

美國國務院 2017 年各國人權實施報告

我國相關機關回應意見表

標號	內 容	主辦 機關	回 應 意 見 (中文)	回 應 意 見 (英文)
第一節 對人格 的尊重	(3)虐待和其他殘忍、非人道、或有辱人格的待遇或懲罰： 監獄與拘留中心狀況－受刑人收入的六成以上用作犯罪受害人之損失賠償。	法務部 (矯正署)	矯正機關作業賸餘(作業收入扣除營運支出)之分配，除37.5%發給受刑人勞作金外，其餘62.5%則用作改善全體收容人生活環境、辦理技能訓練及犯罪被害人之補償費用，尚非全數用於被害補償。	37.5% of net revenue from work programs (gross revenue minus operating costs) is distributed to inmates participating in the work program as their work pay; the remaining 62.5% is used towards improving the general living standards of the inmates, holding skill training programs, and paying compensation to victims. Therefore, not all revenue is used toward victim compensation.
第一節 對人格 的尊重	(3)虐待和其他殘忍、非人道、或有辱人格的待遇或懲罰： 監獄與拘留中心狀況－前總統陳水扁保外醫治期間參與活動。	法務部 (矯正署)	保外醫治受刑人應遵守保外醫治受刑人管理規則，又前開規則第3條第6款規定：「除維持日常生活及職業所必需外，未經監獄許可，不得從事與治療顯然無關之活動」，爰陳水扁先生保外期間是否得從事相關活動及過程中是否遵守規定等情，由臺中監獄當局依前開規定審視認定。	An inmate released for medical treatment on bail shall comply with the Rules Governing the Management of Inmates Released for Medical Treatment on Bail. Furthermore, Paragraph 6 of Article 3 of these rules provides that an “an inmate shall not engage in any activity clearly unrelated to medical treatment, unless such activities are required for maintenance of daily routines or his/her occupation, or otherwise approved by the prison.” Decisions as to whether Mr. Chen has the right to participate in certain events while on release for medical

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				treatment and whether his activities are in compliance with the aforementioned rules shall be made by Taichung Prison with reference to the rules.
第一節 對人格的尊重	(4) 任意逮捕或羈押： 警方及安全機構的角色－各縣市警察局長由縣市首長指派。	內政部 警政署	依「地方制度法」第 55 條及第 56 條有關直轄市、縣(市)政府警察機關首長任免權責應「依專屬人事管理法律任免」，次依「警察人員人事條例」第 21 條規定：「警察職務之遴任權限，劃分如左：一、警監職務，由內政部遴任或報請行政院遴任。二、警正、警佐職務，由內政部遴任或交由直轄市政府遴任。」依前揭法律規定，縣(市)警察局長之遴任，依法人事任免權屬中央權限。	In accordance with Articles 55 and 56 of the Local Government Act, heads of police in special municipalities, counties, and cities shall be appointed and dismissed in accordance with specific acts on personnel administration. Furthermore, Article 21 of the Police Personnel Management Act states that “officers of the supervisory commissioned rank should be selected and appointed by the Ministry of the Interior or be proposed to the Executive Yuan to be selected and appointed” and that “officers of the commissioned rank and junior commissioned rank should be selected and appointed by the Ministry of the Interior or by authorized municipal governments.” Therefore, the central government has the authority to select and appoint heads of special municipality, county, and city police.
第一節 對人格的尊重	(4) 任意逮捕或羈押： 逮捕程序與拘留期間的待遇	司法院	中文翻譯部分，建議修正如下： 法律規定必須先申請拘票或傳票，除非有充分理由相信嫌犯可能逃逸，或有《刑事訴訟法》所定義的緊急情況。法院裁定被起訴者是否可以交保。檢察官依法必須在逮	The law requires a warrant or summons, except when there is sufficient reason to believe the suspect may flee, or in urgent circumstances, as specified in the code of criminal procedures. Courts have judicial discretion to release

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			<p>捕嫌犯 24 小時內向法院聲請繼續羈押。當局一般遵守這些程序，法庭審理通常在起訴後三個月內開始進行。檢察官可以向法院聲請偵查中羈押被告，最長兩個月，並得再延長兩個月。若案件可能判刑五年以上，或合理懷疑嫌犯有逃亡、與其他嫌犯或證人串供，或者篡改、湮滅相關重要證據之虞，法院也可裁定審前羈押。</p> <p>四月，立法院（臺灣的立法機關）通過《刑事訴訟法》修正案，自 2018 年 1 月 1 日生效，允許被告與其律師在<u>審前羈押期間法院為羈押審查時</u>取得案件檔案與證據。依據<u>現行修正前</u>的法令，被告與辯護律師只能在審判期間檢視案件檔案，而且無法取得與審前羈押之法律依據有關的詳細資訊。修法後，被告在<u>羈押期間法院為羈押審查時</u>，必須由一名律師協助；無力聘請律師者，則指派一位公設辯護人。修正之條文明確規定不得於深夜訊問嫌犯。</p> <p>臺灣的司法機關（司法院）與警政署進行了一項計劃，在警方初步偵訊期間，為精神、心智功能損傷或不全、<u>具原住民身分</u>，或被控罪名可判刑三年以上符合貧困資格之嫌犯提供法律辯護人。被拘留人可向法律扶助基金會尋求協助，該基金會是由公共資金支援的獨立法定組織，透過其 22 個分會向無力聘請律師的人提供專業的法律協助。法扶基金會代表定期與警方諮商，<u>並</u>參與警方會議，提醒警方有義務將法律扶助服務的存在告知嫌犯，並使其知悉上述之新修法旨在為他們提供取得辯護</p>	<p>indicted persons on bail. Prosecutors must apply to the courts within 24 hours after arrest for permission to continue detaining an arrestee. Authorities generally observed these procedures, and trials usually took place within three months of indictment. Prosecutors may apply to a court for approval of pretrial detention of an unindicted suspect for a maximum of two months, with one possible two-month extension. Courts may request pretrial detention in cases in which the potential sentence is five years or more and when there is a reasonable concern the suspect could flee, collude with other suspects or witnesses, or tamper with or destroy material evidence.</p> <p>In April the Legislative Yuan (legislative branch of the administration) approved amendments, effective January 1, 2018, to the Code of Criminal Procedure, which allow defendants and their lawyers' access to case files and evidence in the detention hearing. Before the new amendments, the accused and defense lawyers can only examine case files during the trial and are unable to obtain detailed information about the legal grounds of a pretrial detention. The amended law also stipulates that defendants must be assisted by a lawyer in the detention hearing. For those who cannot afford to hire one, a public defender will be appointed. Another amendment specified that suspects</p>

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			<p>人協助的管道。檢察官可聲請羈押嫌犯並禁止會客（律師除外）或是限制住居，由法院裁定。曾遭警方非法逮捕拘禁者依法有權求償。</p> <p>被拘禁之人要求審查拘禁之合法性的權利：臺灣於 2014 年施行新修正的《提審法》，整體而言當局有效落實該法。</p>	<p>may no longer be interrogated late at night.</p> <p>The judicial branch (Judicial Yuan) and the NPA operated a program to provide legal counsel during initial police questioning to qualifying indigent suspects who have a mental disability, belong to indigenous peoples or have been charged with a crime punishable by three or more years in prison. Detained persons may request the assistance of the Legal Aid Foundation (LAF), a publicly funded independent statutory organization that provides professional legal assistance through its 22 branch offices to persons who might not otherwise have legal representation. During regular consultations with police and when participating in police conferences, LAF officials remind police of their obligation to notify suspects of the existence of such counseling and the new amendments mentioned above were designed to address such concerns about access to counsel. Authorities can detain a suspect without visitation rights other than by legal counsel or hold a suspect under house arrest based on a prosecutor's recommendation and court decision. The law affords the right of compensation to those whom police have unlawfully detained.</p> <p>Inmates have the right to request an assessment on the legality of their detention. The amended Habeas Corpus Act</p>

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				enacted in 2014 has been effectively upheld by the authorities.
第一節 對人格的尊重	(5) 不給予公正 公開的審判	司法院	2017 年 7 月 28 日司法院釋字第 752 號解釋略謂：刑事訴訟法第 376 條第 1 款及第 2 款規定：「下列各罪之案件，經第二審判決者，不得上訴於第三審法院：一、最重本刑為三年以下有期徒刑、拘役或專科罰金之罪。二、刑法第 320 條、第 321 條之竊盜罪。」就第二審撤銷原審無罪判決並自為有罪判決者，被告不得上訴於第三審法院部分，未能提供至少一次上訴救濟之機會，與憲法第 16 條保障人民訴訟權之意旨有違」。	Judicial Yuan Interpretation no. 752, issued on July 28, 2017, referred to Paragraphs 1 and 2 of Article 376 of the Code of Criminal Procedure, which state that, once judged by the court of second instance, cases involving offenses with a maximum punishment of no more than three years imprisonment, detention, or a fine only, and offenses of theft specified in Articles 320 and 321 of the Criminal Code, cannot be appealed to the court of third instance. The interpretation also stated that “in cases first pronounced not guilty in the court of first instance, but where the judgment is later revoked and the accused pronounced guilty in the court of second instance, the people’s right to litigate, protected by Article 16 of the Constitution, is violated since the law cannot provide even one chance of appeal for a remedy.”
第一節 對人格的尊重	(5)不給予公正公 開的審判： 審判程序	司法院	中文翻譯部分，建議修正如下： 憲法訂有公平公開受審的權利，獨立的司法體系一般而言執行這項權利。 <u>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。在沒有拘捕令的狀況下被任何機關逮捕或拘禁時，被逮捕/拘禁之本</u>	The constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. By law when any authority arrests or detains a person without a court order, any person, including the arrestee/detainee, may petition a court of justice having jurisdiction for a writ of habeas corpus, and the case must

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			<p>人或他人，依法得向逮捕、拘禁之地方法院聲請提審； 逮捕、拘禁之機關，應於收受提審票後 24 小時內，將被逮捕/拘禁之人解交法院。法律亦要求進行逮捕、拘禁之機關必須告知被逮捕/拘禁之人他們有權依本法聲請提審。違反本法之機關人員最高可處三年有期徒刑，併科最高新臺幣十萬元罰金。</p> <p>所有被告在被證明有罪前均被推定為無罪，並有權請律師出庭辯護。審理公開進行，但是涉及未成年人或可能因案情敏感而招來群眾的案件，旁聽可能需經法院許可。案件由法官裁決；所有的法官都由司法院任命並對之負責。由單一名法官而非辯護律師或檢察官對涉案被告與證人進行訊問。被告有權立即知悉起訴的罪名、自行僱用律師或由法院指派辯護人、準備辯護意見，與對己方不利之證人對質，並且提出證人與證據。自被起訴的那一刻開始一直到法庭審理結束為止，被告都有權得到免費的口譯服務。</p> <p>法律規定不得強迫嫌犯作證，被告的自白亦不得作為定罪的唯一證據。凡被定罪者均有權向上兩級法院提出上訴。依法所有的嫌犯/被定罪者皆有上述權利。</p> <p>一月，一名法官因當庭恫嚇被告，遭罰十個月的月俸（新臺幣 150 萬元）。司法院職務法庭認為，桃園地院的該名法官審理的態度惡劣，當庭辱罵被告，損及司法體系的形象。</p>	<p>be brought before a judge within 24 hours. The law also requires agencies to inform detainees of their right to see a judge for a writ of habeas corpus. Detaining authorities who violate the law may face a maximum sentence of three years in prison and a fine of up to NT\$100,000 (\$3,280).</p> <p>All defendants are presumed innocent until proven guilty. They also have the right to an attorney and to be present at trial. Trials are public, although court permission may be required to attend trials involving juveniles or potentially sensitive issues that might attract crowds. Judges decide cases; all judges receive appointments from and answer to the Judicial Yuan. A single judge, rather than a defense attorney or prosecutor, typically interrogates parties and witnesses. Defendants have the right to be informed promptly of charges, hire an attorney of their choice or have one provided, prepare a defense, confront witnesses against them, and present witnesses and evidence. Defendants have the right to free interpretation service, if needed, from the moment charged through all appeals.</p> <p>The law states a suspect may not be compelled to testify and that a confession shall not be the sole evidence used to find a defendant guilty. All convicted persons have the right to appeal to the higher court levels. The law extends the above rights to all suspects/convicted persons.</p>

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				In January a judge was fined the equivalent of 10 months' salary, NT\$1.5 million (\$49,200), for intimidating defendants in court. The Judicial Yuan's Court of the Judiciary found that the Taoyuan District Court judge's poor attitude and verbal abuse of defendants in court had been detrimental to the image of the judicial system.
第二節 尊 重 公 民 自 由	(1) 表達自由， 包括新聞自由： 九月，監察院發現 政風人員濫用職 權，以測謊、調取 記者通聯紀錄等 手段調查媒體人 士，對法務部違反 新聞自由提出糾 正。	法務部 (廉政 署)	<p>一、案緣機關首長指示政風機構就機關內部人員洩密案件為相關調查作為，嗣後，政風機構獲機關首長同意，方採取測謊及調閱通聯紀錄等行政調查作為，故無所指稱之政風濫權情事；惟有關監察院糾正現行規範政風人員權限之法規內容未盡明確，致行使測謊、調取記者通聯紀錄等調查手段逾越權限，此正點出政風人員在機關內必須執法卻欠缺法令奧援的困境。</p> <p>二、法務部刻正研訂「政風機構執行行政調查作業要點」草案，明確規範政風機構辦理行政調查之對象、範圍、啟動要件、行政調查作為及其限制等事項，將於 107 年完成法制作業並函頒各政風機構，俾使政風人員為行政調查有所遵循依據，達到依法行政及保障人權目標，未來輔以法規命令增補方向及訂定專法之遠程目標持續推動。</p>	<p>1. The head of the agency concerned had instructed his ethics department to investigate unauthorized disclosures of confidential information by staff members. Subsequently, having obtained approval of the agency head, the ethics department conducted an administrative investigation, employing lie detectors and accessing communication records. Therefore, no officials had overstepped their administrative powers. However, current regulations concerning the exercise of powers by personnel of ethics departments are not sufficiently clear, leading to instances such as the aforementioned one and the unlawful use of methods such as administering lie detector tests and accessing communication records. This also highlights the quandary facing ethics personnel, who are expected to abide by the law yet lack legal foundations for their work.</p> <p>2. The Ministry of Justice is now actively deliberating a</p>

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				draft of regulations concerning administrative investigations conducted by personnel of government agencies' ethics departments. The draft aims to clearly define what appropriate targets, scopes, and methods are for such investigations, and what conditions must be met to commence an investigation. Legislative procedures for this draft are expected to be finalized in 2018. Once finalized, the regulations will be distributed among ethics departments to give related personnel a robust basis from which to proceed in their investigative work, and to achieve the goals of conducting administrative work in accordance with the law and protecting human rights. In the future, decrees will be issued to further strengthen the legal framework, with the long-term objective of creating a special act to deal with this topic.
第二節 尊重公民自由	(4) 遷徙自由： 保護難民－法律未就提供庇護或難民身分有所規定，當局也尚未建立為難民提供保護的機制	內政部 (移民署)	一、推動「難民法」： 我國「難民法」草案業於 2016 年 7 月 14 日經立法院內政、外交及國防委員會第 2 次聯席會議初審通過，無需經朝野協商，待院會二、三讀。 二、立法通過前處理機制： (一)我國「難民法」草案尚未完成立法程序前，對於來臺尋求庇護案件，相關機關持續秉持現行法規、「難民法」草案及兩公約精神予以審視，並未以尚無法	Taiwan is currently implementing various measures to protect refugees. 1. Promoting the Refugee Act bill On July 14, 2016, the Refugee Act draft passed a preliminary review during the second joint meeting of the Internal Administration Committee and the Foreign and National Defense Committee of the Legislative Yuan. Consultations between governing and opposition

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			<p>源依據為由而迴避。</p> <p>(二)我國政府以考量「為當事人保留最佳處遇空間」為原則，依個案情形，設有不同協處機制，包括准予在臺專案長期居留；或依據當事人意願，轉詢第三國提供庇護之可能性等方式處置。</p> <p>(三)不論方式為何，均謹守國際上之「不推回原則」，即不將當事人推到會使其受迫害之處。本部移民署處理庇護案，迄今不曾以遣返方式將當事人送往其可能遭到酷刑或不人道待遇之國家或地區。</p>	<p>parties are not needed, and the draft is now pending second and third readings.</p> <p>2. Measures currently in place</p> <p>2.1. As the Refugee Act draft has not yet been passed, related agencies follow existing laws and regulations, as well as the spirit of the Refugee Act draft and the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, when dealing with people seeking asylum in Taiwan. Taiwan does not ignore cases due to lack of legislation.</p> <p>2.2. Based on the principle of providing optimal treatment to asylum seekers, the Taiwan government offers assistance depending on the circumstances of each individual case. This could include according asylum seekers the right to stay in Taiwan for an extended period or helping them find asylum in a third country if that is their wish.</p> <p>2.3. Taiwan upholds the nonrefoulement principle, and does not return asylum seekers to a country in which they would be in likely danger of persecution. The National Immigration Agency has never violated this principle, nor returned any asylum seekers to a country or region where they might face torture or</p>

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				inhumane treatment.
第二節 尊重公民自由	(4) 遷徙自由： 保護難民	陸委會	<p>一、本會業擬具兩岸條例第 17 條修正草案，在完成立法程序前，主管機關將依相關草案精神進行審認。</p> <p>(一)中國大陸人士如來臺尋求庇護，目前得依「大陸地區人民在臺灣地區依親居留長期居留或定居許可辦法」之規定，向內政部申請政治考量專案長期居留。</p> <p>(二)本會為進一步完備中國大陸人民尋求庇護之處理機制，及配合內政部提出之「難民法草案」，業擬具兩岸條例第 17 條修正草案，放寬未經許可入境之中國大陸人民得適用現行政治考量專案長期居留之相關規定，並明定渠等申請定居時，無須提出喪失原籍證明，同時免除其未經許可入境之刑事責任。上開修正草案業於 105 年 6 月 27 日經立法院初審完竣。</p> <p>(三)在相關修正草案未完成立法程序前，中國大陸人民來臺尋求庇護，將由內政部移民署會同相關機關聽取其訴求並製作筆錄，再會商相關機關依現行專案長期居留規定、難民法草案及公政公約的精神進行審認，並注意兩公約保障人權之精神。</p>	<p>1. The Mainland Affairs Council has drafted amendments to Article 17 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area. Prior to the completion of legislative procedures for these amendments, competent authorities shall employ their spirit in reviewing related cases.</p> <p>1.1. When people from Mainland China come to Taiwan to seek asylum, they must apply for special long-term residence based on political considerations with the Ministry of the Interior in accordance with the Permit Guidelines for the Permanent Residency or Permanent Stay in the Taiwan Area of People from the Mainland Area.</p> <p>1.2. The MAC drafted amendments to Article 17 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area in conjunction with the MOI's draft Refugee Act to strengthen mechanisms for handling asylum seekers from</p>

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			<p>二、張向忠係依上開處理方式進行審認，認不符相關規定後自願隨原團返回中國大陸</p> <p>對於張向忠案，政府採取上開處理方式，經相關機關審認，認與現行相關規定及相關草案精神並不符合。移民署業向張君溝通說明可隨原團於旅遊行程結束後返回中國大陸或者再提出相關事證，並獲同意依兩岸旅遊協議規範隨原團返回中國大陸。</p>	<p>Mainland China. The amendments relax provisions on the circumstances in which Mainland Chinese entering Taiwan without authorization may apply for case-by-case approval of long-term residency for political reasons. They also explicitly exempt applicants from providing proof of forfeiture of original household registration when applying for residency, as well as provide exemptions from criminal responsibility for unauthorized entry. The Legislative Yuan completed its first review of the draft amendments on June 27, 2016.</p> <p>1.3. Prior to completion of legislation for the draft amendments, the National Immigration Agency under the MOI, in conjunction with related authorities, hears and records the appeals of Mainland Chinese seeking asylum in Taiwan. The NIA, in consultation with related authorities, reviews appeals on a case-by-case basis in the spirit of the current rules for long-term residency, the draft Refugee Act, and the International Covenant on Civil and Political Rights. It also considers the spirit of human rights protections under the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.</p>

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				<p>2. The abovementioned approach was adopted in the review of the case of Zhang Xiangzhong. After it was determined that his request did not meet relevant criteria, Mr. Zhang voluntarily returned to Mainland China with his original tour group.</p> <p>The government handled the case of Zhang Xiangzhong in accordance with the abovementioned approach. Related agencies reviewed the case and determined that his request did not meet criteria of existing regulations and draft regulations. The NIA communicated this to Mr. Zhang and explained that he could present related facts and evidence after returning to Mainland China with his original tour group. He indeed returned to Mainland China with the original tour group under provisions of the cross-strait tourism agreement.</p>
第四節 官員貪 腐與政 府缺乏 透明度	貪污及財產申報 部分	法務部 (廉政 署)	<p>一、我國檢察制度下，依司法人員人事條例第3條規定，係將檢察官與法官同列為司法官，且刑事程序中檢察官係依法定原則行使職務，負有客觀性義務，為偵查主體，並擁有起訴與否之決定權。檢察官所屬之檢察機關則隸屬於法務部，且法務部下設置廉政署定位為獨立之「專職」、「專業」、「專責」廉政機關，其承辦貪瀆或相關犯罪調查職務之人員，依據法務部廉政署組織法第2條第2項規定，具有司法</p>	<p>1. According to the provisions of Article 3 of the Statute Concerning Judicial Personnel, prosecutors and judges are listed as judicial officers. Prosecutors in criminal cases shall carry out their work in accordance with legal principles, and remain objective and neutral. They have the power to decide whether suspects are charged with a crime. Prosecutors' offices are under the Ministry of Justice. The MOJ's Agency Against</p>

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			<p>警察職權，得以偵辦貪瀆不法案件。法務部廉政署首創「法務部派駐檢察官」制度，指揮肅貪人員以超然性及獨立性偵辦貪瀆或相關犯罪之案件，有效打擊貪腐。</p> <p>二、有關財產申報部分，依公職人員財產申報法規定，建議修正用語：「法律規定特定政務官與民選官員必須向監察院申報財產，並由監察院公布其財產申報。未申報者可處新臺幣 20 萬元至 400 萬元不等之<u>罰鍰</u>。法律也規定公職人員有責任說明不正常增加之財產來源，違者可<u>處以罰鍰</u>」，以符合實務規範。</p>	<p>Corruption is positioned as a focused, specialized, and dedicated authority in charge of fighting corruption. When examining corruption, its investigators have the same powers as judicial police officers in accordance with Paragraph 2 of Article 2 of the organic act of the AAC. Meanwhile, the AAC established a system of resident prosecutors dispatched by the MOJ to direct AAC agents in corruption investigations and ensure that they handle cases in a highly professional and independent manner, so as to combat corruption effectively.</p> <p>2. With regard to financial disclosures, it shall be make clear that according to the Act on Property-Declaration by Public Servants, those failing to declare properties shall be imposed of an administrative fine ranging from NT\$200,000 to 4 million dollars. Furthermore, public servants who fail to provide explanations on their abnormal increases on the properties shall be imposed on an administrative fine.</p>

標號	內 容	主辦 機關	回 應 意 見 (中 文)	回 應 意 見 (英 文)
第四節 官員貪 腐與政 府缺乏 透明度	彈劾翁啟惠部分	監察院	中文版所載月份誤植，本句請修正為：「……監察院於 <u>七</u> 月以 9:0 表決通過對翁的彈劾……。」	...The Control Yuan in July agreed in a 9-0 vote to impeach Wong...
第四節 官員貪 腐與政 府缺乏 透明度	財產申報部分	監察院	本段所稱「未申報者」宜清楚說明為「故意隱匿為不實申報者」，且法規並無累犯規定。故將「…… <u>未申報者</u> 可處新臺幣 20 萬元至 400 萬元不等之罰金，……」，修正為：「…… <u>故意隱匿為不實申報者</u> 可處新臺幣 20 萬元至 400 萬元不等之罰金。……」；並刪除「若為累犯可處一年以下有期徒刑」文字。	It is suggested that the phrase “Those failing to declare property are subject to a fine ranging from” in the State Department report be changed to “Those making false declarations of property are subject to a fine ranging from.” In addition, it is suggested that the phrase “and may be punished with a maximum prison term of one year for repeatedly failing to comply with the requirement” be removed.
第六節 歧視、 社會侵 害及人 口販運	女性－強暴和家庭暴力：家暴和強暴，包括配偶強暴，依法為犯罪行為。許多被害人唯恐社會污名而選擇不報案，各非政府組織與學術研究估計，性侵案件總數是警方接獲	衛福部	106 年度各直轄市、縣（市）政府家庭暴力及性侵害防治中心受理疑似性侵害案件通報共計 1 萬 1,060 件，各警察局受（處）理妨害性自主罪發生數計 3,381 件，破獲數計 3,260 件，各防治中心與各警察局受理案件落差近 8,000 件。各防治中心受理疑似性侵害通報案件中約有 85% 之被害人為女性，由於性侵害犯罪涉及性隱私、性貞操的社會價值，導致性侵害案件延遲報案或無意願報案機率高。為破除社會迷思，鼓勵被害人勇於求助，避免傷壞擴大，本部積極辦理下列事項： 一、 落實預防宣導教育：研發製作性侵害防治教學光	In 2017, special municipality, county, and city centers for the prevention of domestic violence and sexual assault received a total of 11,060 notifications of alleged sexual assaults. Meanwhile, police departments processed a total of 3,381 cases of offenses against sexual autonomy, with 3,260 of these being resolved. There was thus a discrepancy of nearly 8,000 in cases reported to prevention centers and police departments. Women were the victim in about 85% of alleged sexual assaults reported to prevention centers. As sexual assault involves social values of sexual privacy and

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	之報案數的七到十倍。		<p>碟，寄送學校、性別平等資源中心及相關單位作為宣導輔助教材，提供老師及家長作為教導兒童少年認識身體自主權，強化自我保護觀念之參考。並加強大眾宣導，深化性平意識，透過報紙、電視、廣播、網路及平面媒體等傳播平臺加強宣導 113 保護專線，鼓勵民眾落實社區通報。</p> <p>二、暢通求助管道：強化責任通報人員敏感度，並完善通報書表內容，落實責任通報制度，俾及時介入提供服務。</p> <p>三、周全被害人保護：訂定各項被害人補助標準，輔導各防治中心依法提供被害人緊急救援、就醫診療、驗傷及取得證據、緊急安置、心理治療、法律諮詢等保護扶助措施，直轄市、縣（市）政府並依法提供被害人各項保護扶助措施。</p>	<p>propriety, a large number of cases are reported with a significant delay or are not reported at all. In order to dispel social misconceptions, encourage victims to seek help, and minimize the social harm caused by sexual assault, the Ministry of Health and Welfare has taken the following actions:</p> <ol style="list-style-type: none"> 1. Educating people on the importance of prevention: Special DVDs on prevention were produced and distributed to schools, gender equality resource centers, and other relevant agencies, giving teachers and parents an important tool to help children understand their autonomy and help them protect themselves. Efforts have also been made to strengthen public awareness of gender equality. The 113 protection hotline has also been widely reported in newspapers and other printed media as well as on television, radio, and the internet. 2. Strengthening avenues for seeking help: By enhancing sensitivity of personnel responsible for receiving and handling reports of sexual assault, and improving notification forms, the MOHW has sought to create a comprehensive notification system that ensures interventions are made and services are provided as soon as possible. 3. Providing comprehensive victim protection: The

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				MOHW has set victim assistance standards, and sought to ensure that prevention centers follow the law and provide victims with emergency assistance, medical treatment, injury detection and evidence collection, emergency placement, psychological counseling, legal advice, and other support measures. Special municipality, county, and city governments are also reminded to offer such support measures in accordance with the law.
第六節 歧視、 社會侵 害及人 口販運	女性—以強迫方式進行人口控制：沒有強迫墮胎、非自願節育，或其他強迫人口控制的手段的通報。孕產婦死亡與避孕普及率的估計數，參見 www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-20	衛福部	我國《憲法》第 15 條明定人民的生存權應予以保障。《刑法》第 288 條至第 292 條定有墮胎罪，以保護胎兒的生命權。如為符合《優生保健法》第 9 條規定之要件，因醫學理由可能影響胎兒或孕婦身心健康情形，得依其自願施行人工流產；如為符合民法第 10 條規定之要件，因本人或其配偶或其配偶之四等親以內之血親患有遺傳性等疾病，或懷孕、分娩有危及母體健康之虞者，得依其自願施行結紮手術，另若屬未成年、受監護輔助宣告之人，應得法定代理人或輔助人之同意，始得施行人工流產或結紮手術，故並無強迫墮胎與非自願結紮之情事，亦無相關數據提供。	Article 15 of the R.O.C. Constitution clearly stipulates that the right of existence shall be guaranteed to the people. Furthermore, Articles 288 to 292 of the Criminal Code deem abortion a criminal offense. Under Article 9 of the Genetic Health Act, an induced abortion may be conducted for medical reasons if there is a likelihood that the physical or mental health of the mother and/or child is at risk, subject to the mother's consent. Also, under Article 10 of the Genetic Health Act, if a person or her/his spouse, or anyone within the fourth degree of kinship of herself/himself or her/his spouse, acquires a genetic disease detrimental to reproductive health, or if the pregnancy or delivery poses dangers to the mother's health, sterilization treatment may be conducted if the person concerned has given consent. For minors and people under guardianship,

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	15/en/。			induced abortion or sterilization treatment may only be performed if his or her statutory agent or assistant gives consent. There are therefore no coerced abortions or involuntary sterilizations in Taiwan, and no related data to provide.
第六節 歧視、 社會侵 害及人 口販運	女性	法務部 (檢察 司)	<p>一、我國刑法於民國 88 年間修正第 16 章章名為「妨害性自主罪章」，並將「強姦罪」修正為「強制性交罪」。刑法第 221 條第 1 項規定，對於男女以強暴、脅迫、恐嚇、催眠術或其他違反其意願之方法而為性交者，處 3 年以上 10 年以下有期徒刑。</p> <p>二、「兒童及少年性交易防制條例」於民國 104 年間修正公布名為「兒童及少年性剝削防制條例」，依該條例第 32 條第 1 項規定，媒介未滿 18 歲之兒童或少年為有對價之性交或猥褻行為，處 1 年以上 7 年以下有期徒刑，得併科新臺幣 300 萬元以下罰金。</p>	<p>1. In 1999, the title of Chapter 16 of the Criminal Code was amended to Sexual Offenses, while the offense of rape was changed to forced sexual intercourse. Paragraph 1 of Article 221 of the Criminal Code states that a person who uses violence, threats, intimidation, hypnosis, or other means to have sexual intercourse with another person who has not given his or her consent, shall be sentenced to imprisonment of no less than three years but no more than 10 years.</p> <p>2. According to Paragraph 1 of Article 32 of the Child and Youth Sexual Exploitation Prevention Act, which was given its current name in 2015, any person who causes a child or youth to engage in sexual intercourse or obscene acts in exchange for considerations, shall be subject to imprisonment of no less than one year and no more than seven years, as well as a fine of up to NT\$3 million (US\$97,377).</p>

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第六節 歧視、 社會侵 害及人 口販運	女性－性騷擾：法律禁止性騷擾(參見第七節第4項)。在多數案件中，犯行者必須參加性別平等講習並接受心理輔導。	教育部	…在《性別平等教育法》案件中，多數犯行者必須參加性別平等課程並接受心理輔導，以及在同意下向被害人道歉。	For most violations of the Gender Equity Education Act, the perpetrators are required to attend gender equity classes and counseling sessions, and apologize directly to the victim if the victim has given consent.
第六節 歧視、 社會侵 害及人 口販運	女性－性侵案總數是警方接到報案數的七到十倍	內政部 (警政署)	<p>一、依衛生福利部統計2017年性侵害通報件數為14,217件，另警方受處理案件數為3,373件，破獲3,252件，破獲率達96.41%。</p> <p>二、經分析衛生福利部統計與警方受理案件數落差原因，為性侵害犯罪防治法規定，社政、警政、衛生、教育人員等知有疑似性侵害案件應予通報，故實務上經常發生重複通報現象，且現行電腦系統尚無完整單一化功能，致相關數據落差。</p> <p>三、另部分性侵害案件屬告訴乃論之罪，因被害人無意願進入司法程序，不願提出告訴，致無法進行後續偵辦工作。</p>	<p>1. According to statistics from the Ministry of Health and Welfare, the number of sexual assault cases reported in 2017 was 14,217. However, the number of sexual assault cases reported to the police was 3,373, of which 3,252 were solved for a clearance rate of 96.41%.</p> <p>2. One of the main reasons for this discrepancy is that according to the Sexual Assault Crime Prevention Act, social workers, police officers, health personnel, and educators are all required to report suspected cases of sexual assault, leading to instances in which a single case is reported multiple times. Current computer systems are not yet able to eliminate such double counting.</p> <p>3. Meanwhile, for some sexual assault crimes, authorities can only take action if the victim files charges. If the victim is unwilling to enter judicial proceedings and file charges, investigations cannot be conducted.</p>

標號	內 容	主辦 機關	回 應 意 見 (中文)	回 應 意 見 (英文)
第六節 歧視、 社會侵 害及人 口販運	<p>兒童</p> <p>一、矯正機構的霸凌、暴力，以及性侵案件數正在增加。</p> <p>二、非政府組織對於網路上的兒童性剝削表示憂心，其報告指出，手機、網路攝影機、即時串流、app（智慧型手機的第三方應用程式），以及其他新科技已逐漸成為性犯罪者欺騙並強迫女童與男童從事性活動的利器。</p>	衛福部	<p>一、依據現行性侵害犯罪防治法第 8 條規定，矯正人員於執行職務知有疑似性侵害犯罪情事者，應立即向當地直轄市、縣（市）主管機關通報，至遲不得超過 24 小時，以強化矯正機構性侵害防治作為，確保性侵害被害人能及時獲得相關協助。</p> <p>二、為了課予網際網路業者移除不當網頁及保全證據的法律義務，2017 年 1 月 1 日施行之《兒童及少年性剝削防制條例》第 8 條規定，網際網路平臺提供者、網際網路應用服務提供者及電信事業一旦獲知本條例之犯罪嫌疑情事，應先行移除該資訊並保留相關資料至少 90 天，並通知司法及警察機關調查；第 47 條規定，相關業者如有違反第 8 條之規定，另可裁處罰鍰，並命其限期改善。</p> <p>三、又為嚴懲犯罪行為人並預防再犯，《兒童及少年性剝削防制條例》於 2017 年 11 月 29 日修正公布第 36 條第 1 項規定，將「拍攝、製造兒童或少年為性交或猥褻行為之圖畫、照片、影片、影帶、光碟、電子訊號或其他物品」之刑度，由「6 個月以上 5 年以下有期徒刑、得併科 50 萬元以下罰金」，提高為「1 年以上 7 年以下有期徒刑、得併科 100 萬元以下罰金」。</p> <p>四、為防止兒少接觸有害其身心發展之網際網路內容，我國國家通訊傳播委員會與衛福部等相關機關委託民間團體成立「iWIN 網路內容防護機構」，設置申</p>	<p>1. According to the Sexual Assault Crime Prevention Act, if correctional officers learn of cases of suspected sexual assault, they must report them to the competent authority of the special municipality, county, or city within 24 hours. This rule aims to help correctional facilities improve prevention of sexual assault and ensure that victims promptly receive assistance.</p> <p>2. According to Article 8 of the Child and Youth Sexual Exploitation Prevention Act, which entered into force on January 1, 2017, internet platform providers, online application service providers, and telecommunications companies shall, upon becoming aware of any suspected criminal activity under this act, first remove the information in question and retain it for at least 90 days. They shall also notify judicial and police departments for further investigation. According to Article 47 of the act, if companies violate the provisions of Article 8, they are subject to a fine and may be ordered to make improvements to their business practices within a given timeframe.</p> <p>3. To properly punish perpetrators and prevent recidivism, amendments to the Child and Youth Sexual Exploitation Prevention Act were promulgated on November 29, 2017. According to Paragraph 1 of</p>

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			<p>訴熱線(02)25775118，提供兒少性剝削被害人申訴管道，受理不當網路內容之舉報、限制網路內容瀏覽或移除，並移請相關機關裁處或偵辦。</p>	<p>Article 36, any person who films a child or youth engaging in sexual intercourse or obscene acts, or produces pictures, photographs, films, videotapes, compact discs, electronic signals, or other media that show a child or youth engaging in sexual intercourse or obscene acts, shall be subject to imprisonment of no less than one year and no more than seven years, as well as a fine of up to NT\$1 million (US\$32,464). This is up from the previous sentencing guidelines, which called for imprisonment of no less than six months and no more than five years, as well as a fine of up to NT\$500,000 (US\$16,232).</p> <p>4. To prevent children and youth from seeing online content that can be harmful to their physical or mental health, government agencies including the National Communications Commission and Ministry of Health and Welfare commissioned private-sector organizations to establish the Institute of Watch Internet Network (iWIN) and set up a complaint hotline. This institute is responsible for reporting inappropriate content, restricting browsing of or removing such content, and informing competent authorities for further investigation and penalties if deemed necessary.</p>

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第六節 歧視、 社會侵 害及人 口販運	身心障礙人士	衛福部	<p>一、依身心障礙者權益保障法第16條規定：「(第1項)身心障礙者之人格及合法權益，應受尊重及保障，對其接受教育、應考、進用、就業、居住、遷徙、醫療等權益，不得有歧視之對待。(第2項)公共設施場所營運者，不得使身心障礙者無法公平使用設施、設備或享有權利。(第3項)公、私立機關(構)、團體、學校與企業公開辦理各類考試，應依身心障礙應考人個別障礙需求，在考試公平原則下，提供多元化適性協助，以保障身心障礙者公平應考機會。」依上開規定，我國禁止對所有類別的身心障礙者有任何面向的歧視。另同法第100條規定略以，違反第16條第2項者，應令限期改善，屆期未改善者，處新臺幣1萬元以上5萬元以下罰鍰，並得按次處罰。</p> <p>二、為展現我國落實聯合國2006年身心障礙者權利公約(下稱：CRPD)之誠意與決心，我國並於103年12月3日公布並施行身心障礙者權利公約施行法(下稱公約施行法)，以確保政府機關行使職權時，皆能符合CRPD之精神。</p> <p>經查CRPD第3條即明白揭示不歧視之原則，復依身心障礙者權利公約施行法第4條明訂各級政府機關行使職權，應符合CRPD有關身心障礙者權利保障之規定，並保護身心障礙者不受他人侵害之責任；並於同法第10條要求各級政府機關於公約施行法施</p>	<p>1. Paragraph 1 of Article 16 of the People with Disabilities Rights Protection Act states that “the dignity and legal rights and interests of people with disabilities shall be respected and guaranteed. People with disabilities shall not be discriminated on the rights and interests of education, (exams) participation, employment, residence/housing, migration and medical care service.” Paragraph 2 of the same article states that “any person who operates public places or facilities/installations, shall not prevent people with disabilities from fairly using and enjoying the facilities/installations, equipments, and rights only because of their disability.” Paragraph 3 states that “when attending to public exams, all public, private organizations (institutes), corporate, schools, and enterprises should provide multiple appropriate assistances, under the principle of fairness, to test-takers with disabilities to safeguard the exam opportunities for people with disabilities.” According to these provisions, any type of discrimination against people with disabilities is forbidden. In accordance with Article 100 of the same act, those violating Paragraph 2 of Article 16 shall make improvements within a certain timeframe. If no improvements are</p>

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			<p>行後2年內(105年12月3日)提出優先檢視清單、3年內完成優先檢視清單法規之修正,5年內完成其餘法規之修正。上開法規皆是為確保身心障礙者受CRPD及其相關法規保障之權利,不因其身心障礙身分受歧視。</p> <p>三、截至107年3月底,我國共計有116萬3,470人領有身心障礙證明。</p>	<p>made by the deadline, they will be given a fine of between NT\$10,000 (US\$324) and NT\$50,000 (US\$1,623), and will be penalized for each violation.</p> <p>2. In order to demonstrate its sincerity and determination to implement the 2006 UN Convention on the Rights of Persons with Disabilities, Taiwan announced and implemented an act to implement the CRPD on December 3, 2014, so as to ensure that government agencies perform their duties in line with the spirit of the CRPD. Article 3 of the CRPD clearly outlines the principle of nondiscrimination, while Article 4 of Taiwan's implementation act stipulates that government agencies at all levels should comply with CRPD provisions on the protection of the rights of persons with disabilities. Article 10 of the implementation act requires government agencies at all levels to submit a priority review list within two years of the act's entry into force (i.e., December 3, 2016), complete regulatory amendments specified on the priority list within three years, and finalize other amendments within five years. The above regulations are to protect the CRPD rights of people with physical and mental disabilities, and ensure that they are not discriminated against because of their disabilities.</p>

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				3. As of the end of March 2018, a total of 1,163,470 million people in Taiwan had proof of physical and mental disabilities.
第六節 歧視、 社會侵 害及人 口販運	身心障礙人士一 身障學生在教育 與精神療養機構 遭受性侵時有所 聞。	衛福部	本部業研擬訂頒「身心障礙福利機構疑似性侵害事件處理原則修正規定」，賡續強化初級預防教育宣導、二級責任通報作為，以及三級之跨機構及單位間協調合作，以強化身障機構性侵害案件之處理。另並持續透過社會福利補助及公益彩券回饋金補助地方政府及民間團體辦理社區、校園、身心障害福利機構性侵害防治宣導教育方案，鼓勵被害人勇於求助，並呼籲民眾落實社區通報。	The Ministry of Health and Welfare is planning to amend the principles for handling suspected cases of sexual assault in welfare institutions caring for disabled people, so as to strengthen frontline prevention and education, reinforce related persons' understanding of their responsibility to report incidents, and bolster interagency coordination. In addition, through social welfare subsidies and lottery proceeds, assistance will continue to be given to local government agencies and civic organizations to organize sexual assault prevention education programs in communities, campuses, and welfare institutions for the disabled. The aim is to encourage victims to seek help and to call on the public to inform authorities of any incidents in their communities.
第六節 歧視、 社會侵 害及人 口販運	身心障礙人士一 缺乏無障礙空間 與方便身心障礙 人士使用的大眾 運輸系統，持續對 身心障礙人士參	交通部	一、路政業務部分： (一)運輸工具：依據《身心障礙者權益保障法》第53條規定訂定《大眾運輸工具無障礙設施設置辦法》，設置上下運輸工具及乘坐運輸工具之無障礙設施。如：補助客運業者購置低地板公車及通用無障礙大客車，致全國市區客運低地板公車比例	1. Buses, taxis, trains 1.1. Modes of transportation: In accordance with Article 53 of the People with Disabilities Rights Protection Act, the Ministry of Transportation and Communications established regulations governing barrier-free access to and use of mass transportation.

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	與公民事務構成 阻礙，臺北以外的 地區尤其如此。		<p>由 2009 年 7.2% 大幅提高至逾 52%、補助購置無障礙計程車，營運數量 807 輛、高鐵於每列車第 7 節車廂，設置身心障礙者及行動不便旅客使用區及無障礙廁所等。</p> <p>(二) 運輸場站：交通部所轄管相關運輸場站，如高鐵、捷運、航空、港埠等依《建築技術規則建築設計施工編》及《建築物無障礙設施設計規範》規定辦理場站之無障礙設施建置；臺鐵部分亦依上開規定，改善運輸場站無障礙設施，至 2017 年共完成 131 站增設無障礙電梯，涵蓋臺鐵服務旅客總數約 92.15%，並已完成第一階段車廂月臺齊平化作業。</p> <p>(三) 運輸服務：除依據《大眾運輸工具無障礙設施設置辦法》提供專人協助及引導服務外，並給予身心障礙者及必要陪伴者半價優待、優先乘坐等服務，亦依據《身心障礙者專用停車位設置管理辦法》，提供身心障礙者外出就近停車之照顧措施（身障車位計有 21,559 個）。</p> <p>(四) 後續推動：交通部已於 2011 年成立「交通部無障礙交通環境推動小組」，邀請身障團體代表及相關專家學者擔任小組委員，每 6 個月開會 1 次，定期檢討無障礙措施及體檢、督導及協調部屬機關辦理無障礙交通環境改善。未來亦將聽取各界聲音及需求持續辦理各項改善措施，以利民眾使用。</p>	<p>For example, the MOTC has provided subsidies to bus companies to procure low-floor and barrier-free buses. As a result, the proportion of such buses among the total number of buses in the country has increased from 7.2% in 2009 to more than 52%. Subsidies have also been allocated to the purchase of barrier-free taxis, 807 of which are now operating around Taiwan. In addition, Taiwan High Speed Rail has set up a special zone for disabled and mobility-impaired people, including barrier-free toilets, in the seventh car of each train.</p> <p>1.2. Stations: Transportation hubs managed by the MOTC, such as THSR and metro stations, airports, and harbors, are equipped with barrier-free facilities in accordance with related building regulations. Similarly, the Taiwan Railways Administration has improved barrier-free facilities by following these regulations. Indeed, by 2017, TRA had added barrier-free elevators at 131 stations, covering 92.15% of passengers making use of its services. It has also completed the first stage of its project to make platforms and train entrances of equal height.</p> <p>1.3. Services: In addition to services provided by dedicated staff in accordance with the aforementioned</p>

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			<p>二、航政業務部分：</p> <p>(一) 106 年 1 月 9 日修正「客船管理規則」，增訂客船無障礙設施及設備規範，爰未來新造客船應依前揭規定設置無障礙設施設備。</p> <p>(二) 107 年 3 月 26 日發布「交通部航港局大眾運輸船舶及岸接設施無障礙補助作業要點」，針對目前大眾運輸船舶，透過補助方式補助業者製作特製化輪椅及活動式斜坡板等，協助及督促相關業者及機關改善。</p> <p>(三) 航空器部分：目前包括中華、華信、長榮、立榮、遠東、德安、虎航在內之 7 家飛航國際或國內線之國籍航空公司均符合大眾運輸工具無障礙設施設置辦法。</p> <p>(四) 航空站部分：各航空站多於 97 年 7 月建築技術規則建築設計施工編修正施行前取得建造執照並興建完成，得適用「既有公共建築物無障礙設施替代改善計畫作業程序及認定原則」，皆符合規定。並為加強無障礙旅客服務，各航空站已依據建築技術規則建築設計施工編(第十章)及建築物無障礙設施設計規範等規定，持續進行檢視及改善設置無障礙設施。</p> <p>(五) 定期召開「交通部民用航空局暨桃園國際機場股份有限公司通用化無障礙交通環境推動小組」會議，依身心障礙代表、專家及學者意見，持續推</p>	<p>regulations governing barrier-free access to and use of mass transportation, disabled people and those accompanying them are given 50% discounts on tickets and are assigned priority seats. Furthermore, special parking spaces near stations are reserved for disabled people. Currently, 21,559 such parking spots are available.</p> <p>1.4. Further improvements: The MOTC established a steering group in 2011 to further enhance barrier-free transportation environments, which consists of representatives from advocacy groups as well as scholars and experts. A meeting is held once every six months to review implemented measures and examine improvements made by agencies under the MOTC. In the future, the MOTC will continue to solicit opinions from various sectors to make further improvements.</p> <p>2. Aircraft and ships</p> <p>2.1. On January 9, 2017, the Regulations for Adminstrating Passenger Ship were amended to increase barrier-free facilities and equipment on passenger ships. The amended regulations also stipulate that newly built ships shall also be equipped with barrier-free facilities and equipment.</p> <p>2.2. On March 26, 2018, the Maritime Port Bureau under</p>

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			動航空無障礙環境。	<p>the MOTC issued directives concerning subsidies for barrier-free facilities on ships and appropriate access. Subsidies are thereby provided to companies to produce specially designed wheelchairs and movable ramps to improve access.</p> <p>2.3. Aircraft: Currently, the seven main airlines in Taiwan—i.e., China Airlines, Mandarin Airlines, EVA Airways, Uni Air, Far Eastern Air Transport, Daily Air, Tiger Air—all provide barrier-free facilities that meet regulations.</p> <p>2.4. Airports: Most of Taiwan's airports were built before the aforementioned building regulations entered into force in July 2008. Therefore, airports have to conform to regulations concerning the installation of barrier-free facilities in existing buildings. Indeed, all airports meet these regulations. And to further bolster barrier-free facilities, airports continue to conduct reviews and make improvements in accordance with the provisions of the aforementioned building regulations.</p> <p>2.5. A special working group of the Civil Aeronautics Administration and Taiwan Taoyuan International Airport, which consists of representatives from advocacy groups as well as scholars and experts,</p>

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				regularly convenes meetings to further promote barrier-free environments in the aviation sector.
第六節 歧視、 社會侵 害及人 口販運	身心障礙人士一 法律規定當局必 須對身心障礙者 提供各項服務與 計畫。身心障礙孩 童多數選擇於一 般學校就讀，另有 中小學與職業學 校可供身障學生 選擇。	教育部	<p>一、教育部訂定「身心障礙學生支持服務辦法」，明定各級學校應配合身心障礙學生之需求，建立或改善整體性之設施設備，營造無障礙校園環境，提供身心障礙學生相關支持服務。</p> <p>二、教育部國教署每年編列專款，協助高級中等以下學校改善校園無障礙設施，並由學校成立無障礙諮詢小組，考量學校內行動不便之教職員生人數，依無障礙設施需求急迫性，訂定無障礙環境改善計畫，依改善優先順序，分年逐步改善，建置無障礙校園環境，提供最少限制之環境。另關於身心障礙學生於學校發生性平事件，該署亦委託專家學者至各特殊教育學校進行性平訪視，給予學校性平工作之建議及協助，以提升學校之性平知能，並針對性平案件較頻繁發生之學校加強輔導提供協助。</p>	<p>1. Regulations regarding support and services for students with disabilities formulated by the Ministry of Education stipulate that educational institutions at all levels must work to meet the needs of students with disabilities, set up or improve facilities and equipment, create barrier-free campus environments, and provide disabled students with appropriate support services.</p> <p>2. Each year, the MOE's K-12 Education Administration allocates funding specifically to assist K-12 schools with creating barrier-free campuses and facilities. Schools are required to set up a consultation group responsible for determining the number of teachers, other staff members, and students with reduced mobility and list their requirements for more accessible facilities in order of urgency, then formulate a plan to provide a campus environment presenting as few restrictions as possible by undertaking annual improvements in accordance with this priority list. Regarding the occurrence of gender equity incidents involving students with disabilities at schools, the MOE's K-12 Education Administration has commissioned experts and scholars to go to special</p>

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				education schools to conduct inspections of their gender equity situation and provide the schools with advice and assistance, in order to improve schools' knowledge of related issues. Special efforts are made to provide extra guidance and assistance to schools where gender equity incidents have occurred more frequently.
第六節 歧視、 社會侵 害及人 口販運	身心障礙人士一 缺乏無障礙空 間，與方便身心障 礙人士使用的大 眾運輸系統，持續 對身心障礙人士 參與公民事務構 成阻礙，臺北以外 地區尤其如此。	內政部 (營建 署)	<p>一、內政部營建署已於「建築技術規則」納入無障礙建築物規定、建築物無障礙設施設計規範，自 2013 年 1 月 1 日起朝新建、增建建築物全面無障礙化推動。為便利行動不便者進出及使用建築物，明定新建、增建之公共與非公共建築物均需設置無障礙設施。另規定無障礙通路應通達之空間及無障礙樓梯、無障礙廁所盥洗室、無障礙浴室、輪椅觀眾席位、無障礙停車位、無障礙客房數量，至於各項設施設計規範，於建築物無障礙設施設計規範訂定之。</p> <p>二、至於既有建築物無障礙環境改善，另已於 1997 年 8 月 7 日訂頒「既有公共建築物無障礙設施替代改善計畫作業程序及認定原則」，視建築物使用用途不同，須進行室外通路、避難層坡道及扶手、避難層出入口、室內出入口、室內通路走廊、樓梯、昇降設備、廁所盥洗室、浴室、輪椅觀眾席位、停車空間等設施之改善，以落實無障礙環境推動。</p> <p>三、2015 年 10 月 22 日本部訂定發布「內政部主管活動場所無障礙設施設備設計標準」，為都市計畫開闢使</p>	<p>1. The Construction and Planning Agency of the Ministry of the Interior has embedded barrier-free stipulations in building regulations. Since January 1, 2013, a push has been made to achieve complete barrier-free environments in all new buildings and new extensions to existing buildings, in both public and nonpublic buildings.</p> <p>2. Regulations concerning the establishment of barrier-free facilities in existing public buildings, which were announced on August 7, 1997, stipulate that, depending on the purpose of the building, facilities such as escape passageways, stairs, and exits, as well as internal doorways, hallways, stairwells, toilets, shower areas, wheelchair seating, and parking areas must be made barrier-free.</p> <p>3. On October 22, 2015, the Ministry of the Interior established design standards for barrier-free facilities in venues and areas it administers, providing uniform</p>

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			用的公園、綠地、廣場等戶外活動場所，頒訂共通性的無障礙設施設備項目與規格。以 2 年為一期，辦理都市公園綠地無障礙環境之督導，實地勘檢各直轄市、縣（市）政府所管公園綠地，公布成績以督促各管理機關落實改善；每年舉辦 2 場次大型研討會，邀請專家學者與縣市政府從事人員進行學習溝通。	specifications for barrier-free environments in parks, green spaces, and plazas in urban planning projects. Once every two years, inspections are conducted on barrier-free facilities in parks and green spaces managed by special municipality, county, and city governments. The results of these inspections are made public to encourage agencies concerned to make necessary improvements. Also, large seminars are held twice a year during which experts and scholars discuss related issues with personnel in charge of barrier-free environments.
第六節 歧視、 社會侵 害及人 口販運	少數民族/種族/ 族裔—立法院在 2016 年 12 月通過 《國籍法》修正條 文，放寬外籍配偶 歸化的限制。部分 來自中國的配偶 批評，來自其他國 家的外籍配偶居 住三年後即可申 請在臺居留權而 來自中國的配偶 卻必須等到滿六	內政部 (戶政 司、移 民署)	一、 2016 年 12 月 21 日總統令修正公布「國籍法」，對於外籍配偶權益已有周全保障。至來自中國大陸的配偶之相關權益，係屬「臺灣地區與大陸地區人民關係條例」規範，並不適用於「國籍法」，本部尊重大陸委員會立場。 二、 現行外籍配偶在臺居留滿 3 年，且每年居住 183 日以上，得申請歸化，惟取得國籍後，尚須在臺連續居住 1 年；或居留 2 年（每年居住 270 日以上）；或居留 5 年（每年居住 183 日以上）方可申請定居設立戶籍；來自中國大陸的配偶則須在臺灣地區居留 6 年（每年居住 183 日以上）即可申請定居。考量二者身分不同，來自中國大陸的配偶設籍年限，宜由大陸委員會評估。	1. On December 21, 2016, amendments to the Nationality Act were promulgated by order of the President, fully protecting the rights of foreign spouses. Rights of PRC-born spouses are defined by the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, not the Nationality Act. The Ministry of the Interior respects the authority of the Mainland Affairs Council. 2. Foreign spouses who have legally resided in the territory of the R.O.C. for more than 183 days each year for at least three consecutive years may apply for naturalization. After acquiring R.O.C. nationality, they must reside continuously in Taiwan for one year; reside

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	<p>年，這是一種歧視。來自中國的配偶一抵臺立即獲准在臺工作，非中國籍配偶則否。</p> <p>《國籍法》修正條文不適用於來自於中國的配偶。</p>		<p>三、 經查大陸委員會業提出「臺灣地區與大陸地區人民關係條例」第 17 條修正草案，將大陸配偶取得身分證的年限調整與外籍配偶一致，該修正草案業經行政院函請立法院審議。</p>	<p>in Taiwan for two years and 270 days each year; or reside in Taiwan for five years and 183 days each year to be eligible for permanent residence and household registration. PRC-born spouses must reside in Taiwan for six years and 183 days each year to be eligible for permanent residence. Considering the aforementioned difference in regulations, the residency stipulations for PRC-born spouses are being reviewed by the Mainland Affairs Council.</p> <p>3. To ensure equal rights for foreign and PRC-born spouses in acquiring R.O.C. ID cards, the Mainland Affairs Council already proposed an amendment to Article 17 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, which has been sent to the Legislative Yuan.</p>
第六節 歧視、 社會侵 害及人 口販運	少數民族/種族/ 族裔	陸委會	<p>一、中國大陸配偶與外籍配偶因適用不同的制度及法律，因此兩者間的制度有所不同；中國大陸配偶取得身分證年限為 6 年，外籍配偶則為 4 年至 8 年</p> <p>(一) 中國大陸配偶適用臺灣地區與大陸地區人民關係條例(下稱兩岸條例)及相關許可辦法之規定，中國大陸配偶於完成結婚手續後，得申請來臺團聚，於國境線上通過面談，入境辦理結婚登記後，得申請在臺依親居留，依親居留滿 4 年，且每年合法居住逾 183 日，得申請長期居留，長期居留</p>	<p>1. Systems and laws for PRC-born and foreign spouses differ. PRC-born spouses have to wait six years to become eligible for an R.O.C. ID card, while foreign spouses have to wait between four and eight years.</p> <p>1.1. PRC-born spouses are subject to provisions under the Act Governing Relations between the People of the Taiwan Area and the Mainland Area and related regulations. After completing marriage procedures, PRC-born spouses may apply to come to Taiwan to</p>

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			<p>連續滿 2 年且每年合法居住逾 183 日，得申請定居，即取得身分證年限為 6 年。</p> <p>(二) 外籍配偶則適用國籍法、入出國及移民法之相關規定，外籍配偶在臺居留滿 3 年，且合法居住逾 183 日以上，得申請歸化，經許可歸化後在臺分別居留 1 年（1 年未出境）、2 年（每年居住 270 日以上）、5 年（每年居住 183 日以上），得申請定居，即取得身分證年限為 4 年至 8 年。另外外籍配偶申請歸化，應於許可歸化之日起，1 年內提出喪失原有國籍證明，屆期未提出者，除經外交部查證因原屬國法律或行政程序限制屬實者外，應撤銷其歸化許可。</p> <p>二、政府將在完整考量新住民權益下，持續檢討相關法規：</p> <p>(一) 本會前已擬具兩岸條例第 17 條修正草案，行政院並於 105 年 2 月 1 日函送立法院審議，惟經立法院內政委員會於 106 年 6 月 27 日初審之結果，中國大陸配偶取得身分證年限仍維持現行規定(6 年)，另增加基本常識測驗制度。</p> <p>(二) 中國大陸配偶與外籍配偶取得身分證年限問題，尚涉及外來人口移入制度，政府未來會完整考量新住民之權益保障、社會承載與國家安全等因素，並在取得社會共識下，逐步檢討相關之政策，且秉持「生活從寬」之原則，持續落實對新住民</p>	<p>join their family. If they pass an interview at the border, they may register their marriage and apply for dependent-based residency in Taiwan. A spouse who remains in Taiwan as a dependent-based resident for four years and legally resides in Taiwan for more than 183 days in each of those years may apply for long-term residency. Spouses who have been long-term residents for two consecutive years and legally reside in Taiwan for more than 183 days in each of those years may apply for permanent residency. It thus takes six years to obtain an ID card.</p> <p>1.2. Foreign spouses are subject to provisions under the Nationality Act and Immigration Act. Foreign spouses who reside in Taiwan for three years and for more than 183 days in each of those years may apply for naturalization. Foreign spouses approved for naturalization can apply for permanent residency after residing in Taiwan for one year (without leaving the country), two years (residing in Taiwan for at least 270 days each year), or five years (residing in Taiwan for at least 183 days each year). Therefore, it takes four to eight years to obtain an ID card. Furthermore, foreign spouses applying for naturalization are required to provide a certificate of renunciation of</p>

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			<p>生活權益的照顧。</p> <p>三、政府將積極協助多元族群間彼此相互尊重與包容中國大陸配偶與臺灣人民共組家庭，成為臺灣社會之一份子，也為臺灣注入更多元的文化風貌與活力。然中國大陸配偶在融入臺灣社會的過程中，可能會因不夠瞭解彼此文化而形成誤會，政府將積極協助多元族群間彼此相互尊重，建立一個包容多元文化的臺灣社會。</p>	<p>their original nationality within one year from the date their naturalization was approved. Failure to submit the certificate within the prescribed period shall result in the revocation of the approval of naturalization unless such failure is due to legal or administrative restrictions of the original country as verified by the Ministry of Foreign Affairs.</p> <p>2. The government will continue to review relevant laws and regulations in full consideration of the rights and interests of new immigrants.</p> <p>2.1. The Mainland Affairs Council drafted amendments to Article 17 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area. The Executive Yuan submitted the draft amendments to the Legislative Yuan for review on February 1, 2016. However, the first review by the Internal Administration Committee of the Legislative Yuan on June 27, 2017, resulted in a decision to maintain the current rules on period of stay required for PRC-born spouses to obtain an R.O.C. ID card (six years), as well as to add a basic knowledge test system.</p> <p>2.2. The issue of periods of stay required for PRC-born and foreign spouses to obtain an ID card concerns Taiwan's immigration system. In the future, the</p>

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				<p>government will review relevant policies, taking into consideration the rights of new immigrants, society's capacity to integrate new immigrants, national security, as well as social consensus in this area. It will also continue to protect the rights of immigrants living in Taiwan.</p> <p>3. The government will actively promote mutual respect and acceptance among different groups in society. Families formed by PRC-born spouses and Taiwan citizens become a part of Taiwanese society and contribute to cultural diversity and vitality. However, sometimes misunderstandings will occur in the process of integrating PRC-born spouses into Taiwan society due to insufficient cultural awareness. The government will actively support mutual respect among different groups to create an inclusive and diverse society.</p>
第六節 歧視、 社會侵 害及人 口販運	原住民一二月，行政院的原住民委員會公告了在公有土地上劃設原住民族傳統領域土地的辦法。原住民權益人士主張，大量的原住民	原民會	有關原住民族土地要不要納入私有地問題，原住民族土地在過去不同時空背景，土地遭到不同方式處理對待，複雜的關係須待釐清，為落實原住民族轉型正義，回復原住民族權利，《原基法》第20條第2項規定，「政府為辦理原住民族土地之調查及處理，應設置原住民族土地調查及處理委員會。未來希望通過《原住民族歷史正義及權利回復條例》草案，依照草案將設立獨立機關「原住民族歷史正義及土地調查委員會（原調會）」釐清真相	With regard to the issue of whether private land should be included in the discussion about traditional indigenous domains, indigenous land was handled in different ways in the past for various reasons. Related matters can be very complex, and need to be further examined. To implement transitional justice for indigenous people and restore their rights, in accordance with Paragraph 2 of Article 20 of the Indigenous Peoples Basic Law, “the government shall

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	土地在數十年前遭到奪取與私有化，把這部分排除，等於剝奪了原住民社群參與這些傳統領域土地發展的權利。		了解後妥善處理原住民族土地權益。	establish an indigenous peoples' land investigation and management committee to investigate and manage indigenous peoples' land.” We hope that the draft act governing indigenous historical justice and restoration of indigenous rights will be passed and that a special land survey committee will be established in accordance with the provisions of this draft act, so as to gain an accurate understanding of indigenous land issues and deal with them in an appropriate manner.
第六節 歧視、 社會侵 害及人 口販運	原住民－現行的法律規定，當局與私部門應徵詢原住民並取得其(參與之)同意，在原住民區域進行的土地開發、資源使用、生態保育，以及學術研究等利益，也應與之共享。然而，目前並無就私人土地取得上述同意的法規。	原民會	《原住民族土地或部落範圍土地劃設辦法》是依據 104 年 6 月 24 日修正之《原住民族基本法》第 21 條授權訂定，該條規定略以：「政府或私人於原住民族土地或部落及其周邊一定範圍內之『公有土地』從事土地開發…應諮商並取得原住民族或部落同意或參與。…前三項有關原住民族土地或部落及其周邊一定範圍內之『公有土地』之劃設…，由中央原住民族主管機關另定之」。依民法第 765 條規定，所有人，於法令限制之範圍內，得「自由使用」、收益、處分其所有物。若將私人土地劃入傳統領域，原本可以自由使用之權能，則因此遭到限制。私人土地之所有權雖可限制，惟依憲法第 23 條規定，必須要有「法律」明確規定才能限制，依司法院大法官第 443 解釋，必須要有「具體明確」授權才可限制人民的土地所有權。劃設辦法雖有 104 年 6 月 24 日修正的原基法第 21 條第 4 項授權，但該條文規定也僅授權劃設原住民族	Regulations for indigenous peoples' land and designation of land for indigenous tribes were established in accordance with Article 21 of the amended Indigenous Peoples Basic Law announced on June 24, 2015. Article 21 states that when governments or private parties engage in development projects on indigenous land or on public land in the vicinity of indigenous land, they shall consult and obtain consent of indigenous peoples or tribes. It also states that designation of indigenous land and public land in the vicinity of indigenous land shall be done by central government agencies in charge of indigenous affairs. Meanwhile, Article 765 of the Civil Code states that “the owner of a thing has the right, within the limits of the Acts and regulations, to use it, to profit from it, and to dispose of it freely, and to exclude the interference from others.” If private land is

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			土地或部落及其周邊一定範圍內之「公有土地」，沒有明確地規定擴及私人土地。	designated as traditional indigenous land, restrictions will be placed on the right to freely use this land. Although ownership rights of private land can be restricted, Article 23 of the Constitution stipulates that clear legal provisions are needed to do so. According to Judicial Yuan Interpretation no. 443, there must be concrete and clear authorization before people's land ownership can be restricted. Even though the regulations for indigenous land and designation of land for indigenous tribes were formulated in accordance with Paragraph 4 of Article 21 of the Indigenous Peoples Basic Law amended on June 24, 2015, they only cover indigenous land and public land in the vicinity of indigenous land and do not cover private land.
第六節 歧視、 社會侵 害及人 口販運	人類免疫缺乏病毒(HIV)帶原者和愛滋病患者所承受的社會污名	衛福部	《人類免疫缺乏病毒傳染防治及感染者權益保障條例》第4條、第7條規定，對感染愛滋病毒者，不得予以歧視，拒絕其就學、就醫、就業、安養、居住或為其他不公平之待遇；中央各機關應明訂並推動反歧視之教育及宣導計畫。《人類免疫缺乏病毒感染者權益保障辦法》第7條規定申訴制度，以保障感染者權益。如感染者遭遇不公平待遇或歧視，可以經由電子郵件、免付費專線及信件等管道，向各地方政府提出申訴。申訴管道及流程公布於疾病管制署及衛生局網站，方便民眾查詢。自2008年迄今，已處理85個申訴案件，近5年有4位雇主因就業歧視遭到裁處。	Articles 4 and 7 of the HIV Infection Control and Patient Rights Protection Act prohibit denial of and discrimination in education, medical care, employment, nursing care, and housing, or any other forms of unfair treatment for people living with HIV, and require the government to launch educational and promotional campaigns that discourage HIV/AIDS discrimination. Article 7 of the Regulations Governing Protection of the Rights of HIV Patients offers a channel for appeals against unfair treatment. The infected may submit appeals to the local competent authorities through email, toll-free hotlines, or letters when they

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				experience unfair treatment or discrimination. The appeal submission procedure is available on the official website of the Centers for Disease Control and the local health bureaus to facilitate public access. Since 2008, 85 appeals have been handled. Over the past five years, four employers were fined for discriminating against people infected with HIV.
第七節 勞工權利	(1) 結社權和集體談判的權利：	勞動部 (勞動關係司)	<p>一、 有些勞工被排除在集體談判之外。任職於勞工人數不到 30 人之公司的雇員，只能加入職業工會或產業工會來行使他們的權利。因此，臺灣的工會密度（註冊於工會的勞工相對於所有勞工的比例）為 5.8%，大幅低於經濟合作暨發展組織 16% 的平均值。派遣員工在任職的機構內沒有組織和集體談判的權利</p> <p>(一) 受僱於事業單位 30 人以上之勞工，可組織企業工會，以取得團體協商資格；若任職於事業單位之 30 人以下者之勞工，亦可透過組織或加入產業工會或職業工會，取得團體協商資格，以保障其權益。截至 2018 年第 1 季底，產業、職業工會共簽訂 354 份團體協約，顯示勞工仍可透過加入產、職業工會取得團體協商資格，透過協商，與雇主簽訂團體協約，以保障勞動權益。另截至 2018 年第 1 季底，我國工會組織率為 33.1%，就企業工會組織率部分，我國目前企業工會組織率近 15.1%，惟相較於亞洲其他國家，例如日本的 17.1%、韓國</p>	<p>1. Some workers are excluded from collective bargaining. Employees in companies with fewer than 30 workers may only join a professional union or an industrial union to exercise their rights. As a result, labor union density (the percentage of labor registered in a union as a proportion of overall labor) in Taiwan is 5.8 percent, significantly below the Organisation for Economic Co-operation and Development average of 16 percent. Employees hired through dispatching agencies (i.e., temporary workers) do not have the right to organize and bargain collectively in the enterprises where they work.</p> <p>(1) To protect their rights and interests, the employees of companies employing 30 or more people may organize a corporate union through which to engage in collective bargaining, while the employees of companies employing fewer than 30 workers may engage in collective</p>

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			<p>10.1%，並未有明顯差異，惟仍有繼續努力空間，爰此，本部歷年來均將提升工會組織率列入的重要政策之一，以積極保障勞工之結社權。</p> <p>(二) 又派遣勞工依法可加入企、產、職業工會，與派遣單位或要派單位進行團體協商，以利爭取較佳之勞動條件。</p> <p>二、教師、公職人員、國防工業之員工沒有罷工權。任職於公用事業、醫療服務業和電信服務供應商的員工只有在罷工期間維持基本服務的狀況下，方可行使罷工權</p> <p>(一) 查《經濟、社會與文化權利國際公約》第 8 條，本公約之締約國承允確保，受僱者有罷工權利，但以其行使符合國家法律為限；《公民與政治權利國際公約》第 22 條，除依法律之規定，且為民主社會維護國家安全或公共安寧、公共秩序、維持公共衛生或風化、或保障他人權利自由所必要者外，不得限制此種權利之行使。</p> <p>(二) 次查國際勞工組織通過之《國際勞工公約》第 98 號《組織權及集體協商權應用原則公約》第 6 條，本公約不處理從事國家行政事務之公務員的情況，；第 151 號《勞動關係（公共服務）公約》第 8 條，如因決定僱用條件及條款而生之爭議，應依國情採適當的方式尋求協處，或由當事人自行協商，或經由相關當事人信賴而建立之獨立且公正的</p>	<p>bargaining through other organizations or by joining a professional or industrial union. To the end of the first quarter of 2018, industrial and professional unions had signed 354 collective bargaining agreements. This demonstrates that by joining industrial and professional unions and entering into collective bargaining agreements with employers through negotiation, workers are indeed able to protect their rights and interests. At the end of the first quarter of 2018, participation in labor unions was 33.1 percent. For corporate unions, the rate was nearly 15.1 percent. This is not significantly different from other Asian countries such as Japan (17%) and Korea (10.1%), although room for improvement remains. To actively protect workers' right to freedom of association, the Ministry of Labor will make raising the participation rate one of its highest priorities.</p> <p>(2) To seek better working conditions, dispatch workers may join corporate, industrial, and professional unions, and engage in collective bargaining with entities or employers in need of dispatched labor.</p> <p>2. Teachers, governments employees, and defense industry employees do not have the right to strike. Workers in industries such as utilities, hospital services, and telecommunication service providers</p>

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			<p>機制，如協調、調解及仲裁。</p> <p>(三) 另聯合國教育、科學及文化組織與國際勞工組織合作，通過之教師地位建議書第 84 條，為協處教師與其雇主因僱用條款及條件而起之爭議，應建立適當的共同機制。當該共同機制的方法及程序無法處理或當事人間的協商破裂，為保障教師的合法利益，教師組織應和其他組織有相同的權利，得採取其他的手段。</p> <p>(四) 綜上，國家基於公益、國情或為保障他人權利自由而有限制爭議權之必要時，尚非不得以法律予以限制，甚至禁止其罷工，惟應提供替代性處理機制，以解決爭議。因此，我國規範一定事業之勞資雙方應約定必要服務條款，工會始得宣告罷工。如無法約定者，其調整事項之勞資爭議，得適用仲裁程序，以為救濟；《勞資爭議處理法》雖禁止教師暨國防部及其所屬機關（構）、學校罷工，惟已另設仲裁程序，尚符《兩公約》及《國際勞工公約》所揭示之原則。</p> <p>三、 勞工僅可就調整事項進行罷工，法律禁止勞工因權利事項罷工</p> <p>(一) 查《勞資爭議處理法》第 53 條第 1 項規定，勞資爭議，非經調解不成立，不得為爭議行為；權利事項之勞資爭議，不得罷工。係因權利事項之勞資爭議係指雙方基於法令或團體協約或勞動契約之約</p>	<p>are allowed to strike only if they maintain basic services during the strike.</p> <p>(1) Article 8 of the International Covenant on Economic Social and Cultural Rights stipulates that “[t]he States Parties to the present Covenant undertake to ensure ... [t]he right to strike, provided that it is exercised in conformity with the laws of the particular country.” Article 22 of the International Covenant on Civil and Political Rights stipulates that “[n]o restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”</p> <p>(2) Furthermore, Article 6 of the Right to Organise and Collective Bargaining, 1949 (No. 98) adopted by the International Labor Organization stipulates that “this Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way”; and Article 8 of the Labor Relations (Public Service) Convention, 1978 (No. 151) stipulates that “[t]he settlement of disputes arising in connection</p>

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			<p>定所為權利之爭執，如未依本法及其他法律之調解、仲裁程序加以解決，當有尋求司法救濟，以訴訟解決方式得以為之；調整事項之爭議無法透過訴訟方式得到解決，僅能仰賴資方於調解時之善意，因此，必須有爭議權之行使為後盾，方能使勞資雙方基於平等地位進行協商與談判，以謀爭議解決。</p> <p>(二) 次查同法同條第 2 項規定雇主、雇主團體經中央主管機關裁決認定違反《工會法》第 35 條、《團體協約法》第 6 條第 1 項規定者，工會得依《勞資爭議處理法》為爭議行為。為保障勞動三權之運作，經裁決決定認定屬實時，其爭議性質雖屬權利事項，但其與單純一般私權之權利受損不同，爰工會得依同法第 54 條至第 56 條等規定為爭議行為。</p> <p>(三) 另就爭議處理途徑而言，為建構處理勞資爭議多元管道，強化服務品質，近年來勞動部積極建立專業之勞資爭議處理制度，使現行勞資爭議可透過調解、合意仲裁等方式處理爭議，對於無法透過前揭方式處理之爭議，更提供訴訟扶助，以協助勞工維護權益。</p> <p>四、調解或仲裁過程有時曠日費時。法律禁止勞資雙方在調解或仲裁期間進行罷工或其他抗議行動。勞工團體指稱這些禁令阻礙勞工行使罷工權</p> <p>(一) 為兼顧解決紛爭之即時性、經濟性與一次性，爰《勞資爭議處理法》明定主管機關受理案件、調查事</p>	<p>with the determination of terms and conditions of employment shall be sought, as may be appropriate to national conditions, through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties involved.”</p> <p>(3) In addition, the Recommendation concerning the Status of Teachers (No. 84) adopted as part of cooperation between the United Nations Education Scientific and Cultural Organization and the International Labor Organization stipulates that “[a]ppropriate joint machinery should be set up to deal with the settlement of disputes between the teachers and their employers arising out of terms and conditions of employment. If the means and procedures established for these purposes should be exhausted or if there should be a breakdown in negotiations between the parties, teachers’ organizations should have the right to take such other steps as are normally open to other organizations in the defense of their legitimate interests.”</p> <p>(4) In summary, at times when it is necessary for a state to restrict the right to engage in disputes for reasons of public welfare, circumstances particular to that country,</p>

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			<p>實、召開調解或仲裁會議、作成調解方案或仲裁判斷等程序之規定。前揭時間已較司法途徑解決紛爭更為迅速、便捷，復查 2017 年度，平均而言，主管機關處理勞資爭議所需日數為 14 天。</p> <p>(二) 另查《勞資爭議處理法》第 8 條規定，勞資爭議在調解或仲裁期間，資方不得因該勞資爭議事件而歇業、停工、終止勞動契約或為其他不利於勞工之行為；勞方不得因該勞資爭議事件而罷工或為其他爭議行為。該規定之意旨係為確保主管機關處理勞資爭議期間，爭議當事人間應互負和平義務，以本誠實信用解決紛爭。</p> <p>五、 勞動部仲裁委員會審理企業以不公或不當手段壓迫工會領袖與工會活動的案件，違者面臨罰鍰處分，不過通常處罰過輕，難以發揮嚇阻作用</p> <p>(一) 為了迅速排除不當勞動行為，回復集體勞資關係的正常運作，我國設有不當勞動行為裁決機制，由勞動部組成「不當勞動行為裁決委員會」（非該報告所稱勞動部仲裁委員會），透過其審理不當勞動行為案件，以保障勞工組織工會或參與工會活動的團結權、與雇主簽訂團體協約之團體協商權及不當勞動行為裁決之團體爭議權。</p> <p>(二) 又如雇主有違反工會組織運作之情形，經裁決委員會認定雇主有違反不當勞動行為，並限期改正而未改正，本部依工會法規定得按次連續處罰。</p>	<p>or the protection of others' rights, legal restrictions that would ordinarily apply may be overlooked, and strikes may also be prohibited; however, alternative mechanisms must also be provided through which to resolve disputes. Therefore, any labor union in Taiwan may declare a strike provided that labor and management agree on the necessary terms of service. If they cannot agree, adjustments to the dispute must be applied, via arbitration, as a remedy. Although the Act for Settlement of Labor-Management Disputes prohibits teachers, the Ministry of National Defense and its affiliated institutions (organizations), and schools from striking, arbitration procedures remain available in accordance with the principles espoused in the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights, and International Labor Organization Conventions.</p> <p>3. Workers are allowed to strike only in adjustment disputes; the law forbids strikes in rights disputes.</p> <p>(1) Paragraph 1 of Article 53 of the Act for Settlement of Labor-Management Disputes stipulates that “[i]ndustrial actions cannot be undertaken prior to a failed mediation regarding a labor dispute; for the rights dispute, a strike</p>

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				<p>is not allowed.” A <i>rights dispute</i> referred to here is a dispute between parties regarding statute, a collective bargaining agreement, or a labor contract. If an arbitration procedure is not settled in accordance with this act and other laws, judicial remedies can be sought in order to resolve the case through litigation. Adjustment disputes cannot be resolved through litigation, and instead rely on the employer engaging in mediation in good faith. The right to engage in a dispute is a necessary backup that allows both employers and employees to consult and negotiate with one another on an equal basis, and thereby resolve their dispute.</p> <p>(2) Paragraph 2 of Article 53 of the Act for Settlement of Labor-Management Disputes stipulates that “[i]f the Central Competent Authority decides that the employer or employer organization is in violation of Article 35 of the Labor Union Act or Paragraph 1 to Article 6 of the Collective Agreement Act, the labor union may undertake industrial actions in accordance with the Act.” To safeguard the right to freedom of association, collective bargaining rights, and the right to strike, if a ruling finds that the nature of a dispute concerns a matter of rights, but is not simply a matter concerning the private rights of individual parties, then a labor</p>

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				<p>union may undertake industrial action in accordance with the provisions of Articles 54 to 56 of the Act for Settlement of Labor-Management Disputes.</p> <p>(3) To institute multiple channels for managing labor disputes and strengthen the quality of associated services, in recent years the Ministry of Labor has actively established a professional labor dispute management system, allowing new labor disputes to be handled through mediation and arbitration. To safeguard workers' rights, the ministry provides litigation assistance as part of disputes that cannot be handled through such channels.</p> <p>4. The mediation and arbitration were sometimes lengthy. The law prohibits labor and management from conducting strikes or other acts of protest during conciliation or arbitration proceedings. Labor organizations say this prohibition impedes workers' ability to exercise their right to strike.</p> <p>(1) To balance issues of timeliness, economic considerations, and the one-off nature of disputes, the Act for Settlement of Labor-Management Disputes sets out rules under which the competent authority takes on cases, conducts investigations, convenes mediation or arbitration meetings, and draws mediation or arbitration</p>

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				<p>to a conclusion. This has resulted in the much quicker and more convenient processing of cases than would otherwise be available via judicial channels. In 2017, labor disputes were resolved within an average of 14 days.</p> <p>(2) Furthermore, Article 8 of the Act for Settlement of Labor-Management Disputes stipulates that “[d]uring the procedures of mediation, arbitration or decision on unfair labor practices, an employer may not suspend or shut down the business, terminate the labor contract, or undertake any other activities unfavorable to employees due to a labor-management dispute. Employees may not resort to strikes or undertake any other dispute activities due to a labor-management dispute.” The purpose of this provision is to ensure that while the handling of a labor dispute is underway, the parties will continue to maintain their mutual obligations to one another and seek to resolve their dispute in good faith.</p> <p>5. The Labor Ministry Arbitration Committee reviewed cases of enterprises using discriminatory or improper actions suppressing the union leaders and their activities. These violations are subjected to small fines. Such fines, generally were not sufficient to deter further violations.</p>

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				<p>(1) Taiwan's Board for Decision on Unfair Labor Practices (not the Labor Ministry Arbitration Committee as stated in the report) provides a mechanism for ruling on unfair labor practices, curtailing unfair labor practices and restoring labor relations to a proper state. Hearing cases on unfair labor practices protects workers' right to organize labor unions or participate in union activities, their right to sign collective bargaining agreements with employers, and their right to dispute and resolve unfair labor practices through class action.</p> <p>(2) In addition, if the Board for Decision on Unfair Labor Practices finds that an employer has violated its workers' rights by infringing upon the operations of their labor union, and the employer does not correct its actions within a specified timeframe, the Ministry of Labor imposes penalties in accordance with the Labor Union Act.</p>
第七節 勞工權利	(2) 禁止強迫或 強制勞動：	勞動部 (勞動 條件及 就業平 等司、 勞動力 發展	<p>一、大多數因強迫勞動而定罪的案件，法院都輕判或處以罰鍰，無法有效嚇阻犯行</p> <p>(一) 《勞動基準法》已明文規定強迫勞動禁止相關規定。又為協助處理外籍勞工相關事務人員及勞工行政主管機關對人口販運議題之瞭解與辨識，勞動部業提供「國際勞工組織 (ILO) 發布之 ILO 強迫勞動公約指標原文暨譯文」供參。</p>	<p>1. The law prescribes penalties for forced labor, but in most cases court sentences were too light to be effective. Such penalties are inadequate to deter this crime.</p> <p>(1) The Labor Standards Act expressly prohibits the use of forced labor. Furthermore, the Ministry of Labor has distributed original and translated reference copies of</p>

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		署)	<p>(二) 另除《勞動基準法》外，現行亦有《人口販運防制法》等相關法令可為論處，執行上尚無疑義。倘行政機關發現雇主有違反前開相關法令者，除得由行政機關依法裁處外，亦可當即移請檢調及司法單位就個案情節，依法論處。</p> <p>二、有關外籍勞工易成為強迫勞動之受害者，尤其是臺灣籍漁船上之外籍漁工易遭強迫勞動</p> <p>(一) 勞動部已採「入國前」、「入國後」、「出國前」等階段加強推動各項外籍勞工權益保障措施，以保障外籍勞工勞動權益。倘外籍勞工遭強迫勞動及勞力剝削，可撥打勞動部設置之 1955 勞工諮詢申訴專線申訴，並由內政部移民署專勤隊或警察單位將雇主及仲介等人，依違反《人口販運防制法》移送地方法院檢察署偵辦。</p> <p>(二) 外籍勞工如經專勤隊等相關單位鑑別為遭勞力剝削之人口販運被害人，經由協處並予以安置，外籍勞工於安置期間得以請求醫療協助、通譯服務、法律協助、陪同接受（詢）訊問、經濟補助等相關服務；另勞動部基於保障人口販運被害人在臺配合偵訊期間之合法工作權益，依《就業服務法》第 73 條第 3 款規定，將廢止雇主聘僱外籍勞工之聘僱許可，並同意核發外籍勞工工作許可，以保障外籍勞工之工作權益。至雇主若涉違反《就業服務法》規定，如指派外國人從事許可以外工作、未全額給付</p>	<p>the International Labor Organization's Indicators of Forced Labor to personnel who deal with foreign workers and institutions whose remit covers labor administration so that they are able to understand and identify cases of human trafficking.</p> <p>(2) In addition to the Labor Standards Act, the Human Trafficking Prevention Act and related acts specify other punitive measures that can be implemented. If a government agency finds that an employer has violated any of these laws, then in addition to handling the matter in accordance with these laws, they may also refer the case to a prosecutor or judicial units for their further involvement.</p> <p>2. Foreign workers were most susceptible to forced labor, especially when working on Taiwan-flagged fishing vessels.</p> <p>(1) To promote and protect foreign workers' rights, the Ministry of Labor has strengthened associated measures by adopting a three-phase plan that covers <i>before entry</i>, <i>after entry</i>, and <i>before leaving</i>. A foreign worker coerced into forced labor or subject to labor exploitation may call the 1955 Counseling and Protection Hotline for Foreign Workers set up by the Ministry of Labor, and one of the Specialized Operation Brigades from the</p>

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			<p>薪資等，將由地方政府依法裁處。</p> <p>三、有關仲介公司收取高額仲介費之情事</p> <p>(一) 外籍勞工來臺工作前，須自行負擔母國仲介費用、規費、訓練費、簽證費、護照費及來臺機票費等相關費用，如本身經濟狀況不佳者，則須於國外辦理借款予以支付。基於國外仲介費由來源國律定管理，勞動部前已向各外籍勞工來源國建議國外仲介費應以外籍勞工 1 個月薪資為上限。又為使外籍勞工來臺工作所繳納之收費項目及標準透明化、合理化，勞動部持續透過雙邊勞工會議等聯繫管道，請外籍勞工來源國確認外籍勞工來臺工作相關仲介費、規費及其他費用之項目及金額標準，並確實辦理「外國人入國工作費用及工資切結書」驗證工作，使其在母國均支付相同標準之仲介費及規費，另亦請各來源國加強查察國外仲介公司，如有違法收費情事，應依該國法令予以裁處，以維勞工權益。</p> <p>(二) 為降低外籍勞工負擔高額仲介費用，勞動部已於 2007 年 12 月 31 日成立「直接聘僱聯合服務中心」，協助雇主自行辦理聘僱外籍勞工事宜，無需透過仲介公司，減少支付國內、外仲介公司辦理費用支出外，也縮短外籍勞工入臺時程及流程。並於 2016 年 11 月 3 日刪除《就業服務法》第 52 條有關出國 1 日規定，針對外國人聘僱期滿經與雇主合意期滿續聘，或與新雇主合意期滿轉換接續聘僱者，得申</p>	<p>Ministry of the Interior's National Immigration Agency or a police unit will hand the employer/agent over to the district prosecutors office for further investigation in accordance with the Human Trafficking Prevention Act.</p> <p>(2) Any foreign worker identified by a Specialized Operation Brigade or associated unit as being a victim of human trafficking and subject to labor exploitation will receive assistance and be placed in care. During this time, he or she may request medical assistance, interpretation services, legal assistance, counsel while making statements, financial assistance, and other related services. Furthermore, in accordance with Subparagraph 3 of Article 73 of the Employment Service Act, while such investigations are ongoing, the Ministry of Labor suspends the employer's hiring permit and issues a work permit to the foreign worker under investigation, thus safeguarding his or her working rights. Any employer violating the Employment Service Act by assigning foreigners to engage in work not covered under their permit or withholding full salary will be punished by the local government.</p> <p>3. Foreign workers being charged exorbitant recruitment fees</p>

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			<p>請聘僱許可，免除原須出國 1 日之作法，減少外籍勞工支付仲介費之經濟負擔，保障外籍勞工在臺工作權益。</p> <p>(三) 另為避免國內仲介公司收取高額費用，勞動部規定國內仲介公司僅能向外籍勞工收「服務費」，且須有依服務契約提供服務事實，始得收費，並不得預先收取。且針對外籍勞工聘僱期滿經與雇主合意期滿續聘，或與新雇主合意期滿轉換接續聘僱者，國內仲介公司僅得向雇主收取登記費及介紹費，若向外籍勞工收取仲介費，則違反《就業服務法》第 40 條第 1 項第 5 款規定要求、期約或收受規定標準以外之費用，或其他不正利益，將處以罰鍰及停業處分。勞動部將請各地方政府加強查處仲介公司超收情事，以維外籍勞工權益。</p>	<p>(1) Before coming to Taiwan to work, foreign workers must shoulder all brokerage fees, administrative fees, training fees, passport fees, visa fees, and airfare to Taiwan and other related costs accrued in their home countries. If their financial status is poor, they may need to take out a loan in their home country. Since brokerage fees are regulated by a foreign worker's country of origin, the Ministry of Labor has previously advised such countries that brokerage fees should not exceed one month's salary for a foreign worker. Furthermore, to ensure the transparency and legitimacy of the specific fees that foreign workers pay in coming to work in Taiwan, and of associated standards, the Ministry of Labor continues to use bilateral meetings and other communications channels to request that countries of origin verify the brokerage, administrative and other fees, and amounts and standards associated with coming to Taiwan for work. Countries of origin are also asked to verify a copy of a Foreign Worker's Affidavit for Wage/Salary and Expenses Incurred before Entering the Republic of China for Employment, to ensure that foreign workers are subject to consistent standards for brokerage and administrative fees in their home countries. To protect workers' rights and interests, countries of origin have</p>

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				<p>also been asked to strengthen inspections of brokerage agencies and to punish any violations in accordance with their own domestic laws.</p> <p>(2) To reduce foreign workers' high agency fees, the Ministry of Labor established the Direct Hiring Service Center on December 31, 2007, to assist employers in hiring foreign workers directly, without the need to go through an agency. This reduces payments to domestic and foreign agencies, and shortens the processing time required before a worker can enter Taiwan. A provision in Article 52 of the Employment Services Act requiring foreign workers to leave Taiwan for at least one day upon the completion of their working period was also abrogated on November 3, 2016. When a foreign worker and his or her employer have agreed to continue the worker's employment, or where a new employer agrees to take on the foreign worker upon the completion of their working period, the foreign worker may apply for a work permit without having to leave the country for at least one day, as was previously required. This change reduces the economic burden on foreign workers in terms of brokerage fees, and protects the rights and interests of foreigners working in Taiwan.</p> <p>(3) To prevent domestic brokerage agencies from charging</p>

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				excessively high fees, the Ministry of Labor stipulates that such agencies may only bill foreign workers for service charges, that they may not levy such charges in advance, and that such charges may only be levied in accordance with a contract of service. Where an agreement has already been reached between the foreign worker and their original employer for continuing employment, or where a new employer agrees to take on the foreign worker upon the completion of their working period, an employer charging agency fees to the foreign worker may violate Subparagraph 5 of Paragraph 1 of Article 40 of the Employment Service Act by “demanding, agreeing to be paid at a later stage, or accepting fees beyond the prescribed standards or any other unjust interest,” and in such cases may be fined or closed down. To protect foreign workers’ rights and interests, the Ministry of Labor is asking local governments to strengthen their investigations into overcharging by brokerage agencies.
第七節 勞工權利	(2) 禁止強迫或 強制勞動：	農委會	一、為有效遏止遠洋漁船強迫勞動問題，我國自 106 年 1 月 20 日施行「遠洋漁業條例」及「境外僱用非我國籍船員許可及管理辦法」，已提高境外僱用漁工各項權益保障，包含：律定最低工資（每月 450 美金）、最少休息時間（每日最少休息 10 小時，每月至少休	1.To effectively curb the problem of forced labor on distant water fishing vessels, the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members entered into force on January 20, 2017, under the authority of the Act for Distant Water

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			<p>息 4 天)、保險(意外、醫療及一般身故保險;其一般身故保險金額不得低於新臺幣 100 萬元)及船員返程之交通費由船主支付等。</p> <p>二、另外在執行面部分,除原有檢查員於國內外港口卸魚檢查適時做船員訪查外,我國農業委員會漁業署於本(107)年度增聘國內港口訪查人員及特約通譯人員,並增派國外港口之漁業專員,以加強國內外港口之訪查能力;特別是本年執行太平洋公海登檢時,也新增船員訪查任務,將檢查作業能量延伸至海上漁船;另該署亦已會商勞動部,於遠洋漁船進入我國內港口時,由勞動部及該署各依業務職掌進行查核。</p>	<p>Fisheries, improving the rights and benefits of foreign crew members employed overseas by defining a legal minimum wage (US\$450/month), minimum rest times (a minimum daily rest time of 10 hours, and a minimum of four days off per month), insurance (including accident, medical and life insurance, of which life insurance may amount to no less than NT\$1 million), and transportation fees for a return trip to the crewmember's home country, all to be borne by the shipowner.</p> <p>2. To fulfill these requirements, the Fisheries Agency uses landing inspections at domestic and overseas ports to conduct crew interviews. During 2018, the agency recruited additional numbers of dedicated inspectors, who interview foreign crews at domestic ports with the assistance of professional interpreters. More fisheries officers were also dispatched to overseas ports in an effort to strengthen investigative capacity. Notably, the task of interviewing foreign crew members has also been incorporated into high seas boarding and inspection procedures in the Pacific Ocean this year, lending momentum to efforts to inspect vessels at sea. The Fisheries Agency has also consulted with the Ministry of Labor to reach the consensus that when a distant water fishing vessel enters a domestic port, the Fisheries</p>

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				Agency and the Ministry of Labor will conduct investigations and inspections based on their respective areas of operation.
第七節 勞工權利	(4) 就業或職業歧視：	勞動部 (勞 動 條 件 及 就 業 平 等 司、 勞 動 力 發 展 署)	<p>一、 非營利組織和人權團體表示，許多公私營部門的雇主寧可選擇繳交罰金，也不願遵守法定的進用比例</p> <p>(一) 我國 1990 年開始實施身心障礙者定額進用制度，依《身心障礙者權益保障法》第 38 條規定，公立單位員工總人數 34 人以上，須進用 3%，私立 67 人以上，須進用 1%。依最新統計，2018 年 3 月進用義務之公、私立單位總計 17,116 家，應進用身心障礙者 56,956 人，實際已進用 83,223 人，超額進用 46.12%，並有 8,952 家單位為超額進用。至於未能足額進用單位計 1,583 家(占總家數 9.25%)，其中 1,289 家(占未足額家數 81.43%)不足進用 1 人且主要是身障員工離職未及遞補人員，並非外界所稱雇主不願遵守定額進用規定所致。</p> <p>(二) 未足額進用單位需向各地方政府身心障礙者就業基金繳納差額補助費，依不足額人數每月繳納基本工資(現為新臺幣 22,000 元)，其性質為代履行義務的特別公課，並非罰金。身心障礙者就業基金由各地方政府統籌運用於補助用人單位購置、改裝、修繕器材、設備及其他為協助進用身心障礙者、辦理身心障礙者就業服務相關之費用，及發給超額進用單位獎勵金等。</p>	<p>1. Nonprofit and advocacy groups said many public- and private-sector employers opted to pay fines rather than meet the hiring quotas regulated in the People with Disabilities Rights Protection Act.</p> <p>(1) Taiwan began implementing a Quota Employment System for people with disabilities in 1990. In accordance with the provisions set forth in Article 38 of the People with Disabilities Rights Protection Act, public sector units of 34 or more employees must employ disabled persons of working capacity to a minimum of 3 percent of the total number of employees; private sector units comprising 67 or more employees must employ disabled persons of working capacity to a minimum of 1 percent of the total number of employees. As of March 2018, 17,116 public- and private-sector units were eligible to employ 56,956 people with disabilities under these regulations, while 83,223 people with disabilities were actually employed. The 46.12 percent difference was accounted for by 8,952 employers exceeding their quota. Among 1,583 employers employing insufficient numbers of people</p>

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			<p>(三) 為提高雇主進用身心障礙者意願，我國同時推動僱用獎助、職務再設計等措施，及個別化職業重建服務，包括個案管理、多元化職業訓練及就業服務、創業輔導等，藉由各項積極性差別措施，建立對身心障礙者友善的職場環境，達成足額進用目標。</p> <p>(四) 依據《身心障礙者權益保障法》第 16 條規定，公、私立單位公開辦理考試，應依身心障礙者個別需求，在考試公平原則下提供多元化適性協助。雇主有意提供身心障礙者就業機會，於辦理招募面試時若需評量工具或相關專業人力協助，得向地方政府提出職務再設計補助申請。</p> <p>二、 法律禁止職場上性別差別待遇，家庭看護和家事勞工未享有其他勞工享有之保障</p> <p>(一) 查勞動部每年與各縣市政府辦理職場平權暨性騷擾防治研習會至少 26 場次，計約 2,600 人參加，加強宣導落實《性別工作平等法》促進工作平等措施及《就業服務法》有關禁止就業歧視規定，提醒雇主遵守法令，消弭社會刻板印象，營造友善職場。</p> <p>(二) 復查《性別工作平等法》第 10 條規定，「雇主對受僱者薪資之給付，不得因性別或性傾向而有差別待遇；其工作或價值相同者，應給付同等薪資。但基於年資、獎懲、績效或其他非因性別或性傾向因素之正當理由者，不在此限。雇主不得以降低其他受僱者薪資之方式，規避前項之規定。」業已明文規</p>	<p>with disabilities (accounting for 9.25 percent of total qualified employers), 1,289 employers (accounting for 81.43 percent of employers employing insufficient numbers of people with disabilities) had failed to employ a minimum of one disabled person. Contrary to claims that employers are unwilling to comply with the Quota Employment System, this was primarily due to the fact that a disabled employee had resigned and the position had not been filled immediately.</p> <p>(2) Employers employing insufficient numbers of people with disabilities must subsidize the difference, paying the equivalent of a basic wage (currently NT\$22,000) into a local government Disabled Employment Fund once per month for each person not employed. This subsidy is not a fine; it is a special charge designed to fulfill employers' public obligations. Local governments use Disabled Employment Funds to subsidize employers' costs in purchasing, modifying, and repairing accessible facilities and equipment, and other related expenses, as well as fund employment services for people with disabilities, and grant bonus remittances to employers exceeding their employment quota for people with disabilities.</p> <p>(3) To encourage employers to employ people with</p>

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			<p>定同工同酬之原則，勞動部亦加強宣導及落實。至家庭看護和家事勞工亦受《性別工作平等法》之保障。</p> <p>三、勞動部在 2016 年三月出版了一項調查，顯示 3.5% 的女性受僱者曾在工作場所遭受性騷擾，而且 80% 的案件未曾通報</p> <p>(一) 查受僱者或求職者遭遇職場性騷擾可透過事業單位內部申訴管道反映，倘未獲妥處，可依《性別工作平等法》第 34 條規定，向縣市政府勞工局(處)提出申訴。</p> <p>(二) 又《性別工作平等法》第 11 條規定：「雇主對受僱者之退休、資遣、離職及解僱，不得因性別或性傾向而有差別待遇。工作規則、勞動契約或團體協約，不得規定或事先約定受僱者有結婚、懷孕、分娩或育兒之情事時，應行離職或留職停薪；亦不得以其為解僱之理由。違反前二項規定者，其規定或約定無效；勞動契約之終止不生效力。」已明文禁止雇主因懷孕或結婚解僱受僱者。</p>	<p>disabilities, Taiwan also promotes employment incentives, job redesigning measures, and other occupational reconstruction services, including case management services, diversified vocational training and employment services, and enterprising counselling. Actively employing a range of different measures is establishing disabled-friendly workplaces and helping employers meet their employment quota.</p> <p>(4) In accordance with the provisions set forth in Article 16 of the People with Disabilities Rights Protection Act, “[w]hen attending to public exams, all public, private organizations (institutes), corporate, schools, and enterprises should provide multiple appropriate assistances, under the principle of fairness, to test-takers with disabilities.” Employers who are interested in providing people with disabilities employment opportunities and who need the appropriate tools with which to assess candidates or require related assistance during the recruitment and interview process may apply to their local government for job redesigning grants.</p> <p>2. Although the law prohibits gender discrimination and mandates equal pay for equal work of equal efficiency, household caregivers and domestic workers did not enjoy the same legal protections as</p>

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				<p>other workers.</p> <p>(1) The Ministry of Labor organizes workplace gender equality and sexual harassment prevention seminars at county and city governments at least 26 times each year, attended by approximately 2,600 participants. The purpose of the seminars is to strengthen the implementation of the Act of Gender Equality in Employment, and promote workplace equality measures and the prohibition of employment discrimination as stipulated in the Employment Service Act. The seminars remind employers to respect the law, eradicate social stereotypes, and create friendly workplaces.</p> <p>(2) In addition, Article 10 of the Act of Gender Equality in Employment stipulates that “[e]mployers shall not discriminate against employees because of their gender or sexual orientation in the case of paying wages. Employees shall receive equal pay for equal work or equal value. However, if such differentials are the result of seniority systems, award and discipline systems, merit systems or other justifiable reasons of non-sexual or non-sexual-orientation factors, the above-mentioned restriction shall not apply. Employers may not adopt methods of reducing the wages of other employees in order to evade [this] stipulation.” Having clearly laid</p>

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				<p>out the principle of equal pay for equal work, the Ministry of Labor is strengthening its advocacy and implementation of the principle among household caregivers and domestic workers, who are also protected under the Act of Gender Equality in Employment.</p> <p>3. The Ministry of Labor published a survey in March 2016, showing that 3.5 percent of women have been sexually harassed at work, yet 80 percent of these cases went unreported.</p> <p>(1) Employees or job seekers experiencing sexual harassment in a workplace can raise a complaint through the company's internal channels. If this option is not available, they may file a complaint with the local labor bureau (office) in accordance with the provisions set forth in Article 34 of the Act of Gender Equality in Employment.</p> <p>(2) Moreover, Article 11 of the Act of Gender Equality in Employment stipulates that "[e]mployers shall not discriminate against employees because of their gender or sexual orientation in the case of retirement, discharge, severance and termination. Work rules, labor contracts and collective bargaining agreements shall not stipulate or arrange in advance that when employees</p>

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				<p>marry, become pregnant, engages in childbirth or child care activities, they have to sever or leave of absence without payment. Employers also shall not use the above-mentioned factors as excuses for termination. Any prescription or arrangement that contravenes the stipulations of the two preceding [sentences] shall be deemed as null and void. The termination of the labor contract shall also be deemed as null and void.” Employers are expressly prohibited from dismissing employees because of pregnancy or marriage.</p>
第七節 勞工權利	(5) 可接受的工 作條件：	勞動部 (動條件及就 業平等司、勞 動力發展署、 職業安全衛生 署)	<p>一、基本工資及勞動基準法第 84 條之 1 政策</p> <p>(一) 自 2018 年 1 月 1 日起，每月基本工資由 21,009 元調整至 22,000 元，調升 991 元，調幅 4.72%；每小時基本工資比照每月基本工資之調幅由 133 元調整自 140 元，調升 7 元。另我國政府將持續衡酌整體經濟及社會情勢，適時審慎檢討基本工資，落實企業利潤合理分配勞工，並冀望帶動勞工所得之成長，使勞工共享經濟成長的果實，進一步保障勞工基本生活。</p> <p>(二) 自 2016 年 1 月 1 日起，《勞動基準法》所定正常工時上限，由雙週 84 小時縮減為 1 週 40 小時，每日正常工時上限 8 小時不變。至經勞動部核定公告得適用《勞動基準法》第 84 條之 1 之工作者，勞資雙方得以書面另行約定工作時間、例休假等事項，</p>	<p>1. Minimum wage and the policy of Article 84-1, Labor Standards Act</p> <p>(1) From January 1, 2018, the monthly minimum wage was increased from NT\$21,009 to NT\$22,000—an increase of NT\$991, or 4.72 percent. The hourly minimum wage was increased from NT\$133 to NT\$140—an increase of NT\$7. The government will continue to adjust the monthly wage in accordance with overall economic and social circumstances, reviewing the minimum wage in a timely and prudent manner so that employees receive a reasonable share of corporate profits. The government hopes to thus stimulate growth in employees’ incomes, thus allowing the labor force to enjoy the fruits of a growing economy and protecting workers’ basic</p>

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			<p>並報請當地主管機關核備後，不受同法部分條文之限制。惟所稱「不受限制」，係指可不受每日正常工時不得超過 8 小時，每週正常工時總時數不得超過 40 小時規定之限制、例假日可不用每 7 日應休 1 日等，但並非可使工時完全無上限，或毫無例假，且地方主管機關於核備時，仍應參考《勞動基準法》所定之基準，並審酌勞工之健康及福祉。又非屬前開工作者或縱屬前開工作者，惟未曾將勞雇間之約定以書面報該當地主管機關核備者，仍應依《勞動基準法》一般工時規定辦理。</p> <p>(三) 為保障勞工權益，勞動部近年來積極檢討現行適用《勞動基準法》第 84 條之 1 之工作者是否有繼續適用之必要，已廢止包括托兒所保育員、醫療保健服務業從業人員(含救護車駕駛)等 59 項工作者繼續適用該條規定，並持續檢討中。</p> <p>二、 檢查員人數與勞檢比例過低，與未能有效督促事業單位落實法令規定</p> <p>(一) 為保障職場安全衛生與勞動權益，回應外界對於勞動檢查之期待，勞動部已兩度報經行政院核定，同意增加 502 名勞動檢查人力(勞動條件 325 名及職業安全衛生 177 名)，使全國勞檢員額達 1 千人，刻正陸續進用中，預計 2018 年底應可全部到位，屆時檢查人力與勞工人數比將達 1:1.12 萬，已接近國際勞工組織建議已開發國家之標準 1:10,000，且與美國</p>	<p>livelihoods.</p> <p>(2) From January 1, 2016, the normal limit on working hours set forth in the Labor Standards Act was reduced from 84 hours over a two-week period to 40 hours over a one-week period. The limit for normal daily working hours remains unchanged at 8 hours. Exceptions remain for special occupations preapproved by the Ministry of Labor under Article 84-1 of the Labor Standards Act. In these cases, employers and employees must sign a written agreement specifying working hours and regular leave, and submit this to their local authority for approval before the exemption takes effect. However, although this means that normal daily working hours may exceed 8 hours, that total weekly working hours may exceed 40 hours, and that employers are not required to provide one day's leave at least every 7 days, this does not mean that working hours may be unlimited or that no regular leave need be granted at all. Local authorities are expected to refer to benchmarks approved under the Labor Standards Act and consider the health and wellbeing of workers. Where an agreement is not approved by the local authority, the normal limits set out under the Labor Standards Act must be followed regardless of whether the occupation</p>

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			<p>(1:10 萬)、英國(1:2 萬)、日本(1:1.6 萬)、南韓(1:2 萬)及新加坡(1:3.3 萬)等先進國家相較，並無偏低，除有助於落實保障勞工權益及安全健康外，並以「中央安全衛生、地方勞動條件」之勞檢分工原則，提升勞動檢查綜效。</p> <p>(二) 為運用有限勞動檢查人力，並兼顧勞動檢查之深度與廣度，勞動部係採風險管理策略，優先針對高違規、高風險及高工時之事業單位加強實施檢查，有效督促及協助事業單位遵守勞動法令，除使我國勞工保險職業災害千人率於 2017 年降至歷史新低之 2.773 外，對於勞動條件部分，也會持續透過「宣導檢查並重」及「加強過勞預防」之核心策略，落實勞動基準法新制，以提升國內勞動條件，讓人人享有安全健康、尊嚴勞動之工作環境。</p> <p>三、 家庭看護和家事勞工未受法規保護，也不適用於法定最低工資、加班費、每日或每週工時限制、最低的休息次數，或休假時間等規定</p> <p>家庭看護和家事勞工雖未適用《勞動基準法》，惟來臺前應與雇主簽訂書面勞動契約，故其勞動條件仍必須遵循來源國驗證之勞動契約及我國就業服務法相關規定辦理；如發生爭議，外籍勞工可循 1955 專線諮詢提出申訴，亦可洽請當地主管機關調處。至有關週休一日，依前開規定簽訂書面勞動契約中，必載之約定事項已包含雇主應提供足夠休息</p>	<p>falls under the list of exceptions.</p> <p>(3) To better protect workers' rights, the Ministry of Labor has in recent years been actively reviewing whether certain occupations are still suitable for exemption under Article 84-1 of the Labor Standards Act. Some 59 occupations are no longer exempted under these provisions, including the nursery child care and health care service industries (including ambulance drivers).</p> <p>2. The low number of labor inspectors and low labor inspection rate left the government unable to effectively enforce labor laws and regulations.</p> <p>(1) To protect workplace health and safety and workers' rights, and meet outside expectations regarding labor inspections in Taiwan, the Ministry of Labor has twice successfully requested that the Executive Yuan agree to raise the number of labor inspectors, for a total of 502 new inspectors (325 specializing in labor conditions and 177 specializing in occupational health and safety), such that the total number of inspectors now exceeds 1,000 nationwide. Planning is currently underway to have all 1,000 inspectors in place by the end of 2018. At this point, the number of labor inspectors as a proportion of the total labor force will be 1:11,200, close to the 1:10,000 International Labor Organization standard for</p>

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			<p>時間、每 7 天應給 1 天休假等相關規定。</p> <p>四、 有關仲介公司普遍要求外籍勞工向臺灣的銀行在當地的海外分行貸款，利率極高，以支付「訓練費」或其他名義的費用，致使外籍勞工因債務束縛而處於弱勢</p> <p>(一) 外籍勞工於入國前即應於外國人入國工作費用及工資切結書(以下簡稱工資切結書)載明來臺工作應支付之仲介費、訓練費及規費等費用項目及金額，與其所辦理個人信貸資訊，且該工資切結書須經其來源國驗證，以明確釐清雇主、外籍勞工及仲介公司間之債權關係。</p> <p>(二) 因信貸屬私人債務問題，原則應從民事途徑解決相關爭議，且仲介公司若有代收國外貸款需求，需確經外籍勞工本人書面同意，仲介公司提出相關金融事證證明該款項已於約定且合理之期限內代為轉交國外債權人，證明利益歸屬於外籍勞工，且未侵害其財產利益。否則仲介公司不得以信貸之名義，實際向外籍勞工收取規定以外之費用，違反者即有《就業服務法》第 40 條第 1 項第 5 款收取標準以外費用規定之適用，將處以罰鍰及停業處分。</p> <p>五、 有關非政府組織指出，部分外籍家事勞工每月實得工資非常低，只有法定貧窮線的 6.7%</p> <p>(一) 現行家事類外籍勞工(含家庭幫傭及看護工)非勞動基準法適用對象，故薪資由勞雇雙方合意約定，</p>	<p>developed countries. This proportion is not low in comparison with other developed countries such as the US (1:100,000), the UK (1:20,000), Japan (1:16,000), South Korea (1:20,000), and Singapore (1:33,000), and will be effective in putting the protection of labor rights into practice. To raise the efficiency of inspections even further, the Ministry of Labor is applying a division of labor whereby the central government will focus on health and safety, and local governments will focus on labor conditions.</p> <p>(2) To utilize its limited number of labor inspectors as effectively as possible and bring both depth and breadth to the labor inspections it carries out, the Ministry of Labor is adopting a risk management strategy, prioritizing inspections of repeat offenders, high-risk businesses, and businesses known for their long working hours. This measure has effectively assured businesses abide by labor laws, with insurance claims putting the occupational accident rate at a historical low of 2.77 per thousand workers in 2017. In terms of labor conditions, the ministry is continuing to implement new systems under the Labor Standards Act, with core strategies focusing on promoting advocacy and inspection in equal measure, and on preventing</p>

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			<p>並訂定於勞動契約。為維護家事類外籍勞工勞動權益及維持其在臺生活的基本需要，勞動部持續參考物價指數等數據，及考量雇主經濟負擔之情形下，適時與外籍勞工來源國就外籍勞工薪資進行協商，並作適當的調整。</p> <p>(二) 勞動部曾於 2015 年邀集外籍勞工來源國召開會議，達成調整外籍家事勞工薪資的共識，即各國在臺辦事處自 2015 年 9 月 1 日以後，對於新申辦外籍家事勞工的勞動契約，薪資項目將以 1 萬 7,000 元進行驗證。故現行雇主大多以每月 1 萬 7,000 元聘僱外籍家事勞工，並由雇主提供免費膳食及住宿。另勞動部於 2017 年針對外籍家事勞工之薪資及福利等相關待遇事宜，與來源國透過雙邊勞工會議討論，將由外籍勞工來源國提供家事類勞工薪資數額送勞動部參考，以研議家事勞工之薪資，維護家事勞工獲得合理薪資之權益。</p> <p>六、 有關外籍家事勞工休假參與宗教活動之權益</p> <p>(一) 目前家事勞工不分本、外國籍勞工，均不適用《勞動基準法》，均由勞雇雙方依民法相關規定，以勞動契約釐定。《就業服務法》及相關法規已明定，雇主聘僱外籍勞工，須訂立書面勞動契約，並應作成該外國人母國文字之譯本。且外籍勞工之工資、工時及休假，另有其來源國驗證之勞動契約、外國人入國工作費用及工資切結書等，以為依循。</p>	<p>overwork. This is enhancing domestic labor conditions and providing a safer, healthier, and more dignified working environment for all.</p> <p>3. Household caregivers and domestic workers are not protected under the law and are not covered by a mandated minimum wage, overtime pay, limits on the workday or workweek, minimum breaks, or vacation regulations.</p> <p>Although the Labor Standards Act does not apply to household caregivers and domestic workers, such workers would be expected to have signed a written labor contract with an employer before coming to Taiwan. Therefore, their working conditions must still be handled in accordance with a labor contract verified in their home country, as well as the relevant provisions of Taiwan's Employment Service Act. In the event of a dispute, foreign workers may file a complaint through the 1955 Counseling and Protection Hotline for Foreign Workers, or they may contact their local authority for mediation. In written labor contracts signed in accordance with the foregoing regulations, employers would be expected to have provided sufficient rest time, with at least one day's leave every 7 days.</p> <p>4. Brokerage agencies often require workers to take out</p>

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			<p>(二) 為保障外籍勞工宗教信仰自由，勞動部已設置 1955 勞工諮詢申訴專線，即時處理外籍勞工因雇主未依約給予休假之勞資爭議，並已透過宣導手冊、廣播節目及平面媒體等多元宣導管道，向一般社會大眾宣導，或透過地方政府辦理外籍勞工訪查時，適時向雇主宣導，應尊重外籍勞工之宗教信仰，並使其於休假日得自由參加宗教活動。</p> <p>(三) 另勞動部每年均補助地方政府辦理各項外籍勞工來源國重要慶典相關年節慶祝活動(如泰國潑水節、印尼開齋節、菲律賓嘉年華活動、越南朋友春節回娘家等活動)，期藉由辦理年節慶祝活動，紓解外籍勞工思鄉情緒與工作壓力。</p> <p>七、 有關約 60 萬來自印尼、越南、菲律賓、和泰國等地的外籍勞工經常淪為剝削的對象。非政府組織強調，外籍勞工因擔心遭雇主終止合約或遣返而無法償還在接受仲介時積欠的債務，即便遭雇主虐待通常也不願檢舉</p> <p>(一) 為使我國雇主、外籍勞工、仲介公司及一般民眾，了解外籍勞工聘僱業務、法令資訊並促進權利維護，勞動部持續辦理相關雇主法令宣導、外籍勞工法令講習，並提供檢舉獎金鼓勵檢舉、暢通外籍勞工申訴管道(地方政府設置外勞諮詢服務中心，設置 1955 勞工諮詢申訴專線，提供 24 小時免付費雙語電話申訴諮詢服務，協助處理雇主違法指派、勞</p>	<p>loans under “training” and other fees at local branches of Taiwan banks in their home countries at high interest rates, leaving them vulnerable to debt bondage.</p> <p>(1) Prior to entering Taiwan, foreign workers should itemize the associated costs of all brokerage fees, training fees, and administrative fees incurred in coming to Taiwan, as well as information about personal loans, on the Foreign Worker’s Affidavit for Wage/Salary and Expenses Incurred before Entering the Republic of China for Employment. To clarify the relationship between employer, foreign worker, and brokerage agency in terms of creditor’s rights, this affidavit must be verified by the relevant authorities in the worker’s country of origin.</p> <p>(2) Since credit is a private matter, related disputes should in principle be resolved through civil channels. If a brokerage agency needs to collect on a loan arranged overseas, it must obtain the written consent of the foreign worker. In such cases, the brokerage agency should submit the relevant financial certification proving that the payment has been transferred to the foreign creditor within a reasonable period agreed upon by all concerned, and proving that this is in the foreign</p>

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			<p>資爭議或外勞適應不良等問題)，並由各地方政府安排入國後訪察外籍勞工之工作及收費情形，以確保外籍勞工權益；另如勞雇雙方合意提前解約，勞動部已建立外籍勞工中途解約驗證機制，針對雇主提前解約需經各地方主管機關驗證真實性，以避免外籍勞工遭強迫遣返。</p> <p>(二) 勞動部為保障外籍勞工人權，就查處面辦理例行訪視、民眾檢舉案件、專案查察。如發現雇主有非法僱用或指派外勞從事許可外工作等相關違法情事者，即依相關規定予以處分。另雇主應全額直接給付外籍勞工薪資，除依法應負擔之費用得自工資逕予扣除外，雇主應全額直接給付外籍勞工薪資，不得代仲介扣仲介服務費、國外借款等非屬法定規定費用之情事，違法情節重者將廢止雇主之招募許可及聘僱許可之一部或全部之處分。又雇主未經所聘僱外籍勞工同意而扣留或侵占其護照、居留證件及財物，或無正當理由拒絕返還，或易持有為所有上開財物之行為，除依法有留置之權利外，將處以罰鍰、廢止聘僱及招募許可處分。</p> <p>八、 有關非營利組織主張應廢除對於外籍勞工自願轉換雇主之限制</p> <p>(一) 依《就業服務法》第 42 條規定，為保障國民工作權，聘僱外國人工作，不得妨礙本國人之就業機會、勞動條件、國民經濟發展及社會安定。爰勞動</p>	<p>worker's interests and does not infringe upon any property interests. Brokerage agencies may not employ the use of credit per se, but the reality is that they often charge foreign workers for extraneous fees; however, violators are subject to Subparagraph 5 of Paragraph 1 of Article 40 of the Employment Service Act, and may be fined or closed down.</p> <p>5. NGOs reported that the monthly take home pay of some domestic workers was as low as 6.7 percent of the official poverty level.</p> <p>(1) The Labor Standards Act does not apply to foreign workers providing domestic services (including household caregivers and domestic workers), so salaries are agreed upon by both an employer and an employee, and set down in a labor contract. To protect the labor rights of these workers and support their basic needs while living in Taiwan, the Ministry of Labor continues to consult the price index and other data, and, taking employers' economic burdens into account, negotiate foreign workers' salaries with their countries of origin in a timely manner, making adjustments where appropriate.</p> <p>(2) In 2015, the Ministry of Labor invited representatives of foreign workers' countries of origin to attend a meeting,</p>

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			<p>部於不影響國人就業及因應國內就業市場需求，採補充性及限業限量原則，開放雇主得依就業服務法第 46 條規定之工作引進外籍勞工。</p> <p>(二) 另依《就業服務法》第 53 條及第 59 條規定，外籍勞工原則不可轉換雇主或工作，但外籍勞工有不可歸責之事由者，始同意轉換雇主或工作。2013 年 12 月 25 日修正《就業服務法》第 58 條規定，放寬外籍家庭看護工於聘僱許可有效期間內，若因不可歸責外籍勞工或雇主之原因，依法轉出後，雇主得保有名額遞補其他外籍勞工，外籍勞工則可轉換雇主，藉此提升外籍勞工轉換雇主之自由程度。</p> <p>(三) 又為增加外籍勞工轉換之自由度，只要勞雇雙方、三方合意或有不可歸責外籍勞工的事由時，均同意外籍勞工轉換雇主。又勞動部建有「外籍勞工轉換雇主網路作業系統」，使轉換雇主之程序多元化及轉換資訊透明化，配合《就業服務法》第 52 條刪除出國 1 日規定，建立期滿轉換制度兼顧外籍勞工工作權益。</p> <p>九、 有關直接聘僱聯合服務中心業務</p> <p>(一) 為提供雇主多元聘僱外籍勞工之管道，減輕外籍勞工來臺工作負擔，勞動部於 2008 年 12 月底成立「直接聘僱聯合服務中心」，協助雇主自行辦理聘僱外籍勞工事宜，開辦迄 2018 年 4 月底，總計服務 15 萬 3,258 名雇主及 16 萬 923 名外籍勞工，為雇主</p>	<p>reaching a consensus on adjusting the salaries of foreign domestic workers. Since September 1, 2015, the representative offices of foreign domestic workers' countries of origin based in Taiwan verify that the monthly salary set forth in labor contracts for foreign domestic workers submitting new applications to work in Taiwan is at least NT\$17,000. As such, the majority of employers currently pay foreign domestic workers NT\$17,000 per month, as well as provide free meals and accommodation. In 2017, the Ministry of Labor held additional bilateral labor conferences with representatives of countries of origin to discuss the salaries and benefits of foreign domestic workers further. Information on foreign domestic workers' salaries was submitted to the ministry for further study, and to help maintain foreign domestic workers' right to a reasonable salary.</p> <p>6. Foreign domestic workers' participation in religious activities in holidays</p> <p>(1) At present, the Labor Standards Act does not apply to domestic workers, regardless of whether they are Taiwanese or another nationality. Domestic workers and their employers enter into a labor contract in accordance with the relevant provisions of the Civil Code. The</p>

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			<p>及外籍勞工減省登記介紹費及海外仲介費計新臺幣 68 億 2,932 萬元。</p> <p>(二) 為擴大直接聘僱服務範圍，配合來源國直接聘僱開放作業，勞動部係採階段性策略辦理直接聘僱服務，2008 年開放重新招募同一名外籍勞工，並於 2011 年 12 月底建置「直接聘僱跨國選工網站系統」，提供雇主線上選工機制。復因受限來源國配合程度不一，影響選工系統辦理成效，勞動部持續與來源國協商，爰自 2015 年起改採「專案選工」方式推動，客製化協助雇主需求協助進行招募 2 至 3 倍勞工，並安排選工及勞工引進作業，迄 2018 年 4 月底，已成功協助雇主專案選工引進 881 名外籍勞工。</p> <p>(三) 為簡化直接聘僱流程，提升雇主使用直聘意願，勞動部持續與來源國洽談文件簡化事宜，並自 2018 年起推動外籍勞工申請案線上申辦服務，雇主得採網路方式申辦文件，縮短郵寄時程，另加強推動一案到底服務，每位雇主申辦案件均配有專人主動追蹤雇主案件申辦事項進度，簡化雇主辦件程序。另外，為降低外籍勞工聘僱管理困難，主動以電話、簡訊及電子郵件通知雇主應辦事項，並建置「外籍勞工小幫手 APP」服務，針對直接聘僱雇主提供申辦流程、最新消息及申辦進度查詢等相關服務，及「外籍勞工入國後管理資訊平臺」，提供雇主多元</p>	<p>Employment Service Act and relevant regulations stipulate that employers hiring a foreign worker must enter into a written labor contract and provide the worker with a copy translated into their native language. Wages, working hours, and leave are subject to the labor contract, and verified by the worker's country of origin together with the Foreign Worker's Affidavit for Wage/Salary and Expenses Incurred before Entering the Republic of China for Employment.</p> <p>(2) To uphold freedom of religion, the Ministry of Labor established the 1955 Counseling and Protection Hotline for Foreign Workers, providing foreign workers with an immediate means of dealing with labor disputes in cases when an employer may have denied them leave. Such matters are also promoted among a variety of channels, including brochures, radio programs, and print media, as well as whenever local government makes inspections, reminding employers that they need to respect foreign workers' religious beliefs and allow them the freedom to participate in religious activities while on leave.</p> <p>(3) The Ministry of Labor also provides annual grants to local governments to host various activities celebrating important festivals in foreign workers' countries of</p>

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			<p>服務資源，包含機場接送、健檢醫院、居留證、勞健保等資訊。</p> <p>十、 敦促對外籍漁工之保護部分</p> <p>目前境外僱用之外籍漁工勞動權益，行政院農業委員會業依《遠洋漁業條例》，訂定《境外僱用非我國籍船員許可及管理辦法》以為規範。至境內僱用之外籍漁工勞動條件部分，勞動部職業安全衛生署已賡續辦理「漁船作業勞工勞動條件專案檢查計畫」，由各地地方主管機關派員實施勞動檢查。此外，亦將配合行政院農業委員會規劃，選列靠岸之漁船屬境內僱用之外籍漁工及本國籍漁工、幹部等進行勞動條件及職業安全衛生檢查。</p>	<p>origin (e.g., Thailand's Songkran festival, Indonesia's Eid al-Fitr, Philippine carnival activities, and Vietnamese returning to their family home during New Year). These annual celebrations help alleviate some of the homesickness and work-related pressures that foreign workers may be subject to.</p> <p>7. The approximately 600,000 foreign workers, primarily from Indonesia, Vietnam, the Philippines, and Thailand, were vulnerable to exploitation. NGOs asserted, however, that foreign workers often were unwilling to report employers' abuses, fearing the employer would terminate the contract and deport them, leaving them unable to reimburse debt accrued during the recruitment process.</p> <p>(1) To enable Taiwanese employers, foreign workers, brokerage agencies, and the general public to understand hiring practices and legal information regarding foreign workers, and to promote the protection of foreign workers' rights and interests, the Ministry of Labor continues to publicize related regulations among employers, organize workshops for foreign workers, provide rewards to whistleblowers, and offer foreign workers avenues for making complaints (Foreign Worker Service Centers managed by local</p>

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				<p>governments and the 1955 Counseling and Protection Hotline for Foreign Workers, which provides a free, 24-hour multilingual telephone complaints and consulting service, both provide assistance to foreign workers when their employers have assigned them illegal tasks, during labor disputes, or when they might be having problems adapting to life in Taiwan.) Local government personnel also visit and interview foreign workers to monitor their working conditions and discuss brokerage fees after they have entered Taiwan, thus protecting their rights and interests. The Ministry of Labor has also established a mechanism for verifying the early termination of contracts when an employer and employee are both agreed about doing so. At such times, the local authority is expected to check and verify that everything is in order to avoid the possibility that a foreign worker may, in fact, be being forcibly repatriated.</p> <p>(2) To protect foreign workers' rights, the Ministry of Labor conducts routine inspections, contributes to public prosecution cases, and conducts special inspections. Employers found to have illegally hired foreign workers or assigned tasks not permitted under a particular work permit are punished according to the relevant</p>

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				<p>regulations. Except for legally borne expenses, which may be deducted from wages, employers are also required to pay salaries to foreign workers directly and in full, and may not make deductions on behalf of any brokerage agencies for service fees, loans taken out overseas, and the like. Those seriously violating the law may have their recruitment licenses or hiring permits revoked in part or in full. Except where permitted the right of lien by law, employers retaining or seizing a foreign worker's passport, residence permit, or property without his or her express consent, refusing to return such items without proper reason, or transferring the ownership of any such property may be subject to a heavy fine or have their recruitment licenses or hiring permits revoked.</p> <p>8. NGOs advocated lifting restrictions on foreign workers voluntarily transferring their contracts to different employers.</p> <p>(1) Article 42 of the Employment Service Act stipulates that “[f]or the purpose of protecting nationals’ right to work, no employment of foreign worker may jeopardize nationals’ opportunity in employment, their employment terms, economic development or social stability.” The Ministry of Labor oversees the introduction of foreign</p>

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				<p>workers into Taiwan on a supplementary and limited basis, and in accordance with the provisions of Article 46 of the Employment Service Act, responding to the needs of the domestic employment market while also ensuring that the employment of Taiwanese people is not affected untowardly.</p> <p>(2) Under the provisions set forth in Articles 53 and 59 of the Employment Service Act, a foreign worker should not, in principle, transfer to a new employer or work. Such a transfer may be approved, however, when circumstances arise under which no fault may be attributed to the foreign worker. Furthermore, to improve foreign workers' freedom to transfer to new employers, Article 58 of the Employment Service Act, amended on December 25, 2013, broadens the circumstances under which foreign household caregivers may legally transfer to work for a new employer during their permitted period of employment, providing neither the foreign worker nor the employer is at fault. In such cases, employers may keep their allotted hiring quotas and foreign workers may transfer to their new employer.</p> <p>(3) To improve foreign workers' freedom to transfer to new employers, there need only be agreement among the</p>

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				<p>three parties—two employers and the employee—for a foreign worker’s transfer to a new employer to be approved, providing no fault can be attributed to the foreign worker. The Ministry of Labor has established an online system for transferring between employers that accounts for the diverse range of procedures involved and maintains the transparency of the information being transferred. In addition, the ministry has safeguarded the rights and interests of foreign workers in Taiwan by deleting the stipulation in Article 52 of the Employment Service Act regarding the need for foreign workers to leave the country for one day.</p> <p>9. Foreign worker Direct Hiring Service Center (DHSC)</p> <p>(1) To provide employers with multiple channels for hiring foreign workers, and to relieve the burden on foreign workers coming to Taiwan, the Ministry of Labor established the Direct Hiring Service Center at the end of December 2007 to assist employers in hiring foreign workers directly. To the end of April 2018, a total of 153,258 employers and 160,923 foreign workers had used the center’s direct hiring services, saving employers and workers a combined total of NT\$6.83 billion in registration fees, introduction fees, and</p>

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				<p>brokerage fees.</p> <p>(2) To expand the scope of direct hiring services, and to cooperate with direct hiring operations in foreign workers' countries of origin, the Ministry of Labor has adopted a phased strategy. In 2008, it began promoting the rehiring of the same foreign workers. At the end of December 2011, it launched an online system for the direct hiring of foreign workers, although the effectiveness of the system has been complicated by the varying degrees of cooperation received from countries of origin, with whom the Ministry of Labor continues to negotiate. And since 2015, the ministry has promoted a candidate selection service, customized to assist employers in recruiting two to three times more workers, and offering worker selection and introduction operations. To the end of April 2018, the service had successfully assisted employers in selecting and hiring 881 foreign workers.</p> <p>(3) To streamline the direct hiring process and raise employers' willingness to hire foreign workers directly, the Ministry of Labor continues to work with countries of origin on simplifying documentation. Employers have also enjoyed shorter hiring processing times since an online application service for foreign workers came</p>

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				<p>online in 2018. Every application is assigned to a case worker, who actively tracks the progress of the employer's case, simplifying the process. The difficulty of managing cases has been further reduced now that the ministry notifies employers about their cases by phone, SMS, and email. Employers can also install an app to access information about the application process and latest news, and inquire about ongoing applications, while an online platform for managing workers' entry into Taiwan provides employers with access to information about many other resources, including airport shuttle services, medical examinations, residence permits, and labor and health insurance.</p> <p>10.Urging authorities and shipowners to better protect foreign fishermen</p> <p>The labor rights of foreign fishermen employed overseas are regulated by the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, which fall under the authority of the Act for Distant Water Fisheries drawn up by the Council of Agriculture, Executive Yuan. The Ministry of Labor's Occupational Safety and Health Administration continues to handle the employment conditions of foreign fishermen employed in Taiwanese waters through a special inspection</p>

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				program, dispatching personnel from local authorities to carry out inspections. The ministry and the Council of Agriculture also work together to interview foreign and Taiwanese fishermen when their vessels are in Taiwanese ports, monitoring labor conditions and carrying out occupational safety and health inspections.
第七節 勞工權利	(5) 可接受的工 作條件：	農委會	<p>一、有關臺灣國際勞工協會與其他公民團體指稱在臺灣籍遠洋漁船有條件剝削外籍船員和條件惡劣的通報，多為數年前之案件，且有許多案件並非發生在臺灣籍漁船。</p> <p>二、有鑑於過去部分公民團體長期關切境外僱用漁工政策，我國農業委員會特於本年 5 月中旬邀集相關公民團體座談，公民團體也在會中充分表達其意見及想法，各方咸認建立此溝通平臺，對解決漁工權益有正面助益，因此該會未來會不定期邀請相關單位及團體召開會議，就境外僱用漁工的管理，持續進行檢討及滾動調整。</p>	<p>1. Reports by the Taiwan International Workers' Association and other NGOs concerning the exploitation of foreign crew members and poor conditions on Taiwan-flagged distant water fishing vessels refer mostly to cases from some years ago. Many cases did not in fact occur on Taiwan-flagged vessels.</p> <p>2. To address civic groups' long-stated concerns about policies regulating the employment of foreign crew members, the Council of Agriculture convened a meeting in May 2018. Relevant groups were invited to express their opinions and thoughts, and recognized the meeting as having established a communication platform that would enhance the rights and interests of foreign crew members. The council will continue to invite the relevant authorities and groups to attend such meetings going forward, as this will help it review and adjust how it manages foreign crew members.</p>