

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 10 次會議

會議資料

2013 年 1 月 7 日（一）下午 3 時

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 10 次會議
議程

壹、主席致詞

貳、確認第 9 次委員會會議紀錄

參、討論事項

- 一、國際審查會議有關已涉及個案並引發審查委員出面澄清之事件，是否需通知審查委員有關結論性意見之內容，勿針對個案提出具體結論及意見，請 討論。
- 二、民間影子報告是否應由本部提供各界下載，或以其他方式公開讓各界有管道知悉其內容，請 討論。
- 三、關於支付 Nowak 教授研究助理 Ms. Karolina Januszewski 之旅宿及工作費用之標準及資金來源等事宜，請 討論。
- 四、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 9 次會議紀錄

時間：101 年 11 月 22 日（星期四）上午 9 時 30 分

地點：法務部 3 樓 318 會議室

主席：鄧委員衍森

紀錄：方伶

出席：黃總顧問默、黃委員俊杰、黃委員嵩立

列席：外交部李簡任秘書晉榮、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、方助理研究員伶、許助理研究員玲瑛、邱助理研究員蘋玉

決議：

- 一、報告事項第 1 案有關 Asma Jahangir 女士入境簽證申請之事宜，請外交部以最便利及禮遇之方式協助 Asma Jahangir 女士之簽證。
- 二、報告事項第 3 案，有關 Nowak 教授寫信予總統關切我國執行死刑之事宜，建請政府慎重考慮審查委員之集體建議，並提報總統府人權諮詢委員會第 10 次諮詢委員會議討論。
- 三、討論事項第 1 案，請秘書處將原先規劃之議程及 Alex Conte 博士建議修訂之議程寄予審查委員參考，請審查委員斟酌。
- 四、討論事項第 2 案，同意議事組就明年審查會議尋求民間團體贊助及支應。
- 五、討論事項第 3 案，有關民間團體於審查會議之發言規則，應徵詢審查委員之意見。另有關審查會議發言規則之發言方式，包括：指定發言、申請發言（包括秘密發言）及現場發言等 3 種類型；申請發言或秘密發言建議可用發言單處理，並請承包會議之公司事前協助發言內容之書面翻譯，以利安

排出席審查會議發言之民間團體。

- 六、臨時動議第 1 案，建議以總統府諮詢委員會之名義，邀請歐盟或歐洲理事會之人權業務單位、美國、加拿大、各國國家人權機構（例如英國）、各國駐台使節，以及 Human Rights Watch、Amnesty International、ICJ（International Commission of Jurists）、CCPR（The Centre for Civil and Political Rights）及 FIDH（International Federation for Human Rights）等國際 NGOs 參與審查會議及歡迎晚宴，並提報總統府人權諮詢委員會第 10 次諮詢委員會會議討論。
- 七、臨時動議第 2 案，有關審查會議及記者會媒體採訪審查委員之事宜，應徵詢審查委員之意見。
- 八、下次會議請張委員文貞擔任主席。

高志鵬提及孔傑榮將就陳水扁之醫療人權議題成立委員會之報導¹

馬總統恩師孔傑榮探扁 擬組人權委員會

【記者林修卉／台北報導】

美國紐約大學法學院教授孔傑榮今（17）日前往台北榮總，探視前總統陳水扁。民進黨立委高志鵬轉述說，孔傑榮提到有個新的委員會，針對陳水扁議題進行討論，再決議是否聲援扁，而孔傑榮是委員會成員之一，明年2月孔傑榮會再來台灣，屆時委員會將做出適當決議。



美國紐約大學法學院教授孔傑榮（Jerome Cohen）在民進黨立委高志鵬、醫師郭正典的陪同下，17日赴台北榮總探視前總統陳水扁。（圖／中央社）

孔傑榮是馬英九總統在哈佛大學的恩師，今赴北榮探扁，引起高度關注。原定上午10時會見，孔傑榮提早在9時50分抵達，直到11時45分左右離開，全程約2個小時。

孔傑榮受訪指出，他與陳水扁談了1個小時，也與陳水扁的主治醫師談過；陳水扁很會講話，雖然聲音不大，但很詳細地介紹自己的近況，他對今天的討論非常滿意。

至於是否支持讓陳水扁保外就醫，孔傑榮表示，他尚未決定看法，問題很複雜，很多因素要考慮，他要繼續研究。

以陳水扁情況在美國是否會特別處置？孔傑榮表示，有幾個可能性，一個保外就醫、一個是回監獄、一種是和解讓他就醫，但去哪個醫院，是監獄外或監獄裡，而且陳水扁的家屬都在南部，這裡離南部比較遠，有

¹ 資料來源：<http://www.nownews.com/2012/12/17/301-2883112.htm>

很多因素都應該考慮。

對於孔傑榮提到的委員會，高志鵬指出，沒辦法拿槍指著馬英九，但可做成決議給馬英九一定的壓力，若委員會決議希望馬總統不要違反國際人權，就看馬總統願不願聽恩師的話。

孔傑榮投書 Taipei Times 澄清之內容²

Cohen misquoted

Please allow me to correct two erroneous impressions contained in your otherwise accurate report on Tuesday concerning my visit to the hospital room of former president Chen Shui-bian (陳水扁) on Monday (“US rights advocate Cohen visits former president,” Dec. 18, page 1).

It is not accurate to state, as Democratic Progressive Party (DPP) Legislator Gao Jyh-peng (高志鵬) reportedly said, that I am “planning to establish a committee to review Chen’s human rights.”

What I said was that I hoped to return in February of the coming year as a member of a committee established by the Ministry of Justice to evaluate the implementation of Taiwan’s new human rights legislation, and in that connection, I may see Chen again.

It is also not accurate to state, as Vice Minister of Justice Wu Chen-huan (吳陳鐸) reportedly said, that I believe Chen’s medical issue is a “domestic issue,” erroneously implying that I do not think it is also an international law issue.

Actually, my reference to “domestic issue” came after Minister of Justice Tseng Yung-fu (曾勇夫) raised a different question — the timing of any further executions in relation to the scheduled visit of the foreign experts invited to evaluate Taiwan’s human rights implementation. Plainly, execution of the death penalty in any country raises both international and domestic issues, and in the context of our useful discussion, my reference was clearly meant merely to indicate that the timing of any execution is obviously the responsibility of the minister of justice, ie, “the ball is in his court.”

Jerome Cohen

Taipei

Gao remarks misleading

I am sorry to see that the Taipei Times has repeated the misleading reports about remarks by DPP Legislator Gao Jyh-peng (高志鵬) regarding the recent visit of professor Jerome Cohen.

² 資料來源：<http://www.taipeitimes.com/News/editorials/archives/2012/12/21/2003550634/1>

Cohen is a member of the international review committee (actually a pair of committees) of eminent international human rights experts that has been invited by the government and charged with conducting the review of Taiwan's first state reports under the International Covenant for Civil and Political Rights (ICCPR) and International Covenant for Economic, Social and Cultural Rights, in lieu of the two UN committees in Geneva, to which Taiwan is denied access.

The committee members have already begun reviewing the state reports on paper, but the main, public review sessions will take place in late February, and that is what Cohen was referring to.

However, the article (following some of the Chinese-language reports) makes it seem that there is some new committee that is specifically going "to make a complete review of Chen's human rights."

The work of the committees is a bit more far-reaching than that. Indeed, they are considering the entire scope of human rights conditions in Taiwan, closely patterning their deliberations and their conclusions on the standard practices of the UN treaty bodies.

Thus, it is unlikely that, in addition to their official "concluding observations" on each covenant, the committees would issue any separate statement of support for Chen. What is quite possible is that the committee evaluating Taiwan's compliance with the ICCPR will express concerns about aspects of Taiwan's prison conditions in general, and at most, Chen's situation might be cited as an illustrative example of that.

In the history of Taiwan's human rights development, this international review process is a very important step, which has engaged considerable efforts from the government, a myriad of Taiwanese non-governmental organizations (which have been producing their own responses and critiques of the state reports to submit to the members of the committees) and now segments of the international human rights community. It would be a pity if incorrect reporting led to public misunderstanding of the process.

Bo Tedards

Taipei