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我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Purpose and general obligations (arts. 1–4) 第一至四條：宗旨、定義、一般原則及一般義務	1(a)	Please provide the Committee on information on the following. When will the State be prepared to move beyond a medical definition (ICF) of disability to accommodate social and human rights models of disability?	請向委員會提供以下資訊。 國家何時能超越身心障礙的醫學定義（國際健康功能與身心障礙分類系統，簡稱 ICF）邁向社會與人權模式？

Reply :

Ministry of Health and Welfare

1. Taiwan has fully employed the International Classification of Functioning, Disability and Health (hereinafter referred to as ICF) to identify the disability since 2012. Codes d and e (activity participation and environmental factors) have been incorporated into data collection. After 10 years of data collections and scale revisions, the assessment scores on Codes d and e in the existing ICF will be gradually incorporated into the National Disability Identification System starting 2022. Currently, Code d (activity participation) primarily encompasses five domains, namely cognition, daily life, occupational work, interpersonal interaction, and social participation. It is hoped that the results of the interaction between the activity and participation, the environment of people with disabilities and their impairment can be fully included in the data analyses, allowing the identification system of people with disabilities to incorporate social and environmental factors in-depth and taking into the account the reliability and validity of quantitative data as well as the social aspects of qualitative data. Thus, the basic spirit of human rights models can be met, contributing to the comprehensiveness of the identification system in Taiwan.
2. Taiwan has established various regulations for the provision of services to people with disabilities. People who have not taken the initiative to apply to the government for a disability certificate in accordance with the People with Disabilities Rights Protection Act, but require assistance

in their daily living as a result of their physical or mental conditions may seek support services or monetary benefits under other regulations. For example, the Special Education Act covers 13 disability categories, which include people with learning disabilities and people with severe emotional issues. The Long-Term Care Services Act defines long-term care as services provided for people whose mental or physical disabilities have lasted or are expected to last for six months or longer. Under Taiwan's law, employees who have been diagnosed with dementia or are aged 45 years or older may apply for job accommodation to help them to stay employed. Other regulations that are not limited to people with a disability certificate include the Act of Insurance for Military Personnel, the Act of Military Service System, and the Labor Standards Act.

中文回應：

衛生福利部

- 一、臺灣自 2012 年全面運用 ICF 進行身心障礙鑑定，已將 DE 碼（活動參與及環境因素）納入資料蒐集範圍，經過 10 年資料蒐集及修正量表，將自 2022 年將原有 ICF 中的 DE 碼評量分數，逐步納入鑑定系統之中，尤其是 D 碼（活動參與），目前有五種主要的向度例如學習認知、日常生活、職業工作、人際互動及社會參與，希望能完整地納入障礙者的外部社會環境與障礙者個人損傷層次互動的結果，讓身心障礙鑑定制度可朝向更深入的蒐集社會面向與環境面向的因素，兼顧量性資料的信效度與質性社會層面的衡量，扣緊人權模型的基本精神，讓臺灣制度更為完整。
- 二、臺灣對於有身心障礙情形的民眾依照不同法規提供服務，對於未主動透過《身心障礙者權益保障法》（簡稱《身權法》）向政府申請並取得身心障礙證明的民眾，但因為個人身心狀況在相關生活領域需要協助時，可透過其他法規取得服務或金錢給付，例如《特殊教育法》（簡稱《特教法》）服務對象包含學習障礙、情緒行為障礙等 13 種，《長期照顧服務法》（簡稱《長服法》）服務對象則指身心失能持續已達或預期達 6 個月以上者，如經診斷為失智症或 45 歲以上中高齡受僱者，可申請職務再設計服務以繼續留在職場工作，其他尚有《軍人保險條例》、《兵役法》、《勞動基準法》（簡稱《勞基法》）等，均不以領有身心障礙證明為限。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Purpose and general obligations (arts. 1-4) 第一至四條：宗旨、定義、一般原則及一般義務	1(b)	What statutory guidelines are in place to implement, and enforce the principle of universal design in places of employment, education, health, and transportation, including adoption of measures to ensure reasonable accommodation?	為於就業、教育、衛生及交通等場所，實施並執行通用設計原則（包括採取能確保合理調整的措施），臺灣已制定何種法定準則？

Reply :

Ministry of the Interior

1. In accordance with the Convention on the Rights of Persons with Disabilities (hereinafter referred to as CRPD), People with Disabilities Rights Protection Act and Housing Act and other Directions, and with reference to the principles of universal design such as “perceptible information”, “low physical effort”, “size and space for approach and use” of, the Ministry of the Interior revised Design Specifications of Accessible and Usable Buildings and Facilities, Human Oriented Transportation Planning and Design Manual for urban road, The Design Standards of Barrier-free Equipment and Facilities for the Ministry of the Interior authoritative gathering places and Regulations on Design Standards and Encouragement of Barrier-free Houses and other related regulations and design manuals serve as the basis for the design of accessible facilities in buildings, sidewalk, urban park green space, places in national parks.
2. The promotion of the accessible environment of buildings is aimed at “public buildings” that are closely used by the public, not owned by the public or private sectors. The Ministry of the Interior has required the building of accessible facilities in newly constructed public and non-public buildings and additions to such structures since 2013. For the existing public buildings, the improvement of the accessible environment has been promoted since 1997. The public buildings listed at present include 8 categories and 103 uses, and the scope of application of the buildings that should be improved will be gradually reviewed and expanded.

Ministry of Labor

In accordance with Article 37 of the People with Disabilities Rights Protection Act, the Ministry of Labor has established measures for job accommodation for people with disabilities and an implementation plan for promoting the job accommodation, and appoints experts and scholars to conduct on-site visits and counseling in the workplace, provide professional assistance in evaluating work demands, difficulties and obstacles encountered, and other factors, and assist employers and people with disabilities to improve working equipment or tools, provide job assistive technologies, improve working conditions, adjust working methods, and improve the working environment. The Ministry of Labor also translated a *Handbook for 95 Disabilities and Accommodations* from the US Job Accommodation Network and published the handbook on its official website (Labor Redesign Section) for reference by employers and people with disabilities.

Ministry of Education

1. In terms of reasonable accommodation, the Special Education Act has clearly stipulated various provisions for maintaining flexibility and adaptability, including educational stages, grade arrangements, educational venues, educational implementation methods, courses, teaching materials, teaching methods and assessment methods for students with disabilities. Flexibility should be maintained, and students' enrollment age and years of study may be adjusted according to the actual situation, and there are regulations that appropriate services for examinations should be provided. According to this, various sub-laws have been formulated, including the Implementation Regulation for Adjusting the Enrollment Age and Years of Study for Special Education Students, Regulation for the Identification of Students with Disabilities and Talents (necessary assessment items should be selected according to the needs of students), Implementation Regulation for Special Education Curriculum, Instruction and Assessment (flexible accommodation of courses, study hours, learning content, process, environment and assessment methods), Regulation for Examination Services for Students with Disabilities (examination services should be based on candidates according to the characteristics of test subjects, learning advantages and individual needs. We will provide appropriate testing room services, assistive technology services, test questions (paper) accommodation services, answering methods accommodation services, etc.). In the future, the Ministry of Education is revising the Special Education Act, and the draft amendment has made it clear that special education, related

services and facilities should conform to the spirit of universal design.

2. The 12-year National Basic Education Curriculum Guideline - General Guideline was released in November 2014. Its connotation is to allow students with disabilities and ordinary students to apply the same curriculum, to demonstrate the spirit of universal design, and to clearly follow the individual needs of students with disabilities. Needs, provide courses in specific needs areas, support assistance and implement reasonable accommodation. In addition, the Ministry of Education issued the 12-year National Basic Education Special Education Curriculum Implementation Regulations in 2019. Based on the difficulties of students' learning functions in various areas, the principle of accommodation is provided for the courses in various areas set by the Curriculum Guideline. The Application Manual for Curriculum Accommodation of Students with Disabilities (including accommodation suggestions and examples), which focuses on the learning focus accommodation suggestions, individualized education program examples and teaching examples of subjects in various areas, so that teachers can make accommodation and application for students with different learning needs.
3. The 12-year National Basic Education Special Education Curriculum Implementation Regulations stipulates that schools should provide a campus environment that conforms to universal design, and reasonable accommodation their learning environment according to the needs of individual students with disabilities. In order to promote colleges and universities, schools at all levels below senior middle school and kindergartens to continuously build and improve the accessible environment, the central and local governments have established subsidy regulations to assist schools and kindergartens to accelerate the improvement of the environment. In addition, the Ministry of Education has formulated the Five-Year Plan for the Promotion of Preschool Special Education of the Ministry of Education, which includes "strengthening the support system and learning environment", and guides kindergartens to build an accessibility and friendly learning environment.

Ministry of Health and Welfare

The passages, entrances and exits, ramps, accessible restrooms and handrails, etc. of hospitals and health centers have been incorporated into the Design Specifications of Accessible and Usable Buildings and Facilities in consideration of general design principles.

Ministry of Transportation and Communications

1. Highways: provisions governing accessible facilities in stations are contained in the Design Specifications of Accessible and Usable Buildings and Facilities, and public transportation system (Low-Floor Bus) must follow the Regulations Governing the Installing of Disabled Facilities in Public Transportation, and accessible Taxi, which refers to the Sedan with wheelchair areas and provided in Article 91 Paragraph 1 Subparagraph 1 of the Regulations for Automobile Transportation Operators. Comply with Article 42 of Traffic Safety Regulation and Point 67 of Vehicle Safety Testing Directions. To encourage taxi operators to serve people with disabilities, directions of the Ministry of Transportation and Communications to Grant Subsidies for Handicapped Accessible Taxis for Public Transport, provide car purchase and operation subsidy. In addition, the other service areas of expressways are in the application of general design, the planning and design shall be handled in accordance with Article 3 of the Building Act and Article 167 of the Architectural Design and Construction Section of the Building Technical Regulations. Newly constructed or newly constructed public buildings shall be provided with accessible facilities in accordance with regulations.
2. Railways: the concept of accessibility and universal design have been incorporated in statutory guidelines related to railway stations and vehicles. Such as Technical Standards for High-speed Railway Vehicles and Technical Standards for High-speed Railway Construction promulgated by the Ministry of Transportation and Communications. Attention Points for Designing of Railway Transportations and Station Facilities promulgated by Railway Bureau, Ministry of Transportation and Communications. There are accessible seats, toilets and other facilities in the high-speed railway vehicles, as well as the entrances at the same height as the platform. In addition, in November 2021, the “The Establishment Guidelines for the General Design Promotion Committee of the Taiwan Railways Administration, Ministry of Transportation and Communications” has implemented, representatives of relevant users and groups of experts and scholars to provide professional consultation and feedback, in order to improve the generalized railway stations and vehicles services, installed with accessible seating areas and provided Braille number plates to the multi-functional accessible toilets and seat handles, in the accordance of the People with Disabilities Rights Protection Act and Regulations Governing the Installing of Disabled Facilities in Public Transportation (including fixed devices for parking wheelchairs), with the relevant laws and regulations.
3. Aviation: according to the Design Specifications of Accessible and Usable Buildings and Facilities, the airports provide designated accessible

lifts, lavatories and parking spaces for people with disabilities.

Note: Please refer to the response to 2(c) for measures to ensure reasonable accommodation.

中文回應：

內政部

- 一、內政部依據《身心障礙者權利公約》(簡稱《CRPD》)、《身權法》及《住宅法》等規範，並參照通用設計之「識別資訊」、「節省體力」、「空間尺寸可及性與易使用性」等原則，訂(修)定《建築物無障礙設施設計規範》、《都市人本交通規劃設計手冊》、《內政部主管活動場所無障礙設施設備設計標準》及《無障礙住宅設計基準及獎勵辦法》等相關規定及設計手冊，作為建築物無障礙設施設計、人行道環境、都市公園綠地及經內政部公告國家公園內場所、住宅環境等之基礎。
- 二、對於建築物無障礙環境之推動，是以公眾接觸使用密切之「公共建築物」為對象，非以公部門所有或為私部門所有。內政部已自2013年起要求所有新建與增建的建築物，不論所有者為公部門或私部門，均應設置無障礙設施。對於既有公共建築物，亦自1997年起推動無障礙環境改善，目前所列舉之公共建築物共包括8類、103種使用用途，並逐步檢討擴大應改善建築物之適用範圍。

勞動部

勞動部依據《身權法》第37條規定，訂定《身心障礙者職務再設計實施方式及補助準則》及推動職務再設計服務計畫，並透過專家學者進入職場實地訪視輔導，提供專業協助評估工作需求、遭遇困難及障礙特性等因素，協助雇主及身心障礙者改善工作設備或機具、提供就業輔具、改善工作條件、調整工作方法及改善工作環境。另翻譯美國職務再設計資源網站內針對95種障礙排除之實務手冊，置於勞動部職務再設計官網供雇主及身心障礙者參考運用。

教育部

- 一、在合理調整方面，《特教法》已明定各種保持彈性及適性調整規定，包括身心障礙學生之教育階段、年級安排、教育場所、教育實施方式、課程、教材、教法及評量方式等，均應保持彈性，得視實際狀況調整學生之入學年齡、修業年限等，且有規定應提供考試適當服務措施。並據此訂有各項子法，包括《特殊教育學生調整入學年齡及修業年限實施辦法》、《身心障礙及資賦優異學生鑑定辦法》(應依學生之需求選擇必要之評估項目)、《特殊教育課程教材教法及評量方式實施辦法》(課程、學習時數、學習內容、歷程、環境及評量方式之彈性調整)、《身心障礙學生考試服務辦法》(考試服務應衡酌考生之考試科目特性、學習優勢管道及個別需求，提供適當之試場服務、輔具服務、試題(卷)調整服務、作答方式調整服務等)。未來，教育部刻正修訂《特教法》，修正草案條文已明定特殊教育、相關服務及設施應符合通用設計之精神。
- 二、「十二年國民基本教育課程綱要總綱」於2014年11月發布，其內涵即讓身心障礙學生與一般生能夠適用同一課綱，展現通用設計

的精神，並明定依身心障礙學生之個別需求，提供特殊需求領域課程、支持性輔助及實施合理調整。另教育部2019年發布「十二年國民基本教育特殊教育課程實施規範」，以學生在各領域學習功能的損傷情形，針對總綱部定各領域之課程提供調整的原則，並訂定「身心障礙學生領域課程調整應用手冊（調整建議篇及示例篇）」，其重點放在各領域科目的學習重點調整建議、個別化教育計畫示例及教學示例，以利教師針對不同學習需求學生做調整及應用。

- 三、「十二年國民基本教育特殊教育課程實施規範」明定學校應提供符合通用設計之校園環境，並針對個別身心障礙學生需求合理調整其學習環境。為促使大專校院、高級中等以下各級學校及幼兒園持續建置及改善無障礙校園環境，中央及地方政府均訂有補助規定，以協助學校及幼兒園加速改善環境。另亦訂有「教育部學前特殊教育推動五年計畫」，推動面向包括「強化支持系統與學習環境」，引導幼兒園建構無障礙友善學習環境。

衛生福利部

醫院及衛生所之通路、出入口、斜坡道、無障礙廁所、扶手等項目，業考量通用設計原則，納入「建築物無障礙設施設計規範」。

交通部

- 一、公路類：交通場站部分依據《建築物無障礙設施設計規範》，無障礙運具（低地板公車）部分訂有《大眾運輸工具無障礙設施設置辦法》，通用計程車係指《汽車運輸業管理規則》第91條第1項第1款規定設置輪椅區之小客車（不含客貨兩用車），並符合《道路交通安全規則》第42條及《車輛安全檢測基準》第67點等規定，交通部為鼓勵計程車業者服務行動不便者，訂定《交通部公路公共運輸計畫補助通用計程車作業要點》，提供購車及營運補助；另高速公路各服務區在通用設計之運用上均依《建築法》第3條及《建築技術規則》建築設計施工編第167條辦理規劃設計，新建或增建之公有建築物應依規定設置無障礙設施。
- 二、鐵道類：鐵道場站與運具相關標準規範包含《高速鐵路車輛技術標準規範》、《高速鐵路建設技術標準規範》及《鐵路車站旅運與站務設施設計注意事項》，均已納入無障礙及通用設計理念，高鐵車廂內設有無障礙座位及無障礙廁所等設施，及與月台高度齊平之車廂出入口。另於2021年11月實施《交通部臺灣鐵路管理局通用設計推動委員會設置要點》，並邀請相關使用者及專家學者團體代表提供專業諮詢及意見回饋，以完善鐵路場站、車輛通用化旅運服務，鐵路車輛車廂地板與月台齊平無階、客室依照《身權法》及《大眾運輸工具無障礙設施設置辦法》相關法令設置無障礙座位區（供停駐輪椅含固定裝置）、多功能無障礙廁所及座椅把手旁設置盲人點字座位號碼牌，供身心障礙者使用。

三、航空類：航空站均依據《建築物無障礙設施設計規範》，提供無障礙升降設備、無障礙廁所及停車空間等無障礙設施供身心障礙者使用。

註：確保合理調整的措施請參閱 2 (c) 之回應

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Purpose and general obligations (arts. 1-4) 第一至四條：宗旨、定義、一般原則及一般義務	1(c)	What measures are in place to ensure mainstreaming of disability across relevant institutions and in particular, across different ministries?	為於相關單位間，尤其是政府部會間落實障礙主流化，臺灣已採取何種措施？

Reply :

Ministry of Health and Welfare, Ministry of Transportation and Communications, Ministry of the Interior, Ministry of Education, Ministry of Culture, Ministry of Examination, Ministry of Labor and Financial Supervisory Commission

1. To implement policies aimed at protecting the rights of people with disabilities, the Executive Yuan has convened the central-government-level Committee for the Promotion of the Rights of Persons with Disabilities, which comprises scholars, experts, disability representative organizations, and representatives of different government agencies. The committee holds regular meetings with government ministries to plan for and deliberate on issues related to the rights of people with disabilities. These meetings are intended to ensure that all ministries appropriately consider the rights of people with disabilities and adhere to the critical principles of nondiscrimination, equal opportunity, and social inclusion in their policy implementation.
2. Other related bodies established by the central authorities including the Ministry of Health and Welfare set up a Committee for the Protection of the Rights of Persons with Disabilities, the Ministry of Transportation and Communications' steering group for accessible traffic environment, the Ministry of Labor's task force for promoting the training and employment of persons with disabilities, the Ministry of Examination's review committee for protecting the rights of people with disabilities to take national examinations, and the Ministry of the Interior's set up an

Assessment Team for Accessibility Environment in Public Buildings of the Construction Department of the Ministry of the Interior as well as other evaluation or supervisory committees established per the Program on the Evaluation of Urban Road Maintenance and Accessible Pedestrian Environment and the Supervisory Program on Accessible Urban Parks and Green Spaces. Sitting on all these committees (agencies, groups, etc.) are people with disabilities or disability representative organizations. Taiwan law also requires that students with disabilities be invited to join the following committees: the special education consultation committee and the Special Education Students Diagnosis and Placement Counseling Committee established by the education authorities of all levels as well as the schoolwide special education implementation committees in schools of all levels. The Ministry of Culture has also invited scholars and experts with disabilities to join its task force to promote cultural equality.

3. The Ministry of Health and Welfare has implemented a demonstration training program on developing courses on the CRPD for ministries and local governments to help them offer courses for frontline staff members to ensure they implement CRPD in the scope of their duties. The aim is to enhance the public sector's overall awareness of disabilities and to urge ministries to require all decisions concerning policies involving people with disabilities to be informed by the perspectives of people with disabilities and their representative organizations. For example, the Ministry of the Interior requires the inclusion and participation (spanning the planning, implementation, and supervision phases) of people with disabilities in the establishment of guidelines concerning disabilities and random inspections or evaluations of environment accessibility. Similar inclusionary principles were followed for the Ministry of Health and Welfare's implementation of a project for improving the accessibility of medical environments, the Ministry of Education's program aimed at deepening the practice of adapted physical education and amendments to The Special Education Act, and the Financial Supervisory Commission's continued efforts to increase the accessibility of financial services for people with disabilities. Such inclusion of people with disabilities is intended to ensure that these people participate in all aspects of policy implementation related to them.

中文回應：

衛生福利部、交通部、內政部、教育部、文化部、考選部、勞動部、金融監督管理委員會

- 一、為推動身心障礙者權益保障政策，由學者專家、身心障礙團體代表及各政府機關代表組成中央層級「行政院身心障礙者權益推動小組」，定期召開會議與各部會共同規劃及研商身心障礙者權益相關事項，確保各部會於推動政策時，妥善考量身心障礙者權益，務必符合不歧視、機會平等及社會融合等重要原則。
- 二、中央機關尚有衛生福利部設置「身心障礙者權益保障推動小組」、交通部設置「無障礙交通環境推動小組」、勞動部設置「促進身心障礙者訓練與就業推動小組」、考選部設置「身心障礙者應國家考試權益維護審議委員會」、內政部設置「營建署公共建築物無障礙生活環境考核小組」，以及依據「市區道路養護管理暨人行環境無障礙考評計畫」與「都市公園綠地無障礙環境督導計畫」組成考評或督導小組等，皆有身心障礙者或其代表組織擔任委員。各級教育主管機關之特教諮詢會、特教學生鑑定及就學輔導會，以及各級學校之特教推行委員會，亦透過法規要求必須邀請身心障礙學生擔任委員，以及文化部設置「文化平權推動會報」亦聘請身心障礙者領域之專家學者擔任委員。
- 三、衛生福利部針對各部會及地方政府辦理《CRPD》相關課程之示範性教育訓練，以利其就權責領域所涉第一線人員賡續辦理相關課程，全面提升政府部門之障礙意識，並促請各部會建立涉及身心障礙者之政策應有身心障礙者及其代表團體參與機制，例如內政部訂定無障礙相關規範及辦理無障礙環境相關業務抽查考評作業、衛生福利部辦理無障礙就醫改善計畫、教育部訂定推展學校適應體育深耕計畫及修訂《特教法》、金融監督管理委員會持續研議友善身心障礙者取得金融服務精進作法等過程中，均有邀請身心障礙者共同參與擬訂、實施與監督，以確保身心障礙者於各面向參與身心障礙政策的推動事項。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Purpose and general obligations (arts. 1-4) 第一至四條：宗旨、定義、一般原則及一般義務	1(d)	How will the State prepare a National Action Plan to implement the Convention, and how will the State implement the various reforms the Convention requires, such as eliminating discrimination, promoting research, use of ITC technologies, and training of professionals?	臺灣將如何制定國家行動計畫，以確保《身心障礙者權利公約》(CRPD)之實施？又將如何落實 CRPD 所要求之各項改革，例如消除歧視、促進研究、使用 ITC 技術及培訓專業人員？

Reply :

Ministry of Justice

1. Since the implementation of the International Covenant on Civil and Political Rights (hereinafter referred to as ICCPR) & International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as ICESCR) in Taiwan in 2009, although various agencies have implemented human rights protection in accordance with the provisions of the ICCPR & ICESCR and Act to Implement the ICCPR & ICESCR, they still lack a guiding framework for overall human rights policies. Considering that countries around the world have already formulated National Human Rights Action Plan as an important basis for promoting human rights business, the Executive Yuan has instructed the Ministry of Justice to serve as a staff agency since the second half of 2018. Experts and scholars held several meetings, which took four years to complete, and on May 5, 2022, Taiwan's first National Human Rights Action Plan was adopted.
2. The National Human Rights Action Plan includes eight major human rights issues and 154 action plans, among which, Chapter 4, Section 3 lists the actions related to equality and non-discrimination for people with disabilities, and formulates specific actions and key points to be achieved. Performance indicators to ensure implementation of improvements related to human rights deficiencies. Relevant actions include:
 - (a) Promote the concept of reasonable accommodation, incorporate reasonable accommodation into the Law on the Protection of the Rights

and Interests of Persons with Disabilities, and discuss the obligation to make reasonable accommodation in special education as specified in the Special Education Act. (b) Promote the improvement of the accessible environment of existing public buildings, and strengthen the general accessible service facilities for land, sea and air transportation. (c) Benchmark study cases to promote friendly medical treatment for people with disabilities. (d) Study and formulate an easy-to-read reference guide to promote the concept of easy-to-read to improve the accessibility of information.

Ministry of Health and Welfare

1. Taiwan passed the Act to Implement the CRPD in 2014 and has since been amending laws that contain discriminatory language or undermine the rights of people with disabilities and working to establish localized human rights indicators, among which five to ten indicators will be selected by 2024 in accordance with the major rights items in National Human Rights Action Plan. These indicators will provide guidance to government ministries concerning the implementation of disability-related policies and facilitate regular monitoring of implementation progress. In addition, CRPD campaigns and training programs have been held to enhance the public sectors, private sector's, and general public's awareness of disabilities. For a comprehensive review of the results of Taiwan's reforms pertaining to the rights of people with disabilities, regular state reports have been published, and human rights experts have been invited to review related systems in Taiwan.
2. In response to the concluding observations provided in the review meeting of Taiwan's initial CRPD report, ministries have developed various action plans in consultation with people with disabilities and their representative organizations. The implementation results of these plans are regularly monitored and supervised by the Committee for the Promotion of the Rights of Persons with Disabilities, Executive Yuan and published on Taiwan's CRPD official site to keep people from all sectors informed of the progress on implementation and to facilitate the expression of suggestions. Taiwan will continue developing, monitoring, and supervising policies in accordance with the concluding observations provided in the review of its second state CRPD report.

中文回應：

法務部

- 一、我國自 2009 年施行兩公約以來，各機關雖依兩公約及其施行法之規定落實人權保障業務，惟仍缺乏整體人權政策之指導綱領。考量世界各國早已陸續制定國家人權行動計畫作為推動人權業務重要依據，行政院自 2018 年下半年指示法務部擔任幕僚機關，由行政院政務委員共同邀集政府機關、民間團體、專家學者召開多次會議，耗時 4 年共同完成，並於 2022 年 5 月 5 日通過我國首部國家人權行動計畫。
- 二、我國首部國家人權行動計畫囊括 8 大人權議題、154 項行動方案，其中於第四章第三節列出有關身心障礙者之平等與不歧視之行動，並擬定具體之行動及應達成之關鍵績效指標，以確保落實改善相關人權缺失。有關的行動措施包括 1、推廣合理調整概念，將合理調整納入《身權法》，並研議於《特教法》明定在特殊教育方面合理調整之義務。2、推動既有公共建築物無障礙環境改善，並加強陸海空運通用無障礙服務設施。3、推動身心障礙者友善就醫之標竿學習案例。4、研議訂定易讀參考指南，推廣易讀概念，以提升資訊可及性。

衛生福利部

- 一、臺灣於 2014 年立法通過身心障礙者權利公約施行法（簡稱《CRPD 施行法》），並依該施行法規定，持續修正具有歧視性用語及影響身心障礙者權益之法規、研議建立在地化人權指標，並將配合國家人權行動計畫於 2024 年前就重要權利項目擇定 5 至 10 個指標，據以引導各部會落實至政策及定期監測公約落實情形、同時辦理公約之宣導及教育訓練以提升公私部門及社會大眾之障礙意識，並建立定期提出國家報告及主動邀請人權專家審查制度，以全面檢視臺灣實施各種改革之成效。
- 二、為回應初次國家報告國際審查結論性意見，各部會經與身心障礙者及其代表團體交換意見後擬定各項行動計畫，透過「行政院身心障礙者權益推動小組」定期追蹤管考實施成效並公布於 CRPD 資訊網，供各界瞭解辦理情形並可提出相關建議；未來亦將針對第二次國家報告國際審查結論性意見研擬後續施政方針並追蹤管考。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Equality and non-discrimination (art. 5) 第五條：平等及不歧視	2(a)	Please provide information on plans, through creation or amendments of regulations, procedures, and legislation, including the Constitution: To add explicit provisions to prohibit discrimination and obligate the State to enact positive measures for the promotion of equality across the State;	請提供資訊說明，為落實以下項目，國家於制定或修訂細則、程序及包含憲法在內之法律之相關計畫： 增加禁止歧視之明文規定，並責成臺灣政府採取積極措施促進全國平等；

Reply :

Ministry of Justice

1. Article 7 of the Constitution of The Republic of China (Taiwan): all citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law. Also, Article 10, Paragraph 7 of the Additional Articles of the Constitution of The Republic of China (Taiwan): the State shall guarantee insurance, medical care, obstacle-free environments, education and training, vocational guidance, and support and assistance in everyday life for physically and mentally handicapped persons, and shall also assist them to attain independence and to develop. Judicial Yuan Interpretation interpretation No. 694 pointed out that the principle of equality revealed in Article 7 of the Constitution does not refer to absolute and mechanical formal equality, but to "substantial equality" which guarantees the legal status of the people, which requires that things that are essentially the same should be treated the same, and should not be arbitrarily differentiated without justifiable reasons.
2. The current anti-discrimination or equality protection laws in Taiwan are scattered in various laws, mainly in the form of "no discrimination" or "no differential treatment" as the legislative norm. The relevant laws are as follows: For "age" - such as Article 29 of Middle-aged and

Elderly Employment Promotion Act, and Article 29 of the Senior Citizens Welfare Act. For "people with disabilities" - such as Article 16 of the People with Disabilities Rights Protection Act, Articles 22 and 23 of the Mental Health Act; For "race" - such as Article 62 of the Employment Service Act. Article 21 of the Indigenous Peoples Employment Rights Protection Act. For "religion" - such as Article 5 of the Employment Services Act; For "biological sex, sexual orientation" - such as Chapter 2 of the Act of Gender Equality in Employment. Gender Equity Education Act; for "pregnancy, marriage, intimate relationships" - such as Article 5 of the Employment Services Act; for "parental status": such as Article 62 of the Immigration Act, etc.

3. Since Taiwan does not have a comprehensive law on anti-discrimination or equality protection, after years of advocacy by domestic human rights groups, and international review of state reports on relevant human rights conventions, several international human rights scholars and experts have suggested that a comprehensive equality law should be established. Therefore, in 2018, the Executive Yuan instructed the Ministry of Justice to conduct a commissioned study on whether to formulate a comprehensive anti-discrimination law, and completed the study report in June 2019. The report also assisted in proposing a draft equality law for reference in Taiwan's legislation... However, scholars, experts and non-governmental organizations have not been consulted. On May 5, 2022, Taiwan passed the National Human Rights Action Plan, which listed "the formulation of a comprehensive equality law" as a priority human rights action for the government. , which will clearly regulate the definitions of direct discrimination, indirect discrimination. The draft will be sent to the Legislative Yuan for deliberation between 2022 and 2024.

Ministry of Health and Welfare

To eliminate content in regulations or administrative measures that contains discriminatory language or that undermines the actual rights of people with disabilities, Taiwan, per the Act to Implement the CRPD, engaged government agencies of all levels in the review of regulations and administrative measures in 2015 for this purpose and invited experts, scholars, and non-governmental organization to participate in meetings to review and approve changes of content. A total of 462 sets of regulations or administrative measures were proposed for amendment, and 449 (97 percent) had been amended by the end of May 2022. Specifically, regulations—including the Judges Act, the Attorney Regulation Act, the Physicians Act, the Psychologists Act, the Midwifery Personnel Act, the Respiratory Therapists Act, the Speech Therapists Act, the Dietitians Act,

the Occupational Therapists Act, the Veterinarian Act, the Certified Public Accountant Act, and the Social Worker Act—have been amended to eliminate restrictions on the rights of people with disabilities to obtain a practicing certificate or to practice their professions.

中文回應：

法務部

- 一、我國《憲法》第 7 條規定：「中華民國人民，無分男女、宗教、種族、階級、黨派，在法律上一律平等。」又《憲法》增修條文第 10 條第 7 項規定：「國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。」又所謂平等，我國司法院大法官釋字第 694 號解釋理由書指出，《憲法》第 7 條所揭示之平等原則非指絕對、機械之形式上平等，而係保障人民在法律上地位之「實質平等」，要求本質相同之事物應為相同之處理，不得恣意為無正當理由之差別待遇。
- 二、我國現行反歧視或是平等保障之法律為散見於各種法律中，主要以「不得歧視」或「不得為差別待遇」之方式為立法上之規範，相關法律如下：對「年齡」——如《中高齡者及高齡者就業促進法》、《老人福利法》第 29 條；對「身心障礙」——如《身權法》第 16 條、《精神衛生法》第 22 條、第 23 條；對「種族」——如《入出國及移民法》第 62 條、《原住民族工作權保障法》第 21 條；對「宗教」——如《就業服務法》第 5 條；對「生理性別、性傾向」——如《性別平等工作法》第 2 章、《性別教育平等法》；對「懷孕、婚姻、親密關係」——如《就業服務法》第 5 條；對「父母狀況」——如《入出國及移民法》第 62 條等。
- 三、因我國尚無針對反歧視或平等保障之綜合性法律，經國內人權團體倡議多年，又於相關人權公約之國家報告國際審查，迭有國際人權學者專家建議應建立一部綜合性之平等法，故於 2018 年由行政院責成法務部辦理是否制定綜合性反歧視法之委託研究，2019 年 6 月完成研究報告，該報告並協助提出平等法草案，用以作為我國立法之參考，惟尚未諮詢學者專家、民間團體。2022 年 5 月 5 日我國通過「國家人權行動計畫」，將「制定綜合性之平等法」列為政府優先辦理之人權行動，未來將由行政院人權及轉型正義處主責研擬平等法草案，將明確規範直接歧視、間接歧視等定義，以及相關之禁止歧視事項，期於 2022 年至 2024 年間將草案送至立法院審議。

衛生福利部

為消除法規或行政措施對於身心障礙者之貶抑用詞及實質權益影響，臺灣依據《CRPD 施行法》規定，於 2015 年起協同各級政府機關辦理法規及行政措施檢視作業，邀集專家學者及民間團體召開審認會議；經盤點須修正之法規及行政措施計 462 部，截至 2022 年 5 月底，已完成修正計 449 部（97%），其中《法官法》、《律師法》、《醫師法》、《心理師法》、《助產人員法》、《呼吸治療師法》、《語言治療

師法》、《營養師法》、《職能治療師法》、《獸醫師法》、《會計師法》、《社會工作師法》等法規，已修正因身心障礙而限制民眾領取執業執照或執行職務之規定。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Equality and non-discrimination (art. 5) 第五條：平等及不歧視	2(b)	To obligate the Executive Yuan to develop comprehensive legislation to protect against discrimination, unjust or prejudicial treatment on the grounds of age, disability, race, religion, sex, sexual status or orientation, pregnancy, marital, relationship or parental status	責成行政院全面立法，以防止基於年齡、身心障礙、種族、宗教、生理性別、性傾向、懷孕、婚姻、親密關係或父母狀況所產生之歧視、非正義或偏見待遇；

Reply :

Ministry of Justice

1. Article 7 of the Constitution of The Republic of China (Taiwan): all citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law. Also, Article 10, Paragraph 7 of the Additional Articles of the Constitution of The Republic of China(Taiwan): the State shall guarantee insurance, medical care, obstacle-free environments, education and training, vocational guidance, and support and assistance in everyday life for physically and mentally handicapped persons, and shall also assist them to attain independence and to develop. Judicial Yuan Interpretation interpretation No. 694 pointed out that the principle of equality revealed in Article 7 of the Constitution does not refer to absolute and mechanical formal equality, but to "substantial equality" which guarantees the legal status of the people, which requires that things that are essentially the same should be treated the same, and should not be arbitrarily differentiated without justifiable reasons.
2. The current anti-discrimination or equality protection laws in Taiwan are scattered in various laws, mainly in the form of "no discrimination" or "no differential treatment" as the legislative norm. The relevant laws are as follows: For "age" - such as Article 29 of Middle-aged and Elderly Employment Promotion Act, and Article 29 of the Senior Citizens Welfare Act. For " people with disabilities" - such as Article 16 of

the People with Disabilities Rights Protection Act, Articles 22 and 23 of the Mental Health Act; For "race" - such as Article 62 of the Employment Service Act. Article 21 of the Indigenous Peoples Employment Rights Protection Act. For "religion" - such as Article 5 of the Employment Services Act; For "biological sex, sexual orientation" - such as Chapter 2 of the Act of Gender Equality in Employment. Gender Equity Education Act; for "pregnancy, marriage, intimate relationships" - such as Article 5 of the Employment Services Act; for "parental status": such as Article 62 of the Immigration Act, etc.

3. Since Taiwan does not have a comprehensive law on anti-discrimination or equality protection, after years of advocacy by domestic human rights groups, and international review of state reports on relevant human rights conventions, several international human rights scholars and experts have suggested that a comprehensive equality law should be established. Therefore, in 2018, the Executive Yuan instructed the Ministry of Justice to conduct a commissioned study on whether to formulate a comprehensive anti-discrimination law, and completed the study report in June 2019. The report also assisted in proposing a draft equality law for reference in Taiwan's legislation. However, scholars, experts and non-governmental organizations have not been consulted. On May 5, 2022, Taiwan passed the National Human Rights Action Plan, which listed "the formulation of a comprehensive equality law" as a priority human rights action for the government. , which will clearly regulate the definitions of direct discrimination, indirect discrimination. The draft will be sent to the Legislative Yuan for deliberation between 2022 and 2024.

中文回應：

法務部

- 一、我國《憲法》第 7 條規定：「中華民國人民，無分男女、宗教、種族、階級、黨派，在法律上一律平等。」又《憲法》增修條文第 10 條第 7 項規定：「國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。」又所謂平等，我國司法院大法官釋字第 694 號解釋理由書指出，《憲法》第 7 條所揭示之平等原則非指絕對、機械之形式上平等，而係保障人民在法律上地位之「實質平等」，要求本質相同之事物應為相同之處理，不得恣意為無正當理由之差別待遇。
- 二、我國現行反歧視或是平等保障之法律為散見於各種法律中，主要以「不得歧視」或「不得為差別待遇」之方式為立法上之規範，相關法律如下：對「年齡」-如《中高齡者及高齡者就業促進法》、《老人福利法》第 29 條；對「身心障礙」——如《身權法》第 16 條、《精神衛生法》第 22 條、第 23 條；對「種族」——如《入出國及移民法》第 62 條、《原住民族工作權保障法》第 21 條；對「宗教」——如《就業服務法》第 5 條；對「生理性別、性傾向」——如《性別平等工作法》第 2 章、《性別教育平等法》；對「懷孕、婚姻、親密關係」——如《就業服務法》第 5 條；對「父母狀況」——如《入出國及移民法》第 62 條等。
- 三、因我國尚無完針對反歧視或平等保障之綜合性法律，經國內人權團體倡議多年，又於相關人權公約之國家報告國際審查，迭有國際人權學者專家建議應建立一部綜合性之平等法，故於 2018 年由行政院責成法務部辦理是否制定綜合性反歧視法之委託研究，2019 年 6 月完成研究報告，該報告並協助提出平等法草案，用以作為我國立法之參考，惟尚未諮詢學者專家、民間團體。2022 年 5 月 5 日我國通過「國家人權行動計畫」，將「制定綜合性之平等法」列為政府優先辦理之人權行動，未來將由行政院人權及轉型正義處主責研擬平等法草案，將明確規範直接歧視、間接歧視等定義，以及相關之禁止歧視事項，期於 2022 年至 2024 年間將草案送至立法院審議。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Equality and non-discrimination (art. 5) 第五條：平等及不歧視	2(c)	To ensure that the denial of reasonable accommodation is recognised as discrimination and is incorporated into relevant laws and regulations and that these obligations and remedies are defined and stipulated in those laws and remedies, including the People with Disabilities Rights Protection Act, Employment Service Act, and Special Education Act.	確保將拒絕合理調整的行為肯認為歧視，並將之納入相關法律及行政機關發布之命令，同時在這些法律與補救措施中（包括《身心障礙者權益保障法》、《就業服務法》及《特殊教育法》）述及相關的定義與規定。

Reply :

Ministry of Justice

1. Article 7 of the Constitution of The Republic of China (Taiwan): all citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law. Also, Article 10, Paragraph 7 of the Additional Articles of the Constitution of The Republic of China (Taiwan): The State shall guarantee insurance, medical care, obstacle-free environments, education and training, vocational guidance, and support and assistance in everyday life for physically and mentally handicapped persons, and shall also assist them to attain independence and to develop. Judicial Yuan Interpretation interpretation No. 694 pointed out that the principle of equality revealed in Article 7 of the Constitution does not refer to absolute and mechanical formal equality, but to "substantial equality" which guarantees the legal status of the people. ", which requires that things that are essentially the same should be treated the same, and should not be arbitrarily differentiated without justifiable reasons.
2. The current anti-discrimination or equality protection laws in Taiwan are scattered in various laws, mainly in the form of "no discrimination" or "no differential treatment" as the legislative norm. The relevant laws are as follows: For "age" - such as Article 29 of Middle-aged and

Elderly Employment Promotion Act, and Article 29 of the Senior Citizens Welfare Act. For " people with disabilities" - such as Article 16 of the People with Disabilities Rights Protection Act, Articles 22 and 23 of the Mental Health Act; For "race" - such as Article 62 of the Employment Service Act. Article 21 of the Indigenous Peoples Employment Rights Protection Act. For "religion" - such as Article 5 of the Employment Services Act; For "biological sex, sexual orientation" - such as Chapter 2 of the Act of Gender Equality in Employment. Gender Equity Education Act; for "pregnancy, marriage, intimate relationships" - such as Article 5 of the Employment Services Act; for "parental status": such as Article 62 of the Immigration Act, etc.

3. Since Taiwan does not have a comprehensive law on anti-discrimination or equality protection, after years of advocacy by domestic human rights groups, and international review of state reports on relevant human rights conventions, several international human rights scholars and experts have suggested that a comprehensive equality law should be established. Therefore, in 2018, the Executive Yuan instructed the Ministry of Justice to conduct a commissioned study on whether to formulate a comprehensive anti-discrimination law, and completed the study report in June 2019. The report also assisted in proposing a draft equality law for reference in Taiwan's legislation... However, scholars, experts and non-governmental organizations have not been consulted. On May 5, 2022, Taiwan passed the National Human Rights Action Plan, which listed "the formulation of a comprehensive equality law" as a priority human rights action for the government. , which will clearly regulate the definitions of direct discrimination, indirect discrimination. The draft will be sent to the Legislative Yuan for deliberation between 2022 and 2024.

Ministry of Health and Welfare

1. Reasonable accommodation, which is a relatively new concept, is highly individualized and flexible and may involve accommodations concerning employment, education, medicine, and examination-based admissions. Therefore, cross-ministry participation is required for amending regulations and establishing operational guidelines (other countries typically start with guidelines related to employment and education). To achieve cross-ministry participation, the Committee for the Promotion of the Rights of Persons with Disabilities, Executive Yuan, a coordination mechanism established by the Taiwanese government for CRPD implementation, asked all ministries on November 19, 2020, to incorporate reasonable accommodations and universal designs into the regulations and plans under their responsibility. Given that

provisions related to reasonable accommodations can be found in the draft amendment to the People with Disabilities Rights Protection Act, the committee has also required all ministries to establish guidelines and bargaining procedures for reasonable accommodations. The Ministry of Justice promulgated a set of guidelines for correctional agencies' reasonable accommodations for people with disabilities in 2021.

2. The draft amendment of the People with Disabilities Rights Protection Act clearly specifies that authorities, schools, institutions, juristic corporators, or groups shall make necessary and appropriate reasonable accommodations tailored to the individual needs of people with disabilities on the condition that the accommodations do not cause a disproportionate or undue burden to them. The draft amendment has been reviewed in meetings by the Executive Yuan in June 2020 and March 2022 and awaits review by the Legislative Yuan.
3. Take medical sectors into account:
 - (a) Chapter 1.5 of the Hospital Accrediation Standard stipulates the provision of service information for people with disabilities and the provision of accessible facilities. About 80 percent of hospitals that applied for hospital accreditation in 2019 achieved the standard. In 2020-2022, due to the COVID-19 epidemic, the hospital accreditation was suspended.
 - (b) Incentive Program of Accessible Measures for Medical Institutions Promotion:
 - (i) In 2021, incentives were offered to hospitals who installed accessible passages, toilets, electric lift beds, lifts, wheelchair scales, and amentative and alternative communication (hereinafter referred to as AAC) tools in isolation wards. Incentives were also offered for primary clinics for setting up friendly passages, toilets, AAC tools, and accessible facilities and equipment.
 - (ii) A total of 24 hospitals (with 74 isolation wards) and 1,384 clinics were eligible for the incentives (the list of winners has been published on the Ministry's official site). In the future, we will continue to plan related incentive programs to gradually improve the national friendly medical environment.
 - (c) Courses related to the protection of rights and interests of people with disabilities and their medical care are included in the continuing education credits of medical professionals. The achievements are as follows:
 - (i) Sex education and childbirth-related health courses for women and girls with disabilities: by the end of 2020, there were 100 courses held with 2,200 participants; and there were more than 110 courses held with more than 2,500 participants in 2021.
 - (ii) Courses on the protection of rights and interests of people with disabilities: from 2019 to 2020, a total of 30 courses were held

with 500 participants; in 2021, there were 30 courses held with more than 400 participants.

- (d) On 20 December 2021, the draft amendment on Article 9 of the Establishment Standards for Medical Institutions was commenced a period of public comments, and the regulations on friendly facilities in clinics would be added by having "pasages", "toilets", "checkout registration and service counters" as the key items, whose notification procedures were completed on 18 February 2022. As many opinions on the amendment draft from the general public remain, we will continue to conduct communication and consultancy to reach a consensus.
- (e) The following have been conducted with regard to accessibility of pharmacies:
 - (i) Enhance the community pharmacy's understanding of accessible environment: set introductory courses, draft guidance and provide counseling services to strengthen the pharmacists' knowledge about the accessible environment.
 - (ii) Survey the accessible environment of community pharmacies: survey the current accessible environment of the pharmacies and upload the result to the "Nationwide Health Insurance Mobile Autotoll" application (hereinafter referred to as APP) and the open data webpage of the ministry of Health and Welfare for public access.
 - (iii) Aware of the needs of people with disabilities: communicate with disabled people's organizations (DPO) to understand the needs of a variety of people with disabilities to facilitate an appropriate accessible environment.
 - (iv) Provide home delivery of medication: offer the list of pharmacies which could provide the home delivery of medication service to the social welfare units in each city/ county.

In the future, related regulations will be revised if needed and the pharmacy accessible environment will be improved continuously.

Ministry of Labor

1. To ensure equal employment opportunities for people with disabilities, the Ministry of Labor, in accordance with Paragraph 1 of Article 5 of the Employment Service Act, explicitly requires that employers shall not discriminate against any job applicant or employee based on disability, and any employer who violates such provision will be fined and have its name published. Job applicants or employees with disabilities who encounter employment discrimination may directly file a complaint with the competent administrative authority in charge of labor at the place of work. Whether an employer's failure to make reasonable accommodation for people with disabilities involves disability discrimination in

employment should be determined by the Employment Discrimination Review Committee of the local competent administrative authority in charge of labor in accordance with the employment discrimination complaint and handling mechanisms specified in the Employment Service Act and the Enforcement Rules of Employment Service Act and based on the facts of each specific case.

2. In accordance with Article 37 of the People with Disabilities Rights Protection Act, the Ministry of Labor has established measures for job accommodation for people with disabilities and an implementation plan for promoting the job accommodation, and appoints experts and scholars to conduct on-site visits and counseling in the workplace, provide professional assistance in evaluating work demands, difficulties and obstacles encountered, and other factors, and assist employers and people with disabilities to improve working equipment or tools, provide job assistive technologies, improve working conditions, adjust working methods, and improve the working environment. The Ministry of Labor also translated a *Handbook for 95 Disabilities and Accommodations* from the US Job Accommodation Network and published the handbook on its official website (Labor Redesign Section) for reference by employers and people with disabilities.

Ministry of Education

The Ministry of Education is revising the Special Education Act, and the draft amendment has clearly stipulated that all learning and teaching activities shall not be discriminated against, and special education and related service measures shall conform to the principles of inclusion, individualization, reasonable accommodation, universal design, and accessibility. The authorities and schools shall not deny admission or test taking on the grounds of disability, and shall provide appropriate service measures for the test, including reasonable accommodation according to the needs of the student. In addition, when formulating individualized education programs for students with disabilities in accordance with the Special Education Curriculum Implementation Specifications, schools should incorporate the concept of universal design and provide reasonable accommodation according to their needs.

Ministry of Examination

1. The Regulations Governing National Examination Rights for People with Disabilities was established and promulgated in 2017 to ensure that people with disabilities have the right to take national exams. Under the Regulations, people with disabilities may apply for exam

accommodations according to how their reading, writing, and mobility is impacted by their health condition. A review committee has been established to process exam support applications and ensure the right of people with disabilities to take national exams. The committee comprises experts and scholars in related fields as well as members from disability representative organisations, and is called upon to consider exam fairness, impartiality, applicant rights, and to take into account individuals' mental and physical status when determining what reasonable accommodations may be provided. If not directly specified in the Regulations, accommodations will be provided within a reasonable scope to ensure that all applicants have equal rights to take national exams.

2. In addition to a regular review of the implementation of protection measures, an amendment made to the regulations in 2022 requires that no less than one third of the review committee positions are filled by disability representative organisations. The amendment also relaxes the validity period of certificates of diagnosis for certain accommodations.

中文回應：

法務部

- 一、我國《憲法》第 7 條規定：「中華民國人民，無分男女、宗教、種族、階級、黨派，在法律上一律平等。」又《憲法》增修條文第 10 條第 7 項規定：「國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。」又所謂平等，我國司法院大法官釋字第 694 號解釋理由書指出，憲法第 7 條所揭示之平等原則非指絕對、機械之形式上平等，而係保障人民在法律上地位之「實質平等」，要求本質相同之事物應為相同之處理，不得恣意為無正當理由之差別待遇。
- 二、我國現行反歧視或是平等保障之法律為散見於各種法律中，主要以「不得歧視」或「不得為差別待遇」之方式為立法上之規範，相關法律如下：對「年齡」——如《中高齡者及高齡者就業促進法》、《老人福利法》第 29 條；對「身心障礙」——如《身權法》第 16 條、《精神衛生法》第 22 條、第 23 條；對「種族」——如《入出國及移民法》第 62 條、《原住民族工作權保障法》第 21 條；對「宗教」——如《就業服務法》第 5 條；對「生理性別、性傾向」——如《性別平等工作法》第 2 章、《性別教育平等法》；對「懷孕、婚姻、親密關係」——如《就業服務法》第 5 條；對「父母狀況」——如《入出國及移民法》第 62 條等。
- 三、因我國尚無完針對反歧視或平等保障之綜合性法律，經國內人權團體倡議多年，又於相關人權公約之國家報告國際審查，迭有國際人權學者專家建議應建立一部綜合性之平等法，故於 2018 年由行政院責成法務部辦理是否制定綜合性反歧視法之委託研究，2019 年 6 月完成研究報告，該報告並協助提出平等法草案，用以作為我國立法之參考，惟尚未諮詢學者專家、民間團體。2022 年 5 月 5 日我國通過「國家人權行動計畫」，將「制定綜合性之平等法」列為政府優先辦理之人權行動，未來將由行政院人權及轉型正義處主責研擬平等法草案，將明確規範直接歧視、間接歧視等定義，以及相關之禁止歧視事項，期於 2022 年至 2024 年間將草案送至立法院審議。

衛生福利部

- 一、考量合理調整是一項很新的概念，除了相當個別化、彈性化，亦涉及就業、教育、醫療、招考等不同領域，必須由各權責部會共同著手修正法規及建立實務指引（國外多由就業領域、教育領域建立參考指引），故行政院身心障礙者權益推動小組（我國為實施《CRPD》在政府內指定的協調機制）已於 2020 年 11 月 19 日請各部會將合理調整及通用設計納入主責的辦法及計畫，另考量《身

權法》部分條文修正草案已有合理調整相對應條文，請各部會就權責事項著手研訂合理調整參考指引及協商程序，目前已有法務部於2021年發布矯正機關對身心障礙收容人合理調整參考指引。

二、《身權法》修正草案已明定機關、學校、機構、法人或團體辦理各項事項，應依身心障礙者個別障礙需求，於不造成不成比例或過度負擔之情況下，進行必要及適當之合理調整，修正草案經行政院於2020年6月、2022年3月召開審查會議完竣，待送立法院。

三、有關醫療相關面向：

(一) 醫院評鑑基準第1.5章訂有提供身心障礙者服務資訊及設置無障礙設施之規定。2019年申請醫院評鑑之醫院，達成該規定之家數比率約80%，另2020至2022年因應嚴重特殊傳染性肺炎疫情，醫院評鑑暫停辦理。

(二) 推動醫療院所無障礙獎勵計畫

1. 於2021年獎勵醫院隔離病房設置無障礙通路、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。

2. 計有24家醫院（74間隔離病室）及1,384家診所符合獎勵條件（獎勵名單已公布於衛生福利部網站）。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。

(三) 身心障礙者權益保護及醫療照護相關課程納入各類醫事人員繼續教育積分，成效如下：

1. 身心障礙婦女及女童之性教育及生育健康相關課程：2020年底辦理課程達100堂，參與人數達2,200人次；2021年達110堂以上，參與人數超過2,500人次。

2. 身心障礙者權益保障課程：2019年至2020年累計開辦30堂，參與人數達500人次；2021年達30堂以上，參與人數超過400人次。

(四) 2021年12月20日預告醫療機構設置標準第9條修正草案，增訂診所友善設施規定，以「通路」、「廁所」、「結帳掛號櫃台及服務台」為規範重點項目，並於2022年2月18日完成預告程序。因各界對修正草案仍有諸多意見，將持續辦理溝通，以凝聚共識。

(五) 有關針對藥局無障礙目前已辦理：

1. 提升社區藥局對無障礙環境之瞭解：開設無障礙環境介紹課程、製作藥局無障礙環境指引、建置各縣市藥局無障礙環境

之諮詢窗口等，以強化藥事人員對無障礙環境之認知。

2. 調查社區藥局無障礙環境情形：持續調查藥局無障礙環境情形，將資料置於「健保快易通APP」，並置於衛生福利部open data網頁，以利外界查詢、加值使用。
3. 瞭解身心障礙者需求：辦理與身心障礙團體之座談會、瞭解不同障別之需求，以利推動適切之無障礙環境。
4. 提供送藥到宅服務：建立各縣市可提供送藥到府服務之藥局清冊或專線，並轉知社會福利單位，以協助身心障礙者取得所需藥品。

未來規劃研擬修正相關法規，規範具有一定規模藥局之無障礙項目，並持續滾動修正相關措施，以逐步完善藥局無障礙環境。

勞動部

- 一、為保障身心障礙者就業機會平等，依現行《就業服務法》第5條第1項明定雇主對求職者或受僱者，不得以身心障礙為由予以歧視，雇主違反規定者，處罰鍰並公布其名稱、姓名。爰身心障礙求職人或受僱者遭受就業歧視情事，可逕向工作所在地勞動行政主管機關提出申訴。至雇主如未提供身心障礙者合理調整，是否涉及就業身心障礙歧視，依現行《就業服務法》及同法施行細則所定就業歧視申訴處理機制辦理，由各地方勞工行政主管機關就業歧視評議委員會依相關規定及個案事實認定之。
- 二、勞動部依據《身權法》第37條規定，訂定《身心障礙者職務再設計實施方式及補助準則》及推動職務再設計服務計畫，並透過專家學者進入職場實地訪視輔導，提供專業協助評估工作需求、遭遇困難及障礙特性等因素，協助雇主及身心障礙者改善工作設備或機具、提供就業輔具、改善工作條件、調整工作方法及改善工作環境。另翻譯美國職務再設計資源網站內針對95種障礙排除之實務手冊，置於勞動部職務再設計官網供雇主及身心障礙者參考運用。

教育部

教育部刻正修訂《特教法》，修正草案條文已明定各項學習及教學活動不得有歧視之對待，特殊教育與相關服務措施應符合融合、個別化、合理調整、通用設計、無障礙之精神，且不得以身心障礙為由，拒絕其入學或應試，並應提供考試適當服務措施，包括應依學生需求提供合理調整。另學校依據「特殊教育課程實施規範」訂定身心障礙學生之個別化教育計畫時，應納入通用設計理念，並依其需求提供合理調整。

考選部

- 一、為維護身心障礙者應國家考試權益，於 2017 年訂定發布《身心障礙者應國家考試權益維護辦法》，身心障礙者依該辦法規定，就其身心障礙致影響活動機能、閱讀及書寫功能情形，依據自身個別需求，申請應試時所需協助性與必要性之權益維護措施。為審議各類申請案件，遴聘相關領域專家學者及身心障礙團體代表組成身心障礙者應國家考試權益維護審議委員會，審酌整體考試公平、公正性與申請人應試權益之維護與合理調整，經充分衡酌申請人之個別身心障礙狀況，決定准予各類申請案件之具體協助措施；若申請非屬前揭法規規定之措施項目，在合理範疇內均會依申請人需求予以提供，以維護並合理調整其公平參與國家考試之機會。
- 二、另除持續針對身心障礙者應國家考試相關權益維護措施執行情形進行檢討外，並於 2022 年修正發布前揭辦法，增加審議委員會遴聘身心障礙團體（機構）代表委員人數比例不得少於三分之一，並放寬申請特定權益維護措施繳驗診斷證明書之有效期限。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Women with disabilities (art. 6) 第六條：身心障礙婦女	3(a)	Please inform the Committee about: Plans to amend the <i>Gender Policy Guidelines</i> to include comprehensive and concrete measures and action plans to address the disadvantages faced by women with disabilities in their private and public lives including improved accessibility in hospitals for women with disabilities including during pregnancy and delivery;	請針對以下事項向委員會說明： 修訂《性別平等政策綱領》的計畫，納入全面性的具體措施及行動計畫，解決身心障礙婦女（包括於懷孕、分娩期間）私人與公共生活中面臨之不利條件（包括改善醫院的無障礙設施）；

Reply :

Gender Equality Committee

1. The Gender Equality Policy Guidelines (revised and promulgated in May 2021) are the principle general outline of Taiwan's gender equality work, revealing the overall gender equality policy objectives and strategic directions. In these principles, to foster the rights and interests of women and girls among indigenous peoples, new immigrants, the elderly, people with disabilities, and those living in rural and remote area, and LGBTI groups are referred to as “the disadvantaged”. In addition to the preamble of the Gender Equality Policy Guidelines, the concept, objective of the Policy as well as these people's rights, employment, education, personal safety, health and the environment are also incorporated into the strategies for promotion. Each ministry will be guided to reinforce the focus for the promotion of affairs in relation to the disadvantaged.
2. In order to implement gender equality tasks, each ministry has set up gender equality action plans for 2022 to 2025. The protection of women with disabilities are as follows:
 - (a) The Ministry of Health and Welfare has incorporated “health education counseling for pregnant women with disabilities” as an assessment

index for subsidizing local governments on health care promotion. The local Department of Health provides consultation on health education on childbirth for pregnant women with disabilities. Through database analysis, we will understand the utilization rate of mammography and cervical smear tests for women with disabilities, and is used to encourage the Department of Health in cities and counties as well as medical institutions to deepen health education. Furthermore, cancer screening services will also be reinforced for women with disabilities and special cases referred to applicable social administration platforms according to their social welfare needs.

- (b) Multiple responsible ministries including the Ministry of Transportation and Communications, Council of Agriculture, Environment Protection Administration, Ministry of Culture, and Veterans Affairs Council will conduct investigations targeting gender-friendliness and needs of those with disabilities, gender, the elderly, and diverse communities at transportation sites, post offices, national scenic areas, national forest recreation sites, schools, and art and cultural venues and make subtle improvements.
- (c) The Ministry of Labor will also provide personalized employment service via a public employment service organization and employment reconstruction service through the local government and help women with disabilities to find a suitable job. The Ministry of Education also offers grants for students with disabilities to participate in after-school care services for elementary school children and promote sports activities for those with disabilities.
- (d) The tasks disclosed above have been incorporated into the meeting of each ministry's Gender Equality Task Force and three-level discussion mechanism of operation of the Gender Equality Committee. Effectiveness is evaluated and reviewed through the gender equality operations.

Ministry of Health and Welfare

1. We invited groups and representatives of women and children with disabilities to jointly plan and formulate a public version of accessible communication resources, complete the guidelines for the friendly medical treatment process for women with disabilities, and the draft teaching materials for easy-to-read versions of consent forms for operations, anesthesia and examination, which are currently under review and are expected to be published on the Ministry's official site in the second half of 2022 for the reference of the general public and medical personnel.
2. In 2021, we started to promote the incentive programs for accessible medical institutions and offered the incentives to a total of 1,384 clinics

with projects such as friendly passages, toilets, AAC and related accessible facilities and equipment. In the second half of 2022, an accessible medical environment diagnosis taskforce will be established to provide suggestions for improving medical treatment spaces and consultancy for rural areas and obstetrics and gynecology clinics.

3. In July 2021, we started to promote the "Prenatal Care Program", subsidizing eight hospitals in eight counties and cities with insufficient resources, making overall plans for the operation of the perinatal network within the jurisdiction. Establishing neonatal transport teams to strengthen the transport of high-risk pregnancy, and intensive care for newborns. Furthermore, there are three hospitals that operate a semi-open hospital model, then mothers cared by medical clinics can use hospital facilities to give birth and obtain continuous and complete medical care. In 2022, it will be expanded to ten hospitals to implement the "Prenatal Care Program". In 2023, we will seek a budget to subsidize the hospitals participating in the network operation and set up facilities and equipment for mothers with disabilities.
4. The Ministry of Health and Welfare subsidizes medical personnel to provide one-to-one prenatal health care instruction services for pregnant women (including people with disabilities) once per first and third trimester. To strengthen the reproductive health consultation for pregnant women with disabilities, the local government provides maternity health consultation and care. Additionally, the Ministry of Health and Welfare compiled and disseminated the *Pregnancy Handbook for the People with Disabilities* to the local governments and medical institutions as reference material on pregnancy care of women with disabilities.

中文回應：

行政院性別平等處

- 一、性別平等政策綱領（2021 年 5 月修正函頒），係定位為我國性別平等工作上位之總綱要領，揭示性別平等整體性政策目標及策略方向，其中，為促進原住民、新移民、高齡、身心障礙、農村及偏遠地區等女性、女童，以及 LGBTI 群體之權益，以「不利處境者」統稱涵括上開對象，除於政策綱領前言敘及外，亦納入理念、政策目標，以及權力、就業、教育、人身安全、健康與環境等各領域之推動策略中，引領各部會於權管事務中加強關注不利處境者處境並推動相關工作。
- 二、為落實性平綱領各項工作，各部會訂定 2022-2025 年性別平等推動計畫，其中，有關身心障礙女性各面向保障列舉如下：
 - （一）衛生福利部將「懷孕身心障礙婦女生育健康衛教諮詢」納入補助地方推動衛生保健工作考評指標，由各地方政府衛生局提供身心障礙孕婦生育健康衛教諮詢關懷，另透過資料庫分析，瞭解身心障礙女性之乳房攝影檢查及子宮頸抹片檢查利用情形，鼓勵地方政府衛生局及醫療院所加強衛教宣導，強化提供身心障礙女性癌症篩檢服務並適時依個案社福需求轉介社政相關平臺。
 - （二）交通部、行政院農業委員會、行政院環境保護署、文化部、國軍退除役官兵輔導委員會等多個權責部會針對交通場站、郵局、國家風景區、國家森林育樂場域、學校、藝文場館等公共空間與設施，在身心障礙、性別、高齡及多元性族群的性別友善性與使用需求，進行調查及檢討改善。
 - （三）此外，勞動部透過公立就業服務機構提供一案到底個別化就業服務，並透過地方政府提供職業重建服務，協助女性身心障礙者就業；教育部補助身心障礙學生參加國小兒童課後照顧服務並推動身心障礙者體育活動等。
 - （四）前揭工作辦理情形已納入部會性別平等專案小組、行政院性別平等會三層級會議追蹤，亦透過性別平等業務評核，檢視推動成效。

衛生福利部

- 一、邀請婦女與兒童之身心障礙者代表團體，共同規劃制定公用版無障礙溝通資源，業完成身心障礙婦女友善就醫流程指引，以及手術、麻醉與檢查同意書易讀版教材草案，刻正進行審稿作業，預計2022年下半年公布於衛生福利部網站，供民眾與醫事人員參考。

- 二、2021年推動醫療院所無障礙獎勵計畫，計獎勵1,384家診所設置友善通路、廁所、多元溝通輔助工具與相關無障礙設施設備等項目。2022年下半年將成立無障礙就醫環境診斷小組，針對偏鄉地區及婦產科診所，進行就醫空間改善建議，併行輔導作業。
- 三、2021年7月辦理「周產期照護網絡計畫」，補助資源較不足之8縣市8家醫院，統籌規劃轄區內周產期網絡運作，建立新生兒外接團隊，強化高危險妊娠轉診與處置能力及新生兒加護照護；另有3家醫院辦理半開放醫院模式，使基層診所照顧之產婦可以使用醫院設施生產，獲得連續完善的醫療照護。2022年擴大至10家醫院辦理「周產期照護網絡計畫」，2023年將爭取預算，補助參與網路運作醫院，設置身心障礙產婦適用之設施設備。
- 四、衛生福利部提供全國孕婦產檢（包括身心障礙者）第1孕期及第3孕期各1次之產前衛教指導，由醫事人員採一對一方式，提供懷孕婦女衛教評估及個別指導。且為強化身心障礙懷孕婦女之生育諮詢，由各地方政府提供身心障礙懷孕婦女生育健康衛教諮詢服務，衛生福利部並提供「身心障礙者懷孕手冊」予地方政府及醫療院所運用，以瞭解身心障礙懷孕婦女需關懷及注意事項。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Women with disabilities (art. 6) 第六條：身心障礙婦女	3(b)	Plans to provide support to women with disabilities with their household and parental responsibilities and in their workplaces;	為身心障礙婦女提供家庭、親職責任及工作場域之相關支持計畫；

Reply :

Ministry of Health and Welfare

The Ministry of Health and Welfare has subsidized local government and non-governmental organization support programs for empowering women with disabilities to continually pay attention to the needs of these women and to promote their social participation. In response to the needs of parents with disabilities in child-rearing, a section of the Resource Portal of Assistive Technology is dedicated to information about child-rearing for people with disabilities; this section provides information on assistive technology that may be needed by parents with disabilities to care for their children. For questions concerning the use of assistive technology, support services are available in local assistive technology centers where professional support staff can answer questions and instruct assistive technology recipients in proper use thereof.

Ministry of Labor

1. According to the 2019 Survey Report on Employment Situation of People with Disabilities issued by the Ministry of Labor, unemployed women with disabilities fail to find a job due to physical incompetence, unsatisfactory salary, or unsatisfactory work place, while the main reasons that women with disabilities are not in the labor force include inability to find a satisfactory job, housekeeping, and family care. The Ministry of Labor takes a personalized service model to help women with disabilities find employment by providing them with flexible job

opportunities, helping them find employment locally, providing them with pre-employment preparation services to strengthen their employability, and coordinating social and administrative support systems to solve their family care problems. The Ministry of Labor helped 12,761 women with disabilities find employment in 2020 and help 12,950 women with disabilities find employment in 2021. Its efforts to help women with disabilities find employment have produced results.

2. To provide women with disabilities with detailed employment services and care for their family and parenthood responsibilities, the Ministry of Labor adjusted the vocational rehabilitation service process for people with disabilities in December 2020, and instructed employment service staff to evaluate the diversified demands of the service objects. In 2021, the Ministry of Labor adjusted jobs for 166 women with disabilities and improved the workplace environment conditions for 115 women with disabilities.

中文回應：

衛生福利部

衛生福利部補助地方政府及民間團體辦理「身心障礙婦女支持培力計畫」，以持續關注身心障礙婦女之需求與促進其社會參與；並於輔具資源入口網設置「育兒小博士」專區，蒐集身心障礙者育兒照顧所需輔具供查詢，身心障礙者如有使問疑問，各地方輔具中心專業人員可協助評估及教導使用，以支持身心障礙家庭育兒需求。

勞動部

- 一、依勞動部2019年身心障礙者勞動狀況調查報告，女性身心障礙失業者找尋工作中，因體力無法勝任、待遇不符期望或工作地點不理想而未能就業，而女性身心障礙非勞動力主要是因為找不到合意的工作、料理家務及家庭照顧而未投入勞動市場。勞動部以個別化服務模式協助女性身心障礙者就業，依其需求開發彈性工作機會、協助在地就業、提供職前準備服務強化就業能力、連結社政支持系統以解決家庭照顧問題等方式，協助其就業。2020年計協助女性身心障礙者1萬2,761人次就業、2021年計協助1萬2,950人次就業，對於協助女性身心障礙者就業成效已有成長。
- 二、為提供細緻化女性身心障礙者就業服務及關照其家庭、親職責任需求，勞動部於2020年12月調整身心障礙者職業重建支持性就業服務流程，引導就業服務員應評估受服務對象之多元需求，2021年提供166名女性身心障礙者職務調整、115名職場環境條件改善等服務。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Women with disabilities (art. 6) 第六條：身心障礙婦女	3(c)	Plans to improve support to women with disabilities who are victims of violence, especially through improved accessibility of hotlines, shelters and resettlement measures.	針對受暴力侵害之身心障礙婦女之支持的改善計畫，尤其是以改善關懷熱線、庇護所與重新安置措施之可及性為方向。

Reply :

Ministry of Health and Welfare

1. Enhance the service efficiency of the 113 Protection Hotline: to facilitate resource and information access for people with disabilities, the 113 Protection Hotline provides 24-hour year-round toll-free phone consultation, along with online and SMS consultation available on the Social Safety Net–E-Care Together website. The website has been achieved Website Accessibility Conformance, and, in December 2020, the verification code has been integrated with a voice recognition function to facilitate use by people with visual impairments. In 2021, the Hotline received over 124,000 inquiry calls, of which 1,356 were online and SMS conversations. Additionally, emphasis is placed on the training of Hotline staff in professional knowledge about and sensitivity to disabilities, thereby improving Hotline service quality.
2. Increase shelter service accessibility: a total of 46 short-term and medium-to-long-term emergency shelters are available for people fleeing domestic violence and sexual assault around the country. In 2021, 71 women with disabilities were sheltered, accounting for 9.8 percent of all people sheltered. To reduce the barriers for these women with disabilities to using shelter services, local governments have designated 24-hour emergency contact agents to provide the services required in a timely manner. Victims of domestic violence and sexual assault were settled in shelters according to an assessment of their situation by the overseeing social workers, who took the specific disabilities of and services required by these people into account. Following settlement, relevant professionals jointly conducted assessments to facilitate the provision of individual

and diversified support services, such as organizing accompanying personnel for medical treatments, matchmaking assistive technology resources, and supporting employment. Additionally, to prompt the construction of an accessible environment in these shelters, these governments planned a budget to subsidize the establishment of facilities and equipment such as movable accessible wooden planks, emergency alarms, safety handrails, and non-slip mats as well as measures such as floor plan changes. Steady guidance is being provided to gradually improve the accessible environments in these shelters, or more appropriate buildings are being sought. Moreover, disability-related knowledge has been incorporated into on-the-job training programs for social workers, enabling these workers to better grasp the needs of people with disabilities. An estimated timeframe has been determined to combine relevant resources according to an individual's disability type and level as well as their level of comprehension and expression, thus ensuring adequate assistance is provided.

3. Provide relevant services to women with disabilities who experience sexual harassment: according to Article 21 of the Regulations of Sexual Harassment Prevention, the organization, group, school, institution, employer, or the competent authority of the local government shall, in its investigation of incidents of sexual assault, transfer those directly involved to related institutions or provide psychological counseling and legal consultation according to their physical and mental condition. Accordingly, for women with disabilities who experience sexual harassment, administrative authorities shall provide relevant services such as individualized psychological counseling, legal aid, social and psychological assessment and related treatment, and financial services according to the needs of these women.

中文回應：

衛生福利部

- 一、強化 113 保護專線服務效能：為讓身心障礙者更便利取得資源與接受訊息，我國 113 保護專線除提供 24 小時全年無休之免付費電話諮詢，並於社會安全網關懷 e 起來網站設置線上諮詢及簡訊諮詢功能，該網站已通過無障礙標章認證，並於 2020 年 12 月將網站之驗證圖碼增設語音報讀功能，以利視覺障礙者使用。2021 年 113 保護專線共受理 12 萬 4 千餘通諮詢電話；其中以網路及簡訊對談計 1,356 通。另將持續加強 113 專線人員身心障礙專業知能與敏感度訓練，提升服務品質。
- 二、提升庇護服務之可近性：全國家庭暴力及性侵害緊急短期及中長期庇護處所計 46 處，2021 年接受庇護之身心障礙婦女計 71 人，占庇護總人數比率 9.8%。為降低遭身心障礙婦女使用庇護服務之障礙，地方政府已建置 24 小時緊急連絡窗口，及時提供所需服務。另家庭暴力及性侵害被害人係經主責社工評估後安排入住庇護處所，以具體掌握個案身心障礙樣態及服務需求，並於其入住後會同相關專業人員再行審視評估，提供個別性及多元支援服務，如陪同就醫、媒合輔具資源、支持性就業、媒合其他資源等。另為強化各處所無障礙環境之營造，政府運用經費補助購置活動式無障礙木板、緊急鈴、安全扶手（柵欄）、止滑墊等設施設備、改造房屋格局等措施，將持續輔導逐步改善庇護處所之無障礙環境，或另覓合適房舍。此外，業將身心障礙相關知能納入社工人員在職訓練課程，以增進其對身心障礙者需求之瞭解，並依障別、障礙程度、理解及表達功能等，評估連結相關資源予以妥適協助。
- 三、提供遭受性騷擾之身心障礙婦女相關服務：依《性騷擾防治準則》第 21 條規定，機關、部隊、學校、機構、僱用人或地方政府，於性騷擾事件調查過程中，得視當事人之身心狀況，主動轉介或提供心理輔導及法律協助，爰針對遭受性騷擾之身心障礙婦女，社政主管機關得依其身心障礙者的需求，提供個別化心理輔導、法律協助、社會與心理評估及處置、經濟服務與相關服務。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Children with disabilities (art. 7) 第七條：身心障礙兒童	4(a)	Please inform the Committee: About what measures are being taken to ensure that children’s rights to express their opinions are protected;	請針對以下事項向委員會說明： 現正採取何種措施以保障兒童表達意見之權利；

Reply :

Ministry of Health and Welfare

1. As per The Protection of Children and Youths Welfare and Rights Act and the Implementation Act of the Convention on the Rights of the Child, the Taiwanese central and local authorities have included a certain proportion of representatives of children and youths in decision-making and coordination processes. The Ministry of Health and Welfare has engaged other ministries, local governments, representatives of children and youth, and non-governmental organization in the following efforts: expanding the channels through which children and youths can participate in public affairs, strengthening legal protection of children’s and youths’ right to participate, elevating societal awareness of respecting children’s and youths’ opinions, establishing appropriate methods and environments to protect the rights of children and youths in special situations to be heard and to participate, enhancing children’s and youths’ ability to participate, and developing measures that support the participation of children and youths.
2. To ensure the right of children and youths with disabilities to participate in public affairs and to be heard, the Ministry of Health and Welfare has conducted regular inspections of the general participation of children and youths with disabilities in public affairs in each county and city and developed the *Guide for Accessible Meetings and Events for Persons with Disabilities* and a set of strategies and notes for protecting children’s and youths’ right to be heard as a reminder to all authorities and institutions that they should arrange appropriate support measures

for children and youths with disabilities, including selecting appropriate meeting venues, having appropriate software and hardware facilities, conducting meetings in an appropriate manner, and assigning staff members to empower, accompany, and assist children and youths throughout meetings. In addition, the authorities and institutions should also stay in touch with people with disabilities and their representative organizations to make appropriate arrangements for children and youths with disabilities to participate in public affairs.

3. The Ministry of Health and Welfare invites groups and representatives of children with disabilities to jointly plan and formulate the public version of accessible resources, and has completed the two-part easy-to-read version of the health education leaflet of shared decision-making between physicians and patients (inquiry form for first visit/re-visits), three-part easy-to-read version of the informed consent (for operations, anesthesia and examination), and 20-part flow chart card (for example: flow charts for blood pressure measurement and hearing examinations, etc.), all of which are currently under review and are expected to be published on the Ministry's official website in the second half of 2022 for the reference of the general public and medical personnel.
4. According to Article 8 of the Hospice Palliative Care Act, physicians shall inform patients with end-stage diseases or their families of the conditions, treatment guidelines for hospice palliative care, and life-sustaining medical treatment. In the case of children with disabilities, hospitals are currently responsible for communicating with the existing internal communication resources for people with disabilities to help children understand the content and express their opinions. In the future, the entrusted entity will plan to integrate the implementation methods and tools of each hospital and provide them for reference by each hospital.

Ministry of Education

1. In 2019, the Ministry of Education issued the *12-year National Basic Education Curriculum for Special Needs Area Related to Disabilities*. According to the individual needs of students with disabilities, relevant supportive courses are implemented, including life management, social skills, communication training, etc. The goal is to cultivate students with disabilities in their ability to take care of themselves, inclusive in family, school and community life, and show behaviors and attitudes of self-awareness, self-management, self-selection and self-decision, so that students with disabilities will not be affected by physical, psychological and environmental factors affect their cognition, communication, movement, self-care and academic learning.

2. According to the needs of students with disabilities, the government and schools provide assistive technology and services that can help them express their opinions via verbal or nonverbal understanding or expression, including visual aids, hearing aids, reading and writing aids, computer aids, sign language interpreters, etc.
3. Article 9 of the Enforcement Rules of the Special Education Act revised by the Ministry of Education in 2020 clearly stipulates that schools should invite students with disabilities and their parents to participate in the formulation of their individualized education programs (hereinafter referred to as IEP) to implement their express rights:
 - (a) When the Ministry of Education subsidizes local government funding for education with disabilities, it requires that the supervision of the implementation of the IEP in each school should be included in the special education work plan.
 - (b) Compile an easy-to-read version of the IEP, so that students with disabilities can understand their right to participate in the IEP and participate in the formulation of the IEP.
 - (c) The Ministry of Education has completed the survey system in order to understand the situation and rate of participation of students with disabilities and their parents in IEP meetings, and will ask schools to fill in the report in the 2022 school year, and supervise and evaluate regularly.
4. The Special Education Student Complaint Service Regulation clearly stipulates that students with disabilities have disputes over identification, placement and counseling, or when students' learning, counseling, correction, support services or other learning rights and interests are damaged, the students themselves or their guardians or legal representatives to file a complaint with the competent authority in accordance with the law. In addition, the competent authorities at all levels should set up Special Education Student Appeal Committee to handle special education students' appeal cases, and the written review decision should be delivered to special education students and their guardians or legal representatives to protect their rights and interests.
5. Regulations on the Composition and Operation of the Curriculum Review Committee of Schools Under Senior Secondary Schools regarding the selection of student representative members, there are regulations on the number of places to be guaranteed by gender, indigenous identity, etc., and the student representative members can be assisted in collecting their respective differences and information according to their needs. Opinions of students at all levels and types of schools on the content of the curriculum syllabus.

6. Our country has set up a "Youth Advisory Committee" to strengthen public participation and communication among young people and provide a channel for young people to participate in the formation of government policies. The youth representatives in this committee are based on the principle of students who are ROC nationality or young people under the age of 35, and students with disabilities are also included.
7. The Ministry of Education is revising the Special Education Act, and the draft amendment has clearly stipulated that students with disabilities should participate in the special education consultation committees, the special education student identification and placement counseling committees established by competent authorities, and special education implementation committees established by schools.

Judicial Yuan

To protect the right of children to express their opinions, Article 1055-1 of the Civil Code stipulates that the court shall pay attention to the wishes of the children when hearing matters concerning the exercise of parental rights of minor children. The Family Act demands that in the trial of the parent-child case, children should have the opportunity to express their wishes or opinions. Meanwhile, the act also implements the following measures: a close court; a friendly court environment (such as a warm waiting or interrogation place; a one-way mirror observation room, etc.); social worker escort; separate interrogation; guardian ad litem; family matters investigation officer; professional family mediator; commissioned supervisor institutions or social welfare institutions to visit and provide opinions, and to invite child psychologists or other professionals to assist in expressing opinions, etc.

中文回應：

衛生福利部

- 一、依據《兒童及少年福利與權益保障法》（簡稱《兒少法》）及《兒童權利公約施行法》規定，中央與地方主管機關業已聘請一定比例兒少代表參與政府決策與協調過程。衛生福利部與各部會、地方政府、兒少代表及民間團體共同推動：擴充兒少參與管道、法制保障兒少參與權利、營造社會尊重兒少意見意識、以適宜之方式與環境保障特殊處境兒少表意及參與權、培養兒少參與能力、提供兒少參與支持措施。
- 二、為保障身心障礙兒少參與公共事務與表達意見之權利，衛生福利部除定期調查各縣市身心障礙兒少參與情形，並編寫《身心障礙者融合式會議及活動參考指引》、《保障兒少表意權之策略與注意事項》，提醒各機關（構）應按兒少身心障礙狀況安排適當協助措施，包含會議場地與軟硬體設施、會議進行方式、以及培力、陪伴與輔助人員的協力等，同時，與身心障礙者及其代表團體密切聯繫，規劃適合身心障礙兒少參與之方式。
- 三、衛生福利部業邀請身心障礙兒童代表團體，共同規劃制定公用版無障礙資源，業完成2式醫病共享決策易讀版衛教單張（初診/複診就醫提問單）、3式易讀版知情同意書（手術、麻醉與檢查）、20式流程圖卡（例如：量血壓、聽力檢查等流程圖說），刻正進行審稿作業，預計2022年下半年公布於衛生福利部網站，供民眾與醫事人員參考。
- 四、依據《安寧緩和醫療條例》第8條規定，醫師應將病情、安寧緩和醫療之治療方針及維生醫療抉擇告知末期病人或其家屬。若為身心障礙兒童，目前由醫院以內部已有之身心障礙溝通資源進行溝通，協助兒童了解內容及表達意見，未來規劃委託機構整合各院執行方式及工具後，提供各院所參考使用。

教育部

- 一、教育部2019年發布「十二年國民基本教育身心障礙相關之特殊需求領域課程綱要」，依身心障礙學生之個別需求，實施相關支持性課程，包括生活管理、社會技巧、溝通訓練...等科目，其目標在於培養身心障礙學生生活自理能力，融入家庭、學校與社區生活，並得以展現自我覺察、自我管理、自我選擇和自我決策的行為與態度，使身心障礙學生不因生理、心理及環境因素，影響其認知、溝通、動作、生活自理及學業學習。
- 二、政府及學校依據身心障礙學生需求，提供可協助其表達意見之輔助器材及服務，包括視覺輔具、聽覺輔具、閱讀與書寫輔具、電腦輔具、手語翻譯等，使學生能透過語言或非語言進行理解或表達。

- 三、教育部2020年修訂《特殊教育法施行細則》第9條明訂，學校應邀請身心障礙學生及家長參與其個別化計畫（簡稱 IEP）之訂定，落實其表意權利：
- （一） 教育部於補助地方政府身心障礙教育經費時，要求應將督導各校 IEP 落實情形納入特殊教育工作計畫中。
 - （二） 編製 IEP 易讀版本，使身心障礙學生能瞭解自己參與 IEP 之權利並參與 IEP 的擬定。
 - （三） 教育部為了解身心障礙學生及其家長參與 IEP 會議之情形及比率，已完成調查系統，將於2022學年度請學校填報，並定期督導考核。
- 四、《特殊教育學生申訴服務辦法》明定身心障礙學生對鑑定、安置及輔導有爭議，或於學生學習、輔導、管教、支持服務或其他學習權益受損時，得由學生本人，或其監護人、法定代理人依法向主管機關提起申訴事宜。另各級主管機關應設「特殊教育學生申訴評議會」處理特殊教育學生申訴案件，且作成之評議決定書，送達特殊教育學生及其監護人或法定代理人，以保障其權益。
- 五、《高級中等以下學校課程審議會組成及運作辦法》有關辦理學生代表委員遴選，訂有性別、原住民等身分保障名額規定，並得應學生代表委員之需要，協助其蒐集各身分別及各級各類學校學生對課程綱要內容之意見。
- 六、我國設置「青年諮詢委員會」，強化青年公共參與及溝通，提供青年於政府政策形成中之參與管道。該委員會內青年代表以十八歲以上、三十五歲以下之本國籍在學學生或社會青年為原則，其中亦有納入身心障礙學生。
- 七、教育部刻正修訂《特教法》，修正草案條文已明定各主管機關設立之特殊教育諮詢會、特殊教育學生鑑定及就學輔導會，以及學校設立之特殊教育推行委員會，均應有身心障礙學生之參與。

司法院

為保障兒童表達意見之權利，《民法》第 1055 條之 1 明定法院審理未成年子女親權行使事件，應注意子女之意願。《家事事件法》規定，親子事件之審理，應使兒少有表達意願或陳述意見之機會；復設有法庭不公開、友善法院環境(例如溫馨等候或受訊問之處所、單面鏡觀察室等)、社工陪同、隔別訊問、程序監理人、家事調查官、專業家事調解委員、委託主管機關或社會福利機構訪視提供意見、請兒少心理專家或其他專業人士協助表意等制度。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Children with disabilities (art. 7) 第七條：身心障礙兒童	4(b)	About measures being taken to raise the awareness of parents and children regarding LGBTI issues;	現正採取何種措施以提高雙親與兒童對 LGBTI 議題之認識；

Reply :

Gender Equality Committee

1. Policy: the Executive Yuan revised its promulgated Gender Equality Policy Guidelines as the guidelines for the development of the gender equality policy in Taiwan in May 2021. The central aim is to promote the rights and interests of disadvantaged, including: women and girls among indigenous peoples, people with disabilities, and those living in rural areas, as well as homosexuals, bisexuals, transgender and intersex people. In addition to including promotional strategies in the policy, their rights, employment, education, personal safety, health and the environment, important corresponding issues (2022-2025) have also been pointed out for relevant ministries to propose action plans which are to be included into the gender equality action plans.
2. Measures: in an effort to raise public awareness of LGBTI persons, important gender equality issues have been incorporated at the Executive Yuan level, centering on “eliminating gender stereotypes, prejudice and discrimination” with the objective of “raising public awareness of LGBTI groups and diverse families”. Key performance indicators and relevant strategies will be set by the responsible ministry for an implementation period of four years. Concrete measures: Stories of transgender and same-sex marriages are produced by the Ministry of the Interior; teaching plans are drawn up for gender diversity and family issues by the Ministry Of Education; promotional materials of gender and family diversity are produced by the Ministry of Transportation and Communications to be displayed at transportation sites; and media literacy

learning activities are subsidized by the National Communications Commission as a means for the public to get to know more about gender diversity issues. These plans have been included and followed up on in the meetings of the Gender Equality Task Force of the relevant ministries and three-level discussion mechanism of operation of the Gender Equality Committee. The effectiveness of the plans is evaluated through the gender equality operations of each ministry and are reviewed on a rolling basis. In order for children with disabilities and their families to better understand LGBTI issues while also providing these children with assistance regarding related issues, the Executive Yuan will ask concerned ministries to propose specific plans. These will be incorporated into the gender equality action plans.

Ministry of Education

1. According to the *12-year National Basic Education Curriculum for Special Needs Area Related to Disabilities* released in 2019, topics of gender equality education are properly integrated into the content of specific needs curriculum. The topics include gender equality, gender growth and development in a multicultural society, gender identity, gender role learning and breakthrough, gender relationship and interaction, gender equality rights and related issues, etc. The goal is to guide students to establish the value and belief of gender equality, understand gender diversity, and implement respect and tolerance for diverse gender differences, and take action to eliminate gender prejudice and discrimination, and safeguard the substantial equality of gender personal dignity and gender status. The Ministry of Education has also developed materials of gender equality education for the specific needs social skills and life management courses for students with disabilities to integrate them into the curriculum for students with disabilities. In addition, the Ministry of Education has also developed teaching design examples of sexual identity and respect, and intersex issues and rights related topics for teachers' teaching reference.
2. The Ministry of Education published the *Gender Consciousness Growth Digital Learning Curriculum Manual* in 2017 and *Walking with Children's Youth - Adolescent Sexual and Emotional Education Parenting Education Learning CD* in 2019, both of which include "Understanding Gender Traits, Gender Identity and Sexual Orientation" (including LGBTI) issues, provide parents with strategies and methods to accompany their children's growth.

中文回應：

行政院性別平等處

- 一、政策面：行政院於 2021 年 5 月修正函頒性別平等政策綱領，作為國家性別平等政策發展之上位指導方針，為促進不利處境者之權益，包括原住民族、身心障礙與偏遠地區等女性、女童，以及同性戀、雙性戀、跨性別者與雙性人等，除納入綱領之權力、就業、教育、人身安全、健康及環境等各篇之推動策略外，並相應提出性別平等重要議題（2022 年至 2025 年），由相關部會提出具體做法，納入部會性別平等推動計畫辦理。
- 二、措施面：有關提升民眾對 LGBTI 議題認識一節，業經納入行政院層級性別平等重要議題「消除性別刻板印象、偏見與歧視」，以「促進民眾對 LGBTI 群體及多元化家庭之認識」為目標，由權責部會訂定關鍵績效指標及相關策略，以 4 年為期，落實推動。具體措施列舉如下：內政部製播跨性別者及同性婚姻之新住民故事；教育部研發多元性別及家庭等議題教案；交通部自製增進民眾對多元性別與家庭認識之宣導品，於交通運輸場站宣導；國家通訊傳播委員會補助辦理媒體識讀教育研習活動，提高民眾對多元性別等議題之認識等。前開工作辦理情形已納入相關部會性別平等專案小組、行政院性別平等會三層級會議追蹤，亦透過各部會推動性別平等業務評核，檢視推動成效，並適時滾動檢討。另為協助身心障礙兒童及其家庭認識 LGBTI 議題，促進親子一同瞭解，並提供身心障礙兒童相關協助措施，行政院將請相關部會整體規劃，提出具體做法，納入性別平等推動計畫辦理。

教育部

- 一、依據 2019 年發布「十二年國民基本教育身心障礙相關之特殊需求領域課程綱要」性別平等教育議題適切融入領域課程、教學之內涵，包括多元文化社會中的性別平等、性別的成長與發展、性別認同、性別角色的學習與突破、性別的關係與互動、性別平等權益相關議題等，其中目標在於引導學生建立性別平等的價值信念，理解性別的多樣性，落實尊重與包容多元性別差異，並付諸行動消除性別偏見與歧視，維護性別人格尊嚴與性別地位實質平等。教育部亦已研發身心障礙學生特殊需求社會技巧與生活管理等課程之性別平等教育教材，以融入身心障礙學生教學課程，另已研發身心障礙學生性別平等教育議題融入課程教案示例，其中有性別多樣性的認同與尊重及雙性人之議題及權益相關主題，以供教師教學參考運用。
- 二、教育部 2017 年出版「性別意識成長數位學習課程手冊」及 2019 年出版「與孩子的青春同行-青少年性教育及情感教育家長親職教育學習光碟」，內容皆包含「認識性別特質、性別認同與性傾向」（含 LGBTI）議題，提供家長陪伴孩子成長的策略與方法。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Children with disabilities (art. 7) 第七條：身心障礙兒童	4(c)	About what measures are being taken to evaluate the prevalence of sexual abuse of children with disabilities in segregated schools and what plans are being developed to prevent such abuse.	現正採取何種措施以評估隔離學校中心身障礙兒童性侵害盛行率，以及目前有何制定中的計畫可防止身心障礙兒童性侵害。

Reply :

Ministry of Education

1. Regarding estimating the incidence of sexual inequality among students with disabilities in special education schools:
 - (a) According to the Gender Equality Education Act and *School Safety and Disaster Incident Reporting Guideline*, after the school is aware of the campus sexual inequality incident, it must complete the school safety notification and social affairs notification within 24 hours, and encourage suspected victims to apply for an investigation. At the end of 2012, the Ministry of Education established the *School Sexual Harassment and Sexual Bullying Incident Response System/Statistical Management System* and pushed it online. According to statistics, the ratio of reported sexual assault cases in special education schools from 2014 to 2022, were between 0.1 percent and 0.3 percent. Through this mechanism, the reporting sexual inequality incidents can be grasped. The Ministry of Education will inspect the special education school campuses to report the relevant gender equality incidents, and schools will be supervised immediately in accordance with the Gender Equality Education Act to investigate and properly handle cases, and schools are requested to provide students with timely counseling.
 - (b) The Ministry of Education conducts school evaluation of special education schools every four years, and includes gender equality education promotion and gender equality incident prevention work in the evaluation indicators and sets relevant performance standards

to evaluate and examine gender equality in special education schools.

(c) The Ministry of Education is currently revising the Gender Equality Education Act. The draft amendment will include reformatory schools as the object of application of the Law, and the handling of gender equality incidents will be handled in accordance with the relevant provisions of the Law.

2. Measures for the prevention and control of sexual inequality incidents in special education schools:

(a) The Ministry of Education will count the number of reports of suspected gender-related incidents from national special education schools on a quarterly basis. For schools with a high number of reported cases, gender-related incident handling and control meetings will be held from time to time to review and supervise schools to investigate according to regulations. The meetings also assist schools to review the gender equality education status, the gender equality environment on campus, and the process and results of dealing with gender equality incidents, so as to create a gender-friendly, safe, and equal educational environment to prevent similar incidents.

(b) Since 2018, the Ministry of Education has compiled a reference manual for teachers on the prevention and treatment of gender-related incidents on campus (for students with disabilities), and conducted training on gender awareness for teachers in special education schools. The goals are to assist schools in establishing a gender-equal atmosphere in friendly campuses, and assist in establishing awareness and knowledge of students with disabilities on the prevention of sexual harassment, sexual assault and sexual bullying to protect the safety and rights of students.

(c) The Ministry of Education continues to conduct workshops of “Guidance Work on Student Affairs in Friendly Schools – Gender Equality Education and Crisis Management Knowledge Training for Teacher Assistants and Residential Administrators in Special Education” and “Student Affairs and Guidance Work in Friendly Schools – Human Rights and Gender Equality in Special Education for Parents and Teachers”. The purposes are to enhance the knowledge of relevant personnel of special education schools related to human rights and gender equality education, and prevent the occurrence of sex inequality incidents in campus.

3. In order to avoid laziness and concealment in the school's handling of sexual inequality incidents, the relevant penalties are as follows:

(a) According to the Gender Equality Education Act, after the school becomes aware of the campus gender equality incident, if the school personnel fails to report within 24 hours, a fine of NT\$30,000 to NT\$150,000 will be imposed according to law.

(b) According to the Gender Equality Education Act and the Teachers Act, school principals, teachers, staff or workers violated the reporting regulations on suspected sexual assault incidents in campus, resulting in the recurrence of sexual assault incidents, or forged, altered, annihilated or those who conceal evidence committed by others shall be dismissed in accordance with the law.

中文回應：

教育部

一、有關評估特教學校中身心障礙學生性侵害發生率：

- (一) 依據《性別平等教育法》及《校園安全及災害事件通報作業要點》，學校知悉發生校園性平事件後，需於24小時完成校安通報及社政通報，並鼓勵疑似被行為人提出申請調查。教育部於2012年底設置「校園性侵害性騷擾及性霸凌事件回覆系統/統計管理系統」並推動上線，據統計，特殊教育學校2014年至2022年間所通報性侵害案件占特殊教育學校學生之比率，於0.1%至0.3%間浮動。透過此機制，可掌握性平事件的通報情形，並由教育部專人檢核特教學校校園通報有關性平事件，即時督導各校依性別平等教育法調查、妥處案件，請學校適時提供學生輔導。
- (二) 教育部每四年辦理特殊教育學校校務評鑑，將性別平等教育推動與性平事件防治工作項目列入評鑑指標及訂定相關效標，以評估、檢視特殊教育學校性別平等相關業務辦理情形。
- (三) 教育部刻正修訂《性別平等教育法》，修正草案將矯正學校納入該法適用對象，有關性平事件的處理按該法相關規定辦理。

二、有關防治特殊教育學校性平事件措施：

- (一) 教育部每季均會統計國立特教學校有關疑似性平事件之通報數，針對案件通報件數較高之學校，不定時辦理性別事件處理控管會議，檢討及督導學校依規定調查、妥處，並協助各校檢視性別平等教育狀況、校園性別平等無障礙環境以及處理性平事件之流程與結果，據以營造性別友善、安全、平等的教育環境，以杜防類似事件的發生。
- (二) 教育部2018年起編製校園性別事件防治及處理教師參考手冊（身心障礙篇），並辦理特教學校教師性別意識培力研習，以協助學校建立友善校園的性別平等氛圍，並協助建立身心障礙學生有關防範性騷擾、性侵害及性霸凌的意識及知能，以保障學生之安全與權益。
- (三) 教育部每年持續辦理「友善校園學生事務輔導工作—特教部分教師助理員暨住宿生管理員性別平等教育及危機處理知能研習」及「友善校園學生事務與輔導工作—特教部分人權性平親師研習」，以增進特教學校相關人員有關人權、性別平等教育相關知能，防範校園性平事件的發生。

三、為避免學校處理性平事件有怠惰、隱匿情事，相關罰則如下：

- (一) 依《性別平等教育法》學校知悉發生校園性平事件後，如學校人員未於24小時內通報，將依法裁罰新臺幣3萬至15萬元。
- (二) 依據《性別平等教育法》及《教師法》，學校校長、教師、職員或工友違反疑似校園性侵害事件之通報規定，致再度發生校園性侵害事件，或偽造、變造、湮滅或隱匿他人所犯校園性侵害事件之證據者，應依法予以解聘或免職。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Awareness-raising (art. 8) 第八條：意識提升	5(a)	Please provide information to the Committee on the measures taken: To renew and reform processes against discriminatory and restrictive actions and limited portrayal of persons with disabilities in mainstream media;	請向委員會說明所採取的相關措施： 為改善主流媒體對身心障礙者之歧視與特定描述，目前採取何種更新與改革程序；

Reply :

National Communications Commission

1. In accordance with Directions for Evaluation on the Implementation of Television Business Operational Plan and Regulations for License Renewal of Television Businesses, has determined that policies offered by television broadcasters that facilitate access for people with visual impairment or who are hard of hearing shall be one of the bonus items during license renewal and evaluation. Combined with an incentive mechanism for evaluation and license renewal, this approach aims to encourage broadcasters to facilitate media access for people with visual impairment or who are hard of hearing and protect those with disabilities from being the subject of discriminatory news reports. Moreover, an enterprise's involvement in "assisting public affairs and bearing corporate social responsibility" has also been acknowledged and set as a bonus item for the evaluation and license renewal of satellite broadcasters.
2. National Communications Commission adheres to the *principles of Six Dos and Four Don'ts for Reporting Mental Illnesses*, as announced by Department of Health of Taipei City Government in 2019, 2020 and 2021, as well as the *Guidelines for portraying people with disabilities* announced by Ministry of Health and Welfare in December 2021, and has informed broadcasting media unions and associations that broadcasting enterprises shall abide by relevant regulations to jointly strengthen the public's awareness of the rights of people with disabilities

to access broadcast content.

Ministry of Culture

1. To improve the public's understanding of disability, the Ministry of Culture passed the *Guidelines for portraying people with disabilities* by the Ministry of Health and Welfare along to the publishing industry and related personnel for their reference in January 2022. An ad-hoc summary of related laws and regulations has also been made that includes the People with Disabilities Rights Protection Act and the Mental Health Act. In January and September 2021, letters were sent to local governments reminding them to provide guidance to print media to ensure that related regulations are implemented and to conduct oversight over the print media associations in their jurisdiction such that they inform their members to improve self-regulation of the media and avoid prejudicial reportage and content. Plans have been made to have media industry groups hold activities on self-regulation of reporting between October and December 2022. These will incorporate information and training on the CRPD.
2. In addition, the Taiwan Public Television Service Foundation will be urged to ensure that content it produces and broadcasts does not contain prejudicial speech or behavior. The program *Happy Together* discusses issues of women with physical disabilities, equal cultural rights, accessible travel, and the elderly. It is hoped that the program encourages viewers to think more about disability matters.

中文回應：

國家通訊傳播委員會

- 一、國家通訊傳播委員會依《電視事業營運計畫執行情形評鑑作業要點》及《電視事業申請換發執照辦法》，將電視業者促進視覺及聽覺障礙者媒體近用之作為列為換照、評鑑審查加分項目之一，結合評鑑、換照之鼓勵性機制，鼓勵業者促進視覺及聽覺障礙者媒體近用，同時保障身心障礙者避免受到歧視性報導。並將「公司協助公共事務活動及擔負社會責任事蹟」列為衛星廣播電視事業評鑑換照之鼓勵性加分事項。
- 二、國家通訊傳播委員會分別於 2019 年、2020 年、2021 年將臺北市衛生局公告之《報導精神疾病六要與四不要原則》及於 2021 年 12 月將衛生福利部公告之《身心障礙者議題報導注意事項》，轉予媒體公（學）會，要求業者恪守相關規範，共同強化社會大眾對於身心障礙者傳播權益等議題之認知。

文化部

- 一、為提升社會大眾障礙意識，文化部已於 2022 年 1 月就衛生福利部研訂之「身心障礙者議題報導注意事項」，轉知各出版產業及從業人員參考；並且不定期彙整相關法令，如《身權法》、《精神衛生法》等，業於 2021 年 1 月、9 月函請地方政府加強輔導平面媒體，落實相關作用法之執行，並督促所轄平面媒體公會轉知所屬會員業者，加強新聞自律，避免歧視性報導及內容；並預計於 2022 年 10 至 12 月間規劃委託媒體業者團體辦理媒體報導自律宣導活動時，納入 CRPD 宣導或訓練內容。
- 二、此外，將促請主管之財團法人公共電視文化事業基金會，加強宣導所製播之視聽內容，避免呈現歧視性言論及行為。如公視人文紀實節目《極樂世界》探討身障女性、文化平權、無障礙旅遊、高齡者等議題，希望帶給國內觀眾對身障議題不同層面的思考。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Awareness-raising (art. 8) 第八條：意識提升	5(b)	To encourage the National Communications Commission to extend its responsibilities to deal with emerging social media and online platforms in order to protect citizens with disabilities by initiating actions and implementing sanctions against offensive and ignorant discriminatory commentary and publicize these actions;	鼓勵國家通訊傳播委員會擴大其處理新興社群媒體與線上平台之職責，針對攻擊性與無知的歧視性評論採取行動並加以制裁，以此保護身心障礙民眾並使上述行動廣為知悉；

Reply :

National Communications Commission

1. Internet content is all-encompassing, which means it is likely that internet content providers are also providing a platform for illegal or improper content, which leads to other issues. In fact, the management of internet content in Taiwan is the same as if it were in real society. That is, related matters are dealt with by competent authorities according to their jurisdiction and authority as prescribed by regulations. In order to avoid confusion about the central competent authority's duties related to internet content, the Cyber Environment and Internet Content Security Group of National Information and Communication Security Taskforce established Basic Rules of Internet Content Management and Principles of Division of Labor to promote. Ministry of Health and Welfare has already amended both the People with Disabilities Rights Protection Act and Mental Health Act to prohibit internet and other media providers from using discriminatory descriptions or statements and has stipulated penalties for related violations.
2. In response to an organizational restructure of government, the draft of amendments to the National Communications Commission Organization Act has incorporated the establishment of and amendments to internet broadcasting policy. Furthermore, National Communications

Commission was permitted to establish a foundation (iWin) in charge of related matters in order to expand the current online content complaint mechanism relevant to children and youths; and by doing so, based on the spirit of governance, facilitates self-discipline, problem solving and communication among the government, new media, online platforms, academic sector and public interest groups. National Communications Commission also refers to the governance approach undertaken by certain advanced nations with regards to online discriminatory language, with the objective of establishing a mechanism that can effectively deal with these issues by coordinating with related ministries and commissions.

中文回應：

國家通訊傳播委員會

- 一、網際網路內容包羅萬象，大多係網際網路內容提供者刊載違法或不當內容衍生後續問題，因此，我國對於網際網路內容之管理與實體社會的管理方式相同，係由各法令規定之主管機關依權責處理。為避免中央各主管機關對於網際網路內容之相關權責分工不明，國家資通安全會報資通訊環境及網際內容安全組訂定「網際網路內容管理基本規範及分工原則」予以推動。另衛生福利部已在《身權法》修正草案、《精神衛生法》修正草案增加網際網路及其他媒體業者不得使用歧視性描述或評論，以及罰責。
- 二、因應我國政府組織改造，通傳會的組織法修正草案新增網路傳播政策的制修訂等業務，另外該會可能成立專責的財團法人，將現有的兒少網路申訴機制（iwin）擴大，基於治理精神，讓政府、新興媒體與線上平臺、學界及公民團體共同增進產業自律與問題處理之跨界溝通，對於穩固安全可靠之網路環境，可望發揮加乘效果。通傳會也將研究和參考先進國家對於網路上歧視性語言的治理方式，希望未來能和相關部會建立一個機制共同處理此問題。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Awareness-raising (art. 8) 第八條：意識提升	5(c)	To promote awareness among the media on the general philosophy and principles of the Convention, such as issues of non-discrimination, inclusive schools and workplaces or independent living of persons with disabilities in the community;	為提高媒體對 CRPD 理念和原則之認識，例如不歧視、融合式學校及工作場所或社區中身心障礙者的自立生活等議題；

Reply :

National Communications Commission

1. With view to enhancing the media’s awareness of access to broadcasting content for people with disabilities, NCC invited Taiwan Association for Disability Rights and scholars to hold five workshop sessions on the “rights of people with disabilities and related regulations and practice” and “respecting diversity from the perspectives of Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as CEDAW) and CRPD in July, August and September 2020; it also invited scholars to hold workshop sessions on “exploring gender equity and disabilities from broadcasting programs” in August and September 2021. The aim was to provide radio and television media enterprises with professional training programs related to the rights of people with disabilities.
2. With respect to the supervision of radio and television content, we have formed a three-way co-management system with self-discipline, heteronomy, and regulations. Among them, the Association of Terrestrial Television Networks, Taiwan and Satellite Television Broadcasting Association, R.O.C., established by broadcasters have determined rules for self-discipline for news coverage related to people with disabilities with the aim of avoiding the use of discriminatory narratives when describing people with disabilities or labeling them with their physical and

mental characteristics in news media. Moreover, broadcasters also adhere to reporting guidelines covering mental health issues in order to protect rights and interests.

Ministry of Culture

1. The Ministry of Culture will continue to commission media industry groups to hold activities on self-regulation. In 2022, it plans to incorporate content on the general principles of the CRPD into its efforts to increase media personnel's understanding of the CRPD.
2. In addition, the Taiwan Public Television Service Foundation will be urged to ensure that content it produces and broadcasts does not contain prejudicial speech or behavior and encouraged to produce and broadcast reportage and program that concerns the disability matters as well as self-reliance. Taiwan Public Television Service Foundation has produced *Guess Who?* which invited an artist with visual impairment; a Blind street performer; and a family with a Rett syndrome child. The program explores the challenges and difficulties of families with members with disabilities, and addresses how they work to grow in self-reliance.

中文回應：

國家通訊傳播委員會

- 一、為提高媒體對身心障礙者傳播權益之認知，國家通訊傳播委員會於 2020 年 7 月、8 月、9 月邀請社團法人台灣障礙者權利促進會及傳播學者以「身心障礙者權利及法規與實務」、「從 CEDAW 與 CRPD 看如何尊重多元」為主題辦理 5 場課程；2021 年 8 月、9 月邀請傳播學者以「從廣播節目探討性別平等、身心障礙」為主題辦理 5 場課程，為廣電媒體從業人員提供身心障礙者傳播權益等議題之專業訓練課程。
- 二、我國對於廣電內容監理係以自律、他律及法律形成共管制度鐵三角，其中電視業者所成立之「中華民國電視學會」及「中華民國衛星廣播電視事業商業同業公會」針對新聞報導身心障礙者訂定相關自律規範，以避免新聞媒體使用歧視性文字或身體與心理特徵標籤化身心障礙者。此外，媒體業者亦應遵循報導精神疾病之準則，保障身心障礙者之權益，發揮正面的傳播功效。

文化部

- 一、文化部持續委託媒體業者團體辦理媒體報導自律宣導活動，規劃於 2022 年納入《CRPD》一般性原則相關內容之宣導，提升媒體從業人員對 CRPD 之認識。
- 二、此外，將促請主管之財團法人公共電視文化事業基金會，加強宣導所製播之視聽內容，避免呈現歧視性言論及行為，亦鼓勵製播有關身心障礙者於社會自力更生之專題報導及節目等內容，如公視製播真人實境節目《誰來晚餐》邀請視障藝術家、盲人街頭歌手以及雷特氏症寶寶家庭，紀錄身心障礙家庭所面臨的挑戰及困境，以及如何於社會自力更生的成長過程。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Awareness-raising (art. 8) 第八條：意識提升	5(d)	To provide the legal profession, including judges, police, and correctional officers and the teachers with the regular training of disability awareness workshops and disability equality trainings, in which persons with disabilities are involved in the design of the curriculum, and delivery.	為包括法官、警察、矯正人員在內之法律工作者及教師，定期提供障礙意識工作坊及身心障礙平等培訓，此類培訓課程的設計與施行需納入身心障礙者的參與。

Reply :

Judicial Yuan

1. From 1 December 2020, we have conducted courses on equality of people with disabilities and seminars on awareness of people with disabilities for judges as follows: the Beginner and Advanced Courses for Special Interrogation with Children or Victims with Disabilities; Programs on the Convention on the CRPD; Seminar on Human Rights Protection (Special Topic: People with Mental Health Issues), and Seminar on the the Disadvantaged Protection and Friendly Court.
2. For the staff of the Juvenile and Family Court (including judges, juvenile investigation officer, psychometric testing examiner, psychology counselor, family matters investigation officer, and guardian ad litem), the Judicial Yuan has conducted training in the Judges Academy and invited advocates from disability organizations or groups as lecturers. Through the training, we believe the staff can improve their understanding of the practice of CRPD, recognition of the behavior and emotion expressed by children with disabilities, and interrogation skills.
3. Regarding the part of "The design and implementation of training courses should include the participation of person with disabilities," the Judges Academy invites people with disabilities to participate and give lectures according to the nature of the course. In December 2021, lecturer who is the Secretary of the Taipei City New Vitality and Independent Living Association, talked about the accessibility needs and

assistance-related issues of the disadvantaged. In May 2022, a lawyer who is working for Legal Aid Foundation introduced the implementation of Article 13 of The CRPD from the perspective of a legal practitioner with disabilities.

Ministry of Justice

1. The Agency of Corrections has included a course “Know about CRPD” in the training program for new correctional officers since 2018, and arranges regular professional courses on mental health issues every year. For the sake of enhancing correctional officers’ understanding of the needs of people with disabilities, the Agency also plans to invite, in addition to experts and scholars, people with disabilities to teach classes in the future.
2. The Ministry of Justice plans to invite law professionals with disabilities to give lectures on CRPD in the on-the-job professional training programs for prosecutors, so as to enhance prosecutors' disability awareness.

Ministry of the Interior

1. The Ministry of the Interior regularly dispatches staff to participate in relevant workshops or regional seminars organized by the Ministry of Health and Welfare, or provides a list of professional lecturers for its affiliated agencies to hold lectures, so as to jointly increase the awareness of human rights protection for people with disabilities and people with rare or special diseases. In addition, it incorporates “Disability Equality Training” courses into the regular training programs and roll call, and continuously strengthens dissemination in various meetings, to keep raising the police officers’ awareness of human rights.
2. To protect the rights of people with disabilities to have fair criminal proceedings when investigated by the police with regard to criminal cases, the Ministry of the Interior has enacted the *Guidelines Governing the Police Authorities Notifying the Legal Aid Agencies to Designate Lawyers to Provide Defense* and the *Standard Operating Procedures for the Police Authorities Notifying the Legal Aid Agencies to Designate Lawyers to Provide Defense*, as the enforcement basis for police officers. In addition, the Ministry of the Interior regularly provides training for police detectives and rank-and-file officers annually, with the training covering areas that combine legal provisions, and cases that have actually happened and focus on the areas needed to be improved by education. It demands the local police authorities to incorporate relevant courses

into the annual training, to make the police officers and supervisors familiar with the relevant procedures and norms.

3. The Ministry of the Interior plans that, from 2023, the police authorities will be required to develop and implement training courses related to disability issues and to invite those people with disabilities to participate in the training. The implementation of the training will be inspected annually.

中文回應：

司法院

- 一、自 2020 年 12 月 1 日迄今，辦理「兒童或心智障礙被害人特殊訊問專業課程初階及進階班」、「身心障礙者權利公約(CRPD)專題研究」、「人權保障研習會(精神障礙者專題)」、「弱勢保護與友善法庭研習會」等，為法官提供身心障礙意識研討會及身心障礙平等培訓課程。
- 二、為提升少家法庭工作團隊（含法官、少年調查官、心測（輔）員、家事調查官、程序監理人）執行《CRPD》之專業知能，加強渠等對身心障礙兒少行為、情緒之認知與訊問技巧，司法院曾於法官學院辦理研習課程，並曾邀聘促進身心障礙者權益相關機構、團體派員擔任講座。
- 三、關於「培訓課程的設計與施行需納入身心障礙者參與」部分，法官學院依課程性質洽邀身心障礙者參與並且擔任講座，例如：2021 年 12 月邀請社團法人台北市新活力自力生活協會林君潔總幹事擔任講座，分享弱勢團體無障礙需求及協助相關議題，另於 2022 年 5 月邀請財團法人法律扶助基金會李秉宏律師分享從障礙法律工作者經驗分享談《CRPD》(身心障礙者權利公約)第 13 條的落實。

法務部

- 一、矯正署自 2018 年起，初任矯正人員訓練課程皆安排「《CRPD》之認識」，並每年定期舉辦精神疾病專業研習課程，為提昇矯正人員對於身心障礙者需求之理解，除專家學者外，未來亦積極邀請身心障礙者參與授課。
- 二、法務部規劃於檢察官在職專業訓練課程，適時邀請兼具障礙者身分之法學專業人員，講授認識「《CRPD》」相關課程，以提升檢察官之障礙意識。

內政部

- 一、內政部定期派員參加衛生福利部辦理相關工作坊或是地區性講習，或提供專業師資名單供所屬機關辦理講座，以共同提升對於身心障礙者、罕見疾病或特殊疾病類人權保障之認識。另於常年訓練學科講習及勤前教育，納入「身心障礙者平等培訓」課程，並持續於各種集會加強宣導，以持續提升員警人權意識。

- 二、為保障身心障礙者於司法警察人員偵辦刑事案件時之刑事訴訟程序權利，內政部業訂定「警察機關通知法律扶助機構指派律師到場辯護注意事項」及「警察機關通知法律扶助機構指派律師到場辯護作業程序」，作為員警執行依據。另每年定期就警政刑事人員幹部、基層員警等辦理培訓，施教內容結合法律條文及實際案例並針對缺失部分加強教育，並責由地方警察機關將相關課程納入年度常年訓練課程，使員警及幹部均能熟稔流程規範。
- 三、內政部規劃自 2023 年起，請所屬警察機關於辦理有關身心障礙議題之培訓課程設計與施行，應邀請身心障礙者共同參與，並每年調查執行情形。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Accessibility (art. 9) 第九條：可及性／無障礙	6(a)	Please inform the Committee: On how the State has taken into consideration the General Comment No. 2 on Accessibility by the Committee on the Rights of Persons with Disabilities in order to establish comprehensive accessibility legislation covering built environments, public transportation, and communication including television, Wi-Fi and smartphones in both urban and rural areas, with an action plan with timetable;	請向委員會說明下列事項： 臺灣對於將聯合國 CRPD 委員會針對可及性／無障礙 (Accessibility) 的第 2 號一般性意見納入考量，以制定涵蓋城市與鄉村地區的環境、大眾交通及通訊 (包括電視、無線網路及智慧型手機) 全面可及性之立法及行動計畫之時程；

Reply :

Ministry of the Interior

The Ministry of the Interior has revised the Design Specifications of Accessible and Usable Buildings and Facilities, Building Technical Regulations, Design Directions of Urban Roads and Accessory Works and other regulations covering urban and rural areas across the entire country, and keep promoting the following actions:

1. Buildings:

- (a) The promotion of the accessible environment of buildings is aimed at “public buildings” that are closely used by the public, not owned by the public or private sectors. The Ministry of the Interior has required the building of accessible facilities in newly constructed public and nonpublic buildings and additions to such structures since 2013. In addition, to improve the accessible environment of existing public buildings, the public buildings that are closely used by the public shall be the mandatory requirements, and the scope of application shall

be gradually expanded, the number of cases on the government watch list was 51,380 in 2019, with 62 percent of them having completed improvement(s) by December of the same year, for a completion rate 12 percent higher than that in 2016, local governments will continue to take into account the differences between urban and rural areas according to the actual needs of their jurisdictions and Plans call for existing buildings to be improved according to categories, stages, and regions, it also invites relevant groups and associations to set up an improvement consultation and review group to provide consultation and review alternative plans. When there are difficulties in setting up accessible facilities, they can adjust measures to local conditions and cases to improve the environment and facilities; In addition, between 2016 and 2019, the Ministry of the Interior issued subsidies totaling NT\$259.17 million for pavement leveling projects in pedestrian arcades; structures requiring immediate improvement were prioritized, including arcades in commercial districts, hospitals, scenic routes, public transit transfer stations, and community routes to schools.

(b) The Ministry of the Interior aiming to promote the improvement of accessible facilities in public buildings, has invited experts, scholars, relevant agencies, people with disabilities, and their representative organizations to sit on the Committee for Supervising the Accessibility of Living Environments in Public Buildings since 2004. The committee is responsible for supervising local governments in the inspection and improvement of facilities.

2. Sidewalk:

(a) Holding the “Urban Road Maintenance Assessment and Pedestrian Sidewalk Accessibility Inspection Program” every year urges local governments to pay attention to the quality of urban road, to effectively promote the construction of a accessible environment for sidewalks, and to implement the inspection and improvement work, to enhance the quality of urban road services and provide pedestrians with a dignified, safe, comfortable and accessible pedestrian environment.

(b) In view of the numerous types of intersections and roads in our country and the different positions of pedestrian crossing lines, people with visual impairment often cannot discern the location of crossing roads near the intersection on the sidewalk. “Design Directions of Urban Roads and Accessory Works” which stipulates relevant requirements for “clean boundary lines” and “warning belts” to facilitate the safe movement of people with visual impairment. In addition, for the blind guidance facilities at intersections, “Guidelines for the Design of Blind Guidance Facilities at Pedestrian Crossings on Urban Roads” have been formulated to promote pedestrian crossings.

Barrier guidance markings to guide people with visual impairment through the intersection safely.

Ministry of Transportation and Communications

1. By implementing projects related to public road transport, the Ministry of Transportation and Communications continues to improve accessible services on city and highway buses. As of March 2022, the percentage of routes with accessible city buses reached 75 percent, and the percentage of routes with accessible highway buses reached 99 percent. To provide more transportation options and greater freedom of movement for people with disabilities, Institute of Transportation, Ministry of Transportation and Communications, promotes "iTaxi- Booking General Purpose Taxis", encouraging local governments and businesses to invest in general purpose taxi services. The government has also invited people with disabilities to take such taxis as mystery customers and assess the service they received, allowing the service to meet practical needs.
2. To narrow the gap between urban and rural areas and improve the public transportation services across the country, Ministry of Transportation and Communications has promoted the Highway Public Transportation Project since 2010. The project provides higher subsidies to counties and cities with poor financial situation to help build a public transport environment and improve service quality. In addition, considering the lack of public transportation services in some rural areas, Ministry of Transportation and Communications also promotes "Happiness Bus Project" (i.e. Demand-Responsive Transit Service), introducing a diversified and flexible operation model to meet the needs of the last mile traveling for areas or routes that passenger transport operators have no willingness to operate.

National Communications Commission

With view to the rights and interests of those with disabilities and in accordance with the action plan for communications and broadcasting accessibility, National Communications Commission has obtained statistics on the number of approved and accessible telecommunications terminals and stipulated specific functions of accessibility, such as multilingual subtitles and multi-track output, etc in both the Telecommunications Terminal Equipment Technical Regulations, and Cable Radio and Television Terminal Equipment Technical Regulations. Based on concepts of CRPD, National Communications Commission formulates specific measures for the action plan and conducts a regular review of regulations with

view to ensuring the rights of people with disabilities to access communications and broadcast content.

Ministry of Economic Affairs

1. According to Article 4 of the Standards Act, National standards are implemented on a voluntary basis. Where all or part of a national standard has been referenced in regulations by the competent authorities of jurisdiction over specific business, such regulations shall apply. National standards (hereinafter referred to as CNS) are to be applied voluntarily by interested parties and are not mandatory regulations.
2. The Bureau of Standards, Metrology and Inspection developed or revised CNS related to assistive technology for the elderly and people with disabilities by making references to relevant international standards (such as ISO international standards) and other advanced standards by taking into account local needs. Representatives from industry, government, academia and research institutes were invited to participate in the development processes. As of December 2021, there were 139 CNS in this area, including the general requirements (CNS 16170 " General requirements of assistive products for the elderly and persons with disabilities "), assistive technology (81 standards in total, 32 for wheelchairs, 10 for walking sticks and walkers, 14 for prosthetics and orthoses, 25 for personal care and protection), accessible designs (50 standards), and accessible devices (8 standards). The Bureau of Standards, Metrology and Inspection will continue to review on a regular basis. For 2022 and 2023, the Bureau of Standards, Metrology and Inspection is planning to develop 14 additional CNS in this area, including CNS 14964-19 "Wheelchairs - Part 19: Wheelchairs for use as seats in motor vehicles" to be based on ISO 7176-19: 2022.
3. Accessible vehicles (automobiles, locomotives and other means of transportation for personal use) are regulated by the Ministry of Transportation and Communications. They are defined in Item 7 "Special purpose vehicles" of Article 2 of the Road Traffic Safety Regulations. In addition, Article 23 and its Annex XV of the Regulations provide requirements for modifications to the specification of motor vehicles. The Bureau of Standards, Metrology and Inspection will follow closely the development of ISO standards or international advanced standards for assistive technology related to the elderly and people with disabilities, and will adopt them as national standards in a timely manner if they are appropriate for domestic conditions.

中文回應：

內政部

內政部業訂(修)定「建築物無障礙設施設計規範」、「建築技術規則」、「市區道路及附屬工程設計規範」等涵蓋全國城市及鄉村地區之規範，並持續就建築物及人行道部分，推動以下行動措施：

一、建築物部分：

- (一) 對於建築物無障礙環境之推動，係以公眾接觸使用密切之「公共建築物」為對象，非以公部門所有或私部門所有為推動範圍。內政部已自2013年起要求所有新建與增建的建築物，不論所有者為公部門或私部門，均應設置無障礙設施。另既有公共建築物無障礙環境改善，則以公眾接觸使用密切之公共建築物為強制要求對象，且逐步擴大適用範圍，截至2019年12月，列管案件數共計5萬1,380件，已改善完成之比率為62%，較2016年改善率提升12%，並將由各地方地方政府持續依轄區實際需求考量城鄉差異訂定分類、分期、分區改善執行計畫及期限逐步進行改善，並邀集相關團體與公會成立改善諮詢審查小組，提供諮詢與進行替代計畫審查，遇有設置困難時，得以因地制宜、因案調整不同方式改善環境與設施；另外，2016年至2019年補助騎樓整平共計2億5,917萬元，優先選擇商圈街廓、醫療院所、旅遊路線、公共交通轉運點或社區通學等具有迫切整平需求之路段。
- (二) 為有效推動建立公共建築物無障礙生活環境，積極督促地方政府及內政部指定之特設主管建築機關落實執行清查及改善工作，並自2004年起，逐年就該等機關進行業務督導，以貫徹執行成效。

二、人行道部分：

- (一) 每年辦理「市區道路養護管理暨人行環境無障礙考評」，督導地方政府確實養護市區道路及推動建構市區道路人行道之無障礙環境，並積極督促各地方政府落實執行清查及改善工作，以提升市區道路服務品質及提供用路人尊嚴、安全、舒適、無障礙之人行環境。
- (二) 鑒於我國現有路口路型種類眾多且行人穿越道線劃設位置不一，視障者常無法於人行道接近路口處辨視穿越口路之位置，目前「市區道路及附屬工程設計規範」，訂有「整齊邊界線」及「警示帶」相關規定，以利視障者安全前進，另針對路口導盲設施，訂有「市區道路人行道路口導盲設施設計指南」，並推動行人穿越道視障引導標線，以導引視障者安全通過路口。

交通部

一、交通部藉由執行公路公共運輸相關計畫，持續改善市區及公路客運無障礙運輸服務，截至2022年3月市區客運無障礙路線比率為

75%，公路客運無障礙路線比率達 99%，另為提供行動不便者更多行動自主之選擇，交通部運輸研究所推動「愛接送-預約式通用計程車」，鼓勵地方政府及輔導業者投入通用計程車服務。相關服務透過評鑑制度，適時邀請身心障礙者以秘密客身分實際搭乘及評分，以期更符合實際需求。

- 二、為縮短城鄉差距，改善全國各地之公共運輸服務，交通部自 2010 年起推動「公路公共運輸計畫」至今，給予財政不佳之縣市較高之補助，協助其建置公共運輸環境及提升服務品質；另考量部分偏鄉地區公共運輸服務不足，交通部近年來亦推動「幸福巴士計畫」（即需求反應式運輸服務，Demand Responsive Transit Service），針對客運業者無意願經營之地區或路線，導入多元、彈性之營運模式，滿足偏鄉地區最後一哩之民行需求。

國家通訊傳播委員會

為落實身心障礙平權，國家通訊傳播委員會持續依無障礙通訊傳播近用行動方案，統計取得審定證明且具近用功能之電信終端設備數量，並於職掌電信終端設備技術規範及有線廣播電視終端設備技術規範明定無障礙近用功能（如：多重語言字幕、多重音軌輸出等）。未來將持續依循《CRPD》之理念、辦理無障礙通訊傳播近用環境行動方案之具體措施及滾動式檢討職掌法規，建立無障礙之通訊傳播近用環境，以落實身心障礙者通訊傳播近用權。

經濟部

- 一、依標準法第 4 條：「國家標準採自願性方式實施。但經各該目的事業主管機關引用全部或部分內容為法規者，從其規定」，爰國家標準係各界自願性選用符合之標準，並非為強制性法規。
- 二、經濟部標準局參考 ISO 國際標準及國際先進標準，並考量在地化需求，邀集產官學研共同研商制修訂高齡及身心障礙者相關輔具國家標準。截至 2021 年 12 月止，已完成制修訂 CNS 16170「年長者與身心障礙者輔具之一般要求」等 139 種國家標準，包含輔具 81 種（輪椅 32 種、手杖與助行器 10 種、義肢與矯具 14 種、個人照顧與保護 25 種）、無障礙設計 50 種、無障礙設備 8 種，並持續滾動檢討。2022 年至 2023 年將參考 ISO 7176-19:2022 Wheelchairs—Part 19: Wheelchairs for use as seats in motor vehicles 等，制修訂為 CNS 14964-19「輪椅——第 19 部：作為機動車輛座椅之輪型移動裝置」等共計 14 種國家標準。

三、有關無障礙個人載具（個人使用汽、機車等交通工具）部分，各國係以法規來管理。依交通部公告「道路交通安全規則」第 2 條第 1 項第 7 款「特種車：指有特種設備供專門用途而異於一般汽車之車輛，包括.....身心障礙者特製車.....。」及第 23 條與其附件 15 為該部公告「汽車設備規格變更規定」。經濟部標準局針對高齡及身心障礙者相關輔具，會持續關注 ISO 國際標準或國際先進標準動態，適時評估制修訂為國家標準。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Accessibility (art. 9) 第九條：可及性／ 無障礙	6(b)	The consideration the State has given to adopting measures that would require official publications and information in all accessible communication formats (print, visual, oral or electronic).	國家對於要求官方出版物及資訊以各種可及性／無障礙的傳播形式呈現（印刷、視覺化、口述或電子化）所採取之措施。

Reply :

Ministry of Health and Welfare, Ministry of Education, Ministry of Culture, Ministry of Economic Affairs, Ministry of Transportation and Communications, Ministry of Finance, Ministry of Justice, Ministry of Labor and Financial Supervisory Commission

1. To ensure that government agencies review whether their software and hardware satisfy the needs of people with disabilities beforehand and during meetings or events and facilitate the participation of these individuals, the Ministry of Health and Welfare developed the *Guide for Accessible Meetings and Events for Persons with Disabilities* in June 2019 in consultation of other ministries, people with disabilities, and their representative organizations. The guide is intended to incorporate the disability diversity as well as their possible needs as per the United Nations *Disability Inclusive Meetings: An Operational Guide*. For example, the guide specifies the arrangements to be made for those with visual impairment to obtain meeting information, such as the placement of quick response (QR) codes on invitations or meeting notices and display the position of sign language interpreter during the service. Taiwan-specific examples are also provided in the guide to further elucidate such arrangements. The guide is intended to ensure that information can be communicated in various feasible and accessible ways.
2. The official websites of government agencies, which are channels for communicating crucial information, have all been certified with Website Accessibility Conformance by the National Communication Commission. Specifically, these websites allow people with visual impairment to

obtain information through alternative approaches (e.g. a reader or a refreshable Braille display). The Committee for the Promotion of the Rights of Persons with Disabilities, Executive Yuan also released a requirement in March 2022 that, in principle, all government promotional videos be subtitled and that promotional videos related to daily living or rights protection be prioritized for adding sign language. These efforts are to protect the rights of every audience member.

3. Off all accessible formats, the easy-to-read format is a relatively new concept. The Ministry of Health and Welfare has engaged scholars, experts, and practitioners in the easy-to-read field and youths with intellectual disabilities in the development of *A Beginner's Guide to Making Easy Read Information (Taiwan)*, which was published in February 2022. The guide is based on Inclusion Europe's *Information for all: European standards for making information easy to read and understand* and CHANGE's, a UK organization promoting the rights of people with intellectual disabilities, *How To Make Information Accessible: A guide to producing easy read documents* with adaptations to the Taiwanese context. The purpose of establishing a guide for Taiwan is to provide a reference for those producing easy-to-read information and to encourage the easy-to-read conversion of government information to safeguard people with disabilities' right to access information.
4. Taiwan has provided public medical resources accessible to those with specific needs; the available information ranges from medical conditions and medication safety to COVID-19 information for people with disabilities. The resources also include easy-to-read informed consent forms in three themes, easy-to-read health education leaflets in two themes, and an easy-to-read flowchart for medical appointments in 20 themes. The Taiwanese government published a set of specifications and guidelines for package inserts and package labels for nonprescription Western medicines in 2016, which stipulate that a QR code must be provided on the package of nonprescription medicines and indicate the exact position where the code should be placed. People with visual impairment can scan the QR code with their phones and obtain medicine information through a text-to-speech application. All pharmaceutical manufacturers in Taiwan completed, in a stage-wise manner over the course of several years, changes to their pharmaceutical packages in accordance with said specifications and guidelines by the end of 2019. Currently, a QR code is provided on the packages of all nonprescription medicines on the market for access by those with visual impairment. In addition, materials including news releases, leaflets, and videos are provided daily during the COVID-19 epidemic on a wide range of media platforms to keep the public informed of the epidemic situation and to communicate information related to epidemic response. These platforms include the official website of the Taiwan Centers for Disease Control (which has been achieved Website Accessibility Conformance), mass

media, and new media including Facebook, LINE, and Instagram.

5. The Taiwanese government has also implemented measures to assist people with disabilities with transportation and filing tax returns and to enhance cultural equality for these people. In a program on highway public transportation, subsidies are provided for the installation of mounted smart LED timetable displays with text-to-speech functionality at public transportation stops to help people with disabilities obtain transportation information. A new update of the iBus app also features text-to-speech navigation for the body text, titles, and icons. Sign language and subtitles are provided in national tax-related promotional videos. Taiwan also amended its guidelines on the management of government publications in 2021 to include files of the ePub format in the scope of authorization, providing references for the conversion of files to the ePub format and encouraging the use of ePub e-books. This effort is conducive to the production and transmission of accessible information. Furthermore, National Taiwan Library had been designated a dedicated library for people with disabilities; the accessible services it provides include the Visual Impairment Information System, an accessible reading app, Braille e-books, audiobooks, text/Braille books (books with both printed text and Braille), and picture books (videos) with sign language. To further enhance the accessibility of art and cultural content for the population with disabilities, the subordinate bodies of the Ministry of Culture have been converting information they provide into content understandable to people with different types of disabilities, with the aim of eliminating barriers to accessing information. For example, a navigation app in which plain language is used in conjunction with spoken descriptions of visual content as well as orientation and mobility instructions has been developed specifically for people with visual impairment. The easy-to-read version and tactile assistive technology are provided on site for visitors with visual impairment. For people with visual impairment and hard of hearing persons, a digital Braille audiobook series has been produced in conjunction with sign language navigation to help them obtain information and engage in digital learning. For those with intellectual disabilities, easy-to-read version handbooks have been developed for permanent exhibitions in collaboration with representative organizations of people with intellectual disabilities since 2018.

Note: Please refer to the response to 8(c) for accessibility of warning systems about emergency measures.

中文回應：

衛生福利部、教育部、文化部、經濟部、交通部、財政部、法務部、勞動部、金融監督管理委員會

- 一、為確保政府部門在辦理會議或活動前，能夠自我檢視軟、硬體等各方面是否符合身心障礙者的多元性，以確保其參與無礙，衛生福利部邀集相關部會、身心障礙者及其代表團體共同討論後，於 2019 年 6 月彙編完成《身心障礙者融合式會議及活動參考指引》，該指引主要是以聯合國出版的身心障礙者融合式會議操作指引為基礎，納入身心障礙者的多元性，透過說明不同障礙類別身心障礙者及可能的需求，例如：為使視覺障礙者掌握訊息，寄送邀請卡或會議通知時，應將 QR Code 置於何處，或手語翻譯人員提供服務時應站立位置，並增加我國一些實例進行說明，以使資訊得以各種可行性/無障礙的傳播形式呈現。
- 二、各部會官方網站為傳遞重要訊息的管道，均取得國家通訊傳播委員會規定的無障礙網路標章，讓視覺障礙者使用其他替代方式（如閱讀機、點字顯示器等特殊裝置）取得資訊，行政院身心障礙者權益推動小組亦於 2022 年 3 月要求各部會就政府宣導影片加上字幕為基本原則，並就與「生活便利」與「權利保障」相關的宣傳影片優先加上手語，以保障所有閱聽人的權益。
- 三、在各類可及性格式中，易讀格式也是較新穎的概念，衛生福利部邀請我國易讀領域的專家學者、實務工作者及心智障礙青年共同參與，於 2022 年 2 月出版《臺灣易讀參考指南-讓資訊易讀易懂》，該參考指南主要是參考 Inclusion Europe 的「歐盟易讀資訊製作指標」及英國心智障礙倡權組織 CHANGE 發行的「如何使資訊具可及性：製作易讀文件的指引」，並依據我國製作易讀資訊的實際情況調整內容。希望讓易讀資訊的製作單位能有所依循，鼓勵將政府資訊轉譯，以保障身心障礙者的資訊近用權。
- 四、針對身心障礙者就醫需求、用藥安全及疫情資訊可及性部分，已開發特殊需求者適用之公用版無障礙就醫資源，包含 3 式易讀版知情同意書、2 式易讀版衛教單張、20 式易讀版就醫流程圖，並於 2016 年公告「西藥非處方藥仿單外盒格式及規範」，規定非處方藥品外盒於特定位置需新增 QR Code，供視覺障礙者使用手機掃描 QR Code 後，透過手機語音應用程式獲知藥品資訊內容，製藥業者已分年分階段於 2019 年底全數依公告完成外盒變更作業，目前市面上之非處方藥外盒皆印製有 QR Code 供視覺障礙者應用。另外，嚴重特殊傳染性肺炎疫情期間持續每日發布新聞稿、製作單張、影片等素材，透過衛生福利部疾病管制署全球資訊網（已通過無障礙標章認證）、大眾傳播媒體，以及 Facebook、LINE、Instagram 等多元新媒體管道向全民提供疫情說明並加強防疫宣導。
- 五、針對身心障礙者交通、報稅資訊及文化平權部分，推動公路公共運輸計畫已有提供具語音播報功能附掛式 LED 智慧型站牌之補助，以協助視覺障礙者取得乘車資訊，新改版之 iBus 公路客運 APP 亦針對各項文字、標題及圖標（icon）設置語音導讀內容。全

國性稅務宣導影片已提供手語和字幕，另臺灣於 2021 年修訂政府出版品管理要點，於授權項目中增列 ePub 檔案格式之轉製參考，並將鼓勵推動 ePub 電子書，俾利於可及性資訊製作傳輸。同時，設置國立臺灣圖書館為身心障礙專責圖書館，建置無障礙閱讀資源整合查詢系統、開發無障礙閱讀 APP、製作電子點字書、有聲書、雙視圖書（一般圖書加貼點字）、手語電子繪本（影片）等出版品。為能更加提升身心障礙者族群之藝文可近性，文化部所屬館所陸續依據各類障礙者需求，將訊息轉化為其可理解的內容，以弭平獲取資訊的障礙。例如透過建置視障導覽 APP，使用口語化詞彙，結合口述影像及定向行動指引；提供相關易讀功能，同步於展場設置觸摸輔具等措施，輔助視覺障礙者參觀；以及考量視覺、聽覺障礙者需求，開發《點字數位有聲書》系列及配合手語導覽等協助其獲得資訊、進行數位學習；針對心智障礙者部分，2018 年起分別與心智障礙者代表團體合作完成相關常設展易讀手冊等。

註:災防告警相關資訊請參閱 8(c)之回應。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Right to life (art. 10) 第十條：生命權	7(a)	Please update the Committee: About steps to abolish the death penalty and measures to ensure that no persons with intellectual or psychosocial disabilities is sentenced to death or executed;	請向委員會說明最新情況： 廢除死刑之步驟，以及確保智能或心理社會障礙者不被判處死刑或處決之措施；

Reply :

Ministry of Justice

1. To abolish the death penalty has been an international trend in recent years and a long-term goal to which our government has committed itself. However, as capital punishment concerns complex factors of a country - including politics, society, history, and culture - supporting measures for the termination of the death penalty requires time to be actualized. In EU member states, such as the UK, France, Switzerland and Italy where the death penalty was eventually abolished, there remain objections and even calls to restore capital sentence. In terms of policies, there are provisions for the death penalty in the substantive law of Taiwan. Currently, the nation's policy toward capital punishment encourages the judiciary to reduce the imposition of the death penalty and to exercise discretion during its execution. To gradually do away with the death penalty and encourage prudence, some strategies are formulated, such as to repeal mandatory death sentences, decrease discretionary death sentences, enforce rigorous reviews and trial procedures for death penalty cases, and ensure all legal remedies are exhausted before issuing a death sentence.
2. In December 2017, the Ministry of Justice resumed the operation of "Research and Promotion Penal for Progressive Abolition of Death Penalty." The Penal has convened eight conferences so far. The Penal recently invited criminal law scholars from Germany in March 2020 to deliver a speech on the subject of "the alternatives to death penalty for serious crimes and dangerous criminal offenders" as a reference to the research

of alternative measures to death penalty. In May 2021, the chairman of the Taiwan Academy of Psychiatry and the Law was invited to give a special report on "exploring the issue of the capacity to be executed by death penalty pursuant to Article 465 of the Criminal Procedure Act from a psychiatric point of view," in order to explore the legal requirements for suspending the execution of death penalty from the perspective of psychiatry, so as to carry out death penalty more prudently.

3. In order to promote the policy goal of progressively abolishing death penalty in Taiwan, the National Human Rights Action Plan in 2022 proposed three specific actions: (a) Prosecutors prudently seeking punishment (b) Research and analysis of public attitudes and opinions on death penalty and its alternatives (c) Formulating alternatives to death penalty, to implement the protection of the right to life. Those actions are referenced to Article 6 of the ICCPR and the United Nations Human Rights Committee's General Comment No. 36 (hereinafter referred to as General Comment No. 36) on Article 6 of ICCPR.
4. The legislative reasons of the amendments to Regulations for Executing the Death Penalty on 15 July 2020 point out that when examining whether a death row prisoner is insane and whether to execute him/her, a comprehensive and prudent assessment base on General Comment No. 36 (paragraph 49) shall be the basis for final decision. Therefore, the mental states of death row prisoners shall be reviewed prior to the execution of the death sentence to prevent those intellectually, or socially and psychologically disabled, from being executed.

Note: Persons with psychosocial disabilities are generally referred to as people with mental disorder in Taiwan.

中文回應：

法務部

- 一、廢除死刑是近年來的國際趨勢，也是我國長期努力的方向。惟死刑的存在，與國家政治、社會、歷史、文化等複雜因素有關，相關配套措施非一蹴可幾，由英、法、瑞士、義大利等歐盟國家，歷經長久時間，方達成此目標，即可證明。因此，我國死刑政策係採取「逐步廢除死刑」，現階段則是「減少使用死刑」、「審慎執行死刑」，以兼顧社會正義及人權保障。
- 二、法務部於 2017 年 12 月重啟「逐步廢除死刑研究推動小組」，迄今已召開過 8 次會議，最近於 2020 年 3 月邀請德國刑事法學者就「重大犯罪及危險犯罪行為人之死刑替代方案」發表專題演講，作為研擬死刑替代措施之參考；復於 2021 年 5 月邀請台灣司法精神醫學會理事長，就「從精神醫學觀點探討刑事訴訟法第 465 條死刑受刑能力之問題」進行專題報告，俾自精神醫學觀點探究停止執行死刑之要件，以更審慎執行死刑。
- 三、為推動我國逐步廢除死刑之政策目標，參酌公民與政治權利國際公約（下稱公政公約）第 6 條與聯合國人權事務委員會針對該公約第 6 條生命權所提出之第 36 號一般性意見（下稱第 36 號一般性意見），於 2022 年「國家人權行動計畫」提出（一）檢察官審慎求刑（二）研究分析民意對死刑制度與替代方案之態度及意見（三）研訂死刑之替代方案等 3 項具體行動，以落實生命權之保障。
- 四、2020 年 7 月 15 日修正公布之執行死刑規則第 2 點立法理由說明，審核死刑案件有無「心神喪失」之事由，應參酌第 36 號一般性意見（第 49 段），綜合審慎評估，以作為執行與否之依據。故死刑犯之精神狀態係執行死刑應予審核之事項，以避免智能障礙者或社會心理障礙者被執行死刑。

註：persons with psychosocial disabilities 在國內泛稱精神障礙者。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Right to life (art. 10) 第十條：生命權	7(b)	About measures to ensure that the patient self-determination act, enacted in 2016 and effective from 2019, is in compliance with the Convention.	確保 2016 年頒布並於 2019 年生效之《病人自主權利法》符合 CRPD 之措施。

Reply :

Ministry of Health and Welfare

1. In order to enable people with disabilities to complete the signing of their will, in 2019 the Ministry entrusted the Hospice Foundation of Taiwan to compile a work manual, and provide the "capacity assessment" tool to medical institutions for the reference of relevant personnel making decisions; for people with disabilities, each hospital communicates with relevant communication resources to help them understand the content and express their opinions. In the future, the entrusted entity will integrate the implementation methods and tools of each hospital and provide it for reference by each hospital.
2. After the entrusted medical agent is dismissed, the person expressing his/her will or his/her guardian will sign the medical decision or consent for medial treatment in advance, and in the future, depending on the clinical implementation, the supporting measures will be discussed.

中文回應：

衛生福利部

- 一、為使身心障礙民眾仍可完成意願簽署，衛生福利部於2019年委託財團法人中華民國（臺灣）安寧照顧基金會編撰工作手冊，並提供「意思能力評估」工具予醫療機構，作為相關人員判定參考；若為身心障礙民眾，則由各醫院以身心障礙溝通資源進行溝通，協助其了解內容及表達意見，未來規劃委託機構整合各院執行方式及工具後，提供各院所參考使用。
- 二、醫療委任代理人若解任後，則由意願人或其監護人執行預立醫療決定，未來視臨床執行情況，研議配套措施。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Situations of risk and humanitarian emergencies (art.11) 第十一條：風險情境及人道緊急情況	8(a)	Please update the Committee about: How the safety of persons with disabilities is ensured in practice within the disaster prevention and protection (DPP) plans, based on the <i>Disaster Prevention and Protection Act</i> , with the participation of persons with disabilities and their representative organizations;	請向委員會說明最新情況： 如何在身心障礙者及其代表組織之參與下，基於《災害防救法》之災害防救計畫實施保護身心障礙者之安全；

Reply :

Office of Disaster Management

Practices to protect the safety of people with disabilities based on disaster prevention and protection plans:¹

1. Mitigation :

- (a) Disaster Mitigation and Response paragraph in Part 2 "Basic Measures for Disaster Prevention and Protection " and Part 3 "The Key Point about Operation and Regional Plan for Disaster Prevention and Protection" in the Basic Plan for Disaster Prevention and Protection stipulated that it is necessary to inspect and ensure the safety conditions and protection capabilities of people with disabilities and social welfare institutions, and give priority to the urgent care of people with disabilities and provide necessary assistance.

¹ Disaster Prevention and Protection Plan: according to the Disaster Prevention and Protection Act, The Plans of Disaster Prevention and Protection including the Basic Plan, operation plan and regional plan of disaster prevention and protection. Disaster Prevention and Protection Plans shall be surveyed within a certain period of time (5 years for the disaster prevention and protection basic plan, 2 years for the disaster prevention and protection Operation plan and the regional disaster prevention and protection plan). Evaluate and review disaster preparedness plans. Among them, the basic disaster prevention and protection plan is the outline guidance plan of each disaster prevention and protection plan, and stipulates the key items for them.

- (b) Each central regulating authorities has invited people with disabilities and their representative organizations to participate in the discussion when revising their disaster prevention and protection plans, and incorporated their opinions into the revisions of each disaster prevention and protection plan, so as to improve the diversity of the plan, it's outcomes are reflected in Sustainable Development Goals 1.5 (Reduce the losses caused by various disasters, especially the need to protect the disadvantaged and low-income groups).
- (c) For disasters such as wind disasters, earthquake disasters (including soil liquefaction), fire and flood disasters, simple and easy-to-read disaster prevention knowledge propaganda materials have been produced, including earthquake prevention and typhoon prevention propaganda videos with sign language, easy-to-read versions of earthquake prevention manuals, and water conservancy disaster prevention manuals, etc., and provide people with disabilities with knowledge about disaster prevention through disaster prevention-related websites.
- (d) The relevant disaster prevention policies and information of the central regulating authorities for the types of disasters under their jurisdiction have been published on their official websites, and each website has achieved Website Accessibility Conformance, providing necessary disaster information to people with disabilities.

2. Preparedness :

- (a) Governments at all levels have invited people with disabilities to join the drills when conducting disaster prevention drills, and have taken relevant suggestions to revise the drill plans in a rolling manner to comprehensively improve relevant supporting measures.
- (b) The local government has catalogued people with disabilities within its jurisdiction, and properly planned the evacuation and evacuation routes, the space configuration and friendly measures of evacuation shelters, so as to facilitate the timely evacuation of people with disabilities within the jurisdiction during disasters, and provide necessary assistance. It is now included in the annual interview project.

3. Response :

- (a) In the event of a disaster, priority will be given to the evacuation of people with disabilities to protect their safety.
- (b) Provide special sounds and vibrations of disaster prevention warning messages and read the messages aloud through the built-in Talkback (for Android phones) or voiceover (for iOS phones) functions for people with visual impairment to identify.

中文回應：

行政院災害防救辦公室

基於災害防救計畫²保護身心障礙者安全之實踐：

一、減災：

- (一) 災害防救基本計畫中之第二編「災害防救基本對策」與第三編「災害防救業務計畫及地區擬定重點」之減災、應變項次中規定需檢視、確保身心障礙者及社福機構之安全條件與防護能力，並優先處理身心障礙者之急難照顧，提供必要之協助。
- (二) 各中央災害業務主管機關於修訂災害防救計畫時均已邀請身心障礙者及其代表團體共同參與討論，並將意見納入各災害防救計畫中修訂，期成果反映在臺灣永續發展目標 1.5（降低各種災害造成之損失，特別需要保護弱勢與低所得族群，附件 2）之中。
- (三) 風災、震災（含土壤液化）、火災及水災災害等災害，已製作簡單易懂之防災知識宣導素材，包括手語版防震、防颱宣導短片、易讀版防震手冊、水利防災手冊（附件 3）等，並透過防災相關網站，提供身心障礙者瞭解防災知能。
- (四) 各中央災害業務主管機關對於權管災害類型的相關防災政策及防災資訊皆已公開於官方網站，且各網站皆已通過「無障礙標章」認證（附件 4），提供身心障礙者必要的災害資訊。

二、整備：

- (一) 各級政府在進行防災演練時，已邀請身心障礙者加入演練，並汲取相關建議滾動修正演練規劃，以全面完善相關配套措施。
- (二) 地方政府已將轄內身心障礙者造冊列管，並妥善規劃疏散避難動線、避難收容處所之空間配置與友善措施，以利災時能及時疏散轄內身心障礙者，並提供必要的協助。現已列入年度訪評項目中。

三、應變：

- (一) 災時優先疏散撤離身心障礙者，保護其安全。

² 災害防救計畫：依《災害防救法》規定，災害防救計畫係指災害防救基本計畫、災害防救業務計畫及地區災害防救計畫。依災害防救法施行細則規定各項災害防救計畫於一定期限內（災害防救基本計畫為 5 年、災害防救業務計畫及地區災害防救計畫為 2 年）進行勘查、評估，檢討災害防救計畫。其中災害防救基本計畫為各災害防救業務計畫、地區災害防救計畫之綱要性指導計畫，並規定該二計畫之撰擬重點事項。

(二) 提供災防告警訊息之特殊聲響、振動並透過手機內建的 Talkback (適用 Android 手機) 或 voiceover (適用 iOS 手機) 功能朗讀其訊息，供視覺障礙者辨識。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Situations of risk and humanitarian emergencies (art.11) 第十一條：風險情境及人道緊急情況	8(b)	Measures to establish a targeted humanitarian emergency framework to ensure the protection of the rights of persons with disabilities and specifically in the context of the public health emergency resulting from COVID-19 pandemic, including measures to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that disability pensions and social benefits are guaranteed at all times, particularly under the new <i>Special Act for Prevention, Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens</i> ;	如何建立人道主義緊急架構，特別是在 COVID-19 疫情造成公共衛生事件之背景下，以確實保障身心障礙者權利，包括確保持續獲得支持與主流社區服務之措施（包括居家照護與個人協助），提供平等之醫療保健管道（包括救生措施），以及確保身心障礙年金與社會給付之持續保障（尤其根據新的《嚴重特殊傳染性肺炎防治及紓困振興特別條例》之規範）所採取之措施；

Reply :

Ministry of Health and Welfare

In response to the COVID-19 epidemic, Taiwan established the Central Epidemic Command Center (CECC) in January 2020, which consists of ten groups under three sections, namely intelligence, operations, and logistics that quickly develop response measures to the epidemic. Related management guidelines have been established for local governments to follow; this is to ensure thorough implementation of COVID-19 measures and to protect people's right to access services. The following presents the main COVID-19 prevention and economic relief measures:

1. Supply of medical face masks: since the early COVID-19 epidemic, Taiwan has established a name-based system for medical face mask rationing. Considering that people with disabilities have a higher health risk and a higher need for medical attention compared with those without disabilities, Taiwan developed the “Care Medical Face Masks Scheme” in February 2020 for people with disabilities who live alone and have limited mobility and the elder who live alone; these masks are distributed by local governments. For people who have difficulties purchasing medical face masks during the epidemic, local governments will send staff members to visit them in person to understand their individual needs and find resources or services that satisfy those needs (e.g., community volunteer team or asking the chief of village to purchase medical face masks for them). Additionally, considering that students with moderate or severe disabilities in special education schools are at a higher risk of infection and take school buses or rehabuses (unventilated spaces), the CECC has been distributing the required number of medical face masks, calculated according to the number of students with disabilities reported by the Ministry of Education, to each special education school in Taiwan.
2. Safe and uninterrupted implementation of care service programs
 - (a) The provision of home and community-based services has continued during the COVID-19 epidemic on the condition that care providers comply with related COVID-19 guidelines, wear necessary personal protective equipment, and provide professional assistance required by their service users. Unjustifiable interruptions to service provision are not allowed. In the event that services for people with disabilities are closed, emergency support will be provided to families unable to care for their family members with disabilities; said support includes emergency placement or transition to home-based long-term care services or temporary or short-term care services. For institutional services, the government has required that all social welfare institutions have resources necessary for COVID-19 prevention in place, established an inspection mechanism to ensure thorough implementation of COVID-19 measures in these institutions, and enhanced institutions’ capacity for COVID-19 prevention, with the aim of safeguarding the health and safety of people receiving institutional services.
 - (b) Service providers included in said care service programs are prioritized for vaccination and are supplied with personal protective equipment, such as medical face masks. Rewards and subsidies have also been provided to service providers whose work is necessary, such as home care providers, nurses at health and welfare institutions, and care providers at long-term care institutions. These rewards

and subsidies are to encourage their cooperation with arrangements to send them to support work in quarantine and isolation sites or to work at service users' homes.

3. Strengthening measures to protect economic security

(a) In response to the epidemic's impact on citizens' financial conditions, those receiving disability living benefits were given additional living benefits. From April to June in 2020 and from May to July in 2021, every such citizen received an additional living allowance with NT\$1,500 per person per month. The additional payments were to care for people with disabilities and to stabilize their lives during the epidemic.

(b) For people whose livelihoods are affected by the epidemic because they are forced to take leave or to cease work temporarily, emergency economic relief was provided in response to the intensifying epidemic situation in 2020 and 2021, with NT\$10,000 to NT\$30,000 paid to each household eligible for this payment.

4. Vaccination principles for people with disabilities

(a) The eligibility and priority order for government-funded COVID-19 vaccination in Taiwan has been determined and adjusted in a rolling manner in accordance with factors including the Advisory Committee on Immunization Practices' judgment on the epidemic situation inside and outside of Taiwan, the risk of infection of different demographic groups, the effort to maintain an adequate level of national capacity in medical care and epidemic prevention, social function, and national security. The ultimate goal has been to, based on the available schedule and supply of vaccines, expand the eligibility to include all public members in Taiwan.

(b) The eligibility for government-funded COVID-19 vaccination was expanded to people prone to severe comorbidities or death after infection (i.e., those aged 50 years or older, having rare diseases or severe illnesses, or aged 19 to 64 years and having a disease that increases their risk of developing severe disease after infection) and people at a higher risk of infection (e.g., staff members or people receiving care at institutions or the social care system). Accordingly, people with disabilities who meet any of the aforementioned criteria have been prioritized for vaccination.

(c) To reduce the risk of moderate or severe COVID-19 symptoms and to ensure an adequate level of medical care capacity, the Taiwanese government has authorized a second booster dose for people having received a first booster dose more than five months prior and being

an adult aged 65 years or older, a resident of a long-term care institution, or an immunodeficient or immunocompromised patient aged 18 years or older in a stable condition.

5. To enhance the accessibility of medical environments, the Ministry of Health and Welfare has, since 2021, incentivized hospitals to set up accessible routes, accessible restrooms, electric hospital beds, patient transfer devices, wheelchair scales, and augmentative and alternative communication tools in isolation wards. Incentives have also been provided to basic-level clinics to encourage the establishment of accessible routes, accessible restrooms, diverse augmentative and alternative communication tools, and accessible facilities. Twenty-four hospitals (74 isolation wards in total) and 1,384 clinics have met the criteria for the provided incentives. The Ministry will continue to develop incentive programs to improve the accessibility of medical environments across Taiwan.
6. The Ministry of Health and Welfare has drafted a set of guidelines for responding to the pandemic infectious disease (COVID-19) for people with disabilities. These guidelines are expected to offer a quick reference for people with disabilities, their care providers (including institutional staff and family members), and their medical service providers during the COVID-19 epidemic, thereby ensuring the rights of these people. The guidelines will be submitted for review by the Committee for the Promotion of the Rights of Persons with Disabilities, Executive Yuan.

中文回應：

衛生福利部

為因應 COVID-19 疫情，臺灣 2020 年 1 月即成立「嚴重特殊傳染性肺炎中央流行疫情指揮中心」，以「情報、作戰、後勤」3 大範疇下設 10 個執行分組，快速整備各項防疫應變措施，並陸續訂定相關處置指引供各地方政府遵循，使服務單位落實各項防疫措施，保障服務使用者接受服務之權益，各項重點防疫與紓困措施如下：

一、配送關懷口罩：臺灣於疫情發生初期即實施口罩實名制，考量身心障礙者健康風險及就醫需求比一般人高，針對列冊之獨居且行動不便之身心障礙者、獨居長輩自 2020 年 2 月起提供「關懷口罩」，由各縣（市）政府就近關懷及發送，倘於防疫期間因個別特殊狀況難以購買口罩，將由地方政府派員訪視評估其個別化需求，媒合相關資源與服務（如：連結社區志工隊、鄰里長協助購買口罩）。另考量特殊教育學校中、重度以上身心障礙學生體質較弱且上下學大都搭乘學校專車或復康巴士（密閉空間），指揮中心爰參考教育部通報之身心障礙學生人數，將身心障礙學生所需口罩數量配送至全臺特殊教育學校提供學生使用。

二、照顧服務方案安全執行及不中斷

（一）在 COVID-19 疫情期間，相關居家式、社區式照顧服務皆在遵守防疫相關規範、穿戴必要防護裝備及專業協助之原則下持續提供服務，不得無故中斷服務為原則，倘遇有身心障礙相關服務設施暫停服務，則會針對無力照顧身心障礙服務對象之家庭提供相關緊急支援措施，例如緊急安置、或轉介居家式長照服務、臨時及短期照顧服務等。至於機構式服務，亦已強化機構相關防疫資源整備工作，透過查檢機制促使各類社福機構落實防疫措施，強化防疫量能，保障機構式服務對象的健康安全。

（二）為支持前開服務方案人員持續提供服務，已將其列入疫苗優先施打對象，及提供公務用防疫口罩等防疫裝備。另外，透過獎勵補助居家式服務人員、衛生福利機構照顧及護理人員、長期照顧服務機構任職之照顧服務員等必要人力高風險津貼，以鼓勵其配合防疫工作，調用支援檢疫隔離場所或到宅照顧服務。

三、強化經濟安全保障措施

（一）為因應疫情衝擊人民經濟，針對領有身心障礙生活補助等對象，亦提供弱勢加發生活補助，於 2020 年 4 月至 6 月及 2021 年 5 月至 7 月期間，每人每月加發新臺幣 1,500 元，加強關懷身心障礙者，以安頓其生活。

（二）針對原有工作因疫情請假或無法從事工作導致家庭生計受影響之民眾，2020 年及 2021 年均提供因應疫情（擴大）急難紓

困，符合資格者，每一家戶發給 1 至 3 萬元。

四、身心障礙者疫苗施打原則

- (一) 臺灣公費 COVID-19 疫苗之各類接種對象及優先順序，係由「衛生福利部傳染病防治諮詢會預防接種組」審酌國內外疫情趨勢、各類對象感染風險以及維持國家醫療照護與防疫量能、社會運作及國家安全等因素研訂及滾動式調整，並視疫苗供應期程與數量，依序逐漸擴大至全體國民皆能公費接種原則辦理。
- (二) COVID-19 疫苗公費接種對象，已包含感染後容易產生嚴重併發症或導致死亡者（50 歲以上成人、罕見疾病及重大傷病、19 至 64 歲具有易導致嚴重疾病之高風險疾病者），或是感染風險較高者（如機構及社福照顧系統之人員及其受照顧者），故身心障礙者倘符合前開脆弱性因素，已納入疫苗施打優先對象。
- (三) 為降低 COVID-19 感染後中、重症風險，確保醫療量能，自 2022 年 5 月 16 日起推動 65 歲以上長者、長照機構住民及 18 歲以上免疫不全及免疫力低下且病情穩定者已接種第一次追加劑滿 5 個月後，可接種第二次追加劑。

五、為提升醫療無障礙環境，衛生福利部於 2021 年獎勵醫院隔離病房設置無障礙通路、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。計有 24 家醫院（74 間隔離病室）及 1,384 家診所符合獎勵條件。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。

六、衛生福利部已撰擬「身心障礙族群大型傳染病（COVID-19）因應指引」（草案），提供身心障礙者、其照顧者（包括機構、家屬）及提供身心障礙者醫療服務之衛生醫療人員等對象，於 COVID-19 疫情期間，可迅速參考運用之因應指引，以保障身心障礙者之權利。將於送請行政院身心障者權益推動小組委員及公共衛生專家學者完成審閱後公布。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Situations of risk and humanitarian emergencies (art.11) 第十一條：風險情境及人道緊急情況	8(c)	Measures taken to provide accessible warning systems and provide official information about emergency measures, including typhoons, earthquakes and Wan An air defense drill, in all formats.	為提供可及性／無障礙的預警系統，並以各種形式提供有關緊急措施之官方資訊（包括颱風、地震與萬安防空演習），目前採取何種措施。

Reply :

Office of Disaster Management

1. Provide multiple disaster prevention warning and related information:
 - (a) Disaster prevention warning system (Public Warning System, PWS) is used to warn each type of disaster. When the mobile phone receives a disaster prevention warning message, in addition to the content of the message, there are special sounds and vibrations that make an easier way for people with disabilities to identify. In addition, in order to leave and avoid disasters as soon as possible, people with visual impairment receive disaster prevention warning messages via the system of Talkback (for Android phones) or voiceover (for iOS phones).
 - (b) For the disaster risk communication and disaster information transmission for hard of hearing persons, the press conference of the Central Disaster Response Center during the opening period is synchronized with sign language interpretation.
2. Provide easy-to-read and easy-to-understand versions of disaster prevention knowledge propaganda materials: wind disasters, earthquake disasters (including soil liquefaction), fires and floods and other disasters. Simple and easy-to-understand disaster prevention knowledge propaganda materials have been produced to provide disabled people with disabilities and other vulnerable groups to understand Disaster prevention knowledge can be provided to the public and local governments for publicity and use through disaster prevention related websites.

include:

- (a) For people with limited mobility (using assistive technology), make simple and easy-to-understand earthquake evacuation drill action pictures, posters and other disaster prevention knowledge propaganda.
- (b) For people with visual impairments and Deaf and hard of hearing persons, we will produce short videos about typhoon and earthquake prevention with sign language, and manuals of earthquake prevention with easy-to-read version and audio version.
- (c) Compilation and completion of the water conservancy disaster prevention and easy-to-read manual, the water conservancy disaster prevention and mitigation information is converted into an easy-to-read manual, and the pictures are converted into easy-to-read and easy-to-understand graphics. It also promotes special education schools and institutions with disabilities, so that people with disabilities can also carry out preventive maintenance work, and obtain information such as flood warning information and safety response.

Ministry of National Defense

1. The Ministry of National Defense (MND) will announce air defense intelligence during air raids and air defense drills. At the same time, MND will distribute mobile phone warning message via “Air Threat Alert System.” The Civil Defense Office of National Police Agency under the Ministry of the interior will sound the air-raid siren through multiple channels such as TV station, radio station, village, school and police car after receiving the air defense intel. The local government’s civil defense group will also provide personnel guidance and assistance.
2. Early warning methods for people with disabilities:
 - (a) People with visual impairment:
 - (i) Send text (sound) alerts: when receiving an alarm message from a mobile phone, there are special sounds and vibrations that can be identified by the visually impaired. In addition, the visually impaired people can use the built-in function such as Talkback (for Android phones) or voiceover (for iOS phones) to play out the content of warning message. The goal is to evacuate as soon as possible.
 - (ii) TV station, radio station, village, school and police car broadcast: use TV station, radio station, village, school and police car broadcasts to convey warning messages with “voice”.

- (iii) Personnel guidance: The local government's "civil defense group" will guide and assist in evacuation.
- (b) Deaf and hard of hearing persons:
- (i) Send text alerts: when receiving an alarm message from a mobile phone, the content will be transcribed into an alarm message with the time and area of the air defense exercise or the attack of aircraft or missile in written words.
 - (ii) TV station: the "text" of air defense drills or air strikes will be broadcast on TV by TV station or Public Warning System of National Fire Agency of the Ministry of the Interior, accompanied by "sign language" to deliver the warning message.
 - (iii) Personnel guidance: the local government's "civil defense group" will guide and assist in evacuation.

中文回應：

行政院災害防救辦公室

一、多元災防告警與相關訊息：

(一) 各災害類型皆以災防告警系統 (PWS, Public Warning System) 告警，當手機接獲災防告警訊息時，除訊息內容外，尚有特殊可資識別之特殊聲響、振動，可供身心障礙者辨識。另視覺障礙者亦可透過手機內建的 Talkback (適用 Android 手機) 或 voiceover (適用 iOS 手機) 功能朗讀災防告警訊息，俾及早掌握離災、避災等因應作為。

(二) 針對聽覺障礙者之災害風險溝通與災害訊息傳遞，中央災害應變中心於開設期間之記者會同步手語翻譯。

二、提供易讀、易懂版之防災知識宣導素材：風災、震災 (含土壤液化)、火災及水災等災害，已製作簡單易懂之防災知識宣導素材，提供身心障礙者瞭解防災知能，並透過災防相關網站，提供民眾及各級地方政府政府宣導使用。包括：

(一) 針對行動不便者 (使用拐杖、行動輔具或輪椅)，製作簡單易懂之地震避難演練動作圖檔、海報等防災知識宣導。

(二) 針對聽覺及視覺障礙者製作有關防颱及防震手語版宣導短片、易讀版及有聲版防震須知手冊。

(三) 編撰完成水利防災易讀手冊 (大雨一直下我家淹水了，附件3)，將水利防減災訊息，轉換成容易閱讀手冊，並搭配圖畫轉換成易讀易懂的圖文。並推動於特殊教育學校、身心障礙機構，讓身心障礙者也能進行防續整備工作，取得淹水警戒資訊及安全應變等資訊。

國防部

一、國防部於空襲及防空演習發布防情狀況，並以「空中威脅告警系統」發送手機告警訊息，而內政部警政署民防指揮管制所接獲防情狀況後，即發放防空警報，並透過電視臺、廣播電臺、村里、學校及警車廣播等聲音、文字之訊息傳遞，地方政府之民防團隊亦提供人員引導及協助，以多元管道提供相關預警資訊。

二、各種身心障礙者無障礙的可及性預警方式：

(一) 視覺障礙者：

1. 發送文字 (聲響) 警訊：接獲手機告警訊息時，尚有特殊可資識別之特殊聲響、振動，可供視覺障礙者辨識；另視覺障礙者亦可透過手機內建的 Talkback (適用 Android 手機) 或 voiceover (適用 iOS 手機) 功能朗讀告警訊息，俾及早掌握避難因

應作為。

2. 電視臺、廣播電臺、村里、學校及警車廣播：利用電視臺、廣播電臺、村里、學校及警車廣播等方式，以「聲音」傳達告警訊息。
3. 人員引導：由地方政府之「民防團隊」於現地實施人員引導，協助進行避難。

(二) 聽覺障礙者：

1. 發送文字警訊：接獲手機告警訊息時，以「文字」傳遞防空演習或飛機（彈）來襲時間、地區之告警訊息。
2. 電視臺：由電視臺或內政部消防署災防告警系統於電視畫面播送防空演習或空襲之「文字」佐以「手語」傳遞告警訊息。
3. 人員引導：由地方政府之「民防團隊」於現地實施人員引導，協助進行避難。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Equal recognition before the law (art.12) 第十二條：在法律之前獲得平等肯認	9(a)	Please explain to the Committee: How the draft amendments to the <i>Mental Health Act</i> reported on in the media in January 2022 will enhance respect for the will and choices of persons with disabilities as protected in Article 12 of the CRPD and General Comment No.1;	請向委員會解釋下列事項： 2022 年 1 月媒體報導的《精神衛生法》修正草案，將如何提升 CRPD 第 12 條、第 1 號一般性意見所保障的身心障礙者之意願及選擇之尊重；

Reply :

Ministry of Health and Welfare

In Article 36 of the Mental Health Act, as patients are treated or hospitalized, psychiatric institutions shall explain to patients and their protectors matters related to the illness conditions, treatment policies, aspects of prognosis, reasons for hospitalization, rights of patients, and so on. In addition, according to Article 38 of the Mental Health Act, when patients are in stable conditions or recovering and continuous hospitalization is no longer needed, psychiatric institutions shall notify the patients or their protectors for going through discharge formalities, and shall not detain the patients without reasons. Regarding severe patients harming others or themselves or having the danger of harm, who have been diagnosed by two specialist physicians such that it is necessary for them to be hospitalized full day, their protectors shall assist the patients to go to psychiatric institutions for going through hospitalization formalities. Although the patients refuse to accept full day hospitalization, for ensuring the patient's right to health and medical treatment, mandatory hospitalization might be enforced by law. Besides, in order to protect the patient's human rights, judicial remedy procedures have been established. Considering that mandatory hospitalization may deprive an individual of personal freedom, the permission for mandatory hospitalization have changed from the Review Committee to court in the draft amendments to the Mental Health Act in 2022. Furthermore, during the emergency placement, the designated psychiatric institutions shall notify the legal aid institution to provide necessary

legal aids, and combine judicial remedies to protect their rights and interests.

中文回應：

衛生福利部

現行《精神衛生法》第36條規定精神醫療機構診治病人或於病人住院時，應向其本人及其保護人說明病情、治療方針、預後情形、住院理由及其應享有之權利等有關事項；另第38條規定，精神醫療機構於住院病人病情穩定或康復，無繼續住院治療之必要時，應通知本人或保護人辦理出院，不得無故留置病人。病人有傷害他人或自己或有傷害之虞，經2位專科醫師診斷有住院之必要者，由其保護人協助辦理住院，惟病人拒絕住院時，為確保病人之健康權與醫療人權，尚非不得以法律予以強制住院。另為保障其人權，已定有司法救濟程序。另考量強制住院涉及人身自由限制，2022年《精神衛生法》修正草案已將強制住院改由法院裁定；並增訂強制住院病人緊急安置期間，應由指定精神醫療機構通報法律扶助機構，以提供必要之法律扶助，並搭配司法救濟，保障其權益。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Equal recognition before the law (art.12) 第十二條：在法律之前獲得平等肯認	9(b)	What steps are being taken to educate judges on the need to replace the concept of “best interests” with “best interpretation of will and preferences”;	現正採取何種措施以教育法官，應以「個人意願及偏好之最佳解釋」取代「最大利益」的概念；

Reply :

Judicial Yuan

The Judges Academy regularly organizes courses on related topics, inviting scholars and experts to teach the spirit and connotation of the CRPD to the participant, including judges and the staff of both the Judicial Yuan and their affiliates. Therefore, when considering the protection of people with disabilities, judges will realize that they should respect their rights, will, and preferences rather than merely adopting the concept of best interests.

中文回應：

司法院

法官學院定期舉辦相關議題課程，邀請學者專家講授《身心障礙者權利公約》精神及內涵，以供法官及司法院所屬機關人員參與訓練，俾法官瞭解身心障礙者之保障，應尊重身心障礙者本人權利、意願及偏好，而非採取最佳利益概念。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Equal recognition before the law (art.12) 第十二條：在法律之前獲得平等肯認	9(c)	What steps are being taken to promote supported decision making in place of substitute decision making;	現正採取何種措施促進支持性決策而非替代性決策；

Reply :

Ministry of Justice

1. In 2019, the Civil Code added the system of guardianship by agreement, where the wards can pre-select their future guardian and the scope and method of the matters handled by the guardian at will. This approach respects the independent will of the interested persons' and the wards' interests and improves the guardianship system of the Civil Code.
2. With respect to the correspondence between the country's adult guardianship system and the CRPD and adjustment, the Ministry of Justice has entrusted experts and scholars to conduct research on the comparison of legal systems in various countries and the reconciliation of relevant domestic systems on whether or not it is necessary to amend the provisions on guardianship and assistance. At present, there are still different domestic opinions on whether or not the philosophy of the CRPD should be fully adopted and how to adjust to the relevant regulations of the CRPD. The operation and adjustment of the adult guardianship system also involve the business implementation matters of responsive measures to other regulations and systems (courts' adjudication procedures, medical appraisal, welfare and service needs assessment, etc.). The Ministry plans to continue to gather and compile literature, relevant legal practices and other information and invite scholars, experts, relevant agencies and focus groups to provide opinions and recommendations and discuss the policy direction of the legal system for adult guardianship.

Ministry of Health and Welfare

1. Articles 63 and 64 of the Medical Care Act aim at instructing the medical personnel of medical institutions to practice the procedures of notification before performing operations and examinations. Accordingly, for the informed consent of people with disabilities for operations or examinations, medical-related regulations do not discriminate between people with disabilities and those without disabilities for the signing of consent forms. The medical personnel of the medical institution shall implement the notification procedure before performing the operations or examinations and shall consider the situation of the people with disabilities (regardless of the type of disabilities) and their legal representatives and provide appropriate health education and relevant explanations.
2. Under the current Genetic Health Act, a prerequisite for performing an abortion or vasectomy or tubal ligation is that the decision was made "at one's own free will". In the case of a person under guardianship or declaration of assistance, the consent of a legal representative or assistant is required. It also stipulates that physicians should provide appropriate consultation services before and after the surgery to ensure the right of informed consent of the patient. According to current regulations, no one is allowed to perform forced abortions, vasectomy or tubal ligation on others.
3. In order to provide support for psychiatric patients in exercising their legal capacity and protect their rights, the draft amendment to the Mental Health Act 2022 adds that when treatment is performed, the psychiatric institutions shall provide sufficient information to those who are under guardianship or assistance in an understandable manner and respect their will.
4. To enable people with disabilities to complete the signing of the will for hospice palliative care or consent for medical treatment in advance, the Ministry entrusted the Hospice Foundation of Taiwan to compile a working manual, and provide the "capacity assessment" tool to medical institutions for the reference of relevant personnel making decisions, and each hospital will use internal resources to help them understand the content and complete the signing of a will for hospice palliative care or consent for medical treatment in advance.
5. The Ministry invites disability representative organizations or disabled people's organizations (hereinafter referred to as DPOs) to jointly plan and formulate the general version of accessible communication resources, complete the 3-part easy-to-read version of the informed consent (for operations, anesthesia and examination), and the 2-part easy-to-read version of the health education leaflet of shared decision-making

between physicians and patients (inquiry form for first visit/re-visits), 20-part flow chart card (for example: flow charts for blood pressure measurement and hearing examinations, etc.), all of which are currently under review and are expected to be published on the Ministry's official site in the second half of 2022 for the reference of the general public and medical personnel.

中文回應：

法務部

- 一、2019 年民法增訂意定監護制度，本人得依其意願預先選定未來之監護人、監護人執行事務之範圍、方法等，更加尊重當事人自主意思及本人利益，並完善民法監護制度。
- 二、關於我國成年監護制度與 CRPD 之對應及調適，法務部就民法總則編監護及輔助宣告規定有無修正必要，委託專家學者進行各國法制比較及國內相關制度調和之研究。目前國內對於是否應完全採納 CRPD 之精神、如何因應 CRPD 相關規定之調整，各界仍有不同意見，且成年監護制度之運作及調整與否，尚涉及其他法規及制度配套措施等業務執行事項（法院宣告裁定程序、醫學專業鑑定、福利與服務需求評估等），法務部規劃持續蒐集、整理文獻資料、相關法制實務現況等資料，並邀請學者、專家、相關機關及焦點團體提供意見及建議，研議成年監護法制之政策方向。

衛生福利部

- 一、依據《醫療法》第 63 條、第 64 條規定，其主要之意旨在課予醫療機構之醫事人員踐行實施手術及檢查前應盡之告知程序。據此，對於身心障礙者的手術或檢查之知情同意，醫療相關法規並未對於同意書之簽署區分身心障礙者與否，均得適用。爰醫療機構之醫事人員踐行實施手術前或檢查之告知程序，應考量身心障礙者（不論障礙類別）及法定代理人之情形，提供適切之衛教及相關說明。
- 二、依現行《優生保健法》規定得施行人工流產及結紮手術之要件前提為「依本人之自願」，若為受監護或輔助宣告之人，則需得法定代理人或輔助人之同意。另亦規定醫師應於手術前後給予適當之諮詢服務，以確保受術者知情同意之權益，爰依據現行法規，任何人均不得對他人施以強制流產及結紮手術。
- 三、為提供精神疾病病人行使法律能力之相關支持，保障病人之權利，2022 年《精神衛生法》修正草案增訂執行治療時，就受監護宣告或輔助宣告者，須以其可理解方式提供充分資訊，並應尊重其意願。
- 四、為使身心障礙民眾可完成預立安寧緩和或醫療決定意願之簽署，衛生福利部委託財團法人中華民國（臺灣）安寧照顧基金會編撰工作手冊，並提供「意思能力評估」工具予醫療機構，作為相關人員判定參考，並由各醫院透過內部資源，協助其了解內容後完

成預立安寧緩和意願或預立醫療決定。

五、衛生福利部業邀請身心障礙者團體與代表，共同規劃制定公用版無障礙溝通資源，完成 3 式易讀版知情同意書（手術、麻醉與檢查）、2 式醫病共享決策易讀版衛教單張（初診/複診就醫提問單）、20 式流程圖卡（例如：量血壓、聽力檢查等流程圖說），刻正進行審稿作業，預計 2022 年下半年公布於衛生福利部網站，供民眾與醫事人員參考。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Equal recognition before the law (art.12) 第十二條：在法律之前獲得平等肯認	9(d)	Steps being taken to ensure that financial and other institutions do not deny the right of persons with disabilities to act on their own behalf without a support person or guardian;	現正採取何種措施避免金融及其他機構剝奪身心障礙者於支持人員或監護人不在場之情況下代表自己之權利；

Reply :

Financial Supervisory Commission

1. To ensure that people with disabilities can have full enjoyment of fundamental, equal and reasonably convenient financial services, the Financial Supervisory Commission has communicated with the DPOs, the Bankers Association and financial institutions, and instructed the Bankers Association to formulate the *Guidelines for Friendly Banking Services* and a *FAQ on the Procedures for Helping Persons with Disabilities to Access Financial Services*. Financial institutions are required to ensure that people with different types of disabilities may access appropriate financial services. When people with disabilities intend to open bank accounts, the bank should respect their wishes and offer appropriate assistance such as sign language, remote video or other tailor-made communication consultation devices, so that people with disabilities may express their intentions and exercise their rights.
2. The Financial Supervisory Commission has asked banks to build accessible web pages and achieve conformance with the standards of the National Communications Commission to provide designated and non-designated account transfer functions that offer accessible online banking and mobile banking. Mobile payments are also required to meet accessibility standards. The above mentioned measures all contribute to the right of people with disabilities to act on their own behalf without a support person or guardian.

3. Financial institutions should enhance education and training to ensure that their entry-level staff are able to serve people with different types of disabilities. Moreover, financial institutions should not deem their declaration of intent as defective and therefore request a guardian or assistant once they encounter communication difficulties with people who have disabilities.
4. In accordance with Article 7, paragraph 1, subparagraph 11 of the Regulations Governing Business Solicitation, Policy Underwriting and Claim Adjusting of Insurance Enterprises, the internal underwriting system and procedure of an insurance enterprise shall include and explicitly specify that the operating procedure for evaluating risks and the calculation and collection of insurance premiums shall be based on actuarial science and statistical data. The insurance enterprise may not treat a specific applicant or policyholder unfairly because of his or her disability. In principle, consumers with disabilities do not need a support person or guardian to apply for insurance services. However, when people with visual impairment have difficulty signing documents, they can choose to have two witnesses sign and certify, according to the Civil Code, to protect their rights.

Ministry of Transportation and Communications

1. When people with disabilities apply for the postal savings and remittances business, if they are unable to express their intentions smoothly but still have the ability to make a declaration of intention, they may ask their relatives or friends to cooperate with them. Or accept it in writing, and the staff did not determine that his/her declaration of intention was flawed, and suggested that the party should apply for a declaration of guardian or assistance.
2. When people with disabilities apply for the simple life insurance business, dedicated staff will be dispatched to assist in filling in the relevant insurance application, claim settlement or contract amendment documents, and provide an explanation to relevant procedures by handwriting or other appropriate means. For people with visual impairment who cannot sign in person, they may choose to have the signatures of two witnesses in accordance with the Civil Code.
3. Chunghwa Post Company has incorporated the "accessible service counter" into the design and planning project of post office branches to provide a friendly postal service environment for people with disabilities. Chunghwa Post Company will strengthen the financial friendliness education and training of the staff to understand the type and situation of people with disabilities, and provide the assistance and services they

need.

中文回應：

金融監督管理委員會

- 一、為確保身心障礙者充分享有基本、平等及合理便利之金融服務，金融監督管理委員會前已與身心障礙者團體、銀行公會及金融機構溝通，請銀行公會訂定「銀行業金融友善服務準則」及「金融友善服務作業問答集」，銀行為提供身心障礙者金融友善服務，依不同類別身心障礙者之需求，應提供適當之友善服務措施，如對身心障礙者申請開戶，應尊重身心障礙者之選擇，給予協助，且應提供適當形式之協助，如手語翻譯、遠端視訊或其他溝通輔具等專屬諮詢服務，使身心障礙者能表達意見，行使其權利。
- 二、金融監督管理委員會已請銀行建置無障礙網頁並取得國家通訊傳播委員會認證標章，提供無障礙網路銀行及行動銀行之約定及非約定轉帳功能，行動支付亦應符合無障礙設置標準，以上措施均有利於身心障礙者在沒有支持人員或監護人的情況下代表自己行事的權利。
- 三、金融監督管理委員會已請銀行應督導並教育基層行員理解身心障礙者類型與處境，不宜於身心障礙者意思表示需反復確認或表達能力不順暢時，直接拒絕其開戶申請，或未提供充分且必要協助措施，即自行認定意思表示存有瑕疵，逕建議當事人須辦理監護宣告或輔助宣告等事。
- 四、依據《保險業招攬及核保理賠辦法》第7條第1項第11款有關保險業訂定其內部之核保處理制度及程序應包括「評估風險及計收保費應基於保險精算及統計資料作為危險估計之基礎，且不得對特定承保對象，或僅因被保險人為身心障礙者而有不公平待遇。」，以保障身心障礙者基本權利。身心障礙消費者原則無須在有支持人員或監護人的情況下才可洽辦保險服務，依中華民國人壽保險商業同業公會所訂「保險業金融友善服務準則」實務作業問答集，視覺障礙消費者親簽文件確有困難時，可依民法自行選擇由2位見證人簽名證明，以維護視覺障礙消費者之權益。

交通部

- 一、身心障礙者辦理儲匯業務，於意思表示不順暢惟仍有意思表示能力時，得請其親友協同臨櫃辦理，或透過書寫方式受理，未由窗口人員自行認定其意思表示存有瑕疵，而建議當事人應辦理監護或輔助宣告。
- 二、身心障礙者辦理簡易壽險業務時，安排專人協助填具相關投保、申請理賠或變更契約文件，將相關作業流程，以手寫或其他適當方式向客戶說明與解釋清楚。如視覺障礙者無法親簽時，可依民法規定選擇由2位見證人簽名證明。
- 三、中華郵政公司已將「無障礙服務櫃檯」納入營業廳設計規劃項目，以提供身心障礙人士友善用郵環境。另將加強窗口人員金融友善教育訓練，理解身心障礙者類型與處境，並提供其所需之協助與服務。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Equal recognition before the law (art.12) 第十二條：在法律之前獲得平等肯認	9(e)	The recent amendment of article 87 of the <i>Penal Code</i> regarding the extension of the period of guardianship.	最近對《刑法》第 87 條有關延長監護期限的修正。

Reply :

Ministry of Justice

In accordance with the Criminal Code of the Republic of China Article 87 of the period of guardianship, the explanation is as follows:

1. Criminal Code of the Republic of China Article 87 : The custodial protection has been extended on a regular basis, with the first extension being less than three years, and the second and subsequent extensions being less than one year each time. There is no limit to the number of times. It was announced by the president on 18 February 2022.
2. Amendments of Rehabilitative Disposition Execution Act:
 - (a) Diversity treatment programs: the person be sentenced to the disposition of custody, and the public prosecutor shall according to his/her situation, including the treatment, care, counseling, and take diversity treatment programs. In addition, during the period of the execution of custodial protection, the person under imprisonment be required appraisal and evaluation shall be performed annually by a psychiatrist to determine if it is necessary to continue the implementation.
 - (b) Grading and diverting: due to the limited psychiatric and judicial resources, appropriate treatment according to the person under imprisonment, the severe cases were being admitted to the Judicial Psychiatric Hospital, the general patients were be admitted to the

Regional Psychiatric Institutions, the mild patients were be disposed of in an outpatient clinic or be placed under protective measures.

- (c) Mechanism of the transfer: prosecutor's Office should Convene medical staff in treatment facilities, local social welfare agency, health unit, police office, labor Office and after-care Association for a transfer meeting 3 months before the execution specified. Establish a mechanism through cooperation with relevant departments, such as legal affairs, social welfare, mental health, education, employment and police affairs, to provide rehabilitation protection, continuous treatment, community policing and care, schooling and employment services, etc.

In accordance with the Criminal Code of the Republic of China Article 87, a person may be committed to a suitable establishment for custodial protection provided that the circumstances are sufficient to make it believe that he might repeat the offense or be against public safety. How to take into the incarcerated person's wishes and the remedies in the procedure, described as follows :

1. During the execution of custodial protection or the extended period, it shall be assessed annually to decide whether to continue the execution. When the prosecutor designates or changes the method of custodial protection and decides whether to continue the custodial protection, it is necessary to take into account the opinion of the assessment team, and to ask for the opinion of relatives and healthcare providers. (Rehabilitative Disposition Execution Act Article 46-1, 46-2). In accordance with the Guidelines for the work of the custodial protection assessment team, when necessary, the assessment team meets with the person that is sentenced to the disposition of custody. The prosecutor should respect the will of the person that is sentenced to the disposition of custody as much as possible.
2. Custodial protection is one of the rehabilitative disposition measures. With regard to the judge made by the court in accordance with the application referred to in Rehabilitative Disposition Execution Act Paragraph 1, an appeal may be filed within five days. A re-appeal may be filed against the judge made by the court (Rehabilitative Disposition Execution Act Article 28). The sentenced and his statutory agent or spouse shall file an objection to the court which pronounces the judgment upon finding instructions by the prosecutor inappropriate (Code of Criminal Procedure Article).

中文回應：

法務部

有關《刑法》第 87 條延長監護處分期限之修正，說明如下：

- 一、刑法部分：《刑法》第 87 條監護處分改採定期延長、第一次延長為 3 年以下，第二次以後每次延長為 1 年以下，無次數限制，已於 2022 年 2 月 18 日經總統公布施行。
- 二、配合修正保安處分執行法：
 - (一) 多元處遇：檢察官執行監護處分得以依受處分人情況予以多元處遇，視受處分人治療、照護、輔導等情況予以彈性變更；另執行監護處分期間內，每年應將受處分人送請精神專科醫師鑑定、評估，以審認有無繼續執行之必要。
 - (二) 分級分流：鑑於精神醫療及司法資源之有限性，並視受監護處分人之病況給予適當處遇，應依其嚴重程度，分流分級，嚴重者收治於司法精神醫院，一般者可收治於各地區之精神醫療機構，輕微者則或可交由門診處置或付保護管束。
 - (三) 轉銜機制：執行監護處分期滿 3 個月前，由檢察機關召集收治院所之醫事人員及當地衛政、社政、警政、勞政、更生保護會及相關單位人員共同進行期滿前的轉銜會議。透過結合法務、社福、心理衛生、教育、就業及警政等有關部門合作建立機制，提供個案更生保護、持續治療、社區治安與關懷、就學及就業服務等。

有關《刑法》第 87 條延長監護處分期間之修正，程序上如何兼顧受監護處分者之意願及相關救濟，說明如下：

- 一、依《刑法》第 87 條第 4 項規定，執行監護處分或延長期間內，應每年評估有無繼續執行之必要。又依《保安處分執行法》第 46 條之 1、第 46 條之 2 規定，檢察官於指定、變更監護處分方式及決定有無繼續執行監護處分之必要時，得參酌評估小組意見及徵詢受處分人之最近親屬及實際從事醫療照護之人等，另依評估小組作業辦法第 8 條，評估小組認有必要於會議前派員面審受處分人，以兼顧受處分者之意願。
- 二、監護處分為保安處分之一種，受處分人對於監護處分不服，其救濟途徑，應視不服內容之標的而定，若就法院宣告監護或延長監護之裁定不服，得提起抗告（現行《保安處分執行法》第 28 條）。受處分人或其法定代理人或配偶以檢察官執行之指揮為不當者，得向諭知該裁判之法院聲明異議（《刑事訴訟法》第 484 條）。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Access to Justice (art. 13) 第十三條：近用司法	10(a)	Please provide the Committee: With the procedures (for example <i>Rules of Court</i>) governing the provision of procedural accommodations in the criminal and civil justice proceedings;	請向委員會提供下列資訊： 在刑事與民事司法程序中，所提供的關於程序調整之步驟（例如《障礙者近用司法之國際原則與指引》）；

Reply :

Judicial Yuan

The relevant criminal justice procedures provide protection for people with disabilities:

1. Existing mechanisms for assisting people with disabilities to participate in litigation procedures:

(a) Appointment and designation of defenders:

- (i) If the defendant or criminal suspect cannot make a complete statement due to psychosocial disability or other intellectual disabilities, the court shall notify the defendant or criminal suspect's legal representative, spouse, immediate or collateral blood relatives within the third degree, parents, or family members, May independently select and appoint defenders for defendants or criminal suspects (see the front section of Article 27, Paragraph 3 of the Code of Criminal Procedure).
- (ii) When the defendant is unable to make a complete statement due to psychosocial disability or other intellectual disabilities, and does not retain a lawyer appointed by himself or the person who has the authority to select for the defendant during the trial, the presiding judge shall designate a public defender or lawyer to defend the defendant (Article 31, Paragraph 1, Subparagraph 3 of the Code of Criminal Procedure).
- (iii) During the investigation, if the defendant or criminal suspect is unable to make a complete statement due to psychosocial

disability or other intellectual disabilities or has an indigenous identity, and no defender has been selected, the prosecutor, judicial police officer or judicial police shall notify the legally established Legal aid agencies assigned lawyers to defend themselves. (Refer to the front section of Article 31, paragraph 5 of the Code of Criminal Procedure).

(b) Assistants:

- (i) After the defendant or the private prosecutor's spouse, immediate or collateral blood relatives within the third degree of consanguinity, or parent, family member or the defendant's legal representative, he or she may submit a written pleading to the court or verbally state that he is the defendant or private prosecution on the trial date. A person's assistant (see Article 35, Paragraph 1 of the Code of Criminal Procedure).
- (ii) If the defendant or criminal suspect is unable to make a complete statement due to psychosocial disability or other intellectual disabilities, an assistant or a social worker or other professional designated by the social welfare organization shall be present as an assistant to provide necessary assistance to people with disabilities (see the front section of Article 35, Paragraph 3 of the Code of Criminal Procedure).

(c) Accompanying person:

- (i) A professional or a person trusted by the victim may accompany the prosecutor during the investigation or during the investigation by the prosecutorial affairs officer, judicial police officer or judicial police officer, with the consent of the victim, and present their opinions (see Articles 248-1 and 248-3 of the Code of Criminal Procedure).
- (ii) During the court trial, professionals or persons trusted by the victim may be present with the victim's consent (see Articles 271-2 and 271-3 of the Code of Criminal Procedure).

(d) Litigation participation agent

Victims involving important legal interests such as life, body, sexual autonomy, etc. may apply to participate in the litigation of this case; litigation participants may choose an agent; in the case of Article 31, Paragraph 1, Sub-paragraphs 3 to 6 of the Code of Criminal Procedure, the court shall Litigation participants designate an agent; litigation participants and their agents have the right to know the information on the evidence; the court should notify the litigation participants and their agents to be present and listen to their opinions

when preparing for the procedure; the court should ask the litigation participants for the investigation of evidence and their representatives; the court shall give the participants and their representatives an appropriate opportunity to express their opinions on the scope of punishment (Articles 455-38 to 455-47 of the Code of Criminal Procedure).

(e) Stop the trial:

When the defendant has lost his mind or is unable to appear in court due to illness, the court should take the initiative to investigate whether the defendant can effectively participate in the trial, that is, whether the defendant understands the nature of the proceedings, and then has the ability to make claims in his favor. In the aforementioned circumstances, the court shall suspend the trial and continue the trial when the circumstances are eliminated (see Article 294, Paragraph 1 or 2 of the Code of Criminal Procedure).

(f) Exempt witnesses from the obligation to certify:

The court should order witnesses to sign a written oath, but due to mental disability, those who cannot resolve the meaning and effect of the confessions shall not order them to sign a written oath (see Article 186, Paragraph 1, and Subparagraph 2 of the Code of Criminal Procedure).

2. Relevant measures to enable people with disabilities to obtain legal notices, pleadings and information in a timely and unimpeded manner on an equal basis:

(a) When the defendant with disabilities or has a language barrier, the court shall prepare an interpreter for interpretation; when necessary, it may be interrogated in writing or ordered to make a statement in writing, or inform the defendant that he may request an interpreter (see Article 99 of the Code of Criminal Procedure). In order to meet the needs of court interpretation and to protect the litigation rights and interests of people with disabilities, the court adopts the "special interpreter system". The court should hire a special interpreter on a case-by-case basis when there is no current interpreter, or when the current interpreter is inappropriate or insufficient. If a litigant or a related person has a need for interpretation (such as a sign language interpreter), he or she may request the court to use an interpreter, or the court will take the initiative to find out whether there is a need for interpretation and use it according to the needs of the case.

(b) The court has established a courtroom with modernized technologies that can use technological equipment to display documents to assist people with disabilities in participating in the proceedings; Judicial Yuan has also revised the subpoena of the court's criminal division

and added a “Notice of Litigation Rights and Interests of Crime Victims and Complainants”. It contains the precautions that "people with disabilities or other needs of accessibility services may request the court to provide assistance."

- (c) For people with disabilities, defenders, assistants and agents may provide necessary assistance to fully understand the litigation materials and participate effectively and substantively.

Regarding the protection of people with disabilities in civil judicial procedures:

In order to respect the people with disabilities and make them effective, equal and accessible to participate in litigation procedures, the specific measures and guarantees provided to people with disabilities in civil judicial procedures are as follows: if the debater has hearing, voice or language disability, the court shall use an interpreter (Article 207, Paragraph 2 of the Code of Civil Procedure); if a witness is unable to resolve the meaning and effect of the statement due to mental disability, the court shall not order the statement (Article 314 of the Code of Civil Procedure) , Article 31 of the Non-litigation Act shall apply mutatis mutandis Article 314 of the Code of Civil Procedure).

Regarding the protection of people with disabilities in the juvenile and family justice process:

1. A juvenile incident

- (a) Attitude at trial (Article 35 of the Juvenile Justice Act, complies with Principle 3 of the *International Principles and Guidelines on Access to Justice for Persons with Disabilities*).
- (b) Provisions on the protection of the right of expression (Article 3-1, Article 31, Paragraph 1 of the Juvenile Justice Act, complies with Principles 4 and 5 of the *International Principles and Guidelines on Access to Justice for Persons with Disabilities*).

2. Family events

- (a) Procedural Competence for people with Disabilities (Article 14, Paragraph 3 of the Family Act, complies with Principles 1, 3, and 5 of the *International Principles and Guidelines on Access to Justice for Persons with Disabilities*).
- (b) Guardian ad litem system (Articles 15, 62, 109, 165, Article 184, Paragraph 2, Article 185, Paragraph 2 of the Family Act and Article 22 of the Detailed rules regarding the hearing of family matters, etc., complies with Principles 1, 3, and 5 of the *International Principles and Guidelines on Access to Jus-tice for Persons with Disabilities*).

- (c) Social worker escort, psychological or professional assistance (Articles 11, 108, 176, 180, 184 and 185 of the Family Act, complies with Principles 1, 3, and 4 of *the International Principles and Guidelines on Access to Justice for Persons with Disabilities*).
- (d) Interpreter (Article 19 of the Family Act, complies with Principle 4 of the *International Principles and Guidelines on Access to Justice for Persons with Disabilities*).
- (e) Adjustment of Procedures Related to Domestic Violence Prevention
Civil Protection Order Petition (Article 10, Paragraph 1, second paragraph of the Domestic Violence Prevention Act, complies with Principle 8 of the *International Principles and Guidelines on Access to Justice for Persons with Disabilities*).

中文回應：

司法院

一、現行有關協助身心障礙者參與訴訟程序之機制：

(一) 選任及指定辯護人：

1. 被告或犯罪嫌疑人因精神障礙或其他心智缺陷無法為完全之陳述者，法院應通知被告或犯罪嫌疑人之法定代理人、配偶、直系或三親等內旁系血親或家長、家屬，得獨立為被告或犯罪嫌疑人選任辯護人(《刑事訴訟法》第27條第3項前段參照)。
2. 當被告因精神障礙或其他心智缺陷無法為完全之陳述時，於審判中未自行選任或其他得為選任辯護人之人而未選任者，審判長應指定公設辯護人或律師為被告辯護(《刑事訴訟法》第31條第1項第3款參照)。
3. 另偵查中，被告或犯罪嫌疑人因精神障礙或其他心智缺陷無法為完全之陳述或具原住民身分，未經選任辯護人時，檢察官、司法警察官或司法警察應通知依法設立之法律扶助機構指派律師到場為其辯護。(《刑事訴訟法》第31條第5項前段參照)。

(二) 輔佐人：

1. 被告或自訴人之配偶、直系或三親等內旁系血親或家長、家屬或被告之法定代理人於起訴後，得向法院以書狀或於審判期日以言詞陳明為被告或自訴人之輔佐人(《刑事訴訟法》第35條第1項參照)。
2. 被告或犯罪嫌疑人因精神障礙或其他心智缺陷無法為完全之陳述者，應有輔佐人或社福機構指派之社工人員或其他專業人員為輔佐人陪同在場，以提供身心障礙者必要之協助(《刑事訴訟法》第35條第3項前段參照)。

(三) 陪同人：

1. 檢察官於偵查中或檢察事務官、司法警察官或司法警察於調查時，專業人員或被害人信賴之人，經被害人同意後，得陪同在場並陳述意見(《刑事訴訟法》第248條之1、第248條之3參照)。
2. 法院於審判中，專業人員或被害人信賴之人，經被害人同意後，得陪同在場(《刑事訴訟法》第271條之2、第271條之3參照)。

- (四) 訴訟參與代理人：涉及生命、身體、性自主決定等重要法益之被害人得聲請參與本案訴訟；訴訟參與人得選任代理人；《刑事訴訟法》第31條第1項第3款至第6款情形，法院應為訴訟參與人指定代理人；訴訟參與人及其代理人有獲知卷證資

訊的權利；法院行準備程序應通知訴訟參與人及其代理人到場，並聽取意見；法院調查證據應詢問訴訟參與人及其代理人之意見；法院應就科刑範圍予訴訟參與人及其代理人表示意見之適當機會(《刑事訴訟法》第455條之38至第455條之47)。

- (五) 停止審判：當被告有心神喪失或因疾病不能到庭之情形，法院應主動依職權調查被告能否有效參與審判，亦即被告是否理解訴訟程序之性質，進而提出有利於己主張之能力，如認被告具有前述情形，法院應停止審判，於其情形消滅，再繼續審判(《刑事訴訟法》第294條第1項或第2項參照)。
- (六) 免除證人具結義務：法院應命證人具結，但因精神障礙，不解具結意義及效果者，不得令其具結(《刑事訴訟法》第186條第1項第2款參照)。

二、為使障礙者有權在平等基礎上，及時、無礙地取得法律通知、書狀和資訊之相關措施：

- (一) 當被告為身心障礙或語言不通者，法院應準備通譯傳譯之；必要時，並得以文字訊問或命以文字陳述，或告知被告得請求通譯；於其他受訊問或詢問人準用之(《刑事訴訟法》第99條參照)。因應法庭傳譯需求及保障障礙者之訴訟權益，法院採行「特約通譯制度」，法院於無現職通譯、現職通譯不適任或不敷應用時，應逐案約聘特約通譯。訴訟當事人或關係人如有傳譯需求(如手語傳譯員)，得請求法院使用通譯，或由法院審理案件時，主動瞭解有無傳譯需求，並視個案需要使用。
- (二) 法院已建置科技法庭，得使用科技設備展示卷證，以協助身心障礙者參與訴訟程序；另司法院修正法院刑事庭傳票及新增「犯罪被害人及告訴人訴訟權益告知書」，內含「因身心障礙或其他需無障礙服務者，可以請求法院提供協助。」之注意事項，並函知各法院使用。
- (三) 另身心障礙者得由辯護人、輔佐人及代理人提供必要協助，以充分理解訴訟資料，進而有效實質參與。

有關民事司法程序對身心障礙者保障：

為尊重身心障礙當事人之障礙情形，使其有效、均等、無障礙參與訴訟程序，在民事司法程序中，對身心障礙者所提供的特定措施與保障如下：參與辯論人如為聽覺、聲音或語言障礙者，法院應用通譯(《民事訴訟法》第207條第2項)；因精神障礙不解具結意義及其效果之人為證人者，不得令其具結(《民事訴訟法》第314條、《非訟事件法》第31條準用《民事訴訟法》第314條)。

有關少年及家事司法程序對身心障礙者保障：

一、少年事件

- (一) 審理態度(少年事件處理法第35條,符合障礙者近用司法之國際原則與指引之原則3)。
- (二) 表意權保障之規定(少年事件處理法第3條之1、第31條第1項,符合障礙者近用司法之國際原則與指引之原則4、5)。

二、家事事件

- (一) 身心障礙者之程序能力(家事事件法第14條第3項,符合障礙者近用司法之國際原則與指引之原則1、3、5)。
- (二) 程序監理人制度(家事事件法第15條、第62條、第109條、第165條、第184條第2項、第185條第2項及家事事件審理細則第22條等規定,符合障礙者近用司法之國際原則與指引之原則1、3、5)。
- (三) 社工陪同、心理或專業人士協助(家事事件法第11條、第108條、第176條、第180條、第184條及第185條,符合障礙者近用司法之國際原則與指引之原則1、3、4)。
- (四) 通譯(家事事件法第19條規定,符合障礙者近用司法之國際原則與指引之原則4)。
- (五) 家庭暴力防治相關程序調整

民事保護令之聲請(家庭暴力防治法第10條第1項後段,符合障礙者近用司法之國際原則與指引之原則8)。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Access to Justice (art. 13) 第十三條：近用司法	10(b)	Information on whether the State has carried out an audit of disability accessibility of all courtrooms in the State, from the perspective of staff (including judges), parties, witnesses and observers;	從幕僚人員（包括法官）、當事人、證人與觀察人員的角度檢視，國家是否已對國內所有法庭之可及性／無障礙化進行稽核的相關資訊；

Reply :

Judicial Yuan

Positive measures for courtroom accessibility:

1. In 2021, the Judicial Yuan provided the *Guidelines for the Establishment of Barrier-Free Seats in Various Courts of the Court* to the courts at all levels, requesting them to set up accessible court seats based on the guideline for the people with disabilities access to justice. According to the layout, the court should arrange accessible facilities at the entrances, exits, and passages of the courtroom; the audience area should have accessible seats. In addition, given the needs of litigants or related parties, the court can set accessible seats in the trial activity area of the courtroom if there is enough space. Moreover, under Article 4, Paragraph 3 of the Regulations for the Arrangement of Court Seating, the presiding judge can use accessible seats in the audience area for other purposes.
2. When the Judicial Yuan and its affiliated agencies obtain the permit for their building under construction, they must comply with the regulations of the local government about the inspection of the accessible facilities in public buildings. In 2019, the Judicial Yuan had noticed all affiliated agencies to follow the Regulations for the Design of Barrier-Free Facilities in Buildings when planning to construct, expand, modify, or refurbish their building, making the design of accessible buildings a standard for every court building. In addition, according to the regulation mentioned above, each agency should consider safety, convenience, cost-efficiency, and sustainability, as well as the fairness, feasibility, and

versatility of different users when planning their construction projects. Recently, preparing for the implementation of the new citizen judges system and the requirement of accessible facilities, the Judicial Yuan took both needs into account and commissioned the Taiwan Design and Research Institute to investigate, study, and formulate design specifications and modules. For district courts, these design specifications and modules are not only instructions for reforming courtrooms specified for the new system but for improving accessibility in court design. For example, adding ramps, chair lifts, or manual assistance at places that are hard to get through; setting up indicators, notices, or directional graphic guidance at main sections, such as halls, corners, or intersections, to help people find their way easily. For the interior layout, we should only carry out necessary accessible measures based on a careful assessment from the user's perspective, such as matching and adjusting the furniture, seat size, and aisle width in the court area, auditorium, and trial area. The principle is to reduce the physical burden of people with disabilities during activities and to operate the assistive technologies appropriately. After reviewing the relevant spaces of 22 local courts, out of 10 courts and 12 courtrooms have completed the renovation, matching the needs of new court activities and guidelines of accessible facilities and environment. We expect that at the end of 2022, 21 courts and 28 courtrooms will finish their renovation. In the future, we will ask each agency to review, allocate budgets, and renovate periodically under the *Guidelines for the Establishment of Barrier-Free Seats in Various Courts of the Court*.

3. Preparing for the implementation of the Citizen Judges Act in 2023, local courts are working on building the citizen judges courtroom and associated spaces: election venues, inquiry rooms, review rooms, and lounges for citizen judges are all designed with multiple functions and "accessibility of facilities." So citizen judges can participate with ease. Based on the concepts and norms of the CRPD (such as accessible, age-friendly, gender-friendly spaces, etc.), the design of these spaces properly considers situations of people with physical disabilities, visual impairment, and hearing losses to ensure their right to access justice.

中文回應：

司法院

- 一、司法院於2021年函送「法院各類法庭設置無障礙席位之指引」予各級法院，並請各級法院參考前揭指引設置無障礙法庭席位，以確保身心障礙者之司法近用權。就法庭出入口及法庭內之通道已規劃無障礙設施，並設置旁聽區無障礙席位空間，且鑒於訴訟當事人或關係人等亦有使用無障礙席位之需求，倘法庭內審判活動區之空間範圍足夠，可設置無障礙席位，亦可依《法庭席位布置規則》第4條第3項規定，由審判長指定旁聽區之無障礙席位為其他席位使用。已衡酌考量參與法庭活動之各種角色，於法庭空間之可及性。
- 二、司法院暨所屬各機關建物於興建期間取得使用執照時，均需符合當時各所在地政府規範之公共建築物無障礙設施勘檢作業，另司法院為將通用設計納入建築無障礙環境並落實於司法環境中，前已於2019年間函請所屬各機關於辦公廳舍新、增、改、修建時，應依《建築物無障礙設施設計規範》規定辦理設置或改善，按上開規範，各機關於辦理上開事項時，除須考慮安全、便利、經濟、永續之外，並應兼顧不同使用者間之公平、可行及通用性。由於上述無障礙設施設計規範內之無障礙設施，主要以肢體障礙、視覺障礙、聽覺障礙及高齡者為主要對象，爰司法院近期為推動國民法官審判新制實施，而委託台灣設計研究院進行調查研究制訂設計規範及模組，以供各地方法院著手專用法庭空間之改造時，亦請根據法庭空間無障礙設計基本理念，加強就關聯場域進行無障礙動線及設施規劃，如為排除不利通行之處而增設坡道、升降椅或提供人力協助，另在環境中諸如大廳、轉角或交叉口等重要環節，亦予設置指標、告示或方向圖形指引，使人輕易前往目標地點。就室內空間與家具之設置部分，亦請慎重考量使用者情境而設置必要之無障礙措施，如就法檯區、旁聽席及審判活動區內之家具、座位尺寸、走道寬度予以搭配及調整，力求降低障礙者活動時之身體負擔，並可適當操作輔助器具等原則。經檢視22所地方法院相關空間，迄今已完成10所法院12間法庭改造，除滿足新制法庭活動所需外，亦一併強化其相關之無障礙設施及環境指引，預計待2022年底時將共計有21所法院28間法庭完成改造，未來將持續請各機關依「法院各類法庭設置無障礙席位之指引」分期檢討、編列預算及整建改善。
- 三、為因應國民法官法自2023年施行，使國民法官安心參與審判，各地方法院已著手打造國民法官法庭與以多元運用原則規劃的國民法官選任會場、國民法官詢問室、國民法官評議室、國民法官休息室及安全通道等相關連空間，且配備「無障礙設施」。前述空間均參酌《CRPD》之理念規範(如無障礙、高齡、性別友善空間等)及考量包括肢體障礙、視覺障礙、聽覺障礙等情形為適切設計，以確保身心障礙者之司法近用權。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Access to Justice (art. 13) 第十三條：近用司法	10(c)	Information on how many qualified sign language interpreters, including those with Class B license, are available;	目前合格手語翻譯員（包括持有乙級執照的翻譯員）之數量；

Reply :

Judicial Yuan

1. Now, the court has established contracted interpreter candidates for sign language, including 10 interpreters with Class B sign language interpreting licenses and 13 with Class C. In addition, the court may request relevant agencies or units to assist in assigning personnel as temporary interpreters if necessary; if the parties consider suitable sign language interpreters, they can also provide them to the court for reference. In 2021, there will be 39 sign language interpretations in court hearings in the High Court and the District Court, and there is no shortage of demand for sign language court interpretation.
2. On 26 May 2021, the Judicial Yuan revised and promulgated the Regulations for Special Interpretation of Courts, which stipulates that the contracted interpretation of sign language in the court shall have a certificate of qualification for sign language interpretation to comply with Article 61 of the People with Disabilities Rights Protection Act. The intention is to ensure the service is performed with fine quality by those who have passed the proficiency test of sign language interpretation (including grades B and C). The Judicial Yuan is not the competent authority for training or certification for language proficiency and interpreters. For interpreters who want to get appointed by the court, they must meet the specified language certificate standard and the captioning skill to apply for candidates of contracted court interpreters. Courts in charge of the court interpreters system will provide candidates with training on legal knowledge, various trial procedures, interpretation skills,

ethical responsibility, and other courses to ensure the quality of court interpretation.

中文回應：

司法院

- 一、目前法院已建置之手語特約通譯備選人，具乙級手語翻譯證照者 10 名，具丙級手語翻譯證照者 13 名，供法院審理案件有傳譯需求時選任。另法院得因應需要，函請相關機關或單位協助指派人員擔任臨時通譯；當事人如認為有適合之手語翻譯，亦可提供予法院參考，經法院同意合意選任通譯。2021 年高等法院及地方法院案件審理開庭手語傳譯次數 39 次，有關手語法庭傳譯之需求尚無不足之情形。
- 二、司法院已於 2021 年 5 月 26 日修正發布《法院特約通譯辦法》，明定法院手語特約通譯應具有手語翻譯檢定合格證明文件，以符合《身心障礙者權益保障法》第 61 條手語翻譯服務應由手語翻譯技術士技能檢定合格者（包含乙級、丙級）擔任之意旨，及確保傳譯品質。司法院並非專責相關語言、通譯人員訓練、認證之主管機關，通譯需就語言、聽打能力已經一定認證或符合一定條件，始得申請遴選為法院特約通譯備選人。建置法院針對前開備選人，後續並開設有關法律常識、各類審理程序、傳譯技能、倫理責任等課程之教育訓練，以確保法庭傳譯品質。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Access to Justice (art. 13) 第十三條：近用司法	10(d)	An explanation of how criminal and civil judges have been trained in the provision of procedural accommodations to persons with disabilities who are parties or witnesses in criminal and civil proceedings and advise of the curriculum of such training; which persons with disabilities and organizations of persons with disabilities are involved in developing the curriculum and delivering the training; by when all judges will have completed such training; and how disability accessibility is included in the induction training for new judges.	請說明如何培訓刑事與民事法官於刑事與民事訴訟中，針對具身心障礙身分之當事人或證人提供程序調整，以及針對此類訓練課程之建議。並請說明參與課程制定及提供培訓之身心障礙者及其代表組織之名單、所有法官完成此類培訓之時程表，以及如何將可及性／無障礙化課程納入新進法官之職前訓練。

Reply :

Judicial Yuan

1. Instructions on program adjustment, same as point 10(a).
2. Relevant training courses: since December 2020, we have been working on planning the CRPD-related program in judges' on-job training. Also, we have held the declaration of guardianship and assistance, protection and placement events (including instructions on how to implement the CRPD and protect the parties' right to be heard and express) program in the orientation training for judges selected by appointment in December 2021, providing judges and those newly-appointed judges transferred from lawyers the opportunity to participate in the discussion of people with disabilities. Meanwhile, in the same month, we have invited people with disabilities to give lectures, sharing their accessibility needs and issues related to assistance.

3. To improve the professional knowledge of the CRPD implementation of staff in the Juvenile and Family Court in the implementation of CRPD, the Judges Academy provides relevant training every year for judges, juvenile investigation officers, psychometric testing examiners, psychology counselors, family matters investigation officers, and guardian ad litem. And please refer to the response to point 5(d) for detail. The Academy also gives courses in orientation and on-job training by regulation to protect the rights and interests of people with disabilities.
4. The Judges Academy regularly gives courses on related topics so that judges can participate in the training. However, no regulation has required judges of juvenile or family matters to take the training mandatorily.

Ministry of Justice

1. The Judicial Training Program of the Academy for the Judiciary, Ministry of Justice consists of two courses for people with disabilities before their formal appointment. One of the courses is "Introduction to the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of Children" designed in collaboration with the Counseling Center of Soochow University from the perspective of service users; in addition to the lecture by Soochow University's Counseling Center Director, the course also invited Teaching Assistants with disabilities to share with the participants their experiences on the use of the accessibility and reachability measures designed to protect the rights of people with disabilities in our country from the perspective of users, so that the participants could understand and experience the practical meaning of the Convention. The second one is a collaboration between the Department of Psychology, National Taiwan University and the Academy to come up with a lecture on "Matters Needing Attention When Interviewing People with Disabilities and Toddlers". The lecture course will be conducted by an Associate Professor of the Department of Psychology, National Taiwan University, as the main speaker, to help students understand how to make procedural adjustments for parties or witnesses with disabilities and the matters needing attention during the interview process to safeguard their rights.
2. List of people with disabilities and their representative organizations involved in the drawing up of the curriculum development and training:
3 of the consultants are with disabilities from Soochow University Counseling Center.

中文回應：

司法院

一、有關程序調整說明，同點次10 (a)。

二、有關培訓課程部分：

自2020年12月迄今，於現職法官研習課程中規劃辦理(CRPD)相關課程，另於遴選法官職前研習班安排2021年12月辦理「監護、輔助宣告及保護、安置事件(含如何落實《CRPD》精神、落實當事人或關係人聽審請求權及表意權之保障)」課程，以便現職法官及律師轉任法官者，參加身心障礙意識研討會及身心障礙平等培訓課程。並於2021年12月邀請身心障礙者擔任講座，分享身心障礙者無障礙需求及協助相關議題。

三、為提升少家法庭工作團隊(含法官、少年調查官、心測(輔)員、家事調查官、程序監理人)執行CRPD之專業知能，每年於法官學院辦理相關培訓課程情形，參考點次5 (d) 之回應內容，並於渠等新進與在職期間依規定培訓，以保障身心障礙者權益。

四、法官學院定期舉辦相關議題課程，以便法官參與訓練，尚無相關規定規範少年事件、家事事件之法官必須參加訓練。

法務部

一、法務部司法官學院之司法官培訓課程，於正式派任前，與身心障礙者有關之課程計有兩堂。其一是與東吳大學健康暨諮商中心合作，以使用者角度出發，設計「《CRPD》及兒童權利公約介紹」課程；課程除由東吳大學健康暨諮商中心講授上開公約，更邀請具身心障礙身分之助教與學員交流，從使用者角度分享我國為保障身心障礙者權益設計之相關無障礙、可及性措施之使用心得，使學員感同身受上開公約之實際意涵。其二與臺灣大學心理學系合作，規劃「詢問身心障礙及幼齡者應注意事項」課程，由臺灣大學心理學系副教授主講使學員認識應如何對具身心障礙身分之當事人或證人提供程序調整，以及詢問過程應注意之權益保障內容。

二、參與課程制定及提供培訓之身心障礙者及其代表組織之名單：東吳大學健康暨諮商中心，其中3位具身心障礙者身分。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Liberty and security of the person (art. 14) 第十四條：人身自由及安全	11(a)	Please inform the Committee: Of any commitment by the State to the “least restrictive environment” modality of care and support and whether implementation plans have begun, to ensure that persons with disabilities are supported to live in a community of their choice in the least restrictive environment;	請向委員會說明下列事項： 國家對「最少限制環境」之照顧與支持模式之承諾，以及為確保在最少限制環境下支持身心障礙者於其選擇之社區中生活，是否已實施相關計畫；

Reply :

Ministry of Health and Welfare

1. The Long-Term Care Services Act specifies that Long-term care institutions and their personnel shall provide proper care and protection for the users of long-term care services and shall not restrict their physical freedom or engage in any other acts that infringe upon the interests of these users. Violators shall be subject to fines. Additionally, the Ministry of Health and Welfare incorporates the spirit of strengthening social participation, enhancing self-supporting care, and allowing service users to voice their opinions regarding their life arrangements into the evaluation criteria template for community-based long-term care institution accreditation. Local governments are required to refer to the aforementioned template for the development of their own evaluation criteria. The incorporation of these criteria ensures that individuals with physical or mental incapacity can maintain their self-care capacity, integrate into society, and exercise their rights to express their needs and opinions freely.
2. In addition, the People with Disabilities Rights Protection Act prohibits acts including the desertion or physical and emotional abuse and restricting the freedom of people with disabilities. Disability welfare institutions that engage in the aforementioned acts shall be fined under

Article 90 of the Act and be ordered to improve their performance within a specified time. The grading criteria for the accreditation of said institutions require that the institutions protect the rights of people with disabilities to participate in decision-making pertaining to matters in which they are involved and use community resources to help these people integrate into the community. The aim is to minimize the restrictions imposed on people with disabilities at institutions.

3. For people with disabilities to live in communities under minimal restrictions, the Ministry of Health and Welfare has actively urged local governments to deploy resources related to community-based care services for people with disabilities and approved a second-phase plan for deploying care service resources for people with disabilities (from 2021 to 2024), with a goal of 2 percent annual growth in the service coverage in each county and city. The plan encompasses community-based day care services, community day care facilities, family care, and institutional day care services for people with disabilities and services aimed at assisting these people to adapt to the community living setting. Since 2021, the Ministry has also actively operated service sites based on a mental disability cooperation model to help include those with mental disabilities in communities.
4. In 2012, an independent living support services program for people with disabilities was implemented. In this program, people with disabilities make their independent living plans with the assistance of a peer supporter; these people set their independent living goals and may request personal assistance services to help them live independently in communities. In addition, to improve the accessibility of transportation for people with disabilities and to reduce restrictions on their lives in communities, the Ministry has provided the rebus service as well as support services and subsidies for assistive technologies.
5. The Ministry of Health and Welfare subsidizes non-governmental organizations since 2020 to promote the Multi-community life service model of mental illness developing project that provide independent living guidance services and multiple living options and assist psychiatric patients to return to the community. In addition, the draft amendment to the Mental Health Act in 2022 will include the policy planning, promoting and building resources of supportive community. It will be funded after the completion of legal amendments.
6. To ensure the safety of care recipients and the quality of care provided to them and to protect the right of foreign family nursing caregivers to take days off, the Ministry of Health and Welfare and the Ministry of Labor have jointly implemented an expanded respite care service program; under this program, the eligibility requirements for households to hire a foreign family caregiver to provide respite care services have been

loosened. From 1 December, 2020 onward, families with a family member who is classified as having a second or higher level disability by a long-term care management center may apply for respite care services for the period when their foreign family caregiver cannot provide services (e.g., their days off), and these families are not subject to the 30-day-window restriction that is imposed on families that do not employ a foreign family caregiver. Statistics from 2021 indicate that 17,225 people applied for respite care services, which is a 69.3% increase from 10,177 applicants in 2020. The number of applications for respite care services from January to March 2022 was 10,551, which is a 53.7% increase from 6,866 applicants during the same period in 2021.

中文回應：

衛生福利部

- 一、依據《長服法》規定，長期照顧服務機構及其人員應對長照服務使用者予以適當之照顧與保護，不得有違法限制其人身自由或其他侵害其權益之情事；有違反者處予罰鍰。此外，衛生福利部亦將「強化社會參與」、「促進自立支援」、「表達生活安排意願」等精神納入社區式長照機構評鑑基準參考範本，並請各地方政府訂定社區式長照機構評鑑基準時參考，以強化失能身心障礙者維持自我照顧能力、融入社會並自由表達需求及意見之權益。
- 二、另《身權法》規定，對身心障礙者不得有遺棄、身心虐待、限制其自由等行為；身心障礙福利機構若有前述情形，依同法第90條處罰鍰，並限期改善。另身心障礙福利機構評鑑指標要求機構需保障身心障礙者可參與決定與其有關之活動及決策，且透過社區資源連結，使機構內身心障礙者融入社區，以使其在機構中受到最少的限制。
- 三、為讓身心障礙者能在最少限制下，選擇於社區中生活，衛生福利部積極督促各地方政府布建社區式身心障礙者照顧服務資源，並核定各縣市「第2期身心障礙者照顧服務資源布建規劃（2021年—2024年）」，以各縣市服務涵蓋率每年成長2%為目標，布建社區式日間照顧服務、社區日間作業設施、社區居住、家庭托顧及身心障礙機構式日間照顧服務，並自2021年起積極布建精神障礙者協作模式服務據點資源，協助精神障礙者融入社區。
- 四、自2012年起辦理「身心障礙者自立生活支持服務計畫」，由身心障礙者及同儕支持員共同擬定自立生活計畫，訂定自立生活目標，並得使用個人助理之人力協助，以協助身心障礙者自立生活於社區。另為增加身心障礙者外出活動近便性，減少社區生活之限制，提供復康巴士、輔具支持服務及身心障礙者輔具費用補助。
- 五、2020年起開始補助民間團體推動「精神病友多元社區生活方案發展計畫」，提供自主生活指導服務及多元居住選擇，協助精神病人復歸社區。另2022年《精神衛生法》修正草案，亦將社區支持之政策規劃、推動及資源布建等納入，以利後續據以編列相關預算落實推動。
- 六、為保障被照顧者之安全與照顧品質並維護外籍家庭看護工（以下稱外看）請（休）假權益，衛生福利部與勞動部共同規劃聘僱外看家庭申請擴大喘息服務，分階段放寬使用條件，自2020年12月1日起，被照顧者經長期照顧管理中心評估為失能等級第2級（含）以上者，可於所聘外看因故無法照顧（如請（休）假等）期間申請喘息服務，已不受30天空窗期限限制，與未聘外看失能個案相同。經統計2021年聘僱外看家庭使用喘息服務人數為1萬7,225人，較2020年（1萬177人）成長69.3%，已逐年成長。另2022年1月至3月

使用喘息服務人數為1萬551人，較2021年同期（6,866人）成長53.7%。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Liberty and security of the person (art. 14) 第十四條：人身自由及安全	11(b)	Of the rationale for the amendment [27 January 2022] to the <i>Mental Health Act's</i> provision for a national "mental health care command center" and explain its functions and how it could restrain or protect and advance the rights of persons with disabilities;	於 2022 年 1 月 27 日修正之《精神衛生法》中，關於「全國精神照護指揮中心」規定之緣由，並解釋該中心之職務以及其如何約束或保障、促進身心障礙者之權利；

Reply :

Ministry of Health and Welfare

The draft amendment to the Mental Health Act is reviewing in the Legislative Yuan, and there is no provision for the National mental health care command center. The National mental health care command center is planning, and the main purpose is to strengthen the prevention and crisis management of psychiatric patients in the community. In the future, we will use the notification and the mechanisms for emergency management, and work with the medical and public health system to provide active or community-based care for improving the quality of care to psychiatric patients.

中文回應：

衛生福利部

《精神衛生法》目前尚在立法院進行修法程序，修正草案中並無明定「全國精神照護指揮中心」之條文。「全國精神照護指揮中心」主要規劃係為強化精神病人前端預防及危機處理，後續將配合《精神衛生法》修法，搭配通報及緊急處置機制及社區精神病人照護等服務方案，並與醫療及公衛體系密切合作，提供主動或社區照護，提升精神病人在社區照護品質。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Liberty and security of the person (art. 14) 第十四條：人身自由及安全	11(c)i	How: The State intends for a judicial court to review the lawfulness of detention for persons with mental health issues (a medical, not judicial matter).	國家如何規劃司法法院審查關於拘留患有精神健康議題者（此處為醫療問題而非司法問題）之合法性。

Reply :

Judicial Yuan

1. When a defendant with mental health issues commits a crime, Article 19 of the Criminal Code regulates the standard for determining whether their responsibility is affected by a psychosocial disability or other intellectual disabilities. According to the legislative description, the standard for judging the competence of responsibility has two parts: physiological reasons and psychological results. The former can be estimated based on the examination results of medical experts; the court can judge the latter by considering the examination results. Together the court will determine whether the perpetrator is incompetent or has limited liability capacity while committing the crime.
2. When the court reviews the suspension of custody and temporary placement, if they find that the defendant needs a psychiatric evaluation, it may proceed following the provisions of the Code of Criminal Procedure on evaluation. For example, the court may select a person with special knowledge and experience in the matter or someone commissioned by public offices for examination duties. Also, they can entrust hospitals, schools, or other equivalent agencies or organizations to conduct examinations or review examinations of others; when the expert provides a written report as an examination result, the court may, if necessary, have them explain it verbally. The procedures ensure that examination complies with the appropriateness and promptness in practicing laws, protecting the rights and interests of people with disabilities (see Article

198, Article 206, Paragraph 3, and Article 208, Paragraph 1 of the Code of Criminal Procedure).

Ministry of Health and Welfare

Considering the mandatory hospitalization may deprive an individual of personal freedom, the permission of mandatory hospitalization have changed from the Review Committee to court in the draft amendments to the Mental Health Act. Besides, for involving the professional field of medicine and including diverse viewpoints, the permission of mandatory hospitalization will be decide with judge and jury whom comprises psychiatrist and the representative of patient's rights and interests alliance.

中文回應：

司法院

- 一、有關患有精神健康問題之被告為犯罪行為時，是否有因精神障礙或其他心智障礙致影響其責任能力有無之判斷標準，《刑法》第19條已有規範，依其立法說明，責任能力有無之判斷標準，可區分為生理原因及心理結果，前者可依醫學專家之鑑定結果為據，而後者則由法院參酌鑑定之結果作成判斷，以決定行為人於行為時，究屬無責任能力或限制責任能力與否。
- 二、法院為停止羈押、暫行安置之審查時，如認被告有送精神鑑定之必要，得依《刑事訴訟法》關於鑑定之規定辦理，例如得選任就該事項有特別知識經驗之人或經政府機關委任有鑑定職務者；得囑託醫院、學校或其他相當之機關、團體為鑑定，或審查他人之鑑定；當鑑定結果為書面報告，法院於必要時得使鑑定人以言詞說明，以符裁判上認事用法之適當性及妥速性，並保障身心障礙者之權益(《刑事訴訟法》第198條、第206條第3項、第208條第1項參照)。

衛生福利部

考量強制住院涉及人身自由之限制，為呼應《CRPD》精神及法官保留原則，《精神衛生法》修正草案已將強制住院改由法院裁定，另因涉及醫療專門領域，為廣納多元觀點，修正草案中將改由法官與參審員（精神科專科醫師及病人權益促進團體代表）共同審理。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Liberty and security of the person (art. 14) 第十四條：人身自由及安全	11(c)ii	How: Each person subject to unlawful restriction on their communication with the outside world and / or deprived of their liberty in a mental facility can access an independent informed specialized legal representative free of charge, to challenge the lawfulness of their detention, and the conditions of their detention.	受到非法限制無法與外界交流及／或在精神醫療機構中被剝奪自由之個體，如何免費獲得獨立之知情且專門之法律代表，以質疑拘留他們的合法性及拘留條件。

Reply :

Judicial Yuan

1. According to Article 1, Paragraph 1 of the Habeas Corpus Act, amended on 8 July 2014, a person who is arrested or detained by an organ besides the court may ask the district court that has jurisdiction over where the arrest or detention happens for a petition of habeas corpus by themselves or others. The court will examine the legal basis, reasons, and procedures of arrest or detention in the petition; for legal assistance, Article 8 of the Habeas Corpus Act stipulates that other related procedural provisions in the statutory law shall be applied mutatis mutandis. Besides applying for court rulings, severe patients under the Mental Health Act who are subject to compulsory hospitalization can choose to apply to the court for habeas corpus following the provisions of the Act on Judgment.
2. To comply with the practice of the Habeas Corpus Act, the Legal Aid Foundation (hereinafter referred to as the Foundation), approved by the 16th Board of Directors of the 4th session of the association, has launched the Lawyer Accompanying Project for Habeas Corpus Cases since 2014. Recipients of the Foundation can ask lawyers of the Foundation to protect their freedom and rights if they get arrested or detained by

any agency except the court (including the Mental Health Act, emergency placement of children, etc.) without examining their financial status again. This project provides 24 hours free and immediate service. Once you get arrested or detained, you and your relatives and friends can apply to the Foundation for a lawyer's escort service for habeas corpus cases in two conditions: you have a writ of habeas corpus issued by the court, or you can state the fact, time, and place of your arrest and detention. In 2021, this project has accepted 24 application cases and supported all of them.

3. Under Article 31, Paragraph 5 of the Code of Criminal Procedure, defendants or criminal suspects who can not make a complete statement due to mental or other intellectual disabilities or are indigenous and do not retain a lawyer during the investigation must have a lawyer to defend them. In this situation, prosecutors and polices shall notify the statutory legal aid agency to assign a lawyer to the scene for their defense. Therefore, following the above regulations, if the police agency detains or arrests people with disabilities, they will take the initiative to notify the Foundation to assign lawyers to provide legal assistance.
4. When it comes to immediate legal assistance for severe patients with mental illness, it is difficult for these people to contact outside and seek judicial relief. So to protect human rights, the draft amendment to the Mental Health Act, proposed by the Executive Yuan, demands the designated psychiatric institutions assist in noticing the central competent authority and provide necessary legal assistance to severe patients with mental illness in emergency placement. The draft amendment is currently under consideration by the Legislative Yuan.

Ministry of Health and Welfare

During the emergency placement and mandatory hospitalization, severe psychiatric patients can file a petition or petition to the court for the ruling of ceasing the emergency placement or mandatory hospitalization through the dual ways of administrative and judicial remedy to ensure the patient's human rights. Moreover, the draft amendments to the Mental Health Act add that during emergency placement, the designated psychiatric institutions shall notify the legal aid institution to provide necessary legal aid.

中文回應：

司法院

- 一、2014年7月8日修正施行之《提審法》第1條第1項，人民被法院以外之任何機關逮捕、拘禁時，其本人或他人得向逮捕、拘禁地之地方法院聲請提審。關於提審之聲請，法院係就逮捕、拘禁之法律依據、原因及程序進行審查；有關提審案件審查程序之法律協助，依《提審法》第8條規定係準用其他相關法律規定之程序。《精神衛生法》所定嚴重病人經許可強制住院者，除可向法院聲請裁定停止強制住院外，亦可依前揭《提審法》規定，向法院聲請提審。
- 二、財團法人法律扶助基金會（下稱基金會）即配合《提審法》之施行，經該會第4屆第16次董事會決議通過，自2014年開辦「提審案件律師陪同專案」，針對受扶助對象被法院以外之任何機關逮捕、拘禁(包括《精神衛生法》、兒少緊急安置等)時，可透過法律扶助基金會之律師，協助保障其人身自由權利，無須審查受扶助對象全戶之資力及案件情況。提供24小時免費、即時之服務，如果民眾有遭受法院以外的機關逮捕或拘禁之情形，經法院核發「提審票」或「尚未核發提審票，但能陳明遭受逮捕拘禁之事實、時間、地點」時，被逮捕、拘禁之人或其親友，皆可向基金會申請提審案件律師陪同服務，該會即會安排免費律師陪同，可即時保障及協助受逮捕、拘禁民眾之權利。基金會「提審案件律師陪同專案」2021年共受理24件申請案件，並全數准予扶助。
- 三、依據《刑事訴訟法》第31條第5項規定，被告或犯罪嫌疑人因精神障礙或其他心智障礙無法為完全之陳述或具原住民身分者，於偵查中未經選任辯護人，檢察官、司法警察官或司法警察應通知依法設立之法律扶助機構指派律師到場為其辯護。因此警察機關有拘提、逮捕身心障礙者之情形，即會依上開規定主動通知法律扶助基金會指派律師到場提供法律協助。
- 四、有關嚴重病人立即之法律協助部分，行政院提出之精神衛生法修正草案中考量嚴重病人難與外界聯繫以尋求司法救濟，為使其得依法主張權利，維護其應有權益，緊急安置期間，應由指定精神機構協助通報中央主管機關，提供嚴重病人必要之法律扶助，以完善嚴重病人之人權保障，目前修正草案已於立法院審議中。

衛生福利部

嚴重精神病人於緊急安置期間，可透過行政、司法之雙重救濟管道，提出訴願或向法院聲請停止緊急安置，以確保病人人權；另於《精神衛生法》修正草案增訂嚴重病人緊急安置期間，應由指定精神醫療機構通報法律扶助機構，以提供必要之法律扶助。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom from torture or cruel, inhuman or degrading treatment or punishment (art.15) 第十五條：免於酷刑或殘忍、不人道或有辱人格之對待或處罰	12(a)	Please inform the Committee on: Data available to monitor the use of, and reduction of practices involving seclusion and restraint;	請向委員會說明下列事項： 監督採取隔離與約束之做法及減少此類做法之相關資料；

Reply :

Ministry of Health and Welfare

1. The People with Disabilities Rights Protection Act prohibits acts such as desertion, physical and emotional abuse, and restriction of freedom of people with disabilities. Disability welfare institutions that engage in the aforementioned acts shall be fined under Article 90 of the Act and be ordered to improve their performance within a specified time. Local governments should conduct at least two unannounced inspections each year of disability welfare institutions to check for any inappropriate imposition of mobility or physical restrictions on the institutional service users. For psychiatric hospitals, regular accreditation entails inspection of the quality and appropriateness of these hospitals' practices including isolating and restricting patients.

2. The Senior Citizens Welfare Act prohibits deserting, abusing, or physically or emotionally harming elderly adults. An elderly welfare institution that engages in the aforementioned acts shall be fined in accordance with the Act, the names of the institution and its manager will be made public, and the institution will be ordered to improve its performance within a specified time. Local governments should conduct at least one unannounced joint inspection each year in elderly welfare institutions under their jurisdiction to check for any inappropriate restrictions imposed on the institutional service receivers.
3. The Executive Yuan published the standard contract template for regular nursing homes in 2007 and approved the list of items that must be included or excluded from the standard contract for nursing (long-term care) institutions in 2012; the contract provides guidelines and a consent form on the implementation of restrictions. These guidelines require institutions to document their implementation of restrictions for future reference and review. The Executive Yuan is currently working on the standard contract template for long-term care institutions, which will also include the aforementioned guidelines. The monitoring of nursing institutions by administrative authorities is conducted through regular assessments, accreditations, and nonroutine inspections.

中文回應：

衛生福利部

- 一、依據《身權法》規定，對身心障礙者不得有遺棄、身心虐待、限制其自由等行為；身心障礙福利機構若有前述情形，依同法第 90 條處罰鍰，並限期改善。各地方政府主管機關每年對身心障礙福利機構至少辦理 2 次不預先通知查核，監督機構對於服務對象是否有不適宜的活動限制或身體約束。另外，在精神科醫院部分，則藉由定期評鑑機制，查核監測精神科醫院中針對精神病人使用隔離、約束等做法之品質及妥適性等狀況。
- 二、依據《老人福利法》規定，對老人不得有遺棄、虐待、妨害其身心健康情形；老人福利機構若有前述情形，應依同法處罰鍰，並公告其名稱與負責人姓名及限期令其改善。各地方政府主管機關對所轄老人福利機構每年至少辦理 1 次無預警不定期聯合稽查，監督機構對於服務對象是否有不適宜的約束。
- 三、行政院前於 2007 年公布一般護理之家定型化契約範本、2012 年通過老人養護（長期照護）機構定型化契約及其應記載與不得記載事項，已載明使用約束準則及同意書，前述準則已規範機構必須保存約束的使用記錄，以作為日後的參考與檢討，另長照機構之定型化契約範本刻正訂定中，亦將納入前開規定。有關行政機關監測情形，透過例行性督導考核、評鑑、不定期稽查等方式辦理。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom from torture or cruel, inhuman or degrading treatment or punishment (art.15) 第十五第十五條： 免於酷刑或殘忍、不人道或有辱人格之對待或處罰	12(b)	How the State is preventing the use of degrading and inhuman practices, such as seclusion and restraint (both physical and pharmaceutical) and instead ensuring that staff utilise less restrictive options (i.e. behavioural management techniques) for individuals with disabilities in particular living arrangements and/or with acute mental health issues;	國家如何預防採取有辱人格與不人道之做法，例如（藉由肉體上或藥物的）隔離與約束，並確保工作人員在與具有特定生活安排及／或有急性精神健康議題之身心障礙者應對時，採取限制較少之做法（即行為管理技能）；

Reply :

Ministry of Health and Welfare

1. A minimum of two unannounced inspections of disability welfare institutions are to be conducted annually. To uphold the rights to be protected under the People with Disabilities Rights Protection Act, inspectors shall check for any inappropriate imposition of mobility or physical restrictions on institutional service users to ensure that no inappropriate isolation or restriction practices have been imposed on these services users. Furthermore, specific support measures have been established for people s with disabilities who exhibit serious emotional or behavioral issues in the accreditation grading criteria for disability welfare institutions. Specifically, these institutions are required to observe the behavior of and implement support strategies for those who need behavior support. A positive behavior support program has also been launched for

people with disabilities who exhibit serious emotional or behavioral issues; under this program, a behavioral consultation team is established to equip institutional staff with professional knowledge and skills and assist them in addressing serious emotional or behavioral issues of institutional service users through behavioral guidance, with the aim of preventing restriction practices at institutions.

2. A minimum of one unannounced joint inspection of elderly welfare institutions is to be conducted annually. According to the rights to be protected under the Senior Citizens Welfare Act, these institutions shall be inspected to determine whether they have obtained the consent of the residents themselves or their family members for any restrictions imposed on residents. This is to prevent maltreatment of institutional service receivers.
3. In accordance with the provisions of the Mental Health Act and the accreditation criteria of psychiatric hospitals, regulate the isolation and restrain measures required for the treatment of psychiatric patients to ensure patient safety mechanisms. (a) Provisions are made for restraining or restricting the movement of psychiatric patients. (b) There should be a doctor's order to restrain the patient's body or limit its range of activities. (c) For the care of patients under restraint, regular visits must be made and the patient's physiological needs can be provided, attention should be paid to breathing and limb circulation, and accidents should be prevented. (d) Before implementation, it should be confirmed that the patient or family member fully understands the necessity of restricting movement.
4. Guidelines and consent forms for the use of restraints, which are stated in the formal contracts of general nursing homes and geriatric and long-term care institutions, include the following statement: Restraints are used to prevent residents from harming themselves or others and must not be used as punishments, as substitute care for residents, or for the convenience of employees. Under the principle of avoiding or minimizing the use of restraints, in the event that residents harm themselves or others or frequently fall or encounter other matters with safety concerns, cannot be stopped after persuasion, cannot be dealt with using other alternative measures, and are determined as requiring restraints by doctors or nursing personnel who have worked in clinical nursing for 3 years or longer according to the existing diagnosis records, institution authorities must explain the necessity of restraints to residents or their family members and acquire the written consents signed by them in advance.
5. Among the Ministry of Health and Welfare's evaluation criteria for residential long-term care institutions, the Resident Privacy and Home Environment Creation criterion requires institutions to enhance their protection of personal space and privacy. For safety reasons, institutions may install thermographic cameras in the areas where they are required if the long-term care service users, their family members, or their

statutory agents consent to the installation of such cameras; this arrangement ensures both the safety and privacy of residents.

中文回應：

衛生福利部

- 一、對身心障礙福利機構透過每年至少辦理 2 次不預先通知查核，其中權益保障項目明定查核人員應檢視機構對於服務對象是否有不適宜的活動限制或身體約束之情形，以確保機構內身心障礙者無受到不恰當之隔離或約束。同時，針對有嚴重情緒行為問題之身心障礙者，於身心障礙福利機構評鑑指標訂有特殊支持措施項目，要求機構針對有行為支持需求者，應提供行為觀察及支持策略；另透過「身心障礙者嚴重情緒行為正向支持計畫」，其專業行為輔導團隊提供機構工作人員專業知能，並協助工作人員以行為輔導措施處理嚴重情緒行為個案問題，以避免機構採取約束措施。
- 二、對老人福利機構每年至少辦理 1 次無預警不定期聯合稽查，其中權益保障項目明定查核對住民約束，有無取得本人或家屬同意，以確保機構內服務對象無受到不恰當之對待。
- 三、依《精神衛生法》規定及精神科醫院評鑑基準，規範提供因精神病人治療需要的隔離、約束措施，以確保病人安全機制，重點包括：(1) 應訂定實施行動限制的作業常規。(2) 約束病人身體或限制其活動範圍應有醫囑。(3) 對約束中的病人照護，須定時探視且能提供病人生理需求、注意呼吸及肢體循環並防範意外事件發生。(4) 執行前應確認病人或家屬充分瞭解限制行動之必要性，並取得病人或家屬同意書。
- 四、一般護理之家定型化契約範本及老人福利機構養護（長期照護）定型化契約已載明使用約束準則及同意書，明定：約束的使用是為了防範住民自傷或傷人，絕對不可以作為懲罰、替代照顧住民或方便員工而使用；應以無約束或最少約束為原則，住民倘有傷害自己或他人之行為或常有跌倒或其他情事，而有安全顧慮之虞之行為，經勸阻、疏導無法制止，且無其他替代照顧措施者，並經醫師診斷或有臨床護理工作 3 年以上護理人員參酌醫師既往診斷紀錄，得於必要時經評估有約束之必要後，必須向住民或住民家屬說明，應事先取得同意，並簽定約束同意書。
- 五、衛生福利部住宿式長期照顧服務機構評鑑基準之「住民隱私權及居家情境佈置情形」指標，業要求機構應加強個人空間隱私之維護，倘機構於維護長照服務使用者安全之必要範圍內，經使用者或其家屬、法定代理人等同意，得採設置熱影像照護技術等方式，以兼顧住民之安全及隱私。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom from torture or cruel, inhuman or degrading treatment or punishment (art.15) 第十五第十五條： 免於酷刑或殘忍、不人道或有辱人格之對待或處罰	12(c)	Any plans by the Ministry of Health and Welfare and other Ministries and human services agencies to introduce policies that monitor, promote best practice and prevent, reduce and where safe and possible, eliminate the use of seclusion and restraint in all settings.	衛生福利部及其他部會與人群服務機構是否有制定任何計畫，以引入可監測、促進最佳實踐，同時預防、減少隔離與約束的政策，進而在安全、可能的情况下，於所有環境中消除隔離與約束政策的使用。

Reply :

Ministry of Health and Welfare

1. Accreditations and irregular inspections are conducted to supervise the imposition of restrictions on residents by long-term care institutions; these inspections are conducted to verify whether the restrictions are based on physician diagnoses or the professional judgment and individualized assessment of nurses and whether consent has been obtained from the residents, their family members, or their agent. A system may also be established to obtain feedback from the family members of institutional residents. Institutions are required to follow the specified procedure for imposing restrictions, conduct regular (quarterly) analyses and reviews of their restriction practices, and improve said practices accordingly to minimize the imposition of restrictions and to ensure the safety of their residents and the quality of their care services. The

Ministry of Health and Welfare has also launched a program to increase the quality of residential service institutions; the program comprises individualized support service plans that are designed to improve the self-care capacity of institutional service receivers. The program is designed to monitor institutions and encourage optimal practices while preventing, reducing, and on the conditions of safety and practicality eliminating segregation and restriction practices in all environments.

2. A minimum of two unannounced inspections are to be conducted to supervise disability welfare institutions to identify any inappropriate activities involving mobility or physical restrictions of institutional service receivers. A professional behavioral consultation team is commissioned to assist these institutions in addressing serious emotional or behavioral issues of institutional service receivers through behavioral guidance, with the aim of minimizing restriction practices at institutions. Psychiatric hospitals, regularly implement the accreditation of psychiatric hospitals to monitor the quality and appropriateness of the use of isolation and restraint for psychiatric patients in psychiatric hospitals, so as to help prevent or gradually reduce the use of unnecessary isolation and restraint measures for psychiatric patients in the psychiatric hospitals.
3. A minimum of one unannounced, irregular joint inspection is to be conducted to inspect elderly welfare institutions for any inappropriate restriction of the institutional service receivers. Additionally, the Ministry of Health and Welfare's accreditation criteria for elderly welfare institutions have incorporated these institutions' restriction practices and the presence of a procedure for reviewing their restriction practices to examine the appropriateness of the imposed restrictions. Appropriateness is determined by whether restrictions are based on a physician's or a nurse's professional judgment and individualized assessment and whether consent has been obtained from the service receivers, their family members, or their agents. Since 2018, the Ministry of Health and Welfare has extended the coverage of its rewards and subsidies to include training programs aimed at enhancing self-supporting care services at elderly welfare institutions. This is to encourage private agencies to, through systematic guidance, empower elderly welfare institutions to adopt a self-supporting care service model; these agencies shall inform elderly welfare institutions of the core notion of such a care model, guide the institutions to comprehensively implement the model, and supervise and visit these institutions during the implementation of the model to enhance the training outcome. The program is expected to overturn the traditional convenience-oriented care model at elderly welfare institutions and establish a new model centered on improving older adults' ability to live independently.

4. In general nursing homes, if restraints are abused or used without proper documentation in accordance with the guidelines and consent forms on the use of restraints as stated in the formal contracts of general nursing homes, the use of restraints constitutes a violation of the contracts. Victims who have their rights infringed thereof may seek compensation through judicial means. The matters related to the monitoring tasks of relevant administrative bodies shall be handled through routine supervision and evaluations as well as irregular inspections.

中文回應：

衛生福利部

- 一、持續透過評鑑及不定期查核機制，監督長期照顧服務機構對於住民之約束，是否確實經醫師診斷或護理人員專業判斷及個別化評估，且取得服務對象、家屬或委託人之同意；亦得透過機構住民家屬回饋機制，督管機構除依所訂約束流程執行外，並應定期（每季）進行分析及檢討改善，儘量消除機構內約束之行為，同時兼顧住民安全權益及照顧品質。另衛生福利部辦理「住宿式服務機構品質提升卓越計畫」已訂有提升服務對象自我照顧能力之促進或完成擬訂個別化支持服務計畫，藉以達到監測及促進最佳實踐，同時亦可預防、減少並在安全、可能的情況下，消除在所有環境中使用隔離與約束的政策。
- 二、持續透過每年至少2次不預先通知查核，監督身心障礙福利機構對於服務對象是否有不適宜活動限制或身體約束之情形；並委託專業行為輔導團隊，協助機構以行為輔導措施處理嚴重情緒行為個案問題，儘量消除機構內約束行為。在精神科醫院部分，則定期辦理精神科醫院評鑑機制，監測精神科醫院中針對精神病人使用隔離、約束等做法之品質及其妥適性，以助於防範或逐步減少在醫療環境中，對精神病人使用非必要之隔離與約束措施。
- 三、持續透過每年至少1次之無預警不定期聯合稽查，查核老人福利機構對於服務對象是否有不適當身體約束之情形。另於衛生福利部辦理老人福利機構評鑑之指標，納入服務對象約束及監測情形，檢視是否確實經醫師診斷或護理人員專業判斷及個別化評估，且取得服務對象、家屬或委託人之同意，無不當約束之情形。另衛生福利部自2018年將「加強老人福利機構自立支援照顧服務培訓方案」納入獎助項目，鼓勵民間單位透過系統性的輔導，培力老人福利機構導入自立支援照顧服務模式，從基本核心照顧理念的認識到落實執行，以及執行期間督導訪視機制，強化培訓效益，翻轉老人福利機構以服務提供便利性為主的照顧模式，改以提升老人自主生活能力為目標。
- 四、一般護理之家部分，若未依一般護理之家定型化契約範本已載明使用約束準則及同意書等規定辦理，濫用約束、未確實記錄使用約束情形等，則違反契約規定。所致權利侵害，得循司法途徑請求賠償。有關行政機關監測情形，透過例行性督導考核、評鑑、不定期稽查等方式辦理。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom from exploitation, violence and abuse (art.16) 第十六條：免於剝削、暴力及虐待	13(a)	Please provide the Committee with: The current statistics of reported abuse, neglect, sexual assault, gender-based violence and domestic violence of victims who are persons with disabilities, the timing and range of follow up actions, including punishment for the perpetrator, duly compensating the victims, and measures to protect their human rights by providing, for example, shelters;	請向委員會提供下列資訊： 目前通報的資料中，身心障礙者遭受虐待、疏忽、性侵害、性別暴力與家庭暴力的統計資料、後續行動的時程與範圍，包括對加害人的懲罰、對受害者的適當賠償以及透過提供庇護等保障身心障礙受害者人權的措施；

Reply :

Ministry of Health and Welfare

1. The numbers of reported cases of the mistreatment of people with disabilities from 2016 to 2020 are listed in Table 13.1.
2. According to Articles 75, 76, and 77 of the People with Disabilities Rights Protection Act, regarding inappropriate actions committed against people with disabilities, such as physical and emotional abuse, freedom restriction, and neglect and abandonment in specific environments or situations in which people with disabilities may be vulnerable to danger or harm, local governments shall conduct a visit and investigation in the 24 hours after receiving such a report. The investigation report shall be submitted within 4 days after receipt of the case to facilitate the provision of timely assistance. Furthermore, according to Articles 77 and 78 of the Act, if people with disabilities' are endangered mortally, physically, or economically, local governments shall provide appropriate protection and settlement on the basis of requests made by themselves, legal representatives, or relevant authorities following completion of a needs assessment. The assessment consists of visiting people with a

disability. In this case, the overseeing social workers can directly provide relevant services to people with disabilities or arrange referrals depending on disabilities and individual needs, such as physical and mental health treatment, counseling, social and psychological assessment and related treatment, financial assistance, legal support, education services, housing advice, and employment services.

3. In terms of the section describing the punishment of perpetrators, Article 95 of the People with Disabilities Rights Protection Act provides that any individual who mistreats people with a disability is to be fined a sum of no less than NT\$30,000 and no more than NT\$150,000, and their name is to be placed on a public record. Regarding home caregivers or family members of a person with a disability who violate related regulations, local governments shall order them to attend family education and guidance sessions for no less than 8 hours and no more than 50 hours. If the perpetrator does not abide by the order of the competent authority to attend these lessons and guidance sessions or the attendance hours are insufficient, the perpetrator is to be fined a sum of no less than NT\$3,000 and no more than NT\$15,000 and may be fined per violation until they comply with the order.

Table 13.1 Reported cases of the mistreatment of people with disabilities from 2016 to 2020

Year	Domestic violence					Sexual assault	Mistreatment of people with disabilities by institutional staff	Other
	Violence in intimate relationships	Child protection	Abuse of senior lineal relatives over 65 years by junior relatives	Violence by other family members	Subtotal			
2016	2,460	725	803	1,802	6,938	955	19	997
2017	2,600	813	881	1,892	7,403	1,080	20	1,142
2018	2,705	804	967	1,963	7,858	1,113	24	1,219
2019	2,756	586	992	3,906	8,240	650	35	1,304
2020	2,941	659	1,257	4,303	9,160	714	42	1,398
2021	3,063	959	1,422	4,617	10,061	730	52	1,282

Source: Ministry of Health and Welfare

Notes

1. Range and subjects of the statistics: The reports received by the municipal and local governments regarding the acts stipulated in Article 75 of the People with Disabilities Rights Protection Act or regarding people with disabilities victimized on the basis of the acts stipulated in Articles 53 and 54 of the Protection of Children and Youths Welfare and Rights Act, Articles 41 and 42 of the Senior Citizens Welfare Act, or the regulations in the Domestic Violence Prevention Act and Sexual Assault Crime Prevention Act.
2. Since 2019, the National Domestic Violence 、 Sexual Assault and Children -Juvenile Protection Information System has been interfaced with the Information

Integration Platform for National Welfare of Persons with Disabilities, and the number of people with disabilities has been excluded from the statistics.

3. Regarding the number of domestic violence cases, each person is counted as one case in 1 year, regardless of the reporting frequency.

中文回應：

衛生福利部

一、2016 年至 2020 年身心障礙者遭受不當對待通報人數如表 13.1。

二、依《身權法》第 75、76 及 77 條規定，身心障礙者倘遭受身心虐待、限制其自由、留置無生活自理能力之身心障礙者於易發生危險或傷害之環境等對身心障礙者或利用身心障礙者為不正當之行為，地方政府皆須於知悉或接獲通報後 24 小時內訪視調查，並應於受理案件後 4 日內提出調查報告，俾及時提供相關協助。另依該法第 77 及 78 條規定，倘身心障礙者有生命、身體之危難或生活陷於困境之虞者，地方政府得依申請或職權，經調查評估後，予以適當保護安置。調查以訪視身心障礙者為原則，並由主責社工人員視個案身心障礙狀況及個別性需求提供或轉介相關身心治療、諮商、社會與心理評估及處置、經濟扶助、法律服務、就學服務、住宅輔導、就業服務。

三、針對加害人懲罰一節，依《身權法》第 95 條規定略以，對身心障礙者進行不當對待者，處新臺幣 3 萬元以上 15 萬元以下罰鍰，並得公告其姓名。身心障礙者之家庭照顧者或家庭成員違反者，地方政府應令其接受 8 小時以上 50 小時以下之家庭教育及輔導；拒不接受家庭教育及輔導或時數不足者，處新臺幣 3000 元以上 1 萬 5000 元以下罰鍰，經再通知仍不接受者，得按次處罰至其參加為止。

表 13.1-2016 年至 2020 年身心障礙者遭受不當對待通報人數

年別	家庭暴力					性侵害	身心障礙者遭受機構人員不當對待	其他
	親密關係暴力	兒少保護	直系血親卑親屬虐待 65 歲以上尊親屬	其他家庭成員暴力	小計			
2016	2,460	725	803	1,802	6,938	955	19	997
2017	2,600	813	881	1,892	7,403	1,080	20	1,142
2018	2,705	804	967	1,963	7,858	1,113	24	1,219
2019	2,756	586	992	3,906	8,240	650	35	1,304
2020	2,941	659	1,257	4,303	9,160	714	42	1,398
2021	3,063	959	1,422	4,617	10,061	730	52	1,282

資料來源：衛生福利部

說明：

1. 統計範圍及對象：凡各直轄市、縣（市）政府接受通報有《身權法》第 75 條、或身心障礙者遭受《兒少法》第 53 及 54 條、《老人福利法》第 41 及 42 條、《家庭暴力防治法》及《性侵害犯罪防治法》所定情事。
2. 2019 年起保護資訊系統已介接全國身心障礙福利資訊整合平台，統計已排除疑似身心障礙者人數。
3. 有關家庭暴力事件，各該年度內曾受暴人數，同一人在同一年度中，不論通報幾次皆計 1 人次。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom from exploitation, violence and abuse (art.16) 第十六條：免於剝削、暴力及虐待	13(b)	Data relating to how often local authorities conduct unannounced inspections of residential institutions and whether they are able to ensure relevant regulations / standards are followed;	地方政府對住宿式機構進行突擊檢查的頻率，以及是否能夠確實遵守相關法規／標準的相關資料；

Reply :

Ministry of Health and Welfare

1. The Regulations for the Establishment, Approval, and Management of Long-Term Care Institutions specify that the local government shall perform at least one inspection per year, together with the relevant industry competent authority, without giving prior notice. Long-term care service institutions shall provide the assistance necessary for inspections.
2. The competent authorities of local governments shall conduct at least two unannounced inspections annually of disability welfare institutions to monitor whether any inappropriate mobility or physical restrictions are being imposed on the institutional service receivers. No such restrictions were discovered in the 2021 inspections.
3. To enhance service quality at elderly welfare institutions, the Ministry of Health and Welfare requires local governments to, in cooperation with social service, health service, fire, construction management, and labor agencies, conduct at least one unannounced irregular joint inspection annually of elderly welfare institutions under their jurisdiction. Institutions found in violation of related regulations may be ordered to improve their practices within a specified time period, fined, or suspended from operating and shall be put on a watchlist until the required

improvement has been made. The inspection results and sanctions imposed shall be documented and reported quarterly through official letters to the Ministry of Health and Welfare. To compel thorough implementation of the aforementioned inspections by local governments, the implementation status has been incorporated as an indicator in the central authorities' on-site evaluation of local social welfare performance. The implementation status includes the result of unannounced joint inspections and sanctions imposed as a result of violations or inappropriate practices.

4. The Mental Health Act has stipulated the protection of patients' rights and interests. In addition, through the implementation of irregular visits by psychiatric care institutions, continuous supervision of institutions. When the institutions have a major violation of law and regulations, the central or local competent authority can conduct on-the-spot inspections, supervise and assist in providing suggestions for institutions through the mechanism.

中文回應：

衛生福利部

- 一、《長期照顧服務機構設立許可及管理辦法》已明定直轄市、縣（市）主管機關應每年至少辦理一次不預先通知檢查，並結合各目的事業主管機關辦理；長照機構應提供必要之協助，不得規避、妨礙或拒絕。
- 二、地方政府主管機關每年對身心障礙福利機構至少辦理2次不預先通知查核，監督機構對於服務對象是否有不適宜的活動限制或身體約束，2021年度未查獲機構有不適當之約束行為。
- 三、為加強提升老人福利機構服務品質，衛生福利部業督請各地方政府應聯合社政、衛政、消防、建管及勞動等單位，對所轄老人福利機構每年至少辦理1次無預警不定期聯合稽查。如查有不符規定者，應依法裁處限期令其改善、罰鍰及停辦等，並追蹤列管至改善為止；相關查核結果及裁處情形，並應按季函送衛生福利部。為督促地方政府落實辦理前開查核機制，業將辦理情形納入中央對直轄市與縣（市）政府執行社會福利績效實地考核之指標，包括辦理無預警聯合輔導查核情形，及查有違規或不當之裁處情形。
- 四、《精神衛生法》已規定病人保護及權益保障，另藉由執行精神照護機構不定時追蹤輔導訪查，持續監督機構加強業務管理；若機構發生重大違規或爭議案件（如有明顯違反法令、醫學倫理、影響住民安全等情事）時，得即時實地訪查，監督並協助提供機構改善建議。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom from exploitation, violence and abuse (art.16) 第十六條：免於剝削、暴力及虐待	13(c)	Information on whether the State has ever undertaken a systematic review of the extent to which persons with disabilities are subject to physical, emotional, financial or gender abuses, violence, bullying and discrimination or exploitations in workplaces, institutions or special schools;	國家是否曾對身心障礙者於工作場所、機構或特殊學校遭受身體、情感、經濟或性別虐待、暴力、霸凌及歧視或剝削之程度，進行系統性審查之相關資訊；

Reply :

Ministry of Labor

1. According to statistics from the Ministry of Labor, from 2018 to 2019, there were three cases of employment discrimination against people with disabilities, including two cases of employment discrimination occurring at the stage of "recruitment, interview, or employment and one case of employment discrimination occurring at the stage of "resignation or dismissal". Other cases were determined not established upon review due to being withdrawn by the plaintiff, lacking violation evidence upon investigation, being transferred to the competent authorities, not belonging to employment discrimination complaint cases, or other reasons.
2. In accordance with Article 34 of the Act of Gender Equality in Employment, after employees or applicants find out that employers contravene the stipulations of Articles 7 to 11, Article 13, Article 21, or Article 36 of the Act and file complaints about the matter to the local competent authorities, if the employers, employees or applicants are not satisfied with the decisions made by the local competent authorities, they may apply to the Committee on Gender Equality in Employment of the Central Competent Authority for review or file an administrative appeal directly within ten days.

3. To ensure the personal safety of sheltered employees in sheltered workshops, when sheltered workshops employ full-timers, part-timers, or sheltered employees, or recruit volunteers, they shall apply to the local competent administrative authorities in charge of labor for inquiring whether the job applicants or volunteers have sex offender registration records. In addition, the Ministry of Labor has established the Principles for Handling Suspected Sexual Assault Incidents in Vocational Training Institutions, Employment Service Agencies and Sheltered Workshops for People with Disabilities, to help local governments supervise sheltered workshops to handle internal suspected sexual assault incidents.

Ministry of Health and Welfare

1. As per Article 76 of the People with Disabilities Rights Protection Act, people who provide disability welfare services shall report any suspected case of acts specified in Article 75, such as desertion, physical and emotional abuse, and restriction of freedom, to the municipal, county, or city competent authorities, which shall then conduct an investigation and release an investigation report. In the draft amendment to the Act, disability welfare institutions that discover evidence of inappropriate practices, such as desertion or physical and emotional abuse of people with disabilities in the institutions, shall report said practices to the local governments. The amendment specifies the punishment that will be imposed on an institution if they fail to report such practices and stipulates that institutions that infringe upon the rights of people with disabilities will be fined and the names of these institutions and their managers will be made public. For serious infringement that causes the death of people with disabilities, the fine will be increased, and the institution will be suspended from operating or their establishment permit revoked if necessary. In such a case, people with disabilities who receive services at these institutions shall be referred to other institutions within a specified time period.
2. According to the regulations in the People with Disabilities Rights Protection Act and the Regulations for Report and Management of Disability Abuse, when medical staff, social workers, educational workers, police officers, community personnel, and other personnel who offer disability welfare services are informed of the mistreatment of a people with a disability, no later than 24 hours later, they shall report the incident to local governments, submitting this report using fax or other technological technologies. In the case of an emergency, reporting shall be undertaken first through verbal or telephone communication, and a written report shall then be completed within 24 hours and submitted to the relevant local government. The government shall conduct a visit and investigation within 24 hours after being informed or receiving a report,

and the investigation report shall be submitted within 4 days following receipt of the report. For a detailed description of the necessary report data, please refer to 13(a) in Table 13.1.

3. The Implementation Plan for the Review of and Planning for Major Sexual Assault Incidents established by the Ministry of Health and Welfare focuses on sexual assault incidents in education and resettlement sites, and has been reviewed by the competent authorities, strengthening the tertiary prevention of sexual assault in education and institution sites through extensive collecting of information as well as review and improvement of institutional deficiencies.
4. The Mental Health Act has stipulated the protection of patients' rights and interests. In addition, the Ministry of Health and Welfare has established an accreditation mechanism for psychiatric care institutions, which implements the protection measures for the rights and interests of patients/residents in the accreditation provisions, conduct regular on-site inspections and evaluations, and supervises institutions to implement protection of residents' rights and interests. Through the accreditation of psychiatric care institutions, assist in monitoring the quality and appropriateness of the use of isolation and restraint measures for psychiatric patients in the institutions, so as to prevent or gradually reduce the use of unnecessary isolation and restraint measures on psychiatric patients in the psychiatric care institutions.
5. The evaluation criteria for the accreditation of residential long-term care service institutions include criteria for evaluating the sexual assault and harassment prevention systems of these institutions; these criteria are implemented to ensure that long-term care service institutions implement a system under which their staff members are responsible for reporting cases of sexual assault or harassment that they discover. Institutions of all types shall report any case concerning the protection of individuals with disabilities to the Department of Prevention, Rehabilitation, and Protection of the Ministry of Justice pursuant to related regulations.
6. The Ministry of Health and Welfare is responsible for reinforcing nursing personnel's knowledge and skills related to the incidents of exploitation of and violence against people with disabilities, the reporting of these incidents, and gender equality. However, there is no relevant information as of today regarding whether a systematic review has been conducted on the physical, emotional, economic, or gender abuse, violence, bullying, discrimination, and exploitation of people with disabilities in workplaces, institutions, or special schools in Taiwan.

Ministry of Education

1. The Ministry of Education collects statistics on the number of reports of suspected sexual inequality incidents from national special education schools on a quarterly basis. For schools with a relatively high number of reported cases, a special meeting is held to review and supervise schools to investigate and properly handle them according to regulations, and to provide students with care and guidance.
2. The Ministry of Education has formulated the *School Sexual Harassment or Sexual Bullying Prevention Guidelines* and *School Bullying Prevention Guidelines*, which stipulates that schools should actively promote "school sexual assault, sexual harassment and sexual bullying prevention education" and "school sexual harassment and sexual bullying prevention work". There are relevant regulations on campus safety planning, precautions for teaching and interpersonal interaction inside and outside the school, the handling mechanism, procedures and remedies for campus sexual inequality incidents and campus bullying incidents, etc. The supervisory mechanism of the competent authority is clearly defined, and the school is required to report the handling situation, the review of the handling procedures, and the investigation report to the competent authority after the investigation and handling of the campus sexual inequality incident and the school bullying incident are completed. The authorities conduct supervision and evaluation regularly, and include items such as campus safety planning, improvement of dangerous spaces on campus, school prevention and control, and the effectiveness of investigation and handling of bullying incidents into regular evaluation items.
3. According to the Regulation for Dismissal, Non-Renewal, Suspension or Retirement of Teachers in Schools Under Senior Secondary Schools, if a teacher bullies students as listed in Article 14, Paragraph 10 of the Teachers Law, the school shall form a "Coping Team of Prevention of School Bullying". If a school received a report or learned of a teacher's corporal punishment of a student, it should hold a "School Incident Handling Conference" for investigation and review. If it is confirmed by the investigation results that there is a fact of bullying and corporal punishment, the unsuitable teacher will be dismissed after being reviewed and approved by the teaching evaluation committee and reported to the competent authority for approval.

中文回應：

勞動部

- 一、依勞動部統計，2018至2019年止，就業身心障礙歧視案件共計3件，為身心障礙受僱者求職人於「招募、甄試、進用」及「離職、解僱」階段，遭雇主以身心障礙為由予以歧視，分別為2件、1件；其餘案件因申訴人撤案、查無違法事證、移轉管轄機關、非屬就業歧視申訴案件或其他因素，評議為不成立。
- 二、依據《性別工作平等法》第34條規定，受僱者或求職者發現雇主違反第7條至第11條、第13條、第21條或第36條規定時，向地方主管機關申訴後，雇主、受僱者或求職者對於地方主管機關所為之處分有異議時，得於10日內向中央主管機關性別工作平等會申請審議或逕行提起訴願。
- 三、為保障庇護工場庇護性就業者之人身安全，庇護工場僱用專職、兼職人員、庇護性就業者或招募志願服務人員，應向所在地勞動行政主管機關申請核轉查閱應徵者或應從事服務者有無性侵害犯罪加害人登記資料。另勞動部訂有身心障礙者職業訓練機構與就業服務機構及庇護工場疑似性侵害事件處理原則，以協助地方政府督導庇護工場處理內部疑似性侵事件。

衛生福利部

- 一、依《身權法》第76條規定，執行身心障礙服務業務人員，知悉身心障礙者有同法第75條遭受遺棄、身心虐待、限制其自由等情形，應立即向直轄市、縣（市）主管機關通報，主管機關受理通報後，進行調查並提出調查報告。另《身權法》部分條文修正草案增訂身心障礙福利機構發現其收容安置之身心障礙者有受遺棄、身心虐待等事實，應向直轄市、縣（市）主管機關通報及未落實通報規定之罰責，及身心障礙福利機構有影響身心障礙者權益之情形，除裁處罰鍰外並公告機構名稱與負責人姓名。針對情節重大致身心障礙者死亡者，加重罰鍰，必要時得令其停辦或廢止其設立許可，並限期轉介安置所收容之身心障礙者。
- 二、依《身權法》及《身心障礙者保護通報及處理辦法》規定，醫事人員、社會工作人員、教育人員、警察人員、村（里）幹事及其他執行身心障礙服務業務人員，知悉身心障礙者有遭受不當對待者，應於24小時內填具通報表，以電信傳真或其他科技設備傳送等方式通報地方政府；情況緊急時，得先以言詞、電話通訊方式通報，並於24小時內填具通報表，送地方政府。地方政府知悉或接獲通報後24小時內訪視調查，並應於受理案件後4日內提出調查報告。相關通報數據詳見點次13(a)表13.1。
- 三、衛生福利部訂定「重大性侵害事件檢討及策進實施計畫」，針對發生在教育、安置收容場所之性侵害事件，由各該目的事業主管機

關進行檢討，透過廣泛蒐集資訊及檢視體制面之缺失與改善，以強化校園與機構等場域之性侵害三級預防工作。

- 四、《精神衛生法》已規定病人保護及權益保障，另衛生福利部訂有精神照護機構評鑑機制，將學員/住民權益維護措施落實於評鑑條文，定期辦理實地查核評鑑，輔導機構落實住民權益。藉由精神照護機構評鑑，協助監測機構中針對精神病人使用隔離、約束等做法之品質及妥適性，以防範或逐步減少在醫療照護環境中，對精神病人使用非必要之隔離與約束措施。
- 五、「機構住宿式服務類長照機構評鑑基準」訂定機構內性侵害及性騷擾事件防治機制建置情形指標，以落實及加強機構工作人員責任通報機制與責任。另各類機構如發生身心障礙者保護案件應依相關規定通報至保護司。
- 六、衛生福利部為強化護理人員針對身心障礙者剝削、受暴問題、通報及性別平等相關知能，尚無針對臺灣是否曾對身心障礙者在工作場所、機構或特殊學校遭受身體、情感、經濟或性別虐待、暴力、欺凌及歧視或剝削的程度，進行系統性審查的相關資訊。

教育部

- 一、教育部每季統計國立特教學校有關疑似性平事件之通報數，針對案件通報件數較高之學校，並召開專案會議檢討及督導學校依規定調查、妥處，給予學生關懷與輔導。
- 二、教育部訂定《校園性侵害性騷擾或性霸凌防治準則》及《校園霸凌防制準則》，明訂學校應積極推動「校園性侵害、性騷擾及性霸凌防治教育」及「校園霸凌防制工作」，並就校園安全規劃、校內外教學及人際互動注意事項、校園性平事件及校園霸凌事件之處理機制、程序及救濟方法等面向訂有相關規定，且於法條明定主管機關督導機制，責請學校於校園性平事件及校園霸凌事件調查處理完成後，將處理情形、處理程序之檢核情形及調查報告等資料報所屬主管機關；且主管機關應定期對學校進行督導考核，將校園安全規劃、校園危險空間改善情形、學校防治、調查處理霸凌事件之成效等項目列入定期考核事項。
- 三、依據《高級中等以下學校教師解聘不續聘停聘或資遣辦法》規定，教師若有《教師法》第十四條第十款所列霸凌學生情事，學校應組成「防制校園霸凌因應小組」展開調查；另學校接獲檢舉或知悉教師有體罰學生情形，應召開「校園事件處理會議」調查審議。若經調查結果確認確有霸凌、體罰學生事實，經提教評會審議通過並陳報主管機關核准後，即針對該不適任教師予以解聘。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom from exploitation, violence and abuse (art.16) 第十六條：免於剝削、暴力及虐待	13(d)	Specific measures in place to enhance the human dignity of persons with disabilities, such as the extent to which the State administers “voluntary”, as opposed to “involuntary” admission procedures for persons with psychosocial disabilities.	為提高身心障礙者人格尊嚴而採取之具體措施，例如臺灣在處理心理社會障礙者相對於「非自願」之「自願」進入機構之程序上，其行政管理之範圍為何。

Reply :

Ministry of Health and Welfare

According to the Mental Health Act, any medical treatments should inform and consent to by patients and or their protectors during hospitalization. Severe psychiatric patients whom without insight, lack access to medical treatment or irregular treatment would hurt people or themselves, providing a mandatory hospitalization system of the Mental Health Act is to make sure severe patients' security and get proper medical care. In order to assure patient's rights, uncertain cases will launch video calls, phone calls or in person to party or interested party to clarify explain severe psychiatric patient's rights that waiver of opinion or not. Furthermore, the permission of mandatory hospitalization have changed from the Review Committee to court in the draft amendments to the Mental Health Act in 2022.

中文回應：

衛生福利部

現行《精神衛生法》規定，住院期間之各種醫療措施皆告知病人或保護人並獲其同意；在診斷治療病人過程，應適當說明病情、處置及治療方式，並依規定取得病人同意。精神疾病嚴重病人常因無病識感、缺乏適當就醫管道或無規律就醫，而出現傷人或自傷行為，為確保嚴重病人安全，使其獲得妥善醫療照護，於《精神衛生法》中訂定強制住院制度，為保障病人權益，強制住院審查遇疑義案件時，會啟動視訊、訪查或電話使當事人或利害關係人為必要之說明並澄清嚴重病人是否放棄陳述意見之權益；另 2022 年《精神衛生法》修正草案已將強制住院改由法院裁定。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Protecting the integrity of the person (art. 17) 第十七條：保障人身完整性	14(a)	Please provide the Committee: With an update about the amendments to the <i>Genetic Health Act (Eugenic Health Act)</i> and <i>Mental Health Act</i> regarding coerced medical procedures, including sterilizations and abortions (see, para. 49 of the initial Concluding Observations from 2017);	請向委員會提供下列資訊： 有關《優生保健法》與《精神衛生法》針對強制醫療處置（包括絕育及墮胎）修訂之最新情形（見 2017 年初次國家報告國際審查會議結論性意見第 49 點）；

Reply :

Ministry of Health and Welfare

1. Considering that mandatory hospitalization may deprive an individual of personal freedom, the permission for mandatory hospitalization has changed from the Review Committee to court in the draft amendments to the Mental Health Act in 2022.
2. In alignment with the spirit of CEDAW and CRPD, the Ministry of Health and Welfare is working to amend the Genetic Health Act and rename it to Reproductive Health Act by deleting discriminatory terms such as obstructing eugenics; removing the requirement of the spouse's consent for abortion, vasectomy or tubal ligation to ensure women's autonomy in birth decisions; stipulating that medical institutes may only perform abortion, vasectomy or tubal ligation "at the patient's own will". Meanwhile, the clause that required doctors to advise patients with genetic diseases to undergo abortion, vasectomy or tubal ligation has been removed on the principle of patient autonomy. This is to avoid forcing or encouraging people with disabilities to undergo vasectomy or tubal ligation surgery. That draft amendment was announced for public comments in March 2022. Health Promotion Administration would consolidate those comments to finalize the bill and embark on further legislative procedures.

中文回應：

衛生福利部

- 一、考量強制住院涉及人身自由之限制，為呼應《CRPD》精神及法官保留原則，2022年《精神衛生法》修正草案已將強制住院改由法院裁定。
- 二、衛生福利部業參據「消除對婦女一切形式歧視公約」(CEDAW)及《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》，並刪除「有礙優生」此具歧視意味之用詞；刪除人工流產與結紮手術之配偶同意及規定，保障女性生育自主決定權，並明定醫療機構實施人工流產或結紮手術，均應依本人意願為之，同時刪除現行規定醫師應勸告患有有礙優生疾病者，施行人工流產或結紮手術之規定，回歸病人自主決定之原則，避免有強制或鼓勵施術之意味。該修正草案業於2022年3月完成法案預告作業，將依蒐集意見進行法案研修後，依法制程序進行修法作業。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Protecting the integrity of the person (art. 17) 第十七條：保障人身完整性	14(b)	With information on the safeguards available to ensure that persons with disabilities, particularly those with intellectual and/or psychosocial disabilities, are not subjected to forced involuntary medical treatment, including forced sterilizations, on the basis of their impairment and upon the advice or the request of third parties, including their guardians and medical professionals.	目前確保身心障礙者，尤其是有心智與／或心理社會障礙者，不會因為其損傷及第三方（包括其監護人與醫療專業人員）之建議或要求，而受到強迫性之非自願醫療（包括強迫性絕育）之相關資訊。

Reply :

Ministry of Health and Welfare

1. According to the Patient Right to Autonomy Act, patients have the right to know and make decisions about their conditions, treatment options, potential outcomes and risks thereof. To respect the patient's autonomy in healthcare, safeguard their right to a good death, and promote a harmonious physician-patient relationship, the first sentence of Article 8 of the Patient Right to Autonomy Act stipulates that any person with full capacity may make decisions on healthcare in advance. In addition, the Medical Care Act does not expressly restrict the decision-making power of people with disabilities.
2. Under the current Genetic Health Act, a prerequisite for performing an abortion or vasectomy or tubal ligation is that the decision was made "at one's own free will". In the case of a person under guardianship or declaration of assistance, the consent of a legal representative or assistant is required. It also stipulates that physicians should provide appropriate consultation services before and after the surgery to ensure the right of

informed consent of the patient. According to current regulations, no one is allowed to perform forced abortions, vasectomy or tubal ligation on others. Additionally, the easy-to-read reference guide for vasectomy or tubal ligation and contraception consultation will be developed in 2022. It will be provided to the medical personnel and included in the continuing education programs offered by related medical associations.

中文回應：

衛生福利部

- 一、依《病人自主權利法》規定，病人對於病情、醫療選項及可能成效及風險預後等，有知情及決定之權利。為尊重病人醫療自主、保障其善終權益，促進醫病關係和諧，《病人自主權利法》第 8 條前段規定，具完全行為能力之人，得預立醫療決定。另外，《醫療法》並未明文限制身心障礙者之醫療決定權。
- 二、依現行《優生保健法》規定得施行人工流產及結紮手術之要件前提為「依本人之自願」，若為受監護或輔助宣告之人，則需得法定代理人或輔助人之同意。另亦規定醫師應於手術前後給予適當之諮詢服務，以確保受術者知情同意之權益，爰依據現行法規，任何人均不得對他人施以強制流產及結紮手術。2022 年亦將完成編製「結紮手術及避孕諮詢參考指引」，以簡易圖文呈現之簡易版本，提供醫護人員運用，並請相關醫學會納入繼續教育。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Liberty of movement and nationality (art.18) 第十八條：遷徙自由及國籍	15(a)	Please provide the Committee: An update on plans to amend the <i>Immigration Act</i> to ensure the freedom of persons with disabilities to enter and leave the State;	請向委員會提供下列資訊： 修訂《入出國及移民法》以確保身心障礙者自由進出臺灣的最新情形；

Reply :

Ministry of the Interior

The Ministry of the Interior has proposed a draft amendment to the Immigration Act. It includes a proposal to repeal Article 18, paragraph 1, subparagraph 8 that stipulates the agency shall prohibit an alien from entering the State if he/she has mental health issues. The draft amendment has passed the review by the Executive Yuan, and then subsequently been submitted to the Legislative Yuan for approval. The Ministry of the Interior will, in coordination with the Legislative Yuan, continue to promote the draft amendment.

中文回應：

內政部

《入出國及移民法》部分條文修正草案（含刪除第 18 條第 1 項第 8 款有關精神疾病之禁止入國事由），歷經行政院 7 次會議審查完竣，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。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Liberty of movement and nationality (art.18) 第十八條：遷徙自由及國籍	15(b)	Information on current considerations of changes to the <i>Nationality's Act</i> in order to eliminate discrimination against person with disabilities becoming citizens or receiving supports and services on an equal basis with others.	為使身心障礙者得享有同等機會成為公民，目前有無考量修正《國籍法》以消除歧視性之規定。

Reply :

Ministry of the Interior

1. According to Nationality Act, to acquire the R.O.C. (Taiwan) nationality the major is right of blood, but also grants birthright citizenship. It ensures that no one is denied their rights because of factors such as sex, religion, race, rank, party, the birth of place, people with disabilities, etc. all of them may naturalize in R.O.C. (Taiwan) citizens, there is no difference between people with disabilities who acquire, or of lose, or of restorative or of revocation R.O.C. (Taiwan) nationality in accordance with this Act.
2. According to the Article 3 of the Nationality Act, foreigners may naturalize into R.O.C. (Taiwan) citizens, but they need to meet the requirements of “possess enough property or professional skills to support themselves or lead a stable life” which is used to provide foreigners economic security, and avoid to increase the expenditure of financial burden to R.O.C. (Taiwan), the regulations of non-discrimination which is a rule of generality around the world.
3. Besides, above said requirements of “possess enough property or professional skills to support themselves or lead a stable life” is regulated by Enforcement Rules of the Nationality Act. that include the applicant and his/her related personnel parent , spouse ,and spouse’s parent those who has been completed household registered in the R.O.C. (Taiwan) they may naturalize in R.O.C. (Taiwan) citizen subject to the provisions

as follow: (a) Earn an average monthly income within the ROC over the past year more than double the basic wage as promulgated by the Ministry of Labor; (b) Own personal or real property, worth more than NT\$5 million; (c) Possess a specific professional/technical skill certificate or document of technical assessment issued by a competent authority of the government ; (d)Serve as a skilled employee in demand by high-tech industries in the R.O.C. (Taiwan) as prescribed in Subparagraph 2 of Paragraph 3 of Article 25 of the Immigration Act, and is thus granted permission to reside permanently in the R.O.C. (Taiwan); (e)Meet other requirements as recognized by the Ministry of the Interior.

中文回應：

內政部

- 一、依據《國籍法》規定，我國固有國籍之取得以屬人主義為主、屬地主義為輔。無分男女、宗教、種族、階級、黨派、出生地、身心障礙，均可取得我國國籍。對於身心障礙者國籍之取得、喪失、回復及撤銷並無不同之規定。
- 二、按《國籍法》第3條規定略以，外國人申請歸化我國國籍，須具備有「相當之財產或專業技能，足以自立，或生活保障無虞」之要件，以確保當事人在國內享有最基本之經濟保障，避免增加我國政府社福支出及財政負擔。查多數國家針對外國人申請歸化亦有類似規範，非屬歧視性規定，為各國立法通例。
- 三、此外，「相當之財產或專業技能，足以自立，或生活保障無虞」之要件，依據《國籍法施行細則》規定，包含申請人及其在國內設有戶籍之父母、配偶、配偶之父母具備以下情形之一：「(一)最近1年於國內平均每月收入逾勞動部公告基本工資2倍者。(二)國內之動產及不動產估價總值逾500萬元者。(三)我國政府機關核發之專門職業及技術人員或技能檢定證明文件。(四)入出國及移民法第25條第3項第2款所定為我國所需高級專業人才，經許可在臺灣地區永久居留。(五)其他經內政部認定者。」即可提出申請，以滿足不同條件申請者需求。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Living independently and being included in the community (art. 19) 第十九條：自立生活及社區融合	16(a)	Please provide the Committee with: Information on the measures which the State will take to ensure coordination of assistance to persons with disabilities for personal care, household management and employment, and in emergencies, and to provide direct payment to individuals with disabilities so that they can manage their own support;	請向委員會提供下列資訊： 國家確保身心障礙者之個人照顧、家庭管理、就業、並在緊急情況下提供渠等協助，以及直接提供身心障礙者現金給付，以利其管理自我生活之相關措施；

Reply :

Ministry of Health and Welfare

1. To support people with disabilities living independently in communities, Taiwan has actively launched services, including community-based day care, aimed at assisting these people to adapt to the community living setting, rehabuses, services for facilitating the purchase of assistive technologies, and subsidies for these devices. People with a disability certificate may be evaluated by specialists regarding their developmental stage in relation to age and needs and then be referred to appropriate services accordingly. Case management services may be provided to people with disabilities who cannot manage their lives independently because they exhibit an insufficient capacity to obtain resources they need or because their families cannot care for them.
2. The National Ten-year Long-term Care Plan 2.0 has expanded its service coverage to individuals with disabilities of all ages. To safeguard the welfare of individuals with disabilities and expand the coverage of long-term care services, the plan—on the principle that no additional burden is imposed on these individuals—combines subsidies for disability and long-term care, streamlines service processes, enhances the quality of

resources provided, and establishes additional financial incentives for relevant service providers. Individuals with disabilities who are assessed to be eligible for long-term care may apply for the related services. To prevent the rejection of specific individuals with disabilities for services because of the challenging nature of the care that they require, the plan incorporates a long-term care benefit and payment system to encourage excellent service, and it provides additional payments for the services provided to these individuals as an incentive for service institutions to comply with the policy of delivering long-term care services to clients who require special care.

3. To ensure the economic security of people with disabilities, the government has established regulations for the payment of disability living benefits, which are open to three types of households: low-income households, middle-to-low-income households, or households whose income and assets fall below a certain amount (the average income per household member is below 2.5 times the minimum monthly cost of living per person and does not exceed 1.5 times the average monthly expenditure per person in Taiwan). Applications for said benefits may be made by citizens to the department of social welfare of their local government. Once an application has been accepted, depending on the household financial conditions and level of disability, a benefit in the amount of NT\$3,772 to 8,836 will be paid monthly to each person for their daily essentials.
4. In accordance with Article 21 of the Public Assistance Act, if a person encounters emergencies and in a difficult situation, he or she could apply for emergency allowances with the relevant certificates to the competent authority at the locality of residence, so as to provide timely assistance and relieve people's financial hardship. Besides, according to the Strengthening Social Safety Net Program: The Emergency Relief Project was initiated, and the local village office, non-governmental public interest groups, and associations of counties (towns, cities, and districts) would visit and take care of such groups.

Ministry of Labor

1. The competent administrative authorities in charge of labor at all levels shall, in accordance with the People with Disabilities Rights Protection Act, provide by themselves or consolidate the resources of the private sector to provide vocational rehabilitation services, and appoint dedicated persons to integrate and coordinate service resources including community-based care, family support, medical treatment, study, and social benefits based on the vocational rehabilitation needs of people with disabilities, and provide proper transit services, to help them find

employment and live independently.

2. Regarding assistance under emergencies, such as during the outbreak of COVID-19, the Ministry of Labor helps employees with disabilities maintain their life through its Recharge and Restart Training Plan, Plan for Employment at Ease, and other measures; helps unemployed workers find employment through its "Start to Work at Ease Immediately" Plan, Employment Stabilization Plan, etc.; and provides work subsidies to visually impaired massage therapists who are exposed to high work risks, to alleviate the reduction of their income due to the epidemic.
3. The vulnerable people (including people with disabilities), who have been recommended by public employment service agencies to participate in full-time vocational training after employment consultation, or have been recruited for full-time vocational training by vocational training units which were outsourced or sponsored by government authorities, shall be granted a vocational training living allowance.
4. The Ministry of Labor also provides assistance to workers suffering from occupational accidents:
 - (a) Assistance for workers suffering from occupational accidents:
 - (i) Benefits in cash/in kind: in accordance with the Labor Occupational Accident Insurance and Protection Act, workers suffering from occupational accidents will be provided with insurance benefits and subsidies, which the insurance benefits include medical, injury, disability, death and missing benefits. The allowances and subsidies include the subsidies for assistive technologies, subsidies for caretaking (including the caretaking during the hospitalization period and caretaking after the workers become disabled person), and the allowances for occupational rehabilitation provided to encourage workers suffering from occupational accidents to cooperate with professionals to actively participate in the intensive training. In addition, given that workers suffering from occupational accidents but having not participated in the insurance cannot obtain insurance benefits, the workers and their family members are also granted appropriate subsidies.
 - (ii) Rights and Interests: the Ministry of Labor provides workers suffering from occupational accidents and their family members with consulting and referral services in terms of rights and interests, family difficulties, occupational rehabilitation, and other issues through the local governments' service windows for workers suffering from occupational accidents.
 - (iii) Physical and psychological rehabilitation: occupational rehabilitation agencies recognized by the central competent authority

provide workers suffering from occupational accidents with functional ability assessment, job analysis or enhanced physical and psychological function training services according to their conditions, to help them return to the workplace as soon as possible.

(b) Assistance to employers

- (i) When it is difficult for employers to assist workers suffering from occupational accidents to resume their original job or arrange an appropriate job for them based on their health conditions and ability, the employers may request the approved occupational rehabilitation agencies to help the workers suffering from occupational accidents develop a rehabilitation plan, to facilitate their return to the workplace.
- (ii) Employers who, according to the rehabilitation plans developed or evaluation report recommendations by the approved occupational rehabilitation agencies, provide the workers suffering from occupational accidents with assistive technologies to help them return to work may apply to the local governments for subsidies.
- (iii) Employers who employ workers who have reached a certain level of disability due to occupational accidents from their own entities or other entities may apply to the local governments for subsidies for employment.

(c) Other assistance measures

- (i) The central competent authority provides subsidies to labor groups, employer groups, medical institutions, academic and research institutions and other related groups every year for their advocacy and research to promote the prevention of occupational accidents and the occupational rehabilitation for workers suffering from occupational accidents.
- (ii) The central competent authority provides subsidies to approved medical institutions for their integrated diagnosis and treatment of occupational injuries and diseases and reporting of occupational injuries and diseases, to facilitate early intervention in the course of occupational diseases and provision of assistance.

中文回應：

衛生福利部

- 一、為支持身心障礙者於社區中生活，臺灣積極推動社區式日間照顧、社區居住等服務，並提供輔具費用服務與補助、復康巴士之交通接送等服務，使身心障礙者得自立生活於社區。領有身心障礙證明之民眾，可由身心障礙者需求評估人員了解依據障礙者年齡的發展階段及需求，協助轉介適合的服務，如果障礙者本身資源使用能力欠缺或家庭照顧功能失衡，無法妥善管理自我生活，則可透過身心障礙者個案管理服務予以協助。
- 二、長期照顧服務計畫 2.0 納入全齡失能身心障礙者為服務對象，基於維護身心障礙福利並擴大長照服務，在不增加身心障礙者負擔原則下，整合身心障礙及長期照顧補助，積極精進服務流程及資源，並強化支付誘因。身心障礙者經評估符合長照使用資格，可使用相關長照服務。為避免較難照顧之失能身心障礙者被拒絕服務，長期照顧給付及支付制度設計政策鼓勵服務機制，提供服務費用加計，以鼓勵服務機構配合政策提供特殊個案長照服務。
- 三、為保障身心障礙者經濟安全，政府訂有《身心障礙者生活補助費發給辦法》，申請資格包含低收入戶、中低收入戶或家庭總收入及財產在一定金額以下者（家庭總收入平均分配全家人口之金額，未達當年度每人每月最低生活費 2.5 倍，且未超過臺灣地區平均每人每月消費支出 1.5 倍）等 3 類，民眾可向戶籍所在地之直轄市、縣（市）政府社會局（處）、公所提出申請，並依其家庭經濟狀況及障礙程度，核發符合資格者每人每月 3,772 元至 8,836 元不等的的生活補助費，用於個人日常生活所需事項。
- 四、為提供身心障礙者緊急情況援助，如身心障礙者遭逢急難致生活陷於困境，得依《社會救助法》第 21 條規定，檢同有關證明向戶籍所在地主管機關申請急難救助，以提供及時援助，紓解民眾經濟急困。另依「強化社會安全網計畫——急難紓困實施方案」，針對遭逢生活急困之弱勢民眾，除由直轄市、縣（市）政府給予救助外，並結合當地村里辦公處、民間公益團體及鄉（鎮、市、區）公所訪視認定及關懷救助。

勞動部

- 一、各級勞動主管機關依《身權法》規定自行或結合民間資源辦理各項職業重建相關服務，由專責人力依身心障礙者職業重建需求，整合並連結社區照顧、家庭支持、就醫、就學及社會福利等服務資源，並提供適當轉銜服務，以利其就業與自立生活。
- 二、關於緊急情況之援助，例如於 COVID-19 疫情期間，在職身心障礙勞工可透過勞動部充電再出發訓練計畫、安心就業計畫等多項

措施，幫助其維持生活；對於失業勞工開辦安心即時上工計畫、安穩僱用計畫等，以協助就業；對於近身產業、工作風險較高之視覺障礙按摩師，提供工作補貼，以紓緩因疫情導致工作收入減少之情形。

三、凡特定對象（含身心障礙者）之失業者經公立就業服務機構就業諮詢並推介參訓，或經政府機關主辦或委託辦理之職業訓練單位甄選錄訓，其所參訓性質為各類全日制職業訓練，得發給職業訓練生活津貼。

四、另針對遭遇職業災害勞工提供之協助：

（一） 職業災害勞工部分

1. 現金/實物給付部分：依《勞工職業災害保險及保護法》將提供職業災害勞工給付及補助，其保險給付包括醫療、傷病、失能、死亡及失蹤給付等。津貼補助包括，器具補助、照護補助（含住院治療期間之照護及失能後照護）、鼓勵職業災害勞工配合專業人員積極參與強化訓練提供之職能復健津貼等。另對於未參加保險之職業災害勞工，考量其無法獲得保險給付保障，亦提供勞工及其家屬適度之補助。
2. 權益需求：於各地方政府之職業災害勞工服務窗口，提供職業災害勞工及其家屬就權益問題、家庭困境或重返職場等需求諮詢與轉介服務。
3. 身心重建需求：職業災害勞工至中央主管機關認可職能復健專業機構，依其狀況提供功能性能力評估、工作分析或增進生理心理功能強化訓練服務，協助早日重返職場。

（二） 提供雇主之協助誘因

1. 雇主於協助職業災害勞工恢復原工作，或按其健康狀況及能力安置適當之工作有困難時，得向認可職能復健專業機構申請協助職業災害勞工擬定復工計畫，以利重返職場工作。
2. 雇主依認可職能復健專業機構開立之復工計畫或評估報告書建議，提供職業災害勞工輔助設施，協助其復工，得向各地方政府申請補助。
3. 雇主僱用本事業單位或他事業單位達一定失能程度之職業災害勞工，得向地方政府申請僱用補助。

（三） 其他協助措施

1. 中央主管機關每年均補助勞工團體、雇主團體、醫療機構、學術及研究機構等相關團體辦理推動職業災害預防及職業災害勞工重建之宣導及研究等事項。

2. 中央主管機關補助認可之醫療機構辦理職業傷病診治整合性服務及職業傷病通報等事項，以利早期介入職業災害勞工病程並提供協助。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Living independently and being included in the community (art. 19) 第十九條：自立生活及社區融合	16(b)	Plans to review the current assessment tools used to determine eligibility for services and to streamline the process for accessing various services and supports;	針對當前用於確認服務資格之評估工具及使各項服務及支持流程更為流暢之相關計畫；

Reply :

Ministry of Health and Welfare

1. People with a disability certificate who have applied for personal care services in accordance with the People with Disabilities Rights Protection Act will be evaluated by a specialist according to the following dimensions: learning and applying knowledge; general tasks and demands; communication; mobility; self-care; domestic life; interpersonal interactions and relationships; major life areas; and community, social, and civic life. Based on their developmental stage in relation to age, an overall evaluation of the difficulties or problems they encounter in their lives will be made. Subsequently, the specialist should inform the people with disabilities of the characteristics of available services and how these services are delivered, discuss these services with them, and refer them to appropriate services, such as community-based day care and services aimed at assisting these people to live in communities.
2. Under Taiwan's long-term care case-mix system (hereinafter referred to as CMS), the staff at the long-term care management center use the care management evaluation scale to evaluate an individual's ability to perform activities of daily living, ability to conduct instrumental

activities of daily living, communication capacity, special and complex care requirements, cognitive function, emotional and behavioral patterns, home environment, and the burden on their primary caregivers. The evaluation covers both individuals with disabilities and their caregivers. Personal information is obtained through in-person interviews conducted at the home of the individual, and their CMS level is determined through a comprehensive analysis of multiple factors (instead of basing the evaluation on a single item or score).

3. People with disabilities in need of long-term care services shall be subject to evaluations to determine their need for welfare services and for long-term care services. Because the two evaluations differ in terms of their objectives, required expertise, and resources needed subsequently, the tools used in these evaluations are also different. To facilitate the smooth delivery of services and reduce the overlap of data collection, the government has established a safe information-sharing system that enables workers under both welfare and long-term care systems to obtain a comprehensive understanding of people's use of resources. In practice, people need the two types of services at different times and rarely receive the two evaluations at the same time.

中文回應：

衛生福利部

- 一、領有身心障礙證明之民眾，如有依《身權法》申請個人照顧服務需求，會由身心障礙者需求評估人員了解身心障礙者在「學習與知識應用」、「一般任務需求」、「溝通」、「行動」、「自我照顧」、「居住生活」、「人際互動與關係」、「主要生活領域」、「社區、社交與公民生活」等方面的情形，並針對身心障礙者年齡的發展階段，整體評估從生活角色實際生活是否有困難或遭遇到哪些問題，及說明相關服務性質及服務方式後，透過與身心障礙者討論及協助轉介適合的服務，例如社區式日間照顧、社區居住等服務。
- 二、長期照顧需要等級(CMS)係由縣市照管中心人員按「照顧管理評估量表」進行日常生活功能(ADLs)、工具性日常活動功能(IADLs)、溝通能力、特殊及複雜照護需要、認知功能、情緒及行為型態、居家環境、主要照顧者負荷等 6 大構面的評估，是共同評估失能者及家庭照顧者，並依面訪案家之實際狀況鍵入個人資訊，並經複合因子之邏輯（非以單一項目或分數作為等級判定依據）產出長照需要者失能等級。
- 三、身心障礙者如因為失能而有長期照顧服務使用需求，則除了身心障礙者福利服務需求評估，須再進行長期照顧服務評估，由於身心障礙者福利服務需求評估和長期照顧服務評估二者在評估目的、所需評估專業與後續連結之資源等各方面不同，故評估工具亦有差異，為讓服務流程更為流暢並減低重複蒐集資料，政府已透過資訊安全交換機制，協助不同服務體系人員可更完整掌握民眾資源使用情況，且依照實務經驗，民眾產生兩種服務體系需求的時間點不一，同時接受兩類評估作業的比率並不高。

國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Living independently and being included in the community (art. 19) 第十九條：自立生活及社區融合	16(c)	Plans to ensure that social workers and other professionals receive training on how to support persons with psychosocial disabilities in ways that protect their rights and not based on a medical model;	確保社會工作者及其他專業人員接受培訓，以利其瞭解如何基於人權模式而非醫療模式，以支持心理社會障礙者之相關計畫；

Reply :

Ministry of Health and Welfare

1. Based on the human rights model, considering the medical needs of people with disabilities and the provision of appropriate assistance, four digital learning videos for education and training of medical personnel have been developed, two of which have been published on the Ministry of Health and Welfare's official site and the other two are currently under review. They are expected to be published on the website of the Ministry of Health and Welfare in the second half of 2022 to reference medical personnel. In addition, to strengthen medical personnel's knowledge and ability to understand people with disabilities in the human rights model, continuing education to medical personnel offers courses related to the CRPD. In 2021, there were more than 10 courses held with more than 400 participants.
2. In accordance with the *Guidelines for the Medical Professionals Registration and Continuing Education*, nursing personnel must be provided with continuing education on physical and psychosocial disabilities, which includes in-person, communication, and online courses, with the CRPD included in the learning material, thereby ensuring their acquisition of knowledge related to people with disabilities and the methods to

protect their rights.

3. In order to strengthen the education and training of medical personnel, counselors and mental health social workers in community mental health centers, human rights education to be included in future syllabuses.
4. The Ministry of Health and Welfare provides the Public social workers with training each year, including the curriculum of CRPD and disability welfare policy.

中文回應：

衛生福利部

- 一、基於人權模式，考量身心障礙者之就醫需求與提供適切協助，已完成開發 4 部適用醫事人員教育訓練之數位學習影片，其中 2 部已於衛生福利部網站公布，餘 2 部刻正進行審稿作業，預計 2022 年下半年公布於衛生福利部網站，供醫事人員參考。另為強化醫事人員以人權模式理解身心障礙者之知能，醫事人員繼續教育開辦《CRPD》相關課程，2021 年達 10 堂以上，參與人數達 400 人次以上。
- 二、依據《醫事人員執業登記及繼續教育辦法》規範，以《CRPD》為內容，推動身心障礙相關繼續教育訓練，提供護理人員是類課程（含實體、通訊及網路課程），以確保獲取相關知識，瞭解如何保障權利。
- 三、為完備社區心理衛生中心相關醫事人員、關懷訪視員及心理衛生社會工作者等教育訓練，未來將規劃納入人權教育相關課綱。
- 四、每年度辦理公職社會工作師訓練，包含《CRPD》與身心障礙福利政策課程。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Living independently and being included in the community (art. 19) 第十九條：自立生活及社區融合	16(d)	Plans to ensure that budgets for supports in the community are not less than for hospital treatment and to ensure that funding for independent living is not dependent on Public Welfare Lottery Funds but rather become an official budget allocation;	確保撥給社區支持之預算不低於醫院治療之預算，以及確保其自立生活之資金不依賴公益彩券，而是列入官方預算分配額之相關計畫；

Reply :

Ministry of Health and Welfare

1. The Ministry of Health and Welfare subsidized non-governmental organizations with the Public Welfare Lottery Funds since 2020 to promote the Multi-community life service model of mental illness developing project that provides independent living guidance services and multiple living options in the community. From 2022, the project is incorporated into the the Strengthening the Social Safety Net 2.0 plan and the official budget grows year by year. It's expected over the budget for mandatory hospitalization in 2025.
2. According to guidelines on the use and management of the feedback funds of Taiwan's public welfare lottery, the Ministry of Finance shall include the feedback funds of the public welfare lottery, in their entirety, in the budget for annual revenues. The agencies receiving these funds shall include the funds in their official budget for annual expenditures. The feedback funds of the public welfare lottery, an official and stable source of income, are an integral part of the government's budget resources. An independent living support service launched in 2012 has been included in Taiwan's official budget for social welfare funds, and the amount of the budget has been increasing. The Ministry of Health and

Welfare is currently developing a medium-to-long-term plan for resource deployment for disability care services, including the independent living support service, and working actively to include the plan in the official budget to ensure the ongoing development of disability care services.

中文回應：

衛生福利部

- 一、2020 年運用公益彩券回饋金補助民間團體推動「精神病友多元社區生活方案發展計畫」，提供自主生活指導服務及多元居住選擇，於 2022 年起納入強化社會安全網第二期計畫，並規劃逐年增加公務預算補助，預計至 2025 年其預算已超過強制住院醫療治療預算。
- 二、依《公益彩券回饋金運用及管理作業要點》規定，公益彩券回饋金應全數由財政部編入歲入預算，並由獲配回饋金機關編入其公務預算之歲出預算，爰公益彩券回饋金係政府整體預算資源之一環，其財源正式且穩定。自 2012 年起開辦自立生活支持服務，已將其納入社會福利基金之國家正式預算，並逐年提升預算。另刻正研提「身心障礙照顧服務資源布建中長程計畫」，並將自立生活支持服務納入該計畫，以爭取納入公務預算辦理，穩定服務發展。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Living independently and being included in the community (art. 19) 第十九條：自立生活及社區融合	16(e)	The total number of persons with disabilities currently in various institutional care, including mental hospitals, and what efforts the State has made to reduce the number of people in care rather than establishing new long-term care residential institutions.	目前於各種機構(包括精神醫院)接受照顧之身心障礙者總數，以及臺灣為減少照護人數而非新建住宿式長期照顧機構所做之相關努力；

Reply :

Ministry of Health and Welfare

1. National Ten-year Long-term Care Plan 2.0 provides diverse, continuous services to support families, home care services, community-based care services, and residential care services, and the plan employs distinct subsidy strategies and plans for home, community-based, and residential care services. To encourage people to use home and community care services, the plan includes a long-term care benefit and payment system and provides guidance on the implementation of long-term disability care at home and in communities in response to the aging-in-place needs of older adults. For people with disabilities who require specific care equipment and intensive care, residential long-term care institutions are established to meet their intensive care needs. The Ministry of Health and Welfare will continue to deploy long-term care resources, ensure the balanced regional allocation of home and community-based service capacity, meet the needs of people with disabilities with respect to receiving long-term care in their communities, and protect their right to live at home. The establishment of residential long-term care institutions in accordance with the Long-Term Care Services Act started in early 2019. The number of service recipients in these institutions who have a

disability certificate was 160 (62 percent) in 2019, 550 (50 percent) in 2020, and 1,000 (50 percent) in 2021.

2. For psychiatric patients with stable conditions and potential for rehabilitation, community rehabilitation will be gradually provided from inpatient treatment to strengthen their community adaptation, including Hospital day care and Community psychiatric rehabilitation. As of the end of 2021, the hospital day care provides 6,164 personal services, the daytime psychiatric rehabilitation institutions 2,960 personal services, and psychiatric rehabilitation institutions that provide accommodation for 6,789 personal services.
3. According to the latest annual statistical report of the survey conducted by our department on the service volume of medical institutions, 23,976, 25,100, 26,837, 28,876, and 30,571 people with disability identification were housed in general nursing homes in 2016, 2017, 2018, 2019, and 2020, respectively.
4. As of 2021, 13,115 people with disabilities received care at residential disability welfare institutions across Taiwan, which is 2.21 percent lower compared with the 13,411 service receivers in 2016. In its social welfare performance evaluation, the Ministry of Health and Welfare requires that local governments guide users of all-day residential care services in transitioning to community-based services. The assistance should cover the development of guidance strategies and an implementation plan, holding on-the-job training for institutional staff, guiding institutions in identifying service users who meet the criteria for community-based services, hiring experts and scholars to provide on-site guidance at institutions, and assisting local governments in deploying resources for community-based services, such as resources that enhance individuals' adaptation to the community living setting. These efforts are all to ensure that people with disabilities can live in communities.

中文回應：

衛生福利部

- 一、長期照顧十年計畫 2.0，提供從支持家庭、居家、社區到住宿式照顧之多元連續服務，針對居家式、社區式或機構住宿式服務有不同之補助策略及方式，為鼓勵民眾使用居家及社區照顧服務，透過長期照顧服務給付制度，引導長照失能者在家、在社區接受長照服務，回應長輩在地終老之需求；惟對於須有相關照護設備及密集照顧之失能者，則以布建住宿式長照機構之策略滿足其密集照顧需求。衛生福利部將持續廣布並均衡各地居家及社區式服務量能，滿足失能身心障礙者在社區中接受長照服務之需求，保障其在地生活之權益。依《長服法》設立之住宿式長照機構係於 2019 年初開始逐案設立，截至 2021 年底，於前開機構中領有身心障礙證明之人數，分年為 2019 年約 160 人（占 62%）、2020 年約 550 人（占 50%）及 2021 年約 1,000 人（占 50%）。
- 二、針對精神病症狀穩定，有復健潛能病人，從住院治療漸進式提供社區復健，以強化其社區適應，包括日間留院、精神復健機構，截至 2021 年底日間型精神復健機構服務量為 2,960 人，住宿型精神復健機構服務量為 6,030 人。
- 三、依據衛生福利部辦理醫事機構服務量調查統計年報，最新資料至 2020 年底。2016 年至 2020 年底一般護理之家照護具有身心障礙證明之人數分別為 23,976 人、25,100 人、26,837 人、28,876 人及 30,571 人。
- 四、截至 2021 年 12 月底，全國住宿式身心障礙福利機構計服務 1 萬 3,115 名身心障礙者，已較 2016 年 1 萬 3,411 人減少約 2.21%。衛生福利部於社會福利績效考核，要求各地方政府需輔導轄內全日型住宿機構之服務使用者轉銜至社區式服務，需辦理事項包含訂定輔導策略及實施計畫、辦理機構在職教育、輔導機構盤點符合資格個案及聘請專家學者至機構實地輔導等，同時積極協助地方政府布建社區居住等社區式服務資源，使身心障礙者能生活於社區。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Living independently and being included in the community (art. 19) 第十九條：自立生活及社區融合	16(f)	Information on the plans to revise the “Regulations on Subsidization for Medical Treatment and Auxiliary Appliances for the Disabled” regarding the assistive devices, such as hearing aids and wheelchairs, including those for children with disabilities, to move away from the medical model and be compliant with the CRPD.	修訂《身心障礙者輔具費用補助辦法》使（包括身心障礙兒童之）助聽器、輪椅等輔具脫離醫療模式，並符合 CRPD 規定之相關計畫。

Reply :

Ministry of Health and Welfare

1. The current assistive technologies subsidy system builds on the needs of people with disabilities, and subsidies are granted based on the following two mechanisms to better satisfy the individual needs of subsidy applicants:
 - (a) Evaluation-based mechanism: to ensure that appropriate assistive technologies are provided to people with disabilities, the assistive technology evaluation specialists shall evaluate the individuals’ physical functions and structures, activities they need the devices for, and their general participation in activities. The specialists shall consider the settings in which the devices will be used and provide suggestions on the choice of assistive technology; they may also refer people with disabilities to related resources if needed. Therefore, assistive technology evaluation is centered on the purpose of using these devices, with a comprehensive suggestion provided based on the individual’s particular characteristics, the activities they need the devices for, and the settings where the devices will be used.
 - (b) Ad hoc application - based mechanism: Paragraph 5, Article 4 of the Regulations on Subsidization for Medical Treatment and Auxiliary

Appliances for the Disabled specifies that individuals may file an ad hoc subsidy application for assistive technologies that they are urgently in need of for justifiable reasons when their assistive technologies have not reached the minimum service life, they have applied for subsidies for four assistive technology items within two years, or they do not qualify for the subsidy.

2. In response to external comments on the disability level restriction, which requires medical certification, in the qualification requirements for assistive technology subsidization, the Ministry of Health and Welfare has reviewed all 172 assistive technology items for which subsidies are available and found that such a restriction exists for 59 of them. The disability level restriction is removed from the subsidization of 31 assistive technology items; for the remaining 28 assistive technology items, people with disabilities who are not eligible for subsidies may still file ad hoc subsidy applications if they are in urgent need of such devices for special reasons. To guide local governments in the thorough implementation of the ad hoc application-based mechanism, the Ministry of Health and Welfare will invite local governments and relevant organizations to review the current practice and to deliberate on how to improve the practice.
3. The Ministry of Health and Welfare is currently drafting an amendment to the Regulations on Subsidization for Medical Treatment and Auxiliary Appliances for the Disabled, and a prior announcement of the draft amendment has been made to the public. In the period between February and April 2022, seven consultation meetings were held to address comments received in the announcement period. The draft is expected to be enacted at the end of 2022 once legal operations have been completed. In this amendment, subsidization regulations are adapted to products on the market, their prices, and comments related to the needs of people with disabilities. The amendment includes changes to the assistive technology items to be subsidized, the number of subsidies, and the service life of assistive technologies. The following summarizes the key amended content:
 - (a) Add new assistive technology items for subsidization: from 172 currently to 243 items, representing an increase of 71 items.
 - (b) Include versatile assistive technology items: in response to technological advancements, products that integrate multiple assistive functions are included as items for subsidization (e.g., smartphones and tablets, which feature functions including zooming and text-to-speech for people with visual impairment).
 - (c) Address the specific needs of children with disabilities: add items that address children's need for assistive technologies (e.g., strollers with positioning supports) and reduce the minimum required service life of assistive products to address the faster growth in children

compared with adults (e.g., upper and lower limb orthoses and wheelchairs).

中文回應：

衛生福利部

一、現行身心障礙輔具補助制度係以身心障礙者需求為基礎，並採以下 2 種機制，以使補助機制切合民眾需求：

- (一) 評估機制：為協助身心障礙者取得適切之輔具，輔具評估人員評估時除考量個案身體功能、構造外，尚包含所需之相關活動及參與，同時考量實際使用的環境等面向後，給予建議使用之輔具，並適時依其需求轉介相關資源。因此，輔具評估係以使用需求為導向，考量身心障礙者個人、活動及使用情境等面向後提供綜整建議。
- (二) 專案機制：《身心障礙者輔具費用補助辦法》第 4 條第 5 項規定，輔具使用未達最低使用年限、申請項目已超過 2 年 4 項或未符補助資格但因特殊情形具急迫使用需求者，個案得專案提出申請。

二、另外界反映身心障礙輔具補助對象以醫療鑑定之障礙程度等意見，經查現行輔具補助項目 172 項中，計有 59 項之補助對象設有障礙等級限制之條件，經檢討後將刪除障礙等級之項目計有 31 項，其餘 28 項雖保留障礙等級限制，惟身心障礙者如因未符合補助資格但因特殊情形具急迫需求，可透過前述專案機制提出申請。另為輔導地方政府落實專案機制，後續將邀集地方政府與相關團體檢討與研商如何精進。

三、衛生福利部刻正研修《身心障礙者輔具費用補助辦法》，已完成預告程序，2022 年 2 月至 4 月針對預告期間之意見召開 7 場溝通會議。後續將進行法制作業，預計於 2022 年底實施。本次修法方向係參考市售產品，蒐集價格及身心障礙者需求等意見，調整補助規定，包含補助項目、金額、使用年限等，修法重點如下：

- (一) 增加補助項目數量：現行 172 項調整至 243 項，計增加 71 項。
- (二) 納入具綜合功能項目：因應科技發展，將同時具綜合功能之產品納入補助項目。(例如：智慧型手機及平板可提供視覺障礙者放大、語音報讀等功能)
- (三) 保障身心障礙兒童特殊需求：增加兒童使用輔具需求(例如：擺位型推車)、配合成長需求縮短申請使用年限(例如：上下肢矯具、輪椅)。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Personal mobility (art. 20) 第二十條：個人行動能力	17(a)	Please explain to the Committee: How a person with a mobility disability can be ensured of free or affordable regular servicing/maintenance of their assistive devices;	請向委員會解釋下列事項： 如何確保行動不便者對其輔具獲得免費或可負擔之定期服務/維護；

Reply :

Ministry of Health and Welfare, Ministry of Labor and Ministry of Education

To reduce the financial burden of assistive technologies for people with disabilities, the current funding measures include subsidies for the purchase and rental of assistive technologies, rental and reservation services for second-hand assistive technologies, and matchmaking services (i.e., matching the assistive technology need of an individual with the second-hand assistive technologies available to be given away). To make free or affordable assistive technology services available to people with disabilities, the government has developed the following measures for each life stage:

1. In school: free reservation services for educational assistive technology are offered to students with disabilities. A professional specialist will evaluate the suitability of assistive technologies for students and teach them how to use the devices. Free adaptations of assistive technologies and free repairs of normal wear and tear are also offered if needed.
2. In the workforce:
 - (a) People with disabilities are offered subsidies for assistive technologies required to improve the workplace environment, equipment, and conditions and for the cost of adjusting their function. Applications for subsidies shall be filed by the employer or the employee with disabilities; application review will entail a review of the submitted documents and a visit to the work site. Each application may be

granted a maximum of NT\$100,000 per year; this maximum restriction does not apply to approved applications of individuals with justifiable reasons for a higher amount of subsidy.

- (b) A work redesign service has been established to eliminate work barriers for people with disabilities. Apart from providing assistive technologies for work, work redesign involves - based on an on-site evaluation of the workplace - improving, modifying, creating, and repairing the work environment or equipment design, providing training on the use of assistive technologies, evaluating the trial use, conducting follow-ups, and providing continuous assistance.
- (c) Integrate the assistive technology subsidization systems of labor and social service agencies: multipurpose assistive technologies that satisfy the work and life needs of people with disabilities can be granted double subsidies from both labor and social service agencies. This policy aims to reduce the financial burden on these people.

3. Retired and requiring care:

(a) Disability service system:

- (i) The amount of subsidy for the purchase of assistive technologies for daily living and medical purposes is determined according to the household financial status of people with disabilities. Low-income, middle-to-low-income, and average-income households are granted the full amount, 75 percent and 50 percent of the maximum subsidy, respectively. Subsidies are also available for the rental of medical assistive technologies.
- (ii) Each local government has established a local assistive technology center, where professional staff, including assistive technology evaluation specialists and repair technicians, are available to offer free assistive technology evaluation services, training services on the use of assistive technologies, and recycling services. Other services at such centers include affordable rental of second-hand assistive technologies, matchmaking services, and basic repair services, which serve to increase the service life of assistive technologies. Repair services for mobile assistive technologies with greater technical complexity are available for free (subsidized by the Ministry of Health and Welfare) at Taipei Veterans General Hospital.

- (b) Long-term care service system: people requiring long-term care services who present a need, as determined through evaluation, for assistive technologies may purchase or rent assistive technologies from government-authorized community pharmacies or medical device

sellers. The amount of subsidy granted will be determined according to a fixed self-contribution percentage set on the basis of the financial status of the individuals; the percentage is zero, 10 percent and 30 percent for low-income, middle-to-low-income, and average-income households, respectively. The people will only have to pay for the self-contributed part, and the remainder will be reimbursed by the local government. Services are offered according to the funding packages (including consultation, suggestions on the choice and use of assistive technologies, size adaptation, regular follow-ups on the use of assistive technologies, cleaning and disinfection, transportation, recycling, and related services) specified in the regulations on the applications and funding for long-term care services. To assist local governments in their implementation of assistive technology rental services, the Ministry of Health and Welfare published principles for the rental services of assistive technologies for long-term care and a contract template for rental services of long-term-care assistive technologies authorized by local governments on 9 August 2018. The aforementioned principles and template provide a basis for the delivery of rental services for assistive technologies to be used in long-term care.

中文回應：

衛生福利部、勞動部、教育部

政府為減輕身心障礙者使用輔具之負擔，現行採取之給付措施，除補助購置外，另有補助租賃、二手輔具租用、借用及媒合贈予等多元管道。為使身心障礙者獲得免費或可負擔之輔具服務，政府依其不同生涯階段提供以下作為：

一、就學階段：提供身心障礙學生免費借用教育輔具，借用前須經由專業人員評估及指導；若輔具需改裝或正常使用損壞之維修服務，亦可免費提供。

二、就業階段：

- (一) 提供身心障礙者改善職場工作環境、工作設備、工作條件、購買就業所需之輔具及調整工作方法所需費用。依雇主或身心障礙者者之申請，進行書面審查、現場訪視，每一個案補助費每年最高 10 萬元，但有特殊需求經評估核准者不在此限。
- (二) 為排除身心障礙者工作障礙，職務再設計除提供就業輔具外，依實地訪視評估結果，進行工作場域環境或設備設計改良、改裝、製作及維修、輔具使用訓練、試用評估及後續追蹤輔導等服務。
- (三) 勞政與社政輔具補助整合機制：身心障礙者使用之輔具如同時兼具工作與生活之用途，同一項輔具可由勞政、社政共同補助費用，減輕障礙者負擔。

三、就養階段：

(一) 身心障礙服務體系：

1. 身心障礙生活及醫療輔具費用補助購置，補助金額依個案家庭經濟狀況分級補助，低收入戶為最高補助金額之全額、中低收入戶為最高補助金額之 75%、一般戶為最高補助金額之 50%。另醫療輔具可依個案需求選擇補助租賃。
2. 各地方政府皆有設置地方輔具中心，並配有輔具評估人員、維修技術人員等專業人員，提供民眾免付費輔具評估、使用訓練、回收等服務，亦提供可負擔之二手輔具租借、媒合贈予及簡易維修，以延長輔具使用年限。另針對複雜性較高之行動類輔具維修服務，衛生福利部補助臺北榮民總醫院免費提供。

(二) 長照服務體系：長照服務需要者經評估有輔具需求，可至地方政府特約社區藥局或醫材行購置或租賃輔具，補助費用依個案經濟狀況區分部分負擔比率，低收入戶免部分負擔、中低收入戶負擔 10% 及一般戶負擔 30%，個案僅須支付部分負擔後由特約單位向地方政府辦理請款，並按《長期照顧服務申請及給付辦法》給付組合內容（含輔具諮詢、選用建議、

輔具各項尺寸調整配置、定期追蹤使用狀況、清潔消毒、運送、回收整備及相關服務) 提供服務。另為利地方政府推動輔具租賃服務，衛生福利部於 2018 年 8 月 9 日公告「長期照顧輔具租賃服務原則」及「直轄市、縣(市)政府特約長期照顧輔具租賃服務契約書參考範本」，針對長照輔具租賃服務提供原則及內容已訂有相關規範。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Personal Mobility (art. 20) 第二十條：個人行動能力	17(b)	How providers of goods and services (e.g. shops, cafes, restaurants, libraries, and healthcare providers) are compelled in law to allow a guide dog to accompany a person with disabilities on their premises;	法律如何強制要求商品與服務提供者（例如商店、咖啡廳、餐廳、圖書館與醫療保健提供者）允許導盲犬陪同身心障礙者進入其場所；

Reply :

Ministry of Health and Welfare

1. The 2007 amendment to the People with Disabilities Rights Protection Act specifies that people with visual impairment who are accompanied by qualified guide dogs or training personnel bringing young guide dogs are allowed to enter public areas, public buildings, business premises, public transport, and other public facilities freely. The owner, administrator, or user of said public areas, public buildings, business premises, public transport, or public facilities shall not impose any extra charge for bringing a young guide dog or qualified guide dog, refuse their entry or exit, or impose any other conditions on their entry and exit. The 2015 amendment to the Act includes a punishment provision under which violators of the aforementioned provisions may be reported to qualified training agencies or local governments and may be ordered to improve their practices within a specified time period. Those who fail to improve within the set time will be fined a sum from NT\$10,000 to NT\$50,000 and be required to attend a four-hour training.
2. To enhance the public understanding of guide dogs and to incorporate such knowledge into education, the Ministry of Health and Welfare has launched a guide dog coloring competition, holds campus events that provide face-to-face experience with guide dogs, has produced promotional videos about guide dogs, and made memes about guide dogs. Through these efforts, the number of cases of guide dogs being refused entry decreased from 22 in 2020 to 12 in 2021 (including one case in which a fine was assessed) and to 3 in 2022 (by the end of March).

The Ministry will continue to promote the public understanding and acceptance of guide dogs through various means of communication and promotion to create a safe environment for guide dogs and people with disabilities.

中文回應：

衛生福利部

- 一、2007年《身權法》明文規定，視覺功能障礙者由合格導盲犬陪同或導盲犬專業訓練人員於執行訓練時帶同幼犬，得自由出入公共場所、公共建築物、營業場所、大眾運輸工具及其他公共設施。前項公共場所、公共建築物、營業場所、大眾運輸工具及其他公共設施之所有人、管理人或使用人，不得對導盲幼犬及合格導盲犬收取額外費用，且不得拒絕其自由出入或附加其他出入條件。另2015年修正《身權法》，增加視覺功能障礙者由導盲犬陪同進出前項場所發生如發生拒絕情事，可向合格培訓單位檢舉或向所在地地方政府反映，依法應令限期改善，屆期未改善者，處新臺幣一萬元以上五萬元以下罰鍰，並命其接受四小時之講習。
- 二、衛生福利部2019年起透過導盲犬著色比賽、導盲犬前進校園體驗活動、製作導盲犬宣導影片及時事呷圖貼文等多元宣導活動，為強化社會大眾對導盲犬的認識且落實向下扎根教育，拒絕導盲犬案件由2020年的22件，逐年減少為2021年的12件(含處罰鍰1件)，2022年截至3月底為3件，未來將持續以多元宣導及推廣方式，提升社會大眾對導盲犬之認識與接納，以營造導盲犬與視覺障礙者行進安全的環境。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Personal Mobility (art. 20) 第二十條：個人行動能力	17(c)	How many of the funded assistive technology projects, are run by persons with disabilities and employ persons with disabilities;	政府資助之輔助科技專案計畫有多少是由身心障礙者執行，及雇用身心障礙者；

Reply :

Ministry of Science and Technology

The subsidy objects of the Ministry of Science and Technology are full-time personnel of domestic colleges and universities and academic and research institutions. In the past three years, there are 150 scientific and technological research projects have been subsidized. Among them, nine scholars with disabilities have applied for and received subsidies from the Ministry, and two people with disabilities have been employed in the plan.

Ministry of Economic Affairs

1. The Conventional Industry Technology Development Project is to subsidize businesses introducing new technology and design aesthetics in traditional industries to develop new marketable products. Among subsidized projects (2016-2019), there are 17 businesses developing advanced assistive technology, such as wheelchair, medical bed, and other related to human factors engineering and Physical Medicine and Rehabilitation. This project is a general project that supports qualified manufacturing and technical service businesses who meet the review criteria for the needs and market of people with disabilities, and that is not limited to people with disabilities handling the project or enterprises employing people with disabilities, so there are no relevant statistics.

2. The Small Business Innovation Research (hereinafter referred to as SBIR) program launched by the Ministry of Economic Affairs aims to subsidize innovative programs, with no limitation on industries and topics. To lessen the difficulties of the application and to minimize the impact of unnecessary labels, SBIR program does not inquire about the situation of disabilities regarding applicants, hence no related statistics can be provided.

中文回應：

科技部

科技部計畫補助對象係國內大專院校及學研機構之專任人員，近3年補助科技研究計畫約150件，其中有9位身心障礙學者提出申請並獲科技部補助，計畫內聘用身心障礙者2人。

經濟部

- 一、經濟部工業局「協助傳統產業技術開發計畫」(CITD)係補助業者導入新技術與設計美學，開發具市場性新產品，2016年至2019年補助17家業者開發先進輔具產品(多以人因工程及復健醫療角度，開發如輪椅、醫療床等相關輔具)，惟本計畫為共通性補助計畫，補助對象為製造業及其技術服務業，申請資格並未限制個案計畫須由身心障礙者經手或業者需聘用身心障礙者，故無相關統計數據，惟審查時本計畫審查委員已就獲補助業者開發標的是否符合身心障礙需求及市場性之評估內容進行審議。
- 二、經濟部中小企業處小型企業創新研發計畫(SBIR)係補助中小企業所提創新研發計畫，無限制研發領域或研發題目，另為減少業者申請計畫之負擔及造成標籤化等困擾，並未調查申請計畫是否由身心障礙者經手或有聘用身心障礙者，爰並無相關數據可提供。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Personal Mobility (art. 20) 第二十條：個人行動能力	17(d)	Why an individual person with disabilities must choose a device on a State approved list, rather than choosing assistive devices that meet his/her needs, as well as why the State limits the number of assistive devices to four per person, when a person may need five or more devices to live independently and be included in the community on an equal basis with others;	臺灣規定身心障礙者必須選擇國家核准清單中之輔具而非滿足其需求，以及在部分身心障礙者可能需要五項以上之輔具方能自立生活並與他人在平等基礎上融合社區之情況下，國家限制每人選擇至多四項之理由；

Reply :

Ministry of Health and Welfare

1. The Ministry of Health and Welfare has established two systems—the disability care and long-term care systems—to address the range of individual needs for assistive technologies. The government’s expenditure on subsidies for assistive technologies used for life, medical, and long-term care purposes has been increasing, from NT\$1.1 billion in 2018 to NT\$1.5 billion in 2021 (Table 17.1).
2. The Ministry of Health and Welfare provides subsidies for assistive technologies that support the basic needs of people with disabilities in their daily living and do not restrict the brand or model of assistive technologies. People are allowed to purchase whichever suits their needs and file subsidy applications for purchased devices that are included in the assistive device item categories open to subsidization; individuals are also allowed to buy nonsubsidized assistive device items on their own. Each person is allowed to apply for a maximum of four subsidies every two years. Subsidies for add-on functions or accessories for an assistive device or devices used to establish an accessible home environment may, when applied together, count as one subsidy. Individuals who require five assistive technologies or more because they have multiple disabilities, are experiencing disabilities for the first time, or are experiencing changes in their physical conditions may file ad hoc applications

for subsidies or access assistive technologies through alternative channels or resources, as follows:

- (a) Ad hoc application-based mechanism: paragraph 5, Article 4 of the Regulations on Subsidization for Medical Treatment and Auxiliary Appliances for the Disabled specifies that individuals may file an ad hoc subsidy application for assistive technologies they are urgently in need of for justifiable reasons when their assistive technologies have not reached the minimum service life, they have applied for subsidies for four assistive technology items within two years, or they do not qualify for the subsidy.
 - (b) Resources for second-hand assistive technologies: rental, reservation, and matchmaking of second-hand devices at local assistive technology centers.
 - (c) Long-term-care assistive technology: individuals who require long-term care and have a disability certificate may apply for subsidies under both the long-term care (maximum of NT\$40,000 every three years) and disability care (maximum of four subsidies every two years) systems. However, a subsidy for the same assistive technology item cannot be applied more than once within the minimum required service life.
 - (d) Assistive technology for work: the scope of subsidization for work redesign covers the provision of assistive technologies for work that serve to eliminate work barriers and to increase, maintain, or improve an individual's employability.
 - (e) Assistive technology for education: assistive technologies can be reserved for free through applications by students with disabilities.
3. The Ministry of Health and Welfare is currently drafting an amendment to the Regulations on Subsidization for Medical Treatment and Auxiliary Appliances for the Disabled. The amendment draft includes an additional 71 assistive technology items for subsidization. To address the rapid development of assistive technology, the Ministry is planning to reduce the application review time and establish a review system for adding and changing assistive technology items; this system will include a channel through which applications can be made for new items to be added.

Table 17.1 (unit: thousand NTD)

Unit: thousand NTD

Year Category	2018	2019	2020	2021
Disability-care assistive technology for life purposes	755,083	653,820	619,762	564,875
Disability-care assistive technology for medical purposes	50,808	61,214	66,426	68,922
Long-term-care assistive technology	304,795	706,199	913,821	955,425
Total	1,110,686	1,421,233	1,600,009	1,589,222

中文回應：

衛生福利部

- 一、為因應個案對於輔具之多元需求，衛生福利部有身心障礙與長期照顧之兩大體系提供。政府在身心障礙生活及醫療輔具、長照輔具整體補助經費支出逐年增加，自 2018 年 11 億元上升至 2021 年支出 15 億元。(表 17.1)
- 二、衛生福利部係以身心障礙者基本生活最需要的輔具訂定補助項目但並未限制輔具之廠牌、型號，民眾可依需求購買並申請補助，或可自費購置非政府所列補助項目；補助上限以每人每 2 年補助 4 項為原則，補助項目如屬該項輔具之附加功能或配件、居家無障礙環境改善之項目，同時申請時可併計 1 項次；若個案屬多重障礙具多元需求者、或因初次發生障礙、身體狀況改變等因素，需要第 5 項以上輔具者，可申請專案機制或運用不同管道與資源，說明如下：
 - (一) 專案機制：《身心障礙者輔具費用補助辦法》第 4 條第 5 項規定，輔具使用未達最低使用年限、申請項目已超過 2 年 4 項或未符補助資格但因特殊情形具急迫使用需求者，個案得專案提出申請。
 - (二) 二手輔具資源：各地方輔具中心提供二手輔具租借、媒合等資源。
 - (三) 長照輔具：長照需要者如同時領有身心障礙證明，得同時申請長照輔具（3 年 4 萬元）及身心障礙輔具（2 年 4 項），惟同項目於使用年限內不得重複申請。
 - (四) 就業輔具：職務再設計補助範圍包括提供就業輔具，係為排除個案工作障礙，增加、維持或改善個案就業能力之輔助器具。
 - (五) 教育輔具：依身心障礙學生需求及申請，提供免費借用輔具。
- 三、衛生福利部刻正研修《身心障礙者輔具費用補助辦法》，修正草案之補助項目增加 71 項，為因應補助科技產品日新月異，未來將縮短檢討時間、並研議建立補助品項增修之審議機制，包含新品項納入補助之申請管道。

表 17.1 (單位：千元)

單位：千元

年度 類別	2018	2019	2020	2021
身心障礙生活輔具	755,083	653,820	619,762	564,875
身心障礙醫療輔具	50,808	61,214	66,426	68,922
長照輔具	304,795	706,199	913,821	955,425
合計	1,110,686	1,421,233	1,600,009	1,589,222

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Personal Mobility (art. 20) 第二十條：個人行動能力	17(e)	Measures taken to review restrictions on driving licenses for persons with disabilities, other than those with epilepsy.	除癲癇患者外，限制身心障礙者持有駕駛執照之相關審核措施。

Reply :

Ministry of Transportation and Communications

1. In order to meet the needs of people with disabilities in their daily life, the Ministry of Transportations and Communications, has formulated the Disposal Directions for the Driver's License Test Application for Citizens with Disability, so that people with appropriate disabilities can appropriately modify or adjust their vehicles according to their mobility. After the machine is in the control position, the vehicle can be safely controlled to obtain a driver's license.
2. The highway supervision agency may invite physicians or occupational therapists to participate in the qualification appraisal of people with disabilities to apply for driver's licenses as necessary, and can take into account the enforcement of laws and regulations and the protection of the rights and interests of people with disabilities. When handling the appeal cases of people with disabilities applying for automobile and motorcycle driving licenses, an appraisal team may be formed according to the circumstances of each case, and disability representative organizations may be invited to participate and assist.
3. People with disabilities who apply for a car or motorcycle driving license and have any objection to the result of the road supervisor's examination of the qualification for the examination according to the regulations may express orally or in writing to the supervisory authority that they require the participation of medical experts and re-evaluate the qualification for the examination. The highway supervision agency

shall invite experts from any type of orthopaedics, neurosurgery, rehabilitation specialists, occupational therapists, and occupational therapists with relevant specialties to participate. People with disabilities can invite trusted experts if they think it is necessary, Disability representative organizations participate and conduct the qualification examination for the license examination on the arranged date. It is actually tested whether the disabled person has the ability to get on and off the vehicle and control the vehicle independently, so as to evaluate their qualifications for applying for a driver's license.

中文回應：

交通部

- 一、為解決身心障礙者日常生活行的需求，交通部訂有《身心障礙者報考汽車及機車駕駛執照處理要點》，讓體格體能適當的身心障礙者，依其活動能力將車輛適度改裝或調整機件操控位置後能安全操控車輛，以考領駕照。
- 二、公路監理機關視情況需要邀請醫師或職能治療師的參與身心障礙者報考駕照之資格鑑定，對法規執行及身心障礙者權益保障可以兼顧。在處理身心障礙者報考汽車及機車駕駛執照之申訴案件時，得依個案情形組成鑑定小組辦理，並得邀請身心障礙團體參與、協助。
- 三、身心障礙者報考汽車或機車駕駛執照，對公路監理人員按章審核考照資格結果有異議，可以口頭或書面向該監理機關表達要求有醫學專家參與，重新作考照資格鑑定。由該公路監理機關洽請具有相關專長特約之骨科、神經內外科、復健科專科醫師、職能治療師職能治療師等任一類科之專家參與，身心障礙者認為有必要可自行邀請所信賴之身心障礙團體參與，於安排的日期進行考照資格鑑定，實測身心障礙者是否具備自立行動上下車、操控車輛之能力，以評估其報考駕照資格。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom of expression and opinion, and access to information (art. 21) 第二十一條：表達與意見之自由及近用資訊	18(a)	Please explain to the Committee: The provision of visual aids and sign language interpretation for public hotlines (such as the Pregnant Women's Support Hotline, National Family and Education Hotline, and Suicide Prevention Hotline) and in the financial services sector to enable persons with disabilities to, for example, apply for a mortgage or buy insurance;	請向委員會解釋下列事項： 如何為政府諮詢專線（例如孕產婦關懷諮詢專線、全國家庭與教育諮詢專線、自殺防治專線）與金融服務領域提供視覺輔具與手語翻譯（例如當身心障礙者在申請抵押貸款或購買保險之情況下）；

Reply :

Ministry of Education, Ministry of Health and Welfare and Financial Supervisory Commission

1. To enhance the accessibility of resources and information for people with disabilities, the government has established additional functions for its consultation hotline to address the needs of these people. For example, an online chat service on the E-Care website under Social Security Net and a text messaging function have been established in addition to the 113 women and children protection hotline. Among all 124,000 consultation sessions in 2021, 1,356 were conducted through online chat and text messaging services. In addition to the 1922 Communicable Disease Reporting and Consultation Hotline, a dedicated email and free fax service have been established for the same purpose. An official Line account has also been created for information access by people with hearing impairment. As for the Pregnant Women's Support Hotline, the Ministry has established a dedicated email for consultation on the Pregnant Women's Support Website. No live video call or sign language interpretation functions have yet to be established for the Suicide Prevention Hotline; however, the Ministry is planning to diversify its services

to better address the needs of people with hearing impairment.

2. In terms of in the financial services sector to enable people with disabilities to

(a) The Financial Supervisory Commission has asked the Bankers Association to incorporate the following measures into the *Guidelines for Friendly Banking Services*:

- (i) When people who are Deaf or hard of hearing open bank accounts, the bank should provide assistance through writing, sign language interpreters or other communication aids (for example, service personnel could stand up so the customer can clearly see the speaker's lips, engage in one-on-one communication, speak with normal volume, ensure voice messages have been received, speak slowly and use relatively short sentences to explain or express with simple gestures).
- (ii) When people with visual impairment apply for loans, the bank should provide them with magnifying glasses or other instruments so they may more easily read application forms or contracts. The bank may also enlarge copies of application forms and contracts depending on customer needs.
- (iii) Banks may offer assistance such as sign language, remote video or other tailor-made communication consultation devices as needed by people with different types of disabilities.

(b) Most banks have already provided related documents on their official websites for the public, and these will be helpful for people with disabilities to understand related contracts in advance or over the counter with the assistance of mobile or other devices. In addition, some banks provide QR codes for account opening or other application documents for customers to scan and read on their mobile phones.

(c) At present, some banks are cooperating with related organizations to provide real-time sign language interpreting services for people who are Deaf or hard of hearing through video conferencing, while some other banks provide real-person text-based customer services to help people with disabilities to obtain financial services.

(d) The Life Insurance Association of the Republic of China amended the Guidelines for Financial-Friendly Services of Insurance Enterprises on the 29 March 2022. The guidelines require that the care measures which insurance enterprises provide to customers with disabilities should meet their individual needs. For example, such measures could include the provision of e-commerce insurance, online services or on-site services, and persons with disabilities could be given guidance to ensure that they select appropriate types of service, such as in-

counter, written, email, telephone, short message, text customer service, and services via video call, and insurers could establish proactive care and notification mechanisms. In addition, the Life Insurance Association of the Republic of China and DPOs in 2021. The suggestions made by people with disabilities in these forums are being taken into consideration by the two insurance associations.

中文回應：

教育部、衛生福利部、金融監督管理委員會

一、針對政府諮詢專線部分：為讓身心障礙者更便利取得資源與接受訊息，政府諮詢專線因應障礙者需求陸續建立不同功能，例如：113保護專線於社會安全網關懷e起來網站設置線上諮詢及簡訊諮詢功能，2021年共受理12萬4千餘通諮詢電話，其中以網路及簡訊對談計1356通。1922防疫專線則設有Email電子信箱及聽語障服務免付費傳真服務，並透過Line@疾管家協助聽覺障礙者更便於獲取資訊。至於委員專注到的孕產婦關懷諮詢專線，目前係結合孕產婦關懷網站所置諮詢信箱提供服務。安心專線（自殺防治專線）及全國家庭教育諮詢專線目前尚未建置即時視訊及手語翻譯功能，但未來將考量發展多元化服務方式，以提供聽覺障礙者所需服務。

二、針對金融服務提供視覺輔具與手語翻譯部分：

（一）金融監督管理委員會已督導銀行公會於金融友善服務準則中規範，銀行對於聽覺及視覺障礙者提供下列服務：

1. 聽覺障礙者開戶時，透過書寫方式、提供手語翻譯或其他溝通輔具（例如：起身面對面使能清楚看見說話者嘴型唇型、一對一、正常音量、確保接收語音訊息、用較慢較短的句子說明或以簡單手勢加以引導辦理）。
2. 視覺障礙者申辦貸款，銀行可提供放大鏡或其他儀器輔助觀看，並可依視覺障礙者之需求，以影印放大之方式提供契約及各種申請表單。
3. 銀行會依不同類別之身心障礙者需求，提供書寫、手語翻譯、遠端視訊或其他溝通輔具等諮詢服務。

（二）銀行文件多已放置銀行官網可供下載閱覽，可協助身心障礙民眾事先或當場瞭解金融相關約據，亦可配合行動裝置等輔具語音播放協助瞭解相關內容，另亦有銀行於開戶或申請文件提供QR Code，供客戶掃描至手機閱讀。

（三）目前已有銀行與相關團體合作以視訊方式提供聽障民眾手語即時翻譯服務，此外亦有提供真人文字客服方式，以利身心障礙者取得金融服務。

（四）中華民國人壽保險商業同業公會2022年3月29日函報「保險業金融友善服務準則」修正條文，針對保險業對身心障礙客戶之關懷措施，明訂應依其個別需求，提供適當之友善服務措施，如提供保險電子商務、線上服務或到府服務等，並引導其採用合適之服務方式，如臨櫃、書面、電子郵件、電話、簡訊、文字客服、視訊通話等，並建立主動關懷通知機制。另2021年8月31日及12月21日舉辦與身心障礙者團體溝通座談會，座談會上身心障礙團體針對肢體障礙、聽覺障礙者之保險

友善服務提出建議，刻由產、壽險公會彙整業者所提新增回應作法。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom of expression and opinion, and access to information (art. 21) 第二十一條：表達與意見之自由及近用資訊	18(b)	the system whereby the State audits (or 'spot checks') public websites (including 'fourth level agencies such as high schools and district health centres) for accessibility and tests apps on users with disabilities before launching the apps to the public;	國家審核（或抽查）公共網站（包括高中與地區衛生所等四級機構）的可及性／無障礙措施，並在向公眾發佈行動應用程式（app）前，由身心障礙使用者測試之相關機制；

Reply :

National Communications Commission

1. According to Article 52-2 of the People with Disability Rights Protection Act, the websites established by all levels of government agencies (institutes) and their subsidiary agencies (institutes), and schools shall obtain the first (or above) priority access-free examination and receive the certification marks.
2. National Communications Commission established Regulations for Issuing Web Accessibility Accreditation badges for Websites of Governmental Agencies and Schools to provide government agencies and schools with free applications for access-free examination and certification mark approval services. Furthermore, National Communications Commission's accessible space service network also provides related services and resources. That is, a website administrator or developer can, through the unit that tests the website designed for people with visual impairment, invite people with visual impairment to join the test to ensure the need for accessibility has been met.

3. National Communications Commission has, in accordance with Regulations for Issuing Web Accessibility Accreditation badges for Websites of Governmental Agencies and Schools, inspected websites with an accessible certification label. The said inspection was conducted by people with disabilities and the results were forwarded to the applicant with inquiry and browse services. According to the statistics, National Communications Commission completed inspections of 2,500 certification labels between 2019 and 2021 - 800, 800 and 900, respectively.

中文回應：

國家通訊傳播委員會

- 一、依據《身權法》第 52-2 條規定，各級政府及其附屬機關（構）、學校所建置之網站，應通過第一優先等級（以上）之無障礙檢測，並取得認證標章。
- 二、國家通訊傳播委員會訂定《各級機關機構學校網站無障礙檢測及認證標章核發辦法》，免費提供各政府機關或學校申請網站無障礙檢測及核發認證標章。並透過本會無障礙空間服務網提供相關服務資源，可由網站管理者或開發者透過目前視覺障礙者網站測試服務單位聯繫與洽詢，請視覺障礙使用者進行測試，符合無障礙使用需求。
- 三、國家通訊傳播委員會依《各級機關機構學校網站無障礙檢測及認證標章核發辦法》執行身心障礙者抽查具有無障礙認證標章之網站，將結果通知原申請者，並提供查詢瀏覽，經統計 2019 年度至 2021 年度共抽檢 2,500 筆標章，分別為 800 件、800 件、900 件。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom of expression and opinion, and access to information (art. 21) 第二十一條：表達與意見之自由及近用資訊	18(c)	how the State engages with the private sector to encourage and require them to ensure their websites meet accessibility standards as provided for in Article 4(1)(e) of the CRPD;	政府如何與私營部門合作，鼓勵並要求私部門確保其網站符合 CRPD 第 4 條第 1 款 e 項規定的可及性／無障礙標準；

Reply :

National Communications Commission

1. With the purpose of understanding the needs of people with disabilities and the benefits of website accessibility, the National Communications Commission conducts an investigation on demand for websites for people with disabilities every three years, acquiring data on the daily and general use of websites, including corporate websites; it also analyzes how needs vary according to the types of disabilities. The investigation conducted in 2021 was related to the internet access devices used by people with disabilities; the usage rate and barriers of various websites. In total, National Communications Commission collected 177 valid questionnaires and interviewed 6 people with disabilities, from visual impairment, hearing impairment, physical impairment, or multiple impairments.
2. In 2021, the National Communications Commission tested a total of 205 websites; according to Level A standards of Web Content Accessibility Guidelines, 22 websites were demanded to make improvements within a prescribed duration and 183 websites failed to comply with the

standards (the unqualified rate was 89 percent). The test reports were forwarded to enterprises as a reference for adjustments and improvements. In the meantime, National Communications Commission will continue to promote the policy of “enterprises supporting and respecting the protection of internationally recognized human rights” among exchange-listed and OTC-listed enterprises with the aim of facilitating accessibility to corporate websites, bearing corporate social responsibility and fostering “information for all.”

中文回應：

國家通訊傳播委員會

- 一、國家通訊傳播委員會每 3 年辦理 1 次身心障礙者網站使用需求調查，包含日常民生使用及一般企業網站等使用情形，藉此了解不同障別身心障礙者使用網站之需求與效益。2021 年度調查內容有關身心障礙者使用上網設備、各類網站使用率及障礙等，共回收有效問卷 177 份，完成訪談 6 位身心障礙者，包含視覺障礙、聽覺障礙、肢體障礙或多重障礙等類型。
- 二、為推動民間企業積極參與，2020 年起持續辦理「網站符合性評估檢測」，挑選非政府機關網站，包括國內百大企業與民生日常使用網站如交通、醫療、購物及育樂等類型網站，主動進行網站無障礙符合性評估檢測，並將網站檢測報告提供業者參考調整修正，提供更友善、包容的無障礙網站服務。2021 年度共檢測 205 個網站，依據網站無障礙規範檢測等級 A 規定，檢測結果限期改善 22 件，不符合規範要求 183 件，不合格率約 89%，並以電子郵件寄送檢測報告，提供業者參考調整修正。未來將推動國內上市上櫃公司以秉持「企業應對國際公認之人權的保護給予支持與尊重」之原則，提供企業網站無障礙化，共同擔負企業社會責任 (CSR)，推動資訊平權的發展。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Freedom of expression and opinion, and access to information (art. 21) 第二十一條：表達與意見之自由及近用資訊	18(d)	How the State has communicated public health guidance and measures to persons with disabilities, including those who live in congregate care settings in relation to the Covid-19 pandemic, and how pandemic-related apps meet accessibility standards, including the National Health Insurance app, and public transport apps.	國家如何向身心障礙者（包括居住於 COVID-19 疫情相關的集中照護環境中的身心障礙者）傳達公共衛生指導與措施，以及如何滿足與疫情相關之行動應用程式（包括全民健保及公共運輸行動版應用程式）之可及性／無障礙標準。

Reply :

Ministry of Health and Welfare

In response to the COVID-19 epidemic, the Ministry of Health and Welfare has been communicating to the public through channels including websites, APPs, and social media about public health and COVID-19 prevention measures and has addressed the information-access needs of people with different disabilities amid the epidemic:

1. The official websites of the National Health Insurance Administration and the Taiwan Centers for Disease Control have been certified with Website Accessibility Conformance. The National Health Insurance Mobile Access APP has built an "AI customer services" to assist people who are Deaf or hard of hearing, and also provided a voice reading function and text size conversion function to assist people with visual impairment. From the building stage of this APP, people with disabilities had been invited to test, so that the APP meets the needs of people with disabilities. Following that, the APP is currently undergoing revision, and the revision operation will take into account the needs of people

with different disabilities in the design specifications, and in accordance with the *APP Accessibility Development Guidelines* of the National Communications Commission, assess the feasibility of technology development and the resources that can be invested. Accessibility services will gradually improve, and during the revision period, people with disabilities will be invited to test, so that the APP can meet the needs of people with disabilities

2. Continues to issue press releases in response to the COVID-19 situation and policies and produces simple and easy-to-understand educational leaflets and videos, which are released through live broadcasts of COVID-19 press conferences, Taiwan Centers for Disease Control's official website, traditional mass media (such as TV and radio channels), and multiple new media (such as Facebook, LINE, Instagram), to reach people with visual and hearing impairments in all regions and at all ages. Sign language interpreting and real-time subtitles have been provided during live broadcasts of COVID-19 press conferences so as to provide the public with explanations on the epidemic situation and related policies and to strengthen epidemic prevention and health education.

Ministry of Transportation and Communications

1. In order to prevent people from going to crowded hot spots during the epidemic prevention period, the government used big data to warn people in various hot spots, and used the "Freeway 1968" App to provide public inquiries. Services were launched in April, 2020. Considering the domestic epidemic situation was slowing down, the service had been removed in June, 2020.
2. The promotion of the Public Road Transport Project has provided subsidies for the smart LED stop signs attached with voice broadcast function to assist the people with visual impairment. Moreover, the newly revised iBus APP also set the audio guide content for each text, title and icon.

National Communications Commission

National Communications Commission has already launched the accessibility testing service for mobile application software to ensure that all users (including people with disabilities) can access services provided by mobile APP. Since the testing service was launched in 2021, National Communications Commission has completed 202 APP testing tasks.

中文回應：

衛生福利部

衛生福利部為因應疫情，持續透過網站、APP、社群媒體等各種途徑向民眾傳達公共衛生指導與防疫措施，並考量身心障礙者之需求：

- 一、「中央健康保險署全球資訊網」及「疾病管制署全球資訊網」已通過無障礙標章認證；「全民健保行動快易通 APP」，則已建置「文字智能客服」，以利聽覺障礙者使用，並有提供「語音朗讀功能」、「文字大小選擇功能」，以利視覺障礙者使用，建置期間，並經障礙者測試，以瞭解障礙者之需求，目前正在進行改版作業，將考量障礙者之需求納入設計規範，並依國家通訊傳播委員會之 APP 無障礙開發指引，於評估技術開發可行性及可投入資源下，逐次改善無障礙功能服務，並於修改期間，邀請障礙者進行測試，以利 APP 能切合障礙者之需求。
- 二、持續因應 COVID-19 疫情及政策發布新聞稿，並製作簡單易懂之文宣及宣導影片，透過疫情記者會直播、官方網站、傳統大眾傳播媒體（如電視台及廣播頻道）以及多元新媒體（如 Facebook、LINE、Instagram）等管道露出，以觸及各地及各年齡層之視、聽障礙者，且疫情記者會直播時皆有提供手語翻譯及即時字幕，向全民提供疫情及相關政策說明，並適時加強防疫衛教。此外，政府與機構針對 COVID-19 之介紹、疫情狀況、預防措施、疑似感染時之因應作為等，業已出版「碰到 COVID-19（新冠肺炎）你應該知道的事」及「安安告訴你如何成為防疫小幫手」共 2 本易讀手冊，並於 2020 年 7 月放置於臺灣的 CRPD 資訊網，供各界下載運用。

交通部

- 一、為避免民眾於防疫期間前往人潮擁擠熱區，政府藉由大數據資料進行各熱區人潮示警，並利用「高速公路 1968」App 提供民眾查詢，相關服務於 2020 年 4 月完成上架；後考量國內疫情趨緩，2020 年 6 月已將上開防疫人潮資訊下架。
- 二、針對身心障礙者交通資訊部分，推動公路公共運輸計畫已有提供具語音播報功能附掛式 LED 智慧型站牌之補助，以協助視覺障礙者取得乘車資訊，新改版之 iBus 公路客運 APP 亦針對各項文字、標題及圖標（icon）設置語音導讀內容。

國家通訊傳播委員會

國家通訊傳播委員會鑑於行動裝置普及帶動網路內容瀏覽方式多元化趨勢，為確保任何使用者（含身心障礙者）皆能無障礙使用行動

化應用軟體（APP）所提供的服務，已於 2021 年辦理行動化應用軟體無障礙功能檢測服務，共完成 202 件 APP 檢測。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Respect for privacy (art. 22) 第二十二條：尊重 隱私	19(a)	Please explain to the Committee: The legal basis for restrictions on the use of smartphones and other means of communicating with the outside world, by patients in mental health hospitals/wards;	請向委員會解釋下列事項： 限制精神醫療病院／病房患者使用智慧型手機及其他與外界通訊方式之法律依據；

Reply :

Ministry of Health and Welfare

Article 25 of the Mental Health Act regulates that hospitalized patients shall have the right to communication freedom, and there are penalty provisions. Besides, the rights protection measures (including free communication) of cases admitted to psychiatric institutions are included in the benchmark items for accomplished accreditation, to supervise the implementation of the provisions of the Mental Health Act on rights protection by the institutions. In addition, in accordance with Article 28 of the same Act, believing that psychiatric care institutions and their staff infringe on the patients' rights and interests, patients or their protectors may file complaints in writing to the local government where the psychiatric care institutions are located.

中文回應：

衛生福利部

《精神衛生法》第 25 條已規定住院中之精神病人可自由與外界溝通，並訂有相關罰則。並將精神照護機構收治個案之權益維護措施（含自由通訊）納為評鑑基準項目，以督核機構落實《精神衛生法》有關權益維護之規定。另依同法第 28 條病人或其保護人，認為精神照護機構及其工作人員，有侵害病人權益時，得向精神照護機構所在地之地方主管機關申訴。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Respect for privacy (art. 22) 第二十二條：尊重 隱私	19(b)	Whether the State considers that there are circumstances in which the media should be restricted from commenting on a person's disability or mental health status without that person's consent, based on the Mental Health Act.	根據《精神衛生法》，國家是否認為在特定情況下應限制媒體在未經本人同意之情況下，不得評論其身心障礙或心理健康狀況。

Reply :

Ministry of Health and Welfare

To implement the legal protection for equality and nondiscrimination in Article 5 of CRPD, the Mental Health Act standardizes reports of communication media for avoiding stigma and discrimination against psychiatric patients which is can't use discriminatory names or descriptions about psychosis and can't report nonfactual and misleading viewers to discriminate. The local government can find the communication media and correct it for a limited time if it violates the law. Those who do not make corrections in time will be punished consecutively. There were two communication media violating the law in 2016 to 2021, local competent authorities had considered and handled them and asked to correct them at limit of time. One media person suspected violation of regulations and already removed the report. In order to make the protection of patients' rights more comprehensive, the draft amendments to the Mental Health Act in 2022 expands the specification to all of communication media like reports of introductory offer, publications, radio, television industry and internet, and amends penalty.

中文回應：

衛生福利部

為落實《CRPD》第5條平等與不歧視精神，《精神衛生法》規範傳播媒體之報導，不得使用與精神疾病有關之歧視性稱呼或描述，並不得有與事實不符或誤導閱聽者歧視之報導，以防止汙名化與歧視精神病人，如有違反規定，由地方主管機關依法裁處，並限期更正；屆期未更正者，按次連續處罰。2016年至2021年，共2家媒體因違反規定，由地方政府衛生局予以裁罰及限期更正，1家媒體疑涉違反規定，已自行下架報導。為使病人權益保障更具全面性，2022年《精神衛生法》修正草案擴大規範至各類傳播媒體（宣傳品、出版品、廣播、電視、網際網路）之報導，並訂有罰則。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Respect for home and the family (art.23) 第二十三條：尊重 家居及家庭	20(a)	Please provide information to the Committee: On steps being taken to gather data on reproductive health services and education of persons with disabilities and plans to address any discrimination;	請向委員會提供下列資訊： 為蒐集有關身心障礙者生育健康服務與教育之資料而採取的相關步驟，以及徹底解決歧視問題之計畫；

Reply :

Ministry of Health and Welfare

1. In 2021, the *Survey Report of Living Condition and Needs among People with Disabilities* was added to their relevant legal items, with the aim of determining the status of women with disabilities who receive surgical sterilization. The Ministry of Health and Welfare commissioned professional associations to develop a reference guide for vasectomy or tubal ligation and contraception consultation after referring to the recommendations of relevant international literature. Upon completion of the reference guide, it will be included in the continuing education programs offered by the related medical associations. Additionally, the parent handbook and teaching materials on sexual and reproductive health education for people with intellectual disabilities and a simplified version of health education materials have been created for people with disabilities, caregivers and related professionals as reference material.
2. The Ministry of Health and Welfare subsidizes an organization for persons with disabilities to publish a handbook for pregnant women with disabilities in 2020 and a handbook for raising children with disabilities in 2021. To enhance the handbooks' readability and the understanding of their content among people with intellectual disabilities, the Ministry has been working to convert the handbooks into easy-to-read versions, which are expected to be published at the end of November 2022.

3. Specialists will be assigned to evaluate the needs of people with disabilities for marriage and reproduction consultation. Those who are planning to have a baby will be referred to health service agencies; those who present needs for premarital and marital education may be referred to local family education centers. To enhance the professional knowledge and skills of specialists at these agencies and centers, the Ministry has required local governments to ensure that all professionals providing disability services in their jurisdiction participate in regular training on sex education or gender equality as these relate to people with disabilities. Such training equips these professionals with the necessary knowledge and skills to provide appropriate resources and support to people with disabilities.

Ministry of Education

1. The National Education Administration has uploaded the *Excellent Cases of Sexuality Education, Emotional Education and Parenting Education for Students with Disabilities* in the teaching material resources for gender equality of the Special Education Network Center for teachers of schools under the high school level to download, consider and use in teaching. It will be helpful to improve students' awareness of sex education issues and knowledge.
2. Since 2018, the K-12 Education Administration, the Ministry of Education has entrusted universities to compile a reference manual for teachers on the prevention and treatment of gender incidents on campus (for students with disabilities). The K-12 Education Administration, the Ministry of Education also conduct training on gender awareness for teachers in special education schools to help schools build a gender equal atmosphere on friendly campuses, and assist students with disabilities in learning awareness and knowledge about the prevention of sexual harassment, sexual assault and sexual bullying to protect the safety and rights of students.
3. According to Article 14-1 of the Gender Equality Education Act, schools shall actively safeguard the educational rights of pregnant students and provide necessary assistance. The Ministry of Education revised the Assistance Guideline for Pregnant Students' Right to Education and Guidance in 2021. The key points that schools should provide assistance are as follows:
 - (a) Schools should include publicity and training on issues related to safeguarding students' right to education during pregnancy and emotional education in relevant courses, educational activities, assemblies or workshops. At least one publicity or training session should be held every school year.

- (b) To assist pregnant students to complete their studies, schools should revise relevant regulations on academic rules, various rules, performance assessments or assessments to include flexible handling of leave requests, flexible handling of performance assessments, retention of admission qualifications, extension of study periods, and counseling assistance that is not counted into the period of school left when applying for school leave.
 - (c) Schools should respect the wishes and needs of pregnant students and refer them to local government social bureaus (divisions) or relevant agencies (institutions) as the case may be.
4. In addition, in order to reduce the financial burden of pregnant students, starting from 2020, the Regulations on Group Insurance for Students in Schools Under Senior Secondary Schools and Young Children in Education and Care Institutes will include the registration and outpatient expenses incurred for abortion or childbirth into the insurance coverage.

中文回應：

衛生福利部

- 一、為瞭解身心障礙接受節育措施之情形，業於2021年「身心障礙者生活狀況及需求調查」納入相關題項，至有關身心障礙者易面臨受迫絕育問題，衛生福利部參考相關國際文獻建議之因應作為，業委託編製「結紮手術及避孕諮詢參考指引」，完成後將納入相關繼續教育內容，另亦製作「心智障礙者性健康教育家長手冊」、「心智障礙者性健康教材」及簡易版衛教素材，供障礙者、照顧者及專業人員運用瞭解。
- 二、衛生福利部補助身心障礙團體於2020年出版身心障礙者懷孕手冊、2021年出版身心障礙者育兒手冊。為利於心智障礙者閱讀及理解，衛生福利部已參考該2本手冊架構、內容並轉譯編製易讀易懂版，預計2022年11月底出版。
- 三、身心障礙者需求評估人員確認障礙者所提「婚姻及生育輔導」的需求內容，若是有生育需求，則連結衛政單位提供服務，如有婚前及婚姻教育需求，則可連結在地家庭教育中心提供服務。另為提升服務提供單位之專業人員對身心障礙者兩性交往及性教育之相關專業知能，衛生福利部督導地方政府針對所轄身心障礙服務專業人員，應定期參加身心障礙性教育或性別平等教育訓練課程，使其提供身心障礙者適切資源與支持。

教育部

- 一、於特教網路中心之性別平等教學媒材處掛載「身障學生性教育&情感教育&親職教育優良案例」，供高中以下學校教師下載參酌、運用於教學中，以提升身心障礙學生對性教育議題、性教育知識的認知。
- 二、2018年起委託大學編製校園性別事件防治及處理教師參考手冊（身心障礙篇），並辦理特教學校教師性別意識培力研習，以協助學校建立友善校園的性別平等氛圍，並協助建立身心障礙學生有關防範性騷擾、性侵害及性霸凌的意識及知能，以保障學生之安全與權益。
- 三、依據《性別平等教育法》第14條之1規定，學校應積極維護懷孕學生之受教權，並提供必要之協助。教育部2021年修正《懷孕學生受教權維護及輔導協助要點》，學校應提供協助之重點如下：
 - （一）學校應於相關課程、教育活動、集會或研習，納入維護學生懷孕受教權及情感教育相關議題之宣導、訓練，每學年應辦理至少1場宣導或訓練。

(二) 學校應修正學則、各種章則、成績考核或評量之相關規定，納入彈性辦理請假、彈性處理成績考核、保留入學資格、延長修業期限、申請休學期間不計入休學年限之輔導協助措施，協助適用學生完成學業。

(三) 學校應視情況，尊重懷孕學生之意願及需求，將其轉介至地方政府社會局（處）或相關機關（構）。

四、另為減輕懷孕學生經濟負擔，自2020年起《高級中等以下學校學生及教保服務機構幼兒團體保險條例》將流產或分娩所支出之掛號、門診費用納入保險給付範圍。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Respect for home and the family (art.23) 第二十三條：尊重 家居及家庭	20(b)	Why a disproportionate number of children with disabilities are placed outside the home or adopted and plans to increase supports to families.	在數量上不成比例之身心障礙兒童接受家外安置或被收養之原因，以及政府增加家庭支持之計畫。

Reply :

Ministry of Health and Welfare

1. The rate of violence against children with disabilities in 2020 was 2.08 percent, which was higher than that against children without disabilities (0.32 percent). To strengthen the protection of children with disabilities and safeguard them against repeated abuse, child protection social workers, in the provision of domestic treatment, shall provide professional care resources for these children as well as respite service, thereby relieving the burden of family caregiving and providing adequate care for these children.
2. In its alternative care policy for children and youths announced in January 2022, the Ministry of Health and Welfare, with the aim of minimizing unnecessary out-of-home placements of children and youths, proposed various strategic goals, the first is to let children and youths grow up in their own homes. To achieve this goal, the Ministry will deploy and integrate the resources of community-based care and refer families to disability services and resources according to their needs; this is expected to improve families' abilities to provide care, thus allowing these children and youths to receive care at home and reducing the probability of them being placed out-of-home.
3. Notably, placing children for adoption is a significant decision that can change parents' relationships with their children and thus must be made after extensive thoughtful deliberation. According to Article 16 of the Protection of Children and Youths Welfare and Rights Act, parents can

only apply for adoption matching on the condition that they have undergone the required evaluation by an adoption agency, which deemed them unable to take responsibility for their children's maintenance and determined that placement for adoption is necessary. In practice, children are placed for adoption for reasons including child abuse, premarital birth, unintended pregnancy, having too many children, and single parents having difficulties raising their children. Before placement for adoption is approved, adoption agencies collaborate with local governments to provide resources that support parents in raising children on their own; these resources include financial support, childcare resources, child-rearing coaching, out-of-home placement, parent education, and material resources. Adoption agencies only proceed to the adoption procedure if parents remain unable to care for their children after interventions with these support resources have been provided and if appropriate care of the child or youth is only possible through adoption. As a result, disability will not be the sole reason for the placement of children or youths for adoption. Statistics of the Ministry of Health and Welfare show that among the 1,096 children and youths adopted from 2016 to 2019, only 3.83 percent (n = 31) of them had disabilities, which is a small share.

4. According to Articles 56, 57, and 62 of the Protection of Children and Youths Welfare and Rights Act, children or youths with disabilities whose life, body, or freedom is actually or potentially in immediate danger or who experience calamities in their families should be offered placement if deemed necessary by a court ruling or by social workers at the competent authorities. Reasons for the placement of children or youths with disabilities include inappropriate care, abuse, sexual assault, negligence, abandonment, sexual exploitation, or death, absence (i.e., missing person), imprisonment, drug or alcohol addiction, or severe illness of their parents.
5. Services provided by social welfare service centers to vulnerable families address both the overall need of a family and the individual needs of each family member, on the basis of which families are referred to cross-discipline and cross-network resources to ensure that they receive the help they need. For vulnerable families that have children or youths with disabilities and whose care is an excessive burden for the primary caregivers to the extent it presents a risk of negligence, social workers will visit the families to understand their needs and refer them to services, resources, or networks that can relieve the care burden on them, such as child-rearing coaching, early intervention, special care, out-of-home placement of children and youths, respite care services, and adoption services. To enhance support measures for family child care, the Ministry of Health and Welfare has, in collaboration with non-governmental organizations, operated a child-rearing coaching service program since 2019 for families with children under six years old who present the need for such services. These services are prioritized for vulnerable families,

families with members with disabilities, families with new parents, families with a parent less than 20 years old, or families, as determined through assessment by social workers, that present the need for such service. The main services include child-rearing consultation, child-rearing coaching sessions at home, or improving the parents' or primary caregivers' parenting skills. The support and company offered through this program are expected to improve the quality of care for children.

Table 20.1 Statistics of out-of-home placements of children and youths with disabilities in 2021

Number of children and youths in Taiwan (A)	Number of children and youths with disabilities in Taiwan (B)	Proportion of children and youths with disabilities in Taiwan (B/A)	Total number of out-of-home placements among children and youths (C)	Total number of out-of-home placements among children and youths with disabilities (D)	Proportion of out-of-home placements of children and youths with disabilities (D/C)
3,517,700	52,142	1.48%	4,735	705	14.89%

Table 20.2

Out-of-home placement rate of children and youths in Taiwan (C/A)	0.13%
Out-of-home placement rate of children and youths with disabilities in Taiwan (D/B)	1.35%

中文回應：

衛生福利部

- 一、經查 2020 年身心障礙兒少受暴率（受虐身心障礙兒少/身心障礙兒少）為 2.08%，相較一般兒少受暴率 0.32% 高，為加強身心障礙兒少保護，避免其再度遭受不當對待，兒少保護社工人員提供家庭處遇時並連結身心障礙兒少照顧專業資源、喘息服務等，以紓緩家庭照顧壓力，提供身心障礙兒少妥適照顧。
- 二、依衛生福利部於 2022 年 1 月頒布「兒少替代性照顧政策」，為防止兒少出現不必要的家外安置，實施策略目標一「讓兒少留在原生家庭生活成長」，布建與整合社區照顧資源，依個案家庭之需求，連結身心障礙服務及資源，協助家庭改善照顧能力，使兒少繼續留在家中生活，降低被安置之機率。
- 三、特別要提到，政府關注到出養係改變親子關係之重大決定，須慎重為之，爰《兒少法》第 16 條規定，兒少須經機構評估父母無法對其負扶養義務、有出養必要性後，始得與收養人媒合。實務上，兒少出養原因含受虐、未婚生子、意外懷孕、子女數過多、單親扶養困難等，且機構會優先結合地方政府提供經濟協助、托育資源、育兒指導、安置照顧、親職教育、物資等資源，使父母有能力親自養育子女。相關支持資源介入後，經評估父母確實無法照顧孩子，需透過收養始得讓兒少得到妥善照顧時，才會協助出養，故兒少不會單純因身心障礙而被收養。依據衛生福利部統計，2016 年至 2019 年被收養之 1,094 位兒少中，僅 3.83%（31 位）有身心障礙狀況，所佔比例並不高。
- 四、另依《兒少法》第 56 條、第 57 條及第 62 條規定，身心障礙兒少有生命、身體或自由有立即之危險或之虞者，或家遭重大變故，經法院裁定或經主管機關主責社工人員評估有安置之必要，始得進行安置。分析安置原因包括身心障礙兒少未獲適當養育、遭受虐待、性侵害、疏忽、遺棄或性剝削，以及因父母死亡、失蹤、入獄、藥酒癮、罹患嚴重疾病等。
- 五、社會福利服務中心服務脆弱家庭係以家庭整體及不同家庭成員多元需求面向，辨識家庭需求並媒合導入跨領域、跨網絡的資源，讓家庭獲得所需的幫助。倘脆弱家庭之家中成員有身心障礙兒少具有特殊照顧需求，致主要照顧者難以負荷或照顧困難有疏失之虞，社工透過訪視評估依家庭需求提供及連結育兒指導、早期療育、特殊照顧、兒少家外安置服務、喘息服務、收出養服務等服務資源或網絡，以減輕家庭照顧負擔。為協助家庭強化兒童照顧支持措施，衛生福利部自 2019 年起結合民間團體辦理育兒指導服務方案，其服務育有 6 歲以下兒童且有育兒指導需求之家庭，並優先服務脆弱家庭、身心障礙者家庭、新手父母家庭、未滿 20 歲父或母、經社工評估有需求之家庭，主要提供育兒諮詢、到宅育兒指導、提升父母或主要照顧者之親職及技巧等服務，藉由支持

與陪伴育兒家庭，以提升兒童受照顧品質。

表 20.1 2021 年身心障礙兒少家外安置統計表：

全國兒少人數(A)	全國身心障礙兒少人數(B)	身心障礙兒少占全國兒少比率(B/A)	兒少安置總數(C)	身心障礙兒少安置數(D)	身心障礙兒少安置數占兒少安置總數比率(D/C)
3,517,700	52,142	1.48%	4,735	705	14.89%

表 20.2

全國兒少安置率(C/A)	0.13%
全國身心障礙兒少安置率(D/B)	1.35%

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Education (art. 24) 第二十四條：教育	21(a)	<p>Please provide information to the Committee:</p> <p>On plans to eliminate special classes and schools in order to conform with the normative content of inclusive education as described in General Comment No.4 by the Committee on the Rights of Persons with Disabilities.</p>	<p>請向委員會提供下列資訊：</p> <p>有關取消特殊班級與學校的計畫，以符合 CRPD 第 4 號一般性意見中所述之融合教育規範內容。</p>

Reply :

Ministry of Education

1. The proportion of students with disabilities studying in self-contained special education classes in ordinary schools is 6.1 percent, 8.7 percent, and 9.3 percent in preschool, elementary school, and middle school, respectively. As for the high school level, in order to strengthen the opportunities for students with disabilities who graduate from middle schools to attend senior high schools, we have provided multiple admission channels for students with disabilities. According to the Regulation for Further Study Guidance of Students with Disabilities, in addition to examination-free admissions and special admissions, students with disabilities also have appropriate placement based on their individual potential. There are three types of placements including placement in special education schools, placement in service groups in senior high schools, and placement in regular classes in senior high schools. Students can choose to study in service groups in senior high schools (about 16.9 percent) or higher vocational departments of special education schools according to their interests and expertise. The Ministry of Education has advocated to local governments that when applying for identification and placement, they should think from the perspective of the development that is most beneficial to students, and after careful assessment of students' learning conditions, provide the most appropriate learning environment to safeguard students' learning rights.

2. The Ministry of Education continues to promote inclusive education. The number of students with disabilities in special education schools has been decreasing year by year, from 6 percent to 4 percent from 2016 to 2021. Currently, most of the students enrolled in special education schools are students with severe disabilities, and most of them have more needs care than that students with disabilities in ordinary schools. The Ministry of Education holds relevant meetings or symposiums to collect opinions of special education and general education teachers, principals, directors, people with disabilities, human rights groups, experts and scholars, and central and local government education administrators. Considering the needs of students with severe physical and psychosocial disabilities, special education schools cannot be canceled immediately at this stage. However, in line with the promotion of inclusive education, after various parties discussed the positioning and development direction of special education schools, the Ministry of Education has revised the Special Education Act. Participation and social adaptation of students, and the establishment of regional special education resource centers to provide community and school-related resources and support services are included in the law to reduce the closure of special education schools.
3. The Ministry of Education is actively promoting inclusive education, improving the quality of inclusive education by improving teachers, strengthening support services and promoting the spirit of CRPD, so that more parents are willing to place students in regular classes in general schools to gradually reduce the number of students in self-contained special education classes and special education schools:
 - (a) Subsidize the local government to strengthen the training of teachers in regular classes, and build online courses, so that teachers can choose courses according to their needs in their spare time to meet the needs of teaching on-site.
 - (b) For students with disabilities who need to take care of themselves and study in the class, the local government will be subsidized for the employment of special education assistants, related professionals and the rental of assistive technology according to IEPs.
 - (c) Produce and broadcast special education micro-movies, handle special education special issues and conduct CRPD workshops, continue to enhance the awareness of school staff, teachers and students in inclusion education, and jointly create a school environment that is empathetic, friendly and accepting, so as to ensure that students with disabilities can learn effectively in an inclusive environment.

中文回應：

教育部

- 一、經查身心障礙學生就讀普通學校之集中式特教班比率，於學前、國小、國中階段分別為6.1%、8.7%、9.3%，至於在高中職階段，我國為強化國中畢業之身心障礙學生就讀高級中等學校機會，提供身心障礙學生多元入學管道。依據《身心障礙學生升學輔導辦法》，身心障礙學生除了免試入學、特色招生之外，亦有依學生個人潛能所設置之適性安置入學管道，可分為安置特殊教育學校、安置高級中等學校服務群科及安置高級中等學校普通班等3種方式，學生得依其興趣及專長，選擇就讀高級中等學校服務群科（約占16.9%）或特殊教育學校高職部。教育部已向各地方政府宣導辦理鑑定安置時，應以對學生最有利的發展角度思考，審慎評估學生學習狀況後，提供最適切之就學環境，以維護學生學習權益。
- 二、教育部持續推動融合教育，身心障礙學生就讀特殊教育學校已逐年降低，自2016年至2021年由6%降至4%，目前特殊教育學校所招收多為重度障礙學生，大多數學生照護需求高於就讀於普通學校之身心障礙學生，且教育部召開相關會議或座談會，蒐集特殊教育及普通教育教師、校長、主任、身心障礙、人權團體、專家學者、中央及地方政府教育行政人員等各界意見後，考量重度身心障礙學生之需求，現階段特殊教育學校仍無法即刻取消。惟配合融合教育之推動，經各方研議特殊教育學校定位及發展方向，教育部修訂《特教法》，修正草案條文已將強化特教學校與普通學校及社區合作、促進身心障礙學生社會參與及社會適應，及設立區域特殊教育資源中心，提供社區及學校相關資源與支持服務等納入法條，以減少特殊教育學校之封閉性。
- 三、教育部刻正積極推動融合教育，透過精進師資、強化支持服務及推廣 CRPD 精神等面向，提升融合教育的品質，讓更多家長願意將學生安置於一般學校普通班級，以逐步減少集中式特教班及特教學校之學生人數：
 - （一）補助地方政府加強辦理普通班教師增能研習，並建置線上課程，提供教師於課餘時間依需求選擇課程，以因應教學現場需求。
 - （二）針對身心障礙學生於班級中生活自理及學習需要，補助地方政府聘任特教助理人員、相關專業人員及輔具租借用等經費，由學校依學生需求及個別化計畫提出申請。
 - （三）製播特殊教育微電影、辦理特殊教育專刊及辦理 CRPD 研習，持續增進學校教職員及師生融合教育意識，共同營造同理、友善、接納的校園環境，確保身心障礙學生能於融合環境中有效學習。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Education (art. 24) 第二十四條：教育	21(b)	The causes of slow progress of inclusive education in terms of percentage of students with disabilities at the senior high school level or below attending regular school/regular class;	就高中以下身心障礙學生就讀普通學校／普通班級之比率，說明融合教育進展緩慢之原因；

Reply :

Ministry of Education

1. According to the national statistics, the ratio of students with disabilities in regular classes under senior high schools has increased from 82 percent to 86 percent from the 2016 school year to the 2021 school year. Among them, the ratio of students with disabilities in regular classes at preschool and state education stages is quite high. The ratios of pre-school, elementary school, and middle schools were 92.9 percent, 90 percent, and 88 percent, respectively, while the ratios at the senior secondary level were relatively low, at 70.7 percent. The reason is that we prioritizes the development of the potential of students with disabilities and provides multiple admission channels and multiple placement opportunities for students with disabilities who graduate from middle school. Students can choose to study in service groups in senior high schools or the higher vocational department of a special education school according to their wishes and expertise, thereby affecting the ratio of students enrolled in regular classes at the senior secondary level.
2. The Ministry of Education has been promoting the direction of inclusive education and strengthening relevant supporting measures to enable students with disabilities to study in regular classes smoothly:
Formulate the Regulation for Teaching Principles and Guidance for Students with Disabilities in Schools Under Senior Secondary Schools Enrolling in Regular Classes, and explicitly provide relevant resources and services required by students with disabilities in regular classes.
 - (a) Formulate the Regulation for Teaching Principles and Guidance for Students with Disabilities in Schools Under Senior Secondary Schools

- Enrolling in Regular Classes, and explicitly provide relevant resources and services required by students with disabilities in regular classes.
- (b) In 2022, it is planned to compile a manual on the implementation of the CRPD on campus, which will focus on collecting practical cases encountered in school teaching and guiding school teachers and staff to understand how to implement the spirit of CRPD and the concept of inclusive education in the campus. In terms of curriculum accommodation, teaching, guidance and class management, a friendly inclusive education environment is established.
 - (c) In order to provide effective guidance and assistance to students with disabilities at the teaching site, we strengthen in-service training on special education knowledge and ability for regular class teachers. In addition, the draft amendment to the Special Education Act launched in 2021 will explicitly encourage universities to offer special education-related courses in the pre-service education stage of teachers.
 - (d) Set up a special education counseling group to promote the teaching cooperation between general education teachers and special education teachers according to the 12-year national basic education special education curriculum, and provide students with effective teaching and guidance.
 - (e) According to the individual needs of students with disabilities to study and participate in school life, provide services such as application, assessment, operation training, consultation and other services for assistive technology needs.
 - (f) According to the assessment needs of the individualized education programs for students with disabilities, the number of service hours for special education-related professionals to provide consultation, treatment or training services.
 - (g) Formulate the Municipality and County (City) Government's Reference Principles for Examining the Application of Special Education Student Assistants by Supervising Schools, and approve the service hours of special education assistants according to the needs of students' individualized education programs to assist students self-care, learning and other needs in school.
3. The Ministry of Education will continue to actively promote relevant measures of inclusive education, improve the quality of inclusive education, and make parents willing to place students with disabilities in regular classes, so as to continuously increase the ratio of students with disabilities to regular classes.

中文回應：

教育部

- 一、經查高中以下身心障礙學生就讀普通學校之普通班比率，自2016學年度至2021學年度，由82%提升至86%，其中學前及國教階段身心障礙學生就讀普通班比率相當高，查學前、國小、國中各階段比率分別為92.9%、90%、88%，高中職階段則相對較低，為70.7%。究其原因，係因我國以發揮身心障礙學生潛能為優先考量，提供國中畢業之身心障礙學生多元入學管道及多元安置機會，學生得依其意願及專長，選擇就讀高級中等學校服務群科或特殊教育學校高職部，從而影響高中職階段就讀普通班之比率。
- 二、教育部刻正朝融合教育方向推動，強化相關配套措施，使身心障礙學生就讀普通班能夠順利：
 - (一) 訂定《高級中等以下學校身心障礙學生就讀普通班之教學原則及輔導辦法》，明定提供就讀普通班之身心障礙學生所需相關資源及服務。
 - (二) 2022年規劃研編校園落實《CRPD》手冊，將側重蒐集學校教學現場所遇實務案例，引導學校教師、教職員瞭解如何將 CRPD 精神及融合教育理念落實於校園環境、課程調整、教學輔導及班級經營上，建立友善的融合教育環境。
 - (三) 精進師資，加強辦理對普通班教師之特教知能研習，以期於教學現場給予身心障礙學生有效的輔導與協助，另 2021年啟動之《特教法》修法草案，新增明定鼓勵師資培育大學於師資職前教育階段開設特殊教育相關課程。
 - (四) 成立特殊教育輔導團，依十二年國民基本教育特殊教育課綱，推動普教教師及特教教師教學合作事宜，提供學生有效教學及輔導。
 - (五) 依據身心障礙學生個別學習及參與學校生活需要，提供輔具需求申請、評估、操作訓練、諮詢等服務。
 - (六) 依據身心障礙學生個別化計畫之評估需求，核給特殊教育相關專業人員服務時數，提供諮詢、治療或訓練服務。
 - (七) 訂定「直轄市及縣(市)政府審核主管學校申請進用特教學生助理人員參考原則」，依據學生個別化教育計畫需求，核給特教助理人員服務時數，以協助學生在校生活自理、課堂學習等需求。
- 三、教育部將持續積極推動融合教育相關措施，提升融合教育品質，讓家長願意將身心障礙學生安置於普通班級就讀，以持續提升身心障礙學生就讀普通班之比率。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Education (art. 24) 第二十四條：教育	21(c)	How the concept of Universal Design for Learning is being applied through the education system and not only for learners with disabilities;	通用學習設計之概念如何應用於教育系統中，而非僅適用於身心障礙學習者；

Reply :

Ministry of Education

1. Regarding the evolution of special education curriculum guidelines, the first curriculum guideline for intellectual disabilities was promulgated in 1988. Curriculum guidelines for all types of disabilities were implemented in 2000, and then new curriculum guidelines were piloted in 2011 (except for special education courses for students with cognitive difficulties, other students with disabilities adopt the same curriculum guidelines as ordinary students, and the concept of inclusion has gradually formed). By the 12-year National Basic Education Curriculum Guideline - General Guideline released in 2014 (implemented from 2019), it has included the concept of universal design for learning. All students, including students with disabilities, use the same curriculum guidelines, and then formulate the 12-year National Basic Education Special Education Curriculum Implementation Regulation for students with specific needs, and formulate curriculum guidelines for various specific needs subjects (such as social skills, communication training, orientation and mobility, assistive technology applications, etc.).
2. In the implementation of curriculum and teaching in the pre-school stage, the concept of universal design for learning (differentiation) has also been specified in the curriculum guidelines. In 2012, the Ministry of Education revised and released the Curriculum guidelines for Kindergarten Education and Care Activities (implemented in 2017). One of its basic concepts there are various differences in the living environment of young children, including different genders, different ages, different social and economic backgrounds, different races, different physical and mental states, etc., education and care service providers should regard "differences" as the resources of curriculum, and incorporate them into

the curriculum to broaden children's learning. Based on children's development status and learning needs, choose appropriate teaching materials, and plan appropriate activities and courses and Try to build a learning community, and carry out age-specific, mixed-age or inclusive education, and in collaborative communication, extend children's learning.

3. In terms of teaching environment, the Ministry of Education promotes the construction of a learning environment and activity space suitable for students with and without disabilities. The design of "accessibility classrooms" includes setting automatic doors or horizontally moving sliding doors at the exits of classrooms, a large space reserved for the moving lines inside (which is convenient for students using wheelchairs to move); whiteboards or electronic screens set up on the students' desktops or on the side walls of the classroom to facilitate communication and interaction between teachers and students. In 2010, the K-12 Education Administration, MOE subsidized 45 high school vocational schools to build multi-functional learning classrooms with universal design concepts, so as to construct a co-elective and interactive teaching space for ordinary students and students with disabilities. In the future, it is planned to subsidize local primary and secondary schools, and expand the promotion of creating a friendly and convenient classroom environment.

中文回應：

教育部

- 一、關於特殊教育課程綱要之演變，最早從1988年頒布智能障礙類課綱，到2000年開始實施各障礙類別課綱，然後在2011年試行新課綱（除了認知功能缺損學生之特教課綱，其他學生均採用與一般學生相同之課綱，已逐漸形成融合概念），到了2014年發布之「十二年國民基本教育課程綱要總綱」（自2019年施行），即已納入通用學習設計之概念，所有學生包括身心障礙學生，均使用相同之課綱，再為有特殊需求學生擬定「十二年國民基本教育特殊教育課程實施規範」，並訂有各種特殊需求領域課程綱要（如社會技巧、溝通訓練、定向行動、輔助科技應用等）。
- 二、在學前階段課程與教學之實施，也已將通用學習設計（差異性）之概念於課程大綱中明定。教育部2012年修正發布「幼兒園教保活動課程大綱」（於2017年實施），其基本理念之一「幼兒的生活環境中存在著種種差異，包括不同性別、不同年齡、不同社經背景、不同種族、不同身心狀態等多元現象，教保服務人員宜將『差異性』視為教保活動課程的資源，並納入課程的考量，以增廣幼兒的學習視野。」；另實施通則中「依據幼兒發展狀態與學習需求，選擇適宜的教材，規劃合宜的教保活動課程」及「嘗試建構學習社群，以分齡、混齡或融合教育的方式進行，在協同合作溝通中，延展幼兒的學習」。
- 三、在教學環境上，教育部推動建構適用於身心障礙學生與普通學生之學習環境與活動空間，採用「無障礙教室」之空間設計，如教室出口設置自動門或水平移動的滑門、教室內的動線預留較大空間，便於使用輪椅的學生移動；於學生桌面或教室側面牆壁上設置白板或電子螢幕，便於師生及普、特學生間之溝通互動。國教署2010年度補助主管高中職共45校建構多功能之通用設計理念學習教室，以建構普通學生及身心障礙學生可共同選修、互動之共融教學空間。未來規劃補助地方政府國民中小學學校，擴大推動營造友善、便利之課堂環境。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Education (art. 24) 第二十四條：教育	21(d)	How the concept of reasonable accommodation is being promoted throughout the school system in order to reduce the exclusion of learners with disabilities from regular schools at all levels.	如何於整體學校系統中推廣合理調整概念，減少各級普通學校對身心障礙學生之排除；

Reply :

Ministry of Education

1. The 12-year National Basic Education Curriculum Guideline - General Guideline (released in 2014) has included universal design and reasonable accommodation when it was drafted, so that students with and without disabilities can apply the same curriculum guideline, showing the spirit of universal design. At the same time, it is clearly stated that supportive assistance, specific needs courses and reasonable accommodation should be provided according to the individual needs of students. In order to provide on-site curriculum accommodation, the Ministry of Education has released the 12-Year National Basic Education Curriculum Outline for Students with Disabilities in the Areas of Curriculum Accommodation Application Manual for students with disabilities who have learning function difficulties in subjects of specific areas, providing teachers' reference for curriculum accommodation. The manual, which focuses on the learning focus accommodation suggestions of subjects in various areas, individualized education program examples and teaching examples, and has actively conducted relevant workshops and actively trained teachers in the national education stage of municipalities and counties to understand curriculum accommodation and use it in teaching.
2. In 2022, the Ministry of Education will revise the Special Education Curriculum Teaching Methods and Assessment Methods Implementation Regulations in accordance with the 12-year National Basic Education Special Education Curriculum Implementation Regulations, in order to

provide teachers' reference for accommodation in curriculum, teaching materials, teaching methods and assessment methods. Teachers who provide students with appropriate assessment accommodation, can flexibly adjust passing benchmarks and examination services according to the needs of students with disabilities.

3. According to the 12-year National Basic Education Special Education Curriculum Implementation Regulations, schools should provide a campus environment that conforms to universal design, and reasonably adjust their learning environment according to the needs of individual students with disabilities. In order to promote the continuous construction of schools and kindergartens under senior middle schools and improve the accessibility campus environment, the Ministry of Education continues to subsidize the funds for accessibility facilities in schools and local governments under its jurisdiction, such as lifting equipment, accessible toilets, parking spaces, accessibility signs, accessible access entrances and exits, ramps, handrails, etc.
4. The Ministry of Education and the local government have set up a special education counseling group to assist in the cooperation between special education and general education, and conduct studies to promote exchanges and interactions between special education teachers and general education teachers, so that regular class teachers understand the application of reasonable accommodation. In response to the increase in the proportion of students with emotional and behavioral disorders and autism enrolled in regular classes in recent years, the Ministry of Education has planned to commission universities to conduct training for professional support personnel for challenging behaviors in 2022. It will assist the local government to set up an emotional support team to assist schools in dealing with the teaching and counseling of students with emotional and behavioral disorders and autism in regular classes, including the application of reasonable accommodation and class management strategies, so as to reduce the rejection of students with disabilities in regular classes by teachers and students.

中文回應：

教育部

- 一、「十二年國民基本教育課程綱要總綱」(2014年發布)於擬訂時即已納入通用設計與合理調整內涵，使身心障礙學生與一般生能夠適用同一課綱，展現通用設計之精神，同時明定應依學生之個別需求，提供支持性輔助、特殊需求領域課程及實施合理調整。教育部為提供教育現場落實課程調整，針對身心障礙學生在特定領域科目有學習功能缺損者，發布「十二年國民基本教育課程綱要身心障礙學生領域課程調整應用手冊」，提供教師在進行領域科目課程調整的參考，其重點放在各領域科目的學習重點調整建議、個別化教育計畫示例及教學示例，並已積極辦理相關研習，積極培訓各直轄市及縣市國民教育階段教師，了解課程調整之內涵並運用於教學中。
- 二、教育部2022年依據「十二年國民基本教育特殊教育課程實施規範」修訂《特殊教育課程教材教法及評量方式實施辦法》，就學生之課程、教材、教法及評量調整措施提供參考，包含教師提供學生適當之評量調整措施後，可依身心障礙學生需求，彈性調整及格基準、考試服務等。
- 三、依據「十二年國民基本教育特殊教育課程實施規範」，學校應提供符合通用設計之校園環境，並針對個別身心障礙學生需求合理調整其學習環境。為促使高級中等以下學校及幼兒園持續建置及改善無障礙校園環境，教育部持續補助所轄學校及地方政府無障礙設施相關經費，如無障礙升降設備、廁所盥洗室、停車空間、無障礙標誌、無障礙通路出入口、坡道、扶手等。
- 四、教育部及地方政府均已成立特殊教育輔導團，協助特殊教育、普通教育之合作，並辦理研習促進特殊教育、普通教育教師間之交流、互動，使普通班老師了解合理調整之應用，以減輕對身心障礙學生之疑慮，另因應近年來情緒行為障礙、自閉症等學生就讀普通班比例之增加，教育部2022年已規劃委請大學辦理情緒及行為問題專業支援人員培訓研習，並將輔導地方政府成立情支團隊，以協助學校處理情障及自閉症學生於普通班之教學及輔導，包含合理調整之應用及班級經營策略，減少普通班師生對身心障礙學生的排拒。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Education (art. 24) 第二十四條：教育	21(e)	What measures are being implemented to eliminate the need for families to pay for support services in order for their children to be allowed to attend school.	為免除家庭因孩童上學而需自行支付支持服務費用，臺灣目前採取何種措施。

Reply :

Ministry of Education

1. In order to facilitate young children with disabilities to obtain special education and support services, the Ministry of Education subsidizes the local government's pre-school special education related professionals and assistants in accordance with the number of children with disabilities every school year. This is to provide professional consultation services for kindergartens to assist teachers and caregivers in taking care of young children with disabilities. Local governments may make overall plans based on the actual needs of children with disabilities within their jurisdiction, or accept applications from kindergartens to approve service hours and fees. Parents do not need to apply or pay by themselves.
2. According to the Regulation for Reduction and Exemption of School Fees for Students with Disabilities and Children of Persons with Disabilities, for students with disabilities or children of persons with disabilities, if the total annual family income in the most recent year does not exceed NT\$2.2 million, they will be exempted according to their disabilities. The extent of disabilities waives the tuition fee.
3. Students with physical and psychosocial disabilities are confirmed by the professional assessment that they are unable to go to the school by themselves, and if the school has real difficulties in providing transportation services, the transportation fee will be subsidized by the authorities.
4. In accordance with the Municipality and County (City) Governments Reviewing the Reference Principles for Schools' Application for Special Education Student Assistants" and based on the evaluation needs of the individualized program, the service hours of the student special education assistants will be approved. In recent years, the number of students with disabilities in regular classes has increased, and the demand

for hiring special education assistants has increased, the required funds are huge. Therefore, since 2020, the Ministry of Education has significantly increased the subsidy for special education assistants in local governments.

5. Provide educational aids that can improve the learning of students with disabilities, including visual aids, auditory aids, mobility and positioning aids, reading and writing aids, communication aids, computer aids and other aids. When these aids are given priority to use or adjust the existing educational aids in the school and are still insufficient, the school shall apply to the competent authority, and the Ministry of Education shall grant subsidies according to the application of the competent authority.
6. In order to provide more complete, safe and secure care support for students with moderate and severe disabilities, since 2018, subsidize the needs of various counties and cities for life-sustaining equipment, including phlegm-relieving machines, blood oxygen monitors, mobile Oxygen sources, sputum suction machine and other related equipment. The authorities and schools also strengthen the professional training of special education assistants to serve students in need.

中文回應：

教育部

為保障身心障礙學生就學權益，教育部已有下列相關支持服務，以減輕身心障礙學生家庭之負擔：

- 一、為利身心障礙幼兒就學即獲得特殊教育及支持服務，教育部每學年度依身心障礙幼兒人數，補助地方政府學前教育階段專業團隊專業人員及助理人員經費，以提供教保服務機構專業諮詢，協助教保服務人員照顧身心障礙幼兒，地方政府並得視轄內身心障礙幼兒之實際需求統籌運用，或由受理各機構申請，核予服務時數及費用，家長無需自行提出申請或付費。
- 二、依據《身心障礙學生及身心障礙人士子女就學費用減免辦法》規定，針對身心障礙學生或身心障礙者子女，其最近一年度家庭年所得總額未超過新臺幣220萬元者，依其身心障礙程度減免就學費用。
- 三、身心障礙學生經專業評估確認無法自行上下學者，且學校提供交通服務確有困難者，補助其交通費。
- 四、依據「直轄市及縣（市）政府審核主管學校申請進用特教學生助理人員參考原則」，且依據個別化計畫之評估需求，作為核給學生特教助理人員服務時數。近年來就讀普通班身心障礙學生人數漸增，聘任特教助理人員的需求增加，所需經費龐大，故教育部自2020年起已大幅調增補助地方政府特教助理人員經費。
- 五、依據身心障礙學生個別學習及參與學校生活需要，提供可改善其學習能力之教育輔助器材，包括視覺輔具、聽覺輔具、行動移位與擺位輔具、閱讀與書寫輔具、溝通輔具、電腦輔具及其他輔具，該些輔具於優先運用或調整校內既有教育輔助器材仍不足時，由學校向主管機關提出申請，教育部依各該主管機關申請給予補助。
- 六、為提供中重度身心障礙學生更完善、安全且保障的照護支持，自2018年度起，賡續補助各縣市所提之維生設備需求，其中包含化痰機、血氧監測器、行動氧源、抽痰機等相關設備，並加強提升特教助理人員專業培訓，以服務有需求之學生。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Health (art. 25) 第二十五條：健康	22(a)	<p>Please inform the Committee:</p> <p>Of the proportion of medical facilities in the State that have been audited for disability access and whether there is a process to obligate Ministry of Health and Welfare to prioritise the implementation of barrier-free medical environments with universally accessible medical services and equipment e.g. accessible bathrooms and beds, examination tables, birthing beds, transfer aids, X-ray and scanning equipment and weight measuring equipment, as well as ensuring reasonable accommodation to processes and procedures and whether the such data on these needs, and measures taken to address them, are published and made available to persons with disabilities;</p>	<p>請向委員會說明下列事項：</p> <p>國家接受可及性／無障礙審核的醫療設施之比率，以及是否責成衛生福利部實施無障礙醫療環境及普遍可及之醫療服務與設備（例如無障礙浴室與床、檢查台、分娩床、移轉位輔具、X光與掃描設備以及體重測量設備）的程序，同時確保對流程與程序進行合理調整；關於上述需求之相關資料以及義務方為處理上述需求所採取之措施，是否已公開並提供給身心障礙者；</p>

Reply :

Ministry of Health and Welfare

1. The Ministry of Health and Welfare published the *MOHW-affiliated Hospitals Friendly Handbooks for the visual and hearing disabled* in 2015. Now in Taiwan, 26 of the MOHW-affiliated hospitals already set up special services for the visually and hearing disabled in many aspects of hospital visits, such as applying for sign language interpreters and requests for an escort or tailored devices.

2. Chapter 1.5 of the Hospital Accreditation Standard stipulates the provision of service information for persons with disabilities and the provision of accessible facilities. About 80 percent of hospitals that applied for hospital accreditation in 2019 achieved the standard. In 2020-2022, due to the COVID-19 epidemic, the hospital accreditation was suspended.
3. Incentive Program of Accessible Measures for Medical Institutions Promotion:
 - (a) In 2021, incentives were offered to hospitals that installed accessible passages, accessible toilets, electric lift beds, lifts, wheelchair scales, and AAC tools in isolation wards. Incentives were also offered for primary clinics for setting up friendly passages, toilets, AAC tools, and accessible facilities and equipment.
 - (b) A total of 24 hospitals (with 74 isolation wards) and 1,384 clinics were eligible for the incentives (the list of winners has been published on the Ministry's official site). In the future, we will continue to plan related incentive programs to gradually improve the national friendly medical environment.
4. Courses related to the protection of rights and interests of persons with disabilities and their medical care are included in the continuing education credits of medical professionals. The achievements are as follows:
 - (a) Sex education and childbirth-related health courses for women and girls with disabilities: By the end of 2020, there were 100 courses held with 2,200 participants; and there were more than 110 courses held with more than 2,500 participants in 2021.
 - (b) Courses on the protection of rights and interests of persons with disabilities: From 2019 to 2020, a total of 30 courses were held with 500 participants; in 2021, there were 30 courses held with more than 400 participants.
5. On 20 December 2021, the draft amendment on Article 9 of the Establishment Standards for Medical Institutions was commenced a period of public comments, and the regulations on friendly facilities in clinics would be added by having "pasages", "toilets", "checkout registration and service counters" as the key items, whose notification procedures were completed on 18 February, 2022. As many opinions on the amendment draft from the general public remain, we will continue to conduct communication and consultancy to reach a consensus.

中文回應：

衛生福利部

- 一、2015年訂定「衛生福利部所屬醫院視障及聽障友善就醫流程」，業已函各部屬醫院實施，且全臺26家部屬醫院之網路掛號系統具提供視覺障礙或聽覺障礙特殊服務之選項（如：可安排手語翻譯員預約申請、專人陪同、準備特殊輔具等）。
- 二、醫院評鑑基準第1.5章訂有提供身心障礙者服務資訊及設置無障礙設施之規定。2019年申請醫院評鑑之醫院，達成該規定之家數比率約80%，另2020至2022年因應嚴重特殊傳染性肺炎疫情，醫院評鑑暫停辦理。
- 三、推動醫療院所無障礙獎勵計畫
 - （一）於2021年獎勵醫院隔離病房設置無障礙通路、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）計有24家醫院（74間隔離病室）及1,384家診所符合獎勵條件，並於2022年4月29日將名單公布於衛生福利部網站。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。
- 四、身心障礙者權益保護及醫療照護相關課程納入各類醫事人員繼續教育積分，成效如下：
 - （一）身心障礙婦女及女童之性教育及生育健康相關課程：2020年底辦理課程達100堂，參與人數達2,200人次；2021年達110堂以上，參與人數超過2,500人次。
 - （二）身心障礙者權益保障課程：2019年至2020年累計開辦30堂，參與人數達500人次；2021年達30堂以上，參與人數超過400人次。
- 五、2021年12月20日預告醫療機構設置標準第9條修正草案，增訂診所友善設施規定，以「通路」、「廁所」、「結帳掛號櫃台及服務台」為規範重點項目，並於2022年2月18日完成預告程序。因各界對修正草案仍有諸多意見，將持續辦理溝通，以凝聚共識。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Health (art. 25) 第二十五條：健康	22(b)	To what extent the Health Promotion Administration of MOHW has developed an implementation report on the 33 health policy objectives for persons with disabilities in the State that are listed in their "2020 Citizen Health White Paper" and whether there is a strategy to adapt and develop a strategic plan and policies to promote the health and wellbeing of persons with disabilities over the next five and ten years;	針對《2020 年健康國民白皮書》所列之 33 項身心障礙者健康政策目標，衛生福利部國民健康署制訂實施報告之進度為何，以及是否調整並制定策略計畫及相關政策，俾使於未來五年與十年內促進身心障礙者之健康與福祉

Reply :

Ministry of Health and Welfare

1. The *2020 Citizen Health White Paper* was published by Taiwan's Department of Health, Executive Yuan (currently Ministry of Health and Welfare) in 2009. The white paper extends beyond the medical and health level. On the basis of health and equity, the administrative goals of Taiwan's public health policy aim to "improve the quality of life and promote healthy lifestyle" and "eliminate health inequities", by jointly considering various factors influencing population health, such as health care, internal affairs, education, and social welfare. At the time of the publication of the white paper, Taiwan's public health, medical, and social welfare work were under the jurisdiction of the Department of Health, Executive Yuan, Department of Social Affairs and Ministry of the Interior. To effectively improve the service efficiency of the health and social welfare system, the Ministry of Health and Welfare was established in 2013 for integrating the functions of said departments: establishment of an integrated holistic care system, improvement of the national health insurance system, supplement to the social welfare support system, and development of the long-term care system and various crucial policies, all of which have taken into account factors that

may affect the health of children, older adults, and people with disabilities.

2. The Ministry of Health and Welfare provides various prevention-oriented health care services to people at different life stages. Articles 7, 20, and 25 of the CRPD Second Report have addressed issues regarding reporting, tracking, and monitoring of children with a developmental delay and related service outcomes; protection of basic health rights of people with disabilities; accessible medical environment; rehabilitation services; and assistive technology services.

中文回應：

衛生福利部

- 一、《2020 健康國民白皮書》係我國行政院衛生署（現衛生福利部）於 2009 年出版，該白皮書超越醫療與衛生的層次，在「健康」與「平等」之基礎下，以「提升生活品質、促進健康生活」以及「消弭健康不平等」做為我國公共衛生政策之施政目標，並匯集了各項影響群體健康的因素，包含衛生醫療、內政、教育及社會福利等面向。該白皮書出版時，我國公共衛生、醫療及社會福利工作分屬行政院衛生署及內政部社會司等管轄。為有效提升衛生及社福體系服務效能，2013 年成立衛生福利部進行上述部門功能整合，不論是建立整合性全人照顧體系、完善全民健康保險、周延社會福利支持系統及布建長期照顧體系等各重要政策，均已考量可能影響兒少、老人與身心障礙者等族群健康之因素。
- 二、衛生福利部係以民眾不同生命階段提供各式預防保健服務，有關於發展遲緩兒童通報、追蹤監測及相關服務成果，對於身心障礙者提供的基本健康權利保障、就醫環境無障礙、復健服務及輔具服務等，已於《CRPD》第二次國家報告第 7 條、第 20 條及第 25 條呈現。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Health (art. 25) 第二十五條：健康	22(c)	If the State intends to survey the prison population to determine the proportion of persons with disabilities among inmates, so as to comprehend their educational, support, psychological, medical and other needs, and provide appropriate supports, interventions, medical and rehabilitation resources.	國家是否規劃調查監獄人口以確定身心障礙受刑人之比率，以瞭解其教育、支持、心理、醫療等需求，並提供適當的支持、介入、醫療與復健資源。

Reply :

Ministry of Justice

1. To grasp the proportion of people with disabilities among inmates held at correctional facilities, all inmates are required to undergo a health examination upon admission, which includes a physiological survey, physical check-up, and whether the inmate holds a disability certificate. In addition, pursuant to Article 13 of the Prison Act and Article 11 of the Detention Act, an inmate may not refuse a health examination. In practice, when inmates arrive at a correctional facility, the medical staff of the facility would try to learn the disability status of inmates by checking whether they hold a disability certificate or by asking relevant questions, and they would post the findings in the prison administration information system so the Agency of Corrections and other agencies can readily grasp the proportion of inmates with disabilities and their disability status. As of the end of April 2022, there were 2,241 inmates who hold a disability manual, accounting for 4.18 percent of the prison population.
2. Specific services provided by correctional facilities for inmates with disabilities include the following:
 - (a) To improve the quality of rehabilitation programs for inmates with disabilities, audiobooks, charts, sign language or other support

measures are made available to new inmates during orientation so they can fully understand the contents of the prison manual, their rights and obligations, and matters to be complied with.

- (b) Suitable collective education, life education, adaptive counseling and other edification courses are arranged based on the attributes of inmates with disabilities to achieve the objectives of corrective education.
- (c) Prison counselors would interview individual inmates, while psychologists or social workers would look into greater details of individual cases. If the psychologist determines following an assessment that a case should enter the counseling process, counseling will be provided based on the actual condition, otherwise, the case will be forwarded to other volunteers to provide continuing support for the inmate.
- (d) If an inmate has medical needs, the facility will assist in the arrangement of treatment, and arrange regular doctor's visits, follow-up and counseling in view of inmate condition. In addition, the facility will educate inmates about health management, prevention and medication adherence based on their type and degree of disability, and personal needs. The aims are to enhance the inmate's knowledge about related illness, its prevention, treatment and self-health management.
- (e) Correctional facilities would publicize the spirit of CRPD to instill in regular inmates the correct concept about disability that they should treat fellow inmates with disabilities as equals and with respect, and get along with them. The aim is to reduce conflict caused by a misconception.

中文回應：

法務部

- 一、為掌握矯正機關身心障礙者之比例，收容人入監（所）時均應行健康檢查，包含生理調查、理學檢查及身心障礙證明持有情形等，且《監獄行刑法》第 13 條及羈押法第 11 條明文規定，收容人不得拒絕受檢。實務執行上，矯正機關醫事人員於收容人入監時，透過其證明持有情形或口頭詢問等方式，了解收容人身心障礙概況，並將查調結果登載於獄政資訊系統，以利機關及矯正署即時掌握身心障礙收容人之比例及障礙情形。截至 2022 年 4 月底，矯正機關領有身心障礙手冊人數計 2241 名，占在監收容人人數約 4.18%。
- 二、矯正機關提供身心障礙者之具體服務如下：
 - （一）為強化是類收容人之處遇品質，辦理新收講習時，透過有聲書、圖表、手語或其他支持方式，使其充分瞭解生活手冊之內容、各項權利義務及應遵守事項。
 - （二）依是類收容人之屬性，安排適當之集體教誨、生命教育及適性團體等教化課程，期以完成矯治教育之目的。
 - （三）除教輔人員個別晤談外，由專業心社人員進行個案關懷；經心理師評估有需要進入諮商程序之個案，依其實際狀況進行諮商；無需者，則轉介其他志工持續給予支持。
 - （四）視收容人實際就醫需要，協助其接受治療，並視個案病情定期看診、追蹤及輔導。此外，機關得依障礙類別、障礙程度及個人實際需要情形，適時對其實施衛教宣導、預防保健及服藥遵從性等事項，促進收容人對相關疾病之認識、預防、處理與自主健康管理等觀念。
 - （五）宣導《CRPD》的精神，使一般收容人對身心障礙有正確觀念，以平等、尊重之態度和諧相處，減少因錯誤認知而引發衝突。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Habilitation and rehabilitation (art. 26) 第二十六條：適應訓練及復健	23(a) 23(b) 23(c)	Please inform the Committee: The extent to which habilitation and rehabilitation services are directed to equipping individuals with knowledge, skills and equipment needed for eventual independent living; Whether the services are predominantly medical and if not, what other services are available; To what extent services are promoting full inclusion and individual control of services.	請向委員會說明下列事項： 為最終達成個人自立生活目標，臺灣所提供之生活適應與復健服務，朝向使其具備所需之知識、技能與設備之程度； 上述服務是否主要為醫療服務；若否，則其他可行之服務為何； 上述服務促進充分融合及個人對其掌控之程度為何

Reply :

Considering that Questions 23(a), 23(b), and 23(c) are similar, we have responded to all three jointly.

Ministry of Labor

To help people with disabilities strengthen their work skills, the Ministry of Labor subsidizes local governments to provide special occupational training for people with disabilities based on their physical and psychological development and the category and level of disabilities. In addition, the Ministry of Labor helps people with disabilities participate in diversified occupational training courses jointly with the general people, to give them more choices in terms of the class, time, and place of occupational training, and provides accessible facilities, individual counseling and teaching materials, sign language interpreting, and job accommodation services, to eliminate obstacles for their participation in the training.

Ministry of Health and Welfare

1. Rehabilitation Therapy, according to the National Health Insurance Act Article 40, in case of beneficiaries encounter illness, injury, or maternity, the contracted medical care institutions shall provide medical services, drafting fee schedules, and regulations governing fee schedule pursuant to Paragraphs 1 of Article 41, The Fee Schedule and Reference List for Medical Services. And according to the National Health Insurance Act Paragraph 1 of Article 62, the contracted medical care institutions shall declare to the Insurer the points of the medical services rendered, based on the Fee Schedule and Reference List for Medical Services. The NHI will pay contracted institutions on the rehabilitation therapy services provided.
2. Medical Services of Rehabilitation Therapy:
 - (a) The Fee Schedule and Reference List for Medical Services of Rehabilitation Therapy, includes rehabilitation evaluation and therapy. Rehabilitation therapy includes physical therapy, speech therapy, occupational therapy or psychosocial rehabilitation treatment fee. The fee schedule is as follows.
 - (i) Physical Therapy, Occupational Therapy, Speech Therapy: the payment point divided by therapy items, quantity, cure period, complexity of medical services.
 - (ii) Psychosocial Rehabilitation Treatment Fee: indications include injuries to the leg and body, injuries to the central nervous system, developmental disorder, chronic pain, or intellectual disabilities, mood disorders and behavioral syndromes, leading to poor social development who need psychotherapy.
 - (b) In the Fee Schedule and Reference List for Medical Services, doctors who are licensed psychiatrists, neurologists, orthopedists, neurosurgeons, plastic surgeons, or ENT, can provide rehabilitation therapy services.
3. To help individuals with acquired disabilities rebuild their ability to live independently and return to society, the Ministry of Health and Welfare has instructed local governments to implement daily living reconstruction services for these individuals as per Article 50 of the People with Disabilities Rights Protection Act. In these services, specialists will be assigned to develop a daily living reconstruction plan along with individuals with acquired disabilities and provide training and services for daily living skills, social activities, and interpersonal relationships

according to the needs of these individuals. These services differ from those of medical rehabilitation and training. Since 2012, the Ministry of Health and Welfare has subsidized local governments to implement a daily living reconstruction program for individuals with visual impairment. In 2021, a total of 22 agencies in Taiwan offered daily living reconstruction services for those with visual impairment, and 1,233 individuals received services from these agencies. Since 2016, total subsidies amounting to NT\$232.29 billion have been granted to these services.

4. Taiwan has offered support services for independent living as per Article 50 of the People with Disabilities Rights Protection Act and has incorporated peer support services. In these services, people with disabilities work with peer supporters and social workers to develop an independent living plan; these individuals can make their own choices, make decisions, assume responsibilities, and assist in building an independent lifestyle of their own. Subsequently, individuals are provided the peer support services needed, such as experience sharing or psychological support, to empower and guide them in social and community participation, thereby facilitating their independent living. These services differ from those of medical rehabilitation and training.
5. Community psychiatric rehabilitation is for the purpose of assisting patients to adapt to social life gradually, the rehabilitative treatment offered to patients in community as regards work ability, work attitude, psychological reconstruction, social skills, and ability to manage daily life, etc.
6. Psychiatric rehabilitation institutions need to assess the rehabilitation needs of trainees/residents, and based on their evaluation results, formulate individual goals and rehabilitation plans to strengthen their community adaptability. In order to provide psychiatric rehabilitation services for psychiatric patients and maintain quality of services, the central competent authority conducts accreditation of psychiatric rehabilitation institutions regularly, and supervises institutions to provide residents with appropriate rehabilitation programs and various services.
7. To slow the progression of the conditions of people with disabilities and reduce their time spent bedridden, the National Ten-year Long-term Care Plan 2.0 provides professional care service packages. These packages incorporate the idea of reablement and are directed toward individuals who can learn, are motivated to comply with reablement service arrangements, and have recently deteriorated substantially in their ability to conduct daily activities. Consent is required from the service recipient before the delivery of such services. Professional care workers will set up training goals on the basis of the expectations of the service recipient and their family members regarding their future lives and adjust their training strategy in accordance with the environment and the service recipient's daily activities. Short-term, intensive intervention

services are provided as a form of guidance to help service recipient and their primary caregivers achieve training goals and learn care skills and to assist and support the service recipient in acquiring the skills required for independent living. Accordingly, professional long-term care reablement services differ from the therapies for treating physical function impairment and the rehabilitation therapies for mitigating illness-related functional limitations that are provided by medical institutions. A study by the Ministry of Health and Welfare also reveals that the progress achieved through a service is maximized when 9–12 sessions of service are provided for a given goal. When new training goals are required, and they belong to a service package that is identical to the package that an individual is currently undergoing, a 90-day window is required between the completion of the current service package and the addition of the new training goals. The time window provides time for the individual to internalize the training and learning content of the completed package into their daily life before starting training for the new goals; this arrangement allows the individual to achieve training and learning outcomes in a progressive manner and to effectively practice what they have learned in their everyday life.

中文回應：

考量23(a)、23(b)、23(c)為連續性問題，爰併同回復。

勞動部

為協助身心障礙者增進工作技能，針對身心障礙者生理、心理發展及障礙類別程度不同，勞動部補助地方政府開設身心障礙者專班職業訓練，另提供協助身心障礙者與一般民眾共同參與多元化之職業訓練課程，使其在職業訓練職類、時間及地點上有更多元的選擇，並依身心障礙者特性，提供無障礙設施、個別輔導及教材教具、手語翻譯等職務再設計服務，排除參訓障礙。

衛生福利部

一、全民健保之復健治療，係依據《全民健康保險法》第40條第1項規定：保險對象發生疾病、傷害事故或生育時，保險醫事服務機構提供保險醫療服務，應依第41條第1項訂定之醫療服務給付項目及支付標準（下稱支付標準）規定辦理。另依據同法第62條第1項規定：「保險醫事服務機構應依據支付標準，向保險人申報其所提供之醫療服務之點數。」故全民健保之復健治療，係給付醫療服務費用。

二、復健治療之健保給付項目：

- (一) 支付標準訂有復健治療章節，包含一般復健檢查及治療，其中治療包含物理治療、職能治療、語言治療及心理社會復健，通則規範說明如下：
 1. 物理治療、職能治療及語言治療：針對符合疾病適應症範圍者，按治療項目內容、數量及時間分為簡單、中度及複雜治療，分別給予不同給付。
 2. 心理社會復健治療：適應症包括肢體損傷、中樞神經系統損傷、發展異常、慢性疼痛或其他先天後天疾患經評估有心智功能下降、情緒困擾或行為異常，導致社會適應功能不良需心理治療者。
- (二) 復健治療章節各節訂有執行各項診療項目須符合至少有專科專任醫師如復健科、神經科、骨科、神經外科、整形外科或耳鼻喉科等之支付規範

- 三、為協助中途致障者重新建構其獨立生活能力，並復歸社會，衛生福利部督導各地方政府依據《身權法》第 50 條，積極推動生活重建服務，由專業人員與服務對象共同擬訂重建計畫，並依服務對象需求提供日常生活能力培養，及社交活動及人際關係之相關訓練及服務，其服務性質、內涵與醫療復健與訓練不同。衛生福利部自 2012 年補助地方政府辦理「視覺障礙者生活重建服務計畫」，2021 年全國計 22 個單位提供視覺障礙者生活重建服務，服務人數 1,233 人。自 2016 年起迄今已補助 2 億 3,229 萬餘元。
- 四、我國依據《身權法》第 50 條推動自立生活支持服務，並導入同儕支持服務，透過身心障礙者、同儕支持員及社工共同擬定自立生活計畫，讓身心障礙者能參與自我選擇、決定、負責，協助建立其自主生活方式；再依計畫提供所需之同儕支持服務，例如經驗分享、心理支持等，培力及引導身心障礙者參與社會（區），達到自立生活之目標。其服務性質、內涵與醫療復健與訓練不同。
- 五、社區精神復健係為協助病人逐步適應社會生活，於社區中提供病人有關工作能力、態度、心理重建、社交技巧、日常生活處理能力等之復健治療。
- 六、精神復健機構需評估精神疾病學員/住民復健需求，依其評估結果，擬定符合個人之目標與復健計畫，以強化其社區適應能力；為提供精神病人精神復健服務及維護品質，定期辦理精神復健機構評鑑，輔導機構提供住民適當之復健項目及各項服務。另外，透過提供學員/住民之復健工作訓練相關服務，可提供已康復個案院內或機構內工作機會或工作助理。
- 七、為延緩失能個案惡化及縮短臥床時間，長照 2.0 創新納入專業服務照顧組合，置入復能（reablement）觀念，以具學習能力、具配合復能服務之動機、近期內日常生活功能明顯退化之個案為對象，並應徵得個案同意，始啟動服務，並由專業人員依個案及家屬期待之生活目標訂定訓練目標，藉由環境與日常活動調整策略，透過短時間且密集性之介入服務，指導個案及主要照顧者，達到訓練目標、學習照顧能力以協助並支持個案，使個案有機會恢復獨立生活能力。因此，長照專業復能服務與醫療院所提供對個案進行身體基本功能缺損之治療或預防疾病對個案功能所造成的限制之復健治療有所不同。另研究呈現，同一專業服務目標，以導入 9-12 次服務，可達成之成效較為顯著。倘有新訓練目標之需求且為同代碼之照顧組合則需間隔 90 天，俾利原目標之訓練學習能在生活中常態化，再啟動下一階段新的訓練目標，循序漸進達成訓練與學習成效，將訓練成效融合在個案生活中。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Work and employment (art. 27) 第二十七條：工作及就業	24(a)	Please explain to the Committee: The low growth rate of employment of persons with disabilities in 2019 compared with 2016 ;	請向委員會解釋下列事項： 2019 年身心障礙者就業人數增長率較 2016 年為低之原因；

Reply :

Ministry of Labor

The reason for the low growth rate of employment of people with disabilities in 2019 compared with 2016 should be related to the decrease in the number of people with disabilities aged 15-64 in recent years. The number of people with disabilities aged 15-64 in 2019 was 635,000 (accounting for 55.3 percent of people with disabilities aged 15 years and over), a decrease of 27,000 compared with the end of 2016. Since the population aged 15-64 is the main source of labor, the decrease in the number thereof has slowed the growth in the number of employed people with disabilities. However, the labor force participation rate and employment rate of persons with disabilities in 2019 was 20.7 percent and 19.0 percent respectively, which were still 0.3 percentage points and 0.5 percentage points higher than those determined in the previous survey.

Table 24.1. Employment Status of People with Disabilities Aged 15 Years and Over

Time of Survey Data (MM/YYYY)	Number of Employed with Disabilities	Growth Compared to the Previous Survey	Increase or Decrease in the Number of Persons	Labor Force Participation Rate	Increase or Decrease in the Percentage Points Compared to the Previous Survey	Employment Rate	Increase or Decrease in the Percentage Points Compared to the Previous Survey
			Compared to the Previous Survey		Percentage Points		Percentage Points
	1,000 persons	%	1,000 persons	%	Percentage Points	%	Percentage Points
December 2016	209	10.6	20	20.4	0.7	18.5	1.0
May 2019	215	2.9	6	20.7	0.3	19.0	0.5

Data Source: The Disabled People's Living Condition and Demand Survey 2016 of the Ministry of Health and Welfare, the 2019 Survey on the Employment Status of People with Disabilities of the Ministry of Labor.

Note: Labor force participation rate = (labor force / civilian population of 15 years old or over) ×100; Employment rate = (Employed persons / civilian population of 15 years old or over) ×100.

Table 24.2 Structure of People with Disabilities and Population Aged 15 Years and Over

Unit: 1,000 persons

End of Year	People with Disabilities Aged 15 Years and Over (1)						Population Aged 15 Years and Over (2)					
	Total	Increase or Decrease Compared to the Previous Survey	15-64 years old	Increase or Decrease Compared to the Previous Survey	65 years old and above	Increase or Decrease Compared to the Previous Survey	Total	Increase or Decrease Compared to the Previous Survey	15-64 years old	Increase or Decrease Compared to the Previous Survey	65 years old and above	Increase or Decrease Compared to the Previous Survey
End of 2016	1,131	32	662	-1	469	33	20,398	241	17,292	-56	3,106	297
End of 2019	1,149	18	635	-27	513	44	20,593	195	16,986	-306	3,607	501

Data sources: (1) Ministry of Health and Welfare; and (2) Ministry of the Interior.

中文回應：

勞動部

2019年身心障礙就業人數增加率較2016年低的原因，應與近年15-64歲全體國民人口數遞減，而15-64歲身心障礙人口亦呈減少趨勢有關，2019年底15-64歲身心障礙人口為63.5萬人（占15歲以上身心障礙者之55.3%），較2016年底減少2.7萬人，由於15-64歲年齡組為主要勞動力來源，其人數減少使身心障礙就業人數增幅趨緩。惟2019年身心障礙勞動力參與率20.7%、就業率19.0%，仍較前次調查分別增加0.3%、0.5%。

表24.1 15歲以上身心障礙人口勞動概況

調查資料 年月	身心障礙就業			勞動力參與率		就業率	
	人數 千人	較前次調查增 加率	較前次調查增減 人數	%	較前次調查增減 百分點	%	較前次調查增減 百分點
		%	千人		百分點		百分點
2016年12月	209	10.6	20	20.4	0.7	18.5	1.0
2019年5月	215	2.9	6	20.7	0.3	19.0	0.5

資料來源：衛生福利部2016年身心障礙者生活狀況及需求調查；勞動部2019年身心障礙者勞動狀況調查。

說明：勞動參與率=15歲以上勞動力人數/15歲以上民間人口數×100；就業率=15歲以上就業人數/15歲以上民間人口數×100。

表24.2 15歲以上身心障礙及全體國民人口結構

單位：千人

年底別	15歲以上身心障礙人口①						15歲以上全體國民人口②					
	總計	較前次調查增減數	15-64歲	較前次調查增減數	65歲以上	較前次調查增減數	總計	較前次調查增減數	15-64歲	較前次調查增減數	65歲以上	較前次調查增減數
2016年底	1,131	32	662	-1	469	33	20,398	241	17,292	-56	3,106	297
2019年底	1,149	18	635	-27	513	44	20,593	195	16,986	-306	3,607	501

資料來源：①衛生福利部身心障礙人口統計，②內政部人口統計。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Work and employment (art. 27) 第二十七條：工作及就業	24(b)	Whether there is a legal provision stating that the failure to provide reasonable accommodation in the workplace (whether in public, private or voluntary sectors) constitutes unlawful disability-based discrimination;	當工作場所(無論是公共、私人或志願部門)未能提供合理調整時，是否有相關法律條款聲明此舉構成對身心障礙者之非法歧視；

Reply :

Ministry of Labor

To ensure equal employment opportunities for people with disabilities, the Ministry of Labor, in accordance with Paragraph 1 of Article 5 of the Employment Service Act, explicitly requires that employers shall not discriminate against any job applicant or employee based on disability, and any employer who violates such provision will be fined and have its name published. Job applicants or employees with disabilities who encounter employment discrimination may directly file a complaint with the competent administrative authority in charge of labor at the place of work. Whether an employer's failure to make reasonable accommodation for people with disabilities involves disability discrimination in employment should be determined by the Employment Discrimination Review Committee of the local competent administrative authority in charge of labor in accordance with the employment discrimination complaint and handling mechanisms specified in the Employment Service Act and the Enforcement Rules of Employment Service Act and based on the facts of each specific case.

中文回應：

勞動部

為保障身心障礙者就業機會平等，依現行《就業服務法》第 5 條第 1 項明定雇主對求職者或受僱者，不得以身心障礙為由予以歧視，雇主違反規定者，處罰鍰並公布其名稱、姓名。爰身心障礙求職人或受僱者遭受就業歧視情事，可逕向工作所在地勞動行政主管機關提出申訴。至雇主如未提供身心障礙者合理調整，是否涉及就業身心障礙歧視，依現行《就業服務法》及同法施行細則所定就業歧視申訴處理機制辦理，由各地方勞工行政主管機關就業歧視評議委員會依相關規定及個案事實認定之。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Work and employment (art. 27) 第二十七條：工作及就業	24(c)	Why people working in sheltered workshops do not receive the minimum wage and what would be the implications (on persons with disabilities, on society, on the economy) of mandating minimum wage in sheltered workshops;	庇護工場工作者未獲得最低薪資之原因，以及要求庇護工場支付最低薪資之可能影響（對身心障礙者、社會、經濟之影響）；

Reply :

Ministry of Labor

1. The legislative intent of Taiwan's People with Disabilities Rights Protection Act is to provide sheltering employment services, in accordance with the result of occupational guidance assessment, for people with disabilities who have the willingness to work but are not independently competitive, mandatory for long-term employment supports to enter the competitive employment market. If the productivity of people with disabilities under sheltering employment is lower than that of people working in the competitive employment market, their wages may be calculated according to their productivity based on the principle of different pay for different work. The wages are to be discussed by both the employers and the sheltering employees, and reported to the local government by the employers. Other labor conditions and labor relationships shall still be subject to the Labor Standards Act, and the Ministry of Labor also explicitly stipulates that employers shall purchase the relevant social insurance for people with disabilities as required.
2. Regarding the impact of the mandatory payment of minimum wages by sheltered workshops, given that most of the sheltered workshops are set up by non-profit organizations and are self-financing operators, they conduct business operations and create productivity while providing sheltered employees with job opportunities and taking care of and counseling the sheltered employees who are paid wages as a consideration

for the work rendered by them (labor value), if sheltered workshops are required to pay the minimum basic wages, this will increase their operating costs, affect the establishment and operations of sheltered workshops, and reduce the sheltered employment vacancies, and the sheltered employees will also be required to improve their working competence, which will impact the diversified employment channels for people with disabilities and with insufficient productivity.

中文回應：

勞動部

- 一、我國《身權法》立法意旨，係對於具有就業意願而就業能力不足，無法進入競爭性就業市場，需長期就業支持之身心障礙者，應依其職業輔導評量結果提供庇護性就業服務，庇護性就業之身心障礙者產能低於競爭性就業市場者，基於同工不同酬之原則，庇護性就業者未達相同產能時，得依其產能核薪，由進用單位與身心障礙者議定之，並由進用單位報地方政府核備。至其他勞動條件及勞資關係等，仍應適用《勞基法》之規定，並明定雇主應依規定為身心障礙者投保相關之社會保險。
- 二、有關庇護工場強制最低工資的影響一節，庇護工場多由非營利組織籌設，且為自負盈虧的經營者，其經營事業兼具提供庇護性就業者工作機會，創造產能及照顧輔導庇護性就業者之角色，庇護員工工作能力（勞務價值）與薪資報酬為對價關係，如要求庇護工場需給付最低基本工資，將增加經營成本，影響庇護工場設立及經營，減少庇護性就業職缺之提供，另僱用庇護員工之工作能力要求亦將同步提高，將衝擊產能不足之身心障礙者多元化就業安置之管道。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Work and employment (art. 27) 第二十七條：工作及就業	24(d)	Why a large number of persons with disabilities report being mistreated in the workplace due to their disabilities, but local labour administration authorities found only 2 cases under the Employment Service Act of discrimination violations and what explains the difference between what persons with disabilities reported, and what the local labour administration authorities determined.	大量身心障礙者舉報於工作場所因其障礙遭受不當對待，然而地方勞動行政部門根據《就業服務法》僅發現2起案件，造成身心障礙者舉報之內容與當地勞動行政部門確認之內容間存在落差之原因為何？

Reply :

Ministry of Labor

To ensure equal employment opportunities for people with disabilities, the Ministry of Labor, in accordance with Paragraph 1 of Article 5 of the Employment Service Act, explicitly requires that employers shall not discriminate against any job applicant or employee based on disability, and any employer who violates such provision will be fined and have its name published. Job applicants or employees with disabilities who encounter employment discrimination may directly file a complaint with the competent administrative authority in charge of labor at the place of work. Whether an employer's failure to make reasonable accommodation for people with disabilities involves disability discrimination in employment should be determined by the Employment Discrimination Review Committee of the local competent administrative authority in charge of labor in accordance with the employment discrimination complaint and handling mechanisms specified in the Employment Service Act and the Enforcement Rules of Employment Service Act and based on the facts of each specific case. The reasons that the cases were determined not established upon review include: the plaintiff withdrew the case, there was no violation evidence upon investigation, the case was transferred to

the competent authority, and the case was not an employment discrimination complaint case upon investigation. If the employers or the complainants are not satisfied with the decisions made by the local competent authorities, they may file an administrative appeal; if they are still not satisfied with the results of the appeal, they may file an administrative action. To implement laws and regulations relating to gender equality in the workplace, the Ministry of Labor and local competent administrative authorities in charge of labor jointly organize the "Seminar for Gender Equality and Sexual Harassment Prevention in the Workplace" every year to strengthen awareness of the prohibition of employment discrimination in all walks of life.

中文回應：

勞動部

為保障身心障礙者就業機會平等，依現行《就業服務法》第5條第1項明定雇主對求職者或受僱者，不得以身心障礙為由予以歧視，雇主違反規定者，處罰鍰並公布其名稱、姓名。爰身心障礙求職人或受僱者遭受就業歧視情事，可逕向工作所在地勞動行政主管機關提出申訴。至雇主如未提供身心障礙者合理調整，是否涉及就業身心障礙歧視，依現行《就業服務法》及同法施行細則所定就業歧視申訴處理機制辦理，由各地方勞動行政主管機關就業歧視評議委員會依相關規定及個案事實認定之。評議不成立之原因，包含：申訴人撤案、查無違法事證、移轉管轄機關及經查非屬就業歧視申訴案等，如雇主或申訴人對地方主管機關所為處分有異議，得提起訴願；如對訴願結果仍有異議，得進行行政訴訟。為落實職場平權相關法令，勞動部每年與地方勞動行政主管機關共同辦理「職場平權及性騷擾防治研習會」，加強宣導各界對就業歧視禁止之認知。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Adequate standard of living and social protection (art. 28) 第二十八條：適足之生活水準及社會保障	25(a)	Please inform the Committee: Whether the State provides a disability pension and how the State guarantees a decent standard of living to persons with disabilities;	請向委員會說明下列事項： 國家是否提供身心障礙年金，以及臺灣如何保障身心障礙者享有適當之生活水準；

Reply :

Ministry of Labor

1. For those who engage in labor work and participate in labor insurance according to law, if they become disabled due to injury or illness after participating in the insurance, and are evaluated as having a disability of "loss of work capacity for the rest of their lives" (including those who, upon an individual professional evaluation, have lost more than 70 percent work capacity and therefore cannot return to the workplace), they can apply for disability pensions, and their eligible spouse and children shall be granted additional subsidies for dependents. In addition, those who meet the old-age benefit claiming criteria may choose to claim old-age benefits (they can claim old-age benefits at most five years in advance), to guarantee their long-term economic life. The overall economic safety of people with disabilities shall be ensured according to the multi-level social safety guarantee mechanisms specified in the People with Disabilities Rights Protection Act.
2. In addition, according to Article 24-2 of the Labor Pension Act, workers who are under sixty years of age and whose seniority exceeds fifteen years may claim for a monthly pension or a lump-sum pension if they receive or are eligible for receiving disability pension or lump-sum disability payment for Level 3 and above disabilities as prescribed in the Labor Insurance Act, or receive mentally / physically disability

pension or mentally / physically disability basic guaranteed pension as prescribed in the National Pension Act. However, workers whose seniority is less than fifteen years may only claim a lump-sum pension.

Ministry of Health and Welfare

1. The National Pension Insurance provides the mentally/physically(basic guaranteed) pension payment of NT\$5,065 per month for the insured with severe mentally/physically disabilities and incapable of working, the amount equivalent to 21 years of insurance periods has provided basic protection, and there is no property restrictions; anyone there is a need for public assistance or welfare demand can apply for assistance from competent authorities too; people with disabilities who do not have work can continue to participate in the national pension Insurance to accumulate insurance periods, when they reach the age of 65, they can choose to receive a higher old age pension payment.
2. For those in an economically disadvantaged position in Taiwan, public assistance is provided after verification of a household as a low-income or middle-to-low-income household as per the Public Assistance Act. To further ensure the economic security of people with disabilities in a disadvantaged position, the government has established regulations for the payment of disability living benefits, reviews of which are conducted that consider the monthly average income as well as the average value of the liquid assets and real assets of each household member. The standards for the monthly average income and the average value of real assets per household member vary across local governments, depending on the standard of living in the relevant jurisdiction. People who pass the review will be issued living subsidies, the amount of which depends on their household economic status and disability level; people with disabilities who belong to a low-income household may apply for both living support and disability living subsidies, but the total amount shall not exceed the minimum wage.
3. People with disabilities in registered low income households would be given the living support, including the family subsidies for living, the child subsidies, the student subsidies, the medical subsidies and so on. Meanwhile, relevant provisions of the People with Disabilities Rights Protection Act stipulate that people with disabilities in registered low income and middle-to-low income households shall be given the living assistance for the people with disabilities. Besides, there are some other services provided by the local government to ensure those with disabilities in registered low income households and middle-to-low income households may satisfy their basic needs, e.g. the provision of nutritional supplements for pregnant women and new mothers (including nutrition allowance for newborn babies of unmarried mothers), and

birth allowance.

4. Taiwan also subsidizes the contributions of people with disabilities to social insurance (including National Health Insurance), their home rentals, their home loan interest, their parking space loan interest or rentals, and the tuition fees of students with disabilities or of the children of people with disabilities; provides discounts on the electricity that services the life support systems and essential life aids of people with disabilities; and offers tax incentives to these people.

中文回應：

勞動部

- 一、實際從事勞動工作並依法參加勞保者，如其加保後因傷病致失能，其失能程度經審定符合終身無工作能力（包含經個別化專業評估，工作能力減損程度達70%以上，且無法返回職場者），得請領失能年金給付，另對其符合資格之配偶及子女定有加發眷屬補助規定；此外，符合老年年金給付請領條件者，亦得選擇請領老年年金給付（最多可提前5年請領），以保障渠等長期經濟生活。又身心障礙者整體經濟安全，依《身權法》所定多層次社會安全保障機制落實辦理。
- 二、另依《勞工退休金條例》第24條之2規定，勞工未滿60歲，領有或符合得請領《勞工保險條例》所定之失能年金給付或失能等級三等以上之一次失能給付、《國民年金法》所定之身心障礙年金給付或身心障礙基本保證年金給付者，其工作年資滿15年以上者，得請領月退休金或一次退休金。但工作年資未滿15年者，應請領一次退休金。

衛生福利部

- 一、國民年金保險提供重度以上身心障礙且無工作能力之被保險人身心障礙（基本保證）年金每月新臺幣 5,065 元，相當於累計國保 21 年年資所領之金額，已提供基本保障，且無排富條件限制；如有社會救助或福利服務需求，另可尋求相關資源；無工作之身心障礙者可以持續參加國民年金保險，以累積保險年資，俾年滿 65 歲時，可擇優領取較高之老年年金給付。
- 二、對於我國經濟處境不利民眾，主要是依《社會救助法》審核認定為低收入戶或中低收入戶資格後，提供相關社會救助。但為進一步保障處境不利身心障礙者之經濟安全，政府訂有《身心障礙者生活補助費發給辦法》，審核標準包含家戶每月家庭總收入平均分配全家人口之金額、動產及不動產，其中每月家庭總收入平均分配全家人口之金額、不動產標準會依照各地方政府轄內生活水準有所不同。如審核通過者，依其家庭經濟狀況及障礙程度核發生活補助費，如為低收入戶之身心障礙者，可同時請領低收入戶生活扶助及身心障礙者生活補助費，但不得超過基本工資。
- 三、身心障礙者如符合低收入戶之情形，得依照款（類）別請領家庭生活扶助及兒童生活扶助，並提供就學生活扶助及醫療補助等。除現金給付外，身心障礙者如符合低（中低）收入戶之情形，得依需要向地方政府申請相關服務措施，如孕（產）婦營養品提供（含未婚媽媽新生兒營養補助）及生育補助等服務，以確保低收入戶及中低收入戶生活基本需求之滿足。
- 四、臺灣也提供身心障礙者參加社會保險（含全民健康保險）保險費自付額補助、房屋租金及購屋貸款利息補貼、購買停車位貸款利

息補貼或承租停車位補助、身心障礙學生及身心障礙者子女就學費用減免、身心障礙者維生器材及生活輔具用電優惠、稅捐減免等項目。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Adequate standard of living and social protection. (art. 28) 第二十八條：適足之生活水準及社會保障	25(b)	About average income of persons with disabilities as compared to average wage earners in the State;	身心障礙者平均收入與全體國民平均收入之比較；

Reply :

Ministry of Labor

In accordance with the 2019 Survey Report on Employment Situation of People With Disabilities issued by the Ministry of Labor, the average monthly regular salary or income of persons with disabilities aged 15 years and over in 2019 was NT\$28,274, lower than the average monthly main income of all citizens over the same period, i.e., NT\$40,401.

中文回應：

勞動部

依勞動部《2019年身心障礙者勞動狀況調查報告》，2019年15歲以上身心障礙就業者每月經常性薪資或收入為2萬8,274元，低於同期全體國民就業者每月主要工作收入之4萬401元。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Adequate standard of living and social protection. (art. 28) 第二十八條：適足之生活水準及社會保障	25(c)	Whether the State has ever undertaken a study of poverty rates of persons with disabilities compared to the general population.	臺灣是否曾對身心障礙者與一般人口之貧窮率進行比較研究。

Reply :

Ministry of Health and Welfare

By 2021, there are 90,527 people with disabilities in registered low income households and 30,812 people with disabilities in registered middle-to-low income households in Taiwan, accounting for 7.52 percent and 2.56 percent of the total number of people with disabilities respectively. The proportions of low income and middle-to-low income households in disabilities are higher than in the total population, where the number of low income households is 295,901, and the number of middle-to-low income households is 312,355, accounting for 1.26 percent and 1.34 percent of the total population.

中文回應：

衛生福利部

依 2021 年統計，我國身心障礙者低收入戶人數計有 9 萬 527 人，中低收入戶人數計有 3 萬 812 人，分別占身心障礙者總人數 7.52%、2.56%；高於低收入戶人數 29 萬 5,901 人、中低收入戶人數 31 萬 2,355 人占全體人口數 1.26%、1.34%。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Participation in political and public life (art. 29) 第二十九條：參與政治及公共生活	26(a)	Please explain to the Committee: The State’s plans to ensure that persons under guardianship will be able to exercise their right to vote and stand for election;	請向委員會解釋下列事項： 國家確保受監護人得以行使其投票權與擔任候選人之相關計畫；

Reply :

Ministry of the Interior

The following is a description of the process and plan for the ward to be able to exercise his or her voting rights and serve as a candidate:

1. Regarding the voting rights of persons under guardianship, the proposed amendments to the Presidential and Vice-Presidential Election and Dismissal Act and Civil Servants Election And Recall Act by the Ministry of the Interior have deleted the provision that a person under guardianship has no right to vote, were submitted to the Executive Yuan in June 2020 and reviewed by the Executive Yuan in March 2021. The Ministry of the Interior will continue to cooperate with the subsequent submission sent to the Legislative Yuan for consideration and actively promote the amendment of the law.
2. As for the part about whether the person under guardianship can be registered as a candidate, as Presidential and Vice-Presidential Election and Dismissal Act and Civil Servants Election And Recall Act expressly stipulates the negative qualifications of candidates, among them, those whose guardianship declarations have not been revoked shall not be registered as candidates. In addition, considering that elected public officials are involved in exercising public power and allocating state resources, there is no plan for revising the law under review.

中文回應：

內政部

有關受監護者能夠行使其投票權與擔任候選人之相關辦理情形及規劃，分別說明如下：

- 一、有關受監護宣告者之投票權部分，內政部擬具之《總統副總統選舉罷免法》及《公職人員選舉罷免法》部分條文修正草案，業刪除受監護宣告者無選舉權之規定，於 2020 年 6 月函報行政院，經行政院於 2021 年 3 月審查完成，將持續配合後續函送立法院審議情形，積極推動修法事宜。
- 二、有關受監護宣告者得否登記為候選人部分，查《總統副總統選舉罷免法》、《公職人員選舉罷免法》對於候選人消極資格定有明文，其中受監護宣告尚未撤銷者，係不得登記為候選人。又考量民選公職人員涉及公權力行使及國家資源分配，目前尚無檢討修法相關規劃。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Participation in political and public life (art. 29) 第二十九條：參與政治及公共生活	26(b)	How each of these new voters will be informed about political participation and the ways in which they can exercise their right to vote;	如何促使上述之新選民對其政治參與及行使投票權之方式充分知情；

Reply :

Central Election Commission

1. Central Election Commission offers the following services to assist voters with disabilities, so as to assist voters understand election-related information:
 - (a) In order to facilitate the voter with visual impairment to understand the candidates' politics and to exercise their rights to vote, the Commission has provided recorded audio versions of electoral bulletins (in Mandarin, Taiwanese and Hakka) based on the content of the paper electoral bulletins for their reference.
 - (b) Compile an easy-to-read voting version for persons with intellectual disabilities.
 - (c) Print out voting aids leaflets for voters with disabilities, and request the local election commissions forward it to its local social welfare departments or relevant organizations of people with disabilities. Nationwide disability representatives or relevant organizations are requested to promote it to its members.
 - (d) Conduct mock voting for voters with disabilities during the local elections. It helps them understand the voting procedures, matters needing attention in voting and assistance measurements.

- (e) Election-related information for voters with disabilities can be obtained on Accessibility Service on the CEC website. The website is certified by the National Communications Commission for Accessibility.
 - (f) “Find Your Polling Place” on the Central Election Commission’s website is also voter with disabilities friendly. It is easy for voters with hearing impairment and visual impairment to check their polling places.
2. According to Article 18 of the Civil Servants Election and Recall Act, after having received the ballot, the voters shall mark the ballot and vote by themselves. However, if a voter cannot vote by himself / herself due to disability but can express his / her will, a family member or accompanying person may accompany at the request of the voter and provide assistance or vote on behalf according to the will of the voter. In absence of a family member or accompanying person, an administrator and a supervisor may provide assistance or vote on behalf according to the will and at the request of the voter. The polling station workers shall assist the voters with disabilities to vote in accordance with the above regulations. In addition, communication cards are prepared at the polling stations to assist the polling station workers in explaining the voting procedures and matters needing attention to the voters.

中文回應：

中央選舉委員會

一、為利身心障礙選舉人瞭解選舉相關資訊，已提供下列協助措施服務：

- (一) 便利視覺障礙選舉人瞭解候選人政見，供行使投票權參考，選舉委員會依紙本選舉公報內容錄製有聲公報光碟（含國、台、客語）提供使用。
- (二) 編製易讀版投票指南手冊，提供智能障礙者投票易讀資訊。
- (三) 印製「身心障礙選舉人投票協助措施」宣導資料，函請各直轄市、縣（市）選舉委員會轉發轄內社政單位或相關身心障礙團體加強宣導，另請各全國性身心障礙團體轉發所屬會員協助宣導。
- (四) 公職人員選舉辦理身心障礙選舉人模擬投票，協助其瞭解投票程序、投票注意事項及協助措施。
- (五) 中央選舉委員會於網站建置「無障礙專區」，以利身心障礙選舉人取得選舉相關資訊，網站符合國家通訊傳播委員會無障礙網站標章認證。
- (六) 中央選舉委員會於網站建置之投票所查詢系統提供無障礙使用服務，以利聽覺障礙及視覺障礙選舉人查詢投開票所地點。

二、依據《公職人員選舉罷免法》第 18 條規定，選舉人領取選舉票後應自行圈投。但因身心障礙不能自行圈投而能表示其意思者，得依其請求，由家屬或陪同之人 1 人在場，依據本人意思，眼同協助或代為圈投；其無家屬或陪同之人在場者，亦得依其請求，由投票所管理員及監察員各 1 人，依據本人意思，眼同協助或代為圈投。投票所工作人員依上開規定協助身心障礙選舉人投票。另投票所備置溝通圖卡，協助投票所工作人員向選舉人說明投票程序及投票注意事項。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Participation in political and public life (art. 29) 第二十九條：參與政治及公共生活	26(c)	How the Central Election Commission is mandated to make reasonable accommodation for candidates with disabilities, including providing barrier-free stages or venues for political events and ensuring that all polling stations are accessible in the future;	中央選舉委員會被授權採取何種方式為身心障礙候選人提供合理調整，包括為政治活動提供無障礙舞台或場所，以及確保所有投票所在未來皆具有可及性／無障礙措施；

Reply :

Central Election Commission

1. Providing accessible stages or venues for political events:

- (a) In accordance with the provisions of article 13 of the Implementation Measures for Civil Servants Public Political Opinion Presentation Sessions, the election commission may formulate relevant operating regulations for organizing public political opinion presentations in accordance with the above implementation measures. The legislative purpose of this article 13 is to offer more flexibility for municipal and county (city) election commissions in organizing political opinion presentations, so that the commissions may formulate relevant operating regulations based on actual situations and needs of candidates. The operating regulations must be submitted to the municipal and county (city) election commissions for discussion and approval, and then filed to the Central Election Commission for future reference. At present, most of the election Commissions formulate relevant operating regulations during the election period.
- (b) Considering the diversity of disability categories, and in order to address the actual needs of people with disabilities when participating in public political opinion presentations, the Central Election Commission will send the request in a document to all municipal and county (city) election commissions, and ask the commissions to proactively discover whether the candidates are identified as a disabled people

and the type of disabilities when registering candidates during the election period, so as to prepare for the needs and necessary assistants to candidates in advance when hosting public political opinion presentations, as well as to amend relevant rules in public political opinion presentation operating regulations in time for a guarantee of the rights and interests of political participation of persons with disabilities.

(c) When the Central Election Commission and its affiliated Election Commissions host the televised public political opinion presentations, the area size for the sign language interpreter's image will be one-third of the TV screen in order to protect the rights and interests of people with disabilities. Also, real-time subtitles section, since the political opinion presentations are broadcast live on TV and the Internet simultaneously, there may be errors and omissions in AI real-time subtitles or a speed gap between the speakers and the captioners, which will affect the rights and the interests of candidates and representatives. The Central Election Commission will study and discuss with caution to protect the rights and interests of candidates, representatives and people with disabilities.

2. Ensuring all polling stations are accessible:

(a) According to Article 57, Paragraph 2 of the Civil Servants Election and Recall Act, the locations of polling stations should be equipped with accessible facilities. If there weren't such choices, the stations should use related auxiliary equipment or tools to assist those physically-challenged to cast their ballots

(b) To ensure the accessibility of polling stations, the local election commission followed the Precautionary Matters for Selecting Polling Stations with Accessible Facilities and Checklist for Assessing the Accessibility of Polling Station Facilities to supervise its township (city / district) offices do the inspection. For those polling stations that failed to meet accessibility requirements, alternatives were adopted, or an improvement plan shall be developed.

(c) Guidance is provided by using graphics and texts, such as "Please show your national ID card", "Please provide your seal", etc., to guide voters with disabilities to vote.

(d) Setting up wheelchair-accessible polling booths. The desk is enlarged for voters with disabilities to place their ballots and mark on it, so as to assist their vote.

(e) If voters with visual impairment have no intention to use ballot slip covers with Braille printing, whose family members or accompanying persons may accompany at the request of the voters and provide assistance or vote on behalf according to the will of the voter. In absence

of a family member or accompanying person, an administrator and a supervisor may provide assistance or vote on behalf according to the will and at the request of the voter.

- (f) To ensure all polling stations are accessible, the training program for the election officials and polling station workers will be improved in the following ways:
 - (i) Arrange the "Protecting Voting Rights of the People with Disabilities: Current Situation and Trend" class in the training program for the election officials to enhance their knowledge and ability to assist people with disabilities while exercising the right to vote.
 - (ii) Strengthen the education and training of the polling station workers, have practical examples in the educational materials of the training program for the polling station managers and the manual for the polling station workers as a lesson plan, and promote it during the class to improve polling station workers' response ability.
 - (iii) Include the accessibility of the polling station in the animated polling station operation procedure short films as a crucial promotion indicator. Polling station workers are asked to perform their duties according to the regulations.
 - (iv) Wheelchair-accessible polling booths, ballot slip covers Braille printing should be well-prepared when setting up the polling stations. The voters with visual impairment will be asked whether to use the ballot slip covers Braille printing, have someone accompany or provide any assistance. Those assistance measures are included in the Polling Station Manager Performance Tasks Checklist, and polling station managers should confirm the various assistance measures have been completed.

中文回應：

中央選舉委員會

一、為政治活動提供無障礙舞台或場所

- (一) 依據《公職人員選舉公辦政見發表會實施辦法》第13條規定，主辦選舉委員會辦理公辦政見發表會，得依本辦法訂定相關作業規定。其立法目的係為使各直轄市、縣（市）選舉委員會辦理政見發表會時更具彈性，得視候選人實際情況及需求訂定公辦政見發表會作業要點。該要點須經提報各直轄市、縣（市）選舉委員會之委員會議討論通過後，函報本會備查。目前各選舉委員會於選舉期間多有訂定公辦政見發表會作業要點。
- (二) 考量身心障礙類別多元，為因應身心障礙者參加公辦政見發表會實際需求，本會於選舉期間，將函請直轄市、縣（市）選舉委員會於辦理候選人登記時，應主動瞭解候選人是否為身心障礙者，及其身心障礙類別，以提前規劃在公辦政見發表會時之需求與協助，適時增訂相關作業規定於政見發表會作業要點中，保障身心障礙者政治參與權益。
- (三) 另本會及所屬選舉委員會辦理公辦電視政見發表會時，手語翻譯人員視窗為電視畫面三分之一，以保障身心障礙者權益；另提供即時聽打字幕部分，由於政見發表會及意見發表會或辯論會係以直播方式於電視及網路同步進行，聽打人員或AI即時字幕皆可能有錯漏字或與講者速度落差等問題，進而影響候選人、代表人權益，本會將審慎研議，以保障候選人、代表人及身心障礙者權益。

二、確保所有投票所都有無障礙措施

- (一) 依據《公職人員選舉罷免法》第57條第2項規定，投票所應選擇具備無障礙設施之場地，若無符合規定之無障礙場地，應使用相關輔具或器材協助行動不便者完成投票。
- (二) 辦理投票所無障礙設施檢核，由各直轄市、縣（市）選舉委員會依「投票所選擇具備無障礙設施場地注意事項」及「投票所無障礙設施檢核表」確實督導所轄鄉（鎮、市、區）公所辦理無障礙設施檢核作業，如有未符合者，應另覓其他適當場所，或研提改善方案。
- (三) 投票所以圖示及文字標示提供指引，例如「請出示國民身分證」、「請提供印章」等，引導身心障礙選舉人投票。
- (四) 設置身心障礙圈票處遮屏，其隔板面積增加，有利身心障礙選舉人置放選舉票及進行圈選，以方便其投票。
- (五) 視障選舉人如不擬使用投票輔助器投票，仍可由其家屬或陪同之人，依據本人意思，眼同協助或代為圈投；其無家屬或

陪同之人在場者，亦得依其請求，由投票所管理員及監察員各1人，依據本人意思，眼同協助或代為圈投。

(六) 為確保所有投票所都有落實無障礙設施，選務人員教育訓練將以下列方式予以精進：

1. 於選務幹部人員講習安排「身心障礙者選舉權保障之現況與趨勢」課程，增進選務幹部人員協助身心障礙者行使投票權相關知能。
2. 加強投開票所工作人員教育訓練，將實務上發生之案例納入投開票所主任管理員訓練講習教材及投開票所工作人員手冊作成教案，於講習時加強宣導，以提升投開票所工作人員應變處理能力。
3. 投票所無障礙環境納入投開票所作業程序動畫教材宣導重點，加強宣導並請投開票所工作人員確實依規定執行職務。
4. 將佈置投票所時，應備妥無障礙圈票處遮屏、視障者投票輔助器、徵詢視障選舉人是否使用視障者投票輔助器圈蓋選舉票、眼同協助或代為圈投等協助身心障礙選舉人投票協助措施納入投開票所主任管理員執行任務確認表，由主任管理員據以確認已確實完成各項協助措施。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Participation in political and public life (art. 29) 第二十九條：參與政治及公共生活	26(d)	Why there is no provision for a voter with disabilities to cast an absentee, postal or other alternative ballots.	缺乏允許身心障礙選民進行不在籍投票、郵寄選票或其他投票方式之相關條例的原因為何？

Reply :

Central Election Commission

- Regarding absentee voting in referendums, Article 25 of the Referendum Act states that the competent authority may hold a national referendum by way of absentee voting. The way to hold a national referendum by way of absentee voting shall be prescribed in a separate law. In order to protect the voting rights of the voters, and to regulate the implementation of the absentee voting in the national referendum, the Bill to allow absentee voting in the referendum was developed by the Central Election Commission and was approved by the Executive Yuan and passed to the Legislative Yuan for deliberation on 30 September 2021. In Taiwan, the implementation of absentee voting has been discussed for many years, and there are different opinions for its connotation and implementation. Considering the results of the referendum is a demonstration of the will of the people, and absentee voting is an act to actively protect people's right to vote. Under the premise that the voting results will not be interfered by external forces and the people's trust in the results of the referendum, it will be promoted in a step-by-step manner as well as with the consensus of the society. Based on the Constituency Transfer experience, i.e. polling station workers cast votes at the workplace polling stations, this mechanism could let the voting rights to be exercised in person, on the polling day, at the polling station, which effectively maintains voting secrecy and the fairness of voting results. Therefore, the Executive Yuan version bill adopted the Constituency Transfer to be

implemented. Based on the principle of fairness, people who have voting rights are all applicable. Those who meet the requirements must fill out an application form online or on paper and mail it to the local election commissions. If the legislation is completed, voters with disabilities can apply for absentee voting in a referendum in accordance with the law.

2. To serve people with different needs, absentee voting is adopted in various ways according to different country cultures, such as postal voting, early voting, setting up special advance polling stations, constituency transfer and proxy voting, etc. The Central Election Commission developed the bill of the Absentee Voting Act in Referendum based on the existing experience of polling station workers casing votes at the workplace polling stations. It effectively maintains voter's voting secrecy and the fairness of the voting results, therefore, the absentee voting is implemented by this way. As for postal voting, because voters do not vote in person in the polling stations, there are doubts whether the voters vote on their behalf, and it may be difficult to ensure the voting secrecy. As for early voting, voters may vote in advance by going to the polling station on the designated dates before the polling day, it has problems such as extending the voting period, increasing the cost of electoral affairs, and maintaining the security of the referendum ballots. As for voting at special polling stations, whether voters could exercise voting rights in the situation of information monopoly, or whether voting secrets could be effectively maintained, the society still has doubts about that. Considering that absentee voting is an actively act to protect people's voting rights, and the results of the referendum demonstrate the will of the people, under the premise to ensure Citizens' trust in referendum results, and the results would not being interfered by external forces, the absentee voting will be gradually promoted in a step-by-step manner. The whole society have a consensus that to ensure the system could be successfully implemented, the absentee voting in the referendum should be carried out in a step-by-step manner. The Constituency Transfer will be promoted and implemented first, and other absentee voting methods, for example, Postal voting, will be included in the future discussion plan if the absentee voting in referendum is promoted smoothly.

Ministry of the Interior

1. According to Article 13 of the Presidential and Vice Presidential Election and Recall Act and Article 17 of the Civil Servants Election And Recall Act, an elector shall vote at the polling station at the location of domicile unless otherwise prescribed. If voters with physical or mental disabilities are allowed to vote by mail or by other means, it involves the promotion of an absentee voting system.

2. The Ministry of the Interior has held public hearings on absentee voting several times to discuss the applicable objects and implementation methods of absentee voting. Based on the principle of equal protection, the applicable object of absentee voting is planned to include people with disabilities, that is, people with disabilities in the country can apply for transfer voting as domestic voters. As for the absentee voting methods for people with disabilities, such as voting by correspondence and special polling places in welfare institutions for people with disabilities, they are not considered at this stage, due to the concerns of not being able to ensure the secrecy of voting, the fairness of the election, and whether people with disabilities can vote according to their free will. The Ministry of the Interior will, after the steady implementation of absentee voting in the nationwide referendum, depending on its implementation status, will serve as a reference for the inclusion of absentee voting in the future electoral system.

中文回應：

中央選舉委員會

- 一、有關公民投票之不在籍投票，查2018年1月3日修正公布之《公民投票法》第25條規定，主管機關辦理全國性公民投票，得以不在籍投票方式為之，其實施方式另以法律定之。為保障投票權人之投票權益，規範全國性公民投票不在籍投票之實施，中央選舉委員會研擬之「全國性公民投票不在籍投票法」草案，業報經行政院於2021年9月30日核轉立法院審議。在我國，不在籍投票之實施歷經多年討論，對於制度內涵及實施方式各方意見不一，考量公民投票結果是人民意志之展現，不在籍投票則為積極保障人民投票權之作為，在確保公民投票結果不受外力干預及國人對公民投票結果之信賴之前提下，以循序漸進方式逐步推動，社會各界已具有共識。基於移轉投票已有現行投開票所工作人員於工作地投票實施經驗，此機制係由投票權人本人、親自、在投票日當日、前往投票所投票，可有效維護投票秘密及投票結果公平性，爰上開行政院版草案以採行移轉投票方式實施不在籍投票，基於公平原則，有投票權人一律納入適用，符合投票權人資格者得備具申請書，以書面或以線上申請方式向直轄市、縣（市）選舉委員會提出申請，如經完成立法，身心障礙選民自得依法申請公民投票不在籍投票。
- 二、不在籍投票依各國國情，採行多元投票方式，如通訊投票、提前投票、設置特別投票所投票、移轉投票、代理投票等，服務不同需求之民眾，本會擬具之「全國性公民投票不在籍投票法」草案，基於移轉投票已有現行投開票所工作人員於工作地投票實施經驗，且可有效維護投票秘密及投票結果公平性，爰以移轉投票方式實施不在籍投票。至於通訊投票，由於投票權人並非在投票所進行投票，是否在個人自由意志下所作之決定，尚有疑慮，且恐較難確保投票的秘密性；提前投票，因於投票日數日前依指定之日期前往投票所先行投票，其有延長投票期間、增加選務成本及公投票保管安全維護等問題；特設投票所投票，投票人會否在資訊遭受壟斷情形下行使投票權，投票秘密能否有效維護等問題，社會各界仍有疑慮，考量不在籍投票是一項積極保障人民投票權之作為，公民投票結果是人民意志的展現，在能確保國人對公民投票結果的信賴，以及公民投票結果不受外力干預之前提下，以循序漸進方式逐步推動，社會各界則具有共識，為確保制度成功施行，公民投票之不在籍投票爰採循序漸進方式，先行推動實施移轉投票，至通訊投票等其他不在籍投票方式，未來將視不在籍投票推動進程，再予納入研議規劃。

內政部

- 一、查《總統副總統選舉罷免法》第13條及《公職人員選舉罷免法》第17條規定略以，選舉人，除另有規定外，應於戶籍地投票所

投票。如開放身心障礙選民得郵寄選票或其他投票方式，涉及不在籍投票制度之推動。

二、內政部曾多次召開不在籍投票公聽會，對於不在籍投票之適用對象及實施方式進行討論，基於平等保障原則，不在籍投票之適用對象係規劃納入身心障礙者，亦即在國內之身心障礙者均得以國內選舉人之身分，申請移轉投票。至針對身心障礙者未採行如通訊投票、身心障礙福利機構內特設投票所等不在籍投票方式，係考量前開投票方式存在未能確保投票秘密、選舉公平性及身心障礙者能否依其自由意志投票等疑慮，因此現階段並未納入考量，內政部並將於全國性公民投票穩健實施不在籍投票後，視其實施狀況，作為未來選舉制度納入不在籍投票之參考。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Participation in cultural life, recreation, leisure and sport (art. 30) 第三十條：參與文化生活、康樂、休閒及體育活動	27(a)	Please explain to the Committee: How museums are accessible for hearing impaired persons and those with mobility difficulties;	請向委員會解釋下列事項： 博物館如何為聽覺障礙者與行動不便者提供可及性／無障礙措施；

Reply :

Ministry of Culture

1. Museums under the Ministry of Culture’s purview are required by law to provide accessible facilities as a way of helping realize the right to culture. In recent years, the Ministry of Culture has also asked museums to examine and improve their related services and, when planning exhibits and educational/ promotion activities, ensure that equal cultural rights are respected. They can do so by, for example, creating guided tour videos of museum facilities or permanent exhibits in sign language, providing guided tours of current exhibits in sign language, making entertaining interactive guides featuring current exhibits, and having sign language interpreters host workshops to give children with hearing impairment the opportunity to better understand these museum works and give the hard of hearing better access to information.
2. Museum spaces are also being renovated to make them high-access. Exhibits are being lowered and moved back and aisles are being widened to allow wheelchair users to better view them. Wayfinding systems are being installed in museums to indicate a recommended path through exhibits and the location of various facilities. Wheelchairs, crutch chairs, strollers, and magnifying glasses are also being made available for

patrons to borrow to improve the museum experience.

中文回應：

文化部

- 一、有關博物館之文化平權推動，文化部除要求所屬博物館之空間設施須符合無障礙設施相關法規外，近年亦請各館檢視與提升相關軟硬體服務，另於展覽及教育推廣活動策劃時，需納入文化平權精神，例如透過拍攝、製作博物館建築及常設展手語導覽影片，或提供常設展手語導覽服務，或針對展場當期展覽作品規劃設計生動活潑的互動式導覽教案，與手譯員共同協作呈現之創作工作坊形式，使啟聰學校學生對作品更深入的認識等措施，以利聽覺障礙者更容易理解並獲得資訊。
- 二、另以通用設計概念完成展場更新，於空間方面，展示臺降低高度或退縮、加大走道寬度，讓輪椅使用者更親近，或於動線導引標示方面，利用主要動線地面和牆面，標示參觀方向與友善設施相關位置；並搭配提供輪椅、參觀拐杖椅、娃娃車、放大鏡等設備租借服務，以提升友善參觀環境。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Participation in cultural life, recreation, leisure and sport (art. 30) 第三十條：參與文化生活、康樂、休閒及體育活動	27(b)	Any regulation and monitoring of barrier-free seats in movie theatres;	是否針對電影院之無障礙座椅進行規範與監管；

Reply :

Ministry of Culture

1. As concerns making movie theaters accessible in accordance with Article 167-5 of the Building Design and Construction Section of the Building Technical Regulations, where buildings have fixed seating, they must set aside a specified amount of space for wheelchair access. The Ministry of Culture encourages private movie theaters to provide accessibility. Every year it calls for local governments to inspect movie theaters in their respective jurisdictions and dispatches personnel to movie theaters to conduct on-site inspections randomly. Where movie theaters are not in compliance with regulations, the local government agency with purview over buildings is instructed to provide guidance so that the situation may be improved and the right of the people with disabilities to see films.
2. In 2021, the COVID-19 pandemic caused the central government to order the closure of movie theaters. After the closure period ended, some theaters did not reopen. To ensure the right of the disabled to enjoy films, local governments were instructed to conduct inspections, but no major violations were found.

中文回應：

文化部

- 一、有關電影院無障礙座椅，「建築技術規則建築設計施工編」第 167-5 條規定，建築物設有固定座椅席位者，須依比例設置輪椅觀眾席位。文化部為促進民間電影院提供無障礙服務，除每年度要求各地方政府針對轄內電影映演業者進行查察外，更派員對電影映演業進行隨機臨場查驗，如業者未符合規定者，則責請當地主管建築機關予以輔導改善，以保障身心障礙者觀賞電影之權利。
- 二、例如 2021 年因應疫情影響，電影院依據中央政府命令停業，命令停業期間結束後，仍有部分戲院尚未復業，惟為維護身心障礙者之觀影權利，仍請各地方政府進行查察，尚無查獲重大違法情事。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Participation in cultural life, recreation, leisure and sport (art. 30) 第三十條：參與文化、生活、康樂、休閒及體育活動	27(c)	The progress in developing guidelines for the design of inclusive playgrounds;	於制定共融式遊樂場設計指南上之進展；

Reply :

Ministry of Health and Welfare

In response to the need for inclusive playgrounds, the Ministry of Health and Welfare, consulted experts, scholars, and local governments in September 2021 to understand these governments' planning for inclusive playgrounds. The Ministry has also collected data in and outside of Taiwan and drafted a guide on inclusive playground design. The Ministry discussed the guide's content with the Construction and Planning Agency (Ministry of the Interior), the members of the National Standards Review Council by the Bureau of Standards, Metrology and Inspection, Ministry of Economic Affairs occupational therapists, and organizations for people with disabilities in April 2022. The guide is currently under amendment on the basis of comments from different sectors and is expected to be finalized by the end of 2022 and to provide a reference for all sectors.

中文回應：

衛生福利部

因應國內兒童共融遊戲場發展需求，衛生福利部於 2021 年 9 月諮詢相關專家學者、地方政府，瞭解地方政府共融遊戲場規劃情形，並著手蒐集國內外相關資料後，擬訂「兒童共融遊戲場設計指引」(草案)。2022 年 4 月與內政部營建署、國家標準審查委員、職能治療師及身心障礙團體進行研商，目前刻正依據各界意見修編指引內容，預計 2022 年底前可完成指引，供各界參考運用。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Participation in cultural life, recreation, leisure and sport (art. 30) 第三十條：參與文化生活、康樂、休閒及體育活動	27(d)	Whether the State intends to amend the National Sports Act to ensure that design of facilities, equipment and programmes take into account the diversity of persons with disabilities.	國家是否考慮修改《國民體育法》以確保設施、設備與計畫之設計顧及身心障礙者之多樣性。

Reply :

Ministry of Education

- At present, item 1 of Article 44 of the National Sports Act has clearly stated: for the promotion of national sports, governments at all levels shall establish public sports facilities and provide age-appropriate equipment. According to Article 4 of the Regulations for Public Sports Facilities Setting and Management (2018/5/21), when planning and configuring public sports facilities, governments at all levels shall, in addition to complying with relevant construction regulations and relevant laws and regulations on the protection of the rights and interests of the persons with disabilities, be handled in accordance with the regulations for sports facilities announced by the Ministry of Education and the reference manual for classification. The space, circulation planning and sports equipment configuration should not hinder the entry, exit and use of the public. Information about sports facilities (including accessibility of facilities and services) should be marked at entrances and exits and at appropriate moving routes. In addition, according to Article 5 of the Regulations, appropriate age-appropriate, accessible and qualified sports equipment and equipment that can be used normally shall be provided. Sports equipment and equipment that has not passed

the inspection shall not be provided for use. Regarding the suggestions made by the members to take into account the diversity of the groups of people with disabilities, the so-called public sports facilities in the previous regulations should comply with the relevant laws and regulations on the protection of the rights and interests of people with disabilities, and should provide age-appropriate, accessible sports equipment and equipment. The spirit of diversity of people with disabilities is included, but the parts that are not clear in the provisions will be incorporated into future revisions to the Regulations for Public Sports Facilities Setting and Management for reference.

2. During the submission of the initial state report on the CRPD, the Ministry of Education has cooperated with academic institutions and organizations of disabilities to handle the project of *Creating a Friendly Sports Environment for Special Needs Groups* to jointly assist in eliminating discriminatory regulations in venues. The project has been implemented for the 4th year, and has successively compiled the *Service Manual for Sports Venue Staff Guiding Persons with Disabilities*, *Sports Venue Friendly Facilities Setup and Service Staff Usage Guidelines* and expanded *Accessible Sports Facilities Information Compilation*. Sports for the people with disabilities that can be performed in various sports venues at home and abroad (for example, the comprehensive court provides floorball, sitting volleyball, croquet, wheelchair basketball, etc.). Sort out the venue facilities and equipment specifications required for various sports for people with disabilities, such as: "Sports for the Deaf must rely on visual cues, such as lights, flags and other equipment", "Swimming for persons with visual impairment requires nodding sticks, sound cues, etc.", "Wheelchair sports venues must plan the clear space for wheelchair movement", etc., and collect relevant information into a booklet for local governments to use, so that venues can provide a more friendly sports environment. The Ministry of Education holds relevant seminars every year, invite relevant personnel of local government sports facilities to participate, and educate them that accessibility should be incorporated into the space planning of sports venues when planning for the construction of sports facilities and venues, and how to respond and provide appropriate services when encountering people with different disabilities. In addition, a "National Sports Venue Information Website" has been set up to provide the public with information on the names, profiles, facilities, accessible facilities, contacts and traffic information of sports venues across the country, so as to improve the service quality and willingness to participate in sports for athletes with disabilities.
3. At this stage, the Ministry of Education has assisted local governments to improve the accessible sports environment through various public construction projects, such as accessible toilets, ramps, passages, signs, auditoriums, showers, changing rooms, racks, Friendly facilities such

as parking bays, nursing beds, water chair lifts, etc. Continue to guide local governments to take the rights and interests of persons with disabilities into consideration when handling sports venue space planning and operation management, uphold respect for and protect the rights of people with disabilities to participate in sports, and actively provide a safe, equal and convenient sports environment.

4. Adapted physical education is a part of the physical education curriculum, which has been clearly listed in the physical education curriculum implementation content of the 12-year National Basic Education Curriculum Guideline (Physical Fitness Guideline), and each school plans its own curriculum. In addition, the Sports Department of the Ministry of Education promotes the following matters:
 - (a) In order to create a friendly teaching environment of adapted physical education and implement CRPD inclusive education, in addition to the provisions in Articles 12 and 14 of the National Sports Act, all sports venues should plan accessible spaces and facilities, and schools should also provide adapted physical education curriculum for students with disabilities to ensure sports equality.
 - (b) Since 2017, the Sports Department has promoted the "Promotion of Adapted Physical Education in Schools", focusing on advocacy, teacher empowerment training, and selection of benchmark schools for adaptable sports. Starting from 2021, schools will be encouraged to adapt to the sports deepening plan. All sub-projects in the plan are based on the core concept of returning to the mainstream and inclusive education, subsidizing schools to promote the establishment of inclusive and friendly sports teaching in ordinary schools in combination with special education majors, and encouraging special education schools strengthen sports exchanges with surrounding ordinary schools, such as cross-school community exchanges or cross-school inclusive fun sports competitions, in order to implement the inclusive teaching of adapted physical education.

中文回應：

教育部

- 一、目前我國《國民體育法》第44條第1項已明定：「各級政府為推行國民體育，應普設公共運動設施，並提供適性適齡器材；其業務受各該主管機關之指導及考核」，並於2018年5月21日發布其子法《公共運動設施設置及管理辦法》，依該辦法第4條規定，各級政府於規劃配置公共運動設施時，除應符合建築相關法規、身心障礙者權益保障相關法規外，亦應依教育部公告之運動設施規範及分級分類參考手冊辦理，且空間、動線規劃及運動器材設備配置，不應妨礙民眾之進出及使用，並於出入口及適當動線處應標示相關運動設施資訊（含無障礙設施與服務資訊）；另依該辦法第5條規定，應提供適性適齡、無障礙及合格且可正常使用之運動器材設備，未經檢驗合格之運動器材設備，不得提供使用。有關委員所提顧及身心障礙族群的多樣性之建議，前開辦法內所謂設置公共運動設施應符合身心障礙者權益保護相關法規，以及應提供適性適齡、無障礙之運動器材設備部分，已將考慮身心障礙者之多樣性精神納入，惟條文未臻明確部分，將納入我國未來修訂《公共運動設施設置及管理辦法》規定參考。
- 二、教育部於《CRPD》初次國家報告研提期間，已結合學術單位與身心障礙團體，辦理「營造特需族群友善運動環境」專案，共同協助消弭場館歧視性規定，目前該專案已執行至第4年，並陸續編撰「運動場館工作人員引導身心障礙者之服務手冊」、「運動場館友善設施設置及服務人員使用指引」及擴編「無障礙運動設施資訊彙編」，廣泛蒐集國內外各類運動場館可進行的身心障礙運動項目（如綜合球場提供地板滾球、坐地排球、盲人門球、輪椅籃球等使用），整理各類身心障礙運動所需的場地設施及設備規格，如：「聽障運動項目必須仰賴視覺提示，如燈號、旗幟等器材」、「視障游泳項目必需要有點頭棒、聲音提示等設備」、「輪椅運動場地必需要規劃輪椅移動的淨空間」等，並將相關資訊集結成冊，提供地方政府運用，讓場館能提供並規劃更友善的運動環境，同時每年度辦理相關研習會，邀請地方政府運動設施相關人員參與，向其宣導於運動設施場館興整建規劃時，應將無障礙設計納入運動場館空間規劃，以及遇到不同身心障礙者時應如何應對與提供適當服務等，另設置「全國運動場館資訊網」，提供民眾查詢全國各運動場館之名稱、簡介、設施項目、無障礙設施、聯絡及交通資訊，以提升身心障礙運動者服務品質及參與運動意願。
- 三、現階段，教育部透過各項公共建設計畫，已協助各地方政府改善無障礙運動環境，如無障礙廁所、坡道、通道、標誌、觀眾席、淋浴間、更衣室、置物架、停車格、照護床、入水升降椅等友善設施。持續輔導各地方政府辦理運動場館空間規劃及營運管理時，將身心障礙者權益納入整體考量，秉持尊重與保障身心障礙者運動參與權利，積極提供安全、平等及便利的運動環境。
- 四、適應體育為體育課程之一環，已明列於十二年國民基本教育課程綱要（健體領綱）之體育課程實施內容，由各校自行規劃課程。

另教育部體育署推展下列事項：

- (一) 為營造友善的適應體育教學環境，落實 CRPD 融合教育，除已於《國民體育法》第12條及第14條明定，各運動場所應規劃無障礙空間和設施，學校也應提供身心障礙學生「適應體育」教學課程，以確保身心障礙族群的運動平等權。
- (二) 體育署自2017年起推動「推展學校適應體育計畫」，以倡議、教師增能研習、遴選適應體育標竿學校為主軸。2021年起推動學校適應體育深耕計畫，計畫內各項子計畫皆以回歸主流及融合教育為核心理念，補助各校推動一般學校結合特教專業建置融合友善之體育教學，同時鼓勵特教學校加強與周邊一般學校之體育運動交流，如跨校社團交流或跨校共融式趣味運動競賽，以落實適應體育（Adapted Physical Education）的融合式教學。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Statistics and data collection (art. 31) 第三十一條：統計及資料蒐集	28(a)	Please provide the Committee: With additional information on the proposed “human rights indicator framework” (para. 275 of the Second Report), and in particular, how it relates to the Human Rights Indicators and Human Rights Indicators on the CRPD, both developed by The Office of the United Nations High Commissioner for Human Rights (OHCHR);	請向委員會提供下列資訊： 有關擬議之「身心障礙人權指標架構」（第二次報告的第 275 點）之詳細資訊，尤其涉及該架構與聯合國人權事務高級專員辦事處制定之人權指標及 CRPD 人權指標有何關係；

Reply :

Ministry of Health and Welfare

The Ministry of Health and Welfare launched a research project for CRPD human rights indicators in 2017, with the aim of developing CRPD human rights indicators specifically for the Taiwanese context on the basis of Denmark’s gold indicators and the United Nations illustrates 14 frameworks of human rights indicators in *Human Rights Indicators: A Guide to Measurement and Implementation* in 2012. The research project revealed 11 human rights items: independent living and community inclusion, health, work and employment, equality and non-discrimination, diversity and awareness-raising, accessibility and mobility, liberty and personal integrity, access to justice, education, social protection, and political participation. To incorporate the aforementioned findings into national policy, the Ministry of Health and Welfare conducted discussions with stakeholders, experts, scholars, people with disabilities, and disability representative organizations in 2019 and discussed in further detail the development schedule for each human rights item in 2021 with related competent authorities. Five to ten critical indicators will be developed by 2024 in accordance with the National Human Rights Action Plan for human rights for regular monitoring of the implementation of CRPD. Although

Taiwan's research project on human rights indicators has lagged behind the United Nations' CRPD human rights indicators, Taiwan has been working relentlessly to make necessary adjustments to its indicators according to the attributes of human rights indicators proposed by the United Nations Office of the High Commissioner for Human Rights to align with the spirit of CRPD.

中文回應：

衛生福利部

衛生福利部於 2017 年辦理《CRPD》人權指標研究案，參採丹麥黃金指標架構及聯合國 2012 年《人權指標：測量與執行指引》14 項權利範例指標，期建立符合我國國情之《CRPD》人權指標。研究結果共產出「自立生活與融合社區」、「健康權」、「工作與就業權」、「平等不歧視」、「多樣性與意識提升」、「可近性與外出移動交通」、「人身自由與身心完整性」、「獲得司法保護及司法體系近用」、「教育權」、「適足之生活水準與社會保障」及「政治參與與公共事務」等 11 個權利項目，為使上開研究結果能形成國家政策，爰於 2019 年與主管部會、專業學者、身心障礙者及其代表團體進行討論，2021 年邀請各主管部會針對各項權利項目可發展之時程，進行更細緻的討論中，未來也將配合國家人權行動計畫於 2024 年前就重要權利項目發展 5 至 10 個指標，定期監測公約落實情形。臺灣人權指標研究計畫與聯合國《CRPD》人權指標雖有時間上的落差，仍已有努力參採聯合國人權事務高級辦公室發佈《CRPD》人權指標要素進行調整，以實踐公約精神。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
Statistics and data collection (art. 31) 第三十一條：統計及資料蒐集	28(b)	With the plans to collect more information on the implementation of the CRPD, including disaggregated data on sexual orientation and gender identity (SOGI), and immigration status.	蒐集更多實施 CRPD 之相關資訊的計畫，包括關於性傾向、性別認同(SOGI)以及移民身分之分類資料。

Reply :

Ministry of Health and Welfare

The Ministry of Health and Welfare has integrated "Taiwanese new Immigrants Status" and "Gender Diversity Status" into the National Living Condition of People with Disabilities Survey, Which is Conducted every 5 years , 2021 Survey Results will be published in April 2023 .

中文回應：

衛生福利部

經查衛生福利部已將「新住民」及「多元性別」身分，納入每 5 年辦理 1 次之全國性「身心障礙者生活狀況及需求調查」調查問項，2021 年調查結果將於 2023 年 4 月底前公布。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
International cooperation (art. 32) 第三十二條：國際合作	29(a)	Please explain to the Committee: How the results of international meetings and publications, such as UNESCO's Global Education Monitoring Report and the Global Disability Summits are promulgated and analyzed;	請向委員會解釋下列事項： 如何公布及分析國際性會議及出版物之成果，例如 UNESCO 全球教育監測報告及全球身心障礙高峰會；

Reply :

Ministry of Education

1. When the Ministry of Education has a need for important information such as UNESCO's Global Education Monitoring Report and the resolutions and publications of the Global Summit on Disability and Disability, which can enable Taiwan to synchronize with the world, it will assign appropriate overseas education teams to conduct data and document collection and excerpt to provide relevant units for use. In addition, the affiliated National Academy for Educational Research analyzes the content of the international conferences and publications collected above, and releases relevant documents accordingly.
2. The Ministry of Education refers to international statistical indicators and regularly publishes the book *International Comparison of Educational Statistics Indicators* on its website for reference and use by all walks of life. In addition, depending on the planning-related policy needs, entrust academic institutions to study or collect relevant information. For example, in 2011, the Ministry of Education entrusted with the "Analysis of the Development of Inclusive Education in Taiwan and Other Countries", and ask the overseas institutions of the Ministry of Education to assist in the data collection of Canada, the United States, Belgium, the United Kingdom, Lithuania, Finland, Japan, South Korea, Singapore, Australia and other 10 countries. The Ministry of Education also analyzed the results of Taiwan's participation in the OECD

Teaching and Learning International Survey (TALIS) to understand the school's learning environment and teachers' work conditions.

Ministry of Health and Welfare

To fulfill the goal and spirit of CRPD, particularly promoting the social participation of people with disabilities, eliminating discrimination and prejudice against these people in the day-to-day setting, and safeguarding the rights of these people. The Taiwanese government regularly collects information from the World Health Organization and that related to the global medical field and pays close attention to the documents and publications released by the United Nations and the United Nations Office of the High Commissioner for Human Rights. The government also refers to the data of the International Disability Alliance and engages people with disabilities and their representative organizations in the development of related guides. By referring to the related publications of international organizations and promoting the social inclusion of people with disabilities, Taiwan has kept its policies in line with international standards. For example, Taiwan has developed the *Guide for Accessible Meetings and Events for Persons with Disabilities*, *General Characteristics and Needs of People with Disabilities*, and *A Beginner's Guide to Making Easy Read Information (Taiwan)* since 2019 in accordance with the guides and documents published by the United Nations, the United Nations Office of the High Commissioner for Human Rights, the International Disability Alliance, and Western countries.

中文回應：

教育部

- 一、教育部對諸如 UNESCO 的全球教育監測報告及全球身心障礙峰會決議紀錄、出版品等可讓臺灣同步與世界接軌之重要資訊有需求時，將指派適當駐外教育組進行資料、文件蒐集、整理及摘譯，以提供相關單位運用。另由隸屬之國家教育研究院分析前述所蒐集之國際會議及出版物的內容，據此發布相關文宣。
- 二、教育部參據國際間之統計指標，於網站定期發布「教育統計指標之國際比較」書刊，供各界參考運用。另視規劃相關政策需求，委託學術單位研究或蒐集相關資料，如於2021年委託辦理「臺灣與各國融合教育的發展分析」，請教育部駐境外機構協助蒐集加拿大、美國、比利時、英國、立陶宛、芬蘭、日本、南韓、新加坡、澳洲等10個國家資料，並分析臺灣參與 OECD 教學與學習國際調查 (TALIS) 結果，了解學校學習環境及教師工作情形。

衛生福利部

為體現《CRPD》的目標與精神，特別是促進身心障礙者之社會參與，消除生活各方面對身心障礙者的歧視與偏見，並保障身心障礙者的權利，臺灣政府定期蒐集 WHO 及全球醫衛相關新聞，持續關注聯合國、聯合國人權事務高級專員辦事處所發佈之文獻及出版物。於制定相關指引時，皆參酌國際障礙聯盟資料，並邀請身心障礙者及其代表團體共同參與。透過參照國際組織之相關出版品及促進障礙者之社會融合，俾使臺灣之相關政策符合國際標準。例如 2019 年起，臺灣陸續參照聯合國、聯合國人權事務高級專員辦事處、國際障礙聯盟及歐美國家所發表的指引及文獻，製作《身心障礙者融合式會議及活動參考指引》、《認識身心障礙者特質與需求》手冊及《臺灣易讀參考指南》。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
International cooperation (art. 32) 第三十二條：國際合作	29(b)	How the implementation of the CRPD and Sustainable Development Goals (SDGs) are ensured in the execution of the official development programme and in particular the measures envisaged to implement the targets 3.8, 9C, 11.2. and 11.7;	執行官方發展計畫中，尤其是在執行被視為實施目標 3.8、9C、11.2 及 11.7 的措施中，臺灣如何確保 CRPD 與永續發展目標（SDG）之落實；

Reply :

National Council for Sustainable Development

The 2030 Agenda for Sustainable Development and the Sustainable Development Goals of the United Nations is aimed at Leave No One Behind (hereinafter referred to as LNOB), while the action framework to achieve LNOB commitment is centered on the elimination of inequality and discrimination. The sustainable development strategies in Taiwan also target the LNOB commitment, including protecting the people with disabilities. CRPD regulation and administrative action modifications are also included in the indicator. And the protection and assistance to the people with disabilities in Taiwan's Sustainable Development Goals (T-SDGs) include different levels of employment, education, transportation, living subsidies, and so on. There are corresponding indicators and 2030 goals set at each level (Table 29), and the Secretariat of National Council For Sustainable Development will review the implementation of each indicator to ensure the achievement of 2030 goals.

Table 29 : Indicators and 2030 goals related to the people with disabilities in the T-SDGs

Level	Indicator	2030 Goal
Living subsidies	1.3.9 The proportion of the people with disabilities benefited from living subsidies to the total disabled population	The proportion of the people with disabilities benefited from living subsidies to the total disabled population reaches 30% by 2030
Education	4.5.5 The enrollment and employment rate of college students with disabilities.	The enrollment and employment rate of college students with disabilities reaches 50% within one year.
	4.5.6 The adaptive counseling placement rate of students with disabilities.	The adaptive counseling placement rate of students with disabilities is 100% by 2030
	4.5.7 The overview of services provided by the career transition and counseling service center to disabled students	The employment rate of recent graduates with employment potential reaches 72% by 2030
	4.a.2 The rate of college students with disabilities obtained assistive technologies after evaluation	All college students with disabilities can obtain assistive technologies after evaluation by 2030.
	4.a.3 The rate of students with disabilities under high school obtained assistive technologies after evaluation	The rate of students with disabilities under high school obtained assistive technologies after evaluation achieves 80% by 2030.
Employment	8.5.3 The employment referral rate for the people with disabilities	The employment referral rate for the people with disabilities reaches 66% and an accumulated 170,000

Level	Indicator	2030 Goal
		disabled employed by 2030.
Transportation	9.3.1 The proportion of urban accessible bus	All the buses in the city are accessible buses. By 2030.
	9.3.3 The improvement rate of accessible lifts in Taiwan Railway Station (the proportion of target passengers to all passengers)	(1) Complete the construction and improvement of accessible lifts in 182 Taiwan Railway Station stations, accounting for 75.5% of all stations (the total target passengers are 98.5% of all passengers). (2) Both the new and reconstructed stations of the round-the-island line will install accessible lifts.
	9.3.4 The installation rate of on trains to the Taiwan High Speed Rail	The newly procured trains will all have electric wheelchair charging sockets for accessible seats, which keeps the achievement rate of 100%.

中文回應：

行政院國家永續發展委員會

聯合國 2030 年議程與永續發展目標的核心承諾是不遺落任一人(Leave No One Behind, LNOB)，而要達到 LNOB 承諾的行動框架係以消除不平等與歧視為核心。台灣永續發展亦重視 LNOB，對象包含身心障礙者；永續發展目標針對 CRPD 法規及行政措施修正也納入指標，並對身心障礙者的保障與協助，涵蓋就業、就學、交通以及生活補助等層面，各層面均設有相關指標及 2030 年目標(詳表 29)，各項指標的推動進展，永續會秘書處每年均進行執行檢討，以確保目標的達成。

表 29 永續發展目標身心障礙各面向指標

面向	指標內容	2030年目標
生活補助	指標1.3.9：身心障礙者生活補助受益人數占身心障礙人口比率	身心障礙者生活補助受益人數占身心障礙人口比率 30%
就學	指標4.5.5：大專校院身心障礙學生就學就業比率指標	大專校院身心障礙學生畢業一年內就學就業比率達 50%
	指標4.5.6：身心障礙學生適性輔導安置率	維持身心障礙學生適性輔導安置率達100%
	指標4.5.7：職業轉銜與輔導服務中心服務身心障礙學生概況	具就業潛能應屆畢業學生之就業率達72%
	指標4.a.2：大專校院身心障礙學生通過需用評估後取得輔具的比率	大專校院身心障礙學生通過需用評估後取得輔具的比率達100%
	指標4.a.3：高級中等以下學校在學學生申請通過需用評估後取得輔具的比率	高級中等以下學校在學學生申請通過需用評估後取得輔具的比率為80%
就業	指標8.5.3：推介身心障礙者就業	2021 年至2030 年推介身心障礙者累積17 萬人就業，協助推介就業率66%

交通	指標9.3.1：市區無障礙公車比例	市區無障礙公車比例達100%
	指標9.3.3：完成臺鐵車站無障礙電梯建置改善的車站比例 (服務對象占全部旅客比例)	(1) 完成臺鐵 182 站車站無障礙電梯建置改善，占臺鐵車站數 75.5% (服務對象占全部旅客 98.5%)。 (2) 環島幹線之新(改)建車站皆會建置無障礙電梯。
	指標9.3.4：高鐵增設列車無障礙座位電動輪椅充電插座的列車數指標	未來新購列車組，亦將無障礙座位電動輪椅充電插座納入建置，維持目標達成率 100%

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
International cooperation (art. 32) 第三十二條：國際合作	29(c)	How the State’s implementation of the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific may strengthen the strategy of disability inclusive development.	臺灣實施「以促進亞洲及太平洋身心障礙者確實享有權利的仁川戰略」後，如何加強身心障礙者融合發展之策略。

Reply :

Ministry of Health and Welfare

Taiwan is not a member state of the United Nations Economic and Social Commission for Asia and the Pacific and has, despite not including the 10 goals, 27 targets, and 62 indicators of the Incheon Strategy on its watchlist, paid close attention to the strategy. In addition, Taiwan has adopted the general principles of CRPD in conjunction with the Sustainable Development Goals to protect the rights of people with disabilities and promote social inclusion.

中文回應：

衛生福利部

臺灣非屬聯合國亞洲及太平洋經濟社會委員會會員，未將仁川戰略 10 個目的、27 個目標及 62 項指標列入追蹤管考項目，但持續關注仁川戰略目標，並以《CRPD》一般性原則搭配 SDGs，以落實保障身心障礙者的權利，並促進社會融合。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
National implementation and monitoring (art. 33) 第三十三條：國家執行及監督	30(a)	Please update the Committee: About the role and functions of the newly established National Human Rights Commission (NHRC), independent monitoring mechanism, in the monitoring of the implementation of the CRPD;	請向委員會說明下列事項之最新情況： 關於新成立之獨立監督機制「國家人權委員會」(NHRC)在監督CRPD施行中之作用及職能；

Reply :

This is within the National Human Rights Commission's scope of duties. Please refer to the National Human Rights Commission's report in responses to the committee's list of issues.

中文回應：

本案權責機關為國家人權委員會，請委員參閱國家人權委員會問題清單回復報告。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
National implementation and monitoring (art. 33) 第三十三條：國家執行及監督	30(b)	The demarcation of responsibilities among different organs within the Executive Yuan, including the Promotion Team for the Rights and Interests of Persons with Disabilities of the Executive Yuan (PTRIPDEY), that has been designated as the coordinating mechanism, the Committee for the Promotion of the Rights of People with Disabilities (CPRPD), and the Ministry of Health and Welfare (MOHW) as well as the Human Rights Division of the Executive Yuan;	包括被指定為協調身心障礙者權利公約的推動機制之行政院身心障礙者權益推動小組、CRPD 推動委員會、衛生福利部及行政院人權處等不同機關之權責劃分；

Reply :

Ministry of Health and Welfare

The Committee for the Promotion of the Rights of Persons with Disabilities, Executive Yuan is the only designated coordinating mechanism for the promotion of CRPD. The Ministry of Health and Welfare serves as a Staff Unit, and the committee's English name is abbreviated as CPRPD in English reports. No additional commission has been established to promote the rights of people with disabilities. In addition, the Executive Yuan authorized the establishment of the Department of Human Rights and Transitional Justice on 27 June, 2022 which coordinates policy planning concerning the commonalities among conventions with the principle that the existing coordinating mechanism for each convention remains unchanged.

中文回應：

衛生福利部

行政院身心障礙者權益推動小組是為推動《CRPD》所設立的單一指定協調機制，目前由衛生福利部擔任幕僚單位，臺灣提交英文國家報告時翻譯為 CPRPD，並未另外成立身心障礙者權利促進委員會。另外，行政院人權及轉型正義處甫於 2022 年 6 月 27 日成立，朝向統籌涉及各公約共通性上位政策規劃之功能，至各公約已成立之協調機制將繼續運行為原則。

我國回應身心障礙者權利公約(CRPD)第二次國家報告問題清單之內容

Arts. 條文	Paragraph 點次	English version 原文	Mandarin version 中譯
National implementation and monitoring (art. 33) 第三十三條：國家執行及監督	30(c)	How the State will ensure holistic implementation of the CRPD by ensuring not only the Ministry of Health and Welfare but all ministries and agencies include persons with disabilities in the policy decision-making in their jurisdiction.	國家將如何確保衛生福利部與各部會及機構將身心障礙者納入其權責範圍下的政策決策，以確保全面落實CRPD。

Reply :

Ministry of Health and Welfare

1. The Committee for the Promotion of the Rights of Persons with Disabilities, Executive Yuan holds regular meetings to deliberate on critical issues relevant to the rights of people with disabilities. Identified areas for improvement will be put on a watchlist until the committee confirms that due improvement has been made and agrees to remove it from the watchlist. The committee also urges all ministries to require the participation of people with disabilities and their representative organizations in the policy-making process for policies concerning these people.
2. Other related bodies established by the central authorities including the Ministry of Health and Welfare set up a Committee for the Protection of the Rights of Persons with Disabilities, the Ministry of Transportation and Communications' steering group for accessible traffic environment, the Ministry of the Interior's set-up an Assessment Team for Accessibility Environment in Public Buildings of the Construction Department of the Ministry of the Interior as well as other evaluation or supervisory committees established per the Program on the Evaluation of Urban Road Maintenance and Accessible Pedestrian Environment and the Supervisory Program on Accessible Urban Parks and Green Spaces, the Ministry of Examination's review committee for protecting the rights of people with disabilities to national examinations, and the Ministry of Culture's taskforce for cultural equality promotion. These bodies have been established to cover different areas of policy. Local governments have also

convened steering groups or committees to promote the rights of people with disabilities to address matters related to the protection of the rights of these people according to the People with Disabilities Rights Protection Act. These groups and committees, all of which include members with disabilities or disability representative organizations, serve to promote policies concerning people with disabilities.

中文回應：

衛生福利部

- 一、「行政院身心障礙者權益推動小組」定期召開會議研商身心障礙者權益相關之重要議題，倘有需精進、改善之事項，亦會持續追蹤直至小組委員認有改善並同意解除列管，並促請各部會建立涉及身心障礙者之政策應有身心障礙者及其代表團體參與機制。
- 二、中央機關尚有衛生福利部設置「身心障礙者權益保障推動小組」、交通部設置「無障礙交通環境推動小組」、內政部設置「營建署公共建築物無障礙生活環境考核小組」，以及依據「市區道路養護管理暨人行環境無障礙考評計畫」與「都市公園綠地無障礙環境督導計畫」組成考評或督導小組、考選部設置「身心障礙者應國家考試權益維護審議委員會」、文化部設置「文化平權推動會報」等，針對不同領域之政策進行研議，而各地方政府亦依《身權法》規定，設置身心障礙者權益保障推動小組或委員會，關注於轄內促進身心障礙者權益保障相關事宜。上開小組或委員會皆有身心障礙者或其代表組織擔任委員，共同推動身心障礙相關政策。