

身心障礙者權利公約(CRPD)初次國家報告問題清單
中英文版

106.07

條文	點次	原文	中譯
第 1 條及第 2 條 定義及宗旨 第 3 條 一般原則 第 4 條 一般義務	1.	Please provide information regarding the review of terminology and amending laws to recognize the full human rights of persons with disabilities, beyond the current emphasis on the need for their protection alone.	請提供關於術語檢視與法律修正之資訊，以承認身心障礙者在現有強調對其保護需求以外之完整人權。
	2.	Please explain how the concept of a human rights model of disability is used to determine disability beyond the ICF system currently being used.	請說明如何使用人權模型概念定義身心障礙，除現行的 ICF 系統以外。
	3.	Please describe the concrete steps taken to amend national legislation and regulations to include the concept of reasonable accommodation and the recognition that the denial of reasonable accommodation constitutes a form of discrimination, and to ensure its application in practice in the public and private sectors.	請說明國家所採取的具體步驟，透過修正國家立法與法規，以納入合理調整及承認拒絕提供合理調整將構成歧視的概念，確保公私部門確實落實。
	4.	Please indicate what steps are being taken to amend legislation to include a definition of universal design and how it will be regulated in areas such as: education, health, transportation, and the built environment.	請說明採取何步驟以透過修改立法，納入通用設計之定義，以及其將如何在教育、健康、交通及建築環境中加以規範。

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	5.	Please provide information on the measures taken to ensure the effective realization of the principles established in article 3 in all laws and policies adopted by the State.	請提供有關國家採取之措施以確保所有法律與政策能有效實現公約第3條所述之原則的相關資訊。
	6.	Please indicate whether the State provides support to national and local associations of persons with disabilities and how those organizations are involved in decision-making processes concerning legislation, public policies, and budgeting, including organizations of women and of children.	請說明國家是否對國家與地方身心障礙組織提供支援，且此等組織如何參與和立法、公共政策、預算相關之決策，其中包括婦女與兒童組織在內。
第5條 平等及不歧視	7.	Please provide information about the government's and the private sector's role and responsibilities in improving attitudes towards persons with disabilities and in monitoring and combatting direct and indirect discrimination against persons with disabilities in all respects.	請提供有關政府與民間在改善對身心障礙者態度方面的責任，以及監測與對抗對身心障礙者在各種層面之直接與間接歧視的相關資訊。
	8.	Please explain the government's plan to strengthen government's and civil society's capacity and legal expertise in disability-related discrimination to facilitate lodging grievances in court.	請說明政府對於強化政府與公民社會在身心障礙相關歧視上的能力與法律專業，以協助在法庭上提出申訴之計畫。

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第 6 條 身心障礙婦女	9.	Please provide information on programmes, including affirmative action measures, to promote the rights of women and girls with disabilities, especially intersecting forms of identity status.	請提供為促進身心障礙婦女與女孩權利計畫之資訊，包括積極行動措施，特別是具有交叉形式身份者。
	10.	Please explain why the Gender Equality Policy Guidelines lack specific provisions to protect the rights of women with disabilities.	請說明為何性別平等政策綱領缺乏保護身心障礙婦女權利的條文。
第 7 條 身心障礙兒童	11.	Please elaborate on the role of families in the evaluation and placement of children with disabilities and on the options for placement.	請詳述家庭在評估與安置身心障礙兒童，以及在安置選項上的角色。
	12.	Please explain what steps are being taken to allow children with disabilities to speak for themselves and to recognize the evolving capacity of children with disabilities.	請說明目前讓身心障礙兒童為自己發言，並承認身心障礙兒童能力之演進所採取的步驟。
	13.	Please explain what steps are being taken to ensure coordination of services for children with disabilities from diagnosis to early intervention to other supports, services, and education.	請說明正採取哪些步驟，確保身心障礙兒童自診斷、早期介入至其他支援、服務及教育間的服務協調。
第 8 條 意識提升	14.	What nationwide awareness-raising campaigns and strategies, based on a human rights model of	根據身心障礙人權模型，已採取哪些全國性意識提升活動與策略以解決障礙人士相關之有害刻板印象與污名？

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		disability, have been adopted to address harmful stereotypes and stigma associated with persons with disabilities?	
	15.	Please explain what steps are being taken to eliminate pejorative words such as “retarded” from legislation and regulations.	請說明正採取哪些步驟，從法律法規中消除「智障」等貶抑用語？
	16.	Please provide information on the plans to update the CRPD translation into traditional Chinese, and to prepare accessible versions, including sign languages and easy-read versions of the CRPD.	請提供有關更新 CRPD 為繁體中文，以及準備無障礙版本的資訊，其中包括手語與 CRPD 易讀版。
	17.	Please provide on information on the training provided to civil servants to raise their awareness regarding the CRPD.	請提供有關訓練公務人員以提升其關於 CRPD 意識之資訊。
	18.	Please explain the extent to which the State involves representative organizations of persons with disabilities in the training and awareness-raising initiatives it carries out.	請說明國家在執行訓練與意識提升方面，身心障礙者代表組織參與的程度。
第 9 條 無障礙	19.	Please describe the government’s plan for barrier-free public buildings, housing, public spaces, public transportation, and street environments, throughout	請說明政府對於全國無障礙公共建築、住宅、公共空間、公共運輸及街道環境的計畫。

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		the country.	
	20.	Please provide information on how accessibility standards, monitoring systems and sanctions for noncompliance are planned to be improved.	請提供為改善無障礙標準、監測系統以及對違規案件制裁之計畫。
	21.	Please explain the regulatory system requiring accessibility in all community facilities and services including healthcare and education.	請說明為要求所有社區設施與服務無障礙的規範系統，包括醫療保健與教育。
	22.	Please provide information about the steps taken to improve compliance with accessibility requirements in the finance and commerce sector as well as the media.	請提供對金融與商業、媒體領域有關符合無障礙規定之改善步驟相關資訊。
第 10 條 生命權	23.	Please provide information on how the Ministry of Justice determines if an inmate has psychosocial or intellectual disabilities as they relate to the administration of the death penalty and indicate the number of inmates who have been found to have psychosocial or intellectual disabilities and who were therefore exempted from the administration of the death penalty since 2015.	請提供法務部如何判定實施死刑時，囚犯是否為精神或智力障礙之資訊，並說明 2015 年以來發現有精神或智力障礙之囚犯並因此豁免死刑之人數。
第 11 條	24.	Please provide information on how organizations of	請提供身心障礙組織如何參與不同措施之設計、執行、

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危險情況及人道 緊急情況		persons with disabilities have been involved in the design, implementation and evaluation of different measures ensuring the protection and safety of persons with disabilities during natural disasters.	評估，以確保身心障礙者在自然災害中的保護與安全。
	25.	Please indicate how the gender perspective and the view of indigenous persons with disabilities are reflected in the above-mentioned measures.	請說明於上述措施中，如何反映性別和身心障礙原住民的觀點。
第 12 條 在法律之前獲得 平等承認	26.	Please inform the Committee of what measures the State has taken to conform the Civil Code to Article 12 of the CRPD as it has been interpreted by the CRPD Committee in its General Comment 1.	請告知委員會，國家已採取哪些措施使民法符合公約第 12 條及 CRPD 委員會於 CRPD 1 號一般性意中的詮釋。
	27.	Please inform the Committee how many persons with intellectual or psychosocial disabilities are under guardianship, and how many of those same populations are not under guardianship.	請告知委員會，受到監護的智力與精神障礙人數，以及在此人口中，有多少人未受監護？
第 13 條 獲得司法保護	28.	Please inform the Committee of specific measures and safeguards provided to persons with disabilities at all steps in the criminal and civil justice systems, and why those measures and safeguards conform to CRPD Article 13.	請告知委員會，在所有刑事與民事司法系統各環節中，對身心障礙者所提供的特定措施與保護，且為何這些措施與保護符合 CRPD 第 13 條？

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	29.	In doing so, provide concrete information regarding what facilitation is provided to individuals with intellectual or psychosocial disabilities at every stage in criminal and civil proceedings.	請提供關於在刑事與民事法律程序各階段中，提供給智力或精神障礙人士協助之具體資訊。
	30.	Please also provide the Committee with concrete examples of protections afforded to persons with disabilities during interactions with the court system in cases where they have been subjected to sexual violence.	亦請向委員會提供有關若身心障礙者為性暴力對象，在法庭上互動時，對其提供保護的具體範例。
第 14 條 人身自由及安全	31.	Please inform the Committee of what measures the State has taken to conform to Article 14 of the CRPD as it has been interpreted by the CRPD Committee in its issued guideline.	請告知委員會，國家已經採取哪些步驟以遵守 CPRD 第 14 條，亦正如 CRPD 委員會在其發行之指南中的詮釋。
	32.	Please also inform the Committee what measures have been put into place to ensure that persons with disabilities are able to give their free and informed consent regarding admission or detention in psychiatric facilities as permitted under the Mental Health Act.	亦請告知委員會，已經採取哪些措施，確保身心障礙者對於入住或留置於精神病院—根據精神衛生法的允許範圍—的知情同意。
	33.	Please provide the Committee with data since 2014	請告知委員會，自 2014 年以來，因刑事罪刑遭到指

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		on the number of persons with disabilities accused of criminal conduct who have been declared incompetent to stand trial, and whether these individuals were transferred to psychiatric facilities.	控，但被宣判無行為能力出庭之身心障礙者人數，且此身心障礙者是否轉移至精神病院。
第 15 條 免於酷刑或殘忍、不人道或有辱人格之待遇或處罰	34.	Please inform the Committee of what measures the State has taken to ensure that persons with disabilities receive adequate support to make decisions with fully informed consent regarding medical procedures and treatments.	請告知委員會，國家已經採取哪些措施，確保身心障礙者得到充分的支持，並對醫療程序與治療完全知情狀況下做出決定。
第 16 條 免於剝削、暴力及虐待	35.	Please inform the Committee about the existence of a monitoring system in line with Article 16, para 1 of the CRPD.	請告知委員會是否存在符合 CRPD 第 16 條之 1 的監測系統。
	36.	Please also inform the Committee about violence against women and children with disabilities, including indigenous women and children with disabilities, and what specific measures the State has put into place to prevent and eliminate all forms of violence across all aspects of society.	亦請告知委員會，對於身心障礙婦女與兒童之暴力行為，包括身心障礙原住民婦女與兒童，以及國家已經採取哪些特定措施防止與消除來自社會各面向的所有形式之暴力。
第 17 條 保護人身完整性	37.	Please inform the Committee what measures the State intends to enact to amend the Genetic Health	請告知委員會，國家計畫採取哪些措施，啟動遺傳健康法（優生保健法）的修法，以避免違反公約第 17 條。

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		Act (Eugenic Health Law) so as to prevent violations of Article 17.	
	38.	Please also inform the Committee what measures the State intends to enact to amend the Mental Health Act so as to prevent violations of Article 17.	亦請告知委員會，國家計畫採取哪些措施，啟動精神衛生法的修法，以避免違反公約第 17 條。
第 18 條 遷徙自由及國籍	39.	Please provide information on the situation of migrants and asylum seekers with disabilities, including detention of migrants with intellectual and/or psychosocial disabilities.	請提供關於身心障礙移民與求取政治庇護者之現況資訊，包括留置有智力及／或精神障礙之移民。
第 19 條 自立生活及融合社區	40.	Please provide information about the measures taken by the government to open society and to welcome persons with disabilities into the community in terms of making housing, transportation, public buildings, community facilities and services barrier-free and usable by all.	請提供政府對於社會與身心障礙者在社區融入之相關資訊——建造住屋、運輸、公共建築、社區設施與服務之無障礙，且所有人皆可用。
	41.	Please describe the government's plan for progressively phasing out residential institutions, small and large, and, instead, phasing in community-based individualized support services, such as personal assistance, in combination with	請說明政府對於逐步淘汰大小型住宿型機構，並以社區為基礎的個人化支持服務，例如個人協助，以及逐步提高國內住宅無障礙為取代的計畫。

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		progressively increasing the barrier-free part of the country's housing stock.	
	42.	Please explain the government's system for periodic assessment of the disabled population's needs in the community, for planning measures for meeting these needs, and for evaluating the performance of such measures.	請說明政府對於定期評估社區內身心障礙人口的需求、滿足此等需求之規劃措施，以及評估此等措施績效之系統機制。
第 20 條 個人行動能力	43.	Please provide information about the government's efforts to promote the use of assistive technology by persons with disabilities, in particular, by improving freedom of choice in selecting and adapting items to one's individual needs, and by widening the use of assistive technology among persons with disabilities regardless of geographic location, gender, age and household income.	請提供政府對於促進身心障礙者使用輔具的努力，尤其是在改善選擇自由、使品項配合個人需求，以及在擴大身心障礙者在輔具使用方面，不論地理位置、性別、年齡、家庭收入。
	44.	Please explain the government's policies regarding subsidization of motor ownership and adaptation, drivers' training and licensing for persons with disabilities.	請說明政府對於身心障礙者在擁有與改裝機汽車、駕訓及證照之補貼政策。
第 21 條	45.	Please explain the government's plan to insure	請說明政府為保障身心障礙者能從公民營實體完整取得

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表達與意見之自由及近用資訊		persons with disabilities' full access to information in media, internet and electronic information from public and private entities.	媒體、網際網路及電子資訊之計畫。
第 22 條 尊重隱私	46.	Please provide information on the safeguards within the Personal Information Protection Act which protect the privacy of persons with disabilities, preventing the arbitrary sharing of information among different ministries and agencies. Please provide the number of cases in which damage compensation has been claimed and awarded under the Personal Information Protection Act.	請提供個人資料保護法中，關於保護身心障礙者隱私，避免不同部會任意共享資訊的相關資訊。請提供根據個人資料保護法中，已經索賠並發出之傷害賠償件數。
第 23 條 尊重家居及家庭	47.	Please inform the Committee about measures taken to ensure that women with disabilities, including indigenous women, women who are deaf, deafblind, hard-of-hearing or have intellectual disabilities, can equally exercise their sexual and reproductive health rights, and parent, or adopt children.	請告知委員會為確保身心障礙婦女，包括原住民婦女、聾、聾盲、聽力困難、智力障礙者，得以平等行使其性與生育健康、養育或收養孩子之權利所採取的措施。
	48.	What kind of support measures does the government provide to the parents of children with disabilities so that children with disabilities can stay at home rather	政府對於障礙兒童的父母提供何種支持措施，使身心障礙兒童得留在家中，無須送至機構？

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		than at institutions?	
第 24 條 教育	49.	Please provide information on the number of students with disabilities, disaggregated by impairment type, who are educated in special schools and self-contained special education classrooms and how their inclusive education is being promoted.	請提供在特殊學校、特教班就學之身心障礙學生之人數，按照障礙類型分類，以及如何提倡融合教育。
	50.	Please provide information on school completion rates of the various levels of education for persons with disabilities compared to the general (non-disabled) population.	請提供身心障礙者各級教育之學校完成比率，並與一般（非障礙）人口比較。
	51.	Please provide information on the impact of current pre- and in-service training of regular teachers to include students with disabilities and on how cooperation between special education and regular teachers is being fostered.	請提供目前一般教師接納身心障礙學生之職前、在職訓練，以及一般教師與特教教師如何進行合作之資訊。
第 25 條 健康	52.	Please provide information on measures taken to provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive	請提出向身心障礙者提供與一般人相同範圍、品質、標準之免費或可負擔的健康照顧與計畫，其中包括性與生育健康、以人口為基礎的公共衛生計畫之措施。

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		health and population-based public health programmes.	
	53.	Please provide information on the plans to revise People with Disabilities Rights Protection Act (PDRPA), including its article 8 on health, in line with a human rights model of disability, enshrined by the CRPD.	請提供修訂身心障礙者權益保護法（PDRPA）以配合CRPD 所提出之身心障礙人權模型的計畫資訊，包括其第 8 條有關健康的部分。
	54.	Please provide a timetable to eradicate discrimination by insurance companies denying persons with disabilities, particularly those with intellectual and psychosocial disabilities under guardianship, health insurance.	請提供為消除保險公司拒絕承保身心障礙者，尤其是受監護之智力與精神障礙者醫療保險之歧視的時程。
	55.	Please provide a timeline to ensure accessibility, both physical and information, to health and medical care services in the community.	請提供為社區健康與醫療照顧服務無障礙之時程，包括硬體與資訊。
第 26 條 適應訓練及復健	56.	Please provide information on the plans to provide measures, including through peer support, to rehabilitation services in rural areas.	請提供有關偏鄉地區復健服務計畫之資訊，包括透過同儕支援。
	57.	Please provide information on the implementation on “Community healthcare and home care for children	請衛生福利部社會及家庭署提供有關「遲緩兒童社區醫療與家居照護計畫」之資訊。

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		with delay programme” by the Social and Family Administration of the Ministry of Health and Welfare.	
第 27 條 工作及就業	58.	Please explain the government’s measures to improve access to public and private mainstream labour markets for persons with disabilities, and to decrease the current prevalence of segregated employment.	請說明政府為改善身心障礙者進入公私主流勞動市場之措施，以及為減少目前普遍採行的隔離式雇用之措施。
	59.	Please provide information about the government's plan for supporting transition of persons with disabilities from segregated education and employment to the open labour market.	請政府提供有關支援身心障礙者從隔離式教育與就業轉移至開放勞動市場之計畫資訊。
第 28 條 適足生活水準及 社會保障	60.	Please provide information on government plans to review the current array of social and health insurance, retirement and early retirement pension, rent subsidies, tax deductions, exemptions, reductions, subsidies, etc. for the purpose of building an integrated, comprehensive and simplified system that promotes a dignified standard of living with self-determination regardless of a person’s disability, sex,	請提供政府審查目前各種社會與醫療保險、退休、提早退休之退休金、租金補貼、減稅（扣除額）、免稅、減免（減稅）、補貼等，以建立一體性綜合簡化系統的計畫，促進自覺生活的品格標準，無論其障礙、性別、年齡、地理位置或其他家庭成員收入。

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		age or geographical location and regardless of other family members' income.	
第 29 條 參與政治及公共生活	61.	Please provide the Committee with data on how many persons with disabilities were prevented from voting and on what grounds.	請提供委員會關於被禁止投票之身心障礙者的人數及其原因為何。
	62.	Please also provide the Committee with data of how many persons with disabilities stood for public election.	亦請提供委員會身心障礙者參與公開選舉之數據。
第 30 條 參與文化生活、康樂、休閒及體育活動	63.	Please inform the Committee about plans to promote the accessibility of books for persons with disabilities, including production of digital books.	請告知委員會為促進提供予身心障礙者無障礙書籍的計畫，包括數位書籍的製作。
	64.	Please provide information on the steps taken to eradicate discriminatory regulations and practices by parks, amusement centers and sports centers rejecting persons with disabilities, including those with psychosocial disabilities.	請提供消除公園、遊樂中心、運動中心拒絕障礙人士，包括精神障礙者進入的歧視性法規與實務之措施的相關資訊。
	65.	Please provide information on the provision of teaching of sign languages.	請提出提供手語教學的相關資訊。
第 31 條 統計及資料收集	66.	Please provide detailed methodology for the collection of all forms of data e.g. the census,	請提供收集關於身心障礙者所有形式之資料，如普查，包括分類資料，以及此等方法如何合乎以人權為基礎的

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		including disaggregated data, with regard to persons with disabilities, and how the methodology is aligned to a human-rights based approach.	取向。
第 32 條 國際合作	67.	Please provide information on whether there is a policy for ensuring that bilateral aid and other forms of international cooperation, including those implementing the Agenda 2030 for Sustainable Development, support the inclusion of persons with disabilities, and if such policy exists, concrete examples of how that policy is being implemented.	請就是否有政策確保雙邊援助與其他形式之國際合作，包括為實行 2030 永續發展，支持納入身心障礙者。若擁有此相關政策，請提供改政策執行的實例。
第 33 條 國家實施及監測	68.	Please provide a timetable for the formal designation of a focal point under article 33 paragraph 1.	請提供符合公約第 33 條第 1 項正式的協調中心之時程表。
	69.	Please clarify whether the Committee for the Promotion of the Rights of Persons with Disabilities appointed by the Executive Yuan functions as a designated coordination mechanism.	請闡明行政院是否委任行政院身心障礙者權益推動小組作為指定之協調機制。
	70.	Please update the Committee about the plans to establish the National Human Rights Committee, in compliance with the Paris Principles.	請告知委員會有關建立國家人權委員會計畫的最新狀況，且該委員會乃符合巴黎原則。