

公民與政治權利國際公約 經濟社會文化權利國際公約

中華民國第二次國家報告國際審查會議

結論性意見與建議各點次權責機關表（確定版）



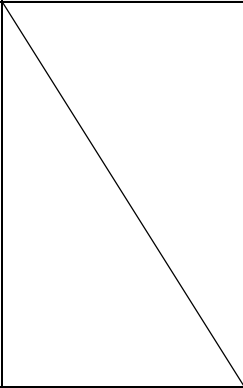
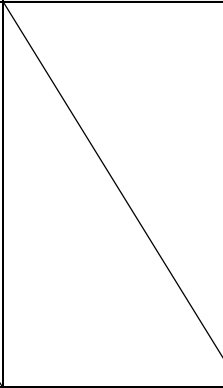
點次	結論性意見與建議	主辦機關	協辦機關
兩公約共同點次（緒論、一般議題）			
1.	<p>In 2009, the former President of Taiwan announced the ratification, as a matter of domestic law, of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Act to implement the two Covenants also provided that a reporting system would be created to monitor the Government's compliance with the obligations it has undertaken.</p> <p>2009 年，中華民國（臺灣）前總統宣布批准公民與政治權利國際公約（公政公約；ICCPR）及經濟社會文化權利國際公約（經社文公約；ICESCR）作為國內法。兩公約施行法也規定應建立報告機制以監督政府遵循其所承擔的義務。</p>	/	/
2.	<p>In 2011, the Government initiated the process of preparing detailed initial reports on the rights contained in each of the Covenants, and in 2013, an independent Review Committee, from ten different countries, was invited to review these reports in light of information from all available sources, and especially civil society. The Committee consisted of the following ten independent experts, working in their personal capacities: Philip Alston, Nisuke Ando, Virginia Bonoan-Dandan, Theodor van Boven, Jerome Cohen, Shanthi Dairiam, Asma Jahangir, Manfred Nowak, Eibe Riedel and Heisoo Shin. On 1 March 2013, the group adopted a comprehensive set of Concluding Observations and Recommendations.</p> <p>2011 年，政府展開就兩公約分別所含權利提出詳盡初次報告的程序，而在 2013 年，成員來</p>	/	/

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	<p>自 10 個不同國家的獨立審查委員會受邀，依據來自所有可得的來源，尤其是公民社會的資訊，審查該次報告。委員會由下列 10 位獨立專家組成，並以其個人身分參與工作：Philip Alston、Nisuke Ando、Virginia Bonoan-Dandan、Theodoor van Boven、Jerome Cohen、Shanthi Dairiam、Asma Jahangir、Manfred Nowak、Eibe Riedel 以及 Heisoo Shin。2013 年 3 月 1 日，該委員會通過一組綜合性的結論性意見與建議。</p>		
3.	<p>In April 2016, the Government of Taiwan prepared a detailed Response to the Concluding Observations and Recommendations, along with Second Reports on both Covenants and a Common Core Document forming part of the Reports. On the invitation of the Government these Reports were subjected to review in Taipei from 16 to 20 January 2017 by a Review Committee consisting of the following ten independent experts, working in their personal capacities: Virginia Bonoan-Dandan, Jerome Cohen, Shanthi Dairiam, Miloon Kothari, Jannie Lasimbang, Peer Lorenzen, Manfred Nowak, Eibe Riedel, Sima Samar and Heisoo Shin. The Committee divided itself into two groups, one dealing with the ICCPR, chaired by Manfred Nowak, and one with the ICESCR, chaired by Eibe Riedel.</p> <p>2016 年 4 月，中華民國（臺灣）政府提出詳盡的回應結論性意見與建議，以及關於兩公約的第二次報告與構成該報告一部分的共同核心文件。在政府的邀請下，該報告於 2017 年 1 月 16 日至 20 日在臺北接受審查委員會的審查。審查委員會由下列 10 位獨立專家組成，並以其個人身分參與工作：Virginia Bonoan-Dandan、Jerome Cohen、Shanthi Dairiam、Miloon</p>		

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	Kothari、Jannie Lasimbang、Peer Lorenzen、Manfred Nowak、Eibe Riedel、Sima Samar 以及 Heisoo Shin。委員會分為兩組，其中一組由 Manfred Nowak 擔任主席，處理公政公約，另一組由 Eibe Riedel 擔任主席，處理經社文公約。		
4.	<p>As during the first review, the Review Committee followed established international monitoring procedures in all relevant respects and applied the accepted international legal interpretations of the relevant rights. Its work involved no comparison with the situation prevailing in other countries, and these concluding observations focus solely on the situation in Taiwan.</p> <p>與初次審查過程相同，審查委員會在所有相關面向上依循既定的國際監督程序，並採用對相關權利被普遍接受的國際法解釋。委員會的工作並未涉及與其他國家普遍狀況的比較，本結論性意見亦僅聚焦於中華民國（臺灣）的狀況。</p>		
5.	<p>The Review Committee expresses its appreciation that the Government and the people of Taiwan continue to demonstrate their exemplary commitment to the process of monitoring compliance with the relevant human rights obligations. The Government has again provided valuable and detailed reports, following international precedents, and has engaged in a highly constructive manner with the Committee. Each of the sessions held over a period of three days (16-18 January 2017), was attended by a large number of Government officials, representing all of the relevant departments of the Executive Yuan, as well as representatives of the Office of the President, the Legislative Yuan, the Judicial Yuan, the Control Yuan and the Examination Yuan. The</p>		

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	<p>proceedings were webcast live and followed closely by civil society. The Committee is especially grateful to Public Prosecutor Wen-Hsiang Chou and his colleagues from the Ministry of Justice for their highly efficient and helpful coordination of the overall endeavour.</p> <p>審查委員會對於中華民國（臺灣）政府與人民持續在遵循相關人權義務的監督程序上展現足堪仿效的承諾表達讚賞。政府遵循國際慣例，再次提出有價值且詳盡的報告，並以高度建設性的態度與委員會互動。在為期 3 天（2017 年 1 月 16 至 18 日）所舉行的每一場次中，都有代表所有行政院相關部會的眾多官員，以及總統府、立法院、司法院、監察院及考試院的代表出席與會。會議過程透過網路直播，並受到公民社會密切關注。委員會特別感謝周文祥檢察官以及法務部同仁展現的高效率且極具助益的全面努力協調。</p>		
6.	<p>The Review Committee commends the very active engagement of a wide range of civil society groups in all aspects of the review process. The Committee received a large number of detailed alternative reports and supplementary information, and held focused hearings to enable non-governmental organisations to provide inputs into the process. The response was remarkable and enabled the Committee to develop a deeper understanding of many complex issues.</p> <p>審查委員會稱許來自不同領域的公民社會團體在審查過程各方面非常積極的參與。委員會收到為數眾多詳盡的平行報告與補充資訊，並舉行集中會議，以便使非政府組織能在過程中提供意見。各方回應熱烈，並使委員會得以更深入了解許多複雜的議題。</p>		
7.	The Review Committee wishes to underscore that these Concluding Observations and		

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	<p>Recommendations do not deal with all of the very large number of issues presented to it. As this is an on-going process, the Committee put particular focus on assessing the progress achieved in implementing its first set of recommendations from March 2013. It considers that the value of the overall process goes far beyond what is contained in these Concluding Observations and Recommendations.</p> <p>審查委員會欲指出，本結論性意見與建議並未處理所有委員會受理的眾多議題。由於這是一個持續性的過程，委員會特別聚焦於評價落實 2013 年 3 月初次建議上所達成的進展。委員會認為，整體審查過程之價值，遠超越本結論性意見與建議的內容。</p>	/	/
8.	<p>Finally, the Review Committee emphasizes again that the purpose of the Concluding Observations and Recommendations is primarily to identify areas in which the Government of Taiwan should consider further measures in order to promote full compliance with its obligations. The observations do not, therefore, provide any systematic recognition of the many positive achievements that have occurred in recent years, including the four years under review. The Committee is, however, deeply impressed by the dramatic progress that has been made since 1987, when Taiwan began to emerge from a long and dark period of martial law. With respect to the recent period under review, the Committee wishes to note that, despite major progress achieved in some areas, other developments envisaged by the Government have not yet materialised. It therefore encourages the new Government under President Tsai Ing-wen to take a</p>	/	/

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	<p>more proactive attitude towards the full implementation of international human rights law.</p> <p>最後，審查委員會再次強調，結論性意見與建議的目的主要在於點出中華民國（臺灣）政府為促進全面遵循其義務而應考量採取進一步措施的領域。因此，本結論性意見與建議並未對近年來，包括本次審查涵蓋的 4 年，所呈現的許多積極成就作出系統性的肯定。然而，委員會對於中華民國（臺灣）自 1987 年開始走出漫長且黑暗的戒嚴時代以來所取得的令人矚目的進展，印象極為深刻。就本次審查涵蓋期間而言，委員會欲指出，儘管政府在一些領域達成重大進展，仍有其他願景尚未實現。委員會因此要鼓勵蔡英文總統帶領的新政府，採取更主動積極的態度，朝向全面落實國際人權法邁進。</p>		
9.	<p>In 2013, the Review Committee recommended the establishment of an independent national human rights commission in accordance with the Paris Principles as a priority objective. Despite various initiatives taken in the period under review, Taiwan has not yet decided whether it should establish a completely independent institution or to subordinate it to either the Presidential Office or the Control Yuan. The Committee recommends establishing, without further delay, a completely independent and pluralistic national human rights commission in full compliance with the Paris Principles.</p> <p>審查委員會於 2013 年曾建議將依巴黎原則成立獨立的國家人權委員會列為優先目標。儘管在本次審查涵蓋期間提出許多不同的方案，中華民國（臺灣）卻仍未決定究應成立完全獨立的機構，抑或是設置於總統府或監察院之下。委員會建議應全面遵循巴黎原則，儘速成立完</p>		



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	全獨立且多元的國家人權委員會。		
10.	<p>The Review Committee warmly welcomes Taiwan's acceptance, without reservations, of the obligations contained in six of the core human rights treaties of the United Nations: the two Covenants (ICCPR and ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD).</p> <p>審查委員會熱切歡迎中華民國（臺灣）無保留接受 6 部聯合國核心人權公約中所含義務：兩公約（公政公約及經社文公約）、消除一切形式種族歧視國際公約（CERD）、消除對婦女一切形式歧視公約（CEDAW）、兒童權利公約（CRC）以及身心障礙者權利公約（CRPD）。</p>	兩公約：法務部 消除一切形式種族歧視國際公約：內政部 消除對婦女一切形式歧視公約：性平處 兒童權利公約：衛福部 身心障礙者權利公約：衛福部	
11.	<p>In this spirit, the Review Committee wishes to encourage the Government of Taiwan to accelerate the efforts to also accept the remaining three core human rights treaties: the Convention against Torture including its Optional Protocol (CAT, OPCAT), the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families</p>	禁止酷刑公約：內政部  保護移工公	

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	<p>(CMW) and the Convention for the Protection of all Persons from Enforced Disappearance (CED). This will ensure full coverage of the core international human rights framework.</p> <p>在此一精神下，審查委員會欲鼓勵中華民國（臺灣）政府致力促成接受其餘 3 部聯合國核心人權公約：禁止酷刑和其他殘忍、不人道或有辱人格的待遇或處罰公約及其任擇議定書（禁止酷刑公約；CAT, OPCAT）、保護所有移工及其家庭成員權利國際公約（CMW）及保護所有人免遭強迫失蹤公約（CED）。此將確保國際核心人權架構的全面涵蓋。</p>	<p>約：勞動部</p> <p>反強迫失蹤公約：法務部</p>	/
12.	<p>With regard to the two Covenants, the Review Committee wishes to commend the on-going efforts of the Executive Yuan, the Legislative Yuan and the Judicial Yuan to bring domestic law into compliance with the respective rights and obligations. However, the Committee notes that it is unclear to what extent the domestic courts have the power to give precedence to the Covenants in case of a conflict with either pre-existing or subsequent legislation. The Committee therefore recommends that the Covenants be deemed part of the Constitution of Taiwan. It further encourages the Government to strengthen the process of domestic implementation of the Covenants and the other core UN human rights treaties.</p> <p>關於兩公約，審查委員會欲稱許行政院、立法院及司法院的持續努力，以使國內法符合兩公約中各該權利及義務。然而，委員會注意到，在既有或嗣後制定的法規與兩公約牴觸的情形下，國內法院究竟有多少權限範圍得賦予兩公約優先性，並不明確。因此委員會建議兩公約應被視為中華民國（臺灣）憲法的一部分。委員會並進一步鼓勵政府強化兩公約及其他聯合</p>	司法院、法務部	各相關機關

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	國核心人權公約在國內適用的過程。		
13.	<p>The Vienna World Conference on Human Rights in 1993 explicitly confirmed the universality, equality, indivisibility and interdependence of all human rights. Consequently, the Review Committee is deeply concerned that the Supreme Administrative Court in August 2014 effectively ruled out the applicability of the ICESCR before domestic courts. The Committee therefore strongly recommends that the authorities of Taiwan take all necessary measures to ensure the direct and equal applicability and justiciability of all rights contained in both Covenants before domestic courts, in accordance with General Comment Nr. 3 of the UN Committee on Economic, Social and Cultural Rights.</p> <p>1993 年維也納世界人權大會明確確認，一切人權均有普遍性、平等性、不可分割性及相互依存性。因此，審查委員會十分關切最高行政法院於 2014 年 8 月決議實際上排除經社文公約在國內法院之適用。委員會因此強烈建議，中華民國（臺灣）當局應採取所有必要措施，確保兩公約所含的一切權利在國內法院有直接且平等的適用性及可訴性，以符合聯合國經濟社會文化權利委員會第 3 號一般性意見。</p>	司法院	
14.	<p>The appropriateness and effectiveness of human rights education and training continue to be a serious concern. There appears to be little improvement since the initial review in 2013, when the Review Committee noted the “over-emphasis on quantity rather than quality” in the relevant programmes.</p>	法務部	各機關

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	人權教育訓練的妥適性及有效性仍然受到嚴重關切。自 2013 年初次審查時，審查委員會注意到相關教育訓練課程「重量不重質」的問題以來，在這方面的改善似乎有限。		
15.	<p>The Review Committee strongly recommends that Government authorities prioritize attention to human rights education and training, relevant and suitable for each intended target group. It wishes to stress and remind the Government that the objective of human rights education and training is to instil awareness of the human rights principles and values, and of how they can be enjoyed, respected, protected and fulfilled by the various sectors of society. The Committee also calls upon the Government to launch an intensive training programme for Government personnel on the human rights-based approach to governance in general and in particular to the design, planning, implementation and evaluation of all Government projects and activities. The Committee requests that a detailed progress report on this recommendation be included in the next report.</p> <p>審查委員會強烈建議政府當局應優先關注提供相關且適合每個預期目標群的人權教育訓練。委員會欲向政府強調並提醒，人權教育訓練的目標是要逐漸灌輸對人權原則與價值的認識，以及人權在不同的社會部門中，如何被享受、被尊重、被保護及被實踐。委員會也呼籲政府，應為公務人員安排在一般執行公務，以及特別在擬定、規劃、執行與評估所有政府專案與活動上，採取關於以人權為本作法的密集訓練課程。委員會要求在下次報告中，應納入關於此項建議的詳細進度報告。</p>	法務部、人事總處(訓練)、保訓會、國發會、教育部	各機關

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16.	<p>The Review Committee reiterates its previous recommendation that the Government pay all due attention to the issue of corporate social responsibility, including the need for binding legislation providing for monitoring and control. The Committee reminds the Government of its obligation under international human rights law to ensure that Taiwanese corporations, whether operating in Taiwan or abroad, as well as foreign corporations operating in Taiwan, respect all human rights. In particular, these business activities affect labour conditions, the position of female and migrant workers, trade union rights, housing rights, land rights and environmental rights.</p> <p>審查委員會重申前次建議，政府對於企業社會責任議題，包括透過具拘束力的法規規定監督與管制的需求，應給予充分關注。委員會提醒，在國際人權法下，政府有義務確保不論是在臺灣或海外營運的臺灣企業，以及在臺灣營運的外國企業，皆應尊重一切人權。尤其這些商業活動影響勞動條件、女性勞工與移工的地位、工會團結權、居住權、土地權及環境權。</p>	經濟部、勞動部、內政部、環保署、金管會	
17.	<p>The Review Committee recognizes the fundamental value of transitional justice in the process of overcoming past wrongdoings. The Government's legislative proposals need to effectively and directly address the right to truth and the restoration of the access to justice after the lift of martial law. In this regard, the effective access of victims and researchers to all archives should be guaranteed. The Review Committee strongly recommends that the Government, in a timely manner, initiates an inclusive truth and reconciliation process, involving also the security forces, to discuss and reflect on collective memory.</p>	國發會、促轉會	國防部、內政部、國安局、法務部調查局、文化部

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	<p>審查委員會肯認在改進過去錯誤的過程中，轉型正義所具有的根本價值。政府提出的立法草案需要有效且直接滿足人民得知真相的權利及解嚴後重獲正義的平反。就這方面而言，政府應保障受害者與研究者能有效取得所有檔案。審查委員會強烈建議政府應及時開啟具包容性的真相與和解程序，並將國安單位包括在內，以探討並反省集體記憶。</p>		
18.	<p>The Review Committee expresses serious concern about the growth of income inequality in Taiwan. Recent figures show that Taiwan’s wealth is increasingly becoming concentrated among the top 1% of its population. Such growing income inequality threatens the social stability, democratic coherence and the general realisation of human rights. The Review Committee calls on the Government to reformulate its national economic policies including its taxation system and domestic and global trade regimes. These steps are particularly essential for the full realisation of economic, social and cultural rights.</p> <p>審查委員會對於中華民國（臺灣）所得不均的惡化情形，表達嚴重關切。近期數據顯示，中華民國（臺灣）的財富集中在金字塔頂端 1% 人口的情形日益嚴重。如此所得不均的惡化將威脅社會安定性、民主凝聚力以及人權的一般體現。審查委員會呼籲政府應重新擬定國家經濟政策，包括稅制及國內與全球貿易體制。這些作法在完全實現經濟、社會與文化權利上，尤其不可或缺。</p>	國發會、財政部、經濟部	
19.	<p>The Review Committee commends the Government for the efforts taken to ensure legislative compliance with the principles of equality and non-discrimination. However, the Committee</p>	法務部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>expresses its concern that while anti-discrimination clauses are scattered in several acts, there is no comprehensive anti-discrimination legislation covering all grounds of discrimination in all contexts.</p> <p>審查委員會稱許政府在確保法規遵循平等與不歧視原則上的努力。然而，委員會對於雖有反歧視條款散見於許多法律中，卻缺乏一部涵蓋所有脈絡下所有歧視理由的綜合性反歧視法，表達關切。</p>		
20.	<p>In the 2013 Concluding Observations and Recommendations, the Review Committee recommended the enactment of comprehensive legislation covering all fields of gender equality, with a view to implementing gender mainstreaming and gender budgeting. While reiterating this recommendation, it further recommends that the Government consider adopting a comprehensive anti-discrimination law. This law should cover all grounds of direct and indirect discrimination, and positive obligations that are binding on both the public and private sectors and placing an obligation on the Government to ensure de-jure and de-facto equality.</p> <p>在 2013 年結論性意見與建議中，審查委員會曾建議應制定涵蓋所有性別平等領域的綜合性法規，目的在於落實性別主流化與性別預算。委員會重申此一建議，同時進一步建議政府應考慮通過綜合性的反歧視法。這部法律應該涵蓋基於任何理由的直接與間接歧視，以及對公私部門皆有約束力的積極義務，並課予政府確保法律上及事實上平等的義務。</p>	性平處、 <b>法務部</b>	
21.	The Review Committee commends the Ministry of Education for implementing the previous	教育部、性平	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>recommendation for developing and implementing effective information and awareness-raising initiatives on equal rights of all persons regardless of gender identity, as well as for the implementation of the Gender Equality Education Act. The Committee urges the Government to continue its efforts to promote, protect and ensure respect for the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons.</p> <p>審查委員會稱許教育部落實前次建議，發展並實施關於不論性別認同為何，人人皆享有平等權利的有效資訊提供與意識提升方案，並且落實性別平等教育法。委員會敦促政府繼續努力宣揚、保護並確保對於女同性戀者、男同性戀者、雙性戀者、跨性別者及雙性人（LGBTI）權利的尊重。</p>	處、文化部、通傳會	
22.	<p>The Review Committee nevertheless remains concerned about the life situation of LGBTI persons. Like in many other countries, such persons frequently face exclusion, marginalization, discrimination, harassment and aggression by large parts of the general population and in schools, resulting in high suicide rates and physical and mental health problems. While noting that the Government has taken considerable steps to establish training programmes for doctors, nurses and other hospital staff, as well as teachers at all levels of education on the full respect of human rights for LGBTI persons, the Committee recommends that public large scale and sustained information campaigns in the mass media be carried out as a parallel activity, in order to enhance general awareness of the human rights situation of LGBTI persons in Taiwanese</p>	教育部、衛福部、性平處	



點次	結論性意見與建議	主辦機關	協辦機關
	<p>society.</p> <p>儘管如此，審查委員會仍舊關切 LGBTI 人群的生活狀況。與在許多其他國家相同，這些人時常面臨來自相當部分一般大眾及學校內的排擠、邊緣化、歧視、騷擾及侵犯，造成高自殺率以及生理與心理的健康問題。儘管注意到政府已採取相當程度的措施，為醫師、護理師及其他醫院工作人員，以及所有教育層級的教師開設關於充分尊重 LGBTI 人群人權的訓練課程，委員會建議在大眾傳播媒體上實施大規模且持續的資訊提供活動，作為配套行動，以增進大眾對於 LGBTI 人群在中華民國（臺灣）社會的人權狀況的認識。</p>		
23.	<p>The Review Committee reiterates the previous recommendation that the Government upgrade the Gender Equality Department so that it has the power, authority and budget to enable it to effectively carry out its mandate in data collection, gender impact assessment and the formulation and implementation of policies on gender equality.</p> <p>審查委員會重申前次建議，政府應提升性別平等處層級，以使其具有足夠權限、職權及預算，得以有效執行其資料蒐集、性別影響評估以及擬定並實施性別平等相關政策的任務。</p>	性平處	
24.	<p>The Review Committee acknowledges the numerous initiatives, such as reporting systems, domestic prevention offices, setting up of shelters and hotlines, to address violence against women in the country, especially domestic violence, which was also reported during the 2013 review. It expresses its appreciation that the Government has conducted research on the prevalence of violence between intimate partners, as recommended in the 2013 Concluding</p>	衛福部、內政部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p><b>Observations and Recommendations.</b></p> <p>審查委員會認識到許多為解決國內對婦女的暴力，尤其是家庭暴力的方案，例如通報制度、家庭暴力防治中心、設置庇護所及熱線電話，而這些方案亦曾於 2013 年審查期間報告。委員會也對於政府依 2013 年結論性意見與建議中所建議，進行親密伴侶間暴力的盛行率研究表示讚賞。</p>		
25.	<p>The Review Committee further reiterates its earlier recommendation that the impact of the various initiatives be assessed, and on the basis of this assessment a comprehensive plan be developed to address domestic violence by adopting an interdisciplinary and multi-sectoral approach. It also recommends that the Government pay additional attention to the vulnerable groups of women, such as women with disabilities and the new immigrants who arrive as brides.</p> <p>審查委員會進一步重申前次建議，應對各種措施的影響進行評估，並在此評估的基礎上，採用跨學科和多部門的方法，發展解決家庭暴力的綜合性計畫。委員會並建議政府對於弱勢的婦女群體，例如身心障礙婦女及嫁至本地的新住民女性，給予更多的關注。</p>	衛福部	
26.	<p>The Review Committee is concerned that only 5% of persons of the population are registered as persons with disabilities, far below the national average of 10% to 15%. It recommends that the Government of Taiwan conduct a national census to determine the actual number of persons with different disabilities, including those in their old age. It further recommends that Taiwan formulate policies in line with the result of the census data, with the full participation of people</p>	衛福部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>with disabilities, and allocate adequate budget to meet their needs.</p> <p>審查委員會關切僅有 5% 人口登記為身心障礙者，遠低於各國平均的 10% 至 15%。委員會建議中華民國（臺灣）政府進行全國普查，以查明包括高齡者在內的各項身心障礙者的實際數據。委員會進一步建議中華民國（臺灣）擬定與普查數據結果一致的相關政策，經身心障礙者充分參與，並提撥得以滿足身心障礙者需求的充足預算。</p>		
27.	<p>The Review Committee welcomes the historic apology to indigenous peoples by President Tsai Ing-wen in August 2016. It recommends the effective enforcement of Taiwan's Indigenous Peoples Basic Law (IPBL) and the implementation of revised policies and administrative measures undertaken by the Government in connection with the 2013 Concluding Observations and Recommendations. In particular, the Committee recommends that the on-going identification and recognition of traditional lands and territories by the Council of Indigenous Peoples be carried out in consultation with, and with the direct participation of, indigenous peoples.</p> <p>審查委員會樂見蔡英文總統於 2016 年 8 月對原住民族作出歷史性道歉。委員會建議應有效執行原住民族基本法，並落實根據 2013 年結論性意見與建議政府所承諾的修正後政策與行政措施。委員會特別建議原住民族委員會現正進行的傳統土地及領域調查與確認，應與原住民族協商，並經其直接參與。</p>	原民會	
28.	<p>The Review Committee strongly recommends that the Government urgently develop, together with indigenous peoples, effective mechanisms to seek the free, prior and informed consent</p>	原民會	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>of indigenous peoples on development plans and programmes that are affecting them to ensure that they do not infringe on the right of indigenous peoples, and to provide access to effective remedies in instances where such infringements have already occurred. Such mechanisms should comply with the United Nations Declaration on the Rights of Indigenous Peoples and other international standards.</p> <p>審查委員會強烈建議政府應立即與原住民族共同制定有效的機制，在影響原住民族的開發計畫與方案上，尋求其自由、事前且知情下的同意，以確保該等計畫與方案不會侵害原住民族的權益，並在該等權益侵害已發生的情形，提供有效救濟途徑。該機制應該遵循聯合國原住民族權利宣言及其他國際標準。</p>		
29.	<p>The Review Committee notes with appreciation the steps taken by the Government to recognise the status of the Ping Pu peoples, and the efforts towards their identity recognition system. However, it remains concerned that the current classification of indigenous peoples into three categories of mountain peoples, plain peoples and Ping Pu peoples, partly a legacy of the Japanese colonial period, does not correspond with the present situation of the 16 recognized indigenous peoples. The Committee recommends that the Government of Taiwan apply the classification of indigenous peoples as identified by themselves and guarantee them full and equal participation and representation.</p> <p>審查委員會表達讚賞並注意到政府為承認平埔族群地位所採取的措施，以及對推動其身分認</p>	原民會	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>定制度的努力。然而，委員會仍舊關切目前將原住民族區分為山地原住民、平地原住民及平埔族群，此一部分沿襲自日本殖民時期的分類方式，與官方承認 16 個原住民族的現況不符。委員會建議政府應採用原住民族自己認同的分類方式，並保障他們擁有充分且平等的參與及代表性。</p>		
30.	<p>The Review Committee recommends the Government to ensure that traditional health and learning practices of indigenous peoples are preserved and promoted. At the same time, the Review Committee encourages the Government to ensure that health care and education services are culturally-appropriate. Adequate resources should be provided and the participation of indigenous peoples ensured throughout the process of designing, implementation and evaluation of these programmes.</p> <p>審查委員會建議政府應確保原住民族的傳統衛教慣習受到保存及推廣。同時，審查委員會鼓勵政府確保健康照護及教育服務具有文化適切性。在擬定、執行及評估這些方案的所有過程中，應提供充足資源並確保原住民族的參與。</p>	原民會、衛福部、教育部	
<b>經社文公約點次</b>			
31.	<p>It is a cause of serious concern that since the initial review, very little has changed in the situation of foreign workers in the household category, including the caregivers and domestic workers who continue to be excluded from the Labour Standards Act. Furthermore, there has been no action taken on the long-promised “Domestic Workers Protection Act” despite the</p>	勞動部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>serious concerns expressed during the initial review in 2013.</p> <p>自初次審查以來，包括仍舊排除適用勞動基準法的看護及幫傭工作者在內，外籍家事類勞工的處境幾無任何改變，這是一個令人嚴重關切的原因。再者，儘管 2013 年初次審查期間委員會曾表達嚴重關切，政府對多年來承諾制定的家事勞工保障法卻未採取任何行動。</p>		
32.	<p>The Review Committee renews its call on the Government of Taiwan to effectively remove, without further delay, the obstacles that hinder the passage of the Domestic Workers Protection Act. In addition, the Committee requests the Government in its next report, to provide a detailed account of the progress achieved on this issue, as well as an assessment of its impact on the rights of migrants.</p> <p>審查委員會重新呼籲中華民國(臺灣)政府，應儘速排除通過家事勞工保障法的障礙。此外，委員會要求政府在下次報告中，針對此議題所達成的進度提出詳盡的說明，以及該法案對移居者權益的影響評估。</p>	勞動部	
33.	<p>While the Government has already provided some information regarding a new relevant law that has just taken effect in the beginning of 2017, the Review Committee nevertheless expresses its continuing concerns regarding the accountability of the Government for failing to effectively enforce its laws on Taiwanese-flagged fishing vessels that are reportedly engaged in illegal, unreported and unregulated (IUU) fishing, and in that serious crimes have been reported to occur including labour and human rights abuses inflicted on the foreign workers who man these</p>	農委會、勞動部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>vessels. The Committee notes with concern that Taiwan is currently operating under formal warnings from international organizations for failing to take sufficient measures in the global fight against IUU fishing, which has serious impacts on the environment and the survival of endangered marine species.</p> <p>雖然政府已提供一些關於 2017 年初生效的相關增訂法條的資訊，政府未能對據報從事非法、未報告及不受規範（IUU）漁業的臺灣籍漁船執行中華民國（臺灣）法律，且其中據報曾發生包括對操作這些漁船的外籍勞工施加勞動權與人權侵害在內的重大犯罪，審查委員會仍舊對關於此事政府的可責性表達持續關切。委員會關切並注意到，因未能在國際打擊 IUU 漁業方面採取充分措施，而 IUU 漁業對環境及瀕危海洋生物帶來嚴重衝擊，中華民國（臺灣）目前已多次受到國際組織的正式警告。</p>		
34.	<p>The Review Committee urges the Government of Taiwan to conduct an inquiry into the fishing operations, recruitment and employment practices in these Taiwanese-registered fishing vessels, especially the long-liners which sail out to sea and do not return to harbour for long periods of time. The Review Committee further requests that the Government in its next report, provide detailed first-hand information regarding the measures undertaken to strictly monitor and curb IUU fishing; to protect the rights of all workers including foreign workers employed in these fishing vessels, and to ensure adequate standards of work and living conditions.</p> <p>審查委員會敦促中華民國（臺灣）政府，進行對登記為臺灣籍漁船的漁撈作業、招募與僱用</p>	農委會、勞動部	

點次	結論性意見與建議	主辦機關	協辦機關
	實情的調查，尤其是出海後長期不回港的延繩釣漁船。審查委員會進一步要求政府在下次報告中，就嚴格監控及打擊 IUU 漁業；保護包括外籍勞工在內，所有受僱於臺灣籍漁船的勞工權利，並確保其工作及生活條件達適足水準方面所採取的措施，提供詳盡的第一手資訊。		
35.	<p>The Review Committee is concerned that the job segregation by sex, both vertical and horizontal, results in gender pay gap. It is also concerned about the gender role stereotypes in the Taiwanese society, which puts child care and other family responsibilities primarily on women. The Committee recommends the Government of Taiwan to:</p> <p>a) develop and implement a system to realize the principle of equal pay for equal work and work of equal value;</p> <p>b) step up its efforts to mitigate the sex segregation on the job and take measures, including temporary special measures, to encourage women to pursue careers into non-traditional areas for women;</p> <p>c) undertake effective measures to eliminate persisting gender role stereotypes in society, such as incentives for fathers to increase their participation in childcare and parental leave; regularly conduct time-use survey for both men and women; and awareness-raising programmes on the shared responsibilities of both men and women in the family and society.</p> <p>審查委員會關切因性別而生的職業隔離，包括垂直與水平隔離，導致性別薪資落差。委員會並關切中華民國（臺灣）社會中性別角色的刻板印象，此將兒童照顧及其他家庭責任主要加</p>	勞動部、衛福部、主計總處(統計)	



點次	結論性意見與建議	主辦機關	協辦機關
	<p>諸婦女身上。委員會建議中華民國（臺灣）：</p> <ul style="list-style-type: none"> <li>a) 發展並落實可實現同工同酬與同值同酬原則的制度；</li> <li>b) 進一步致力減緩職業上的性別隔離，並採取措施，包括暫時性特別措施，以鼓勵女性在非傳統領域中追求職涯發展；</li> <li>c) 採取消弭社會性別刻板印象的有效措施，例如提供誘因以提升父親參與兒童照顧及育嬰假；定期進行男女時間運用調查；以及關於男女共同分擔在家庭與社會中責任的意識提升方案。</li> </ul>		
36.	<p>The Review Committee has received information regarding the situation of students between 16 and 18 years of age, who reportedly work to pay for school tuition and related expenses. Apparently there is a growing number of under-aged students who also work in spite of an existing ban. Furthermore, it is reported that these working students do not receive a minimum wage, have no insurance, and often work long night hours. The Review Committee strongly recommends a thorough study on this issue. It would appreciate detailed information in the Government's next report, regarding the actual situation, including the measures undertaken by authorities to protect these students from exploitation and abuse.</p> <p>審查委員會已接獲關於 16 至 18 歲學生處境的資訊，而據報他們為了支付學費及相關花費兼差打工。儘管已明文禁止，顯然未成年學生兼差打工的案例數仍在增加。此外，據報這些打工學生未獲得最低工資，未投保，而且經常值大夜班。審查委員會強烈建議，針對此議題應</p>	勞動部、教育部	

點次	結論性意見與建議	主辦機關	協辦機關
	進行澈底研究。委員會希望在政府的下次報告中，有針對實際情形，包括主管機關保護這些學生免於剝削與虐待所採行措施的詳盡資訊。		
37.	<p>The Review Committee is concerned with the thrust of Taiwan’s economic policies that are dictating a ‘market’ solution to the housing and land crisis which has resulted in a lack of available and affordable housing and speculation of housing, property and land. The Review Committee observes that a national regime has emerged that gives priority to ‘the right to property’ over the ‘right to adequate housing and land’. The Review Committee recommends a reorientation of Taiwan’s housing and land regime that is consistent with its international human rights commitments including a focus on ensuring security of tenure and protection against displacement and evictions. The first step in this direction would be a more accurate database that establishes the number of people in Taiwan that are designated as informal settlers and as homeless.</p> <p>審查委員會關切中華民國（臺灣）經濟政策的冒進，正指向一種對住房及土地危機的「市場化」解決方案，導致缺乏可取得及可負擔的住房，以及對住房、財產及土地的投機炒作。審查委員會觀察到一種使得「財產權」凌駕於「適足住房與土地權」的國家體制已然浮現。審查委員會建議中華民國（臺灣）的住房與土地體制應轉換方向，而與其對國際人權的承諾相符；包括聚焦在使用權保障（security of tenure），以及保護免於迫遷及驅離。這個方向的第一步就是更為精確的資料庫，以確認在中華民國（臺灣）被認定為非正規住居者及無家者（遊</p>	內政部、衛福部、 <span style="color: red;">財政部</span>	

點次	結論性意見與建議	主辦機關	協辦機關
	民) 的數據。		
38.	<p>The Review Committee continues to be concerned about the frequency of evictions and land dispossessions that are occurring in Taiwan. The processes of expropriation, urban land consolidation, urban renewal and other policies are leading to violations of housing and land rights across the country. The Committee is also concerned about ‘private-led’ land consolidation and zone expropriation that leads to forced evictions.</p> <p>審查委員會持續關切在中華民國（臺灣）正發生的驅離與剝奪土地的頻繁程度。土地徵收、市地重劃、都市更新及其他政策，正導致全國各地對住房與土地權的侵害。委員會也關切引發強制驅離的「民間自辦」市地重劃與區段徵收。</p>	內政部	
39.	<p>The Review Committee recommends that a moratorium be called on all forms of displacement until a National Displacement, Resettlement and Rehabilitation Act is established that is consistent with the Government’s international human rights obligations, including General Comment No. 7 of the UN Committee on Economic, Social and Cultural Rights and the UN Basic Principles and Guidelines on Development based Displacement and Evictions (hereinafter ‘the UN Evictions Guidelines’).</p> <p>審查委員會建議所有形式的迫遷應宣布暫時中止，直到一部符合政府的國際人權義務，包括聯合國經濟社會文化權利委員會第 7 號一般性意見，以及聯合國關於基於開發目的的驅離及迫遷的基本原則及準則（以下稱「聯合國驅離準則」）的迫遷安置及重建法制定為止。</p>	內政部	

點次	結論性意見與建議	主辦機關	協辦機關
40.	<p>The Review Committee recommends, in this context, the creation of an overarching National Housing and Land Policy that is consistent with its international human rights commitments and contains elements outlined in the following paragraphs. As an important step in this direction the Government should confer security of tenure to all residents in Taiwan in accordance with international human rights instruments including General Comment 4 of the UN Committee on Economic, Social and Cultural Rights and Article 25 of the UN Evictions Guidelines.</p> <p>在此脈絡下，審查委員會建議應制定整體性的國家住房與土地政策，該政策應與中華民國(臺灣)國際人權承諾相符，並包含下列段落中所述要素。作為這個方向上重要的一步，政府應依包括聯合國經濟社會文化權利委員會第 4 號一般性意見及聯合國驅離準則第 25 條在內的國際人權文書，賦予在中華民國(臺灣)的所有居民使用權保障 (security of tenure)。</p>	內政部	
41.	<p>The Review Committee is also concerned about the practice of civil lawsuits being filed by authorities against informal settlers. The RC recommends that such practices be reviewed so that the housing rights of informal settlers are respected in accordance with international human rights standards.</p> <p>審查委員會也關切當局對非正規住居者提起民事訴訟。委員會建議重新檢視這樣的作法，以使非正規住居者的住房權依國際人權標準受到尊重。</p>	內政部、財政部	
42.	<p>The Review Committee is concerned that legislations such as the Land Expropriation Act, the Urban Renewal Act, the Regulation of Urban Land Consolidation, the Regulations for Urban</p>	內政部、財政部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>Land Consolidation Led by Land Owners and the Disposal Guidelines for Occupation of State-Owned Real Estate of Public Use contain provisions that are not human rights based and are being used to dispossess people and communities across Taiwan. The Committee recommends that all local and national legislation that has a bearing on housing and land policy in the country be amended to comply with Taiwan's international human rights obligations.</p> <p>審查委員會關切例如土地徵收條例、都市更新條例、市地重劃實施辦法、獎勵土地所有權人辦理市地重劃辦法，以及各機關經管國有公用被占用不動產處理原則等法令，含有並非基於人權的規定，並在全臺各地被用於剝奪人民與社區的權益。委員會建議，所有與國內住房與土地政策有關的地方及中央法規應修正，以符合中華民國（臺灣）的國際人權義務。</p>		
43.	<p>The Review Committee recommends the formulation of a National Homelessness Welfare and Human Rights Act that contains a comprehensive definition of homelessness, provisions for the prevention of homelessness and calls for adequate budgetary resources to ensure the human rights of all homeless people in Taiwan.</p> <p>審查委員會建議制定無家可歸者福利及人權法，其中包含對無家可歸狀態的綜合性定義，避免陷於無家可歸狀態的規定，以及對於政府分配充足預算資源以保障中華民國（臺灣）所有無家可歸者人權的要求。</p>	衛福部	
44.	<p>The Review Committee is concerned about the state of housing and living conditions of the 47 per cent of indigenous peoples who are now living in urban areas such as the Happy Mountain</p>	內政部、原民會	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>and Ljavek communities. The Committee recommends that the cultural and collective needs of indigenous peoples and communities are taken into account in providing adequate housing as required by Article 16 of the Indigenous Peoples Basic Law (IPBL). The Committee also urges the Government to ensure that no forced evictions occur, to ensure that any temporary relocations of indigenous peoples related to disaster risk operations do not lead to permanent land dispossessions.</p> <p>審查委員會關切居住在都市中的 47%原住民族的住房與生活情況，例如快樂山部落及拉瓦克部落。委員會建議，政府依原住民族基本法第 16 條規定，在提供適足住房時應考量原住民族及社區的文化與集體需求。審查委員會也敦促政府確保不會有強制驅離發生，也確保與災害風險管理有關的任何原住民族暫時安置，並不會導致永久的土地剝奪。</p>		
45.	<p>The Review Committee urges the Government to ensure that women’s rights to housing and land are realised. This would include ensuring processes to protect their rights to security of tenure, including protection from forced evictions. This applies especially to women with particular housing needs such as single women, single mothers, widows, indigenous women and those with special needs including homeless and disabled women and victims of domestic violence.</p> <p>審查委員會敦促政府確保婦女的住房與土地權被實現。這將包含確保用以保護其使用權保障（security of tenure），包括保護免受強制驅離在內的程序。這尤其適用於有特別住房需求的婦女，例如單身女性、單親母親、喪偶婦女、原住民族女性，以及包括無家可歸的女性、身</p>	內政部、原民會、衛福部	

點次	結論性意見與建議	主辦機關	協辦機關
	心障礙婦女與家暴受害者在內的特殊需求者。		
46.	<p>The Review Committee notes with concern that life expectancy in different regions of Taiwan reaches 85.3 years in the most affluent areas, while in least affluent areas only 62.5 years. The Committee recommends that the Government take steps beyond cooperation and consultation between different departments and agencies to address risk reduction.</p> <p>審查委員會關切並注意到中華民國（臺灣）不同地域的平均餘命，在最富足的地區高達 85.3 歲，但在最不富足的地區則只有 62.5 歲。委員會建議政府除了各部會局處的合作研商外，應進一步採取措施以降低風險。</p>	衛福部	
47.	<p>In response to the 2013 Concluding Observations and Recommendations, a public hearing was held by the Council of Indigenous Peoples (CIP) where the Taiwan power company was asked to immediately remove the low-level radioactive waste from Orchid Island. The subsequent process for referendums by the Ministry of Economic Affairs (MOEA) to determine a new site for the disposal of the radioactive waste has stalled. The Review Committee recommends that the MOEA set a concrete plan and specific time frame to decide on the radioactive waste disposal and that the solution would not jeopardise other indigenous communities.</p> <p>原住民族委員會為回應 2013 年結論性意見與建議所舉行的公聽會中，台灣電力公司被要求立即將低放射性廢棄物遷出蘭嶼。經濟部辦理之放射性廢棄物最終處置選址後續公投程序停滯。審查委員會建議經濟部訂定關於放射性廢棄物最終處置的具體計畫及明確時程，且該解</p>	原民會、經濟部、 <b>原能會</b>	

點次	結論性意見與建議	主辦機關	協辦機關
	決方案不應危及其他原住民族社群。		
48.	<p>The Review Committee remains concerned about the high incidents of sexually transmitted diseases among adolescents, and the alarming increase in the number of syphilis and gonorrhoea cases in relation to boys between the age of 15 and 19. The Committee also notes that unsafe sex practices are on the increase. While acknowledging that the Government is taking various steps to provide sex education for adolescents, the Committee recommends that school teaching on all aspects of sexual education be further enhanced, and that parents, teachers and medical professionals should also be actively involved in that process. The Committee recommends that the Government broadens its strategies, programmes and campaigns in this area, particularly by engaging civil society organizations and stepping up public debate via the mass media.</p> <p>審查委員會仍舊關切青少年間性傳染病的高罹病率，以及 15 歲至 19 歲男生罹患梅毒與淋病人數的驚人增長。委員會也注意到，不安全性行為案例亦在增加當中。儘管體認到政府正採取各種措施為青少年提供性教育，委員會建議應進一步加強學校在性教育各面向的教學，並應讓家長、教師與醫事專業人員積極參與該過程。委員會建議政府擴展此領域策略、方案與活動的範圍，特別是讓公民社會組織參與，並透過大眾傳播媒體促進公共辯論。</p>	衛福部、教育部	
49.	The Review Committee notes that the Government has published a White Paper on Mental Health Promotion in 2015 and a National Health Action Plan for the years 2017-2021. Considering the multifaceted problems connected with the mental health situation in the country, the Committee	衛福部	



點次	結論性意見與建議	主辦機關	協辦機關
	<p>recommends that a mechanism be established to assess the results of measures taken at regular intervals.</p> <p>審查委員會注意到政府在 2015 年編製心理健康促進政策白皮書，以及期程為 2017 年至 2021 年的國民心理健康計畫。考量到國內心理健康情況所涉及的多面向問題，委員會建議應建立機制以定期評估採取措施的成效。</p>		
50.	<p>The sex education currently provided at different levels of school education is not comprehensive enough and raises disputes among different groups of people regarding the appropriateness of its contents. The Review Committee recommends the Government of Taiwan to:</p> <p>a) provide for both boys and girls at different levels of education a curriculum on the right to sexual and reproductive health, which is comprehensive, scientifically accurate and up-to-date, engaging various stakeholders for consultation;</p> <p>b) conduct research into the situation of intersex people, and formulate policy guidance including prohibition of medically unnecessary operations of removing otherwise healthy reproductive organs;</p> <p>c) take into account General Comment No. 22 (2016) of the UN Committee on Economic, Social and Cultural Rights on the right to sexual and reproductive health in implementation of Taiwan's obligation to respect, protect and fulfil the right to sexual and reproductive health.</p> <p>目前各級學校教育提供的性教育內容不夠全面，並引發不同群眾間對其內容適當性的爭議。</p>	教育部、衛福部、性平處	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>審查委員會建議中華民國（臺灣）政府：</p> <ul style="list-style-type: none"> <li>a) 在各級學校教育，為男生及女生提供有關性與生育健康權利的課程，其應有全面、科學上正確且最新的內容，並且讓各利害關係人參與研商；</li> <li>b) 針對雙性人處境進行研究，並擬定包括禁止以醫學上不必要的手術切除各方面都健康的生殖器官在內的政策方針；</li> <li>c) 在落實中華民國（臺灣）尊重、保護及實現性與生育健康權利的義務上，應將聯合國經濟社會文化權利委員會關於性與生育健康權利之第 22 號一般性意見（2016 年）納入考量。</li> </ul>		
51.	<p>The Review Committee remains concerned about the state of housing and living conditions of the residents of Lo-Sheng Sanatorium, due to the construction of the Mass Rapid Transit Depot, that have had an adverse impact on their mental and physical health. The Review Committee recommends that the original landscape or the sanatorium be restored and the Mass Rapid Transit Depot construction not be allowed to violate the right to health of the patients. The Review Committee further recommends that the Government follow the procedure laid down in General Comment No. 7 of the UN Committee on Economic, Social and Cultural Rights and the UN evictions guidelines in all activities related to the Lo-Shen Sanatorium.</p> <p>由於捷運機廠施工，對樂生療養院病患的心理與身體健康帶來負面影響，因此審查委員會仍舊關切樂生療養院病患的住房與生活條件狀況。審查委員會建議應回復原有景觀或療養院，</p>	衛福部、文化部	

點次	結論性意見與建議	主辦機關	協辦機關
	且捷運機廠施工不得侵害病患的健康權。審查委員會進一步建議，政府在與樂生療養院相關的所有活動中，應遵循聯合國經濟社會文化權利委員會第 7 號一般性意見及聯合國驅離準則所揭示的程序。		
公政公約點次			
52.	<p>The Review Committee is concerned about the comparatively high rate of recent deaths in custody. It recommends that all cases of death in custody, including apparent cases of suicide, shall be fully investigated by an independent body that also looks into the underlying reasons and root causes of each incident with a view to preventing future cases of deaths in custody. In addition, the Committee urges the Government to ensure sufficient medical, psychological and social staff within the prison personnel to prevent inter-prisoner violence and suicides.</p> <p>審查委員會關切近期在監死亡相對偏高的比率。委員會建議，針對所有在監死亡的案例，包括明顯自殺的案例在內，應成立獨立組織進行澈底調查，並且為了預防未來在監死亡案件的發生，探究每個案件背後緣由及根本原因。此外，審查委員會敦促政府確保監所管理人員中有充足的醫療、心理、社工人員，以預防收容人彼此間的暴力及自殺行為。</p>	法務部、衛福部	
53.	<p>In 2013, the Review Committee recommended that the Government insert the crime of torture (as defined in Article 1 CAT) as a separate crime with adequate penalties in its Criminal Code. The Committee notes with regret that this recommendation has not been implemented. Since fighting impunity for perpetrators of torture is one of the most effective means to eradicate torture and</p>	法務部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>other forms of ill-treatment, it strongly reiterates its recommendation to incorporate a separate and specific crime of torture with adequate penalties into the Criminal Code of Taiwan.</p> <p>2013 年審查委員會曾建議政府在刑法中新增酷刑罪（依禁止酷刑公約第 1 條所定義），作為有適當刑罰的獨立犯罪類型。委員會感到遺憾並注意到此項建議尚未落實。由於打擊酷刑行為為人有罪不罰情形是根除酷刑及其他形式不當待遇的最有效方式之一，委員會因此強烈重申其建議在中華民國（臺灣）刑法中增列有適當刑罰的獨立且特定的酷刑罪。</p>		
54.	<p>The Review Committee also recommended that all allegations or suspicions of torture shall be thoroughly and promptly investigated by an independent and impartial body with full criminal investigation powers with a view to bringing the perpetrators to justice with adequate punishment. The Committee regrets that no progress has been achieved in implementing this recommendation, which is herewith reconfirmed.</p> <p>審查委員會也建議所有酷刑的指控或犯罪嫌疑應由具完全的刑事調查權限，獨立而公正的組織展開澈底且迅速的調查，以落實使行為人受到適當懲罰的制裁。委員會對於此項建議的落實沒有任何進展感到遺憾，並藉此再次確認此項建議。</p>	內政部、法務部	
55.	<p>In 2013, the Review Committee recommended the speedy adoption of a Refugee Act, which should also include the principle of non-refoulement. Despite certain efforts undertaken in this respect, the Committee notes with concern that to this date no such act has been adopted and that the principle of non-refoulement has not been incorporated into domestic law. This has led to the</p>	內政部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>return of asylum seekers to their countries of origin, despite the risk of being subjected to torture or other forms of ill treatment, including capital punishment.</p> <p>2013 年審查委員會曾建議迅速通過難民法，其中並應包括不強制遣返原則。儘管在這方面已作出某些努力，但委員會關切並注意到，至今該部法律仍未通過，而不強制遣返原則也尚未納入國內法規中。此將導致儘管有遭酷刑或其他形式不當待遇，包括被判處死刑在內的風險，尋求庇護者仍須回到原籍國。</p>		
56.	<p>The Review Committee therefore reiterates its previous recommendations and reminds the Government of the fact that Article 7 ICCPR already provides an absolute prohibition to extradite, expel or return any person to another country or jurisdiction where he or she would face a serious risk of being subjected to torture or other forms of ill treatment, including capital punishment.</p> <p>審查委員會因此重申前次建議，並提醒政府一件事實，即公政公約第 7 條已規定，絕對禁止將任何人引渡、驅逐出境或遣返至任何會使其面臨遭酷刑或其他形式不當待遇，包括被判處死刑在內的高風險的國家或司法管轄地。</p>	內政部、陸委會	
57.	<p>The Review Committee congratulates the Government of Taiwan for having prohibited all forms of corporal punishment in all sectors of society, including the police, the military, in schools, in the family and as a judicial or disciplinary sanction. This is in full compliance with the absolute prohibition of corporal punishment under international law and jurisprudence.</p>		

點次	結論性意見與建議	主辦機關	協辦機關
	<p>審查委員會恭賀中華民國（臺灣）政府已全面禁止一切形式之體罰，在社會各部門，包括警察、軍隊、學校、家庭，以及作為司法處罰或秩序罰。這全面遵循國際法及司法體系下對於體罰的完全禁止。</p>		
58.	<p>The Committee, however, strongly regrets that there has been no progress in the abolition of capital punishment as the utmost form of corporal punishment. Despite the fact that international law is increasingly recognizing the death penalty as contrary to the right to human dignity, the number of executions has remained roughly the same in recent years and the Government continues to justify its retentionist attitude by opinion polls, which allegedly prove that a large majority of the population remains in favour of the death penalty.</p> <p>然而，審查委員會深感遺憾的是，在作為體罰最極致形式的死刑之廢除上卻無任何進展。儘管國際法越來越肯認死刑違反人格尊嚴權，近年來死刑執行的數據卻仍大致相同，且政府持續藉由據稱顯示大多數民眾仍支持死刑的民意調查，正當化其保留死刑的態度。</p>	法務部	
59.	<p>The Review Committee urges the current Government of Taiwan and President Tsai Ing-wen to take the lead in raising public awareness against this cruel and inhuman punishment, rather than being exclusively concerned with public opinion. To this end, the Committee strongly recommends that the Government take decisive steps by immediately introducing a moratorium on executions with the aim of full abolition of capital punishment in the near future.</p> <p>審查委員會敦促當前中華民國（臺灣）政府與蔡英文總統帶頭提升公眾對於反對酷刑及非人</p>	法務部	

點次	結論性意見與建議	主辦機關	協辦機關
	道處罰的認識，而非僅一味在意民意。為此，審查委員會強烈建議政府採取果斷的措施，即刻暫時停止執行死刑，並以在不久的將來全面廢除死刑為目標。		
60.	<p>The Review Committee welcomes the significant progress that has taken place in expanding the scope of habeas corpus since the previous review. It acknowledges the very important role that Judicial Yuan interpretations 708 and 710 have played in stimulating the Legislative Yuan to amend the Habeas Corpus Act in 2014 to assure detainees of all types, not only those criminally detained, and including nationals of the People’s Republic of China (PRC) and foreigners, of their right to obtain timely judicial review of the legality, reasonableness, necessity and proportionality of their detention. The Committee is glad to learn that these reforms, so crucial to human liberty, have been increasingly implemented in the District Courts.</p> <p>審查委員會樂見自前次審查後，在擴大提審範圍方面已有重要進展。委員會體認到，在促使立法院於 2014 年修正提審法，以確實保障各類型受逮捕拘禁者，不僅是被刑事羈押之人，亦包括中華人民共和國（PRC）國籍者及外國人，皆取得對於逮捕拘禁之合法性、合理性、必要性及比例原則進行及時司法審查的權利一事上，司法院釋字第 708 號及第 710 號解釋所扮演的重要角色。審查委員會樂於知悉這些對於人類自由的改革，逐漸在地方法院被落實。</p>	司法院	
61.	The Committee also welcomes the recent legislative amendments that limit the duration of the time that PRC nationals can be detained by immigration authorities. On the other hand, the Committee remains concerned about the comparatively high number of foreigners, including	內政部、司法院	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>asylum seekers, who are detained by immigration authorities. It recommends that the Legal Aid Foundation provide legal assistance not only to foreigners with legal status, but also to asylum seekers without such status.</p> <p>審查委員會也樂見最近法規修正，限制 PRC 國籍者被移民主管機關收容的期間。另一方面，委員會仍舊關切有相對偏多的外國人，包括尋求庇護者，遭移民主管機關收容。委員會建議法律扶助基金會除了對具有合法地位的外國人提供法律協助外，亦對不具該合法地位的尋求庇護者提供法律協助。</p>		
62.	<p>In 2013, the Committee found that the "reasonable time" limit of Article 9(3) ICCPR was violated by Article 5 of the Speedy Trial Act of 2010, which stipulates a maximum period of eight years of detention pending trial, and it recommended that this time limit be significantly reduced. So far no amendments of the Act in this respect have been made. Although the Committee has been informed that detention pending trial rarely exceed five years, it considers even such a period to be excessive and repeat its recommendation to reduce the time limit.</p> <p>2013 年審查委員會曾發現 2010 年刑事妥速審判法第 5 條規定，審判中羈押期間最長不得超過 8 年，違反公政公約第 9 條第 3 項「合理期間」限制，委員會並曾建議大幅縮短該期間限制。迄今該法尚未就此作出修正。雖然審查委員會被告知，審判中羈押甚少超過 5 年，但仍認為即便是 5 年期間亦屬過長，並重申大幅縮短期間限制的建議。</p>	司法院	
63.	The Review Committee recognizes that compulsory hospitalization for the allegedly mentally ill	衛福部、司法	



點次	結論性意見與建議	主辦機關	協辦機關
	<p>in accordance with the Mental Health Law is not merely a medical matter. The Committee received information that it has been abused on occasion as a measure for the arbitrary detention of controversial but not mentally ill persons. It recommends that the procedures for compulsory hospitalization be revised in several respects to assure confined persons' prompt access to fair administrative and judicial review, including habeas corpus. Furthermore, the Legal Aid Foundation should revise its requirements and procedures in order to facilitate the earliest opportunity for detained persons to receive legal assistance.</p> <p>審查委員會認識到，依精神衛生法被指為精神病人的強制住院，不僅僅是醫療事務。委員會接獲資訊顯示，強制住院有時遭到濫用，而被當作恣意留置具爭議性但未罹患精神疾病者的方式。委員會建議在多方面修正強制住院程序，以確保人身自由受限制者能立即獲得，包括提審在內，公平的行政及司法審查。此外，法律扶助基金會應修正其要件與程序，以使受留置之人有儘早獲得法律協助的機會。</p>	院	
64.	<p>The overcrowding of prisons was already recognized by the Government of Taiwan as an “urgent problem” in its initial report of 2012. In its second report of April 2016, the Government acknowledged an overcrowding rate of 13.23% (63,045 inmates compared to a total capacity of 55,676 places in correction institutions as of 22 December 2015). The Government further stated as follows: “Correction institutions mostly consist of old buildings characterized by small confined spaces, and there will be no immediate improvement to the over-crowdedness due to</p>	法務部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>lack of human resource, budget, and protest from local residents wherever prisons are relocated.”</p> <p>在 2012 年初次報告中，中華民國（臺灣）政府已肯認監所超額收容是「亟待解決」的問題。在 2016 年 4 月第二次報告中，政府體認到超收比率達 13.23%（至 2015 年 12 月 22 日止矯正機關可收容額 55,676 人，但實際收容 63,045 名收容人）。政府進一步敘述如下：「矯正機關房舍多屬老舊，監禁空間確屬狹小，上述超額收容情形固囿於管教人力，政府整體預算，易地遷建遭鄰近居民反對等，尚無法立即改善。」</p>		
65.	<p>As the Review Committee noted in its 2013 Concluding Observations and Recommendations, over-crowded prisons lead to a variety of human rights problems, such as poor hygienic and health standards, lack of privacy, and increase of violence and often to conditions of detention that can only be qualified as inhuman or degrading treatment.</p> <p>如同審查委員會在 2013 年結論性意見與建議所指出，監所超收已導致各種人權問題，例如低劣的衛生健康標準、欠缺隱私及暴力充斥等，也常導致受拘禁者的處遇不得被認為是非人道或有辱人格的待遇。</p>	法務部	
66.	<p>In addition to the measures already taken by the Government of Taiwan, including the construction of new prisons, the Committee again strongly recommends effective measures to reduce the number of prisoners by, inter alia, liberalizing its harsh policy towards drug users, introducing less restrictive provisions on pre-trial bail and parole and other non-custodial measures. The Committee further recommends improvements in the prison health services by</p>	法務部、衛福部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>transferring the responsibility to the Health Department.</p> <p>除了中華民國（臺灣）政府已採取的措施，包括興建新監所之外，審查委員會再次強烈建議採取減少收容人數的有效措施，尤其是放寬對施用藥物者的嚴峻政策、採行對具保及釋放較寬鬆的限制規定，以及其他非移監收容手段。委員會進一步建議透過將責任移交至衛生福利部，改善監所衛生服務。</p>		
67.	<p>The Review Committee also wishes to stress that in a highly developed country, such as Taiwan, the lack of human resources and financial restraints can never be accepted as an excuse for inhuman and over-crowded prison conditions.</p> <p>審查委員會另欲強調，在一個高度已開發國家，例如中華民國（臺灣），人力資源缺乏及經費限制，決不能被接受作為監所環境不人道及過度擁擠的藉口。</p>	法務部	
68.	<p>The Review Committee concluded in the first review that the maximum length of criminal proceedings of eight years in the Speedy Trial Act is incompatible with the right to be tried "without undue delay", as stipulated in Article 14(3)(c) ICCPR, and recommended legislative changes aimed at reducing the length of criminal proceedings. The Committee notes with satisfaction that a great number of cases are terminated within a considerably shorter period of time. It regrets, however, that many trials, on the other hand, do not respect the "reasonable time" limit, often because of repeated appeals from prosecutors or cases being remanded back from higher courts to lower courts for retrial. The Committee therefore reiterates its recommendation</p>	司法院、法務部	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>that further legislative changes be made, aimed at reducing the length of criminal proceedings and providing adequate reparation in cases of excessive length of detention.</p> <p>審查委員會在初次審查的結論中曾指出，刑事妥速審判法規定刑事訴訟程序 8 年的最長期間不符合公政公約第 14 條第 3 項第 3 款被告立即受審，「不得無故稽延」的規定，並建議透過修改法規以縮短刑事訴訟程序的期間。審查委員會感到滿意並注意到，眾多案件在相當短的期間內終結。然而，委員會對於在另一方面，有許多裁判並不尊重「合理期間」限制，感到遺憾，而這經常源自於檢察官反覆上訴或上級法院將案件發回至下級法院更審。委員會因此重申其進一步修改法規的建議，目標在於縮短刑事訴訟程序的期間，並對過長羈押期間的案例提供適當補償。</p>		
69.	<p>In 2013, the Review Committee recommended, in order to vindicate the right to higher review of any criminal conviction prescribed by Article 14(5) ICCPR, that Article 376 of the Code of Criminal Procedure (CCP) be amended so that every defendant found guilty in the court of second instance after a not guilty verdict in the court of first instance be guaranteed the right to appeal to the court of third instance. Moreover, the Committee recommended that Article 388 of the CCP be amended to require the appointment of counsel for any defendant who lacks counsel and wishes to appeal his conviction to the court of third instance. Yet, four years later, the Legislative Yuan has failed to comply with these recommendations. The Review Committee urgently requests the Legislative Yuan to respect its recommendations.</p>	司法院	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>2013 年審查委員會曾建議，為維護公政公約第 14 條第 5 項所規定經判定犯罪者聲請上級法院依法覆判的權利，刑事訴訟法第 376 條應予修正，以保障每位第一審法院判決無罪，但在第二審法院被判決有罪之被告，皆有上訴至第三審法院的權利。此外，委員會建議修正刑事訴訟法第 388 條，要求任何無選任辯護人而有意對其判決上訴至第三審法院的被告強制指定辯護。但 4 年後，立法院卻仍未能遵循這些建議。審查委員會迫切要求立法院尊重這些建議。</p>		
70.	<p>In the 2013 Concluding Observations and Recommendations, the Review Committee recommended that the Government should take steps to abolish the crime of adultery as this constitutes a violation of the right to privacy. During the current review, the Government justified its non-compliance by referring to opinion polls, which indicate that there is currently no consensus on the abolition of the crime of adultery. The Committee stresses, however, that it is the responsibility of the Government to bring its legal system in line with international human rights law and to take the lead, by means of awareness raising and other initiatives, to dispel concerns among the general public related to the protection of marriage and the family system. The Committee therefore reiterates its recommendation to decriminalize adultery and expresses its concern about its disproportionately negative impact on women.</p> <p>2013 年結論性意見與建議中，審查委員會曾建議政府應採取措施以廢除通姦罪，因為此罪構成對隱私權的侵犯。在本次審查期間，政府引用顯示目前對通姦罪廢除尚無共識的民意調查，作為其未遵循建議的正當化理由。然而，委員會強調，使法律制度與國際人權法一致，</p>	法務部	

點次	結論性意見與建議	主辦機關	協辦機關
	並透過意識提升或其他方案，帶頭化解關於婚姻及家庭制度的保護上一般大眾抱持的疑慮，是政府的責任。委員會因此重申通姦除罪化的建議，並對於此項罪名造成對婦女不成比例的負面影響表達關切。		
71.	<p>In the 2013 Concluding Observations and Recommendations, the Review Committee raised concerns about the extensive telecommunication surveillance activities of the National Police Agency. In its Response the Government provided statistics relating to criminal investigations, which show that the number of court approved tappings of telephone lines has significantly increased in the meantime. No statistics have been provided, however, on surveillance measures by Intelligence Agencies, which moreover are not subjected to court approval. Therefore, the Committee reiterates its concerns about the high degree of surveillance, which cannot be effectively monitored by the courts and which constitutes a threat to the right to privacy of Taiwanese citizens as well as foreigners.</p> <p>2013 年結論性意見與建議中，審查委員會曾對於警政署大量的通訊監察行動提出關切。在對於結論性意見與建議的回應中，政府提供犯罪偵查的相關統計數據，其顯示在此期間內法院同意電話掛線監聽的案件數顯著增加。然而，未有任何關於情報機關監聽手段的數據被提供，而且該等監聽不須法院同意。因此，委員會重申其對高度監控的關切，這類高度監控不能透過法院有效監督，且對中華民國（臺灣）公民以及外國人的隱私權構成威脅。</p>	國安局	
72.	The Review Committee welcomes the various activities of the Government to combat	內政部、衛福	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>homophobia and to raise awareness for gender diversity. With respect to transgender persons the Committee recommends, however, that the Government provide for explicit legal recognition of their freely chosen gender identity, without unnecessary restrictions.</p> <p>審查委員會樂見政府所採取的各種措施以對抗同性戀恐懼，並提升對於多元性別的認識。然而，在跨性別者方面，委員會建議政府以法律明文承認跨性別者自由選擇的性別認同，不受非必要的限制。</p>	部、性平處	
73.	<p>In 2013, the Review Committee called upon the Government to immediately take preventive steps to block any merger or acquisition of news channels or newspapers that will result in putting dissemination of public information under heavy concentration of a handful of entities. It further recommended the enactment of a comprehensive law on ensuring that the diversity of media is encouraged to protect free speech and the right to seek, receive and impart information and ideas of all kinds. The Committee has not received information to the effect that media concentration has increased in the meantime. It takes note of legislative initiatives taken by the Government to comply with its former recommendation.</p> <p>2013 年審查委員會曾呼籲政府立即採取預防措施，以防止任何會導致將公眾資訊傳播交由過度集中的少數機構把持的新聞臺或報紙併購。委員會進一步建議，應制定確保媒體多元性受到鼓勵的綜合性法律，以保障言論自由以及尋求、接受及傳播各種資訊和思想的權利。委員會並未接獲在此期間內媒體集中程度增加的資訊。委員會注意到政府為符合審查委員會前</p>	通傳會	

點次	結論性意見與建議	主辦機關	協辦機關
	次建議，所採取的立法提案。		
74.	<p>In its 2013 Concluding Observations and Recommendations, the Review Committee recommended the enactment of a law that makes it a crime under the Criminal Code to advocate national, racial or religious hatred in accordance with Article 20 ICCPR. The Government has submitted that many regulations on anti-discrimination already exist and that a number of bills with the same aim are pending before the Legislative Yuan. While welcoming these initiatives, the Committee considers that a specific provision in the Criminal Code would be preferable in order to assure that such acts are generally prohibited.</p> <p>2013 年結論性意見與建議中，審查委員會建議依公政公約第 20 條規定，增訂法律使鼓吹民族、種族或宗教仇恨之主張的行為構成刑法罪名。政府認為已存在許多反歧視法規，且若干立法意旨相同的法案正在立法院待審。儘管樂見這些政策方案，委員會認為在刑法中增訂具體規定較為理想，藉此確保該等行為被一般性的禁止。</p>	法務部	
75.	<p>During the first review proceedings in 2013, the Government acknowledged that Article 29 of the Assembly and Parade Act is in breach of Article 21 ICCPR and committed itself to change the approval system to a registration system, to limit the power of the police to mandate dispersal and to follow the principle of proportionality, to delete criminal punishment from the Act, to relax the registration deadline and to reduce the upper limit while deleting the lower limit for administrative fines. Amendments already proposed to the Legislative Yuan in these respects had</p>	內政部	



點次	結論性意見與建議	主辦機關	協辦機關
	<p>previously failed to be ratified. In 2013, the Review Committee recommended that the Legislative Yuan without further delay adopt the required amendments in order to bring the Act in conformity with Article 21 ICCPR. The Committee is gravely concerned that so far the necessary amendments have not been adopted with the consequence that Article 29 of the Act is still in force and being applied. It was also informed that the requirement for urgent and spontaneous rallies to be approved by the authorities is still being applied. In light of this background the Committee urges the Government to immediately take action in order to bring this long lasting violation of Article 21 ICCPR to an end by getting the necessary amendments of the Assembly and Parade Act adopted by the Legislative Yuan.</p> <p>2013 年初次審查過程中，政府已體認到集會遊行法第 29 條違反公政公約第 21 條規定，而自行承諾會將申請許可制改為報備制，限制警察命令解散的權力，並遵循比例原則，刪除該法中的刑事罰則，放寬報備期限，並在刪除行政罰鍰下限的同時降低其上限。對此，先前提出於立法院的修正案未能通過。2013 年審查委員會曾建議立法院應儘速通過這些必要的修正案，以符合公政公約第 21 條。委員會對於到目前為止，必要的修正案仍未通過，使得集會遊行法第 29 條仍有效力且仍被適用，表達嚴肅關切。委員會也被告知，緊急性及偶發性集會遊行須向主管機關申請許可的規定仍被適用。有鑑於此一背景，委員會敦促政府立即採取行動，透過使集會遊行法的必要修正案在立法院通過，以終結這項對於公政公約第 21 條的長期持續違反。</p>		

點次	結論性意見與建議	主辦機關	協辦機關
76.	<p>In the 2013 Concluding Observations and Recommendations, the Review Committee considered the age difference between men (18) and women (16) to be discriminatory and recommended relevant legislative changes. It welcomes the initiatives of the Executive Yuan and Judicial Yuan in this respect and urges the Legislative Yuan to speedily adopt a law that would raise the minimum age of marriage of women to 18.</p> <p>2013 年結論性意見與建議中，審查委員會認為男性（18 歲）與女性（16 歲）的結婚年齡差異具歧視性，並曾建議相關的法規修改。委員會樂見對此行政院和司法院所提的政策方案，並敦促立法院應迅速通過將女性結婚最低年齡提高至 18 歲的法律。</p>	法務部	
77.	<p>The Review Committee notes with appreciation the initiatives taken by the Government of Taiwan aimed at introducing same-sex marriage into Taiwanese law. The full realisation of these legislative changes would be a manifestation of Taiwan as a pioneer in the Asia-Pacific region, in combating discrimination on the basis of sexual orientation and gender identity.</p> <p>審查委員會表達讚賞並注意到，中華民國（臺灣）政府為了將同性婚姻納入中華民國（臺灣）法律中所採取的政策。這些法規修改的完全實現，將顯示中華民國（臺灣）在對抗基於性傾向與性別認同的歧視方面，是亞太地區的先驅。</p>	法務部	
<b>後續行動</b>			
78.	Once more, the Review Committee appreciates the initiative of the Government of Taiwan to accept obligations under the core United Nations human rights treaties and to voluntarily subject	議事組、人事總處、主計總	

點次	結論性意見與建議	主辦機關	協辦機關
	<p>their implementation to a unique and creative international review process. It has already yielded positive results, due to an inclusive, participatory and transparent approach. The Review Committee recommends that the Government of Taiwan formulate a National Human Rights Action Plan, with concrete targets, indicators and benchmarks, to implement the obligations under both Covenants and the recommendations of this Review Committee. It also recommends that sufficient human and budgetary resources be allocated for the implementation of this Action Plan.</p> <p>再一次，審查委員會對於中華民國（臺灣）政府接受聯合國核心人權公約下的義務，並自發性將其落實情形提交由一個獨特而創新的國際審查程序審查的政策，表達讚賞。由於採取包容、參與及透明的方式，中華民國（臺灣）政府已獲得許多正面結果。審查委員會建議中華民國（臺灣）政府制定國家人權行動計畫，訂立明確的目標、指標及基準，以落實在兩公約及本次審查委員會所提出建議下的義務。委員會也建議應配置充足的人力和預算資源以利此一行動計畫的落實執行。</p>	處	