

消除對婦女一切形式歧視公約(CEDAW)第 4 次國家報告
國際審查委員會問題清單
政府機關回應

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Overarching question 總體問題 編號 1

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
1	<p>Overarching question: COVID-19 pandemic and gender impact analysis</p> <p>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.</p>	<p>總體問題： COVID-19 疫情及性別影響分析</p> <p>1. COVID-19 疫情期間，全球見證了疫情帶給大眾生活不同影響，並加劇社會不平等現象。請提供資訊說明疫情如何影響臺灣各年齡層女性的不同生活領域，例如教育、就業、健康、社會保障，以及婚姻和家庭生活。另請說明目前採取哪些措施來減輕對女性的負面影響，尤其是對於原住民族女性、身心障礙女性、新住民女性及其他少數群體女性。</p>

權責機關：性平處、原民會、衛福部、內政部、教育部、勞動部

回應：

- 一、有關疫情如何影響臺灣各年齡層女性的不同生活領域，例如教育、就業、健康、社會保障，以及婚姻和家庭生活，說明如下：行政院於 2021 年 6 月 4 日函頒「嚴重特殊傳染性肺炎疫情所涉性別議題及我國預為因應之提醒事項」，請各機關關注國內疫情下所涉性別議題的發展，並作為推動業務之參考。此外，為瞭解疫情下所涉性別議題，行政院持續蒐集國際組織及國內輿情所關注性別議題之相關統計，包括就業、社會安全、健康、婚姻和家庭生活、教育面向統計數據，並於行政院性別平等會會議討論，謹就初步觀察不同年齡及不利處境者之相關數據擇要說明如下：
- (一)在就業部分，整體而言於 2021 年年底前女性就業市場已逐漸回溫，整體失業情形已恢復疫情三級警戒前水準，惟中高齡女性失業率回復速度較慢，仍較 2020 年同期高出 0.25 個百分點；而原住民族女性中高齡 2021 年全年失業率較全體女性國民中高齡失業率高出 0.72 個百分點。
- (二)在社會安全部分：

1. 觀察 2019、2020 與 2021 年資料，作為疫情前後期之比較，2021 年女性低收入戶及中低收入戶人數並未因疫情而增加。
 2. 另檢視 2021 年統計數據，各季女性、男性中低收入獨居老人皆有微幅成長之趨勢，其中女性成長率為 11%，相較於男性高出 5.3 個百分點。
- (三)在健康部分，2021 年 9 至 12 月時自殺通報人次呈現上升趨勢，女性增加幅度大於男性，另女性自殺死亡人數於 2021 年 9 至 12 月略為成長，男性部分則變化不大。
- (四)在婚姻和家庭生活部分：
1. 2021 年 5 至 8 月疫情三級警戒時間，家庭暴力案件為通報人數低點，主要係學校停課造成通報兒少案件來源大幅減少；另同年 9 至 12 月親密關係間家庭暴力通報案件 65 歲以上被害人略為增加，男性成長幅度較女性明顯；另數據顯示，2021 年 5 至 12 月新住民、原住民女性及身心障礙族群被害人均較 2020 年同期人數減少。
 2. 疫情對於新住民女性之影響：因應疫情衍生之邊境管制，部分新住民無法及時自在入出境，影響其婚姻及團聚權益。

二、為減輕疫情對女性的負面影響採取措施：

- (一) 在就業部分，透過性別統計及調查定期監測與關注就（失）業、經濟情勢對不同性別者及不利處境者之影響與衝擊，以提供各種經濟紓困方案，強化對不利處境女性之促進就業政策措施；相關作法說明如下：
1. 職業訓練部分：勞動部運用政府及民間資源，以自辦、委辦或補助方式，對於工作技能不足或需補充就業技能之失業、待業或轉業適訓之女性勞工，規劃辦理各類就業導向職業訓練措施，以提升勞工工作實務技能、輔導協助訓後就業，促進國民就業及安定生活。失業女性勞工可經由職訓諮詢，釐清就業需求，選擇參訓類別。凡經甄選錄訓者，由政府補助 80% 或 100% 之訓練費用，具有特定對象身分者之失業者，更提供職業訓練生活津貼補助，以安定參訓期間之基本生活。
 2. 就業服務部分：
 - a. 為協助女性勞工就業，勞動部所屬公立就業服務機構，提供一案到底客製化服務，提供就業諮詢服務，依就業能力與需求推介工作機會或安排參加職業訓練提升技能，並運用就業促進工具(如僱用獎助、跨域津貼及缺工就業獎勵)，排除就業障礙，協助順利就業。
 - b. 為協助視障按摩師減緩疫情衝擊，2021 年辦理「視覺功能障礙者從事按摩工作補貼計畫」提供視障按摩師每人每月 1 萬 5,000 元、1 次發給 3 個月之補貼，以穩定渠等生計。計補助 2,676 人，男性 1,704 人、女性 972 人，其中男性占 64%，女性占 36%。
 - c. 2020 年 4 月 13 日推動「安心即時上工計畫」，由政府提供符合公共利益的計時工作，並核給工作津貼及防疫津貼，以降低薪資減損對其生活造成之影響。只要年滿 15 歲以上的中華民國國民、獲准居留外陸籍配偶、

持中華民國永久居留證及工作許可的外國人，皆能申請參加。

3. 移工部分：訂有「因應嚴重特殊傳染性肺炎雇主聘僱移工指引：移工工作、生活及外出管理注意事項」，以女性為主之家事移工確診應由雇主協助就地隔離，並由雇主依勞動契約約定給付薪資及提供適當防護及隔離期間生活所需，降低疫情針對移工的經濟影響

(二) 在社會安全及家庭照顧部分：

1. 為因應 COVID-19 疫情帶來之衝擊，並照顧因疫情影響工作致家庭陷入經濟困境之民眾，政府擴大急難紓困範圍，提供符合資格者新臺幣 1 萬元至 3 萬元紓困金，以安頓其生活。此外，於疫情期間，為加強關懷弱勢老人、兒童、少年及身心障礙者等經濟弱勢民眾，針對 8 大類原領有補助者，每人每月額外加發新臺幣 1,500 元之生活補助（至多 3 個月）。
2. 原住民族部分：原民會為減輕原住民族女性疫情下帶來之經濟衝擊，自 2020 年 1 月起提供免息、利息補貼、本金寬緩及延長繳款期限等措施。截至 2022 年 7 月底止，受益之原住民族女性計 1 萬 7,082 人，達總受益人數 3 萬 4,782 人之 49.1%。目前尚無研究及數據顯示新冠疫情影響原住民女性生命及提高社會不平等現象，原住民族委員會將持續關注避免不平等情形產生。
3. 高齡獨居者：在疫情三級警戒期間(2021 年 5 至 8 月)政府提高對高齡獨居者電話關懷問安服務量能，及時關注其生活需求及身體狀況，使其獲得妥善、周全之社會照顧及網絡支持。

(三) 在健康部分，疫情心理健康支持政策規劃納入性別差異，規劃辦理符合不同性別需求衛生教育、教育訓練等心理健康促進活動。

(四) 在婚姻和家庭生活部分：

1. 兒少部分：使兒少保護預防性措施深入村里及社區角落，以擴大與綿密保護網絡，並加強向村（里）幹事、村（里）長、公寓大廈管理服務人員教育訓練及宣導。
2. 新住民女性部分：對於因疫情無法順利入出境之旅客，內政部移民署持續以專案方式，協助有需要之新住民入出境，以保障其婚姻及家庭團聚權益。此外，為協助新住民取得 COVID-19 相關資訊，內政部透過官方網站及新住民培力發展資訊網刊登多語相關資訊，及外來人士在臺生活諮詢服務熱線(1990)提供多語免付費有關入出國境相關諮詢服務。

(五) 就學部分：

1. 原住民女性層面：
 - (1) 110 學年度核定學業獎學金 7,676 位原住民學生、核定才藝獎學金學生 456 位，兼含女性及男性生理性別，於疫情期間持續獎勵優秀原住民學生勤勉向學，發展學業及才藝表現。
 - (2) 110 學年度補助 16 個縣市 178 名專職族語老師，有助於女性及男性生理性別教師之經濟改善。

2. 身心障礙女性層面：

- (1) 疫情期間以身心障礙家庭為補助單位進行經費補助，無論何種生理性別皆予以補助，間接減輕女性家庭成員之負擔。
 - (2) 110 學年度補助各級學校約 250 萬片透明口罩，有助於女性及男性生理性別之身心障礙學生課堂學習。
 - (3) 與身心障礙學生及相關團體合作，推動相關措施如：在教學與評量上，以彈性多元方式處理並從寬認定。對視障學生，請原聘特教助理人員持續提供服務，並協助將課程影像內容即時轉譯成口語訊息，提供給視障生。對聽障學生，請學校在線上課程後製增加字幕。同時，訂定身心障礙學生居家線上學習參考指引，分有教師、身心障礙學生、家長等專章。
3. 新住民女性層面：因疫情暫停實體課程期間，新住民語文教學支援工作人員在原聘約原訂時間內尚難轉做他職，故給予彈性給薪以補貼短收之收入。

Response

I. The following is a description of how the epidemic has affected different areas of life for women of all ages in Taiwan, including as to education, employment, health, social security, and marriage and family life:

On June 4, 2021, "Gender Issues in the COVID-19 Epidemic and Reminders for Taiwan's Anticipated Response" was implemented by the Executive Yuan, tasking all agencies to pay attention to the development of gender issues during the epidemic in Taiwan and use it as a guide in public policy promotion. In addition, in order to understand the gender issues involved in the epidemic, the Executive Yuan continues to collect statistics on gender issues that are of concern to international organizations and domestic public opinion. These statistics include employment, social security, health, marriage and family life, and education. The gender equality committee of the Executive Yuan has discussed these issues at their meetings. Preliminary observations on the relevant data for people of different ages and disadvantaged situations are summarized below:

1. In terms of employment, generally speaking, the female employment market has gradually recovered by the end of 2021. The overall unemployment situation has returned to the pre-Epidemic Alert Level 3 status. However, the unemployment rate for middle-aged and elderly women has been slower to recover, and is still 0.25 percentage points higher than for the same period in 2020. The unemployment rate for the elderly among the indigenous ethnic groups in 2021 is 0.72 percentage points higher than the unemployment rate for the elderly among all female citizens.
2. In regard to social security status:

- (1) Looking at the 2019, 2020, and 2021 data, the number of female low-income and lower-middle-income households in 2021 did not increase due to the epidemic, as compared to the pre- and post-epidemic periods.
- (2) In 2021, there has been a slight increase in the number of female and male low- and middle-income elderly living alone in each quarter, with a growth rate of 11% for females, 5.3 percentage points higher than that of males.
3. In terms of health, the number of reported suicides from September to December 2021 was on the rise. The increase is greater for females than for males. The number of female suicide deaths increased slightly from September to December 2021, while the number of male suicide deaths did not change much.
4. In respect of marriage and family life status:
 - (1) The low number of reported domestic violence cases during the epidemic's Level 3 alert period from May to August 2021 was mainly due to a significant decrease in the number of reported child-related cases as a result of school closures. From September to December of the same year, there was a slight increase in the number of reported domestic violence cases among victims over the age of 65 in intimate relationships, with a more pronounced increase for males than females. The data show that the number of victims from May to December 2021 is lower than the number of victims from the same period in 2020 for new immigrants and indigenous women and those with physical and mental disabilities.
 - (2) The impact of the epidemic on new immigrant women: Due to the border controls caused by COVID-19, some new immigrant women cannot freely enter and exit the country, which affects their rights in marriage and family consortium.

II. Measures taken to mitigate the negative impact of the epidemic on women:

1. In the area of employment, regular monitoring and attention is paid to the impact of employment and economic situations on different genders and disadvantaged women through gender statistics and surveys, in order to provide various economic relief programs and strengthen the employment promotion policy measures for disadvantaged women. The relevant practices are described as follows:
 - (1) Vocational Training Section: Vocational Training Measures for Unemployed women workers with insufficient work skills are planned and implemented by public and private resources. The Workforce Development Agency has adopted three approaches to implementing these training measures, including organizing training courses, and commissioning other training institutions. These training measures enhance the practical skills of workers, and aid them in finding

employment and having a stable life. The unemployed women's labor can obtain vocational consultations to analyze their vocational needs and choose training sessions for participation. From 80% to 100% of the training fees will be subsidized by government if the trainee participants pass screening. The relatively disadvantaged trainees could even receive a living allowance during training to ensure their basic welfare.

(2) Employment Services:

- a. In order to assist female labors finding jobs, the employment services agencies under the Ministry of Labor provide "One-Stop" employment services. This service provides employment consulting services that refer job opportunities or arrange vocational training in accordance with laborers' abilities. At the same time, we adopt employment promotion tools (such as wage subsidy, cross-regional allowances and employment incentives for labor shortages) to remove employment barriers and help female laborers successfully find jobs.
- b. Regarding visually impaired massage therapists: In order to help visually impaired massage therapists mitigate the impacts of the COVID-19 pandemic, the Ministry of Labor implemented a "Subsidy Plan for Visually Impaired Massage Therapists" in 2021. The Ministry provided a subsidy to the therapists of NT\$ 15,000 per person per month, and with the amount for 3 months paid all at once, which was NT\$ 45,000 in total. In 2021, the Ministry provided the subsidy to 2,676 therapists or NT\$ 117,803,000 in total. Of all these therapists, 1,704 were male and 972 were female, or 64% were male, and 36% were female.
- c. To help those employees who have been affected by the COVID-19 epidemic, the Ministry of Labor launched the "Assured Immediate Employment Program" on 13th April 2020 to provide part-time jobs in government departments with working and epidemic prevention allowances to reduce impacts on those employees who had salaries reduced because of the COVID-19. All nationals aged 15 or above, foreign spouses with permission to reside in the R.O.C., and foreigners with R.O.C. Permanent Residence Certificates and Work Permits are eligible to apply.

(3) In regard to foreign workers: The Ministry of Labor's "Foreign Worker Employment Guidelines in Response to Severe Pneumonia with Novel Pathogens (COVID-19): Managing the Work, Life and Outdoor Activities of Foreign Workers," provided that when migrant domestic workers of which majorly composes females are confirmed as having COVID-19 the employer is required to help them quarantine on-site and to continue paying the worker's salary as stipulated in the labor contract, while also providing appropriate

protective measures and daily necessities for the period of quarantine, thereby reducing the economic impact of the pandemic on foreign workers.

2. In terms of social security and family caregiving:

(1) In response to the COVID-19 pandemic and to mitigate the negative impacts on the economically disadvantaged, the coverage of emergency relief programs was expanded, to care for people whose jobs were negatively impacted by the pandemic, and who suffered from economic difficulties. Every household that meets the requirements received an emergency relief fund of NT\$ 10,000 to NT\$ 30,000. On the other hand, during the COVID-19 pandemic, for the disadvantaged older adults, children, youth, and people with disabilities who already receive subsidies, an additional monthly living subsidy of NT\$1,500 was offered for up to 3 months.

(2) As for the indigenous populace:

In order to alleviate the economic impact of indigenous women caused by COVID-19 pandemic, the Council of Indigenous Peoples has provided measures such as interest free loans, interest subsidies, lenient terms and extended grace periods since January 2020. By the end of July 2022, 17,082 indigenous women have benefited, accounting for 49.1% of the total beneficiaries of 34,782 people.

There is no research or data to show that the new epidemic is more adversely affecting the lives of indigenous women and increasing social inequity, but the Council of Indigenous Peoples will continue to pay attention to any onset of inequalities.

(3) Regarding older live-alone people: During the Alert 3 period (May-August 2021), the government increased the capacity of telephone care and consultation services for elderly live-alones to provide timely attention to their needs and physical conditions, so that they can receive proper and comprehensive social care and network support.

3. In regard to health, the epidemic mental health support policy plan incorporates gender differences and plans mental health promotion activities such as health education and education training that meet the needs of different genders.

4. In regard to marriage and family life:

(1) As for the childhood: We endeavor to ensure preventive measures for child protection reach the village and community corners in order to expand and close the protection network, and to strengthen education, training and advocacy to village (ward) officials, village (ward) leaders, and apartment building management service staff.

(2)As for the new immigrant women:

For new immigrant women who cannot freely enter and exit R.O.C. (Taiwan) due to COVID-19, the National Immigration Agency (NIA) continues implementing special projects to assist those who are in need and to protect their rights in marriage and family consortium. Furthermore, in order to help new immigrant women have better access to information about COVID-19 pandemic, the Ministry of the Interior (MOI) has established multiple channels to disseminate multilingual information, including the official websites, Information for Immigrants Network Website, and the Foreigners In Taiwan Hotline (1990), which provides toll-free consulting service and replies to inquiries about the latest entry and exit regulations.

5. In terms of education:

(1) Regarding indigenous women:

- a. In the 2021 academic year, 7,676 Indigenous students were approved for academic scholarships and 456 students were approved for talent scholarships, including both female and male genders. During the epidemic period, outstanding Indigenous students were continuously rewarded for their diligent study and development of academic and talent performance.
- b. In the 2021 academic year, 178 full-time ethnic language teachers in 16 counties and cities will be subsidized, which will help the economic improvement of female and male teachers.

(2) Regarding women with disabilities:

- a. During the epidemic period, families with disabilities will be subsidy units to enjoy financial subsidies, regardless of gender, to indirectly reduce the burden on female family members.
- b. In the 2021 school year, about 2.5 million transparent masks will be subsidized for schools at all levels, which will help students with disabilities of any gender to study in classrooms.
- c. Cooperate with students with disabilities and related groups to promote relevant measures, such as: in teaching and evaluation, deal with flexible and diverse methods and leniently recognize their status. For visually impaired students, the original special education assistants are requested to continue to provide services, and to assist in translating the video content of the course into oral messages in real time. For hearing-impaired students, please add subtitles after the school is online. At the same time, a reference guide for home-based online learning for students with disabilities has been formulated, with special chapters for teachers, students with disabilities, and parents.

(3)Regarding new female immigrants: During the period of suspension of physical courses due to the epidemic, it is difficult for the new immigrant language teaching support staff to transfer to other positions within the original appointment time, so flexible pay is given to subsidize their short-term income.

Article 1 第 1 條 No.2 編號 2

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
2	<p>Article 1: Comprehensive legislation on gender equality</p> <p>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 it be possible to speed up the process.</p>	<p>第 1 條 性別平等之綜合性法制</p> <p>2. 2018 年，國際審查委員會建議落實性別平等之綜合性法制，並定義何謂女性歧視。根據政府報告，已在 2019 年委託進行一項研究，立法草案預計於 2024 年完成。報告還提到，將在起草過程中蒐集各部門的意見，並進行法案及性別影響評估檢視。請提供資訊說明該項草案研擬的現狀，包括目前為止已蒐集哪些部門的意見、其意見為何，以及是否可以加快此立法過程。</p>

權責機關：人權處

回應：

- 一、我國於 2018 年由法務部進行制定平等法之委託研究，2019 年 6 月完成研究報告，該委託研究雖提出立法建議，惟經行政院與相關中央部會開會研商後，對於該委託研究所提立法建議與現行法律（如《性別工作平等法》、《性別平等教育法》等）之競合關係、申訴機制之設置及相關組織功能，尚須進一步研議及政策評估。
- 二、2022 年 5 月公布之「國家人權行動計畫」業已將制定平等法，列為政府優先辦理之人權事項，由行政院人權及轉型正義處接手研擬制定，行政院人權及轉型正義處於 2022 年 6 月 27 日正式揭牌運作。
- 三、委託研究案之立法建議，就禁止歧視之類型、禁止歧視保障之範圍與現行法令規範或有重疊，其執行機制建議行政院設立平等處、各地方政府設平等委

員會，與目前中央及地方政府分別依《性別平等教育法》、《性別工作平等法》、《就業服務法》所設之性別工作平等委員會、性別平等教育委員會、就業歧視評議委員會等機制、功能亦有不同，兩者機制是否整合、如何整合，以及在涉及多重歧視或交織性歧視爭議案件，應如何適用法律等問題，均尚須進一步研議。且依《監察院國家人權委員會組織法》第2條第1款規定，該會職權包括「依職權或陳情，對涉及酷刑、侵害人權或構成各種形式歧視之事件進行調查，並依法處理及救濟。」未來國家人權委員會對各種形式歧視之事件進行「調查、處理及救濟」，與平等法所設執行機制之「申訴、調查」關係為何？均有待釐清及立法政策評估。

四、行政院人權及轉型正義處刻正就上述問題研議，及盤點目前不同部門處理歧視的方式、受理機關、案件量及執行成效等，進行立法政策評估，將研提草案初稿，並適時諮詢學者專家、民間團體、中央及地方等相關機關意見，以2024年前將草案送至立法院審議為目標。

Response

1. A research study on developing an equality legislation was commissioned by the Ministry of Justice in 2018 and was completed in June 2019. After examining the legislative proposal suggested by the study with relevant agencies, the Executive Yuan concluded that the complaint mechanism proposed by the legislative proposal as well as the concurrent application of the proposal and the existing equality-related laws, such as the Act of Gender Equality in Employment, Gender Equity Education Act, etc., needed further study and policy evaluation.
2. The enactment of an equality law is listed as a priority in the National Human Rights Action Plan which was announced in May 2022. The Department of Human Rights and Transitional Justice, Executive Yuan, which came into operation on June 27 of the same year, is in charge of drafting the equality law.
3. After a preliminary review of the legislative proposal of the said study and the current laws, the Department of Human Rights and Transitional Justice found that there are some key issues need to be solved in enacting the equality law. First, the prohibited grounds of discrimination and the protection scope proposed by the said study overlaps with the existing laws. Its recommendation that the Executive Yuan should set up an equality department and the local governments should set up equality committees, also competes with the various existing committees established in accordance with the Gender Equity Education Act, Act of Gender Equality in Employment, and the Employment Service Act in the central and local governments. Whether and how to incorporate these similar mechanisms and how to apply the relevant laws in cases involving multiple or intersectional discrimination require further study. In addition, according to Article 2,

subparagraph 1 of the Organic Act of the Control Yuan National Human Rights Commission (hereafter “Commission”), one of the Commission’s functions and powers is “to investigate incidents involving torture, human rights violations, or various forms of discrimination in accordance with its authority or in response to petition from the general public, and to handle them and provide remedy according to the law.” The relationship between the investigation procedure of the Commission and the complaint mechanism set up by the equality legislation also needs further clarification.

4. The Department of Human Rights and Transitional Justice is currently researching on the above issues. Meanwhile, it is collecting from the relevant departments and agencies the data regarding the existing procedures in handling discrimination, the caseload as well as the enforcement and effectiveness. In the drafting process, the Department of Human Rights and Transitional Justice will consult with various experts, NGOs and authorities at both central and local levels. The bill of the equality law is aimed to be submitted to the Legislative Yuan by 2024.

Article 2 第 2 條 No.3 編號 3

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
3	<p><i>Article 2 :</i></p> <p>National human rights institution</p> <p>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 “<i>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.</i>” In its Independent Opinion on Taiwan’s Fourth Report on the Implementation of CEDAW, the NHRC is introduced as “an independent body</p>	<p>3. 根據核心文件 (第 118 項) 提供有關 2020 年在監察院下設立國家人權委員會 (NHRC) 之資訊，以及根據《監察院國家人權委員會組織法》，國際審查委員會特別提請注意前次國家報告結論性意見與建議第 13 點：「既然此等監督機制應該完全獨立，最好不要設立於總統府、監察院或現行政府組織的其他任何部門內。但是，如果政府決定將此等機構併入監察院，則絕對有必要重組監察院並在其中設立獨立單位，以履行促進、監督和保護人權的任務，包括婦女權利和性別平等，並完全遵循《巴黎原則》。」在關於 CEDAW 中華民國第 4 次國家報告的獨立意見中，將國家人權委員會介紹為「致力於保護和促進人權的獨立機構」(第 1 項)。</p> <p>考量到國家人權委員會設置於監察院下且監察院似乎並未重組，請說明如何確保其獨立性。尤其，請針對以下問題提出說明：國家人權委員會如何運作？由誰擔任委員和官員？如何選舉及/或任命？需要什麼資格？國家人權委員會是否有獨立於監察院的法定保障預</p>

	<p>dedicated to human rights protection and promotion” (para. 1).</p> <p>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”.</p> <p>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).</p>	<p>算？針對其職責，請說明第 118 點提到的「調查侵害人權案件」的權力。。</p> <p>另請說明其權力與監察院檢視政府機關作為的一般權力有何不同 (如第 119 點所述)。</p>
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權責機關：監察院

回應：

- 一、 國家人權委員會符合《巴黎原則》規範國家人權機構獨立性，包括「法律獨立性」、「運作獨立性」、「政策獨立性」、「財務獨立性」、「成員獨立性」等要件。國家人權委員會依照監察院國家人權委員會組織法設置，具有單獨法定地位組織。
- 二、 為了凸顯國家人權委員會之獨立性，並鑑於國家人權委員會之職權性質有別於監察職權，於《監察法》增訂「國家人權委員會職權之行使」專章，送請立法院審議中，明定國家人權委員會行使職權，悉依專章之規定，獨立行使職權。
- 三、 國家人權委員會共有委員 10 人，其中主任委員由監察院院長兼任，7 人為當然委員，其餘 2 人應每年自監察委員改派，不得連任。委員均為總統提名、經立法院同意任命，並獨立行使職權。

- 四、國家人權委員會之當然委員資格，依照《監察院組織法》第3條之1第7款規定：「對人權議題及保護有專門研究或貢獻，聲譽卓著者；或具與促進及保障人權有關之公民團體實務經驗，著有聲望者。」此款資格之委員為7人，由不同族群、專業領域等代表出任，且任一性別比例不得低於三分之一，提名前並應公開徵求公民團體推薦人選。
- 五、國家人權委員會年度預算雖編列於監察院，係以「國家人權業務」由行政院專項核定編列預算推動人權業務，是以具財務獨立性。
- 六、《國家人權委員會組織法》第2條明確規定，依職權或陳情，對涉及酷刑、侵害人權或構成各種形式歧視之事件進行調查，並依法處理及救濟。國家人權委員會職權與監察院職權不同，兩者區別如下：
- (一) 目的不同：人權調查係以保障人權為目的，監察調查則係為促進政府善治及廉能。
 - (二) 發動時點不同：監察調查係事後監督權，必先有政府之行為在前，始得發動。人權調查具有事前預防性質，得就潛在人權問題進行訪視、詢查、訪談。
 - (三) 調查之事件範圍不同：監察調查，限於政府機關或人員之違法或失職行為；人權調查，係就涉及酷刑、侵害人權或構成各種形式歧視之事件，加以調查，不論有無涉及政府部門之違失。
 - (四) 調查方法及強制性不同：監察調查具有一定之強制力。人權調查並無強制力，透過座談、訪談、田野調查、訪視等各種方式蒐集資料後，在調查報告中提出柔性建議。
 - (五) 調查後之法律效果不同：監察調查結果，如認機關或人員有違失，則糾正機關或糾舉、彈劾違失人員。人權調查之效果，不在追究個人或機關之違失或責任，而係提出柔性之改善或修法之建議，目的在改善人權情況，避免類似問題再度發生。

Response

1. The National Human Rights Commission complies with the independence of national human rights institutions set forth in the Paris Principles in terms of law, operation, policy, finance and membership. The NHRC is established in accordance with the Organic Act of the Control Yuan National Human Rights Commission and serves as an independent statutory body.
2. To highlight the independence of the NHRC and the differences in powers and functions between the NHRC and the Control Yuan, a special section, “Exercise of Powers and Functions of the National Human Rights Commission” was added to the Control Act, specifying that the NHRC should exercise its duties independently. The law amendment was sent to the Legislative Yuan for consideration.
3. The NHRC shall consist of 10 members, with the president of the Control Yuan and seven members who qualify under Article 3-1, Paragraph 1, Subparagraph 7 of the

- Organic Law of the Control Yuan as ex-officio members. Two Control Yuan members other than the ex-officio members of the NHRC and upon appointment by the president of the Control Yuan shall be assigned annually and shall not be reassigned. The NHRC members are nominated by the President of R.O.C. (Taiwan), with the consent of the Legislative Yuan, and exercise their powers independently.
4. In accordance with Article 3-1, Paragraph 7 of the Organic Law of the Control Yuan, the ex-officio NHRC members must meet following qualifications: “A researcher of or person devoted to human rights protection with outstanding reputation, or a person with practical experience related to civil society organizations involved in the promotion and protection of human rights.” The number of members with such qualification shall be seven. The composition shall include representatives from different ethnic groups or professional fields. No gender shall constitute less than one-third of the members, and prior to their nominations, recommendations from civil society organizations shall be openly sought.
 5. Although the NHRC’s annual budget is made by the Control Yuan, the budget approved by the Executive Yuan under the “national human rights business” is specially for the purpose of the promotion and protection of human rights. Thus, the NHRC is financially independent.
 6. Article 2 of the Organic Act of the Control Yuan National Human Rights Commission clearly stipulates that the NHRC investigates incidents involving torture, human rights violations, or various forms of discrimination in accordance with its mandate or in response to complaints from the general public, and to handle them and provide remedy according to the law. The differences in the powers and functions of the NHRC and the Control Yuan are as follows:
 - (1) The purposes are different. Human rights investigations are aimed at protecting human rights, while supervisory investigations are aimed at promoting good governance and integrity of the government.
 - (2) The actions are different. Supervisory investigations are post-facto (remedial), and can only be taken after inappropriate actions by government agencies. Human rights investigations are preventive in nature. Potential human rights problems can be discovered through visits, inquiries and interviews.
 - (3) The scopes of investigation are different. Supervisory investigations are conducted to find out unlawfulness or dereliction of duty by government agencies or public servants; human rights investigations focus on the issues involving torture, human rights violations or various forms of discrimination, whether or not they are violated by government agencies.
 - (4) The investigation methods and enforcement are different. The opinions based on supervisory investigations are legally binding while the recommendations based

on human rights investigations are not. By collecting information through various methods such as symposia, interviews, visits and field investigations, advisory (without statutory effect) recommendations will be made in the human rights investigation reports.

- (5) The legal effects are different. Based on the findings of supervision investigations, if there is illegality or dereliction of duty by government agencies or public servants, proposals of corrective measures, censure or impeachment against them may be launched (by the Control Yuan). However, the effect of human rights investigation is not to punish or criticize any individuals and agencies, but to propose advisory recommendations or legislative amendment, with the purpose of improving human rights situation and preventing similar problems from recurring.

Article 2 第 2 條 No.4 編號 4

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
4	<p>Regulatory review</p> <p>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.</p>	<p>法規檢視</p> <p>4. 國家報告第 2.1 項指出，經 2014-2017 年展開大規模法規檢視後，未完成的修法共計 11 件，包括 8 件法律及自治條例，以及 3 件命令及自治規則，請更新修法進展。同樣，依據國家報告共同核心文件第 2.5 點(應更正為 2.2 點)提到 CEDAW 第 29 號至第 33 號一般性建議法規檢視結果，計有 5 件不符合 CEDAW 之法規及行政措施。請更新剩餘 1 件《民法》修正案之的進展。</p>

權責機關：法務部、交通部、衛福部、內政部、勞動部、新竹縣政府

回應

一、有關國家報告 2.1 所述尚未完成修法之最新修法進展，說明如下：

- (一)「勞工保險失能給付標準附表」：已於 2022 年 3 月 30 日修正發布「勞工保險失能給付標準附表」，刪除失能審核基準有關女性因傷病割除兩側卵巢或子宮須未滿 45 歲之年齡限制，改以身體損傷程度區分失能等級。
- (二)《中華民國刑法施行法》：2021 年 11 月 4 日經行政院、司法院會銜函請立法院審議，嗣於 2022 年 4 月 19 日三讀通過，2022 年 5 月 4 日經總統公布。
- (三)《軍人及其家屬優待條例》：行政院於 2022 年 3 月 14 日召開「《軍人及其家屬優待條例》第 3 次審查會議」，涉及 CEDAW 之條文(第 41 條)，已依符合性別平權之意旨修正，並經審查完竣，將依法制作業程序辦理。
- (四)《祭祀公業條例》：內政部擬具《祭祀公業條例》部分條文修正草案，於 2020 年 3 月 19 日函報行政院審查。

- (五)《優生保健法》：衛生福利部參據「消除對婦女一切形式歧視公約」(CEDAW)及「身心障礙者權利公約」(CRPD)精神，擬具《優生保健法》修正草案，將法案名稱修正為《生育保健法》，業刪除人工流產與結紮手術之配偶同意及規定，該修正草案業於2022年1月至3月完成法案預告作業，依蒐集意見進行法案研修後，持續依法制程序進行修法作業。
- (六)《優生保健法施行細則》：將俟母法《優生保健法》修正後，配合修正。
- (七)《交通部郵電事業人員退休撫卹條例》：交通部自2013年起即配合行政院「消除對婦女一切形式歧視公約 CEDAW」法規檢視專案審查小組第9次審查會議決議，擬具《交通部郵電事業人員退休撫卹條例》(以下簡稱本條例)修正草案，刪除有關寡媳納入領受撫卹金、撫慰金或殮葬補助費遺族之規定，並報請行政院核轉立法院審議。惟因立法委員任期屆滿，法案不續審，交通部依行政院相關審查單位意見，配合2018年7月1日施行之公務人員退休資遣撫卹法等國家年金改革法案，重新檢視修正本條例相關條文，陸續於2016年12月8日、2017年9月20日、2018年4月9日、2018年11月7日、2019年7月30日、2020年6月29日、2021年4月14日、2021年9月13日、2022年5月26日函請行政院核轉立法院審議。其中有關退休所得替代率、月退休金起支年齡及遺屬年金等相關規定，因涉及本條例所有適用人員之權益甚鉅，迄今仍須與行政院相關審查單位，以及中華郵政股份有限公司及其工會、中華電信股份有限公司及其工會等適用機構多方溝通協商。交通部仍將積極推動修法程序，並持續追蹤修法進度。
- (八)「中華民國刑法第288條」(墮胎罪)：經法務部刑法研修小組討論認無修正之必要，已報請行政院性別平等處解除列管。
- (九)「少年輔育院條例第40條第1項第3款」：法務部於2021年10月26日以法矯字第11003001440號函報請行政院核轉立法院審議，行政院於2021年12月9日函請立法院審議廢止少年輔育院條例。
- (十)「保安處分執行法第31條」：
 1. 法務部業於2022年5月9日以法矯字第11102004770號函報請行政院核轉立法院審議。
 2. 另因本次修法無需由行政院以命令指定施行日期及區域之必要，法務部矯正署爰於2022年7月14日以電子郵件傳送「保安處分執行法第三十一條、第八十九條修正草案」予行政院審查。
- (十一)「新竹縣中低收入老人生活津貼申請審核作業辦法」：刻正依中央法規授權範圍修正。
- 二、有關國家報告2.5所述尚未完成修法之最新修法進展，說明如下：
「民法第1057條」(修正贍養費規定)：法務部業於2019年1月17日陳報行政院審查，行政院、司法院於2021年11月12日會銜函請立法院審議。

Response

1. The latest progress of the outstanding amendments mentioned in 2.1 of the Country Report is described as follows:
 - (1) "The Attachment of the Labor Insurance Disability Benefit Payment Standards":

To comply with the provisions of CEDAW, "The Attachment of the Labor Insurance Disability Benefit Payment Standards" was amended on March 30, 2022. The age limit of 45 years or less for a female to have an oophorectomy or hysterectomy due to injury or illness was removed, and the disability level was reclassified according to the degree of physical injury.
 - (2) "Enforcement Law of the Criminal Code of the Republic of China": On November 4, 2021, the Executive Yuan and the Judicial Yuan sent a letter to the Legislative Yuan for consideration, which then passed the third reading on April 19, 2022, and was announced as law by the President on May 4, 2022.
 - (3) "Statute of Favors for Military Servicemen & Their Dependents": The Executive Yuan held the 3rd review meeting of the "Statute of Favors for Military Servicemen & Their Dependents" on March 14, 2022. The provisions concerning CEDAW (Article 41) have been amended to comply with gender equality rights and have been reviewed. Legal work will be handled in accordance with the legislative process.
 - (4) "Act for Ancestor Worship Guilds": The Ministry of the Interior has prepared the draft amendments to the "Act for Ancestor Worship Guilds" and has been sent to the Executive Yuan for review on March 19, 2020.
 - (5) "Genetic Health Act": In accordance with the CEDAW and CRPD, the draft amendment of the "Genetic Health Act", renamed as the Reproductive Health Act, removed the spousal consent for abortion and vasectomy or tubal ligation. The notice of the bill was promulgated for public comment from January to March 2022 and has been adjusted accordingly, and further legal procedures will be handled to complete the amendments.
 - (6) "Enforcement Rules of the Genetic Health Act": As amended to conform with amendments to the "Genetic Health Act".
 - (7) "Act Governing Retirement of and Bereavement Compensation for Employees of Post and Telecommunications Enterprises under the MOTC":

Since 2013, the Ministry of Transportation and Communications (MOTC) has been cooperating with the resolution of the 9th review meeting of the Executive Yuan's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Regulation Review Task Force to formulate the draft of the amendments to the "Act Governing Retirement of and Bereavement Compensation for Employees of Post and Telecommunications Enterprises under the MOTC" (hereinafter referred to as "the Act") to delete the stipulations that widows are

included in the bereaved family who receive pensions, consolation funds or funeral subsidies, and report to the Executive Yuan for approval and transfer to the Legislative Yuan for deliberation. However, due to the expiration of the tenure of the Legislative Yuan members, the bill will not be re-examined. The MOTC, in accordance with the opinions of the relevant review units of the Executive Yuan, cooperated with the Civil Service Retirement Survivor Severance Act and other national pension reform bills that came into effect on July 1, 2018, to re-examine and amend the relevant provisions of this Act, successively on December 8, 2016, September 20, 2017, April 9, 2018, November 7, 2018, July 30, 2019, June 29, 2020, April 14, 2021, September 13, 2021, and May 26, 2022, and sent a letter to the Executive Yuan then to request it to approve the same and transfer it to the Legislative Yuan for deliberation.

Among them, the relevant provisions on adjustment of income replacement ratio, starting age of monthly pension and survivors' pension system, because of the huge rights and interests of the applicable personnel involved in the provisions of this Act, are still subject to the relevant review units of the Executive Yuan, as well as Chunghwa Post Co., Ltd. and its union. The Chunghwa Telecom Co., Ltd. and its labor union and other applicable organizations communicated and negotiated in various ways. The MOTC will continue to actively promote the law revision process and continue to track its' progress.

- (8) Article 288 of the "Criminal Code of the Republic of China" (abortion): The Criminal Code Research and Amendment Group of the Ministry of Justice has discussed that there is no need to amend them, and it has been reported to the Gender Equality Committee to release them from regulation.
- (9) Article 40, Paragraph 1, Subparagraph 3 of the "Organic Statute of Reform Schools": On October 26, 2021, the Ministry of Justice reported to the Executive Yuan by Fa Jio Zi No.11003001440 for approval and transferred to the Legislative Yuan for deliberation, and on December 9, 2021, the Executive Yuan filed a request to the Legislative Yuan for the deliberation of the repeal of the Organic Statute of Reform Schools.
- (10) Article 31 of the "Rehabilitative Disposition Execution Act":
 - A. On May 9, 2022, the Ministry of Justice reported to the Executive Yuan by Fa Jio Zi No.11102004770 for approval and transferred to the Legislative Yuan for deliberation.
 - B. Since there is no need for the Executive Yuan to specify the enforcement date and administrative regions by regulations, the Ministry of Justice has sent the draft amendment to Articles 31 and 89 of the "Rehabilitative Disposition Execution Act" by e-mail to the Executive Yuan for review on July 14, 2022.

(11)"Regulations on Living Allowance for Mid or Low-income Senior Citizens in Hsinchu County": The regulations are being amended in accordance with the scope of the central government's authorization.

2. The latest progress of the pending amendments mentioned in the Country Report 2.5 is described as follows:

Article 1057 of the "Civil Code" (amendment of the claim for alimony):

On January 17, 2019, the Ministry of Justice reported to the Executive Yuan for review, and the Executive Yuan and the Judicial Yuan filed a request to the Legislative Yuan for deliberation on November 12, 2021.

Article 2 第 2 條 No.5 編號 5

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
5	<p>Remedies for human rights violations</p> <p>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 4rd 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.</p>	<p>人權侵害之救濟措施</p> <p>5. 請說明除《性別工作平等法》規定的機制外，還可以透過哪些機制為人權侵害案件尋求補救，如第 2 次報告第 2.3.4 點 (第 4 次報告第 2.8 點所述) 以及第 2 次報告第 2.16.2 點所述。如同先前所有報告，第 4 次報告 (第 2.9 點) 指出行政院設有性別平等申訴信箱，受理各類性別歧視申訴案件。然而，報告未說明其運作方式和權力，而非僅是申訴案件的數量和一般分類。目前尚不清楚案件的處理方式，以及結果為何。請詳細說明性別平等申訴信箱的機制、結構、權力，以及提供案件結果的資訊，並依性別區分。另請說明其與《性別工作平等法》以及新成立之國家人權委員會的程序有何關係。</p>

權責機關：勞動部、性平處、監察院

回應：

一、行政院性別平等申訴信箱運作機制、結構、權力：接獲民眾提出具體申訴或建言時，依行政程序法及行政院及所屬各機關處理人民陳情案件要點，視申

訴內容轉由業務相關的主管機關處理及回復民眾。行政院性別平等處追蹤主管機關處理情形，如檢視機關是否依法行政、妥善處理民眾申訴或問題，必要時提供處理建議給主管機關。

二、2020年申訴案件辦理情形，與性別平等議題相關案件計69件，說明如下：

(一)申訴人性別：男性申訴人31人，女性申訴人37人，其他性別申訴人1人。

(二)主管機關處理結果：

1. 主管機關調查後案件成立計6件（女性占50%）。
2. 主管機關調查後案件不成立或維持原處分計12件（女性占67%）
3. 提供行政指導計5件（女性占80%）。
4. 提供法令資訊計11件（女性占64%）。
5. 民眾單純提供政策建言計31件（女性占42%）。參採計23件（女性占35%），錄案辦理計8件（女性占63%）。
6. 其他計4件（女性占50%）。

三、性平申訴信箱與《性別工作平等法》及國家人權委員會的程序有何關係：

(一) 接獲《性別工作平等法》相關申訴案件，行政院性別平等處轉交主管機關勞動部處理及回復民眾，勞動部亦回報處理的結果給性別平等處，讓性別平等處確定民眾問題已獲協助或處理。

(二) 國家人權委員會依監察法、監察法施行細則及監察院收受人民書狀及處理辦法等相關法令設置民眾陳情專區，民眾就行政機關處理案件後，仍認公務人員或機關涉有違失情事，得提出申訴。如民眾同時向行政院性別平等申訴信箱及國家人權委員會申訴，依各自法規作業程序處理。

四、國家人權委員會依據《巴黎原則》所揭櫫之精神而設立，《巴黎原則》明定各國應賦予國家人權機構促進和保護人權的權限，並要求國家人權機構應具備任何該機構決定處理之侵犯人權情況之職責，及提請政府注意國內任何地區人權遭受侵犯的情況，並向政府提議可採取之行動，以終止這種情況；必要時，對政府的立場和反應表達意見。又，國家人權委員會組織法規定，國家人權委員會依職權或陳情，對涉及酷刑、侵害人權或構成各種形式歧視之事件進行調查，並依法處理及救濟。

五、國家人權委員會目前正試行「國家人權委員會人權陳情及申訴案件作業程序」，展開人權陳情及申訴案件的受理作業。申訴人除以申訴書向國家人權委員會申訴外，也可以言詞提出申訴。國家人權委員會對於申訴案件未具真實姓名、無具體內容、重複申訴或經申訴人撤回等特定情形，得逕予存查。申訴案件經調查後，國家人權委員會得分別提出作法改善建議、與有關機關協力合作、會同目的事業主管機關協同處理等方式，進行後續處理。

Response

1. The Executive Yuan's Gender Equality Complaint Mailbox operates according to its'

mechanism, structure, and power: When a specific complaint or suggestion is received from the public, it will be handled and replied to by the competent authorities in accordance with the "Administrative Procedure Act" and the "Main Points of The Executive Yuan And Its Affiliated Agencies in Handling People's Complaints". The Department of Gender Equality, Executive Yuan keeps track of the handling situation of the competent authorities, such as examining whether the authorities are administering according to the law and properly handling people's complaints or problems, and providing recommendations to the competent authorities when necessary.

2. In 2020, there were 69 cases related to gender equality issues, as follows.

- (1) Gender ratio: 31 male complainants, 37 female complainants, and 1 complainant is other identities.
- (2) Results of the competent authorities:
 - a. 6 cases were established after investigation by the competent authorities (50% of the cases were women).
 - b. 12 cases were not substantiated or upheld after investigation by the competent authorities (67% were of women)
 - c. 5 cases of providing administrative guidance (80% were of women)
 - d. 11 cases of providing information on laws and regulations (64% were of women)
 - e. 31 cases (42% were of women) simply provided policy advice, in which 23 cases (35% complainants were women) was adopted, and the other cases (63% complainants were women) were recorded.
 - f. 4 cases in the "other" category (50% were of women).

3. How does the Gender Equality Complaint Mailbox relate to the "Act of Gender Equality in Employment" and the National Human Rights Commission's procedures?

(1) Upon receipt of a complaint related to the "Act of Gender Equality in Employment", the Department of Gender Equality, Executive Yuan refers the case to the Ministry of Labor, the competent authority, to handle and respond to the public, and the Ministry of Labor also reports the results to the Department of Gender Equality, so that the Department of Gender Equality can confirm that the people's problems have been helped or handled.

(2) The National Human Rights Commission, in accordance with the "Control Act", the "Enforcement Rules of the Control Act", and the "Regulations for Receiving and Handling People's Written Complaints by the Control Yuan", shall be responsible for the handling of complaints in a dedicated website. The public may file a complaint if they believe that a public official or agency has committed a violation after the executive branch has handled the case. If the public complains

to both the Gender Equality Complaint Mailbox of the Executive Yuan and the National Human Rights Commission, the complaints will be handled in accordance with their respective regulations and procedures.

4. The National Human Rights Commission (NHRC) was established in accordance with the spirit of the Paris Principles, which stipulate that states should empower national human rights institutions to promote and protect human rights, and require national human rights institutions to have the responsibility to decide on human rights violations to be dealt with, and to draw the attention of the government to the violation of human rights in the country, and to propose to the government those actions that can be taken to bring about an end to violations; and, where necessary, to express an opinion on the position and response of the government. In addition, the "Organic Act of the Control Yuan National Human Rights Commission" stipulates that the NHRC shall investigate incidents involving torture, human rights violations or various forms of discrimination, and to handle them and provide remedy according to the law.
5. The NHRC is currently piloting the "Operational Procedures for Human Rights Complaint Cases Handling by the National Human Rights Commission". In addition to filing a complaint to the NHRC with a written complaint, the complainant may also file a complaint verbally. The NHRC may not proceed with the cases and may directly file them for reference, if they are unreasonably repeated vexatious complaints, or anonymous complaints, or complaints without relevant grounds, or complaints that had been withdrawn by the complainants. After the investigation, the NHRC may put forward suggestions for improving practices, or cooperate with relevant agencies or competent authorities for follow-up processing.

Article 2 第 2 條 No.6 編號 6

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
6	<p>LGBTQI</p> <p>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?</p>	<p>LGBTQI</p> <p>6. 請說明除教育及就業領域(《性別平等教育法》與《性別工作平等法》)外, 有哪些一般法律架構可以保護 LGBTQI 免受歧視。是否正在制訂相關措施, 保護他們在服務提供領域免受歧視和仇恨言論? 請說明是否正在重新審議二元戶籍登記, 尤其考慮到 2019 年已通過同性婚姻合法化?</p>

權責機關：人權處、教育部、勞動部、內政部

回應：

- 一、依據《性別平等教育法》第 2 條規定：「性別平等教育：指以教育方式教導尊重多元性別差異，消除性別歧視，促進性別地位之實質平等。」第 14 條規定：「學校應對因性別、性別特質、性別認同或性傾向而處於不利處境之學生積極提供協助，以改善其處境。」另第 18 條規定：「教材內容應平衡反映不同性別之歷史貢獻及生活經驗，並呈現多元之性別觀點。」性別平等教育法已保護 LGBTQI 免受歧視。
- 二、《性別工作平等法》第二章訂有性別歧視禁止專章，雇主對求職者或受僱者在招募、福利、薪資、離職等方面，皆不得因性別或性傾向而有差別待遇；並訂有救濟及處罰規定，以保障 LGBTQI 免受就業歧視。
- 三、每年與各地方勞工行政主管機關共同辦理「職場平權及性騷擾防治研習會」宣導包括禁止多元性別歧視等規定。辦理職場平權種子師資培訓，對於包括多元性別工作平等與就業歧視業務進行法令實務研討及法院判決評析，提升政府機關人員辦理相關業務之知能。2022 年度適逢《性別工作平等法》施行 20 週年，洽邀專家學者及社會各界辦理週年專題研討會，研討包含「從國外

- 看回來 LGBTQI 法律進程之未來」等主題，強化職場多元性別保障意識。
- 四、「2022-2024 國家人權行動計畫」人權議題已納入「LGBTI 之平等與不歧視」，並預定於 2023 年以前完成「我國多元性別者生活狀況調查委託研究案」，屆時該委託研究將提出調查結果分析報告及政策建議。
 - 五、目前綜合性平等法推動進度如問題清單第 1 條項次 2 之說明，有關綜合性平等法禁止歧視之類型、領域、範圍等，仍有待立法政策評估。未來研擬平等法過程，前揭委託研究所提調查結果分析報告及政策建議將納入立法政策評估之參考。
 - 六、內政部於 2015 年 9 月 16 日擬具「性別變更認定要件法制化政策方向之建議報告」陳報行政院。行政院就內政部所提報告，於 2017 年 9 月 4 日及 2018 年 6 月 28 日邀集相關部會召開會議研商，該會議結論略以，國民身分證等文件採增列第 3 種性別選項為方向，請各機關於 2018 年 7 月 31 日前全面盤點各式文件表單及相關法令是否須配合修正，至增列第 3 種性別選項實施期程，併同國民身分證增列第 3 種性別選項、研商性別認定及變更要件、相關配套等綜合考量再議。內政部於 2018 年 7 月 31 日將盤點情形函復行政院。考量仍需與相關部會協調部分法規之共通原則，將於研議完成後，配合具體政策方向、律定要件及規劃期程，辦理後續工作。

Response:

1. According to Article 2 of the Gender Equity Education Act: "Gender Equity Education : refers to the teaching of respect for multiple gender differences through education, the elimination of gender discrimination, and the promotion of substantive equality of gender status." Article 14 stipulates: "Schools should help students who are disadvantaged due to their gender characteristics, gender identity or sexual orientation, and should actively provide assistance to improve their situation." Article 18 also stipulates: "The content of teaching materials should reflect the historical contributions and life experiences of different genders in a balanced way, and present a diversity of genders' points of view." The Gender Equity Education Act already protects LGBTQIs from discrimination.
2. Chapter II of the Act of Gender Equality in Employment stipulates a special chapter prohibiting gender discrimination. Employers shall not discriminate against job applicants or employees in terms of recruitment, benefits, salary, or resignation, due to gender or sexual orientation. Remedies and penalties are in place to protect LGBTQI from discrimination in employment.
3. The Ministry and various local labor administrative authorities jointly held "Workplace Equal Rights and Sexual Harassment Prevention Courses" to promote outreach content including the prohibition of LGBTQI discrimination. We conduct "Workplace Equal Rights Seed Teacher Training" which includes legal practice discussions and court judgment evaluations for gender diversity equality in

employment and employment discrimination, so as to improve government officials' cognition when handling related issues. 2022 is the 20th anniversary of the implementation of the Act of Gender Equality in Employment. The Ministry organized a special seminar with various themes including "Reflection from Abroad of LGBTQI Legal Process," and invited experts, scholars and all sectors of society to participate in discussing related issues, which strengthens the awareness of gender diversity in workplaces.

4. "LGBTI Equality and Non-Discrimination" is listed as an issue in the National Human Rights Action Plan, and a research survey on the living conditions of Taiwan's LGBTI community has also been commissioned. Upon its completion in 2023, the survey will put forward a report and policy recommendations based on its findings.
5. The progress of the equality legislation is stated in the response to Article 1(2) of the Question List. As stated above, the prohibited grounds, prohibited conducts, and protection scope of discrimination all require further research and deliberation. The findings and policy recommendations of the aforementioned survey on Taiwan's LGBTI community will be taken into account in the future deliberation of the equality law.
6. The Ministry of the Interior formulated the "Report on the Proposed Policy Formulation of the Criteria for Gender Change Recognition" and submitted it to the Executive Yuan on September 16, 2015. The Executive Yuan invited relevant agencies to organized meetings on September 4, 2017 and June 28, 2018 regarding the aforesaid report formulated by the Ministry of the Interior. The conclusions of the meetings include adopting a third gender for documents such as ID cards and requirements for agencies to conduct a comprehensive review of the documents, forms, and related regulations before July 31, 2018 and verify whether amendments are required. They shall also provide the schedule for the implementation of a third gender option and adding a third gender on the ID card, criteria for gender recognition and changes, and related measures for facilitating the changes. The Ministry of the Interior was required to report the status of these matters to the Executive Yuan before July 31, 2018. As the Ministry is still required to coordinate with related government agencies on universal principles in the regulations, the Ministry shall conduct follow-up operations in accordance with specific policies, criteria, and schedules after studies and discussions.

Article 3 第 3 條 No.7 編號 7

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
7	<p>Article 3: Government mechanisms to promote and safeguard the rights of women</p> <p>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.</p>	<p>第 3 條： 促進與保障女性權利的政府機制</p> <p>7. 在監察院院長主持的監察院性別平等工作小組運作下，請提供有關各政府機關調查結果之詳細資訊，並點出不足之處及需要改善的類型、已改善的關鍵事項、監察院的後續行動和全面法規遵循策略，以及該機制如何幫助確保性別平等和婦女賦權在跨部門之間符合 CEDAW 第 3 條的原則。</p>

權責機關：監察院

回應：

- 一、依據《憲法》及《監察法》規定，監察院得受理人民陳情，並進行調查；根據調查結果，如果發現政府機關作為不當，即要求改善，或加以糾正，並持續追蹤案件改善情形；如果發現公務員涉有嚴重違法或失職，監察院可加以彈劾或糾舉。
- 二、自 2015 年至 2022 年，監察院調查涉及婦女人權問題案件，共有 63 件，監察院皆本於職權加以處理，促使政府機關改善缺失或不足。
- 三、依《憲法》，監察院係由 29 位委員組成（包括院長及副院長）。現任 28 名監察委員中，女性委員有 12 位，占 43%；全院約 500 名員工中，女性占 56%。符合性別比例上的平衡。
- 四、監察院內部設置「監察院性別平等小組」，負責院內性別平等政策、法規、觀念之倡導，處理性別平等相關案件，並營造無性別歧視之友善工作環境。監察院高度重視內部性別平等與婦女權能。

Response

1. According to the Constitution and the Control Act, the Control Yuan may receive people's complaints and conduct investigations. Based on the findings of the investigation, if there is inappropriate action by government agencies, the Control Yuan may ask for improvements, propose corrective measures and follow up on the cases. In case public servants are deemed to severely violate the law or neglect their duties, the Control Yuan may submit an impeachment or censure proposal against them.
2. From 2015 to 2022, the Control Yuan investigated 63 cases involving women's human rights issues. Based on its powers and functions, the Control Yuan urged government agencies to improve their shortcomings or deficiencies.
3. According to the Constitution, the Control Yuan consists of 29 members (including a president and a vice president). Among the current 28 Control Yuan Members, 12 are women, accounting for 43%; among the approximately 500 employees, women account for 56%. Both are in line with gender equality.
4. The Control Yuan Task Force on Gender Equality, an internal body of the Control Yuan, is responsible for advocating gender equality policies, regulations, and awareness and handling cases related to gender equality within the Yuan. The Control Yuan creates a friendly working environment without gender discrimination and highly values its internal gender equality and women's empowerment.

Article 3 第 3 條 No.8 編號 8

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
8	<p>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:</p> <p>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;</p> <p>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.</p>	<p>8. 請分享目前在 6 個地方政府設立的性別平等專責單位的主要職務和任務，以及其如何幫助確保跨部門執行 CEDAW 條款並實現迄今為止的成果：</p> <p>a) 臺灣性別平等人力(部會 81 人，地方政府 111 人)的確切職務，以及政府部會和地方政府為促進性別平等承擔的具體職務；</p> <p>b) 相較於其他發展計畫和活動，用於行政成本的預算百分比所產生的影響，以及性別平等人力與關鍵部門的國家生產力、GDP 成長和經濟成長預測之間的關聯。</p>

權責機關：性平處、主計總處

回應

一、目前 22 個地方政府中，有 6 個成立性別平等專責單位，其主要職務和任務與跨部門執行 CEDAW 的成果，說明如下：

- (一) 職務和任務：研擬、協調整合、督導及諮詢地方性別平等政策、計畫、報告及相關措施，並藉由地方政府性別平等委員會之機制，督促地方政府各局處，共同推動性別平等及婦女權益，以及性別平等觀念教育及宣導之協助督導。
- (二) 跨部門執行 CEDAW 的成果：性別平等專責單位督導及協助各部門推動執行 CEDAW 並定期追蹤檢討成效，包括推動 CEDAW 教育訓練、落實歷次國家報告結論性建議與意見，以及辦理 CEDAW 及性別平等相關宣

導等，例如臺北市、桃園市、臺南市等專責單位督導列席各機關專案小組會議及分工小組會議，陪伴機關落實 CEDAW 及性別平等業務，並提供諮詢建議，執行成果如臺北市 2021 年訂頒「臺北市政府派任投資或轉投資公、民營事業機構及捐（補）助財團法人董事監察人遴選管理考核要點」明定性別比例規範，女性董監事比例，以及辦理「職場性別平等認證」，2021 年受理 19 家事業單位申請、認證合格 5 家事業單位，鼓勵事業單位提供更多彈性措施與優於法令的作為，並將「促進多元性別平等措施」增列為認證項目。另行政院訂有辦理直轄市與縣（市）政府推動性別平等業務輔導獎勵計畫，引導各地方政府訂定性別平等跨局處政策及計畫，使未設有性別平等專責機制之地方政府亦能跨局處整合推動 CEDAW 及性別平等工作，執行成果如臺中市 2021 年辦理「讓 3C 成為城市的主題」性別平等線上國際論壇，跨域結合推動性別平等，連結 CEDAW、CRC 及 CRPD，擴大性別平等政策面向至兒童、身心障礙者之相關權益保障，並於臉書直播超過 3,000 人次觀看，另 2021 年辦理 CEDAW「性平漫遊」系列特展，結合區公所、圖書館及大專院校等辦理展覽，觀展人次達 50,000 人次，並搭配線上數位展覽，觀展人次計 5,000 人次以上點閱。

二、為確保中央政府落實性別平等之推動，我國於五院層級均已設置性別平等機制。行政院為促進政府各機關之橫向連繫，強化推動婦女權益工作之整體效能，設有行政院性別平等會，並藉由《性別平等政策綱領》、性別平等重要議題及性別平等推動計畫督導行政院所屬各部會推動落實 CEDAW 及性別平等工作，說明如下：

- (一) 行政院性別平等會機制：行政院性別平等會統合跨部會各項性別平等政策，督導中央各部會及地方政府推動 CEDAW、《性別平等政策綱領》及性別主流化，使政府整體施政能落實性別平等及納入性別觀點，並將婦女團體代表、學者專家的倡議納入國家最高的決策機制中。行政院所屬各部會亦成立各該機關性別平等專案小組，以使性別觀點能納入各項施政，行政院性別平等會之會議機制(包含分工小組、會前協商會議、委員會議)亦定期追蹤各部會辦理 CEDAW 及各項性別平等工作情形，並提供諮詢意見做為精進參考。
- (二) 《性別平等政策綱領》：《性別平等政策綱領》係我國推動性別平等工作之上位指導方針，行政院於 2020-2021 年間邀集民間學者專家、性別平等會委員進行研修，並納入 CEDAW、SDGs、身心障礙者權利公約(CRPD)及 APEC 婦女經濟論壇(WEF)宣言等國際公約、宣言及發展目標之精神，特別關注不利處境者(如原住民族、新移民、高齡、身心障礙、農村及偏遠地區等女性、女童，以及同性戀、雙性戀、跨性別者與雙性人等)之權益保障，並強化新興數位/網路性別暴力之重視與防治與性別化創新概念的運用。

(三) 性別平等重要議題及性別平等推動計畫：為推動整體性、系統性之性別平等國家策略及多年期計畫，行政院以《性別平等政策綱領》為藍本，輔以性別統計及性別落差現況，將當前須迫切推動之重點聚焦成五大性別平等重要議題，分別為：推動三合一政策之托育公共化、提升女性經濟力、去除性別刻板印象與偏見、強化高齡社會之公共支持及促進公私部門決策參與之性別平等，並督導各部會將前開性別平等重要議題融入各部會之性別平等推動計畫(2019 至 2022 年)。各部會推動成果及執行成效均納入本院性平會或部會性別平等專案小組相關會議追蹤，並納入性別平等會委員意見精進辦理，相關成果亦定期公告於行政院性別平等會網站。

三、我國政府部門目前尚未進行性別平等對 GDP 成長與經濟發展關聯性之實證研究。

Response

1. At present, 6 of the 22 local governments have established gender equality committees, whose main duties and tasks are related to the interdepartmental implementation of CEDAW results, as follows.

(1) Responsibilities and mission tasks:

To develop, coordinate, integrate, supervise, and consult on local gender equality policies, programs, reports, and related measures, and through the mechanism of the gender equality committees of local governments, to supervise local government bureaus to jointly promote gender equality and women's rights, as well as to assist in supervising the education and promotion of gender equality concepts.

(2) Interdepartmental implementation of CEDAW results:

The special units for gender equality supervises and assists various departments in promoting the implementation of CEDAW and regularly tracks and reviews its effectiveness, including promoting CEDAW education and training, implementing the concluding recommendations and suggestions of previous national reports, and handling CEDAW and gender equality-related advocacy. For example, in Taipei City, Taoyuan City, and Tainan City, dedicated units have attended the task force meetings and delegated working group meetings of various agencies to accompany them in the implementation of CEDAW and gender equality, and to provide consultation suggestions. The results of the implementation include the enactment of the "Taipei City Government's Guidelines for the Selection and Evaluation of Directors and Supervisors of Public and Private Institutions and Donor Corporations" in 2021, which specify the gender ratio and the proportion of female directors and supervisors. In 2021, 19 applications were accepted and 5 units were

certified. The aim is to encourage business units to provide more flexible measures and acts that are better than and exceed the law, and to add "measures to promote the rights of LGBTI people" as a certification item. In addition, the Executive Yuan has established a program to provide guidance and incentives to municipalities and county governments to promote gender equality, and to guide local governments to formulate cross-departmental policies and plans for gender equality, so that local governments that do not have a special unit for gender equality can also promote CEDAW and gender equality across departments. For example, in 2021, Taichung City held an online international forum on gender equality, "Making 3C (CEDAW, CRC, CRPD) the theme of the city". This involved cross-disciplinary integration to promote gender equality, linking CEDAW, CRC and CRPD. The forum was broadcast live on Facebook with more than 3,000 views, and was extended to children and people with physical and mental disabilities. In addition, a series of special exhibitions of CEDAW's "Gender Equality Tour" was held in 2021, combining with regional offices, libraries, and universities, with 50,000 visitors, and online digital exhibitions with more than 5,000 visitors.

2. In order to ensure the central government's promotion of gender equality, gender equality mechanisms have been established at the five Yuans in Taiwan. The Executive Yuan has established the Gender Equality Committee to promote horizontal linkages among government agencies and to strengthen the overall effectiveness of promoting women's rights. This Gender Equality Committee, through the Gender Equality Policy Guidelines, Important Gender Equality Issues, and the Gender Equality Promotion Programs, supervises the implementation of CEDAW and gender equality by all ministries under the Executive Yuan.

- (1) Gender Equality Committee of the Executive Yuan mechanisms:

The Gender Equality Committee of the Executive Yuan coordinates inter-ministerial gender equality policies, and supervises central ministries and local governments to promote CEDAW, Gender Equality Policy Guidelines, and gender mainstreaming. The committee is responsible for supervising central ministries and local governments in promoting CEDAW, Gender Equality Policy Guidelines, and gender mainstreaming, so that the government as a whole can implement gender equality and incorporate gender perspectives, and incorporate the advocacy of women's groups and scholars and experts into the highest national decision-making mechanisms. The Gender Equality Committee of the Executive Yuan has also set up a Gender Equality Task Force in each ministry to incorporate gender perspectives into various policies. The Gender Equality Committee of the Executive Yuan's meeting mechanism (including delegated division of labor working groups, pre-conference meetings, and committee meetings) also regularly tracks the status of

each ministry's work on CEDAW and gender equality, and provides consultation advice for further refinement.

(2) Gender Equality Policy Guidelines:

The Gender Equality Policy Guidelines is the top guideline for promoting gender equality in Taiwan. From 2020 to 2021, the non-government scholars and experts and members of the Gender Equality Committee were invited by to amend the Gender Equality Policy Guidelines. It also incorporates the spirit of international conventions, declarations and development goals such as CEDAW, SDGs, the Convention on the Rights of Persons with Disabilities (CRPD) and the APEC Women's Economic Forum (WEF) Declaration. We pay special attention to the protection of the rights of disadvantaged people (such as indigenous peoples, new immigrants, elderly, physically and mentally disabled, women and girls in rural and remote areas, and LGBTI), and strengthen the attention and prevention of digital/cyber gender-based violence and the application of Gendered Innovations.

(3) Important Gender Equality Issues and the Gender Equality Promotion Programs:

To advance our comprehensive and systematic national strategy and multi-year plan for gender equality, the Executive Yuan has used the Gender Equality Policy Guidelines as a blueprint, supplemented by gender statistics and the current situation of gender disparity, to focus on five important gender equality issues that need to be urgently promoted. These include: promoting publicly available childcare under the Three-in-One Policy, enhancing women's economic power, removing gender stereotypes and prejudices, strengthening public support for the aging society, and promoting gender equality in public and private sector decision-making. The Executive Yuan also guide ministries to integrate important gender equality issues into their Gender Equality Promotion Programs(2019-2022). The results and implementation effectiveness of each ministry will be included in the relevant meetings of the Gender Equality Committee of the Executive Yuan or the Gender Equality Task Force of the ministry, and will be incorporated into the opinions of the Gender Equality Committee.

3. Taiwan's government departments have not yet conducted empirical research about linkages between gender equality, GDP growth and economic development.

Article 3 第 3 條 No. 9 編號 9

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
9	<p>Promoting gender equality policy guidelines and equality and mainstreaming policies</p> <p>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.?</p>	<p>推動《性別平等政策綱領》及性別主流化政策</p> <p>9. 三合一政策下的托育公共化如何在實務中增強女性的經濟權力？在行政院所屬各部會、部門、機構的三層級會議機制下，實現了哪些領域特定的性別目標？如何符合/維護 CEDAW 的原則？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、技術等核心經濟領域的性別差異？</p>

權責機關：性平處

回應：

- 一、三合一托育公共化成果，截至 2021 年底，0 至未滿 2 歲家外送托兒童使用公共及準公共托育比率為 92.92%。0 至未滿 2 歲兒童之家外送托為 17.13% (2019 年底為 13.33%)。相關政策一方面減輕家有幼兒女性之照顧負擔，同時也提供彈性工時等就業支持措施，2021 年女性勞動力參與率 51.49%，較 2017 年 50.92% 成長。
- 二、行政院督導各部會推動性別平等推動計畫，2019 至 2022 年聚焦於 5 項性別平等重要議題，除推動三合一托育公共化政策，提高育齡女性勞動參與率外，政府亦積極提升 50-59 歲女性勞動參與率。整體而言，整體女性 2021 年勞動參與率為 51.49%，相較 2017 年 50.92% 已有所提升，且近 10 年增幅為男性勞動參與率之 2 倍。另在積極破除性別刻板印象與偏見方面，各機關積極消除基於男女任務定型所產生之偏見，透過調查發現，民眾 2021 年性別平等觀念分數為 77.2 分，較 2018 年 73.5 分，增加了 3.7 分，顯示民眾性別平

等觀念持續提升。此外，行政院積極提升各部會委員會委員任一性別不少於三分之一之達成比率，至 2021 年已達到 93.89%（2018 年為 86.65%）；國營事業董(理)事及監事(監察人)任一性別不少於三分之一之達成比率，亦於 2021 年大幅提升到 58.33%及 83.33%（2018 年分別為 8.33%及 50%）。在私部門方面，2021 年公開發行公司女性董事占全體 14.9%，相較 2018 年 13.7%，提高 1.1 個百分點。各機關積極落實公私部門決策參與朝向性別平衡邁進，以落實 CEDAW 第 7 條規定，確保婦女在與男子平等的條件下，得以充分參加政府政策的制訂及其執行，以及參加公共和政治生活的非政府組織和協會。以上各政策措施推動情形與成果，均定期於各部會性別平等專案小組及行政院性平會三層級會議追蹤列管與改善。

三、近年來在各機關共同努力下，我國在各領域的性別平等推動成果著有績效，包含：依聯合國開發計畫署「性別不平等指數(Gender Inequality Index, GII)」計算標準，臺灣性別平等位居亞洲第 1 名、全球第 6 名；此外，我國 2019 年通過同性婚姻合法化，保障同性伴侶的權利；另我國 2020 年女性立法委員比率突破 4 成，顯示我國在整體性別平等、女性參政、多元性別權益保障等面向，多年來的努力已有階段性成果。

四、有關如何解決農業、工業、航空、工程、技術等核心經濟領域的性別差異部分，說明如下：

(一)促進農業科技創新：行政院農業委員會鼓勵研發可供女性農民操作及使用的技術或系統，110 年開發文心蘭碎石介質分離機及自走式鳳梨智能噴注催花劑機械，完成原民部落刺蔥葉等香料產品之產製與包裝開發，便於女性農民操作生產。

(二)營造性別平等友善職場：

1. 經濟部工業局掌管全國工業發展任務，為具體落實性別主流化，推動性別主流化標竿企業評選，鼓勵事業推動執行性別友善具體措施，提升企業形象，並製作標竿企業性別友善職場措施宣導單張廣傳周知，鼓勵更多企業跟進。
2. 民用航空局評鑑民航業者辦理性別意識培力專題演講及訓練課程情形，了解業者對決策權人員辦理有關訓練之完訓率、提供性別平等有關之服務措施，及「評估婚育或年齡較高的女性在航空運輸業是否有遭遇到相關限制或不友善之情況」等情形。

(三)推動支持女性研究人員措施：科技部 2021 年 5 月起推動女性計畫主持人生育期間，得申請於其計畫執行期間增核研究人力，無計畫者，得每年 1 次以隨到隨審方式提出專題計畫申請。另該部辦理「鼓勵女性從事科學及技術研究專案計畫」，在既有之專題研究計畫外所額外推動，協助因生產或家庭照顧等因素久未進行研究工作的女性回復研究能量，回歸科研工作。

Response

1. As for publicly available childcare under the Three-in-One Policy results, the use of public and quasi-public childcare for children aged 0 to under 2 years in out-of-home care was 92.92% by the end of 2021. The percentage of out-of-home care for children aged 0 to under 2 years is 17.13% (13.33% at the end of 2019). The relevant policies reduce the burden of care for women with young children and provide employment support measures, such as flexible working hours. The female labor force participation rate was 51.49% in 2021, an increase from the rate of 50.92% in 2017.
2. The Executive Yuan is steering various ministries and commissions to promote the Gender Equality Promotion Programs, focusing on five important gender equality issues from 2019 to 2022. In addition to promoting the three-in-one public childcare policy and increasing the labor force participation rate of women of childbearing age, the government is also actively increasing the labor force participation rate of women aged 50-59. In sum, the overall female labor force participation rate will be 51.49% in 2021, an increase from 50.92% in 2017, and has increased twice as much as the male labor force participation rate over the past 10 years. In addition, in terms of actively eliminating gender stereotypes and prejudices, various ministries are actively eliminating prejudices based on stereotypes of male and female tasks. According to surveys, the public's gender equality score in 2021 is 77.2, an increase of 3.7 points from 73.5 in 2018, indicating that the public's concept of gender equality continues to improve. In addition, the Executive Yuan has actively raised the percentage of committee members of each ministry to at least one-third of either gender, reaching 93.89% by 2021 (86.65% in 2018). The percentage of the boards of directors and supervisors of state-owned enterprises which meet the one-third gender rule has also increased significantly to 58.33% and 83.33% in 2021 (8.33% and 50% in 2018, respectively). In the private sector, the proportion of female board directors at public companies was 14.9% in 2021, an increase of 1.1 percentage points compared to 13.7% in 2018. Ministries are actively engaged in moving toward gender balance in public and private sector decision-making to implement Article 7 of CEDAW, which ensures women's full participation, on equal terms with men, in the formulation and implementation of government policies, and in NGOs and associations in public and political life. The implementation and results of the above policy measures are regularly tracked and improved at the meetings of the Gender Equality Task Force of each ministry and at the three-level meeting of the Executive Yuan's Gender Equality Committee.

3. In recent years, through the joint efforts of various ministries, Taiwan has achieved significant results in promoting gender equality in various fields, including:
According to the Gender Inequality Index (GII) of the United Nations Development Program, Taiwan ranks 1st in Asia and 6th in the world in terms of gender equality. In addition, Taiwan adopted the legalization of same-sex marriage in 2019 to protect the rights of same-sex couples, and the percentage of female legislators exceeded 40% in 2020, indicating that Taiwan's efforts in gender equality, women's participation in politics, and the LGBTQI+ rights protection have achieved milestones over the years.
4. The following is a description of how to address gender differences in core economic areas such as agriculture, industry, aviation, engineering, and technology:
 - (1) Promote innovation in agricultural science and technology:
The Council of Agriculture, Executive Yuan, encourages the development of technologies or systems that can be operated and used by women farmers. In 2021, the Council developed a gravel media separator for *Oncidium hybridum* and a self-propelled pineapple intelligent flowering agent spraying machine, and completed the production and packaging of spice products such as *Ailanthus prickly ash* for indigenous tribes, which can be easily operated and produced by women farmers.
 - (2) Create a gender-friendly workplace:
 1. The Industrial Development Bureau, MOEA, is in charge of the national industrial development mission. In order to implement gender mainstreaming, MOEA is promoting the selection of benchmark companies and encouraging them to implement gender-friendly measures to enhance their corporate image, and producing promotional leaflets on gender-friendly workplace measures for benchmark companies to encourage more companies to follow suit.
 2. The Civil Aeronautics Administration (MOTC) evaluates civil aviation operators' gender awareness presentations and training courses to understand the completion rate of training for decision makers, the provision of gender equality related services, and the "Assessment of Marriage and Childbearing or Older Age Women in the Aviation Industry encountering any restrictions or unfavorable conditions".
 - (3) Promote measures to support female researchers:
In May 2021, the Ministry of Science and Technology (MOST) promoted the measure that female principal investigators who are in childbirth can apply for additional research manpower during the implementation of their

programs, and that those without programs can apply for special projects at any time once a year. In addition, the Ministry of Science and Technology has launched the "Project to Encourage Women to Engage in Scientific and Technological Research", which provides additional promotion in supporting existing research projects to help women who have been absent from research work for a long time due to childbirth or family care to resume their research energy and return to scientific work.

Article 3 第 3 條 No.10 編號 10

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
10	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?	10. 針對行政院為期五年的修正性別預算制度 (GBS) 試辦作業，請說明性別預算制度的指導原則，以及其如何影響招聘、績效考核、晉升、採購、受益人發生率 (beneficiary incidence) 和影響評估等行政與管理制度。另外，除在網上公佈自 2021 年以來行政院性別平等會對行政院及所屬各部會之性別預算編列情形外，請註明是否為回應性別差異需求，在年度預算表顯示支出項目/總額的明確權重，以及是否對計畫、專案、方案和其他干預措施進行任何性別影響評估，而其又是如何處理與 CEDAW 標準和判例有關的問題？

權責機關：性平處、人事總處、司法院、法務部

回應：

- 一、行政院目前實施的性別預算係自 2019 年起配合政府預算編審程序，於概算、預算案及法定預算之擬編及整編作業中同步編列，以利將性別觀點融入預算之編制中，並於 2021 年起推動性別預算執行情形之追蹤。為利推動及實踐性別預算作業，行政院定有「性別預算編列原則及注意事項」，作為各部會編列性別預算之指引。
- 二、有關性別預算制度與招聘、績效考核、晉升等行政與管理制度之關聯：性別預算制度設計是引導各政府機關盤點 5 大性別平等業務類型是否均妥適配置相關預算，包含經性別影響評估計畫、落實《性別平等政策綱領》、性別主流化工具發展與運用、性別平等相關法令執行及其他性別平等工作項目。

各機關經由性別影響評估或依據性別平等政策法令檢視機關業務，檢視評估所涉及政策規劃參與者、執行業務及受益人(或受影響人)之性別落差及需求差異，進而規劃回應作法並編列所需經費，經費挹注範圍就含括編列改善人員進用、升遷等行政管理相關性別議題所需經費。以及包含在政府採購的過程納入性別平等的意涵,例如於契約中約定推動性別友善職場相等措施等。

三、性別預算相關作業規定各主管機關須在「性別預算編列情形表」中填報性別預算占整體公務預算比率，例如 2022 年占比最高為教育部 16.47%，其次為衛生福利部 4.5%。

四、為確保各機關於擬訂及推動重要計畫及法律案時，均能將性別觀點融入政策發展及執行過程，我國自 2009 年起於「行政院所屬各機關中長程個案計畫編審要點」及「行政院所屬各機關主管法案報院審查應注意事項」規範國家重要中長程計畫及法律案陳報行政院審議前，應進行性別影響評估並鼓勵各機關擴大運用至其他方案計畫及措施，性別影響評估首要即須檢視本計畫與性別平等相關法規、政策之相關性，包含《性別平等政策綱領》及消除對婦女一切形式歧視公約 (CEDAW)，作為評估基礎並納入業務執行。

Response

1. The gender budget currently implemented by the Executive Yuan was synchronized with the government's budget preparation and review process starting in 2019. It is prepared simultaneously with preparation and integration of budget estimates, budgets, and statutory budgets to facilitate the integration of gender perspectives into the preparation of budgets. From 2021, promote the tracking of gender budget implementation. In order to promote and implement gender budgeting, the Executive Yuan has established the "Gender Budgeting Principles and Points to Note" as a guideline for gender budgeting by all ministries.

2. The relationship between the gender budgeting system and administrative and management systems such as recruitment, performance appraisal, and promotion, includes:

The gender budgeting system is designed to guide government agencies in taking stock of whether all five major gender equality affair categories are appropriately budgeted, including gender impact assessment programs, implementation of the Gender Equality Policy Guidelines, development and application of gender mainstreaming tools, enforcement of gender equality-related laws and regulations, and further gender equality efforts. Through the gender impact assessment or the review of their operations in accordance with the Gender Equality Policy Guidelines, each ministry reviews the gender differences and needs of the participants in the policy planning, implementation operations, and beneficiaries

(or affected persons) involved in the assessment, and then plans and allocates the necessary funds to respond to these differences. The scope of funding includes administrative and management-related gender issues, such as staff recruitment and promotion, as well as the inclusion of gender equality implications in government procurement processes, including contractual agreements to promote gender-friendly workplace equity measures.

3. The gender budgeting process requires each agency to report the ratio of gender budget to the overall public budget in the "Gender Budgeting Table". For example, in 2022, the highest percentage is 16.47% for the Ministry of Education, followed by 4.5% for the Ministry of Health and Welfare.
4. To ensure that gender perspectives are incorporated into the development and implementation of important programs and laws, since 2009, Executive Yuan has published the "Directions for Editing and Deliberation of Medium- and Long-Term Individual Projects of Executive Yuan Subordinate Agencies" and "Points to Note for the Examination of Bills Submitted to the Executive Yuan Subordinate Agencies". Before submitting important medium- and long-term national projects and laws to the Executive Yuan for consideration, gender impact assessment should be conducted and agencies should be encouraged to extend their application to other programs and measures. The gender impact assessment shall, first and foremost, examine the relevance of the program to gender equality-related laws and policies, including the Gender Equality Policy Guidelines and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as a basis for evaluation and incorporation into operational implementation.

Article 3 第 3 條 No.11 編號 11

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
11	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.	11. 對公務人員的性別主流化訓練是否也擴及/提供給政黨，或者是否有任何未來計畫？除了永續發展目標核心目標 5 提出 336 項性別指標外(參考國家報告 3.14 應更正為「永續發展目標」336 項對應指標)，其他永續發展目標是否有對應的性別平等指標？建立獎勵機制提供獎金和行政獎勵是一種良好的模式，但請說明在性別主流化的獎勵機制實現了哪些性別平等變化，以及該計畫下的具體事實、實質性或變革性成果，並說明評估分數如何運作，強調是否已落實性別計分卡制度，而其又是如何運作。

權責機關：性平處、國發會

回應：

- 一、 行政院自 2004 年起函頒實施「各機關公務員性別主流化訓練計畫」，規定公務人員每年至少須接受 2 小時性別主流化訓練課程。2008 年修正計畫擴大將各機關之政務人員(大多具有政黨身分)納為訓練實施對象，以促進重大決策融入性別平等觀點。
- 二、 2020 年臺灣 18 個 SDGs 全部包含 336 個指標。其中，SDG5 有 13 個性別指標，其他 8 個 SDGs (SDG1、SDG2、SDG3、SDG4、SDG8、SDG10、SDG11、SDG16) 有 53 個性別指標。合計 66 個性別指標，其中有 51 個性別指標已達成年度目標。
- 三、 獎勵機制實現之性別平等變化及成果：行政院自 2016 年開始推動各部會及地方政府性平業務輔導考核或輔導獎勵計畫，鼓勵各機關推展性別平等業務，各部會及地方政府均已訂有性別主流化實施計畫或性別平等計畫、設立性別平等委員會或婦女權益促進委員會等性別平等機制、於網站設立「性別主流化專區」並將性別主流化成果報告公告上網、公務人員參加性別主

流化及 CEDAW 教育訓練比率提升(如直轄市一般公務人員每年參訓比率已達 90%以上)、各機關均有辦理性別影響評估、性別統計及性別預算，以及女性主管比例提升(如 2021 年底地方政府一級單位主管及所屬機關首長女性比例 26.7%較 2016 年增加 4.7 個百分點)。性別平等考核及獎勵計畫每 2 年滾動檢討，針對機關已達標將提高得分難度標準，例如提高性別影響評估及性別分析辦理案件數量及辦理品質，以及增加辦理性別主流化或推動性別平等政策措施之機關涵蓋率、提高委員會落實三分之一性別比例至 40%等。有關 22 個地方政府輔導獎勵計畫評核結果，於 2018 年計畫由 3 個機關獲優等、7 個機關獲甲等，至 2020 年計畫由 6 個機關獲優等、8 個機關獲甲等，獲獎機關數增加，評核成績及推動性別平等成效亦有所提升。

- 四、評估分數：性別平等業務輔導獎勵計畫，評審項目分為包括性別平等業務人力及計畫執行成效(占 16%)、性別主流化實施成效(占 30%)、辦理 CEDAW 教育訓練及落實國家報告結論性建議與意見(占 11%)、提升女性公共參與(占 19%)、推動及落實性別平等(占 24%)，如消除性別刻板印象與偏見、營造性別友善環境、提升女性經濟力等。由行政院召集具婦女權益、性別平等研究專長或具實務經驗之專家學者擔任評審委員，由評審委員依計畫衡量標準審查各機關填報之自我評量表，並於實地訪評現場訪談、查證結果評定分數，以及提出建議事項。

Response

1. Since 2004, the Executive Yuan has issued a letter to implement the "Gender Mainstreaming Training Plan for Civil Servants of the Agencies ", which requires civil servants to receive at least two hours of gender mainstreaming training each year. In 2008, the revised program was expanded to include political appointee (mostly with political party status) in all agencies to promote the integration of gender perspectives in major decisions.
2. Taiwan's 18 SDGs in 2020 totally contain the 336 indicators. The SDG5 has 13 gender indicators and the other 8 SDGs (SDG1, SDG2, SDG3, SDG4, SDG8, SDG10, SDG11, SDG16) have 53 gender indicators. Among the total 66 gender indicators, some 51 gender indicators reached their annual targets.
3. Changes and results of gender equality achieved by the incentive mechanism: Since 2016, the Executive Yuan has been promoting gender equality counseling assessment or counseling incentive programs for ministries and local governments to encourage them to promote gender equality operations. All ministries and local governments have established gender mainstreaming implementation plans or gender equality plans. They also established gender equality mechanisms such as gender equality committees or women's rights promotion committees. "Gender Mainstreaming Areas" have been set up on their websites and reports on gender

mainstreaming results are posted online. The participation rate of public officials in gender mainstreaming and CEDAW education training has increased (e.g., the annual participation rate of public officials in the municipalities directly under the Central Government has reached over 90%). All agencies have conducted gender impact assessments, along with gender statistics, and gender budgeting. The proportion of female directors has increased (e.g., the proportion of female heads of local government units and their respective agencies was 26.7% at the end of 2021, up 4.7 percentage points from 2016). The gender equality assessment and incentive program is reviewed every two years on a rolling basis, and the difficulty level of the scores will be increased for agencies that have achieved their targets, such as increasing the number and quality of cases handled by gender impact assessment and gender analysis, and increasing the coverage rate of agencies that conduct gender mainstreaming or promote gender equality policies and measures, as well as increasing the proportion of one-third gender ratio requirement among the committee membership to 40%. Regarding the evaluation results of the 22 local government counseling incentive programs, three agencies were awarded the top grade and seven agencies were awarded the first grade in 2018, and six agencies were awarded the top grade and eight agencies were awarded the first grade in 2020. The number of awarded organizations has increased, and the assessment results and the effectiveness of promoting gender equality have also improved.

4. Assessment Scores:

The Gender Equality Guidance and Incentive Program was evaluated in the following categories: Gender equality workforce and gender equality program (16%), Gender mainstreaming implementation effectiveness (30%), the implementation of CEDAW education and training, and the implementation of the concluding recommendations and suggestions of the Country Report (11%), and Promoting women's public participation (19%), and Promoting and implementing gender equality (24%), by eliminating gender stereotypes and prejudices, creating a gender-friendly environment, and enhancing women's economic power. The Executive Yuan convened experts and scholars with expertise in women's rights and gender equality research or practical experience to serve as reviewers. The reviewers reviewed the self-assessment forms submitted by each agency in accordance with the program's measurement criteria, conducted on-site interviews, verified the results to assess the scores, and made recommendations.

Article 4 第 4 條 No.12 編號 12

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
12	<p>Article 4: Temporary special measures</p> <p>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?</p>	<p>暫行特別措施</p> <p>12. 針對本次報告第 4.3-4.6 項，請釐清其中所述措施是否已納入立法或正式的指導方針，以及是否已建立機制來監督其執行情況。臺灣是否有暫行特別措施相關法律？該法律是否納入三分之一的性別比例要求（第 4.3 項）？報告中提到的這些措施，是否包含針對遭受交叉和多重歧視的弱勢群體女性的具體措施？這些措施是否只適用於國營事業的董事會？是否有符合前次結論性意見第 25(b) 所建議的立法提案，針對目標對象之招聘、聘僱與晉升、配額和人數目標？對民營企業採取了哪些措施？延續前次結論性意見第 25(c) 項建議，本次報告第 4.3 項提到的三分之一性別比例要求從何實現？是什麼阻礙其達到 40% 甚至平等？</p>

權責機關：性平處、教育部

回應：

- 一、國家報告 4.3 所提有關行政院 2019 至 2022 年「性別平等重要議題-促進公私部門決策參與之性別平等」等內容，為正式的指導方針，其內涵包含相應策略、具體做法與績效指標，並函送部會據以納入各該部會推動計畫，落實相關工作。另依「行政院所屬各部會性別平等推動計畫編審及推動作業注意事項」所訂之計畫追蹤機制，檢討各項工作辦理情形並精進相關工作內容。
- 二、承上，權責部會依所訂策略、具體做法等逐步推動達成三分之一性別比例，並以績效指標目標值衡量年度工作成果，積極推動性別比例衡平性。另考量各部會推動進程不一，行政院針對尚未達成三分之一性別比例者，已要求應以 2 屆任期內達成；另針對已達成三分之一性別比例者，則引導其將性別比例納入相關組織或設置要點中規範，以確保少數性別者參與比例。
- 三、另行政院業將「各部會所屬委員會委員任一性別比例達 40% 之達成度」，列為重要性別議題關鍵績效指標，督導部會朝向性別比例衡平邁進，以避免傳統性別刻板印象與任務定型分工，阻礙決策參與性別平等目標之達成。至「性別平等重要議題」所列促進公私部門決策參與相關推動措施，係包含各部會所屬委員會委員、主管政府捐助或出資超過 50% 之財團法人與國營事業之董(理)事與監事(監察人)等組織成員。
- 四、另「報告中提到的這些措施，是否包含針對遭受交叉和多重歧視的弱勢群體女性的具體措施？」一節，有關協助不利處境群體女性參與公共決策部分，說明如下：
 - (一)2021 年 5 月修正函頒性平綱領，已特別關注不利處境者在各面向的權利保障議題，其中，於權力、決策與影響力面向之推動策略，納入「增加不利處境女性參與決策的機會，並納入其經驗與觀點，從多元的角度，促進性別內的平等」一節，以引導各部會規劃及落實相關措施。
 - (二)行政院辦理 2022 年直轄市與縣(市)政府推動性別平等業務輔導獎勵計畫，已將婦女權益促進委員會/性別平等委員會之組成是否含不利處境婦女納入評核(指標：上開委員會組成成員包含身心障礙女性、原住民女性、新住民女性、女性農民或多元性別者)，以引導各地方政府推動相關措施。
- 五、有關 25(b)針對目標對象採取的配額等建議，以及對民營企業所採取的措施一節，證交所於 2019 年修正公司治理評鑑指標之加分要件為「若公司董事每一性別達董事會席次三分之一以上，則總分另加 1 分」。持續督導證交所逐步提高上市櫃公司女性董事比例之相關公司治理評鑑指標，引導上市櫃公司重視性別平等。(併請參考專要文件 4.10-4.13)
- 六、有關國家報告 4.4-4.6，依現行《國民教育法》第 9 條，國中小學校長遴選係各縣(市)政府權責。查各縣市之國中小校長遴選辦法，多數縣市已於遴選委員會設置要點明文列出遴選委員「任一性別不得少於三分之一」。另查《國民教育法》修正草案第 13 條業增修公立國中小校長遴選委員會「任一

性別委員人數不得少於委員總數三分之一」，該草案已送立法院待審議中。

七、針對 4.4 部分，教育部已於「教學實踐研究計畫」納入相關機制，於審查作業中關注因性別不平等所造成之差異。

Response

1. "Gender equality in public and private sector decision-making" contained in paras 4.3 in the Report, is the official guideline for the Executive Yuan from 2019 to 2022. The guidelines include corresponding strategies, specific practices, and performance indicators, and are sent to ministries and commissions for inclusion in their promotion plans and implementation of related work. In addition, in accordance with the project tracking mechanism set forth in the "Notes on the Preparation and Review of Gender Equality Promotion Plans and Promotion Operations of the Ministries and Agencies under the Executive Yuan", the Ministry should review the status of various tasks and refine the relevant work contents.
2. In accordance with the above, the ministries and commissions will gradually promote the achievement of one-third gender ratio according to the strategies and specific practices set forth above, and measure the annual work results with performance indicators to actively promote gender balance. In addition, considering the different promotion progress of each ministry, the Executive Yuan has requested that those who have not yet achieved the one-third gender ratio requirement should do so within two terms of office. For those who have already achieved a one-third gender ratio requirement, the Executive Yuan has guided them to include the gender ratio requirement in the relevant organizations or set up key points to ensure the participation of the minority gender.
3. In addition, the Executive Yuan has made the achievement of a 40% gender ratio of committee members in each ministry a key performance indicator for important gender issues. This is to guide the ministries and commissions to move toward gender balance, so as to avoid traditional gender stereotypes and the division of tasks that hinder the achievement of gender equality in decision-making. The measures to promote public and private sector participation in decision-making listed in the Important Gender Equality Issues include members of government committees and boards of directors and supervisors of foundations which have received more than 50% cumulative funding from the government, as well as state-owned enterprises.
4. As for "Do any of these measures mentioned in the Report contain specific measures with respect to women from disadvantaged groups who are subjected to intersectional and multiple forms of discrimination?", in the section on assisting

women from disadvantaged groups to participate in public decision making, efforts are as follows:

- (1) The Gender Equality Policy Guidelines amended in May, 2021 has paid special attention to the protection of the rights of disadvantaged persons in various areas. For example, "To create more opportunities for disadvantaged women to participate in decision making and include their experiences and perspectives, and to facilitate equality within genders from a diversity point of view" was put into the promotion strategies of "power, decision-making, and influence" aspect, tasking all agencies to plan and implement relevant measures.
- (2) In the 2022 Local Government Gender Equality Guidance and Incentive Program for Municipalities and County Governments, the Executive Yuan has included an evaluation of whether the composition of the Women's Rights Promotion Committee/Gender Equality Committee includes women from disadvantaged backgrounds (Indicator: The above committee shall be composed of women with disabilities, indigenous women, new immigrant women, women farmers, or LGBTQI+) to guide local governments in promoting related measures.
5. In 2019, while implementing 25(b) recommendations, the TWSE amended the additional point requirement for the corporate governance evaluation indicator to "add one point to the total score if each gender of the company's directors reaches at least one-third of the board of directors". Guidance to the TWSE will continue, in order to gradually increase the proportion of women serving as board directors at public companies in relation to the corporate governance evaluation indicators, to guide public companies to focus on gender equality.
6. Regarding the Country Report 4.4-4.6, according to Article 9 of the current National Education Law, the selection of principals of primary and secondary schools is the responsibility of the county (city) government. In checking the selection methods of primary and secondary school principals in various counties and cities, most of the counties and cities have set up key points for the selection committee to expressly list whether the selection committee provides "any gender shall not be less than one-third." Also we checked Article 13 of the Draft Amendment to the National Education Law, adding that "the number of members of any gender shall not be less than one-third of the total number of members of the selection committee of public primary and secondary school principals." The draft has been submitted to the Legislative Yuan for deliberation.
7. Regarding (para 4.4), the Ministry of Education has undertaken relevant measures

in the Teaching Practice Research Program to respond to the impact of gender inequality.

Article 5 第 5 條 No.13 編號 13

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
13	<p>Article 5: Gender role stereotypes</p> <p>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</p>	<p>第 5 條： 性別角色刻板印象</p> <p>13. 政府為改變性別刻板印象做出許多努力，但傳統的角色和性別分工仍舊根深蒂固，從女性花在家務和育兒上的時間高於男性三倍便可看出（第 5.19 點）。報告提到「為引導地方政府加強宣導家務分工等價值，納入社會福利績效 2017 年至 2020 年考核項目，引導地方政府於辦理婦女福利相關宣導時，以打破傳統家庭性別分工、身心障礙者婦女權益、中高齡婦女權益為宣導主軸。」</p> <p>請說明中央政府如何評估「社會福利績效」，以及地方政府在這方面有哪些重要計畫。既然平等分擔家務和家庭無償照顧工作不是社會福利問題，而是人權問題，是否有就兩種不同的做法進行過討論？目前已採取哪些措施，鼓勵或激勵男性分擔工作？</p>

	<p>approaches? What measures were taken to encourage or give incentives for men to share the work?</p>	
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權責機關：衛福部

回應：

- 一、依行政院主計總處 2016 年「婦女婚育與就業調查」及 2019 年「15-64 歲婦女生活狀況調查」發現，有偶（含同居）女性之伴侶平均每日無酬照顧時間，2016 年為 1.13 小時，2019 年為 1.48 小時，顯示其伴侶從事家務及育兒時間有增加之趨勢。另地方政府亦透過社區戲劇巡演、創意影片競賽等方式，推動及宣導家務分工之價值。
- 二、另此議題亦列入 2022-2024 年國家人權行動計畫，行動編號 62「推動家務分工：推動中央與地方政府辦理家務分工宣導、計畫及婦女生活狀況調查等措施，以促進家務共同分擔」，權責機關包含衛生福利部、教育部及行政院性別平等處。

Response

1. According to the 2016 *Report on Women’s Marriage, Fertility, and Employment* by the Directorate General of Budget, Accounting and Statistics, Executive Yuan and the 2019 *Survey Report on the Living Condition of Women Aged 15-64*, spouses (including cohabitants) of women spent on average 1.13 hours in 2016 and 1.48 hours in 2019 of daily unpaid family care time, indicating an upward trend in the amount of time spent by partners of women on housework and childcare. Local governments are also promoting the value of sharing household responsibilities through engagements such as community theater tours and creative film contests.
2. Also, this topic is included in the 2022-2024 *National Human Rights Action Plan* which states in action number 62 “Promote domestic division of labor: Promote measures like advocacy for domestic division of labor, relevant programs, and surveys of women’s living conditions at the central and local government level to facilitate shared domestic responsibilities.”. The competent authorities include the Ministry of Health and Welfare, the Ministry of Education and the Department of Gender Equality, Executive Yuan.

Article 5 第 5 條 No.14 編號 14

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
14	<p>Domestic violence</p> <p>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.</p> <p>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</p>	<p>家庭暴力</p> <p>14. 審查第 3 次國家報告時，國際審查委員會指出針對女性的不同形式性別暴力比率仍居高不下，並對此表達關切。委員會亦指出，《家庭暴力防治法》未承認對女性的家庭暴力為具體罪行。第 4 次報告未提及上述關於家庭暴力修法的結果。另據報告，警方已知的家庭暴力和違反「保護令」案件中，70%受到處罰。然而，顯然其中 80%的處罰非常輕，這顯示家庭暴力視為輕罪。請提供有關法律中家庭暴力情況的最新資訊。</p> <p>第 4 次國家報告雖然提出充足的統計資料(第 2.13、2.14 點)，但家庭暴力的通報數量有所增加，而女性受害者的百分比卻保持不變(第 2.13 點)。另據報告，根據警察機關查獲家庭暴力引發之刑事案件被害人有 73%是女性(第 2.17 點)。此事實顯示，女性也更有可能是相對嚴重之家庭暴力形式的主要受害者。根據以上情況，在臺灣家庭暴力確實是針對女性的一種性別暴力形式，政府對此如何說明？政府是否有計畫承認此事實，並修正《家庭暴力防</p>

<p>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?</p> <p>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?</p>	<p>治法》？目前已採取哪些措施，以有效迅速地應對這種情況？如第 4 次報告所承認，與打擊女性受暴問題相關的法律、政策和實務之間明顯脫節，是許多問題的根源。因此，透過《家庭暴力防治法》修正草案糾正這種情況(第 2.24 點)。目前已採取哪些措施，確保將法律中的這種意圖有效轉化為政策和實務？分配給社會政策和計畫的資源中，有多少百分比明確分配給家庭暴力和性侵害案件受害者服務？</p>
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權責機關：司法院、法務部、衛福部

回應

- 一、依《家庭暴力防治法》第 2 條規定，「家庭暴力」指家庭成員間實施身體、精神或經濟上之騷擾、控制、脅迫或其他不法侵害之行為；又同法第 63 條之 1 規定，被害人年滿十六歲，遭受現有或曾有親密關係之未同居伴侶施以身體或精神上不法侵害之情事者，準用同法關於民事保護令之規定。

- 二、另《家庭暴力防治法》第 2 條第 2 款規定：「家庭暴力罪：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。」因此，家庭成員間因故意實施家庭暴力行為而成立刑法所規定之殺人、傷害、妨害性自主、妨害自由、妨害名譽等罪或其他法律（如：《跟蹤騷擾防制法》）所規定之犯罪，均屬家庭暴力罪，而法院於判決時，係依各該刑法或其他法律所規定之罪刑為諭知，此等罪刑並非皆屬輕罪。相關統計數據如附件 1 所示。
- 三、查我國家庭暴力事件依兩造關係可區分為親密關係暴力、兒少保護事件、直系血（姻）親卑親屬虐待尊親屬事件及其他四親等親屬間暴力事件，檢視各類型被害人之性別分布情形，除親密關係暴力被害人係以女性為大宗（占 8 成）外，其餘暴力類型被害人之性別比率差異較小，其中兒少保護及其他四親等親屬間暴力事件之被害人性別比率並無明顯差異。惟考量家庭暴力事件以親密關係暴力為大宗，占 48%，為強化家庭暴力防治人員之性別意識，《家庭暴力防治法》修正草案已明定主管機關及目的事業主管機關於辦理家庭暴力防治權責事項時，應基於性別平等之原則，且辦理所屬人員在職教育訓練時，應納入性別平等課程，另為瞭解女性遭受親密關係暴力的概況、盛行率以及嚴重性，衛生福利部前於 2014 年針對我國 18 歲至 74 歲婦女遭受親密關係暴力的概況、盛行率嚴重性進行初探式的調查研究；並於 2020 年進行第二波調查，以長期地蒐集有關婦女受暴率之相關資料。
- 四、為落實家庭暴力防治工作，我國積極推動反性別暴力之三級預防工作，除積極辦理暴力零容忍宣導，並建立以社區為基礎的全民防暴工作，衛生福利部自 2016 年起推動「性別暴力社區初級預防宣導計畫」，透過經費補助社區發展在地預防宣導教育，並督請地方政府落實輔導訪視，提供有效協助；另自 2019 年訂頒「社區防暴宣講師培力計畫」，培訓社區防暴宣導講師深入社區鄰里，以在地的語言和生活經驗向社區民眾推廣正確家庭暴力防治觀念與相關防治網絡服務資源，期透過社區動員和集體參與，破除助長暴力的迷思，並建立社區防暴網絡、促進社區鄰里正向支持與關懷破除傳統性別迷思，並深化性別平權意識；另定期辦理家庭暴力防治人員訓練，提升專業人員對家庭暴力性別議題之敏感度及專業知能，俾提供被害人更妥適之服務。其次，在資源投入方面，我國提供家暴被害人保護扶助、加害人處遇輔導、各縣市政府被害人保護與加害人輔導處遇、法務部矯正署加害人處遇之預算，2019 年中央政府機費為新臺幣（以下同）7 億 1,591 萬 9,571 元，地方政府經費為 42 億 2,482 萬 7,138 元。2016 至 2019 年全國家庭暴力防治總預算累計達 174 億 6,751 萬餘元，投入預算年年升高，4 年內增加 24.3%，顯示我國對於家庭暴力防治工作之重視。另各直轄市、縣(市)政府依據《性侵害犯罪防治法》提供被害人驗傷診療、醫療、緊急庇護、心理復健、法律訴訟、緊急生活費用補助等保護扶助措施，2017 至 2020 年扶助性侵害被害人共計 121 萬餘人次、扶助金額逾 6 億 8 仟萬元。

Response

3. According to Article 2 of the Domestic Violence Prevention Act, "domestic violence" means an act of harassment, control, threat or other illegal action conducted against any family member that is physical, psychological, or economical in nature; Article 63-1 of the same law also stipulates that if the victim is at least 16 years old and suffers physical or mental unlawful abuse by a non-cohabiting partner who he/she has or has had an intimate relationship, the provisions of the same law on civil protection orders shall apply *mutatis mutandis*.
4. Article 2 Subparagraph 2 of Domestic Violence Prevention Act provides: 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. Therefore, the offenses of homicide, the offenses of causing injury, sexual offenses, offenses against freedom, offenses against reputation, etc. stipulated in the Criminal Code or offenses stipulated in other laws (such as the Stalking and Harassment Prevention Act) committed by family members due to willful domestic violence are all offenses of domestic violence. When the court makes a judgment, the charges and sentences are pronounced in accordance with the Criminal Code or other laws. These offenses are not all misdemeanors. The relevant statistics are shown in the Appendix 1.
5. The types of domestic violence cases in Taiwan can be divided into violence among intimate relationships, child protection, abuse by lineal (marital) descendants to lineal (marital) ascendants, and violence among relatives within the fourth degree of relationship. In terms of the gender distribution of types of victims, except that the majority of victims of violence among intimate relationships are females (accounting for 80%), there is little difference between the gender ratios of victims of other types of violence. Among them, no significant difference in the gender ratio of victims of child protection and violence among relatives within the fourth degree of relationship is discovered. However, since the domestic violence incidents are dominated by violence among intimate relationship (accounting for 48%), to improve the gender awareness of domestic violence prevention personnel, the draft amendment to the Domestic Violence Prevention Act has clearly defined the competent authority and competent authorities in charge of the relevant activities when handling matters concerning domestic violence prevention and control rights and responsibilities shall adhere to the principles of gender equality and include courses of gender equality for the on-the-job education and training of staff. In addition, to understand the general situation, prevalence and severity of violence among intimate relationship suffered by women, Ministry of Health and Welfare previously in 2014 conducted an exploratory survey on the general situation,

prevalence and severity of violence among intimate relationships among women between the ages of 18 and 74. The second wave of the survey was conducted in 2020 to collect long-term data on violence suffered by women.

6. To implement the prevention of domestic violence, Taiwan actively promotes three-level prevention works against gender-based violence. In addition to actively promoting zero-tolerance for violence and establishing the overall community-based anti-violence works, Ministry of Health and Welfare has started to promote the “Gender-based Violence Prevention for Communities” since 2016, which provides subsidies for promotion and development of local-based violence prevention and education for communities, and urges local governments to implement on-site visits to provide effective assistance. Since 2019, the “Training Programs for Community-based Anti-Violence Promotion Lecturers” was promulgated to train community-based anti-violence promotion lecturers to devote their time and efforts at communities and adopt local languages and life experience to promote the correct concept of domestic violence prevention and related on-line service resources for the community, mobilize the community and implement collective engagement to break the myth of violence, establish the community network of violence prevention, and promote positive support and care from the community to break traditional gender myths and deepen the awareness of gender equality. Additionally, we also conduct training programs for domestic violence prevention personnel on a regular basis to enhance the sensitivity and professional knowledge of staff on gender issues of domestic violence, so as to provide victims with more adequate services. Secondly, in terms of resource investment, Taiwan provides domestic violence victim protection and assistance, offender treatment counseling, victim protection, and offender counseling and treatment by county and city governments. As for the budget for perpetrator treatment by the Agency of Corrections, MOJ, in 2019, the amount was NT\$715,919,571 for the central government and NT\$4,224,827,138 for local governments. From 2016 to 2019, the total national budget for domestic violence prevention reached more than NT\$17.46751 billion, which increased annually, with an increase of 24.3% in a 4-year period, demonstrating that Taiwan is attaching great importance to domestic violence prevention. In addition, the governments of municipalities, counties, and cities provide protection and assistance measures for victims, including injury examination and diagnosis and treatment, medical treatment, emergency shelter, psychological rehabilitation, legal assistance, and urgent living allowances, etc. in accordance with the Sexual Assault Crime Prevention Act. From 2017 to 2020, a total of more than 1.21 million victims of sexual assault received this assistance whose amount exceeded NT\$680 million. ◦

Article 5 第 5 條 No.15 編號 15

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
15	<p>Gender-based violence against women and marital status</p> <p>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.</p>	<p>針對女性的性別暴力及婚姻狀況</p> <p>15. 未同居親密關係伴侶中，針對女性的性別暴力案件似乎有所增加(第 2.16 點)。對此類案件的法律認知及處理方式為何？是否有相關的可靠統計資料？未同居親密關係伴侶中，針對女性的暴力行為在法律上是否視為家庭暴力，還是以其他方式處理？請提供相關資訊和統計資料。</p>

權責機關：衛福部

回應

- 一、非同居伴侶中雖非屬《家庭暴力防治法》(下稱本法)第 3 條定義之「家庭成員」，然為周全未同居親密關係暴力被害人人身安全，本法於 2015 年修正增訂第 63 條之 1，將年滿 16 歲遭受現有或曾有親密關係之未同居伴侶施以身體或精神上不法侵害情事之被害人，納入準用本法民事保護令聲請、審理、核發、執行等規定，及警察人員保護措施、被害人隱私保護、醫療機構驗傷服務、加害人處遇計畫及違反保護令罪等保護措施。被害人如年滿 18 歲，得按其自主意願向相關機關(構)尋求協助與服務。
- 二、各直轄市、縣(市)政府受理後，並依被害人需求提供或轉介相關保護服務。2016 年至 2022 年 6 月未同居親密關係暴力轉介案件數中，是類暴力被害人以女性為多，佔 8 成以上，兩造關係 9 成以上為異性伴侶，相關統計詳如下表：

2016 年至 2022 年 1-6 月未同居親密關係暴力轉介案件分析

年度	轉介件數	被害人數				
		合計	男	比率	女	比率
2016 年	1,821	1,645	180	10.9%	1,465	89.1%

2017 年	2,877	2,482	333	13.4%	2,149	86.6%
2018 年	3,133	2,748	380	13.8%	2,368	86.2%
2019 年	4,776	3,968	642	16.2%	3,326	83.8%
2020 年	5,442	4,570	821	18.0%	3,749	82.0%
2021 年	5,775	4,791	839	17.5%	3,952	82.5%
2022 年 1-6 月	3,359	2,901	565	19.5%	2,336	80.5%

Response

1. Although non-cohabiting partners are not “family members” defined in Article 3 of the Domestic Violence Prevention Act (hereinafter referred to as the Act), for the personal safety of non-cohabiting victims suffering violence among intimate relationships, Article 63-1 of the Act was amended in 2015, which stipulates that victims who are over the age of 16 and suffering illegal physical or mental infringement by current or former non-cohabiting partners in an intimate relationship may apply mutatis mutandis the application, review, issuance, and enforcement of civil protection orders of the Act, protection of the police, privacy protection for victims, injury examination by medical institutions, offender treatment programs, and protection measures in the event of violation of protection orders, etc. Victims over 18 years old may seek assistance and services from the relevant agencies voluntarily.
2. The municipal and county (city) governments will provide or refer relevant protection services according to the needs of the victims after accepting the cases. From 2016 to June 2022, among the number of referred cases of violence in non-cohabiting intimate relationships, most of the victims suffering such type of violence were women, accounting for more than 80%, and more than 90% were heterosexual partners. The details of relevant statistics are shown in the following table:

Analysis of Referred Cases of Violence in Non-cohabiting Intimate Relationships
From January to June 2016 to 2022

Year	Number of Referred Cases	Number of Victims				
		Total	Males	Ratio	Females	Ratio
2016	1,821	1,645	180	10.9%	1,465	89.1%
2017	2,877	2,482	333	13.4%	2,149	86.6%
2018	3,133	2,748	380	13.8%	2,368	86.2%
2019	4,776	3,968	642	16.2%	3,326	83.8%
2020	5,442	4,570	821	18.0%	3,749	82.0%

2021	5,775	4,791	839	17.5%	3,952	82.5%
January-June, 2022	3,359	2,901	565	19.5%	2,336	80.5%

Article 5 第 5 條 No.16 編號 16

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
16	<p>Gender-based violence against women and ethnicity/nationality</p> <p>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.</p> <p>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?</p>	<p>針對女性的性別暴力及族群/國籍</p> <p>16. 對女性基於性別的暴力發生率，在按不同類別劃分後顯示，針對女性的性別暴力整體上呈下降趨勢，但對於部分國籍和族群幾乎保持不變(第 2.14 點，從 1.3%到 1.4%)。請說明原因為何，並詳細說明應對此問題的具體政策。</p> <p>目前已採取哪些文化敏感政策和措施，應對不同族群或國籍的女性受暴問題？就此方面，政府是否有計畫調查歷史背景下針對女性 (例如慰安婦) 的性別暴力事件，以幫助瞭解相關背景並提升社會意識？</p>

權責機關：衛福部

回應：

- 一、針對女性基於性別的暴力發生率，由國家報告第 2.14 內容可知，本國籍非原住民、外國籍及大陸籍女性遭受親密關係暴力發生率呈下降趨勢，僅本國籍原住民女性保持不變。由於原住民族在客觀地理環境、經濟、就業的條件，以及在文化及暴力認知和非原住民族有所不同，衛生福利部持續致

力於特殊族群家庭暴力防治宣導活動，加強「暴力零容忍」、「尊重身體自主權」及「113 保護專線」等宣導，鼓勵被害人勇於求助，提供多元且可近的通報管道，並運用推展社會福利及公益彩券回饋金經費，補助地方政府結合專業團體提供原住民族群具文化敏感度之服務，及連結原住民族家庭服務中心提供多元整合服務。

- 二、另為提升社工人員之多元文化敏感度，衛生福利部業訂定保護性社工訓練實施計畫，並將多元服務對象與文化敏感度納入訓練主題，包括：新移民親密關係暴力議題、原住民親密關係暴力議題、同志親密關係議題等，並透過經費補助地方結合專業團體發展多元族群服務方案，提升在地服務資源之可近性，以逐步建構符合多元族群主體性之服務體系。

Response

1. As for the gender-based violence prevalence among women, Point 2.14 of the National Report indicates that there is a downward trend of the violence prevalence among intimate relationships among women of non-indigenous nationals, foreigners and those from mainland China, however, only the trend among women of indigenous nationals remains unchanged. Due to the differences in the objective geographical environment, economy, employment conditions, and cultural and violence perceptions between indigenous peoples and non-indigenous peoples, Ministry of Health and Welfare will continue to devote ourselves to domestic violence prevention and publicity activities for ethnic groups, and enhance the promotion of “zero-tolerance for violence”, “respecting physical autonomy”, and “113 protection hotline” to encourage victims to actively seek help, provide multiple and accessible channels for reporting, and utilize the funds of social welfare and lottery rewards to subsidize local governments and professional groups in providing culturally-sensitive services for indigenous peoples, and links with the Family Service Center for Indigenous Peoples to provide diversified and integrated services.
2. Furthermore, to enhance the multicultural sensitivity of social workers, Ministry of Health and Welfare has formulated a protective social worker training program, and incorporated diversified service objectives and cultural sensitivity into the training topics, including issues of violence among intimate relationships among new immigrants, indigenous peoples, and homosexuals, etc., and improved the accessibility of local service resources and gradually established a service system that conforms to the subjectivity of multi-ethnic groups by subsidizing the integration of local and professional groups to develop services for multi-ethnic groups.

Article 5 第 5 條 No.17 編號 17

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
17	<p>Gender-based violence against women with disabilities</p> <p>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.</p> <p>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?</p>	<p>針對身心障礙女性的性別暴力</p> <p>17. 雖然國家報告(第 2.14 點)指出對於身心障礙女性和非身心障礙女性之親密關係暴力受暴率並無差異，但相關非政府組織來源的資訊顯示，身心障礙女性遭受親密關係暴力的比率更高。據指出，身心障礙女性面臨的更高親密關係暴力受暴率也在增加。請提供相關的準確及最新資訊。</p> <p>還有資訊顯示，國家針對不同類型身心障礙者的分類，將異常多的人分類至「未知身心障礙」類別。這會導致無法準確理解不同類型身心障礙，與對女性之性別暴力之間的關係。政府是否有意建立更具包容性的統計資料庫，按性別、身心障礙類型及其他相關特徵反映身心障礙情況？</p>

權責機關：衛福部

回應：

2018 年至 2021 年身心障礙女性遭受親密關係暴力受暴率分別為 0.41%、0.42%、0.44% 及 0.44%；非身心障礙女性遭受親密關係暴力受暴率分別為 0.41%、0.43%、0.43% 及 0.41%，兩者受暴率並無差異。另目前我國身心障礙者分類係採國際健康功能與身心障礙分類系統（International Classification of Functioning, Disability and Health，簡稱 ICF），為協助一般民眾瞭解家庭暴力被害人身心障礙情形，現行相關統計仍以舊制身心障礙類別呈現，包括：智能障礙、視障、精神病患、聲（語）障、肢障、多重障礙及其他障礙，其中其他障礙包括重要器官失去功能、顏面損傷者、頑性癲癇症者、失智症、經中央衛生主管機關認定因罕見疾病而致身心功能，及其他經中央衛生主管機關認定之染色體異常、先天代謝異常、先天缺陷障礙者；考量前開各項障礙類別所占比率較低，故僅呈現主要障礙類別，而未逐項呈現，而國家報告第 2.14 點亦僅呈現主要障礙類別。

Response

From 2018 to 2021, the rates of violence among intimate relationships suffered by women with disabilities were 0.41%, 0.42%, 0.44%, and 0.44%, respectively; the rates for women without disabilities were 0.41%, 0.43%, 0.43%, and 0.41%, respectively, indicating that there is no difference between these rates. In addition, Taiwan currently adopts the International Classification of Functioning, Disability and Health (ICF) for the classification of persons with disabilities. To assist the general public in understanding the physical and mental disabilities of victims of domestic violence, the current relevant statistics are still presented using the existing classification for physical and mental disabilities, including intellectual disability, visual impairment, mental illness, language (speech) impairment, physical disability, and multiple impairments and other disability, etc. Among them, other disability includes loss of vital organs, facial damage, intractable epilepsy, dementia, physical and mental disabilities triggered by rare diseases identified by the central health authority, and other chromosomal abnormalities and congenital disorders identified by the central health authority, metabolic abnormalities, inborn error of metabolism, and congenital disorders. Considering that the proportion of classification of each of the above-mentioned disabilities is relatively low, only the major classifications of disabilities are presented instead of displaying them on an item-by-item basis, and only the major classifications of disabilities are presented in Point 2.14 of the National Report. °

Article 5 第 5 條 No.18 編號 18

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
18	<p>Sexual assault</p> <p>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?</p> <p>There is also some information regarding</p>	<p>性侵害</p> <p>18. 第 4 次報告指出，雖然針對女性的性別暴力一般不受民眾寬恕或支持 (第 2.20 點)，但談到性侵害時，民眾似乎比較不會批判，且經常以「檢討被害人」的態度合理化性侵害行為。衛生福利部推行以社區為基礎的計畫，以提升民眾的防治能力和意識，但從 2017 年到 2020 年，通報的性侵害案件數未見減少 (第 2.26 點)。另據報告 (第 2.27 點)，外籍移工是最普遍的受害者，尤其是家庭看護。政府如何說明這方面的緩慢變革 (如第 4 次報告所述)？此外，第 4 次報告 (第 2.31 點) 提到已在 2018 年向行政院提交《性侵害犯罪防治法》修正草案，旨在強化通報責任、建立保護令機制，並提高對違法行為的刑事裁罰。請問該草案後續如何發展？是否制訂任何計畫優先處理此問題？</p> <p>另外，也有資訊顯示性侵害案件的司法回應不足。雖然已有資訊顯示「法官學院」已就該主題規劃相關課程 (第 2.32 點)，但請提供其對司法態度之影響的相關資訊。</p> <p>請詳細說明是否有任何訓練計</p>

<p>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.</p> <p>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?</p>	<p>畫或民眾宣導活動，將性侵害視為一種性別歧視形式和性別不平等的結果。這些計畫或活動是否指出針對女性的性別暴力與性侵害之間的關聯？</p>
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權責機關：衛福部、司法院

回應

- 一、為課予私立就業服務機構及其從業人員知悉有疑似外籍勞工性侵害案件應通報之責，衛生福利部及勞動部業同步於 2018 年於《性侵害犯罪防治法》及《就業服務法》增訂相關規定，加強通報責任，其中《就業服務法》已於 2018 年 11 月 09 日修正公布施行，《性侵害犯罪防治法》則於 2022 年 3 月 10 日函報立法院審查。
- 二、《性侵害犯罪防治法》修正草案業前已於 2018 年函報行政院審查，惟因應南韓 N 號房事件及 Youtuber 透過深度偽造 (Deepfake) 技術製作不實性影像，行政院推動跨部會增修性暴力防治 4 法，包括：《刑法》增訂第 28 章之 1「妨害性隱私及不實性影像罪章」嚴懲不法；審查通過修正《犯罪被害人權益保障法》草案，新增「犯罪被害人保護命令」，明定妨害性隱私及不實性影像罪、性侵害案件及兒少性剝削之案件，準用「犯罪被害人保護命令」規定，完善我國犯罪被害人權益保障制度。至於妨害性隱私及不實性影像罪被害人保護措施(被害人身分隱私保護、司法權益保障、性影像移除下架等)，則納入《性侵害犯罪防治法》修正草案修正，並提高加害人懲處與處遇，針對強暴脅迫方式拍攝者進行身心治療、觀護特殊處遇及登記報到等監督措施，防治加害人再犯，以專章保護、加重罪責、提供被害人相關協助、配套措施等方向同步研修，架構更完善的防護網絡。《性侵害犯罪防治法》修正草案業於 2022 年 3 月 10 日函送立法院審議，經立法院衛生環境委員會及司法法制委員會於 3 月 30 日及 31 日召開審查會議，因性影像部分涉及《刑法》新增妨害性隱私及不實性影像罪，爰除性影像移除下架機制待協商外，其餘部分已審查完竣，後續配合立法院審查事宜。

- 三、性侵害是暴力犯罪，亦多數基於性或性別的暴力，被害人以女性居多，約佔整體通報被害人數 8 成，又未滿 18 歲性侵害被害人約佔整體性侵害被害人 64%，其中每 4 位被害兒少當中就有 3 位是女性，衛生福利部持續推廣「尊重身體自主權」及「自我保護」觀念，提升民眾對於「兒少網路性誘拐」、「兒童性侵害」及「青少年約會暴力」的預防意識。2021 年 5 月 10 日辦理「性好有你-兒少性不當對待論壇」，邀請學者專家、各直轄市、縣(市)政府社政、警政、教育及民間團體等實務工作者共同研討當前兒少性侵害的問題與對策，並結合媒體宣導露出，以提升社會大眾保護兒少免遭一切形式之性不當對待的社會意識。另針對第一線執行人員辦理多元處境之性侵害被害人專題訓練，包含男童性侵害、原鄉地區兒少性侵害防治、網路兒少性剝削防制等專題研討，增進實務工作者對兒少性侵創傷影響、被害人求助困境、如何與兒少性侵被害人及其家庭工作之技巧等專業知能，提升服務品質。
- 四、為加強司法人員對性別歧視、性別不平等與性侵害之認知，於法官學院開設研習課程及辦理教育訓練，例如 2019 年提供少年法院(庭)心理測驗員、心理輔導員「性侵害被害人陪伴方向與輔導技巧」課程；2020 年提供少年法院(庭)庭長、法官、主任調查保護官及少年調查(保護)官「CEDAW & 性別平等工作坊—面對未成年『性』：從發展、性別、情境的脈絡增進對孩子的理解」課程，以及針對 2021 年司法特考三等考試心理測驗員(輔導員)錄取人員辦理性別及人權系列講座(含 CEDAW)。
- 五、司法院 2022 年持續及委請法官學院規劃辦理「法院辦理性侵害案件專業研習會」、「法院辦理性侵害案件專業課程」(初中階班及高階班)、「兒童或心智障礙被害人特殊訊問專業課程」(初階及進階班)，未來亦將廣續辦理相關專業課程，藉以強化司法人員對於性侵害犯罪之專業知識及性別平等之重視。

Response

1. To hold private employment service agencies and their employees responsible for reporting suspected cases of sexual assault of foreign workers, the Ministry of Labor and ourselves simultaneously amended relevant regulations in the Sexual Assault Crime Prevention Act and Employment Service Act in 2018 to enhance the reporting responsibility. The Employment Service Act was amended and promulgated on November 9, 2018, and the amendment of the Sexual Assault Crime Prevention Act was submitted to the Legislative Yuan for review on March 10, 2022.
2. The draft amendment to the Sexual Assault Crime Prevention Act was previously submitted to the Executive Yuan for review in 2018. However, in view of South Korea's Nth Room case and the false videos and images produced by YouTubers using deepfake technology, the Executive Yuan promoted the inter-ministerial actions to draft the major four acts regarding sexual violence prevention, including Chapter 28-1 "Offense Against Sexual Privacy and False Videos and Images" newly

added in the Criminal Code of the Republic of China. The approved draft amendment of “Crime Victim Rights and Interests Protection Act” in which “protection orders of criminal victims” is newly added, so that the provisions on offense against sexual privacy and false videos and images, sexual assault cases, and child sexual exploitation cases are clearly stipulated and apply *mutatis mutandis* to the provisions of the “protection orders of criminal victims” to improve the protection system for the rights and interests of crime victims in Taiwan. As for the protection measures for victims of offense against sexual privacy and false videos and images (protection of victim's identity privacy, protection of judicial rights and interests, and removal of sexual images, etc.) we included in the draft amendment to the Sexual Assault Crime Prevention Act, and enhanced the punishment of offenders. For those who are unlawfully forced to shoot videos and images, physical and mental treatment and regular registration are stipulated to prevent the offenders from conducting the crimes again, and dedicated chapters are stipulated to provide additional protection and assistance to the victims, punishments are enhanced, and related supporting measures are proposed for discussion to build a more comprehensive protection network. The draft amendment to the Sexual Assault Crime Prevention Act was submitted to the Legislative Yuan for review on March 10, 2022, whose Health and Environment Committee and the Judiciary and Organic Laws Committee held the review meetings on March 30 and 31. Because the sexual images involve offenses against sexual privacy and false sexual videos and images were newly added in the Criminal Code of the Republic of China, except for the mechanism for removing sexual images which is still under discussion, the rest of the review has been completed, and the follow-up cooperation with the Legislative Yuan will be carried out.

3. Sexual assaults are one of the forms of violent crime, and most of them are sexual- or gender-based. The majority of the victims are women, accounting for about 80% of the total number of reported victims. Sexual assault victims under the age of 18 account for about 64% of the total victims of sexual assault. Among them, there are three girls for every four children victims. Hence, Ministry of Health and Welfare continues to promote the ideas of “respecting physical autonomy” and “self-protection” to raise public awareness of prevention of “on-line child grooming”, “child sexual assault”, and “dating violence of teenagers”. On May 10, 2021, the “Forum on Sexual Mistreatment Against Children” was held, in which scholars and experts as well as field workers of social affairs, police, education and civil societies from municipalities, and county (city) governments were invited to discuss the current problems and countermeasures for sexual assault against children, which were combined with publicity by mass media to enhance the awareness of the

general public to protect children from all forms of sexual mistreatment. In addition, special training programs on sexual assault victims under diverse situations are offered for front-line enforcement staff conduct, including seminars on sexual assault of boys, prevention and control of sexual assault of children in indigenous communities, and prevention and control of on-line sexual exploitation of children to improve the professional knowledge of practitioners regarding the impact of trauma of sexual assault against children, the dilemma of victims for seeking help, skills on how to work with child victims of sexual assault and their family members, and improvement of service quality.

4. To reinforce judicial personnel's perception of gender discrimination, gender inequality, and sexual assaults, the Judge Academy has set up courses and training. For example, in 2019, the Academy held the "Technique for Counseling and Accompanying Victims of Sexual Assault" program for psychology counselors and technologists at the juvenile court; the "CEDAW and Gender Equality Workshop—Confronting Minor Sexuality: to promote our understanding to their behavior by studying the context of development, gender, and circumstances" for judges(including division-chief), the chief investigation and probation officer, and juvenile investigation(probation) officers at the juvenile court in 2020. In addition, in 2021, the Academy held forum series on gender and human rights (including CEDAW) for psychology counselors and technologists admitted by the Grade Three Special Examination for Judicial Personnel.
5. Regarding training programs, the Judicial Yuan has continued and commissioned the Judges Academy to plan and conduct "Professional Seminar on Handling Sexual Assault Cases at Court", "Professional Courses on Handling Sexual Assault Cases at Court" (beginner, intermediate, and advanced classes), "Specialized Courses on Special Interrogation of Children and Mental Disabilities as Victims" (beginner and advanced classes), and will continue to provide relevant professional courses in the future to strengthen judicial personnel's professional knowledge of sexual assault crimes and the importance of gender equality.

Article 5 第 5 條 No.19 編號 19

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
19	<p>Sexual assault involving authority</p> <p>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”.</p> <p>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?</p> <p>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</p>	<p>涉及權勢的性侵害</p> <p>19. 其他來源報告指出濫用權勢的性侵害案件。政府在前次國際審查委員會問題清單的答覆中，也對此表示承認。在 1,263 起 18 歲以上女性遭受性侵害的案件中 (2014-2018 年)，211 起案件涉及加害者對受害者的濫用權勢。據報告，這些案件發生在教育、照護或職業關係中。而其他來源聲稱這只是「冰山一角」。</p> <p>法律(《刑法》第 228 條)是否要求提供確鑿證據來證明違反受害者的意願，而非其公開同意的證據？《刑法》第 228 條對於性侵害案件權勢關係的審判有何影響？</p> <p>另請提供有關媒體如何處理涉及權勢者的性侵害案件，以及如何處理受害者個人資訊的詳細資訊。媒體是否有任何此類性侵害案件的相關訓練和意識提升計畫？</p>

	in the media?	
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權責機關：法務部、衛福部、通傳會、文化部

回應：

一、依《刑法》第 228 條規定：「對於因親屬、監護、教養、教育、訓練、救濟、醫療、公務、業務或其他相類關係受自己監督、扶助、照護之人，利用權勢或機會為性交者，處六月以上五年以下有期徒刑。因前項情形而為猥褻之行為者，處三年以下有期徒刑。第一項之未遂犯罰之。」規定，行為人須與被害人間具有親屬、監護等關係，並據此利用權勢或機會，使被害人屈從而與之發生性交或猥褻之行為。因此，檢察官於偵辦是類案件時，須就上開構成要件進行調查及舉證。

二、《性侵害犯罪防治法》已明確規範宣傳品、出版品、廣播、電視、網際網路或其他媒體，不得報導或記載有被害人姓名或其他足資識別身分之資訊。任何人亦不得以媒體或其他方法公開或揭露被害人姓名及其他足資識別身分之資訊。

三、衛生福利部已於 2008 年函頒「媒體報導對性侵害犯罪事件性騷擾事件暨兒童及少年保護事件之被害人處理原則」，並於 2020 年 2 月 25 日邀集相關部會、地方政府、媒體及民間團體召開保護性事件未成年被害人隱私保護研商會議決議，有關性侵害、兒少性剝削及兒少人口販運被害人身分資訊，媒體、任何人皆不得報導、記載或揭露被害人姓名、照片或影像、聲音、住址、親屬姓名或其關係、就讀學校與班級或工作場所及其他足資識別身分資訊。另《性侵害犯罪防治法》第 3 條已明定，主管機關及目的事業主管機關應就其權責範圍，針對性侵害防治之需要，尊重多元文化差異，主動規劃所需保護、預防及宣導措施。爰通訊傳播主管機關、文化主管機關可依前述規定對所管轄媒體辦理此類性侵害案件報導之教育訓練，以提升媒體從業人員相關知能。

四、我國廣電媒體依循自律、他律、及法律之內容製播新聞及節目，其中：

(一)自律部分：

為保護被害人，《中華民國衛星廣播電視事業商業同業公會新聞自律執行綱要》及《中華民國電視學會新聞自律公約》均針對報導性侵害案件訂有自律規範，包含：性侵犯案件不得報導被害人照片或影像、聲音、住址、親屬姓名及其關係、就讀學校、服務機關等詳細個人資料，或其他讓人足以辨識被害人身分之資訊。若加害人與被害人有親屬關係，應隱去加害人之相關資訊。

(二)他律部分：

若民眾認為廣電媒體播出涉及性侵害案件之內容有所不妥，可直接向廣電媒體反映，並由廣電媒體納入製播參考。

(三)法律部分：

1. 依《廣播電視法》第 21 條第 3 項及《衛星廣播電視法》第 27 條第 3 項規

定，廣電內容不得有違反法律強制或禁止規定、妨害兒童或少年身心健康，及妨害公共秩序或善良風俗等內容，爰廣電媒體在報導任何涉及性侵案件時，均須遵守上開規定製播內容。

2. 另依《廣播電視法》第 22 條規定，偵查或審判中之訴訟事件不得評論；且同法第 23、24 條均有更正權或答覆、答辯權之設計，以保障當事人權益。至如媒體報導涉有誹謗、公然侮辱或侵害他人之人格等情形，則受到刑法約束。
3. 《性侵害犯罪防治法》第 13 條第 1 項亦明定媒體不得報導被害人姓名或其他足資辨別身分之資訊等規範。

五、國家通訊傳播委員會每年針對製播節目之廣電事業從業人員規劃專業訓練，期藉此提升廣電事業從業人員之性平意識以及個資專業知能。近 2 年有關性平及個資之課程如下：

(一)性平方面，2020 年辦理與性別平權、媒體新典範翻轉性別暴力敘事、CEDAW 等議題相關之課程共計 6 場，出席人數合計 524 人次；2021 年辦理與性別平權、CEDAW 實踐尊重多元等議題相關之課程共計 5 場，出席人數合計 475 人次；2022 年下半年規劃辦理與性別平權、網路性別暴力、CEDAW 議題相關之課程共計 4 場。

(二)個資方面，2021 年辦理 1 場「隱私權保護在新聞處理中之實踐」課程，從隱私權與新聞自由、相關法律條文、採訪與報導中常見之侵害隱私權態樣及新聞處理建議等議題進行培訓，出席人數合計 156 人次；2022 年下半年規劃辦理 2 場「從廣播/電視節目認識個人資料保護法」課程，就個人資料保護法相關法令介紹、相關案例解說及經驗分享等議題進行培訓。

六、文化部每年賡續補助公民團體舉辦「性別平權與媒體自律」宣導活動：探討包括平面媒體及其延伸網路內容之性別暴力防治、性平觀念宣導等主題，亦包括適時納入避免基於性別之仇恨言論。

Response

1. Article 228 of the Criminal Code provides: a person who takes advantage of his authority over another who is subject to his supervision, assistance, caring because of family, guardian, tutor, educational, training, benefactor, official, or occupational relationship or a relationship of similar nature to have sexual intercourse with such other shall be sentenced to imprisonment for not less than six months but not more than five years. A person with relationship specified in the preceding paragraph who commits obscene act against such shall be sentenced to imprisonment for not more than three years. An attempt to commit an offense specified in paragraph 1 is punishable. According to the article mentioned above, the perpetrator must have a relationship with the victim, such as relatives, guardianship, and take advantage of the authority or opportunity accordingly to make the victim submit to sexual

intercourse or obscene act with him. Therefore, when the prosecutor investigates such a case, he must investigate and provide evidence on the constituent elements of the above-mentioned article.

2. The Sexual Assault Crime Prevention Act has clearly stated that publicity materials, publications, radio, television, Internet or any and all other kinds of media are not allowed to report or record the victim's name or other identifiable information. Nobody may disclose or expose the victim's name and other identifiable information via mass media or any other means.
3. In 2008, Ministry of Health and Welfare issued an official letter of "Principles for Mass Media's News Coverage of Victims of Sexual Assault Crime and Child and Youth Protection Cases". On February 25, 2020, we invited relevant ministries, local governments, mass media, and civil societies to convene a meeting on the privacy protection of minor victims of sexual assault cases, in which the resolutions of prohibition of news coverage, recording or disclosure of identities, names, photos or images, sounds and voices, addresses, names of relatives and their relationships, schools and classes or workplaces or any other identifiable information of the victims of sexual assault, child sexual exploitation and child trafficking was reached. In addition, Article 3 of Sexual Assault Crime Prevention Act clearly states that the competent authorities and relevant authorities shall respect multicultural differences, and shall be active in planning for the protection, prevention, and promotion measures in accordance with the needs of sexual assault prevention to the extent of its competence. Hence, the competent authorities of communication and cultures may, in accordance with the aforementioned provisions, conduct education and training for mass media located at their jurisdiction on news coverage of sexual assault cases, so as to improve the relevant knowledge of mass media staff.
4. Broadcasting enterprises in Taiwan comply with self-regulation, as well as other regulations and laws when producing and broadcasting contents:

(1) Self-regulation

In order to protect the victim, both the Executive Framework for Self-Regulation of News of the Satellite Television Broadcasting Association R.O.C and the Convention on Self-Regulation of News of the Association of Terrestrial Television Networks, Taiwan, R.O.C have self-regulatory rules pertaining to the reporting of sexual assaults; personal data of the victim, such as photos or images, voice, address, names and relationships of family members, schools, service agencies, or other identifiable information about the victim shall not be imparted. If the perpetrator is related to the victim, relevant information about the perpetrator shall also be withheld.

(2) Other regulation

If the general public is of the view that the broadcasting contents of a sexual assault case is inappropriate, they can communicate directly to the broadcast enterprise in question, which shall assess the opinions given for reference for future productions.

(3) Laws

- A. According to Paragraph 3, Article 21 of the Radio and Television Act and Paragraph 3, Article 27 of the Satellite Broadcasting Act, broadcasting enterprises are required to comply with stipulations that state the contents of radio/television programs shall not violate compulsory or prohibitive regulations under the law, impair the physical or psychological health of children or juveniles, and disrupt public order or adversely affect good social customs, all of which would also apply when reporting on any case involving sexual assault.
 - B. In addition, according to Article 22 of the Radio and Television Act, radio/television programs shall not comment on legal cases under investigation or trial; according to Articles 23 and 24 of the same act, the right to correction or response and defense rights are designed to protect the rights and interests of the parties. Media reports involving defamation, public insults or infringement of another person's character shall be subject to the Criminal Code of the Republic of China.
 - C. Paragraph 1, Article 13 of the Sexual Assault Crime Prevention Act also stipulates that a broadcasting enterprise shall not impart the name or any other personal identifiable information about the victim.
5. Each year, with the aim of raising awareness of gender equality and protecting personal data, the National Communications Commission organizes professional training courses for members of broadcasting enterprises that produce or broadcast programs. The courses on gender equality and personal data over the past two years are highlighted as follows:
- (1) With respect to gender equality, a total of six courses were organized during 2020 on issues related to gender equality, a new media paradigm - reversing the narrative of gender violence and CEDAW, with a total of 524 attendees; a total of five courses were organized during 2021 on issues related to gender equality and CEDAW to practice respect for diversity, with a total of 475 attendees; a total of four courses were organized in the second half of 2022 on issues related to gender equality, cyber gender-based violence and CEDAW.
 - (2) In terms of personal data, one course on the "Practice of Privacy Protection in News Process" was organized during 2021, which included training on issues related to right of privacy and freedom of the press, relevant legal provisions, common violations of privacy in reporting and news coverage, and suggestions on news

process, with a total of 156 attendees; two courses on the “Understanding the Personal Data Protection Act through Radio/ Television Programs” were organized during the second half of 2022, which included training on issues related to introduction of relevant regulations of the Personal Data Protection Act, explanation of relevant cases, and experience sharing.

6. Ministry of Culture continues to fund gender equality and media self-regulation events organized by NGOs each year: Topics discussed included the prevention of gender-based violence in print media and its expanded online content, and the promotion of the concept of gender equality, including the timely inclusion of the avoidance of gender-based hate speech.

Article 5 第 5 條 No.20 編號 20

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
20	<p>Stalking and Harassment Prevention Act (December 1, 2021)</p> <p>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?</p>	<p>跟蹤騷擾防制法 (2021 年 12 月 1 日)</p> <p>20. 雖然通過《跟蹤騷擾防制法》值得讚揚，但有必要釐清和闡述該法的運作原則。要為跟蹤取得實際保護令似乎很困難，且尚不清楚違法之情況為何。請就這部新法的這些方面提出詳細說明。另請說明新法如何幫助跟蹤行為的受害者復原及/或提供賠償。該法律及/或其執行機制是否包含任何措施，確保遭受交叉歧視（例如性別和身心障礙）的女性受到平等保護？內政部是否有意根據新法，對跟蹤案件及其處理方式進行審查？</p>

權責機關：內政部

回應：

- 一、依據《跟蹤騷擾防制法》第 5 條第 1 項規定，書面告誡核發後 2 年內再有跟蹤騷擾行為，即得聲請保護令；另為因應高危險個案，亦得依第 5 條第 2 項規定，免經書面告誡先行程序，職權聲請保護令。
- 二、《跟蹤騷擾防制法》將社政主管機關納入目的事業主管機關，目的在於提供被害人保護扶助、心理諮商等服務項目。
- 三、《跟蹤騷擾防制法》保護對象不因身分有所差別，只要有遭受跟蹤騷擾嫌疑，

警方受理後均依法調查犯罪及移送地方檢察署偵辦。

- 四、內政部為精進相關執法程序及品質，業邀集相關部會、民間團體及專家學者共 19 人，成立「防制跟蹤騷擾推動諮詢小組」，並於 2022 年 8 月 19 日召開諮詢小組會議，檢討《跟蹤騷擾防制法》施行以來案件處理情形；另將於該法通過 3 年後，通盤檢討相關成效及機制，持續精進相關規範。

Response

1. According to Paragraph 1, Article 5 of “Stalking and Harassment Prevention Act”, if within two years after the perpetrator has been warned in writing by the police and continues the stalking and harassment, the victim may apply to the court for a protection order. The prosecutor or police may apply to the court for a protection order ex officio with a waiver of a written warning.
2. The “Stalking and Harassment Prevention Act” incorporates the agencies that regulate social affairs into the competent authorities to provide victim protection, psychological counseling and other services.
3. Any suspicious case of stalking and harassment is encouraged to be reported to the police for preliminary investigation and shall be transferred to the local prosecutor’s office for further investigation.
4. In order to improve the relevant law procedures and quality, the MOI invited a total of 19 people from relevant agencies, non-governmental organizations, experts and scholars to set up the “Advisory Group to Promote the Prevention of Stalking and Harassment” and held a group meeting on August 19, 2022 to review the handling of the relevant cases since the “Stalking and Harassment Prevention Act” had come into effect. In addition, the MOI will continue to refine and review the effectiveness and the mechanism of the Act three years after it is passed.

Article 5 第 5 條 No.21 編號 21

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
21	<p>Gender-based cyberviolence</p> <p>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?</p>	<p>網路性別暴力</p> <p>21. 目前已提供相關資訊，指出針對女性和成年人的數位和網路暴力有所增加。第 4 次國家報告還包含有關女性受害者比例最高的統計資料。由於網路暴力會影響不同地區 (包括跨境) 的大量女性，因此涉及不同法律是否適用的複雜情況。網路暴力也更有可能影響年輕人，並涉及未成年加害者。有資訊顯示，現行法規無法控制數位/網路暴力，受害者無法取得保護令。政府打算如何制訂和實施具體法律，以充分保護受害者的權利並防止數位/網路性別暴力？</p>

權責機關：法務部、衛福部

回應：

一、我國為因應性別暴力之數位化、網路化，於 2022 年 3 月 10 日推出 4 部修法，包含：《刑法》、《犯罪被害人權益保障法》、《性侵害犯罪防治法》、《兒童及少年性剝削防制條例》。說明如下：

- (一) 《刑法》修正草案，增訂第 28 章之 1「妨害性隱私及不實性影像罪」章，增訂「性影像」之定義，並就未經同意攝錄性影像、違反他人意願攝錄性影像、未經同意散布性影像、製作或散布不實性影像之行為增訂相關

罪刑，期能完備法制，強化打擊數位網路性別暴力之相關犯罪。

- (二) 《犯罪被害人保護法》修正草案針對此等被害人，可補充性提供法律諮詢扶助、心理諮商轉介等保護措施，並準用「犯罪被害人保護命令」新制，以維護被害人的人身安全、人性尊嚴及訴訟權益。
- (三) 對不法拍攝、製造、散布兒少性影像者，於《兒童及少年性剝削防制條例》部分條文修正草案加重刑責，不讓兒童及少年受到任何形式的剝削、侵害，至於被害人保護措施(被害人身分隱私保護、司法權益保障、性影像移除下架等)，則納入《性侵害犯罪防治法》修正草案修正，並提高加害人懲處與處遇，針對強暴脅迫方式拍攝者進行身心治療、觀護特殊處遇及登記報到等監督措施，防治加害人再犯，以專章保護、加重罪責、提供被害人相關協助、配套措施等方向同步研修，架構更完善的防護網絡。
- (四) 《性侵害犯罪防治法》修正草案、《兒童及少年性剝削防制條例》部分條文修正草案經 2022 年 3 月 10 日行政院院會通過，於當日函送立法院審議，立法院衛生環境委員會及司法法制委員會於 3 月 30 日及 31 日召開審查會議，因性影像部分涉及刑法新增妨害性隱私及不實性影像罪，爰除性影像移除下架機制待協商外，其餘部分已審查完竣，後續將配合立法院審查事宜。

二、另為在上述法制完備前，有效提供未經同意遭散布性私密影像及不實性影像之成年被害人服務，衛生福利部自 2021 年起辦理「數位/網路性別暴力被害人保護服務計畫」，建置「私 ME 成人遭散布性私密影像申訴服務網」，被害人申訴、協助性影像及時下架與刪除，及後續法律諮詢與轉介等服務，另衛生福利部在 2022 年 8 月和婦女團體及網路平台業者 Meta 網絡合作推動 StopNCII (停止未經同意散布性私密影像) 計畫，連結民間團體共同建構綿密防禦網絡，阻擋網路性私密影像之散布。

Response

1. In response to the digitization of gender-based violence, we launched 4 amendments on March 10, 2022, including: Criminal Law, Crime Victim Protection Act, Sexual Assault Crime Prevention Act, and Child and Youth Sexual Exploitation Prevention Act. These are explained as follows:

- (1) For the draft amendment to the Criminal Code, it adds Chapter 28-1 "Offenses against Sexual Privacy and False Sexual Images", the definition of "sexual images", the offenses of recording sexual images without consent or against the will of others, the offenses of disseminating sexual images without consent and the offenses of making/disseminating false sexual images. By improving the legal system, we expect to strengthen the crackdown on crimes related to digital gender-based violence.

- (2) The Amendment to “the Crime Victims Protection Act” can supplement these victims with legal counseling assistance, psychological counseling and referrals, and mutatis mutandis to the new regulations of the “Crime Victim Protection Order”, so as to protect their personal safety, human dignity and litigation rights.
 - (3) Those who unlawfully shoot, produce, and distribute sexual images of children shall be subject to certain enhanced punishments stipulated in the draft amendment of the “Child and Youth Sexual Exploitation Prevention Act” to protect children and juveniles from being exploited or violated in any form. As for the protection measures for victims of offense against sexual privacy and false videos and images (protection of victim's identity privacy, protection of judicial rights and interests, and removal of sexual images), we included the draft amendments to the Sexual Assault Crime Prevention Act, and enhanced the punishment of offenders. For those who are unlawfully forced to shoot videos and images, physical and mental treatment and regular registration are stipulated to prevent the offenders from conducting the crimes again, and dedicated chapters are stipulated to provide additional protection and assistance to the victims, punishments are enhanced, and related supporting measures are proposed for discussion to build a more comprehensive protection network.
 - (4) The draft amendments to the Sexual Assault Crime Prevention Act and Child and Youth Sexual Exploitation Prevention Act were approved by the Executive Yuan and submitted to the Legislative Yuan for review on March 10, 2022, whose Health and Environment Committee and the Judiciary and Organic Laws Committee held the review meetings on March 30 and 31. Because the sexual images involve offenses against sexual privacy and false sexual videos and images were newly added in the Criminal Code of the Republic of China, except for the mechanism for removing sexual images which is still under discussion, the rest of the review has been completed, and the follow-up cooperation with the Legislative Yuan will be carried out.
2. In addition, to effectively provide services for adult victims of non-consensual pornography and false sexual videos and images before the above-mentioned legal system is completed, the Ministry of Health and Welfare started to implement the “Program for Digital/On-line Gender-Based Violence Victim Protection” since 2021 to establish a website for filing complaints of non-consensual pornography to assist victims in the timely removal and deletion of sexual videos and/or images, and follow-up with legal consultation and referral services. Furthermore, in August 2022, we cooperated with women’s groups and on-line platform supplier Meta in

promoting the Project StopNCII (Stop Non-Consensual Videos and Images) to link civil society to jointly build an intensive defense network to prevent the distribution of on-line non-consensual pornography.

Article 6 第 6 條 No.22 編號 22

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
22	<p>Article 6: Exploitation of prostitution of women</p> <p>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?</p>	<p>第 6 條： 女性賣淫剝削</p> <p>22. 針對台灣的「我國性交易服務者轉業資源盤點及政策建議研究報告」(第 6.22 點)，請提供 2020 年研究的主要發現，以及相關部會和機構制訂的應對措施。另請提供資訊說明有多少成年女性性工作者根據《特殊境遇家庭扶助條例》申請扶助，以及其中有多少人取得緊急生活扶助。也請提供資訊，說明迄今為止對此類扶助是否足以幫助其擺脫賣淫的任何評估、性產業中的女性本身是否有其他任何提議，以及是否正在考慮採取其他任何額外措施。對於瑞典將女性賣淫除罰化並提供扶助，同時透過懲罰遏制男性嫖客需求的模式，研究結果為何？是否進行社會討論將此作為替代政策？</p>

權責機關：性平處、衛福部、內政部

回應：

一、2020 年「我國性交易服務者轉業資源盤點及政策建議」研究發現概述如下：

- (一) 成人女性從事性交易的原因：個人或家庭經濟困難、家庭支持缺乏、社會福利排除、就業市場排除等，甚至因非法借貸威脅人身安全，以致被迫從事性交易等，其他亦包含受到曾從事或接觸性交易經驗之親友影響等。
- (二) 影響性交易女性轉業意願或轉業是否成功之因素，包含：遭受社會汙名，自信心低落，致使求助意願低落、健康因素、高額債務、轉業後收支無法平衡、就業困難(缺乏轉業技能、習慣性交易服務工作型態難以適應轉業後工作等)、缺乏社會支持、與社會網絡脫節等。此外，從事性交易對身心靈往往造成傷害，亦較難信任他人，需要透過信任之機構及專業人員花費較長時間與其建立信任關係後，較能促使其願意接受服務，提供的服務，包含：完善且便利社福網絡、身心靈健康關懷、友善就業服務、準備性職場服務，提供過渡性就業機會，並協助適應及重建自信等。
- (三) 政府缺乏專門協助性交易女性脫離或轉業之政策和措施：我國各種社會福利資源，如：經濟補助、就創業協助、債務協商、法律諮詢、托育服務、就學資源等，散見各機關，凡符合資格者均為服務對象，非以性交易女性專屬使用。性交易女性很難從政府網站找到求助管道、資訊及服務。
- (四) 經濟支持不足：《社會救助法》提供的補助，因須列計全家工作人口並符合資產認定標準，實務上申請困難；雖可依《特殊境遇家庭扶助條例》第 4 條第 1 項第 7 款事由，由縣市主管機關社工評估審認後，予以提供緊急生活扶助，但屬短期補助(該條例第 6 條規定申請緊急生活扶助者，按當年度低收入戶每人每月最低生活費用標準一倍核發，每人每次以補助三個月為原則，同一個案同一事由以補助一次為限)。補助期間及金額恐不足支應轉業過渡期之經濟需求。
- (五) 勞動部與內政部合作之轉業機制作服務利用率低：各警察機關於查獲性交易女性時，詢問是否有意願轉業時，可協助轉介就服機構，但多數表示無轉業意願，或是原本有求職意願，但公立就業服務機構之就業服務員與其聯繫時，已無轉業意願。

二、相關部會和機構制定的應對措施如下：衛生福利部於 2022 年 3 月 29 日函頒「協助從事性交易女性轉業輔導措施(2022 至 2024 年)」，由衛生福利部、內政部及勞動部共同推動服務，詳如附件 2。

三、依據各地方政府統計，截至 2022 年 8 月底計 1 人申請特殊境遇家庭緊急生活扶助，並獲核定補助。地方政府針對是類對象會進行關懷訪視，並提供其後續轉業輔導協助。

四、為持續蒐集從事性交易女性之經驗態樣與服務需求，衛生福利部依「協助從事性交易女性轉業輔導措施(2022 至 2024 年)」，以地方警政、勞政及社政單位三方協力合作方式，期提升從事性交易女性轉業意願，協助排除轉業障礙，並於 2022 年 8 月 8 日結合財團法人台北市婦女救援社會福利事業基金會規劃辦理全國社政單位人員專業培訓，課程內容包括北歐三國輔導性交易

女性退出的輔導措施、臺北市協助從事性交易女性轉業輔導措施與經驗分享、民間組織服務從事性交易女性經驗分享、分組討論等，以強化社政單位專業人員在協助從事性交易女性轉業之專業知能及敏感度，同時促進交流討論暨網絡合作。

五、有關「社會秩序維護法第 80 條與『消除對婦女一切形式歧視公約』精神關聯性與修法之研究」，對我國性交易管理政策提出近程、中程及遠程建議，並已送請各相關機關參考：

1. 近程：各地方政府應在「社會秩序維護法」第 91 條之 1 的法定框架下設置性交易專區，以保障性工作者權益。警察機關取締非法性交易，應強化執法蒐證能力，避免執法結果產生性別差異。
2. 中程：中央應制定性交易行業管理專法，依立法目的之不同，以經濟部或衛生福利部為主管機關，跨域整合各相關機關專業及權責，共同治理性交易各面向問題。
3. 遠程：階段性將性交易行為除罰化，管制重點應在於剝削性工作者之性交易第三人。同時應顧及民意，加強民眾性教育及建立正確觀念，導正社會對性工作者之歧視看法與態度。

Response

1. The 2020 "Research Report on the Inventory of Assistance Resources and Policy Recommendations for Career Transition of the Sex Service Providers in Taiwan" findings are summarized as follows:

- (1) Reasons for adult females to engage in transactional sex: Personal or family financial difficulties, lack of family support, exclusion from social welfare, exclusion from the job market, and even threats to personal safety due to illegal borrowing, which forced them to engage in sex trade. Other reasons include the influence of friends and relatives who have engaged in or had contact with the sex trade.
- (2) Factors affecting the willingness or success of women in the sex trade to change careers include: social stigma, low self-confidence, low willingness to seek help, health factors, high debt, inability to balance income and expenses after changing careers, employment difficulties (lack of skills to change careers, and difficulty in adapting to post-transactional work style), lack of social support, and disconnection from social networks. In addition, engaging in the sex trade often causes physical and mental harm, and makes it difficult to trust others, as it takes a longer time to build a trusting relationship with a trusted organization and for professionals to motivate them to accept the service. The services provided include: comprehensive and convenient social welfare networks, physical and mental health care, friendly employment services, preparatory workplace services, transitional employment opportunities, and assistance in

adapting and rebuilding self-confidence.

(3) The government lacks policies and measures to assist women in the sex trade to leave or change jobs: Various social welfare resources in Taiwan, such as financial assistance, assistance in starting a business, debt negotiation, legal advice, childcare services, and schooling resources, are scattered across various agencies, and all eligible persons are the target of services, as they are not exclusively for women in the sex trade. It is difficult for women in the sex trade to find help channels, information and services from government websites.

(4) Inadequate financial support: The assistance provided by the Public Assistance Act is difficult to apply for in practice because the entire working family must be listed and meet the asset recognition criteria.

Although emergency living assistance can be provided in accordance with Article 4, Item 1, Paragraph 7 of the Act of Assistance for Family in Hardship by the social workers of the competent county or city authorities after assessment and approval, it is a short-term subsidy (Article 6 of the Act stipulates that the woman who is qualified for emergency life assistance shall be subsidized double the amount of the lowest living expense per person per month of low-income family by current year. The subsidy term is for three months and same case for the same reason is limited to one subsidy.)The subsidy period and amount may not be sufficient to meet the financial needs of the transition period.

(5) The Ministry of Labor and the Ministry of the Interior cooperative transitional services usage rates are low: When the police agencies asked women who were caught in the sex trade if they wanted to change jobs, they could help refer them to service agencies, but most of them said they did not want to change jobs, or they had wanted to change jobs, but when they were contacted by the public employment service, they no longer wanted to change jobs.

2. The Ministry of Health and Welfare issued a letter dated March 29, 2022, entitled “Counseling Measures to Assist in Work Transition for Women in the Sex Trade (2022-2024)”, which was jointly promoted by the Ministry of Health and Welfare, Ministry of the Interior, and Ministry of Labor. The details are as shown in Appendix 2.

3. According to local government statistics, there was 1 person who applied for and was granted Assistance for Family in Hardship by the end of August 2022. Local governments also conduct well-care visits and provide after-care career change counseling and assistance.

4. To enable the continuous archiving of female sex workers’s experiences and needs, the Social and Family Affairs Administration, Ministry of Health and Welfare issued

the “Counseling Measures to Assist in Work Transition for Women in the Sex Trade (2022-2024)” on March 29, 2022, which aims to increase the willingness of female sex workers to change careers and helps to remove barriers to this goal through the tripartite efforts of local police, labor, and social administrations. Furthermore, the Ministry partnered with Taipei Women’s Rescue Foundation to provide professional training on August 8, 2022 for social administration staff members nationwide. Training content included the counseling measures of the Nordic model approach in assisting women to leave the sex trade, counseling measures for the same purpose and the sharing of work experiences to that effect by the Taipei City government, sharing of experiences by civil organizations in caring for female sex workers, and discussions in small groups. The training’s ultimate goal is strengthen social administration personnel’s expertise and sensitivity when assisting women in the sex industry to change their profession as well as to encourage dialogue and networking for future collaboration.

5. “A Study on the Spiritual Relevance and Amendment of Article 80 of the Social Order Maintenance Act and the Convention on the Elimination of All Forms of Discrimination against Women” submits short-term, middle-term and long-term suggestions on the country's prostitution management policy, which have been sent to relevant agencies for reference:

- (1) Short-term Suggestion:

Local governments shall set up sex districts within the statutory framework of Article 91-1 of the “Social Order Maintenance Act” to protect the rights and interests of sex workers. With regard to prohibiting illegal sex trade activities, the police departments shall strengthen their abilities to collect evidence to avoid sexism in law enforcement.

- (2) Middle-term Suggestion:

The central government shall formulate a special law on the management of the sex trade industry and in terms of different legislative purposes, combine the Ministry of Economic Affairs with the Ministry of Health and Welfare as the competent authorities to set up mechanism for relevant agencies to jointly address all aspects of issues concerning sex trade.

- (3) Long-term Suggestion:

The government shall de-penalize the sex trade by stages. The target object of the sex trade control shall be on the third parties who engage in the exploitation of sex workers. Meanwhile, the public opinion shall be taken into account to avoid general bias towards sex workers through comprehensive sex education and appropriate values establishments.

Article 7 第 7 條 No.23 編號 23

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
23	<p><i>Article 7:</i> Women’s representation in political and public decision-making 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.</p> <p>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?</p> <p>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?</p> <p>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</p>	<p>第 7 條： 女性在政治及公共決策中的代表性 23. 台灣在執行 CEDAW 第 7 條方面的表現值得讚揚。然而，一些改進似乎並不均衡，政府需要予以重大關注。</p> <p>a) 《地方制度法》要求女性占比要達 25%，但在直轄市長和縣（市）長中，女性代表性極低。是否進行過任何研究，說明地方政治中持續存在的性別不平等現象？是否有計畫修正《地方制度法》第 33 條，提升這些選區的女性代表性？</p> <p>b) 這些選區的女性代表性一向偏低，是否就背後可能的社會或文化原因進行研究，及/或是否制訂任何政策或採取措施來加以應對？</p> <p>c) 一般而言，三分之一配額的原則已採用一段時日。有鑑於此門檻是女性有意義地參與政治和決策結構的最低要求，是否有計畫對其進行修正以要求平等？</p>

	structures, are there any plans to amend it to require parity?	
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權責機關：內政部、性平處

回應：

- 一、我國現行選舉法規並未限制女性選舉權或被選舉權。直轄市長及縣(市)長選舉因是採單一選區相對多數投票制，依《公職人員選舉罷免法》第 67 條規定，由該選舉區候選人得票較多者當選，故未納入保障女性當選名額制度。各級地方民意代表選舉採複數選區單記不可讓渡投票制，為確保女性參政權，已定有女性候選人最低當選名額規定。
- 二、依據《地方制度法》第 33 條規定，各選舉區選出之直轄市議員、縣(市)議員、鄉(鎮、市)民代表名額達 4 人者，應有婦女當選名額 1 人；超過 4 人者，每增加 4 人增 1 人。2018 年各級地方民意代表選舉中，直轄市議員、縣(市)議員、鄉(鎮、市、區)民代表女性當選比率分別為 35.8%、32.1%、24.9%。
- 三、為提升女性參政機會，內政部推動《地方制度法》第 33 條研修作業，擬將婦女當選名額修正為男女當選名額，並提高保障額度為每 3 人應各有 1 人，惟因提高性別比例涉及選舉制度調整，攸關選民與候選人之參政權益、選舉區劃分及地方政治生態發展等，影響層面較深且廣，尚未獲修法共識。將持續透過補助大學或學術研究機構辦理性別平等參政或公民參政權保障相關議題之學術研討會、座談會，凝聚各界共識，審慎研議。
- 四、內政部業擬具《政黨法》草案，規範政黨應提撥政黨補助金百分之五，用以培育或促進女性參與政治活動。(內政部提供)
- 五、行政院已將「提升地方民意代表女性當選比率」納入「性別平等重要議題(2022-2025 年)」，內政部亦相應將推動《政黨法》修法作業、於選舉期間鼓勵政黨黨內初選之女性參與、補助大學或學術研究機構辦理性別平等參政或公民參政權保障相關議題之學術研討會、座談會，以及持續推動《地方制度法》第 33 條提高地方民意代表婦女保障名額修法作業並凝聚各界修法共識等，納入其 2022-2025 年性別平等推動計畫之具體做法或績效指標辦理。(請併參考專要文件 7.3-7.4)
- 六、有關三分之一配額原則是女性有意義地參與政治和決策結構的最低要求，是否有計畫對其進行修正一節，我國已將推動性別平衡原則納入性別平等政策綱領，作為上位指導方針，並於「性別平等重要議題(2022-2025 年)-促進公私部門決策參與之性別平等」中，將「各部會所屬委員會委員任一性別比例達 40%之達成度」，列為關鍵績效指標之一，引導部會不以三分之一性別比例為決策中女性代表之上限，積極朝向 40%持續邁進，並以 2025 年達到 75%的達成率為目標，積極提升女性在政治及公共決策中的代表性。

Response

1. The election rules of the R.O.C.(Taiwan) do not impose any restrictions on women's

suffrage rights or their right to be elected. The election of the special municipal mayor and county (city) mayor is based on a single constituency relative majority voting system. According to Article 67 of the “Civil Servants Election and Recall Act”, the candidate who gets the relatively majority vote shall be elected. Therefore, the election of the special municipal mayor and county (city) mayor is not included in the guaranteed female quota system.

2. The election of local representative elections at all levels is based on a single non-alienable voting system for plural constituencies. In order to protect women’s right to participate in politics, there are quotas for female candidates that must be filled during representative elections on the local level. Article 33 of the “Local Government Act” requires that at least one woman must be elected to municipality/county/city/urban township/rural township councils with at least four available seats; for every additional four seats, the minimum number of elected women must increase by one. In 2018 local representative elections at all levels, the ratios of female elected to municipality council members, county/city council members, and urban and rural township council members were 35.8%, 32.1%, and 24.9%.
3. There is a proposal which has been put forward to enhance women's political participation opportunities and to promote reviews and modifications in Article 33 of the “Local Government Act”. The proposal is for each gender to be protected under this modification, and for the mandatory number of seats reserved for each gender; meanwhile, the number of the seats reserved shall include both men and women for every 3 persons. However, since increasing the gender ratio would involve adjustments to elections, which would affect the suffrage rights of voters and candidates to participate in politics, the demarcation of election districts, and the development of local political environment, the effects would be broad and significant. No consensus agreement has been reached so far. The MOI will continue to organize academic seminars and symposiums on issues related to gender equality in political participation and the protection of citizens’ suffrage rights through subsidizing universities or academic research institutions, in order to build consensus among all sectors and to carefully conduct deliberations on these issues.
4. The MOI has drafted an amendment to the “Political Parties Act” to ensure that the political parties would allocate 5% of their subsidies for training and encouraging women to participate in political activities.
5. The Executive Yuan has included "increasing the proportion of women elected as local representatives" in the "Important Gender Equality Issues (2022-2025)". The Ministry of the Interior will also promote the amendment of the Political Parties Act, encourage women to participate in party primaries during the election period, and

subsidize universities or academic research institutions to hold academic seminars and symposiums on issues related to gender equality in politics or the protection of citizens' right to participate in politics. In addition, the government will continue to promote the amendment of Article 33 of the Local Government Act to increase the quota for the protection of women elected in local representative elections and gather consensus from all sectors to amend the law. (Please also refer to 7.3-7.4 of the special document)

6. In the section on whether there are plans to revise the one-third quota principle, which is the minimum requirement for women's meaningful participation in political and decision-making structures, Taiwan has included the promotion of the gender balance principle in the Gender Equality Policy Guidelines as an overarching guideline. The "Gender Equality Policy Guidelines (2022-2025) - promoting gender equality in public and private sector decision-making", including among key performance indicators "the achievement of the percentage of either gender reaching 40% of members of committees of each ministry". The goal is to increase women's representation in political and public decision making by actively moving toward 40% and reaching 75% by 2025, instead of setting the upper limit of one-third gender representation in decision making.

Article 7 第 7 條 No.24 編號 24

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
24	<p>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?</p>	<p>24. 第 4 次報告指出，內政部正在與各政黨合作，確保各政黨也將資金用於培育女性。此外，報告指出《政黨法》修正草案 (2020 年 9 月送交行政院) 規定政黨須將一定比例之補助款用於培育女性。是否能請貴單位分享關於此修正案的後續發展？</p>

權責機關：內政部

回應：

《政黨法》修正草案，業經行政院於 2021 年 1 月 29 日審竣，後續循法制作業程序提行政院院會審查通過後，報立法院審議，並持續配合立法院審議情形，積極推動修法事宜。

Response

The reviewing procedure of the amendment of "Political Parties Act" has finished by Executive Yuan on January 29th, 2021 and will be sent to the Legislative Yuan for examination after the final discussion of Cabinet's weekly meeting. The MOI will in coordination with the Legislative Yuan, continue to promote the draft amendment.

Article 7 第 7 條 No.25 編號 25

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
25	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?	25. 女性在決策職位上不平等的另一項問題領域在於司法部門。雖然女性法官的人數有所增加，但依舊未見女性擔任檢察總長和大法官等最高階的司法職位。不久的將來，預計採取哪些措施來改變這種情況？

權責機關：司法院

回應：

- 一、依中華民國憲法增修條文第 5 條規定：「(第 1 項)司法院設大法官十五人，並以其中一人為院長、一人為副院長，由總統提名，經立法院同意任命之，自中華民國九十二年起實施，不適用憲法第七十九條之規定。司法院大法官除法官轉任者外，不適用憲法第八十一條及有關法官終身職待遇之規定。(第 2 項)司法院大法官任期八年，不分屆次，個別計算，並不得連任。但並為院長、副院長之大法官，不受任期之保障。...」
- 二、依前項規定，大法官之產生係由總統提名，經立法院同意後任命；歷任及現任女性大法官之情形如下：第 1 屆大法官(1948-1958 年)及第 2 屆大法官(1958-1967 年)未有女性大法官；第 3 屆大法官(1967-1976 年)有 2 位女性大法官；第 4 屆大法官(1976-1985 年)有 1 位女性大法官；第 5 屆大法官(1985-1994 年)有 1 位女性大法官；第 6 屆大法官(1994-2003 年)有 1 位女性大法官；2003 年就任大法官有 3 位女性大法官；2011 年有 2 位女性大法官就任；截至 2022 年止，現任司法院大法官 15 位中有 4 位是女性。
- 三、截至 2022 年 8 月底，女性法官及大法官之比例分別為 52.24%及 26.7%。大法官之提名為總統權責，而檢察總長係由法務部掌理，因此大法官及檢察總長女性比例並非由司法院決定。

Response

1. According to Article 5 of the Constitutional Amendments, (Para.1) the Judicial Yuan shall have 15 grand justices. The 15 grand justices, including a president and a vice president of the Judicial Yuan to be selected from amongst them, shall be

nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic. This shall take effect from the year 2003, exemption from the provisions of Article 79 of the Constitution. The provisions of Article 81 of the Constitution and pertinent regulations on the lifetime holding of office and payment of salary do not apply to grand justices who did not transfer from the post of a judge. (Para. 2) Each grand justice shall serve a term of eight years, independent of the order of appointment to office, and shall not serve a consecutive term. The grand justices serving as president and vice president of the Judicial Yuan shall not enjoy the guarantee of an eight-year term.

2. According to the aforesaid Article, the 15 grand justices are nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic. The numbers of the former and current female Justices are as follows: There was no female Justice in the First (1948-1958) and the Second Constitutional Court (1958-1967) Term. Two female Justices served in the Third Constitutional Court term (1967-1976). One female Justice served in the Fourth Constitutional Court term (1976-1985), the Fifth Constitutional Court (1985-1994) and the Sixth Constitutional Court term (1994-2003) respectively. Three female Justices took office in 2003. Two female Justices took office in 2011. As of 2022, four female Justices serve amongst the current fifteen Justices in the Constitutional Court.
3. As of August 31, 2022, the percentage of female judges and female Grand Justices in the country are respectively 52.24% and 26.7%. The Grand Justices are nominated by the President and the Prosecutor General is subordinate to the Ministry of Justice. Therefore the numbers of female Grand Justices and female Prosecutor General are not determined by the Judicial Yuan.

Article 7 第 7 條 No.26 編號 26

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
26	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?	26. 還有另一項令人擔憂的領域，即是在制訂和實施性別平等政策時，來自多元背景的女性代表性不足，尤其是弱勢女性。其他來源特別強調在制訂性別平等政策時，缺乏農村、原住民背景的女性，以及身心障礙女性、老年婦女和 LGBTI+ 女性的代表性。是否有任何計畫可以及時糾正這種情況？

權責機關：性平處、農委會、衛福部、內政部、原民會

回應：

- 一、2021 年修正函頒之《性別平等政策綱領》，已關注不利處境者(如原住民族、新移民、高齡、身心障礙、農村及偏遠地區女性、女童，以及同性戀、雙性戀、跨性別者與雙性人等)權益，揭示增加不利處境女性參與決策的機會，納入其經驗與觀點，從多元的角度，促進性別內的平等，並請部會以性平綱領為藍本，訂定性別平等推動計畫，落實相關工作。(請併參考專要文件第 3 條、3.8)
- 二、《性別平等政策綱領》及性別平等重要議題等相關政策之修/擬訂，均邀請行政院性別平等會委員及專家學者參與研議，統計行政院第 5 屆性別平等委員會委員共計 34 人(女性 18 人、男性 16 人)，其中民間委員 17 人，包含身心障礙女性 2 人、原住民女性 1 人、LBTI+女性 1 人、農村及偏遠地區女性 1 人，以及高齡婦女 1 人，參與討論之委員已包含多元背景之女性代表。
- 三、為促進身心障礙女性積極參與立法與政策之決策過程，研擬身心障礙者權益保障法第 10 條修正草案，提升身心障礙者參與人數比率至總數之四分之一，且應兼顧各障礙類別之均衡，任一性別不得少於總數三分之一。目前衛生福利部身心障礙者權益保障推動小組委員計有 33 人，其中女性障礙者委員計 7 人，達 21%。

- 四、衛生福利部老人福利推動小組設置要點明定小組委員任一性別比率不得少於三分之一。目前委員計有 27 人，其中女性 14 人，占 51.9%；全體委員之老人代表計 6 人，其中 2 人為女性。
- 五、為鼓勵更多新住民積極投入各項公共事務參與，「新住民發展基金收支保管及運用辦法」第 5 條第 2 項明定專家學者、新住民及相關民間團體代表委員，具新住民、新住民子女身分之比例不得少於二分之一。2022 年新住民發展基金管理會第 4 屆委員，具新住民及新住民子女身分者達 9 人，占非公部門委員比例 53%。(內政部提供)
- 六、行政院農業委員會將鼓勵相關單位於訂定與農村婦女相關計畫時，特別邀請農村背景之女性委員、或身心障礙女性、老年婦女和 LGBTI+女性的代表提供建議，將性別平等觀點融入各項計畫中，以確實推動農村婦女權益之實現。
- 七、辦理原住民族女性意見領袖論壇，每二年邀請南島民族論壇 12 個會員，每會員推薦 1 名女性來臺交流，透過工作坊或圓桌論壇形式，學習各國原住民族女性成功經驗，提升性別平等，拓展女性參與公共事務決策機會。另每二年推薦 10 名婦女出訪南島民族相關會議與參訪，進行社福、性別、健康、教育、環境等事務交流。
- 八、原住民族委員會自 2015 年起推動之「百萬創業計畫」，提供百萬創業金及企業顧問診斷輔導，提升原住民族創業之競爭力；2021 年特別針對原住民族女性創業需求，首次與美國在台協會共同推動「百合綻放新創學程計畫」，提供一系列培訓課程活動，激發女性族人創新創業構想，2021 年共有 28 位女性受益。

Response

1. The Gender Equality Policy Guidelines, as amended and promulgated in 2021, are concerned with the rights of people in disadvantaged situations (e.g., indigenous women, new immigrants, elderly women, women with disabilities, rural and remote women, girls, and lesbian, gay, bisexual, transgender, and intersex people), and reveal to increase opportunities to the participation of women from disadvantaged backgrounds in decision-making, to incorporate their experiences and perspectives, and to promote gender equality from a pluralistic perspective. The Ministries are also requested to develop Gender Equality Promotion Programs based on the Gender Equality Policy Guidelines and to implement related work. (Please also refer to Article 3 and 3.8 of the Special Documents)
2. Members of the Gender Equality Committee under the Executive Yuan as well as experts and scholars were invited to participate in the revision/drafting of the Gender Equality Policy Guidelines and other related policies on important gender equality issues. According to the statistics, there are 34 members of the 5th Gender Equality Committee of the Executive Yuan (18 women and 16 men). Among them, there are

17 civil society members, including two women with disabilities, one indigenous woman, one LGBTI+ woman, one woman from rural and remote areas, and one elderly woman.

3. To promote the active participation of women with disabilities in the legislative and policy decision-making process, an amendment bill is proposed for Article 10 of the People with Disabilities Rights Protection Act to increase the participation rate of persons with disabilities to one-fourth of the total number of participants, paying attention also to the balance between disability categories, and the percentage of members of either gender to be no less than one-third of the entire group. Currently, the Ministry of Health and Welfare's Committee of the Promotion of the Rights of Persons with Disabilities has 33 members, among which 7 members, i.e. 21%, are women with disabilities.
4. Additionally, the Ministry of Health and Welfare's Promotion Team for Senior Welfare is formed with the requirement that the ratio of members of either gender shall not be less than one-third. There are currently 27 members on the committee, among which 14 members are women, i.e. 51.9%, of the committee roster. The committee also has 6 senior representatives of which 2 are women.
5. The Regulations on the Revenues, Expenditures, Custody and Utilization of the New Immigrants Development Fund, to encourage more new immigrants to actively participate in various public affairs, set out the proportion of new immigrants on the New Immigrants Development Fund Management Committee. Under its' Article 5 Paragraph 2, is provided that new immigrants and their children shall constitute no fewer than half of the members referred to, among experts, scholars and representatives of new immigrants and related non-governmental organizations. There are 9 members who are new immigrants and their children, accounting for 53% of the non-public sector members in the 4th slate of the New Immigrants Development Fund Management Committee.
6. The Council of Agriculture will encourage relevant units to formulate plans related to rural women, invite women of rural, indigenous backgrounds as well as women with disabilities, elderly women and LGBTI+ women to provide advice, and integrate a gender equality perspective into programs to truly advance the realization of rural women's rights.
7. The Council of Indigenous Peoples also organize the Indigenous Women's Opinion Leaders Forum, invite 12 members of the Austronesian Ethnic Forum every two years, and each member recommends 1 woman to come to Taiwan for exchanges. Through workshops or roundtable forums, they can learn the successful experience of Indigenous women in various countries and improve gender equality, while expanding opportunities for women to participate in decision-making in public

affairs. In addition, 10 women are recommended to visit Austronesian ethnic-related conferences and visits every two years to conduct exchanges on social welfare, gender, health, education, environment and other matters.

8. Since 2015, The Council of Indigenous Peoples has implemented the "Entrepreneurial Guidance Program for indigenous peoples", providing millions of entrepreneurial funds and business diagnosis and guidance to enhance their competitiveness. In 2021, the Council of Indigenous Peoples has jointly launched the "Inspiring Women Entrepreneurs Program" with the American Institute in Taiwan in response to the need of entrepreneurship among indigenous women, providing a series of training courses and activities to initiate innovation and start-up ideas among indigenous women. In 2021, a total of 28 indigenous women directly benefited.

Article 7 第 7 條 No.27 編號 27

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
27	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?	27. 雖然性別平等機制已在許多層級的政治和公共行政機構中制度化,但令人驚訝的是,總統府不存在此類機制。背後的原因是什麼?由於性別平等機制和政策將受益於最高層級的協調,是否有計畫在總統府引入此類機制?

權責機關：總統府、性平處

回應：

- 一、基於尊重憲法及法制基本規範，並促進總統府性別地位的實質平等，總統府已於 2013 年成立性別平等小組，迄今召開 13 次會議，並推動各項性別平權工作如：檢視或建議總統府法制、行政措施；檢視及改進總統府性別友善環境；性騷擾防治及處理申訴案件；總統府同仁性別平等觀念宣導及訓練；總統府性別預算及統計等。小組成員包含職員代表及專家學者，性別比例均符合 CEDAW 「任一性別比例不得少於三分之一」規範。
- 二、另行政院為整合、協調及督導各機關（構）性別平等事務之推動，已設立行政院性別平等會，並由行政院性別平等處擔任其幕僚工作，作為我國性別平等專責機制，藉以統合跨部會各項性別平等政策，並督導中央各部會及地方政府落實性別主流化，使政府整體施政能落實性別平等及納入性別觀點。

Response

1. The Office of the President (OOP) established a gender equality task force in 2013 out of respect for the constitution and fundamental legislative norms, and to advance substantive gender equality at the OOP. The task force has convened 13 meetings to date and has worked to promote gender equality at the OOP through a variety of means, including reviewing or recommending legislative or administrative measures; reviewing and improving the office's environment for gender equality; preventing and handling reports of sexual harassment; promoting gender equality and training staff in gender equality concepts; and adopting a gender equality budget and compiling related statistics. Members of the gender equality task force include

- staff representatives, experts, and scholars, with its membership complying with the CEDAW requirement that no sex shall account for fewer than one-third of the group.
2. The Executive Yuan, in order to integrate, coordinate, and oversee different agencies' efforts to promote gender equality, has established the Gender Equality Committee, with the Executive Yuan Department of Gender Equality responsible for handling the committee's administrative work. As our dedicated national agency for gender equality, this committee coordinates gender equality policies across government ministries and oversees the implementation of gender mainstreaming in central government ministries and local governments throughout Taiwan. Through these efforts, the committee helps our government realize gender equality and incorporate different gender perspectives into its work.

Article 7 第 7 條 No.28 編號 28

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
28	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, <i>inter alia</i> , 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.	28. 其他來源的資訊顯示，對女性政治家的騷擾日益增加。雖然這是一種全球趨勢，部分原因是網際網路和社群媒體提供新的管道，可以有效且廣泛地傳播包括但不限於厭女態度，需要採取有效措施予以應對。在臺灣也有資訊顯示，女性政治家尤其會受到仇恨言論影響，這是一種性別暴力形式。請提供資訊說明是否制訂任何研究、政策和措施，以瞭解和打擊針對女性政治家及/或高階職位女性的網路暴力和仇恨言論。

權責機關：內政部、法務部

回應

- 一、數位／網路性別暴力依個案情節，可能構成刑法妨害風化罪、妨害秘密罪、恐嚇危害安全罪、公然侮辱罪、誹謗罪、妨害電腦使用罪、偽造文書罪，或《跟蹤騷擾防制法》所規定之跟蹤騷擾罪等。
- 二、如經被害人提起告訴或警方調查認有涉及刑法公然侮辱、誹謗或恐嚇罪等，將依法偵查，惟被害人之身分並無侷限為女政治家或身居高位的婦女，皆能受理。另法務部所屬檢察機關係為刑事犯罪偵查機關，因此，檢察官因告訴、告發、自首或其他情事知有犯罪嫌疑者（包含因數位／網路性別暴力所涉之上開犯罪嫌疑），均依法開始偵查，並於事證明確時，依法提起公訴。
- 三、另依據《兒童及少年福利與權益保障法》第 46 條規定，國家通訊傳播委員會已委託成立「iWIN 網路內容防護機構」，民眾遇有網路霸凌事件時，可逕行撥打 iWIN 申訴專線或登入 iWIN 官方網站進行申訴，由該機構協調網路平臺業者移除不當之言論資訊，或被害人至各警察機關報案時，由警方協助

轉請 iWIN 協助。

Response

1. Depending on the circumstances of each case, digital gender-based violence may constitute the offenses against morality, privacy, the offenses of threaten, public insults, defamation, the computer security, forging instruments, or the offenses of stalking and harassment stipulated in the Stalking and Harassment Prevention Act.
2. If a complaint that is filed by a victim or an act involving offences of public insult, defamation or intimidation that is discovered by the police, it shall be investigated according to the Criminal Code of the Republic of China. The case shall be accepted regardless of the victim's gender or social status. Women in prominent, leading positions are also encouraged to report incidents through judicial system. Furthermore, the prosecutors' offices are the criminal investigation institutions. A prosecutor will immediately begin an investigation when he knows there is a suspicion of an offense having been committed because of complaint, report, voluntary surrender, or other reason and will bring a prosecution when the evidence is sufficient.
3. According to Article 46 of the "Protection of Children and Youths Welfare and Rights Act", the National Communications Commission entrusts the establishment of "Institute of Watch Internet Network" (hereinafter referred to as iWIN) to the private groups. When a citizen encounters cyberbullying incidents, he/she is able to file a complaint by calling at iWIN complaint hotline or via iWIN official website. iWIN will coordinate with the internet service provider to remove inappropriate remarks online. The victim is also able to report the case through police agency and thereby be referred to iWIN for assistance.

Article 8 第 8 條 No.29 編號 29

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
29	<p>Article 8: Women in diplomatic arena</p> <p>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?</p>	<p>第 8 條： 外交領域的女性</p> <p>29. 有鑑於在台灣駐外機構擔任使節團代表及/或外交人員的現有限制，以及女性在國際舞台上所分配到相對活躍的職位和角色 (如第 8.4、8.5、8.6、8.7 點所述)，是否有計畫推出特殊措施 (例如，獎勵、獎品等) 以突出女性在該領域的成就，藉此樹立楷模並鼓勵年輕女性加入該部門？</p>

權責機關：外交部

回應：

- 一、外交部訂有「外交部表揚模範公務人員要點」，每年評選 3 名模範公務人員，女性獲獎比率均在 33.3%至 66.7%之間，外交部另於 2022 年訂定「外交部工作績優人員獎勵及表揚要點」，每半年評選 20 名工作績優人員並公開頒獎表揚；2022 上半年初次辦理女性獲獎比率即達 45%，未來將持續檢討其選任辦法及相關獎勵制度以表揚更多傑出女性外交人員。
- 二、外交部近年來致力推動「女力外交」，如 2020 年邀請臺灣及美國傑出外交女性參加「女性主義者重新擘劃後疫情時代」研討會，而我駐美蕭大使美琴就「女性領導力：打造國家的韌性未來」發表演說；外交部與婦女權益促進委員會於 2022 年 3 月合辦「臺灣性別平等週」，邀請全球女性領袖及駐臺女性使節等分享經歷與觀點，強調女性在永續發展上扮演更關鍵角色，另亦拍攝「臺灣女力氣候行動」形象短片，進行網路串連，弘揚女性參與的貢獻。外交部透過舉辦實體及線上活動，不僅期盼發展更具韌性的對外關係並向國際社會展示臺灣婦女賦權之成果，更希望這些女性社會典範能使更多優秀女性受到啟發，一同加入外交行列為臺灣未來作出貢獻。

Response

1. MOFA Taiwan holds “Civil Service Excellence Awards” and chooses 3 employees as model civil servants every year with a proportion of female recipients between 33.3% and 66.7%. In addition, it has initiated an Outstanding Personnel Incentive Program since 2022 and selects 20 exceptional employees to be rewarded and recognized in public every six months. In early August 2022, MOFA Taiwan held its first outstanding employee awards ceremony with 45% female laureates. MOFA Taiwan will continuously review its regulations and rules for the awards as a way to nominate more excellent female consular and diplomatic officials.
2. In recent years, MOFA Taiwan has been dedicated to advancing “Woman in Diplomacy”. In 2020, it invited Taiwanese and U.S. distinguished female diplomats to attend “Feminists Redesigning the Post COVID-19 Era Seminar” and Bi-khim Hsiao, Taiwan’s representative to the United States, gave a speech on “Transformative Leadership: A Country’s Obligation to Fulfill a Resilient Future”. Furthermore, MOFA Taiwan and the Gender Equality Committee co-organized “Taiwan Gender Equality Week” in March of 2022 and invited global female leaders, female ambassadors and representatives in Taiwan to share their points of view and experiences, emphasizing the crucial role of women in the development of global sustainability. Meanwhile, MOFA Taiwan released “Power of Women” clip on its YouTube channel to advance the contribution of female participation. Through online and offline events and programs, MOFA Taiwan looks forward to not only developing more resilient relations with like-minded countries and showing the international community the fruitful outcome of woman empowerment in Taiwan but also inspiring potential female new blood to make a substantial contribution to the future of Taiwan by those successful diplomat models.

Article 9 第 9 條 No.30 編號 30

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
30	<p>Article 9: Respect for the equality and self-determination of naturalized citizens</p> <p>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?</p>	<p>第 9 條： 尊重歸化國籍者平等與自決</p> <p>30. 因不符《國籍法》規定申請歸化遭駁回的 219 名申請人中，有 186 人 (84.9%) 是女性。為提升對歸化要求的認識及教育移民女性，已做了哪些努力？已制訂哪些計畫以支持對這些女性進行教育及提高敏感度？</p>

權責機關：內政部

回應：

- 一、2017 年至 2020 年歸化我國國籍人數計 1 萬 6,176 人，女性 1 萬 4,704 人(占 90.9%)，其中因不符《國籍法》規定申請歸化遭駁回計 219 人，女性 186 人(占 84.9%)。對照申請人比例，女性被駁回比例並未較高。
- 二、為保障歸化國籍者之權益，避免發生其放棄原有國籍卻無法歸化，成為無國籍狀態之困境，2016 年修正公布《國籍法》，改為先許可外國人歸化再補提喪失原有國籍證明。內政部於駁回當事人申請案時，函復內容均就個案詳細載明，於符合一定要件時，得重新申請歸化。
- 三、為協助外國人瞭解申請歸化之相關規定，各戶政事務所及內政部 1996 服務專線均即時提供資訊及協助其申辦，另歸化我國國籍應提憑之申請書表及證明文件等資訊，均於內政部戶政司全球資訊網網站(<https://www.ris.gov.tw>)之「法令資訊」-「戶政法規」-「國籍類」-「國籍變更申請案件提憑證件一覽表」或「外國籍人士與國人結婚申請歸化中華民國國籍暨戶籍登記流程表」(提供中文、英文、日文、韓文、越南文、印尼文、緬甸文、柬埔寨文、泰文等版本)提供查詢或下載。

Response

1. From 2017 to 2020, there were a total of 16,176 naturalized in R.O.C.(Taiwan)

citizens, of which 14,704(90.9%) were women. A total of 219 applicants for naturalization were denied due to a failure to meet applicable naturalization requirements under the “Nationality Act”, with women accounting for 84.9%. Compared with the proportion of applicants, the proportion of women rejected is not higher.

2. In order to protect the rights and interests of naturalized nationals and avoid the dilemma that they renounce their original nationality but cannot be naturalized and become stateless, the “Nationality Act” was amended and promulgated in 2016, and it was changed to allow foreigners to be naturalized first and then reclaim the loss of their original nationality. Have proof of nationality. When the MOI rejects the applicant's application, the content of the letter will be detailed on the case, and a new application for naturalization may be applied if certain requirements are met.
3. In order for foreigners to understand the relevant regulations for applying for naturalization, the household registration office and the 1996 service hotline of the MOI provide real-time information and assist them in applying. In addition, The application forms and certification documents that should be presented for naturalization of R.O.C. nationality, they can get information (application form, flowchart, Available in Chinese, English, Japanese, Korean, Vietnamese, Indonesian, Burmese, Cambodian, Thai, etc.) from website of Department of household registration ([https : //www.ris.gov.tw](https://www.ris.gov.tw)), go to Related Laws and Regulations-Nationality-Lists for the application for nationality alteration.

Article 9 第 9 條 No.31 編號 31

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
31	<p>New immigrant dependent visa, temporary entry, and residency rights</p> <p>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.</p>	<p>新住民依親簽證、停留及居留權益</p> <p>31. 請說明核准歸化的「無不良素行」核准標準是否與性別角色和社會觀念直接或間接相關，以及是否有家庭法保護母親和女性的育兒權，無論其是否歸化。</p>

權責機關：內政部、衛福部

回應

1. 「歸化國籍無不良素行認定辦法」係依據 2016 年修正公布之《國籍法》授權訂定，《國籍法》修正前規定外國人申請歸化須具備「品行端正」要件，係要求申請人須具備良好行為，修正後則為具備「無不良素行」要件，僅要求申請人沒有不好行為，已採取較寬鬆之標準，並對於犯罪情節輕微者，於相關處罰執行完畢後，亦賦予該等得申請歸化國籍之權利，此修法適用對象不分性別，但由於申請歸化我國國籍女性占大多數，將有助於保障女性權益。
2. 為保護新住民及其子女在臺權益，倘新住民與國人配偶離婚，居留原因消失，依現行《入出國及移民法》第 31 條第 4 項規定，新住民遭受配偶身體或精神虐待，經法院核發保護令、或取得臺灣地區已設有戶籍未成年子親生子女監護權、或遭受家庭暴力經法院判決離婚，且有在臺灣地區設有戶籍之未成年親生子女或其因居留許可被廢止而遭強制出國，對在臺灣地區已設有戶籍未成年親生子女造成重大且難以回復損害之虞者，得准予繼續在臺居留。

Response

1. The “Measures for the Recognition of Naturalized Nationality with No Bad Practices” was formulated in accordance with the authorization of the “Nationality Act” amended and promulgated in 2016. Before the amendment of the “Nationality Act”, it stipulated that foreigners applying for naturalization must meet the requirements of “good character”, which requires the applicant to have good behavior. The behavior has adopted a relatively loose standard, and for those with minor crimes, after the relevant penalties are completed, they are also given the right to apply for

naturalization of nationality. This amendment is applicable regardless of gender. Women make up the majority, which will help protect women's rights and interests.

2. Under the Article 31 Paragraph 4 of the “Immigration Act”, it prescribes that even new immigrant divorces with his/her spouse of a national which cause the ground for residence cease to exist, the new immigrant is still eligible for residency if he/she meets one of the following circumstances:

(1) Is a spouse of a national with registered permanent residency in the Taiwan Area and is physically or mentally abused by his/her spouse, and is protected by the protection order issued by the court.

(2) An alien acquires the guardianship of his/her own children with registered permanent residency in the Taiwan Area after his/her divorce.

(3) Is suffered from family violence and divorced after the judgment of the court. The alien also has his/her own minor children with registered permanent residency in the Taiwan Area.

(4) Is deported from the state forcibly due to the revocation of his/her residency permit and is believed to have caused severe and irrecoverable damage to his/her own minor children with registered permanent residency in the Taiwan Area.

By the regulations mentioned above, rights of residency in R.O.C. (Taiwan) of new immigrants and their children are protected by the government.

Article 9 第 9 條 No.32 編號 32

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
32	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?	32. 目前，據報告，如生母及生父均無可考或均無國籍者，兒少可認定為擁有中華民國（臺灣）國籍。這是否表示並不保證取得臺灣國籍？這對兒少（尤其是女孩）的公民身分、取得權利保護和社會安全網的影響是什麼？無國籍兒少和女孩面臨何種程度的歧視和刻板印象，這如何導致他們容易邊緣化？外僑居留證每三年處理和更新一次，會帶來多大程度的創傷和不確定性，而又該如何加以管理？

權責機關：內政部、衛福部

回應

1. 依據《國籍法》第 2 條第 1 項第 3 款規定，出生於我國領域內，父母均無可考，或均無國籍者，該兒少即可認定具有我國國籍，並可依《戶籍法》第 6 條或第 15 條規定，辦理戶籍登記。
2. 依內政部移民署「辦理非本國籍無依兒少外僑居留證核發標準作業流程」規定，針對生父不詳，生母為外國人且行方不明或已出境之非本國籍無依兒少，於協尋生母期間，其得暫依生母國籍核予 1 年效期外僑居留證，以保障該兒少身分權。如尋獲生母，將協助母子一同返回原屬國，如協尋未果，經認定為無國籍者，於歸化取得國籍後，居留滿 1 年即可定居設籍。
3. 是類兒少未取得身分前，由各地方主管機關依《兒童及少年福利與權益保障法》第 22 條規定，協助處理就學、就醫事宜，並視需要及評估後提供經濟補助、機構安置與寄養家庭、醫療補助等社會福利服務，保障其福利與權益，避免受到

歧視或邊緣化。

Response

1. According to the provisions of Article 2, Paragraph 1, Subparagraph 3 of the “Nationality Act”, if a child is born in the territory of the R.O.C. (Taiwan), and his/her parents can’t be ascertained or both were stateless persons, the child can be recognized as having the nationality of the R.O.C. (Taiwan) The child may go through household registration in accordance with Article 6 or Article 15 of the “Household Registration Act“, and there is no claim that the acquisition of the R.O.C. (Taiwan) nationality is not guaranteed.
2. The National Immigration Agency has promulgated the “Standard Operation Procedure governing the issue of Alien Resident Certificates (ARC) to Alien Helpless Children and Youths”, which aims to protect the rights of identities of those helpless (without parental care) children and youths. The above SOP prescribes that if the biological father of helpless child and youth is unknown and the foreign biological mother is missing or has left the country, during the period of the government searches for the mother, the helpless child or youth will be granted ARC with a validity of one year according to the mother’s nationality to protect his/her identity. If the biological mother is found, the mother and child will be assisted in returning to the country of origin. If the search fails, and the child is identified as stateless, after naturalization and obtaining nationality, he or she can settle down and establish a citizenship after one year of residence.
3. Before these children and youths obtain their official status, the local authorities will assist them with schooling and medical care in accordance with Article 22 of the Protection of Children and Youths Welfare and Rights Act. Following assessment, the children and youths will be provided with the necessary financial assistance, institutional or foster home placements, medical subsidies, and other social welfare services to protect their welfare and rights and deter discrimination or marginalization.

Article 9 第 9 條 No.33 編號 33

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
33	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?	33. 2020 年至 2021 年委託進行「新住民離婚後在臺居留及子女親權研究」，主要發現是什麼？將如何更妥善維護 CEDAW 的規定、原則和標準？配偶若在離婚後 30 天內與原配偶再婚，則不撤銷居留權的規定，是否助長強迫婚姻並強化與 CEDAW 理念相悖的現有婚姻刻板印象？

權責機關：內政部

回應

- 一、有關「新住民離婚後在臺居留及子女親權研究」，研究建議如下：
 - (一)放寬新住民婦女離婚後繼續居留之規定：若離婚原因不可歸責於新住民婦女，即使其子女已成年，仍應保障其繼續居留之權利，且其生活上相關權益應維持現狀，後續取得國籍或戶籍之條件亦不受影響。
 - (二)福利身分對於在臺經濟及社會弱勢之新住民婦女至關重要，建議政府部門對於相關申請案件之應備證明文件，應有一致性之替代方案。
- 二、本研究盤點新住民婦女在臺處境及相關權益，研究結果已函請相關部會，作為推動新住民權益政策之參考，以持續落實 CEDAW 第 9 條之精神。
- 三、有關國人之外籍配偶經許可在臺居留者，於離婚後 30 日內與原依親對象再婚，不廢止其居留許可之規定，係為保障外籍配偶在臺居留權益，並無促進強迫式婚姻情形。

Response

1. “The study on residency and parental rights of divorced new immigrants commissioned from 2020 to 2021” suggest as followed：
 - (1)To loosen the regulations of divorced female immigrants’ continuous residency：

If a divorced female immigrant who is not responsible for the cause of divorce, her residence rights and rights to a standard of living should be guaranteed, even though her child has reached the age of majority. In addition, it shall not unfavorably affect her requirements of acquiring nationality or household registration.

- (2)The welfare system is crucial for female immigrants' with low-income and lower socioeconomic status. It's suggested that the government should have an uniform alternative solution towards the eligibility criteria when applying for fundings and other related benefits.
2. The research result which focuses on the rights and situations of female immigrants, implements the ideals of CEDAW and has been informed to relevant ministries as a reference for promoting the policy about new immigrants' rights, and continuously implements the spirit of Article 9 of CEDAW Convention Act.
 3. To protect the right of the residency of foreign spouse remarried with the origin spouse in 30 days after divorce, the NIA will not revoke the residency, which refers to couple who get divorced without careful thought, and do not promote coercive marriage.

Article 10 第 10 條 No.34 編號 34

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
34	<p>Article 10: Gender equality in education</p> <p>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).</p> <p>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?</p>	<p>第 10 條： 教育中的性別平等</p> <p>34. 臺灣的教育制度和勞動市場都存在強烈的性別隔離。根據第 4 次報告顯示，修畢工程、製造及營建教育課程的女性比例，從 15.1% (2016 年) 增加到 18.3% (2019 年)。但是，這樣的比例仍舊相當低。在 2020 年，補助的 464 項「性別與科技研究計畫」實施成果如何？政府如何確保教育機構根據《性別平等教育法》的目標，積極促進實質性的性別平等？政府如何追蹤性別平等教育委員會的工作，及其對《性別平等教育法》第 6 條的執行情況？</p>

權責機關：國家科學及技術委員會、教育部

回應：

- 一、 2017 至 2020 年補助「性別與科技研究計畫」，共計申請 464 件，核定 138 件。另為加強補助計畫研究成果之政策應用，以增進公共利益，2017 至 2020 年期間將具政策應用參考價值之研究成果報告函送教育部、衛生福利部、勞動部、經濟部等參採共 40 件。
- 二、 教育部刻正進行第 2 期高等教育深耕計畫（預計 112 年至 116 年）政策規

- 劃，業將「強化女性科研人才」納入主冊共同績效指標衡量方式，如「修畢 STEM 領域學門學生人數、比例（包含性別）」
- 三、為確保學校落實《性別平等教育法》第 6 條之執行情況，教育部國教署訂定「高級中等學校推動性別平等教育實施情形檢核表」每學年度具體檢核學校性平教育辦理情形：依「行政組織與運作」、「學習環境與資源」、「課程教材與教學」、「校園性侵害性騷擾或性霸凌防治與處理」等四大面向。提供學校執行性別平等教育工作具體指引方向，自行檢核性平教育之推動情形。
- 四、每年度對教育部國教署所轄 15 所高中進行推動性別平等教育辦理實地訪視及諮詢輔導，實質檢視學校性別平等教育委員會推動性別平等教育之辦理情形及成效，並提供學校相關輔導諮詢建議，以落實學校性別平等教育工作之推動。
- 五、教育部透過辦理大專校院推動性別平等教育工作辦理情形書面審查-「大專校院推動性別平等教育工作辦理情形」，以確保各大專校院在「行政組織與運作」依《性別平等教育法》第 6 條運作性別平等教育委員會，另透過「學習環境資源與教學」、「校園性侵害性騷擾或性霸凌事件防治工作」、「校園文化環境與社區推展」等審查面向，以督導各大專校院依《性別平等教育法》積極促進實質性的性別平等。

Response

1. From 2017 to 2020, a total of 464 research proposals had been submitted to the Taiwan Gender in Science and Technology Project, and 138 proposals were approved and received grants. In addition, to advance public benefits of research, the National Science and Technology Council had sent 40 research reports with policy implications to agencies, such as the Ministry of Education, the Ministry of Health and Welfare, the Ministry of Labor, and the Ministry of Economic Affairs, for reference in order to facilitate the use of the research results from the funded projects for public policy purposes.
2. The Ministry of Education is planning phase 2 of the Higher Education SPROUT Project (2023-2027), which has included "Increasing female scientific research talents" into the indicators.
3. In order to ensure that schools implement Article 6 of the Gender Equity Education Act, the Ministry of Education has formulated the "Checklist for the Implementation of Gender Equality Education in Senior Secondary Schools" to check the implementation of gender equality education in schools each school year: It is based on four major aspects: "Administrative Organization and Operation",

"Learning Environment and Resources", "Course Materials and Teaching", "Campus Sexual Harassment or Sexual Bullying Prevention and Treatment". These provide specific guidelines for schools to implement gender equality education, and self-check the promotion of gender equality education.

4. We conduct on-the-spot visits and counseling on the promotion of gender equality education in 15 high schools under the jurisdiction of the National Education Administration of the Ministry of Education every year, substantively review the handling and effectiveness of the school's gender equality education committee in promoting gender equality education, and provide school-related counseling recommendations to implement the promotion of gender equality education in schools.
5. The Ministry will conduct a written review of the handling of the promotion of gender equality education in colleges and universities - "The Handling of the Promotion of Gender Equality Education in Colleges and Universities", to ensure that colleges and universities are effective in the "administrative organization and operation" in accordance with the Gender Equity Education Act.

Article 11 第 11 條 No.35 編號 35

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
35	<p>Article 11: Gender pay gap</p> <p>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?</p> <p>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)</p> <p>Can the wording “work of equal value” be</p>	<p>第 11 條： 性別薪資差異</p> <p>35. 性別薪資差異持續存在，接近 15%。自 2018 年以來，情況並未真正改善。年金制度也再現女性的不平等狀況。第 4 次報告(第 11.19 點)提供有關透過委託研究制訂「同工同酬檢核表」的資訊。到目前為止，這項研究是否產生具體成果？</p> <p>臺灣法律中有關同工同酬概念的術語似乎需要進一步限定。《性別工作平等法》規定「[受僱者] 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。(第 10 條)《勞動基準法》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。(第 25 條)</p> <p>是否可以將「同等價值的工作」一詞解釋為「同等效率的工作」？年資作為薪資差異的正當理由又是如何呢？休產假或育嬰留職停薪的員工是否在缺勤期間遭剝奪資歷？</p>

	<p>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?</p>	
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權責機關：勞動部

回應：1.經查歷年來我國性別平均薪資差距相較美、日、韓等國為小，110 年我國為 15.8%，低於日本之 30.7%(109 年)、南韓 30.4%(109 年)及美國 16.9%，顯示我國致力縮小性別薪資差距且頗有成效。

- 2.有關 2020 年辦理「發展事業單位同工同酬檢核表之研究」委託研究，刻正依其建議研擬針對特定規模或業別之事業單位推動試行同工同酬檢核表。
- 3.查勞動基準法第 25 條(1984 年制定)及性別工作平等法第 10 條(2002 年制定)是從同工同酬到同值同酬之立法過程，係參考歐美經驗，對於薪資之議定，非僅考量效率，而能多元衡量技術、經驗、能力等價值。
- 4.另有關「資歷」(或譯年資)可能成為薪資有所差異的理由之一，係因相對投入之勞動經歷較為豐富，且大多時候係為鼓勵勞工久任，協助企業留用優秀人力而有所差別，尚屬合理。
- 5.性別工作平等法第 15 條及勞動基準法第 50 條已明定女性受僱者之產假相關權益，又產假停止工作 8 週之期間，年資照計。再查性別工作平等法第 16 條所定育嬰留職停薪，為使父母雙方全心育兒，受僱之父或母於每一子女 3 歲前，皆可分別暫時離開職場 2 年，法律並規定雇主應為其保留職缺，又育嬰留職停薪期間係勞雇雙方合意勞動契約暫時中止履行之狀態，爰未計入工作年資。此外，相關育嬰政策之制定除使受僱者能兼顧工作與家庭平衡外，並應考量勞資雙方權益平衡，避免影響育兒父母之就業機會。

Response

1. The average gender wage gap in Taiwan is smaller than that of the United States, Japan, and South Korea over the years. In 2011, Taiwan was 15.8%, lower than Japan's 30.7% (2010), South Korea's 30.4% (2010), and the United States' 16.9%. It shows that we are committed to narrowing the gender pay gap and are quite effective.
2. Regarding the formulation of “Equal Pay for Equal Work Checklist for business enterprises”, the trial implementation of the Equal Pay for Equal Work Checklist is currently planning to be promoted for business entities of a specific size or industry.
3. Article 25 of the Labor Standards Act (enacted in 1984) and Article 10 of the Act of Gender Equality in Employment (enacted in 2002) are the legislative processes from equal pay for equal work to equal pay for equal value. Based on European and

American experiences, we gradually form a consensus that the negotiation of wages does not only consider efficiency, but some other diverse capabilities, such as technology, experiences, and skills.

4. “Seniority” as a justification for wage differences can be seen as an indication of the employee's extensive work experience and, most of the time, can promote employee retention. This idea is reasonable.
5. Article 15 of the Act of Gender Equality in Employment and Article 50 of the Labor Standards Act stipulate the rights and interests of female employees in maternity leave. During the period of 8 weeks of maternity leave, the period shall be counted for seniority. As for unpaid parental leave stipulated in the Article 16 of the Act of Gender Equality in Employment, father and mother may apply for unpaid parental leave respectively before any of their children reach the age of three years old. In order to enable both parents to raise their children wholeheartedly, parents can temporarily leave the workplace before each child reaches the age of 3. The Act stipulates that employers should reinstate them to the previous job held by the employees. The performance of the labor contract agreed upon by both the employer and the employee is temporarily suspended during this period; therefore, this won't be counted towards seniority. In formulating this regulation, the government should consider both work-life balance policies and rights and interests for employers and employees, so as to avoid adversely affecting the employment opportunities of parenting parents.

Article 11 第 11 條 No.36 編號 36

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
36	<p>Work-family balance</p> <p>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?</p> <p>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?</p>	<p>工作與家庭的平衡</p> <p>36. 國家報告提到，2018 年已委託研究建議修法，以規範臺灣產假權益保障的法律制度，並建立產假薪資公共化制度。政府是否會進行這個計畫？</p> <p>至於父親申請育嬰假的相關資訊，報告有未盡清楚明確之處。報告提供了一些數字（第 11.36 點），但不清楚何時由父親單獨承擔育嬰責任，何時父母雙方同時休假。請釐清父親休假所承擔的角色及相關統計資料。根據資訊顯示，2021 年引入更大的彈性，是否需要再進一步提升彈性？</p>

權責機關：勞動部、銓敘部、人事總處、國防部

回應：

- 一、我國現行產假係採分項訂定之立法例，分別以《勞動基準法》之產假，《性別工作平等法》之安胎休養、產檢假、產假及育嬰留職停薪等規定分別規範。如參照國際間「廣義」之產假定義，加計安胎休養及產檢假後，我國有薪產假約為 15 週，並未低於國際規範。
- 二、2018 年委託研究建議指出，如欲延長產假，產假期間工資不宜完全由雇主負擔(例如：日本由社會保險提供 2/3 的補助)，應透過國家及社會共同承擔方式建構產假薪資公共化制度。現行產假停止工作期間之工資係由雇主負擔(8 週，工資由雇主照給)，另尚有勞保生育給付 2 個月投保薪資。
- 三、依《性別工作平等法》第 16 條第 1 項規定略以，受僱者任職滿 6 個月後，

於每一子女滿3歲前，得申請育嬰留職停薪，該規定父母雙方均可提出申請。受僱者於法定產假後如再有更多休養或照顧需求，亦可搭配短期之育嬰留職停薪，獲得實質上較多的休息。

- 四、因應國內輿情，民眾屢表達有父母共同陪伴子女成長之需求，爰《性別工作平等法》2022年1月18日施行之新修正條文，已允許親職雙方可自行考量整體經濟狀況及家務分工，視個別需求選擇同時或是分別申請育嬰留職停薪或家庭照顧假。再搭配上《就業保險法》之新修正條文，同時申請育嬰留職停薪之雙親也可同時請領津貼，該筆津貼並由政府加碼補助，給予育兒父母更多的經濟支持，並獲得更長時間的休息。
- 五、次為放寬申請育嬰留職停薪期間之彈性，符合短期育兒照顧需求，勞動部已於2021年7月1日修正施行「育嬰留職停薪實施辦法」，使受僱者在子女滿3歲前，如有少於6個月育嬰留職停薪之需求，只要在30日以上，即可提出申請。2021年7月至2022年7月受僱者申請少於6個月育嬰留職停薪者計22,719人，其中男性6,032人；相比2020年7月至2021年7月申請之受僱者計14,615人，其中男性2,684人，申請之受僱者增幅為55%，其中男性更是大幅增加125%，顯見已有相當成效。
- 六、為配合《性別工作平等法》保障受僱者申請育嬰留職停薪之意旨，考試院、行政院於2021年3月15日會銜修正「公務人員留職停薪辦法」部分條文，放寬本人、配偶得同時申請育嬰留職停薪，且機關不得拒絕。經統計行政院與所屬中央及地方機關(構)公務人員，於2021年4月至2022年3月間夫妻同時申請育嬰留職停薪計有55對，高於2020年4月至2021年3月之21對【註：修法前依銓敘部函釋，夫妻均為公務人員，得以養育3足歲以下雙(多)胞胎子女事由，同時申請育嬰留職停薪，機關並不得予以拒絕】，且2021年4月至2022年3月間男性公務人員留職停薪人數計718人，亦高於2020年4月至2021年3月之525人。
- 七、2022年2月10日修正生效之《公教人員保險法》，對於父母雙方同為公教人員保險之被保險人，符合請領育嬰留職停薪津貼要件者，可同時請領同一子女之津貼，已進一步提升對被保險人育嬰留職停薪津貼權益之保障。另外，依2022年1月至8月公教人員保險被保險人請領育嬰留職停薪津貼之統計資料顯示，男性686人(占16.9%)，已較2020年男性544人(占10.1%)提高。惟因公教人員保險之育嬰留職停薪津貼相關規定僅涉及被保險人已申請育嬰留職停薪後之相關津貼發放統計，至於父親休假所承擔的角色，尚難以藉由統計資料呈現。
- 八、國防部男性軍職人員申請育嬰留職停薪人數經統計，2016年計160員，2017年計230員，2018年計237員，2019年計301員，2020年計296員，2021年計396員，2022年迄今計538員。另國防部以電話訪查方式，回收計8百餘員男性官兵近年申請育嬰留職停薪原由，統計如下：
 - (一)男性軍職人員申辦育嬰留職停薪，以單位任務性質(79.2%)為主要考量，配

偶無意願(9.7%)、家庭因素(5.6%)、經濟因素(5.5%)等為次要考量。

(二)夫妻雙方同時申請育嬰留職停薪佔極少數，大多以需同時照顧年邁父母與子女為考量。

(三)為負起照顧子女之責任，男性軍職人員願意申請育嬰留職停薪。

Response

1. The current maternity leave in Taiwan is a separate legislation, which is regulated by the maternity leave in the Labor Standards Act, and the provisions on rest and recuperation, maternity inspection leave, maternity leave, and parental leave without pay in the Act of Gender Equality in Employment. For example, referring to the international definition of maternity leave in a "broad sense", after adding in rest and recuperation and maternity inspection leave, the paid maternity leave in Taiwan is about 15 weeks, which is not inferior to international norms.
2. A research commissioned in 2018 suggested that if you want to extend maternity leave, the salary during maternity leave should not be fully borne by the employer (for example, Japan provides 2/3rd of the subsidy from social insurance), and a public maternity leave salary system should be established. The salary during the current maternity leave period is borne by the employer (8 weeks, the salary is paid by the employer), and there are labor insurance maternity benefits for 2 months of insured salary.
3. In accordance with Article 16, Paragraph 1 of the Act of Gender Equality in Employment, after the employee has served for 6 months, and before each child reaches the age of 3, he or she may apply for childcare leave without pay. Both parents can apply for this provision. After the statutory maternity leave, if the employee has more rest and recuperation or care needs, it can also be combined with a short-term childcare leave without pay to obtain substantially more rest.
4. In response to domestic public opinion, the public has repeatedly expressed the need for both parents to accompany their children at the same time. The new amendments to the Act of Gender Equality in Employment came into effect on January 18, 2022. New regulations allow both parents to decide whether to apply for unpaid parental leave at the same time by assessing their own economic situation and the division of housework. Coupled with the new amendments to the Employment Insurance Act, parents who apply for unpaid parental leave can also apply for allowances at the same time, giving more support to parents.
5. In order to improve the flexibility of applying for the period of unpaid parental leave and meet the needs of short-term childcare, the Ministry has revised and implemented the Regulations for Implementing Unpaid Parental Leave for Raising Children on July 1, 2021. If an employee needs to take leave for less than six months, he/she may file the application with his/her employer for the leave persisting for no less than 30 days.

From July 2021 to July 2022, there were 22,719 employees who applied for unpaid parental leave for less than 6 months, including 6,032 males; compared with those who applied from July 2020 to July 2021, a total of 14,615 people, including 2,684 males, the number of total applicants increased by 55%, among which males increased significantly by 125%. These measures appear to have been quite effective.

6. To follow the spirit of the Act of Gender Equality in Employment to protect employees' right to apply for parental leave without pay, the Examination Yuan and Executive Yuan amended Regulations for Retaining Civil Service Position without Pay on March 15th, 2021, allowing civil servants and their spouses to apply for parental leave without pay at the same time and providing the government agencies should not refuse their applications. According to the statistics of civil servants at Executive Yuan's subordinate agencies and local government agencies, from April 2021 to March 2022, 55 couples applied for parental leave without pay at the same time. It is higher than the number from April 2020 to March 2021 (21 couples). (Before the amendment in 2021, according to an administrative rule of the Ministry of Civil Service, couples who are both civil servants are allowed to simultaneously apply for parental leave without pay when raising two or more babies who are born at the same time and are under three years old. And the government agencies should not refuse their applications.) Also, from April 2021 to March 2022, 718 male civil servants applied for parental leave without pay, also higher than the number from April 2020 to March 2021 (525 male civil servants).

7. Amendments to the Civil Servant and Teacher Insurance Act took effect on February 10, 2022. Both husband and wife who are the insured of the Civil Servant and Teacher Insurance, and who meet the requirements for parental leave allowance can claim the allowance for the same child at the same time. The protection of the insured's rights and interests in parental leave allowance has been further enhanced. In January to August 2022, out of the total number of civil servants and teachers who applied to receive parental leave allowance, 686 (16.9%) were men, up slightly from 544 (10.1%) in 2020. However, the relevant regulations on the parental leave allowance due to the Civil Servant and Teacher Insurance only involve the distribution of relevant allowances after the insured has applied for the parental leave allowance. As for the role of the father's leave, it is difficult to show through statistical data.

8. According to statistics on the number of male military personnel in the Ministry of National Defense who applied for childcare leave without pay, 160 people were counted in 2016, 230 people in 2017, 237 people in 2018, 301 people in 2019, 296 people in 2010, 396 people in 2011, and 538 people in 2022 so far. In addition, the

Ministry of National Defense has determined by means of telephone interviews there were more than 800 male officers and soldiers who have applied for childcare leave without pay in recent years (statistics are as follows).

- a) For those male military personnel who applied for childcare leave without pay, the main consideration is the nature of the unit's task (79.2%). Other reasons are like the spouse was unwilling (9.7%), family factors (5.6%), and economic factors (5.5%).
- b) It is very rare for both husband and wife to apply for childcare leave without pay at the same time. Most of them made the decision because they had to take care of elderly parents and children at the same time.
- c) Male military personnel are willing to apply for childcare leave without pay in order to take care of their children.

Article 11 第 11 條 No.37 編號 37

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
37	<p>Domestic workers</p> <p>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.</p>	<p>家事勞工</p> <p>37. 台灣約有 250,000 名家事(女性)勞工。自 2011 年以來，持續制訂改善家事勞工勞動條件的法律，但成效甚微。根據其他資源，關於性別暴力及家事勞工歧視的通報數相當驚人。政府提供的資訊指出，雇主如有「歧視或任意解僱」懷孕的移工，「將依法處罰」。請提供資料說明審理的案件數量，以及因這種行為而受到的處罰。</p>

權責機關：勞動部

回應：

有關雇主歧視或任意解僱懷孕家事移工審理案件及處罰情形，茲說明如下：

1. 當移工有懷孕、分娩等情事，雇主不得以上開事由終止聘僱關係。倘雇主有勞動基準法、性別工作平等法第 11 條等違法解僱之情事，已構成就業服務法（以下簡稱本法）第 54 條第 1 項第 16 款其他違反保護勞工之法令情節重大，依本法第 54 條及第 72 條規定，應廢止或不予核發許可，並管制雇主 2 年不得提出申請。
2. 2022 年截至 9 月 21 日，涉懷孕爭議向 1955 申訴案件計 131 件。

Response

Regarding the cases and penalties of employers discriminating against or arbitrarily dismissing pregnant domestic migrant workers, the following are explained:

1. If a foreign worker becomes pregnant or gives birth, employers are not allowed to use either of the aforementioned situations as an excuse to terminate the employment relationship. If a foreign worker is illegally fired as detailed in the provisions of the Labor Standards Act, Article 11 of the Act of Gender Equality in Employment that constitutes a serious violation of additional labor protection provisions contained in Subparagraph 16, Paragraph 1, Article 54 of the Employment Service Act (hereinafter the Act). In such a situation, pursuant to the provisions of Article 54 and Article 72 of the Act, the employer's employment permit will be revoked or not issued and he/she will not be allowed to employ foreign workers for a period of two years
2. As of September 21, 2022, a total of 131 cases involving foreign worker pregnancy related disputes have been reported to the 1955 hotline.

Article 12 第 12 條 No.38 編號 38

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
38	<p>Article 12: Women’s health action plan</p> <p>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.”</p> <p>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.</p>	<p>第 12 條： 婦女健康行動計畫</p> <p>38. CEDAW 在其第 24 號一般性建議中呼籲締約國實施「全面的國家策略，以促進女性終身健康，其中包括旨在預防和治療影響女性之疾病和狀況的干預措施，以及應對女性受暴問題，並確保所有女性普遍取得高品質且負擔得起的完善醫療保健，包括性與生殖健康服務。」</p> <p>請釐清 2018 年核定的婦女健康行動計畫是否採取生命週期方法，尤其是對於解決婦女生命末期不健康期間較長的問題，以及上述其他要求。另請提供資料說明該行動計畫的制訂經過，以及在制訂、實施、監督和評估過程中是否諮詢婦女組織。</p>

權責機關：衛福部

回應：

- 一、2018 年核定之婦女健康行動計畫，以健康歷程著手，分為「健康促進篇」、「生殖健康篇」及「疾病及照護篇」。針對婦女「疾病及照護」，其內容包括「促進女性照顧者的身心健康」、「維護女性的職場健康權益」、「降低重要慢性疾病對女性健康的威脅」、「降低癌症對女性健康的威脅」、及「消弭暴力對於女性身心的影響」。
- 二、該計畫除參考國內外婦女健康相關文獻、我國行政院性別平等政策綱領「健康、醫療與照顧篇」、2025 衛生福利政策白皮書、消除對婦女一切形式歧視公約(CEDAW)等內容編纂及修正而成外，制定、實施、監督及評估過程，均有婦女團體及性別專家參與。於 2016 年召開 1 場專家會議，邀請 5 位性別平等及健康促進等專家討論計畫之內容。並於 2017 年召開 3 場次座談會並邀請相關婦女團體、專家及相關部會針對計畫細部內容進行討論及修正。於 2018 年核定公告，並請相關部會推動並繳交相關成果。

Response

1. The "Women's Health Action Plan" was approved in 2018, which is structured by health process into chapters on "Health Promotion", "Reproductive Health" and "Diseases and Care". On women's "Diseases and Care", topics covered include "Promoting the Physical and Mental Health of Female Caregivers", "Protecting Women's Workplace Health Rights", "Reducing the Threats of Important Chronic Diseases to Women's Health", "Reducing the Threats of Cancer to Women's Health", and "Eliminate the Effects of Violence on Women's Physical and Psychological Health".
2. This plan was compiled and revised with reference to domestic and foreign literature on women's health, the "Health, Medical Service, and Care" chapter of the Gender Equality Policy Guidelines, the 2025 Health and Welfare Policy White Paper and CEDAW. In addition, women's groups and gender experts were consulted in the processes of formulation, implementation, supervision and evaluation. In 2016, we held an expert meeting and invited 5 experts on gender equality and health promotion to discuss the content of the plan. After that, we held 3 symposiums and invited relevant women's groups, experts and ministries to discuss and revise the details of the plan in 2017. The plan was approved and announced in 2018, and relevant ministries were requested to implement the plan and submit relevant results.

Article 12 第 12 條 No.39 編號 39

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
39	<p>Health care for women with disabilities</p> <p>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.</p>	<p>身心障礙女性的醫療保健</p> <p>39. 令人擔憂的是，有資訊指出身心障礙女性無法使用醫療設施，例如，由於檢查台太高且未提供移位輔具，無法接受骨盆檢查和子宮頸抹片檢查。是否研究過身心障礙女性的特殊醫療保健需求，以及其面臨的困難？請提供資訊說明目前的醫療保健體系是否適當滿足身心障礙女性的需求，以及是否定期與身心障礙女性進行諮詢，以瞭解其遭遇的具體問題。</p>

權責機關：衛福部

回應

- 一、衛生福利部依據身心障礙者權益保障法，辦理身心障礙者生活狀況及需求調查報告，以瞭解身心障礙女性醫療保健需求及就醫時遭遇困難。
- 二、推動醫療院所無障礙獎勵計畫
 - (一) 於 2021 年至 2022 年獎勵醫院設置無障礙通路、無障礙廁所、電動升降病床、移位機、輪椅體重機與多元輔助溝通工具等項目，並獎勵基層診所設置友善通路與廁所、多元輔助溝通工具及無障礙設施設備等項目。
 - (二) 未來將繼續規劃相關獎勵作業，以逐步提升全國友善就醫環境。

Response

1. Under the People with Disabilities Rights Protection Act, the Ministry of Health and Welfare conducts “Living Condition of People with Disabilities Survey Report” to understand the health care needs of women with disabilities and the difficulties

they encounter when seeking medical treatment.

2. Incentive Program of Accessible Measures for Medical Institutions Promotion:

- (1) From 2021 to 2022, incentives were offered to hospitals who installed accessible passages, toilets, electric lift beds, lifts, wheelchair scales, and augmentative and alternative communication (hereinafter referred to as AAC) tools. Incentives were also offered for primary clinics for setting up friendly passages, toilets, AAC tools, and accessible facilities and equipment.
- (2) In the future, the Ministry of Health and Welfare will continue to plan related incentive programs to gradually improve the national friendly medical environment.

Article 12 第 12 條 No.40 編號 40

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
40	<p>Sexual and reproductive health rights</p> <p>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?</p>	<p>性與生殖健康及權利</p> <p>40. 有鑑於 13 至 15 歲青少年的性行為比例提高，以及使用避孕措施的比例減少（第 12.25 點），教育青少年的各種努力（第 10.24 點）似乎未發揮效果或是仍有不足。根據第 4 次報告，在過去三年中，每年約有 55,000 至 60,000 件墮胎，但依《個人資料保護法》無法蒐集按年齡、身心障礙或其他標準分類的資料。個人資料應受到保護，但決策也需要立基於事實和統計資料並清楚瞭解情況。請問貴單位如何解決這樣的衝突？</p>

權責機關：衛福部

回應

- 一、依據 2016-2019 年青少年健康行為調查結果顯示，13-15 歲青少年曾有性行為百分比為 5.4%至 5.7%(2016-2018 年);15-17 歲青少年介於 9.2%至 10.6% 間 (2017-2019 年)，無明顯變動，其中 15 歲至 17 歲青少年最近一次性行為有避孕之百分比介於 81.5%至 89.8%，且 2019 年(89.8%)較 2017 年(81.5%) 提升 8.3%。
- 二、在台灣施行人工流產需符合優生保健法規定之特定事由：懷孕婦女經診斷或證明具醫學上理由、因被性侵而受孕或因懷孕或生產將影響其心理健康或家庭生活，得依其自願實施人工流產，但並未強制規定應通報人工流產個案，惟可透過健保特約醫療院所申報人工流產之醫令案件數及 RU486 申報總量，推估每年人工流產數，業自 2016 年 6 萬 3,427 人次下降至 2020 年 5 萬 5,373 人次（下降率為 12.7%），過去 5 年來呈現下降趨勢。
- 三、衛生福利部參酌國際公約、宣言，推動青少年（包含智能障礙青少年）性健

康促進教育，及提供適切之人工流產與避孕之諮詢服務，為預防青少年非預期懷孕，持續發展性健康、懷孕及避孕選擇等主題之衛教學習素材，及辦理專業人員之培訓，以提升其能力；此外，亦完成編製「人工流產諮詢參考指引」與「結紮手術及避孕諮詢參考指引」，提供醫護人員運用，並請相關醫學會納入繼續教育，相關政策制定並未因缺少對進行人工流產婦女之人口統計變項分析，產生實質障礙。

Response

1. From 2016 to 2019, the report of Youth Health Survey in Taiwan showed that the percentage of teenagers aged 13 to 15 and aged 15 to 17 who had had sex was 5.4% to 5.7% (2016 to 2018) and 9.2% to 10.6%(2017 to 2019), respectively. There is no apparent change observed. The percentage of teenagers aged 15 to 17 using contraceptive methods during their last sexual intercourse was 81.5% to 89.8% during the period from 2017 to 2019, with an increase of 8.3 percentage points.
2. According to the Genetic Health Act, abortion may be conducted for a pregnant woman, subject to her own agreement, if she has been diagnosed or with a medical issue affecting either herself or the fetus; pregnancy as a result of being raped, or if pregnancy or childbirth is likely to affect her mental health or family life. But there is no national requirement for abortion data submission or reporting. MOHW compiles the information of abortion cases reported by National Health Insurance contracted medical institutions and the RU486 total dosage reporting data to produce national estimates. The number of total estimated abortions in 2020 (55,373 abortions) was 12.7% lower than the total in 2016 (63,427 abortions), showing a decreasing trend over the 5-year period.
3. MOHW made references to international conventions and declarations when promoting sex education for adolescents (including adolescents with mental disabilities) as well as providing appropriate consultation on the abortion, vasectomy, or tubal ligation and contraception. To prevent unplanned pregnancies among adolescents, various teaching and learning materials and trainings related to the topics of sexual health, pregnancy and contraception options have been developed, and trainings have been conducted for professional staff to enhance their capabilities. Additionally, “the reference guide for abortion” and “the reference guide for vasectomy or tubal ligation and contraception consultation” have been developed for the medical personnel and included in the continuing education programs offered by related medical associations. The lack of demographic characteristics of women having induced abortions in Taiwan has not constituted a barrier in policy making.

Article 13 第 13 條 No.41 編號 41

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
41	<p>Article 13:</p> <p>Gender equality in athletics and sports</p> <p>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.</p> <p>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.</p> <p>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?</p>	<p>第 13 條：</p> <p>運動及體育的性別平等</p> <p>41. 其他來源顯示，運動及體育的性別歧視及性別化，為學校、大學和其他機構中此類活動的女性參與者營造不友善的環境。</p> <p>我們樂見 2017 年的「推廣女性參與體育運動白皮書」(第 10.18 點)，但我們也注意到進展似乎很緩慢，例如固定進行體育訓練的女性人數。我們還注意到，年輕女孩非常積極參加運動及體育，但隨著年齡增長，活動明顯減少，只有 27% 的女孩在高中參加學校體育活動，男孩則有 73%。身心障礙女性在此域面臨更多問題。</p> <p>政府是否有意提出更有效的計畫和行動，確保所有人在運動及體育中的平等機會？</p>

權責機關：教育部

回應：

- 一、女性規律運動比率自 2017 年至 2021 年期間，從 30.9% 提升至 32.4%，顯示推動女性運動已有初步成效，也因此帶動整體規律運動人口提升。從性別來看，2021 年男性規律運動比率為 35.4%，較 2020 年 (35.7%) 下降 0.3%；

女性規律運動比率為 32.4%，較 2020 年（30.4%）增加 2%。此外，兩性規律運動比率的差距也縮小，2020 年兩性規律運動差距為 5.3%，2021 年縮小差距為 3%。

- 二、教育部持續推動各項融合式運動體驗活動，鼓勵地方政府及全國性團體於主流體育活動中，提供身心障礙者參與機會，並拍攝紀錄片，透過倡議與實務作為，提倡「愛運動，動無礙」觀念。
- 三、為鼓勵身心障礙婦女參與體育活動，教育部於輔導地方政府及全國性團體舉辦身心障礙體育活動時，提供參與運動機會，2016 年至 2021 年間相關活動參與人數計 69 萬 3,491 人，其中女性 31 萬 5,454 人（約 45%）。
- 四、為鼓勵各級學校學生參與運動競賽，教育部每年均辦理各項學生賽事及運動會，如籃球、足球、棒球、排球等學生運動聯賽，以及全國中等學校運動會、全國大專校院運動會等，且各項賽事均設有男子組及女子組，尤其是女生組隊較不容易的團體項目（如棒球、足球）未限制女生不可以參加男生組，以保障女學生參與活動機會。另啦啦隊、熱舞、拔河、國小籃球聯賽及國小足球世界盃等賽事，亦開放男女混合組隊參賽，落實不同性別參與運動機會平等之目標。
- 五、此外，教育部體育署亦推動國中小學生普及化運動計畫，選擇各年齡層適合之運動作為比賽項目，鼓勵學校以班級為單位，不分性別參與運動競賽，期透過同儕力量及競賽模式，帶動校園運動風氣，更於國民中學大隊接力實施計畫中明訂「下場比賽人數 20 人，男女生各 10 人」之規定，男女比例為 1:1，提供平等之參與機會及運動環境。教育部體育署未來亦將持續推動男女生在運動參與機會的均等。

Response

1. The percentage of women regularly doing exercise has increased from 30.9% in 2017 to 32.4% in 2021, showing that the promotion of women's sports has achieved initial results. In recent years, the gender gap has narrowed, and the overall regular sports population has increased. As for analysis from a gender perspective, the percentage of men who exercised regularly in 2021 was 35.4%, a decrease of 0.3% compared with 2020 (35.7%); while the percentage of women regularly doing exercise was 32.4%, an increase of 2% compared with 2020 (30.4%). Because of increasing the number of women who regularly exercise, the overall number of regular exercisers has increased. In addition, the gap in the proportion of regular exercise between the sexes has also narrowed. In 2020, the gap in regular exercise between the genders was 5.3%, and in

2021, the gap was narrowed to 3%.

2. The Ministry of Education continues promoting various inclusive sports experience activities by encouraging persons with disabilities the opportunity to attend mainstream sports events. Furthermore, the ministry has produced documentaries, through the development of initiatives and practical behavior, to promote the concept of Together We Move.
3. To encourage participation in sports activities by women with disabilities, the Ministry of Education offers opportunities for sports participation by them by encouraging local governments and national organizations to host sports events for persons with disabilities. Between 2016 and 2021, the number of participants in said events was 693,491, among whom 315,454 were female (approximately 45% of the total participants).
4. In order to encourage students at all levels to participate in sports competitions, the Sport Administration, Ministry of Education organizes various sports events for students in all levels yearly, such as basketball, football, baseball, volleyball and other student sports leagues, as well as the National High School Games, the National College and University Games, and all events have men's and women's groups, especially team events that are not easy for girls to form teams (such as baseball and football) where girls are not prohibited to participate in the boys' competition to ensure that girls have the opportunity to participate in activities. Cheerleading, Dance, Tug-of-War, Basketball League and Soccer World Cup, for primary schools are also open to mixed male and female teams to implement the goal of equal opportunities for "Gender Neutral" participation in sports.
5. Moreover, the Sports Administration also promotes the popularization of sports plans for primary and high school students, selects sports that are suitable for all age groups as competition events, encourages schools to participate in gender neutral sports competitions in class cohort units, hoping to promote campus sports through peer strength and competition models. In terms of atmosphere, the national high school relay race implementation plan expressly stipulated that "the number of students in the game is 20, and there shall be 10 boys and girls each." with a male-female ratio of 1:1, providing equal participation opportunities in the sports environment. In the future, the Sport Administration will also continue to promote equal opportunities for male and female students to participate in sports.

Article 14 第 14 條 No.42 編號 42

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
42	<p><i>Article 14:</i> Awareness of equal rights; participation in decision-making and community activities</p> <p>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.</p>	<p>第 14 條： 平權意識、參與決策及社區活動</p> <p>42. 在農會績效評估方面，對農會的鼓勵是否足以促進女性參與農會內的決策層級？是否針對農業及其他商會和組織（包括公司董事會）的包容性領導，提出任何政策指南、暫行特別措施、法律或法規？請說明為何漁會女性總幹事比例從 30.0% 減少至 22.5%，以及女性理監事的比例從 5.0% 減少至 4.7%，怎麼解決這項問題？請提供相關資訊，說明高階管理人員的女性人數，以及為漁會設立的女性目標比例。</p>

權責機關：農委會

回應：

- 一、鼓勵農會任用女性員工為主管，參與農業推廣與農業發展之重要工作，2020 年女性員工已占 60.5%，較 2016 年增加 0.6 個百分點，女性主管占 53.5%，較 2016 年增加 5.5 個百分點，女性總幹事 21.7%，較 2015 年增加 6.5 個百

分點。

- 二、農會選任人員每 4 年改選，現階段採取鼓勵、獎勵措施(如於推廣教育補助要點及農會考核辦法特殊功過加分等規定)、規劃領導統御課程，促進女性參與農會決策階層及鼓勵優秀女性參選。
- 三、漁會選務人員每 4 年改選，由數組理事長及總幹事候選人所組成的團隊參加競選，因此漁會是否僱用女性總幹事也受團隊理事長能力與個人魅力等因素所影響。我國共有 40 個漁會，2016 年漁會選任人員改選後，女性總幹事比例自 30.0%降為 22.5%，實際人數自 12 人減少為 9 人，變動人數僅 3 人。而 2021 年改選後，女性總幹事比例自 22.5%提升至 27.5%，實際人數由 9 人提升至 11 人，已有回升。
- 四、為鼓勵漁會女性會員參與漁會公共事務，漁業署持續透過辦理漁村女性意識培力課程、培養從漁女青擔任漁會基層組織幹部、媒體文宣報導漁業相關領域之優秀女性，另在漁會考核辦法將推廣性平業務、女性會員參選擔任選任人員等納入漁會考核加分項目，另對於聘用女性總幹事之漁會則增加經費補助等措施，輔導漁會推動女性會員參與漁會事務。

Response

1. Farmers' associations are encouraged to appoint female employees as supervisors to participate in the important work of agricultural promotion and agricultural development. In 2020, female employees accounted for 60.5%, an increase of 0.6 percentage points compared to 2016; female supervisors accounted for 53.5%, an increase of 5.5 percentage points compared to 2016; and female executives accounted for 21.7%, an increase of 6.5 percentage points compared to 2015.
2. Farmers' association officials are elected every 4 years. At this stage, rewards and incentive measures (e.g., regulations on the promotion of educational subsidies and additional points for special merit in the farmers' association performance evaluation), planning of leadership courses, promotion of women's participation in the decision-making level of farmers' associations, and encouragement of outstanding women to stand for election are being implemented.
3. Regarding the reduction in percentage of female chief executive officer (CEO) employed by Fishermen's Associations, the election staff of the Fishery Association is elected every four years, and there will be several teams which consist of candidates for the director general and the CEO of the participate in the election. Therefore, whether the fishermen's association hires a female CEO is not only depending on individual ability, but the capacity and personal charm of the director general candidates in the same team. There are 40 Fishing Associations in Taiwan,

after the election in 2016, the percentage of female CEO, employed by Fishermen's Associations showed a decline from 30.0% to 22.5%, the number was from 12 to 9. And the result of the election in 2021, the percentage had climbed back up to 27.5%, the number increase from 9 to 11.

4. Fishery Agency continues to guide the Fishermen's Association to promote the participation of female members in the affairs of the Fishermen's Association by organizing courses on women's awareness in fishing villages, cultivating outstanding women from young fishermen to serve as cadres of the Fishermen's Association at the grass-roots level, producing media publicity and reporting for the admirable female of fisheries-related industry on fields. This Agency also revises the Fisheries Association assessment method, promoting the gender equality education and increasing the number of female elected staff will gain bonus score now, and increase the financial subsidies for the Fishermen's Association that employs female CEO.

Article 14 第 14 條 No.43 編號 43

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
43	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?	43. 為什麼農田水利署及所屬灌溉管理組織中，參與決策的女性累計人數少於 25%，與現行政策相悖？這似乎反映出內部歧視性做法，以及女性在此經濟生活領域擔任決策職位時缺少職業發展機會。目前有什麼計畫可以解決這項問題？

權責機關：農委會

回應：

有關農田水利署及所屬 17 個灌溉管理組織決策層級之女性偏低，係反映早期農業灌溉管理人才訓練以工程背景為主，且以人力開啟水閘門或清理圳路皆為勞力密集之工作，因此該專業領域幾乎以男性為主。隨著高等教育普及與灌溉設備自動化，近幾年通過甄試的農田水利事業人員女性比例逐漸提高，在累積數十年工作實務經驗後，我們提供高階管理人才養成訓練計畫(農田水利事業人員三等升二等之升等訓練)，鼓勵女性未來可朝更高職位發展。

Response

The Irrigation Agency, Council of Agriculture and its 17 Irrigation Management Organizations have fewer number of women in decision making, because the specialists in irrigation are almost men. This result shows in early days, the training of irrigation focused on engineering knowledge and practice. And in engineering field, male personnel were much more than female one. Moreover, to open sluice gates and clean up water channels were physical works, so men were more appropriate than women in early agriculture society in Taiwan. With the universalization of higher education and the automation of irrigation facilities, there are more women of newly employed farmland water conservancy personnel be recruited in recent years. After work for decades, we establish a senior management personnel promotion project to encourage women to pursue higher positions in the future.

Article 14 第 14 條 No.44 編號 44

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
44	<p>Livelihood, property and economic opportunities</p> <p>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.</p>	<p>生計、財產及經濟機會</p> <p>44. 2017 年至 2020 年，「臺灣原住民族精實創業輔導計畫」已為 599 名創業者提供專業育成服務，其中女性占創業者總數的 42.9% 至 54.1%。請釐清該服務是否未強化與 CEDAW 原則和理想相悖的性別角色及傳統刻板印象？「中小企業城鄉創生轉型輔導」(SBTR) 計畫以在地元素創新商業模式，這如何幫助創造農村婦女就業機會及提升其就業能力？另據觀察，78% 的客家語言教師為女性。請說明為什麼聘用的客家語言教師大多為女性，以及更高的女性聘用率是否強化任何刻板印象。</p>

權責機關：原民會、經濟部、客委會

回應：

- 一、原住民族委員會自 2015 年起推動之「百萬創業計畫」，提供百萬創業金及企業顧問診斷輔導，提升原住民族創業之競爭力。自 2021 年透過推動「百合綻放新創學程計畫」，除了提供一系列培訓課程活動外，所有完成此課程之女性，5 年內申請「百萬創業計畫」者皆給予加分，以鼓勵原住民族女性創業。

- 二、SBTR 計畫協助在地企業開發具當地特色之產品，提升產品附加價值，推動六級化產業模式，並開發相關體驗經濟活動，促進經濟發展，創造當地就業機會。此外，計畫中並鼓勵企業進行人才培訓，開設相關培訓課程，提升農村婦女專業技能，促進當地婦女就業機會。
- 三、客家委員會為推展客語傳承計畫，依據「推動客語薪傳師資格認定作業要點」就已具備客家語言、文學、歌謠及戲劇等專長之人員，依規定程序審查、認定申請者資格，賦予客語薪傳師之尊銜，投入客家語言傳習，係屬資格審核，而非人員聘用。目前女性客語薪傳師占 78%，係因為原申請者以女性居多，未涉及客家語言教師聘用與特定性別趨向等規範。

Response

1. Since 2015, Council of Indigenous Peoples had executed the "Entrepreneurial Guidance Program for indigenous peoples", providing millions of entrepreneurial funds and business diagnosis and guidance to enhance the competitiveness. Since 2021, the Council of Indigenous Peoples executed the "Inspiring Female Entrepreneurs Program." In addition to a series of training courses and activities, those who had completed courses would be given extra marks in applying for the "Indigenous Peoples Entrepreneurial Guidance Program" within 5 years to encourage women to start their own businesses.
2. SBTR program assists local enterprises to develop products with local characteristics, enhance the value added of products, implement the six-grade industrial model, and develop activities with regard to experience economy in order to boost economic development and create local employment. In addition, this program also encourages enterprises to conduct talent training and offer training courses, to improve professional skills of rural women, which consequently contribute to their employability.
3. To promote the passing on of the Hakka language, the Hakka Affairs Council has adopted the "Guidelines for Promoting the Qualification of Hakka Language Teachers" to review and accredit individuals with expertise in the Hakka language, literature, folk songs, and drama. Applicants who are deemed to meet the criteria according to the guidelines are granted the title of Hakka Language Teachers (HLTs), who will then devote themselves to passing on the Hakka Language. The procedure, carried out to review their qualification, is not an employment process. The reason why 78% of the current HLTs are female is that applications have been submitted mostly by women. The procedure does not infringe regulations regarding HLT hiring or target a specific gender.

Article 14 第 14 條 No.45 編號 45

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
45	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.	45. 為向原住民族提供更健全的社會安全網，保障及促進其對透明度和取得資訊的權利，原住民族委員會已核准當地政府在 2020 年底設置 63 處原住民族家庭服務中心。目前已設置多少像這樣的中心，並在 2022 年全面營運？另請提供迄今為止接受訓練的 631 名原住民醫務人員（包括 310 名醫師、75 名牙醫師、186 名護理師和 60 名其他醫務人員）的性別分類。

權責機關：原民會、衛福部

回應：

- 一、2020 年底設置之 63 處原住民族家庭服務中心於 2022 年皆廣續運作，另截至 2022 年 8 月底止，原住民族家庭服務中心設置數已由 63 處成長至 66 處。
- 二、截至 2020 年共培育原住民籍醫事公費生計 631 名，包括 310 名醫師(男性 216 名、女性 94 名)、75 名牙醫師(男性 49 名、女性 26 名)、護理人員 186 名(男性 3 名、女性 183 名)及其他醫事人員 60 名(男性 29 名、女性 31 名)。

Response

1. The 63 Indigenous Peoples Family Service Centers set up in 2020 are still operating in 2022. In addition, the number of centers has grown up to 66 at the end of August 2022.
2. As of 2020, a total of 631 aboriginal public medical personnel ; including 310 doctors (216 males, 94 females), 75 dentists (49 males, 26 females), 186 nursing staff (3 males, 183 females) and 60 other medical personnel (male 29, female 31).

Article 14 第 14 條 No.46 編號 46

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
46	Health and education proposals 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.	健康及教育方案 46. 據報告，從 2017 年到 2020 年，72.1% 的女學生完成其選修的原住民族部落大學特殊課程。請說明與男學生相比，原住民族女性完成了哪些課程，以及習得多少電腦技術技能。

權責機關：原民會

回應：

原住民族委員會辦理部落大學課程，以資訊素養暨數位技能指標為主，並依「數位型」補助類型，規定開設原住民族資訊素養課程暨考照班，除設定預期達成班級數及受益人數至少須達 10 人次，目前尚未以性別作統計分析，未來新一年度計畫將增設性別之統計分析。

Response

Council of Indigenous Peoples conducts tribal university courses, focusing on information literacy and digital skills indicators, and according to the "digital" subsidy type, provides for the establishment of indigenous information literacy courses and examination classes must be at least 10 person, the statistical analysis of gender has not yet been made, and the statistical analysis of gender will be added in the next year's plan.

Article 14 第 14 條 No.47 編號 47

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
47	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?	47. 同樣，與男性和男孩相比，學校補貼計畫如何惠及女性和女孩？女性參與數位機會中心課程，如何提升農村地區女性的就業能力和生計？

權責機關：教育部

回應：

偏鄉地區設置數位機會中心並開設婦女數位課程專班，透過行動分班擴散服務，提供婦女多元資訊學習機會，提升偏鄉婦女資訊知能、科技應用能力及數位行銷能力，如：經營雲端訂單、品牌設計及網路社群經營，都有助於打破原有經濟結構中女性營生及自我實現的困境。臺灣希望透過數位科技應用的推動，協助更多女性運用數位工具，以提升工作技能及生活品質。

Response

Digital Opportunity Centers have been set up in remote areas and special classes for women's digital courses. Through the spread of services through mobile classes, it provides women with multiple information learning opportunities, and enhances rural women's information knowledge, technology application capabilities and digital marketing capabilities, such as: operating cloud Orders, brand design and online community management all help break the predicament of women's livelihood and self-realization in the original economic structure. Taiwan hopes to help more women use digital tools to improve their work skills and quality of life through the promotion of digital technology applications.

Article 14 第 14 條 No.48 編號 48

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
48	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?	48. 為土石流防災專員提供訓練，並鼓勵女性農村幹部參與，這一點值得樂見，但共計有多少名女性自願幹部，存在於多少座村莊？這如何幫助改變刻板印象、社會規範和歧視性做法，包括對性別和經濟權利的看法，尤其是對農村女性的看法？

權責機關：農委會

回應：

- 一、土石流防災專員分布在全臺 613 處具有土石流及大規模崩塌潛勢區之社區，現役土石流女性防災專員計有 220 位，約占總體 19.8%。
- 二、女性善巧的柔性溝通能力，結合當地民眾組成自主防災社區，共同協助雨量監測、災情通報與疏散、撤離等工作，有助於補強與提升整體自家乃至於社區的防災意識，實際促成防災行動改變。部分女性防災專員亦擔任村里長，在地方政府之災害防救計畫或演練宣導討論會議中為民眾發聲，提高女性於氣候變遷下災害防救決策的影響力。

Response

1. Debris flow volunteer specialists are distributed in 613 communities concluding debris flow and large scale landslide disaster potential area in Taiwan. There are 220 active female debris flow volunteer specialists, accounting for about 19.8% of the total.
2. Combining with women who are skillful and kind for communication, and self-dependent debris flow resistant community forming by local residents. They effort for rainfall monitoring, disaster reporting, evacuation and other work, that can help to strengthen and enhance the overall awareness of disaster prevention in their own homes and even in the community, and actually lead to changes in disaster prevention actions .Some female debris flow volunteer specialists are also serve as village chiefs, speaking up for the public in the local government's disaster prevention and rescue plans or drills and publicity discussion meetings, so as to

increase the influence of women in disaster prevention and rescue decision-making under climate change.

Article 15 第 15 條 No.49 編號 49

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
49	<p>Article 15: Access to justice and legal aid</p> <p>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?</p>	<p>第 15 條： 取得司法和法律扶助</p> <p>49. 針對第 4 次國家報告第 15.4-15 點，請釐清接受政府法律扶助的標準是什麼，以及法律扶助是否涵蓋完整的法律代表或僅適用於諮詢（親自或以電話或虛擬方式）。無論經濟狀況調查如何，女性家庭暴力倖存者是否都能取得專門的法律扶助？針對第 15.4 點關於女性申請人取得法律扶助的比例，其比例低於 50% 的原因為何？是否有在努力提高女性對申請法律扶助之可能性的認識？</p>

權責機關：司法院、法務部

回應：

一、接受法律扶助的標準：

- (一) 法律扶助之目的，依《法律扶助法》(下稱《法扶法》)第 1 條規定，係為保障人民權益，對於無資力或因其他原因，無法受到法律適當保護者，提供必要之法律扶助。
- (二) 無資力者，依《法扶法》第 5 條第 1 項規定，係指下列情形之一：一、符合社會救助法規定之低收入戶、中低收入戶。二、符合特殊境遇家庭扶助條例第四條第一項之特殊境遇家庭。三、其可處分之資產及每月可處分之收入低於一定標準。
- (三) 因其他原因無法受到法律適當保護者，依《法扶法》第 5 條第 4 項規定，係指下列情形之一：一、涉犯最輕本刑為三年以上有期徒刑或高等法院管轄第一審案件，於偵查中初次詢(訊)問、審判中，未經選任辯護人。二、被告或犯罪嫌疑人具原住民身分，於偵查、審判中未經選任辯護人。三、因神經系統構造及精神、心智功能損傷或不全，無法為完全陳述，於偵查、審判中未經選任辯護人；或於審判中未經選任代理人，審判長認有選任之必

- 要。四、前三款情形，於少年事件調查、審理中，未經選任輔佐人。五、其他審判、少年事件未經選任辯護人、代理人或輔佐人，審判長認有選任之必要。六、重大公益、社會矚目、重大繁雜或其他相類事件，經基金會決議。
- 二、法律扶助是否涵蓋完整的訴訟代理或僅適用於諮詢(面對面或以電話或虛擬方式)：依《法扶法》第4條規定，法律扶助包含下列事項：訴訟、非訟、仲裁及其他事件之代理、辯護或輔佐、調解、和解之代理、法律文件撰擬、法律諮詢、其他法律事務上必要之服務及費用、其他經基金會決議之事項。故法律扶助的範圍包含訴訟代理及法律諮詢，其中法律諮詢包含面對面、電話、視訊等方式。
- 三、無論經濟狀況調查如何，女性家庭暴力倖存者是否都能取得專門的法律扶助：
- (一) 依《法扶法》第5條第1項規定：本法所稱無資力者，係指下列情形之一：…二、符合特殊境遇家庭扶助條例第四條第一項之特殊境遇家庭。復依「特殊境遇家庭扶助條例」第4條第1項規定：本條例所稱特殊境遇家庭，指申請人其家庭總收入按全家人口平均分配，每人每月未超過政府當年公布最低生活費二點五倍及臺灣地區平均每人每月消費支出一點五倍，且家庭財產未超過中央主管機關公告之一定金額，並具有下列情形之一者：…三、家庭暴力受害。
- (二) 家庭暴力受害者如符合前開規定之資力標準，即得獲得法律扶助。
- 四、關於女性申請人取得法律扶助的比例，其比例低於50%的原因為何？是否有在努力提高女性對申請法律扶助之可能性的認識：
- (一) 依《法扶法》第1條規定，法律扶助之目的，係為保障人民權益，對於無資力或因其他原因，無法受到法律適當保護者，提供必要之法律扶助。基金會受理法律扶助申請案件，及決定是否准予扶助，均依《法扶法》或相關規定辦理，不因申請人之性別而有異，基金會2020年一般案件申請件數及准予扶助件數中，女性所佔比率皆低於50%之原因，可能與申請扶助之案件類型相關，而與性別無關。
- (二) 基金會均持續透過例行性之宣導活動、監所法治教育、辦理「全國法扶日」及跨界講座、媒體宣傳、社群網站宣傳等途徑，持續加強宣導，期使無資力或因其他原因，無法受到法律適當保護者，獲得必要之法律扶助。

Response

1. Criteria for receiving legal aid:

- (1) As Article 1 of the Legal Aid Act(the Act) stipulates, the Act is to protect people's rights and interests, providing necessary legal aid to people who can not receive proper legal protections because of indigent or other reasons.
- (2) Under Paragraph 1, Article 5 of the Act, the indigent refers to those who meet any one of the following conditions: (i) qualified as a low-income or middle-to-low-

income residents under the Public Assistance Act; (ii) their family is qualified as a Family in Hardship as described in Article 4 Paragraph 1 of the Act of Assistance for Family in Hardship; (iii) their disposable assets and monthly disposable income are below a specific standard.

- (3) Under Paragraph 4, Article 5 of the Act, other reasons refer to any one of the following conditions: (i) a defendant without the appointment of legal counsel in the first questioning (interrogation) of the investigation or a trial, where their case has the minimum sentencing of three-year imprisonment or adjudicated by the high court in the first instance; (2) indigenous people as a defendant or a suspect without the appointment of legal counsel in the investigation or trial process; (iii) a defendant incapable of making complete statements due to damage or impairment of the structures of the nervous system, of the psychological or mental functions, and did not retain an attorney in the investigation or trial; a defendant who did not have a legal representative in the trial proceeding, but the presiding judge deemed it necessary to have a legal counsel; (iv) a defendant without the appointment of an assistant in the juvenile delinquency investigation or trial process who meet any one condition of the preceding three subparagraphs ; (v) a defendant without the appointment of an attorney, a legal representative, or a legal assistant in juvenile delinquency cases and other trial proceedings, but the presiding judge deemed it necessary to have a legal counsel; (vi) cases of significant public interest, high social profile, high complexity, or similar instances as determined by the Foundation.

2. Does the legal aid cover a fully legal representation other than merely a consultation (in-person, through telephone, virtually)?

Under Article 4 of the Act, the scope of legal aid includes acting as a representative, a defender, or an assistant for litigations, non-contentious cases, arbitrations, and other matters; acting as a representative for mediations and settlements. In addition, legal aid provides drafting of legal documents, consultation, other necessary services and expenses related to legal matters, and anything decided by the Foundation's resolution. Therefore, legal aid provides not only legal representation but consultation performed in person, through telephone, or in a video conference.

3. Is legal aid specifically available to women survivors of domestic violence regardless of the means test?

- (1) According to Paragraph 1, Article 5 of the Act, the "indigent" refers to those who meet one of the following conditions. "... (ii) their family is qualified as a Family in Hardship as described in Article 4 Paragraph 1 of the Act of Assistance for Family in Hardship". However, even though being a victim of domestic violence falls into one category of the above provision, the victim needs to meet other

conditions of being a "Family in Hardship," which means their monthly family per capita income does not exceed 2.5 times the minimum living expenses per capita announced annually by the government and 1.5 times expenditure per capita in Taiwan, in addition, their family properties' value does not exceed the amount declared by the central competent authority.

- (2) As a result, victims of domestic violence will receive legal aid services if they pass the above means test.
4. Why do women applicants have a ratio below 50% of passing legal aid applications? Have there been efforts to raise awareness among women to this possibility?
- (1) As Article 1 of the Act stipulates, the Act is to protect people's rights and interests, providing necessary legal aid to people who can not receive proper legal protections because of indigent or other reasons. The Foundation handles applications and decides on granting legal aid services based on the Act and relevant regulations. The gender of applicants does not affect their consideration. Thus, the reason why the female application and granting rate in 2020 is under 50% might be relevant to the case type but not the gender.
 - (2) The Foundation has continued to publicize legal aid services by several means, such as launching routine promotion activities, legal education in correctional institutions, National Legal Aid Day, lectures, and press releases on both traditional and social media. Also, we hope people without proper legal protection due to indigent or other reasons can receive necessary aid.

Article 15 第 15 條 No.50 編號 50

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
50	<p>Judicial and other legal professionals training</p> <p>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?</p> <p>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?</p> <p>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”?</p> <p>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?</p>	<p>司法及其他法律專業人士訓練</p> <p>50. 針對第 15.5 點提供的資料，司法院如何督促法律扶助基金會定期為扶助律師提供性別教育訓練？這些是否為強制性訓練？</p> <p>針對第 15.13 和 15.14 點所述的兩個司法訓練機構，其中提到的訓練是否對所有法官都是強制性？是否有強制性的司法訓練？貴單位是否考慮過強制要求為針對女性的性別暴力提供相關訓練？貴單位是否考慮過強制要求所有家事法庭法官接受家庭暴力訓練？</p> <p>目前已採取哪些措施，針對之前的第 19(a) 點建議，「根據第二次審查的建議，改善指標並對檢察官和法官普遍存在的刻板印象和法律適用錯誤進行廣泛研究」？</p> <p>貴單位能否針對第 15.23-15.24 點所述之法律和機制，提供資訊說明法官和檢察官之問責相關懲戒及其他行為的結果？</p>

權責機關：司法院、法務部

回應：

- 一、基金會每年均為扶助律師舉辦與性別議題相關之教育訓練課程，其中包含「消除對婦女一切形式歧視公約(CEDAW)於扶助律師實務上之應用」，透過實務案例等分享，落實 CEDAW 精神，並助於扶助律師於法扶業務上之應用，110 年度共舉辦 5 場，此訓練課程非強制性。司法院將持續促請基金會開辦與性別議題相關之教育訓練課程，鼓勵扶助律師積極參與，並適時將辦理情形陳報司法院。
- 二、司法院均有持續辦理家事庭長、法官家庭暴力相關教育訓練課程，透過性別意識、性別平權與多元文化意識之教育訓練，使法官於審理各類家事事件，均能瞭解、具有性別平權、多元文化之觀念。本廳每年於法官學院排定的家庭暴力防治相關研習課程雖未強制法官參加，但自 2021 年起，陸續在家事法官專業培訓課程中指定相關課程為核心課程，包含「保護令事件-談目睹兒少及加害人處遇計畫」、「保護令事件-談童年逆境及加害人處遇計畫」、「家庭暴力防治法業務研討會」等，作為法官申請換發家事專業法官證明書時之考核項目之一，以強化家事法官對審理家庭暴力事件之專業知能。
- 三、法務部每年辦理「婦幼保護及性別平等研習會」，以各級檢察機關辦理家庭暴力、性侵害、性騷擾等婦幼案件之檢察官、檢察事務官為主要實施對象，課程內容包含家庭暴力、性侵害、性騷擾、重大兒虐等案件之偵審，以及性別平等、數位／網路性別暴力等相關議題，每次研習會均邀請檢察官、法官講授偵查及審判實務之經驗分享、邀請相關專業人員講授各專業領域之專業知識及對偵審實務之協助經驗、邀請相關專家學者講授司法與性別平等之相關議題等，以提升檢察官偵辦婦幼案件之專業能力及性別平等觀念，並落實國是會議及 CEDAW 公約對司法體系之規範。另法務部法官學院在法官、檢察官的職前教育訓練，規劃人權課程系列，其中「司法與性別平權」為每年均開設的必修課程；本學院近期開設「數位人權：網路性別暴力」之在職教育訓練，內容為討論針對女性的網路性別暴力，未來本學院將規劃列入職前教育必修的性別平權課程。
- 四、司法院已於 2021 年 11 月 10 日委託國立政治大學執行「法官辦案引用 CEDAW 參考手冊」研究計畫，該案至 2022 年 11 月 9 日止，以強化法官對 CEDAW 及其一般性建議之認知，並供法官辦案運用之參考。
- 五、2020 年 7 月 17 日《法官法》新制施行後，經職務法庭第一審(含參審員 2 名，共 5 名成員組成之合議庭)審理法官懲戒判決懲戒處分之案件，計有 8 件，其中因違反法官倫理規範第 4 條之誡命而受懲戒者 1 件。
- 六、檢察官辦理案件若有故意或重大過失而侵害人民權益、廢弛職務、侵越權限或行為不檢，違反檢察官倫理規範，例如，開庭時有強暴、脅迫、利誘、詐欺、疲勞訊問、笑謔、怒罵或歧視等不正行為等情形，其所屬檢察機關得經召開職務評定審議會後，對其為促請注意或警告之行政監督處分。而檢察官

若有上開情事，情節重大，其所屬機關、案件之當事人或犯罪被害人得請求「檢察官評鑑委員會」評鑑該檢察官。檢察官評鑑委員會如作成請求成立有懲戒之必要之決議，將報由法務部移送懲戒法院職務法庭審理，經職務法庭做成以下3種懲戒處分者，不得回任檢察官職務：

- (一) 免除檢察官職務，並不得再任用為公務員。
- (二) 撤職：除撤除現職外，並於一定期間停止任用。
- (三) 免除檢察官職務，轉任檢察官以外之其他職務。

Response

1. Every year, the Foundation holds training and education programs about gender issues for legal aid lawyers, including “Implementation of the CEDAW in Legal Aid Practice.” By case study and sharing real-life experiences, this course can help lawyers follow the CEDAW in legal aid cases to realize its core value. The Foundation held five sessions in 2021, but this course was not compulsory for legal aid lawyers. The Judicial Yuan will continue to urge the Foundation to hold training programs on gender issues, encouraging the participation of legal aid lawyers. Also, the Foundation should report the execution promptly.
2. Judicial Yuan has continued to provide education and training courses related to domestic violence for family judges. Through the education and training of gender awareness, gender equality and multicultural awareness, judges can understand and have gender equality and diversity concept of culture perspectives in various family cases hearings. Although it is not mandatory for judges to participate in the domestic violence prevention and related training courses scheduled every year at the Judges Academy, in order to strengthen the professional knowledge of family judges in handling domestic violence cases, relevant courses have been designated as core courses in the professional training courses for family judges, including "Protection Order cases—Talking about Children Witnesses and Offender treatment program," “Protection Order cases—Talking about Childhood Challenges and Offender treatment program,” and the “Seminar on matters of the Domestic Violence Prevention Act,” as the requirements for judges who apply or renew the family professional judge certificate since 2021.
3. The "Women and Children Protection and Gender Equality Seminar" is held every year. The target trainees are the prosecutors and administrative prosecutors who investigate the cases of domestic violence, sexual assault, sexual harassment, the serious child abuses, etc. The courses include the investigation and the trial of domestic violence, sexual assault, sexual harassment, serious child abuses, etc., as well as related issues such as gender equality, digital gender-based violence. Prosecutors and judges are invited to share their experience in investigation and trial

practice. Relevant professionals are invited to give lectures on professional knowledge and experience in assisting investigation practice. Relevant experts and scholars are invited to give lectures on the issues related to justice and gender equality, etc. We expect to enhance the professional ability of prosecutors in investigating women and children's cases and the concept of gender equality, and to implement the regulation of the judicial system by the National Conference and CEDAW. Among the orientation training for judges and prosecutors, the Academy for the Judiciary, Ministry of Justice, designs a series of human rights courses each year. "Judiciary and Gender Equality" is one of the mandatory human rights courses. Besides, the academy has opened a new course in recent on-the-job training, Digital Human Rights: Sexual Violence on the Internet, aiming at discussing violence against women on the internet. The academy is considering listing the new one into mandatory gender equality courses.

4. On November 10, 2021, the Judicial Yuan commissioned National Chengchi University to conduct a research project on the "CEDAW Reference Manual for Judges' Case Handling", which will be completed on November 9, 2022, in order to enhance judges' awareness of CEDAW and general recommendations, and provides reference for judges handling cases.
5. After the enforcement of the amended Judges Act on July 17, 2020, the first instance court (with a collegial panel formed by three professional judges and two expert lay judges) of the Disciplinary Chamber of the Judiciary has tried 8 cases of disciplinary punishment for judges, of which 1 was for violating the provision of Article 4 of the Code of Conduct for Judges.
6. In cases where prosecutors intentionally or grossly negligently damaged rights and interests of people, neglected their duties, abused their authority, or otherwise misbehaved, violated the Code of Conduct for Prosecutors, for example, sessions of interrogations that prosecutors made out of violence, threat, inducement, fraud, exhaust, banter, scolding or discrimination, prosecutorial agencies to which they belong may, after convening a performance rating review meeting, issue an administrative supervisory order of warning or of urging to take notice on matters concerning their duties. Additionally, in cases mentioned above deemed to be sufficiently serious, prosecutorial agencies to which the prosecutor belong to, pertinent parties or victims of crime committed may request that the Prosecutor Evaluation Committee evaluate the prosecutor. If the Prosecutor Evaluation Committee concluded a resolution that confirmed the request and that a disciplinary action is deemed necessary, Ministry of Justice may refer the prosecutor to proceedings of the Disciplinary Chamber of the Judiciary, the Disciplinary Court. Those who have been given the following three disciplinary actions by the

Disciplinary Chamber of the Judiciary shall not be allowed to return to his/her position as a prosecutor :

- (1) Removal from prosecutorial duties and prohibition of reappointment as civil servants.
- (2) Dismissal from office: In addition to dismissal from the incumbent office, all appointments shall be suspended for a period of time.
- (3) Removal from prosecutorial duties and transfer to positions other than the prosecutorial duties.

Article 15 第 15 條 No.51 編號 51

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
51	<p>Property and inheritance rights</p> <p>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.</p>	<p>財產及繼承權</p> <p>51. 請針對 2.1 及 15.3 點，說明什麼是「祭祀公業」，以及其所涵蓋的土地範圍。請說明已提交行政院審查之《祭祀公業條例》修正草案的情況。由於很不幸政府網站上的相關網頁無法順利運作，也請說明第 15.3 點末尾提到的比例。</p>

權責機關：內政部

回應

1. 祭祀公業係以祭祀祖先為目的所設立之團體，多設立於民國以前，由子孫集資購置土地，以其收益作為祭祀祖先使用。我國除花蓮縣、臺東縣、金門縣及連江縣外，其餘直轄市、縣(市)均有祭祀公業土地。
2. 《祭祀公業條例》部分條文修正案草案，於 2020 年 3 月 19 日函報行政院審查。
3. 第 2.1 點提及《祭祀公業條例》部分條文修正草案內容，現行《祭祀公業條例》第 4 條規定，該條例施行前已存在之祭祀公業，無規約或規約未規定者之派下員資格，以男性為主。第 5 條規定，該條例施行後，派下員發生繼承事實時，其繼承人應以共同承擔祭祀者列為派下員，繼承派下員之權利不因性別而有差異。內政部擬具《祭祀公業條例》部分條文修正案草案，修正該條例施行前已存在之祭祀公業，無規約或規約未規定者之派下員資格，依習慣。另該條例施行後，派下員發生繼承事實時，修正為被繼承人之直系血親卑親屬均應列為派下員。
4. 第 15.3 段末尾提供自《祭祀公業條例》施行後，依該條例第 5 條規定派下員之繼承人不分男女均可列為派下員，經統計，2020 年各直轄市、縣(市)祭祀公業法人已有女性派下員占全部派下員之比例為 9.2%，較 2019 年為 8.6% 呈現逐年增長之趨勢。

Response

1. Ancestor worship guild means a group of people aiming at providing services for ancestor worship. Mostly established before the Republic of China, the descendants raised funds to purchase land and used the proceeds as sacrifices to ancestors. Besides Hualien county, Taitung county, Kinmen county, Lianjiang county, other counties(cities) have ancestor worship guild lands.
2. The MOI has prepared the draft amendments to the “Act for Ancestor Worship Guild” and have been sent to the Executive Yuan on March 19 2020 for review.
3. Paragraphs 2.1 refer to the draft amendments to the “Act for Ancestor Worship Guild”, Article 4, For the guilds that existed before the promulgation of the Act, their successors should abide by related rules of their regulations. For those without any regulations, their successors should be the male offspring of the family. Article 5 had stipulated, after the Act take effect, the successors of the guild and corporations should take the responsibility of the successor as a joint worshiper when they inherit the business. The rights of succession do not different from gender difference. The MOI has prepared the draft amendments to the Act for Ancestor Worship Guild. The guilds that existed before the promulgation of the Act, their successors should abide by related rules of their regulations. For those without any regulations, their successors should be decided according to customs. In addition, after the Act take effect, when the fact of succession occurs in the successors, it is amended to be a direct descendant of blood relatives, whether male or female, should be listed as successors.
4. Last paragraph 15.3 provided after the Act take effect, according to Article 5 of the regulations, the heirs of the successors, regardless of gender, can be listed as successors. According to statistics, as of 2020, the ratio of female successors to all the successors is 9.2%, a year-on-year growth from 8.6% in 2019.

Article 16 第 16 條 No.52 編號 52

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
52	<p>Article 16: Non-judicial mutual consent divorce</p> <p>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.</p>	<p>第 16 條： 非司法性雙方同意離婚</p> <p>52. 只有第 1 次報告稍微提到庭外離婚的選項，其做法是簽署可自商店購買的表格，並寄送至戶政機關。2009 年進行改革後，該程序根據《民法》第 1049-1050 條進行。請釐清有哪些機制可以監督夫妻離婚協議書的內容，並防止任何權力差異。請釐清是否有機制可以確保即使不涉及司法審查，也能保障子女的最大利益。</p>

權責機關：內政部、法務部

回應

- 一、配合《民法》協議離婚之規定，內政部於《戶籍法》等相關法令規範民眾應為離婚登記及申辦方式，至協議離婚案件如何建立監督機制防止離婚當事人權差及如何保障離婚當事人之未成年子女最佳利益，因非屬離婚登記之範圍，仍應回歸於《民法》規範。
- 二、我國現行《民法》之兩願離婚，係基於夫妻獨立對等之立場，貫徹意思自主之原則，故有關離婚協議之內容係由當事人自行約定。實務運作上，協議離婚當事人於辦理離婚登記時，如有未成年子女，同時會辦理未成年子女權利義務行使負擔登記。另依《民法》第 1055 條第 1 項及第 2 項規定，對於未成年子女權利義務之行使或負擔，由離婚當事人先行協議，於未為協議、協議不成或協議不利於子女時，得請求法院酌定或改定之。另依《民法》第 1116 條之 2 規定，父母對於未成年子女之扶養義務，不因離婚而受影響。

Response

1. In order to comply with the provisions of the “Civil Code” for divorce by agreement, the MOI has formulated the “Household Registration Act” and related operating regulations to regulate the way people should register and apply for the divorce registration.
2. The divorce by mutual consent specified in the currently effective Civil Code of Taiwan is based on the standpoint of independence and equality between the husband and wife, which emphasizes the principle of autonomy. Therefore, the content of the divorce agreement is determined by the parties themselves. In practice, if the husband and wife applying for divorce by mutual agreement have any minor child, they will simultaneously register for the exercise of the rights and assumption of duties to the minor child. Paragraphs 1 and 2 of Article 1055 of the Civil Code state that after the husband and the wife effect a divorce, one party or both parties of the parents will exercise the rights or assume the duties in regard to the minor child by mutual agreement. If the mutual agreement did not or could not be done, or is unfavorable to the child, the court may change the agreement upon the applications of the authority concerned, the social welfare institution or any other interested person or by its authority with regard to the interests of the minor child. Article 1116-2 of Civil Code states that the obligation of the parents to maintain their minor child shall not be affected by the divorce.

Article 16 第 16 條 No.53 編號 53

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
53	<p>Marital Property Regimes</p> <p>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.</p> <p>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?</p> <p>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</p>	<p>夫妻財產制</p> <p>53. 請針對本次報告第 2.2 點所提到，為回應 CEDAW 第 29 號一般性建議所提出之《民法》修正案提供相關資訊，若可能，請提供英文版的修正案。</p> <p>《民法》第 1004-1005 條規定夫妻可以從《民法》第四節規定之約定財產制選擇其一（共同財產或分別財產），而不是預設的法定財產制。政府如何確保女性瞭解這些選項，以及不同選擇的後果？是否存在相關機制可以確保不濫用權力差異，例如，誘使女性簽訂分別財產制？</p> <p>《民法》第 1030-1 條規定，法院在分配婚後財產之剩餘財產差額時，應衡酌「家事勞動、子女照顧養育、對家庭付出之整體協力狀況」等。是否研究過這種司法自由裁量權的使用？是否研究過離婚的經濟結果？</p> <p>《民法》修正案是否根據 CEDAW 第 29 號一般性建議，承認提升的收入潛力及人力資本，應納入離婚的財產分配考量？</p>

	<p>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?</p>	
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權責機關：法務部、司法院

回應：

1. 民法親屬編部分條文修正案(贍養費制度)將現行請求贍養費限於「無過失」及「裁判離婚」之要件，予以刪除，以符合消除對婦女一切形式歧視公約(CEDAW)第29號一般性建議第39段至第40段「離婚制度不得以當事人沒有過錯為取得經濟權利的條件；締約國應修改過錯離婚規定，以便對妻子在婚姻期間對家庭經濟福祉所做的貢獻進行補償」之意旨。上開修正條文案已於2021年8月經行政院院會審查通過，行政院並於同年11月會銜司法院函送立法院審議。(修正草案如下表)
2. 依司法院夫妻財產制登記事項統計資料顯示，我國多數夫妻間係適用法定財產制，至於如有以詐欺或脅迫手段使婦女訂立分別財產制契約，該婦女得依民法第92條規定撤銷其意思表示；又對婦女為詐欺或脅迫者，並可能負相關刑事責任。
3. 2021年1月20日修正公布《民法》第1030條之1規定，增列法院調整或免除夫妻剩餘財產分配額之認定要件及審酌因素，包括夫妻婚姻存續期間之家事勞動、子女照顧養育、對家庭付出之整體協力狀況、共同生活及分居時間之久暫、婚後財產取得時間、雙方之經濟能力等因素，以完整評價當事人於婚姻存續期間之貢獻、協力。2021年法務部「從法規面探討離婚配偶經濟分配之公平性及政策建議」委託研究案，透過司法裁判實務之觀察，研析法院裁判剩餘財產分配額之考量因素及判斷標準，以作為未來政策方向之參考。
4. 剩餘財產分配請求權制度之目的，原在保護婚姻中經濟弱勢之一方，使其對婚姻之協力、貢獻得以彰顯，並於財產制關係消滅時，使弱勢一方具有最低限度之保障。然因具體個案平均分配或有顯失公平之情形，為提供法院對於具體個案之認定標準，民法於2021年1月20日修正第1030條之1第2項規定，增列「夫妻之一方對於婚姻生活無貢獻或協力，或有其他情事，致平均分配有失公平者」之要件，以資適用。又法院為第二項裁判時，對於「夫妻之一方有無貢獻或協力」或「其他情事」，應有具體客觀事由作為審酌之參考，爰於同法條增訂第3項規定「法院為前項裁判時，應綜合衡酌夫妻婚姻存續期間之家事勞動、子女照顧養育、對家庭付出之整體協力狀況(含對家庭生活之情感

維繫)、共同生活及分居時間之久暫、婚後財產取得時間、雙方之經濟能力等因素」，例如夫妻難以共通生活而分居，則分居期間已無共通生活之事實，夫妻之一方若對於婚姻生活無貢獻或協力，法院即應審酌，予以調整或免除其分配額。

民法親屬編部分條文修正草案

修正條文
第九百九十九條之一 第一千零五十七條至第一千零五十八條之規定，於結婚無效時準用之。 第一千零五十五條至第一千零五十五條之二、第一千零五十七條至第一千零五十八條之規定，於結婚經撤銷時準用之。
第一千零五十七條 夫妻之一方因離婚而生活陷於困難者， <u>得向他方請求贍養費。但他方因負擔贍養義務而不能履行其對直系血親之扶養義務或不能維持自己生活者，不在此限。</u> <u>贍養費由當事人協議定之；不能協議時，由法院定之。</u>
第一千零五十七條之一 有下列情形之一者，贍養義務人得請求法院減輕或免除其給付義務： 一、贍養權利人對贍養義務人或其直系血親故意為虐待、重大侮辱或其他身體、精神上之不法侵害行為。 二、結婚未滿二年。 三、有事實足認給付贍養費對於贍養義務人顯失公平。 定贍養費後，有前項第一款或第三款情形者，亦得請求法院減輕或免除贍養義務人之給付義務。
第一千零五十七條之二 贍養費給付之程度，應依贍養權利人之需要狀況及贍養義務人之經濟能力定之。
第一千零五十七條之三 贍養費請求權及未到期之定期金給付，因贍養權利人再婚或死亡而消滅。
第一千零五十七條之四 贍養費請求權，自離婚時起五年間不行使而消滅。
第一千零五十七條之五 夫妻雙方離婚，非因生活陷於困難而自行約定贍養費者，不適用前五條之規定。

Response

1. Amendments are made to certain provisions specified in the Family Chapter of the Civil Code (system of alimony) stating that the existing requirements for alimony are only applicable on the basis of "innocent" and "judicial decree of divorce" which

would be deleted in order to comply with Paragraphs 39 to 40 of the general recommendation No. 29 for Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) stipulating that the "divorce regimes should not condition financial rights on the lack of fault; States parties should revise provisions relating to fault-based divorce in order to provide compensation for the contributions made by the wife to the family's economic well-being during the marriage." The above-mentioned draft amendment had been reviewed and approved by the Executive Yuan in August 2021. The Executive Yuan had submitted it to the Legislative Yuan for review in November 2021. The amendment is as follows.

2. According to the statistics of the registration of matrimonial property regimes of the Judicial Yuan, most wives and husbands in Taiwan adopt the statutory regimes. As for those women who enter into a separation of property regime agreement due to fraud or duress, such women may revoke the expression of intent in accordance with the provisions of Article 92 of the Civil Code; and those who make fraud or duress against such women may be held criminally responsible.
3. The provisions of Article 1030-1 of the Civil Code amended and promulgated on January 20, 2021 add further factors for the court to adjust or exempt the distribution of the remainder of the property of the husband and wife, including household labor, caring and nurturing of the child, the collaboration of contribution to the family, the length of time of living together or separately, the time of receiving the property acquired in marriage or each party's economic ability, which are expected to fully evaluate the contribution and collaboration of the parties during the marriage. Based on the research project titled "Policy Implication and Equality of Economic Distribution of the Divorced Spouse in Terms of Legal Aspects" commissioned by the Ministry of Justice in 2021, we observed the judicial practice to study and analyze the consideration and judgment criteria of the courts on making judgment on the distribution of the remainder of the property to provide reference for future policy directions.
4. The purpose of the distribution of the remainders of the property is to protect the economically disadvantaged party by honoring their cooperation and contribution to the marriage, securing the inferior party to have minimal financial protection at the termination of the matrimonial property regime. However, to avoid the unfair results caused by equal distribution in certain situations, on January 20, 2021, the amendment of the Civil Code revised Paragraph 2 of Article 1030-1, putting the element of "a distribution being unfair due to one of the spouses giving no contribution or collaboration to the marriage or other reasons" into the clause. So the court can apply this provision to individual cases. In addition, when the court

decides to give a judgment under Paragraph 2, they should assess the element mentioned by referring to concrete, objective facts and reasons. As a result, the amendment added Paragraph 3 under the same Article, saying that "when deciding the preceding paragraph, the court shall consider the factors such as household labor, caring and nurturing of the child, the collaboration of contribution to the family, the length of time of living together or separately, the time of receiving the property acquired in marriage or each party's economic ability." For example, in the scenario where the spouses find it hard to live together and have separated from each other, the period of separation can not only prove no cohabitation in their marriage but the element of "one of the spouses giving no contribution or collaboration to the marriage." In this case, the court, instead of equal distribution, shall assess to adjust or waive the share of the distribution of their marital property.

Draft Amendment to The Civil Code on Alimony

Articles Amended
<p>Article 999-1</p> <p>The provisions in Article 1057 to Article 1058 shall be applicable mutatis mutandis to invalid marriage.</p> <p>The provisions of Articles 1055 to Article 1055-2, Article 1057 and Article 1058 shall be applicable mutatis mutandis to annulled marriage.</p>
<p>Article 1057</p> <p>Where either party of the husband and the wife is reduced to difficulties in livelihood, <u>the other party shall pay an equitable alimony. However, this does not apply if the other party is unable to assume his obligation of support to the lineal relatives by blood or cannot support his own living.</u></p> <p><u>The alimony is mutually agreed upon by both parties, or the court in the event that such agreement fails to be reached.</u></p>
<p>Article 1057-1</p> <p>Obligators of support having any of the following situations may ask the court to mitigate or exempt their alimony payment obligations:</p> <p>I. The holders of right to alimony has intentionally maltreated, insulted or committed severe misconduct, physically and spiritually, against the obligators of alimony or their lineal relatives by blood.</p> <p>II. The marriage had lasted for less than two years.</p> <p>III. On robust basis in which the payment of alimony causes significant</p>

Articles Amended
<p>unfairness to the obligator of alimony.</p> <p>When the alimony is determined and there is any of the situations specified in Subparagraph 1 or Subparagraph 3 of the preceding Paragraph, it is also available for applying to the court for mitigating or exempting the alimony obligations.</p>
<p>Article 1057-2</p> <p>The extent of the alimony payable shall be determined in accordance to the needs of the holders of the right to alimony and the economic ability of the obligator of alimony.</p>
<p>Article 1057-3</p> <p>The right to alimony and payment of unexpired regular amount is extinguished due to the remarriage or death of the right holder.</p>
<p>Article 1057-4</p> <p>The right for requesting alimony shall be extinguished, if it is not exercised within five years from the time of divorce.</p>
<p>Article 1057-5</p> <p>The provisions stated in the first five Articles mentioned above do not apply to the divorcing husband and wife mutually agreeing on the alimony not due to difficulties in livelihood.</p>

Article 16 第 16 條 No.54 編號 54

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
54	Illegitimate children 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?	非婚生子女 54.《民法》第 1061 條及後續條款提及婚生和非婚生子女。將子女定義為非婚生子女的後果為何？是否提議修正案，在法律中徹底消除此類別？

權責機關：法務部

回應：

1. 婚生子女與非婚生子女係以「是否由婚姻關係受胎而生子女」為區分，因非婚生子女與生父之關係，無法以分娩之事實而為確定，須透過生父認領程序，以確定法律上之親子關係。依《民法》第 1065 條第 1 項規定，非婚生子女經生父認領後，視為婚生子女，其得享有之權利義務內容，與婚生子女並無差異（例如繼承權、扶養、對於未成年子女之權利行使與義務負擔等）。
2. 曾有立法委員提案刪除非婚生子女之名詞，惟因外國立法例對於父母子女間關係之規範立法架構與我國並不相同，法務部將持續進行研究。

Response

1. Legitimate child and child born out of wedlock are distinguished by "whether or not the children were born with the conception during the marriage relationship." Because the relationship between children born out of wedlock and their natural father cannot be determined by the fact of childbirth, the legal parent-child relationship shall be confirmed based on the natural father's acknowledgment. Paragraph 1 of Article 1065 of the Civil Code states that a child born out of wedlock who has been acknowledged by the natural father is deemed to be legitimate and they may enjoy the rights and obligations that are the same of that of legitimate child (such as rights to succession, maintenance, exercise the rights and assume the duties in regard to the minor child, etc.).
2. There has been proposals by legislators to delete the term "children born out of wedlock." However, because the regulatory framework for the parent-child relations in foreign legislation is different from that in Taiwan, Ministry of Justice will continue to conduct research on the feasibility of such proposal.

Article 16 第 16 條 No.55 編號 55

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
55	<p>Child custody</p> <p>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?</p>	<p>子女監護權</p> <p>55. 《民法》第 1055-1 條列出法院裁判子女監護權時必須考慮的幾項變數。第 6 款是指父母之一方「有妨礙他方對未成年子女權利義務行使負擔之行為」。若父母試圖保護子女免受另一方父母施暴時，有哪些機制可以確保不動用該條款來危害子女的安全？目前未規定法院在決定子女監護權時考慮家庭暴力的情況，原因為何？</p>

權責機關：法務部、司法院

回應：

- 一、有鑑於父母親在親權酌定事件中，有時會以不當之爭取行為(例如：訴訟前或訴訟中隱匿子女等行為)，獲得與子女共同相處之機會，以符合所謂繼續性原則，爰增列《民法》第 1055 條之 1 第 1 項第 6 款規定，供法院審酌評估父母何方較為善意，以作為親權所屬之判斷依據。另依《家庭暴力防治法》第 43 條規定：「法院依法為未成年子女酌定或改定權利義務之行使或負擔之人時，對已發生家庭暴力者，推定由加害人行使或負擔權利義務不利於該子女。」又《民法》第 1055 條之 1 條規定法院為親權酌定裁判時之審酌事由，惟該條僅為提示性規定，法院審理時仍應依具體個案情形(例如家庭暴力之情形)，本於職權綜合一切情狀而為判斷。
- 二、綜上所述，《民法》第 1055 條之 1 第 6 款即所謂「善意父母原則」，係為避免父母一方惡意阻斷子女與他方感情連結之行為，對子女造成傷害與影響。倘父母一方對子女有施暴之行為，另一方父母為確保子女人身安全，可向法院為下列聲請：

- (一) 依《家庭暴力防治法》第 12 條規定向法院聲請保護令，禁止對子女身體等有不法侵害或遠離特定住所；相關人員於執行職務知有疑似家暴，並應通報；或依同法第 14 條第 1 項第 6 款規定，請求法院定暫時性監護權。
 - (二) 「家事非訟事件暫時處分類型及方法」辦法第 7 條第 1 項第 8 款規定其他法院認為適當之暫時性舉措。
 - (三) 依《兒童及少年福利與權益保障法》相關規定聲請安置；又父母如有同法第 56 條第 1 項第 3 款規定對子女有身心虐待行為，得請求法院宣告停止其親權或監護權，或得另行聲請選定或改定監護人。
- 三、《家庭暴力防治法》第 43 條規定：「法院依法為未成年子女酌定或改定權利義務之行使或負擔之人時，對已發生家庭暴力者，推定由加害人行使或負擔權利義務不利於該子女」。但此推定非不得因法院之職權調查而推翻，法院得斟酌具體資料為相反之認定，例如僅為夫妻間之家庭暴力事件，該施暴者並未對於未成年子，實施家庭暴力，且仍有意願與能力照顧未成年子女之情形；但原則上，法院仍應依法推定涉及家庭暴力者為「非善意父母」判斷其不宜擔任親權人。

Response

1. In view of the fact that in the event of discretion of custody, sometimes parents may use improper methods (such as hiding the children before or during litigation) in order to stay with the children to satisfy the so-called continuity principle. Hence, Subparagraph 6 of Paragraph 1 of Article 1055-1 of the Civil Code is added to allow the court to determine and assess which parent is more innocent and serves a basis for determining the custody. In addition, Article 43 of Domestic Violence Prevention Act stated that, “When a court determines or alters the person to exercise the rights and assume the duties in relation to minors in accordance with the law, if domestic violence has occurred, it shall be presumed that the exercise the rights and assume the duties by the infringer is to the detriment of the child.” Furthermore, Article 1055-1 of the Civil Code stipulates that the court may decide on the subject of discretion when making judgments for custody. However, this Article is merely an indicative one and the court shall make judgment based on the specific circumstances of each case (such as domestic violence).
2. In summary, Paragraph 6 of Article 1055-1 of the Civil Code is the so-called "good faith parental principle", which is designed to avoid the behavior of one of the parent maliciously blocking the emotional connection between the child and the other party , which will cause harm and influence to the child. If one parent commits violence against the child, the other parent may apply the following orders to the court to ensure the safety of the child:

- (1) In accordance with the provisions of Article 12 of the Domestic Violence Prevention Act, applying for a protection order to the court, prohibiting unlawful infringement to the child's body or staying away from a specific residence; relevant personnel are aware of suspected domestic violence in the performance of their duties and should report it; or in accordance with the same law. Article 14, Paragraph 1, Subparagraph 6, requires the court to order temporary guardianship.
 - (2) Types and Methods of Temporary Disposal for Non-litigation Matters in Family Matters Article 7, Paragraph 1, Subparagraph 8 stipulates other temporary measures deemed appropriate by the court.
 - (3) Apply for placement in accordance with the relevant provisions of the Protection of Children and Youths Welfare and Rights Act; and if one of the parents physically and mentally abuses their children as stipulated in Article 56, Paragraph 1, Subparagraph 3 of the same law, the other may request the court to declare the suspension of their parental or guardianship rights, or otherwise petition an appointment or reappointment of the guardian.
3. Article 43 of the Domestic Violence Prevention Act states: " When a court determines or alters the person to exercise the rights and assume the duties in relation to minors in accordance with the law, if domestic violence has occurred, it shall be presumed that the exercise the rights and assume the duties by the infringer is to the detriment of the child." However, this presumption can be overturned by the investigation of the court. The court may consider specific information to determine the opposite. For example, it is only a domestic violence incident between the spouse, the perpetrator has not committed domestic violence against the minor child, and there are still willingness and ability to take care of minor children; however, in principle, the court should still presume that the person involved in domestic violence is a "non-faithful parent" and judges that he/she is not suitable to be the guardian.

Article 16 第 16 條 No.56 編號 56

編號 No.	問題內容 (原文) Question	中文參考翻譯 Question in Chinese
56	<p>De-facto relations</p> <p>56. The current Report as well as the previous ones are silent on the question of <i>de-facto</i> 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.</p>	<p>事實關係</p> <p>56. 本次報告及過去的報告均未提及事實關係 (同居伴侶)。請提供資訊說明他們的地位，並說明其經濟權利及在這種關係中的個人權利是否根據 CEDAW 第 29 號一般性建議得到保護。</p>

權責機關：法務部

回應：

1. 有關婚姻以外的同居關係，在民法之外的一些個別法律，立法者因應實際上的需求，承認同居關係並給予一定的法律效果，例如《家庭暴力防治法》第 3 條規定明確將「現有或曾有同居關係、家長家屬或家屬間關係」納入規範範圍，保障每個人有免於受到暴力侵害的權利。
2. 又最高法院 2015 年度台上字第 1398 號判決認為：「按所謂事實上夫妻與男女同居關係不同，前者，男女共同生活雖欠缺婚姻要件，但有以發生夫妻身分關係之意思，且對外以夫妻形式經營婚姻共同生活之結合關係，而得以類推適用夫妻身分上及財產上法律關係之規定。」司法實務上有肯認事實上夫妻關係有互相扶養(例如臺灣高等法院臺中分院 2007 年度上字第 181 號判決、臺灣臺中地方法院 2019 年度訴字第 1467 號判決)、共同分擔生活費用(例如臺灣高等法院 2013 年度上字第 1137 號判決)、贍養費(臺灣高等法院 2005 年度家上字第 105 號判決)，以及請求酌給遺產之權利(例如最高法院 2015 年度台上字第 1610 號判決、臺灣臺東地方法院 2018 年度家訴字第 18 號判決)。
3. 法社會學上之研究顯示，反對同居關係法制化者，實又有一大部分為同居者，因其不願接受法律拘束，始未選擇民法上之婚姻制度。是以，有關非婚同居伴侶之定義及範圍、有無立法之必要、如何保障其權益等問題，均有待社會持續進行友善對話及討論，並深入研究相關議題，方足以形成具體之立法政策及作法。

Response

1. Regarding the cohabitation relationship other than marriage, the legislators in some individual laws other than the Civil Code recognize and legalize such cohabitation

relationship to a certain degree according to the actual needs. For example, the Article 3 of Domestic Violence Prevention Act clearly includes “persons with an existing or former cohabitation relationship, a relationship between a householder and household members or a relationship between household members” to ensure everybody’s the right to be free from violence.

2. In addition, the Judgement of 2015 Tai-shang-zi No. 1398 by the Supreme Court states that, "The so-called de facto relationship of husband and wife is in essence different from the relationship between a man and a woman cohabiting, in which the former indicates that even though a man and a woman cohabiting lack the prerequisites of marriage, they are willing to enter into a relationship as a husband and wife in terms of identity and property and is regarded as a husband and wife externally. Hence, the legal relationship between husband and wife and property can be applied *mutatis mutandis*." In practice, the courts recognize that the husband and wife relationship has the features of mutual maintenance (e.g., the judgments of 2007 Shang-zi No. 181 by the Taiwan High Court Taichung Branch and 2019 Su-zi No. 1467 by the Taiwan Taichung District Court), sharing mutually the payment for living expenses (the judgment of 2013 Shang-zi No. 1137 by Taiwan High Court), alimony (the judgment of 2005 Chia-shang-zi No. 105 by Taiwan High Court), as well as the right to allocate a certain portion of the deceased's property (e.g., the judgments of 2015 Tai-shang-zi No. 1610 by the Supreme Court and 2018 Chia-su-zi No. 18 by the Taiwan Taitung District Court).
3. Studies in the sociology of law show that a large part of those who oppose the legalization of cohabitation relationships are actually cohabitants and they choose not to enter into a relationship of marriage stated in the Civil Code due their unwillingness to be subject to legal constraints. Therefore, issues such as the definition and scope of non-marital cohabiting partners, the determination of the need for legislation and how to protect the related rights and interests all require continuous friendly dialogues and discussions among the general public and in-depth research on relevant issues before the formulation of specific policies and practices.

協助從事性交易女性轉業輔導措施（111至113年）

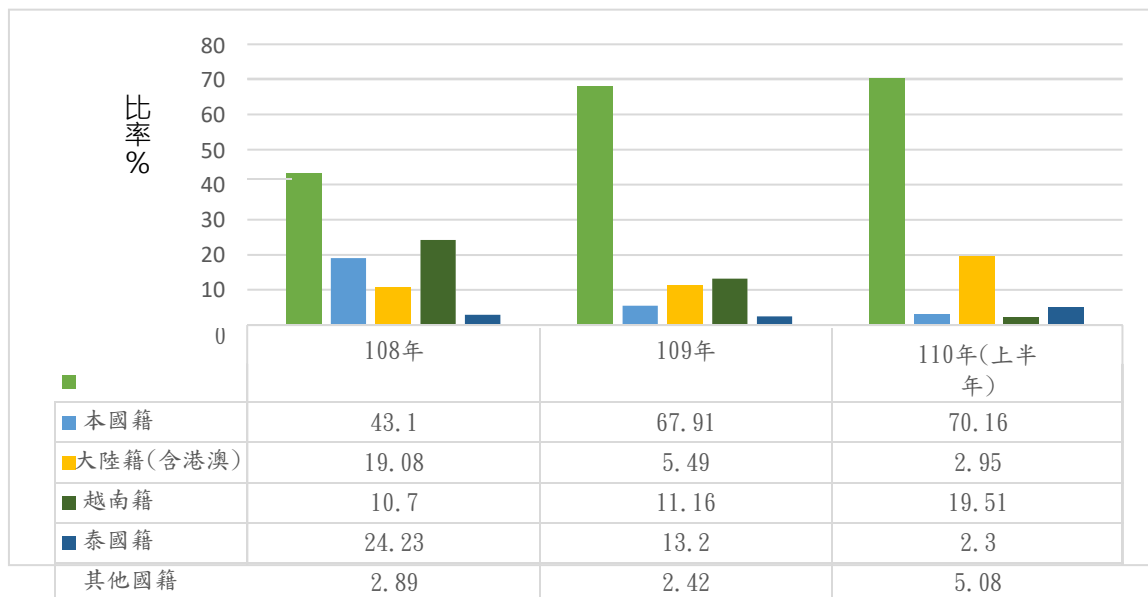
壹、緣起

消除對婦女一切形式歧視公約（以下簡稱CEDAW）第6條規定：「締約各國應採取一切適當措施，包括制定法律，以禁止一切形式販賣婦女及意圖營利使婦女賣淫的行為。」此外，我國CEDAW第3次國家報告審查委員會結論性意見第30、31點，建議我國為希望脫離性交易之女性提供轉業輔導措施，爰推動本輔導措施。查我國目前推動現況及問題如下：

一、現況

現行中央協助從事性交易女性轉業措施，係由內政部警政署及勞動部勞動力發展署合作推動。自108年7月份起由警政單位於一線查獲性交易案件後，由內政部將有意願轉業之從事性交易女性個案名單函送勞動部協助後續就業訓練及輔導事宜。

根據內政部統計，自108年7月至110年6月期間共查獲3,772名從事性交易女性（按國籍分，如圖一）。有意願轉業之性交易工作者計15人，惟經就業服務員與個案聯繫後，個案考量個人隱私及避免服務過程被標籤化，多數婉拒就業推介服務。



圖一：108至110年經警政單位查緝從事性交易之女性（按國籍分）

二、 問題分析

經衛生福利部於110年8月18日、9月22日邀集內政部、勞動部及各地方政府召開會議共同研商，瞭解現行作法透過地方警政單位第一線人員查獲從事性交易女性後；每月定期彙整後由內政部以公文函轉勞動部，再由勞動部交予6處公立就業服務機構之就服員與其聯繫，惟就服員聯繫從事性交易女性時，往往與其當初表達有轉業需求意願的時間已相隔甚久而聯繫不上，或因時間已久轉業意願已改變。

另依據行政院性別平等處110年委託研究指出，影響從事性交易女性是否轉業之因素與需求眾多，包括：從事性交易女性本身個人意願和特質、人際支持因素、債務償還與否因素、長期且信任社區機構及專業人員支持、完善且便利的友善就業服務、經濟補助等。此外，從事性交易服務對其身心靈造成之傷害，較難信任他人，因而需要透過專業人員花費較長時間與從事性交易女性建立信任關係後，較能促使其願意接受服務。

貳、 目標

- 一、持續蒐集與統計分析從事性交易女性之相關資訊，包含樣態、地域統計、服務從事性交易女性之民間團體、服務需求等，以滾動式修正輔導措施。
- 二、加強協助從事性交易女性轉業輔導措施，強化從事性交易女性轉業信心及能力，激發轉業動機與意願，並排除轉業障礙，促其順利進入職場及穩定就業。
- 三、強化專業人員之專業知能及敏感度，以利其於受理及後續提供服務之過程，具備敏感度、注意隱私及避免汙名等情形。

參、 服務對象：從事性交易女性且有轉業意願者。

肆、 辦理單位：內政部、勞動部、衛生福利部。

伍、 辦理期程：自111年起至113年止。

陸、 辦理方式與內容

為規劃協助從事性交易女性轉業輔導措施，政府除應持續蒐集從事性交易女性之經驗態樣與服務需求，進而提供適切服務，並針對前述就業轉介之問題檢討與調整現行轉業輔導機制，以地方警政、勞政及社政單位三方協力合作方式，提升從事性交易女性轉業意願，協助排除轉業障礙，並透過定期辦理相關專業人員教育訓練，加強其敏感度，提升專業知能，以維護從事性交易女性之權益與隱私。

一、 瞭解從事性交易女性之樣態

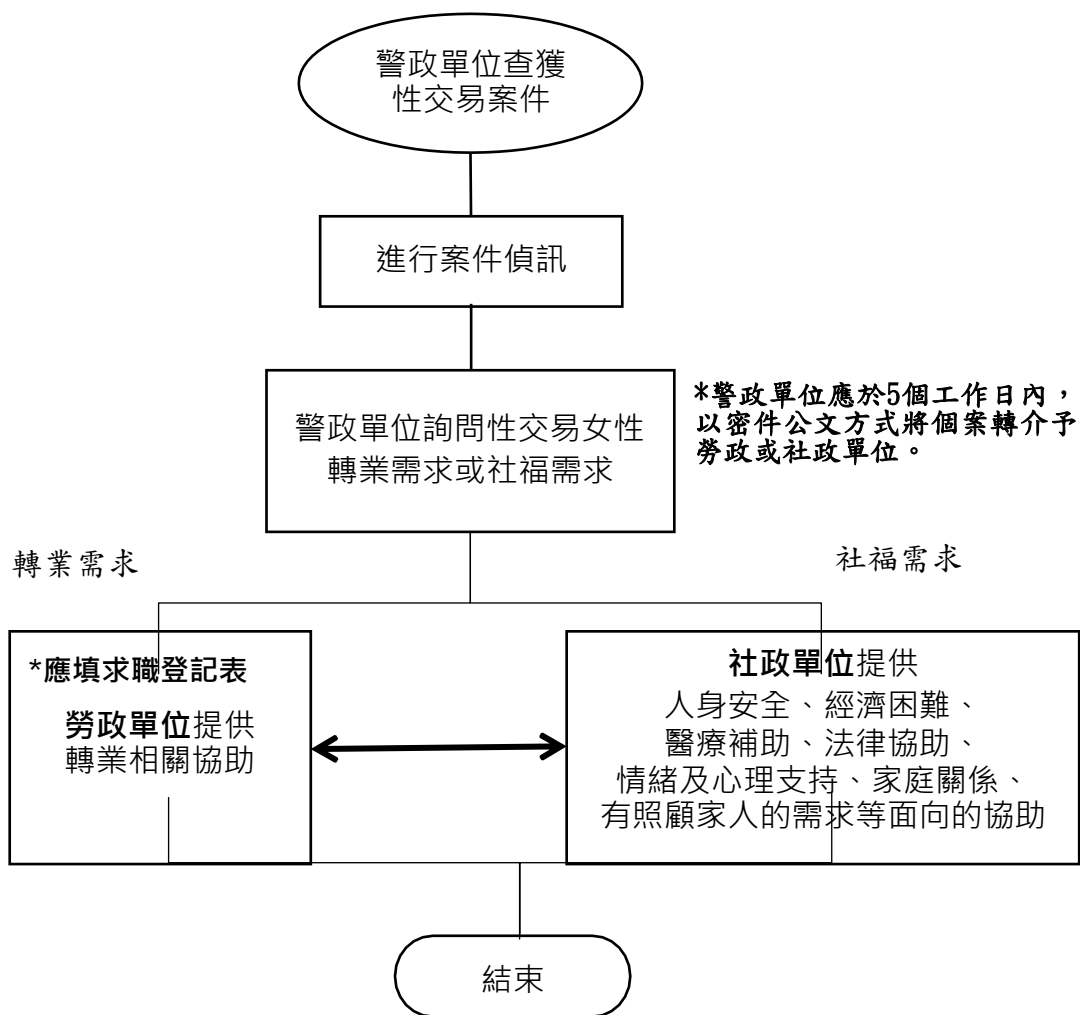
- (一)就違反社會秩序維護法第80條之從事性交易女性，持續依國籍、性別、年齡、地域等進行資料統計，以利社政與勞政單位對從事性交易女性之認識。
- (二)每半年統計有轉業意願之從事性交易女性就業服務需求及推介就業情形，並依追蹤情形適時調整各項服務。
- (三)每半年統計有轉業意願之從事性交易女性社會福利服務需求及追蹤服務概況，並依追蹤情形適時調整各項服務。

二、 加強協助從事性交易女性轉業輔導措施

(一)精進警政、勞政、社政三方合作轉介機制與流程

為了避免因時間遞延而影響個案之轉業意願下降之情形，改善原轉介流程並加入社政單位，期透過建立警政、勞政、社政三方建立合作轉介機制，積極協助有轉業意願之從事性交易女性。

轉介流程經警政、勞政及社政三方共同協商後調整為，由地方政府警政單位查獲性交易案件時，於偵訊結束後，主動詢問從事性交易女性有無轉業意願或社會福利服務需求，有意願或需求者請其填寫求職登記表或轉介單（如附件1），警政單位應於5個工作日內以密件公文方式，轉介予勞政或社政單位之指定單一窗口人員（處理流程，如圖二），以便即時提供協助。



圖二：各縣市政府協助從事性交易女性轉業輔導或社福服務處理流程

(二) 有轉業意願者提供個別化就業協助

勞政單位提供一案到底之個別化就業服務，依從事性交易女性之需求提供就業諮詢、就業促進活動（例如促進

個案了解就業市場趨勢、協助求職者就業準備、建立職業觀念、增進自我認知及尋職技巧等課程活動)或安排職業訓練等。同時，尋找合作廠商提供合適職缺，或與民間團體合作，開發適合從事性交易女性階段性轉業之工作機會。

(三)提供社會福利資訊與服務

考量從事性交易女性在偵訊過程處於極大的壓力情形或因偵訊時間緊湊，無法思考表達其需求，故先由警政單位於偵訊結束後，主動提供社會福利諮詢電話表(詳如附件2)，讓其攜回，方便日後有需求時可立即聯絡。

各地方政府社政單位人員接獲轉介單後，依據從事性交易女性勾選之社會福利需求類型與其聯繫評估，並依其需求提供適當之服務，對於有人身安全疑慮之個案，提供家庭暴力相關資源協助；有代寫訴狀、官司訴訟代理等需要者，提供多管道(現場、線上或電話)之免費法律諮詢服務，或媒合法律扶助基金會協助；有情緒及心理支持需求者，提供心理諮商與輔導服務；有家庭關係疏離或衝突者，提供家庭支持、家事商談等服務；有家庭成員照顧需求者，提供托育、長期照顧等協助；有經濟困難者，依社會救助法申請低收入、中低收入戶補助或急難救助外，另鑒於實務上特殊境遇婦女之需求與樣態多元，亦可運用特殊境遇家庭扶助條例第4條第1項第7款經評估因發生重大變故致生活、經濟困難者，得據以審認扶助資格予以協助，並視需要媒合民間團體資源提供協助。

三、強化專業人員之專業知能及敏感度

(一)內政部為使第一線員警熟悉轉介流程與時效，並提升敏感度與注意個案隱私保密，責由各警察機關利用常年訓練、各項集會及勤前教育機會加強宣導及教育。

(二) 勞動部每年針對公立就業服務機構就業服務人員辦理相關教育訓練。

(三) 衛生福利部為使地方政府社政單位專業人員對於從事性交易女性之特質及需求更具敏感度，每年結合民間團體定期辦理教育訓練，提供服務經驗交流機會，以促進網絡合作。並定期彙整服務統計與分析情形，滾動式修正教育訓練之課程內容，以期提升地方社政單位人員之服務品質，進而提升從事性交易女性之生活福祉。

柒、經費預算(111年)

一、各地方政府警察局利用現有機制配合各地方社政、勞政進行轉介服務，無另編列經費需求。

二、有關協助性交易女性就業服務人員教育訓練10萬元，所需經費由勞動部就業安定基金項下支應。

三、衛生福利部針對地方政府社政單位專業人員教育訓練10萬元。

捌、管制措施

本計畫自111年起至113年為止，每年至行政院性別平等會之就業及經濟組提報前一年度辦理情形，並於114年初提報成效評估報告。

附件1

轉介表

填寫說明：如果你有轉業或社會福利服務需求，請依欄位填寫並簽名。

姓名		出生	年 月 日	年齡	歲
聯絡電話		身分證 字號			
聯絡地址					
戶籍地址					
轉業需求	<input type="checkbox"/> 1. 無需求。 <input type="checkbox"/> 2. 有需求，請填寫求職登記表。				
社會福利 服務需求	<input type="checkbox"/> 1. 無需求。 <input type="checkbox"/> 2. 有需求： <input type="checkbox"/> (1) 人身安全 <input type="checkbox"/> (2) 經濟困難 <input type="checkbox"/> (3) 醫療補助 <input type="checkbox"/> (4) 法律協助 <input type="checkbox"/> (5) 情緒及心理支持 <input type="checkbox"/> (6) 家庭關係疏離或衝突 <input type="checkbox"/> (7) 有家人照顧需求(需照顧者為： <input type="checkbox"/> 兒少、 <input type="checkbox"/> 身心障礙者、 <input type="checkbox"/> 年長者、 <input type="checkbox"/> 其他，請說明_____) <input type="checkbox"/> (8) 其他，請說明_____				
本人_____ (請簽名) _____ 同意由警政單位轉介勞政單位或社政單位相關人員與本人聯繫，提供後續協助。					
_____ 縣(市)警察局 _____ 分局聯繫窗口					
轉介時間	_____ 年 _____ 月 _____ 日 (星期 _____) _____ 時 _____ 分				
聯絡人 及職稱		聯絡電話			
電子郵件					

- 提醒： 1. 於偵訊結束後，警政單位應主動提供社會福利諮詢電話表。
 2. 針對有需求者，警政單位應於5個工作日內以密件公文方式將個案轉介予勞

福利服務免付費電話



0800-
777-888

就業服務專線

服務項目：受理就業、訓練、檢定、創業及身心障礙就業問題等諮詢

(週一至週五08:30~18:30)

1957

福利諮詢專線

服務項目：提供急難救助、社會救助、老人福利、身心障礙者福利、兒少福利、特境家庭等福利諮詢服務

(週一至週日8:00~22:00)

1966

長照專線

服務項目：提供家有65歲以上獨居衰弱老人、失能(智)者或家庭照顧者等照顧或喘息服務等

(週一至週五8:30~12:00、1330~17:30)

113

保護專線

服務項目：受理家暴、性侵害、性騷擾或保護等事件通報或求助諮詢

(週一至週日24小時專線)

1925

安心專線

服務項目：提供民眾因情緒困擾、壓力或自殺問題等心理諮詢服務

(週一至週日24小時專線)

110

報案專線

服務項目：受理報案、發現有可疑或影響治安、交通情事等通報

(週一至週日24小時專線)

地方檢察署偵查家庭暴力案件收結情形

年 月 別	新 收 件 數	終 結 案 件 件 數						終 結 案 件 人 數															起 訴 人 數 比 率 (%) 占	緩 結 起 訴 人 數 比 率 (%) 占	不 終 結 起 訴 人 數 比 率 (%) 占					
		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								
			通 常 起 訴 程 序	聲 請 簡 易 刑					通 常 起 訴 程 序	聲 請 簡 易 刑		計	曾 經 判 決	時 效 已 完 成	犯 罪 後 之 法 律 罰	已 廢 止 其 刑 罰	告 乃 論 或 請 求	告 經 逾 或 撤 回 或 間	已 告 已 訴 告	被 告 死 亡	法 院 對 被 告 權					無 審 判 罰	行 為 不 罰	犯 罪 嫌 疑 足	認 為 以 適 不 起 訴 當	其 他
101年	5,288	6,431	1,497	1,869	330	2,476	259	7,074	1,625	1,919	330	2,910	7	2	-	1,649	41	-	26	1,052	130	3	290	50.1	4.7	41.1				
102年	5,038	6,495	1,597	1,671	272	2,620	335	7,152	1,724	1,707	273	3,081	5	2	-	1,629	31	-	26	1,221	167	-	367	48.0	3.8	43.1				
103年	5,151	6,845	1,791	1,671	246	2,795	342	7,512	1,931	1,712	248	3,246	3	3	-	1,600	28	-	42	1,401	167	2	375	48.5	3.3	43.2				
104年	5,544	7,541	2,101	1,746	213	3,075	406	8,304	2,235	1,792	213	3,604	5	5	-	1,723	34	1	17	1,648	168	3	460	48.5	2.6	43.4				
105年	7,550	8,606	2,478	1,877	192	3,490	569	9,547	2,664	1,921	193	4,140	10	2	-	2,022	42	1	30	1,802	227	4	629	48.0	2.0	43.4				
106年	8,690	8,992	2,331	1,956	237	3,925	543	9,914	2,508	1,988	238	4,595	8	-	-	1,982	65	-	18	2,315	204	3	585	45.4	2.4	46.3				
107年	7,508	8,680	2,221	1,842	203	3,956	458	9,570	2,385	1,881	204	4,592	8	5	-	1,998	49	-	35	2,278	211	8	508	44.6	2.1	48.0				
108年	8,000	9,132	2,281	1,878	202	4,269	502	10,081	2,462	1,933	203	4,941	12	9	-	2,100	47	2	41	2,518	211	1	542	43.6	2.0	49.0				
109年	8,339	10,704	2,575	2,210	253	5,073	593	11,807	2,743	2,253	261	5,894	7	11	4	2,152	63	3	44	3,324	276	10	656	42.3	2.2	49.9				
110年	9,300	12,834	2,877	2,388	255	6,485	829	14,354	3,130	2,448	258	7,579	15	16	1	2,831	86	-	50	4,305	254	21	939	38.9	1.8	52.8				
111年1-8月	7,215	10,086	2,378	1,763	136	5,212	597	11,220	2,572	1,794	138	6,038	10	12	-	2,100	85	-	53	3,562	209	7	678	38.9	1.2	53.8				
1月	1,034	1,045	265	190	9	526	55	1,157	285	197	9	605	1	3	-	244	16	-	2	321	17	1	61	41.7	0.8	52.3				
2月	753	939	240	189	11	443	56	1,040	259	192	11	506	1	2	-	185	13	-	3	282	16	4	72	43.4	1.1	48.7				
3月	1,008	1,548	366	291	22	765	104	1,699	387	296	22	879	-	2	-	324	7	-	3	505	38	-	115	40.2	1.3	51.7				
4月	844	1,146	304	175	25	580	62	1,291	328	178	25	686	3	-	-	234	7	-	9	413	19	1	74	39.2	1.9	53.1				
5月	937	1,342	297	226	23	724	72	1,488	316	230	22	837	3	1	-	288	9	-	6	496	34	-	83	36.7	1.5	56.3				
6月	842	1,385	318	241	15	714	97	1,566	352	245	15	843	1	3	-	264	9	-	10	532	23	1	111	38.1	1.0	53.8				
7月	971	1,380	308	224	14	766	68	1,560	348	223	16	900	1	-	-	324	16	-	12	512	35	-	73	36.6	1.0	57.7				
8月	826	1,301	280	227	17	694	83	1,419	297	233	18	782	-	1	-	237	8	-	8	501	27	-	89	37.4	1.3	55.1				

註：包含違反保護令案件統計

資料提供：法務部統計處

說明：「不起訴處分其他」包含其他法定理由應為不起訴處分者、刑事訴訟法第254條檢察官認為他罪雖行起訴於應執行之刑無重大關係者及少年觸犯最重本刑五年以下有期徒刑之罪。

地方檢察署偵查家庭暴力案件收結情形(家庭暴力罪)

單位：件、人、%

年 月 別	新 收 件 數	終 結 案 件 件 數						終 結 案 件 人 數															起 訴 人 數 比 率 (% 占)	緩 結 起 訴 人 數 比 率 (% 占)	不 結 起 訴 人 數 比 率 (% 占)						
		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									
			通 常 起 程 序	提 聲 判 請 決 簡 處 易 刑					通 常 起 程 序	提 聲 判 請 決 簡 處 易 刑		計	曾 確 經 判 決 定	時 效 已 完 成	犯 罪 後 之 法 律 罰	已 廢 止 其 刑 罰	告 乃 論 或 請 求	已 經 或 其 他 請 求	已 逾 或 撤 回 或 間	已 告 或 期	已 訴 告 死 亡					被 法 院 對 判 告 權	無 審 判 罰 不 罰	行 為 不 罰	犯 罪 疑 足	認 為 以 不 起 訴 處 分 為 適 當	其 他
101年	3,774	3,428	808	689	75	1,786	70	4,021	932	735	75	2,189	4	2	-	1,619	18	-	24	492	27	3	90	41.5	1.9	54.4					
102年	3,543	3,459	842	614	56	1,852	95	4,076	964	647	56	2,291	2	2	-	1,596	16	-	22	615	38	-	118	39.5	1.4	56.2					
103年	3,594	3,848	1,070	657	49	1,959	113	4,465	1,205	694	50	2,377	1	3	-	1,577	21	-	39	703	32	1	139	42.5	1.1	53.2					
104年	3,603	4,125	1,206	662	43	2,087	127	4,831	1,334	704	43	2,584	3	5	-	1,708	14	-	16	797	40	1	166	42.2	0.9	53.5					
105年	5,152	4,759	1,395	715	49	2,408	192	5,629	1,576	756	49	3,013	1	2	-	1,988	22	1	27	908	61	3	235	41.4	0.9	53.5					
106年	4,480	4,850	1,317	792	58	2,507	176	5,711	1,494	822	58	3,130	4	-	-	1,963	23	-	17	1,071	50	2	207	40.6	1.0	54.8					
107年	3,513	4,832	1,238	734	69	2,615	176	5,652	1,393	772	70	3,204	4	4	-	1,971	18	-	33	1,113	54	7	213	38.3	1.2	56.7					
108年	3,934	5,196	1,343	772	55	2,838	188	6,084	1,516	822	54	3,472	7	9	-	2,078	19	2	38	1,264	54	1	220	38.4	0.9	57.1					
109年	3,445	6,182	1,613	975	68	3,293	233	7,207	1,780	1,015	71	4,051	3	11	4	2,143	37	2	41	1,714	87	9	290	38.8	1.0	56.2					
110年	4,288	8,133	1,949	1,120	126	4,500	438	9,559	2,196	1,173	129	5,523	7	16	1	2,818	44	-	48	2,481	95	13	538	35.2	1.3	57.8					
111年1-8月	3,348	6,536	1,646	784	55	3,718	333	7,608	1,834	814	54	4,500	4	12	-	2,090	41	-	48	2,210	90	5	406	34.8	0.7	59.1					
1月	498	684	186	85	3	384	26	790	206	92	3	458	-	3	-	243	9	-	2	193	8	-	31	37.7	0.4	58.0					
2月	367	619	168	99	6	317	29	715	187	102	6	376	1	2	-	185	6	-	3	167	9	3	44	40.4	0.8	52.6					
3月	491	970	232	111	8	558	61	1,115	253	116	8	666	-	2	-	323	4	-	1	319	17	-	72	33.1	0.7	59.7					
4月	382	764	210	78	8	425	43	901	232	81	8	526	1	-	-	234	2	-	9	269	10	1	54	34.7	0.9	58.4					
5月	433	861	219	107	13	483	39	997	237	111	12	588	1	1	-	285	5	-	6	276	14	-	49	34.9	1.2	59.0					
6月	368	937	223	117	8	527	62	1,112	257	121	8	651	-	3	-	263	4	-	8	363	9	1	75	34.0	0.7	58.5					
7月	450	896	217	91	2	556	30	1,062	254	90	2	682	1	-	-	323	8	-	11	327	12	-	34	32.4	0.2	64.2					
8月	359	805	191	96	7	468	43	916	208	101	7	553	-	1	-	234	3	-	8	296	11	-	47	33.7	0.8	60.4					

資料提供：法務部統計處

說 明：「不起訴處分其他」包含其他法定理由應為不起訴處分者、刑事訴訟法第254條檢察官認為他罪雖行起訴於應執行之刑無重大關係者及少年觸犯最重本刑五年以下有期徒刑之罪。

地方檢察署偵查家庭暴力案件收結情形(違反保護令罪)

單位：件、人、%

年 月 別	新 收 件 數	終 結 案 件 件 數						終 結 案 件 人 數															起 訴 人 數 比 率 (% 占)	緩 結 起 訴 人 數 比 率 (% 占)	不 結 起 訴 人 數 比 率 (% 占)							
		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										
			通 常 起 訴 程 序	聲 判 請 決 簡 處 易 刑					通 常 起 訴 程 序	聲 判 請 決 簡 處 易 刑		計	曾 經 判 決	確 定	時 效 已 完 成	犯 罪 後 之 法 律 罰	已 廢 止 其 刑 罰	告 乃 論 或 請 求	告 經 或 請 求	已 逾 撤 回 期 間	已 告 訴					被 告 死 亡	法 院 對 判 告 權	無 審 被 不 罰	行 為 不 罰	犯 罪 嫌 疑 足	認 為 以 不 起 訴 適 當	其 他
101年	1,514	3,003	689	1,180	255	690	189	3,053	693	1,184	255	721	3	-	-	30	23	-	2	560	103	-	200	61.5	8.4	23.6						
102年	1,495	3,036	755	1,057	216	768	240	3,076	760	1,060	217	790	3	-	-	33	15	-	4	606	129	-	249	59.2	7.1	25.7						
103年	1,557	2,997	721	1,014	197	836	229	3,047	726	1,018	198	869	2	-	-	23	7	-	3	698	135	1	236	57.2	6.5	28.5						
104年	1,941	3,416	895	1,084	170	988	279	3,473	901	1,088	170	1,020	2	-	-	15	20	1	1	851	128	2	294	57.3	4.9	29.4						
105年	2,398	3,847	1,083	1,162	143	1,082	377	3,918	1,088	1,165	144	1,127	9	-	-	34	20	-	3	894	166	1	394	57.5	3.7	28.8						
106年	4,210	4,142	1,014	1,164	179	1,418	367	4,203	1,014	1,166	180	1,465	4	-	-	19	42	-	1	1,244	154	1	378	51.9	4.3	34.9						
107年	3,995	3,848	983	1,108	134	1,341	282	3,918	992	1,109	134	1,388	4	1	-	27	31	-	2	1,165	157	1	295	53.6	3.4	35.4						
108年	4,066	3,936	938	1,106	147	1,431	314	3,997	946	1,111	149	1,469	5	-	-	22	28	-	3	1,254	157	-	322	51.5	3.7	36.8						
109年	4,894	4,522	962	1,235	185	1,780	360	4,600	963	1,238	190	1,843	4	-	-	9	26	1	3	1,610	189	1	366	47.8	4.1	40.1						
110年	5,012	4,701	928	1,268	129	1,985	391	4,795	934	1,275	129	2,056	8	-	-	13	42	-	2	1,824	159	8	401	46.1	2.7	42.9						
111年1-8月	3,867	3,550	732	979	81	1,494	264	3,612	738	980	84	1,538	6	-	-	10	44	-	5	1,352	119	2	272	47.6	2.3	42.6						
1月	536	361	79	105	6	142	29	367	79	105	6	147	1	-	-	1	7	-	-	128	9	1	30	50.1	1.6	40.1						
2月	386	320	72	90	5	126	27	325	72	90	5	130	-	-	-	-	7	-	-	115	7	1	28	49.8	1.5	40.0						
3月	517	578	134	180	14	207	43	584	134	180	14	213	-	-	-	1	3	-	2	186	21	-	43	53.8	2.4	36.5						
4月	462	382	94	97	17	155	19	390	96	97	17	160	2	-	-	-	5	-	-	144	9	-	20	49.5	4.4	41.0						
5月	504	481	78	119	10	241	33	491	79	119	10	249	2	-	-	3	4	-	-	220	20	-	34	40.3	2.0	50.7						
6月	474	448	95	124	7	187	35	454	95	124	7	192	1	-	-	1	5	-	2	169	14	-	36	48.2	1.5	42.3						
7月	521	484	91	133	12	210	38	498	94	133	14	218	-	-	-	1	8	-	1	185	23	-	39	45.6	2.8	43.8						
8月	467	496	89	131	10	226	40	503	89	132	11	229	-	-	-	3	5	-	-	205	16	-	42	43.9	2.2	45.5						

資料提供：法務部統計處

說明：「不起訴處分其他」包含其他法定理由應為不起訴處分者、刑事訴訟法第254條檢察官認為他罪雖行起訴於應執行之刑無重大關係者及少年觸犯最重本刑五年以下有期徒刑之罪。

地方檢察署執行家庭暴力案件裁判確定情形

單位：件、人、%

年 月 別	件 數	被 告 人 數																			定 罪 率 (%)		
		總 計	科 刑														免 刑	無 罪	免 訴	不 受 理		其 他	
			死 刑	無 期 徒 刑	有 期 徒 刑											拘 役							罰 金
					六 月 以 下	逾 六 月 未 滿	一 年 未 滿	二 年 未 滿	三 年 未 滿	五 年 未 滿	七 年 未 滿	十 年 未 滿	十 五 年 未 滿	十 五 年 以 上	逾 十 五 年								
101年	3,036	3,188	2,588	-	1	765	48	13	9	32	13	28	8	1	1,592	78	1	49	-	549	1	98.1	
102年	3,150	3,301	2,655	-	1	716	52	40	17	25	19	31	12	2	1,684	56	2	75	1	562	6	97.3	
103年	3,150	3,289	2,582	-	3	653	42	28	7	43	10	29	13	1	1,685	68	2	86	1	613	5	96.8	
104年	3,347	3,534	2,788	-	7	691	47	25	13	25	15	31	6	-	1,868	60	2	102	1	635	6	96.5	
105年	3,644	3,812	3,038	-	1	733	44	29	16	36	8	34	6	3	2,033	95	8	109	2	646	9	96.5	
106年	4,119	4,319	3,385	-	4	812	49	41	14	51	15	29	9	2	2,259	100	3	146	8	758	19	95.9	
107年	4,080	4,286	3,406	1	5	733	58	45	28	41	13	39	11	6	2,306	120	3	148	4	722	3	95.8	
108年	3,905	4,114	3,296	-	6	736	45	32	27	42	14	45	6	1	2,229	113	8	139	4	657	10	96.0	
109年	4,149	4,342	3,480	1	7	704	39	47	19	44	13	47	13	7	2,406	133	4	159	-	692	7	95.6	
110年	4,183	4,411	3,506	-	5	721	45	52	35	48	9	27	10	8	2,387	159	4	124	3	768	6	96.6	
111年1-8月	3,795	3,991	3,152	-	2	627	34	68	36	31	12	30	8	1	2,182	121	8	122	3	703	3	96.3	
1月	500	515	430	-	-	89	3	5	10	1	-	4	3	-	296	19	1	6	-	78	-	98.6	
2月	382	398	315	-	-	60	6	10	3	4	-	5	-	-	220	7	2	21	1	59	-	93.8	
3月	507	535	422	-	1	91	4	13	4	3	2	3	1	-	279	21	-	12	2	99	-	97.2	
4月	442	471	353	-	1	60	2	13	2	1	-	8	2	-	251	13	1	16	-	100	1	95.7	
5月	461	493	378	-	-	89	3	7	4	5	3	2	-	-	244	21	-	20	-	95	-	95.0	
6月	496	521	405	-	-	71	6	6	4	6	4	7	-	-	287	14	2	20	-	93	1	95.3	
7月	490	522	403	-	-	80	6	8	2	8	3	-	-	-	289	7	2	17	-	99	1	96.0	
8月	517	536	446	-	-	87	4	6	7	3	-	1	2	1	316	19	-	10	-	80	-	97.8	

註：包含違反保護令案件統計
資料提供：法務部統計處

Counseling measures to assist women in the sex trade with career change (2022 to 2024)

I. Background

Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." In addition, Concluding Observations 30 and 31 of the International Review Committee's 3rd CEDAW Country Report suggest that Taiwan should provide counseling measures for women who wish to leave the sex trade, and hence should promote these counseling measures. The current status and problems are as follows.

I. Current Situation

The current central measures to assist women in the sex trade with changing jobs are promoted by the National Police Agency, Ministry of the Interior and the Workforce Development Agency, Ministry of Labor. Since July 2019, the Ministry of the Interior has been sending the list of female sex workers who are willing to change their jobs to the Ministry of Labor for follow-up training and counseling after detection of sex trafficking cases by police units.

According to the Ministry of the Interior, from July 2019 to June 2021, a total of 3,772 women in the sex trade were identified (by nationality, see Figure 1). There were 15 sex workers who were willing to change careers, but after being contacted by employment service providers, most declined the referral service for reasons of privacy and to avoid stigmatization from the services.

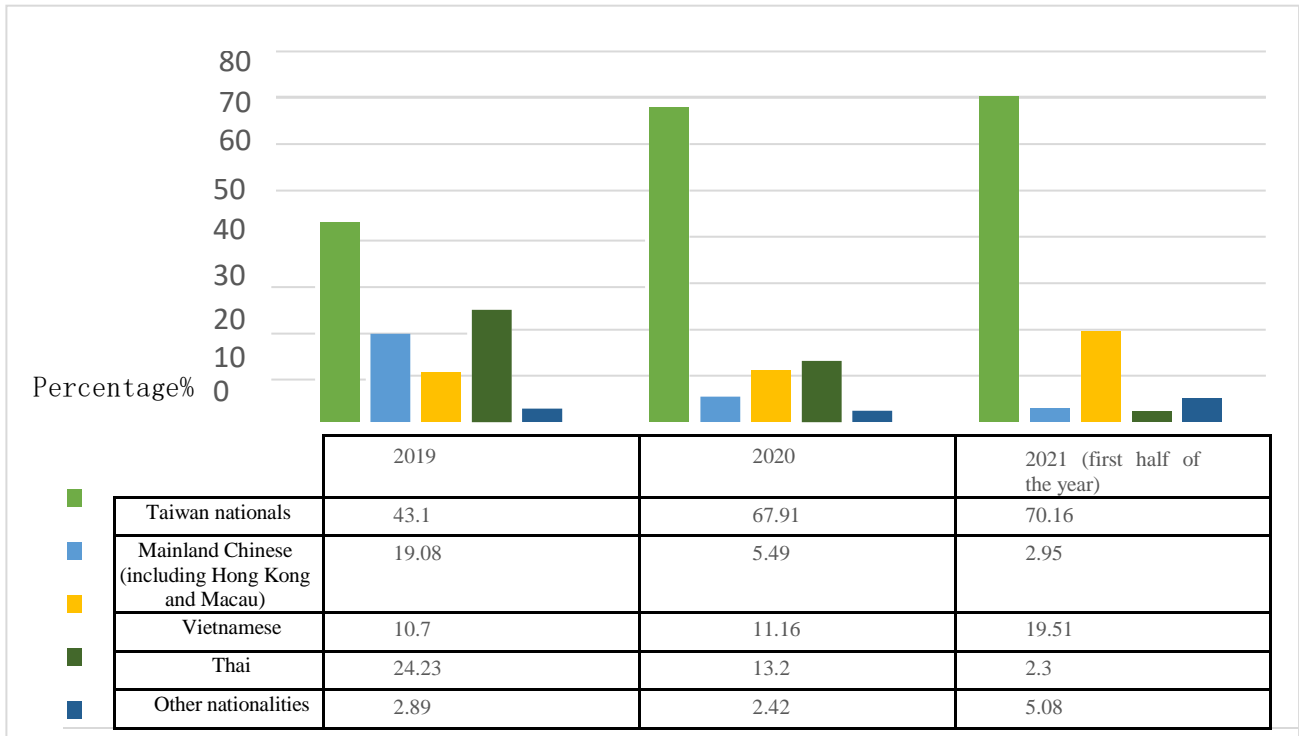


Figure 1: Female sex workers detected by police units from 2019 to 2021 (by nationality)

II. Analysis of the Problem

The Ministry of Health and Welfare invited the Ministry of the Interior, the Ministry of Labor, and local governments to hold meetings on August 18 and September 22, 2021 to discuss and understand the current practices after the first-line officers of local police units detect women engaged in sex trafficking. The Ministry of the Interior regularly compiles the information on a monthly basis and forwards it to the Ministry of Labor in an official letter, which in turn sends it to the service workers of the six public employment service agencies to establish contact with them. However, when the service workers contacted the women in the sex trade, it was often too long after the time when they first expressed their desire to change jobs, or their desire to change jobs had already changed.

According to a 2021 study commissioned by the Department of Gender Equality, Executive Yuan, there are many factors and needs that affect whether women in the sex trade change careers. Among these are included: the personal desires and characteristics of women in the sex trade, interpersonal support, debt repayment, long-term and trusting support from community organizations and professionals, comprehensive and convenient friendly employment services, and financial assistance. Moreover, it is difficult to trust others because of the physical and psychological damage caused by engaging in transactional sex services. Thus, it takes a longer time for professionals to establish a trusting relationship with women engaged in transactional sex, which can ultimately lead to their willingness to accept the services.

II. Objectives

1. To continuously collect and statistically analyze information about women in the sex trade, including demographics, geographic statistics, civil society organizations serving women in the sex trade, and service demand, in order to revise counseling measures on a rolling

basis.

2. Strengthen counseling measures to assist women in the sex trade to change careers, strengthen their confidence and ability in changing careers, stimulate their motivation and willingness for changing careers, and remove barriers to career changes to facilitate their smooth entry into the workplace and stable employment.
3. To strengthen the professional knowledge and sensitivity of professional staffs to facilitate the process of receiving and subsequently providing services with sensitivity, attention to privacy and avoiding stigmatization.

III. Service targets: Women engaged in the sex trade with a desire to change their careers.

IV. Handling Units: Ministry of the Interior, Ministry of Labor, Ministry of Health and Welfare.

V. Handling Period: From 2021 to 2024.

VI. Handling Methods and Contents

In order to plan measures to assist women in the sex trade to change jobs, the government should not only continuously collect the experience and service needs of women in the sex trade, but also provide appropriate services. In addition, the government should review and adjust the current career counseling mechanisms to address the aforementioned employment referral problems, and use tripartite cooperation among local police, labor, and social administration units to enhance the willingness of women in the sex trade to change careers and help remove barriers to career change. Also, through regular education and training of relevant professionals, we will enhance their sensitivity and professional knowledge to protect the rights and privacy of women engaged in sex trafficking.

1. Understand the situation of women in the sex trade

- (1) We will continue to compile statistics on women who are engaged

in sex trafficking in violation of Article 80 of the Social Order Maintenance Act by nationality, gender, age, and geographic area, in order to facilitate the understanding of women engaged in sex trafficking by social and labor administration units.

- (2) We will collate half-yearly statistics on the demand for employment services and employment referrals for women in the sex trade who wish to change jobs, and timely adjustment of services according to the tracking situation.
- (3) We will prepare half-yearly statistics on the demand for social welfare services for women in the sex trade who wish to change jobs and the general situation of the services which are tracked, and the services shall be adjusted in a timely manner according to the tracking status.

2. Measures to strengthen assistance and counseling for women in the sex trade to change careers

- (1) Refine the referral mechanisms and processes for tripartite cooperation among police, labor and social administration stakeholders

To avoid a decline in willingness to change jobs due to time delay, the original referral process has been improved and social affairs units have been added to the service profile. Through the establishment of a tripartite referral mechanism among the police, labor and social administrations, we hope to actively assist women in the sex trade who are willing to change jobs.

The referral process has been adjusted through tripartite consultation among police, labor, and social affairs units to ensure that local government police units, when investigating sex trafficking cases, take the initiative to ask women who are engaged in sex trafficking whether they want to change jobs or need social welfare services after the investigation. Those who are willing or in need should fill out a job application form or referral form (as shown in Appendix 1), and the police unit should refer the case to the designated single window staff of a labor or social welfare unit

within 5 working days in the form of a confidential official document (processing flow, as shown in Figure 2) in order to provide immediate assistance.

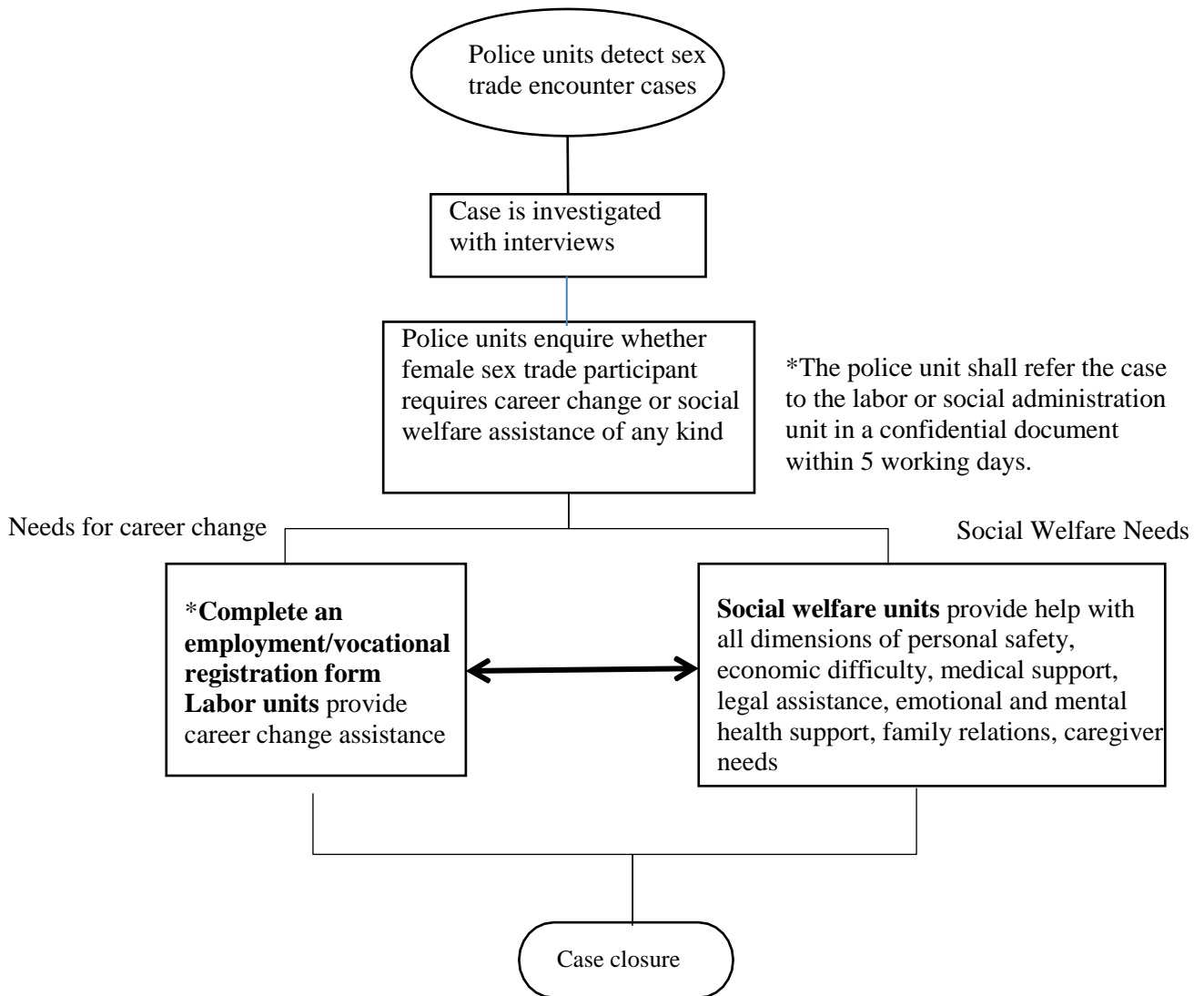


Figure 2: The process of assisting women in the sex trade to change jobs or attain social welfare services by county and municipal governments

(2) Provide individualized employment assistance for those who wish to change jobs

Depending on the needs of women in the sex trade, labor units provide individualized employment services, such as employment counseling, employment promotion activities (e.g., facilitating clients to understand employment market trends, assisting job seekers in preparing for employment, building career perspectives, improving self-awareness and job search skills), or arranging vocational training. At the same time, we

seek cooperation with companies to provide suitable jobs or cooperate with private organizations to develop job opportunities suitable for women in the sex trade to change jobs in phases.

(3) Provide social welfare information and services

In view of the fact that women engaged in sex trafficking are under great pressure during the investigation process or are unable to think about expressing their needs due to the tight time frame of the investigation, the police unit will take the initiative to provide a social welfare consultation telephone form (see Appendix 2 for details) for victims to bring back after the investigation, so that they can contact the police unit immediately when they have a need in the future. Upon receipt of the referral form, officers of the local government social affairs units will contact the women involved in sex trafficking according to the type of social welfare needs they have selected and provide appropriate services correlated to their needs. For clients with personal safety concerns, domestic violence-related resources are provided. For those in need of legal representation, we provide free legal counseling services through multiple channels (on-site, online, or by phone) or through the Legal Assistance Foundation. For those who need emotional and mental health support, we provide psychological consultation and counseling services. Family support and family counseling services are offered for those who have estranged or conflicted family relationships. For those with family care needs, assistance such as childcare and long-term care are provided. For those with financial difficulties, in addition to applying for subsidies for low-income and low- and middle-income households or emergency assistance in accordance with the Public Assistance Act, we also provide individualized assistance to those with special circumstances. In addition, in view of the diverse needs and patterns of women in special situations in practice, we can also apply for assistance for families in such special situations. The Act of

Assistance for Family in Hardship, Article 4, Section 1, Paragraph 7, may also be used to assess the eligibility for assistance for those who have experienced major changes that have led to financial hardship, and to match the resources of private organizations to provide assistance as indicated.

3. Strengthening professional knowledge and sensitivity among professional staff

- (1) The Ministry of the Interior, in order to familiarize front-line officers with the referral process and timeliness, and to enhance sensitivity and attention to case client privacy and confidentiality, is responsible for the police agencies to make use of permanent training, various exercises and pre-duty deployment education opportunities to enhance promotion and education.
- (2) The Ministry of Labor conducts annual education and training for employment service personnel with public employment service agencies.
- (3) The Ministry of Health and Welfare endeavors to sensitize professionals in local government social administration units to the characteristics and needs of women in the sex trade. It also conducts regular education and training in conjunction with civil society organizations every year to provide opportunities for service experience exchange and to promote network cooperation. In addition, we regularly compile service statistics and analyze the status quo, to revise the training curriculum on a rolling basis, to improve service quality of local social administration unit personnel, and further enhance the well-being of women in the sex trade.

VII. Funding Budget (2022)

1. The local government police departments use existing mechanisms to cooperate with the local social administration and labor

administration to provide referral services, and no separate funding is required.

2. Up to NT\$100,000 in grants are available for new career education and training among female sex workers seeking career change, which is funded by the Ministry of Labor Employment Stabilization Fund.
3. The Ministry of Health and Welfare shall provide NT\$100,000 for the education and training of professional staff among local government social administration units.

VIII. Control Measures

From 2022 to 2024, the project will report annually to the Employment and Economic Section of the Gender Equality Committee, Executive Yuan for the previous year and an evaluation report on its effectiveness will be submitted in early 2025.

Appendix 1

Referral Form

Instructions for filling out the form: If you have a need for a career change or social welfare service, please fill in the fields and sign.

Name		Birth	Y	D	Age	years
Contact phone		Identity Card Number				
Contact address						
Domicile address						
Professional needs	<input type="checkbox"/> 1. No requirements <input type="checkbox"/> 2. Requirements to be listed on the Employment/Vocational Request Registration Form.					
Social Welfare Services Needs	<input type="checkbox"/> 1. No requirements <input type="checkbox"/> 2. Need: <input type="checkbox"/> (1) personal safety <input type="checkbox"/> (2) economic challenges <input type="checkbox"/> (3) medical supports <input type="checkbox"/> (4) legal assistance <input type="checkbox"/> (5) emotional and mental health supports <input type="checkbox"/> (6) family relation problems and challenges <input type="checkbox"/> (7) family caregiving needs (needed for: <input type="checkbox"/> children、 <input type="checkbox"/> differently abled、 <input type="checkbox"/> elderly、 <input type="checkbox"/> other, please specify:) <input type="checkbox"/> (8) other, please specify:					
I (_____) agree to be contacted by the relevant personnel of the police or social administration units for follow-up assistance.						
_____ County (City) _____ Police Station Branch Contact Window						
Referral time	Y M D (day of the week) time					
Contact person and title		contact number				
Email address						

Reminder:

1. After the investigation is completed, the police unit should take the initiative to provide a social welfare inquiry form.
2. For those who need it, the police unit should refer the case to the Labor Department within 5 working days by means of a confidential official document.

附件2：社會福利諮詢電話表

Appendix 2: Social Welfare Consultation Telephone Form

0800-
777-888

1957

1966

113

1925

110

District Court Prosecutor Office Domestic Violence Case Investigations and Closure Status

Units: cases, individuals, %

Month and Year	New Case numbers	Completed case numbers						Number of persons in completed cases																Indictments as (%) of closed cases	De-ferred Prosecutions as (%) of closed cases	Not pros-ecuted as (%) of closed cases
		Totals	Indictment		Deferred Prosecution	Not to prosecuted	Other	Totals	Indictment		De-ferred Prosecution	Not to prosecuted										Oth-er				
			Regular Proceeding file for a public prosecution	Apply for Summary Judgment					Regular Proceeding file for a public prosecution	Apply for Summary Judgment		Sub total	Prior confirmed final verdict	Statute of limitations expired	Criminal statute expired after the act was committed	Criminal information or complaint withdrawn or statute of limitations to bring suit expired in case requiring lodging information or needing a complaint	De-fendant demised	Court lacks jurisdiction over defendant	Act is not penalized	Lack of sufficient probable cause	Deter-mined to warrant nolle prosequi		Other			
2012	5,288	6,431	1,497	1,869	330	2,476	259	7,074	1,625	1,919	330	2,910	7	2	-	1,649	41	-	26	1,052	130	3	290	50.1	4.7	41.1
2013	5,038	6,495	1,597	1,671	272	2,620	335	7,152	1,724	1,707	273	3,081	5	2	-	1,629	31	-	26	1,221	167	-	367	48.0	3.8	43.1
2014	5,151	6,845	1,791	1,671	246	2,795	342	7,512	1,931	1,712	248	3,246	3	3	-	1,600	28	-	42	1,401	167	2	375	48.5	3.3	43.2
2015	5,544	7,541	2,101	1,746	213	3,075	406	8,304	2,235	1,792	213	3,604	5	5	-	1,723	34	1	17	1,648	168	3	460	48.5	2.6	43.4
2016	7,550	8,606	2,478	1,877	192	3,490	569	9,547	2,664	1,921	193	4,140	10	2	-	2,022	42	1	30	1,802	227	4	629	48.0	2.0	43.4
2017	8,690	8,992	2,331	1,956	237	3,925	543	9,914	2,508	1,988	238	4,595	8	-	-	1,982	65	-	18	2,315	204	3	585	45.4	2.4	46.3
2018	7,508	8,680	2,221	1,842	203	3,956	458	9,570	2,385	1,881	204	4,592	8	5	-	1,998	49	-	35	2,278	211	8	508	44.6	2.1	48.0
2019	8,000	9,132	2,281	1,878	202	4,269	502	10,081	2,462	1,933	203	4,941	12	9	-	2,100	47	2	41	2,518	211	1	542	43.6	2.0	49.0
2020	8,339	10,704	2,575	2,210	253	5,073	593	11,807	2,743	2,253	261	5,894	7	11	4	2,152	63	3	44	3,324	276	10	656	42.3	2.2	49.9

2021	9,300	12,834	2,877	2,388	255	6,485	829	14,354	3,130	2,448	258	7,579	15	16	1	2,831	86	-	50	4,305	254	21	939	38.9	1.8	52.8	
2022	7,215	10,086	2,378	1,763	136	5,212	597	11,220	2,572	1,794	138	6,038	10	12	-	2,100	85	-	53	3,562	209	7	678	38.9	1.2	53.8	
January-August																											
January	1,034	1,045	265	190	9	526	55	1,157	285	197	9	605	1	3	-	244	16	-	2	321	17	1	61	41.7	0.8	52.3	
February	753	939	240	189	11	443	56	1,040	259	192	11	506	1	2	-	185	13	-	3	282	16	4	72	43.4	1.1	48.7	
March	1,008	1,548	366	291	22	765	104	1,699	387	296	22	879	-	2	-	324	7	-	3	505	38	-	115	40.2	1.3	51.7	
April	844	1,146	304	175	25	580	62	1,291	328	178	25	686	3	-	-	234	7	-	9	413	19	1	74	39.2	1.9	53.1	
May	937	1,342	297	226	23	724	72	1,488	316	230	22	837	3	1	-	288	9	-	6	496	34	-	83	36.7	1.5	56.3	
June	842	1,385	318	241	15	714	97	1,566	352	245	15	843	1	3	-	264	9	-	10	532	23	1	111	38.1	1.0	53.8	
July	971	1,380	308	224	14	766	68	1,560	348	223	16	900	1	-	-	324	16	-	12	512	35	-	73	36.6	1.0	57.7	
August	826	1,301	280	227	17	694	83	1,419	297	233	18	782	-	1	-	237	8	-	8	501	27	-	89	37.4	1.3	55.1	

Note: includes data for cases involving violations of protective orders

Data source: Statistics Section, Ministry of Justice

Explanation: [Nolle prosequi: other] include instances where the law stipulates a nolle prosequi, or in accord with Article 254 of the Code of Criminal Procedure a prosecutor determines that the other crime is not significantly related to the sentence to be executed and the juvenile has committed a crime with a maximum sentence of less than five years incarceration.

District Court Prosecutor's Office Domestic Violence Case Investigation and Closure Status (Domestic Violence Crimes)

Units: cases, individuals, %

Month and Year	New Case numbers	Completed case numbers						Number of persons in completed cases															Indictments as (%) of closed cases	Deferred Prosecutions as (%) of closed cases	Not prosecuted as (%) of closed cases		
		Totals	Indictment		Deferred Prosecution	Not to prosecuted	Other	Totals	Indictment		Deferred Prosecution	Not to prosecuted								Other							
			Regular Proceeding file for a public prosecution	Apply for Summary Judgment					Regular Proceeding file for a public prosecution	Apply for Summary Judgment		Sub total	Prior convicted	Statute of limitations expired	Criminal statute expired after the act was committed	Criminal information or complaint withdrawn or statute of limitations to bring suit expired in case requiring lodging information or needing a complaint	Defendant demised	Court lacks jurisdiction over defendant	Act is not penalized		Lack of sufficient probable cause	Determined to warrant no prosecution				Other	
2012	3,774	3,428	808	689	75	1,786	70	4,021	932	735	75	2,189	4	2	-	1,619	18	-	24	492	27	3	90	41.5	1.9	54.4	
2013	3,543	3,459	842	614	56	1,852	95	4,076	964	647	56	2,291	2	2	-	1,596	16	-	22	615	38	-	118	39.5	1.4	56.2	
2014	3,594	3,848	1,070	657	49	1,959	113	4,465	1,205	694	50	2,377	1	3	-	1,577	21	-	39	703	32	1	139	42.5	1.1	53.2	
2015	3,603	4,125	1,206	662	43	2,087	127	4,831	1,334	704	43	2,584	3	5	-	1,708	14	-	16	797	40	1	166	42.2	0.9	53.5	
2016	5,152	4,759	1,395	715	49	2,408	192	5,629	1,576	756	49	3,013	1	2	-	1,988	22	1	27	908	61	3	235	41.4	0.9	53.5	
2017	4,480	4,850	1,317	792	58	2,507	176	5,711	1,494	822	58	3,130	4	-	-	1,963	23	-	17	1,071	50	2	207	40.6	1.0	54.8	
2018	3,513	4,832	1,238	734	69	2,615	176	5,652	1,393	772	70	3,204	4	4	-	1,971	18	-	33	1,113	54	7	213	38.3	1.2	56.7	
2019	3,934	5,196	1,343	772	55	2,838	188	6,084	1,516	822	54	3,472	7	9	-	2,078	19	2	38	1,264	54	1	220	38.4	0.9	57.1	
2020	3,445	6,182	1,613	975	68	3,293	233	7,207	1,780	1,015	71	4,051	3	11	4	2,143	37	2	41	1,714	87	9	290	38.8	1.0	56.2	
2021	4,288	8,133	1,949	1,120	126	4,500	438	9,559	2,196	1,173	129	5,523	7	16	1	2,818	44	-	48	2,481	95	13	538	35.2	1.3	57.8	
2022	3,348	6,536	1,646	784	55	3,718	333	7,608	1,834	814	54	4,500	4	12	-	2,090	41	-	48	2,210	90	5	406	34.8	0.7	59.1	
January-August																											
January	498	684	186	85	3	384	26	790	206	92	3	458	-	3	-	243	9	-	2	193	8	-	31	37.7	0.4	58.0	

February	367	619	168	99	6	317	29	715	187	102	6	376	1	2	-	185	6	-	3	167	9	3	44	40.4	0.8	52.6
March	491	970	232	111	8	558	61	1,115	253	116	8	666	-	2	-	323	4	-	1	319	17	-	72	33.1	0.7	59.7
April	382	764	210	78	8	425	43	901	232	81	8	526	1	-	-	234	2	-	9	269	10	1	54	34.7	0.9	58.4
May	433	861	219	107	13	483	39	997	237	111	12	588	1	1	-	285	5	-	6	276	14	-	49	34.9	1.2	59.0
June	368	937	223	117	8	527	62	1,112	257	121	8	651	-	3	-	263	4	-	8	363	9	1	75	34.0	0.7	58.5
July	450	896	217	91	2	556	30	1,062	254	90	2	682	1	-	-	323	8	-	11	327	12	-	34	32.4	0.2	64.2
August	359	805	191	96	7	468	43	916	208	101	7	553	-	1	-	234	3	-	8	296	11	-	47	33.7	0.8	60.4

Data source: Statistics Section, Ministry of Justice

Explanation: [Nolle prosequi: other] include instances where the law stipulates a nolle prosequi, or in accord with Article 254 of the Code of Criminal Procedure a prosecutor determines that the other crime is not significantly related to the sentence to be executed and the juvenile has committed a crime with a maximum sentence of less than five years incarceration.

District Court Prosecutor's Office Domestic Violence Case Investigation and Closure Status (violations of Protective Orders)

Units: cases, individuals, %

Month and Year	New Case numbers	Completed case numbers						Number of persons in completed cases															Indictments as (%) of closed cases	De-ferred Prosecutions as (%) of closed cases	Not prosecuted as (%) of closed cases	
		Totals	Indictment		Deferred Prosecution	Not to prosecuted	Other	Totals	Indictment		De-ferred Prosecution	Not to prosecuted							Other							
			Regular Proceeding file for a public prosecution	Apply for Summary Judgment					Regular Proceeding file for a public prosecution	Apply for Summary Judgment		Sub total	Prior confirmed verdict	Statute of limitations expired	Criminal statute expired after the act was committed	Criminal information or complaint withdrawn or statute of limitations to bring suit expired in case requiring lodging information or needing a complaint	Defendant dismissed	Court lacks jurisdiction over defendant		Act is not penalized	Lack of sufficient probable cause	Determined to warrant nolle prosequi				Other
2012	1,514	3,003	689	1,180	255	690	189	3,053	693	1,184	255	721	3	-	-	30	23	-	2	560	103	-	200	61.5	8.4	23.6
2013	1,495	3,036	755	1,057	216	768	240	3,076	760	1,060	217	790	3	-	-	33	15	-	4	606	129	-	249	59.2	7.1	25.7
2014	1,557	2,997	721	1,014	197	836	229	3,047	726	1,018	198	869	2	-	-	23	7	-	3	698	135	1	236	57.2	6.5	28.5
2015	1,941	3,416	895	1,084	170	988	279	3,473	901	1,088	170	1,020	2	-	-	15	20	1	1	851	128	2	294	57.3	4.9	29.4
2016	2,398	3,847	1,083	1,162	143	1,082	377	3,918	1,088	1,165	144	1,127	9	-	-	34	20	-	3	894	166	1	394	57.5	3.7	28.8
2017	4,210	4,142	1,014	1,164	179	1,418	367	4,203	1,014	1,166	180	1,465	4	-	-	19	42	-	1	1,244	154	1	378	51.9	4.3	34.9
2018	3,995	3,848	983	1,108	134	1,341	282	3,918	992	1,109	134	1,388	4	1	-	27	31	-	2	1,165	157	1	295	53.6	3.4	35.4
2019	4,066	3,936	938	1,106	147	1,431	314	3,997	946	1,111	149	1,469	5	-	-	22	28	-	3	1,254	157	-	322	51.5	3.7	36.8
2020	4,894	4,522	962	1,235	185	1,780	360	4,600	963	1,238	190	1,843	4	-	-	9	26	1	3	1,610	189	1	366	47.8	4.1	40.1
2021	5,012	4,701	928	1,268	129	1,985	391	4,795	934	1,275	129	2,056	8	-	-	13	42	-	2	1,824	159	8	401	46.1	2.7	42.9
2022	3,867	3,550	732	979	81	1,494	264	3,612	738	980	84	1,538	6	-	-	10	44	-	5	1,352	119	2	272	47.6	2.3	42.6

January-August

January	536	361	79	105	6	142	29	367	79	105	6	147	1	-	-	1	7	-	-	128	9	1	30	50.1	1.6	40.1
February	386	320	72	90	5	126	27	325	72	90	5	130	-	-	-	-	7	-	-	115	7	1	28	49.8	1.5	40.0
March	517	578	134	180	14	207	43	584	134	180	14	213	-	-	-	1	3	-	2	186	21	-	43	53.8	2.4	36.5
April	462	382	94	97	17	155	19	390	96	97	17	160	2	-	-	-	5	-	-	144	9	-	20	49.5	4.4	41.0
May	504	481	78	119	10	241	33	491	79	119	10	249	2	-	-	3	4	-	-	220	20	-	34	40.3	2.0	50.7
June	474	448	95	124	7	187	35	454	95	124	7	192	1	-	-	1	5	-	2	169	14	-	36	48.2	1.5	42.3
July	521	484	91	133	12	210	38	498	94	133	14	218	-	-	-	1	8	-	1	185	23	-	39	45.6	2.8	43.8
August	467	496	89	131	10	226	40	503	89	132	11	229	-	-	-	3	5	-	-	205	16	-	42	43.9	2.2	45.5

Data source: Statistics Section, Ministry of Justice

Explanation: [Nolle prosequi: other] include instances where the law stipulates a nolle prosequi, or in accord with Article 254 of the Code of Criminal Procedure a prosecutor determines that the other crime is not significantly related to the sentence to be executed and the juvenile has committed a crime with a maximum sentence of less than five years incarceration.

District Court Prosecutor’s Office Domestic Violence Case Confirmed Judgment Status

Units: cases, individuals, %

Month and Year	# of cases	# of defendants																				conviction rate (%)
		totals	sentence imposes														incarceration waived	not guilty	nolle prosequi	case not accepted	Other	
			subtotals	death sentence	Life imprisonment	incarceration for																
					under six months	more than six months and less than a year	more than one year but less than two years	more than two years but less than three years	more than three years but less than five years	more than five years but less than seven years	more than seven years but less than ten years	more than ten years but less than fifteen years										
2012	3,036	3,188	2,588	-	1	765	48	13	9	32	13	28	8	1	1,592	78	1	49	-	549	1	98.1
2013	3,150	3,301	2,655	-	1	716	52	40	17	25	19	31	12	2	1,684	56	2	75	1	562	6	97.3
2014	3,150	3,289	2,582	-	3	653	42	28	7	43	10	29	13	1	1,685	68	2	86	1	613	5	96.8
2015	3,347	3,534	2,788	-	7	691	47	25	13	25	15	31	6	-	1,868	60	2	102	1	635	6	96.5
2016	3,644	3,812	3,038	-	1	733	44	29	16	36	8	34	6	3	2,033	95	8	109	2	646	9	96.5
2017	4,119	4,319	3,385	-	4	812	49	41	14	51	15	29	9	2	2,259	100	3	146	8	758	19	95.9
2018	4,080	4,286	3,406	1	5	733	58	45	28	41	13	39	11	6	2,306	120	3	148	4	722	3	95.8
2019	3,905	4,114	3,296	-	6	736	45	32	27	42	14	45	6	1	2,229	113	8	139	4	657	10	96.0
2020	4,149	4,342	3,480	1	7	704	39	47	19	44	13	47	13	7	2,406	133	4	159	-	692	7	95.6
2021	4,183	4,411	3,506	-	5	721	45	52	35	48	9	27	10	8	2,387	159	4	124	3	768	6	96.6
2022	3,795	3,991	3,152	-	2	627	34	68	36	31	12	30	8	1	2,182	121	8	122	3	703	3	96.3
January-August																						
January	500	515	430	-	-	89	3	5	10	1	-	4	3	-	296	19	1	6	-	78	-	98.6
February	382	398	315	-	-	60	6	10	3	4	-	5	-	-	220	7	2	21	1	59	-	93.8
March	507	535	422	-	1	91	4	13	4	3	2	3	1	-	279	21	-	12	2	99	-	97.2
April	442	471	353	-	1	60	2	13	2	1	-	8	2	-	251	13	1	16	-	100	1	95.7
May	461	493	378	-	-	89	3	7	4	5	3	2	-	-	244	21	-	20	-	95	-	95.0

June	496	521	405	-	-	71	6	6	4	6	4	7	-	-	287	14	2	20	-	93	1	95.3
July	490	522	403	-	-	80	6	8	2	8	3	-	-	-	289	7	2	17	-	99	1	96.0
August	517	536	446	-	-	87	4	6	7	3	-	1	2	1	316	19	-	10	-	80	-	97.8

Note: includes case statistics for violations of protection orders

Data source: Statistics Section, Ministry of Justice