

THE 4TH REVIEW OF TAIWANS CEDAW IMPLEMENTATION

LIST OF ISSUES AND QUESTIONS

By the 2022 International Review Committee

財團法人婦女權益促進發展基金會摘譯 (2022.9.12)

Overarching question:

COVID-19 pandemic and gender impact analysis COVID-19 疫情與性別影響分析

1. During the COVID-19 pandemic, the world has witnessed that the pandemic brought different impacts upon people's lives and that social inequalities have increased. Please provide information on how the pandemic has affected different groups of women in Taiwan of different ages in different areas of their lives, for example in education, employment, health, social security and marriage and family life. Please also provide information what measures were taken to mitigate the negative impacts on women, including in particular for indigenous women, women with disabilities, new immigrant women and other minority women.

關於疫情在臺灣如何影響不同群體（年齡、地區）女性在教育、就業、健康、社會安全及婚姻家庭等面向的生活，請提供相關資訊；另也請提供有哪些措施減緩了疫情對女性的影響，尤其是對原住民族、身心障礙、新住民及其他少數群體女性的影響。

Article 1:

Comprehensive legislation on gender equality 性別平等綜合性法制

2. In 2018, the International Review Committee recommended a comprehensive legislation on gender equality including a definition of discrimination against women. According to the government report, a study was commissioned in 2019 and a draft of the act is scheduled to be completed in 2024. It was also explained that during the drafting process, opinions will be collected from various sectors, and reviews of the law and a gender impact assessment will be carried out. Please provide information on the current status of this drafting process, whose opinions were collected so far, what their opinions were and whether it would be possible to speed up the process.

2018年，國際審查委員會建議臺灣應就性別平等進行綜合性立法，包括定義何謂「對婦女的歧視」。請說明此法案起草過程中蒐集了哪些人的意見、其意見為何，以及是否可能加速立法程序。

Article 2 :

National human rights institution 國家人權機構

3. With reference to the information provided in the Core Document (para. 118) on the establishment in 2020 of the National Human Rights Commission (NHRC) under the Control Yuan, according to the Organic Act of the Control Yuan National Human Rights Commission, the IRC draws attention to para. 13 of the previous Concluding Observations and Recommendations, in which the government was advised that *“Since such a monitoring mechanism should be fully independent, it should preferably not be established within the Presidential Office, the Control Yuan or any other part of the existing Government structure. If the Government were to decide to integrate such a body into the Control Yuan, however, it is absolutely necessary to restructure the Control Yuan and establish an independent unit within it in order to fulfill the tasks of promoting, monitoring and protecting human rights, including women’s rights and gender equality, in full accordance with the Paris Principles.”* In its Independent Opinion on Taiwan’s Fourth Report on the Implementation of CEDAW, the NHRC is introduced as “an independent body dedicated to human rights protection and promotion” (para. 1).

Please explain how this independence is guaranteed, given that it operates under the Control Yuan, and no restructuring of the Control Yuan seems to have taken place. In particular, please address the following issues: How does the NHRC operate? Who are its commissioners and officers? How are they being elected and/or appointed? What are their required qualifications? Does the NHRC have a statutorily guaranteed budget independent of the Control Yuan? In relations to its functions, please explain the reference in para. 118 to the power “to investigate human rights violations”.

Please also explain how its authority is different from the Control Yuan’s general authority to review the actions of government agencies (as described in para. 119).

國家報告核心文件提出，依據《監察院國家人權委員會組織法》，國家人權委員會在2020年成立，而國家人權委員會獨立評估意見中則表達，國家人權委員會為「專責人權保障及促進的獨立機關」。國家人權委員會既於監察院下運作、且監察院仍未改組，請說明其獨立性如何確保，尤其請回應以下議題：國家人權委員會如何運作？由哪些人擔任委員及官員？如何選任或指派？需要哪些資格？國家人權委員會有否獨立於監察院的法定預算？請說明核心文件第118段「調查侵害人權案件」之職權所指為何，以及，此與第119段所述，監察院檢視政府機關作為的一般職權有何差別？

Regulatory review 法規檢視

4. Paragraph 2.1 of the National Report states that following the massive regulatory review conducted between 2014-2017, there are 11 outstanding amendments, including 8 laws and self-governing ordinances, and 3 instructions and self-governing rules. Please update on the progress of their promulgation. Likewise, please update on the progress of the one remaining amendment to the Civil Code, following the review for compliance with CEDAW's General Recommendations 29-33, given that the outcome of this review with the resulting five cases of non-compliance was already reported in the third CEDAW Convention Specific Report, para. 2.5.

國家報告第2.1段提及，不符合 CEDAW 及一般性建議之法規，未完成修法計11件，包括法律及自治條例8件、命令及自治規則3件，請更新其進展狀況；另也請更新《民法》不符合第29-33號一般性建議部分的修法進展。

Remedies for human rights violations 人權侵害之救濟

5. Please explain what mechanisms there are for seeking redress for violations of human rights, beyond the mechanism under the Act of Gender Equality in Employment, as mentioned in para. 2.3.4 of the 2nd Report (referred to in para. 2.8 of the 4th Report) and in para 2.16.2 of the 2nd Report. The 4th Report (para. 2.9), as all the previous ones, refers to the Executive Yuan's Gender Equality Complaint Mailbox as handling gender discrimination complaints of all types. However, none of the reports explains its operation and powers, and beyond mere number of complaints files and their general categorizations. It is not clear how they are handled and what their outcomes are. Please explain in detail this mechanism, its structure, its powers, and provide information as to the outcomes of the cases, segregated by gender. Please also explain its relation to the procedures under the Act of Gender Equality in Employment, as well as the newly established NHRC.

請說明行政院「性別平等申訴信箱」作為救濟機制的運作方式，包括其結構與權責，並提供依性別分列的申訴案件處理結果；也請說明此機制與《性別工作平等法》規範之救濟及申訴程序、以及其與新成立的國家人權委員會所提供救濟之間的關係。

LGBTQI

6. Please explain what general legal framework exists to protect LGBTQI from discrimination, beyond the areas of education and employment (under the Gender Equity Education Act and the Gender Equality in Employment Act). Are there measures being developed to protect them

from discrimination in the area of services provision and from hate speech? Please explain whether the binary household registration is being reconsidered, especially in light of the legalization of same-sex marriages in 2019?

請說明在教育及就業領域之外，有哪些保障LGBTQI免於歧視的法律架構。是否已有相關措施保障LGBTQI群體的服務提供及免於仇恨言論侵擾？另鑒於2019年同性婚姻已於法制化，請說明有無重新考量二元的戶籍登記制。

Article 3:

Government mechanisms to promote and safeguard the rights of women

促進和保障女性權利的政府機制

7. Under the establishment of guidelines for the Control Yuan Task Force on Gender Equality chaired by the Control Yuan President, please provide details of the investigation findings for each government agency highlighting the various shortcomings identified and the type of improvements they were required to make, key improvements made as well as follow-up and full compliance strategies of the Control Yuan and how the mechanism has helped to ensure GEWE across sectors in line with the principles of CEDAW Article 3.

請提供監察院性別平等小組對於婦女人權案件調查結果的細節，包括所涉及機關的不同缺失、改善意見的類型、重要的改善結果，以及監察院持續追蹤和使之改善的策略，並說明此機制如何協助確保不同部門皆能符合 CEDAW 第 3 條的原則。

8. Please share the key functions and tasks of the special units for gender equality currently existing in 6 local governments and how they help to ensure implementation of the CEDAW Articles across departments and results achieved to date indicating:

- a) The exact functions of the Taiwan's gender equality workforce/employees (81 in ministries and 111 in local governments) and specific functions undertaken to promote gender equality at government ministries and local governments;
- b) Percentage of the budget used for administrative costs compared to other development programmes and activities, the impact realised and linkages between the Gender Equality Workforce to national productivity, GDP growth and economic growth projectiles in key sectors.

請說明 6 個已經設有性別平等專責單位的地方政府，其專責單位的主要功能與任務，如何協助確保 CEDAW 的跨部門落實及至今已取得的成果，並指出：

- a) 臺灣性別平等業務人員（部會 81 人、地方政府 111 人）的確切功能，以及其在促進中央部會及地方政府性別平等上所承擔的具體任務；
- b) 相較於其他發展計畫或活動，用於性別平等行政支出的預算百分比、達成的影響，以及性別平等人力和國家生產力、GDP 成長、投注於關鍵部門經濟成長之間的關聯。

Promoting gender equality policy guidelines and equality and mainstreaming policies

推動《性別平等政策綱領》及性別主流化政策

9. How has the promotion of publicly available childcare under the Three-in-One Policy enhanced women's economic power in practice? Which sector-specific gender goals have been realized under the three level meeting mechanism of the Executive Yuan across Ministries, Departments and Agencies (MDAs)? How do they align with/uphold CEDAW principles? How have they contributed to promoting gender equality in public and private sector decision-making or addressed gender disparities in core economic sectors like agriculture, industry, aviation, engineering, technology, etc.?

推動三合一政策之托育公共化如何強化女性經濟力的實踐？行政院性別平等會三層級會議機制下，實現了哪些部門的性別目標？這些目標如何與 CEDAW 原則呼應？如何促進公私部門決策中的性別平等，或解決農業、工業、航空、工程、技術等核心經濟部門中的性別差異？

10. Concerning the Executive Yuan's five-year trial implementation of the revised Gender Budgeting System (GBS), please indicate what principle guides the GBS and how has it affected administrative and management systems like recruitment, performance appraisal, promotion, procurement, beneficiary incidence and impact assessment. Also besides web posting of a description of the gender budgeting situation of the Executive Yuan and its ministries and agencies by the Executive Yuan's Gender Equality Committee since 2021, please indicate if there is an annual budget statement with clear weighting of expenditure lines/envelopes to respond to gender differential needs and whether any gender impact assessment was conducted on programmes, projects, schemes and other interventions and how did they address issues relating to CEDAW standards and jurisprudence?

關於行政院 5 年「修正性別預算試辦作業」，請說明性別預算制度的原則及其如何影響招聘、績效考核、升遷、採購、受益人例證、影響評估等行政和管理制度。另外請說明年度預算中有否明列回應性別差異需求的支出，以及是否對計畫和其他介入措施進行性別影響評估，這些評估如何處理與 CEDAW 標準和判例有關的議題？

11. Is the training for civil servants on gender mainstreaming also extended to/available for political parties, or are there any future plans for this? Besides the 336 Gender Indicators for SDG 5, are there other gender equality indicators for other SDGs besides Goal 5? While the award mechanism established to provide bonuses and administrative rewards is a good model, please explain what gender equality changes were achieved from the award mechanism on gender mainstreaming and indicate specific de-facto, substantive or transformative results recorded under this scheme, and how the Evaluation scores work, highlighting if a gender score card system is in place and how it is operated.

公務人員性別主流化訓練是否也擴及／適用於政黨？或未來有無相關培訓政黨人員的計畫？另請說明性別平等業務輔導獎勵機制所促成的改變，提出這個模式下具體的實質和轉化性成果，以及評分如何進行，如果有性別評分系統，請說明如何操作。

Article 4:

Temporary special measures 暫行特別措施

12. With respect to the information contained in paras 4.3-4.6 in the Report, please clarify whether the measures described therein were incorporated into legislation or formal guidelines, and whether a mechanism has been built to monitor their implementation. Are there any legislated special temporary measures in Taiwan? Is the one-third gender ratio requirement (para. 4.3) incorporated in law? Do any of these measures mentioned in the Report contain specific measures with respect to women from disadvantaged groups who are subjected to intersecting and multiple forms of discrimination? Have those measures been applied only to boards of directors of state-owned enterprises? Is there a proposed legislation to introduce mandatory targeted recruitment, hiring and promotion, quotas and numerical goals, in line with Recommendation 25(b) of the previous Concluding Observations? What measures are taken with respect to private companies? Where is the one-third gender ratio requirement mentioned in para. 4.3 contained, and what keeps it from progressing to 40% or even parity, as recommended in para 25(c) of the previous Concluding Observations?

關於報告第 4.3-4.6 段的資訊，請釐清相關措施是否已納入立法或正式綱領，以及是否建立相關機制監督其落實。臺灣是否立有暫行特別措施相關法案？三分之一性別比例原則是否已入法？是否有包含針對遭受交叉和多重歧視不利處境群體女性的具體措施？這些措施是否只適用於國營企業董事會？是否有符合前次結論性意見與建議第 25(b) 點的立法提案引進強制性就特定對象進行招募、雇用、升遷、配額和人數目標？4.3 提及三分之一原則適用於公私部門，針對私營公司採取了哪些措施？從三分之一原則發展到 40% 或衡平原則的困難為何？

Article 5:

Gender role stereotypes 性別刻板印象

13. Despite many good efforts of the government to change the gender stereotypes, the traditional roles and gendered division of labor still remain strong, as evidenced in the fact that women spend three times more than men on household work and childcare (para. 5.19). It was explained that “to help local governments strengthen the promotion of values such as the division of household chores, this was included in the assessment of social welfare performance from 2017 to 2020. It serves to guide local governments to focus on breaking the traditional gender division of household chores, the rights of women with disabilities, and the rights of middle-aged and elderly women when handling women’s welfare-related promotion.

Please provide information on how this assessment of “social welfare performance” is done by the national government and what the major programs of the local governments are in this regard. Since the issue of equal sharing of household work and unpaid care work in the family is not a matter of social welfare but a matter of human rights, have there been any discussions on the two different approaches? What measures were taken to encourage or give incentives for men to share the work?

關於家務分工，請說明中央政府的社會福利績效考核如何進行，以及地方政府的主要宣導計畫為何。家務平等分工和家庭中的無酬勞動並非社會福利議題，而是人權議題，這兩種不同路徑是否引起討論？目前採取了哪些措施來鼓勵或提高男人分擔家務工作的動機？

Domestic violence 家庭暴力

14. In the Review of the 3rd Report of Taiwan, the IRC pointed out and expressed concern over the persistence of high rates of gender-based violence against women in different forms. It also pointed that Domestic Violence Prevention Act does not recognize domestic violence against women as a specific crime. There is no information in the 4th Report regarding the fate of the said amendment about domestic violence. It is also reported that 70% of domestic violence and violation of “order of protection” cases known to the police receive a penalty. However, apparently, 80% of these would be very light penalties which indicate that domestic violence is treated as misdemeanor. Please provide updated information on the status of the domestic violence in the law.

In the 4th Report of Taiwan while there is ample statistical information (para. 2.13, 2.14) that indeed reporting of domestic violence has increased, but percentage of women victims,

nonetheless, stayed the same (para. 2.13). It is also reported that according to police records of domestic violence, 73% of victims of domestic violence where criminal cases were opened were women (para. 2.17); a fact that indicates that women are also more likely to be the primary victims of relatively serious forms of domestic violence. What is the government's explanation for this situation which shows that domestic violence is indeed a form of gender-based violence against women in Taiwan? Does the government have any plans to recognize this fact and amend the Domestic Violence Prevention Act accordingly? What is being done to respond to the situation effectively and expeditiously?

An apparent disconnection between legislation, polices, and practices pertaining to measures combating violence against women underlies many matters as admitted in the 4th Report. Thus, such measures as the draft amendment to the Domestic Violence Prevention and Control Act are aimed to remedy the situation (para. 2.24). What is being done to ensure that such intent in legislation is effectively translated into policies and practices? What percentage of the resources allocated to social policies and programs are expressly allocated to domestic violence and to services for sexual assault victims?

國際審查委員會在第三次臺灣國家報告審查時指出，《家庭暴力防治法》並未指出對女性的暴力是犯罪行為，第四次國家報告中亦未提及相關修法資訊，而80%違反保護令罪者僅遭受極為輕度的裁罰，顯示家庭暴力仍被視為輕罪。請提供法律如何定位家庭暴力的最新資料。

警察機關查獲家庭暴力引發之刑事案件中，女性被害人比率平均約73%（第2.17段），此顯示女性較可能成為相對嚴重家庭暴力的主要受害者。政府如何解釋此狀況？是否肯認家庭暴力為一種性別暴力的事實，並據以修訂《家庭暴力防治法》？正採取哪些措施來有效和迅速回應？

打擊對婦女暴力的相關立法、政策和實務間存在明顯脫節，行政院《家庭暴力防制法》修正草案採取哪些措施來確保立法意旨能有效轉化為政策和實踐？社會政策和計畫的相關資源，有多少百分比明確配置於家庭暴力及性侵害受害者服務？

Gender-based violence against women and marital status

對女性的性別暴力及婚姻狀態

15. Gender-based violence against women appears to have increased among non-cohabiting couples (para. 2.16). What is the legal perception and treatment of such cases? Are there any reliable statistics on this matter? Is violence against women in non-cohabiting couples legally considered domestic violence or is it handled as something else? Please provide information and statistics on this matter.

未同居親密關係暴力增加（第2.16段），法律對此類案件的認知和處遇為何？有否可靠的統計數據？非同居伴侶對女性的暴力在法律上是否被視為家庭暴力或他種樣態？請提供相關資訊與統計。

Gender-based violence against women and ethnicity/nationality

對女性的性別暴力及族群 / 國籍

16. Breakdown of the incidence of gender-based violence against women by different categories shows that the reported overall decline in gender-based violence against women is not the case in some nationality and ethnicity-based groups where such frequency has stayed more or less the same (para. 2.14, from 1.3% to 1.4). Please explain the reasons for this and elaborate on any specific policies to respond to it.

What is being done in terms of culture-sensitive policies and measures to respond to violence against women in different ethnic or national communities? In this context, does the government have any plans to look into incidences of gender-based violence against women in historical context (e.g., comfort women) to help shed light on the background of the matter and to raise awareness in the society?

對婦女的性別暴力發生率整體呈現下降趨勢，但某些國籍或族群的女性受暴率並未下降（第 2.14 段），請說明原因及具體的回應政策。

對於不同族群或國籍婦女的暴力行為，有哪些具有文化敏感度的政策和措施回應之？政府是否計畫從歷史脈絡調查針對女性的性別暴力事件（例如慰安婦），以幫助社會了解此事件的發生背景並提高意識？

Gender-based violence against women with disabilities 對身心障礙女性的性別暴力

17. While the state report (para. 2.14) says violence against women in intimate relations is the same for women with disabilities and without disabilities, there is some information, from relevant NGO sources, that women with disabilities experience a higher rate of violence in intimate relations. It is also indicated that such higher rate of violence faced by women with disabilities in intimate relations is also increasing. Please provide accurate and up-to-date information in this regard.

There is also some information that the national categorization of people with different kinds of disabilities places an unusually large number of people in “Unknown Disability” category. This prevents accurate understanding of the relationship between different kinds of disability and gender-based violence against women. Does the government intend to put in place a more

inclusive statistical database that reflects the disability by sex, types of disability and other relevant characteristics?

NGO所提供的資訊顯示，身心障礙女性遭受親密關係暴力的比率高於非障礙女性，且受暴率仍在上升，請提供障礙女性遭受親密暴力的確切及最新資訊。

另有資訊指出，國家對於身心障礙暴力受害者的分類，將異常大量的障礙者歸類為「障礙類別不詳」，此有礙準確理解不同障別與對女性的性別暴力之關聯。政府是否預備建立更為涵納更廣的統計資料庫，依性別、身心障礙別及其他相關特質反映身心障礙狀況？

Sexual assault 性侵害

18. The 4th Report states that while gender-based violence against women is, in general, not condoned or supported by the public (para. 2. 20), it appears that when it comes to sexual assault, public attitudes are less critical and often “victim-blaming” exists to justify it. Community-based programs by the Ministry of Health and the Welfare are implemented for prevention and awareness raising in the public, but numbers of reported sexual assault cases have not declined from 2017 to 2020 (para. 2.26). It is also reported that (para. 2.27) foreign migrant workers, particularly domestic caregivers, are the most prevalent victims. How does the government explain the slow change in this area as seen in the information provided in the 4th Report? Also, the 4th Report mentions (para. 2.31) that a draft amendment to Sexual Assault Crime Prevention Act was sent to Executive Yuan in 2018 aimed to strengthen reporting responsibilities, to bring protection orders and increase criminal penalties for violation. What has happened to that draft? Are there any plans to prioritize the issue?

There is also some information regarding the inadequacy of the judicial response to the sexual assault cases. While there is some information about the fact that courses were designed to include the topic at the Judges Academy (para. 2.32), please provide information on the impact of these on judicial attitudes.

Please elaborate if any of the training programs or public campaigns approach sexual assault as a form of gender discrimination and a consequence of gender inequality. Do they elaborate the link between gender-based violence against women and sexual assault?

衛生福利部推動性別暴力社區預防計畫，提升社會大眾對議題的覺察，但性侵害案件通報數並未下降（第2.26段）。政府如何解釋性侵害受暴狀況的變化緩慢？此外，《性侵害犯罪防治法》修正草案於2018年送行政院審查（第2.31段），法案進展為何？是否計畫優先處理此議題？

另有資訊顯示司法對於性侵害案件的反應不足，法官學院的課程涵蓋相關主題（第2.3 2段），請說明這些課程對於司法態度的影響。

請詳述有無培訓計畫或公共宣導將性侵害視為一種性別歧視和性別不平等的結果，相關計畫是否詳細說明了對婦女的性別暴力與性侵害之間的關聯？

Sexual assault involving authority 權勢性侵

19. Sexual assault cases complicated with abuse of authority are reported by the alternative sources. This matter is also acknowledged in the response of the government to the List of Issues and Questions by the previous International Review Committee. Out of the 1,263 cases of women 18 years or over who experienced sexual assault (2014–2018), 211 cases involved abuses of authority by the perpetrator over the victim. These cases, it has been reported, occurred in education, care, or occupational relationships. Alternative sources have claimed that this is only the “tip of the iceberg”.

Does the law (Article 228 of the Criminal Code) ask for hard evidence of violation of victims’ will rather than evidence of her open consent? How does Article 228 of the Criminal Code impact the consideration of the authority relationship in judging cases of sexual assault?

Please also provide detailed information on how sexual assault in cases involving people in positions of authority is handled by the media and how the victim’s personal information is treated. Are there any training and awareness raising programs about this type of sexual assault in the media?

替代報告指出，國家報告所提出權勢性侵案件的統計數字僅為「冰山一角」。《刑法》第228條對於權勢性交罪是否要求提供違反受害人意願的明確證據，而非提供受害人同意的證據？此條文如何影響性侵害案件判決中對於權勢關係的考量？

也請說明媒體如何處理當權者性侵的案件以及如何處理受害者個資，有否任何關於媒體處理性侵害的培訓和意識提升計畫？

Stalking and Harassment Prevention Act (December 1, 2021) 跟蹤騷擾防制法

20. While the passing of the Stalking and Harassments Prevention Act is to be commended, there is a need to clarify and elaborate the operating principles this law functions in. It appears that acquiring an actual protection order in the face of stalking is difficult, and it is not clear what happens in cases of noncompliance. Please elaborate on these aspects of the new law. Also, please explain how the new law provides recovery and/or compensation to victims of

stalking. Are there any measures built into the law and/or its implementation mechanisms to ensure that women who are experiencing intersecting forms of discrimination (e.g., gender and disability) are equally protected? Is the Ministry of Interior intending to conduct a review of stalking cases and their treatment under the new law?

《跟蹤騷擾防制法》的通過值得稱許，但仍有必要釐清此法的運作與功能。面對跟蹤行為，實際取得跟蹤保護令有其難度，對不符合相關要件案例的效果亦不清楚，請就此提出說明，也請說明新法如何為跟騷受害者提供損害回復與賠償。法律及其落實機制中有無任何措施，確保遭受交叉（如性別與身心障礙）歧視的女性平等受到保護？內政部是否預備對新法在跟騷案件及其處遇所發揮的成效進行檢視？

Gender-based cyberviolence 網路性別暴力

21. Information is provided as to increase in digital and cyberviolence against women and adults. The 4th Report also contains statistics on women constituting the most number of victims. As cyberviolence can impact large numbers of women in different localities (transborder included), there are complications related to the applicability of different laws. Cyberviolence is also more likely to impact the young and as well as involve child age perpetrators. There is information that existing regulations are not able to control digital/cyberviolence and the victims cannot secure protection orders for these. What are the government's plans to enact and implement specific legislation to protect the rights of victims adequately and prevent gender-based digital/cyberviolence?

現行法規無法遏止數位／網路暴力、受害者無法聲請保護令。政府對於制定及執行專法以保障受害者權利與防制數位／網路暴力的計畫為何？

Article 6:

Exploitation of prostitution of women 從事性交易女性遭受的剝削

22. Regarding the "Research Report on the Inventory of Assistance Resources and Policy Recommendations for Career Transition of the Sex Service Providers in Taiwan" (para. 6.22), please provide information on major findings of the 2020 Research and the countermeasures formulated by the relevant ministries and agencies. Please also provide information on the number of adult female sex workers who have applied for assistance under the Act of Assistance for Family in Hardship and how many of them were provided with emergency livelihood assistance. Please also provide information on any assessment so far on whether this kind of assistance is enough to help them get out of prostitution, whether there are any other

proposals by the women in the sex industry themselves and whether any other additional measures are being considered. What is the result of study on the Swedish model of decriminalizing women in prostitution and providing assistance, while curbing the need of male clients by punishing? Is there social discussion on this as an alternative policy?

請說明「我國性交易服務者轉業資源盤點及政策建議研究報告」的主要發現及權責社會和機關所研擬的相關對策。

請說明依《特殊境遇家庭扶助條例》申請扶助的性交易成年女性人數，以及有多少人獲得緊急生活扶助，也請說明目前為止此類扶助是否足以協助女性離開性交易、有否身處性產業的女性自行提出的計畫，以及是否考慮採取其他協助措施。

瑞典以罰嫖不罰娼、提供性交易女性協助等方式處理此議題，臺灣對此模式的研究結果為何？社會有無任何關於此替代政策的討論？

Article 7:

Women's representation in political and public decision-making

女性在政治與公共決策的代表性

23. There is much to be commended in Taiwan's performance regarding the implementation of CEDAW Article 7. However, some of the improvements appear to be uneven; a fact that requires serious attention by the government.

- a) Despite the 25% women required by the Local Government Act, only lower levels of representation of women among Special Municipal Mayors and Magistrates of Counties have been achieved. Have there been any studies done to explain such persistent gender inequality in local politics? Are there any plans to amend Article 33 of Local Government Act to increase women's representation in these electoral districts?
- b) As there is persistence of women's low representation in these districts, have any studies been conducted on the possible social or cultural reasons for the matter and/or have any policies been designed or measures implemented to counter it?
- c) In general, the one third quota has been in operation for representative positions, for some time. Since this threshold is accepted as the minimum for women's meaningful participation in politics and decision-making structures, are there any plans to amend it to require parity?

《地方制度法》雖規範每四人應有婦女當選名額一人，卻僅有少數直轄市長及縣市長達此標準。是否做過相關研究可解釋地方政治中持續的性別不平等？政府是否計畫修

訂《地方制度法》第33條以提高相關選區的女性代表性？

關於這些地區女性的低代表性，是否曾進行社會或文化因素的研究，或曾制定政策與執行措施來翻轉之？

三分之一比例已運用一段時間，且社會接受其為促進女性有意義參與政治和決策結構的最低門檻，是否考慮將規範修訂為衡平原則？

24. The 4th Report states that the Ministry of the Interior is working with political parties to ensure that they also allocate their funds for the training of women. Moreover, it is reported that there is a Draft Amendment to the Political Parties Act (sent to the Executive Yuan on Sept. 2020) to make parties' allocation of subsidies to women's training, obligatory. Can you provide information on what has happened with this amendment?

《政黨法》修正草案增訂政黨須提撥一定比例之補助金用於女性培力（2020年9月送行政院審查），請提供後續修法資訊。

25. Another problematic area of women's inequality in decision-making positions is in the judicial sector. While there is some incremental increase in the number of female judges, their absence in the highest echelons of the judiciary, including as Prosecutor General and Grand Justices, continues. What measures are envisaged to alter this situation in the near future?

女性法官人數雖有增加，但在包括檢察長、大法官等司法最高層級中，女性持續缺席，短期內將採取哪些措施來改變此情況？

26. Another area of concern is the underrepresentation of women from diverse, particularly disadvantaged, backgrounds in the making and implementation of gender equality policies. Alternative sources draw attention to the fact that women of rural, indigenous backgrounds as well as women with disabilities, elderly women and LGBTI+ women are not represented in the gender equality policy-making. Are there any programs to remedy this situation in a timely manner?

替代報告指出，性別平等政策制定中，缺乏偏鄉及農村、原住民族、身心障礙、高齡和LBTI+女性代表參與，有否相關計畫可及時補救此情況？

27. While Gender Equality Mechanisms are institutionalized in many levels of the political and public administration institutions, it is striking that no such mechanism exists in the President's Office. What is the reason behind this? As gender equality mechanisms and policies would benefit from coordination at the highest level, are there plans to incorporate such mechanism at the President's Office?

性別平等機制已制度化於各層級的政治和公共行政機構，但總統府卻未設有相關機制，

原因為何？最高層級的整合與協調將有助於性平機制運作和政策推動，是否計畫在總統府設立機制？

28. There is information from alternative sources that harassment of female politicians is increasing. While this is a global tendency, partly owing to the Internet and social media which provide new, effective and widespread sharing of, *inter alia*, misogynist attitudes, it needs to be countered with effective measures. In Taiwan also, there is some information about particularly women politicians being exposed to hate speech as a form of gender-based violence. Please provide information on whether there are any studies, policies and measures developed to understand and combat cyberviolence and hate speech against women politicians and/or women in high positions.

替代報告指出，女性政治人物遭受的騷擾正在增加。關於針對女性政治人物或高階女性的網路暴力與仇恨言論，是否進行研究來理解其樣態，或制定相關政策與措施來打擊此類行為？

Article 8:

Women in diplomatic arena 外交場域的女性

29. Given the existing limitations of serving as heads of mission and/or diplomatic personnel in overseas missions of Taiwan and the relatively active positions and roles to which women have been assigned in the foreign arena (as explained in para. 8.4, 8.5 8.6, 8.7), are there any plans to introduce special measures (e.g., awards, prizes etc.) to highlight women's achievements in this area to create role models and encourage young women to join the sector?

是否計畫透過特別措施（如獎項、獎品等）凸顯女性在國際場域的成就，以樹立典範並鼓勵年輕女性加入此領域？

Article 9:

Respect for the equality and self-determination of naturalized citizens

尊重歸化國籍者平等與自決

30. Of the total of 219 applicants for naturalization denied due to a failure to meet applicable naturalization requirements under the Nationality Act, 186 (84.9%) were women. What efforts have been made to create awareness on naturalization requirements and educate immigrant

women, and what plans are in place to buttressing the need to educate and sensitize women?

因不符《國籍法》規定申請歸化遭駁回的219人中，有186人（84.9%）是女性。在提高移民女性對歸化要件的認識和教育上，政府做了哪些努力？有哪些計畫支持婦女的教育需求及提高其敏感度？

New immigrant dependent visa, temporary entry, and residency rights

新住民依親簽證、停留及居留權

31. Please explain whether the “no bad conduct” criteria for securing approval for naturalization related directly or indirectly to gender roles and social perceptions, and whether there are family laws that protect mothers and women’s parenting rights regardless of their naturalization.

請說明「無不良素行」作為歸化國籍之認定標準，是否直接或間接與性別角色和社會觀感有關，以及是否有家庭法來保障母親和女性無論歸化與否，皆能行使親權？

32. Presently, it is reported that if neither the biological mother nor biological father can be identified or are stateless, a child **may** be identified as having R.O.C. (Taiwan) nationality. Does that mean that the Taiwanese nationality is not guaranteed? What are the implications of this for the citizenship of children (especially girls), their access to rights protection and social safety nets? What level of discrimination and stereotyping are stateless children and girls exposed to and how does this predispose them to marginalization? What level of trauma and uncertainty is associated with Alien Resident Certificate processing and renewal every three years and how is this managed?

依現行規定，如生母及生父均無可考或均無國籍者，孩童得認定具中華民國（臺灣）國籍，此是否意謂，臺灣國籍並非保證取得？對兒童（尤其是女孩）獲得公民身分、權利保障及社會安全網有何影響？無國籍兒童和女孩會面臨什麼程度的歧視、刻板印象，及易遭邊緣化？外僑依親居留證每三年更新，對其帶來多大程度的創傷或不確定，如何應對？

33. What are the major findings of the study on residency and parental rights of divorced new immigrants commissioned from 2020 to 2021 and how will it better uphold CEDAW provisions, principles and standards? Does the provision not to revoke residency if a spouse remarries the original spouse within 30 days of the divorce not promote coercive marriages and reinforce existing stereotypes on marriage contrary to CEDAW ideals?

「新住民離婚後在臺居留及子女親權研究」的主要發現為何？此研究如何可維護CEDAW 條文、原則與標準？《大陸地區人民在臺灣地區依親居留長期居留或定居許可辦法》規定，如有離婚後30日內與原配偶再婚，不廢止其居留許可，是否助長強迫婚姻及強化既有對婚姻的刻板印象，而有違CEDAW理念？

Article 10:

Gender equality in education 教育的性別平等

34. There is a strong gender-based segregation in Taiwan both in the educational system and on the labour market. According to the 4th Report, the proportion of women graduating from education programs for engineering, manufacturing and construction has increased from 15.1 % (2016) to 18.3 % (2019).

However, the number is still rather low. While welcoming the 464 research projects on gender, science and technology sponsored during the year 2020, what are the results of these projects and how does the government make sure that the educational institutions actively promote substantive gender equality which is their objective under the Gender Equity Education Act? How does the government follow the work of the Equity Education Committees and their implementation of Article 6 of the Act?

464件「性別與科技研究計畫」的執行結果為何？政府如何確保教育機構主動落實《性別平等教育法》促進性別實質平等的目標？如何追蹤學校性別平等教育委員會的工作及其在《性別平等教育法》第6條的執行狀況？

Article 11:

Gender pay gap 性別薪資落差

35. The gender pay gap is persistent and almost 15%. The situation has not really improved since 2018. Also the system of pension benefits reproduces the unequal situation for women. The 4th report of Taiwan (para. 11.19) gives information on efforts to formulate an “Equal pay for equal work check list” through a commissioned study. Has this study produced concrete results so far?

The terminology regarding the concept of equal pay in the Taiwanese legislation seems to require further qualification. The Act of Gender Equality in Employment stipulates that

“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.” (Article 10) The Labour Standards Act stipulates 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.” (Article 25)

Can the wording “work of equal value” be interpreted to mean “work of equal efficiency”? What about seniority as a justification for wage differences? Are employees on maternity leave or unpaid parental leave deprived of seniority for the period of absence from work?

「發展事業單位同工同酬檢核表之研究」目前為止有無具體產出？

《性別工作平等法》第10條規定「工作或價值相同者，應給付同等薪資」，《勞動基準法》第25條規定「工作相同、效率相同者，給付同等之工資」。工作「價值相同者」的用語是否可詮釋為「效率相同者」？資歷作為薪資差異理由的狀況如何？對於請休產假或無薪育嬰假的員工，不在職期間的資歷是否遭受剝奪？

Work-family balance 工作與家庭平衡

36. The National Report mentions that already in 2018 a commissioned study recommended amending legislation to standardize the legal system governing the protection of maternity leave rights and interests in Taiwan and establish a public system for paying out maternity leave. Will the Government proceed with this project?

The report is not very clear when it comes to fathers taking parental leave. There are some numbers provided (para. 11.36), but it is not clear when the father alone is taking parental responsibilities and when both parents are on leave at the same time. Please clarify the role and statistics relating to male parents taking leave. There is information that more flexibility was introduced in 2021. Is there still a need to introduce further flexibility?

「我國產假權益保障制度研究」建議修法統整臺灣產假權益保障法制，建構產假薪資公共化制度，政府是否將依循此建議進行規劃？

請清楚說明男性請領育嬰假的角色及統計數據。2021年「育嬰留職停薪實施辦法」放寬申請育嬰留職停薪期間彈性，是否仍有需要進一步提供彈性？

Domestic workers 家務移工

37. There are approximately 250,000 domestic (female) workers in Taiwan. Since 2011

legislation has been in the pipe-line to improve the labour conditions of domestic workers with very small results. From alternative resources there are alarming reports on gender-based violence and discrimination towards domestic workers. The government gives information that an employer who “discriminates against or arbitrarily dismisses” a migrant worker who is pregnant “will be punished by law”. Please provide information on the numbers of cases heard and punishments issued as a consequence of such behaviour.

國家報告述及，雇主「歧視或任意解僱」懷孕移工「將依法處罰」，請提出審理案件數及相關行為之處罰結果。

Article 12:

Women’s health action plan 婦女健康行動計畫

38. CEDAW Committee, in its General Recommendation No. 24, called upon the States parties to implement a “comprehensive national strategy to promote women’s health throughout their lifespan, which will include interventions aimed at both the prevention and treatment of diseases and conditions affecting women, as well as responding to violence against women, and will ensure universal access for all women to a full range of high-quality and affordable health care, including sexual and reproductive health services.”

Please clarify whether the women’s health action plan approved in 2018 took the life-cycle approach, in particular addressing the issue of longer period of poor health at the end of women’s lives, as well as other requirements outlined above. Please also provide information on the process of how this action plan was formulated and whether the women’s organizations were consulted in the processes of formulation, implementation, monitoring and evaluation.

請說明 2018 年核定之「婦女健康行動計畫」是否採行關注婦女生命週期的方法，特別是回應婦女生命末期健康狀況不佳的問題，以及CEDAW第 24 號一般性建議所提出的其他義務；也請說明行動計畫的制定過程，以及在制定、執行、監測和評估過程中是否諮詢婦女團體的意見。

Health care for women with disabilities 身心障礙女性的健康照護

39. There is worrying information that women with disabilities do not have accessibility to medical facilities, for example, unable to receive pelvic examinations and pap smear screening because the examination tables are too high and transfer aids are unavailable. Has there been research on the special health care needs of women with disabilities and difficulties they are facing? Please provide information whether the current health care system is properly

responding to the needs of women with disabilities and whether regular consultations are held with women with disabilities to find out what specific problems they encounter.

關於身心障礙女性在健康照護上的特殊需求及其所面臨困境，是否已進行相關研究？請說明現行健康照護系統能否適切回應身心障礙女性的需求，以及有否定期諮詢身心障礙女性以了解其所面臨的具體問題。

Sexual and reproductive health rights 性健康與生殖健康權

40. Considering the increasing sexual activities of adolescents aged between 13 to 15 and the decreasing use of contraception among them (para. 12.25), the various efforts to educate young people (para. 10.24) seems not working or not enough. According to the 4th Report, approximately 55,000 to 60,000 abortions were performed per year in the last three years, but no disaggregated data by age, disability or other criteria can be collected under the Personal Data Protection Act. Personal data should be protected, but at the same time policy-making should be based on facts and statistics and clear understanding of the situation. How do you resolve this conflict?

近三年每年施行人工流產約55,000人次至60,000人次，但在《個人資料保護法》下，未蒐集依年齡、身心障礙或其他類別區分之資料。個人資料固然需要受到保護，但政策制定亦須奠基於事實、統計與對女性處境的清楚理解上，政府如何解決此衝突？

Article 13:

Gender equality in athletics and sports 運動及體育的性別平等

41. Alternative sources indicate that sexism and gendering in athletics and sports create an unwelcoming environment for female participants in such activities in schools, universities and other institutions.

We welcome the 2017 White Paper on Promoting Female Participation in Sports (para. 10.18), but we also note that progress seems to be slow, for instance regarding the number of women who exercise sports on a regular level. We also note that younger girls are quite actively taking part in athletics and sports, but the activity is clearly decreasing with age so that only 27 % of girls participate in school sports in high school while the corresponding figure for boys is 73 %. Women with disabilities have further problems in this field.

Is the government planning to come up with more effective plans and efforts in order to ensure equal opportunities for all in athletics and sports?

替代報告指出，性別歧視與運動及體育的性別化，讓女性在校園、大學和其他機構運動時面臨不友善的氛圍。

年輕女孩積極參與體育及運動，但活動隨年齡增長而明顯減少，參與高中運動校隊者中，女孩僅占27%、男孩則占73%。身心障礙女性在此領域遭遇更多問題。

政府是否將採取更有效的計畫與努力來確保所有運動及體育中的平等機會？

Article 14:

Awareness of equal rights; participation in decision-making and community activities

平權意識、參與決策及社區活動

42. Regarding performance evaluations of the farmers' associations, is the encouragement given to farmers' association sufficient to promote women's participation in the decision-making level within such association? Are there any policy guidelines, temporary special measures, legislation or regulation on inclusive leadership for agricultural and other business associations and organizations including corporation boards? Please explain the reduction in percentage of female executive officers employed by fishermen's associations from 30.0% to 22.5% and reduction of female directors/supervisors from 5.0% to 4.7%. How is this being addressed? Please provide information on the number of female executives that are part of the top management and what target ratio of females have been set for fisherman's associations.

關於農會考核，相關獎勵是否足以促進女性參與農會決策？有無任何促進農會、商會和組織涵融領導（包括公司董事會）的政策綱領、暫行特別措施或法規？

請說明為何漁會聘任女性總幹事比率由30.0%降低至22.5%、以及理監事由5.0%降低至4.7%，對此，將如何處理？請提出女性總幹事的人數，以及為漁會設定女性比例目標。

43. Why is the cumulative number of women in decision making in the official irrigation association less than 25% contrary to existing policy? This seems to reflect internal discriminatory practice and absence of career progression ladder for women into decision making positions in this segment of economic life. What plans are in place to redress this problem?

為什麼在農田水利會中，參與決策的女性累計少於25%？此與現行政策相悖，似乎反映了組織內部作為存在歧視，以及女性在此領域缺乏晉升決策位置的職涯發展路徑。政府有什麼計畫來解決此問題？

Livelihood, property and economic opportunities 生計、財產與經濟機會

44. From 2017 to 2020, the Startup Program has provided professional incubator services to 599 entrepreneurs with women accounting for 42.9% to 54.1% of all entrepreneurs. Please clarify if the service is not reinforcing traditional stereotypes on gender roles contrary to CEDAW principles and ideals? How has the "Small Business for Township Revitalization" (SBTR) program that utilizes local components in innovating business models helped in creating employment opportunities for rural women and enhanced their employability? It is also observed that 78% of Hakka language teachers recruited were female. Please provide explanation of why majority of those recruited as Hakka language teachers are female and whether any stereotype being reinforced by the higher recruitment rate for women.

請說明「臺灣原住民族精實創業輔導計畫」所提供服務是否未強化有違CEDAW原則和理念的傳統性別角色刻板印象。「中小企業城鄉創生轉型輔導計畫」如何有助於創造農村婦女的就業機會及提升其就業能力？請說明為何「推動客語薪傳師資格認定作業要點」所招募的客語薪傳師多數（78%）為女性，以及此是否強化了性別刻板印象？

45. To provide indigenous peoples with a more robust social safety net, and to safeguard and promote their right to transparency and access to information, the Council of Indigenous Peoples has granted local government approval to set up 63 Indigenous Peoples Family Service Centers as of the end of 2020. How many of such centers have been set up and are fully operational in 2022? Also provide gender breakdown of the 631 indigenous medical personnel (including 310 physicians, 75 dentists, 186 nursing staff, and 60 other medical personnel) trained to date.

原住民族委員會在2020年底補助各地方政府設置63處原住民族家庭服務中心，有多少中心已設立完成並在2022年全面營運？另關於「原鄉健康不平等改善策略行動計畫」至2020年所培育之631名原住民籍醫事人員，也請提供其性別（包括310名醫生、75名牙醫、186名護理人員和60名其他醫務人員）。

Health and education proposals 健康及教育方案

46. From 2017 to 2020, 72.1% of female students reportedly completed programs of their choice from the Indigenous tribal community colleges special classes. Please indicate what programs indigenous women have completed and how many acquired computer technologies skills compared to male students.

請說明原住民族部落大學中，72.1%的結業女性學員完成了哪些學程，以及與男性學員比較，有多少人習得了電腦技術與能力？

47. Similarly, how did the School Subsidies Program benefit women and girls as compared to men and boys? And how has the participation of women in the Digital Opportunity Center courses enhanced the employability and livelihoods of women in rural areas?

相較男性，學校補助計畫如何嘉惠婦女和女孩？參與數位機會中心的課程，如何提高偏鄉及農村女性的就業能力和生計？

48. The training debris flow of volunteer specialists, encouraging female village leaders to participate, is highly welcome, but how many Female Volunteer Leaders exist and in how many villages? How is this helping to change stereotypes, social norms and discriminatory practices including perceptions on gender and economic rights especially for rural women?

關於土石流防災專員訓練，有多少村里和多少自願的女性村里長參與？這如何有助於改變刻板印象、社會規範和歧視作為，包括改變對性別、經濟權（尤其是偏鄉及農村婦女權利）的觀念？

Article 15:

Access to justice and legal aid 近用司法與法律扶助

49. With respect to paras 15.4-15, please clarify what the criteria are to receive governmental legal aid and whether the legal aid covers fully legal representation or only consultation (in person or through telephone or virtual means). Is legal aid specifically available to women survivors of domestic violence regardless of means test? With respect to data supplied in para 15.4 about the ratio of women applicants to legal aid, what explains their lower rate than 50%? Have there been efforts to raise awareness among women to this possibility?

請說明接受政府法律扶助的標準為何，以及法律扶助是否涵蓋完全的法律代表或僅提供諮詢（面對面或透過電話、線上進行）。女性家庭暴力倖存者是否無論其經濟狀況皆能獲得專門的法律扶助？為什麼申請法律扶助的女性比例低於 50%（第 15.4 段）？政府是否試圖提高女性對此管道的認識？

Judicial and other legal professionals training 司法及其他法律專業訓練

50. With respect to information provided in para 15.5, how does the Judicial Yuan urge the Legal Aid Foundation to conduct regular educational gender training for assisting lawyers? Are these mandatory trainings?

Regarding the two institutes for judicial training mentioned in paras 15.13 & 15.14, are any of the trainings mentioned there mandatory for all judges? Are there mandatory judicial training at all? Have you considered making training on gender based sexual violence against women mandatory? Have you considered making domestic violence training mandatory for all family court judges?

What measures have been taken in response to the previous recommendation 19(a) to “improve indicators and conduct a broad study on the prevalence of stereotypes and wrongful application of law by prosecutors and judges, as recommended in the second review”?

Can you provide information as to the outcomes of disciplinary and other actions on the accountability of judges and prosecutors, in relation to the laws and mechanisms described in paras 15.23-15.24?

司法院如何敦促法律扶助基金會定期針對扶助律師進行性別議題之教育訓練，這些訓練是強制參與嗎？

法官學院、司法官學院的課程是否對所有法官皆為強制性質？有否任何強制性質的司法訓練？是否考慮針對女性的性別暴力議題進行強制培訓？是否考慮過強制所有家事法庭的法官接受家庭暴力相關培訓？

針對前次審查委員會結論性與建議第19(a)點，已採取了哪些措施？

有關第15.23-15.24段所述之法律及機制，請提供對違反規範法官和檢察官的懲戒結果或其他問責行動。

Property and inheritance rights 財產與繼承權

51. With respect to information provided in paragraphs 2.1 & 15.3, please explain what “ancestor worship guilds” are, and what the scope of the land covered by them is. Please clarify the status of the draft amendments to the Act for Ancestor Worship Guild which have been sent to the Executive Yuan for review. Since regrettably the relevant web page on the Government website does not work, please also explain the construction referred to at the end of para 15.3.

請解釋何謂「祭祀公業派下員」，以及其涵蓋哪些範圍的土地，也請說明《祭祀公業條例》修正草案送行政院審查的後續進展。

Article 16:

Non-judicial mutual consent divorce 非判決兩願離婚

52. Only the 1st Report mentions, in passing, the option of out-of-court divorce, by simply signing a form that can be purchased in a shop and sending it to the Household Administration Authority. This procedure is done according to sections 1049-1050 of the Civil Code, following a reform in 2009. Please clarify what mechanisms there are to supervise the contents of the agreement upon which the couple is divorced, and prevent any power discrepancies. Please clarify whether there are such mechanisms to ensure that the best interest of the child is safeguarded even if no judicial overview is involved.

請說明有哪些機制可確保兩願離婚的協議內容並防止雙方的權力落差，也請說明有否相關機制，在無司法審查下保障兒童的最佳利益。

Marital Property Regimes 婚姻財產制

53. Please provide information as to the amendment to the Civil Code mentioned in para 2.2 of the Report, prepared to conform to CEDAW's General Recommendation 29, and if possible, please provide an English version of the amendment.

Articles 1004-1005 of the Civil Code provide for the possibility of husband and wife to contract one of the contractual regimes provided by Section 4 of the Civil Code (community or separate property), instead of the statutory regime to be applied as the default regime. How does the government ensure that women are aware of these options and of the consequences of these choices? Are there mechanisms in place to ensure that power differences are not abused, for instance, to induce women into contracting a separate property regime?

Article 1030-1 of the Civil Code provides for courts to consider factors such as “household labor, caring and nurturing of the child, the collaboration of contribution to the family” when distributing the remainder of the property acquired by the couple during marriage. Have there been studies on the usage of this judicial discretion? Have there been studies on the economic outcomes of divorce? Does the amendment to the Civil Code include recognition of increased earning potential and human capital as a property to be taken into consideration and distribution upon divorce, in line with CEDAW's GR 29?

關於為符合CEDAW第29號一般性建議之《民法》贍養費修正草案，請提供英文版本。

《民法》第1004-1005條規定夫妻可在預設之法定財產制外，就《民法》第4節之約定財產制（共同財產或分別財產）選擇其一，政府如何確保女性了解這些選擇及其後果？有否相關機制，能確保雙方的權力差異不被濫用（例如誘使婦女簽立分離財產制）？

《民法》第1030-1條規定，法院在分配夫妻在婚姻期間獲得的剩餘財產時，應考慮「家事勞動、子女照顧養育、對家庭付出之整體協力狀況」等因素，是否曾針對此司法裁量權的運用進行研究？有無關於離婚經濟後果的研究？《民法》修正草案是否包括肯認婚姻中對配偶收入潛能和人力資本發展的貢獻，作為離婚時考量和分配的財產，以符合CEDAW第29號一般性建議？

Illegitimate children 非婚生子女

54. Article 1061 of the Civil Code onwards refer to legitimate and illegitimate children. What are the consequences of defining children as illegitimate? Is there a proposed amendment to eliminate this category from the law altogether?

《民法》第1061條及其後條文提及婚生和非婚生子女。將兒童定義為非婚生的後果為何？有無修法提案將此範疇從法律中完全消除？

Child custody 子女監護

55. Article 1055-1 of the Civil Code lists several variables which courts must consider when ordering child custody arrangements. Variable 6 refers to cases where one parent “takes actions to hinder the other of exercising rights and assuming duties of the minor child”. What mechanisms are in place to ensure that this provision is not used to jeopardize children’s safety, in cases where a parent attempts to protect the child from the other parent’s violence? Why is there no provision of ordering courts to take into consideration situations of domestic violence in child custody decisions?

《民法》第1055-1條臚列法院在裁判兒童監護權時必須考慮的因素，第6款為父母之一方有「妨礙他方對未成年子女權利義務行使負擔之行為」。如果父母試圖保護孩子免受另一方的暴力，有哪些機制可確保該條款不用以危害兒童安全？為何沒有要求法院在兒童監護決定中考慮家庭暴力情況的相關規定？

De-facto relations 事實關係

56. The current Report as well as the previous ones are silent on the question of *de-facto* relations (cohabitants). Please provide information on their status, and whether their economic rights and the rights of the individuals within such relations are protected, in line with CEDAW Committee’s General Recommendation No. 29.

請說明事實結合關係（同居）的法律定位，其經濟權及個人權利是否獲得CEDAW第29號一般性建議所規範之保障。