

公民與政治權利國際公約及經濟社會  
文化權利國際公約中華民國初次報告  
國際審查秘書處第7次會議

會議資料

2012年9月7日(五)下午14時30分

法務部3樓318會議室



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公民與政治權利國際公約及經濟社會文化權利國際公約  
中華民國初次報告國際審查秘書處第 7 次會議  
議程

壹、主席致詞

貳、確認第 6 次委員會會議紀錄

參、報告事項

- 一、邀請人權事務委員會之 Nigel Rodley 爵士（英國）、Christine Chanet 女士（法國）以及 Zonke Zanele Majodina 女士（南非）等 3 位現任委員擔任我國公政公約初次報告之審查委員之事宜。
- 二、公告我國公政公約初次報告審查委員會暨經社文公約初次報告審查委員會相關文件之工作進度。
- 三、秘書處於彙整並寄送非政府組織及個人提供予審查委員資料及文件時，擬製作收件清單詳列收件時間、文件內容及收件份數供審查委員參考，並請審查委員於審查會議前與秘書處確認我國政府及非政府組織出席審查會議之名單。
- 四、審查會議程序相關事宜辦理進度，包括審查委員之回應、結論性意見擬具及發表會議之召開地點。

肆、討論事項

- 一、國際審查會議召開地點，請討論。
- 二、ICJ 來臺為政府機關及非政府組織培訓之相關事宜，請討論。
- 三、決定下次會議主席之輪次。

肆、臨時動議

伍、散會

公民與政治權利國際公約及經濟社會文化權利國際公約中華民國  
初次報告國際審查秘書處第 6 次會議紀錄

時間：101 年 8 月 16 日（星期四）上午 9 時 30 分

地點：法務部 3 樓 318 會議室

主席：顧委員立雄

紀錄：方伶

出席：黃總顧問默、李委員念祖、黃委員俊杰、鄧委員衍森、黃委員  
嵩立、張委員文貞

列席：外交部梁副司長光中、李簡任秘書晉榮、蘇組長定東、法務部  
林科長寶貴、彭司長坤業、黃副司長玉垣、郭檢察官銘禮、羅  
科長敏蓉、孫專員魯良、黃科員宗馥、簡助理研究員靖芸、方  
助理研究員伶、許助理研究員玲瑛

決議：

- 一、請外交部勉力於本（101）年 8 月 31 日前將公政公約、經社  
文公約以及共同核心文件之英文版之初稿交予議事組，以利  
先行寄予審查委員審閱；並請於本年 9 月 13 日總統府人權諮  
詢委員會第 9 次會議召開 1 星期前，將英文版本之定稿交予  
議事組，俾利印製會議資料並陳 總統府人權諮詢委員會核  
定。
- 二、討論事項第 1 案：有關邀請 ICJ 來臺，為非政府組織就其應  
如何參與報告審查程序予以培訓之事宜，請秘書處：
  - （一）協助公告有關 ICJ 來臺培訓之訊息；
  - （二）聯繫兩公約施行監督聯盟高涌誠律師，請其與 ICJ 接洽及  
聯繫，並應廣納非兩公約施行監督聯盟成員之其他非政府  
組織之意見；

(三) 適時協助培訓非政府組織參與報告審查程序之相關事宜。

三、討論事項第 2 案：有關邀請人權事務委員會之現任委員擔任我國公政公約初次報告之審查委員之名單，包括 Nigel RODLEY 爵士（英國）、Christine Chanet 女士（法國）以及 Zonke Zanele MAJODINA 女士（南非）等 3 位現任委員。請先以電子郵件詢問國際專家意願，取得同意後，再簽報副總統正式發出邀請函。

四、討論事項第 3 案：

- (一) 建議審查委員會可於審查會期內在臺灣作成結論性意見之初稿，至於定稿版本之提出時程須尊重審查委員之意願；
- (二) 請秘書處於外交部完成英文版初稿之修改後，即先將該版本寄予審查委員，並告知：（一）加註「此版本尚未經官方確認，惟為爭取時效先提供參考，俟確定後再行提供官方版本」之說明；（二）我國係依據聯合國相關條約機構之工作方法，並尊重審查委員會就審查報告之協調分工。

五、討論事項第 4 案：

(一) 有關人權報告問題清單之相關事宜：

1. 秘書處於收受問題清單後，應即指定並轉寄予權責機關，若僅有一權責機關，即由該權責機關負責將問題清單翻譯為中文並提出回復；倘涉及多權責機關，由秘書處指定主政機關負責問題清單之翻譯並綜整其他權責機關之意見再行回復。各權責機關回復予主政機關以及各主政機關回復予秘書處時，皆須同時提供中文版及英文版。對秘書處之指定有意見者，應於收到秘書處之指定郵件起 1 個工作天內提出說明（逾期提出者將不予處理），再由秘書處協調

其他相關機關之意見後，維持原決定或重新指定。各機關對於秘書處之維持原決定或重新指定，均不得再有不服；

2. 不予限制政府機關回應問題清單之字數。

(二) 支付予審查委員費用之相關事宜：

1. 審查委員來臺前之工作相關費用，請議事組以專案報經行政院核准支給；

2. 審查委員來臺期間之費用，則依各機關聘請國外顧問、專家及學者來台工作期間支付費用最高標準表之規定辦理。

(三) 審查會議規劃及議程之相關事宜：

1. 會議手冊之內容包括議程、委員簡歷、公約條文、審查程序規則、參與會議須知等，問題清單及政府部門回應等資料，則另外印製備用；

2. 審查會議之過程須線上直播。

六、討論事項第5案：

(一) 本次會議討論之公告文件修正如後附。有關「非政府組織相關資訊」並請張委員文貞協助翻譯為英文。

(二) 有關「非政府組織相關資訊」之部分，修正處包括：

1. 肆、非政府組織提供予審查委員會之報告：

(1) 審查委員會誠摯歡迎非政府組織（包含聯盟及個別團體）提出可信的、儘可能具體之相關資料。非政府組織可以直接與審查委員聯繫並寄送相關資料，或透過秘書處轉送。提供予審查委員會之資料請自行備妥中、英文版，秘書處並不協助文件之翻譯。

(2) 前述資料之截止收件期限為 102 年 1 月 25 日（書面資料以郵戳為憑），逾期不予轉寄。

2. 伍、問題清單及結論性意見，修正之處包括：

(1) 二、結論性意見（一）：審查委員會於審查會議結束後，擬具結論性意見，其內容包括：概述、積極面、影響公約落實之因素與困難、首要關切主題、建議與推薦。

(2) 二、結論性意見（二）：結論性意見將對外公告，包括登載於人權大步走網站。

(三) 「中華民國初次報告審查會議期程規劃表」有關「受理非政府組織提供資料截止日期訂於明（102）年 1 月 25 日」之部分：受理轉寄非政府組織提供資料之截止日期訂於明（102）年 1 月 25 日，書面資料以郵戳為憑。

七、討論事項第 6 案：下次會議請陳委員惠馨擔任主席。

## 審查會議程序辦理進度

### ※Eibe Riedel 信件：

-----Original Message-----

From: eibe riedel

Sent: Friday, August 31, 2012 8:55 PM

To: 郭銘禮

Subject: Re: drafts of Taiwan's initial state reports

Dear Ming-Li Kuo,

thank you very much indeed for sending me the core document and the two draft reports. I look forward to receiving the NGO and civil society reports as well, and then I will start to work on the List of Issues, and will try to coordinate with the other members of the ESCR Review Committee, so that you will get our questions in good time. Could you possibly also provide me with a copy of the Constitution?

Perhaps you could also let me know about the organization of our meeting in February, and how our travel arrangements are going to be organized.

I look forward very much to the work on the reviewing committee, and collaboration with the CPR review committee as well.

With warmest regards I remain yours Eibe Riedel

### ※Philip Alston 信件：

-----Original Message-----

From: Alston, Philip

Sent: Monday, September 03, 2012 10:51 PM

To: 郭銘禮; 'Ando, Nisuke'; 'Boven van Th (IR)'; Cohen Jerry; 'Asma Jahangir'; 'Asma Jahangir'; 'Nowak Manfred'; 'Eibe Riedel'; 'Eibe Riedel'; 'Eibe Riedel'; 'SCOTTO, DENISE.'; 'Heisoo Shin'

Cc: '黃總顧問默'; '李委員念祖'; '張委員文貞'; '陳委員惠馨'; '黃委員俊杰'; '黃委員俊杰 2'; '黃委員嵩立'; '鄧委員衍森'; '顧委員立雄'; '李秘書'; '1 彭司長坤業'; '1 黃副司長玉垣'; '總統府人權諮詢委員會議事組';

Subject: RE: drafts of Taiwan's initial state reports

Dear Ming-li,

Many thanks for this clarification. I now understand that we should proceed on the basis of these initial versions of the report.

Best,

Philip

-----Original Message-----

From: 郭銘禮

Sent: Monday, September 03, 2012 6:07 AM

To: Alston, Philip; 'Ando, Nisuke'; 'Boven van Th (IR)'; Cohen Jerry; 'Asma Jahangir'; 'Asma Jahangir'; 'Nowak Manfred'; 'Eibe Riedel'; 'Eibe Riedel'; 'Eibe Riedel'; 'SCOTTO, DENISE.'; 'Heisoo Shin'

Cc: '黃總顧問默'; '李委員念祖'; '張委員文貞'; '陳委員惠馨'; '黃委員俊杰'; '黃委員俊杰 2'; '黃委員嵩立'; '鄧委員衍森'; '顧委員立雄'; '李秘書'; '1 彭司長坤業'; '1 黃副司長玉垣'; '總統府人權諮詢委員會議事組'

Subject: RE: drafts of Taiwan's initial state reports

Dear Professor Alston, Professor Riedel, and the Members of the Reviewing Committees:

Many thanks for the questions and comments by Professor Alston and Professor Riedel. Please allow me to reply as follows:

1 You are right that the Members would want to base their comments and suggestions on the final versions. The final versions are expected by the end of September. I apologize that I have to email you at this moment the three drafts rather than the final versions. Please allow me to explain further. We already completed and made public Taiwan's state reports on April 20 of this year. We are translating them into English. From our point of view, the final versions may be pretty much the same as the drafts that I sent to you. There, however, would still be some inevitable modification of the wording, which may take several weeks before it's done. As we try to save some time for your work, and we are afraid that the final versions would be sent to you at the end of September, we therefore decided to email the drafts to you last week. We will email you the final versions together with the hard copies as soon as possible. We apologize for any inconvenience caused.

2 We very much appreciate the comment regarding the collaboration among all the Members. In that regard please allow me to remind you that we try not to put the same information in both of the two initial reports. For example, you will read the information of domestic violence only in the ICESCR report rather than in the ICCPR report, but the contents of article 1 of the two initial reports are the same. Consequently, we would be grateful if you could kindly read both of the initial reports.

3 I haven't received any alternative reports from NGO and civil society. I apologize that I did not make myself clear in my previous email. I know that at least two groups of NGOs have completed their alternative reports and are translating them into English. I will send you the alternative reports immediately after I receive them.

4 The organization of the meeting in February. There is a reception in the evening of Feb. 24. The review sessions begins from Feb. 25- Mar.1, 2013.

The first three days, Feb. 25-27, are arranged with 6 review sessions, 3 with NGOs in the morning and 3 with the government agencies in the afternoon. The fourth day, Feb. 28, is reserved for the two Committees to discuss, draft, and adopt the concluding observations. In the morning of the fifth day, Mar. 1, there is a press conference to make public the concluding observations. The two

Committees will conduct the review process at the same time in separate meeting rooms.

5 travel arrangements. We shall provide you with all necessary expenses, including travels and accommodations. Please allow me to explain further in my next email.

I sincerely hope, and honestly believe, that Taiwan will benefit greatly from this review process. To facilitate your work, the secretariat will do whatever is necessary. We, however, don't really have any formal or official training in relation to the work of the secretariat. So I apologize if there is anything wrong or offensive. We would be very grateful if you could kindly share with us the correct way to prepare for such a meaningful review process.

Warmest regards,

-----Original Message-----

From: Alston, Philip

Sent: Sunday, September 02, 2012 10:56 AM

To: 郭銘禮; 'Ando, Nisuke'; 'Boven van Th (IR)'; Cohen Jerry; 'Asma Jahangir'; 'Asma Jahangir'; 'Nowak Manfred'; 'Eibe Riedel'; 'Eibe Riedel'; 'Eibe Riedel'; 'SCOTTO, DENISE.'; 'Heisoo Shin'

Cc: '黃總顧問默'; '李委員念祖'; '張委員文貞'; '陳委員惠馨'; '黃委員俊杰'; '黃委員俊杰 2'; '黃委員嵩立'; '鄧委員衍森'; '顧委員立雄'; '李秘書'; '1 彭司長坤業'; '1 黃副司長玉垣'; '總統府人權諮詢委員會議事組'

Subject: RE: drafts of Taiwan's initial state reports

Dear Ming-li,

Thankyou for sending these documents. Can you tell us when you would expect that we might receive the final versions? I suspect that most of us would prefer to base our comments and questions on the final version rather than on an interim one.

And thankyou also for including all of the experts and their email addresses in your communications. We will need to be in touch with one another shortly in order to work out how best to proceed and ensure that the process is as independent and meaningful as possible.

Best wishes,

Philip

## ※Heisoo Shin 信件：

-----Original Message-----

From: Heisoo Shin

Sent: Tuesday, September 04, 2012 9:04 AM

To: Alston, Philip

Cc: 郭銘禮; Ando, Nisuke; Boven van Th (IR); Cohen Jerry; Asma Jahangir; Asma Jahangir; Nowak Manfred; Eibe Riedel; Eibe Riedel; Eibe Riedel; SCOTTO, DENISE.; 黃總顧問默; 李委員念祖; 張委員文貞; 陳委員惠馨; 黃委員俊杰; 黃委員俊杰 2; 黃委員嵩立; 鄧委員衍森; 顧委員立雄; 李秘書; 1 彭司長坤業; 1 黃副司長玉垣; 總統府人權諮詢委員會議事組;

Subject: Re: drafts of Taiwan's initial state reports

Dear Ming-Li Kuo,

I join Prof. Alston and Prof. Riedel in thanking you for the draft documents, as well as for the clarification. CESCR will be in session in Nov. and Taiwan will be added in my personal workloads of consideration.

Kind regards,  
Heisoo

## ※Nisuke Ando 信件：

-----Original Message-----

From: 世界人權問題研究センター所長

Sent: Tuesday, September 04, 2012 3:29 PM

To: Alston, Philip

Cc: 郭銘禮; 'Boven van Th (IR)'; Cohen Jerry; 'Asma Jahangir'; 'Asma Jahangir'; 'Nowak Manfred'; 'Eibe Riedel'; 'Eibe Riedel'; 'Eibe Riedel'; 'SCOTTO, DENISE.'; 'Heisoo Shin'; '黃總顧問默'; '李委員念祖'; '張委員文貞'; '陳委員惠馨'; '黃委員俊杰'; '黃委員俊杰 2'; '黃委員嵩立'; '鄧委員衍森'; '顧委員立雄'; '李秘書'; '1 彭司長坤業'; '1 黃副司長玉垣'; '總統府人權諮詢委員會議事組'  
Subject: Re: drafts of Taiwan's initial state reports

Dear All;

We have just received drafts of Taiwan's reports, one under ICCPR and the other under ICESCR, the final version of which we are to receive by the end of September. Considering the difficulty that all the Reviewers get together to discuss how to proceed from here, may I recommend the following?

1) After receiving the final version, all members of each group, one on ICCPR and the other on ICESCR, should read both carefully and form around twenty questions about the report of his/her own group and email them not only to the remaining members of the group but also to members of the other group so that we can check what is happening in the other group as well; 2) Perhaps, a member of each group should be chosen as a Country Rapporteur for Taiwan, to whom the questions should be mailed by the end of October. If I may venture, I recommend that Mr. Austin be the Rapporteur on ICESCR and Riedel(if too busy, Mr. Nowak) on ICCPR; 3) Then, by mid-November, Messrs. Alston and Riedel should prepare a list of issues with about 25 questions to be emailed to all the Reviewers for their suggestions, though a member may make such suggestions concerning the list of issues of his/her own group only; 4) Finally, Messrs. Alston and Riedel complete each list of issues by mid-December, which should be emailed to the Government of ROC and all the other Reviewers; 5) Before the end of next January, the government should mail to all Reviewers its written reply to the List of Issue. In my opinion, this approach will enable a smooth functioning of the actual review process on the spot. 6) Of course, if NGOs can follow a similar process of exchange, that will certainly facilitate the entire procedure on condition that they will also keep good timing.

I am prepared to receive any suggestion or improvement on my recommendations!

Sincerely yours,  
Nisuke Ando

## ※Theodoor Cornelis van Boven 信件：

-----Original Message-----

From: Boven van Th (IR)

Sent: Tuesday, September 04, 2012 9:33 PM

To: 世界人權問題研究センター所長; Alston, Philip

Cc: 郭銘禮; Cohen Jerry; 'Asma Jahangir'; 'Asma Jahangir'; 'Nowak Manfred'; 'Eibe Riedel'; 'Eibe Riedel'; 'Eibe Riedel'; 'SCOTTO, DENISE.'; 'Heisoo Shin'; '黃總顧問'; '李委員念祖'; '張委員文貞'; '陳委員惠馨'; '黃委員俊杰'; '黃委員俊杰 2'; '黃委員嵩立'; '鄧委員衍森'; '顧委員立雄'; '李秘書'; '1 彭司長坤業'; '1 黃副司長玉垣'; '總統府人權諮詢委員會議事組'

Subject: RE: drafts of Taiwan's initial state reports

Dear Colleagues,

The comments and suggestions made by Nisuke Ando are most helpful. I favour in particular that each Review Committee should have from its own membership a coordinator. I am also in favour of setting a calendar or timeframe to be observed during the whole review process. There are two other points which I would like to raise. First, while the Taiwan organizing committee wished for understandable reasons to follow closely the UN pattern of two separate instruments and two mechanisms, we have to take into account the interrelatedness of the two International Covenants as well as the fact that there will be issues of common interest and common concern relating to both Covenants. I suggest therefore that there will be appropriate consultations between the two Review Committees as well as their coordinators. There should of course be a division of work but also consistency in approach and outlook. The other point I wish to make is how we can best benefit from the opinions of NGOs. I do not know how they are being organized in Taiwan but it would be useful if we could send them a word that we appreciate an input from their part which we may consider before we draw up the final list of issues to be forwarded to the government.

It will be a pleasure to work with all of you. Best wishes,

Theo van Boven