條件

Articles 6 and 7—Migrant Workers and their Labour Conditions (COR, 2013, points 38-39)

點次	問題內容(原文)	中文參考翻譯
22	Well-documented reports have yielded information regarding the global Taiwanese fishing fleet operating “almost entirely out of control, in which some of the most serious crimes, including violence, labour abuses, illegal, unreported and unregulated (IUU) fishing and their serious impacts, are endemic and routine” allegedly because of the failure of Taiwan’s authorities at the highest level. In this context, please provide detailed information specifically on the reported labour abuses and appalling living conditions of foreign workers especially on Taiwanese longliners, and include an explanation on the apparent inability of the ROC government to enforce its own laws in this regard.	多項詳實的報導對臺灣漁船在全球各地進行「幾乎完全不受控制，其中有些嚴重的犯罪，例如暴力、虐待勞工、非法、未報告及未受規範漁業，及其嚴重的衝擊，非常頻繁幾成慣例」提供了資訊，據稱這是由於臺灣政府最高層級的失職。在此脈絡下，請針對報導中的臺籍漁船移工的勞工虐待和可怕的生活條件提供詳細資訊，尤其是延繩釣漁船，並解釋為何中華民國政府在此方面似乎無法執行其法律。

中文回應

1. 綠色和平組織在 2016 年 4 月發表的「臺灣製造-失控的遠洋漁業」報告中，對於臺灣漁業管理提出許多批評與指教。然而該報告中有許多誇大不實之處如：指稱有多達 16 萬名外籍勞工在全球各地的臺灣漁船工作，但以臺灣目前在國家管轄水域以外作業約 1,500 艘遠洋漁船計算，即使所有船員人數加起來亦不及 3 萬人。報告中有許多此類與事實不符之處，亦有諸多以聯結或推論的描述，漁業署認為並不妥適且易誤導閱眾，在此不針對其中錯誤一一列舉。
2. 鑒於違法、未報告、不受規範(IUU)漁業行為嚴重威脅漁業資源永續，各區域性漁業

管理組織(RFMOs)已訂有各項養護管理措施，臺灣亦積極配合遵守，綠色和平報告所言臺灣遭歐盟舉黃牌警告部分，歐盟係以市場國立場對輸入歐盟的漁獲來源採高標準檢視，事實上與其他主要捕魚國相較，臺灣在各 RFMOs 之各項養護管理措施遵守程度達一定標準之上。

3. 有關綠色和平訪談漁工報告指出，受僱於我國籍漁船之外籍漁工有被打、超時工作而且收入微薄的情形，且一旦發生問題，漁工就投訴無門，尤其是非法漁工。這當中存有許多誤解，謹就我國之政策法規和改善措施說明。遠洋漁船船主境外僱用之外籍船員，係依據農委會訂定之「漁船船主在國外僱用外籍船員應行遵守及注意事項」辦理，透過要求漁船船主與外籍船員簽訂定型化勞動契約，並投保商業保險，俾保障外籍船員之權益。如果外籍船員有遭要求簽訂不合理契約、受不當對待、超收仲介費用或膳宿費等情事，均可撥打 1955 外籍勞工保護專線。如果漁船在國外，則可透過我國駐外館處與我國相關單位進行聯絡；亦可向我國觀察員求助。
4. 漁業署將研議訂定最低保障薪資、提高保險額度、透過一切可能管道進行查訪外籍船員機制、加重船主及船長違規罰則等，以進一步保障其權益。另農委會訂定「我國境外僱用外來船員之遠洋漁船涉嫌違反人口販運防制法爭議訊息受理通報及後續處理標準作業程序」，倘有漁船主涉及人口販運案件，將依法查處。
5. 有關報告中所揭外籍船員個案、巨洋案、Eril Andrade 案及印度洋海上喋血案，均屬司法案件，倘司法機關有偵查需要，漁業署可協助提供相關漁船資料供司法調查。此外，漁業署並已將綠色和平述及巨洋案、Eril Andrade 案及印度洋海上喋血案部分擷取函送檢察機關作為偵辦之參考。
6. 於我國境內具有勞雇關係，且受僱於適用勞動基準法之行業者，不分本國或外國籍，均有勞動基準法之適用。受僱之漁船船員自 1984 年 8 月 1 日起已有勞動基準法之適用。雇主倘有違反該法之情事，勞工可檢具相關事證，逕向當地勞工行政主管機關(縣市政府勞工或社會局、處)申訴，當有專人處理。
7. 有關境外僱用外籍漁工之勞動條件保障措施，由農委會依「漁業法」第 54 條及「漁船船主在國外僱用外籍船員作業應行遵守及注意事項」相關規定管理。
8. 為保障境外漁工權益，可透過撥打勞動部 1955 勞工專線諮詢相關法規或申訴。又 1955 勞工專線受理境外漁工申訴後，由勞動部函請農委會卓處，以維護境外漁工勞動權益。

英文回應

1. Comments and criticism were brought up in the Greenpeace report dated April 2016, that is “Made in Taiwan: Government Failure and Illegal, Abusive and criminal Fisheries.” But there are exaggerated and misleading information in the report. For example, the report alleged that up to 160,000 migrant workers work on Taiwan’s distant water fishing vessels, whereas even if all the crew members working on-board all of the 1,500 Taiwan’s distant water fishing vessels are added up, the number of crew members is less than 30,000, far from the number indicated by Greenpeace. This is just one of the instances in the report that is inconsistent with the fact or needed to be verified. Furthermore, a good deal of inappropriate descriptions based on assumption that could mislead the audience. Similar examples will not be enumerated in consideration of the main objective of this response.
2. Threatening the sustainability of fisheries resources, IUU fishing has becoming the growing concern of the international community. Each regional fisheries management organization (RFMO) has established various conservation and management measures to prevent and tackle IUU fishing. Taiwan is currently operating under a formal warning from the European Union (EU), the so-called yellow card for failing to take sufficient measures in the fight against IUU fishing. However, it should be noted that the EU, as a market State, examines the catches imported into its territories with high standards. Taiwan has been following the relevant measures adopted by RFMOs. In fact, Taiwan’s efforts to actively comply with applicable measures have been recognized by the international community, which can be seen in its compliance status evaluated by RFMOs.
3. Greenpeace indicated that foreign crews working on board of Taiwanese fishing vessels were beaten, overloaded and underpaid. When problems occur, there is nowhere for fishermen, particularly illegal workers, to complain. The Fisheries Agency found misunderstandings by Greenpeace concerning this issue. The following Taiwanese policy, regulations, and improvements may clarify to some extent. For foreign fishing crew employed overseas, the general working conditions such as duration of contract, wages, insurance, hours of work shall be included in the standard form contract, and the owners

of fishing vessels or recruitment agent shall sign this contract with foreign fishing crew. In case that any foreign crew is forced to sign unreasonable contract, suffered from inappropriate treatment, or overcharged with agent service fee or accommodation fee, he/she can dial the special line 1955, which provides foreign crew free consultation and assistance. In the event that the fishing vessel is operating abroad, the crew may also contact our representative offices in the local country or our relevant authorities to request assistance when fishing vessel entering into ports. In addition, the foreign crew could also reach the observers onboard for assistance.

4. The Fisheries Agency will further conduct study and plan additional measures, including the research on basic wage, rise on insurance, appropriate mechanism for foreign crew investigation through any possible approach. The Council of Agriculture promulgated "Standard Operation Procedure for Information Gathering, Notification and Subsequent Actions Concerning Violations of the Human Trafficking Prevention Act by Taiwanese Distant Water Fishing Vessels Employing non-Taiwanese Crew Members". Any case of human trafficking involved by vessel owners will be investigated according to relevant laws and regulations.
5. For the individual judicial cases such as the Giant Ocean case, the Eril Andrade case, and the shooting incident in Indian Ocean, the Fisheries Agency is willing to provide information regarding the relevant fishing vessel upon request of the judicial authority. In addition, Fisheries Agency has extracted the statements regarding these three cases from the Greenpeace's report of April 2016, and sent them to the judicial authority for reference.
6. Workers having labor relationships in the territory of the Republic of China and are employed in the trades in which the Labor Standards Act are applicable, regardless of their nationalities, are governed by the Labor Standards Act. The employed fishing vessel crew has applied to the Labor Standards Act starting 1 August 1984. In the event of any violation by any employer of the Act, the worker may appeal with by providing relevant evidence directly to the local labor administration authority (labor or social bureau, office of county/city), where an undertaker will handle the case.
7. The protection measures for the employment of foreign fishers outside Taiwan are

governed the Council of Agriculture in accordance with the relevant provisions of Article 54 of the Fisheries Act and the “Directions for Vessel Owners in Employing Foreign Crews Overseas”.

8. In order to protect the rights and interests of overseas fishers, parties concerned may call the Ministry of Labor 1955 Labor Telephone Hotline to consult the relevant laws and regulations or file an appeal. After the 1955 Labor Telephone Hotline receives the appeal from overseas fishers, the Ministry of Labor will notify the Council of Agriculture in writing to investigate to preserve the foreign fishers’ rights and interests.

第 8 條－工會權		
Article 8－Trade Union Rights		
點次	問題內容(原文)	中文參考翻譯
23	Public service employees are still prohibited from organizing and operating labour unions. Firefighters, for example, were only allowed to set up a „National Association for Firefighters’ Rights“ . One initiator of the Association was given over 40 demerits in three months, resulting in his eventual dismissal from the firefighters force. What steps is the MOL taking to address this problem?	公務員仍然被禁止成立及運作工會。例如消防隊員僅被允許成立「消防員工作權益促進會」。該協會的發起人之一在 3 個月內被申誡超過 40 次，造成他被消防隊免職。勞動部對此問題採取了什麼行動？

中文回應

1. 依工會法第 4 條規定略以，勞工均有組織及加入工會之權利，各級政府機關及公立學校公務人員之結社組織，依其他法律之規定。消防人員因具公務人員身分，依工會法規定，尚不得籌組工會。我國為保障憲法所賦予公務人員之結社權，考試院會同行政院研訂「公務人員協會法」專屬法律，規範公務人員勞動基本權利事項，消防人員得加入所屬直轄市、縣（市）政府組成之機關公務人員協會。

2. 我國公務人員得依公務人員協會法組織公務人員協會，「保障公務人員權益、改善工作條件」為組織公務人員協會之目的之一，公務人員協會性質已相近於工會，是以，我國並無禁止公務人員組織工會，而係依我國國情，以法律明定公務人員應依公務人員協會法組織公務人員協會。
3. 有關消防員因發起組織工會而被申誡超過 40 次，造成被免職一節，並非事實，依據公務人員保障暨培訓委員會再申訴及復審決定書內容指明，該消防員主要係因違法兼職、誣控濫告長官及違反公務人員考績法等事由，依規定予以懲處，並依公務人員考績法予以免職。是以，該消防員被免職與其發起組織工會，並無關聯。

英文回應

1. According to “Labor Union Act” Article 4, All workers shall have the right to organize and join labor unions. Association and organization of civil servants at all levels of governments and public schools shall be governed by other applicable statutes. As firefighting personnel have the status of civil servant, they shall not organize labor unions. In order to guarantee right of association of civil servants given by constitution, The Examination Yuan and Executive Yuan amended “Civil Servant Association Act”, which regulating basic labor right of civil servant. According to it, firefighting personnel could join Civil servant associations at county level.
2. The civil servants can organize the Civil Servants Association according to the Civil Servant Association Act. The association is designed to protect the rights and interests of civil servants and to improve working conditions. Therefore, the nature of civil servants' associations is similar to the trade unions. In summary, our country does not prohibit civil servants from organizing trade unions, and in accordance with R.O.C's conditions, the Civil Servant Association should be organized by civil servants in accordance with the Civil Servant Association Act.
3. The firefighter was dismissed not because of organizing trade unions. According to the re-appeal and review decision issued by the Civil Service Protection and Training Commission, the firefighter was given 40 demerits and being dismissal from the firefighters force, because he should be responsible for illegal part-time work, false accusation against the Executive and violation of the Civil Service Performance

Evaluation Act. Therefore, the dismissal of firefighter and the organization of trade unions is not related.

第 8 條－工會權		
Article 8－Trade Union Rights		
點次	問題內容(原文)	中文參考翻譯
24	The Labour Union Act foresees that directors and supervisors of unions can take official leave to carry out union affairs. This possibility for leave is not extended beyond directors and supervisors. The MOL, MOE and the Control Yuan apparently take a restrictive position in this respect. What are the ministries of labour and education doing to bring their practice in line with the obligations flowing from article 8 ICESCR?	工會法允許理事長和幹部請會務假，但對於其他會員就無法援用此規定。勞動部、教育部和監察院對此似乎都採取保守立場。請問勞動部和教育部採取何種行動以使其實踐符合經社文公約第 8 條衍生之義務？

中文回應

- 查工會法第 36 條第 1 項規定：「工會之理事、監事於工作時間內有辦理會務之必要者，工會得與雇主約定，由雇主給予一定時數之公假。」，另查同法施行細則第 32 條規定：「本法第 36 條所定辦理會務，其範圍如下：一、辦理該工會之事務，包括召開會議、辦理會員教育訓練活動、處理會員勞資爭議或辦理日常業務。二、從事或參與由主管機關或目的事業主管機關指定、舉辦與勞動事務或會務有關之活動或集會。三、參加所屬工會聯合組織舉辦與勞動事務或會務有關之活動或集會。四、其他經與雇主約定事項。」。爰工會之理事、監事如確有前開工會法施行細則第 32 條所定之辦理會務情事，得依與雇主約定，由其給予一定時數之公假，合先敘明。
- 另非具有工會理事、監事身分之會員如與雇主約定會務假，工會法並無明文禁止規定。換言之，工會與雇主經由協商達成合意，約定非具理事、監事身分之會員會務

假，屬勞資自治領域，應尊重其約定，亦無牴觸工會法令之規範。

3. 依教師請假規則第 4 條第 1 項規定：「教師有下列各款情事之一者，給予公假。其期間由學校視實際需要定之：……十、應國內外機關團體或學校邀請，參加與其職務有關之各項會議或活動，或基於法定義務出席作證、答辯，經學校同意。……。」，爰教師擔任職(產)業工會理監事，得依工會法第 36 條第 1 項規定與學校約定公假時數辦理會務；其會員幹部處理會務，如未以工會法規定約定給假，倘符合教師請假規則第 4 條第 1 項第 10 款規定並經學校同意者，得核予公假。
4. 2014 年監察院曾依據陳情調查教師會務假適用疑義案。監察院調查發現，工會法關於教師會務假規定之適用性有解釋空間，但教育部未依立法院決議及教師請假相關規定，即以函釋准許教師會幹部得經協商以每周固定減少授課時數之公假處理會務，已違反法律保留原則，除影響學生之受教權外，也造成地方政府另聘代課教師之費用支出，故建議教育部及勞動部加以改善(監察院調查案號：103 教調 0050)。關於教師會務假案，教育部已重新函釋由學校依權責認定核假，而勞動部亦積極蒐集各界意見，以利就工會法涉及工會幹部與雇主協商會務假之事宜，納入修法考量。

英文回應

1. As Paragraph 1 of Article 36 of the Labor Union Act specifies, “ In case that it is necessary for the directors or supervisors of a labor union to handle union affairs during their working hours, the labor union may reach an agreement with their employer to provide them with a certain number of hours as official leave.” In addition, as Article 32 of the Enforcement Rules of Labor Union Act specifies, “The term “labor union businesses” shall include the following activities: 1. Handling such business affairs of the labor union as convening meetings, conducting election or providing members with education and training, processing labor-management disputes for members, or engaging in other daily business affairs; 2. Engaging in or participating in labor-related or labor union business-related activities or meetings as designated or held by the competent authorities or the competent business-related authorities; 3. Taking part in labor-related or labor union business-related activities or meetings held by the confederation of labor unions which they are affiliated with, and 4. Handling other business affairs as agreed with the employer”. Therefore, if the directors and supervisors of a union indeed conduct

- matters specified in Article 32 of the Enforcement Rules of the Labor Union Act, they may have an agreement with their employer to provide them with official leave.
2. In addition, if non-director/supervisor members of a union intend to have an agreement with employers for labor union business leave, it is not prohibited by the Labor Union Act. In other words, if the labor union and the employer reach an agreement through negotiation to agree on non-director/supervisor members' labor union business leave, it is an area of labor-employer autonomy. Their agreement shall be respected, and it is not in conflict with the regulations of the Labor Union Act.
 3. Paragraph 1 of Article 4 of the Regulations on Teacher Leave of Absence states: "A teacher may be granted official leave of absence for any of the following reasons. The length of the period of leave granted will be determined by the educational institution subject to its needs... (10) when a teacher is invited by a government body, organization, or another educational institution, in Taiwan or overseas, to attend a meeting or event related to his or her official duties, or when the teacher is required to appear in court as a witness or a defendant..." Hence, if a teacher serves as a labor union director or supervisor, he or she may come to an agreement with the educational institution to be permitted a certain number of hours of official leave to handle union affairs during working hours, in accordance with the provisions of Paragraph 1 of Article 36 of the Labor Union Act; if teachers are labor union office-holders with union affairs to handle and have not come to an agreement and been granted official leave of absence to do so under the provisions of the Labor Union Act, the teachers who satisfy the criteria set out in the provisions of Subparagraph 10 of Paragraph 1 of Article 4 of the Regulations on Teacher Leave of Absence may be granted official leave, subject to approval by the educational institution.
 4. In 2014, the Control Yuan, based on complaints, launched an investigation into the dubious application of the official leave of absence for handling the affairs of the teachers' union. The Control Yuan found that the Labor Union Act was ambiguous with regard to the official leave of absence for the teachers' union. In addition, the Ministry of Education (MOE) had ignored both the Legislative Yuan resolution and relevant leave rules for teachers, and issued an administrative rule which allowed the staff of teachers'

union to cut short weekly teaching hours to carry out union affairs with official leaves. This had violated the principle of Law Reservation (Gesetzesvorbehalt). It not only infringed the students' right to education, but also resulted in additional spending for local governments to hire substitute teachers. The Control Yuan made recommendations to the MOE and the Ministry of Labor (MOL) for improvement. (Ref. Case No: 103-Jiaodiao-0050), and the MOE responded by issuing another administrative rule stipulating schools to approve such leaves at their own discretion. The MOL is proactively collecting information and opinions so as to amend the Labor Union Act with regard to union staff members reaching an agreement with their employer for official leaves to carry out union affairs.

第 8 條－工會權		
Article 8— Trade Union Rights		
點次	問題內容(原文)	中文參考翻譯
25	The Government maintains that collective bargaining agreements have increased from 75 in 2006 to 300 in 2014. However, over 200 of such agreements merely contained one stipulation that schools should deduct union fees from salaries of teachers on behalf of the union. What are the MOE and MOL planning to do to substantively increase collective bargaining possibilities?	政府聲稱團體協約由 2006 年的 75 件增加到 2014 年的 300 件。然而，其中有兩百多件協約僅有一項規定，亦即學校應協助工會，將工會會費由薪資中扣繳。教育部和勞動部有何計畫，以實質提升進行團體協約之協商的可能性？

中文回應

1. 為促使勞資雙方締結團體協約，近年來勞動部持續推動團體協商入廠輔導、座談會、培訓班等行政措施，促使勞資雙方更瞭解集體協商之模式及提升團體協約之實質內容。
2. 教育部於 2014 年 11 月 12 日以臺教師(三)字第 1030159717 號函示「因教師工會團

體協約協商訴求之 SOP 作業流程圖」，供各界進行團體協約協商之依循。

3. 教育部已於 2016 年委託國立臺北教育大學進行 11 場團體協約協商團隊種子成員培訓，增進團體協約協商相關人員、機關或單位之勞動知能，以實質提升進行團體協約之協商的可能性。

英文回應

1. In order to facilitate the conclusion of collective bargaining agreements between labor and management, the MOL has continued to promote collective bargaining through seminars, training courses and other administrative measures in recent years. This has enabled labor and management to better understand the models of collective bargaining and enhance the substance of collective bargaining agreements.
2. The Ministry of Education issued the “SOP Flowchart for Collective Bargaining and Agreement as Per Request of the Teachers Union” on November 12, 2014, to provide guidelines for all parties involved in collective bargaining (Tai Jiao Shi (3) Official Letter No. 1030159717).
3. In 2016 the Ministry of Education commissioned National Taipei University of Education to provide eleven collective bargaining training sessions in order to increase the number of personnel, organizations, and units involved in collective bargaining equipped with the knowledge and skills to substantively improve the likelihood of collective bargaining resulting in an agreement.

第 11 條－適足住房權(經社文公約第 4 號及第 7 號一般性意見)

Article 11 – Right to Adequate Housing (General Comments No. 4 and 7)

點次	問題內容(原文)	中文參考翻譯
26	Please furnish more information on steps taken by the Government to deal with the situation of people and communities in the country who are facing forced evictions. What steps has the	針對政府處理國內人民或社區面臨迫遷情事時所採取的措施，請提供更多資訊。政府為使《都市更新條例》與《土地徵收條例》

<p>government taken to bring in line its “Urban Renewal Act” and the “Land Expropriation Act” with international standards including General Comment No. 4 and the UN Basic Principles and Guidelines on Development based Displacement and Evictions.</p>	<p>能與包含第 4 號一般性意見、聯合國《以發展為基礎所導致之驅離及遷離家園之基本原則與準則》等國際標準一致，已採取了哪些措施？</p>
--	---

中文回應

1. 都市更新

- (1) 我國辦理都市更新係透過都市更新方式以提升社區公共安全、公共交通、公共衛生、社會治安、都市機能及因應避免重大災害或事變等事項，具有公共利益性質。
- (2) 更新完成後，都市更新後房地產權仍按權利價值歸屬於原所有權人，並非強制徵收民間土地及強迫遷移原住戶。至於違章建築戶之處理，則課予實施者責任，應與住戶協商提出處理方案予以適當安置，政府並提供一定容積獎勵協助處理。
- (3) 按現行機制，協議合建亦得以多數同意方式實施，少數不同意協議合建者，實施者得申請政府代為強制徵收後讓售或採權利變換方式實施。惟實務執行，主管機關均要求以權利變換方式實施，採以原地安置方式處理。
- (4) 都市更新處理方式除重建之外，尚包括整建及維護，對於未迫切需要更新之個別住宅，可引導其以整建維護方式辦理，並由中央都市更新基金提供規劃設計及工程費用補助，協助民眾自行辦理，減少強制拆遷情形。
- (5) 另為使都市更新案更符合正當行政程序，內政部於 2014 年 4 月 25 日修正都市更新條例施行細則，修正重點為：以適當方式充分揭露更新相關資訊，以達資訊公開之效；舉辦公聽會擴大民眾參與；任何人民或團體得於審議前提出意見，併同參考審議；核定都市更新事業計畫及權利變換計畫前，應舉行聽證，始能決定個案計畫得否以多數決方式強制推動。

2. 土地徵收

- (1) 土地徵收條例規定需用土地人於申請徵收前，必須就事業計畫評估其興辦事業之公益性及必要性，包含用地範圍勘選應就損失最少之地方為之，並應儘量避

免耕地、建築密集地等，先行舉辦至少 2 場公聽會廣納民眾意見，且應通知被徵收人陳述意見；又徵收土地屬特定農業區者，如有爭議，應另行舉行聽證程序。爰此，於興辦事業規劃階段，已儘量避免可能造成迫遷之情形。

- (2) 現行土地徵收條例第 34 條之 1 並明定原居住於被徵收建築改良物之低收入戶或中低收入戶，因徵收致無屋可住時，需用土地人針對中低收入戶或情境相同者，應訂定拆遷安置計畫，其安置項目包括安置住宅、購置住宅貸款利息補貼、租金補貼等，以保障其居住權。至於非合法建築改良物部分，各直轄市、縣（市）政府均訂有相關自治條例酌予救濟金等補償。
3. 鑒於土地徵收、都市更新之推動，影響民眾權益甚鉅，內政部正積極檢討既有之決策程序，在推動涉及民眾權益的重大政策過程中，適時導入聽證程序，刻正辦理聽證培訓課程、研議訂定「內政部及所屬機關舉行聽證作業要點」及遴定聽證主持人等作業，俟制度完備後，將更能回應外界期待及符合國際標準。

英文回應

1. Urban Renewal

- (1) Urban renewal projects are carried out in the R.O.C. for the purpose of promoting public interests such as community safety, public transportation, public health, security, living, and prevention of major disasters.
- (2) An urban renewal project would entitle existing owners shared ownership of the new property. It is not an expropriation of private land and does not force existing occupants away from their residence. As for households living in illegal structures, the government holds the project executor responsible for negotiating with residents to develop suitable accommodation solutions; in return, the government grants more favorable floor area ratio as an incentive.
- (3) Under the current system, consensual constructions may still proceed with the consent of the majority. For the minorities that oppose against a consensual construction project, the project executor may request to have the government expropriate property and either sell or return existing owners' rights over the new development. In practice, however, the authority demands to have existing owners' rights over the new development returned to them base on a Government- approved

Right Conversion Plan, so that the original owners still have their rights to live in the same location.

- (4) An urban renewal project is not limited to reconstruction, but also includes renovation and maintenance. For those individual-owned properties without the urgent need of rebuilding, the government provides Central Urban Renewal Fund for its planning and construction. It assists residents to renovate and maintain their properties, which eliminates the numbers of eviction case.
- (5) To enhance our urban renewal procedures, the Ministry of the Interior amended the Enforcement Rules for the Urban Renewal Act on April 25, 2014. Highlights of the amendment are: Renewal-related information is sufficiently disclosed in an adequate way to fulfill the goal of information openness; public hearings are held to maximize public involvement; any people or group may bring forth their opinions before deliberation to be taken into consideration during deliberation; hearings should be held before an urban renewal business plan and right switch plan is approved with attendants including affected parties in urban renewal cases, known stakeholders, experts and scholars, representatives from related authorities (agencies) or groups, and members on the urban renewal review committee; and parties to be notified of reviewed and approved urban renewal business plans are maximized. The competent authority shall weigh all results of hearings and explain reasons for adopting or not adopting them before rendering an approved administrative punishment.

2. Land Expropriation

- (1) According to the Land Expropriation Act, the land use applicant must evaluate the public interests and necessity of the project before applying for the expropriation. The expropriated area should be the least loss of the place when doing survey and select, and the arable land and the building-intensive area should avoid being chosen. Besides, at least two public hearings should be held to gather the views of the public, and the land use applicant shall inform the original owners of expropriated land or land improvements to state their opinions. Expropriations that give rise to disputes in special agricultural zone would also require public hearings. Therefore, in the planning stage, the Government has tried to avoid possible evictions.

- (2) According to Article 34-1 of the Land Expropriation Act, if there are low-income households or medium-low income households with facts of inhabitation, and such household members become homeless or are in similar situation due to the expropriation of the constructional improvements they live in, the land use applicant shall draft a resettlement plan. The resettlement includes alternative housing, mortgage interest reimbursement, rent subsidies and so on to protect their right of residence. As for the non-legal constructional improvement part, the special municipal, city and county governments have proposed regulations for relevant compensation, such as relief payments.
3. In the consideration of Land Expropriation and Urban Renewal, this had great effect on people's right. As such, the Ministry of the Interior is undergoing extensive review in the matter. During this important policy procedure that will affect people's rights, in the certain circumstance, there will have hearing procedure. Now the government is currently active on the establishment of the hearing system. Later on, this hearing system can be used on people's legal right in the land-use case. It will also fully help the assessment of our policymaker. Thus, people will have more assurance on their property right and residential right.

第 11 條－適足住房權(經社文公約第 4 號及第 7 號一般性意見)

Article 11 – Right to Adequate Housing (General Comments No. 4 and 7)

點次	問題內容(原文)	中文參考翻譯
27	What steps have been taken by the Government to have more accurate data on the number of homeless and street people in Taiwan. Has the government taken steps to improve access to adequate housing for the homeless and adequate services in the shelters including “locker storage services”. Has the government been able to	為了更精準地掌握臺灣居無定所者與街友之人數，政府已採取了哪些措施？政府曾否採取一些措施以改善居無定所者對於適足住房之近用，以及在庇護所的適足服務設施（含上鎖置物櫃）。那些使居無定所者無法近用《住宅法》

remove the obstructions blocking access by homeless people to housing resources promised in the “Housing Act”.	允諾之住宅資源的障礙，政府是否已能予以排除？
--	------------------------

中文回應

1. 為實際找到街頭遊民，並提供後續輔導服務，主要管道有三：
 - (1) 社工人員主動街頭訪視服務：因遊民常於公園、車站、地下道等地聚集，社工人員主動於遊民聚集處訪視，提供輔導資源，如遇有新的遊民個案，會予以列冊，提供服務。
 - (2) 透過相關服務網絡之轉介：如醫院轉介路倒個案，或是警政轉介遊民個案，如醫院或警察發現遊民個案，即主動轉介社政主管機關予以介入輔導。
 - (3) 民眾主動通報：社會大眾如於街頭發現遊民個案，可向社會局(處)、警察局或透過市民專線通報，社會局(處)接獲通報，會指派社工人員進行訪視評估個案需求。
2. 為提供遊民短期安置服務，針對有安置意願之個案，目前全臺共有 10 處公設遊民收容處所，未設立遊民收容所之縣市，亦結合社會福利機構，提供收容安置服務。另為提供多元安置服務，本部運用公益彩券回饋金補助地方政府及民間團體辦理短期夜宿服務，及租屋補貼，以供街友於社區租屋。
3. 至於遊民安置處所之措施，除床鋪配置區分男女外，尚有適足的用餐、盥洗空間、休憩場所，本部亦補助提供可上鎖之置物櫃措施，以滿足遊民基本隱私需求。
4. 我國係以多元方式提供國民居住協助，對於中低收入之無自有住宅家庭，政府主要以提供購屋貸款利息補貼方式來協助；對於收入較低之無自有住宅家庭，政府則以提供租金補貼及只租不售的社會住宅來協助。
5. 2011 年 6 月 16 日行政院核定「社會住宅短期實施方案」，主要推動臺北市及新北市之五處試辦基地（含臺北市萬華青年段、松山寶清段，及新北市三重大同南段、三重大安段、中和秀峰段），預計興建 1,923 戶，協助無法於市場上租得住宅之弱勢者、中低收入家庭、外地至臺北都會區就學就業青年、新婚家庭等解決居住需求。我國刻正研擬 8 年 20 萬戶社會住宅興辦計畫，將以興建 12 萬戶及包租代管民間空餘屋 8 萬戶來達成。
6. 依住宅法第 4 條規定有 11 類弱勢身分者，並依該法第 3 條第 2 款規定，社會住宅應

提供至少 10% 以上比率出租予上開弱勢身分者，目前「住宅法」修正草案業將社會住宅提供予上開弱勢身分者比率提高至 30% 以上，屆時將有更多弱勢民眾受益，其中協助對象包含遊民（街友）。另上開修正草案亦明訂社會住宅之租金計算，主管機關應斟酌社會住宅承租者之所得狀況、負擔能力及市場行情訂定分級收費基準，並定期檢討，以因應各種經濟或社會弱勢者之需求。

英文回應

1. In order to practically find the homeless on the street and provide them follow-up assistive services, we have three major channels:
 - (1) Social workers proactively pay a visit to the gathering place of homeless people: due to the reason that homeless people often gather around at park, station and underpass etc. Social workers would proactively visit the gathering place of homeless people and provide them aids, if there's a new case for homeless person, we would list it and provide service.
 - (2) Through relevant online service referral: for instance, referral case from hospital or police station for homeless people. If cases like homeless people found in the hospital or by police officer then we would proactively report to social work organization for assistive referral.
 - (3) Citizen proactive report: if citizens find homeless people on the street, they can report to department of Social Welfare, police station or they can report through citizen hotline. Once department of social welfare receive the report it will assign social workers to visit and make an assessment of case need.
2. In order to provide short-term settlement service specifically for those who are willing to settle, so far there are 10 public homeless shelters, and for those cities and counties that doesn't have shelters, they also team up with social welfare organizations to provide settlement service. In addition to providing wide variety of settlement service, our department makes good use of charitable lottery feedback fund to subsidize local government and non-governmental organization for short-term night accommodation service and renting subsidiary to provide homeless people renting house in communities.
3. Concerning homeless settlement location measurement, in addition for separation for

male and female's bed location, there's adequate space for dining, bathing and rest area, our department also subsidize lockers in order to meet the basic private need for homeless people.

4. The Taiwanese government is adopting multi-function to assist nation living. To care middle income households without house, deal with the project of residence with suitable price for the populace and subsidized interest loans. Furthermore to care low income households, provide the subsidized rents and social house only for rent without selling.
5. On June 16, 2011, the Executive Yuan approved the "Short-term Implementation Plan for Social Housing", which will mainly promote five pilot bases in Taipei City and New Taipei City (including Taipei Wanhua Youth Section, Matsuyama Baoqing Section and Xinbei City Triple Datong Nan 1,923 households are expected to be built to assist the disadvantaged, low-income and middle-income families who are unable to rent a house in the market, and to seek employment for young people and newly married families in the metropolitan area. The government is engraved in the study of 8 years, 200,000 social housing projects, will be built 120,000 private charter and charter 80,000 households to achieve.
6. According to the Article 4 on Housing Act in Taiwan, there are 11 type of Special conditions or identities defined. Article 3 on Housing Act, Social housing: Refers to housing built by the government or private sector with subsidies from the government that is primarily rented, and should rent at least 10% to persons with special conditions or identities above. Currently, on the draft amendment of housing act, housing built by the government or private sector with subsidies from the government that is primarily rented, and should rent up to 30% at least to persons with special conditions or identities. It can make a more benefit to persons with Social vulnerable than before(include Homeless people). In addition, the draft amendment also stipulates the calculation of the rents for social housing. The Administration shall, on the basis of the income situation, affordability and market conditions of social housing tenants, formulate grading basis and review regularly to meet the needs of various economic or social disadvantaged person's demand.

第 11 條－適足住房權(經社文公約第 4 號及第 7 號一般性意見)

Article 11 – Right to Adequate Housing (General Comments No. 4 and 7)

點次	問題內容(原文)	中文參考翻譯
28	Can the Government explain what is being done to overcome the primacy that the “right to property” enjoys over “the right to housing” in government policies, the existing civil code and administrative regulations and in court judgments. In para 217 of the Report, the government mentions steps taken on “Social Housing”. The information provided by civil society organizations, however, indicates that for those in Taiwan who do not have property ownership rights or hold title accessing housing is beyond their financial capacity. What steps is the government taking to ensure that vulnerable people can have access to adequate housing.	政府能否解釋，為了克服「財產權」在政府政策、現存《民法》、行政規範與法院判決中，享受高於「居住權」之優位性，政府已做了什麼努力？在國家報告中的第 217 點，政府提及已採取「社會住宅」相關措施。然而公民社會組織所提供的資訊顯示，在臺灣，對於那些沒有財產所有權或無土地產權者來說，近用住宅超出他們的財務負擔能力。為確保易受傷害的人民能近用適足住房，政府目前正採取哪些措施？

中文回應

1. 我國係以多元方式提供國民居住協助，對於中低收入之無自有住宅家庭，政府主要以提供購屋貸款利息補貼方式來協助；對於收入較低之無自有住宅家庭，政府則以提供租金補貼及只租不售的社會住宅來協助。
2. 2011 年 6 月 16 日行政院核定「社會住宅短期實施方案」，主要推動臺北市及新北市之五處試辦基地（含臺北市萬華青年段、松山寶清段，及新北市三重大同南段、三重大安段、中和秀峰段），預計興建 1,923 戶，協助無法於市場上租得住宅之弱勢者、中低收入家庭、外地至臺北都會區就學就業青年、新婚家庭等解決居住需求。我國刻正研擬 8 年 20 萬戶社會住宅興辦計畫，將以興建 12 萬戶及包租代管民間空餘屋 8 萬戶來達成。

3. 依住宅法第 4 條規定有 11 類弱勢身分者，並依該法第 3 條第 2 款規定，社會住宅應提供至少 10% 以上比率出租予上開弱勢身分者，目前「住宅法」修正草案業將社會住宅提供予上開弱勢身分者比率提高至 30% 以上，屆時將有更多弱勢民眾受益，其中協助對象包含遊民（街友）。另上開修正草案亦明訂社會住宅之租金計算，主管機關應斟酌社會住宅承租者之所得狀況、負擔能力及市場行情訂定分級收費基準，並定期檢討，以因應各種經濟或社會弱勢者之需求。

英文回應

1. The Taiwanese government is adopting multi-function to assist nation living. To care middle income households without house, deal with the project of residence with suitable price for the populace and subsidized interest loans. Furthermore to care low income households, provide the subsidized rents and social house only for rent without selling.
2. On June 16, 2011, the Executive Yuan approved the "Short-term Implementation Plan for Social Housing", which will mainly promote five pilot bases in Taipei City and New Taipei City (including Taipei Wanhua Youth Section, Matsuyama Baoqing Section and Xinbei City Triple Datong Nan 1,923 households are expected to be built to assist the disadvantaged, low-income and middle-income families who are unable to rent a house in the market, and to seek employment for young people and newly married families in the metropolitan area. The government is engraved in the study of 8 years, 200,000 social housing projects, will be built 120,000 private charter and charter 80,000 households to achieve.
3. According to the Article 4 on Housing Act in Taiwan, there are 11 type of Special conditions or identities defined. Article 3 on Housing Act, Social housing: Refers to housing built by the government or private sector with subsidies from the government that is primarily rented, and should rent at least 10% to persons with special conditions or identities above. Currently, on the draft amendment of housing act, housing built by the government or private sector with subsidies from the government that is primarily rented, and should rent up to 30% at least to persons with special conditions or identities. It can make a more benefit to persons with Social vulnerable than before(include Homeless people). In addition, the draft amendment also stipulates the calculation of the rents for

social housing. The Administration shall, on the basis of the income situation, affordability and market conditions of social housing tenants, formulate grading basis and review regularly to meet the needs of various economic or social disadvantaged person's demand.

第 11 條－適足住房權(經社文公約第 4 號及第 7 號一般性意見)

Article 11 – Right to Adequate Housing (General Comments No. 4 and 7)

點次	問題內容(原文)	中文參考翻譯
29	<p>What steps have been taken by the Government to improve the housing and living conditions of the 47% of Taiwan's indigenous population that is now living in cities. What steps is the government taking to respect "tribal community residence" and "tribal sovereignty" over urban and rural indigenous villages. What steps are being taken to ensure that these communities are not dispossessed due to the government use of policy tools such as "resettlement subsidies" and "illegal housing demolitions".</p>	<p>針對佔全國原住民族人口百分之 47 的都市原住民，政府已採取哪些措施以改善其居住與生活條件？政府已採取哪些措施，以尊重都市與鄉村中之原住民村里的「部落社區住宅」與「部落主權」？政府已採取哪些措施，以確保這些社區不會因政府使用諸如「拆遷補償」與「違建拆除」等政策工具，而遭受驅逐？</p>

中文回應

1. 政府為提升都市原住民居住與生活條件，住宅政策中央主管機內政部，為讓不同所得水準、身心機能、性別、年齡、家戶組成、族群文化之國民均擁有適宜且有尊嚴之居住環境，訂定「整體住宅政策」，提供都市原住民多元居住協助，包括提供承租住宅、改善住宅硬體環境、自建、自購補貼及優惠租金等方式，協助其居住於適居之住宅。
2. 為保障都市原住民健康、安居、就學、就養、就業及社會適應，及促進原鄉部落發展，原民會分別推動「都市原住民發展計畫」及「原住民族住宅改善計畫」，推動政策如下：

- (1) 對經濟較弱勢的原住民提供建購及修繕住宅補助。
 - (2) 補助地方政府於都會區租用國宅或集合式住宅轉出租原住民。
 - (3) 提供本會汐止花東新村公共住宅出租予族人。
 - (4) 協助新北市政府推動「三峽原住民族文化園區」及「溪州阿美文化園區」。
 - (5) 推動部落住居文化及文化地景營造計畫
3. 有關都會區原住民群聚聚落之住宅業務，為各地方政府之自治事項，現有都會區原住民群聚聚落，各地方政府均定期或不定期進行訪視，並主動協助改善水電民生基礎設施，倘聚落有意願且主管之地方政府已覓妥擬安置之土地及完成相關規劃後，本會將視當年度預算經費協助部分公共設施經費之補助，如「三峽原住民族文化園區」及「溪州阿美文化園區」之推動。
4. 內政部推動之整合住宅補貼資源實施方案,對於具有原住民身分者提供措施如下：
- (1) 依據住宅法第 4 條略以：「本法所定具特殊情形或身分，指下列規定之一者：……九、原住民」之規定，已明定原住民為具特殊身分者。
 - (2) 自 2007 年推動之「整合住宅補貼資源實施方案」提供租金補貼、自購住宅貸款利息補貼及修繕住宅貸款利息補貼。本方案採評點制，若原住民者符合申請條件，於評點時酌予加 5 分，以優先獲得補貼機會。且申請自購及修繕住宅貸款利息補貼，經審查符合規定者亦適用第 1 類優惠利率（目前為 0.562%），較一般核定戶 1.137% 利率更優惠。截至 2016 年度 9 月底止，計協助原住民者弱勢家庭租金補貼 2 萬 5,380 戶、自購住宅貸款利息補貼 1,295 戶及修繕住宅貸款利息補貼 461 戶。
 - (3) 興辦社會住宅：依據住宅法第 3 條第 2 項規定：「社會住宅：指由政府興建或獎勵民間興辦，專供出租之用，並應提供至少百分之十以上比例出租予具特殊情形或身分者之住宅」，預計未來 10 年中央與地方共興辦社會住宅 3 萬 4 千戶，將提供 10%（住宅法提高為 30% 修正草案,立法院刻正審議中）戶數予具原住民者等特殊身分優先入住。

英文回應

1. Ministry of Internal Affairs of the central government in Taiwan lays down the “Comprehensive Housing Project” in order to enable citizens belong to various income standard, physical and mental condition, gender, age, family and ethnic culture to enjoy

adequate and respectful living conditions. The Project also provides urban indigenous populations with assistance in housing, such as house lease or rental, improvement of facilities, building of one's own house, house purchase subsidy and rent concession, so that they may afford a house suitable for their need and their living conditions may be upgraded.

2. The Council of Indigenous Peoples also launch the "Urban Indigenous People Development Project" and "Indigenous Housing Improvement Project" in order to safeguard the health, safe living, education, nursing, employment and social adaptation of urban indigenous populations. Relevant policy measures are as followed:

- (1) Subsidize financially disadvantaged indigenous persons for the construction, purchase or renovation of the house.
- (2) Subsidize regional governments for renting national or collective apartments in urban areas and releasing them to indigenous peoples.
- (3) Lease the Council of Indigenous Peoples Shihzi Hua-Tung New Village to indigenous tenants.
- (4) Assist New Taipei City Government in setting up "Sanshia Indigenous Culture Park" and "Shizou Amis Culture Park".
- (5) Promote the "Culture Landscape Construction Project for Indigenous Settlement and Housing".

3. Since urban indigenous settlements fall within the jurisdiction of regional governments, it is reported that every regional office pays visits to these settlements either regularly or irregularly and provides them with basic facilities such as water and power. For cases in which an agreement has been reached by the settlement and a relocation project has been made by regional governments after locating the land and completing relevant plans, the Council of Indigenous Peoples will allocate subsidies out of its annual budget for the installment of public facilities. Examples include "Sanshia Indigenous Culture Park" and "Shizou Amis Culture Park".

4. The implementation plan for integrated residential subsidy resources promoted by the Department provides the following measures for persons with Aboriginal status:

- (1) In accordance with Article 4 of the Residential Code, the Aboriginal people are

specifically identified as having "a special case or status referred to in this Law means one of the following:

- (2) Since 1996, the implementation of the "Integrated Housing Subsidy Resources Implementation Program" provides rental subsidies, interest subsidy for self-purchased residential loans and subsidy for repayment of residential loan interest. This program adopts the evaluation system, if the aboriginal persons meet the conditions of application, in the commentary discretion to add 5 points to give priority access to subsidies. And apply for self-purchase and repair of residential loan interest subsidies, the review also meet the provisions of the applicable category 1 preferential interest rate (currently 0.562%), 1.137% more than the general approved rate is more favorable. As of the end of September, the subsidy for assisting the aboriginal families in renting the disadvantaged households was 25,380, the interest subsidy for self-purchased residential loans was 1,295, and the subsidy for repairing residential loans was 461.
- (3) Social Housing: According to Article 3 (2) of the Housing Act, "social housing" means a building built or rewarded by the government to be rented out by the private sector and provided for lease at least 10% House or residence of tenants in the next 10 years, the government and the local government will set up 34,000 social housing units and will provide 10% (30% amendment to the domestic law, the Legislative Yuan is considering) Residents and other special status priority to stay.

第 12 條－生理與心理健康(經社文公約第 14 號一般性意見)

Article 12 – Right to physical and mental health (CESCR General Comment no. 14)

點次	問題內容(原文)	中文參考翻譯
30	In para. 260 and table 58 of the Second Report on the ICESCR, cases of sexually transmitted disease involving adolescents are detailed. Please explain the alarming increase in respect of	在經社文公約第二次國家報告第 260 點和表 58，描述了青少年的性傳染病案例。請解釋在 2012 年到 2015 年之間梅毒和淋病明顯

<p>Syphilis and Gonorrhoea between 2012 and 2015, particularly in relation to boys between the ages of 15 – 19, and what measures have been taken to combat this situation?</p>	<p>增加的原因，尤其是在 15 歲至 19 歲的男生，又政府採取何種措施以對抗此一情勢？</p>
---	---

中文回應

1. 2012 年至 2015 年，青少年梅毒疫情未明顯增加；淋病個案數則在各年齡層均有所增加，依據臨床醫師研判，可能與檢驗工具精進，讓疾病更容易被診斷，以及社會風氣開放，透過網路 APP 等管道邀約性伴侶等不安全性行為增加有關。
2. 為防治青少年淋病疫情，本部疾病管制署自 2014 年起推動友善醫師性伴侶感染風險告知服務，鼓勵病患之性伴侶接受檢驗及治療，降低淋病傳播風險，亦與教育部合作加強辦理各級學校之性教育，並透過多元管道進行性傳染病防治宣導。
3. 教育部 2013 年 4 月 25 日以臺教綜(五)字第 1020050239 號函發布「校園性教育(含愛滋病防治)實施計畫」，透過各級學校校長、行政人員及國高中職健體領域教師愛滋病防治培訓研習、建置性教育教學資源網，並結合衛生隊協助辦理以學生為主體之性教育(愛滋病防治)宣導活動等項目，加強校園性教育(含愛滋病防治)衛教宣導。

英文回應

1. During 2012 and 2015, the number of syphilis cases in Taiwan did not increase significantly among adolescents, but the number of gonorrhea cases increased across different age groups, including adolescents and adults. According to clinic reports, improvement in laboratory diagnosis was the one major factor that accounts for the increasing trend in gonorrhea cases. The other factor is the increase in unsafe sex practices that result from the hook-up culture and more people meeting sexual partners through the internet and social networking apps.
2. To control the gonorrhea epidemic among adolescents, since 2014, the Taiwan Centers for Disease Control (Taiwan CDC) has been encouraging doctors at STD friendly clinics to offer partner-notification services to infected-patients in order to help identify and treat susceptible groups early and lower the risk of further transmission. In addition, Taiwan CDC has also collaborated with the Ministry of Education to reinforce sex education

promotion through awareness campaigns at all levels of schools and multiple communication channels.

3. The Ministry of Education issued the Sex Education on Campus Project (including AIDS Prevention and Treatment) Implementation Plan (Tai Jiao Zong (5) Official Letter No.1020050239) on April 25, 2013. This project requested heads and administrative staff of educational institutions, and physical education and health teachers in junior high, senior high, and vocational schools to participate in AIDS prevention and treatment training programs, and requested educational institutions to set up teaching resources networks and hold activities for students on sex education topics (including AIDS prevention and treatment).

第 12 條－生理與心理健康(經社文公約第 14 號一般性意見)		
Article 12 – Right to physical and mental health (CESCR General Comment no. 14)		
點次	問題內容(原文)	中文參考翻譯
31	The amended Rare Diseases and Orphan Drugs Act of 2015 has detailed measures of prevention, screening, and study of rare diseases. What is being done beyond identifying the problems encountered? To what extent have increased subsidies to home medical treatments been successful? Please give disaggregated figures on an annual basis.	《罕見疾病防制及藥物法》2015 年的修法，增列了罕見疾病的預防措施、篩檢、和研究。除了確認問題之外，政府還做了什麼？對家庭醫療費用補助的提高，是否成功？請補充按年度的分組資料。

中文回應

1. 2015 年 1 月 14 日修正施行罕見疾病防治及藥物法後，政府為獎勵各級醫療機構、研究機構及罕見疾病相關團體從事罕見疾病防治工作，補助相關人力培育、研究及設備所需經費，於 2016 年 6 月 6 日發布施行「罕見疾病防治工作獎勵補助辦法」；為照顧罕見疾病病人及其家屬，政府應派遣專業人員訪視，告知相關疾病之影響，並

- 提供病人及家屬心理支持、生育關懷、照護諮詢等，於 2016 年 9 月 2 日發布施行「罕見疾病及罕見遺傳疾病缺陷照護服務辦法」。補助罕見疾病醫療 2013 年補助 2,026 人次、2014 年補助 2,268 人次、2015 年補助 2,523 人次、2016 年 7 月止補助 1,189 人次。
2. 現行衛生福利部公告的重大傷病範圍有 30 類，罕見疾病屬重大傷病範圍項目，衛生福利部公告的罕見疾病種類有 211 項，截至 2015 年底止，約 1 萬 1 百餘人領有重大傷病卡。經醫師確認並通報國民健康署確診後，可申請核發重大傷病證明，該疾病之相關治療可免繳部分負擔。
 3. 2015 年罕見疾病患者之醫療費用約 39 億元，罕見疾病藥物金額約 35 億元。
 4. 為照顧罕見疾病患者，凡經通過列為罕見疾病患者治療藥品，皆主動並加速收載於「全民健康保險藥物給付項目及支付標準」列入給付，使罕見疾病患者受到應有的照顧，減輕醫療照護的負擔。

英文回應

1. The Rare Disease and Orphan Drug Act was amended and promulgated on January 14, 2015. According to the Act, the Regulation of Rewards and Subsidization on the Prevention of Rare Diseases was promulgated on June 6, 2016, which stipulates that the government shall encourage and reward medical care institutions at all levels, research institutions and groups related to rare diseases to carry out preventive work for rare diseases and provide funding for manpower development, research and facilities. The Regulation of Rare Diseases and Rare Genetic Defects Care Services was promulgated on September 2, 2016, which stipulates that the government shall dispatch specialized personnel to spread awareness on the impact of the disease, provide psychological support, maternity attentiveness, care consultation services, etc. to the patients and their families. Medical subsidies for rare diseases were offered to a total of 2026 people in 2013, 2268 in 2014, 2523 in 2015, and 1189 from January to July in 2016.
2. There are 30 catastrophic illnesses which recognized by the Ministry of Health and Welfare. Rare diseases are classified as catastrophic illnesses. The Ministry of Health and Welfare now officially recognizes 211 different rare diseases, and 10,151 catastrophic illness cards were in use as of the end of December 2015. After physician confirms the

diagnosis and informs the Health Promotion Administration, the patient can apply for the issuance of a catastrophic illness certificate. The patient will be exempt from copayment for treatments related to the disease.

3. A total of NT\$3.9 billion was spent to treat rare diseases in 2015, of which NT\$3.5 billion was for medication. To safeguard patients' rights, any drugs listed by the Ministry of Health and Welfare as necessary for the treatment of a specific rare disease will be fully covered by the NHI system.
4. Any drugs approved for treatment of rare diseases and their reimbursement standard must be listed expeditiously in the package of benefits covered by the NHI system. This policy ensures that rare disease sufferers get the care they are entitled to in a timely manner and keeps the financial burden of the care they receive to a minimum.

第 12 條-生理與心理健康(經社文公約第 14 號一般性意見)

Article 12 – Right to physical and mental health (CESCR General Comment no. 14)

點次	問題內容(原文)	中文參考翻譯
32	In para. 242 of the Report, the difference between life expectancy at birth in the most affluent townships/city/county is stated as 85.3 years, as against only 62.5 years in the least affluent areas. What concrete health promotion steps has the Ministry of Health taken, beyond cooperation and consultation between different departments and authorities, and what results have been reached?	在報告第 242 點，最富裕的鎮/市/鄉的平均餘命是 85.3 歲，而最不富裕的地區則是 62.5 歲。衛福部除了部會間的合作與協商之外，採取了哪些具體的健康促進步驟，獲致哪些成果？

中文回應

1. 各鎮/市/鄉平均餘命之差距，導因於鎮/市/鄉各年齡層死亡率之差異。為增進各生命歷程人口群之健康與縮減平均餘命之差距，衛生福利部透過跨部會與跨政府層級之平臺，共同推動健康相關政策，例如在幼年階段，設立行政院兒童及少年福利與權

益推動小組；在學齡階段，設立教育部學校衛生委員會；在老年階段，設立衛福部老人福利推動小組；在性別議題與婦女權益部分，設有行政院性別平等會；在非傳染病防治部分，設有中央癌症防治會報，制定國家癌症防治工作方針，督導國家癌症防治工作成效，另設有衛福部菸害防制策進會，協調跨部會菸害防制工作項目之研提及推動。

2. 在健康促進作為上，衛生福利部國民健康署為強化弱勢民眾照護，提供新住民孕婦產檢補助及生育諮詢與衛教，同時提供經濟弱勢與偏遠地區產前遺傳診斷補助額度較一般人(補助 5000 元)高出 3500 元(補助 8500 元)，補助經濟弱勢民眾人工生殖費(最高 10 萬元)，並規劃高風險孕產兒關懷追蹤訪視；藉由菸害防制法施行及菸捐達到縮小不同群體間之健康落差，包括逐步擴大禁菸場所範圍、實施新版菸品健康警示圖文、嚴禁菸品廣告、提高菸捐、推動二代戒菸全面多元服務等，成年人吸菸率及青少年吸菸率皆顯著下降；協助吸菸、飲酒、嚼檳榔高盛行率及其相關癌症發生率較高之縣市，推動菸酒檳防制整合計畫，推行後縣市嚼檳率均下降；另自 2013 年起，對有嚼檳榔之原住民提前自 18 歲即可每 2 年 1 次免費口腔癌篩檢。為讓全民享有優質癌症診療品質，針對較弱勢尚無通過「癌症診療品質認證」醫院之縣市，由已通過認證醫院輔導提供優質的放療及化療服務；另補助縣市購置乳攝車，深入偏鄉篩檢。縮減區域平均餘命差距須各部會持續努力，衛生福利部未來將持續監測、評估，及提供更適切弱勢鄉鎮的健康服務。

英文回應

1. The gap in life expectancy between the indicates the difference in age-specific mortality of the townships/city/county. To reduce differences in life expectancy of the townships/cities/counties, the Ministry of Health and Welfare promotes health for all through inter-ministerial cooperation according to stages of life course. In childhood stage, the task force for children and youth welfare and rights led by Minister without Portfolio has been established. In school-age stage, there is School Health Education Committee under the Ministry of Education. For the elderly, the task force for senior welfare is led by Minister of Health and Welfare. In addition, we have multi-ministerial platforms for independent health issues. For gender equity and women right, there is Gender Equity Committee led by the Premier. For non-communicable disease prevention

and control, the Committee on Cancer Prevention & Control is established to guide national cancer prevention and control. The strategic committee for tobacco prevention and control is established under Ministry of Health and Welfare to coordinate actions among ministries for tobacco control.

2. In the efforts of health promotion, in order to strengthen the disadvantaged groups, the Health Promotion Administration of the Ministry of Health and Welfare provides new immigrants pregnant women with maternity allowance, production consultation and health education, and provide higher subsidy information of pregnant women receiving prenatal hereditary diagnosis for those economically disadvantaged and remote areas groups (subsidy of NT\$8,500) than ordinary people (subsidy of NT\$5,000). Also, providing the subsidy of artificial reproduction for the disadvantaged groups (up to NT\$100,000), and planning follow-up visits of high-risk pregnant and caring child care. On the side of tobacco, narrowing the health inequalities of different groups through implementing the Smoking Hazards Prevention Act and tobacco surcharges, for example, expanding the smoke-free environment, implementing of the new version of health warning photographs, non-smoking advertising, adjust tobacco surcharges and promoting the second-generation Smoke Cessation Payment Scheme, to reduce adult smoking rate and teenage smoking rate. For those areas of high rate of smoking, drinking alcohol and chewing betel nut and the incidence of cancer, the Ministry of Health and Welfare develops comprehensive action plans against smoking, alcohol and areca quid prevention, and the average of chewing betel nut are highly reduced. Since 2013, while the age of eligibility for oral cancer screening for aboriginals who chew areca quid (or have given it up) has been brought forward to 18 and subsidizes free oral cancer screening service every 2 years. In order to provide high-quality cancer diagnosis and treatment to all the people, we have provided qualified radiotherapy and chemotherapy services through the certified hospitals to assist the counties and cities which have not yet passed the "cancer diagnosis and treatment quality certification" hospitals. Moreover, purchasing the "mammogram-mobiles" to provide screening service in partial rural area. Closing the gap in life expectancy across the regions needs efforts from multi-departments. The Ministry of Health and Welfare will continue to monitor, assess and provide more appropriate health services for disadvantaged towns and villages in the future.

第 12 條－生理與心理健康(經社文公約第 14 號一般性意見)

Article 12－Right to physical and mental health (CESCR General Comment no. 14)

點次	問題內容(原文)	中文參考翻譯
33	In para.245 of the Report, laudable measures of basic education, licence renewal and on-job training of medical personnel are mentioned. Please give disaggregated figures on the various medical personnel on an annual basis for the last four years, particularly disaggregated between urban and rural areas.	報告的第 245 點，提到了值得讚許的醫護人員基本教育、執照更新、在職教育。請提供不同醫療職務人員在過去 4 年中依年份的分組資料，尤其是城鄉分組。

中文回應

有關各醫事人員近 4 年接受 2 年期畢業後臨床訓練人數如下：

年別 \ 受訓人數	六都	非六都	合計
2012	14,179	4,832	19,011
2013	15,086	5,086	20,172
2014	15,288	5,256	20,544
2015	16,140	5,412	21,552

英文回應

The disaggregated figures of the various medical personnel who received a 2-year post-graduate medical course :

Year \ Number of people	Urban areas	Non-urban areas	Total
2012	14,179	4,832	19,011
2013	15,086	5,086	20,172
2014	15,288	5,256	20,544
2015	16,140	5,412	21,552

第 12 條－生理與心理健康(經社文公約第 14 號一般性意見)

Article 12 – Right to physical and mental health (CESCR General Comment no. 14)

點次	問題內容(原文)	中文參考翻譯
34	In paras.246 and 247 of the Report, the Ministry of Health refers to the drafting in 2015 of a White Paper on mental health promotion covering future courses for mental health policies and infrastructures in the next 10 years. Has this drafting been concluded, and what implementation steps have been taken in that respect?	在報告第 246 點及第 247 點，衛福部提到在 2015 年草擬了心理衛生促進白皮書，涵蓋未來十年心理衛生政策方向和基礎建設。這份草案定案了嗎，採取了何種落實措施？

中文回應

衛生福利部 2015 年所委託辦理「心理健康促進政策白皮書編撰計畫案」已經完成期末報告，該報告相關建議事項，衛生福利部於研擬中長程計畫－國民心理健康第二期計畫（計畫期程：2017 年至 2021 年）時，已納入規劃參考。

英文回應

The Ministry of Health and Welfare has completed White Paper on mental health promotion in 2015 and continued incorporating the aforementioned policy into “National Mental Health Action Plan Phase II” (Duration: 2017 to 2021).

第 12 條－生理與心理健康(經社文公約第 14 號一般性意見)		
Article 12 – Right to physical and mental health (CESCR General Comment no. 14)		
點次	問題內容(原文)	中文參考翻譯
35	Please give more detailed information and data on the Government’s educational efforts as regards LGBTI human rights, transcending the focus on HIV/AIDS. What concrete steps have been taken to enhance awareness and acceptability of medical and education personnel in their professional education and provision of medical assistance to LGBTI persons, in particular what steps are being taken to provide LGBTI-friendly environments in medical health facilities (such as guaranteeing privacy, acceptable rest rooms, and acceptable recording of medical records) ?	請提供更詳細的資訊和數據，說明政府關於 LGBTI 的人權，除了愛滋病防治之外，有哪些教育措施。為了提升醫療及教育人員對 LGBTI 人士的認知和接受度，在教育及醫護人員的專業教育中，政府採取了哪些具體措施？尤其是，採取了哪些步驟以營造對 LGBTI 人士友善的醫療服務設施（例如保障隱私、可接受的盥洗室、可接受的病歷記載）？

中文回應

1. 有關保護病人隱私權部分，醫療法第 72 條已明確規範，醫療機構及其人員皆應依法維護病人隱私，不得無故洩漏，並不因性別有所差異。
2. 有關可接受的病歷記載部分，查醫療法第 67 條第 2 項規定，病歷包括醫師及其他各類醫事人員執行業務所製作之紀錄，均係醫師法及各類醫事人員法規定辦理，並無差異性對待。

3. 為提升師資生對於各類重大教育議題(含人權教育)的了解，於「師資職前教育課程教育專業課程科目及學分對照表實施要點」中，將「教育議題專題」2 學分列為教育專業課程必選科目。2015 學年度計有 27 校於教育議題專題開設人權教育議題，3,014 師資生修習。並於 2016 年核定淡江大學、靜宜大學辦理人權教育相關議題之教師在職進修專長增能學分班 2 班次，以提升教師之人權知能。
4. 高等教育階段有關 LGBTI 所涉性別議題，係由各校在醫學倫理及人文領域中規劃相關課程，以提升性別意識。
5. 持續將 LGBTI 相關議題納入相關研討會及教育行政人員相關會議中宣導，例如全國大專校院性別平等教育委員會座談會、各級學校性別平等教育委員會業務人員傳承研討會、校園性霸凌及性騷擾事件案例研討會、校園性別事件行為人處遇輔導議題研討會、調查專業人員培訓、校園性侵害性騷擾或性霸凌防治教育專業人員培訓、各級學校校長會議、學務會議、輔導會議以及各縣市學管科會議等。
6. 教育部於 2016 年委託專家學者研訂「中小學行政人員、教育人員階段課程(含 LGBTI 相關議題)」，及「教師性別平等教育素養檢核量表」，以提升教育人員相關知能，並檢核教師性別平等意識。

英文回應

1. Regarding the protection of the patient's privacy, Article 72 of the medical care act has clearly stipulated that medical institutions and their personnel shall safeguard the privacy of patients according to law and shall not leak out without any reason and shall not be differentiated by sex.
2. As for the acceptable medical records, section 67 (2) of the medical care act stipulates that medical records, including physician's and other medical personnel's records, shall be handled in accordance with the provisions of the physicians act and various medical personnel laws and shall be treat with no difference.
3. To improve trainee-teachers' understanding of major education issues (including human rights education), a two-credit "education issues" course was made compulsory in the Directions on the Implementation of Trainee-Teacher Program Professional Courses and Credits. In the 2015 academic year, twenty-seven educational institutions offered courses on human rights education, and these were attended by 3,014 trainee teachers. In 2016,

- Tamkang University and Providence University were given approval to provide two on-the-job training programs on human rights education for teachers.
4. Higher education courses related to LGBTI issues have been designed and conducted in the medical ethics and humanities fields to enhance gender awareness.
 5. LGBTI and related issues have continued being brought up in seminars and educational administration personnel meetings, including: seminars for gender equality education committees in universities and colleges, seminars on staff training for gender equality education committees in schools, seminars on sexual bullying and sexual harassment cases, seminars on counseling for perpetrators of campus gender incidents, training for professional investigators, professional training on prevention and control of campus sexual harassment or bullying, meetings of heads of educational institutions at all levels, academic affairs meetings, counseling meetings, and meetings of the academic affairs sections of local Departments of Education.
 6. In 2016, the Ministry of Education appointed scholars and experts to develop a “special program (including LGBTI related issues) for administrative and teaching staff in elementary and junior high schools”, and a “teachers’ gender equality education literacy assessment scale” to enhance educators’ capabilities and assess their gender equality consciousness.

第 12 條－性與生殖健康之權利(經社文委員會第 22 號一般性意見)

Article 12 – Right to sexual and reproductive health (CESCR General Comment no. 22)

點次	問題內容(原文)	中文參考翻譯
36	Please provide information on the contents and number of hours of education on the right to sexual and reproductive health currently offered at different levels of schools (elementary, secondary and tertiary), and also for adolescents outside of the school system.	請提供不同階段（初級、中級、高級）的學校中，有關性與生殖健康之權利，所提供的授課內容和授課時數之資料，以及對未就學的青少年所提供之此類教育。

中文回應

1. 國民小學及國民中學階段

(1) 現行「國民中小學九年一貫課程綱要」之「健康與體育學習領域」，包含性教育相關內容其能力指標如：1-1-3「認識身體發展的順序與個別差異」、1-1-5「討論對於身體的感覺與態度，學習尊重身體的自主權與隱私權」、1-2-4「探討各年齡層的生理變化，並有能力處理個體成長過程中的重要轉變」、1-2-6「解釋個人與群體對性方面之行為，表現出不同的信念與價值觀」、1-3-2「蒐集生長、發展資料來提升個人體能與健康」、1-3-3「運用性與性別概念，分析個人與群體在工作、娛樂、人際關係及家庭生活等方面的行為」、1-3-4「解釋社會對性與愛之規範及其影響」。

(2) 其中能力指標 1-1-5 補充說明中，已有提及保持身體清潔，包括生殖器官的清潔，並保持整體儀表舒適。1-3-2 補充說明提及運用資訊媒體，如：報章雜誌、網路、電視新聞等，蒐集有關青春期的資訊，實踐青春期的健康生活，並學習處理青春期有關夢遺、自慰、青春痘、體味、性衝動等生理問題。1-3-3 補充說明提出瞭解負責任的愛與性為人生帶來快樂，激發創造力與生命力。1-3-4 補充說明亦提到性親密、懷孕、墮胎、避孕、婚前性行為、性病防治以及預防性騷擾、性侵害、色情等議題。

(3) 目前九年一貫課程教科書係依據課程綱要能力指標編輯，再經由國家教育研究院組成教科圖書審定委員會審定，爰健康教育教科書已將性教育知識納入課程教授，並依規定節數實施教學。另有課程規劃及教材使用，係由學校及授課教師依據九年一貫課程綱要能力指標做彈性自主規劃，除於課程中實施，學校亦可利用彈性課程、全校性會議或活動時宣導性教育之重要。

2. 高級中等教育階段：現行普通高級中學必修科目「健康與護理」課程綱要中有「促進性健康」之主題，其內容包含「澄清錯誤的性觀念（含受孕時機、過程及生殖系統的疾病預防）」、「尊重與接納不同性取向者」、「對婚前性行為負責任之做決定的生活技能。」、「避孕方法的認識」、「生育健康與人工流產」、「愛滋病的防治」、「認識性騷擾、性侵害的防治」等，授課節數為 9 節。

英文回應

1. For elementary and junior high schools:

- (1) The “health and physical education” category of the current Grade 1–9 Curriculum Guidelines includes the following competence indicators related to sex education:
1-1-3: understanding the stages of physical development, and the differences between the stages;1-1-5: discussing physical feelings and attitudes, and respecting another individual’s bodily autonomy and privacy;1-2-4: discussing the physical changes experienced at different ages, and being able to handle important transitions of growth;1-2-6: explaining that the beliefs and values towards sex one may present when with a group of peers may be different to how one feels about such matters when alone; 1-3-2: gathering information on development and growth to improve one’s physical fitness and overall health;1-3-3: applying concepts of sexuality and gender to analyze individual and group behavior in the areas of work, entertainment, interpersonal relationships, and home life; and1-3-4: explaining how society restricts sex and love, and the impacts these restrictions have.
- (2) Supplementary remarks for indicator 1-1-5 mention personal hygiene, including genital area hygiene, and keeping a clean and neat appearance. Supplementary remarks for Indicator 1-3-2 mention gathering information about adolescence from sources such as the press, internet, and TV news; living a healthy life through adolescence; and coping with issues such as nocturnal emissions, masturbation, pimples, body odor, and sexual impulses. Remarks for Indicator 1-3-3 mention that responsible love and sex can bring happiness to life and inspire creativity and vitality. Remarks for Indicator 1-3-4 mention sexual intimacy, pregnancy, abortion, contraception, premarital sex, STD prevention and treatment, and prevention of sexual harassment, rape, and pornography.
- (3) Textbooks are compiled based on the competence indicators set out in the Grade 1–9 Curriculum Guidelines and are then reviewed by the Textbook Review and Approval Committee of the National Academy for Educational Research. As a result, sex education has been incorporated into health education textbooks and must be taught for a stipulated number of class hours. Schools and teachers are permitted to make

their own decisions regarding curriculum planning and teaching materials, based on the competence indicators set out in the Grade 1–9 Curriculum Guidelines. In addition to the classroom lessons, schools may also undertake sex education through alternative learning modes, school meetings, and events.

2. For senior high schools : Current “health and care” course curriculum guidelines include a sexual health promotion theme, which covers: clarifying misconceptions about sex (conception timing and process, and prevention of reproductive system diseases); respecting and accepting people with different sexual orientations; making responsible choices regarding premarital sex – a life skill; contraception; healthy pregnancy and abortion; AIDS prevention and treatment; and recognizing and preventing sexual harassment and rape. A total of nine class sessions is required.

第 13 條－教育權		
Article 13 – Right to education		
點次	問題內容(原文)	中文參考翻譯
37	Both the initial and second report, only report about student dropout rates showing which population groups are affected, and describe government policies regarding reduction of dropout rates. Please provide detailed specific information beyond just statistics, regarding the factors that cause these dropouts, and include the actual effects of measures undertaken by government to address the issues relating to student dropouts, if any. In addition, please discuss the consistently wide disparities between the enrolment rates in tertiary level education of male and female students with disabilities, as shown in Table 73 of the second report.	初次國家報告和第二次報告，都只提到數個族群的學生休學率較高，並且描述了政府相對應的政策。請提供數據以外的詳細資訊，以說明影響休學的因素；並請包括政府採取之政策的實際效果。此外，請討論身心障礙男生和女生在高等教育就學率，持續存在的巨大差異，如第二次報告表 73 所示。

中文回應

1. 2015 學年度高級中等以下學校中輟生總數為 3,934 人，中輟因素計包括:個人因素 1,997 人(50.76%)、家庭因素 891 人(22.65%)、學校因素 411 人(10.45%)、社會因素 556 人(14.13%)及其他因素 79 人(2.01%)。經各界積極努力合作下，尚輟人數為 606 人，尚輟率為 0.031%。
2. 經檢視各教育階段發現，部分障別的身心障礙男女生比例的確存在差異，如學習障礙或自閉症等，經了解此乃因染色體異常、遺傳基因等因素所致。
3. 以自閉症為例說明，依 Rutter 和 Lockyer(1967)在英國倫敦等地所做調查數據，自閉症男女生比例為 4.25 比 1，而美國的 Lord 和 Schopler(1985)的調查數據顯示自閉症男女比為 3.6 比 1；Baird 等(1985)報告的調查數據，則為 4.8 比 1，我國中山醫科大學(2001)的臨床抽樣調查數據男女比為 7.7 比 1。依美國國家精神衛生學院統計男性患自閉症的比率，比女性高三至四倍。
4. 再依 2015 年特殊教育統計年報統計，國中小階段學習障礙類別之男女比為 2.23:1；自閉症類別之男女比為 6.67:1，高中職階段學習障礙類別之男女比為 2.67:1；自閉症類別之男女比為 6.90:1。與上述國外研究結果相近。
5. 是故，有關高等教育之身心障礙男生和女生就學率差異，係屬先天生理因素所致。惟本部依適性教育之精神，以學生之特殊教育需求為依歸，提供所需之適切支持服務。

英文回應

1. In the 2015 academic year 3,934 students stopped attending classes. Of these, 1,997 (50.76%) cited personal factors, 891 (22.65%) cited family factors, 411 (10.45%) cited school related factors, 556 (14.13%) cited social factors, and 79 (2.01%) cited other factors. Close and active collaboration between various parties resulted in a reduction in the number of students still not attending classes to 606, a rate of 0.031%.
2. Reports indicate gender differences in some disorders, such as learning disabilities and autism, at different stages of education. These differences are caused by chromosome abnormalities and genetic factors.
3. The Rutter and Lockyer (1967) survey found a ratio of boys with autism to girls with autism of 4.25 to 1 in the UK. In the US, a survey by Lord and Schopler (1985) found a

ratio of 3.6 to 1, and a survey by Baird et al. (1985) found a ratio of 4.8 to 1. A Chung Shan Medical University study using random sampling (2001) found a ratio of 7.7 to 1. Statistics released by the US National Institute of Mental Health indicate that the incidence of autism is three to four times higher in men, compared to the incidence in women

4. According to Taiwan's 2015 special education annual report, in elementary schools boys with learning disabilities outnumbered girls with learning disabilities by a ratio of 2.23 to 1, and boys with autism outnumbered girl with autism by a ratio of 6.67 to 1. In senior high and vocational schools, males with learning disabilities outnumbered females by a ratio of 2.67 to 1, and boys with autism outnumbered girls by a ratio of 6.90 to 1. These statistics are similar to those reported by foreign researchers.
5. The gender difference in higher education enrollment of males and females with disabilities is caused by congenital factors. The Ministry of Education will continue providing support for students with special needs, using a student-centered adaptive education approach

第 15 條－參與文化生活之權利(經社文公約第 21 號一般性意見)

Article 15 – Right to participate in cultural life (CESCR General Comment no. 21)

點次	問題內容(原文)	中文參考翻譯
38	Please provide information beyond statistics and other numerical modalities, on the actual effects in practice of government programs and policies outlined in both the initial and second reports, and how the implementation of such programs and policies, are consistent with the standards of Article 15 of the Covenant, in conjunction with General Comment numbers 20 and 21 of the CESCR, on non-discrimination and the right to take part in cultural life, respectively.	除了統計和數據之外，請提供資訊來佐證：政府在初次國家報告和第二次報告中所提出的計畫和政策在實際上產生哪些效果，而此些計畫和政策的執行，如何符合公約第 15 條以及經社文委員會第 20 和 21 號一般性意見（分別關於不歧視和參與文化生活的權利）的標準？

中文回應

1. 2013 年文化部推動文化平權補助機制，至今已補助 241 件，實際補助關注支持不同性別、地域、族群、文化、年齡之差異等參與文化生活之需求，辦理各類型文化平權推廣活動，使人人都可在不歧視及平等的基礎上享受文化多樣性成果，並可以自身文化內涵參與創作，彰顯文化主體性，實際參與人次逾 36 萬人。
2. 文化部鼓勵並補助高雄市政府勞工局勞工教育生活中心於 2015 年辦理「黑暗中尋找心理的亮光-視障工作者研究暨展覽計畫」，以視障者就業為主題，呈現視障工作者精彩、豐富的勞動經驗與就業表現，翻轉民眾對於視障者的刻板印象，彰顯視障者的能動性及其多元發展的可能性，參與人次計 2 萬人。
3. 文化部輔導公共電視文化事業基金會訂定公共電視無障礙節目製播原則，並於 2015 年 6 月 5 日公告。未來公共電視臺製播無障礙電視節目時數，以每季不低於 50 小時為原則，2015 年度至第 4 季共製播聽聽看、手語新聞、口述影像節目等 547 小時無障礙節目，以維護視聽障人士近用之權利。
4. 文化部為增進身心障礙者參與文化生活，2014 年至 2015 年推動無障礙閱讀推廣計畫，將文學改編為戲劇，辦理 7 場次無障礙劇場活動，參與人次約 1,800 人(含身心障礙觀眾約 300 人，演員 17 人)。辦理無障礙文學講座辦理 16 場次，約 900 人次參與，其中身心障礙者為 60 人；讀劇工作坊辦理 40 小時，共有身心障礙者 15 人參與表演藝術課程；另將戲劇內容製作成無障礙閱讀版本之影音光碟 1,000 份加以推廣。
5. 為落實文化平權之理念，國立故宮博物院持續辦理系列專題演講、文物研習營等教育推廣活動，邀請表演藝術團體利用博物館設施舉辦活動，及推出相關樂齡服務及辦理跨越障礙·觸摸美麗等弱勢族群服務。另南部院區於 2015 年 12 月 28 日開館試營運，迄今已突破百萬參觀人次，有助於平衡南北藝文資源，提昇文化近用權。
6. 綜上，我國推動文化平權政策不遺餘力，已有效擴大弱勢及不同族群文化參與、享有其文化，並自主為其文化生活做貢獻，民間團體與一般民眾也對多元文化更具包容性及友善意識，與公約第 15 條、以及經社文委員會第 20 號、21 號一般性意見相契合。

英文回應

1. In 2013, the Ministry of Culture (MOC) launched funding to ensure access to cultural resources. To date, some 241 grants have been awarded, which have addressed different

- sex-, location-, ethnic group-, cultural-, and age-based needs concerning cultural life. The MOC has also held activities to spread an understanding of equal access to cultural resources, so that all people would have basic access to cultural resources and be enabled to participate in its creation in accordance with their own cultural context, such that cultural subjectivity might be realized. To date, 360,000 people have participated in such events.
2. The MOC provided funding to the Kaohsiung City Labor Recreation Center in 2015 for its project, “Brightness from Darkness: An Exhibit of Research among Visually-impaired Workers.” This addressed employment issues for the visually impaired, helping to overturn stereotypes of visually impaired workers by showing that they have exciting and rich work experiences. It also showed the initiative such people take, and how this might be developed. Over 20,000 attended this exhibit.
 3. The MOC worked with the Public Television Service Foundation to draft principles for the production and broadcast of programming that can be enjoyed by those with disabilities, which were then made public on June 5, 2015. In principle, PTS will broadcast a minimum of 50 hours of such programming each season. In 2015, through the fourth quarter, PTS had broadcast 547 hours of disabled-access programming, including news for the hearing-impaired.
 4. For 2014-2015, the MOC implemented a project to turn literary works into theatrical performances to enrich the cultural lives of the disabled. Some 1,800 people (of whom 300 were disabled; 17 performers were also disabled) turned out for the seven performances held. A further 900 (of whom 60 were disabled) attended 16 lectures, while 40 hours of workshops were held; some 15 disabled people attended performing arts classes. Lastly, 1,000 handicapped-accessible DVDs were made of theatrical performances.
 5. To ensure equal access to cultural resources, the National Palace Museum has held a lecture series as well as study camps on cultural relics. Performing arts groups have also been invited to utilize NPM space to present their works. Programs for the elderly, the disabled, and the disadvantaged have also been held. Since the December 28, 2015 opening of the NPM’s Southern Branch, over 1 million have visited. This new museum

has helped to close the “museum gap” between northern and southern Taiwan, and ensured that people can visit cultural spaces in their locale.

6. Taiwan has spared no effort in pursuing equal access to culture and in so doing has increased participation by the disadvantaged and other groups in cultural activities. This has allowed them to take part in, express, and contribute to their cultures. Private groups and the general public have grown more accepting of and harbor more positive feelings toward other cultures as a result, which is consistent with the standards of Article 15 of the Covenant, as well as General Comment Nos. 20 and 21 of the CESCR.