中華民國(臺灣)政府對公民與政治權利國際公約審查委員會及經濟社會文化權利國際公約審查委員會提出第四次國家報告問題清單之回應

Replies from Republic of China (Taiwan) to the List of Issues to be taken up in Connection with the Consideration of its Fourth Report (ICCPR and ICESCR)

2026 年 3 月

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壹、一般性問題清單及政府機關回應

一般點次	問題內容	
1	原文	The government's Response Report provides information on the steps taken so far in the process towards ratification and implementation of the three outstanding human rights treaties (on migrant workers, torture and enforced disappearances, pp. 1-2). Please provide updated information if any further progress has been made.
	中文參考翻譯	政府所提《回應報告》已說明目前就尚未完成批准與施行之3部人權公約所採取之相關步驟(參見第1頁至第2頁，即移工、禁止酷刑、免遭強迫失蹤)。如已有任何進一步進展，請提供最新資訊。

中文回應

一、禁止酷刑及其他殘忍不人道或有辱人格之待遇或處罰公約：

(一) 禁止酷刑及其他殘忍不人道或有辱人格之待遇或處罰公約及其任擇議定書施行法草案，併同公約及其任擇議定書於 2018 年 12 月 7 日由行政院函請立法院審議。惟因立法院第 9 屆屆期不續審，經行政院重行函請立法院審議，2020 年 12 月 18 日一讀通過，交付外交及國防、內政、司法及法制委員會審查。

(二) 因立法院第 10 屆屆期不續審，復於 2024 年 1 月 30 日重行函請行政院審查，行政院於 2024 年 2 月 5 日召開研商會議完竣，續將函送立法院審議。

二、保護所有移徙工人及其家庭成員權利國際公約：

為更完善保障移工權益並符合公約精神，勞動部考量保護所有移工及其家庭成員權利國際公約保留條文涉移工自由轉換議題，已委託專家學者就國際經驗、可行性與影響評估進行分析。

三、保護所有人免遭強迫失蹤國際公約：

(一) 法務部於 2023 年 10 月 31 日將保護所有人免遭強迫失蹤國際公約草案函報行政院核轉立法院審議，另於 2023 年 12 月 11 日及 2024 年 1 月 10 日邀集學者專家及各機關，共同研商確認本公約正體中文版及有無保留條款等事項。

(二) 行政院於 2023 年 11 月 27 日及 2024 年 1 月 29 日召開 2 次審查會議，並於 2024 年 2 月 22 日經第 3893 次院會通過並於同日函送立法院審議。

(三) 法務部仍將賡續推動上開公約國內法化，並持續研議蒐集相關意見，以辦理法制作業。

英文回應

1. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

(1) The Draft Implementation Act of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, along with the Convention and its Optional Protocol, was forwarded by the Executive Yuan to the Legislative Yuan for deliberation on December 7, 2018. However, the principle of discontinued deliberation upon the expiration of the legislative term (resulting in the discontinuation of incomplete reviews), the Executive Yuan resubmitted the bill to the Legislative Yuan. On December 18, 2020, the bill passed the first reading and was referred jointly to the Foreign and National Defense,

Internal Administration, and Judiciary and Organic Laws and Statutes Committees for review.

(2) Due to the expiration of the 10th term of the Legislative Yuan (and the principle of non-continuation), the draft was resubmitted to the Executive Yuan for internal review on January 30, 2024. The Executive Yuan concluded its consultation meeting on February 5, 2024, and will subsequently forward the bill to the Legislative Yuan for deliberation.

2. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families:

To better protect the rights of foreign workers and in line with the spirit of the three conventions, the Ministry of Labor is considering the retention provisions in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as they relate to the ability of workers to freely change employers. As such, it has commissioned experts and academics to conduct an analysis of international experience, feasibility and impact assessment.

3. International Convention for the Protection of All Persons from Enforced Disappearance:

(1) The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) is one of the nine core UN human rights conventions. The Ministry of Justice (MOJ) submitted it to the Executive Yuan for legislative review on October 31, 2023. Subsequently, in late 2023 and early 2024, the MOJ convened experts to finalize the official Chinese translation and discuss potential reservation clauses.

(2) Executive Yuan Approval: Following two review sessions, the Executive Yuan officially passed the convention during its 3,893rd meeting on February 22, 2024. It was formally referred to the Legislative Yuan for deliberation on the same day.

(3) Ongoing Domestic Legislation: The MOJ remains committed to the domestic implementation of ICPPED. We are continuously gathering feedback and conducting the necessary legal research to complete the legislative process.

一般點次	問題內容	
2	原文	According to the Parallel Reports by various NGOs coordinated by Covenants Watch, “the Constitutional Court has been unable to operate for 280 days” because of a structural paralysis”, a result of legislative amendments increasing the quorum to ten judges coupled with a failure to appoint judges beyond the eight currently sitting. Can you please explain this situation and which measures have been taken or will be taken to solve this stalemate?
	中文參考翻譯	依據由人權公約施行監督聯盟(Covenants Watch)協調之多個非政府組織平行報告指出，由於「結構性癱瘓」，憲法法庭已連續 280 日無法運作。此一情形係因立法修正將法定出席人數提高至 10 名大法官，惟目前僅有 8 名現任大法官，且未能完成其餘大法官之任命所致。能否解釋此一情況，並說明政府已採取或將採取哪些措施，以解決此一僵局？

中文回應

2024 年 10 月 31 日包含並為司法院（前任）院長、副院長在內有 7 位大法官卸任，憲法法庭大法官僅剩 8 位。總統就大法官缺額曾二度提名新任大法官候選人，於 2024 年 12 月、2025 年 7 月經立法院行使同意權均未獲通過，致迄今在任之大法官僅有 8 位。2025 年 1 月 23 日立法委員提案修正之憲法訴訟法第 4 條、第 30 條及第 95 條條文公布，增訂大法官因任期屆滿、辭職、免職或死亡，以致人數未達中華民國憲法增修條文第 5 條第 1 項所定人數時，總統應於 2 個月內補足提名，以及憲法法庭參與評議之大法官人數不得低於 10 人，與同意作成違憲宣告判決之大法官評決人數不得低於 9 人等規定，致憲法法庭審理案件，除評決是否受理、統一解釋法令案件未受影響外，無法作成違憲宣告判決以及相關暫時處分裁定。之後因有立法委員就 2025 年 1 月 23 日修正公布之憲法訴訟法條文聲請憲法法庭違憲審查，經憲法法庭於 2025 年 12 月 19 日作成 114 年憲判字第 1 號[憲法訴訟法修正案]判決宣告憲法訴訟法修正條文立法程序有明顯重大瑕疵，違背憲法正當立法程序，且違反憲法權力分立原則，均牴觸憲法，應自本判決公告之日起失其效力。憲法法庭大法官參與評議與評決人數門檻等規定回復至修法前之規定。依此，憲法法庭於 2026 年 1 月 2 日接續作成 115 年憲判字第 1 號[辯護人對羈押處分提起準抗告案]判決。

英文回應

On October 31, 2024, seven Justices of the Constitutional Court, including the former President and Vice President of the Judicial Yuan, retired, leaving eight Justices remaining. The President of the Republic of China nominated candidates of the Justices twice to fill the vacancies, but both nominations were rejected by the Legislative Yuan in December 2024 and July 2025, respectively. Consequently, only eight Justices currently hold office. The amendments to Articles 4, 30, and 95 of the Constitutional Court Procedure Act, proposed by legislators, were promulgated on January 23, 2025. These amendments stipulate that when the number of Justices falls below the minimum required by Article 5, Paragraph 1 of the Additional Articles of the Constitution of the Republic of China due to expiration of term, resignation, removal, or death, The President shall nominate replacements within two months to fill vacancies. They also stipulate that the quorum of Justices participating in deliberations shall not be less than ten, and the quorum of Justices required for a Constitutional Court judgment declaring unconstitutional shall not be less than nine. Consequently, except for the decisions on the admissibility of petitions and uniform interpretation of statutes and regulations, the Constitutional Court couldn’t issue the judgment declaring unconstitutional or render related the preliminary injunction order. Subsequently, legislators petitioned the Constitutional Court for a constitutional review of the amended provisions of the Constitutional Court Procedure Act promulgated on January 23, 2025. On December 19, 2025, the Constitutional Court issued TCC Judgment 114-Hsien-Pan-1 (2025) [Case on the Constitutionality of the Amendments to the Constitutional Court Procedure Act], declaring that the legislative procedure for amending the Constitutional Court Procedure Act contained a manifest and gross flaw, violated the constitutional requirement for due legislative procedure, and contravened the constitutional principle of separation of powers. The court ruled that the amendments were unconstitutional and shall lose their effect immediately from the date of this Judgment. The provisions regarding the quorum for deliberation and decision-making by Justices of the Constitutional Court were restored to their pre-amendment status. Accordingly, on January 2, 2026, the Constitutional Court consecutively issued TCC Judgment 115-

Hsien-Pan-1 (2026) [Case on the Defense Attorney's Eligibility to file Interlocutory Appeal against the Defendant's Detention Disposition].

一般點次	問題內容	
3	原文	Para. 41 of the Common Core Document states that constitutional amendments must first be passed by the Legislative Yuan before they are put to national referendums. Does this mean that every amendment of the Constitution must be adopted by a referendum?
	中文參考翻譯	《共同核心文件》第 41 點指出，憲法修正案須先經立法院通過，始得交付全國性公民投票。此是否表示，凡屬憲法之任何修正，均須經由公投通過？

中文回應

依中華民國憲法增修條文第 12 條規定，「憲法之修改，須經立法院立法委員四分之一之提議，四分之三之出席，及出席委員四分之三之決議，提出憲法修正案，並於公告半年後，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，即通過之，不適用憲法第一百七十四條之規定。」立法院係依上開規定，就憲法修正案之提出階段，負責審議並為「提議門檻、出席門檻及決議門檻」之程序把關，經符合要件並作成決議後，始得提出憲法修正案並依法公告；至於憲法修正案公告期滿後之全國性公民投票之辦理（包括投票作業、有效票認定及開票計票等執行事項），係屬中央選舉委員會之法定職掌。次查公民投票法第 15 條第 1 項規定，立法院依憲法之規定提出之複決案，經公告半年後，應於 10 日內交由主管機關辦理公民投票。依上開規定，涉及憲法之任何修正，須經立法院提出憲法修正案，並公告半年後，交由中央選舉委員會辦理公民投票。

英文回應

Pursuant to Article 12 of the Additional Articles of the Constitution of the Republic of China, "amendment of the Constitution shall be initiated upon the proposal of one-fourth of the total members of the Legislative Yuan, passed by at least three-fourths of the members present at a meeting attended by at least three-fourths of the total members of the Legislative Yuan, and sanctioned by electors in the free area of the Republic of China at a referendum held upon expiration of a six-month period of public announcement of the proposal, wherein the number of valid votes in favor exceeds one-half of the total number of electors. The provisions of Article 174 of the Constitution shall not apply."

Under the foregoing provision, the Legislative Yuan is responsible, at the proposal stage of a constitutional amendment, for deliberation and for ensuring compliance with the procedural thresholds—namely the proposal threshold, the quorum requirement (attendance threshold), and the supermajority voting requirement (decision threshold). Only after these requirements are met and a resolution is duly adopted may a constitutional amendment proposal be put forward and publicly announced in accordance with law. As for the conduct of the nationwide referendum upon the expiration of the public announcement period (including voting operations, determination of valid votes, and vote counting and tabulation), these matters fall within the Central Election Commission's statutory responsibilities. Furthermore, pursuant to Paragraph 1 of Article 15 of Referendum Act, after a referendum proposal submitted by the Legislative Yuan in accordance with the Constitution has been announced for six

months, the Legislative Yuan shall refer the proposal to the competent authority for implementation within ten days. Based on the foregoing provisions, any matter involving a constitutional amendment must be initiated by the Legislative Yuan through the submission of a constitutional amendment proposal and, following a six-month public announcement period, be submitted to the Central Election Commission for determination by referendum.

一般點次	問題內容	
4	原文	Para. 104 of the Common Core Document cites at the end the total number of judgments which cited the two Covenants. Why are most of these cases relating to juvenile justice?
	中文參考翻譯	《共同核心文件》第 104 點於文末列舉援引兩公約之判決總數。為何其中多數案件係與少年司法相關？

中文回應

1、少年司法特別重視「少年保護優先原則」。當國內法律在處理少年刑事案件或保護事件有爭議時，會援引兩公約以及兒童權利公約（CRC）來補充說明。由於兩公約是所有人權公約的基礎，在探討少年司法相關權益保障時，必然會援引兩公約的相關條文。

2、近年來，我國少年事件處理法之修正深受國際公約影響，在制度轉型期間，司法機關在裁判中會頻繁透過援引公約來界定少年權利，進而提升相關案件的總數。

3、惟法院其他訴訟類型之裁判書是否援引兩公約，因涉及具體個案之事實認定及法律見解，屬審判獨立之範疇應予尊重。

英文回應

1. Juvenile justice places significant emphasis on the “Principle of Priority to Juvenile Protection.” When disputes arise in domestic law regarding juvenile criminal or protection cases, the two Covenants and the Convention on the Rights of the Child are invoked as supplementary interpretations. Since the two Covenants form the foundation of all human rights conventions, referencing their relevant provisions becomes inevitable when exploring the protection of juvenile justice rights.
2. In recent years, amendments to the Juvenile Justice Act have been deeply influenced by international conventions. During this period of legal reform, judicial organs have frequently cited these conventions in rulings to define juvenile rights, thereby increasing the number of relevant cases.
3. However, whether judgments in other types of litigation cite the two Covenants involves the determination of facts and legal opinions in specific cases, which falls within the scope of judicial independence and should be respected.

一般點次	問題內容	
5	原文	Para. 129(1) of the Common Core Document states that human rights education is a major topic in the curriculum of elementary and junior high schools. How many hours are dedicated to human rights education per week? Which education and training do

		teachers in elementary and junior high schools receive in order to be able to provide human rights education to children?Which materials do they use for human rights education?
	中文參考翻譯	《共同核心文件》第129(1)點指出，人權教育為國民小學及國民中學課程中的重要主題。每週實際投入於人權教育之授課時數為何？國民中小學教師為了能對兒童實施人權教育，所接受之教育與訓練內容為何？他們於人權教育中使用之教材為何？

中文回應

人權教育是「十二年國民基本教育課程綱要」19 項議題之一，並非單獨一門課，而是主要融入在社會領域課程及教科用書中，透過教師的引導及討論，讓學生瞭解及實踐人權的基本觀念，例如：尊重與包容、自由與平等、公民與正義等。為增進教師的教學知能，教育部國教署成立國民教育中央輔導團人權教育分團，辦理人權教育研習，邀請地方輔導團的輔導員及教師參加，訓練內容包括：人權議題講座、研討教材開發、教學觀摩與交流，並透過參觀人權景點及相關館所，提升教師人權意識及知能。至於教師使用的教材，除了使用國民中小學教科用書及教師手冊外，也可以參考人權輔導團發展的教案、教學簡報及學習單等補充教材，或是自行開發補充教材，亦可參考及運用教學影片等數位學習資源。

英文回應

Human rights education is one of the 19 major topics in the 12-Year Basic Education Curriculum Guidelines. Rather than being a standalone subject, it is primarily integrated into the Social Studies curriculum and textbooks. Through teacher guidance and discussions, students are encouraged to understand and practice fundamental concepts of human rights, such as respect and tolerance, freedom and equality, and civic justice. To enhance teachers' pedagogical expertise, the K-12 Education Administration, Ministry of Education has established the Human Rights Education Sub-group of the Central Curriculum and Instruction Advisory Group. This group organizes workshops for consultants from local advisory groups and teachers. The training programs include lectures on human rights issues, seminars on teaching material development, and classroom observations and exchanges. Site visits to human rights landmarks and related institutions are also conducted to heighten teachers' awareness and professional competence in human rights. Regarding teaching materials, besides using standard elementary and junior high school textbooks and teacher manuals, educators may refer to supplementary resources developed by the Human Rights Advisory Group—such as lesson plans, presentation slides, and worksheets—or develop their own supplementary materials. They are also encouraged to utilize digital learning resources, including educational videos.

貳、經社文公約問題清單及政府機關回應

一、經社條文第 1 條至第 5 條

經社點次	問題內容	
6	原文	While recognizing the 2022 Review Committee's recommendation on the National Human Rights Commission (General Issues, para. 12) and the NHRC's detailed explanation on its implementation of the recommendation, the civil society organisations, in particular Amnesty International (Section 3, paras 3.1 to 3.4) and Covenants Watch (Section II, para 3 & responses to COR points 12, 53, 66, paras 63-66) raise concerns about limited effectiveness of the NHRC, which are attributed to: (1) Significant cuts in NHRC budget; (2) Absence of empowering legislation and enforcement powers; and (3) Lack of legally guaranteed independence within the Control Yuan. Under these circumstances, please provide information to the following: (a) Please provide examples of when the Executive Yuan has acted on the recommendations of the NHRC; (b) What was the justification for so severely cutting the budget of the NHRC? (c) Please provide information on the absence of enabling legislation to strengthen the mandate of the NHRC by guaranteeing its independence within the Control Yuan and specifying its powers to deal with serious systemic human rights violations as well as effectively promote human rights across all sectors of society.
	中文參考翻譯	在肯認2022年國際審查委員會就國家人權委員會所提出之建議(一般議題，第12點)，以及人權會對該建議執行情形所作之詳細說明同時，公民社會組織，特別是國際特赦組織(第3節第3.1至3.4點)與人權公約施行監督聯盟(第II節第3點，以及對結論性意見與建議第12、53、66點之回應，參見報告第63點至第66點)，對人權會效能受限表達關切，並將其歸因於以下因素：(1)人權會預算遭大幅刪減；(2)欠缺授權立法及執法權限；以及(3)在監察院體制內未具備法律上所保障之獨立性。在此狀況下，請就下列事項提供資訊： (a) 請提供行政院曾依據人權會建議而採取行動之事例； (b) 對人權會預算作出如此大幅刪減之理由？ (c) 請針對缺乏相關配套立法以強化人權會職權之情形提供資訊。該類立法應旨在保障人權會於監察院內部之獨立性，並明確規範其處理嚴重系統性人權侵害之權限，以及如何有效在社會各界推動人權。

中文回應

(a)

行政院已採納國家人權委員會多項建議，並持續推動落實，說明如下：

一、於外籍漁工人權方面，於漁業人權行動計畫中持續改善外籍漁船員最低工資、通訊使用、遠距醫療及欠薪防制等措施。

二、在性別平等及性別暴力防治方面，勞動部已訂定國籍航空公司空服員服儀規範應行注意事項，行政院將督導該部評估擴大整體服儀指引之可行性；另

衛生福利部、教育部、法務部及司法院跨部會合作，修正兒少性剝削、性侵害及家庭暴力防治相關法規，並加重刑責、設立性影像處理中心並強化專業人員性平訓練，全面提升兒少保護機制。

三、在境外學生就學及勞動權益方面，教育部會同勞動部及僑務委員會，透過強化法規及跨機關查訪、勞檢與申訴處理機制，提升境外生校外實習及工讀之權益保障。

四、關於身心障礙或經濟處境不利者之受刑人權益，衛生福利部與法務部依國家人權委員會建議推動支持措施，提供實物及現金補助，優化身心障礙鑑定程序。

五、在宗教自由與軍事義務議題上，國防部研擬審認機制，將符合宗教信仰資格之後備軍人納入替代性行政安排。

六、在轉型正義議題方面，教育部業訂定教職員與學生身分被害者名譽回復處理原則，內政部持續辦理泰源事件被害者權利回復，法務部已陸續平復林水泉案及鹿窟事件之國家不法。此外，法務部、國家發展委員會及文化部分別推動《國家機密保護法》、《政治檔案條例》及《不義遺址保存條例》之修正與制定，其中前二法已完成修法，後者於立法完成前行政院亦核定《不義遺址保存行動策略》。

(b)

立法院審查重點多集中於預算監督下之「編列妥適性、支出必要性、執行成效及資訊可稽核性」等面向，並以附帶決議方式，要求機關於一定期限內提出具體資料與改進作為，以利後續監督與成效檢證。例如，針對媒體政策及業務宣導費，因監察院國家人權委員會歷年呈增列趨勢且過往年度保留比率偏高(如2023年度保留達27.8%），立法院審查意見要求該會檢討執行效率與成效，並限期提報；就國家人權業務之教育、推廣與交流相關經費，立法院審查意見亦以該會部分活動推廣成效（如觀展人數下降）為例，要求國家人權委員會調整推廣策略、擴大接觸面並提出書面報告；另對國家人權委員（監察委員兼任）國外考察與該會國內旅費等科目，因涉及撙節原則與計畫內容之具體性，立法院審查意見要求該會說明必要性與提出完整計畫；立法院亦就國家人權委員會資訊系統委外維護費等支出，提示長期偏高可能衍生主控性與資安風險，要求該會檢討其合理性與必要性。整體而言，立法院審議國家人權委員會預算所反映之理由，係以提升預算透明度、強化績效管理及資源配置合理性為主要考量。

(c)

本項權責機關為國家人權委員會，請國際審查委員參閱國家人權委員會另提關於問題清單之平行報告。

英文回應

(a)

The Executive Yuan (EY) has adopted several recommendations from the National Human Rights Commission (NHRC) and is currently implementing and promoting them, as detailed below:

1. Regarding the human rights of migrant fishers, the related government agencies, based on the Action Plan for Fisheries and Human Rights, continue to implement multiple measures to improve minimum wages, access to communications and telemedicine services, and mechanisms for the prevention of wage arrears for migrant fishing vessel crew members.
2. With respect to gender equality and the prevention of gender-based violence, the Ministry of Labor has promulgated the Directions for Domestic Airlines on

Formulating Flight Attendant Grooming and Appearance Standards, and the EY will supervise the Ministry of Labor in evaluating the feasibility of expanding the scope of these comprehensive grooming guidelines. In addition, the Ministry of Health and Welfare, the Ministry of Education, the Ministry of Justice, and the Judicial Yuan have collaborated to amend laws related to the prevention of child and youth sexual exploitation, sexual assault, and domestic violence, strengthen criminal penalties, establish the Sexual Image Abuse Reporting Center, as well as enhance gender equality training for professional personnel, thereby comprehensively strengthening child and youth protection mechanisms.

3. Regarding the educational and labor rights of international students in Taiwan, the Ministry of Education, in collaboration with the Ministry of Labor and the Overseas Community Affairs Council, has enhanced regulatory frameworks, cross-agency inspection, labor inspection, and complaint mechanisms to strengthen protections for international students participating in off-campus internships and part-time employment.
4. Concerning the rights of incarcerated persons with disabilities or those in economically disadvantaged circumstances, the Ministry of Health and Welfare and the Ministry of Justice have implemented support measures in line with the recommendations, including the provision of in-kind and cash assistance and the optimization of procedures for disability certification.
5. With regard to religious freedom and military obligations, the Ministry of National Defense has developed review mechanisms to include military reservist who meet religious belief qualifications in alternative administrative arrangements.
6. On transitional justice, the Ministry of Education has established principles to restore the reputations of faculty and student victims; the Ministry of the Interior continues to restore the rights of victims of the Taiyuan Incident; and the Ministry of Justice has redressed state misconduct in the Lin Shui-quan case and the Lukou Incident. In addition, the Ministry of Justice, the National Development Council, and the Ministry of Culture have amended or enacted relevant legislation.

(b)

The Legislative Yuan's (LY) review primarily focused on budgetary oversight matters, including the validity of budget formulation, the necessity of expenditures, execution effectiveness, and the transparency of information. Accompanying resolutions were adopted mandating relevant agencies to submit concrete supporting data and remedial measures within specified timeframes to facilitate subsequent oversight and performance verification.

For example, with respect to NHRC's expenditures on media policy and public communications, the review noted a year-on-year increasing trend and a relatively high carryover rate in prior fiscal years (e.g., 27.8% in FY2023) ; consequently, the NHRC was required to evaluate its execution efficiency and submit a report within a prescribed period. Similarly, regarding expenditures related to education, outreach, and exchanges under national human rights work, the review cited the declining effectiveness of certain outreach activities (such as visitor numbers) and required NHRC to adjust outreach strategies, broaden public participation, and provide a formal written report.

In addition, for items such as overseas exchange trips by NHRC members (concurrently the Control Yuan members) and the NHRC's domestic travel expenses, given

considerations of expenditure restraint and the specificity of programme planning, the LY's review required NHRC's explanations of necessity and the provision of complete plans. Finally, the LY's review addressed outsourced information system maintenance expenditures, noting that sustained high spending could give rise to risks relating to managerial control and cybersecurity; thus, an assessment of the reasonableness and necessity of these costs was required. Overall, the LY's budgetary review emphasized enhancing budget transparency, strengthening performance management, and optimizing resource allocation.

(c)

Please refer to the parallel report prepared in response to the List of Issues submitted by the National Human Rights Commission.

經社點次	問題內容	
7	原文	With reference to the Pingpu Indigenous Peoples Status Act, please clarify why the Pingpu peoples were recognized separately from other Indigenous groups by adopting a new law instead of amending the existing one, and how the Government will ensure they enjoy equal economic, social and cultural rights, including land rights, political participation and self- governance. Is additional legislation planned to align their rights with those of other recognized Indigenous peoples and to prevent the creation of a legal hierarchy among Indigenous groups?
	中文參考翻譯	關於《平埔原住民族群身分法》，請釐清政府為何選擇非以透過修正既有法制，而是 制定新法以分開承認平埔原住民族身分；並請說明政府將如何確保其得以平等享有經濟、社會及文化權利，包括土地權利、政治參與及自治權。是否規劃進一步立法，以使其權利與其他已獲承認之原住民族相符，並避免在原住民族之間形成法律位階 (legal hierarchy)？

中文回應

一、按 111 年憲判字第 17 號判決主文及理由意旨，應就原住民族之認定要件、所屬成員之身分要件及登記程序等事項，予以明文規範。原住民身分法僅處理個人認定要件，尚不及於民族認定要件及程序；且經原住民族委員會多方辦理平埔族族群意見徵詢時，亦有多數平埔族族人支持專法，也貼近平埔族群之實際需求。

二、按判決理由第 44 段，其他臺灣原住民族既屬憲法增修條文第 10 條第 11 項及第 12 項前段規定所保障之原住民族，國家自應積極維護發展其語言及文化，並就其教育文化等事項予以適當之保障扶助；立法者應依上開憲法保障之意旨，充分考量各原住民族及其成員之歷史發展脈絡及現況，並斟酌國家資源分配，另以法律定之。

三、承上開憲法判決意旨所述，有關平埔原住民族群語言文化之保障明定於平埔原住民族群身分法第 22 條。另於同法第 23 條規範各級政府應於三年內，依據上開條文及憲法保障意旨，以法律保障其他權利。為積極辦理平埔原住民族群身分與權益，另將依立法院第 11 屆第 4 會期第 5 次會議所通過 6 項附帶決議，於施行後六個月內，盤點、檢討所有法規並提出應辦理法律制定或修正事項之具體細目，規劃執行期程及分工機制之相關立法計畫書面報告。

英文回應

1. According to the main text and reasoning of the 2022 Constitutional Judgment No. 17, the requirements for the identification of Indigenous peoples, the identity requirements of their members, and the registration procedures should be clearly regulated. The Indigenous Peoples Identity Act only addresses individual identification requirements and does not cover ethnic identification requirements and procedures; the Council of Indigenous peoples had been consulted Pingpu people of their members support the special law, which closely reflects the actual needs of the Pingpu people.
2. According to paragraph 44 of the reasoning in the judgment, since other Taiwanese Indigenous peoples are protected under Article 10, Paragraphs 11 and 12 (first paragraph) of the Additional Articles of the Constitution, the state should actively protect and develop their languages and cultures, and provide appropriate protection and assistance in their education and cultural matters; the legislator should, in accordance with the aforementioned constitutional protection, fully consider the historical development and current situation of each Indigenous peoples and their members, and deliberate on the allocation of national resources, and establish a separate law.
3. As stated in the aforementioned constitutional judgment, the protection of the language and culture of the Pingpu Indigenous peoples is explicitly stipulated in Article 22 of the Pingpu Indigenous Peoples Status Act. Furthermore, Article 23 of the same act stipulates that governments at all levels should, within three years, legally protect other rights in accordance with the aforementioned article and the constitutional intent. To actively address the status and rights of the Pingpu Indigenous peoples, in accordance with the six supplementary resolutions passed at the 5th meeting of the 4th session of the 11th Legislative Yuan, a written report will be submitted within six months of the implementation of the legislative plan, including a review of all regulations, a detailed list of matters requiring legislation or amendment, and a schedule and division of responsibilities for implementation.

經社點次	問題內容	
8	原文	Please describe how the Government is complying with the principle of free, prior and informed consent from Indigenous peoples, including the procedures and mechanisms involved, in particular in the context of development projects on Indigenous land. Please specify how the government has reacted to court rulings, such as the one in the Kanaluvang Solar Energy Case.
	中文參考翻譯	請描述政府如何遵循原住民族之自由、事前及知情同意原則，包括相關程序與機制，特別是在原住民族土地上進行開發計畫之情境下。並請具體說明政府對於法院判決之回應，例如「知本濕地光電案」(Kanaluvang Solar Energy Case)的判決。

中文回應

一、 依原住民族基本法第 21 條規定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、資源利用、生態保育及學術研究，應諮商並取得原住民族或部落同意或參與，並授權原住民族委員會訂定諮商

取得原住民族部落同意參與辦法(未有正式英譯)，相關程序與機制如下，詳情可請參考官網「諮商同意」專區(https://reurl.cc/LQK2MX):

(一) 申請人(政府機關或私人)凡於原住民族土地從事土地開發、資源利用、生態保育、學術研究或限制原住民族利用等行為，須向鄉(鎮、市、區)公所申請召集部落會議，並於會議前辦理公聽會或說明會，確保部落成員充分知情。

(二) 以「原住民家戶代表」為表決單位，須過半數家戶代表出席、出席者過半數贊成方為通過；跨部落事項則須過半數關係部落分別議決通過。表決採不記名投票，保障成員自由表意。

二、 原民會尊重法院判決，並已辦理修正諮商取得原住民族部落同意參與辦法，於 2025 年 4 月 2 日辦理預告，將賡續辦理修法作業，主要修法重點有：

(一) 開放部落自主，部落得自行以章程決定諮商及議決方式。

(二) 申請人應踐行之法定義務，以確保關係部落族人權益。

(三) 刪除原住民族家戶代表，改由部落全體成員過半數贊成為通過。

(四) 針對同意事項申請次數原則上進行限制。

三、 對於知本濕地光電案之法院判決，其中指摘如代行召集制度、原住民族家戶代表制等，原住民族委員會已召開研商會議收集各方意見，以作為制度精進與修法參據。

英文回應

1. According to Article 21 of the Basic Law of Indigenous Peoples, governments or private entities engaging in land development, resource utilization, ecological conservation, and academic research on Indigenous land or tribal land and surrounding public land within a certain range must consult with and obtain the consent of the Indigenous peoples or tribes before participating. The Council of Indigenous peoples(CIP) is authorized to formulate the Regulations for Consulting and Obtaining the Consent of Indigenous Peoples and Communities for Participation. For relevant procedures and mechanisms, please refer to the Consultation and Consent section on this association's official website (https://reurl.cc/LQK2MX):

(1) Applicants (government agencies or private individuals) engaging in land development, resource utilization, ecological conservation, academic research, or any activities restricting indigenous use of indigenous land must apply to the township (town, city, district) office to convene a tribal meeting. A public hearing or briefing must be held prior to the meeting to ensure tribal members are fully informed.

(2) Voting is conducted by "indigenous household representatives." A majority of household representatives must be present, and a majority of those present must vote in favor for a resolution to pass. For matters spanning multiple tribes, a majority of the related tribes must vote separately. Voting is conducted by secret ballot to guarantee members' freedom of expression.

2. CIP respects the court's judgment and has already amended the Regulations for Consulting and Obtaining the Consent of Indigenous Peoples and Communities for Participation. A notice of appeal was issued on April 2, 2025, and the legislative amendment process will continue. The main points of the amendments are:

(1) Enabling tribal autonomy, allowing tribes to determine their own consultation and

decision-making methods based on their bylaws.

(2) Ensuring that applicants fulfill their legal obligations to protect the rights and interests of tribe members.

(3) Removing the requirement for indigenous household representatives, replacing it with a majority vote of all tribe members for approval.

(4) Limiting the number of times a matter can be submitted for consent.

3. Regarding the court ruling in the Kanaluvang Solar Energy Case, which criticized aspects such as the proxy convening system and the indigenous household representative system, CIP has convened deliberation meetings to gather views from all parties, which will serve as a reference for subsequent institutional improvements and legislative amendments.

經社點次	問題內容	
9	原文	Which measures, if any, were adopted in order to implement the 2011 Guiding Principles on Business and Human Rights (as endorsed by Human Rights Council Res. 17/4 of 16 June 2011), taking into account General Comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities? In particular, is there legislation imposing on corporations a duty to assess human rights impacts in the supply chain (see General Comment No. 24 (2017), para. 16)?
	中文參考翻譯	考量到《經濟社會文化權利國際公約》在企業活動脈絡下之國家義務的第 24 號《一般性意見》(2017)，政府採取了哪些措施(若有)以落實 2011 年《工商企業與人權指導原則》(Guiding Principles on Business and Human Rights，由人權理事會於 2011 年 6 月 16 日第 17/4 號決議通過)？請特別說明，目前是否有法律規定企業具義務對其供應鏈進行人權影響評估(參見 2017 年第 24 號《一般性意見》第 16 段)？

中文回應

一、為建構國家保護人權義務、企業尊重人權責任，我國於 2020 年 12 月 10 日參採聯合國工商企業與人權指導原則(UNGPs)公布首部「臺灣企業與人權國家行動計畫」(NAP)，涵蓋國家保護義務、企業尊重人權及提供有效救濟三大支柱，共提出 30 個行動事項，以加強對企業人權之保障。

二、首部 NAP 自公布以來重要成果如下：

(一) 2022 年施行勞工職業災害保險及保護法，以強化遭受職業災害勞工及其家屬之生活保障；2024 年施行最低工資法，以保障勞工及其家庭生活之最低生活水準。

(二) 2024 年規範觸犯人口販運罪之廠商，自判決確定之日起 5 年內不得參加政府採購投標或作為決標對象或分包廠商，以促進政府採購中之人權保障措施。

(三) 2023 年規範實收資本額達 20 億元上市櫃公司須申報永續報告書；2025 年起則不分資本額均須申報，以強化企業揭露含人權之非財務資訊。

(四) 2025 年施行公益揭弊者保護法，以鼓勵及保護勇於揭發侵害人權事件之人士。

三、為因應國際間企業與人權議題之最新發展趨勢，經濟部於 2024 年啟動 NAP 第 2 版編修工作，包含舉辦多場工作坊、公聽會、提報行政院人權保障推動小組委員會議審核等，以納入多元利害關係群體意見。

四、NAP 第 2 版延續 UNGPs 三大支柱架構，並綜整各界意見後，提出之新增項目包含「禁止強迫勞動貨品進口」、「推動企業實施人權盡職調查」及「設立國家聯絡點 (NCP)」等重點議題，有助於我國企業與人權推展與國際趨勢一致，協助我國企業接軌國際。

五、有關是否以法律規定企業具義務對其供應鏈進行人權影響評估一節，現階段政策優先朝向以鼓勵、建議方式推動，將視政策施行情形並持續關注國際趨勢、社會共識等，研議企業人權盡職調查立法之必要性及可行性。

六、另針對企業對外投資，於 2025 年 5 月 7 日總統修正公布產業創新條例第 22 條，已明定申請國外投資倘有影響政府遵守所締結之國際條約或協定，或違反勞動相關法規引發重大勞資糾紛尚未解決等，得全部或一部不予核准或為附附款之核准。

英文回應

1. To establish the State duty to protect human rights and the corporate responsibility to respect human rights, on Dec. 10, 2020, in line with the United Nations Guiding Principles on Business and Human Rights (UNGPs), Taiwan promulgated its first National Action Plan on Business and Human Rights (NAP). The NAP is structured around the three pillars of the UNGPs—the State duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy—and sets out a total of 30 action items aimed at strengthening the protection of human rights in the context of business activities.
2. Since the promulgation of the first NAP, key achievements include the following:

(1) The enactment of the Labor Occupational Accident Insurance and Protection Act in 2022, which strengthens livelihood protection for workers suffering from occupational accidents and their families; and the enactment of the Minimum Wage Act in 2024, which safeguards a minimum standard of living for workers and their families.

(2) In 2024, regulations were introduced to prohibit companies convicted of the crime of human trafficking, for a period of five years from the date the judgment becomes final, from participating in government procurement as bidders, successful tenderers, or subcontractors, thereby enhancing human rights protections in public procurement.

(3) In 2023, listed and over-the-counter companies with paid-in capital of NT$2 billion or more were required to submit sustainability reports; starting from 2025, all listed and over-the-counter companies, regardless of capital size, are required to do so, thereby strengthening corporate disclosure of non-financial information, including human rights.

(4) The Public Interest Whistleblower Protection Act entered into force in 2025, with the aim of encouraging and protecting individuals who report violations of human rights.

3. In response to the latest international developments in the field of business and human rights, the Ministry of Economic Affairs initiated the revision process for the second edition of the NAP (NAP 2.0) in 2024. The process has included the organization of multiple workshops and public hearings, as well as review by the

Executive Yuan's Human Rights Protection Promotion Task Force, in order to incorporate the views of diverse stakeholder groups.

4. NAP 2.0 continues to follow the three-pillar framework of the UNGPs and, after consolidating input from various stakeholders, introduces several new focus areas, including the prohibition of imports of goods produced with forced labor, the promotion of corporate human rights due diligence, and the establishment of a National Contact Point (NCP). The launch of NAP 2.0 will help align Taiwan's business and human rights policy with international trends and assist domestic enterprises in engaging with global markets.
5. With regard to whether there is legislation imposing on corporations a duty to assess human rights impacts in the supply chain, current policy priorities focus on promoting such practices through encouragement and guidance rather than through legal mandates. The government will continue to review the implementation of relevant policies and closely monitor international developments and domestic social consensus, in order to assess the necessity and feasibility of introducing legislation on corporate human rights due diligence in the future.
6. Regarding outbound corporate investments, on May 7,2025, the President promulgated amendments to Article 22 of Industrial Innovation Statute. The amended Article stipulates that when applying for approval of foreign investments, if such investment affects the government's compliance with international treaties or agreements concluded by Taiwan or involves unresolved major labor disputes due to violations of labor-related regulations, approval may be wholly or partially withheld or granted with conditions attached.

經社點次	問題內容	
10	原文	Please provide information on the evolution, since 2005, of the following: (a) the ratio of taxation to gross domestic product; (b) the revenue derived from individual and corporate income taxes, and from consumption taxes, including value added tax; (c) the overall distributional impact and the tax burden on different income groups, women and disadvantaged groups; (d) the benefits and impact of various tax exemptions, including those related to natural resources (see the Statement on Tax Policy and the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee on Economic, Social and Cultural Rights on 17 March 2025 (E/C.12/2025/1), para.; and (e) information on the evolution, in both absolute terms (evolution in real terms) and relative to the GDP, of the spending on education, healthcare, social housing and social protection, since 2005.
	中文參考翻譯	請提供自2005年以來下列事項之發展相關資訊： (a) 稅收占國內生產毛額之比率； (b) 源自個人及營利事業所得稅，以及源自消費稅(包括加值型營業稅)之收入； (c) 整體的分配影響，以及不同所得族群、女性與不利處境群體之

		稅賦負擔； (d) 各項稅收減免之效益與影響，包括與自然資源相關之減免(參見經濟社會文化權利委員會於2025年3月17日通過之《關於租稅政策與經濟社會文化權利國際公約的聲明》(E/C.12/2025/1)相關點次);以及 (e) 自2005年以來，教育、醫療保健、社會住宅及社會保障支出規模之實質金額及占國內生產毛額比重之變化。

中文回應

(a)

我國賦稅負擔率(不含社會安全捐)歷年多介於12%至13%。2009年、2010年受金融海嘯影響，曾低於12%；2022年起受半導體缺貨及人工智慧(AI)應用商機興起影響，企業獲利及個人所得成長，負擔率增至14%；2025年因美國關稅措施與國內不動產政策緊縮，衝擊車(房)市表現，降至13.3%。

賦稅負擔率(不含社會安全捐)

單位：%

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
13.0	12.7	13.0	13.4	11.8	11.5	12.4	12.2	12.0	12.2	12.5
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025(p)	
12.7	12.5	13.0	13.0	12.0	13.2	14.2	14.6	14.6	13.3	

資料來源：財政部統計資料庫

(b)

個人及營利事業所得稅占總稅收(不含社會安全捐)歷年占比平均分別為20.9%及23.5%，後者近年受惠於AI紅利，占比漸增，2025年達30.5%。消費稅歷年占比平均為36.9%，惟自2022年起調降汽(柴)油貨物稅後，占比已降至28.9%。

賦稅收入統計－按結構別分

單位：%

年度 稅目別	2005	2015	2025(p)	2005~2025 平均
個人所得稅	18.9	22.2	23.1	20.9
營利事業所得稅	21.0	21.7	30.5	23.5
消費稅	40.7	38.0	28.9	36.9

資料來源：財政統計資料庫

說明：消費稅含關稅、貨物稅、菸酒稅、營業稅、特種貨物及勞務稅、健康福利捐、牌照稅、娛樂稅、印花稅及特別及臨時稅課

(c)

觀察綜合所得稅結算申報統計，2005年至2023年全體家戶有效稅率歷年平均為5.92%，其中所得屬第一分位(所得最低10%)之申報家戶族群，其有效稅率歷年多不及0.1%。

綜合所得稅結算申報統計－各所得年度有效稅率

單位：%

年度 所得等分位	2005	2015	2023	2005~2023 平均
全體	6.63	5.59	6.63	5.92
第一分位	0.10	0.01	0.00	0.02

資料來源：財政資訊中心「綜合所得稅結算申報統計專冊」

說明：有效稅率=應納稅額(扣除股利可抵減稅額)/綜合所得總額

現行稅制對於不同所得族群及不利處境群體之稅賦負擔，已有落實租稅公平之相關減免措施，例如，綜合所得稅自2024年起調高幼兒學前特別扣除額，第1名子女扣除額由新臺幣12萬元提高至15萬元，第2名及以上子女加成50%至新臺幣22.5萬元；房屋租金支出特別扣除額由列舉扣除額改為特別扣除額，扣除額上限由12萬元提高至新臺幣18萬元，自2025年起，長期照顧特別扣除額由12萬元提高至18萬元，以減輕申報扶養6歲以下子女、租屋供自住及照顧身心失能者之納稅義務人稅賦負擔。

(d)

各項稅收減免之效益與影響，以綜合所得稅為例，為減輕不利處境群體之租稅負擔，納稅義務人、其配偶或受扶養親屬如為領有身心障礙證明者或符合精神衛生法第3條第4款規定之病人，其身心障礙特別扣除額為新臺幣22.7萬元，2026年度稅式支出金額估計約新臺幣195億元，有利於改善所得分配，達到照顧不利處境群體之目的。另為因應數位及綠色轉型，2025年5月7日修正公布產業創新條例第10條之1，增列「節能減碳」納入設備投資抵減項目，並將支出金額上限提高至20億元；且如符合同條例第23條之3規定，可同時適用上開2項租稅優惠，有助引導企業投資節能減碳相關設備，達到淨零碳排及降低自然資源耗用之政策目標。

(e)

自2005年以來，教育、醫療保健、社會住宅及社會保障支出之演變資訊，包括絕對金額(以實質金額計算之變化)及占國內生產毛額之比重之變化：

一、教育支出：2025年精進教育經費編算方式，爰僅有2021至2022年數據：2021年我國教育經費為9,975億元，占國內生產毛額(GDP，下同)比率4.6%；2022年成長至1兆333億元，占GDP比率4.5%。

二、醫療保健支出：我國2005年以來醫療保健支出逐年成長，2023年達1.8兆元，占GDP比重由2005年之6.19%增至7.77%，詳細資料請參閱下表。

年度	醫療保健支出(百萬元)	占國內生產毛額之比重(%)
2005	745,620	6.19
2006	780,461	6.21
2007	872,330	6.53
2008	899,437	6.86
2009	940,463	7.28
2010	958,196	6.81
2011	990,847	6.95
2012	1,008,478	6.87
2013	1,055,830	6.91
2014	1,103,266	6.79
2015	1,145,900	6.72
2016	1,205,957	6.87
2017	1,276,081	7.08
2018	1,359,367	7.38

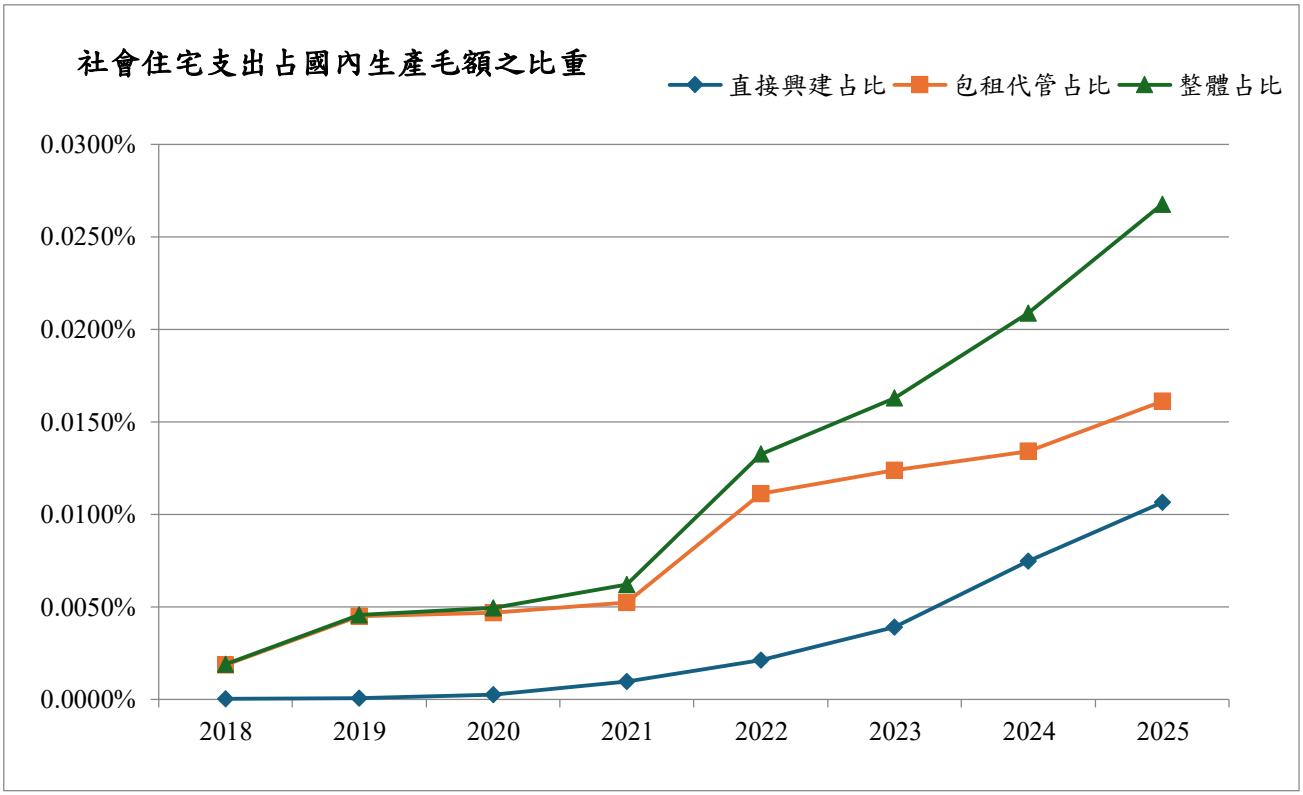
2019	1,421,046	7.49
2020	1,537,092	7.68
2021	1,653,437	7.59
2022	1,770,439	7.76
2023	1,834,602	7.77

三、社會住宅支出：為落實經社文公約第11條對於適足居住權的保障，政府積極履行運用最大現有資源之國家義務。檢視2018年至2025年數據，社會住宅(直接興建及包租代管)支出由3億（3.49億）大幅躍升至近75億元(75.35億元)，租金補貼支出由17億增加至超過300億，成長幅度驚人。同期間GDP成長至28.2兆元，社宅支出占GDP比重從0.0019%顯著提升至0.0268%。這條陡峭的上升曲線，展現政府並非僅將經濟發展視為唯一目標，而是更積極地透過財政重分配，具體實踐兩公約中逐步實現人權的承諾，確保脆弱群體享有合宜、有尊嚴的居住環境。詳細統計數據，請參閱下表。

社會住宅支出占國內生產毛額之比重

單位：百萬元

年次	2018	2019	2020	2021	2022	2023	2024	2025
社會住宅(直接興建)支出	6.25	12.27	50.65	209.84	487.497	921.437	1,923.56	2,998.83
社會住宅(包租代管)支出	343	854	939	1,142	2,538	2,920	3,453	4,537
合計	349.25	866.27	989.65	1,351.84	3,025.497	3,841.437	5,376.56	7,535.83
國內生產毛額	18,420,039	18,974,097	20,023,752	21,773,291	22,820,430	23,598,348	25,737,088	28,163,807
直接興建占比	0.0000%	0.0001%	0.0003%	0.0010%	0.0021%	0.0039%	0.0075%	0.0106%
包租代管占比	0.0019%	0.0045%	0.0047%	0.0052%	0.0111%	0.0124%	0.0134%	0.0161%
整體占比	0.0019%	0.0046%	0.0049%	0.0062%	0.0133%	0.0163%	0.0209%	0.0268%



四、社會保障支出：2005年至2024年社會保障支出規模及占國內生產毛額比重，請參閱下表。

2005 年至 2024 年社會保障支出規模及占國內生產毛額比重

單位：百萬元、%

年別	社會保障支出（按當期價格計算）	占 GDP 比重
2005	1,175,288	9.8
2006	1,175,286	9.3
2007	1,234,973	9.2
2008	1,475,258	11.2
2009	1,301,076	10.1
2010	1,309,381	9.3
2011	1,372,126	9.6
2012	1,584,607	10.8
2013	1,677,990	11.0
2014	1,640,435	10.1
2015	1,730,923	10.1
2016	1,855,304	10.6
2017	2,009,425	11.2
2018	2,038,227	11.1

2019	2,108,105	11.1
2020	2,379,344	11.9
2021	2,429,626	11.2
2022	2,553,026	11.2
2023	2,633,499	11.2
2024	2,695,265	10.5

資料來源：行政院主計總處

備註：我國未編算社會保障支出之實質金額

英文回應

(a)

Taiwan's tax burden ratio (excluding social security contributions) has historically ranged mostly between 12% and 13%. In 2009 and 2010, affected by the global financial crisis, the ratio fell below 12%. From 2022 onward, driven by semiconductor supply shortages and the rise of AI-related application opportunities, corporate profits and personal incomes increased, raising the ratio to 14%. In 2025, due to U.S. tariff measures and the tightening of domestic real estate policies, which adversely affected the performance of the automotive and housing markets, the ratio declined to 13.3%.

tax-to-GDP ratio (excluding social security contributions)

Unit：%

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
13.0	12.7	13.0	13.4	11.8	11.5	12.4	12.2	12.0	12.2	12.5
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025(p)	
12.7	12.5	13.0	13.0	12.0	13.2	14.2	14.6	14.6	13.3	

Source: Ministry of Finance Statistical Database.

(b)

On average over the years, individual income tax and profit-seeking enterprise income tax accounted for 20.9% and 23.5%, respectively, of total tax revenue (excluding social security contributions). The share of the latter has increased in recent years, benefiting from the AI dividend, and reached 30.5% in 2025. Consumption taxes accounted for an average of 36.9% over the years; however, following the reduction of gasoline and diesel fuel commodity taxes starting in 2022, their share declined to 28.9%.

Tax Revenue Statistics－By tax structure

Unit：%

Year / By tax type	2005	2015	2025(p)	2005~2025 Average
Individual Income Tax	18.9	22.2	23.1	20.9
Profit-seeking Enterprise Income Tax	21.0	21.7	30.5	23.5
Consumption Tax	40.7	38.0	28.9	36.9

Source: Ministry of Finance Statistical Database.

Note: Consumption taxes include customs duties, commodity taxes, tobacco and alcohol taxes, business tax, specifically selected goods and services taxes, health and

welfare surcharges, vehicle license taxes, amusement taxes, stamp taxes, and other special or temporary taxes.

(c)

According to Individual Income Tax Filing Statistics, for the period from 2005 to 2023, the effective tax rate for all households averaged 5.92% over the years. Among households in the first income decile (the lowest 10% by income), the effective tax rate has historically been mostly below 0.1%.

Individual Income Tax Filing Statistics－Effective Tax Rates

Unit：%

Year / Income Decile	2005	2015	2023	2005~2023Average
All	6.63	5.59	6.63	5.92
First Decile	0.10	0.01	0.00	0.02

Source: Fiscal Information Agency, Comprehensive Income Tax Filing Statistics Compendium.

Note: The effective tax rate is calculated as tax payable (after deducting dividends and earnings tax credit) ÷ the gross consolidated income.

Under the current tax system, various tax relief measures have been implemented to promote tax equity with respect to taxpayers across different income groups and those in disadvantaged circumstances. For example, beginning in 2024, the special deduction for pre-school children under the individual income tax has been increased, with the deduction for the first child raised from NT$120,000 to NT$150,000, and the deduction for the second and each additional child increased by 50% to NT$225,000. In addition, the special deduction for rent for housing has been reclassified from an itemized deduction to a special deduction, with the deduction ceiling increased from NT$120,000 to NT$180,000. Furthermore, starting in 2025, the special deduction for long-term care has been increased from NT$120,000 to NT$180,000, in order to reduce the tax burden on taxpayers who claim dependents under the age of six, rent housing for owner-occupied purposes, or provide care for persons with physical or mental disabilities.

(d)

The benefits and impacts of various tax exemptions can be illustrated using individual income tax as an example. To alleviate the tax burden on disadvantaged groups, taxpayers, their spouses, or dependents who hold a disability identification card or certificate, as well as patients defined under Article 3, Subparagraph 4 of the Mental Health Act, are allowed an annual deduction of NT$227,000 per person. The estimated tax expenditure for 2026 is approximately NT$19.5 billion, which is conducive to improving income distribution and achieving the policy objective of providing care for disadvantaged groups. In addition, to respond to digital and green transitions, Article 10-1 of the Industrial Innovation Statute was amended and promulgated on May 7, 2025 to include “energy-saving and carbon reduction” in the scope of equipment investment tax credits, and the maximum expenditure limit was raised to NT$2 billion. If the conditions under Article 23-3 of the same Statute are met, the two tax incentives may be applied simultaneously, helping to guide corporate investment in energy-saving and

carbon reduction equipment, thereby achieving net-zero carbon emissions and reducing the consumption of natural resources.

(e)

Information on the evolution, in both absolute terms (evolution in real terms) and relative to the GDP, of the spending on education, healthcare, social housing and social protection, since 2005.

(1) The spending on education: The Ministry of Education improved the methodology for calculating education expenditure, thus only data for years 2021 and 2022 are available. In 2021, education expenditure of R.O.C. amounted to NT$997.5 billion, accounting for 4.6% of GDP. In 2022, it increased to NT$1,033.3 billion, equivalent to 4.5% of GDP.

(2) The spending on healthcare:National health expenditure in Taiwan has increased steadily since 2005, reaching NT$1.8 trillion in 2023. Its share of GDP rose from 6.19% in 2005 to 7.77% in 2023. Detailed data are presented in the table below.

Year	National Health Expenditure(NT$ Million)	Share of GDP(%)
2005	745,620	6.19
2006	780,461	6.21
2007	872,330	6.53
2008	899,437	6.86
2009	940,463	7.28
2010	958,196	6.81
2011	990,847	6.95
2012	1,008,478	6.87
2013	1,055,830	6.91
2014	1,103,266	6.79
2015	1,145,900	6.72
2016	1,205,957	6.87
2017	1,276,081	7.08
2018	1,359,367	7.38
2019	1,421,046	7.49
2020	1,537,092	7.68
2021	1,653,437	7.59
2022	1,770,439	7.76
2023	1,834,602	7.77

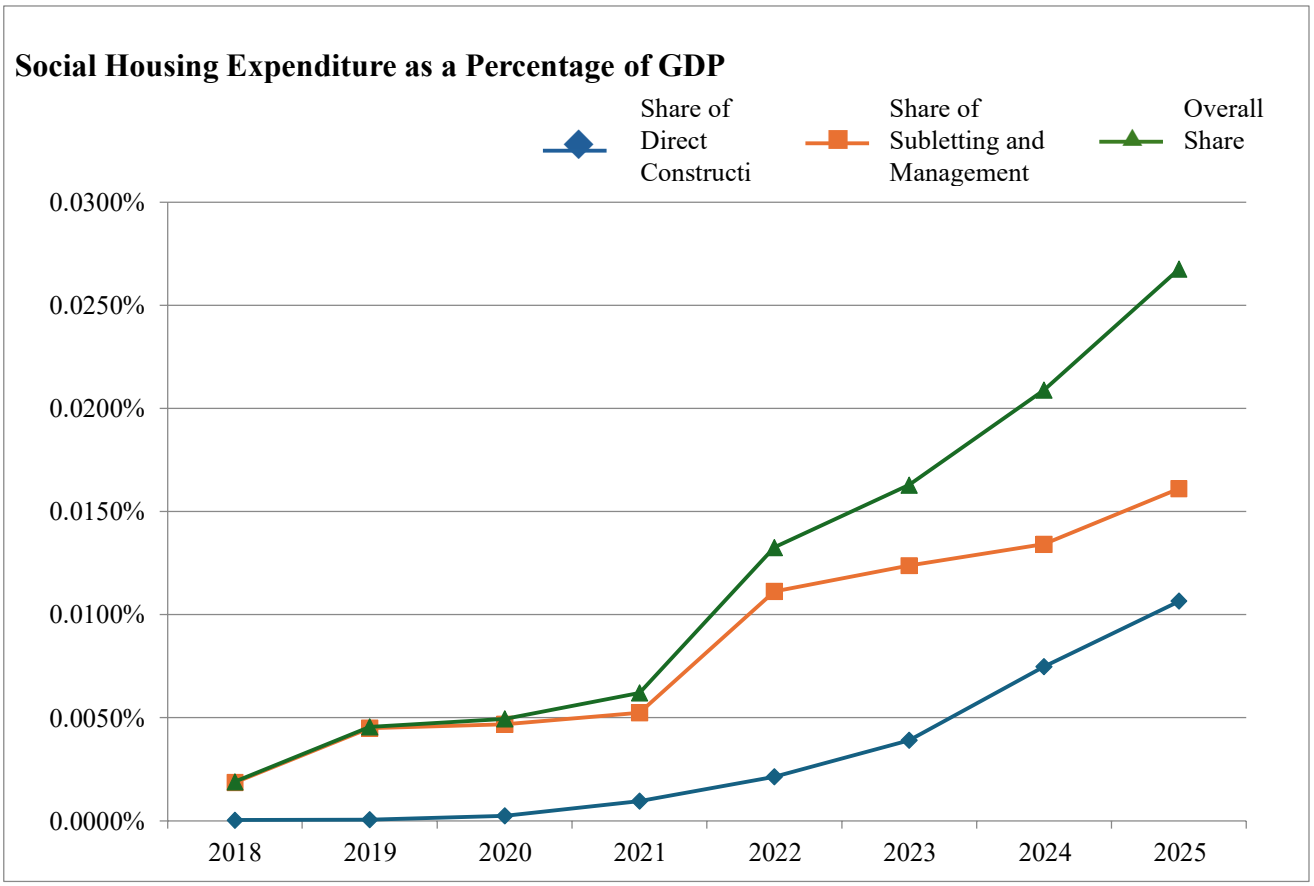
(3) To uphold the “Right to Adequate Housing” under Article 11 of the ICESCR, the government actively fulfills its state obligation to utilize “maximum available resources”. Analyzing data from 2018 to 2025, social housing (including direct construction and subletting and management) expenditure surged from NT$349 million to nearly NT$7.54 billion (NT$7.535billion), while spending on rental subsidies increased from NT$1.7 billion to more than NT$30 billion, marking a

staggering increase. While the GDP grew to NT$28.2 trillion during this period, the ratio of social housing expenditure to GDP rose significantly from 0.0019% to 0.0268%. This steep upward trend demonstrates that the government does not view economic growth as the sole objective. Instead, through proactive fiscal redistribution, we are concretely implementing the commitment to "progressively realize" human rights as enshrined in the ICCPR&ICESCR , ensuring dignified living conditions for vulnerable groups. For detailed statistical data, please refer to the table below.

Social Housing Expenditure as a Percentage of GDP

Unit: million

Year	2018	2019	2020	2021	2022	2023	2024	2025
Expenditure on Social Housing (Direct Construction)	6.25	12.27	50.65	209.84	487.497	921.437	1,923.56	2,998.83
Expenditure on Social Housing (Subletting and Management)	343	854	939	1,142	2,538	2,920	3,453	4,537
Total	349.25	866.27	989.65	1,351.84	3,025.497	3,841.437	5,376.56	7,535.83
Gross Domestic Product (GDP)	18,420,039	18,974,097	20,023,752	21,773,291	22,820,430	23,598,348	25,737,088	28,163,807
Share of Direct Construction (as % of GDP)	0.0000%	0.0001%	0.0003%	0.0010%	0.0021%	0.0039%	0.0075%	0.0106%
Share of Subletting and Management (as % of GDP)	0.0019%	0.0045%	0.0047%	0.0052%	0.0111%	0.0124%	0.0134%	0.0161%
Overall Share (as % of GDP)	0.0019%	0.0046%	0.0049%	0.0062%	0.0133%	0.0163%	0.0209%	0.0268%



(4) The spending on social protection: Social Protection Expenditure and Percentage of GDP, 2005–2024, please refer to the table below.

Social Protection Expenditure and Percentage of GDP, 2005–2024

Unit : Million NT$、%

Year	Social Protection Expenditure (at current prices)	Percentage of GDP
2005	1,175,288	9.8
2006	1,175,286	9.3
2007	1,234,973	9.2
2008	1,475,258	11.2
2009	1,301,076	10.1
2010	1,309,381	9.3
2011	1,372,126	9.6
2012	1,584,607	10.8
2013	1,677,990	11.0
2014	1,640,435	10.1

2015	1,730,923	10.1
2016	1,855,304	10.6
2017	2,009,425	11.2
2018	2,038,227	11.1
2019	2,108,105	11.1
2020	2,379,344	11.9
2021	2,429,626	11.2
2022	2,553,026	11.2
2023	2,633,499	11.2
2024	2,695,265	10.5

Source：Directorate-General of Budget, Accounting and Statistics, Executive Yuan

Note：The social protection expenditure in real terms has not been compiled.

經社點次	問題內容	
11	原文	Despite the government efforts such as legislation prohibiting discrimination, gender mainstreaming and gender impact assessment, the number of complaint and confirmed cases of gender discrimination have been increasing – from 137 and 29 in 2020 to 250 and 56 in 2024 respectively (Fourth ICESCR Report, para. 16, and Fourth ICCPR Report, para. 22). What are the forms of gender discrimination in the workplace? Please provide analyses of the root causes of gender discrimination in Taiwan and measures to eliminate them.
	中文參考翻譯	儘管政府已採取包括禁止歧視之立法、性別主流化及性別影響評估等措施，性別歧視申訴案件數及經確認立案件數仍持續增加，分別由2020年之137件及29件，上升至2024年之250件及56件(參見《經社文公約第四次國家報告》第16點，以及《公政公約第四次國家報告》第22點)。職場之性別歧視態樣為何？請提供臺灣性別歧視問題之根本原因分析，以及政府為消除該等原因所採取之措施。

中文回應

一、查《性別平等工作法》設有性別歧視樣態，設有禁止之專章，明定雇主對求職者或受僱者之招募、甄試、進用、分發、配置、考績、陞遷、舉辦或提供教育、訓練、其他類似活動、舉辦或提供各項福利措施、對受僱者薪資之給付、退休、資遣、離職及解僱，不得因性別或性傾向而有差別待遇。前開係為職場性別歧視樣態，受僱者如有遭受性別(懷孕)歧視、性傾向、性別認同歧視，可逕向地方勞工行政主管機關提出申訴。經查證屬實，將處新臺幣 30 萬元以上 150 萬元以下罰鍰，並公布事業單位名稱及負責人姓名，並限期令其改善。

二、為促進事業單位對於性別(懷孕)歧視、性傾向、性別認同歧視之認知，勞動部已持續透過研習會、網站、臉書及摺頁等多元管道加強宣導，提昇社會大

眾職場平權意識，以營造友善職場環境。

英文回應

1. Gender Equality in Employment Act prescribes various forms of gender discrimination and contains a dedicated chapter prohibiting such conduct. It clearly stipulates that employers, in matters concerning the recruitment, screening, hiring, assignment, placement, performance evaluation, promotion, organization or provision of education, training, or other similar activities, provision of employee benefits, payment of wages, retirement, layoff, termination of employment, and dismissal of job applicants or employees, shall not engage in differential treatment on the basis of gender or sexual orientation. The foregoing constitutes forms of workplace gender discrimination. If an employee suffers discrimination based on gender (including pregnancy), sexual orientation, or gender identity, the employee may directly file a complaint with the local competent labor administrative authority. Where such discrimination is verified, a fine ranging from NTD 300,000 to NTD 1,500,000 shall be imposed. In addition, the name of the business entity and the name of the responsible person shall be publicly disclosed, and the employer shall be ordered to make improvements within a prescribed time limit.
2. In order to enhance awareness among business entities regarding discrimination based on gender (including pregnancy), sexual orientation, and gender identity, the Ministry of Labor has continuously strengthened advocacy and education through multiple channels, including seminars, websites, Facebook, and informational brochures, so as to raise public awareness of workplace equality and to foster a friendly and inclusive working environment.

經社點次	問題內容	
12	原文	The Report also mentions penalties imposed upon employers for the confirmed cases of gender discrimination (Fourth ICCPR Report, para. 22), but there is no mention of measures for the complainants, whether reinstated, compensated, or other measures. Please provide information on remedies for the victims of the confirmed cases of gender discrimination.
	中文參考翻譯	報告亦提及針對立案之性別歧視案件，已對雇主科以處罰(參見《公政公約第四次國家報告》第 22 點)，惟未說明對申訴人所提供之措施，例如是否予以復職、賠償或其它措施。請提供資訊說明性別歧視立案後，對被害人提供之救濟。

中文回應

依《性別平等工作法》第 26 條規定，受僱者或求職者因第 7 條至第 11 條(性別歧視)或第 21 條(性別工作平等措施)之情事，受有損害者，雇主應負賠償責任。同法第 38 條及第 38 條之 1 規定，經勞工工作所在地之勞工行政主管機關認定違反前開規定者，除處罰鍰外，應公布其姓名或名稱、負責人姓名，並限期令其改善；屆期未改善者，應按次處罰。

英文回應

Pursuant to Article 26 of Gender Equality in Employment Act, where an employee or a job applicant suffers damages as a result of circumstances set forth in Articles 7 through 11 (gender discrimination) or Article 21 (measures for gender equality in employment),

the employer shall be liable for compensation.
Furthermore, pursuant to Articles 38 and 38-1 of the same Act, where the competent labor administrative authority at the location of the workplace determines that the employer has violated the aforementioned provisions, the employer shall, in addition to being subject to administrative fines, have its name or title and the name of the responsible person publicly disclosed, and be ordered to make improvements within a prescribed time limit. If the employer fails to make such improvements by the deadline, successive penalties shall be imposed for each violation.

經社點次	問題內容	
13	原文	As of 2024, there were still three regulations that have not been amended and continue to be listed (Fourth ICESCR Report, para. 17). What are these three regulations, and what is the government's plan to amend them?
	中文參考翻譯	截至 2024 年，仍有 3 項法規尚未完成修正，並持續列管中(參見《經社文公約第四次國家報告》第 17 點)。該 3 項法規為何？政府修法之規劃為何？

中文回應

一、截至 2024 年尚未完成修法之 3 項法規為民法、農會法、農民健康保險條例，其中農民健康保險條例經再次檢視認無違反 CEDAW 之情事，業已解除列管，目前尚未完成修法之法規計 2 項。

二、上開法規修正歷程及最新辦理進度，分別說明如下。

（一）民法：法務部提出「民法親屬編部分條文修正草案」，於 2025 年 2 月經行政院院會審查通過，並於 2025 年 9 月由行政院、司法院會銜函請立法院審議。

（二）農會法：農會法修法因涉及層面廣泛，農業部刻正盤點及蒐集各界意見，於適當時機啟動修法。在法規尚未修正前，農業部將持續辦理農會行政人員性別意識培力及講習，宣導性平觀念，期改變農會決策人員思維。

（三）農民健康保險條例：行政院 2025 年 9 月 18 日召開專案會議，因「從事農業工作農民申請參加農民健康保險認定標準及資格審查辦法」第 2 條第 2 項第 2 款規定，農民健康保險之被保險人，已不會因農會法規定農會會員一戶一人之限制，影響配偶投保之權益，尚非違反 CEDAW 第 14 條第 2 項(c)款及第 34 號一般性建議第 40 段。

三、尚未完成修法之案件計有 2 件，行政院將持續列管並追蹤修正進度。

英文回應

1. As of 2024, the three acts yet to be amended were the Civil Code, the Farmers' Association Act, and the Act Governing the Declaration of Farmer Health Insurance. Upon further review, the Act Governing the Declaration of Farmer Health Insurance was determined not to be in violation of CEDAW provisions and has been removed from the monitoring list. Currently, there are two acts pending amendment.
2. The amendment process and the latest progress for the aforementioned acts are detailed as follows:

(1) Civil Code: The Ministry of Justice (MoJ) proposed a draft amendment to the Civil Code Part IV Family, which was reviewed and approved by the Executive Yuan

in February 2025, and was subsequently jointly referred by the Executive Yuan and the Judicial Yuan to the Legislative Yuan for deliberation in September 2025.

(2) Farmers' Association Act: The amendment to the Farmers' Association Act involves a wide range of aspects. The Ministry of Agriculture (MoA) is currently taking inventory and collecting opinions from all parties, and will initiate the amendment at an appropriate time.Before the act are amended, the MoA will continue to conduct gender awareness training and seminars for administrative personnel of farmers' associations to promote gender equality concepts, with the aim of changing the mindset of decision-makers in farmers' associations.

(3) Article 5 of the Act Governing the Declaration of Farmer Health Insurance:The Executive Yuan held a special meeting on September 18, 2025. It was determined that pursuant to Article 2, Paragraph 2, Subparagraph 2 of the "Standards for the Recognition and Review of Qualifications for Farmers Engaging in Agricultural Work Applying for Farmer Health Insurance," the insured status of a farmer will not be affected by the one-member-per-household limitation imposed by the Farmers' Association Act on a spouse's right to insurance. Therefore, it is not deemed to be in violation of CEDAW Article 14(2)(c) and General Recommendation No. 34, Paragraph 40.

3. There are currently two cases still pending legislative amendment. The Executive Yuan will continue to monitor and track the progress of these amendments.

經社點次	問題內容	
14	原文	The government promises to enhance the representation of marginalized and disadvantaged groups of women – such as Indigenous women, new immigrants, the elderly, women with disabilities, working women and women in rural and remote areas – to the governance mechanism for gender equality of each government agency (Fourth ICESCR Report, para. 19). Please provide detailed information on how to implement it and the timeline.
	中文參考翻譯	政府承諾提升邊緣及不利處境女性群體在各政府機關性別平等治理機制中的代表性，如原住民女性、新住民、高齡女性、身心障礙女性、女性勞工以及偏鄉與偏遠地區女性(參見《經社文公約第四次國家報告》第 19 點)。請提供關於如何落實此承諾的詳細資訊及時程。

中文回應

行政院於 2021 年 5 月修正函頒性別平等政策綱領，特別關注不利處境者在各面向的權利保障議題，其中，於權力、決策與影響力面向之推動策略，納入「增加不利處境女性參與決策的機會，並納入其經驗與觀點，從多元的角度，促進性別內的平等」一節，以引導各部會規劃及落實相關措施；另於行政院性別平等重要議題院層級(2026 至 2029 年)議題中，輔導各部會評估於相關業務領域，將不利處境者納入決策參與成員。

英文回應

In May 2021, the Executive Yuan revised and issued the Gender Equality Policy Guidelines, paying special attention to the protection of the rights of disadvantaged individuals in various aspects. Among them, the strategy for promoting power,

decision-making and influence includes a section on "increasing opportunities for disadvantaged women to participate in decision-making and incorporating their experiences and perspectives to promote gender equality from multiple perspectives," to guide various ministries in planning and implementing relevant measures. In addition, in the Executive Yuan's important gender equality issues at the Executive Yuan level (2026 to 2029), the Executive Yuan guided various ministries to assess the inclusion of disadvantaged individuals as decision-making participants within their respective areas of responsibility.

二、經社條文第 6 條至第 15 條

經社點次	問題內容	
15	原文	In view of the continued exclusion of domestic workers from the Labour Standards Act and the lack of progress on the long-discussed Domestic Workers Protection Act, please provide concrete information on: (a) any legislation enacted or under preparation to ensure full and equivalent legal protection for domestic workers, and (b) the reasons for the absence of tangible progress to date.
	中文參考翻譯	鑑於家事勞工持續被排除於《勞動基準法》，且長期討論之《家事勞工保障法》迄今未見進展，請就下列事項提供具體資訊： (a) 已制定或正在研擬中，旨在確保家事勞工獲得全面且對等之法律保障的任何立法； (b) 迄今缺乏實質進展的原因。 ※秘書處補充說明，此處之《家事勞工保障法》應指《家事勞工保障法》（草案）。

中文回應

一、受僱於個人家庭之家事勞工，因其工作型態、工作時間及休息時間，與受僱於事業單位之勞工有明顯差異，且其工作場所主要於家庭內，工作時間與休息時間不易釐清，爰目前不論本國籍或外國籍之家事勞工，均排除適用《勞動基準法》，且各界對於訂定專法之具體規範內容，尚未形成具體共識。

二、雖目前家事移工未適用《勞動基準法》，惟我國《就業服務法》中已經有相關保障，如移工來臺前必須與雇主簽訂書面勞動契約，該勞動契約須經移工來源國驗證，休假方面，有每日休息 8 小時及每週休假 1 日約定條款，雇主必須依約辦理。薪資方面，我國亦已與各來源國就家事移工之最低薪資適時進行協議，自 2022 年 8 月 10 日起，新聘家事移工薪資已由每月 1.7 萬元調高至 2 萬元，並提供雇主補貼；另 2022 年 5 月 1 日實施之《勞工職業災害保險及保護法》，要求雇主應為家事移工投保職業災害保險，使其享有與一般勞工同等之職業災害保險給付，為落實公約社會安全精神之具體立法成果，保障更見強化。

三、又至 2023 年，勞動部為保障外籍家庭看護工週休一日之勞動權益，提出聘僱外籍看護工家庭短期替代照顧服務實施計畫(以下簡稱短照服務)，經地方照顧管理中心評估符合長照需要等級為第 2 級(含)至第 8 級並聘有外籍家庭看護工者，於目前喘息服務外再提供短照服務，累計可達 1 年 52 日。2025 年短照服務申請使用服務人次大幅度成長，截至 2025 年 11 月底止，達 111

萬 396 服務人次，與 2024 年同期 53 萬 1,573 服務人次相比，成長逾 2 倍，可兼顧移工休(請)假權益。

四、現階段推動專法仍有其困難，勞動部仍持續就各相關議題，循序推進家事移工勞動權益保障措施。另因家事移工之勞動權益，涉及我國長期照顧制度，並須兼顧失能及弱勢家庭之照顧負擔，相關政策宜審慎評估。

英文回應

1. Domestic workers employed by private households differ significantly from workers employed by business entities in terms of work patterns, working hours, and rest arrangements. As their workplace is primarily within private households, working hours and rest periods are difficult to clearly define. Accordingly, at present, domestic workers—regardless of nationality—are excluded from the application of the Labor Standards Act, and there has not yet been concrete consensus among stakeholders regarding the specific regulatory content of a standalone act.
2. Although domestic migrant workers are currently not covered by the Labor Standards Act, relevant protections are provided under the Employment Service Act. For example, prior to entering Taiwan, migrant workers are required to sign a written employment contract with their employers, which must be authenticated by the competent authorities in the workers' countries of origin. With regard to rest, the employment contract includes provisions stipulating at least eight hours of daily rest and one day off per week, which employers are required to observe. In terms of wages, Taiwan has also conducted periodic consultations with countries of origin regarding the minimum wage for domestic migrant workers. Since August 10, 2022, the monthly salary for newly hired domestic migrant workers has been increased from NT$17,000 to NT$20,000, with corresponding subsidies provided to employers. In addition, the Labor Occupational Accident Insurance and Protection Act, which came into effect on May 1, 2022, requires employers to enroll domestic migrant workers in occupational accident insurance, ensuring that they are entitled to occupational accident insurance benefits on an equal basis with other workers. This represents a concrete legislative achievement in implementing the social security principles of the Covenant and further strengthens legal protection.
3. As of 2023, in order to safeguard the labor rights of foreign live-in caregivers to one day off per week, the Ministry of Labor proposed the Short-Term Substitute Care Service Program for Families Employing Foreign Caregivers (Short-Term Care Service). Under this program, individuals who have been assessed by local care management centers as meeting long-term care need levels 2 through 8 (inclusive) and who employ foreign live-in caregivers are eligible to receive short-term substitute care services in addition to existing respite care services, for a cumulative maximum of up to 52 days per year. In 2025, there was a major increase in applications to use short-term care services. As of the end of November 2025, there were 1,110,396 applications, which compared with 531,573 in the same period of 2024 represented an increase in demand of more than 100 percent. These services ensure foreign workers have the right to rest (take leave).
4. At the current stage, promoting a standalone act remains challenging. Nevertheless, the Ministry of Labor continues to advance measures to protect the labor rights of domestic migrant workers in a gradual and issue-by-issue manner. Moreover, as the labor rights of domestic migrant workers are closely intertwined with Taiwan's long-

term care system and must take into account the caregiving burden borne by households caring for elderly or disabled family members, related policies require careful and prudent assessment.

經社點次	問題內容	
16	原文	Please clarify why wage adjustments for live-in migrant domestic workers (Response Report, para. 72) remain separate from and significantly below the national minimum wage and whether a minimum wage exists for non–live-in domestic workers.
	中文參考翻譯	請釐清為何住家型家事移工之薪資調整(參見《回應報告》第72點)仍與全國最低工資制度脫鉤，且薪資顯著低於最低工資；請一併說明是否已為非住家型家事移工訂有最低工資標準。

中文回應

一、因家事移工(含家庭看護工及家庭幫傭)非適用《勞動基準法》規定，其薪資係與雇主約定並簽定書面契約。勞動部為合理改善家事移工薪資結構，宣布自 2022 年 8 月 10 日起，新引進或期滿續聘或轉聘之家事移工每月薪資，由新臺幣 1.7 萬元調高至 2 萬元。

二、考量 2022 年 8 月調薪後國內薪資水平持續上漲，為兼顧同樣在臺生活之家事移工薪資權益，同時衡平我國雇主合理經濟負擔，將持續研議調整家事移工薪資。

英文回應

1. As family-based foreign workers (including live in care workers and home help) are not subject to the provisions of the Labor Standards Act, their wages are determined through an agreement with the employer and set out in a written contract. In order to improve the wage structure for family-based foreign workers, the Ministry of Labor announced that beginning on August 10, 2022, the monthly salary for newly recruited family-based foreign workers, including individuals whose contract is renewed or who transfer to a new employer, would be increased from NT$17,000 to NT$20,000.
2. Given the rise in domestic wage levels following the wage increase introduced in August 2022, and to safeguard the wage rights of family-based foreign workers living in Taiwan, while also balancing the economic burden on employers, the Ministry of Labor will continue to evaluate further adjustments to the wages of family-based foreign workers.

經社點次	問題內容	
17	原文	With reference to Taiwan's decision not to incorporate the standards set out in ILO Convention No. 189 on Domestic Workers, please explain the considerations behind this position and indicate whether Taiwan intends to adopt the Convention's standards or align domestic legislation with its protections in the future.
	中文參考翻譯	關於臺灣未將 ILO 第 189 號《家事勞工公約》所訂標準納入國內法之決定，請解釋該立場背後的考量，並指出臺灣未來是否意欲採納該公約標準，或使國內立法與該公約保障趨於一致。

中文回應

一、受僱於個人家庭之家事勞工，因其工作型態、工作時間及休息時間，與受僱於事業單位之勞工有明顯差異，且其工作場所主要於家庭內，工作時間與休息時間不易釐清，爰目前不論本國籍或外國籍之家事勞工，均排除適用《勞動基準法》，且各界對於訂定專法之具體規範內容，尚未形成具體共識。

二、雖目前家事移工未適用勞動基準法，惟我國《就業服務法》中已經有相關保障，如移工來臺前必須與雇主簽訂書面勞動契約，該勞動契約須經移工來源國驗證，休假方面，有每日休息 8 小時及每週休假 1 日約定條款，雇主必須依約辦理。薪資方面，我國亦已與各來源國就家事移工之最低薪資適時進行協議，自 2022 年 8 月 10 日起，新聘家事移工薪資已由每月 1.7 萬元調高至 2 萬元，並提供雇主補貼；另 2022 年 5 月 1 日實施之《勞工職業災害保險及保護法》，要求雇主應為家事移工投保職業災害保險，使其享有與一般勞工同等之職業災害保險給付，為落實公約社會安全精神之具體立法成果，保障更見強化。

三、現階段推動專法仍有其困難，勞動部仍持續就各相關議題，循序推進家事移工勞動權益保障措施。另因家事移工之勞動權益，涉及我國長期照顧制度，並須兼顧失能及弱勢家庭之照顧負擔，相關政策宜審慎評估。另勞動部已就國際勞工組織(ILO)第 189 號「家事勞動公約」(ILO-C189)規定進行法規盤點與檢視，就民間團體及工會提出各種實務執行面現況問題，研議可行之改善作法，期依國際勞工組織 C189 精神，逐步強化家事勞工之勞動條件保障，循序完成法規盤點作業。

英文回應

1. Domestic workers employed by private households differ significantly from workers employed by business entities in terms of work patterns, working hours, and rest arrangements. As their workplace is primarily within private households, working hours and rest periods are difficult to clearly define. Accordingly, at present, domestic workers—regardless of nationality—are excluded from the application of the Labor Standards Act, and there has not yet been concrete consensus among stakeholders regarding the specific regulatory content of a standalone act.
2. Although domestic migrant workers are currently not covered by the Labor Standards Act, relevant protections are already provided under Taiwan's Employment Service Act. For example, prior to entering Taiwan, migrant workers are required to sign a written employment contract with their employers, which must be authenticated by the competent authorities in the workers' countries of origin. With regard to rest, the employment contract includes provisions stipulating at least eight hours of daily rest and one day off per week, which employers are required to observe. In terms of wages, Taiwan has also conducted timely consultations with countries of origin regarding the minimum wage for domestic migrant workers. Since August 10, 2022, the monthly salary for newly hired domestic migrant workers has been increased from NT$17,000 to NT$20,000, with corresponding subsidies provided to employers. In addition, the Labor Occupational Accident Insurance and Protection Act, which entered into force on May 1, 2022, requires employers to enroll domestic migrant workers in occupational accident insurance, ensuring that they are entitled to occupational accident insurance benefits on an equal basis with other workers. This constitutes a concrete legislative achievement in implementing the social security principles of the Covenant and further strengthens legal protection.
3. At the current stage, promoting a standalone act remains challenging. Nevertheless,

the Ministry of Labor continues to advance measures to protect the labor rights of domestic migrant workers in a gradual and issue-by-issue manner. Moreover, as the labor rights of domestic migrant workers are closely intertwined with Taiwan's long-term care system and must take into account the caregiving burden borne by households caring for elderly or disabled family members, related policies require careful and prudent assessment. In addition, the Ministry of Labor has conducted a regulatory stocktaking and review with reference to the provisions of ILO Convention No. 189 on Domestic Workers (ILO-C189), and has examined feasible improvement measures in response to various practical implementation issues raised by civil society organizations and trade unions. In line with the spirit of ILO-C189, the Government aims to progressively strengthen the protection of domestic workers' working conditions and to complete the regulatory review process in a phased manner.

經社點次	問題內容	
18	原文	Regarding the protection of migrant domestic workers from abuse (Response Report, para. 73), please provide: (a) detailed information on the eligibility criteria, evidentiary requirements and procedures for workers applying to change employers due to physical assault; (b) clarification of the verification process used to determine cases of sexual assault; (c) statistical data on reported cases of physical and sexual assault, including outcomes such as criminal convictions and administrative sanctions, and (d) detailed information on measures to prevent debt bondage among migrant domestic workers, including: regulatory reforms; licensing or registration requirements for recruitment agencies (both domestic and foreign); monitoring and due-diligence mechanisms; sanctions against agencies engaging in exploitative recruitment practices and against employers who use such agencies; conditioning visas on lawful recruitment; and bilateral or multilateral agreements with origin countries to ensure no-fee and ethical recruitment.
	中文參考翻譯	關於家事移工免於遭受虐待之保護措施(參見《回應報告》第73點)，請就下列事項提供資訊： (a) 關於因遭受肢體暴力申請轉換雇主之勞工，其申請資格、證據要求及相關程序的詳細資訊； (b) 用以認定性侵害案件之查證程序； (c) 肢體暴力與性侵害通報案件之統計資料，包括刑事定罪及行政處分等處置結果；以及 (d) 防止家事移工陷入債務束縛之相關措施詳細資訊，包括：法規改革；對國內外仲介機構之許可或登記要求；監督及盡職調查機制；對從事剝削性招募行為之仲介機構，以及使用該等仲介之雇主所施加之制裁；以合法招募作為核發簽證之條

		件；以及與來源國締結雙邊或多邊協議，以確保零服務費(no-fee)且合乎倫理之招募機制。

中文回應

(a)

一、遭受肢體暴力家事移工，可依《就業服務法》第 59 條申請轉換雇主。勞工應盡速報警、就醫取得驗傷單，並向勞動部或地方勞工局通報。程序需證明雇主未善盡保護責任，或施暴者即為雇主。經認可後，可不需原雇主同意進行轉換，且不受期滿限制。

二、證據要求：

（一）報案紀錄：警察機關之受（處）理案件證明單、筆錄影本。

（二）醫療紀錄：醫院開立之驗傷單、診斷證明書（載明受傷原因為暴力事件）。

（三）監視器畫面：錄影畫面影本（若有）。

(b)

一、申訴與受理：家事移工、親友或民眾若發現性侵害事件，應立即撥打勞動部 1955 勞工諮詢申訴專線（以下簡稱 1955 專線）24 小時免付費專線申訴。提供中、英、泰、印、越語 5 語雙語接聽。

二、緊急處理與安置：接獲通報後，地方政府勞政機關將介入，並視需求轉介社工協助，提供醫療、法律協助及緊急安置，確保被害人遠離加害環境。

三、司法與行政調查：警方會進行刑事偵查（司法程序），同時勞工主管機關會就雇主違反《就業服務法》或《性侵害犯罪防治法》進行查證。

四、重要查證單位：包括 1955 專線、各直轄市/縣市移工諮詢服務中心、警察機關及外國人所屬國駐華機構。

五、後續追蹤：對涉及性侵害的雇主，除了刑事訴追外，勞動部會納入高風險關懷名單，加強查察，並可能限制其後續聘僱資格。

(c)

一、有關 1955 專線接獲家事移工申訴遭受性侵害申訴案件數、性別比率及占 1955 專線接獲總申訴案件數之比率，分述如下：

（一）2024 年計 17 件，占總申訴案件數 2 萬 4,136 件約 0.07%，女性 17 人(100%)。

（二）2025 年計 13 件，占總申訴案件數 2 萬 5,023 件約 0.05%，女性 13 人(100%)。

二、又查上開期間共計 30 件申訴案件，依地方政府查復結果，查無實證繼續工作者計 4 件、合意性行為無爭議 1 件、經協助轉換雇主或安置者計 16 件、撤案返國者計 3 件，及經司法機關等單位續處者計 6 件。

(d)

一、我國對「私立就業服務機構」的管制作法分為國內機構的「許可制」與國外仲介公司的「認可制」。國內的私立就業服務機構需依《就業服務法》取得「許可證」方可營業。外國仲介公司若要向雇主推介外籍勞工，必須先取得勞動部的「認可」。

二、就業服務法第 40 條明確規範了私立就業服務機構在營運中嚴格禁止的二十項違法行為，涵蓋了契約簽訂、收費標準、文件管理、誠信經營及對勞工人身安全的保障責任。違反者將面臨 6 萬元至 150 萬元罰鍰、停業或廢止許可之處分。

三、嚴禁任何個人或機構媒介外國人從事非法工作，違者將依《就業服務法》第 45 條及第 64 條，處以 10 萬元至 50 萬元罰鍰；若具備「意圖營利」之情事，

更將面臨 3 年以下有期徒刑並科最高 120 萬元罰金，藉此杜絕非法剝削。

四、私立就業服務機構收取服務費須嚴格遵守「有委託契約及實質服務」方可收費之原則，且受《就業服務法》規範嚴禁預先收費。

英文回應

(a)

1. Family-based foreign workers who are subject to physical violence can apply to transfer employers pursuant to Article 59 of the Employment Service Act. The worker should report the incident to the police as soon as possible, seek medical treatment, obtain an injury assessment certificate, and report the matter to the Ministry of Labor or the local labor affairs bureau. This process requires proof the employer failed to fulfill his or her duty of protection, or that the perpetrator is the employer. Once approved, the worker can transfer employers without requiring the agreement of the original employer or being subject to contract-expiration restrictions.
2. Evidence requirements:

(1) Police report records: Proof of case receipt/handling issued by the police, and a copy of a statement taken by the police.
(2) Medical records: Injury assessment certificate or medical diagnosis certificate issued by a hospital (stating the injury was caused by violence).
(3) CCTV footage: Copies of video recordings (if available).

(b)

1. Complaint and acceptance: If a family-based foreign worker, friend/relatives, or member of the public discovers an incidence of sexual assault, they should immediately call the Ministry of Labor's 1955 Labor Consultation and Complaint Hotline (hereinafter the "1955 Hotline"), a 24-hour toll-free service dedicated to dealing with complaints. The hotline provides multilingual assistance in Chinese, English, Thai, Indonesian and Vietnamese.
2. Emergency handling and placement: On receiving a report, the local labor authority will intervene and, if necessary, refer the case to social workers to provide medical care, legal assistance, and emergency placement, ensuring the victim is removed from the environment where the incident occurred.
3. Judicial and administrative investigations: The police will conduct a criminal investigation (judicial process), while the labor authority simultaneously verifies whether the employer has violated the Employment Service Act or the Sexual Assault Crime Prevention Act.
4. Key verification agencies: These include the 1955 Labor Consultation and Complaint Hotline, foreign worker consultation service centers in municipalities/counties/cities, the police and the representative offices in Taiwan of the foreign worker's country of origin.
5. Follow-up tracking: In addition to criminal prosecution, employers involved in sexual assault cases will be placed on a high-risk monitoring list by the Ministry of Labor, which leads to enhanced inspections and the possibility of them have their eligibility to hire workers restricted.

(c)

1. The number of reports received by the 1955 Hotline involving family-based foreign workers alleging sexual assault, gender breakdown, and proportion relative to total

reports received by the hotline are detailed below:

(1) 2024: 17 cases, accounting for approximately 0.07% of the 24,136 complaint reports; all 17 were women (100%).

(2) 2025: 13 cases, accounting for approximately 0.05% of the 25,023 complaint reports; all 13 were women (100%).

2. Of the 30 cases during the above period, based on reviews conducted by local government: 4 cases lacked evidence and the workers continued working; 1 case involved undisputed consensual sexual activity; 16 cases involved assistance transferring employers or placement; 3 cases were withdrawn, with the workers returning to their home country; and 6 cases are ongoing and being processed by judicial authorities and other agencies.

(d)

1. In Taiwan, regulatory measures for "private employment service agencies" are divided into a "permit system" for domestic agencies and an "accreditation system" for foreign labor brokerages. Domestic private employment service agencies are required to obtain a permit to operate in accordance with the Employment Service Act. Foreign labor brokerages are required to secure accreditation from the Ministry of Labor before being able to recommend foreign workers to employers.
2. Article 40 of the Employment Service Act clearly stipulates 20 types of illegal behavior that are strictly prohibited for private employment service agencies. These include responsibilities relating to contract signing, fee charging standards, document management, operational integrity, and the duty to safeguard the personal safety of workers. Anyone violating these provisions is subject to a fine of NT$60,000 to NT$1.5 million, the suspension of operations, or revocation of related permits.
3. Individuals and organizations are strictly prohibited from facilitating foreign workers engaging in illegal employment. Anyone violating this provision will be fined NT$100,000 to NT$500,000 pursuant to Article 45 and Article 64 of the Employment Service Act. If the act is committed with intent to profit, offenders face up to three years in jail and a fine of up to NT$1.2 million.
4. Private employment service agencies are only allowed to charge service fees when there is "a commissioning contract and substantive services" involved. Moreover, advance collection of fees is strictly prohibited pursuant to the provisions of the Employment Service Act.

經社點次	問題內容	
19	原文	In view of the limited transparency associated with vessels operating under flags of convenience (FOC) and reports of labour abuses, please provide detailed information on measures taken or planned to prevent Taiwanese owned vessels from using FOC to circumvent labour protection laws.
	中文參考翻譯	鑑於權宜船(FOC)營運之透明度有限，且有勞動虐待之情事，請提供關於已採取或計劃採取之措施的詳細資訊，以防止臺資船隻(Taiwanese owned vessels)利用權宜船規避勞工保護法律。

中文回應

為強化權宜船(FOC)船員權益保障，避免 FOC 漁船涉入人口販運或強迫勞動問題，農業部於 2022 年修正「投資經營非我國籍漁船許可辦法」，主要修正內容包括：

一、增訂申請人或申請投資經營之非我國籍漁船，曾有強迫勞動或人口販運情事，經國際組織或外國政府認定者，政府不予核定投資經營非我國籍漁船。

二、增訂非我國籍漁船因涉及強迫勞動或人口販運情事，經國際組織或外國政府列為通報名單逾二年，仍未自通報名單除名者，政府不予核定投資經營該非我國籍漁船。列為通報名單未逾二年者，須檢附承諾書及改善計畫書，始得許可其投資經營，如未於期限內完成自通報名單除名，政府得廢止該船之投資經營許可。已許可投資經營之非我國籍漁船，經列為通報名單，應提出改善計畫，並於二年內除名，否則廢止該船之投資經營許可。

三、增訂投資人所投資經營 FOC 漁船，服務於該船船員之勞動條件須符合之項目。另政府於同意國人經營 FOC 漁船後，要求投資人每半年提供一次僱用船員名單，必要時抽查經營者與 FOC 漁船漁工簽署的勞務契約。為落實港口國檢查，每年抽查進入臺灣港口的外籍漁船(包含 FOC 漁船)勞動條件，檢查比率超過 15%。

英文回應

To strengthen the protection of crew' rights on foreign fishing vessels invested in or operated by Taiwanese and to prevent such fishing vessels from being involved in human trafficking or forced labour, the Ministry of Agriculture (MOA) amended the Regulations on the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels in 2022. The main amendments are as follows:

1. Provisions were added stipulating that if an applicant, or a foreign fishing vessel to be invested in or operated by Taiwanese, has been found by an international organization or a foreign government to be involved in forced labour or human trafficking, the MOA will not approve the investment and operation of such foreign fishing vessel.
2. Provisions were added stipulating that if a foreign fishing vessel is listed by an international organization or a foreign government on a notification/watch list due to involvement in forced labour or human trafficking and remains on such list for more than two years, the government will not approve the investment and operation of that vessel.

   For vessels listed for less than two years, approval may be granted only if a written undertaking and an improvement plan are submitted. If the vessel is not removed from the notification list within the prescribed period, the MOA may abolish the approval.

   For any foreign fishing vessel that has already been approved for investment and operation and is subsequently placed on a notification list, an improvement plan must be submitted and the vessel must be removed from the list within two years; otherwise, the approval will be abolished.
3. Provisions were added specifying the labour conditions that must be met for crew serving on foreign fishing vessels invested in and operated by Taiwanese.

   In addition, after approving Taiwanese investment in foreign fishing vessels, the MOA requires the Taiwanese investors to submit a crew employment list every six months, and may, when necessary, conduct inspections on labour contracts signed between operators and crews serving on such vessels. To implement port State

measures, the MOA conducts inspections of labour conditions on foreign fishing vessels (including such vessels invested in or operated by Taiwanese) entering Taiwanese ports, with an inspection rate exceeding 15% each year.

經社點次	問題內容	
20	原文	With reference to paras. 76–77 of the Response Report and the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, please explain why fishers employed on Taiwanese-flagged vessels abroad are governed by separate regulations rather than the Labour Standards Act. Given that the Regulations set a fixed minimum monthly wage of USD550 (significantly below the domestic minimum), do not guarantee key protections regarding working hours, overtime pay, severance, occupational safety, or other core labour rights, and rely on weaker enforcement despite reports of abuse, forced labour, and debt bondage — to what extent does the Government consider this legal distinction justified?
	中文參考翻譯	參考《回應報告》第 76 點至第 77 點及《境外僱用非我國籍船員許可及管理辦法》，請解釋為何在國外營運之臺籍船隻(Taiwanese-flagged vessels)所僱用之漁工，係受獨立法規管轄，而非適用《勞動基準法》。鑑於該辦法規定的每月固定最低工資為 550 美元(顯著低於國內最低工資)，且未能保障工時、加班費、資遣費、職業安全或其它核心勞動權益之關鍵保護措施，並於存有虐待、強迫勞動及債務束縛情事下，仍仰賴相對薄弱之執法機制，政府認為此一法律區別在何種程度上具有正當性？

中文回應

一、國際上對於遠洋漁船在國外僱用外國籍船員並於國外作業，外籍船員未進入其境內者，對其待遇管理並沒有一致性作法。

二、臺灣遠洋漁船早期因長期於海外港口進出及卸魚，於國外港口直接僱用船員，且逐漸形成規模，在過往通訊科技及管理手段缺乏情況下，採取低度管理模式。後因國際日益關注漁船船員權益問題，臺灣政府為負起漁船船籍國管理責任，在有限條件下推動實質管理，陸續實施船位監控及船員名單報備等措施，逐步引導國籍遠洋漁船遵循我國法規。並於 2016 年制定遠洋漁業條例，及於 2017 年訂定境外僱用非我國籍船員許可及管理辦法，強化遠洋漁船船員管理的法制基礎。

三、海洋漁業勞動環境有其特殊性，故國際勞工組織(ILO)另以漁撈工作公約(C188)規範，我國於 2023 年盤點國內法規與 ILO-C188 之差異，其中可修正現行法規來符合 ILO-C188 規範的已陸續完成修正，如已於 2022 年依 ILO-C188 有關工作休息時間的規範，納入境外僱用非我國籍船員許可及管理辦法之規定，並在該辦法規定之定型化勞務契約安排資遣費；又 C188 公約第 34 條有關社會保障的規定:「各成員國須保證,通常居住在其領土上的漁民，及其按國家法律規定的受撫養人，有權享受社會保障保護的待遇，條件不得低於那些適用於通常居住在其領土上的其他工人，包括僱員和自營就業人員。」基於境外僱用外籍船員在國外活動的特性，其大多沒有進入我國領土，

少數進入我國領土亦多是臨時停留，沒有居留權，故其社會保障機制不宜完全適用我國領土範圍內的，例如健保、勞保等。針對此類不是通常居住在我國領土上的外籍船員，以商業保險的方式來保障其權益，更顯得務實。

四、尊重及保障遠洋漁船船員勞動權益是我國的重要政策之一，除透過遠洋漁業條例確認僱用關係外，自 2022 年起透過執行漁業與人權行動計畫進一步提升及保障船員勞動權益，且除透過修正法規納入國際勞工組織(ILO)漁撈工作公約(C188)精神外，更透過推動以施行法方式，將 ILO-C188 正式成為國內法規，政府的目標是逐步提升外籍船員權益，與我國同職業者相當。

英文回應

1. Internationally, there is no uniform approach to regulate the treatment and management of migrant fishers who are employed abroad by distant water fishing vessels that operate outside the flag State's territory, and do not enter that State's jurisdiction.
2. In the past, Taiwanese distant water fishing vessels operated for long periods overseas, frequently calling at and landing catches in foreign ports, and directly recruited crew members in overseas ports. Over time, this practice expanded in scale. Given the limitations in communication technology and management capacity in earlier periods, a low-intensity regulatory model was adopted.
   Subsequently, as international attention to the protection of migrant fishers' rights has increased, the Taiwanese government, in fulfilling its responsibilities as a flag State, has begun to promote substantive regulation under constrained conditions. Measures such as vessel position monitoring and mandatory reporting of crew lists were progressively implemented, gradually guiding Taiwanese distant water fishing vessels to comply with domestic regulations.
   In addition, the Act for Distant Water Fisheries (DWFA) was enacted in 2016, followed by the promulgation of the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members in 2017, thereby strengthening the legal framework for the management of crew members on distant water fishing vessels.
3. Article 34 of the ILO C188 provides that: "Each Member shall ensure that fishers ordinarily resident in its territory, and their dependents in accordance with national laws or regulations, enjoy social security protection under conditions no less favourable than those applicable to other workers ordinarily resident in its territory, including employed and self-employed persons."
   Given the nature of overseas employment of migrant fishers, who primarily operate outside Taiwan and generally do not enter its territory, and even where entry does occur, it is usually for temporary port calls without residency rights, it is therefore not appropriate for Taiwan's social security schemes, such as National Health Insurance and Labour Insurance, to be fully applied to this group. For migrant fishers who are not ordinarily resident in Taiwan, providing protection through commercial insurance arrangements is consequently considered a more pragmatic approach.
4. Respecting and protecting the labour rights of migrant fishers on distant water fishing vessels is an important national policy of Taiwan. In addition to confirming the employment relationship through the DWFA, the Taiwanese government has, since 2022, further enhanced the protection of crew's labour rights through the

implementation of the Action Plan for Fisheries and Human Rights. Beyond amending regulations to incorporate the principles of the ILO C188, the Taiwanese government is also promoting the adoption of C188 through implementing legislation to give it the status of domestic law. Our objective is to progressively improve the rights and protections afforded to migrant fishers comparable to those enjoyed by workers in the same occupation domestically.

經社點次	問題內容	
21	原文	With reference to Taiwan's Action Plan for Fisheries and Human Rights and noting that labour- rights inspections have resulted in administrative sanctions in only one case in 2024, please explain why the Government is not effectively enforcing the existing requirement—set out in the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members—for comprehensive, accurate and up-to-date documentation of all fishers, especially migrant fishers. Please also indicate whether other measures are being taken to prevent and detect human trafficking and other forms of exploitation in the distant-water fishing sector.
	中文參考翻譯	參照《漁業與人權行動計畫》，並注意到2024年勞動權益檢查僅有一件案件導致行政裁處，說明政府為何未能有效落實《境外僱用非我國籍船員許可及管理辦法》所明定之既有要求，即針對所有漁工(特別是移工漁工)建立全面、準確且即時的檔案紀錄(documentation)。另請一併指出，政府是否已採取其它措施以預防及偵測遠洋漁業部門中之人口販運及其它形式剝削。

中文回應

一、臺灣政府在 2024 年有 8 件行政裁處涉及遠洋漁船違反漁業勞動規定，其中 7 件來源為申訴管道，1 件來源為勞動檢查。自 2022 年執行漁業與人權行動計畫以來，政府除落實漁船勞動檢查外，同時致力向船員宣導申訴管道，船員有相關疑慮可在檢查人員抵達漁船邊前，透過暢通的申訴管道直接向主管機關反映，尋求相關支持與幫助，並無未能有效落實境外僱用非我國籍船員許可及管理辦法之情事。另農業部自 2023 年起每年對 50%以上遠洋漁船執行勞動權益檢查，以此高強度檢查以確認漁船遵守管理辦法相關規範，此外，漁船經營者在經過政府宣導及經歷過漁船勞動檢查後，逐漸理解及接受漁業勞動人權重要性，並依法律規定調整漁船管理方式，也是違法案件減少的原因之一。

二、臺灣政府有建置一套漁業管理系統，該系統紀錄所有臺灣管轄的漁船及在漁船上船員的相關資訊，其中包含外籍船員基本資訊及船員受僱用資料等，漁業勞動檢查人員可以隨時查詢船員及僱用者資料，並在實施勞動檢查時適當運用。

三、臺灣政府(內政部)於 2022 年訂定「強化打擊海上人口販運案件合作機制」，漁政主管機關透過與海巡署、內政部警政署、移民署、法務部及勞動部等跨部會合作進行通報、鑑別、安置、保護及轉介等，共同防制海上人口販運。另依據我國「人口販運防制法」，對人口販運（含強迫勞動）被害人的鑑定是司法警察機關權責，漁政機關於發現或接獲遠洋漁船船員疑似人口販運案件有通報責任，依前述機制通報司法警察機關偵辦。

英文回應

1. In 2024, the Taiwanese government imposed administrative sanctions in 8 cases involving violations of fisheries labour regulations by distant water fishing vessels. Of these 8 cases, 7 originated from complaints, and 1 case resulted from a labour inspection.
   Since the implementation of Taiwan's Action Plan for Fisheries and Human Rights in 2022, our government has not only carried out fisheries labour inspections but has also actively promoted complaint mechanisms among crew. Where crew have concerns, they may, even before inspectors board a vessel, directly report issues to the competent authority through accessible complaint channels and seek relevant support and assistance. As such, there has been no failure to effectively implement and enforce the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members.
   Since 2023, the Ministry of Agriculture has conducted labor inspections on more than 50% of distant water fishing vessels each year. This high-intensity inspection regime is intended to ensure that fishing vessels comply with the relevant regulations under the management measures. In addition, following government outreach and experience with labour inspections, our fishing vessel operators have gradually come to understand and accept the importance of labour and human rights in fisheries and have adjusted their management practices in accordance with legal requirements, which is also one of the reasons for the reduction in violations.
2. The Taiwanese government has established a fisheries management system that records information on all fishing vessels under Taiwan's jurisdiction as well as all crew members serving on those vessels. This system includes basic information on foreign crew members and related to their employment. Fisheries labour inspectors can access this information at any time and make appropriate use of it when conducting labour inspections.
3. In 2022, the Taiwanese government (Ministry of the Interior) established the "Enhanced Cooperative Mechanism for Combating Human Trafficking at Sea." Under this mechanism, the fisheries authorities work through inter-agency cooperation with the Coast Guard Administration, the National Police Agency and the National Immigration Agency of the Ministry of the Interior, as well as the Ministry of Justice and the Ministry of Labor, to carry out reporting, identification, placement, protection, and referral, thereby jointly preventing and combating human trafficking at sea. In addition, pursuant to Taiwan's Human Trafficking Prevention Act, the identification of victims of human trafficking (including forced labor) falls under the authority of judicial police agencies. When fisheries authorities discover or receive reports of suspected human trafficking cases involving crew members on distant water fishing vessels, such cases will be reported to the judicial police agencies for investigation in accordance with the aforementioned mechanism.

經社點次	問題內容	
22	原文	Please provide information on measures to protect migrant fishers and prevent abuse at sea, including:

		(a) providing a reliable means of communication for all crew members while they are at sea and preventing employers from monitoring or interfering with the crews' communications, (b) protecting visa-tied fishers from retaliation, dismissal, or deportation for reporting abuses, and (c) preventing debt bondage, including banning recruitment fees for fishers and enforcing sanctions against recruitment agencies operating domestically or abroad, as well as against non-compliant employers.
	中文參考翻譯	請提供有關保護移工漁工並防止其於海上遭受虐待之相關措施資訊，包括： (a) 為所有在海上的船員提供可靠通訊方式，並防止雇主監控或干擾船員之通訊； (b) 確保與簽證綁定之漁工(visa-tied fishers)在通報虐待行為時，不致因而遭受報復、解僱或遣返；以及 (c) 防止債務束縛之措施，包括禁止向漁工收取招募費用，並對國內外之招募仲介機構，以及未遵循規範之雇主，確實執行制裁。

中文回應

一、政府認同提供船員可靠通訊方式對保障其人權之重要性。自 2022 年起，推動為期 4 年之「漁船經營者提供船員通訊設備使用補助作業要點」，鼓勵漁船裝設通訊設備。並於 2023 年 7 月 25 日修正核定「漁業與人權行動計畫」，採取積極輔導措施，鼓勵經營者裝設 Wi-Fi 並開放船員使用，相關分享 Wi-Fi 之漁船資訊已公布於外籍船員互動平臺(https://www.happyfisherman.tw/)。

二、為防止船員於申訴及調查過程中遭受報復、解僱或遣返，政府已逐步建立以被害人為中心之調查與保護機制，包括設立 1955 多語言申訴專線、多語言線上申訴平臺，並接受關懷船員團體協助提出申訴。調查過程中，採取申訴人資訊去識別化，並透過增加訪談人數之方式，避免經營者辨識特定申訴對象。

如案件涉及多項國際勞工組織（ILO）勞動剝削指標或情節重大者，將依「強化打擊海上人口販運案件合作機制」，通報司法警察機關受理，並進行人口販運被害人鑑別。於鑑別前，船員得逕行或經移民署轉介，接受漁政機關設置之緊急安置；經鑑別為被害人者，則依人口販運防制法相關機制，轉介至移民署設置之庇護所，並獲得必要之保護與協助。

為保障移工工作權益，移工如遭受虐待等不當情事，符合就業服務法第 59 條第 1 項第 4 款規定，且非可歸責於移工者，經核准得轉換雇主或工作；如遭受人身侵害（包括性侵害、性騷擾、暴力毆打，或經鑑別為人口販運被害人），並得跨業轉換雇主。於轉換期間仍未能完成轉換者，得申請延長轉換作業，且不受次數限制。

三、依勞動部法令引進之移工，另依勞動部訂定之「受聘僱從事就業服務法第 46 條第 1 項第 8 款至第 11 款規定工作之外國人臨時安置作業要點」，對於涉及勞資爭議、檢舉非法使用、或遭受人身侵害之移工，採取「先安置、後調查」原則，以確保人身安全。

此外，為避免雇主強迫終止聘僱關係致移工遭遣返，於聘僱許可有效期間提前解約時，雇主須於移工出國前通報地方主管機關，由專責人員確認移工返國真意；如過程中衍生爭議，則依勞資爭議處理程序辦理，以維護移工在臺

工作權益。

四、為落實國際勞工組織漁撈工作公約（ILO-C188），在境外僱用船員部分，政府已修正「境外僱用非我國籍船員許可及管理辦法」，明定禁止我國仲介機構向漁工收取服務費用，並不得要求漁工負擔任何招募相關費用。漁業檢查人員於漁業勞動檢查時，將透過直接訪談漁工方式，確認仲介機構遵循相關規定。

另持續與主要船員來源國合作，協助釐清並管理來源國之招募收費標準；一般漁工於出國前因個人生計所產生之借貸，屬非招募費用，仍須由來源國政府配合管理。

五、依我國勞動法令引進之移工，雇主僱用移工應負擔包括勞工保險、全民健康保險、職業災害保險、職業安全衛生檢查，以及工作設備、在職訓練及聘僱許可申請等相關費用。配合國際勞工組織所倡議之「公平招募」原則，我國已明定仲介僅得向雇主收取登記及介紹費，不得向移工收費；違反者，將依就業服務法第 40 條第 1 項規定，處以超收金額 10 至 20 倍罰鍰，並得處 1 年以下停業，且持續透過定期與專案訪查加強查核。

英文回應

1. Taiwan government recognizes the importance of providing fishing vessel crew with access to Wi-Fi. Since 2022, it has implemented a four-year subsidy program to support fishing vessel operators to provide crew members with communication equipment. On 25 July 2023, Taiwan government amended its Action Plan for Fisheries and Human Rights to adopt a proactive guidance approach, encouraging vessel operators to install Wi-Fi equipment and share access with crew. Information on vessels that share Wi-Fi with crew is publicly available on the Foreign Crew Interactive Service Platform (https://www.happyfisherman.tw/).
2. To prevent crew from facing retaliation, dismissal, or repatriation during the complaint and investigation process, Taiwan government has progressively developed a victim-centred investigative and protection mechanism. This includes a multilingual complaint hotline (1955), a multilingual online complaint platform, and acceptance of complaints submitted with the assistance of organization caring for crew's rights and interests. During investigations, complainants' identities are anonymized, and interviews are conducted with multiple crew to prevent vessel operators from identifying specific individuals.

   Where indicators of labour exploitation identified by the International Labour Organization (ILO) are found or the circumstances are deemed serious, cases are handled in accordance with the Interagency Cooperation Mechanism for Enhanced Combating Human Trafficking at Sea (the Interagency Cooperation Mechanism). Suspected cases of crew labour exploitation are referred to judicial police authorities for investigation and victim identification. Pending formal victim identification, affected crew may be either directly placed, or referred by the National Immigration Agency (NIA), to facilities established by fisheries authorities for emergency placement. Where individuals are formally identified as victims of human trafficking, the judicial police will request the NIA to escort them to government-operated shelters, after which they receive protection and assistance in accordance with the Human Trafficking Prevention Act (HTPA).

   To protect the right to work of migrant workers, where abuse or improper treatment occurs and meets the criteria set out in Subparagraph 4, Paragraph 1, Article 59 of

the Employment Service Act (ESA), and where the circumstances are not attributable to the worker, the worker may, upon approval by the competent authority, transfer to another employer or position. Where a worker has suffered personal injury, including sexual assault, sexual harassment, physical violence, or where the worker is identified as a victim of human trafficking, he/she may also transfer to another employer across industries. Workers who are unable to complete the transfer during the prescribed period may apply for extensions without limitation on the number of extensions.

3. In addition, the Ministry of Labor (MOL) has promulgated the Guidelines for the Temporary Placement of Foreign Workers Engaging in Work Specified in Subparagraphs 8 to 11, Paragraph 1, Article 46 of the Employment Service Act (Temporary Placement Guidelines). These guidelines adopt the principle of "placement first, investigation later" for foreign workers introduced pursuant to relevant labor legislation that are involved in labour disputes, have reported illegal employment practices, or have suffered physical harm, for the purpose of safeguarding such workers' personal safety.

   To prevent employers from forcibly terminating employment relationships and thus causing migrant workers to be repatriated, if an employment contract is terminated early while the employment permit remains valid, employers are required to notify local competent authorities before any migrant worker departs Taiwan. The local authority will arrange consultation services to verify whether such migrant worker genuinely intends to return home. If a dispute arises during this process, the case is handled in accordance with labour dispute resolution procedures to safeguard migrant workers' right to work in Taiwan.

4. To implement the standards set out in the International Labour Organization Work in Fishing Convention, 2007 (No. 188) (ILO C188), Taiwan has progressively amended the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members. These amendments explicitly prohibit domestic recruitment agencies from charging service fees to crew members and prohibit requiring crew members to bear any recruitment-related costs. Compliance is verified during fisheries labour inspections, where inspectors directly interview crew members to confirm that domestic recruitment agencies have not violated relevant regulations.

   Taiwan also continues to engage in consultations and cooperation with major crew-sourcing countries, with the aim of having those countries clarify and regulate clear standards for recruitment-related fees. Personal loans taken out by crew prior to departure for livelihood reasons are not related to recruitment fees, thus requiring cooperation and management by the competent authorities of the source countries.

5. Under Taiwan's labour laws and regulations, employers who hire migrant workers are required to bear all employment-related costs, including labour insurance, National Health Insurance, occupational accident insurance, occupational health and safety health examinations, work-related equipment, on-the-job training, and administrative fees for employment permits.

   In line with the ILO's "fair recruitment" principles, Taiwan mandates that where employers commission domestic recruitment agencies to recruit migrant workers, such agencies may only charge registration and referral fees to the employers, and

shall not charge migrant workers. A fine of 10 to 20 times of the amount overcharged will be imposed on violators in accordance with Paragraph 1, Article 40 of the ESA. Also, suspension of operations for up to one year may be imposed. Authorities will continuously conduct regular and targeted inspections to verify compliance.

經社點次	問題內容	
23	原文	Please provide detailed information on the legal framework protecting the educational and labour rights of overseas students admitted to Taiwan through industry academia cooperation programs and if governmental oversight mechanisms exist.
	中文參考翻譯	請提供有關透過產學合作計畫來臺之海外學生，保護其受教權與勞動權之法律架構詳細資訊，並說明政府是否設有監督機制。

中文回應

一、自 2017 年辦理新南向產學合作國際專班，招收東南亞學生來臺就學。為維護外國學生校外實習及工讀權益，禁止仲介招生，強化專班查核(訪視)機制，以確保外國學生學習品質。如經查核發現學校有不法招生情事，將扣減獎補助、停止專班招生作業或列入專案輔導；另如有涉犯刑法事由，將移送檢調偵查。

二、僑務委員會有關招收海外學生之學制係依我國教育部《僑生回國就學及輔導辦法》、《高級中等學校建教合作實施及建教生權益保障法》、《教育部補助及推動產學攜手合作實施計畫要點》、《技職校院辦理產學攜手合作專班注意事項》以及《僑務委員會補助產學攜手合作僑生專班經費作業要點》等相關規定辦理。

三、僑務委員會配合教育部國民及學前教育署及各地方政府教育局等教育主管機關於每年 5 月至 6 月期間辦理高級中等學校建教合作定期實地考核，並由僑務委員會主動辦理僑生專班學校技專學校及建教合作機構訪視，落實學習、實習及生活管理等面向之督考；另就重大議題不定期邀集教育主管機關及內政部移民署前往承辦學校隨機訪查。

四、為達成僑務委員會培育僑生政策之目標，就未依規定辦學或有重大違失之學校，僑務委員會除立即予以糾正外，並將納入年度承辦學校評選，依情節給予不予開班或減招名額之處置，落實僑生權益之保障。

五、為維護來臺留學僑外生在我國從事工讀之勞動權益，防止僑外生成為強迫勞動、人口販運之受害者，事先發現處於脆弱處境之僑外生，適時給予協助，勞動部已規劃由地方政府對經核發工作許可之僑外生進行電話訪問關懷，如辨識僑外生有疑似勞動權益受損害或處於脆弱處境之情事，將進一步安排訪視，倘地方政府於訪視過程中查有雇主、仲介違法情事，即由地方政府逕行裁處，計畫已於 2025 年 10 月份正式啟動。每年訪查 150 所學校以上，訪視僑外生 1 萬 5,000 人次以上。

英文回應

1. Taiwan began organizing international courses with industry-academia collaboration in accordance with the New Southbound Policy in 2017 to recruit students from Southeast Asia to attend school in Taiwan and cultivate talents needed by local industries. To protect the rights of foreign students in off-campus

internships and their rights as student workers, intermediary recruitment is prohibited. The inspection (visit) mechanisms and labor inspections for courses have also been enhanced to protect the quality of learning for all foreign students. Where a school undergoing inspection is discovered to have conducted illegal recruitment, the school will be subject to a reduction of subsidies, suspension of program admissions, or listed as needing special assistance. Where criminal liabilities are involved, the case shall be transferred to prosecutorial or judicial authorities for investigations.

2. Overseas Community Affairs Council(OCAC) administers overseas student programs in accordance with relevant Ministry of Education(MOE) and OCAC regulations governing overseas compatriot student education, cooperative education, and industry–academia collaboration special programs.
3. In coordination with the MOE K–12 Education Administration and local education authorities, annual on-site evaluations of senior secondary cooperative education programs are conducted between May and June. OCAC also carries out institutional inspections of technical institution and cooperative education partners operating overseas compatriot student special programs, and conducts ad hoc joint inspections with education authorities and the National Immigration Agency when necessary.
4. Schools that fail to comply with regulations or commit serious violations are subject to corrective measures. Such cases are incorporated into the annual institutional review, and penalties may include suspension of program approval or reduction of enrollment quotas, in order to safeguard the rights and interests of overseas compatriot students.
5. To safeguard the labor rights of overseas Compatriot and foreign students studying in Taiwan who engage in part-time work, to prevent them from becoming victims of forced labor or human trafficking, and to proactively identify students in vulnerable situations and provide timely help, the Ministry of Labor has planned a program whereby local governments call students issued with work permits to check on their wellbeing. If these interviews identify individuals as potentially having their labor rights infringed or being in vulnerable situations, an on-site visit is arranged. In the event the local government discovers through such visits illegal conduct by employers or labor brokerages, it will impose penalties. The program was officially launched in October 2025 and plans to conduct inspections at more than 150 schools each year, including in-person visits with more than 15,000 overseas Compatriot and foreign students.

經社點次	問題內容	
24	原文	The Collective Agreement Act, in its Article 10, provides that “collective agreements in public enterprises and schools must be approved by the superior competent authority,” and “without approval, they are invalid” (Covenant Watch, para. 429). Please provide information on how many cases of collective agreements negotiated between employers and labour unions became nullified due to disapproval by the superior authority for the last five years. Please also provide information whether repeal of Art. 10 is being

		considered.
	中文參考翻譯	《團體協約法》第 10 條規定「公營事業及學校之團體協約，應經其上級主管機關核可」、「未經核可者，無效」(人約盟，第 429 點)。請提供過去五年間，有多少件由雇主與工會協商達成之團體協約，因上級機關不予核可而失其效力。並請提供資訊說明，政府目前是否考慮廢止第 10 條規定。

中文回應

一、經查過去 5 年間，未有因上級機關不予核可而失其效力之團體協約之情事。

二、次查團體協約法第 10 第 2 項核可規定之立法目的，係鑒於各級政府機關(構)、公立學校及公營事業機構等之團體協約常涉政府預算或人事管理事項，為避免造成政府運作之窒礙或衍生爭議，防止這些行業因不當協約影響公共服務，爰不宜廢止。

英文回應

1. A review of the past five years reveals that no collective agreement has been rendered void due to a disapproval by the competent superior authority.
2. The approval provision in Article 10, Paragraph 2 of the Collective Agreement Act serves a specific legislative purpose. Since agreements made by public entities frequently involve budgetary and personnel issues, this requirement exists to ensure smooth government operations and prevent disputes. By screening for inappropriate agreements, the law protects the quality of public services; therefore, the provision remains necessary and should not be abolished.

經社點次	問題內容	
25	原文	The 2022 Review Committee expressed concern that in order to receive cash benefits, a person in need must be registered to and living in the household where registered. It also noted the need for increased personal services for people with disabilities requiring long-term care. In response to those recommendations, the Government stated that the Ministry of Health and Welfare began review of the Public Assistance Act in 2023, with a series of consultations and that the Legislative Yuan has held public hearings on the proposed amendments. The amendments are wide-ranging and among other issues, would relax the requirement that the beneficiary be reside in their registered domicile. In this context, please provide answers to the following questions: (a) Does the State recognize its primary responsibility for providing for people in poverty? (b) Does it now provide for assistance regardless of the applicant's actual place of residence? (c) What is the timetable for enactment and implementation of amendments to the Public Assistance Act? (d) To what extent will the changes be based on the applicant's actual income and restrict the assessment of household income to immediate family members co-habiting? (e) How will it provide for immigrants in poverty without

		citizenship?
	中文參考翻譯	2022年國際審查委員會關切，現行制度要求有需要者必須「設籍並實際居住於其戶籍所在地之戶內」方得領取現金給付；並指出有必要增加對需長期照顧之身心障礙者之個人服務。針對上述建議，政府表示衛生福利部已於2023年開始檢討《社會救助法》，並已辦理一系列諮詢，立法院亦就修法草案召開公聽會。該等修正內容範圍廣泛，其中包括放寬受益人須居住於設籍地之規定。在此脈絡下，請就下列問題提供回覆： (a) 國家是否認可其對於照顧貧窮人口負有主要責任？ (b) 國家目前是否已不論申請人的實際居住地為何，皆提供救助？ (c) 《社會救助法》修正案通過及施行的時程為何？ (d) 該修法在何種程度上將依據申請人的實際收入進行評估，並將家戶收入之評估範圍限縮於共同居住之近親家庭成員(immediate family members)？ (e) 對於未取得國籍且陷入貧窮的移民，政府將如何提供保障？

中文回應

一、現行社會救助審核以「家戶」為核心，參據民法親屬編直系血親扶養義務，契合我國重視家庭倫理與互助之民情。依社會福利基本法規定，社會福利應兼顧家庭與社會責任。國家雖負有照顧貧窮人口之義務，仍應落實家庭支持功能以預防社會問題。

二、依現行社會救助法，申請人實際居住於戶籍地者始能申請社會救助，為因應人籍不一之經濟不利處境者，修正草案規劃放寬申請限制。民眾若未居住於戶籍地，可向實際居住地之地方政府提出申請。未來將透過行政協助機制，由實際居住地之地方政府受理後轉請戶籍地之地方政府進行審查。

三、衛生福利部自 2023 年啟動社會救助法修法，惟因 2024 年 12 月財政收支劃分法修正通過，大幅影響中央與地方之經費分配。鑑於各界意見分歧且修法財源需重新評估，衛生福利部將全面盤點各縣市執行機制，持續研議兼顧簡政便民、公平客觀及財政可負擔之務實方案。

四、收入及家戶人口計算：

（一）實際收入核算：社會救助法規定有工作能力者之標準，有就業者優先依薪資證明或財稅資料認定；無證明者，參照職類別薪資或初任人員薪資核算。有工作能力未就業者以基本工資設算，並設有特定身分折算及免計規定，以兼顧弱勢就業處境。

（二）家戶人口範疇：社會救助法有關低收入戶及中低收入戶之審核，係以「家戶」為基礎，參據民法扶養義務與家庭倫理，應計算範圍包括本人、配偶、一親等直系血親、同戶籍或共同生活之直系血親，以及納稅扶養義務人。針對現代多元家庭型態，已明定特殊不列入人口範圍之排除條款。

五、針對未入籍之貧困移民，業透過「新住民發展基金」提供設籍前救助、特殊境遇扶助及健保費補助。2024 年通過之新住民基本法已明確規範生活服務與救助法源，配合「新住民發展署」之成立，將由專責機關與預算協助新移民預防貧窮風險。另內政部移民署協助建置新住民培力發展資訊網，提供中文、英文、越南、印尼、泰國、柬埔寨及緬甸等 7 國語言版本，透過網站多語資訊，即可掌握相關資訊。

英文回應

1. The current social assistance review is centered on the "household", referencing the

maintenance obligations between lineal relatives under the Family Part of the Civil Code. This aligns with our national customs that emphasize family ethics and mutual support. According to the Social Fundamental Basic Act, social welfare should balance family and social responsibilities. While the State is obligated to care for the impoverished, it must also reinforce family support functions to prevent social problems.

2. Relaxing Restrictions on "Residence-Registration Mismatch" Under the current Public Assistance Act, an applicant must reside at their place of registered permanent residence to apply for public assistance. To accommodate individuals in economic hardship whose place of actual residence differs from their registered address, the draft amendment plans to relax these application restrictions. Residents may submit applications to the county or city government of their place of actual residence. Through administrative assistance mechanisms, the application will be accepted by the county or city government of their place of actual residence and then transferred to the government of the place of registered permanent residence for review.
3. The Ministry of Health and Welfare (MOHW) has initiated the amendment process of the Public Assistance Act since 2023. However, the passage of the Act Governing the Allocation of Government Revenues and Expenditures in December 2024 significantly impacted the distribution of funds between central and local governments. Given the divergent views and the need to re-evaluate financial resources, the MOHW will comprehensively review the implementation mechanisms of all local governments and continue to study pragmatic solutions that balance administrative simplification, fairness, objectivity, and fiscal sustainability.
4. Calculation of Income and Household Members

(1) Verification of Actual Income: The Public Assistance Act defines standards for those with the "ability to work." For the employed, income is verified primarily by salary certificates or tax data; if unavailable, their income shall be calculated with reference to the 'Average Monthly Regular Earnings' of each occupational category or for 'new entrants' as published by the central competent labor authority. For those with the ability to work but who are unemployed, income is imputed based on the Basic Wage (Minimum Wage). Specific provisions for income reduction or exemption are provided for certain identities to account for the employment circumstances of vulnerable groups.

(2) Scope of Household Members: The review for low-income and middle-low-income households is based on the "household." Referencing maintenance obligations and family ethics, the scope of calculation includes the applicant, spouse, lineal relatives by blood of the first degree, lineal relatives living in the same household or living together, and tax-paying supporters. To accommodate diverse modern family structures, specific exclusion clauses are provided for individuals who do not need to be counted in the household population.

5. For impoverished immigrants who have not yet obtained citizenship, the New Community Development Fund provides pre-registration assistance, support for special circumstances, and subsidies for National Health Insurance premiums. The New Immigrants Basic Act, passed in 2024, explicitly provides a legal basis for life services and public assistance. With the establishment of the New Immigrant Affairs Administration, a dedicated agency and budget will assist new immigrants in

preventing poverty risks. 2. Furthermore, the National Immigration Agency of the Ministry of the Interior has established the website of "New Immigrants Empowerment Development Information Network." This website is accessible in seven languages: Chinese, English, Vietnamese, Indonesian, Thai, Cambodian, and Burmese. Through reading multilingual information on the website, new immigrants may easily access and stay informed about relevant welfare services.

經社點次	問題內容	
26	原文	The Gender Equality in Employment Act provides female employees a maternity leave before and after childbirth for a combined period of eight weeks (Fourth ICESCR Report, para. 167), while the ILO standard for paid maternity leave is 14 weeks. At the same time, their spouses are entitled of seven days of pregnancy checkup accompaniment and paternity leave. Although the proportion of men taking parental leave has been increasing with improved policies of relaxing the requirements, it was still only 25.6% in 2023 (Response Report, para. 85). The proportion of men taking parental leave under the Civil Servant and Teacher Insurance was even less, only 14.5% during 2020-2024 (Fourth ICESCR Report, para. 172). Only seven days of paid parental leave for men is far too short for caring the spouse and learning housework and childcare, and the still low percentage of men's taking parental leave shows the strong gender role stereotypes. Please provide information if there are measures being contemplated to bring changes to further improve the situation, including: (f) extended period for paid maternity leave; (g) extended period for paid paternity leave; (h) special measures to increase the percentage of men taking parental leave, including an exclusive period of parental leave for fathers; (i) increased childcare services during nighttime for the working parents at night; (j) and any other measures to bring changes in the gender role stereotypes.
	中文參考翻譯	《性別平等工作法》規定，女性受僱者於分娩前後合計得請產假8週(參見《經社文公約第四次國家報告》第167點)，惟國際勞工組織(ILO)的給薪產假標準為14週。與此同時，配偶得請7日之產檢陪伴及陪產假。儘管隨著放寬申請要件等政策調整，男性申請育嬰留職停薪之比例已有所提升，但2023年仍僅為25.6%(參見《回應報告》第85點)。依公教人員保險申請育嬰留職停薪之男性，2020年至2024年間比例更僅為14.5%(參見《經社文公約第四次國家報告》第172點)。僅有7日的給薪陪產假對於照顧配偶、學習家務及育兒來說顯得過短；且男性申請育嬰假的比例持續偏低，顯示性別角色刻板印象依然根深蒂固。請提供資訊說明是否正研議相關措施，以進一步改善上述情況，

		包括： (f)延長給薪產假期間； (g)延長給薪陪產假期間； (h)採取特別措施以提高男性申請育嬰假之比例，包括設置專屬於父親之育嬰假期間； (i)為夜間工作的家長增加夜間托育服務；以及 (j)其它有助改變性別角色刻板印象之措施。

中文回應

一、國際勞工組織(ILO)公約所稱之「產假」同時包含「婦女產前休息」、「產後母體恢復」，及「照顧初生幼兒」等多元目的。各國有採取整體性給假者，亦有分項給假者。我國係採分項訂定之立法例，已將國際公約所稱廣義之產假，分別以勞動基準法之產假，性別平等工作法之安胎休養、產檢假、產假及育嬰留職停薪等規定分別規範，對於育兒婦女有相當之保障。

二、有關延長有薪陪產假及採取特別措施以提高男性育嬰留職停薪比例一節，勞動部自2026年1月1日起，推動「彈性育嬰留職停薪新制」，勞工得以「日」為單位申請育嬰留職停薪。2021年縮短育嬰留停門檻，放寬為只要30日即可申請，至2025年底止，相較放寬前，少於6個月的短期育嬰留職停薪，男性申請比率大幅增加164%。因此，本次新制再放寬，將有效促進男性參與育兒，鼓勵男性共同擔負照顧子女責任。

三、依據性別平等工作法第23條規定，僱用受僱者100人以上之雇主，應提供哺(集)乳室、托兒設施或適當之托兒措施，勞動部並訂有經費補助辦法，補助雇主設置哺(集)乳室及托兒設施或措施。如雇主設置托兒設施，因配合受僱者夜間工作，提供受僱者子女夜間托育服務者，勞動部對於補助雇主之托兒設施實支數補助上限由最高百分之80提高至百分之90。

四、依《兒童及少年福利機構設置標準》規定，托嬰中心收托方式包含半日托育、日間托育及臨時托育，尚無提供夜間托育。衛生福利部為協助家長實務需求，已同意臺北市、臺南市及基隆市政府辦理夜間托育服務試辦計畫，後續將評估實際使用需求、成本效益及地方政府執行成效等，再行通盤研議擴大辦理之可行性。

五、行政院推動「建立性別友善職場與提升女性經濟力」性別平等重要議題(2026至2029年)，以提升育嬰留職停薪男性申請比率作為為關鍵績效指標，推動策略包括研訂推展雇主及主管性別意識培力、營造公部門及帶動私部門建立性別平等友善職場環境、縮小水平及垂直職業性別隔離、促進各行業薪資待遇之性別平等等多項策略，請相關部會研訂推動性別友善職場等具體做法並納入部會性別平等推動計畫實施。另為落實「雙就業、雙照顧」國家希望工程及友善家庭政策，勞動部持續推動提升男性育兒參與及建構性別平權職場環境等各項措施，研擬修法草案讓育嬰留停津貼均領滿6個月之雙親，津貼給付期間得各再延長1個月，鼓勵受僱者及其配偶共同分擔養育子女之責任，同時鼓勵男性親自參與撫育子女，改善家庭性別角色分工及性別刻板印象。

英文回應

1. The maternity leave referred to in the International Labour Organization (ILO) conventions encompasses multiple purposes, including pre-natal rest, post-natal maternal recovery, and the care of newborn infants. While some countries adopt a holistic approach to granting such leave, others provide it through categorized provisions. Our country follows a legislative model of itemized provisions. The broad concept of maternity leave defined by international conventions has been

separately regulated in our domestic laws: specifically, Maternity Leave under the Labor Standards Act, and Pregnancy Tocolysis Leave, Pregnancy Checkup Leave, Maternity Leave, and Parental Leave without Pay under the Gender Equality in Employment Act. These regulations collectively provide substantial protection for maternity and childcare.

2. Regarding the extension of paid paternity leave and the adoption of special measures to increase the proportion of men taking parental leave without pay, the Ministry of Labor will implement a new “Flexible Parental Leave Without Pay System” starting January 1, 2026, allowing workers to apply for parental leave without pay on a daily basis. In 2021, the eligibility threshold for parental leave without pay was shortened and relaxed so that applications could be made with only 30 days; by the end of Year 2025, compared with the period before this relaxation, the proportion of male applicants taking short-term parental leave of less than six months increased significantly by 164%. Therefore, the further relaxation under the new system is expected to effectively promote male participation in childcare and encourage men to jointly assume responsibility for caring for their children.
3. Pursuant to Article 23 of the Act of Gender Equality in Employment, employers with 100 or more employees shall provide Breastfeeding rooms, childcare facilities, or appropriate childcare measures. The MoL has also promulgated subsidy regulations to provide financial assistance to employers for the establishment of breastfeeding rooms and childcare facilities or measures. Where an employer establishes childcare facilities and, in response to employees’ night work arrangements, provides nighttime childcare services for employees’ children, the MoL increases the maximum subsidy rate for the actual expenses incurred by the employer in setting up such childcare facilities from up to 80 percent to 90 percent.
4. According to the " Standards for Establishing Children and Youth Welfare Institutes," Infant care centers offer half-day childcare, day time childcare, and temporary childcare, but currently do not offer night time childcare. To assist parents with their practical needs, the Ministry of Health and Welfare (MoHW) has approved pilot programs for night time childcare services in Taipei, Tainan, and Keelung. The Ministry will subsequently evaluate actual usage demand, cost-effectiveness, and the effectiveness of local government implementation before comprehensively considering the feasibility of expanding the program.
5. The Executive Yuan is promoting the gender equality priority initiative "Establishing Gender-Friendly Workplaces and Enhancing Women's Economic Empowerment" (Years 2026–2029), which sets the increase in the proportion of male applicants for parental leave without pay as a key performance indicator. The promotion strategies include formulating measures to enhance gender awareness training for employers and supervisors, creating gender-equal and friendly workplace environments in the public sector and driving the private sector to follow suit, reducing horizontal and vertical occupational gender segregation, and promoting gender equality in salary and remuneration across various industries. Relevant ministries are requested to develop concrete measures for promoting gender-friendly workplaces and incorporate them into their ministerial gender equality promotion plans for implementation. Furthermore, to implement the national vision of "Dual Employment, Dual Care" and family-friendly policies, the MoL continues to

advance various measures to enhance male participation in childcare and build gender-equal workplace environments. The Ministry is drafting amendments to allow parents who both receive the full six months of parental leave allowance to each extend their allowance period by an additional month, thereby encouraging employees and their spouses to jointly assume responsibility for raising their children, while simultaneously encouraging men to personally participate in caring for their children, thus improving the gender division of roles within families and addressing gender stereotypes.

經社點次	問題內容	
27	原文	Marriage migrants (new immigrants) to Taiwan are playing an important role as caregivers for the family and in the society. The NGO information says that "of Taiwan's 600,000 new residents, about 30% lack a national ID card due to nationality rules, and even after decades of residence, they cannot apply for government long-term care services" (Covenants Watch, para. 444). In this context, please provide information on: (a) reasons for the high rates of denial for naturalization for the new immigrants from the Southeast Asian countries; (b) administrative, financial or other necessary measures the government will take for the new immigrants so that they can acquire Taiwanese nationality more easily; and (c) whether there is any consideration to amend the Public Assistance Act to allow the marriage migrants who have resided in Taiwan for a long period but have not yet gained the Taiwanese citizenship to get access to long-term care services.
	中文參考翻譯	婚姻移民(新住民)在家庭照顧及社會中扮演重要角色。非政府組織資料指出「我國60萬的新住民中，有三成因國籍規定未取得我國身分證，即便已經在我國居住數十年，仍無法申請政府提供的長期照顧服務」(人約盟，第444點)。在此脈絡下，請就下列事項提供資訊： (a) 來自東南亞國家之新住民，其歸化申請遭拒絕比率偏高之原因； (b) 政府將為新住民採取哪些行政、財政或其它必要措施，使其能更輕易取得臺灣國籍；以及 (c) 是否正考慮修正《社會救助法》，使已在臺長期居住但尚未取得臺灣國籍之婚姻移民，得以使用長照服務。

中文回應

(a)

我國外籍配偶申請歸化來源國主要來自東南亞國家，近 10 年來外籍配偶歸化取得國籍人數共計 30,259 人，東南亞國家占 29,203 人，歸化許可比例高達 96.5%。至東南亞國家外籍配偶申請歸化近 10 年來遭拒絕僅 400 人，駁回比率為 1.3%，爰無東南亞國家外籍配偶申請歸化遭拒比例偏高之情事。

(b)

依據國籍法第 3 條第 1 項規定：「外國人或無國籍人，現於中華民國領域內有住

所，並具備下列各款要件者，得申請歸化：一、於中華民國領域內，每年合計有183日以上合法居留之事實繼續五年以上。二、依中華民國法律及其本國法均有行為能力。三、無不良素行，且無警察刑事紀錄證明之刑事案件紀錄。四、有相當之財產或專業技能，足以自立，或生活保障無虞。五、具備我國基本語言能力及國民權利義務基本常識。」考量夫妻締結婚姻，長期共同生活於我國，宜使該家庭成員同屬一國籍，以免影響其共同生活，我國業於2000年2月9日、2016年12月21日修正公布國籍法，放寬外國人或無國籍人為我國人之配偶在居留期限及生活保障證明之條件，使其能以較一般外國人更寬鬆的居留期限，以及免除財力證明之情形申請歸化。

(c)

一、長照給付對象原則僅限我國國民：長期照顧服務申請及給付辦法係依長期照顧服務法第8條之1第4項授權訂定，其本質屬國家對人民生活照顧的給付行政措施，考量國家資源有限，對於長照給付對象之範圍，斟酌財力、收入、家計負擔、須照顧之必要性等，設有不同的給付項目及額度，爰此，長照服務費用給付，主要以我國國民為優先給付對象。

二、外籍人士適用例外情形：

（一）馬偕計畫：對我國長期奉獻服務或具有特殊貢獻，經審查符合規定之馬偕計畫外籍人士，給予比照我國國民之長照給付補助。

（二）外國專業人才及其眷屬：依外國專業人才延攬及僱用法修正條文第29條第1項規定，外國專業人才及其眷屬取得永久居留並且合法居留累計10年，每年居住滿183天者，因身心失能且符合65歲以上或符合身心障礙鑑定資格，經長照需要等級評估確認符合長照服務給付資格，可依需求提供長照服務（修正條文定自2026年6月30日施行）。

三、未設籍高齡新住民不適用長照給付對象：未設籍高齡新住民因不具我國國籍及戶籍，故不適用我國長期照顧服務給付對象，建議可考慮申請歸化國籍，即可獲補助使用本國長期照顧服務相關服務措施。新住民若已取得中華民國身分證且在臺設有戶籍，即可依我國長期照顧服務申請及給付辦法之相關規定，申請補助使用長期照顧服務。未歸化國籍之新住民有長照需要可自費使用長照服務。

英文回應

(a)

The majority of foreign spouses applying for naturalization in our country come from Southeast Asian countries. In the past 10 years, a total of 30,259 foreign spouses have obtained citizenship through naturalization, with 29,203 from Southeast Asian countries, representing a naturalization approval rate of 96.5%. Meanwhile, only 400 applications for naturalization from foreign spouses of Southeast Asian countries have been rejected in the past 10 years, a rejection rate of 1.3%. Therefore, there is no situation where the rejection rate for naturalization applications from foreign spouses of Southeast Asian countries is excessively high.

(b)

According to Article 3, Paragraph 1 of the Nationality Act, " A foreign national or stateless person who currently has a domicile within the territory of the R.O.C. and who meets the requirements of the following subparagraphs may apply for naturalization: 1. He/she has legally resided within the territory of the R.O.C. for more than 183 days each year for at least five consecutive years. 2. He/she has the legal competence capacity to act in accordance with the laws of the R.O.C. and his/her own state. 3.

He/she has no bad conduct or criminal records as certified by the Police Clearance Certificate. 4. He/she possesses enough property or professional skills to support himself/herself or lead a stable life. 5. He/she possesses basic proficiency in the national language of the R.O.C. and basic knowledge of the rights and obligations of R.O.C. nationals." Considering that married couples who live together in Taiwan for a long time should have their family members hold the same nationality to avoid affecting their joint life, Taiwan amended and promulgated the Nationality Act on February 9, 1990 and December 21, 2016, relaxing the conditions for the residency period and proof of livelihood for spouses of foreigners or stateless persons who are Taiwanese citizens. This allows them to apply for naturalization with a more lenient residency period than ordinary foreigners and without the need for proof of financial resources.

(c)

1. General Principle: Long-term Care Benefits are Primarily Restricted to National Citizens. The Regulations for Long-term Care Service Application and Payment were formulated under the authority of Paragraph 4, Article 8-1 of the Long-term Care Services Act. These benefits are essentially administrative measures provided by the State to support the livelihood and care of the people. Given that national resources are finite, the scope of Long-Term Care (LTC) benefit recipients is determined by considering financial status, income, family burden, and the necessity of care. Consequently, the payment of long-term care service expenses prioritizes citizens of our country.
2. Exceptions for Foreign Nationals

(1) The Mackay Project: Foreign nationals who have dedicated themselves to long-term service in our country or have made special contributions, and who meet the requirements of the Mackay Project after review, shall be granted LTC benefit subsidies equivalent to those of our national citizens.

(2) Foreign Professional Talents and Their Dependents: Pursuant to Paragraph 1, Article 29 of the amended Act for the Recruitment and Employment of Foreign Professionals, foreign professional talents and their dependents who have obtained permanent residency and have resided legally for a cumulative total of 10 years (with a minimum of 183 days of residence per year) may qualify for LTC services. If they experience physical or mental disability and are aged 65 or older, or meet the criteria for disability certification, they may receive LTC services based on their needs following a long-term care needs assessment. The amended provision shall take effect on June 30, 2026.

3. Ineligibility of Non-registered Elderly New Residents for LTC Benefits
   Elderly new residents who have not established household registration are ineligible for national long-term care service benefits because they do not hold R.O.C. citizenship or household registration. It is recommended that such individuals consider applying for naturalization; once citizenship is obtained, they will be eligible for subsidies and related long-term care service measures. If a new resident has already obtained an R.O.C. Identity Card and has established household registration in Taiwan, they may apply for LTC service subsidies in accordance with the Regulations for Long-term Care Service Application and Payment. New residents who have not yet naturalized but require care may still utilize long-term care services at their own expense.

經社點次	問題內容	
28	原文	There is not much information on older persons except the number of reported cases of abuse and neglect for 2020-2024 (Fourth ICESCR Report, para. 193). Considering that Taiwan is rapidly becoming an aging society, please provide more information on the situation of economic, social and cultural rights of older persons.
	中文參考翻譯	除 2020 年至 2024 年間通報之老人受虐與疏忽案件數據外(參見《經社文公約第四次國家報告》第 193 點)，有關高齡者之資訊相對有限。鑑於臺灣正迅速邁入高齡社會，請提供更多有關高齡者在經濟、社會及文化權利之現況資訊。

中文回應

一、衛生福利部自推動長期照顧十年計畫 1.0 及 2.0 以來，已逐步建構以社區為基礎之長期照顧服務體系，為因應我國即將進入超高齡社會，且人口老化速度遠較歐美各國快，行政院於 2025 年 12 月 31 日核定《長期照顧十年計畫 3.0》(簡稱長照 3.0)，以「健康老化、在地安老、安寧善終」為核心願景，並自 2026 年起正式實施。長照 3.0 打造醫照整合之連續性服務，從社區預防、居家與社區式服務、住宿式照顧、智慧科技應用及人力培育等面向，系統性建構高齡健康與長期照顧支持網絡。此外，為因應特定族群之需求，特別擬定相關專章進行深度規劃，包括「失智症防治照護政策綱領 3.0」、「原住民族長期照顧」以及「身心障礙者長期照顧」，確保長照服務能兼顧文化安全與身障平權，提供更具個別化與適當性的照顧。

二、臺灣於 2025 年正式邁入超高齡社會，人口年齡結構快速轉變，對社會、經濟及公共治理帶來重大影響。為因應高齡化趨勢並兼顧人權保障與社會永續，行政院於 2021 年修正核定《高齡社會白皮書》，並於 2022 年核定「因應超高齡社會對策方案(2023-2026 年)」，由 15 個部會透過跨部會合作、公私協力、產業發展、智慧科技應用及家庭支持等策略，共同推動相關措施，確保高齡者於各生命階段均能獲得適切支持。前揭政策願景回應經社文公約所揭示之健康權、社會保障及適足生活水準等原則，並以增進高齡者健康與自主、提升社會連結、促進世代共融、建構高齡友善與安全環境及強化社會永續發展為整體政策目標。其中，社區照顧關懷據點之布建為重要政策重點。

截至 2025 年底，全國已設置 5,243 處據點，提供關懷訪視、電話問安、餐飲服務及健康促進活動等多元服務，使高齡者得以在社區中獲得近便且連續之支持。其服務重點包括：(一)、透過共餐與關懷訪視，確保高齡者基本生活需求，強化對獨居長者之支持，維護其尊嚴與生活福祉；(二)、辦理健康促進與延緩老化課程，並透過「社區金點獎」鼓勵高齡者持續參與社會生活，促進積極老化；(三)、結合人力培育政策，引導青年投入據點服務，促進世代交流與青銀共生；(四)、因應即將邁入高齡之新興高齡族群，發展多元創新服務模式，回應其差異化需求。展望未來，政府將持續推動長照 3.0 政策，深化以人為本、以社區為基礎之整合式服務體系，落實賴總統「健康臺灣」願景，穩健邁向兼顧人權保障、社會韌性與永續發展之高齡社會治理目標。

英文回應

1. Since the implementation of Taiwan’s Long-Term Care Ten-Year Plan phases 1.0 and 2.0, a community-based service system has been established. With the notable achievements of Long-Term Care 2.0, several performance indicators have

exceeded their targets. In response to Taiwan's imminent transition into a super-aged society, and the fact that population aging is occurring much faster than in European and American countries, the Executive Yuan approved the Long-Term Care Ten-Year Plan 3.0 (hereinafter referred to as Long-Term Care 3.0) on December 31, 2025, guided by the vision of "healthy aging, aging in place, and dignified end-of-life care," which is officially implemented starting in 2026. The Long-Term Care 3.0 aims to develop an integrated and continuous medical and long-term care service system. Through the integration of medical and long-term care services, we have systematically constructed a comprehensive health and support network for elderly people. This continuum of care spans across multiple dimensions, including community-based prevention, home and community services, residential care, the application of smart technologies, and professional workforce cultivation. In addition, to address the needs of specific populations, the Long-Term Care 3.0 includes dedicated chapters for in-depth planning, including the "Dementia Prevention and Care Policy Framework 3.0," "Indigenous Long-Term Care," and "Long-Term Care for Persons with Disabilities," ensuring that long-term care services uphold cultural safety and disability rights, and provide more individualized and appropriate care.

2. Taiwan officially entered a super-aged society in 2025, with demographic change posing significant challenges to social, economic, and governance systems. To address population ageing while upholding human rights and social sustainability, the Executive Yuan revised and approved the White Paper on an Aged Society in 2021 and subsequently approved the Policy Response Plan for a Super-Aged Society (2023–2026) in 2022. The Plan is jointly implemented by 15 ministries and agencies through cross-ministerial coordination, public–private partnerships, industrial development, smart technology applications, and strengthened family support. The policy vision aligns with the International Covenant on Economic, Social and Cultural Rights, particularly the rights to health, social security, and an adequate standard of living. Its objectives are to enhance the health and autonomy of older persons, strengthen social connectedness, promote intergenerational inclusion, create age-friendly and safe environments, and reinforce long-term social sustainability.

   A key policy measure is the expansion of Community Care Stations. As of the end of 2025, 5,243 stations have been established nationwide, providing services including outreach visits, telephone check-ins, meal services, and health promotion activities, thereby enabling older persons to access timely and continuous support within their communities. Service priorities include ensuring basic living needs and dignity, promoting active ageing and social participation, fostering intergenerational exchange through youth engagement, and developing innovative service models to respond to the diverse needs of emerging older adult cohorts. Looking ahead, Taiwan will enter the Long-Term Care 3.0 phase in 2026. The government will continue to strengthen integrated, people-centred, and community-based service systems, and advance President Lai's "Healthy Taiwan" vision toward a sustainable, resilient, and rights-based ageing society.

經社	問題內容

點次		
29	原文	The 2022 Review Committee recommended the establishment of a data base on the number of informal settlers and the homeless people. There is still no national systematic process to collect accurate data on the extent of homelessness, evictions and forced resettlement. Also, the NHRC and NGO reports reveal that consultations with the affected persons are inadequate and that accessible accommodation for people with disabilities is lacking. Please provide information on the following: (a) Acknowledging the numbers of housing units built or under construction, how many of those are fully accessible to people with disabilities? What specific accessibility standards for accessibility are required of all new social housing units? (b) Please provide details of the proposed reforms to the Public Assistance Act and a timeline for its enactment. (c) Given the uncertainty of the numbers of people living in poverty and those who are homeless, is the Ministry of the Interior planning to undertake a nationwide survey to provide an accurate baseline and establish a national data base to be able to monitor the impact of policies on the numbers affected? (d) How many forced evictions have there been since 2022, and how many of those affected were resettled to their satisfaction?
	中文參考翻譯	2022年國際審查委員會建議建立非正規居住者及無家者人數之資料庫。目前仍未建立全國性系統化作業程序，以蒐集有關無家、驅離及強制安置之精確資料。另國家人權委員會及非政府組織報告亦揭示，與受影響者之諮詢不足，且欠缺供身心障礙者使用之無障礙住宿。請就下列事項提供資訊： (a) 在認可已興建或興建中之社會住宅數量的同時，其中有多少比例是身心障礙者可完全無障礙使用的？所有新建社會住宅必須符合哪些具體之無障礙標準？ (b) 請提供關於《社會救助法》修法提案的細節及施行時程。 (c) 鑑於貧困人口與無家者人數仍不明確，內政部是否規劃辦理全國性調查，以建立精確基準並建置全國性資料庫，俾利監測相關政策對受影響人數之影響？ (d) 自2022年以來共有多少起強制驅離案件？其中受影響者有多少已獲得令其滿意的安置？

中文回應

(a)

一、我國社會住宅住戶單元空間設計，可區分為提供「一般」及「無障礙」之2類房型，無障礙房型設計應符合無障礙設施設計相關規範。

二、國家住宅及都市更新中心興辦社會住宅，全面導入「通用設計」，讓空間不只是為行動不便者規劃，而是以無障礙環境為基礎，考量使用者的心理感受，打造出全齡友善的生活環境，在規劃設計上，需考量所有的使用者，包含推嬰兒車的父母、身心障礙者、老人、小孩等，提供像是在公共區域設置感應式照明燈、要求每戶房門出入口及浴廁室內動線淨寬都要達80公分以上、使用地坪防滑設計，於無障礙房型安裝衛浴扶手、門把使用撥桿式把手等貼

心設計。另外社會住宅於招標階段於統包需求書中亦會載明提供無障礙單元比例（如 2%、5%）。

三、地方政府興辦社會住宅，於招租時提供一定比例無障礙房型，優先提供有身障家庭成員之承租戶入住：

（一）臺北市政府：2025 年 7 月 15 日公告修正臺北市公有土地參與都市更新分回納作社會住宅（幸福住宅）評估原則，住宅自用空間室內按通用設計之完整標準進行設計；2022 年 3 月 15 日公告臺北市社會住宅規劃設計基準需求，訂定 5%比例住宅自用空間，以「下肢障輪椅使用者」為使用對象。

（二）新北市政府：新北市社會住宅/都更中繼宅規劃設計基準需求表明訂需有 5%房型採無障礙設計。

（三）桃園市政府：於社會住宅招租須知公告無障礙房型戶數及室內格局。

（四）臺中市政府：興辦社會住宅規劃 3%屬無障礙房型，主要針對下肢障礙、使用輪椅者設計。

(b)

衛生福利部刻正進行社會救助法修法作業，修法草案規劃修正重點包含：增訂街友定義、各權責機關及辦理事項、疑似街友處理方式、結合民間團體提供多元生活自立輔導措施、定期召開街友輔導聯繫會議，並將於子法明定輔導措施，此外，為提升街友福利申請之友善性，修正條文規劃放寬取消須實際居住戶籍所在地之限制，將有助於街友申請福利資格。

(c)

關於無家者人數統計與監測資料庫之建立，衛生福利部目前採取行政通報與專案研究併行的作業模式。在行政作業上，已請各地方政府配合每季定期更新轄內列冊遊民的動態狀況，以掌握基本的個案流動趨勢；相關彙整數據亦由衛生福利部統計處每年固定於「遊民處理情形」公務統計報表中呈現，作為現階段對外說明的參考資訊。為進一步提升統計資料的完整性，衛生福利部已委託專業單位辦理專案研究，目前相關作業正處於資料分析與內部校對的階段。未來規劃參考該研究之分析建議，逐步優化全國性資料庫的功能，並持續觀察各類輔導措施對相關族群的影響，以作為後續滾動式調整政策的參考。

(d)

按土地開發方式，如土地徵收、區段徵收、市地重劃等面相說明：

一、土地徵收

（一）為維護建物所有權人受補償權益，於徵收土地時，原則將依法給予地價補償（以市價計算）、地上物補償（含建築及農林作物）及遷移費等；地方政府亦會就個案提供拆遷協助及安置輔導（個別化法律保障措施）。

（二）目前需用土地人辦理用地取得作業時，亦盡力溝通協調，以取得之土地或建築物所有權人同意配合施工自動拆遷，於 2022 年至今，計有臺北市政府辦理濱江水資源再生中心新建工程案，雖已訂定安置計畫並加發獎勵金辦理搬遷，仍有地主 1 人未於期限內自動搬遷，而由市府協助拆除，並無抗爭情形。

二、區段徵收

（一）為保障民眾權益，針對建物密集區與既成建物，於都市計畫階段即依不妨礙計畫執行及公平原則下儘量剔除區段徵收範圍。納入區段徵收範圍內之土地及需拆除之房屋，均依法給予土地、地上物補償及遷移費等，並由需用土地人提供多元安置方案（包含承購/承租安置住宅、住宅貸款利息補貼、租金補助，或分配安置街廓土地等措施）。

（二）目前需用土地人辦理區段徵收先期作業時，亦盡力溝通協調，以取得土地

或建築物所有權人同意配合區段徵收作業拆遷，對於拒絕配合拆遷者，在尚未獲致共識前，將暫緩執行拆除作業，故自 2022 年以來無強制驅離案件。

三、市地重劃

按市地重劃現行法令規定，土地所有權人可按土地原有位次分配土地，原有建物將儘量保留（保障財產權），倘因建物位於公共設施用地或確實妨礙重劃分配而需拆除，則會給予補償並分配其他可建地（保障居住權），地方政府亦會就個案情形提供拆遷協助及安置輔導措施（個別化法律保障措施）。如有地主反對參加重劃，除得透過變更都市計畫申請剔除重劃範圍（保障居住權及參與權），地方政府亦盡力溝通協調，針對個案情形提供個別協助，對於拒絕配合拆遷者，在尚未獲致共識前，將暫緩執行拆除作業，故自 2022 年以來無強制驅離案件。

英文回應

(a)

1. The spatial design of residential units in social housing in Taiwan may be categorized into two types: “standard” units and “barrier-free” units. The design of barrier-free units shall comply with the relevant regulations governing barrier-free facility design.
2. The central government has directed the National Housing and Urban Regeneration Center to develop social housing with the comprehensive adoption of universal design. This approach ensures that spatial planning is not limited to accommodating persons with mobility impairments, but is instead based on the creation of a barrier-free environment that also takes into account users’ psychological comfort, thereby fostering an age-friendly living environment for people of all ages. In terms of planning and design, the needs of all users—including parents pushing strollers, persons with physical or mental disabilities, the elderly, and children—shall be considered. Design features include, for example, the installation of sensor-activated lighting in public areas; requirements that the clear width of entrances and interior circulation routes of dwelling units and bathrooms be no less than 80 centimeters; the use of slip-resistant flooring; the installation of grab bars in bathrooms of barrier-free units; and the use of lever-type door handles. In addition, during the tendering stage, the proportion of barrier-free units to be provided (e.g., 2% or 5%) is specified in the design-build tender requirements for social housing projects.
3. Local governments developing social housing shall provide a certain proportion of barrier-free units during the rental allocation process, giving priority to tenants with household members who have disabilities:
   (1) Taipei City Government: On July 15, 2025, the Evaluation Principles for Taipei City Public Land Participation in Urban Renewal for Allocation to Social Housing (Happiness Housing) were amended and announced, stipulating that the interior spaces of residential units for personal use shall be designed in full accordance with universal design standards. On March 15, 2022, the Planning and Design Standards for Taipei City Social Housing were announced, specifying that 5% of the residential unit spaces for personal use shall be designed for lower-limb wheelchair users.
   (2) New Taipei City Government: The Planning and Design Standards for Social Housing / Urban Renewal Interim Housing in New Taipei City specify that 5% of the unit types must be designed as barrier-free.
   (3) Taoyuan City Government: The rental guidelines for social housing shall

announce the number of barrier-free units and the interior layouts.

(4) Taichung City Government: The social housing developed by the city is planned to include 3% barrier-free units, primarily designed for persons with lower-limb disabilities and wheelchair users.

(b)

The Ministry of Health and Welfare (MOHW) is currently undertaking the amendment process of the Public Assistance Act. The key points of the draft amendment include adding the definition of homeless persons; defining the respective competent authorities and their designated duties; establishing procedures for handling suspected homeless persons; integrating non-governmental organizations to provide diverse self-sufficiency counseling measures; and holding regular homeless counseling meetings. Furthermore, specific counseling measures will be stipulated in the subordinate regulations. To enhance the accessibility of welfare applications for homeless persons. The amended provisions plan to waive the requirement of residing at the place of registered permanent residence, which will facilitate their eligibility for welfare benefits.

(c)

Regarding the monitoring of homeless populations and the establishment of monitoring databases, The MOHW currently adopts a collaborative operational model that combines administrative reporting with specialized research. In terms of daily administrative operations, local governments are requested to update the status of registered homeless individuals on a quarterly basis to track basic trends in case mobility. The compiled data are also presented annually by the MOHW's Department of Statistics in the "Homeless Handling Status" public statistical reports, serving as reference information for external communication at this stage. To further improve the completeness of statistical data, the MOHW has commissioned a professional organization to conduct specialized research; currently, the project is in the stage of data analysis and internal proofreading. In the future, the MOHW plans to refer to the analytical recommendations of this research to gradually optimize the functions of the national database and continue observing the impact of various support measures on relevant groups, serving as a reference for subsequent rolling policy adjustments.

(d)

Explain according to land development methods, such as land expropriation, zoning expropriation, and urban land consolidation.

1.Land expropriation

(1) To protect the compensation rights of land and improvements owners, when land is expropriated, compensation will be provided in accordance with the law, including land value compensation (at market price), land improvements (including buildings and agricultural and forestry crops) compensation, and relocation fees; the local government will also provide demolition assistance and resettlement guidance (individualized legal safeguards) on a case-by-case basis.

(2) The local governments and land use applicants have actively engaged in communication and coordination with the land and improvements owners to obtain their consent for voluntary demolition and relocation. During 2022 and now, the only exception occurred during the Binjiang Water Resources Recycle Center Project conducted by the Taipei City Government; although a resettlement plan was established and additional incentives were provided to those whom were influenced

for facilitating relocation, but one individual still failed to cooperate with relocation by himself, and the demolition was subsequently assisted by the Taipei City Government.

2.Zone expropriation

(1) To safeguard the rights and interests of the public, densely built areas and existing buildings are, during the urban planning stage, excluded from the zone expropriation scope as much as possible under the principles of not hindering plan implementation and ensuring fairness. For land included in the zone expropriation area and houses that must be demolished, compensation for land and surface structures, as well as relocation fees, is provided in accordance with the law. The land use applicant also offers multiple resettlement options, including the purchase or rental of resettlement housing, housing loan interest subsidies, rental subsidies, or the allocation of resettlement block land.

(2) When the land use applicant conducts preliminary procedures for zone expropriation, it also strives to communicate and coordinate in order to obtain the consent of land or building owners to cooperate with demolition required for the zone expropriation process. For those who refuse to cooperate with demolition, the demolition work will be temporarily suspended until a consensus is reached. There have not been forced evictions since 2022.

3.Urban land consolidation

In accordance with the current laws and regulations of urban land consolidation, land owners can allocate land according to the original position of the land, the original buildings should be preserved as much as possible (protection of property rights), and if they need to be demolished because they are located on public facilities land or really hinder the consolidation and allocation, compensation will be given and allocated to other buildable land (protection of the right of residence), and the local government will also provide demolition assistance and resettlement counseling measures (individualized legal protection measures) according to the circumstances of the case. If a landowner opposes participating in the consolidation, in addition to applying for the exclusion of the consolidation area (protecting the right to reside and the right to participate) through the change of the urban plan, the local government also actively communicates and coordinates to provide individual assistance according to the circumstances of the case. For those who refuse to cooperate with demolition, the demolition work will be temporarily suspended until a consensus is reached. There have not been forced evictions since 2022.

經社點次	問題內容	
30	原文	The human right to a clean, healthy and sustainable environment has recently been recognized by the Human Rights Council (A/RES/48/13), General Assembly (A/76/300), International Court of Justice (Advisory Opinion on Climate Change), Conferences of the Parties to the UN Framework Convention on Climate Change (e.g. Global Mutirao from COP30) and UN Convention on Biodiversity (Kunming-Montreal Global Biodiversity Framework), UN Committee on Economic, Social and Cultural Rights (General

		Comment 27) and UN Committee on the Rights of the Child (General Comment 26). Please explain what steps have been taken by the Government to legally recognize and implement this fundamental human right?
	中文參考翻譯	清潔、健康且永續之環境所涉之人權，近年已獲多個國際機構與機制所承認，包括人權理事會(A/RES/48/13)、聯合國大會(A/76/300)、國際法院(氣候變遷諮詢意見)、《聯合國氣候變化綱要公約》締約方會議(例如 COP30 所提出之 Global Mutirao)、《聯合國生物多樣性公約》(昆明-蒙特婁全球生物多樣性框架)、聯合國經濟社會文化權利委員會(第 27 號《一般性意見》)，以及聯合國兒童權利委員會(第 26 號《一般性意見》)。請解釋政府已採取哪些具體步驟，以在法律上承認並落實此一基本人權？

中文回應

一、我國積極響應國際對環境權之重視，將清潔、健康且永續之環境轉化為具體法律保障與政策落實。環境基本法第 3 條「環境優先原則」明定當經濟發展對環境有嚴重不良影響時，應以環境保護為優先，與聯合國將環境權視為基本人權的前提相符，於實體權利落實上依據同法第 4 條「污染者付費」與第 18 條「資源管理」之規定，推動各類污染防制標準，保障國民免於毒害的健康權，並呼應氣候變遷諮詢意見中的國家責任。

二、2023 年 2 月「溫室氣體減量及管理法」修正為「氣候變遷因應法」，條文第 1 條明訂該法係為落實世代正義、環境正義及公正轉型，善盡共同保護地球環境之責任，並確保國家永續發展而制定。該法亦納入原住民族權益、跨世代衡平、脆弱群體扶助、公民參與等人權保障機制。

三、在空氣品質改善方面，我國推動跨部會空氣污染防制方案，$PM_{2.5}$ 年平均濃度已由 2016 年的 20μg/m³顯著降至 2025 年的 12.8μg/m³。環境部發布「空氣品質政策白皮書」，設定 2030 年降至 10μg/m³以下、2035 年達成 8μg/m³之長期目標，以積極接軌世界衛生組織（WHO）建議指引。為保護易受感族群，我國於學校、醫院及長照機構周邊劃設「空氣品質維護區」，依法限制高污染車輛進入，有效降低老人與兒童之暴露風險。

四、針對水資源安全，我國依「飲用水管理條例」嚴格落實飲用水標準，並針對氣候變遷導致的極端氣候風險，強化天然災害期間之水質檢測頻率與監測量能，確保公眾平等獲取安全飲用水之權利。

五、在生物多樣性保護上，我國更新「國家生物多樣性策略與行動計畫(NBSAP)」，遵循「昆明-蒙特婁全球生物多樣性框架」，採取「基於人權的方法(HRBA)」，擴大原住民族參與共同治理，並尊重其在地智識與資源使用權，維護生態系統之完整性。

英文回應

1. Taiwan actively aligns with the international emphasis on environmental rights, transforming the right to a clean, healthy, and sustainable environment into concrete legal protections and policy implementation. Article 3 of the Basic Environment Act establishes the "Environmental Priority Principle," stipulating that when economic development has a severe adverse impact on the environment, environmental protection shall take precedence. This aligns with the UN's premise of viewing environmental rights as fundamental human rights. Regarding the realization of substantive rights, the government promotes various pollution control standards

based on the "Polluter Pays Principle" (Article 4) and "Resource Management" (Article 18) to protect the public's right to health from toxic exposure, echoing the state responsibilities outlined in the Advisory Opinion on Climate Change.

2. In February 2023, the Greenhouse Gas Reduction and Management Act was amended and renamed the Climate Change Response Act. Article 1 of the Act explicitly states that it is enacted to implement intergenerational justice, environmental justice, and just transition, to fulfill the shared responsibility of protecting the global environment, and to ensure national sustainable development. The Act also incorporates human rights protection concepts such as indigenous peoples' rights, intergenerational equity, assistance for vulnerable groups, and public participation.
3. Regarding air quality improvement, Taiwan promotes a cross-ministerial Air Pollution Control Plan. The annual average concentration of $PM_{2.5}$ has significantly decreased from 20μg/m³ in 2016 to 12.8μg/m³ in 2025. The Ministry of Environment (MOENV) issued the "Air Quality Policy White Paper," setting long-term goals to reduce concentration to below 10μg/m³ by 2030 and 8μg/m³ by 2035, actively aligning with World Health Organization (WHO) guidelines. To protect vulnerable groups, "Air Quality Maintenance Zones" have been designated around schools, hospitals, and long-term care facilities, restricting the entry of high-polluting vehicles by law to effectively reduce exposure risks for the elderly and children.
4. Concerning water security, Taiwan strictly implements drinking water standards pursuant to the Drinking Water Management Act. Addressing the risks of extreme weather caused by climate change, the government has strengthened water quality testing frequency and monitoring capacity during natural disasters to ensure the public's equal right to access safe drinking water.
5. Regarding biodiversity protection, Taiwan has updated the "National Biodiversity Strategy and Action Plan (NBSAP)" in compliance with the "Kunming-Montreal Global Biodiversity Framework." Adopting a "Human Rights-Based Approach (HRBA)," the plan expands the participation of indigenous peoples in co-governance, respects their local knowledge and resource usage rights, and maintains ecosystem integrity.

經社點次	問題內容	
31	原文	The International Court of Justice recently clarified State obligations in the context of climate change, which the Court described as "an existential problem of planetary proportions that imperils all forms of life and the very health of our planet" (Advisory Opinion on Climate Change, para. 456). The Court confirmed that Nationally Determined Contributions must reflect a State's "highest possible ambition"(para. 242) and a fair share of collectively "achieving the temperature goal of limiting global warming to 1.5°C above pre-industrial levels" (para. 245). Please explain how the recently published Taiwan Nationally Determined Contribution, establishing a target of "a 26–30% reduction in net emissions by 2030 and a 36–40% reduction by 2035, both relative to 2005 levels", meets the legal requirements articulated by the ICJ?

	中文參考翻譯	國際法院(ICJ,International Court of Justice)近期釐清了各國在氣候變遷脈絡下的義務，該法院將氣候變遷描述為「一項具有全球規模且危及所有生命形式及地球健康的生存問題」(參見《關於氣候變遷之諮詢意見》第 456 點)。國際法院確認，「國家自主貢獻」(Nationally Determined Contributions)必須反映一國之「可能達成之最高企圖心」(highest possible ambition，第 242 點)，並公平分擔集體「達成將全球升溫限制在工業化前水準之上 1.5°C 的溫度目標」(第 245 點)。請解釋近期公布之臺灣國家自主貢獻所設定之「2030 年淨排放量較 2005 年水準減少 26%至 30%，2035 年減少 36%至 40%」目標，如何符合 ICJ 所闡述的法定要求？

中文回應

一、因應國際國家自定貢獻(NDC 3.0)提交趨勢，並響應第 30 屆聯合國氣候大會(COP 30)「全球共作(Global Mutirão)」精神，我國自主遵循國際公約，於 2025 年 11 月正式經行政院核定提出「中華民國（臺灣）2035 年國家自定貢獻(NDC 3.0)」，提升 2030 年溫室氣體淨排放量目標至相較基準年（2005 年）減少 26%至 30%，並宣布 2035 年目標為較基準年減少 36%至 40%。

二、此一目標係經行政院國家永續發展委員會（下稱永續會）建立協調機制，國家發展委員會提出「臺灣總體減碳行動計畫」，各部門「由下而上」提出自主減碳行動計畫；永續會「由上而下」聚焦盤點再生能源加速（太陽光電、離岸風電）與突破（地熱、小水力）、科技儲能、去碳燃氫、氫能（含氨）供應鏈、碳捕捉利用與封存(CCUS)、產業自主減量、深度節能、國營事業減碳、近零碳建築、商用車輛電動化與去碳化、永續航空燃油(SAF)、農業生態韌性及碳匯、低碳永續農業、資源循環，以及淨零永續綠生活等，搭配科技創新、金融支持、碳排有價、法規調適、綠領人才及社區驅動等六大創新機制，加碼減碳力道。

三、前開所提出 NDC3.0 之減碳目標，皆係建構於符合《巴黎協定》之淨零排放目標下，以最高企圖心及《聯合國氣候變化綱要公約》(UNFCCC)第 3 條「共同但有區別的責任」原則，務實堆疊我國 2030 年及 2035 年減量目標。

英文回應

1. In response to the submission trends of international Nationally Determined Contributions (NDC 3.0) and echoing the "Global Mutirão" spirit of the 30th UN Climate Change Conference (COP30), Taiwan voluntarily adheres to international conventions. In November 2025, the Executive Yuan officially approved and submitted the "Republic of China (Taiwan) 2035 Nationally Determined Contribution (NDC 3.0)," raising the 2030 greenhouse gas net emission reduction target to 26%-30% relative to the base year (2005) and announcing a 2035 target of 36%-40% reduction relative to the base year.
2. These targets were established through a coordination mechanism established by the National Council for Sustainable Development (NCSD) of the Executive Yuan. The National Development Council proposed the "Taiwan General Action Plan for Carbon Reduction," with various ministries proposing voluntary carbon reduction action plans from the "bottom up." Concurrently, the NCSD focused "top-down" on inventorying acceleration and breakthroughs in renewable energy (solar PV, offshore wind, geothermal, small hydropower), technological energy storage, decarbonized hydrogen, hydrogen (including ammonia) supply chains, Carbon Capture, Utilization

and Storage (CCUS), industrial voluntary reduction, deep energy saving, carbon reduction in state-owned enterprises, net-zero buildings, electrification and decarbonization of commercial vehicles, Sustainable Aviation Fuel (SAF), agricultural ecological resilience and carbon sinks, low-carbon sustainable agriculture, resource circulation, and net-zero sustainable green living. These efforts are bolstered by six major innovation mechanisms: technological innovation, financial support, carbon pricing, regulatory adjustment, green talent, and community-driven initiatives to intensify carbon reduction efforts.

3. The aforementioned carbon reduction targets proposed in NDC 3.0 are constructed under the net-zero emission goals consistent with the Paris Agreement. Based on the principle of "highest possible ambition" and "common but differentiated responsibilities" under Article 3 of the United Nations Framework Convention on Climate Change (UNFCCC), Taiwan is pragmatically stacking its reduction targets for 2030 and 2035.

經社點次	問題內容	
32	原文	How are the rights of Indigenous peoples being respected in formulating and implementing climate laws and policies? (Covenants Watch, pp. 24-25)
	中文參考翻譯	在制定及推動氣候相關法律與政策之過程中，政府如何尊重並保障原住民族權利(參見人約盟報告，第 24 頁至第 25 頁)？

中文回應

一、我國於 2023 年 2 月 15 日公布修正「氣候變遷因應法」，已增修納入與原住民族、自然碳匯有關條文，包含協助原住民族穩定轉型（第 3 條）；兼顧原住民族權益、與原住民族共同推動及管理原住民族地區內之自然碳匯、相關權益共享（第 5 條）；融入綜合性與以社區及原住民族為本之氣候變遷調適政策等（第 17 條），保障受原住民族的權益。

二、在調適能力建構方面，原住民族委員會強化原住民族地區相關業務人員因應氣候變遷之基礎能力，並加強敏感地質對部落影響的認識，宣導部落韌性防減災思維與工程實例。政府同時推動部落產業升級，補助案包含特色農業、生態旅遊及文創產業等，帶動部落產業升級並建立市場區隔。另環境部 2025 年已完成核定地方政府「氣候變遷調適執行方案」，其中共計 10 縣市提出 20 個與原住民族相關調適行動計畫，內容包含進行原住民族修繕住宅計畫、長期照顧、特色道路改善、緊急醫療業務及營造多元部落文化照顧環境。

三、政府於制定及推動氣候相關法律與政策之過程，皆充分邀請原住民族委員會表示意見，包括參與公正轉型跨部會推動小組及政府永續長聯盟，以及臺灣 2025 淨零轉型「公正轉型」關鍵戰略行動計畫，提及國際推動淨零公正轉型落實到臺灣的關鍵，係尊重原住民部落的民主機制，提早展開對話，建立參與機制、促成有效對話、影響決策，才能辨識出真正的課題、尋找可行解方。

英文回應

1. The Climate Change Response Act, promulgated and amended on February 15, 2023, incorporates specific provisions related to indigenous peoples and natural carbon sinks. These include assisting indigenous peoples in a stable transition (Article 3); balancing indigenous rights and interests, jointly promoting and managing natural

carbon sinks within indigenous regions, and sharing relevant benefits (Article 5); and integrating comprehensive climate change adaptation policies that are community-based and indigenous-based (Article 17), thereby safeguarding the rights and interests of indigenous peoples.

2. Regarding adaptation capacity building, the Council of Indigenous Peoples (CIP) has strengthened the foundational capacity of personnel in indigenous regions to respond to climate change. The CIP also enhances awareness of the impact of sensitive geology on tribes and promotes tribal resilience, disaster prevention/mitigation thinking, and engineering examples. Simultaneously, the government promotes tribal industry upgrades with subsidies covering specialty agriculture, eco-tourism, and cultural and creative industries, driving industrial upgrading and establishing market differentiation. In 2025, the Ministry of Environment (MOENV) completed the approval of local governments' "Climate Change Adaptation Implementation Plans." Among them, a total of 10 counties and cities proposed 20 adaptation action plans related to indigenous peoples. The content includes indigenous housing renovation projects, long-term care, improvement of characteristic roads, emergency medical services, and the creation of diverse tribal cultural care environments.
3. During the formulation and promotion of climate-related laws and policies, the government fully invites the CIP to express opinions. This includes participation in the Just Transition Cross-Ministerial Promotion Group, the Government Chief Sustainability Officer Alliance, and Taiwan's 2025 Net-Zero Transition "Just Transition" Key Strategic Action Plan. The key to implementing international net-zero just transition in Taiwan lies in respecting the democratic mechanisms of indigenous tribes, initiating early dialogue, establishing participation mechanisms, and facilitating effective communication to influence decision-making. Only through this process can genuine issues be identified and feasible solutions found.

經社點次	問題內容	
33	原文	Healthy biodiversity and ecosystems provide the life support system for humans and all species. In the 2022 Kunming-Montreal Global Biodiversity Framework, more than 190 State parties to the UN Convention on Biodiversity committed to protecting 30 percent of land and marine territories by 2030 through rights-based action and in partnership with Indigenous peoples. Could the Government please confirm that it shares this vital commitment, and if so whether there is a plan for achieving the 30 percent target by 2030?
	中文參考翻譯	健全之生物多樣性與生態系統為人類及所有物種提供生命支持體系。在 2022 年通過之《昆明-蒙特婁全球生物多樣性框架》中，超過 190 個《生物多樣性公約》締約方承諾，將透過以權利為基礎之行動以及與原住民族建立之夥伴關係，於 2030 年前保護 30%的陸域及海域。政府能否確認其分擔此一關鍵承諾；如是，是否已規劃達成 2030 年 30%保護目標之計畫？

中文回應

臺灣政府認同健全之生物多樣性與生態系統係人類與所有物種之生命支持體系，並支持《昆明－蒙特婁全球生物多樣性框架》所揭示之願景，包括透過以權利為

基礎之行動，並與原住民族及在地社群建立夥伴關係，於 2030 年前推動陸域與海域之有效保育。
目前，我國依各類自然保育法規所劃設之自然保護區，已涵蓋近五分之一之陸域面積，並形成以中央山脈為核心之保育廊道，有效維護中高海拔森林生態系。然而，國有林外之淺山、平原與海岸地區，因人口稠密及長期人為開發，面臨棲地流失與破碎化之挑戰，進而影響生物多樣性與生態系服務功能。
為回應上述挑戰，臺灣政府自 2018 年起推動「國土生態保育綠色網絡建置計畫」，並結合生態系服務給付措施，將保育行動由既有保護區向外擴展，透過藍綠廊帶串聯淺山、平原至海岸之里山與沿海保育節點，逐步建構全國尺度之生態網絡。
除強化既有保護區之經營管理外，自 2025 年 6 月起，政府進一步推動陸域「其他有效保育措施區域（OECM）」之認定制度，廣泛邀集原住民族、在地社區、企業、民間團體及公私部門共同參與，打造「無保護區之名、具保育之實」之生物多樣性場域，以逐步邁向 2030 年陸域 30%獲有效保育之目標。
目前臺灣已設置 9 座國家公園及 1 座國家自然公園，其陸域面積約占全國國土面積 8.65%；若併計由內政部國家公園署管轄之 59 處國家重要濕地及海岸管理區域，整體陸域保育覆蓋率進一步提升。透過《國家公園法》、《濕地保育法》及《海岸管理法》，國家公園、重要濕地及自然海岸已納入整體規劃，確保從高山至海岸之生態系統均能獲得有效經營管理。
在海洋部分，海洋委員會海洋保育署積極回應「30×30」之全球精神，並於 2024 年制定《海洋保育法》，正式將海洋保護區（MPAs）及其他有效保育措施區域（OECMs）納入法制，建立以科學為基礎之認定與審查機制，確保海洋保育行動具備實質管理效能。
考量我國海域利用密度極高，且須兼顧能源轉型、漁業生計及國家安全等多元需求，目前海域保護比例約為 8.39%，在 2030 年前達成 30%海域保護面積目標，確實存在客觀執行挑戰。爰此，政府將採取務實且循序漸進之策略，優先推動 OECMs 之認定與管理，包括長期禁漁區及人工魚礁等措施，將保育重點置於關鍵棲地之實質管理品質，而非僅以面積覆蓋率作為單一指標。
整體而言，臺灣政府將持續以「以權利為基礎」之原則推動生物多樣性保育，在陸域與海域 OECMs 之認定與管理過程中，確保資訊公開、在地參與，並尊重原住民族之傳統領域與知識體系，兼顧生態永續、文化保存與社會正義，以回應《兩公約》所保障之生存權與文化權。

英文回應

The Taiwanese government recognizes that robust biodiversity and ecosystems constitute the life-support system for humans and all species. In alignment with the vision of the kuning-Monetreal Global Biodiversity Framework, Taiwan supports a right-based approach and the establishment of partnerships with Indigeous proples and local communites to advance the effective conservation of terrestrial and marine areas by 2030.
At present, protected areas established under Taiwan’s conservation laws cover nearly one-fifth of the country’s terrestrial area and form a conservation corridor centered on the Central Mountain Range, effectively safeguarding mid- to high-elevation forest ecosystems. However, low-elevation mountains, plains, and coastal areas outside national forest face intensive development pressures and high population density, resulting in habitat loss and fragmentation and posing challenges to biodiversity and ecosystem services.
To address these challenges, Taiwan launched Taiwan Ecological Network (TEN)

Construction Project in 2018, together with Payments for Ecosystem Services schemes. These initiatives expand conservation actions beyond formally protected areas by connecting Satoyama and coastal conservation nodes through blue and green corridors, building a nationwide ecological network step by step.

In addition to strengthening the management of existing protected areas, Taiwan has, since June 2025, promoted the recognition of terrestrial Other Effective Area-based Conservation Measures (OECMs). This approach actively engages Indigenous Peoples, local communities, the private sectors, civil society organizations, and public authorities to establish biodiversity conservation sites that deliver tangible conservation outcomes without formal protected-area designation, contributing toward the national objective of achieving 30% effective terrestrial conservation by 2030.

At present,one National Nature Park account for approximately 8.65% of the nation's total land area. When the 59 nationally important wetlands and coastal management areas under the jurisdiction of the National Park Service are included, overall terrestrial conservation coverage is further increased. Through the National Park Law, the Wetland Conservation Act, and the Coastal Zone Management Act, ecosystems ranging from high mountains to coastal zones are incorporated into an integrated planning and management framework.

With respect to marine conservation, the Ocean Conservation Administration, Ocean Affairs Council is actively aligning with the global "30×30" initiative. In 2024, Taiwan enacted the Marine Conservation Act, which formally codifies Marine Protected Areas (MPAs) and Other Effective Area-based Conservation Measures (OECMs), and establishes science-based–recognition and review mechanisms to ensure meaningful legal protection and effectiveness.

Given the high intensity of marine space use and the need to balance energy transition, fisheries livelihoods, and national security, Taiwan currently maintains a marine protection coverage of approximately 8.39%. Achieving 30% marine area coverage by 2030 presents objective implementation challenges. Accordingly, Taiwan is adopting a pragmatic and phased approach that prioritizes the recognition and effective management of OECMs—such as long-term fisheries closures and artificial reefs—focusing on substantive management quality of critical habitats rather than numerical coverage alone.

Overall, Taiwan remains committed to advancing biodiversity conservation through a rights-based approach. In the reconition and management of OECMs on land and at sea, the government ensures transparency, meaningful participation of local stakeholders, and respect for the traditional territories and knowledge systems of Indigenous Peoples. These efforts aim to balance ecological sustainability, cultural preservation, and social justice, in consistent with the protections afforded by the International Covenants on human rights, including the rights to life and culture.

經社點次	問題內容	
34	原文	The Review Committee on the Third Review of Taiwan's implementation of ICESCR raised concerns on water and sanitation. Please provide more detailed information on the prioritisation of water resources for domestic and public use under the Water Act, in

		particular including measures regarding the previous situation that 470,000 households did not have access to tap water in 2019. What progress has been achieved since then? Please also provide information on the number of households lacking access to adequately managed sanitation.
	中文參考翻譯	兩公約第三次國家報告國際審查委員會曾對臺灣執行《經濟社會文化權利國際公約》中關於用水與衛生之情況表示關切。請提供更多關於《水利法》下家用及公共用水優先權之詳細資訊，特別是針對2019年仍有47萬戶無法使用自來水所採取之措施。自該時起達成哪些進展？並請提供關於缺乏妥善管理之衛生設施的家戶數量資訊。

中文回應

一、 有關水利法規定之家用及公共用水優先權水權(用水標的之法定順序)

水利法第18條明定用水標的順序，作為水源分配或水源不足、必須限制水權人用水時之依據。

(一) 用水標的順序：依序為家用及公共給水、農業用水、水力用水、工業用水、水運及其他用途。(第18條)

(二) 多目標水庫：其用水標的順序依主管機關核准之計畫定之；如權利人另有協議並經核定者，得依其協議辦理 (第18條之1)。

二、 水源不足時之分配原則

當水源水量不足以供應所有水權人使用時，主管機關應依下列原則分配水資源：

(一) 優先保障民生：如無法另闢水源，主管機關得停止、撤銷或限制家用及公共給水以外之水權。 (第19條)

(二) 同順位爭議處理：順序相同者，以先登記者為優先；如同時取得水權，則按核定用水量比例分配或輪流使用。 (第20條)

三、 水權補償制度

水利法基本上公平保護所有用水人之權利，但具有高度公益性之用水在水源不足時則具有優先性。為兼顧其他水權人之利益，爰定有補償制度以彌補水權人所受之損害。

(一) 補償類型：分為「因公共用水不足限制水權人用水」及「優先用水權」之補償。

(二) 公共給水機構之補償義務：如因保障家用及公共給水導致其他水權人受有重大損害，應由主管機關核定補償範圍，並由公共給水機構負擔。 (第19條)

(三) 優先用水權補償：如登記在後但用水標的在先之水權人，因優先用水致登記在先者受重大損害，應由優先用水人負責補償。 (第20條之1)

(四) 協商機制：補償金額原則由雙方協議；協議不成時，始由主管機關核定。(第20條之1)

四、 為改善無自來水地區及偏鄉民眾用水問題，經濟部自2012年起爭取預算辦理無自來水地區供水改善等相關計畫，主要工作包含辦理自來水延管工程、補助地方政府辦理自來水用戶設備外線、簡易自來水工程及系統營運等工作，亦輔導未使用自來水民眾使用簡易自來水，以提升偏鄉供水品質與用水安全。臺灣自來水普及率自2012年的90.80%提升為2025年6月底的95.55%，自來水普及率提升4.75%。

英文回應

1. Statutory Order of Water Use Purposes
   Article 18 of the Water Act provides the order of priorities for water usage, which serves as the basis for allocating water resources or restricting water use when supply is insufficient.
   (1) The priority order of water use purposes is: (a) supply for domestic use and public use; (b) agricultural use; (c) hydro-power use; (d) industrial use; (e) navigation; and (f) others. (Article 18)
   (2) Multi-purpose reservoirs: The priority of water supply from a multiple-purpose reservoir shall be set according to the plan approved by the competent authority, unless the right holders have agreed otherwise, provided that such agreement has been submitted to and approved by the competent authority. (Article 18-1)
2. Principles for Allocation in Times of Water Shortage
   When the available water supply is insufficient to meet the needs of all water right holders, the competent authority shall allocate water resources in accordance with the following principles:
   (1) Priority protection of public welfare: Under circumstances that domestic and public water supply cannot be met by other new water sources, the competent authority may suspend or revoke granted water rights or impose restrictions on usage, except with respect to domestic and public use. (Article 19)
   (2) Dispute resolution among rights of the same priority: Where disputes arise among registered water right holders due to under-supply of water, the holder with a higher priority of usage shall be granted preemption; among those who have the same level of priority, the holder who acquired the right first shall be granted the preemption; among those who have the same level of priority and acquired their rights at the same time, water shall be used on a pro-rata basis according to the quantity stipulated on their respective water right deeds or by rotation. (Article 20)
3. Water Rights Compensation System
   The Water Act in principle provides fair protection for the rights of all water users; however, in times of water shortage, water uses with high public interest are given priority. To safeguard the interests of other water right holders, a system has been established to compensate affected water right holders in such situations.
   (1) Types of compensation: Compensation is divided into (a) compensation for restrictions on water use by water right holders due to ensuring public water supply, and (b) compensation related to priority water rights.
   (2) Compensation obligation of public water suppliers: Where the suspension, revocation or restriction of water rights in order to ensure domestic and public water supply causes material damages to other water right holders, the competent authority will assess the damages and approve remedies for such damages and impose the liabilities on the public water supplier. (Article 19)
   (3) Compensation for priority water rights: Where a water right holder who is granted preemptive use on account of priority under Article 18 causes material damage to a water right holder who registered earlier, the priority water user shall properly compensate the earlier registered water right holder. (Article 20-1)
   (4) Negotiation mechanism: The amount of compensation shall, in principle, be subject to agreement between the parties concerned; where no agreement is reached, the competent authority will assess the damages and approve the amount

of compensation, which shall be imposed on the one who has the preemptive use. (Article 20-1)

4. To address water access issues in areas without a tap water system and in rural areas, the Ministry of Economic Affairs has since 2012 secured a budget for water supply improvement projects in areas without running water. Projects include tap water pipeline extension, subsidies to local governments for household tap water pipe installation, and simplified water supply infrastructure, as well as related operations and maintenance. In addition, guidance on the use of simplified systems is provided to residents without running water in order to improve water quality and safety in rural and remote areas. As a result of these projects, the tap water coverage rate in Taiwan increased from 90.80% in 2012 to 95.55% by the end of June 2025.

經社點次	問題內容	
35	原文	Climate change is contributing to increased air pollution, heat stress and the spread of some diseases (e.g. dengue fever). Please explain how the government is addressing these health challenges.
	中文參考翻譯	氣候變遷正加劇空氣汙染、熱壓力(heat stress)以及某些疾病的傳播(如登革熱)。請解釋政府如何因應這些健康挑戰。

中文回應

一、面對嚴峻全球暖化現象，我們以實證研究為基礎，由交通部、衛生福利部、中央研究院結合跨單位及跨領域專業建置樂活氣象 APP，針對空氣污染與熱(冷)傷害預警，主動提醒民眾採取預防措施，增進國人保護力。我國衛生部門會依據環境部門之空氣品質監測網空氣品質預測資訊，適時發布預防空氣污染新聞稿及社群媒體，提醒民眾自我保護。也依氣象部門之氣象預報及高溫燈號，與參考熱傷害就醫人次，發布預防熱傷害新聞稿及社群貼文，並發展一般民眾、高齡族群及兒童族群等衛教素材，透過多元媒體管道加強宣導，增加民眾健康識能。

二、氣候變遷會影響病媒蚊分布，全臺溫度上升可能導致病媒蚊分布區域及登革熱潛在流行範圍擴大。藉由中央與地方合作，共同推動社區動員、強化家戶內外巡檢查核及孳生源清除、加強民眾衛生教育等各項防治工作，以降低病媒蚊密度及登革熱流行風險。

英文回應

1. In response to the severe challenges of global warming, a National Health and Weather Risk Warning Platform has been established based on empirical research, the Ministry of Transportation and Communications, the Ministry of Health and Welfare, and Academia Sinica, in collaboration with cross-agency and interdisciplinary professionals, have developed the "LOHAS Weather App." This app proactively reminds the public to take preventative measures regarding air pollution and heat (cold) injury warnings, enhancing the public's ability to protect themselves. Taiwan's health authorities utilize real-time forecast data from the environmental monitoring network. the authorities disseminate timely information via press releases and social media platforms to remind the public to take necessary self-protection measures. To manage heat-related risks, health authorities monitor real-time situations by integrating weather forecasts and high-temperature warning

signals with data on medical consultations for heat-related illnesses. In addition to issuing proactive warnings via press releases and social media, we develop targeted educational materials for general population, older adults, children, etal. These resources are promoted through diverse communication media channels to enhance public health literacy and self-care awareness.

2. Climate change may affect the distribution of vector mosquitoes. Rising temperatures across Taiwan may lead to an expansion of mosquito habitats and the potential geographic range of dengue transmission. Through collaboration between central and local governments, comprehensive measures are implemented to reduce vector density and the risk of dengue outbreaks, including community mobilization, strengthened household and community inspections, source reduction activities, and enhanced public health education.

經社點次	問題內容	
36	原文	International reports estimate 14,500 premature deaths in Taiwan annually because of air pollution (2023 data from https://www.stateofglobalair.org/data/#/air/plot). Please provide information about whether air quality standards reflect the latest guidance from the World Health Organization (2021) and what measures are in place to achieve those standards and reduce the burden of disease attributable to air pollution. Also, what actions are being taken to address the disproportionate burden of air pollution experienced by socio-economically vulnerable populations?
	中文參考翻譯	國際報告估計，臺灣每年約有 14,500 人因空氣汙染而早逝(數據參考自 2023 年 https://www.stateofglobalair.org/data/#/air/plot)。請提供資訊說明，目前的空氣品質標準是否反映了世界衛生組織最新指引(2021 年版)？政府採取了哪些措施以達到這些標準，並減輕因空氣汙染導致的疾病負擔？此外，針對社會經濟地位弱勢族群所承受之不成比例的空氣汙染負擔，政府正採取哪些行動？

中文回應

一、世界衛生組織（WHO）提出的空氣品質指引，主要作為各國參考，並非強制性的全球標準。WHO 建議各國在制定法規時，應綜合評估國內空品現況、經濟發展及技術可行性。國際報告分析空氣污染早逝主要影響污染物為 $PM_{2.5}$，雖然 WHO 針對 $PM_{2.5}$ 年平均值最終建議值為 5 μg/m³，但也提供了四個階段的「過渡目標」（IT-1 至 IT-4）供各國依序達成；目前全球尚無國家將 5 μg/m³直接列為法定標準。

二、環境部已於 2024 年 9 月 30 日修正「空氣品質標準」，將 $PM_{2.5}$ 年平均值標準從 15 μg/m³ 下修至 12 μg/m³，成為亞洲最嚴格的標準。此調整是參考國家衛生研究院 2024 年 7 月發表於國際期刊的本土健康研究成果；目前的標準不僅優於 WHO 的第三階段過渡目標（IT-3 15 μg/m³），更正積極朝向第四階段目標（IT-4 10 μg/m³）邁進。

三、我國自 2016 年起逐年推動多項空氣污染防制策略，目前透過跨部會合作執行第二期空氣污染防制方案，$PM_{2.5}$ 年平均濃度從 2016 年的 20 μg/m³ 顯著

改善至 2025 年的 12.8 μg/m³。環境部並於 2025 年 5 月發表《空氣品質政策白皮書》，訂定 119 年年平均 $PM_{2.5}$ 值達 10μg/m³以下、124 年達 8 μg/m³ 的目標，逐步向 WHO 最終建議值邁進。

四、環境部與衛生福利部於 2026 年 1 月召開會議，將「弱勢族群保護」列為政策核心，推動「兒少校園空品防護網」，針對校園周邊工業區進行系統性體檢。同時，在學校、醫院及長照機構周邊劃設「空氣品質維護區」，限制高污染車輛進入，降低老人與兒童的暴露風險。此外，環境部整合跨領域資訊，每日提供 3 次空氣品質預報，落實受體防護工作。

五、國民健康署積極推動空氣污染健康防護策略，為提升民眾健康識能，將科學研究轉譯為民眾可操作的日常生活指引：

(一)推廣「望、聞、問、確」健康口訣：針對特定區域民眾提供易於記憶的調適口訣，並製作多元衛教素材（如手冊、懶人包、FB 影音），協助民眾在空氣品質不良時採取正確自我保護措施。

(二)室內環境防護指導：根據實證研究，臺灣室內空污主因係油煙與祭拜焚香。國健署署透過衛教宣導，提醒民眾使用抽油煙機或焚香時「開窗」通風，降低居家暴露風險。

(三)分眾健康防護建議：國健署配合環境部「空氣品質預警（AQI）」，於官網及「健康九九+」平臺設置「空氣品質健康防護專區」。針對長者、幼童、心血管及呼吸道疾病患者等「敏感族群」，提供減少戶外活動、正確配戴口罩及個人衛生防護之衛教宣導。

六、氣候變遷衍生的極端氣溫與空污具協同效應，國健署與氣象署、中研院合作開發「樂活氣象 APP」，結合氣象預報與健康防護建議。當極端高溫或空污（AQI）達預警閾值時，即時針對民眾推播提醒。

七、未來持續透過跨部會協力，深耕社區健康教育，並持續精進脆弱族群的環境健康調適作為，確保全齡族群皆能享有健康的生活環境。

英文回應

1. World Health Organization (WHO) Air Quality Guidelines

The Air Quality Guidelines proposed by the World Health Organization (WHO) serve primarily as a reference for various countries and are not mandatory global standards.

WHO suggests that countries should comprehensively evaluate their current air quality, economic development, and technical feasibility when formulating regulations.

International reports identify PM2.5 as the primary pollutant affecting premature deaths due to air pollution.

While the WHO's final recommended annual average for PM2.5 is 5 ug/m3, it provides four stages of "Interim Targets" (IT-1 to IT-4) for countries to achieve sequentially.

Currently, no country in the world has directly adopted 5 ug/m3 as a legal standard.

2. Revision of National Air Quality Standards

The Ministry of Environment revised the "Air Quality Standards" on September 30, 2024.

The annual average standard for PM2.5 was lowered from 15 ug/m3 to 12 ug/m3, making it the strictest standard in Asia.

This adjustment was based on local health research published in international journals by the National Health Research Institutes in July 2024.

The current standard is superior to the WHO’s third-stage interim target (IT-3 of 15 ug/m3) and is actively moving toward the fourth-stage target (IT-4 of 10 ug/m3).

3. Air Pollution Control Results and Future Goals

Since 2016, the government has promoted various air pollution control strategies through inter-ministerial cooperation.
PM2.5 levels significantly improved from 20 ug/m3 in 2016 to 12.8 ug/m3 in 2025.
In May 2025, the Ministry of Environment published the "Air Quality Policy White Paper".
The paper sets targets for the annual average PM2.5 to reach below 10 ug/m3 by 2030 and 8 ug/m3 by 2035, moving toward the WHO final recommendation.
4. Protection of Vulnerable Groups
In January 2026, the Ministry of Environment and the Ministry of Health and Welfare held a meeting placing "Protection of Vulnerable Groups" at the core of their policy.
They are promoting the "Children and School Air Quality Protection Network," which includes systematic inspections of industrial areas near schools.
"Air Quality Maintenance Zones" have been designated around schools, hospitals, and long-term care facilities to restrict high-pollution vehicles and reduce exposure risks for the elderly and children.
The Ministry of Environment provides air quality forecasts three times daily to implement receptor protection.
5. Health Protection and Public Education
The Health Promotion Administration (HPA) actively promotes air pollution health protection strategies by translating scientific research into actionable daily guidelines:
(1) "Look, Smell, Ask, Confirm" Mnemonic: Provides easy-to-remember adaptation tips and diverse educational materials (handbooks, infographics, videos) to help citizens take self-protection measures during poor air quality.
(2) Indoor Environment Protection: Research shows that cooking fumes and incense burning are the main causes of indoor air pollution in Taiwan. The HPA advises opening windows for ventilation during these activities to reduce indoor exposure risks.
(3) Targeted Health Advice: Following the "Air Quality Index (AQI)," the HPA provides specific guidance for "sensitive groups" (elderly, children, and those with cardiovascular or respiratory diseases), such as reducing outdoor activities and wearing masks correctly.
6. Climate Change and Technology Integration
The HPA collaborated with the Central Weather Administration and Academia Sinica to develop the "LOHAS Meteorology APP".
The app combines weather forecasts with health advice, sending real-time push notifications when extreme heat or air pollution (AQI) reaches warning thresholds.
7. Future Outlook
The government will continue inter-ministerial cooperation to deepen community health education and refine environmental health adaptation measures for vulnerable populations, ensuring a healthy living environment for all ages.

經社點次	問題內容	
37	原文	Information received indicates Taiwan is making good progress in reducing or eliminating the domestic use of many toxic substances, including highly hazardous pesticides. However, Taiwan appears

		to permit the export of toxic substances, including highly hazardous pesticides such as paraquat, to developing nations where these substances pose a serious risk to human health, human rights, and the environment. Please address whether the government intends to address this double standard in the near future, and if not, explain how this ongoing situation is consistent with its international human rights obligations?
	中文參考翻譯	收到之資訊顯示，臺灣在減少或消除包括劇毒農藥在內的許多有毒物質之國內使用方面，已取得良好進展。然而，臺灣似仍允許將有毒物質出口至開發中國家，包括如巴拉刈(paraquat)等劇毒農藥，而該等物質在當地對人類健康、人權及環境構成嚴重風險。請說明政府是否有意於近期處理此一雙重標準問題；若否，請解釋此現狀如何與其國際人權義務保持一致？

中文回應

有關農藥之使用與管理，係由各國政府依其境內之氣候環境、病蟲害防治需求及風險管理目標，進行評估後自行訂定。爰此，各國對於特定農藥之管理規範，因各國國情不同而有所差異。臺灣公告禁用巴拉刈，主係考量其具高度毒性、致死率極高且臨床上尚無有效解毒劑，為降低農民誤食及社會危害風險，爰予公告禁用。巴拉刈於國際間目前並未全面禁止貿易。臺灣將持續追蹤國際對劇毒農藥之管制動向，並滾動式檢討相關出口規範，以確保符合國際趨勢與人權保障價值。

英文回應

The regulation and management of pesticides are determined by individual governments based on their specific environmental conditions, pest control requirements, and risk management objectives. Consequently, regulatory frameworks for specific pesticides vary according to the unique national circumstances of each country. Taiwan has prohibited the domestic use of paraquat primarily due to its high toxicity, extremely high fatality rate, and the current lack of effective clinical antidotes. This decision was made to mitigate the risk of accidental ingestion by farmers and to reduce social hazards. However, paraquat is not subject to a universal ban on trade. Taiwan will continue to monitor international regulatory trends concerning highly hazardous pesticides (HHPs) and will periodically review our export regulations. We remain committed to ensuring that our policies align with international trends and the protection of human rights.

經社點次	問題內容	
38	原文	Please provide updated information on the process of removing nuclear waste from Lanyu (Orchid Island), including a concrete timeline for removal and details about the compensation paid to affected Indigenous people. Where is other nuclear waste currently being stored in Taiwan?
	中文參考翻譯	請提供有關將核廢棄物自蘭嶼遷出之過程最新資訊，包括具體遷出時程，以及對受影響原住民族所支付之補償細節。目前臺灣境內其它核廢棄物之儲存地點為何？

中文回應

一、經濟部於2012年公告兩處低放射性廢棄物最終處置設施的建議候選場址(臺

東達仁、金門烏坵)，刻正偕同臺電公司積極參與地方事務與公眾溝通，期能凝聚地方共識並促使地方政府同意協助經濟部辦理地方選址公投。蘭嶼遷場的具體時程將俟確定最終處置場址後再進一步訂定。在完成蘭嶼遷場前，蘭嶼低放貯存場落實靜態管理與輻防管制，確保蘭嶼地區民眾與環境安全無虞。臺電公司已將蘭嶼所有低放射性廢棄物放入合格貯存/運輸兩用容器，並完成運輸船之規劃設計，確保蘭嶼遷場計畫確定後，相關作業即可配合啟動。

二、同時，政府捐助25.5億元設立「財團法人核廢料蘭嶼貯存場使用雅美(達悟)族原住民保留地損失補償基金會」，並於往後每3年提撥2.2億元「土地續租配套補償金」，另依核能發電後端營運基金放射性廢棄物貯存及核電廠除役完成前回饋要點，每年蘭嶼鄉可獲得約2,005萬元貯存回饋金，直至遷場完成為止。

三、在臺灣，除了貯存於蘭嶼的低放射性廢棄物外，核能發電所產生之低放射性廢棄物目前安全儲存於三處核能電廠內。此外，部分放射性廢棄物（小產源放射性廢棄物）係由醫、農、工、學術及研究等組織所產生，均由國家原子能科技研究院接收與貯存。

四、此外，核能安全委員會、經濟部及原住民族委員會每半年共同召開蘭嶼核廢料遷場事項討論會議追蹤辦理進度，共同督促臺灣電力公司辦理蘭嶼核廢料遷場作業。

英文回應

1.The Ministry of Economic Affairs (MOEA) announced two recommended candidate sites (Daren Township, Taitung County and Wuqiu Township, Kinmen County) for a low-level radioactive waste (LLRW) final disposal facility in 2012 and is currently, in collaboration with Taiwan Power Company (TPC), actively engaging in local affairs and public communication with the aim of building local consensus and encouraging respective local governments to agree to assist the MOEA in conducting local referendums for site selection. A concrete schedule for the removal of the LLRW stored at Lanyu Nuclear Waste Storage Site (LNWSS) will be formulated after the site for a LLRW final disposal facility has been determined. Prior to the removal, static management and radiation protection controls are being implemented at the LNWSS to ensure the safety of local residents and the environment. TPC has already placed all the LLRW stored at LNWSS into certified dual-purpose (storage and transport) containers and completed the design of the transportation vessel, thereby ensuring that removal operations can begin immediately once the removal plan is confirmed.

2.Meanwhile, the government established the Compensation Foundation for the Loss of the Yami (Tao) Indigenous Reservation Land Occupied by the LNWSS and has provided NT$2.55 billion in compensation specifically for the Yami (Tao) people on Lanyu. In addition, a land lease rent of NT$220 million is allocated to the Lanyu Township Office (LTO) every three years upon lease renewal. Furthermore, in accordance with the Backend Operation Fund for Nuclear Power Generation Feedback Points before the Completion of Radioactive Waste Storage and Nuclear Power Plant Decommissioning, LTO will receive approximately NT$20.05 million in nuclear waste storage repayment each year until the removal is completed.

3.In Taiwan, aside from the LLRW stored on Lanyu, LLRW generated from nuclear power generation is safely stored on-site at the three nuclear power plants. In addition, a portion of radioactive waste, referred to as small-producers' radioactive waste and

generated from medical, agricultural, industrial, academic and research organizations, is collected and stored by the National Atomic Research Institute.

4. In addition, the Nuclear Safety Commission, the MOEA, and the Council of Indigenous Peoples jointly convene a meeting half-yearly to track the progress of removing nuclear waste from Lanyu, and jointly urge TPC to carry out this task.

經社點次	問題內容	
39	原文	Regarding mental health, the government formulated the Whole-of-society Mental Health Resilience Plan (2025-2030) in collaboration with 13 government institutions, and built 55 community mental health centers nationwide by 2024 (Response Report, para. 98). Please provide further information on how the government ensures AAAQ (availability, accessibility, acceptability and quality) in implementing the Plan and in operating the Centers for all population, including the Indigenous peoples, people with disabilities, LGBTI persons, new immigrants with cultural and language diversities, and those living in remote areas. Please also provide information on how the government is going to monitor and evaluate the implementation of the Plan and the performance of the Centers.
	中文參考翻譯	關於心理健康，政府已與 13 個政府機關合作，制定「全民心理健康韌性計畫(2025 年至 2030 年)」，並於 2024 年前於全國布建 55 處社區心理衛生中心(參見《回應報告》第 98 點)。請進一步說明政府在推動該計畫及營運各中心時，如何確保 AAAQ 原則(可取得、可近用、可接受及品質)以使所有族群均能受益，包括原住民族、身心障礙者、LGBTI、具有文化與語言多樣性之新住民，以及居住於偏遠地區之人口。另請說明政府將如何監測與評估該計畫執行情形，以及各中心之服務成效。

中文回應

一、「全民心理健康韌性計畫」係結合 13 個部會共同推動。衛生福利部補助民間團體辦理 LGBTI、原住民族、兒童青少年等特定人口群之心理健康促進計畫及結合各地方政府衛生局推動分齡、分眾之心理健康促進活動。另自 2021 年起，我國逐年補助地方政府布建社區心理衛生中心，依每 33 萬人口數布建 1 處之原則，至 2025 年底，全國 22 個行政區域合計已布建 71 處，每個行政區域均至少有 1 處；另外全國各地方政府亦積極設置社區心理諮商服務據點，全國現已有 388 點；又自 2023 年起推動年輕族群心理健康支持方案，提供 15 歲至 30 歲人口群，每年 3 次免費心理諮商服務；2024 年擴大服務對象至 45 歲，同時亦鼓勵心理機構以通訊方式提供心理諮商服務，大幅提升民眾取得心理衛生資源可近性、降低接受心理健康服務之經濟障礙及空間限制。

二、「全民心理健康韌性計畫」結合相關部會共訂有 13 項績效指標(KPIs)，以監測與評估計畫執行情形，並由行政院列管，定期追蹤 KPI 達成情形。另為了解社區心理衛生中心業務執行現況、困境與執行成效，衛生福利部定期辦理社區心理衛生中心實地輔導訪查，聘請專家委員給予建議及指導。

英文回應

1. The Whole-of-Society Mental Health Resilience Plan is a collaborative initiative driven by 13 government ministries. The Ministry of Health and Welfare (MOHW) has provided subsidies to civil society organizations to implement mental health promotion programs for specific groups, including LGBTI individuals, indigenous peoples, and children and adolescents. Furthermore, the MOHW collaborates with local health bureaus to promote age-specific and demographic-targeted mental health activities. Since 2021, Taiwan has been providing annual subsidies to local governments to establish community mental health centers, following the principle of one center for every 330,000 people. By the end of 2025, a total of 71 centers have been established across all 22 administrative regions nationwide, ensuring at least one center in every region. In addition, local governments have actively set up community mental health counseling stations, with 388 stations now operational across the country. To further enhance support, the Mental Health Support Program for Young People was launched in 2023, providing three free counseling sessions per year for individuals aged 15 to 30. In 2024, the eligibility was expanded to include individuals up to age 45. The MOHW also encourages psychiatric institutions to offer telemental health counseling services via communication technology. These initiatives have significantly improved the accessibility of mental health resources and reduced economic and spatial barriers to seeking professional help.
2. To monitor and evaluate the implementation of the plan, 13 key performance indicators (KPIs) have been established in coordination with relevant ministries. These indicators are under the supervision of the Executive Yuan, which regularly tracks the achievement of each KPI. Additionally, to understand the current operational status, challenges, and effectiveness of the community mental health centers, the MOHW conducts regular on-site guidance and visits, inviting expert committee members to provide professional advice and direction.

經社點次	問題內容	
40	原文	According to the Statistics on Communicable Diseases (Common Core Document, Table 19), syphilis and gonorrhea have steadily increased from 2020 to 2023, while HIV infection and AIDS have been effectively controlled and decreased steadily for the same period. Please provide information on measures taken against the increasing STI, including more proactive sexual health education for the affected population while keeping privacy, as well as for the general public.
	中文參考翻譯	根據傳染病統計數據(參見《共同核心文件》表 19)，梅毒與淋病在 2020 年至 2023 年間持續增加，而人類免疫缺乏病毒(HIV)感染與愛滋病(AIDS)在同一時期則得到有效控制並穩定下降。請提供針對性傳染病(STI)增加所採取措施之資訊，包括在維護隱私的同時，為受影響族群及社會大眾提供更積極的性健康教育。

中文回應

一、為強化青少年性傳染病防治，衛生福利部(疾病管制署及國民健康署)與教育部成立青少年性教育(性健康及性病防治)聯繫平臺，就性教育、性健康及性

病防治討論與合作，定期召開聯繫會議，並邀集專家召開「性傳染病防治衛教宣導素材規劃專家會議」。有關聯繫平臺執行成果包括：發展分眾適齡性傳染病防治教材；整合及優化跨部會及各單位衛教宣導資源；於疾病管制署全球資訊網建置「性傳染病防治衛教資源」專區，提供分眾多元衛教素材，供各界參考運用；並透過跨部會協力推動增能與衛教宣導。建立「性傳染病匿名諮詢服務平臺」，以專線電話、LINE@、E-mail 等方式提供 1 對 1 諮詢服務，並提供年輕族群及學生匿名免費快速梅毒與愛滋篩檢服務，強化性傳染病預防與及早診斷治療，促進民眾健康。為提供更積極的性健康教育，衛生福利部國民健康署於主責之生育健康範疇，持續推動青少年性健康衛教及健康促進，具體措施包括持續充實「健康九九+網站」之青少年好漾館衛教素材，並持續與教育部跨部會合作。

二、疾病管制署亦持續透過跨部會合作，並結合各地方政府衛生局(所)、醫療院所、專業醫學會、民間團體等單位，積極推展民眾及青少年各項性傳染病防治工作，重點摘述如下：

（一）預防：為提升一般大眾及風險族群對於性傳染病防治知能及自我健康保護意識，透過多元管道進行衛教宣導，包括：主動發布新聞稿、辦理記者會，並結合社群媒體宣導，藉由 Facebook、IG、LINE@疾管家「性健康友善資源地圖」等管道，並製作多國語言衛教素材，透過跨部會合作，尤其是教育部，配合該部「全面性教育政策」，致力於提升學生及年輕族群對於疾病的正確認知，宣導安全性行為的重要性，增強自我防護知能等，並透過共同合作辦理教育訓練或研習共識營，增進校園衛生保健人員、校護等工作人員的性健康專業知能，以提供年輕族群衛教宣導服務；持續與各專業醫學會合作，推動「性健康友善門診醫療品質提升計畫」，積極辦理醫事人員性傳染病防治教育訓練，製作性傳染病衛教宣導素材，以及輔導醫療院所成為性健康友善門診，積極提供性傳染病友善照護服務。另亦透過補助地方政府辦理「傳染病防治計畫」，與地方縣市衛生局共同合作，積極辦理風險族群之衛教宣導與篩檢服務等防治工作，與民間團體合作，辦理校園愛滋及性傳染病防治衛教宣導活動，並運用多元媒體管道進行防治知識宣導，切入社群網絡提升宣導效果。

（二）篩檢：拓展多元篩檢及衛教諮詢服務，觸及感染風險族群及民眾，以早期發現個案及時治療，包括辦理匿名篩檢、愛滋自我篩檢服務等。

（三）風險個案加強管理與治療追蹤：將梅毒與淋病列入法定應通報之疾病，持續強化淋病、梅毒等性傳染病通報與監測，並與臺灣感染症醫學會合作制訂臺灣成人梅毒及淋病臨床診斷、治療暨預防指引，供臨床醫事人員參考運用。持續針對淋病雙球菌之抗藥性進行監測，提供第一線醫療人員淋病治療藥物的最佳參考建議，確保抗生素治療劑量使用充足並選擇有效藥物，以降低抗藥性菌株產生及治療失敗的風險；另強調對感染具抗藥性及重複感染淋病之風險管理個案強化疫情調查、衛教及追蹤管理治療與伴侶服務，降低交互感染之風險。針對懷孕梅毒個案，運用孕婦產前檢查及通報資料進行串接與分析，以辨識可能懷孕之梅毒個案、快速確診及積極治療等策略，並由公衛人員逐一進行追蹤至生產及產後，並提供衛教及諮詢服務，以降低梅毒母子垂直感染之風險，我國近年先天性梅毒個案數維持穩定，僅有零星個案。

英文回應

1. To strengthen STI prevention among adolescents, the Ministry of Health and Welfare (including the Taiwan Centers for Disease Control (CDC) and the Health Promotion

Administration (HPA)) collaborated with the Ministry of Education (MOE) to establish the "Adolescent Sexual Education (Sexual Health and STI Prevention) Liaison Platform." Designed to facilitate discussion and coordination on sexual education, sexual health, and STI prevention, the platform holds regular liaison meetings and convenes "Expert Meetings on the Planning of STI Prevention Health Education and Promotional Materials," with subject-matter experts invited to participate. The key outcomes of the platform include: developing age-appropriate and audience-specific STI prevention educational materials; integrating and optimizing cross-ministerial and inter-agency health education and promotional resources; establishing a dedicated "STI Prevention Educational Resources" section on the CDC official website to provide diversified, audience-specific materials for public reference and use; and promoting capacity-building and health education through cross-ministerial collaboration. In addition, the CDC has established the "Anonymous STI Consultation Service Platform," which provides one-on-one consultation services via hotline, LINE@, and email. The platform also offers anonymous, free, and rapid syphilis and HIV screening services for adolescents, students and young adults, thereby strengthening STI prevention and promoting early diagnosis and treatment to safeguard public health. To strengthen proactive sexual health education, the Health Promotion Administration (HPA) of the Ministry of Health and Welfare, within its mandate of reproductive health, continues to promote adolescent sexual health education and health promotion. Key measures include the ongoing enrichment of youth-focused educational materials on the "Health 99+" website and sustained interministerial collaboration with the Ministry of Education.

2. The CDC continues to promote STI prevention through cross-ministerial collaboration, in partnership with local Health Bureaus (Departments) and Health Centers, medical institutions, professional medical associations, and non-governmental organizations. The key measures are summarized as follows:

(1)Prevention: To enhance STI-related knowledge and self-protection awareness among the young populations, health education and promotion efforts are delivered through multiple channels. These include issuing press releases, holding press conferences, conducting outreach through social media platforms such as Facebook, Instagram (IG), and the LINE@ CDC "Sexual Health-Friendly Resource Map," as well as developing multilingual educational materials. Through cross-ministerial collaboration—particularly with the MOE and in alignment with the MOE's "Comprehensive Sexuality Education Policy"—efforts are made to enhance students' and young people's correct understanding of STIs, emphasize the importance of safe sexual behaviors, and strengthen self-protection skills. Joint training programs or consensus-building workshops are also organized to enhance the professional capacity of school health personnel and nurses to deliver appropriate sexual health education and outreach services to young people. The CDC continues to engage with professional medical associations to promote the "Sexual Health-Friendly Care Quality Improvement Program," which includes providing STI prevention training for healthcare professionals, developing STI health education and promotional materials, and supporting medical institutions in becoming sexual health-friendly clinics that deliver inclusive and accessible STI care services. In addition, through subsidies provided for the "Communicable Disease Prevention Program," the CDC

works with local Health Bureaus (Departments) to carry out a range of prevention measures, including health education and screening services for at-risk populations. The CDC also partners with non-governmental organizations to conduct campus-based HIV and STI prevention and health education activities, leveraging multiple media channels and social networks to disseminate prevention knowledge and enhance outreach effectiveness.

(2)Screening: Diversified screening, health education, and consultation services are expanded to reach populations at risk of infection, enabling early case detection and timely treatment. These efforts include anonymous screening services and HIV self-testing programs.

(3)Enhanced Management and Treatment Follow-up for High-Risk Cases: The CDC has designated syphilis and gonorrhea as notifiable diseases and continues to strengthen the reporting and surveillance of STIs, including these two infections. In collaboration with the Infectious Diseases Society of Taiwan, the CDC has developed the Guidelines for Diagnosis, Treatment, and Prevention of Syphilis and Gonorrhea among Adults in Taiwan for reference by clinical healthcare professionals. Ongoing monitoring of Neisseria gonorrhoeae antimicrobial resistance is conducted to provide frontline healthcare personnel with reliable treatment guidance, ensuring adequate antibiotic dosages and selection of effective medications to reduce the risk of resistant strains and treatment failure. The CDC also emphasizes enhanced epidemiological investigations, health education, treatment follow-up, and partner services for cases involving antimicrobial-resistant infections and repeated gonorrhea infections, aiming to reduce the risk of onward transmission. For syphilis cases in pregnancy, prenatal screening and case notification data are linked and analyzed to identify suspected syphilis cases among pregnant women, facilitating rapid diagnosis and active treatment. Public health personnel follow up on each case through delivery and the postpartum period, providing health education and counseling services to reduce the risk of mother-to-child (vertical) transmission. In recent years, the number of congenital syphilis cases in Taiwan has remained stable, with only sporadic cases reported.

經社點次	問題內容	
41	原文	Taiwan was the first country in the region to allow same-sex marriage. Under the Artificial Reproduction Act, however, the benefits of the assisted reproduction are not available for same- sex couples or single women. Please provide information whether there is any consideration to expand the benefits of assisted reproduction to the same-sex couples and single women.
	中文參考翻譯	臺灣為本區域首個承認同性婚姻之國家。然而，依《人工生殖法》規定，輔助生殖之相關權益目前尚未適用於同性伴侶或單身女性。請說明政府是否正考慮擴大輔助生殖之適用對象，使同性伴侶及單身女性亦得享有相關權益。

中文回應

行政院已於 2025 年 12 月 11 日函請立法院審議人工生殖法修正草案，納入女同性伴侶及單身女性為適用對象。

英文回應

On December 11, 2025, the Executive Yuan forwarded a draft amendment of the Assisted Reproduction Act to the Legislative Yuan, proposing to grant female same-sex couples and single women access to assisted reproductive technology.

經社點次	問題內容	
42	原文	The Primary and Junior High School Act, amended and promulgated on June 21, 2023, provides that elementary and junior high school students do not have to pay school tuition. The local authorities are to provide books for financially disadvantaged students, who are exempt from fees prescribed in other ordinances. However, the 2024 survey conducted by the Taiwan Fund for Children and Families found that 45% of adolescents in vulnerable families have considered giving up further education, primarily due to economic hardship (Covenants Watch, para. 592). Educational instability is found to be related to housing insecurity, low family incomes and poverty, as well as other specific factors affecting Indigenous students and those with disabilities. In this context, please provide replies to the following: (a) Please elaborate on how the Ministry of Education and local authorities ensure disadvantaged families receive all the support required so that their children can and do regularly attend school. (b) Are disadvantaged families with school age children prioritised in the provision of social housing so that the children can attend school?
	中文參考翻譯	《國民教育法》已於2023年6月21日修正公布，規定國民小學及國民中學學生免繳學費。由地方政府提供教科書予經濟不利處境之學生，且免除其它法規所定之相關費用。然而，臺灣兒童暨家庭扶助基金會於2024年所進行之調查顯示，45%脆弱家庭少年曾經想放棄升學，主因為經濟困難(人約盟，第592點)。教育不穩定與居住不安定、家庭所得偏低及貧困情形有關，且原住民族學生及身心障礙學生另有其特定影響因素。在此脈絡下，請就下列事項提供說明： (a) 請詳述教育部及地方政府如何確保不利處境家庭獲得所有必要支持，使其子女能夠且確實定期上學。 (b) 在社會住宅的配給中，育有學齡兒童的不利處境家庭是否獲得優先考量，以便其子女就學？

中文回應

一、國民教育階段不利處境家庭學生就學支持方案

(一)代收代辦費

為確保不利處境家庭獲得必要支持，使其子女能夠順利就學，依教育部國民及學前教育署補助國民中小學弱勢學生實施要點，補助國民中小學無力繳交之代收代辦費。

(二)課後照顧

教育部督導各直轄市、縣（市）政府辦理國民小學兒童課後照顧服務班，明訂收費基準上限，並補助及提供家長多元平價的照顧服務，其中公立課後照顧班之低收入戶、身心障礙及原住民兒童得免費參加。

(三)夜光天使

夜光天使點燈專案計畫補助低收入、單親、失親、隔代教養等之經濟弱勢家庭國小學童，且下課後確實無人予以照顧，以致有影響其身心健康與發展之虞者。除提供講師及臨時人力、志工等人力來照顧學童外，也提供夜間膳食，讓經濟弱勢學童受到完整的夜間課後照顧服務，減輕經濟弱勢家庭負擔。

(四)教育儲蓄戶

為落實社會關懷、實現公平正義之社會理念，並協助更多弱勢學生，教育部推動「學校教育儲蓄戶」計畫，透過公開之網路平臺（www.edusave.edu.tw）向社會大眾募款，結合各界力量，共同協助低收入戶、中低收入戶、家庭突遭變故，或因其他特殊情況致家庭經濟困難之在學學生，使其得以順利完成學業，進而實現教育機會均等之目標。

二、補助經濟弱勢學生午餐費

截至 2025 年，教育部國教署每年以一般性教育補助款補助地方政府經濟弱勢學生午餐經費 21 億元。本款項 2026 年由地方政府持續補助，2026 年起除新北市、嘉義市外，已有 20 縣市推動學生免費午餐。

三、特殊身分學生支持方案

(一)依據「特殊教育法」第 37 條：各級主管機關應依身心障礙學生之家庭經濟條件，減免其就學費用；及「身心障礙者權益保障法」第 29 條：各級教育主管機關應依身心障礙者之家庭經濟條件，優惠其本人及其子女受教育所需相關經費。

(二)教育部訂定「身心障礙學生及身心障礙人士子女就學費用減免辦法」，為考量身心障礙程度影響其生活、就學及就醫等各方面甚鉅，為達公平性及有效性之照顧，並以身心障礙程度作為就學費用之減免基準，

(三)關於交通車就學津貼及補助措施，針對弱勢家庭學生，特別是居住地距學校較遠、交通不便或家庭經濟困難者，提供多元就學交通協助措施，包括就學交通補助、接送或交通車服務及特殊身分學生加強補助。

(四)為協助就讀高級中等以下學校之原住民學生，依「教育部國民及學前教育署補助高級中等以下學校原住民學生助學金及住宿伙食費原則」規定，辦理助學金及住宿伙食費補助。

四、《住宅法》第 4 條規定，主管機關及民間興辦之社會住宅，應提供至少 40% 以上比率出租予經濟或社會弱勢者，並規範 13 款經濟或社會弱勢者身分，其中包括特殊境遇家庭。截至 2025 年 12 月底止，實際承租社宅戶數共 2 萬 7,404 戶中，社會及經濟弱勢戶 1 萬 2,807 戶，占 46.7%，其中具特殊境遇家庭身分共有 874 戶，占全體承租戶數比率為 3.2%，占 13 款經濟或社會弱勢者身分戶數比率為 6.82%。

英文回應

1.Educational Support Programs for Students from Disadvantaged Families at the Compulsory Education Level

(1) Subsidies for miscellaneous fees collected on behalf of schools

In order to ensure that children from disadvantaged families are able to attend school without interruption, subsidies are provided to students enrolled in public elementary and junior high schools who are unable to pay miscellaneous fees collected on behalf of schools, in accordance with the relevant regulations issued by the K-12 Education

Administration, Ministry of Education.

(2) After-school care services

The Ministry of Education supervises and supports municipal and county (city) governments in the implementation of after-school care service programs for elementary school students. Fee ceilings are explicitly prescribed, and subsidies are provided to ensure the availability of diverse and affordable after-school care services. Children from low-income households, children with disabilities, and indigenous children are entitled to attend public after-school care programs free of charge.

(3) Moonlight Angel Program

The Moonlight Angel Program provides financial support for elementary school students from economically disadvantaged families, including those from low-income, single-parent, orphaned, or grandparent-led households, who lack adequate supervision after school and whose physical or mental well-being and development may be adversely affected. The program provides after-school supervision through instructors, temporary personnel, and volunteers, as well as evening meals, thereby ensuring comprehensive nighttime after-school care, supporting students' healthy development, and alleviating the caregiving and financial burdens on disadvantaged families.

(4) Education Savings Account

To promote social solidarity and realize the principles of fairness and justice, the Ministry of Education has implemented the School Education Savings Account Program. Through a publicly accessible online platform, donations are collected from the general public to consolidate societal resources in support of students from low-income and middle-low-income households, as well as students whose families have experienced sudden hardship or other special circumstances resulting in financial difficulty. The program aims to ensure that such students are able to complete their education and to advance the realization of equal educational opportunities.

2.Subsidies for School Lunch Expenses for Economically Disadvantaged Students

As of 2025, the K-12 Education Administration, Ministry of Education has provided at least 2.1 billion TWD general education subsidies for school lunch fees of economically disadvantaged students.

In 2026，this funding continues to be subsidized by local governments. Starting in 2026, a total of 20 cities, excluding New Taipei City and Chiayi City, have implemented free school lunch programs for students.

3.Support Programs for Students with Special Status

Pursuant to Article 37 of The Special Education Act, " The corresponding competent authorities shall exempt or waive the educational expenses of students with disabilities based on their family's financial circumstances." In addition, pursuant to Article 29 of the People with Disabilities Rights Protection Act, "The competent authorities of individual levels in charge of education shall, according to the respective socioeconomic status of the households of people with disabilities, provide them or their children with support for related educational expenses."

The Ministry of Education has promulgated the Regulations Governing the Reduction and Exemption of School Fees for Students with Disabilities and Children of Persons with Disabilities. Considering that the degree of disability significantly affects individuals' daily lives, schooling, and medical care, and in order to ensure fairness

and effective support, the degree of disability is used as the basis for determining the reduction or exemption of school related fees.

Regarding school transportation allowances and subsidy measures, diversified transportation support is provided for students from disadvantaged families—particularly those who live far from school, face transportation difficulties, or come from economically disadvantaged households—to ensure equal access to education. These measures include : School Transportation Subsidies, pick-up/Drop-off or School Bus Services , Enhanced Subsidies for Students with Special Status.

To assist Indigenous students enrolled in senior secondary schools and below, scholarships and subsidies for accommodation and meal expenses are provided in accordance with the Principles Governing Subsidies for Scholarships and Accommodation and Meal Expenses for Indigenous Students in Senior Secondary Schools and Below issued by the K-12 Education Administration ,Ministry of Education.

4.Article 4 of the Housing Act stipulates that social housing developed by the competent authority or by private sector shall provide at least 40% of units for rental to economically or socially disadvantaged persons. The Act also defines 13 categories of economically or socially disadvantaged status, including families in special circumstances. As of the end of December 2025, there were a total of 27,404 social housing tenant households, of which 12,807 (approximately 46.7%) were economically or socially disadvantaged households. Among them, 874 households were identified as families in special circumstances, accounting for 3.2% of all tenant households and 6.82% of households falling under the 13 categories of economically or socially disadvantaged status.

經社點次	問題內容	
43	原文	Regarding human rights education, please provide information on the following questions: (a) What plans are there to integrate human rights education into the national civil service examinations as an essential professional competency? (b) How does the state measure the effectiveness of the current human rights education in government agencies?
	中文參考翻譯	關於人權教育，請就下列事項提供資訊： (a) 目前有何計畫將人權教育納入國家公務人員考試，將其視為核心專業職能？ (b) 國家目前係以何種方式評估政府機關內既有人權教育之成效？

中文回應

(a)

我國公務人員係採考試取才制度，考選部依用人機關之職務性質與核心職能需求，妥適設置考試類科並規劃應試科目，藉以評量應考人是否具備執行公務所需之專業知識與能力，俾達成考用合一之目標。爰公務人員考試科目是否納入人權保障相關理念，係以該考試類科及科目之核心內涵是否涵攝人權議題為主要考量，而非另以單一科目形式概括規定。就現行公務人員各項考試應試科目，除公職專技

人員類科外，均將「法學知識（包括中華民國憲法、法學緒論）」列為必考之普通科目，其命題重點及考試內涵，涵蓋基本人權之保障原則、人權限制之合憲審查性、比例原則及正當法律程序等重要議題，與國際人權規範及憲政人權理念具有高度關聯性。是以，公務人員考試於制度設計上，已普遍將人權保障觀念納入基礎核心考試內容。至於專業科目部分，以一般政府機關取才之主要管道—高等考試三級考試為例，社會行政、勞工行政、衛生行政、教育行政等類科，其專業科目本即涉及社會權保障、勞動權益、健康權及受教權等高度人權相關之核心議題；另因應機關特殊用人需求所辦理之移民行政人員、警察人員、司法人員、外交領事人員及原住民族等特種考試，其核心職能涉及公權力行使、國際人權標準接軌，以及弱勢族群與特定族群之權利保障，相關專業科目亦已將人權保障理念及實務議題納入列考範圍。

(b)

一、我國自 2009 年起陸續以通過施行法的方式引進國際人權公約，各機關並持續辦理人權教育訓練以促進公務員對於人權公約的瞭解及運用。為深化公務員人權教育訓練品質與成效，並接軌聯合國人權教育培訓模式，我國首部國家人權行動計畫（2022-2024）於「人權教育」議題中，將建立人權教育監測與成效評估機制納入推動重點之一。行政院後於 2025 年 1 月函頒「各機關辦理人權教育訓練之監測與成效評估指引」(下稱指引)，該指引建立一套辦理公務員人權教育訓練之系統性架構，協助培訓機關於規劃、設計、實施和後續追蹤等 4 個階段採用以人權為本的系統性方式，循序妥適制定教育訓練目的與學習目標、編輯教材、遴選講者與設計訓練方式，同時運用評估工具及自我檢核方式持續提升訓練品質與成效。政府已持續督導各機關落實指引，強化課程設計並善用評估工具，促使公務員透過人權教育訓練，將人權價值內化於日常施政作為。為確保培訓品質持續精進，行政院暨所屬機關已依權責逐步落實推動以下措施：

(一)行政院所屬機關於 2025 年須各自選擇至少 2 場人權教育訓練課程實際運用指引，並自 2026 年起將規劃安排於「行政院人權保障推動小組人權教育組」輪流進行報告，以瞭解與檢視各機關 2025 年運用指引推動人權教育訓練之執行成效。

(二)各人權公約主管機關(法務部、衛生福利部、內政部及行政院性別平等處)已配合指引，於 2025 年底前完成訂（修）定人權公約教育訓練宣導相關計畫，並立基於過去推動人權公約教育之經驗，引導各部會落實指引核心精神，未來將規劃蒐整各機關辦理教育訓練之質性成果，促使人權保障價值內化於政府施政作為。

二、為完備兩公約教育訓練計畫與評估架構，法務部已於 2025 年底完成修訂「兩公約教育訓練及宣導計畫」，該計畫於 2026 年 1 月經行政院人權保障推動小組會議決議通過後實施，明確將行政院 2025 年函頒之指引所指出之四個階段：規劃、設計、實施、追蹤，完整納入計畫執行。除改變過去僅計算參訓人數、時數之量化統計，要求各機關於辦理訓練後，須包含反應評估（學員滿意度）及學習評估（前測、後測），以確保學員掌握公約核心價值。另法務部已於 2025 年辦理 2 場次訓練課程，課程透過案例演練，評估學員是否具備辨識人權風險之敏感度，後續法務部將持續配合行政院人權教育推動政策，落實兩公約核心價值，並確保教育內容能精準回應國際審查委員之結論性意見與建議。

英文回應

(a)

The civil service system in our country adopts an examination-based recruitment process. In accordance with the nature of public positions and the core competency requirements of employing agencies, the Ministry of Examination designs examination categories and subjects to assess whether candidates possess the professional knowledge and competencies required to perform public duties, thereby achieving alignment between examination content and employment needs. Accordingly, the inclusion of human rights protection concepts in civil service examinations is determined by whether the core substance of a given examination category and its subjects encompass human rights issues, rather than through the mandatory establishment of a single, stand-alone subject.Except for categories for licensed professional and technical personnel, all current civil service examinations include "Legal Studies (including the Constitution of the Republic of China and an Introduction to Jurisprudence)" as a mandatory general subject. The scope of this subject covers key issues such as the principles of fundamental human rights protection, constitutional review of restrictions on human rights, the principle of proportionality, and due process of law. These topics are closely aligned with international human rights norms and constitutional human rights principles. From an institutional design perspective, civil service examinations have already broadly incorporated human rights protection concepts as a foundational core requirement. With respect to professional subjects, taking the Level 3 Civil Service Senior Examination as an example, categories such as social administration, labor administration, health administration, and education administration inherently address core issues related to human rights, including the protection of social rights, labor rights, the right to health, and the right to education. Moreover, special examinations conducted to meet the specific staffing needs of government agencies—such as those for immigration officers, police officers, judicial personnel, diplomatic and consular personnel, and indigenous peoples—emphasize core competencies related to the exercise of public authority, alignment with international human rights standards, and the protection of the rights of vulnerable and specific groups. Consequently, human rights protection principles and practical considerations are already integrated into the syllabi of these examinations.

(b)

1.Since 2009, Taiwan has progressively incorporated international human rights treaties into its domestic legal framework through the enactment of Implementation Acts. Government agencies have continually conducted human rights education and training to enhance civil servants' understanding and application of these treaties. To further improve the quality and effectiveness of these trainings and to align with United Nations human rights education approaches, Taiwan's first National Human Rights Action Plan (2022–2024) identified the establishment of monitoring and evaluation mechanisms as a key priority. In January 2025, the Executive Yuan promulgated the Guidelines for Monitoring and Evaluating the Effectiveness of Human Rights Education and Training Conducted by Government Agencies (hereinafter referred to as the Guidelines). The Guidelines establish a systematic framework assisting training authorities to adopt a human rights-based approach across four stages: planning, design, implementation, and follow-up. Through this approach, agencies are guided to progressively define training purposes and learning objectives, develop instructional materials, select instructors, and design methods,

while utilizing evaluation tools and self-assessment mechanisms to enhance training quality. The government continues to supervise agencies in implementing these Guidelines to ensure civil servants internalize human rights values in their daily administrative actions. To ensure continuous improvement, the Executive Yuan and its subordinate agencies have implemented the following measures:

(1)Subordinate agencies of the Executive Yuan must select at least two human rights training courses in 2025 to apply the Guidelines. Starting in 2026, these cases will be reported on a rotational basis to the Human Rights Education Subgroup of the Executive Yuan Human Rights Protection Promotion Task Force to review the effectiveness of the 2025 implementation.

(2)The competent authorities for human rights treaties—the Ministry of Justice, Ministry of Health and Welfare, Ministry of the Interior, and the Department of Gender Equality of the Executive Yuan—completed the formulation or revision of relevant promotion plans by the end of 2025. Building on past experience, these authorities guide ministries in implementing the Guidelines' core spirit. Moving forward, they will compile qualitative outcomes to further embed human rights values into government policymaking.

2.To complete the framework for the training and evaluation of the Two Covenants, the Ministry of Justice (MOJ) finished the revision of the "Two Covenants Education, Training and Promotion Plan" by the end of 2025. The Plan was implemented following its approval by the Executive Yuan Human Rights Protection Promotion Task Force in January 2026. It explicitly incorporates the four stages identified in the Guidelines promulgated by the Executive Yuan in 2025—planning, design, implementation, and follow-up—into its execution. Moving beyond past quantitative statistics that focused solely on the number of participants and training hours, the Plan now requires all agencies to include reaction evaluations (student satisfaction) and learning evaluations (pre- and post-tests) after conducting training to ensure that participants master the core values of the Covenants. Furthermore, the MOJ conducted two training courses in 2025, utilizing case simulations to assess whether participants possessed the sensitivity to identify human rights risks. Moving forward, the MOJ will continue to align with the Executive Yuan's human rights education policies to implement the core values of the Two Covenants and ensure that educational content accurately responds to the Concluding Observations and Recommendations made by international review committees.

經社點次	問題內容	
44	原文	Please provide information on measures taken to safeguard traditional Indigenous practices and to ensure that laws such as the Wildlife Conservation Act and the Controlling Guns, Ammunition and Knives Act do not leave Indigenous peoples vulnerable to sanctions when hunting, farming or performing ceremonies.
	中文參考翻譯	請提供資訊說明關於維護原住民族傳統習俗之措施，及如何確保《野生動物保育法》及《槍砲彈藥刀械管制條例》等法律，不致使原住民族在狩獵、耕種或舉行儀式時，因相關行為而面臨受罰的風險。

中文回應

一、狩獵係原住民族進行傳統祭儀、文化與認同之重要基礎，為確保野生動物資源永續前提，並保障原住民族獵捕、宰殺及利用野生動物之權利，於 2025 年 2 月 18 日修正我國野生動物保育法部分條文(包含第 21 條之 1、第 51 條之 1)，肯認原住民族基於「非營利自用」得申請獵捕野生動物，亦回應其文化涉及出生、除喪、慰喪等突發性狩獵需求，採「事後備查制」，此外確立違法獵捕一般類或保育類野生動物均處行政罰，免受刑事司法追訴，且保留首次不罰之規定，更逐步陪伴部落，推行狩獵自主管理模式，衡平自然保育及文化之權利。

二、2001 年內政部推動修正槍砲彈藥刀械管制條例第 20 條，對原住民有其生活上之需要使用獵槍行為，予以除罪化，使原住民於傳統獵捕、祭儀文化得合法使用自製獵槍。

三、原住民族委員會、警政署及國防部，業會銜公告原住民漁民自製獵槍魚槍許可及管理辦法，並由原住民族委員會訂定原住民自製獵槍安全使用訓練，相關訓練課程涵蓋森林法、野生動物保育法及其他涉及原住民族狩獵行為之法規；並於傳統狩獵文化類科，強調自然環境與獵物之尊重。未來亦將委託原住民部落、團體或機關共同辦理上開訓練，倡導山林利用、回饋及永續，強化合法狩獵之法治觀念，達致原住民族狩獵自主管理之精神。

英文回應

1. Hunting serves as a fundamental cornerstone for Indigenous peoples' traditional ceremonies, culture, and identity. To ensure the sustainability of wildlife resources while safeguarding the rights of Indigenous peoples to hunt, slaughter, and utilize wildlife, amendments to certain articles of the Wildlife Conservation Act (including Articles 21-1 and 51-1) were revised on February 18, 2025.
   The revision recognizes the right of Indigenous peoples to apply for wildlife hunting based on 'non-profit personal use.' It also addresses spontaneous hunting needs related to cultural life events—such as births, ending of mourning, or consolation rituals—by adopting a 'post-event notification system.' Furthermore, the amendment establishes that illegal hunting of both general and protected wildlife will be subject to administrative penalties rather than criminal prosecution, while retaining the 'no penalty for first-time offenders' provision. These efforts aim to progressively support tribes in implementing autonomous hunting management models, achieving a balance between nature conservation and cultural rights.
2. In 2001, the Ministry of the Interior (MOI) initiated an amendment to Article 20 of the Controlling Guns, Ammunition and Knives Act. This amendment decriminalized the use of hunting guns by Indigenous peoples for subsistence needs, thereby allowing them to legally employ self-made hunting guns for traditional hunting and ritualistic cultural purposes.
3. The Council of Indigenous Peoples(CIP), the National Police Agency, and the Ministry of National Defense, in conjunction with industry associations, issued a notice regarding the Regulations Governing the Permission and Management of Homemade Hunting Gun sand Spear Guns of Indigenous peoples and Fisherman. CIP also established Indigenous Homemade Hunting Guns safe Training." The training courses cover the Forestry Act, the Wildlife Conservation Act, and other regulations concerning Indigenous hunting practices. The course on traditional hunting culture emphasizes respect for the natural environment and prey. In the future,

CIP will also entrust Indigenous tribes, groups, or organizations to jointly conduct the aforementioned training, advocating for the utilization, return, and sustainability of forests, strengthening the legal awareness of legal hunting, and achieving the spirit of Indigenous peoples' self-management of hunting.

經社點次	問題內容	
45	原文	In the current era of digital transformation and AI based technological changes, there are social benefits as well as negative impacts and danger of human rights violations. Please provide information on the situation on: (a) Digital divide by generation, regions, gender and economic class; (b) How AI is being utilized while attention is paid to potential human rights violations.
	中文參考翻譯	在當前數位轉型及以人工智慧為基礎之科技帶來變化的時代，一方面帶來社會利益，另一方面伴隨負面影響及人權侵害之危險。請就下列情形提供資訊： (a) 按世代、區域、性別及經濟階層間之數位落差； (b) 在關注潛在人權侵害風險的同時，人工智慧目前如何獲得利用。

中文回應

一、有關世代、區域、性別及經濟階層間之數位落差，說明如下（詳參2025年數位近用調查報告及摘要https://moda.gov.tw/en/press/press-releases/18674）：

（一）世代：2025年我國75歲以上個人上網率為41.4%，12-19歲個人上網率為100%，兩者的高低差距為58.6個百分點。

（二）區域：以我國數位發展區域為分類，歷年都是數位發展成熟區總上網率最高92.9%，數位發展萌動區總上網率最低78.9%，2025年，兩者的高低差距為14個百分點。

（三）性別：2025年我國12歲以上的上網率為男性92.5%，女性88.2%，性別差距為4.3個百分點。

（四）經濟階層：以行業來看，個人上網率是金融保險業、公共行政及國防與強制性社會安全、教育業及學生較高(都是100.0%)，家管較低(67.7%)，高低差距為32.3個百分點；以職業來看，個人上網率以軍人、專業人員、事務支援人員較高(99.9%~100.0%)，農林漁牧業生產人員較低(75.3%)，高低差距為24.7個百分點。

二、在關注潛在人權侵害風險的同時，人工智慧目前如何獲得利用：

（一）以「人工智慧基本法」為核心建立兼顧人權的可信賴AI規範：我國「人工智慧基本法」於 2026年1月14日經總統公布生效，確立以人為本之治理方向，於促進AI技術應用發展之同時，兼顧人民基本權利之保障。依「人工智慧基本法」第16條規定，數位發展部主責規劃並推動「AI風險分類框架」，作為跨部會共同遵循之基礎。各目的事業主管機關依循AI風險分類框架，就其所管領域之AI應用進行風險識別與評估，並依自身職掌領域的特性與AI應用之實際需求，訂定以風險為基礎之管理規範，建立兼顧人權的可信賴AI規範。

（二）AI 風險分類框架草案已有考量人權影響：「人工智慧風險分類框架」草案

參考多項國際作法，建立各目的事業主管機關識別、評估與應對AI風險的操作流程。其中明確納入對人權影響之考量，作為風險識別與評估之重要面向，例如：不公平之歧視與偏見、隱私與個資侵害等。使各目的事業主管機關基於其職掌領域特性及實際需求，檢視對人格權、隱私權等基本權利之影響，據以訂定以風險為基礎之管理規範。

英文回應

1. The digital divide across generations, regions, genders, and economic classes is outlined below (for further details, please refer to the 2025 Digital Access Survey Report and Summary: https://moda.gov.tw/en/press/press-releases/18674):

(1) Generation：In 2025, the internet usage rate for individuals aged 75 and above in Taiwan was 41.4%, while the rate for those aged 12–19 reached 100%. This represents a generation gap of 58.6 percentage points.

(2) Region：Based on the classification of digital development zones, "Mature Digital Development Zones" consistently maintain the highest total internet usage rate (92.9%). Conversely, "Emerging Digital Development Zones" recorded the lowest rate (78.9%). As of 2025, the regional gap stands at 14 percentage points.

(3) Gender：In 2025, the internet usage rate for citizens aged 12 and above was 92.5% for males and 88.2% for females, a gender gap of 4.3 percentage points.

(4) Economic Class：By Industry : the personal internet usage rate is highest among those in the Finance and Insurance sector, Public Administration and Defense; Compulsory Social Security, and the Education sector, as well as among Students (all reaching 100.0%). In contrast, the rate for Homemakers is the lowest at 67.7%, resulting in a gap of 32.3 percentage points. By Occupation : From an occupational perspective, usage rates are highest among Military Personnel, Professionals, and Clerical Support Workers (ranging from 99.9% to 100.0%). The lowest usage rate is found among Skilled Agricultural, Forestry, and Fishery Workers at 75.3%, representing a gap of 24.7 percentage points.

2. How AI is being utilized while attention is paid to potential human rights violations :

(1) Establishing Trustworthy AI Regulations that Balance Human Rights with the AI Basic Act as the Core

On January 14, 2026, the AI Basic Act of Taiwan was promulgated and entered into force by the President, formally establishing a human-centered approach to AI governance. The Act aims to promote the development and application of AI technologies while simultaneously safeguarding the fundamental rights of the public.

Pursuant to Article 16 of the AI Basic Act, the Ministry of Digital Affairs is responsible for planning and promoting an AI Risk Classification Framework, which serves as a common foundation for inter-ministerial coordination. Competent authorities for specific sectors are required to follow this framework to identify and assess risks associated with AI applications within their respective domains. Based on the characteristics of their regulatory responsibilities and the practical needs of AI applications, these authorities formulate risk-based regulations to establish trustworthy AI standards that safeguard human rights.

(2) The draft of AI Risk Classification Framework Already Takes Human Rights Impacts into Account

The draft of AI Risk Classification Framework draws on a range of international approaches and establishes operational procedures for competent authorities to identify, assess, and respond to AI-related risks. The framework explicitly incorporates considerations of human rights impacts as a key element of risk identification and assessment. Examples include unfair discrimination and bias, as well as infringements of privacy and personal data protection. Under this framework, competent authorities are required to examine the potential impacts of AI applications on fundamental rights—such as personality rights and the right to privacy—based on the characteristics of their respective regulatory domains and practical needs. On this basis, they are to formulate risk-based regulatory measures, thereby ensuring that AI governance adequately reflects and protects fundamental rights.

附錄: 教育部更新經社文公約第四次國家報告第 272 點

教育部更新經社文公約第四次國家報告第 272 點

（請見經社文公約第四次國家報告第 77 頁）

高級中等學校建教合作實施及建教生權益保障法於 2021 年 6 月 16 日修正發布，明定建教生、學校及建教合作機構三方當事人之權利義務關係，除控管各校每 2 星期至少 1 次至建教合作機構輔導訪視情形，每年並擇定建教合作機構及學校辦理實地定期考核，2020 年至 2024 年全國共有 23 家建教合作機構及學校違反規定遭裁罰。另依專科以上學校產學合作實施辦法之規定，專科以上學校應設二級學生校外實習委員會，督導產學合作實習機構選定，辦理實習契約檢核、實習成效評估、相關申訴處理、實習轉介及應簽訂產學合作契約等事項，以保障實習生權益。

Addendum

Updated information regarding Para. 272 of the Fourth ICESCR Report by the Ministry of Education

(Please refer to Page 77 of the Fourth ICESCR Report)

The Act of the Cooperative Education Implementation in Senior High Schools and the Protection of Student Participants' Rights was amended and promulgated on June 16, 2021. It clearly details the rights and obligations of student participants, senior high schools, and partner institutions participating in cooperative education programs.

The Act requires senior high schools to conduct inspections at partner institutions at least once every two weeks. Regular onsite inspections are conducted on selected partner institutions and senior high schools each year. From 2020 to 2024, there were 23 cooperative education institutions and senior high schools penalized because of violation of the law. According to the Implementation Regulations Governing Academia-Industry Cooperation for Educational Institutions at Junior College Level and Above, educational institutions at the junior college level and above are required to establish student internship committees to supervise the selection of corporate partners, internship contracts, internship performance assessments, complaint handling, referrals, and signing of industry-academia cooperation contracts to protect the rights of interns.

參、公政公約問題清單及政府機關回應

一、公政條文第 1 條

公政點次	問題內容	
1	原文	Could you explain in more detail if any improvements have been made as regards the implementation of adequate and inclusive procedures in obtaining free, prior and informed consent for infrastructure projects on Indigenous lands? Have existing mechanisms been reviewed in cooperation with Indigenous peoples, as recommended in the last Concluding Observations and Recommendations? Do the mechanisms include reparation and return provisions? These questions can be answered in conjunction with the points raised under Arts. 1-2 ICESCR above.
	中文參考翻譯	請更為詳細解釋，在原住民族土地上推動基礎建設計畫時，於取得自由、事前及知情同意方面，關於適足且具包容性之程序是否已做出任何改善？依上一輪《結論性意見與建議》，政府是否已與原住民族合作檢視既有機制？該等機制是否包含賠償(reparation)及返還(return)之相關規定？本題可與前述《經濟社會文化權利國際公約》第 1 條至第 2 條所提出之相關問題一併回應。

中文回應

一、依原住民族基本法第 21 條規定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、資源利用、生態保育及學術研究，應諮商並取得原住民族或部落同意或參與，並授權本會訂定「諮商取得原住民族部落同意參與辦法」。

二、請參見經社文第 8 點回應，另本會已初步草擬完成「原住民族土地依法受限制損失補償辦法」(草案)，後續將召開內部研商會議、跨部會協商會議及地方諮詢會議等法制作業，以保障原住民族相關權益。

英文回應

1. According to Article 21 of the Basic Law of Indigenous Peoples, governments or private entities engaging in land development, resource utilization, ecological conservation, and academic research on Indigenous land or tribal land and surrounding public land within a certain range must consult with and obtain the consent of the Indigenous people or tribes before participating. This association is authorized to formulate the "Regulations for Consulting and Obtaining the Consent of Indigenous Peoples and communities for Participation."
2. Please refer to point 8 of the Economic and Social Response，With reference to legislative precedents adopted by other authorities, the Council has prepared an initial draft of the *Regulations on Compensation for Losses Arising from Statutory Restrictions on Indigenous Peoples' Land* (draft). Going forward, the Council will convene internal deliberation meetings, inter-ministerial consultation meetings, and local consultation meetings, and undertake further legislative and regulatory procedures, in order to safeguard the relevant rights and interests of Indigenous peoples.

公政點次	問題內容	
2	原文	The information on the protection of the rights of Indigenous peoples in Taiwan under the ICCPR are scattered throughout the reports. If possible, please provide them in a consolidated manner.
	中文參考翻譯	關於《公民與政治權利國際公約》下原住民族權利保障之資訊目前分散呈現於各報告中。若可行，請將資訊加以彙整，並以整合方式說明。

中文回應

公民與政治權利國際公約（ICCPR，下稱公政公約）並非專門規範原住民族權利之公約，其相關保障係透過部分條文（如人民自決權、少數群體權利等）及聯合國人權事務委員會之一般性意見與結論性意見間接呈現，內容分散於不同層級與性質之國際文件中，且多屬個案導向之解釋，尚未形成可統一彙整之整合性架構。爰此，目前尚難以彙整方式回應原住民族權利保障之整體內容，較適宜依具體議題個別說明。

英文回應

The International Covenant on Civil and Political Rights (ICCPR) is not a convention specifically governing the rights of Indigenous peoples. Its related protections are presented indirectly through certain articles (such as the right to self-determination and the rights of minority groups) and the general and concluding opinions of the UN Human Rights Committee. The content is scattered across international documents of different levels and natures, and is largely case-by-case in its interpretation, lacking a unified and integrated framework. Therefore, it is currently difficult to provide a comprehensive overview of the protection of Indigenous rights; it is more appropriate to address each specific issue individually.

二、公政條文第 3 條

公政點次	問題內容	
3	原文	Paras.10 of the Fourth ICCPR Report describe gender and human rights impact assessments. How have these strengthened women's equal enjoyment of civil and political rights? Please provide examples where proposed legislation or policies were modified as a result.
	中文參考翻譯	《公政公約第四次國家報告》第 10 點描述性別及人權影響評估之作法。該等評估如何強化女性平等享有公民及政治權利？請舉例說明是否有任何法律草案或政策曾因此做出修正。

中文回應

一、行政院規定各機關訂修法律案須辦理法案人權及性別影響評估，倘法案涉及公民及政治權利事項，各該法案主管機關應評估不同性別平等享有前開權利情形，並就落差情形提出因應做法，行政院透過各機關報院審查法案時強化其性別平等之檢視。

二、為進一步提升女性參政機會，內政部前檢視發現《地方制度法》第 33 條對婦女保障名額之規範有所不足，爰研議修正相關制度。該法條亦已於 2025 年 12 月 3 日修正公布，將地方民意代表每 4 人應有婦女保障當選名額 1 人之規定，修正為每 3 人應有任一性別當選名額 1 人，並自 2030 年 12 月 25

日就職之地方民意代表適用。

英文回應

1.The Executive Yuan requires that all agencies, when drafting or amending laws, must conduct Legislative, Human Rights, and Gender Impact Assessments. If a bill involves civil and political rights, the respective competent authorities shall assess the equal enjoyment of such rights by all genders and propose responsive measures for any disparities. Through the review of bills submitted by agencies for approval, the Executive Yuan strengthens its scrutiny of gender equality considerations.

2.To further enhance women's opportunities for political participation, the Ministry of the Interior (MoI) previously reviewed and found that the provisions on reserved seats for women under Article 33 of the Local Government Act were insufficient, and therefore considered amendments to the relevant system. The article was amended and promulgated on December 3, 2025, revising the requirement that one seat be reserved for women for every four local elected representatives to a requirement that one seat be reserved for either gender for every three representatives. The amended provision will apply to local elected representatives taking office on December 25, 2030.

公政點次	問題內容	
4	原文	Para. 17 of the Fourth ICESCR Report notes seven discriminatory laws or regulations remain unamended. Please list these provisions, and provide a timeline for repeal or amendment.
	中文參考翻譯	《經社文公約第四次國家報告》第 17 點指出，仍有 7 項具歧視性之法律或法規尚未修正。請列出這些條文，並提供其廢止或修正之具體時程。

中文回應

一、截至 2024 年尚未完成修法之 7 項法規為軍人及其家屬優待條例、祭祀公業條例、刑法、保安處分執行法、交通部郵電事業人員退休撫卹條例、優生保健法及優生保健法施行細則。

二、上開法規修正歷程及最新辦理進度，分別說明如下：

（一）軍人及其家屬優待條例：本條例修正草案，擬將文字修正為「直系血親卑親屬結婚或成年」，持續在法制作業狀態中，前於 2020 年至 2022 年召開 3 次審查會議，內政部依行政院意見於 2024 年 10 月 21 日及 2025 年 12 月 29 日召開研商會議，俟彙整相關機關及立法委員意見後，擬儘速於 2026 年重送行政院審查。

（二）祭祀公業條例第 4 條：未涵蓋設立人其餘女系子孫部分，牴觸《憲法》第 7 條保障性別平等之意旨，內政部已依憲法法庭 112 年憲判字第 1 號判決意旨提出修正，就尚未列為派下員之女系子孫，均得檢具相關證明文件，請求列為派下員，並自請求之日起，享有其權利及負擔其義務，但原派下員已實現之權利義務關係不受影響。該草案已於 2023 年 8 月 18 日送請行政院審查。行政院於 2023 年 9 月 28 日及 2024 年 2 月 29 日召開 2 次審查會議，內政部並依審查意見於 2024 年 3 月 20 日將修正草案續送行政院審查。

（三）刑法第 288 條：墮胎罪是否應予除罪化，涉及保護法益衡平問題，包含婦女的墮胎權、胎兒的生命權衡平及國家公益，社會各界就墮胎罪除罪化與

否尚未獲得共識。法務部持續蒐集其他歐洲立法例，並已於 2023 年 10 月 16 日召集會議廣泛蒐集各界意見，另於 2024 年 1 月 30 日、3 月 5 日提至法務部刑法研究修正小組討論。經蒐集各界意見，於 2024 年 11 月 5 日撤回墮胎罪草案預告。

（四）保安處分執行法：法務部已於 2018 年 8 月 13 日召開「法務部不符合 CEDAW 之法規及行政措施專案檢討會議」，決議刪除保安處分執行法第 31 條之「性別」二字；並已於 2022 年 5 月 9 日將「保安處分執行法第三十一條修正草案」函報行政院核轉立法院審議，後續將配合行政院審查及立法院審議進程續辦。

（五）交通部郵電事業人員退休撫卹條例：交通部為配合 CEDAW、國家年金改革，並增訂離婚配偶退休金請求權，前已擬具本條例部分條文修正草案，並於 2016 年 12 月 8 日及 2024 年 5 月 10 日函陳行政院。

（六）優生保健法第 9 條第 2 項、第 10 條第 1 項：優生保健法修正草案(更名為生育保健法)已並完成草案研修，於 2025 年 9 月 23 日函請行政院審查，後續將配合行政院及立法院審查時程進行修法作業。

（七）優生保健法施行細則第 4 條：於 2025 年提報衛生福利部優生保健諮詢會討論完竣，俟母法修正通過後，啟動本施行細則之相關修法程序。

英文回應

1. As of 2024, the seven acts yet to be amended were the Military Service Personnel and Their Dependents' Preference Act, the Act for Ancestral-Worship Guild, the Criminal Code, the Security Maintenance Enforcement Act, the Statute Governing Retirement, Severance, and Bereavement Compensation for Postal and Telecommunications Personnel under the Ministry of Transportation and Communications, the Genetic Health Act, and the Enforcement Rules of the Genetic Health Act.
2. The amendment process and the latest progress for the aforementioned acts are detailed as follows:

(1) Military Service Personnel and Their Dependents' Preference Act: The draft amendment to this Act, which proposes to refine the criteria to "marriage or attainment of majority of lineal descendants," is currently in the legislative drafting process. Following three preliminary review sessions conducted between 2020 and 2022, the MOI convened further consultative meetings on October 21, 2024, and December 29, 2025, in accordance with the Executive Yuan's directives. Upon consolidating the feedback from relevant agencies and legislators, the Ministry intends to resubmit the draft to the Executive Yuan for formal deliberation by 2026.

(2) Article 4 of the Act for Ancestral-Worship Guild: Article 4 of the Act for Ancestor Worship Guild did not cover the female descendants of the founder, which contradicts the gender equality guarantee of Article 7 of the Constitution. The MoI has amended the Act in accordance with the Constitutional Court's Judgment No.1 of 2023, allowing female descendants not yet listed as members of the official sacrificial rites to submit relevant supporting documents and request to be listed as members. From the date of the request, they will enjoy their rights and bear their obligations, but the rights and obligations already fulfilled by existing members will not be affected. This draft was submitted to the Executive Yuan for review on August 18, 2023. The Executive Yuan held two review meetings on September 28, 2023, and February 29, 2024. Based on the review opinions ,The MoI continued to

submit the amended draft to the Executive Yuan for review on March 20, 2024.

(3) Article 288 of the Criminal Code: Whether abortion should be decriminalized involves balancing the protection of legal interests, including women's right to abortion, the fetus's right to life, and the public interest. Society has not yet reached a consensus on whether the crime of abortion should be decriminalized. The MoJ continues to collect legislative examples from Europe and convened a meeting on October 16, 2023, to gather extensive public feedback. Furthermore, discussions were held by the Ministry's Criminal Code Research and Amendment Task Force on January 30, 2024, and March 5, 2024. Following the collection of diverse opinions, the public notice for the draft amendment to the crime of abortion was withdrawn on November 5, 2024.

(4) Security Maintenance Enforcement Act: On August 13, 2018, the MOJ convened the "Special Review Meeting on MOJ Regulations and Administrative Measures Inconsistent with CEDAW" and resolved to delete the term "gender" (or "sex") from Article 31 of the Rehabilitative Disposition Execution Act. On May 9, 2022, the MOJ formally submitted the draft amendment to Article 31 of the said Act to the Executive Yuan for transmittal to the Legislative Yuan for deliberation. The MOJ will continue to proceed in coordination with the review and deliberation schedules of the Executive Yuan and the Legislative Yuan.

(5) Statute Governing Retirement, Severance, and Bereavement Compensation for Postal and Telecommunications Personnel: For the purpose of complying with CEDAW, advancing the national pension reform, and incorporating provisions concerning the pension claim rights of divorced spouses, the Ministry of Transportation and Communications (MOTC) has previously drafted proposed amendments to certain provisions of this Act. Such draft amendments were submitted to the Executive Yuan by official correspondence on December 8, 2016, and May 10, 2024, respectively.

(6) Article 9, Paragraph 2, and Article 10, Paragraph 1 of the Genetic Health Act: The formulation of the draft amendment to the Genetic Health Act (to be renamed the Reproductive Health Act) has been completed and was submitted to the Executive Yuan for deliberation on September 23, 2025. The Ministry will subsequently proceed with the legislative process in coordination with the review schedules of the Executive Yuan and the Legislative Yuan.

(7) Article 4 of the Enforcement Rules of the Genetic Health Act: Discussions were concluded at the Ministry's Genetic Health Advisory Committee in 2025. The relevant amendment process for these Enforcement Rules will be initiated once the parent law has been successfully amended and passed.

公政點次	問題內容	
5	原文	Please provide sex-disaggregated data on women's representation in elected office, the senior civil service, judiciary, law enforcement, and regulatory bodies, and indicate measures to address underrepresentation.
	中文參考	請提供按性別區分之資料(sex-disaggregated data)，說明女性於民選公職、高階公務體系、司法機關、執法機關及監理機構中

	翻譯	的代表性情形，並請指出政府為解決代表性不足所採取之措施。

中文回應

一、女性於公部門任職情形

（一） 民選公職人員

2020 年至 2024 年立法委員選舉女性當選人數比率如表 1。2022 年直轄市長、縣(市)長、直轄市議員、縣(市)議員選舉女性當選人數比率如表 2。

表 1　立法委員選舉女性當選人數比率

單位：人；%

年別	選舉別	總計	男性	女性	女性當選人數比率(%)
2020	全國不分區及僑居國外國民立法委員選舉	34	15	19	55.88
	區域立法委員選舉	73	48	25	34.25
	原住民立法委員選舉	6	3	3	50.00
	小計	113	66	47	41.59
2024	全國不分區及僑居國外國民立法委員選舉	34	16	18	52.94
	區域立法委員選舉	73	47	26	35.62
	原住民立法委員選舉	6	3	3	50.00
	小計	113	66	47	41.59

表 2　地方選舉女性當選人數比率

單位：人；%

年別	選舉別	總計	男性	女性	女性當選人數比率(%)
2022	直轄市長、縣(市)長選舉	22	12	10	45.65
	直轄市議員、縣(市)議員選舉	910	568	342	37.58

（二） 高階公務人員

至 2025 年 12 月，行政院暨所屬二級機關女性政務首長及副首長比率為 21.59%。2025 年 11 月，行政院所屬及各地方主管機關主管職務人員計 5 萬 3,152 人，其中女性 2 萬 1,763 人，占 40.94%；經統計至同年 12 月底，行政院所屬機關（相當）簡任官等女性人數代表性係數達 0.87。

（三） 司法機關人員

根據 2024 年 12 月統計，司法院暨所屬法院法官性別比例如下：司法院大法官-男性 50%、女性 50%；院長-男性 55.56%、女性 44.44%；庭長-男性 52.57%、女性 47.43%；法官-男性 46.72%、女性 53.28%。

（四） 執法機關人員

警察機關女性警察官比例逐年提升，截至 2024 年底，女性警察官人數達 9,327 人，占整體警察官總人數（6 萬 7,884 人）的 13.74%，較 2020 年底上升 1.42 個百分點。

（五） 監理機關人員

我國最高監察機關為監察院，女性監察委員達 44.4%。

二、提升女性在公部門決策參與之相關政策

（一）行政院函頒「性別平等政策綱領」，推動性別平衡原則，縮小決策權力職位的性別差距，增進女性培力與發展，擴大不同性別者的參與管道，並將

促進公私部門決策參與之性別平等納入「性別平等重要議題(院層級議)」，並請各部會納入性別平等推動計畫推動。另亦於性別平等業務輔導考核計畫中，引導各機關拔擢女性擔任中高階主管與深化相關培力工作。

（二）為進一步提升女性參政機會，在民選公職人員部分，《地方制度法》第 33 條已於 2025 年 12 月 3 日修正公布，將地方民意代表每 4 人應有婦女保障當選名額 1 人之規定，修正為每 3 人應有任一性別當選名額 1 人，並自 2030 年 12 月 25 日就職之地方民意代表開始適用。

（三）在提升高階公務人員女性比例部分，行政院人事總處辦理國家政務研究班、高階領導研究及地方領導研究班，函請各機關優先推薦女性參訓，衡平學員之性別比例，並將促進女性參與決策之代表性納入年度施政計畫之施政策略，以及列為人事業務績效考核項目。

英文回應

1. The status of Women's Employment in Public Sectors

(1) Elected public officials

The number and ratio of female candidates elected in Legislative Yuan elections between 2020 and 2024 are provided in Table 1. The number and ratio of female candidates elected in elections for special municipality mayor, county magistrate/city mayor, special municipality councilor, and county/city councilor held in 2022 are provided in Table 2.

Table 1 Ratio of Female Legislators

Unit: persons; %

Year	Type of election	Total	Male	Female	Percentage of female candidates elected
2020	At-large and R.O.C.（Taiwan） nationals residing overseas legislator elections	34	15	19	55.88
	Regional constituent legislator elections	73	48	25	34.25
	Indigenous legislator elections	6	3	3	50.00
	Total	113	66	47	41.59
2024	At-large and R.O.C.（Taiwan） nationals residing overseas legislator elections	34	16	18	52.94
	Regional constituent legislator elections	73	47	26	35.62
	Indigenous legislator elections	6	3	3	50.00
	Total	113	66	47	41.59

Table 2 Percentage of Female Candidates Elected in Local Elections

Unit: persons; %

Year	Type of election	Total	Male	Female	Percentage of female candidates elected
2022	Special municipal/county/city mayor/magistrate election	22	12	10	45.65
	Special municipal/county/city councilor election	910	568	342	37.58

(2) Senior civil servants

As of December 2025, the proportion of female political heads and deputies of the Executive Yuan and its subordinate second-level agencies was 21.59%.

As of November 2025, 53,152 managerial personnel were employed by agencies under the Executive Yuan and local authorities, 21,763 (40.94%) of whom were female. To enhance women's participation in public sector decision-making, the promotion of female representation has been incorporated as a policy strategy into annual administrative plan of the DGPA, and set as an indicator for assessing human resource management performance. According to statistics as of the end of December 2025, the coefficient of representation for female civil servants at the senior rank (and equivalent) within the Executive Yuan agencies has reached 0.87.

(3) Judiciary personnel

The gender distribution of Judicial Yuan justices, superintendents, division-chief judges, and general judges as of December 2024 is as follows: The Judicial Yuan justices are 50% male and 50% female; superintendents, 55.56% male and 44.44% female; division-chief judges,52.57% male and 47.43% female; and general judges, 46.72% are male and 53.28% are female. No indication of underrepresentation is observed.

(4) law enforcement agency personnel

The proportion of female police officers in the police force has been increasing year by year. As of the end of 2024, the number of female police officers reached 9,327, accounting for 13.74% of the total number of police officers (67,884), an increase of 1.42 percentage points compared with the end of 2020.

(5) Supervisory personnel

The highest supervisory authority is the Control Yuan, and 44.4% of the Control Yuan members are women.

2.Policies to Enhance Women's Participation in Public Sector Decision-Making

(1) The Executive Yuan issued the "Gender Equality Policy Guidelines" to promote the principle of gender balance, narrow the gender gap in decision-making power positions, enhance women's empowerment and development, expand the participation channels for people of different genders, and include promoting gender equality in decision-making participation in the public and private sectors in the "Important Issues on Gender Equality (Executive Yuan Level)" and requests all ministries and agencies to include it in their gender equality promotion plans. Additionally, within the Gender Equality Guidance and Evaluation Project, agencies are guided to promote women to mid- and senior-level managerial

positions and to further strengthen related capacity-building efforts.

(2) To further enhance opportunities for women's participation in Elected public officials, Article 33 of the Local Government Act was amended and promulgated on December 3, 2025. The original requirement that one seat be reserved for a woman for every four local elected representatives was revised to require that one seat be reserved for either gender for every three representatives. The amended provision shall apply to local elected representatives who shall take office on or after December 25, 2030.

(3) Regarding increasing the proportion of women in senior civil service positions, the Directorate-General of Personnel Management, Executive Yuan, organizes national policy research programs, senior leadership research programs, and local leadership research programs. It requests all agencies to prioritize recommending women for these programs to balance the gender ratio of participants. Furthermore, promoting women's representativeness in decision-making is incorporated into the annual policy plan and listed as a performance evaluation item for personnel-related tasks.

公政點次	問題內容	
6	原文	What judicial or administrative mechanisms exist to challenge violations of Article 3? Please provide data from the last five years on complaints, outcomes, and available remedies.
	中文參考翻譯	《公政公約》第 3 條所保障之權利遭受侵害時，現行存在哪些司法或行政機制？請提供過去五年間相關申訴案件之資料，包括案件結果及可得之救濟。

中文回應

一、行政院性別平等信箱

為提供民眾針對性別平等及 CEDAW 之相關問題提出意見，行政院設立性別平等申訴信箱，並依陳情人訴求函請權責部會卓處。如涉及法規及行政措施等疑似違反 CEDAW，行政院將啟動法規檢視及管考機制。近 5 年申訴案件統計如下表：

單位：案次

年	案件統計	人身安全	教育、媒體與文化	就業與經濟	健康、福利與家庭	多元性別	決策參與	性別平等政策	公共設施	其他
2021	165	31	26	64	4	2	0	0	0	38
2022	215	42	22	66	6	12	0	0	0	67
2023	180	51	36	29	1	10	0	0	1	52
2024	110	25	28	25	2	8	0	5	4	13
2025	169	75	20	50	9	6	1	4	0	4

二、性別平等三法

(一)性別平等工作法

依性別平等工作法規定，雇主對求職者或受僱者之招募、進用、配置、考績、陞遷、薪資及解僱等，不得因性別而有差別待遇。如認雇主有違反情事，得向事業單位所在地勞工行政主管機關申訴，如仍有不服，得再向中央主管機關性別平等工作會申請審議或訴願。2021 年至 2025 年 6 月間，受僱者申訴雇主性別歧視案件共計 821 件。

受僱者於執行職務時遭受任何人性騷擾，依性別平等工作法第 13 條規定，雇主知悉後應採取立即有效之糾正及補救措施，避免受僱者長期處於具敵意性、脅迫性或冒犯性之工作環境。2021 年至 2025 年 6 月間，受僱者申訴雇主未採取立即有效之糾正及補救措施案件共計 1,284 件，其中 364 件成立。

(二)性騷擾防治法

現行提供性騷擾申訴機制，其中過去 5 年性騷擾申訴成立案件統計略以，2024 年 2,247 件、2023 年 1,846 件、2022 年 1,515 件、2021 年 1,284 件、2020 年 908 件。

(三)性別平等教育法

校園性別事件之被害人、其法定代理人或實際照顧者、檢舉人，得以書面向行為人於行為發生時所屬之學校申請調查或檢舉。但行為人現為或曾為學校校長者，應向行為發生時之學校所屬主管機關申請調查或檢舉。

事件管轄學校或機關應於接獲申請調查或檢舉後 20 日內，以書面通知申請人、被害人或檢舉人是否受理。

事件管轄學校或機關將處理結果，以書面通知申請人、被害人及行為人時，應一併提供調查報告，並告知申復之期限及受理之學校或機關。

申請人、被害人或行為人對事件管轄學校或機關處理之結果不服者，得於收到書面通知次日起 30 日內，以書面具明理由向事件管轄學校或機關申復。

學校或主管機關處理校園性別事件，應告知當事人及其法定代理人或實際照顧者其得主張之權益及各種救濟途徑，或轉介至相關機構處理，並依其需求，提供心理諮商與輔導等各類專業服務，必要時，應提供保護措施、法律協助、社會福利資源轉介服務或其他協助；對檢舉人有受侵害之虞者，並應提供必要之保護措施或其他協助。

近五年(2021 年至 2025 年)校園性別事件經性別平等教育委員會調查結果為屬實之件數，分別為 2,361 件、2,645 件、3,073 件、3,661 件及 2,819 件。

依《性別平等教育法》第 39 條第 1 項第 1 款規定，校長、教師對性別事件申復結果不服者，得依《教師法》或相關法規提起救濟；復依《教師法》第 42 條規定，教師對學校或主管機關就其個人所為措施，認為違法或不當，致損害其權益者，得提起申訴、再申訴。是以，教師於性別平等事件調查或處理後，如就學校或主管機關所為不利措施（例如解聘、停聘、不續聘等）認為侵害其權益，得循教師申訴／再申訴制度請求撤銷原措施，並由教育部中央教師申訴評議委員會（下稱申評會）審議；行政救濟程序終結後，當事人仍得按事件性質依法提起訴訟。以申評會近 5 年（2021 年至 2025 年）受理涉及性別平等事件之教師申訴／再申訴案件統計觀之，年度辦結案量分別為 25 件、25 件、26 件、56 件及 31 件，5 年合計 163 件；其中「申訴無理由」120 件（73.6%）、「申訴有理由」21 件（12.9%）、「不受理」22 件（13.5%）。

英文回應

1.Gender Equality Mailbox of the Executive Yuan

To provide the public with a channel to submit opinions on issues related to gender equality and CEDAW, the Executive Yuan has established a Gender Equality Complaint Mailbox. Complaints are referred to the relevant competent authorities for appropriate action based on the petitioner's requests. If a complaint involves laws or administrative measures suspected of violating CEDAW, the Executive Yuan will initiate the legal review and monitoring mechanism. Statistics for complaint cases over the past five years are summarized in the table below.

Unit: Cases

Year	Case Statistics	Personal Security and Justice	Education, Culture, and Media	Employment and Economy	Health, Medical Service, and Care	Gender Diversity	Power, Decision-making, and Influence	Gender Equality Policy	Public Facilities / Environment, Energy, and Technology	Others
2021	165	31	26	64	4	2	0	0	0	38
2022	215	42	22	66	6	12	0	0	0	67
2023	180	51	36	29	1	10	0	0	1	52
2024	110	25	28	25	2	8	0	5	4	13
2025	169	75	20	50	9	6	1	4	0	4

2.the Three Gender Equality Acts

(1)Gender Equality in Employment Act

In accordance with the Act of Gender Equality in Employment, employers shall not discriminate on the basis of gender against job applicants or employees in matters related to recruitment, hiring, assignment, performance evaluation, promotion, remuneration, or termination of employment. Where an employer is suspected of violating these provisions, a complaint may be filed with the labor administrative authority at the location of the business entity. If the complainant remains dissatisfied with the outcome, an application for review or an administrative appeal may be submitted to the Gender Equality in Employment Committee of the central competent authority. From 2021 to June 2025, a total of 821 complaints were filed by employees against employers concerning gender discrimination.

If an employee suffers sexual harassment in the workplace in the course of executing his or her duties, the employer shall take immediate and effective corrective and remedial measures pursuant to Article 13 of the Gender Equality in Employment Act, in order to prevent the employee from being subjected to a hostile, intimidating or offensive working environment permanently. From 2021 to June 2025, there were 1,284 complaint cases where the employers failed to take immediate and effective corrective and remedial measures, of which 364 cases were established.

(2)Sexual Harassment Prevention Act

Under the current sexual harassment complaint mechanism, the number of substantiated sexual harassment complaint cases over the past five years is approximately as follows: 2,247 cases in 2024, 1,846 cases in 2023, 1,515 cases in 2022, 1,284 cases in 2021, and 908 cases in 2020.

(3)Gender Equity Education Act

The victim of a campus gender-related incident, their legal representative or actual caregiver, or the informant, may apply in writing for an investigation or report the incident in writing to the educational institution where the offender was employed or enrolled at the time of the incident. However, if the offender is or was the principal or president of the educational institution, the investigation or report shall be submitted to the competent authority of the educational institution at the time of the incident.

The educational institution or competent authority with jurisdiction shall send a

written notification of whether an application for an investigation or an informant's report has been accepted for further handling to the applicant, the victim, or the informant within twenty days after receiving the application or the report.
When the educational institution or competent authority with jurisdiction sends a written notification of the outcome of the handling of the case to the applicant, the victim, and the offender, it shall also provide the investigation report and inform them of the time limit for requesting a reconsideration, and the educational institution or competent authority which will accept a request for reconsideration.
If an applicant, victim, or offender is dissatisfied with the outcome of the handling of the case by the educational institution or competent authority with jurisdiction, they may submit a written request for reconsideration to the educational institution or competent authority with jurisdiction, specifying the grounds for reconsideration, within thirty days from the day following the day that they received the written notification.
In handling a gender-related incident on campus, the school or competent authority shall inform the victim and his/her guardian or de facto custodian of his/her rights and avenues for relief, or refer him/her to relevant institutions for resolution. In addition, based on his/her needs, psychological counseling and guidance, or other types of professional services shall be provided. When necessary, protective measures, legal assistance, referrals to social welfare resources, or other assistance shall be provided. When an informant is at risk of harm, necessary protective measures or other assistance shall be provided.
The number of campus sexual and gender-related incidents found to be substantiated by the Gender Equality Education Committee over the past five years (2021–2025) were 2,361, 2,645, 3,073, 3,661, and 2,819 cases, respectively.
Pursuant to Article 39, paragraph 1, subparagraph 1 of the Gender Equity Education Act, where a school principal or teacher if not satisfied with the disposition of reconsideration, he/she may petition for relief in accordance with the regulations prescribed by Teachers' Act or relevant laws and regulations. Further, pursuant to Article 42 of the Teachers' Act, where a teacher considers that a measure taken by a school or the competent authority that the teacher has personally been subject to is illegal or inappropriate, and that is constitutes a violation of his/her rights and interests, may lodge an appeal and a further appeal. Accordingly, after a gender equity incident has been investigated or handled, if the teacher considers that a measure taken by a school or the competent authority that the teacher has personally been subject to constitutes a violation of his/her rights and interest (e.g., dismissal, suspension from employment, or non-renewal of appointment), he/she may request the revocation of the original measure through the appeal/ the further appeal system, which will be reviewed by the Ministry of Education's Central Committee for Teachers' Grievances (hereinafter, the "Committee"). After the administrative remedy procedure is concluded, the party concerned may, file a civil lawsuit or administrative lawsuit according to the nature of the case. According to the Committee's statistics for the most recent five-year period (ROC Years 110–114), the numbers of concluded the teacher appeal/further appeal cases involving gender equity incidents were 25, 25, 26, 56, and 31 cases respectively, totaling 163 cases. In these cases, 120 cases (73.6%) were found to be without merit, 21 cases (12.9%)

were found to be well-founded, and 22 cases (13.5%) were inadmissible.

公政點次	問題內容	
7	原文	Para. 19 of the Fourth ICESCR Report outlines measures to prevent sexual violence. How does the Government ensure that survivors—particularly women—can effectively exercise civil and political rights? Please provide updated data on reporting, prosecution, and convictions.
	中文參考翻譯	《經社文公約第四次國家報告》第 19 點概述預防性暴力之措施。政府如何確保倖存者(特別是女性)得以有效行使公民及政治權利？並請提供有關通報、起訴及定罪情形之最新資料。

中文回應

一、性別平等政策綱領係我國性別平等發展之上位政策指導方針，並明列消除基於性別之暴力為其政策目標之一，所涉措施面及執行面部分，本諸機關權責分工原則，由各相關部會依其職掌或主管事務，研提具體可行之計畫或措施，據以落實綱領目標。

二、為整合實體與數位性別暴力防治工作，完善國家性別暴力防治機制，行政院透過跨院際及跨部會之協力合作，訂頒「性別暴力防治國家行動計畫（2025-2027 年）」，並於 2025 年 3 月 8 日施行，明定「預防」、「建構被害人多面向服務體系」、「法律及司法權益」與「統計資料建置及研究發展」等 4 項議題，由司法院及法務部等 16 個機關提出相關行動策略與成果指標，推動辦理，諸如：性別暴力被害人法律諮詢人數每年成長 5%等；針對轉介性暴力被害人服務個案提供法律協助服務比率達 25%、檢討精進性侵害被害人司法權益政策措施及網絡合作等。冀結合政府防治量能，由點到面，架構全面性人身安全聯防體系。

三、有關性侵害案件通報，統計 2021 年 4,108 件、2022 年 4,552 件、2023 年 5,350 件、2024 年 5,467 件。另依法提供被害人，如緊急庇護、就醫診療、驗傷採證、法律扶助、心理諮商等保護扶助措施。

四、法務部 2023 至 2025 年地方檢察署偵查性侵害案件統計如下表：

年	2023	2024	2025
新收件數	5681 件	5899 件	5892 件
偵查終結*	5221 件/5472 人	5547 件/5776 人	5745 件/6082 人
起訴	1770 件/1812 人	1890 件/1923 人	1965 件/2051 人
緩起訴處分	150 件/156 人	183 件/184 人	140 件/141 人
不起訴處分	2715 件/2893 人	2802 件/2967 人	2952 件/3154 人

五、2024 年 3 月 8 日起，雇主接獲職場性騷擾被害人申訴時，或經調查認定屬性騷擾之案件，均應通知地方主管機關，2024 年 3 月至 2025 年 6 月間，「職場性騷擾案件通報系統」通報案件共計 2,758 件，成立為 1,635 件。被害人遭受職場性騷擾，若已向雇主提出申訴，不服被申訴人之雇主所為調查或懲戒結果，可直接向地方主管機關再申訴；最高負責人或僱用人為性騷擾行為人時，受僱者亦可直接向地方主管機關申訴，經調查屬實即裁罰行為人。

六、各級學校依據性別平等教育法第 22 條第 3 項規定，均應將通報之校園性別事件交所設性別平等教育委員會調查處理，違反者，由主管機關依法裁罰 1

*因調查案件需要時間，同一年度之偵查終結件數不宜與同一年度之新收件數相互比較。

萬元以上 15 萬元以下罰鍰。得以確保校園性別事件之被害人得依法主張其權益，維護其受教權。2025 年度經各級學校通報之校園性別事件總數為 28,468 件，經提出申請調查或檢舉之事件調查屬實件數為 2,819 件（性侵害 256 件、性騷擾 2,467 件、性霸凌 96 件），調查不屬實及未申請調查件數為 25,649 件(性侵害 1,986 件、性騷擾 23,024 件、性霸凌 639 件)。

七、法務部 2023 至 2025 年地方檢察署偵查違反性騷擾防治法案件統計如下表：

年	2023	2024	2025
偵查終結	1838 件/1864 人	2138 件/2182 人	2390 件/2432 人
起訴	525 件/526 人	572 件/572 人	652 件/653 人
緩起訴處分	4 件/4 人	5 件/5 人	3 件/3 人
不起訴處分	1040 件/1058 人	1260 件/1297 人	1361 件/1395 人

英文回應

1.The Gender Equality Policy Guidelines serve as the overarching policy framework for the development of gender equality in our country, explicitly listing the elimination of gender-based violence as one of its policy objectives. In terms of measures and implementation, based on the principle of division of responsibilities among agencies, each relevant ministry is to formulate concrete and feasible plans or measures within its respective duties or areas of oversight to implement the Gender Equality Policy Guidelines' objectives.

2.To integrate physical and digital efforts in preventing gender-based violence and improve the national mechanism for preventing gender-based violence, the Executive Yuan, through inter-agency and inter-ministerial collaboration, has enacted the "National Action Plan for the Prevention of Gender-Based Violence (2025-2027)," which will take effect on March 8, 2025. The plan outlines four key areas: "Prevention," "Building a Multi-faceted Service System for Victims," "Legal and Judicial Rights," and "Statistical Data Establishment and Research Development." Sixteen agencies, including the Judicial Yuan and the MJ, will propose relevant action strategies and performance indicators to promote implementation. Examples include: a 5% annual increase in legal consultations for victims of gender-based violence (Judicial Yuan); a 25% rate of providing legal assistance to victims referred for sexual violence services; and reviewing and improving policies and measures to enhance the judicial rights of sexual assault victims and online cooperation (MoHW). The aim is to combine the government's prevention capabilities to build a comprehensive joint prevention system for personal safety, expanding from specific points to a broader scope.

3.The number of reported sexual assault cases is as follows: 4,108 cases in 2021, 4,552 cases in 2022, 5,350 cases in 2023, and 5,467 cases in 2024. In addition, in accordance with the law, victims are provided with protective and support measures such as emergency shelter, medical treatment, forensic examination, legal assistance, and psychological counseling.

4.MoJ Statistics: Sexual Assault Case Investigations by District Prosecutors' Offices (2023–2025)：

Year	2023	2024	2025
New Cases Received（cases）	5681	5899	5892
Investigation	5221/5472	5547/5776	5745/6082

Concluded(Cases/Persons)*			
Indictment(Cases/Persons)	1770/1812	1890/1923	1965/2051
Deferred Prosecution (Cases/Persons)	150/156	183/184	140/141
Non-prosecution (Cases/Persons)	2715/2893	2802/2967	2952/3154

5.Starting on March 8, 2024, when an employer receives a complaint from the victim, or a case is determined to be a sexual harassment case after investigation, the employer shall notify the local competent authority. From March 2024 to June 2025, on “Workplace Sexual Harassment Case Notification System”, 2,758 cases have been notified, of which 1,635 cases were established. Additionally, after filing a complaint with their employer, if the victim is dissatisfied with the results of the investigation or disciplinary actions taken by the accused person's employer, the victim may directly file a complaint with the local competent authority. When the highest-ranking official or the employer is the harasser, employees may directly file a complaint with the local competent authority, and the harasser will be punished if the complaint is verified to be true after investigation.

6.Handling of Reported Incidents in Accordance with the Law:Pursuant to Paragraph 3 of Article 22 of the Gender Equity Education Act, schools at all levels shall refer all reported campus gender-related incidents to the Gender Equity Education Committee established by the school for investigation and handling. Any violation of this provision shall be subject to an administrative fine imposed by the competent authority ranging from not less than NT$10,000 to not more than NT$150,000. This mechanism is intended to ensure that victims of campus gender-related incidents are able to lawfully assert their rights and that their right to education is duly protected.Statistical Overview of Reported Campus Gender-Related Incidents in Fiscal Year 2025 (Year 114 of the ROC Calendar):In fiscal year 2025, a total of 28,468 campus gender-related incidents were reported by schools at all levels. Among these, 2,819 cases were found to be substantiated following applications for investigation or formal complaints, including 256 cases of sexual assault, 2,467 cases of sexual harassment, and 96 cases of sexual bullying. A total of 25,649 cases were either determined to be unsubstantiated or were not subject to an application for investigation, comprising 1,986 cases of sexual assault, 23,024 cases of sexual harassment, and 639 cases of sexual bullying.

7.MOJ Statistics: Investigations of Sexual Harassment Prevention Act Violations by District Prosecutors' Offices (2023–2025)：

Year	2023	2024	2025
Investigation Concluded(Cases/Persons)	1838/1864	2138/2182	2390/2432
Indictment(Cases/Persons)	525/526	572/572	652/653
Deferred Prosecution (Cases/Persons)	4/4	5/5	3/3

* As case investigations require time, the number of cases concluded in a given year should not be directly compared with the number of new cases received in that same year.

Non-prosecution (Cases/Persons)	1040/1058	1260/1297	1361/1395

公政點次	問題內容	
8	原文	Para. 19 of the Fourth ICESCR Report refers to groups such as indigenous women, new immigrants, elderly women, women with disabilities, rural women, and LGBTI+ people. What measures ensure their equal enjoyment of civil and political rights? Please provide disaggregated data.
	中文參考翻譯	《經社文公約第四次國家報告》第 19 點提及原住民女性、新住民、高齡女性、身心障礙女性、偏鄉女性及 LGBTI+等群體。哪些措施可確保她們平等享有公民與政治權利？請提供依身分別區分之資料(disaggregated data)。

中文回應

一、行政院於 2021 年 5 月修正函頒性別平等政策綱領，特別關注不利處境者在各面向的權利保障議題，其中，於權力、決策與影響力面向之推動策略，納入「增加不利處境女性參與決策的機會，並納入其經驗與觀點，從多元的角度，促進性別內的平等」一節，以引導各部會規劃及落實相關措施；另於行政院性別平等重要議題院層級(2026 至 2029 年)議題中，輔導各部會評估於相關業務領域，將不利處境者納入決策參與成員。

二、根據銓敘部 2014-2024 年原住民族任公務人員統計資料，女性占比從 31.27%提升至 40.92%，增加 9.65 個百分點。2014 年底身心障礙者任公務人員人數 6,810 人，占全國公務人員人數之比率為 1.9%，其中男性 4,169 人，占 61.2%；女性 2,641 人，占 38.8%。

三、為強化新住民女性參與公共決策之能力，「行政院新住民事務協調會報」設置要點明定委員性別及新住民及新住民子女代表人數之比例。查行政院新住民事務協調會報委員計 31 人，女性委員 11 人(占 35.5%)，民間委員 15 人，其中新住民委員超過 7 人。

四、為保障高齡女性平等參與老人福利相關措施及政策制定之諮詢，衛生福利部老人福利推動小組設置要點明定任一性別比率不得少於三分之一，且老人代表不得少於五分之一，並應有原住民老人代表或熟諳原住民文化之專家學者至少一人。小組委員計 27 人，女性 14 人(占 51.9%)，至老人代表委員 6 人，3 人為女性。

英文回應

1. In May 2021, the Executive Yuan revised and issued the Gender Equality Policy Guidelines, paying special attention to the protection of the rights of disadvantaged individuals in various aspects. Among them, the strategy for promoting power, decision-making and influence includes a section on "increasing opportunities for disadvantaged women to participate in decision-making and incorporating their experiences and perspectives to promote gender equality from multiple perspectives," to guide various ministries in planning and implementing relevant measures. In addition, in the Executive Yuan's important gender equality issues at the Executive Yuan level (2026 to 2029), the Executive Yuan guided various ministries to assess the inclusion of disadvantaged individuals as decision-making participants in relevant business areas.

2. According to statistics from the Ministry of Civil Service for Indigenous civil servants from 2014 to 2024, the proportion of women increased from 31.27% to 40.92%, an increase of 9.65 percentage points. At the end of 2014, there were 6,810 civil servants with disabilities, accounting for 1.9% of the total number of civil servants nationwide. Of these, 4,169 were men (61.2%) and 2,641 were women (38.8%).
3. To enhance the capacity of new immigrant women to participate in public decision-making, the "Executive Yuan New Immigrant Affairs Coordination Committee" has established guidelines specifying the gender ratio of committee members and the proportion of new immigrants and their children among its members. The Executive Yuan New Immigrant Affairs Coordination Committee has 31 members, of whom 11 are women (35.5%) and 15 are from the private sector. More than 7 of these women are new immigrants.
4. To ensure equal participation of elderly women in consultations regarding the formulation of welfare-related measures and policies for the elderly, the guidelines for the establishment of the Elderly Welfare Promotion Group of the MoHW stipulate that the ratio of either gender must be no less than one-third, and the number of elderly representatives must be no less than one-fifth. At least one representative of indigenous elderly people or an expert or scholar familiar with indigenous culture should also be included. The group has 27 members, 14 of whom are women (51.9%), including 6 elderly representatives, 3 of whom are women.

公政點次	問題內容	
9	原文	What systems exist to collect sex-disaggregated data across ICCPR-protected domains, including policing, detention, political participation, freedom of expression cases, and access to remedies?
	中文參考翻譯	對於《公政公約》所保障之各領域，現行有哪些制度用以蒐集按性別區分資料(sex-disaggregated data)，包括警務、羈押、政治參與、表現自由案件及救濟管道之近用？

中文回應

一、依統計法所訂之「各級政府及中央各機關統計範圍劃分方案」，已規定各機關共同統計納入「性別（含性與性別）之統計」，爰各機關須依前開規定，在其業務範疇內辦理性別區分資料之蒐集。

二、因應性別平等政策，自 2011 年起公務人員特種考試警察人員、一般警察人員考試業已取消分定男女錄取名額限制；另因應憲法法庭 113 年憲判字第 6 號判決（一般警察人員考試所規定之男性 165.0 公分、女性 160.0 公分身高標準，對女性應考人造成不利差別待遇），自 2025 年起公務人員特種考試警察人員、一般警察人員考試業已刪除體格檢查之身高限制。經統計，2021 年至 2025 年，我國女性警察占全體員警人數之比率，以及二線一星以上女性警官之占比，均呈現逐年成長趨勢。

我國女性警察占全體警察人數比率					
人數 / 年度	全國警察人數 A	男性警察人數 B	女性警察人數 C	男性警察比率 B/A	女性警察比率 C/A
2021 年	69,885	61,114	8,771	87.45%	12.55%

2022 年	69,541	60,587	8,954	87.12%	12.88%
2023 年	68,724	59,607	9,117	86.73%	13.27%
2024 年	67,884	58,557	9,327	86.26%	13.74%
2025 年	67,169	57,412	9,757	85.47%	14.53%

我國女性警官(配階 2 線 1 星以上)占全體警官人數比率			
人數 年度	全國警官人數 C	女性警官人數 D	女性警官比率 D/C
2021 年	13,522	1,939	14.34%
2022 年	13,762	2,040	14.82%
2023 年	13,980	2,116	15.14%
2024 年	14,075	2,190	15.56%
2025 年	13,983	2,226	15.92%

三、羈押部分：法務部「法務統計資訊網」設有「性別統計專區」(https://www.rjsd.moj.gov.tw/RJSDWeb/common/SubMenu.aspx?menu=GENDER)，其中「矯正統計」有提供男女受刑人之人數、入監罪名。救濟管道之近用：司法院官網「司法統計」欄之「性別統計專區」(https://www.judicial.gov.tw/tw/lp-2394-1.html)、財團法人法律扶助基金會官網之基金會年度報告書(https://www.laf.org.tw/publication)均有提供性別區分資料。

四、通傳會為廣電媒體監理機關，秉持尊重言論自由原則及民主憲政通例，不對內容進行事前審查。另為落實性別平等，已訂定《製播廣電媒體涉及性別相關內容指導原則》；有關性別議題裁處案件，建請參考《公政公約第四次國家報告》第 31 點次說明。

五、我國自《出版法》廢止以來，文化部基於尊重出版產業（含平面媒體）之表現自由，尊重出版自律、不干涉實質內容，主要從產業輔導之角度協助產業發展。各年度出版業受僱員工男女性別總數等資訊，皆於文化部文化統計網性別統計專區等開放查閱。

英文回應

1. According to the “Scope of Statistics Compiled by Governments at Each Level and Central Government Agencies” established under the Statistics Act, it is stipulated that common statistics across all agencies include “gender (including sex and gender) statistics.” Accordingly, all agencies are required to collect sex-disaggregated data within their respective scopes of responsibility.
2. In response to gender equality policies, the practice of setting separate admission quotas for men and women in the Civil Service Special Examination for Police Personnel and General Police Personnel was abolished in 2011. Furthermore, in accordance with Constitutional Court Judgment 2024-Hsien-Pan-6 (2024)—which ruled that the height standards (165.0 cm for males and 160.0 cm for females) constituted adverse differential treatment against female candidates—the height requirement in physical examinations for said examinations has been eliminated, effective from 2025. Statistics show that from 2021 to 2025, the proportion of female police officers in the total force, as well as the percentage of those holding the rank of Two-Wire One-Star or higher, have both exhibited a steady year-on-year upward trend.

Ratio of Female Police Personnel to Total Police Personnel Nationwide					
Number of Persons /Year	Total Police Personnel (A)	Male Police Personnel (B)	Female Police Personnel (C)	Ratio of Male Personnel (B/A)	Ratio of Female Personnel (C/A)
2021	69,885	61,114	8,771	87.45%	12.55%
2022	69,541	60,587	8,954	87.12%	12.88%
2023	68,724	59,607	9,117	86.73%	13.27%
2024	67,884	58,557	9,327	86.26%	13.74%
2025	67,169	57,412	9,757	85.47%	14.53%

Ratio of Female Police Officers (Ranked Two-Wire One-Star and Above) to Total Police Officers			
Number of Persons /Year	Total Police Officers (C)	Female Police Officers (D)	Ratio of Female Officers (D/C)
2021	13,522	1,939	14.34%
2022	13,762	2,040	14.82%
2023	13,980	2,116	15.14%
2024	14,075	2,190	15.56%
2025	13,983	2,226	15.92%

3. Detention and Incarceration: The MoJ's "Legal Statistics Information Website " features a dedicated "Gender Statistics Zone" (https://www.rjsd.moj.gov.tw/ RJSDWeb/common/SubMenu.aspx?menu=GENDER). Within this section, the "Correctional Statistics" provide data on the number of male and female inm ates, as well as the specific offenses for which they were imprisoned.Access to Legal Remedies: The "Gender Statistics Zone" under the "Judicial Statist ics" section of the Judicial Yuan's official website (https://www.judicial.gov.t w/tw/lp-2394-1.html) and the "Annual Reports" on the Legal Aid Foundatio n (LAF) official website (https://www.laf.org.tw/publication) both provide ge nder-disaggregated data.
4. The National Communications Commission (NCC) is the regulatory authority for broadcasting media. In accordance with the principles of respect for fre edom of expression and democratic constitutional norms, it does not engage in prior censorship of program content.In addition, to advance gender equalit y, the NCC has established guidelines for broadcasting enterprises that aim t o eliminate discrimination, stereotypes, and prejudice, while promoting divers e and gender-friendly content across radio and television programs and adver tising. With regard to adjudicated cases involving gender issues, please refer to paragraph 31 of the Fourth Report ICCPR.
5. Since the repeal of the Publishing Law, and based on respect for the freedo m of expression of the publishing industry (including print media), the Mini

stry of Culture has respected self-regulation in publishing, has not interfered with the substantive content of the industry, and has primarily assisted industry development from the perspective of industrial guidance and support. Information such as the total number of male and female employees in the publishing industry for each year is publicly available for access on the gender statistics section of the Ministry of Culture's cultural statistics website.

三、公政條文第 6 條

公政點次	問題內容	
10	原文	In the Concluding Observations issued in 2022, the Review Committee said the failure to proclaim a moratorium on capital punishment was 'profoundly unsatisfactory'. At the time, the Government had contended that studies of alternatives to the death penalty were necessary before it could proceed with abolition. Para. 43 of the Fourth ICCPR Report states that the Ministry of Justice (MOJ) conducted research into alternatives to the death penalty in 2023 and a public opinion survey in 2024. Can you please provide details: What were the questions included in the survey? To whom was the survey sent? How many people responded to the survey? What was the outcome of the research into alternatives to the death penalty? Please provide information about this and any possible further studies, conducted since the previous review.
	中文參考翻譯	國際審查委員會於 2022 年發布之《結論性意見與建議》中指出，未宣布暫停執行死刑之作法「難以令人滿意」。當時政府主張，須先完成死刑替代方案研究，方能推動廢除死刑。《公政公約第四次國家報告》第 43 點指出，法務部已於 2023 年完成死刑替代方案研究，並於 2024 年進行民意調查。能否提供以下詳細資訊：該民意調查所涵蓋之問題為何？調查寄送對象為何？實際回收之問卷份數？死刑替代方案研究結果為何？請提供上述資訊，以及自前次審查以來，所進行之任何後續研究(若有)之資訊。

中文回應

一、該民意調查所涵蓋之問題為何？

死刑存廢同意度、臺灣治安感受、死刑存廢正反意見、時事議題等問題。

二、調查寄送對象為何？

年滿 18 歲之中華民國國民、法界人士(法官、檢察官、律師及各大學院校法律系教師)、民意代表(現任立法委員、直轄市及縣市議員)、在監受刑人(現正於矯正機關服刑中且宣告刑 5 年以上之受刑人)、假釋付保護管束者(現正於各地方檢察署觀護人室執行中之假釋付保護管束之個案)、犯罪被害人或其家屬(現由財團法人犯罪被害人保護協會輔導之個案)

三、實際回收之問卷份數？

總計完成 3,569 份

四、死刑替代方案研究結果為何？

目前報告尚在審查中。

英文回應

1. What issues were covered in the public opinion survey?
   The survey covered issues including public support for or opposition to the death penalty, public perceptions of public security in Taiwan, arguments for and against the retention or abolition of the death penalty, and opinions on current affairs.
2. Who were the recipients of the survey?
   The survey was distributed to Republic of China (Taiwan) nationals aged 18 and above, legal professionals (including judges, prosecutors, attorneys, and law faculty members at universities and colleges), elected representatives (incumbent legislators, city councilors, and county/city councilors), incarcerated offenders (currently serving sentences of five years or more in correctional institutions), parolees under probation supervision (individuals currently under probation supervision at probation offices of district prosecutors' offices), and crime victims or their family members (individuals currently receiving assistance from the Crime Victim Protection Association).
3. How many completed questionnaires were collected?
   A total of 3,569 valid questionnaires were collected.
4. What are the findings of the study on alternatives to the death penalty?
   The report on alternatives to the death penalty is currently under review.

公政點次	問題內容	
11	原文	In para. 9 of its Opinion on the ICCPR, the NHRC considers that the MoJ has shown a clear lack of proactive and systematic policy planning to enhance public understanding of death penalty issues and that the Research Task Force on the Gradual Abolition of the Death Penalty established under the MoJ has held only seven meetings since its relaunch in 2017. Why did the MoJ fail to establish clear policy timelines and objectives relating to the abolition of the death penalty as recommended by the NHRC and consecutive concluding observations and recommendations of the International Review Committee?
	中文參考翻譯	人權會於《公政公約獨立評估意見》第 9 點中指出，法務部在提升社會大眾對死刑議題之理解方面，明顯欠缺積極且具系統性之政策規劃，且法務部轄下「逐步廢除死刑研究推動小組」自 2017 年重新啟動以來，僅召開 7 次會議。法務部為何未依人權會之建議，以及國際審查委員會歷次《結論性意見與建議》要求，建立關於廢除死刑之明確政策時程與目標？

中文回應

國家對於死刑政策之決定，本應考量國家政治、社會、歷史、文化、民意等複雜因素，歷來多次民意調查，國內高達八成民意認為仍應維持死刑制度，此部分民意本為政府施政重要參考。生命權保障與死刑存廢之議題，係我國法制上必須認真對待且須致力與各界溝通之要務。法制上，釋憲結果已宣告死刑有條件合憲；政策上，死刑存廢仍須以社會共識為前提，在社會各界對於死刑廢除沒有形成共識情形下，不適宜貿然廢除。

英文回應

Decisions regarding a nation's death penalty policy should take into account a range of

complex factors, including the country's political system, social conditions, historical experience, cultural background, and public opinion. Over the years, multiple public opinion surveys have consistently shown that as many as 80 percent of the public in Taiwan support the retention of the death penalty. Such public opinion constitutes an important reference for government policymaking.

Issues concerning the protection of the right to life and the retention or abolition of the death penalty are matters that Taiwan's legal system must address with due seriousness and through continued dialogue with all sectors of society. From a legal perspective, the Constitutional Court has ruled that the death penalty is conditionally constitutional. From a policy perspective, any decision on the retention or abolition of the death penalty must be premised on social consensus. In the absence of a clear and broad societal consensus in favor of abolition, it would not be appropriate to abolish the death penalty precipitously.

公政點次	問題內容	
12	原文	Para. 47 of the Fourth ICCPR Report states that between 2020 and 2024, a total of 26 death sentences were handed down by district courts, high courts and the Supreme Court. However, in para. 50, Table 2 indicates that there were no death sentences handed down between 2020 and 2024. Can you explain this discrepancy?
	中文參考翻譯	《公政公約第四次國家報告》第 47 點指出，於 2020 年至 2024 年間，地方法院、高等法院及最高法院共判處 26 件死刑判決。惟同報告第 50 點之表 2 卻顯示，2020 年至 2024 年間並無任何死刑判決。能否解釋此數據差異？

中文回應

《公政公約第四次國家報告》第 47 點指出，於 2020 年至 2024 年間，地方法院、高等法院及最高法院共判處 26 件死刑判決，係指各審級法院法官曾經判決死刑之件數；同報告第 50 點之表 2 係統計 2020 年至 2024 年間並無死刑「定讞」人數及「執行人數」，二者並無矛盾。

英文回應

Paragraph 47 of the Fourth Periodic Report under the International Covenant on Civil and Political Rights (ICCPR) states that between 2020 and 2024, district courts, high courts, and the Supreme Court rendered a total of 26 death penalty judgments ; this figure refers to the cumulative number of instances in which judges across different court levels have handed down a death sentence. Table 2 in paragraph 50 of the same report indicates that between 2020 and 2024, there were no cases in which death sentences became final and binding, nor were there any executions carried out during that period. These two sets of figures are not contradictory.

公政點次	問題內容	
13	原文	What measures have been taken to give effect to Constitutional Court Judgment No. 8 of 2024 regarding death penalty policy and legislation? New regulations governing the death penalty have been issued since the Constitutional Court judgment. These appear

		to facilitate capital punishment rather than to limit it and suggest a government policy that is inconsistent with progress towards abolition.
	中文參考翻譯	針對憲法法庭 113 年憲判字第 8 號判決，政府採取了哪些措施以落實該判決對於死刑政策及立法之要求？自憲法法庭判決後，政府已發布關於死刑之新版法規。然此新版法規似乎係促進而非限制死刑，且顯示出政府政策與邁向廢除死刑之進程不一致。

中文回應

一、 針對憲法法庭 113 年憲判字第 8 號判決，政府採取了哪些措施以落實該判決對於死刑政策及立法之要求？

(一) 行政院於 2025 年 10 月 30 日通過法務部擬具之「中華民國刑法」部分條文修正草案，因應憲法法庭 113 年憲判字第 8 號判決意旨，明定行為時有刑法第 19 條第 2 項之情形，或審判時有精神障礙或其他心智缺陷，致訴訟上自我辯護能力明顯不足之被告，不得科處死刑。

(二) 刑事訴訟法係司法院主管之法規，法務部於憲法法庭 113 年憲判字第 8 號判決後，就該判決指示之偵查中強制辯護、第三審強制辯護等制度、欠缺受刑能力不得執行死刑等修法，提供修正意見供司法院參考。

(三) 為落實憲法法庭判決意旨，保障人民生命權、完備正當法律程序，司法院已擬具刑事訴訟法部分條文修正草案，並已送請行政院會銜，將於會銜完竣後函請立法院審議。

二、 自憲法法庭判決後，政府已發布關於死刑之新版法規。然此新版法規似乎係促進而非限制死刑，且顯示出政府政策與邁向廢除死刑之進程不一致。

(一) 依 2020 年 7 月 15 日修正施行之執行死刑規則第 2 條第 1 項第 3、4 款規定，法務部收受最高檢察署陳報之死刑案件時，應審核「有無非常上訴、再審程序在進行中」、「有無聲請司法院大法官解釋程序在進行中」為要件，惟原條文所定「程序在進行中」之文義未臻明確，導致執行實務運作上有窒礙難行之處。

(二) 此外，執行死刑規則於 2020 年 7 月 15 日修正施行後，至 2025 年間已近 5 年之久，實有盤點近幾年法規施行後所顯現問題，並配合憲法訴訟法修正，進行檢討修正之必要。

(三) 法務部 2025 年執行死刑規則修正並無限制受刑人不得提起特別救濟，修正同規則第 2 條規定，係為使死刑定讞案件不得執行之程序要件更為明確，並於同規則第 3 條第 3 項增訂法務部令准執行死刑後應停止執行之要件，引入司法審查機制，使具體個案是否停止執行更為客觀公正，兼顧確定裁判之執行力及受刑人人權保障，與 113 年憲判字第 8 號判決所要求之最嚴密正當法律程序意旨尚無牴觸。

英文回應

1.What measures have been taken to give effect to Constitutional Court Judgment No. 8 of 2024 regarding death penalty policy and legislation?

(1) On October 30, 2025, the Executive Yuan approved draft amendments to certain provisions of the Criminal Code of the Republic of China proposed by the Ministry of Justice. In accordance with the reasoning of Constitutional Court Judgment No.8 of 2024, the amendments expressly provide that the death penalty shall not be imposed where, at the time of the offense, the offender fell under Article 19, paragraph 2 of the Criminal Code, or where, at the time of trial, the defendant

suffered from a mental disorder or other mental impairment resulting in a manifest lack of capacity for self-defense in criminal proceedings.

(2) The Code of Criminal Procedure falls under the jurisdiction of the Judicial Yuan. Following Constitutional Court Judgment No.8 of 2024, the Ministry of Justice has provided the Judicial Yuan with proposed amendments for reference regarding matters identified in the judgment, including mandatory defense during the investigation stage, mandatory defense in third-instance proceedings, and provisions prohibiting the execution of the death penalty where the offender lacks execution capacity.

(3) To implement the rulings of the Constitutional Court, safeguard the right to life, and refine due process of law, the Judicial Yuan has drafted a proposal for the amendment of certain provisions of the Code of Criminal Procedure. The draft has been sent to the Executive Yuan for joint signature and will be submitted to the Legislative Yuan for deliberation once the signing process is complete.

2. New regulations governing the death penalty have been issued since the Constitutional Court judgment. These appear to facilitate capital punishment rather than to limit it and suggest a government policy that is inconsistent with progress towards abolition.

(1) Pursuant to Article 2, paragraph 1, subparagraphs 3 and 4 of the Regulations for Executing the Death Penalty, as amended and implemented on July 15, 2020, when the Ministry of Justice receives a report of a death penalty case from the Supreme Prosecutors Office, it is required to review whether any extraordinary appeal or retrial proceedings are pending, and whether any petition for constitutional interpretation before the Constitutional Court is pending. However, the phrase “proceedings are pending” in the original provisions was not sufficiently clear, resulting in practical difficulties in implementation.

(2) Moreover, nearly five years have elapsed since the amended Regulations entered into force on July 15, 2020. It was therefore necessary to review issues that had emerged in practice over recent years and, in conjunction with amendments to the Constitutional Court Procedure Act, to conduct a comprehensive review and revision of the Regulations.

(3) The 2025 amendments to the Regulations for Executing the Death Penalty do not restrict the right of death-sentenced prisoners to seek extraordinary remedies. The revision to Article 2 of the Regulations was intended to clarify the procedural requirements under which execution of a final and binding death sentence must not be carried out. In addition, Article 3, paragraph 3 was amended to introduce provisions specifying the circumstances under which execution must be suspended after the Ministry of Justice has approved the execution of a death sentence, thereby incorporating a mechanism of judicial review.These revisions aim to ensure that decisions on whether to suspend execution in individual cases are made in a more objective and impartial manner, balancing the enforceability of final court judgments with the protection of the human rights of death-sentenced prisoners. Accordingly, the amended Regulations are not inconsistent with the requirement of the “most stringent due process of law” as articulated in Constitutional Court Judgment No.8 of 2024.

公政點次	問題內容	
14	原文	In the Parallel Reports of various NGOs coordinated by Covenants Watch, these civil society organizations express their concern about an escalation and regressive tendency of the death penalty debate. By rapidly amending the Rules Governing the Execution of Death Sentences, the MoJ was “narrowing the scope of protection for death row prisoners”. They also criticize a trend of extreme sentencing in legislation. How can you explain these retrogressive trends in light of Taiwan’s obligations under the ICCPR and the various recommendations of the Review Committee since 2013?
	中文參考翻譯	由人權公約施行監督聯盟擔任總協調之多個非政府組織共同提出的平行報告中，公民社會團體對死刑議題緊張化與倒退傾向表達關切。其指出，法務部迅速修正《執行死刑規則》，被認為係「縮小對死刑定讞者的保護傘」，並同時批評重刑化傾向的立法。在《公政公約》所課予之義務，以及國際審查委員會自 2013 年以來所提各項建議下，政府如何解釋上述倒退傾向？

中文回應

依 2020 年 7 月 15 日修正施行之執行死刑規則第 2 條第 1 項第 3、4 款規定，法務部收受最高檢察署陳報之死刑案件時，應審核「有無非常上訴、再審程序在進行中」、「有無聲請司法院大法官解釋程序在進行中」為要件，惟原條文所定「程序在進行中」之文義未臻明確，導致執行實務運作上有窒礙難行之處，且執行死刑規則於 2020 年 7 月 15 日修正施行後，至 2025 年間已近 5 年之久，實有盤點近幾年法規施行後所顯現問題，並配合憲法訴訟法修正，進行檢討修正之必要。且法務部 2025 年執行死刑規則修正並無限制受刑人不得提起特別救濟，修正同規則第 2 條規定，係為使死刑定讞案件不得執行之程序要件更為明確，並於同規則第 3 條第 3 項增訂法務部令准執行死刑後應停止執行之要件，引入司法審查機制，使具體個案是否停止執行更為客觀公正，兼顧確定裁判之執行力及受刑人人權保障，與 113 年憲判字第 8 號判決所要求之最嚴密正當法律程序意旨尚無牴觸，並無題示之倒退傾向。

英文回應

Pursuant to Article 2, paragraph 1, subparagraphs 3 and 4 of the Regulations for Executing the Death Penalty, as amended and implemented on July 15, 2020, when the Ministry of Justice receives a report of a death penalty case from the Supreme Prosecutors Office, it is required to review whether any extraordinary appeal or retrial proceedings are pending, and whether any petition for constitutional interpretation before the Constitutional Court is pending. However, the phrase “proceedings are pending” as used in the original provisions lacked sufficient clarity, which resulted in practical difficulties in implementation.

Furthermore, nearly five years have elapsed since the amended Regulations entered into force on July 15, 2020, and it has therefore become necessary to review issues that have emerged in practice during recent years and, in conjunction with amendments to the Constitutional Court Procedure Act, to conduct a comprehensive review and revision of the Regulations.

The 2025 amendments to the Regulations for Executing the Death Penalty do not

restrict the right of death-sentenced prisoners to seek extraordinary legal remedies. Rather, the amendment to Article 2 was intended to clarify the procedural requirements under which execution of a final and binding death sentence must not be carried out. In addition, Article 3, paragraph 3 was amended to specify the circumstances under which execution must be suspended after the Ministry of Justice has approved the execution of a death sentence, thereby introducing a mechanism of judicial review.

These amendments ensure that decisions on whether to suspend execution in individual cases are made in a more objective and impartial manner, while balancing the enforceability of final judgments with the protection of the human rights of death-sentenced prisoners. Accordingly, the amended Regulations are consistent with the requirement of the "most stringent due process of law" articulated in Constitutional Court Judgment No.8 of 2024 and do not reflect any regressive trend as alleged.

公政點次	問題內容	
15	原文	On the issue of judicial and administrative review in death penalty cases, is it correct that the execution of Huang Lin-kai in January 2025 took place while legal challenges on his behalf were still pending? Please provide information about the status of reviews of the evidence in the cases of Chiu Ho-shun and Wang Hsin-fu, who were sentenced to death decades ago and who continue to assert their evidence.
	中文參考翻譯	就死刑案件之司法及行政審查機制而言，黃麟凱於 2025 年 1 月遭執行時，其代理人所提出之法律爭訟程序(legal challenges)仍在進行中，此點是否屬實？另請提供關於邱和順及王信福二人案件之證據審查現況資訊；二人均於數十年前被判處死刑，至今仍主張證據存有爭議(assert their evidence)。

中文回應

一、經審慎查核全部卷證資料，認黃麟凱並無聲請再審、非常上訴、憲法訴訟等特別救濟程序中，始依法執行。

二、目前死刑定讞案件正由最高檢察署依憲法法庭 113 年憲判字第 8 號判決意旨，逐案嚴謹審核是否提起非常上訴，死刑收容人若對確定判決有所爭議，得依法循特別救濟途徑向法院提出主張

英文回應

1. After a careful review of the entire case file and all relevant evidentiary materials, it was determined that Huang Lin-Kai had not filed any extraordinary legal remedies, including a petition for retrial, an extraordinary appeal, or constitutional litigation. The execution was therefore carried out in accordance with the law.
2. At present, all final and binding death penalty cases are being rigorously reviewed by the Supreme Prosecutors Office on a case-by-case basis in accordance with the reasoning of Constitutional Court Judgment No.8 of 2024, to determine whether extraordinary appeals should be initiated. Death-sentenced prisoners who have objections to their final judgments may, in accordance with the law, pursue extraordinary legal remedies and present their claims before the courts.

四、公政條文第 7 條

公政點次	問題內容	
16	原文	Why was the United Nations Convention against Torture (CAT) and its Optional Protocol (OPCAT) not yet ratified and implemented, contrary to the recommendations of the International Review Committee and the NHRC (paras. 1-2 of its ICCPR Opinion)?
	中文參考翻譯	為何迄今仍未批准並施行《禁止酷刑公約》(CAT)及其《任擇議定書》(OPCAT)？此與國際審查委員會及國家人權委員會之建議不符(參見其《公政公約獨立評估意見》第 1 點至第 2 點)。

中文回應

一、為接軌國際人權標準，我國積極推動禁止酷刑公約（CAT）國內法化工作，並完成制定禁止酷刑及其他殘忍不人道或有辱人格之待遇或處罰公約及其任擇議定書施行法草案（下稱本公約施行法草案）。

二、本公約施行法草案於立法院第 9 屆、第 10 屆會期審查，惟因立法院屆期不續審，導致審議程序因國會改選而中斷，為積極回應國際審查委員會及國家人權委員會之建議，已將本案列為優先法案，復於 2024 年 1 月 30 日重行函請行政院審查，行政院於 2024 年 2 月 5 日召開研商會議完竣，後續將函送立法院審議。

英文回應

1. To align with international human rights standards, our country has actively promoted the incorporation of the Convention against Torture (CAT) into domestic law. Accordingly, the Draft Implementation Act of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (hereinafter referred to as the Draft Implementation Act) has been drafted.
2. The Draft Implementation Act was reviewed during the 9th and 10th terms of the Legislative Yuan. However, due to the expiration of these legislative terms (and the bill not carried over), the legislative process was interrupted due to parliamentary elections. To actively respond to the recommendations of the International Review Committee and the National Human Rights Commission (NHRC), this daft bill has been listed as a priority bill. It was resubmitted to the Executive Yuan for review on January 30, 2024. The Executive Yuan concluded its consultation meeting on February 5, 2024, and will forward the bill to the Legislative Yuan for deliberation as soon as possible.

公政點次	問題內容	
17	原文	Why did Taiwan fail again to include the crime of torture (as defined in Article 1 CAT) as a separate crime with adequate penalties in its Criminal Code, contrary to the respective clear recommendations of the Review Committee in 2013, 2017 and 2021 and to the recommendation of the NHRC (paras. 3-5 of its ICCPR Opinion)?
	中文參考翻譯	為何臺灣再次未於《刑法》中將酷刑行為(依《禁止酷刑公約》第 1 條所定義之內涵) 列為獨立犯罪並設置相稱刑責？此一作法與國際審查委員會於 2013 年、2017 年及 2021 年所提明

		確建議，以及國家人權委員會建議不符(參見其《公政公約獨立評估意見》第 3 點至第 5 點)。

中文回應

一、 法務部刑法研究修正小組已於 2025 年 7 月 29 日、9 月 23 日、11 月 18 日會議討論增訂酷刑罪之可行性及立法方向。

二、 法務部人權工作小組於 2025 年 9 月 12 日辦理第 29 次會議暨禁止酷刑公約交流座談，以專題討論方式邀請國際防制酷刑專家 Jens Modvig 及 Sir Malcolm Evans 分享國際經驗，另邀請法務部刑法研究修正小組委員共同與會座談，並進行意見交流。

三、 法務部將持續研議廣納各界意見，以完善相關制度。

英文回應

1. On July 29, September 23, and November 18, 2025, the Ministry of Justice's Criminal Law Research and Revision Committee met to discuss the potential criminalization of torture and its legislative framework.
2. On September 12, 2025, the Human Rights Task Force of the Ministry of Justice convened its 29th meeting and an Exchange Seminar on the Convention Against Torture (CAT). The event featured a thematic discussion with international experts on the prevention of torture, Jens Modvig and Sir Malcolm Evans, who shared their global expertise. Members of the Ministry's Criminal Law Research and Amendment Task Force were also invited to attend the seminar and engage in an exchange of views.
3. Ministry of Justice will continue to gather public and expert feedback to ensure the system is comprehensive and robust.

公政點次	問題內容	
18	原文	Para. 62 of the Fourth ICCPR Report states that the Control Yuan has concluded investigation reports in 15 cases involving the right to freedom from torture. Table 4 (Summary of Control Yuan Investigations, Corrections and Impeachment Involving Freedom from Torture Cases), e.g., lists a case in which "Torture was inflicted upon inmates by management personnel at Taipei Prison". Has this case led to criminal investigations and convictions of the persons responsible for this crime? If so, what were the sentences? If not, why not?
	中文參考翻譯	《公政公約第四次國家報告》第 62 點指出，監察院已就涉及免於酷刑權(right to freedom from torture)之案件完成 15 件調查報告。另於表 4(監察院調查、糾正、彈劾涉及免於酷刑權案例摘要)，列舉例如「臺北監獄管理人員對受刑人施以酷刑」之案件。該案是否已對相關責任人員啟動刑事調查並作成有罪判決？如是，量刑結果為何？若無，原因為何？

中文回應

監察院於 2023 年就法務部矯正署臺北監獄管理人員對受刑人施以酷刑案提出調查報告，並依據調查結果糾正法務部，要求確實檢討改善。

依據監察院之意見，臺灣桃園地方檢察署就本案進行偵辦，但因部分行為人年籍無法確定而查無特定人涉有犯罪嫌疑；或有因同一事實前經不起訴處分確定，查

無得再行起訴之事由，爰予簽結。
經監察院持續追蹤本案後，法務部已議處相關違失人員，並訂定「法務部矯正署所屬矯正機關視同作業收容人管理與考核指引」，以改正受刑人遭不當對待之缺失。
監察院嗣函請法務部以此案為例，對所屬加強宣導及督導落實監獄管理作為，以避免類似案件再度發生。本案已於 2025 年 5 月結案。

英文回應

In 2023, the Control Yuan released an investigation report regarding the maltreatment of inmates by personnel at Taipei Prison, a subordinate institution of the Agency of Corrections, Ministry of Justice. Based on the outcome of investigation, the Control Yuan requested the Ministry of Justice to take effective improvement measures and conduct a criminal investigation into the matter.
In response to the Control Yuan's recommendation, the Taiwan Taoyuan District Prosecutors Office conducted a criminal investigation into the matter. However, the case was ultimately concluded because no suspects' identities could be specified, or the same factual allegations were already considered by previous non-prosecution decisions and no further grounds for prosecution were established.
After the Control Yuan followed up on this case, the authority imposed administrative punitive measures on the negligent officials. The Ministry of Justice remedially promulgated the Guidelines for the Management and Evaluation of Inmates with Deemed-Work Status in Correctional Institutions so as to correct the shortcomings and deficiency regarding the maltreatment of inmates.
Subsequently the Control Yuan recommended the Ministry of Justice to take this case as example to enhance its subordinates awareness and continuously improve correctional institutions management to prevent recurrences of similar cases. This case was closed in May 2025.

公政點次	問題內容	
19	原文	Para. 68 of the Fourth ICCPR Report states that in cases where corporal punishment in schools "cause[s] severe physical or mental damage to students, the competent authority shall supervise the convening of the Teachers Review Committee meeting to determine the dismissal, suspension, or denial of future employment of the teacher involved". Why do such cases of severe corporal punishment not lead to criminal investigations and convictions of the teachers involved?
	中文參考翻譯	《公政公約第四次國家報告》第 68 點指出，於學校體罰案件中，「如造成學生身心嚴重侵害之案件，主管機關應督請召開教師評審委員會審議教師解聘、停聘或不續聘」。為何此類嚴重體罰案件未進一步導致對相關教師啟動刑事調查並作成有罪判決？

中文回應

高級中等以下學校專任教師涉及教師法第 14 條第 1 項第 10 款「體罰或霸凌學生，造成其身心嚴重侵害」情形者，應經教師評審委員會委員三分之二以上出席及出席委員二分之一以上之審議通過，並報主管機關核准後，予以解聘，且終身

不得聘任為教師；另依「兒童及少年福利與權益保障法」任何人知兒童及少年受有身心虐待者，應立即向直轄市、縣（市）主管機關通報，涉及刑事責任者，公務員應依刑事訟訴法向司法機關告發。
公政公約國家報告第 68 點描述教育體系之主管機關對於體罰事件處理。如涉及刑事犯罪，刑法有傷害罪及凌虐幼童罪之處罰。若被害人或其法定代理人提出刑事告訴，即由檢察機關啟動刑事調查。

英文回應

Where a full-time teacher at a senior secondary school or below is found to fall under Subparagraph 10, Paragraph 1, Article 14 of the Teachers' Act—i.e., has inflicted corporal punishment or bullied students, resulting in serious physical or mental harm—shall be dismissed, and shall be permanently prohibited from being employed as a teacher. The dismissal shall be adopted by a resolution of the Teachers' Review Committee with at least two-thirds of the members present and at least one-half of those present concurring, and shall be submitted to the competent authority for approval.
According to The Protection of Children and Youths Welfare and Rights Act ,anyone who knows children and juveniles are subject to physical or mental abuse, shall immediately report to the special municipality or county (city) Where criminal liability is involved, public officials shall report the offense to the judicial authorities in accordance with the Code of Criminal Procedure.
Para. 68 of the Fourth ICCPR Report describes the procedures for competent educational authorities in handling corporal punishment incidents. Should such incidents involve criminal liability, the Criminal Code stipulates penalties for the crimes of injury and cruelty to children. Upon the filing of a criminal complaint by the victim or their legal representative, the public prosecutors' office shall commence a criminal investigation.

公政點次	問題內容	
20	原文	The International Review Committee has repeatedly recommended that the Government of Taiwan ensure that "all allegations or suspicions of torture shall be thoroughly and promptly investigated by an independent and impartial body with full criminal investigative powers with a view to bringing the perpetrators to justice with adequate punishment" (Note 75). The NHRC criticizes that "the investigative system generally lacks independence, proactive intervention, and effective accountability mechanisms" (para. 6 of its ICCPR Opinion). Why has the Government of Taiwan again failed to implement this important recommendation?
	中文參考翻譯	國際審查委員會已一再建議臺灣政府，應確保「所有關於酷刑的指控或懷疑都應由具有充分刑事調查權的獨立與公正機關進行澈底及迅速的調查，以便將犯罪者繩之以法並給予適當的懲罰」(《結論性意見與建議》第 75 點)。人權會亦批評指出「調查機制普遍缺乏獨立性、主動介入與有效的問責制度」(參見《公政公約獨立評估意見》第 6 點)。臺灣政府為何再次未能落實此一重要建議？

中文回應

一、法務部刑法研究修正小組已於 2025 年 7 月 29 日、9 月 23 日、11 月 18 日會議討論增訂酷刑罪之可行性及立法方向。
二、法務部人權工作小組於 2025 年 9 月 12 日辦理第 29 次會議暨禁止酷刑公約交流座談，以專題討論方式邀請國際防制酷刑專家 Jens Modvig 及 Sir Malcolm Evans 分享國際經驗，另邀請法務部刑法研究修正小組委員共同與會座談，並進行意見交流。
三、法務部將持續研議廣納各界意見，以完善相關制度。

英文回應

1. On July 29, September 23, and November 18, 2025, the Ministry of Justice's Criminal Law Research and Revision Committee met to discuss the potential criminalization of torture and its legislative framework.
2. On September 12, 2025, the Human Rights Task Force of the Ministry of Justice convened its 29th meeting and an Exchange Seminar on the Convention Against Torture (CAT). The event featured a thematic discussion with international experts on the prevention of torture, Jens Modvig and Sir Malcolm Evans, who shared their global expertise. Members of the Ministry's Criminal Law Research and Amendment Task Force were also invited to attend the seminar and engage in an exchange of views.
3. Ministry of Justice will continue to gather public and expert feedback to ensure the system is comprehensive and robust.

公政點次	問題內容	
21	原文	Para. 100 of the Fourth ICCPR Report states: "No medical or scientific experiment that may damage the health of inmates may be conducted on an inmate." Does this mean that medical or scientific experiments that do not damage the health of inmates may be conducted by prison staff? If so, why are these experiments conducted? Are they conducted with the free consent of the inmate? How do you reconcile this with the 2nd sentence of Article 7 ICCPR?
	中文參考翻譯	《公政公約第四次國家報告》第 100 點指出：「不得對收容人為任何有損健康之醫學或科學試驗。」是否意味矯正機關人員得對收容人進行不損其健康之醫學或科學實驗？若是，進行此類實驗之原因為何？實驗是否經收容人自願同意？政府如何使此一作法與《公政公約》第 7 條第 2 句之規定一致(reconcile)？

中文回應

一、我國《監獄行刑法》第 66 條第 1 項規定「不得對收容人為任何有損健康之醫學或科學試驗」，係參酌聯合國《保護所有遭受任何形式拘留或監禁的人的原則》第 22 條訂定，意即凡具損害健康風險之實驗，縱經受刑人同意亦不得為之。
二、對於不損健康之研究，例如成癮防治之心理治療成效研究、流行病學調查，透過成效評估，得以優化處遇計畫（如毒癮戒治、心理輔導），確保資源有效投入以協助收容人復歸社會，實驗計畫須經「人體研究倫理委員會」(IRB)專案審查。

三、即便該類研究不具損害健康之風險，仍須嚴格落實公政公約第 7 條所揭示之「自由同意」原則。依我國《人體研究法》及《醫療法》規定，受刑人屬於「易受傷害族群」（vulnerable population），對此類對象進行研究，除須經獨立之「人體研究倫理委員會」（Institutional Review Board,IRB）嚴格審查外，並應取得受刑人之「知情同意」（Informed Consent），明確告知研究內容及資料蒐集與使用目的，並確保其得於研究進行期間隨時終止參與，且不因此受到任何不利處遇。

英文回應

1. Article 66, Paragraph 1 of the Prison Act stipulates that"no medical or scientific experiments that may be detrimental to the health of inmates shall be conducted." This provision was formulated with reference to Article 22 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, meaning that any experiment involving potential risks to health is prohibited, even with the consent of the sentenced person.
2. With respect to research that does not pose risks to health—such as studies on the effectiveness of psychological interventions for substance abuse prevention and epidemiological surveys—outcome evaluations may be conducted to optimize treatment and intervention programs (e.g., substance abuse treatment and psychological counseling). This ensures the effective allocation of resources to support the social reintegration of inmates. All such research projects are subject to case-by-case review and approval by an Institutional Review Board (IRB).
3. Even where such research does not involve risks to health, it must strictly comply with the principle of "free consent" as set forth in Article 7 of the International Covenant on Civil and Political Rights (ICCPR). Pursuant to the Human Subjects Research Act and the Medical Care Act of the Republic of China (Taiwan), sentenced persons are classified as a "vulnerable population." Accordingly, research involving this population must not only undergo rigorous review by an independent Institutional Review Board (IRB), but also obtain the informed consent of the sentenced persons. Researchers are required to clearly explain the nature of the research and the purposes of data collection and use, and to ensure that inmates may withdraw from participation at any time without suffering any adverse consequences.

五、公政條文第 8 條

公政點次	問題內容	
22	原文	The Fourth ICCPR Report (para. 78) describes legal provisions aimed at preventing forced labour. Nevertheless, there are reports of protests with respect to the use of forced labour of migrant workers in various industries, including textile and bicycle-making. There are also allegations of the use of forced labour in the fishery industry. Please provide information about the complaints that have been made and the treatment they have received, including the actual practice in addressing the phenomenon.
	中文參考	《公政公約第四次國家報告》第 78 點描述了旨在防止強迫勞動之法律規定。儘管如此，據悉仍傳出多種產業存在利用移工

	翻譯	進行強迫勞動並引發抗議之情事，包含紡織業及自行車製造業在內；另有指控稱漁業亦存在強迫勞動現象。請提供關於已提出之申訴案、處理情形之資訊，包含因應此現象之實際做法。

中文回應

一、案例說明

(一) 紡織業

美國非營利勞權團體「透明組織」（Transparentem，以下簡稱 T 組織）申訴本國紡織業強迫勞動案之處置說明：對 T 組織所檢舉之 7 家紡織業者，本案經函請地方政府依法進行專案查處。經查，部分業者確有違反勞動法令之情事，包含勞工超時工作、未依法足額給付延長工時工資，以及指派外國勞工從事許可以外之工作等。各該主管機關已針對違規情事依法裁處。

(二) 自行車製造業

某自行車業者疑涉強迫勞動一案：

主管機關針對某自行車業者，於 2021 年至 2025 年實施多次勞動條件檢查及職業安全衛生檢查，經查確有發現部分缺失，如宿舍環境不佳、移工仲介費與服務費問題及違反勞動基準法第 24 條超時工作等，各該主管機關已針對違規情事依法裁處，並通知事業單位限期改善。

(三) 針對改善情形事業單位回應如下：

2025 年 10 月 15 日已完成新宿舍搬遷並設置完善消防防護設施與專責管理人員，以符合國際勞動與人權準則，另自 2025 年 12 月 1 日起全面落實零招聘費與退款並依法支付加班費。

二、臺灣針對移工的強迫勞動防治，政府推出全國性指引並加強宣導及轉導，以符合國際人權標準與供應鏈規範。禁止強迫勞動指引訂定及宣導內容如下：

(一) 提出指引供企業遵循：為提升雇主對強迫勞動認知，及辨識人權影響經營之風險，勞動部將提出《企業防止與禁止強迫勞動參考指引》，內容將涵蓋企業行動架構、ILO 之 11 項強迫勞動指標及其內涵、企業自我評估項目與參考文件、主要國際行為準則之稽核標準與流程說明、國內相關法令規範、強迫勞動案例、QA 及強迫勞動風險自我評估表，以利我國企業接軌國際公平招募原則。

(二) 加強宣導及輔導：勞動部將與經濟部合作辦理宣導會，向企業宣導《企業防止與禁止強迫勞動參考指引》及「擴大直接聘僱方案」內容，從源頭協助企業理解並接軌國際公平招募規範。除與經濟部合辦宣導會外，將自行辦理多場說明會，並提供個別企業諮詢服務，以及製作宣導手冊、圖卡、懶人包及 QA，以提升雇主對強迫勞動及人權風險認知，降低營運風險。

三、自 2022 年執行《漁業與人權行動計畫》至 2025 年底，共接獲 317 件申訴案件，內容經主管機關漁業勞動檢查員初步調查，倘有疑似涉及勞動剝削案件，由漁業勞動檢查員依「外籍船員疑遭勞力剝削檢視表」比對調查結果，倘確有強迫勞動疑慮，由主管機關依「強化打擊海上人口販運案件合作機制」，將相關情資移送司法警察機關偵辦。

前開申訴案件經調查後有 11 件案件涉及人口販運疑慮，經司法警察機關偵查後，其中 10 件因罪嫌不足，給予不起訴處分，1 件仍由司法機關調查中，不起訴的案件中有 4 件仍因違反行政法規，另由主管機關依遠洋漁業條例裁罰。

英文回應

1. Case Description

(1) Textile Industry

Response to the complaint filed by the United States nonprofit labor organization Transparentem (hereinafter "Organization T") claiming that Taiwan's textile industry engages in forced labor: Regarding the seven textile companies accused of engaging in forced labor by Organization T, the competent authority referred the cases to local governments to conduct special investigations in accordance with the law. Upon review, some of the companies were found to have violated labor laws and regulations, including requiring workers to work excessive hours, failure to pay overtime wages in full as required by law, and assigning foreign workers to duties that fall beyond the scope of work detailed on their employment permit. The related competent authorities have imposed penalties in accordance with the law for the violations identified.

(2) Bicycle Manufacturing Industry

A case involving the suspected use of forced labor by a certain bicycle manufacturer:

From 2021-2025, the competent authorities conducted multiple inspections of labor conditions and occupational health and safety measures at a certain bicycle manufacturer. These inspections identified several problems, including substandard dormitory conditions, issues related to foreign worker labor brokerage and service fees, and violations of the provisions in Article 24 of the Labor Standards Act on excessive overtime work. The related competent authorities have imposed penalties, in accordance with the law, and ordered the enterprise to make improvements within a specified period of time.

(3) Enterprise response regarding notification to make improvements:

As of October 15, 2025, the enterprise completed the relocation of workers to new dormitories, installed comprehensive fire protection facilities and appointed dedicated management personnel, in compliance with international labor and human rights regulations. In addition, since December 1, 2025, the enterprise has fully implemented a "zero recruitment fee" policy, provided refunds, and paid overtime wages in accordance with the law.

2. To prevent forced labor involving foreign workers in Taiwan, the government has introduced nationwide guidelines while strengthening public outreach and referrals in accordance with international human rights standards and supply chain norms. The drafting and promotion of the guidelines on the prohibition of forced labor include the following:

(1) Issuing guidelines for enterprises: To enhance employers' understanding of forced labor and their ability to identify human rights–related business risks, the Ministry of Labor will issue the Guidelines on the Prevention and Prohibition of Forced Labor by Enterprises. These will include an enterprise action framework; the International Labour Organization's 11 indicators of forced labor and their explanations; enterprise self-assessment items and reference documentation; audit standards and procedures under major international codes of conduct; relevant domestic laws and regulations; examples of forced labor cases; Q&A; and a forced labor risk self-assessment checklist. These measures seek to assist Taiwanese enterprises operate in accordance with international fair recruitment principles.

(2) Strengthening advocacy and guidance: The Ministry of Labor (MOL) will work with the Ministry of Economic Affairs to hold briefing sessions for enterprises,

promoting the Guidelines on the Prevention and Prohibition of Forced Labor by Enterprises and the Expanded Direct Hiring Program. These efforts will ensure enterprises understand and adhere to international fair recruitment standards. In addition to co-hosting sessions with the Ministry of Economic Affairs, the MOL will also organize its own briefings, provide consultation services for individual enterprises, produce promotional handbooks, illustrations, quick-reference guides, and Q&A materials. These initiatives are intended to enhance employers' awareness of forced labor and human rights risks, thereby reducing operational risks.

3. Since the implementation of the Action Plan for Fisheries and Human Rights in 2022, and till the end of 2025, a total of 317 complaint cases have been received. These complaints are subject to preliminary review by fisheries labour inspectors of the competent authority. Where a case is suspected of involving labour exploitation, the fisheries labour inspectors assess the findings against the Checklist for Suspected Labour Exploitation of Foreign Crew Members. If indicators of forced labour are found, the competent authority refers the relevant information to the judicial police authorities for investigation in accordance with the Enhanced Cooperative Mechanism for Combating Human Trafficking at Sea.

   Following investigation of the aforementioned complaints, 11 cases were found to involve suspected human trafficking. After investigation by the judicial police authorities, 10 of these cases were dismissed due to insufficient evidence and resulted in decisions not to prosecute, and the remaining 1 case is still under investigation by the judicial police authorities. Among the 10 cases that were dismissed and not prosecuted, Nevertheless, 4 were still found to constitute violations of administrative regulations and were therefore subject to administrative penalties imposed by the competent authority pursuant to the Act for Distant Water Fisheries.

公政點次	問題內容	
23	原文	The Human Trafficking Prevention Act entered into force in January 2024. Please provide information about its implementation.
	中文參考翻譯	《人口販運防制法》已於 2024 年 1 月施行。請提供有關該法施行之資訊。

中文回應

人口販運防制法及其配套子法於 2024 年修正施行後，不僅可有效打擊犯罪，也更強化保障被害人權益，讓被害人受到政府更完整照顧，使其得以儘速回歸正常生活，積極面對未來人生，其中修法之 4 大重點如下：

一、接軌國際規範及趨勢：

考量國際間部分國家，已將利用被害人從事犯罪活動並加以剝削，列為勞動剝削的態樣之一，因此修正定義，將使被害人遭受「強迫勞動、從事勞動與報酬顯不相當的工作、實行依我國法律有刑罰的行為、為奴隸或類似奴隸」等，都納入勞動剝削範圍。

二、深化保護被害人權益：

增訂疑似被害人對於鑑別結果不服，得經原鑑別機關（單位）向其上級機關（單位）提出異議，使救濟程序更迅速。又為利外籍被害人留臺謀職，並提

高作證或指認加害人的意願，修正放寬核發 1 年期的居留許可；另為提供需要安置服務的本國籍或外籍被害人多元選擇，增訂非機構式的安置服務，以及因特殊情況須在外租賃房屋或居住於工作地點等，都能獲得政府提供的福利服務措施。

三、擴大處罰並嚴懲不法：

新增犯罪份子如剝削並利用被害人實行依我國法律有刑罰的行為，最低可處 1 年以上有期徒刑、最高可處 7 年以下有期徒刑；同時也新增犯罪分子如果意圖剝削，以強暴、脅迫、詐術等不法手段而進行招募運送容留等不法作為，可處 5 年以下有期徒刑，被害人如未滿 18 歲，更可處 7 年以下有期徒刑。此外，對於以強暴、脅迫、詐術等不法手段，使人從事勞動與報酬顯不相當的工作時，增訂最低刑度為 1 年以上，期嚇阻不法，維護勞動者基本人權。

四、強化人權治理及供應鏈：

為強化打擊人口販運及銜接國際人權標準，增訂觸犯人口販運罪經有罪判決確定的自然人、法人或非法人團體，自判決確定之日起，5 年內不得參加政府採購投標或作為決標對象或分包廠商，以維護政府採購供應鏈的合法正當競爭秩序。

英文回應

The 2024 Amendment to the Human Trafficking Prevention Act and its related subsidiary regulations not only strengthens the crackdown on crime but also enhances the protection of victims' rights. By providing more comprehensive government services, the amendments enable victims to return to normal life as soon as possible and face the future with greater stability. The four key highlights of the amendment are as follows:

1. Alignment with international standards and trends:
   Recognizing that some countries have categorized the exploitation of victims for criminal activities as a form of labor exploitation, the amendment has modified the definition. It now encompasses "forced labor, work with renumeration grossly disproportionate to labor performed, coercion into acts punishable under R.O.C. (Taiwan) law, and slavery or practices similar to slavery" within the scope of labor exploitation.
2. Enhanced protection of victims' rights:
   To expedite legal remedies, the amendment stipulates that if a suspected victim disagrees with the identification result, they may file an objection through the original identifying agency to its superior authority. Furthermore, to assist foreign victims in seeking employment in Taiwan and increase their willingness to testify against perpetrators, the criteria for issuing one-year residency permits have been relaxed. Additionally, to provide diverse options for both domestic and foreign victims, non-institutional placement services have been introduced. This ensures that government welfare measures extend to victims who, due to special circumstances, need to rent housing or reside at their workplace.
3. Expanded penalties and stricter punishment of illegal activities:
   New provisions stipulate that offenders who exploit and use victims to commit acts punishable under the laws of R.O.C. (Taiwan) shall be sentenced to imprisonment ranging from 1 to 7 years. At the same time, a new provision penalizes those who, with intent to exploit, use violence, coercion, or fraud to recruit, transport, or harbor victims, with up to 5 years of imprisonment. If the victim is under 18, the sentence

may be increased to 7 years. In addition, where unlawful means such as violence, threats, or fraud are used to force a person to engage in work that is clearly disproportionate to the remuneration, a minimum sentence of one year has been added, with the aim of deterring illegal conduct and safeguarding the basic human rights of workers.

4. Strengthened human rights governance and supply chains:
   To step up efforts to combat human trafficking in line with international human rights standards, new provisions have been added stipulating that natural persons, legal entities, or unincorporated associations convicted of human trafficking offenses by a final and binding judgment shall, for a period of five years from the date the judgment becomes final, be prohibited from participating in government procurement bidding, being awarded contracts, or serving as subcontractors. This measure is intended to ensure lawful and fair competition within government procurement supply chains.

六、公政條文第 9 條

公政點次	問題內容	
24	原文	Para. 89 of the Fourth ICCPR Report states that pretrial detention can be imposed for a "maximum of two months, as well as one extension if necessary. Detention shall be ended when there is no longer sufficient cause." Does this mean that four months of pretrial detention is the absolute maximum or can it be further extended if there is sufficient cause? Please explain clearly whether pretrial detention may be extended beyond four months and provide cases.
	中文參考翻譯	《公政公約第四次國家報告》第 89 點指出，審前羈押「期間不得逾 2 個月，必要時得延長 1 次；羈押原因消滅時即應撤銷羈押」。此是否表示，審前羈押最長期間即為 4 個月，抑或若理由充分仍得再行延長？請明確解釋審前羈押是否得逾 4 個月，並提供案例。

中文回應

一、我國羈押制度嚴格區分「偵查」與「審判」兩個階段。刑事訴訟法第 108 條規定，羈押被告，偵查中不得逾 2 個月，延長羈押，偵查中不得逾 2 個月，以延長 1 次為限。因此，偵查中羈押期間最長為 4 個月；一旦期間屆滿，而檢察官尚未提起公訴，則視為撤銷羈押，必須釋放被告，不得以任何理由聲請延長羈押。

二、案例：被告因涉詐欺案，經檢察官以有逃亡與串證之虞向法院聲請羈押獲准，於 1 月 1 日收押，被告可羈押至 2 月 28 日(2 個月)，嗣檢察官認為有延長羈押之必要，向法院聲請延長羈押獲准，則其延長羈押之期間為 3 月 1 日起至 4 月 30 日止(2 個月)。若檢察官於 4 月 30 日或之前提起公訴，被告進入審判階段，法官若認其應該羈押，則羈押期間重新計算；若被告於 4 月 30 日未經提起公訴，則於 5 月 1 日，被告即被釋放。

英文回應

1. Detention system in our country strictly distinguishes between the "investigation" and "trial" stages. Pursuant to Article 108 of the Code of Criminal Procedure, the detention of a defendant during the investigation stage shall not exceed two months;

in the case of an extension, the extension period shall not exceed two months and is limited to one time only. Consequently, the maximum duration of detention during the investigation stage is four months. Upon the expiration of this period, if the prosecutor has not yet initiated a public prosecution, the detention is deemed revoked and the defendant must be released; no further application for an extension of detention may be made for any reason.

2. Case Study: A defendant involved in a fraud case was detained on January 1st after a prosecutor successfully applied to the court for detention on the grounds of risk of flight and collusion. The defendant may be detained until February 28th (two months). Subsequently, if the prosecutor deems an extension necessary and obtains court approval, the extension period will run from March 1st to April 30th (two months). If the prosecutor initiates a public prosecution on or before April 30th, the defendant enters the trial stage; should the judge determine that continued detention is warranted, the detention period will be recalculated. However, if no public prosecution is initiated by April 30th, the defendant must be released on May 1st.

公政點次	問題內容	
25	原文	Para. 92 of the Fourth ICCPR Report states that the capacity of large-scale detention centers of the National Immigration Agency of the Ministry of the Interior has been expanded to 1,713 beds to avoid overcrowding. Have there been more than 1,713 immigrants detained at the same time during 2024 and 2025?
	中文參考翻譯	《公政公約第四次國家報告》第 92 點指出，內政部移民署大型收容所之收容量已擴增至 1,713 床，以避免過於擁擠。請說明 2024 年及 2025 年間，是否曾發生同一時間實際收容移民超過 1,713 人之情形？

中文回應

2024 年及 2025 年間，未有發生收容人數超過 1,713 人之情形。

英文回應

Detention number remained below 1,713 throughout 2024 and 2025.

公政點次	問題內容	
26	原文	According to para. 94 of the Fourth ICCPR Report, “the Immigration Act provides a system of alternatives to detention to uphold humanitarian considerations”. Can you explain what these “alternatives to detention” for foreign nationals are? In the same paragraph, it is stated that “children under 12 years age” fall into the category of foreign nationals to whom alternatives to detention apply. What are these alternatives for children under 12 years of age? Does this mean that children between 12 and 18 years of age can be detained for purely immigration- related reasons? Does this also apply to unaccompanied migrant or refugee children?
	中文參考	根據《公政公約第四次國家報告》第 94 點，「《入出國及移民法》設有收容替代處分制度，以保障人道考量。」能否解釋

	翻譯	針對外籍人士之「收容替代處分」(alternatives to detention)具體內容為何？同點亦指出，「未滿 12 歲兒童」屬於適用收容替代處分之外國人類別。針對未滿 12 歲之兒童，其替代處分具體為何？這是否意味著 12 歲至 18 歲之未成年人，得純因移民相關事由而受收容？此點是否亦適用於無陪伴之移民兒童或難民兒童？

中文回應

外國人受強制驅逐出國處分後，如有入出國及移民法第 38 條之 1 第 1 項臚列之其中 1 項得不暫予收容之條件：「一、精神障礙或罹患疾病……。二、懷胎五個月以上或生產、流產未滿二個月。三、未滿十二歲之兒童……」，則內政部移民署得為收容替代處分，並得通報相關立案社福機構提供社會福利、醫療資源及處所。此外，針對 12 歲至未滿 18 歲之少年、無父母陪伴之移民少年、難民少年及其他弱勢未成年外國人，內政部移民署亦得依職權審酌相關情事後，予以收容替代處分，並比照前揭未滿 12 歲外國人之照護措施辦理。

英文回應

To a foreign national subject to a forced deportation order, if he/she meets any of the conditions for exemption from temporary detention listed in Paragraph 1, Article 38-1 of the Immigration Act, such as: (1) suffering from mental disability or physical illness; (2) being more than five months pregnant, or having given birth or suffered a miscarriage within the past two months; or (3) being a child under the age of twelve; the National Immigration Agency (NIA) may ex officio issue an alternative to detention order. In such cases, the NIA may notify relevant registered social welfare institutions, which provide social welfare, medical resources, and accommodation. Furthermore, for children aged 12 to 18, unaccompanied migrant children, refugee children, and other vulnerable foreign minors, the NIA may, after reviewing relevant circumstances, impose alternative to detention measures and provide care in accordance with care measures applied to foreign minors under the age of 12 mentioned above.

公政點次	問題內容	
27	原文	Para. 95 of the Fourth ICCPR Report states that the “bond for alternatives to detention ranges from NT$25,000 to NT$60,000”. Is this a system similar to bail for pretrial detention as indicated in para. 135 of the Response Report? Does it also mean that migrants and refugees without adequate financial means are not eligible for alternatives to detention?
	中文參考翻譯	《公政公約第四次國家報告》第 95 點指出，「替代收容處分的保證金(bond)繳納金額介於 2 萬 5,000 元至 6 萬元之間」。此一制度是否與《回應報告》第 135 點所述之審前羈押具保(bail)制度相類似？此是否亦意味著，缺乏足夠經濟能力之移民與難民，無法適用替代收容處分？

中文回應

依據入出國及移民法第 38 條第 2 項規定，內政部移民署得命受收容替代處分之外國人覓尋居住臺灣地區設有戶籍國民、慈善團體或非政府組織等人員具保或繳納指定金額之保證金，以保全強制驅逐出國處分之執行，惟驅逐出國處分係行政處分，其本質與刑事訴訟法所明文之羈押具保有別。故內政部移民署得依據受收

容替代處分外國人之身分背景及經歷，裁量是否需尋覓保證人具保抑或繳納保證金。

英文回應

According to Paragraph 2, Article 38 of the Immigration Act, the National Immigration Agency (NIA) may order an alien subject to an alternative to detention order to provide bail from a national with household registration in Taiwan, a representative of a charitable organization, non-governmental organization, or to pay a designated amount of bail. This measure is intended to ensure the execution of the deportation order, and its legal nature is similar to requiring a defendant to post bail to ensure subsequent judicial proceedings. Accordingly, the NIA may, at its discretion, determine whether to require a guarantor or the payment of bail based on the individual's background and circumstances.

公政點次	問題內容	
28	原文	In its Response Report to Notes 79 to 81 (Right to Personal Liberty), the Government uses the following terms for non-adults: children, juveniles, teenagers and adolescents. Can you please explain the legal meaning of these different terms? What is the minimum age of criminal responsibility and the minimum age for children's deprivation of liberty? When detaining children, does the Government take Article 37(b) of the UN Convention on the Rights of the Child (CRC) into account according to which deprivation of liberty of children (up to 18 years of age) shall only be used as a measure of last resort and for the shortest appropriate period of time (see also the UN Global Study on Children Deprived of Liberty of 2019)?
	中文參考翻譯	政府於《回應報告》中針對(《結論性意見與建議》第 79 點至第 81 點個人自由權)之回應，對未成年人使用了「兒童」(Children)、「少年」(Juveniles)、「青少年」(Teenagers)及「青少年/青少年期」(Adolescents)等不同用語。請解釋上述各用語於法律上意涵為何？刑事責任之最低年齡為何？對兒童施以人身自由剝奪之最低年齡為何？另於羈押/收容(detain)兒童時，政府是否已依《兒童權利公約》第 37(b)條之規定，將對(18 歲以下)兒童之人身自由剝奪，限於最後手段，且僅於最短且適當之期間 (請一併參見 2019 年《聯合國全球兒童人身自由剝奪研究報告》)？

中文回應

一、 依據兒童及少年福利與權益保障法第 2 條規定，本法所稱兒童及少年，指未滿 18 歲之人；所稱兒童，指未滿 12 歲之人；所稱少年，指 12 歲以上未滿 18 歲之人。我國刑事責任之最低年齡，依據刑法第 18 條第 1 項規定，未滿 14 歲人之行為，不罰。

二、 依據少年事件處理法第 2 條規定，本法稱少年者，謂 12 歲以上 18 歲未滿之人。自 2020 年 6 月 19 日起，因少年事件處理法刪除第 85 條之 1 後，司法警察機關不再受理對於 7 歲以上未滿 12 歲之人的保護事件移送，將由學校、社政單位，按現行教育或兒童福利相關法規予以輔導或保護安置，而不

會再移送少年法庭。

三、另 12 歲以上未滿 14 歲觸法少年，因無刑事責任能力，僅能適用少年保護事件程序，少年法院調查審理結束後，依少年需保護性程度裁以轉向處遇、不付審理、不付保護處分或諭知保護處分等措施，不會適用刑事訴訟程序及處以徒刑。

英文回應

1. Pursuant to Article 2 of the Child and Juvenile Welfare and Rights Protection Act, the terms “children and juveniles” refers to persons under the age of 18; “children” refers to persons under the age of 12; and “juveniles” refers to persons aged 12 or above but under the age of 18. The minimum age of criminal responsibility is stipulated in Article 18, Paragraph 1 of the Criminal Code, which states that persons under the age of 14 are not punishable for their acts.
2. According to Article 2 of the Juvenile Justice Act (hereinafter “the Act”), the term “juvenile” refers to a person reached the age of 12 but under the age of 18. Since June 19, 2020, following the deletion of Article 85-1 of the Act, judicial police agencies would no longer transfer protection matters involving children reached the age of 7 but under the age of 12 to the Juvenile Court. Instead, these children receive counseling or protective placement provided by schools or social welfare authorities in accordance with current education or child welfare regulations.
3. Additionally, juvenile delinquents reached the age of 12 but under the age of 14 lack criminal responsibility capacity, and can only be subject to juvenile protection proceedings. After the conclusion of investigations and hearings by the Juvenile Court, rulings will be issued based on the level of protection required by the juvenile. These may include measures such as diversion, ruling not to submit a matter to hearing, not to apply protective measures, or pronouncing protective measures. Criminal proceedings and imprisonment will not be applied.

公政點次	問題內容	
29	原文	Para. 130 of the Response Report states that “children aged 7 to 12 will not be subject to judicial intervention or deprivation of freedom”. Does this mean that the minimum age of criminal responsibility and of detention is fixed at the age of 12? What happens to children below the age of 12 who are in conflict with the law?
	中文參考翻譯	《回應報告》第 130 點指出，「7 歲以上未滿 12 歲兒童不會有受司法介入，剝奪自由之情形」。此是否表示，刑事責任以及得以羈押/收容(detain)之最低年齡，均以 12 歲為界？針對未滿 12 歲之觸法兒童，目前處置機制為何？

中文回應

依據少年事件處理法第 2 條規定，本法稱少年者，謂 12 歲以上 18 歲未滿之人。自 2020 年 6 月 19 日起，因少年事件處理法刪除第 85 條之 1 後，司法警察機關不再受理兒童保護事件的移送，將由學校、社政單位，按現行教育或兒童福利相關法規予以輔導或保護安置。

英文回應

According to Article 2 of the Juvenile Justice Act (hereinafter “the Act”), the term

"juvenile" refers to a person reached the age of 12 but under the age of 18. Since June 19, 2020, following the deletion of Article 85-1 of the Act, judicial police agencies would no longer accept transfers of protection matters involving children. Instead, these children receive counseling or protective placement provided by schools or social welfare authorities in accordance with current education or child welfare regulations.

公政點次	問題內容	
30	原文	Para. 131 of the Response Report states that "the juvenile court may order a juvenile to be placed in a juvenile detention center for assessment of physical and psychological conditions and behavioral observation". For which period may juveniles be placed in juvenile detention centers? How many juveniles have been placed in juvenile detention centers in 2024 and 2025?
	中文參考翻譯	《回應報告》第 131 點指出，「少年法院得命少年收容於少年觀護所(juvenile detention center)進行身心評估及行為觀察」。少年得被收容於少年觀護所之最長期間為何？2024 年及 2025 年期間，實際被收容於少年觀護所之少年人數為何？

中文回應

一、 依據少年事件處理法第 26 條之 2 第 1 項規定，少年觀護所收容少年之期間，調查或審理中均不得逾二月。但有繼續收容之必要者，得於期間未滿前，由少年法院裁定延長之；延長收容期間不得逾一月，以一次為限。收容之原因消滅時，少年法院應依職權或依少年、其法定代理人、現在保護少年之人或輔佐人之聲請，將命收容之裁定撤銷之。

二、 2024 年少年觀護所新入所人數為 3,400 人；2025 年為 3,341 人。

英文回應

1. According to Article 26-2, Paragraph 1 of the Juvenile Justice Act, the duration a juvenile detention center detains a juvenile may not exceed 2 months during the phase of investigation or trial. Where the juvenile court finds it necessary to continue the detention, it may extend the period of detention by ruling before the said period lapses. The extension of detention may not exceed 1 month and may only be made once. When the reasons of detention ceases to exist, the juvenile court shall, on its own initiative or upon request by the juvenile concerned, his/her statutory agents, the persons who currently protect the juvenile, or his/her assistant, revoke the ruling ordering the detention.
2. The number of new admissions to juvenile detention house was 3,400 in 2024 and 3,341 in 2025.

公政點次	問題內容	
31	原文	According to para. 132 of the Response Report, the Judicial Yuan is evaluating whether the relevant detention and reformatory educational penalties should be limited to juveniles over the age of 14 who bear criminal liabilities". What is the outcome of this evaluation?
	中文	依據《回應報告》第 132 點，司法院正評估是否應將相關之收

	參考翻譯	容及感化教育處分，限於具刑事責任能力之 14 歲以上少年。該項評估目前結果為何？

中文回應

未滿 14 歲觸法少年，因無刑事責任能力，僅能適用少年保護事件程序，少年法院調查審理結束後，依少年需保護性程度裁以轉向處遇、不付審理、不付保護處分或諭知保護處分等措施，不會適用刑事訴訟程序及處以徒刑。

英文回應

Juvenile delinquents under the age of 14 lack criminal responsibility capacity, and can only be subject to juvenile protection proceedings. After the conclusion of investigations and hearings by the Juvenile Court, rulings will be issued based on the level of protection required by the juvenile. These may include measures such as diversion, ruling not to submit a matter to hearing, not to apply protective measures, or pronouncing protective measures. Criminal proceedings and imprisonment will not be applied.

公政點次	問題內容	
32	原文	What is the minimum age of children placed in correctional schools (para. 134 of the Response Report)? Are they deprived of liberty in correctional schools? If so, what is the maximum length of deprivation of liberty? How many children have been placed on correctional schools in 2024 and 2025?
	中文參考翻譯	矯正學校收容兒童之最低年齡為何(參見《回應報告》第 134 點)？兒童在矯正學校中是否屬於被剝奪自由之狀態？若是，其人身自由剝奪之最長期間為何？2024 年及 2025 年，實際被安置於矯正學校之兒童人數為何？

中文回應

依據少年事件處理法第 2 條規定，本法稱少年者，謂 12 歲以上 18 歲未滿之人。自 2020 年 6 月 19 日起，因少年事件處理法刪除第 85 條之 1 後，司法警察機關不再受理兒童保護事件的移送將由學校、社政單位，按現行教育或兒童福利相關法規予以輔導或保護安置，而不會再移送少年法庭。

英文回應

According to Article 2 of the Juvenile Justice Act (hereinafter “the Act”), the term “juvenile” refers to a person reached the age of 12 but under the age of 18. Since June 19, 2020, following the deletion of Article 85-1 of the Act, judicial police agencies would no longer transfer protection matters involving children to the Juvenile Court. Instead, these children receive counseling or protective placement provided by schools or social welfare authorities in accordance with current education or child welfare regulations.

公政點次	問題內容	
33	原文	Para. 108 of the Fourth ICCPR Report states that a “juvenile inmate under 18 years of age shall be accommodated in a correctional school”. What is the difference between juvenile detention centers and correctional schools?

	中文參考翻譯	《公政公約第四次國家報告》第 108 點指出「未滿 18 歲之少年受刑人，則於矯正學校執行」。少年觀護所(juvenile detention centers)與矯正學校(correctional schools)有何差異？

中文回應

少年觀護所收容少年保護事件受裁定收容或留置觀察，及刑事案件受裁定羈押之少年，目的為暫時保護家庭支持功能不彰或流離失所者，或為追訴犯罪避免其逃亡、湮滅、偽造證據或串證等最後不得已的手段，為短期收容少年之措施。矯正學校則收容執行徒刑、拘役或罰金易服勞役及受感化教育處分之少年，並致力提供與外界一般學校相當之教育課程及輔導措施。

英文回應

Juvenile detention centers accommodate juveniles involved in juvenile protection matters who are ordered by the court to be placed under custody or held for observation, as well as juveniles detained under suspicion of criminal charges. The purposes thereof are to provide temporary protection for juveniles with inadequate family support functions or displaced, and to serve as a measure (last resort necessary),in terms of criminal proceedings, of preventing abscondence, destruction, concealment, or fabrication of evidence, or collusion. These facilities constitute short-term custodial measures for juveniles. Correctional schools, on the other hand, accommodate juveniles serving sentences of imprisonment, detention, or compulsory labor in lieu of fines, as well as juveniles subject to orders of rehabilitative education. Such institutions endeavor to provide educational curricula and counseling services comparable to those offered by general schools in the community.

公政點次	問題內容	
34	原文	According to para. 134(2) of the Response Report, “Taiwan has 106 children residential care facilities”. Are children deprived of liberty in these facilities? If so, what is the maximum length of deprivation of liberty? How many children have been placed in these facilities in 2024 and 2025? How big are these facilities?
	中文參考翻譯	依據《回應報告》第 134(2)點，「全國兒童及少年安置及教養機構計有 106 家」。請說明，兒童在此類機構中是否屬於被剝奪自由之狀態？若是，其人身自由剝奪最長期間為何？在 2024 年及 2025 年，共有多少兒童被安置於此類機構？此類機構之規模為何？

中文回應

一、兒童及少年安置及教養機構主要係針對家庭失功能、無法受到妥適照顧之兒童及少年，提供住宿及生活照顧服務，非屬觸法懲罰、行為矯正、羈押及限制人身自由之性質，接受照顧之兒童及少年可自由外出及上學。

二、兒童及少年安置及教養機構照顧之兒童及少年，2024 年計 2,056 人，2025 年計 1,952 人，其中約有 88%兒少係於規模達 30 人以下之機構進行安置。

英文回應

1. Children residential care facilities primarily provide accommodation and daily care services for children and youth whose families are dysfunctional or who cannot receive proper care. These facilities are not punitive, correctional, or custodial in nature, nor do they restrict personal freedom; children and youth under their care are

free to go out and attend school.

2. In 2024, there were 2,056 children and youth in these facilities, a figure that changed to 1,952 in 2025. Approximately 88% of these individuals were placed in facilities with a capacity of 30 people or fewer.

七、公政條文第 10 條

公政點次	問題內容	
35	原文	Para. 106 of the Fourth ICCPR Report states that between 2020 and 2024, "correctional institutions received a total of 5,847 complaints from inmates" (see also Table 10). Have any criminal investigations been initiated against prison staff implicated by these complaints? If so, how many prison staff have been convicted and for which crimes?
	中文參考翻譯	《公政公約第四次國家報告》第 106 點指出，2020 年至 2024 年間，「矯正機關收容人申訴案件共 5,847 件」(另參見表 10)。是否曾就該等申訴所涉及之矯正人員啟動刑事調查？如有，被判決有罪之矯正人員人數，以及所涉罪名為何？

中文回應

收容人依監獄行刑法、羈押法或其他法規（下稱系爭法規）向矯正機關提出申訴案件，目前並未根據案由進行分類統計，僅以申訴決議結果進行區分，爰是否有相關案件無從得知；且矯正機關收容人如依系爭法規提出申訴案件，而不服其決定者，係向高等行政法院地方行政訴訟庭提起行政訴訟。因收容人行政救濟程序與刑事訴訟程序有別，故並無所詢相關資訊。

英文回應

At present, petitions/complaints filed by inmates with correctional institutions pursuant to the Prison Act, the Detention Act, or other applicable laws and regulations (hereinafter the "laws and regulations at issue") are not classified or statistically compiled by subject matter/case type. They are recorded and categorized only by the outcomes of the decisions on such petitions/complaints. Accordingly, it is not possible to ascertain whether there are any cases related to your inquiry. Where an inmate of a correctional institution files a petition/complaint under the laws and regulations at issue and is dissatisfied with the decision rendered thereon, the inmate may institute an administrative action before the District Administrative Litigation Division of the High Administrative Court. As the administrative relief procedures available to inmates are distinct from criminal litigation procedures, the requested information is not available.

公政點次	問題內容	
36	原文	The statistics provided in para. 110 of the Fourth ICCPR Report indicate that the situation of overcrowding in prisons has not improved despite the fact that there was a significant decrease in homicides, rape and other violent crimes between 2020 and 2024 (see paras. 68-71 CCD). Why was there not more progress?
	中文參考	《公政公約第四次國家報告》第 110 點所提供之統計資料顯示，儘管 2020 年至 2024 年間，殺人、強制性交及其它暴力犯

	翻譯	罪案件大幅下降(另參見《共同核心文件》第 68 點至第 71 點)，監獄過度擁擠之情況仍未獲改善。為何在此方面未見更多進展？

中文回應

一、部分地區因都市化與人口密集，且近期因打擊詐欺犯罪，加強執法致收容需求持續增加，致全國矯正機關出現超額收容情形。

二、短期因應策略，依監獄行刑法第 17 條，監獄受刑人人數嚴重超額時，監督機關視各監獄收容之實際狀況，必要時得機動調整移監。

三、長期因應策略，法務部矯正署賡續督導所屬矯正機關辦理新(擴、遷)建計畫，前已完成之臺北監獄新（擴）建工程、宜蘭監獄擴建工程及雲林第二監獄擴（改）建工程，自 2017 年起已陸續完工，並啟用收容，總計增加 3,980 名容額；刻辦理中之八德外役監獄及彰化看守所等 2 所機關擴（遷）建工程，屆時可增加容額 3,459 名，對於收容空間擴增及收容人生活環境之改善，當更有助益。

英文回應

1. Due to urbanization and high population density in certain regions, coupled with the recent strengthening of law enforcement efforts to combat fraud-related crimes, the demand for inmate accommodation has continued to increase, resulting in overcrowding across correctional institutions nationwide.
2. As a short-term response strategy,according to Article 17 of the Prison Act,where the number of inmates in a prison severely exceeds the approved capacity, the supervisory authority may flexibly adjust accommodations and arrange transfers to other prisons based on the actual conditions in each prison.
3. As a long-term response strategy, to alleviate overcrowding in correctional facilities, the Agency of Corrections continues to supervise the new construction, expansion, and relocation projects of its subordinate institutions. Completed expansion and reconstruction projects at Taipei Prison, Yilan Prison, and Yunlin Second Prison have been successively finalized and commissioned since 2017, providing a total increase of 3,980 in capacity.Current expansion and relocation projects at Bade Minimum Security Prison and Changhua Detention Center are expected to increase capacity by 3,459, which will significantly expand housing space and improve the living environment for inmates.

公政點次	問題內容	
37	原文	Prison Watch criticizes a “pervasive lack of transparency in prison administration” as the “most pressing issue”. Can you provide more information about the conditions in the 51 correctional institutions across Taiwan, including four correctional schools, as indicated by Prison Watch?
	中文參考翻譯	監所關注小組(Prison Watch)將「監所管理的透明化不足」批評為「最待改變之處」。能否依該組織所指出之情形，提供更多有關全臺 51 處矯正機關(包括 4 所矯正學校)之現況資訊？

中文回應

自《監獄行刑法》及《羈押法》於 2020 年修法後，各矯正機關均應設置獨立之外部視察小組，其目的在於落實透明化、保障受刑人權益、促進外界對於矯正機

關業務之認識及理解、協助機關運作品質及可用資源之提升。由外部視察小組成員定期召開會議、進入機關實地訪查、訪談收容人或職員等，針對機關收容處遇、生活環境、醫療衛生、教化作業、申訴與陳情處理等面向提出觀察與建議，並每季彙整形成視察報告；矯正機關對於報告所提事項，亦須依權責提出具體回應與改善作為，並納入後續追蹤。此外，每季視察報告及機關權責回應，法務部矯正署均依規定公開揭示，使社會大眾得以查閱，持續提升監所管理之透明度。

英文回應

Following the 2020 amendments to the Prison Act and the Detention Act, an independent external inspection team shall be set up in prisons and detention centers in order to advance transparency, protect the rights and interests of inmates and detainees, enhance public understanding of correctional operations, and support improvements in operational quality and available resources. External inspection teams shall at least hold a meeting on a quarterly basis and may arrange meetings on a regular or irregular basis. They may enter correctional facilities for on-site inspections and interview responsible personnel of the correctional facilities, inmates, or relevant personnel, and conduct work related to operation the correctional facilities and inmates' rights. Through the foregoing activities, external inspection teams provide observations and recommendations on matters such as inmates'treatment and management, living conditions, medical and health care, rehabilitation and educational programs, and the handling of petitions and complaints, and shall submit inspection reports on a quarterly basis. Correctional facilities shall respond to and handle matters raised in such inspection reports in an appropriate manner, propose specific improvement measures within their respective responsibilities, and incorporate such matters into follow-up tracking. In addition, the quarterly inspection reports and the correctional facilities' responses shall be published by the Agency of Corrections, Ministry of Justice, on its website in accordance with applicable requirements, thereby enabling public access and continuously enhancing the transparency of correctional administration.

公政點次	問題內容	
38	原文	Prison Watch also states that the "Taiwanese legislature and executive branch are currently advancing legislation that would establish life imprisonment without the possibility of parole". Is this correct? If so, could you please explain how you would reconcile this retrogressive legislation with Taiwan's obligation under the ICCPR, above all Articles 7 and 10?
	中文參考翻譯	監所關注小組(Prison Watch)亦指出，「臺灣立法及行政部門正積極推動無期徒刑不得假釋的終身監禁制度立法」。此一說法是否屬實？若是，能否解釋政府如何使此一具倒退性之立法方向，與臺灣於《公民與政治權利國際公約》下所負之義務保持一致，尤其是第 7 條及第 10 條？

中文回應

法務部擬具修正草案期間，已蒐集相關學者專家之文獻資料及人權團體之媒體投書，並參考外國立法例，已就不得假釋範圍，綜合考量社會防衛、獄政負擔，兼顧刑罰衡平及比例原則。

法務部於 2024 年 11 月 19 日陳報旨揭修正草案，行政院多次邀集相關機關召開

審查會，並於 2025 年 10 月 30 日經行政院院會討論通過後函請司法院會銜，於 2025 年 12 月 3 日兩院會銜函請立法院審議，程序嚴謹透明。
無期徒刑不得假釋制度並非此次修法所創，美國與英國目前均有相關制度，本次草案係參考該等立法例修正。又無期徒刑不得假釋與酷刑係屬不同之概念，固可能重疊，但非等同，只有在執行方法違反人性尊嚴，如對於無期徒刑不得假釋受刑人，不提供符合基本人性尊嚴之飲食、醫療、環境等，方有違反相關公約之疑慮。

英文回應

"During the preparation of the draft amendment, the Ministry of Justice gathered academic literature from experts and scholars, as well as media submissions from human rights organizations. Drawing on foreign legislative precedents, the Ministry of Justice comprehensively determined the scope of non-parolable offenses by balancing social defense and prison administration burdens while ensuring adherence to the principles of sentencing equity and proportionality.
The Ministry of Justice submitted the subject draft amendment on November 19, 2024. The Executive Yuan subsequently convened multiple review meetings with relevant agencies. Following its approval by the Executive Yuan Council on October 30, 2025, the draft was forwarded to the Judicial Yuan for joint signature. On December 3, 2025, it was formally submitted by both Yuans to the Legislative Yuan for deliberation, ensuring a process that is both rigorous and transparent."
"The system of life imprisonment without parole (LWOP) is not an innovation of the current legal amendment; similar systems are already established in the United States and the United Kingdom. This draft was revised with reference to these legislative precedents. Furthermore, life imprisonment without parole and 'torture' are distinct concepts; while they may overlap, they are not synonymous. Concerns regarding the violation of relevant conventions only arise if the method of implementation infringes upon human dignity—for instance, if prisoners sentenced to life without parole are denied food, medical care, or living environments that meet basic standards of human dignity."

公政點次	問題內容	
39	原文	Para. 100 of the Fourth ICCPR Report states that prisons “may not place inmates under long periods of solitary confinement”. What is the maximum period of solitary confinement in prisons? Can children or persons with disabilities be placed under solitary confinement?
	中文參考翻譯	《公政公約第四次國家報告》第 100 點指出，監獄「不得對收容人施以長期單獨監禁」。監獄中單獨監禁之最長期限為何？兒童或身心障礙者是否得被施以單獨監禁？

中文回應

一、依監獄行刑法第 6 條第 5 項規定，監獄不得對受刑人施以逾十五日之單獨監禁。監獄因對受刑人依法執行職務，而附隨有單獨監禁之狀態時，應定期報監督機關備查，並由醫事人員持續評估受刑人身心狀況。經醫事人員認為不適宜繼續單獨監禁者，應停止之。
二、所稱兒童，指未滿十二歲之人。矯正機關依少年事件處理法相關規定，目前僅收容年滿十二歲以上，經裁定處遇之少年保護事件及執行少年刑事案件之

少年收容人，爰矯正機關並無收容兒童。又少年部分依法務部矯正署函示，少年矯正學校不得對學生施以單獨監禁。

三、身心障礙者雖未排除適用前揭監獄行刑法規定，惟矯正機關亦須依監獄行刑法第 6 條第 3 項及矯正機關對身心障礙收容人合理調整參考指引審慎為之，視其障礙類別、障礙程度及個人實際需要，安排適當之舍房或同住之收容人，以協助其適應生活。

英文回應

1. According to Article 6 Paragraph 5 of the Prison Act,prisons may not place inmates in solitary confinement for more than fifteen (15) days. Where a prison imposes solitary confinement on an inmate in the execution of its duties in accordance with laws, it shall regularly report to the supervisory authority and assign medical personnel to conduct continuous evaluation of the physical and mental conditions of the inmate. Where medical personnel deem the inmate unfit for continuous solitary confinement, the solitary confinement must be terminated.
2. For the purposes hereof, the term “children” refers to persons under the age of twelve. Pursuant to the relevant provisions of the Juvenile Justice Act, correctional institutions currently admit only juvenile inmates aged twelve or older who are subject to adjudicated protective measures in juvenile protection cases or who are serving sentences in juvenile criminal cases. Accordingly, correctional institutions do not admit children. Furthermore, pursuant to the Ministry of Justice, Agency of Corrections, Letter, the Juvenile Reformatory School is reminded not to impose solitary confinement on students.
3. Although persons with disabilities are not exempt from the aforementioned provisions of the Prison Act, correctional institutions shall still act prudently in accordance with Article 6, Paragraph 3 of the Prison Act and the Reference Guidelines for Reasonable Adjustments for Inmates with Disabilities. They shall consider the type and degree of disability as well as the individual’s actual needs, and arrange suitable cells or cellmates to assist them in adapting to daily life.

八、公政條文第 12 條

公政點次	問題內容	
40	原文	As per para. 159 of the Fourth ICCPR Report, citizens can be prohibited from leaving the country on the basis of Article 6 of the Immigration Act, with such restrictions principally being imposed due to criminal cases, probation or financial and taxation control. Could you explain the procedural safeguards which apply before and after such restrictions are imposed and, in particular, whether an exit ban is subject to an effective control by a judge or other independent authority, who can assess the lawfulness and proportionality of the impugned restriction. Clarification is particularly welcome in relation to financial and taxation controls which may not involve a judicial authority and in relation to which questions of due process may arise.
	中文參考	依《公政公約第四次國家報告》第 159 點所述，國民得依《入出國及移民法》第 6 條之規定被禁止出國，限制事由主要包括

	翻譯	刑事案件、保護管束，或財稅管制。能否解釋於作成該等出境限制之前及之後，所適用之程序保障為何？特別是禁止出國之處分是否受到法官或其它獨立機關有效監管，其得以評估該限制之合法性與比例原則？建請特別針對可能不涉及司法機關、且可能產生正當法律程序疑義之「財稅管制」案件進行釐清。

中文回應

一、過去司法院釋字第 345 號解釋曾對欠繳應納稅捐達一定金額納稅義務人之限制出境規定做出合憲解釋。我國國民因財稅案件遭禁止出國，係依稅捐稽徵法第 24 條第 3 項之規定，得由財政部函請內政部移民署限制出境，內政部移民署則依據入出國及移民法第 6 條第 1 項第 10 款「依其他法律限制或禁止出國」執行之。依據最高行政法院 1994 年 3 月 16 日庭長評事聯席會議決議：「營利事業欠稅其負責人（原告）是否有限制出境之必要，係由財政部決定，內政部入出境管理局無從審查財稅機關決定當否，是於財政部函請該局限制出境同時將副本送達原告時，應認為已發生法律上之效果，即為行政處分，得對之請求行政救濟。」因此，納稅義務人若對限制出境處分不服，得依訴願法之規定向財政部尋求救濟。

二、限制出境因涉及人民遷徙自由之權利，對於我國國民權益影響甚大，屬於法律保留事項，現行稅捐稽徵法第 24 條第 3 項及相關作業規定已有規範：

(一) 在未依稅捐稽徵法第 24 條第 1 項第 1 款前段（禁止財產處分）或第 2 款（向法院聲請實施假扣押）規定實施稅捐保全措施者，不得報請限制出境。

(二) 針對所欠繳稅款單計或合計已達一定金額以上，始得報請限制出境。

(三) 財政部函請內政部移民署限制出境時，應同時以書面敘明理由並附記救濟程序通知當事人，依法送達。

三、綜上，財政部及內政部移民署於執行限制出境處分時皆已踐行正當法律程序，除限制出境處分必須符合稅捐稽徵法所規定之構成要件，對於限制出境處分亦須合法送達，並提供救濟管道，可藉由上級行政機關或司法機關之監管，確保該處分之合法性。此外，對於符合解除限制出境之條件亦明定於稅捐稽徵法第 24 條第 4 項，已兼顧納稅義務人之權益，對於國民權益之保障充足，應符合兩公約之精神。

英文回應

1. Judicial Yuan Interpretation No. 345 held that restrictions on exiting the State imposed on taxpayers who have failed to pay tax liabilities reaching a certain amount are constitutional. Cases of prohibitions on overseas travel imposed on R.O.C. (Taiwan) nationals due to fiscal or tax matters are based on Article 24, paragraph 3 of the Tax Collection Act, under which the Ministry of Finance may request the National Immigration Agency of the Ministry of the Interior to impose a restriction on departure. The National Immigration Agency implements such restrictions pursuant to Article 6, paragraph 1, subparagraph 10 of the Immigration Act, which provides for “restrictions or prohibitions on departure pursuant to other laws.” According to the resolution of the Joint Conference of Presiding Judges and Associate Judges of the Supreme Administrative Court on March 16, Year 83 (1994): “Whether it is necessary to restrict the departure of the responsible person (plaintiff) of a profit-seeking enterprise that owes taxes is a matter to be decided by the Ministry of Finance. The National Immigration Agency has no authority to review the propriety of the fiscal authority’s decision. Therefore, when the Ministry of

Finance requests the Agency to impose a restriction on departure and simultaneously send a copy of such request to the plaintiff, legal effect is deemed to have taken place, constituting an administrative disposition against which administrative remedies may be sought."

Accordingly, if a taxpayer disagrees with the restriction on departure, they may appeal against the decision by the Ministry of Finance in accordance with the Administrative Appeal Act.

2. As restrictions on exiting the State involve the people's right to freedom of movement and have a significant impact on the rights and interests of nationals, they fall within matters subject to the principle of legal reservation. The current Article 24, Paragraph 3 of the Tax Collection Act and relevant operational regulations already provide that:

(1) Where tax preservation measures have not been implemented pursuant to the first half of Article 24, Paragraph 1, Subparagraph 1 of the Tax Collection Act (prohibition of disposition of property) or Subparagraph 2 thereof (application to the court for provisional attachment), a request for restriction on departure may not be filed.\

(2) A request for restriction from exiting the State may only be filed when the unpaid tax amount, whether calculated individually or in aggregate, reaches a prescribed threshold.

(3) When the Ministry of Finance requests the National Immigration Agency to impose a restriction on an individual from exiting the State, it shall simultaneously state the reasons in writing and indicate the available remedy procedures, notify the party concerned in accordance with the law.

3. In summary, both the Ministry of Finance and the National Immigration Agency have implemented due process of law when enforcing restrictions from exiting the State. In addition to requiring that such restrictions to meet the requirements set forth in the Tax Collection Act, the disposition must be lawfully conducted and avenues for appeal must be provided. Through supervision by higher administrative authorities or judicial bodies, the legality of such dispositions is ensured. Furthermore, the conditions for lifting restrictions on departure are stipulated in Article 24, Paragraph 4 of the Tax Collection Act, thereby taking into account the rights and interests of taxpayers. Overall, the protection offered to nationals' rights is sufficient and should be consistent with the spirit of the ICCPR & ICESCR.

九、公政條文第 13 條

公政點次	問題內容	
41	原文	Para. 162 of the Fourth ICCPR Report permits visa refusals "without giving a reason." How does this comply with Article 13, which requires an opportunity to submit reasons against the decision? Under what circumstances are reasons withheld, and what safeguards prevent arbitrariness?
	中文參考翻譯	《公政公約第四次國家報告》第 162 點允許得「不附理由」拒發簽證。此作法如何符合《公政公約》第 13 條所要求之保障，即當事人應有機會就該決定提出不服之理由？在何種情況下

		得不附理由？有哪些程序保障能防止恣意裁量(arbitrariness)？

中文回應

簽證為外籍人士進入我國之許可，主要係於境外申請及核發。部分外國人入境後倘獲國內中央目的事業主管機關核發不同事由之許可(如工作許可)，得於境內向外交部更改簽證事由或逕向內政部移民署申辦居留。倘有當事人文件不齊或有疑慮之案件，外交部均提供補充說明或補件之機會。惟倘遇刻意隱瞞、虛偽陳述、犯罪事實或來臺從事與簽證目的不符之活動等情形，外交部則依據「外國護照簽證條例」第 12 條規定，經複審及授權後拒發簽證，或配合國內中央目的事業主管機關要求註銷(含撤銷或廢止)當事人簽證，以確保依法行政，防止裁量權恣意行使。

有關公民與政治權利公約第 13 條所明定之權益，僅保障合法進入締約國領土之外國人，如持有效簽證、免簽證或落地簽證等方式入國者，故境外申請簽證者非屬第 13 條保障範疇。已入境之外國人，須遵守我國入出境及居留之相關規定，停留或居留超過法定期限或以非法方式入境者，亦不受該條款之保障。

有關外國人准否入境、入境後在臺之停居留許可及驅逐出境等規定均由權責機關內政部移民署業管，建議參照第 43 點次。

英文回應

Visas for foreign nationals for the purpose of entry into the country are mainly issued by ROC (Taiwan) overseas missions. After entering Taiwan, if a foreign national obtains permission from a competent authority of the central government for another purpose of stay (such as a work permit), the individual may change their visa in Taiwan by applying to the Ministry of Foreign Affairs (MOFA) or apply for residence directly to the National Immigration Agency (NIA) under the Ministry of the Interior. If submitted applications are incomplete or if clarification is needed, MOFA provides applicants with the opportunity to submit explanations and supplementary documents. If, after careful review by MOFA, an applicant is found to have deliberately concealed information, made false statements, engaged in criminal conduct, or undertaken activities inconsistent with the stated visa purpose, MOFA may, pursuant to Article 12 of the Statute Governing Issuance of R.O.C. Visas in Foreign Passports, deny the issuance of a visa. In addition, at the request of a competent central government authority, MOFA may cancel the applicant’s visa, thereby ensuring administration integrity and preventing arbitrary actions.

With respect to the rights stipulated in Article 13 of the International Covenant on Civil and Political Rights, protections are offered only to foreign nationals who have lawfully entered the territory, such as with a valid visa, through a visa-exemption program, or with a landing visa. Thus, individuals applying for visas at ROC (Taiwan) overseas missions are not covered by Article 13 of the Covenant. Foreigners already in the country must comply with regulations regarding entry into, exit from, and residence in Taiwan. Likewise, those who overstay their legally prescribed period of stay or enter the country through illegal means are not protected by Article 13.

Such issues as whether a foreign national is permitted to enter the country upon arrival and the management of their stay, residence, or deportation fall under the authority of the NIA.Please refer to Point 43.

公政點次	問題內容

42	原文	What review or appeal mechanisms exist for rejected, revoked, or invalidated visas (Table 15)? How many appeals were filed during the reporting period, and what were the outcomes?
	中文參考翻譯	針對遭拒發、撤銷或廢止之簽證(表 15)，現行存在哪些複審或申訴機制？在報告期間內共有多少件申訴案提出？結果為何？

中文回應

有關外交部拒發及註銷(含撤銷或廢止)簽證部分已於點次 41 說明，由於簽證主要在境外核發，表 15 之統計數據已包含我駐外館處拒發及註銷未入境前之外國人簽證。倘當事人不服相關事實認定或處置結果，得以書面、電郵或電話向外交部或外交部領事事務局陳情後申請複審，複審結果另通知。考量國內申請案已有複審機制，爰尚無申訴機制之必要。

英文回應

The denial and cancellation (including revocation and annulment) of visas are discussed in Point 41. Table 15 includes visas that have been canceled by overseas missions. Applicants who disagree with related findings or dispositions may, in accordance with relevant regulations, apply for an additional review to the Ministry of Foreign Affairs or the Bureau of Consular Affairs in writing, by email, or by phone. As the review mechanism for domestic applications is sufficient, a separate appeal mechanism is unnecessary.

公政點次	問題內容	
43	原文	Para. 163 of the Fourth ICCPR Report notes the absence of asylum procedures. How are Article 13 procedural guarantees ensured for individuals expressing fear of persecution who face denial of entry or expulsion?
	中文參考翻譯	《公政公約第四次國家報告》第 163 點提到目前尚無庇護程序。對於表達遭受迫害恐懼、但面臨拒絕入境或驅逐出國處分之個人，政府如何確保其享有《公政公約》第 13 條所規定之程序保障？

中文回應

一、公政公約第 13 條略以，本公約締約國境內合法居留之外國人，非經依法判定，不得驅逐出境，且除事關國家安全必須急速處分者外，應准其提出不服驅逐出境之理由，及聲請主管當局或主管當局特別指定之人員予以覆判，並為此目的委託代理人到場申訴。

二、有關前揭公約締約國境內合法居留之外國人，非經依法判定，不得驅逐出境部分，於我國之入出國及移民法已有相關規定。

三、有關庇護程序部分，政府目前如遇陳情返回其母國恐受迫害之外國人或無國籍人，係以個案方式，於現行法規（含國際公約之不遣返原則）框架下，以協助陳情人中轉至第三國為處理方向。

四、我國國情特殊，內政部移民署將持續規劃適合之作法，逐步完善我國處理相關事務之能量。

英文回應

1. The content of Article 13 of the International Covenant on Civil and Political Rights is as follows, an alien lawfully in the territory of a State Party to the present

Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

2. The provision that an alien lawfully present in the territory of a State Party to the present Covenant may be deported only in pursuant to a decision reached in accordance with law, is already stipulated in the Immigration Act.
3. With respect to the asylum procedure, when the government encounters foreign or stateless persons who claim that returning to their home country would subject them to persecution, each case is handled on an individual basis within the framework of existing laws, including the principle of non-refoulement under international conventions. Assistance is provided to facilitate their transfer to a third country.
4. Given the unique circumstances of R.O.C. (Taiwan), the National Immigration Agency will continue to plan appropriate measures and progressively enhance its capacity to address related matters.

公政點次	問題內容	
44	原文	Para. 167 of the Fourth ICCPR Report documents 6,195; 3,459; 8,581; 15,077; and 18,553 deportations (2020–2024). Please provide disaggregated data by nationality, gender, grounds for deportation, and procedural objections lodged.
	中文參考翻譯	《公政公約第四次國家報告》第 167 點記載，2020 年至 2024 年受驅逐出國處分人數分別為 6,195 人、3,459 人、8,581 人、15,077 人及 18,553 人。請提供按國籍、性別、驅逐原因，以及所提出之程序異議等項目區分資料(disaggregated data)。

中文回應

一、2020 年強制驅逐出國 6,195 人（男性 3,229 人、女性 2,966 人），其中包含越南籍 1,961 人、印尼籍 3,275 人、泰國籍 419 人、菲律賓籍 314 人、大陸地區人民 140 人及其他國籍 86 人。

二、2021 年強制驅逐出國 3,459 人（男性 1,797 人、女性 1,662 人），其中包含越南籍 943 人、印尼籍 1,871 人、泰國籍 305 人、菲律賓籍 186 人、大陸地區人民 90 人及其他國籍 64 人。

三、2022 年強制驅逐出國 8,581 人（男性 6,187 人、女性 2,394 人），其中包含越南籍 6,346 人、印尼籍 1,646 人、泰國籍 244 人、菲律賓籍 195 人、大陸地區人民 75 人及其他國籍 75 人。

四、2023 年強制驅逐出國 15,077 人（男性 10,883 人、女性 4,194 人），其中包含越南籍 11,008 人、印尼籍 2,449 人、泰國籍 1,147 人、菲律賓籍 288 人、大陸地區人民 89 人及其他國籍 96 人。

五、2024 年強制驅逐出國 18,553 人（男性 13,200 人、女性 5,353 人），其中包含越南籍 12,294 人、印尼籍 2,579 人、泰國籍 3,171 人、菲律賓籍 308 人、大陸地區人民 80 人及其他國籍 121 人。

六、受驅逐出國之驅逐原因乃係違反《入出國及移民法》第 36 條所定第 1 項應強制驅逐出國或第 2 項得強制驅逐出國之情形（參《公政公約第四次國家報

告》第 167 點）。

英文回應

1. In 2020, a total of 6,195 individuals were subject to compulsory deportation (3,229 males; 2,966 females). The breakdown includes: 1,961 Vietnamese, 3,275 Indonesians, 419 Thais, 314 Filipinos, 140 Mainland China residents, and 86 individuals of other nationalities.
2. In 2021, a total of 3,459 individuals were subject to compulsory deportation (1,797 males; 1,662 females)*. The breakdown includes: 943 Vietnamese, 1,871 Indonesians, 305 Thais, 186 Filipinos, 90 Mainland China residents, and 64 individuals of other nationalities.
3. In 2022, a total of 8,581 individuals were subject to compulsory deportation (6,187 males; 2,394 females). The breakdown includes: 6,346 Vietnamese, 1,646 Indonesians, 244 Thais, 195 Filipinos, 75 Mainland China residents, and 75 individuals of other nationalities.
4. In 2023, a total of 15,077 individuals were subject to compulsory deportation (10,883 males; 4,194 females). The breakdown includes: 11,008 Vietnamese, 2,449 Indonesians, 1,147 Thais, 288 Filipinos, 89 Mainland China residents, and 96 individuals of other nationalities.
5. In 2024, a total of 18,553 individuals were subject to compulsory deportation (13,200 males; 5,353 females). The breakdown by nationality includes: 12,294 Vietnamese, 2,579 Indonesians, 3,171 Thais, 308 Filipinos, 80 Mainland China residents, and 121 individuals of other nationalities.
6. The grounds for the deportation were violation of Paragraph 1(Mandatory Deportation) or Paragraph 2(Discretionary Deportation) of Article 36 of the Immigration Act (refer to Para. 167 of the Fourth ICCPR Report).

公政點次	問題內容	
45	原文	Para. 168 of the Fourth ICCPR Report allows expulsion with 10-day notice for persons under investigation. How is the right to challenge expulsion before removal ensured? How many cases were reviewed, and how many resulted in suspension of deportation?
	中文參考翻譯	《公政公約第四次國家報告》第 168 點允許對受調查之人員在 10 日前通知後驅逐出國。如何確保當事人在被移送前，得以就驅逐出國處分提出異議？共有多少案件進入救濟程序(reviewed)？又有多少案件因此導致驅逐出國暫緩執行？ ※秘書處補充說明，因《公政公約第四次國家報告》第 168 點內容未提及相應之文字，故參照兩公約第四次國家報告國際審查委員會提交之問題清單（英文版）意旨，翻譯為救濟程序。

中文回應

外國人涉有刑事案件且進入司法程序，經司法機關認有羈押或限制出國之必要，內政部移民署將無法執行強制驅逐出國，並作出收容替代處分，倘當事人不服，得依《訴願法》及《行政訴訟法》規定提起訴願或訴訟。經統計，近 5 年共受理 4 件針對強制驅逐出國處分提出之救濟，其中有 1 件暫緩執行強制驅逐出國。

英文回應

Where a foreign national is involved in a criminal case and has entered judicial proceedings, and the judicial authorities deem it necessary to detain the individual or impose an exit restriction, the National Immigration Agency (NIA) is unable to execute compulsory deportation. Under such circumstances, the NIA may issue an order imposing an alternative to detention. If the party concerned disagrees with this decision, they may file an administrative appeal or institute administrative litigation in accordance with the Administrative Appeal Act and the Administrative Litigation Act. According to statistics, over the past five years, NIA has handled four cases of administrative appeals filed against orders of compulsory deportation. Out of these, one case resulted in a stay of execution regarding the compulsory deportation.

公政點次	問題內容	
46	原文	Paras. 169–170 of the Fourth ICCPR Report outline separate procedural guarantees for persons from Mainland China, Hong Kong and Macau. What safeguards ensure compliance with Article 13, including the right to submit reasons, legal representation, review, and non-arbitrary decision-making? How many review meetings took place, and what were the outcomes?
	中文參考翻譯	《公政公約第四次國家報告》第 169 點至第 170 點就中國大陸、香港及澳門人士另定程序保障。有哪些機制確保此類程序符合《公政公約》第 13 條之要求，包括提出抗辯理由之權利、法律代理、審查(reviewed)，以及避免恣意決定？共召開多少次審查會議？結果為何？ ※秘書處補充說明，《公政公約第四次國家報告》第 169 點至第 170 點內容，提及審查會機制，故在此統一翻譯為審查，俾與前揭國家報告內容交互參照。

中文回應

一、依據臺灣地區與大陸地區人民關係條例第 18 條第 3 項規定及香港澳門關係條例第 14 條第 3 項規定，強制大陸地區人民及香港、澳門居民出境前，應給予當事人陳述意見機會；強制已取得居留或定居許可之當事人出境前，並應召開審查會。

二、審查會為委員制，由社會公正人士及學者專家組成，每半年召開 1 次會議，自 2010 年至 2025 年止共召開 27 次，會議不對外公開，相關出（列）席人員對於會議討論情形及決議事項，均應保密。倘當事人不服，得依訴願法及行政訴訟法規定提起訴願或訴訟。

英文回應

1. According to Paragraph 3 of Article 18 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, and Paragraph 3 of Article 14 of the Act Governing Relations with Hong Kong and Macau, the parties concerned shall be granted an opportunity to state their opinions prior to a compulsory deportation. Furthermore, where the party concerned has already obtained residency or permanent residency permits, a review committee shall be convened prior to deportation.

2. The review committee is composed of impartial public figures, scholars, and experts. The committee meets once every six months. As of the present date, 27 meetings have been convened in total (2020-2025).Its proceedings are closed to the public, and all participants are required to maintain confidentiality regarding deliberation and resolutions confidential. Where a party is dissatisfied with the decision, they may file an administrative appeal or institute administrative litigation pursuant to the Administrative Appeal Act and the Administrative Litigation Act.

公政點次	問題內容	
47	原文	Para. 170 of the Fourth ICCPR Report states that only certain foreign nationals with legal residency qualify for legal aid. How does the exclusion of undocumented or deportable individuals comply with Article 13's guarantee of representation? What measures ensure access to legal assistance for vulnerable persons?
	中文參考翻譯	《公政公約第四次國家報告》第 170 點指出，僅具備合法居留身分之特定外國人方符合法律扶助資格。將無證或面臨驅逐之個人排除在外，如何符合第 13 條所保障之受法律代理權？有哪些措施確保弱勢群體獲得法律協助？

中文回應

依法律扶助法（下稱法扶法）第 14 條規定：「（第 1 項）非中華民國國民符合下列情形之一者，本法之扶助規定亦適用之：一、合法居住於中華民國境內之人民。二、因不可歸責於己之事由而喪失居留權。三、人口販運案件之被害人或疑似被害人。四、非居住於中華民國境內之人民，曾因同一事實受基金會扶助。五、非居住於中華民國境內之人民，對於他人曾因同一事實受基金會扶助後死亡，依中華民國法律得行使權利。六、非居住於中華民國境內之人民，對於他人因職業災害死亡，依中華民國法律得行使權利。七、其他經基金會決議。（第 2 項）前項之審查辦法，由基金會定之。」，另依同法第 13 條第 3 項第 1 款規定，依《就業服務法》第 46 條第 1 項第 8 款至第 10 款引進之外國人，經切結後推定為無資力，無須審查其資力。是以，無證或面臨驅逐之外國人如符合前開規定，可向財團法人法律扶助基金會（下稱基金會）申請法律扶助，以確保其權益。

英文回應

Article 14 of the Legal Aid Act stipulates that "the provisions of this Act concerning legal aid are applicable to non-citizens of the Republic of China who meet any one of the following conditions: 1. people who reside legally within the border of the Republic of China; 2. people who lost their residency due to incidents not imputed to themselves; 3. victims or possible victims in a human trafficking case; 4. people who do not reside within the border of the Republic of China, but have received the Foundation's aid in the past for the same cause; 5. people who do not reside within the border of the Republic of China may exercise their rights under the laws of the Republic of China when the other party, who received the Foundation's aid in the past for the same cause, passes away.; 6. people who do not reside within the border of the Republic of China may exercise their rights under the laws of the Republic of China when the other party passes away due to an occupational accident; 7. other conditions as decided by the Foundation. The verification process of the preceding paragraph shall be prescribed by the Foundation."

Additionally, Article 13, paragraph 3, subparagraph 1 of the same Act specifies that foreign nationals who came to Taiwan in accordance with the provisions of Article 46, paragraph 1, subparagraphs 8 to 10 of the Employment Service Act are presumed indigent with the support of an affidavit and are exempt from financial verification. Therefore, undocumented or deportable individuals who fall within any of the situations above are eligible for legal aid from the Legal Aid Foundation to ensure their rights.

公政點次	問題內容	
48	原文	Paras. 165–168 of the Fourth ICCPR Report permit deportation within short timeframes. How is adequate time ensured for individuals to prepare arguments, obtain representation, and seek review?
	中文參考翻譯	《公政公約第四次國家報告》第 165 點至第 168 點允許在相當短之期限內執行驅逐出國。如何確保當事人得以獲得充分時間準備抗辯理由、取得法律代理，並尋求救濟程序？

中文回應

入出國及移民法第 38 條之 2 規定，對暫予收容處分不服者，得於受收容人收受收容處分書後，於收容期間內，隨時向內政部移民署提出收容異議；至作成收容替代處分者，亦得提起訴願或行政訴訟。

英文回應

Pursuant to Article 38-2 of the Immigration Act, any person who disagrees with a temporary detention order may file a detention objection with the National Immigration Agency (NIA) after receiving the written order. People who at any time during the detention period, file an objection against said detention with the NIA. Furthermore, those subject to an alternative to detention may also file an administrative appeal or institute administrative litigation in accordance with the law.

十、公政條文第 14 條

公政點次	問題內容	
49	原文	The 2022 Concluding Observations on the Third Report recommended that Taiwan recognize the jurisdiction of the International Criminal Court (see para. 17). The Fourth ICCPR Report does not address this proposal. Has the Government given any consideration to the proposal? Also, what is the position of the Government with respect to the draft treaty on crimes against humanity currently being examined by the Preparatory Committee of the General Assembly?
	中文參考翻譯	2022 年就第三次國家報告所作之《結論性意見與建議》建議臺灣承認國際刑事法院 (International Criminal Court)之管轄權(參見第 17 點)，惟《公政公約第四次國家報告》未就此提案加以回應。政府是否已考量該建議？另外，對於目前由聯合國大會籌備委員會審議之危害人類罪條約草案(draft treaty on crimes against humanity)，政府之立場為何？

中文回應

行政院辦理情形請參見回應兩公約第三次國家報告結論性意見與建議第 7 段。
有關我國是否聲明接受國際刑事法院管轄，事涉我國法律制度和羅馬規約之調和、國家安全、國際政治以及對外關係等考量，尚須審慎評估其利弊及可能之影響，我國會持續依據相關情勢發展妥為評估研議。
因危害人類罪條約草案係以羅馬規約為出發點，而該草案第 2 條之內容與羅馬規約第 7 條高度近似，政府將視國際局勢發展及國內社會趨勢，就該草案另行進行評估。

英文回應

Regarding the status of the matter, please refer to Paragraph 7 of the Response to the Third National Report on the Two Covenants Concluding Observations and Recommendations.
The consideration of whether Taiwan should declare acceptance of the jurisdiction of the International Criminal Court involves factors including the harmonization of Taiwan's legal system with the Rome Statute, national security, international politics, and foreign relations, and thus requires a prudent assessment of the advantages, disadvantages, and possible impacts. The Government of Taiwan will continue to carefully assess the situation as it develops.
As the draft articles of the Convention on the Prevention and Punishment of Crimes against Humanity is based on the Rome Statute, and Article 2 of the draft is highly similar to Article 7 of the Rome Statute, the Government will conduct a separate assessment of the draft in light of international developments and domestic social trends.

公政點次	問題內容	
50	原文	Under the new system whereby 'citizen judges' participate in criminal trials, an exception is made to a rule of unanimity in death penalty cases. Please clarify the situation and explain the rationale for this exception, and how it can be deemed consistent with the high degree of certainty required where the State deprives a person of life.
	中文參考翻譯	在「國民法官」(citizen judges)參與刑事審判的新制下，於死刑案件中對一致決原則設有例外。請釐清此一現況，並說明設置該例外之理由，以及在國家剝奪個人生命之情況下，如何認定此機制符合所要求之高度確定性(certainty)？

中文回應

依 113 年憲判字第 8 號判決理由揭示，科處死刑之判決，應經合議庭法官之一致決，而於依國民法官法審理之情形，該合議庭法官指的是「具備法官法第 2 條第 1 項第 3 款所定各級法院法官資格之刑事法院合議庭法官」，意即「職業法官」。

英文回應

According to the reasoning of TCC Judgment 113-Hsien-Pan-8 (2024), a judgment sentencing a defendant to death shall be rendered only by a unanimous decision of the collegial panel. In cases tried under the Citizen Judges Act, the "judges of the collegial panel" refers to "professional judges who possess the qualifications of judges of courts of various levels as prescribed in Article 2, Paragraph 1, Subparagraph 3 of the Judges Act."

十一、 公政條文第 17 條

公政點次	問題內容	
51	原文	In its concluding observations and recommendations adopted in 2022, the Review Committee recommended the Government to improve transparency as regards the use of facial recognition technology (including its legal basis, purpose and methods of storage) and safeguard against abusive use by government agencies or third parties. The Fourth ICCPR Report contains no reference to the current legal framework in relation to facial recognition technology and developments since 2022. In the Response Report, reference is made to ongoing discussion on the preparation of guidelines for the use of facial recognition technology by government agencies. However, no detail is provided regarding the legal basis for and legally binding nature of the measures proposed or of the type of procedural and substantive safeguards envisaged. As such, could greater detailed be provided, it being understood that the measures to be adopted are still under review?
	中文參考翻譯	國際審查委員會於 2022 年通過之《結論性意見與建議》中，建議政府提升臉部辨識技術使用之透明度(包括其法律依據、使用目的及資料儲存方式)，並防範政府機關或第三方之濫用。《公政公約第四次國家報告》未提及自 2022 年以來，關於臉部辨識技術之現行法律架構及發展。《回應報告》僅提到政府機關正就制定臉部辨識技術使用「指引」(guidelines)進行討論，但並未說明擬議措施之法律依據、是否具有法律約束力，或所構想之程序性及實體性保障措施。基於上述情形，雖理解相關措施仍在研議中，能否提供更為詳盡之說明？

中文回應

數位發展部依據 2023 年 7 月 25 日行政院人權保障推動小組第 45 次委員會議紀錄第 17 頁之第 85 點「提高使用臉部辨識技術透明度」決議，於 2023 年 8 月協助國家發展委員會彙整全國公務機關使用人臉辨識技術之問卷調查結果，並針對法制與技術面管理機制進行研析。數位發展部就技術層面於 2023 年 11 月 9 日提供 6 項建議予國家發展委員會，由該會納入後續研擬之「公務機關運用人臉辨識指引草案」；嗣後行政院成立個人資料保護委員會籌備處，該項工作爰移由個人資料保護委員會籌備處持續辦理。

有鑑於人臉驗證技術運用，涉及臉部影像及特徵值之蒐集、處理及利用，目前正由個人資料保護委員會籌備處研訂「公務機關使用人臉驗證技術之個資保護適法性評估指引草案」，主要目的是在協助公務機關了解於使用人臉驗證技術時應考量之重點，及依個人資料保護法現行規定應注意之事項。

草案提醒公務機關運用人臉驗證技術之個人資料保護法遵循事項，包括特定目的下之合法要件、最小保存期限及履行告知義務等。又在合法要件部分，公務機關須符合「執行法定職務必要範圍內」或「經當事人同意」的情形之一，始得蒐集、處理當事人臉部驗證特徵值；另提醒公務機關注意當事人之權利行使事項，並應針對人臉驗證結果可能之偏誤，適當給予當事人說明或異議之機會；同時應注意人臉驗證資料之安全維護、事故通知及委外監督。

另考量立法院於 2025 年 12 月三讀通過之「人工智慧基本法」第 14 條規定：「各

目的事業主管機關會商個人資料保護主管機關，在人工智慧研發及應用過程，避免不必要之個人資料蒐集、處理或利用，並應促進個人資料保護納入預設及設計相關措施或機制，以維護當事人權益。」而人臉辨識技術為人工智慧常見之應用場景，我國個人資料保護委員會亦成立在即，個人資料保護委員會籌備處爰規劃待個人資料保護委員會成立後，將相關研議成果移交個人資料保護委員會，再由個人資料保護委員會就相關技術涉及人工智慧層面之個資保護，一併續行研議推動該指引。

英文回應

In accordance with Resolution No. 85, "Improving Transparency in the Use of Facial Recognition Technology" (page 17 of the minutes from the 45th meeting of the Committee for the Promotion of Human Rights Protection, Executive Yuan on July 25, 2023), the Ministry of Digital Affairs (hereinafter "MODA") assisted the National Development Council (hereinafter "NDC") in August 2023. This assistance involved compiling the results of a questionnaire on the use of facial recognition technology by government agencies nationwide and analyzing the associated legal and technical management mechanisms. Following the division of labor with the NDC, the MODA submitted six technical recommendations on November 9, 2023, to the NDC. These recommendations are to be incorporated into the "Draft Guidelines for the Use of Facial Recognition Technology by Government Agencies" being drafted by the NDC. Subsequently, the Executive Yuan established the Preparatory Office of the Personal Data Protection Commission (hereinafter "the Preparatory Office of the PDPC"). Consequently, this task was transferred to the Preparatory Office of the PDPC for continued implementation.

Given that facial verification technology involves the collection, processing, and use of facial images and feature values, the Preparatory Office of the PDPC is currently drafting the "Draft Guidelines on Assessing Personal Data Protection Compliance for Government Agencies Using Facial Verification Technology". The main purpose of this draft is to assist government agencies in understanding the key considerations when using facial verification technology and the points of attention in accordance with the current provisions of the Personal Data Protection Act (hereinafter "PDPA").

The draft reminds government agencies of the PDPA compliance matters when using facial verification technology, including statutory requirements under specific purposes, retention period minimization, and the fulfillment of notification obligations. Regarding lawful requirements, government agencies must satisfy one of the following conditions prior to collecting and processing a data subject's facial verification feature values: "within the necessary scope of performing statutory duties" or "with the consent of the data subject". It also reminds government agencies to ensure the exercise of data subjects' rights and to appropriately provide data subjects with opportunities for explanation or objection regarding potential biases in facial verification results. At the same time, attention should be paid to the security and maintenance of facial verification data, incident notification, and supervision of outsourcing.

Also, consider Article 14 of the "Artificial Intelligence Fundamental Act " passed by the Legislative Yuan in December 2025, which states: "Each competent authority shall consult with the personal data protection authority to avoid unnecessary collection, processing, or use of personal data during the research, development, and application of artificial intelligence. Furthermore, they shall promote the integration of personal

data protection into measures and mechanisms regarding privacy by design and by default, so as to safeguard the rights and interests of data subjects." Facial recognition technology is a common application of artificial intelligence, and the Taiwan Personal Data Protection Commission (hereinafter "PDPC") is also about to be established. Accordingly, the Preparatory Office of the PDPC plans to transfer the relevant research results to the PDPC upon its establishment. Subsequently, the PDPC will continue to research and promote the guidelines for personal data protection related to artificial intelligence aspects of such technology.

公政點次	問題內容	
52	原文	Could you also indicate how facial recognition technology is being used in correctional facilities, the legal basis for that use and specific safeguards required given the particular context.
	中文參考翻譯	另請說明矯正機關目前如何使用臉部辨識技術？使用之法律依據？鑑於矯正機關之特殊環境，採取了哪些具體保障措施？

中文回應

一、矯正機關對於臉部辨識技術之實務應用，主要基於識別人員身分需求，避免冒名頂替風險，目前多以輔助機關人員進行門禁管制之應用為主，以達維護機關安全及戒護之目的。

二、矯正機關應用科技設備之法源依據為「監獄行刑法」第 21 條第 1 項及「羈押法」第 16 條第 1 項規定，機關應嚴密戒護，並得運用科技設備輔助。

三、有關具體保障措施部分，已訂定「監獄及看守所科技設備設置與使用及管理辦法」規範科技設備種類、設置、管理、運用、資料保存及其他應遵守事項等，且各矯正機關均已訂定內部科技設備使用及管理規範，以確保科技設備應用管控及設備儲存資料之管理。

英文回應

1. Current practice in the application of facial recognition technology is primarily based on the need to identify individuals' identities in order to avoid the risk of impersonation. Such technology is mostly used to assist agency personnel in access control management, with the purpose of maintaining the security or protection of the Authorities.
2. The legal basis for the use of technical equipment by correctional institutions is provided under Article 21, Paragraph 1 of the Prison Act and Article 16, Paragraph 1 of the Detention Act, which stipulate that institutions must be securely guarded and may use technical equipment for assistance to ensure security.
3. With regard to specific safeguard measures, the Regulations Governing the Installation, Use and Management of Technical Equipment in Prisons and Detention Centers have been promulgated to regulate the types, installation, management, usage, data storage, and other requirements for technical equipment, as well as other matters that must be observed. In addition, all correctional institutions have established internal regulations governing the operation and management of technical equipment, in order to ensure proper control over the application of such equipment and the management of stored data.

公政	問題內容

點次		
53	原文	The Fourth ICCPR Report does not touch on the regulatory framework applicable to social media platforms and makes no mention of online discriminatory and hate speech despite indications from civil society actors that both issues are problematic. On the first point, what rules regulate the Government's access to the data of platform users, ex-post notification and remedies for users?
	中文參考翻譯	《公政公約第四次國家報告》未觸及適用於社群媒體平臺之監理架構，亦未提及網路歧視性言論與仇恨言論，惟公民社會團體已指出上述兩項議題均存在問題。就第一點而言，目前有哪些規範用以管制政府對平臺使用者資料之存取，包括事後通知機制，以及提供使用者之救濟途徑？

中文回應

有關網路平臺監理架構問題，通傳會於 2022 年提出《數位中介服務法》草案，惟社會各界對於草案有諸多意見，目前暫無立法時程表。對於迫切性網路議題與平臺問責需要，我國目前採取分散式立法因應，政府部會得依制定或修正法律以應施政與公共利益需要，爰網際網路內容之管理如同實體社會，依「網際網路內容管理基本規範及分工原則」 由各法令規定之主管機關依權責處理。

如內政部於 2025 年提出《社會秩序維護法》部分條文修正草案，擬增訂第 64 條第 6 款及第 64 條之 1，就網路歧視性言論及仇恨言論案件中，涉及社群媒體平臺及使用者資料之處理程序加以制度化規範。該修正草案明定，須經跨部會會商程序後，始得命平臺業者採取限制瀏覽、移除內容或帳號限制等措施，並課予平臺於一定期間內之資料保留義務，以作為後續行政處置及當事人救濟之基礎。上開修正草案，目前尚未完成立法院審議程序。

而數位發展部監督之財團法人台灣網路資訊中心（TWNIC）已建立 DNS RPZ 自律機制停止解析惡意或不當網站之網域名稱，依行政院同意之「運用 DNS RPZ 自律機制停止解析違法網站處理參考程序」，以法院判決、裁定或處分機關依法處分啟動，可配合處分機關依相關法規對違法網站進行快速阻擋。

爰此，是類案件如處分機關依法命網際網路接取服務提供者（IASP）執行限制接取或停止解析，並請 TWNIC 協助，該中心於收到公文後，即迅透過 DNS RPZ 自律機制對涉爭議之網際網路平臺進行阻擋。

英文回應

Regarding the regulatory framework for internet platforms, the National Communications Commission (NCC) introduced the draft Digital Intermediary Services Act in 2022. However, since a wide range of feedback from various sectors has been submitted, there is currently no specific timeline for its legislation.

To address urgent internet-related issues and the need for platform accountability, Taiwan has adopted a distributed legislative approach.

Government agencies may formulate or amend laws according to administrative needs and public interest. Consequently, the management of internet content mirrors that of physical society: each competent authority handles matters within its jurisdiction, based on the Basic Norms and Division of Labor Principles for Internet Content Management.

In 2025, the Ministry of the Interior proposed a draft amendment to the Social Order Maintenance Act, intending to add Item 6 to Article 64 and Article 64-1. The amendment seeks to institutionalize the regulatory procedures regarding social media

platforms and the processing of user data in cases involving online discriminatory and hate speech. The draft stipulates that measures—including ordering platform operators to restrict access, remove content, or impose account restrictions—may only be taken following an inter-ministerial consultation process. Furthermore, it imposes obligations on platforms to retain data for a specified period to serve as a basis for subsequent administrative actions and remedies for affected parties. The aforementioned draft amendment is currently pending the completion of the deliberation process in the Legislative Yuan.

Under the supervision of Ministry of Digital Affairs (MODA), the Taiwan Network Information Center (TWNIC) has established a Domain Name System Response Policy Zone (DNS RPZ) to block malicious or illegal websites. In accordance with procedures approved by the Executive Yuan, DNS RPZ shall be activated following court orders, or lawful administrative decisions, enabling the rapid blocking of illegal websites in coordination with the competent authorities.

When a competent authority lawfully orders Internet Access Service Providers (IASPs) to restrict access or suspend domain name resolution and requests assistance, TWNIC promptly blocks the disputed social media platforms by means of DNS RPZ.

公政點次	問題內容	
54	原文	On the second point, reference is made to the prevention of hate speech in the Response Report but, despite the passage of time, the focus appears to be exploratory, without concrete legal provisions being envisaged at this time. Could you outline the legal position in relation to regulation of social media platforms, describe the current climate in Taiwan in relation to online discourse and explain the concrete nature of measures envisaged to respond to any increased recourse to discriminatory and hate speech?
	中文參考翻譯	針對第二點，《回應報告》中提到對仇恨言論之預防；然而，儘管時間推移，其重點似乎仍停留在探索階段，目前尚未構思具體法律條文。能否概述針對社群媒體平臺監理之法律立場，並請描述臺灣當前網路言論之現況，及解釋針對日益增加之歧視與仇恨言論，政府構思之措施其具體性質為何？

中文回應

法務部 2024 年 4 月 2 日邀集專家學者召開刑法研究修正小組會議，與會委員咸認在確保言論自由下,就歧視仇恨言論之防制規範應包括對歧視仇恨言論之行為態樣定義、受保護特徵之範圍及相應層級性罰責，如對不當仇恨言論之下架等行政管制措施、行政罰、民事損害賠償責任及刑罰或先行政罰再刑罰等規定，始較為完整周延。

國家通訊傳播委員會經行政院交辦，刻正研擬觀察其他國家網路仇恨言論治理經驗，探討其立法發展情況，包括法律框架、政策導向及違規處置，待研究完成，作為後續政府機關政策、法規及措施之參考。

針對社群媒體平臺監理部分，內政部所提《社會秩序維護法》修正草案，係採取區分實體公共空間與網際網路場域之規範模式，並以「是否足以影響公共秩序」作為核心判斷基準。其中，第 64 條第 6 款係針對實體公共場所中，利用旗幟、標語、影像或其他物品，公開倡議、宣傳、散布或播送仇恨性言論、恐怖主義或

境外敵對勢力相關主張，且足以影響公共秩序之行為，明確納入行政罰規範；第64 條之 1 則回應網際網路場域之特性，於符合法定要件下，賦予主管機關得命平臺採取限制瀏覽、移除內容或帳號限制等措施之權限，作為防止危害擴大之手段。

此外，觀察臺灣當前網路言論之現況，社群媒體已成為各類資訊高度集中的主要傳播管道，部分仇恨性言論、恐怖主義相關訊息及涉及境外敵對勢力操作之內容，具有傳播速度快、跨平臺複製性高及匿名性強等特徵，易於放大社會對立情緒，對公共秩序及社會安定產生實質影響。在過往缺乏專門規範之情形下，政府多僅能透過《刑法》、國家安全相關法制或一般行政調查機制間接因應，實務上難以即時處置網路空間中快速擴散之風險。本次修法，即係基於上述現實情況，嘗試補足既有法制之規範空缺。

英文回應

On April 2, 2024, the Ministry of Justice, inviting experts and scholars, convened a meeting of the Criminal Law Research and Amendment Task Force. Participants reached a consensus that, while ensuring the protection of freedom of speech, the regulatory framework against discriminatory hate speech should be comprehensive. This includes defining the modalities of hate speech, the scope of protected characteristics, and a tiered system of penalties—ranging from administrative measures (such as the removal of inappropriate hate speech content) and administrative fines to civil liability and criminal penalties (or a "first administrative, then criminal" enforcement model) to ensure the legal framework is thorough and well-rounded.

Under the directive of the Executive Yuan, the National Communications Commission is currently conducting a comparative study of international practices in regulating online hate speech and explores legislative developments, including legal frameworks, policy orientations, and enforcement mechanisms. Upon completion, the findings will serve as a reference for the government in planning future policies, regulations, and measures within their respective statutory mandates.

Regarding the regulation of social media platforms, the draft amendment to the Social Order Maintenance Act proposed by the Ministry of the Interior adopts a regulatory model that distinguishes between physical public spaces and the online environment, using "whether it is sufficient to affect public order" as the core criterion for judgment. Subparagraph 6 of Article 64 explicitly includes within into the scope of administrative penalties conduct occurring in physical public places that utilize flags, slogans, images, or other items to publicly advocate, propagate, disseminate, or broadcast hate speech, terrorism, or assertions relating to foreign hostile forces, provided such conduct is sufficient to disrupt or affect public order. In contrast, Article 64-1 responds to the characteristics of the online environment. Under specific statutory conditions, it empowers the competent authority to order platforms to take measures—such as restricting access, removing content, or restricting accounts—to prevent further harm.

Furthermore, considering the current landscape of online speech in Taiwan, social media has become the primary means for the concentrated dissemination of diverse forms of information. Certain content involving hate speech, terrorism-related information, and influence operations by foreign hostile forces exhibits characteristics such as rapid dissemination, cross-platform replicability, and a high degree of anonymity. These features can intensify social polarization and exert a tangible impact on public order and social stability. Previously, in the absence of specialized regulations,

the government relied primarily on the Criminal Code, national security-related legislation, or general administrative investigation mechanisms to address such concerns. In practice, however, these frameworks often proved insufficient to enable take timely action against risks spreading rapidly in cyberspace. This amendment therefore aims to address and close the existing regulatory gap in response to these evolving realities.

公政點次	問題內容	
55	原文	It appears that judicial authorization is required for interception warrants, which, according to annual statistics, compose about 3.5 % of cases, while data production orders do not require judicial intervention but make up about 96.4 % of cases. If judicial authorization does not feature in the vast majority of cases, could you explain what alternative safeguards are provided by law?
	中文參考翻譯	依年度統計資料，通訊監察書(interception warrants)須經司法機關核准，約占全部案件 3.5%；相較之下，資料調取命令(data production orders)無須司法介入，卻約占案件總數 96.4%。在絕大多數案件未經司法授權之情況下，能否解釋法律提供了哪些替代保障機制？

中文回應

一、關於高達 96.4%的案件無需司法授權（即調取通訊使用者資料）之程序，臺灣法律體系主要透過 2024 年 12 月 25 日發布施行的「通訊使用者資料管理辦法」，建立了一套嚴格的替代保障機制，以確保程序正義與隱私權保護：

(一) 用途限制與保密義務（第 3 條）：法律明確規定，調取之資料應予保密，且不得無故洩漏、交付或利用。這確保了資料僅能用於法定的偵查目的，防止權力濫用。

(二) 安全維護措施（第 3 條）：要求執行機關在查詢、傳輸及儲存過程中，必須實施適當的安全防護，防止資料遭到竊取、竄改或毀損，從技術層面強化資料安全性。

(三) 檔案化管理與追蹤（第 4 條）：所有調取之資料必須編入正式案卷，並依照「檔案法」進行管理。這意味著每一筆資料的去向都有案可稽，確保了法律程序的可追溯性。

(四) 建立強制稽核機制（第 5 條）：這是最重要的替代保障。機關必須留存調取之統計數據，並建立內部稽核機制，確保從調取、保存到銷燬的每一個環節都符合法律要求。

二、透過這些規範，臺灣以「程序嚴謹性」與「事後稽核」來彌補事前司法審查的缺位。

英文回應

1. Regarding the 96.4% of cases that do not require judicial authorization (i.e., the retrieval of communication subscriber information), the Taiwan legal system provides alternative safeguards through the "Regulations Governing the Management of Communication Subscriber Information" (promulgated on December 25, 2024). These regulations ensure due process and the protection of privacy through the following mechanisms:

(1) Purpose Limitation and Confidentiality (Article 3): The law explicitly mandates that

all retrieved information shall be kept confidential and shall not be disclosed, delivered, or utilized without justifiable cause. This ensures that the data is used strictly for its intended legal purpose and prevents any unauthorized usage.

(2) Security Maintenance Measures (Article 3): The regulations require executing agencies to implement appropriate security measures during the inquiry, transmission, and storage processes. These measures are designed to prevent theft, tampering, or leakage, thereby strengthening data security from a technical perspective.

(3) Formal Archival and Traceability (Article 4): All retrieved data must be properly preserved and incorporated into formal case files in accordance with the Archives Act. This ensures a permanent and traceable record of how the information was handled, facilitating accountability throughout the legal process.

(4) Mandatory Auditing Mechanisms (Article 5): As a critical alternative to prior judicial review, Article 5 requires agencies to maintain statistical records and establish internal auditing mechanisms. These systems ensure that the entire lifecycle of the data—from acquisition and preservation to destruction—complies with the requirements of the law.

2. In conclusion, the government employs "procedural rigor" and "ex-post auditing" as primary safeguards to ensure oversight in the absence of a prior judicial warrant.

公政點次	問題內容	
56	原文	Can you explain the consequences of the Constitutional Court finding in Constitutional Judgment no. 9 of 2023 that parts of the Code of Criminal Procedure are unconstitutional in so far as they relate to documents produced in the exercise of communication between a lawyer and an accused?
	中文參考翻譯	憲法法庭於 112 年憲判字第 9 號中所作之認定，指出《刑事訴訟法》部分規定在涉及律師與被告通訊往來所產生之文件時，具有違憲之情形。能否解釋該判決帶來之後果？

中文回應

前述判決對現行刑事訴訟法有關搜索、扣押之規定進行整體觀察後，認定對基於第三人地位之律師事務所為之搜索聲請，已採法官保留，法官應依相關法令審慎判斷是否符合法定要件，並已有事中檢視扣押物、事後救濟與證據禁止等相關程序擔保規範，可避免濫權或恣意，確保搜索、扣押限制基本權之程度，與追訴犯罪與發現真實之公共利益間，利害均衡，尚符比例原則。

因此，刑事訴訟法未對律師事務所之搜索及扣押設有特別之程序規定，與憲法第 10 條保障人民居住自由、第 15 條保障律師工作權以及正當法律程序原則之意旨尚屬無違。

英文回應

Upon a holistic review of the current provisions in the Code of Criminal Procedure regarding search and seizure, the aforementioned judgment determines that a request for a search warrant targeting a law firm in its capacity as a third party is already subject to judicial reservation; as such, a judge must prudently assess whether the statutory requirements are met in accordance with relevant laws and regulations. Furthermore, existing procedural safeguards—such as the contemporaneous examination of seized

objects, the availability of post-hoc remedies, and the exclusionary rule of evidence—serve to prevent the abuse of power or arbitrariness. These measures ensure that the restriction of fundamental rights during search and seizure remains proportionate to the public interests of criminal prosecution and the discovery of truth, thereby satisfying the principle of proportionality.
Consequently, the absence of specific procedural requirements in the Code of Criminal Procedure for the search and seizure of law firms is compatible with the protection of the freedom of residence under Article 10 of the Constitution, the right to work for attorneys under Article 15, and the requirements of due process of law.

公政點次	問題內容	
57	原文	What procedural safeguards, if any, apply to searches and seizures conducted in law firms following this ruling?
	中文參考翻譯	前述判決作成後，在律師事務所進行搜索與扣押時，有哪些適用的程序保障(若有)？

中文回應

前述判決對現行刑事訴訟法有關搜索、扣押之規定進行整體觀察後，認定對基於第三人地位之律師事務所為之搜索聲請，已採法官保留，法官應依相關法令審慎判斷是否符合法定要件，並已有事中檢視扣押物、事後救濟與證據禁止等相關程序擔保規範，可避免濫權或恣意，確保搜索、扣押限制基本權之程度，與追訴犯罪與發現真實之公共利益間，利害均衡，尚符比例原則。
因此，刑事訴訟法未對律師事務所之搜索及扣押設有特別之程序規定，與憲法第10條保障人民居住自由、第15條保障律師工作權以及正當法律程序原則之意旨尚屬無違。

英文回應

Upon a holistic review of the current provisions in the Code of Criminal Procedure regarding search and seizure, the aforementioned judgment determines that a request for a search warrant targeting a law firm in its capacity as a third party is already subject to judicial reservation; as such, a judge must prudently assess whether the statutory requirements are met in accordance with relevant laws and regulations. Furthermore, existing procedural safeguards—such as the contemporaneous examination of seized objects, the availability of post-hoc remedies, and the exclusionary rule of evidence—serve to prevent the abuse of power or arbitrariness. These measures ensure that the restriction of fundamental rights during search and seizure remains proportionate to the public interests of criminal prosecution and the discovery of truth, thereby satisfying the principle of proportionality.
Consequently, the absence of specific procedural requirements in the Code of Criminal Procedure for the search and seizure of law firms is compatible with the protection of the freedom of residence under Article 10 of the Constitution, the right to work for attorneys under Article 15, and the requirements of due process of law.

公政點次	問題內容	
58	原文	In 2022 the Constitutional Court issued judgment no. 13 finding that the NHI database lacked a clear legal basis and regulatory framework.
	中文參考翻譯	憲法法庭於 111 年作成第 13 號判決，認定全民健康保險資料庫欠缺明確之法律依據及監理架構。

中文回應

因應憲法法庭 111 年 8 月 12 日憲判字第 13 號判決(健保資料庫案)，衛生福利部已制定全民健康保險資料管理條例，並於 2025 年 12 月 2 日於立法院完成三讀，同年 12 月 19 日由總統公布，立法通過後，可確保健保資料特定目的外利用經依法定程序處理後之安全性與合理性，發揮健保資料應用價值，並完備對人民資訊隱私權及自主權益之保障。另衛生福利部中央健康保險署亦依前開憲法法庭判決主文四意旨，已自 2025 年 8 月 12 日起提供民眾健保資料停止目的外利用(退出權)申請，同步發布新聞資訊並進行宣導。

英文回應

In response to Constitutional Court R.O.C. (Taiwan) Judgment No. 13 of 2022 dated August 12, 2022 (the NHI Database Case), the Ministry of Health and Welfare (MOHW) has formulated the National Health Insurance Data Management Act. The Act passed its third reading in the Legislative Yuan on December 2, 2025, and was promulgated by the President on December 19 of the same year. Following the passage of this legislation, the MOHW ensures the security and reasonableness of using National Health Insurance (NHI) data beyond its original purpose of collection, provided that the data is processed in accordance with statutory procedures. This legislation maximizes the application value of NHI data while comprehensively protecting citizens' rights to information privacy and autonomous control over their personal data. Additionally, in accordance with Part 4 of the Holding of the Judgment, the National Health Insurance Administration (NHIA) has allowed the public to apply for the cessation of NHI data use beyond its original purpose of collection (the "right to opt out") since August 12, 2025. The NHIA simultaneously issued press releases and launched public awareness campaigns.

公政點次	問題內容	
59	原文	Can you provide an update on the creation of an oversight mechanism – which was required by August 2025 – as well as information regarding the independence of the persons who will provide the oversight?
	中文參考翻譯	能否提供有關建立監督機制之最新進度(該機制依法應於 2025 年 8 月前完成)，以及該監督機制人員獨立性之相關資訊？

中文回應

一、建立進度：個人資料保護委員會籌備處擬具之「個人資料保護委員會組織法草案」及配套之「個人資料保護法部分條文修正草案」，經行政院 2025 年 3 月 27 日第 3945 次院會通過並函請立法院審議。其中「個人資料保護法部分

條文修正草案」已於 2025 年 11 月 11 日經總統公布，賦予未來成立之個人資料保護委員會必要執法權限。至於「個人資料保護委員會組織法草案」則於 2025 年 5 月 28 日經立法院司法及法制、經濟兩委員會聯席審查完竣、6 月 24 日黨團協商，尚待進一步協商，以完備個人資料保護委員會組織法制。

二、獨立性確保：依行政院函送立法院審議之「個人資料保護委員會組織法草案」，已明定個人資料保護委員會之組織定位為「獨立機關」，亦即依據法律獨立行使職權，自主運作，不受上級機關在層級式行政體制下就具體個案指揮監督之合議制機關，故對於個人資料保護委員會之個案決定不服者，得直接向法院提起行政訴訟進行救濟，免經上級機關(行政院)之訴願程序。「個人資料保護委員會組織法草案」並依據我國「中央行政機關組織基準法」有關獨立機關之規定制定相關規範，包含：明定合議制成員(5 至 7 名委員)之任職期限 4 年，享有任期保障，必須符合法定事由始得予以免職；並明定委員中具有同一黨籍者，不得超過委員總額二分之一，且委員應超出黨派以外，於任職期間不得參加政黨活動，並依法獨立行使職權；另委員於任職期間應謹守利益迴避原則，並受公職人員利益衝突迴避法規範；個人資料保護委員會重要決策均須經委員會議決議，而委員會議之決議，應有全體委員過半數之出席，出席委員過半數之同意行之，單一委員無從逕自作成個案決定，且委員會議紀錄應依法主動公開。上開草案設計均有助於確保委員之獨立性。

英文回應

1. Progress of Establishment: The "Draft Organization Act of the Personal Data Protection Commission" and the accompanying "Draft Amendment to Certain Articles of the Personal Data Protection Act" prepared by Preparatory Office of the Personal Data Protection Commission, were passed by the Executive Yuan at its 3945th meeting on March 27, 2025 and submitted to the Legislative Yuan for deliberation. Of these, the “Draft Amendment to Certain Articles of the Personal Data Protection Act” was promulgated by the President on November 11, 2025, empowering the future Personal Data Protection Commission (hereinafter "PDPC") with the necessary enforcement powers. As for the "Draft Organization Act of the Personal Data Protection Commission", it was reviewed and completed by a joint meeting of the Legislative Yuan’s Judiciary and Organic Laws and Statutes Committee and Economics Committee on May 28, 2025 and underwent consultation among political parties on June 24; further negotiations are still pending to finalize the organizational legal framework of the PDPC.
2. Ensuring Independence: The "Draft Organization Act of the Personal Data Protection Commission" submitted by the Executive Yuan to the Legislative Yuan for examination (hereinafter "Executive Yuan Version") expressly designates the PDPC as an "independent agency". This means it is a commission-type collegial organization that exercises its powers independently in accordance with the law, operates autonomously, and is not subject to the command and supervision of superior agencies in specific cases within a hierarchical administrative system. Therefore, those who disagree with the PDPC's individual case decisions may directly file a litigation to the court for relief, without going through the administrative appeal procedure of a superior agency (the Executive Yuan). The Executive Yuan Version also formulates relevant regulations based on the provisions for independent agencies in Taiwan's "Basic Code Governing Central Administrative Agencies Organizations", including: clearly stipulating the term of office for

commission members (5 to 7 members) as 4 years, who enjoy tenure protection and may not be removed except for statutory causes; and clearly stipulating that the number of members belonging to the same political party shall not exceed one-half of the total number of members, and members shall be above partisanship, refrain from participating in political party activities during their term of office, and exercise their powers independently in accordance with the law; furthermore, members shall strictly observe the principle of conflicts of interest recusal during their term of office and be subject to the Act on Recusal of Public Servants Due to Conflicts of Interest; important decisions of the PDPC must be made by the commission meeting, and resolutions of the commission meeting shall require the approval of a majority of the members present at the meeting that shall be attended by a majority of all members. No single member can unilaterally render decisions on individual cases, and the minutes of the commission meeting shall be proactively disclosed in accordance with the law. All the proposed measures serve to ensure the independence of the members.

公政點次	問題內容	
60	原文	In addition, please explain how the proposed legislation provides for public authorities to be held accountable for data breaches, for the prevention of continued unlawful gathering of data or for the deletion of illegally obtained data.
	中文參考翻譯	另請解釋，擬議立法如何規範公務機關對資料外洩事件中承擔問責責任、如何預防持續非法蒐集資料，或如何刪除非法取得之資料。

中文回應

按 2025 年 11 月修正公布(註：施行日期將於個人資料保護委員會成立後，由行政院另定)之個人資料保護法第 12 條，已明定公務機關遇有個資外洩等事故，應通知個資當事人；如符合一定範圍者，並負有通報主管機關個人資料保護委員會及該事故機關之上級或監督機關之義務，且應採取及時有效之應變措施，同時留存相關紀錄以備查考。又對於發生個資事故之機關，其上級或監督機關與個人資料保護委員會，亦得分別依個人資料保護法第 21 條之 1 第 2 項，及第 21 條之 2、第 21 條之 3 等規定，對其發動稽核、檢查，以持續督促事故機關精進改善其個人資料檔案安全維護措施。

在具體究責機制方面，如個資外洩等事故肇因於公務機關之違法，依個人資料保護法第 21 條之 4 規定，該公務機關應依個人資料保護委員會之命令限期改正；其未妥適改正者，個人資料保護委員會得公布其名稱及其違法情形，透過影響其機關聲譽之處分，導入更廣泛之公眾監督，促使其確實改善。此外，事故機關所屬人員未依個人資料保護法規定辦理者，亦應由事故機關按其情節輕重，依相關法令規定予以懲戒、懲處或懲罰；如個資當事人因其個資外洩等事故而受有損害，亦得依個人資料保護法第 28 條、第 31 條及國家賠償法相關規定，向事故機關請求國家賠償，事故機關於賠償後將進一步向應負責任之人員求償。

另關於公務機關違法蒐集個資之防止及個資刪除，個人資料保護法第 11 條第 4 項已有明文規定公務機關違法蒐集、處理或利用個人資料者，應主動或依當事人之請求，刪除、停止蒐集、處理或利用該個人資料。日後公務機關之上級、監督機關及個人資料保護委員會，亦得透過前述稽核、檢查等機制，適時檢視公務機關個人資料保護法遵落實情形。

英文回應

Pursuant to Article 12 of the Personal Data Protection Act (hereinafter "PDPA"), amended and promulgated in November 2025 (Note: the enforcement date will be set by the Executive Yuan after the establishment of the Personal Data Protection Commission), government agencies are explicitly required to notify data subjects in the event of a personal data breach or similar incident. If the incident meets specific criteria, government agencies are also obligated to report it to the competent authority, the Personal Data Protection Commission (hereinafter "PDPC"), and the superior or supervisory agency of the agency concerned. Furthermore, they must take timely and effective response measures and retain relevant records for future inspection. For agencies experiencing personal data incidents, their superior or supervisory agency and the PDPC may also initiate audits and inspections, respectively, in accordance with paragraph 2 of Article 21-1, Article 21-2 and Article 21-3 of the PDPA, to continuously urge the agency concerned to improve its personal data file security maintenance measures.

Regarding specific accountability mechanisms, if an incident such as a personal data breach is caused by an illegal act of a government agency, pursuant to Article 21-4 of the PDPA, the government agency shall rectify the violation within a specified time limit as ordered by the PDPC. Where a government agency fails to rectify the violation as required, the PDPC may publicize its name and the facts of its violation, thereby introducing broader public supervision through a sanction that affects its reputation, and urging it to make effective improvements. In addition, if personnel of a government agency fail to act in accordance with the PDPA, the agency concerned shall impose disciplinary sanction, action, or punishment in accordance with relevant laws and regulations on the personnel, depending on the severity of the violation. If a data subject suffers damage due to an incident such as a personal data breach, he/she may also seek state compensation from the agency concerned in accordance with Article 28 and Article 31 of the PDPA and relevant provisions of the State Compensation Law. Upon indemnifying the data subject, the agency concerned shall further exercise its right of recourse against the personnel held liable.

Regarding the prevention of illegal collection of personal data by government agencies and the deletion of personal data, paragraph 4 of Article 11 of the PDPA clearly stipulates that government agencies shall, on their own initiative or upon the request of the data subject, erase the personal data collected or cease collecting, processing or using the personal data in the event where the collection, processing or use of the personal data is in violation of the PDPA. Going forward, superior and supervisory agencies of the aforesaid government agencies plus the PDPC may also utilize the aforementioned audit and inspection mechanisms to conduct timely reviews of said agencies' compliance with personal data protection regulations.

公政點次	問題內容	
61	原文	Have the amendments to the Personal Data Protection Act referenced in paras. 224-225 of the Fourth ICCPR Report been adopted and are they now in force?
	中文	《公政公約第四次國家報告》第 224 點至第 225 點所提及之

	參考翻譯	《個人資料保護法》修正案，是否已完成並施行？

中文回應

2025 年 11 月 11 日修正公布之個人資料保護法，主要是為賦予個人資料保護委員會必要執法權限，爰將配合個人資料保護委員會組織法草案於立法院之審議狀況、該委員會成立之行政及法制作業整備情形、各界所需準備調適期間，由行政院依該法第 56 條第 1 項規定，另行指定施行日期。

英文回應

The Personal Data Protection Act, amended and promulgated on November 11, 2025, primarily aims to empower the Personal Data Protection Commission with necessary enforcement powers. Therefore, the Executive Yuan will designate a separate enforcement date in accordance with paragraph 1 of Article 56 of the Act, taking into account the review status of Draft Organization Act of the Personal Data Protection Commission in the Legislative Yuan, the administrative and regulation preparations for the establishment of the Commission, and the adjustment period required by all sectors.

公政點次	問題內容	
62	原文	As regards remedies, does the provision of fines in relation to data protection breaches correspond to fines normally applicable to public authorities under other comparable provisions of Taiwanese law?
	中文參考翻譯	就救濟而言，針對資料外洩所設之罰鍰，是否與臺灣法律中其它類似規定下公務機關適用之罰鍰金額相稱？

中文回應

2025 年 11 月修正公布之個人資料保護法，對公務機關尚無處以罰鍰之規範，而係於第 21 條之 4 明定其對於違法且未依限改正之公務機關，有權公布名稱及違法情節。此乃參考英國及部分歐盟國家之執法經驗，考量採取公開譴責對於公部門尚屬有效的督促改正手段，且不採取裁處罰鍰能避免公務預算排擠效應。至於日後是否在我國個人資料保護法針對公務機關增訂罰鍰規範，將由個人資料保護委員會持續審視實際執法需求及成效，並觀察外國法制發展趨勢。

英文回應

The Personal Data Protection Act (hereinafter "PDPA"), amended and promulgated in November 2025, does not yet contain provisions for imposing administrative fines on government agencies. Instead, Article 21-4 explicitly states that the competent authority has the power to publicize the name and details of violation of government agencies that violate the act and fail to rectify the violation within a specified time limit. This approach draws on enforcement experiences from the UK and some EU countries, considering that public condemnation is an effective means of prompting public sector entities to rectify their actions, and the exclusion of administrative fines prevents the crowding out of public budgets. As for whether provisions for imposing administrative fines on government agencies will be added to Taiwan's PDPA in the future, the Personal Data Protection Commission will continue to review actual enforcement needs and effectiveness, and observe trends in foreign legal systems.

公政點次	問題內容	
63	原文	Para. 150 of the Response Report references the judgment of the Supreme Administrative Court of September 2023 and several other court rulings in 2024 which address gender classification without the requirement of compulsory gender affirmation surgery. Can you confirm whether, as a matter of statutory law, this requirement has now been abandoned and whether the new practice of the courts, which appears to eschew this requirement, has been or is being harmonized across all levels of jurisdiction since the aforementioned 2023 ruling?
	中文參考翻譯	《回應報告》第 150 點援引 2023 年 9 月最高行政法院之判決，以及 2024 年多件相關裁定，涉及在未強制要求性別確認手術(gender affirmation surgery)之前提下進行性別登記。能否確認：以成文法層次而言，是否已放棄強制性別確認手術之要求？此外，法院目前之新實務作法似已不再採用該項要求，自 2023 年前述判決以來，此新實務作法是否已在或正在各級審判機關中獲得統一適用？

中文回應

成文法上，我國戶籍法及其施行細則均未明文規定申請性別變更登記應提出何種文件。但在最高行政法院 110 年度上字第 558 號判決後，「變更性別登記不以變性手術為必要」見解已被後續 9 件下級審判決引用，已成下級審法院通說。

英文回應

As a matter of statutory law, neither the Household Registration Act nor its Enforcement Rules explicitly stipulate the evidentiary requirements for legal gender recognition. However, following the Supreme Administrative Court Judgment 110-Shang-Zi No. 558 (2021), the view that 'compulsory gender affirmation surgery is not a prerequisite for gender change registration' has been cited in nine subsequent lower-instance court judgments and has become the prevailing view among lower courts.

十二、 公政條文第 18 條

公政點次	問題內容	
64	原文	Paras. 234–235 of the Fourth ICCPR Report describe registration requirements for religious organizations. Is registration voluntary or mandatory? What rights or activities depend on registration, and how is compliance with Article 18 ensured?
	中文參考翻譯	《公政公約第四次國家報告》第 234 點至第 235 點說明宗教團體之登記要求。登記屬自願或強制？哪些權利或活動須以完成登記為前提？如何確保此制度符合《公政公約》第 18 條？

中文回應

一、所有宗教均得依其意願，依據監督寺廟條例申請寺廟登記、或依民法等相關規定申請成立財團法人教會（堂）。宗教團體取得法人資格或完成寺廟登記後，得以將外界捐獻之財產登記於法人或寺廟名下。倘宗教團體符合所得稅法、印花稅法、土地稅法及房屋稅條例等規定者，得依法申請稅負減免。這些權利不影響宗教信仰自由之保障。

二、另依據人民團體法第 39 條規定，社會團體係以推展文化、學術、醫療、衛生、宗教、慈善、體育、聯誼、社會服務或其他以公益為目的，由個人或團體組成之團體。內政部並未針對以宗教為目的設立之社會團體另外訂特別規定，社會團體之設立申請均採自願方式，其權利或活動涉及登記事項者，依各目的事業主管機關法規辦理。

英文回應

1. All religions may apply voluntarily for temple registration in accordance with the Act Governing the Supervision of a Temple; apply voluntarily for the establishment of legal person churches/associations in accordance with related regulations in the Civil Code. Religious groups obtain the status of a juridical person or registered temples with the ability to receive and own all contributions and endowment under their name. Religious groups that meet requirements in the Income Tax Act, Stamp Tax Act, Land Tax Act, and House Tax Act may apply related tax deductions and exemptions. These rights have no different treatment on the freedom of religious belief.
2. Furthermore, according to Article 39 of the Civil Associations Act, A social association refers to an association composed of individuals or associations for the purpose of promoting culture, academic research, medicine, health, religion, charity, sports, fellowship, social service, or other public welfare. The Ministry of Interior has not set up any specific requirements regarding social associations founded for religious purposes, and all applications for social associations are submitted on a voluntary basis. As for the registration of their rights or activities, it should be handled in accordance with the regulations of the competent authority of each purpose-specific enterprise.

公政點次	問題內容	
65	原文	What criteria govern approval or denial of registration? How many applications were rejected, and what remedies exist?
	中文參考翻譯	宗教團體登記之核准或駁回，係依據哪些標準？共有多少申請案被駁回？對此有哪些救濟機制？

中文回應

宗教團體得依監督寺廟條例及辦理寺廟登記須知申請寺廟登記，或依民法等相關規定申請成立財團法人教會（堂），亦得依人民團體法規定申請成立宗教社團，相關申請案件，均依各該法令所定之要件及程序辦理。經內政部統計，未有駁回申請全國性宗教財團法人和全國性社會團體申請案件的紀錄，倘申請案件不符法定要件，主管機關將依法通知補正或說明理由。另外，依據行政程序法規定，申請人如不服行政處分，可依法提起訴願及行政訴訟，以保障其權益。

英文回應

Religion groups may apply for temple registration in accordance in the Act Governing the Supervision of a Temple and Application Instructions for Temple Registration; apply for the establishment of legal person churches/associations in accordance with related regulations in the Civil Code; or apply for the establishment of religious associations in accordance with the Civil Associations Act. All related applications are processed in accordance with the requirements and procedures stipulated by the

respective laws. According to statistics, the Ministry of the Interior has no record of rejecting applications for national religious foundations and national religious associations. If an application does not meet the statutory requirements, the competent authority will, in accordance with the law, notify the applicant to make corrections or provide reasons. Furthermore, according to the Administrative Procedure Act, applicants who disagree with administrative actions may file appeals and administrative lawsuits to protect their rights.

公政點次	問題內容	
66	原文	Para. 235 of the Fourth ICCPR Report mentions oversight of personnel, finances, land and buildings. What limits prevent interference with religious autonomy?
	中文參考翻譯	《公政公約第四次國家報告》第 235 點提及對宗教團體之人事、財務、土地及建物之監督。有哪些限制措施可防止政府干預宗教自主(religious autonomy)？

中文回應

《公政公約第四次國家報告》第 235 點提及宗教自由受憲法明文保障，我國基於宗教自由之憲法保障，以及司法院相關解釋和公政公約的規定，政府對於宗教團體的相關規範，係以維護宗教相關之重大公益，並以限制最小化為原則。政府希望透過訂定適度規範，以解決宗教團體人事組織、財務管理、土地建物等問題，其目的並非對宗教團體進行監督，亦不構成宗教自主之干預。

英文回應

Para. 235 of the Fourth ICCPR Report mentions religious freedom is guaranteed by the Constitution. Based on the constitutional guarantee of religious freedom, and the Judicial Yuan with related interpretations, and the regulations of ICCPR, the regulation of religious groups adheres to the principle of upholding significant public interests related to religion while maintaining restrictions to the minimum necessary extent. The government hopes to solve issues concerning the personnel organization, financial management, and land and buildings of religious groups by establishing appropriate regulations. The purpose is not to supervise religious groups, nor does it constitute interference with religious autonomy.

公政點次	問題內容	
67	原文	Para. 236 of the Fourth ICCPR Report requires applications for public religious activities. How many were refused in the last five years, and on what grounds? Are any content-based restrictions applied?
	中文參考翻譯	依《公政公約第四次國家報告》第 236 點，宗教團體舉辦公開宗教活動須經申請。過去 5 年間遭拒之申請件數及其駁回理由為何？是否涉及任何針對活動內容的限制？

中文回應

我國充分保障宗教自由，宗教團體可在公開場合演講宣傳教義。任何個人或團體如須申請借用體育館等公共場所或公用道路辦理活動，均須依主管機關所定規定提出申請，主管機關原則上對於未被他人申請使用的場地，會予以同意，但活動

若影響公共安全或交通秩序，會請申請人改善或必要時予以駁回。又因為各公共場所或公用道路的主管機關數量眾多，且申請案件涵蓋各類活動，政府並無相關統計數據。

英文回應

Taiwan fully respects religious freedom, and religious groups may deliver public speeches a to propagate their doctrines. Any individual or group may apply to the relevant competent authorities to borrow public venues as stadiums or public roads for activities must apply to the relevant authorities. The authorities will, in principle, approve applications for venues not already used, However, if the activity affects public safety or traffic order, the applicant will be asked to make improvements or, if necessary, the application will be rejected. Because there are too many authorities governing public venues and public roads, and the types of activities applied for by individuals or groups are complex, the government does not have relevant statistics.

公政點次	問題內容	
68	原文	Para. 236 of the Fourth ICCPR Report provides penalties for using religion for political purposes. How is this defined, and how does the Government ensure consistency with Articles 18 and 19?
	中文參考翻譯	《公政公約第四次國家報告》第 236 點亦提及，對藉宗教從事政治目的之行為設有罰則。請問該行為如何定義？以及政府如何確保相關規範符合《公民與政治權利國際公約》第 18 條與第 19 條？

中文回應

依據臺灣地區與大陸地區人民關係條例第 33 條之 1 規定，臺灣地區非營利法人、團體或其他機構，與大陸地區人民、法人、團體或其他機構之合作行為，不得違反法令規定或涉有政治性內容。該條例對於宗教團體以宗教名義與大陸地區團體從事有政治目的之交流行為，構成違反第 90 條之 2 規定將處以罰鍰。前述規定，並未限制宗教信仰自由，而係為了保障國家安全或公共秩序的相關限制，尚符比例原則，符合公政公約第 18 條及第 19 條規定。

英文回應

According to Article 33-1 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, No cooperative activity of any non-profit seeking juristic person, organization, or other institution of the Taiwan Area with any individual, juristic person, organization, or other institution of the Mainland Area may violate any provision of any law or regulation or involve any content of political nature. The Act Governing Relations between the People of the Taiwan Area and the Mainland Area is related, permits religious groups exchange activities pursued under the guise of religion for political purposes. Any person who violates the provisions of Paragraph 2 of Article 33-1 shall be punished with an administrative fine. These regulations do not restrict freedom of religious belief, but rather are restrictions related to safeguarding national security or public order are stipulated by law. The principle of proportionality applies, and comply with Articles 18 and 19 of the International Covenant on Civil and Political Rights.

公政點次	問題內容	
69	原文	Para. 237 of the Fourth ICCPR Report states that only qualifying associations receive tax benefits. What eligibility criteria apply, and are smaller or minority groups disproportionately denied?
	中文參考翻譯	《公政公約第四次國家報告》第 237 點指出，僅符合一定資格之團體得享有稅賦減免 (tax benefits)。其適用之資格標準為何？小型或少數宗教團體是否因此受到不成比例之排除？

中文回應

符合下列規定之團體，即享有免納所得稅、免辦理所得稅結算申報、免徵房屋稅、地價稅及印花稅等租稅優惠，尚不因其屬小型或少數宗教團體，而受到不成比例之排除。

一、所得稅：

(一) 依所得稅法第 4 條第 1 項第 13 款及教育文化公益慈善機關或團體免納所得稅適用標準，教育、文化、公益、慈善機關或團體如為合於民法總則公益社團或財團之組織，經向主管機關登記或立案，無經營與其創設目的無關之業務，且符合相關規定者，其本身之所得及其附屬作業組織所得免納所得稅。

(二) 另依宗教團體免辦理所得稅結算申報認定要點，已依法向政府立案登記之宗教團體或宗教財團法人，無銷售貨物或勞務收入，且符合相關規定者，免辦理所得稅結算申報。

二、房屋稅：依房屋稅條例第 15 條第 1 項第 3 款規定，專供祭祀用之宗祠、宗教團體供傳教佈道之教堂及寺廟，房屋稅免徵。但以完成財團法人或寺廟登記，且房屋為其所有者為限。

三、地價稅：依土地稅減免規則第 8 條第 1 項第 9 款規定，有益於社會風俗教化之宗教團體，經辦妥財團法人或寺廟登記，其專供公開傳教佈道之教堂、經內政部核准設立之宗教教義研究機構、寺廟用地及紀念先賢先烈之館堂祠廟用地，全免。但用以收益之祀田或放租之基地，或其土地係以私人名義所有權登記者不適用之。

四、印花稅：依印花稅法第 6 條第 14 款規定，財團或社團法人組織之教育、文化、公益或慈善團體領受捐贈之收據，免納印花稅。

英文回應

Organizations that meet the following criteria are entitled to tax benefits, including exemption from income tax, exemption from filing an income tax return, and exemption from house tax, land value tax, and stamp tax. These benefits apply regardless of whether the organization is small or represents a minority religion, ensuring they are not disproportionately excluded.

1. Income Tax

   (1) According to Article 4, Paragraph 1, Subparagraph 13 of the Income Tax Act and the Standards for the Application of Income Tax Exemption for Educational, Cultural, Public Welfare, and Charitable Institutions or Organizations, the income of educational, cultural, public welfare, or charitable institutions or organizations—if they are public welfare associations or foundations in accordance with the General Principles of the Civil Code, registered or filed with the competent authority, do not engage in activities unrelated to their founding purpose, and comply with the relevant standards—is exempt from income tax, including the income of their affiliated operational units.

(2) In addition, under the Guidelines for Recognition of Income Tax Filing Exemption for Religious Organizations, religious organizations or religious foundations registered with the government in accordance with the law, that do not generate income from the sale of goods or services and comply with the relevant standards, are exempt from filing an income tax return.

2. House Tax: According to Article 15, Paragraph 1, Subparagraph 3 of the House Tax Act, ancestral halls used exclusively for religious rites, and churches and temples operated by religious organizations for preaching or missionary activities, are exempt from house tax. However, this exemption applies only to properties registered as a legal entity or temple, and owned by the entity or temple.
3. Land Value Tax: According to Article 8, Paragraph 1, Subparagraph 9 of the Land Tax Reduction and Exemption Regulations, religious organizations that benefit social customs and moral education and have completed registration as a legal entity or temple, are fully exempt from land value tax on churches exclusively used for public preaching or missionary activities; religious research institutions approved by the Ministry of the Interior; land for temples; and land used for halls or shrines commemorating sages and martyrs. However, land used for profit-generating purposes, leased land, or land registered under private ownership is not eligible for the exemption.
4. Stamp Tax: According to Article 6, Subparagraph 14 of the Stamp Tax Act, receipts issued by educational, cultural, public welfare, or charitable foundations or incorporated associations for donations received are exempt from stamp tax.

公政點次	問題內容	
70	原文	Paras. 238–239 of the Fourth ICCPR Report require conscientious objectors to belong to an “officially registered” religion and in some cases undergo psychological evaluation. How is non-discrimination ensured in line with Article 18 and General Comment No. 22?
	中文參考翻譯	依《公政公約第四次國家報告》第 238 點至第 239 點，良心拒服兵役者(conscientious objectors)所屬宗教須為「登記立案」宗教，且於部分情況下須接受心理評估。如何確保該等規定符合《公民與政治權利國際公約》第 18 條及第 22 號《一般性意見》對於不歧視之要求？

中文回應

役男申請服替代役辦法第 5 條規定，役男因信仰宗教達 2 年以上，且其心理狀態已不適服常備兵役者，得申請服替代役。已明確表示係因個人良心信仰及尊重其個人心理狀態而申請服宗教替代役，宗教須為「登記立案」係為確保役男信仰之宗教團體教義不適接受軍事訓練，心理評估係輔佐審查役男心理狀態的方式，現行審查規定保障並尊重役男根據其良心和信仰拒服兵役的權利，已避免任何形式的歧視，符合公政公約第 18 條及其第 22 號一般性意見的精神。

英文回應

Article 5 of Regulations Governing Application by Draftees-to-Be for Substitute Services stipulates that a draftee-to-be who has been in religion for two years minimum and is in mentality no longer fitting regular services may apply for Substitute Services. It is clearly stated that the application for religious alternative military service is based

on personal conscience and belief, and respect for the individual's mental state. The organization of the draftee-to-be's religion shall be the one having been officially accredited by the government which is to ensure that the religious group the conscript practices is not suitable for military training. Psychological assessment is a supplementary method for reviewing the conscript's mental state. The current review regulations protect and respect the conscript's right to refuse military service based on their conscience and belief, and avoid any form of discrimination, which is in line with the spirit of Article 18 of the International Covenant on Civil and Political Rights and its General Comment No. 22.

公政點次	問題內容	
71	原文	Are limitations on duties or assignments of conscientious objectors consistent with Article 18? What options exist for ethical or non-religious objectors?
	中文參考翻譯	對良心拒服兵役者之勤務或任務分配所設之限制，是否符合《公民與政治權利國際公約》第 18 條？對於基於倫理或非宗教理由拒服兵役者，目前提供哪些替代選項？

中文回應

一、 依據役男申請服替代役辦法第 21 條規定，屬宗教因素者，以服社會服務類替代役為原則。宗教因素替代役役男因本身信仰宗教之教義而申服替代役，並非是以學歷或特殊專長申請，故將宗教替代役役男歸類於社會役，並分配於社福機關與社福機構服務。現行因宗教因素服替代役役男徵集至國軍退除役官兵輔導委員會實施基礎及專業訓練。結訓後分發至該會醫療及安養等機構從事榮民居家服務、關懷、照護、行政、文書等工作及相關輔助性勤務。符合公政公約第 18 條規定。

二、 憲法第 20 條及兵役法第 1 條規定，中華民國男子依法皆有服兵役之義務。為維護「兵役公平原則」及「權利義務對等」，所有適齡男子皆須依法履行義務，除宗教因素外無其他替代選項。

英文回應

1. According to Article 21 of Regulations Governing Application by Draftees-to-Be for Substitute Services stipulates, In Substitute Services in religious factors, the draftees-to-be shall be in the Substitute Services in the social service category in principle. These men apply for alternative military service based on their religious beliefs, not on their academic qualifications or special skills; therefore, they are classified as social services and assigned to social welfare agencies and organizations. Currently, men serving alternative military service for religious reasons are recruited to the Veterans Affairs Council for basic and professional training. After training, they are assigned to the Council’s medical and nursing care institutions to perform home care, support, administration, clerical work, and related auxiliary duties. This complies with Article 18 of the International Covenant on Civil and Political Rights.
2. According to Article 20 of the Constitution and Article 1 of the Act of Military Service System, all male citizens of the Republic of China have the legal obligation to perform military service. To uphold the "principle of military service fairness" and "equivalence of rights and duties," all eligible males must fulfill their

obligations according to the law; there are no other options except for religious grounds.

公政點次	問題內容	
72	原文	Para. 239 of the Fourth ICCPR Report permits religious activities in private schools. What monitoring mechanisms ensure genuinely voluntary participation?
	中文參考翻譯	依《公政公約第四次國家報告》第 239 點，允許私立學校辦理宗教活動。有哪些監督機制確保活動參與者是完全自願參與？

中文回應

教育基本法第 6 條第 1 項規定：「教育應本中立原則」，同條第 4 項規定：「私立學校得辦理符合其設立宗旨或辦學屬性之特定宗教活動，並應尊重學校行政人員、教師及學生參加之意願，不得因不參加而為歧視待遇。但宗教研修學院應依私立學校法之規定辦理。」爰該法已排除宗教研修學院因其設立目的及辦學性質之特殊性，而適用不同於一般學校之規範。

私立學校法第 7 條規定：「私立學校不得強制學生參加任何宗教儀式或修習宗教課程。但宗教研修學院不在此限」，另同法第 8 條第 1 項規定：「學校法人為培養神職人員及宗教人才，並授予宗教學位，得向教育部申請許可設立宗教研修學院……」，爰就讀宗教研修學院者，本係基於個人宗教信仰與志向，為成為神職人員或宗教人才而自主入學，其修習宗教課程及參與相關宗教活動，係屬就學目的之核心內容，未有強迫參與宗教活動之情事。

英文回應

Article 6, Paragraph 1 of the Fundamental Education Act provides that “Education shall be based on the principle of impartiality.” Paragraph 4 of the same Article further stipulates that “Private schools may organize specific religious activities aligned with the purpose for which the school was established or with the specific nature of the school; they shall respect the wishes of school administrative personnel, teachers and students to participate in such activities, and may not treat any person in a discriminatory way because they do not participate. However, religious colleges shall be governed by the Private School Act.” Accordingly, the Act has excluded religious schools, in light of their special founding purposes and educational characteristics, from the regulatory framework applicable to general schools.

Article 7 of the Private School Act stipulates: " The private schools shall not force students to participate in any religious rituals or take any religious courses. However, religious schools are not bound by this article.." Furthermore, Paragraph 1, Article 8 of the same Act states: " For the purpose of cultivating clergymen and religious persons and conferring religious degrees, school legal persons may apply to the Ministry for permission to establish religious schools...."

Accordingly, students who enroll in religious schools do so on the basis of their personal religious beliefs and aspirations, with the intention of becoming clergy or religious professionals. Their study of religious courses and participation in related religious activities therefore constitute the core purpose of their education and do not involve any coercion to participate in religious activities.

公政點次	問題內容	
73	原文	How is parental guidance (para. 240 Fourth ICCPR Report) balanced with the child's independent right to freedom of religion under Article 18(4)?
	中文參考翻譯	如何平衡家長之輔導(參見《公政公約第四次國家報告》第 240 點)與《公民與政治權利國際公約》第 18(4)條下兒童之宗教自由獨立權？

中文回應

查依教育基本法第 8 條第 3 項規定：國民教育階段內，家長負有輔導子女之責任，並得為其子女之最佳福祉，依法律選擇受教育之方式、內容及參與學校教育事務之權利。

依據教育基本法第 6 條第 1 項：「教育應本中立原則」，因此公立學校實施課程及教學，對於各種宗教均應保持中立，且不得為特定宗教信仰從事宣導或教學活動。「家長輔導」是協助父母以更有效方式教養子女，範圍涵蓋親子溝通、學習支持、生涯規劃與心理調適，可透過教育部家庭教育諮詢專線「412-8185」，學校輔導資源、心理諮商、社區資源等多元管道獲得專業協助，幫助家長解決教養困境、促進親子關係與孩子健全發展。

英文回應

According to Article 8, Paragraph 3 of the Fundamental Act of Education, Parents have the responsibility to provide guidance to their children during the period of National Education for their children, and have the rights to choice the form and content of education and participate educational affairs of the school for the wellbeing of their children in accordance with relevant laws and regulations.

According to Paragraph 1, Article 6 of the Fundamental Act of Education: "Education shall be provided in accordance with the principle of neutrality." Therefore, the curriculum and teaching implemented by public schools shall maintain neutrality toward all religions, and shall not engage in promotional or instructional activities for any specific religious belief.

"Parental counseling" assists parents in raising their children more effectively, encompassing parent-child communication, learning support, career planning, and psychological adjustment. Parents can obtain professional assistance through the Ministry of Education's Family Education Consultation Hotline "412-8185," as well as through various channels including school counseling resources, psychological counseling, and community resources. This helps parents resolve parenting challenges, promote parent-child relationships, and foster the healthy development of their children.

公政點次	問題內容	
74	原文	Para. 234 of the Fourth ICCPR Report refers to the collection of follower numbers. Is any individual-level data collected? What safeguards protect privacy and prevent surveillance (Article 17)?
	中文參考翻譯	《公政公約第四次國家報告》第 234 點提及蒐集宗教團體之信徒人數。是否蒐集任何個人層級之資料？有哪些保障措施保護個人隱私並預防監控行為(《公民與政治權利國際公約》第 17 條)？

中文回應

內政部僅統計登記有案之宗教團體，統計其自願提供之信徒人數，作為整體概況資料之彙整，並未蒐集任何個人層級之資料，也與個人隱私權之侵害或監控行為保障無涉。

英文回應

The Ministry of the Interior only counts the number of followers voluntarily reported by religious groups to compile as an overall overview. It does not collect any individual data, nor is it related to protect individual privacy safeguards.

十三、 公政條文第 19 條

公政點次	問題內容	
75	原文	Para. 241 of the Fourth ICCPR Report notes that "the offense of insults concerning a public official's discharge of legal duties [Article 140 of the Criminal Code] was deemed unconstitutional" by the Constitutional Court. Footnote 11 accompanying the text clarifies that the Court found that the offense "shall be limited to situations where the offender's on-the-spot insulting act toward a public official is based on the subjective intent to obstruct public duties and is sufficient to affect the public official in the performance of his or her duties". Footnote 11 further states that "[t]he aforementioned provision, concerning the offense of insulting official duties, is inconsistent with the intent of Article 11 of the Constitution to protect freedom of speech, and shall cease to be effective from the date of the pronouncement of this [Constitutional Court] judgment". This is unclear. Does any provision related to insult of public officials – whether as a criminal or civil offense – remain effective under the law? To what extent has the Government responded to this Constitutional Court judgment?
	中文參考翻譯	《公政公約第四次國家報告》第 241 點指出，憲法法庭「認為侮辱職務罪《刑法》第 140 條違憲」。隨文註腳 11 說明，憲法法庭認為，該罪名僅應限於「行為人對公務員之當場侮辱行為，係基於妨害公務之主觀目的，且足以影響公務員執行公務之情形」。註腳 11 進一步指出「上開規定關於侮辱職務罪部分，與憲法第 11 條保障言論自由之意旨有違，自本判決宣示之日起，失其效力」。此說明尚不清楚。現行法制中，是否仍有「任何」涉及侮辱公務員之規定，不論係刑事或民事責任，仍具法律效力？針對此項憲法法庭判決，政府已採取哪些回應措施？

中文回應

司法院大法官依據憲法第 78 條及憲法增修條文第 5 條規定，掌理解釋憲法及統一解釋法律與命令之職權，並依憲法訴訟法規定組成憲法法庭審理聲請案件。就聲請法規範憲法審查及裁判憲法審查案件，憲法法庭僅就聲請人據以聲請裁判之法規範及確定終局判決進行憲法審查。憲法法庭 113 年憲判字第 5 號[侮辱公務員罪及侮辱職務罪案]判決宣告：「一、中華民國 111 年 1 月 12 日修正公布之刑法第 140 條規定：「於公務員依法執行職務時，當場侮辱或對於其依法執行之職

務公然侮辱者，處 1 年以下有期徒刑、拘役或 10 萬元以下罰金。……二、上開規定關於侮辱職務罪部分，與憲法第 11 條保障言論自由之意旨有違，自本判決宣示之日起，失其效力。……」刑法第 140 條乃聲請人據以聲請法規範憲法審查之規定，經憲法法庭受理並作成判決；至現行法制是否仍有「任何」涉及侮辱公務員之規定，不論刑事或民事責任，仍具法律效力？因其他法規範非上開聲請案之審查標的，即非屬大法官行使職權之範圍。

鑑於憲法法庭 113 年憲判字第 5 號判決宣告刑法第 140 條關於侮辱職務罪與憲法保障言論自由之意旨有違，自該判決宣示之日起，失其效力，及指明侮辱公務員罪應限於該侮辱行為係基於妨害公務之主觀目的，且足以影響公務員執行公務之範圍內，始成立犯罪。法務部多次召開刑法研修會議，廣納審檢辯學及機關代表意見，經行政院院會於 2026 年 1 月 29 日通過法務部擬具之中華民國刑法第 140 條修正草案：「於公務員依法執行職務時當場侮辱，足以影響公務之執行者，處一年以下有期徒刑、拘役或十萬元以下罰金。」

英文回應

The Justices of this Court, pursuant to Article 78 of the Constitution and Article 5 of the Additional Articles of the Constitution, exercise the authority to interpret the Constitution and unify the interpretations of statutes and regulations. They constitute the Constitutional Court to adjudicate cases in accordance with the Constitutional Court Procedure Act. The Constitutional Court conducts constitutional review regarding petitions of the constitutionality of laws and constitutional complaints solely on the legal provisions or a final court decision itself cited by the petitioner. TCC Judgment No.5 of 2024 [Case on the Criminalization of Insulting a Public Official or the Discharge of Public Duties] declared, "1. The January 12, 2022 version of Article 140 of the Criminal Code ……stipulates that "A person who insults a public official during the discharge of his or her legal duties or publicly makes insults about the discharge of such legal duties shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than one hundred thousand New Taiwan Dollars."……2. The part of the disputed article concerning the offense of insulting the discharge of a public official's legal duty contradicts the protection of freedom of speech under Article 11 of the Constitution. The part should cease to be effective from the day of this Judgment." Article 140 of the Criminal Code is the provision upon which the petitioner seeks constitutional review of laws. The Constitutional Court accepts the petition and renders a judgment. As for whether "any" other provisions concerning insulting public officials—whether as a criminal or civil offense—remain effective under the law? Given that other provisions are not subject to review in the aforementioned petition, they fall outside the scope of the Justices' exercise of authority. "In view of the Constitutional Court Judgment No.5 of 2024, which declared that the provisions of Article 140 regarding the 'Crime of Insulting a Public Office' contravene the constitutional guarantee of freedom of speech and shall be void as of the date of the announcement; and whereas the Judgment specified that the 'Crime of Insulting a Public Official' shall only be constituted if the insulting act is based on the subjective intent to obstruct public duties and is sufficient to affect the scope of the official's performance of duties. The Ministry of Justice has held several Criminal Code revision meetings to solicit a wide range of opinions from judges, prosecutors, defense attorneys, academics, and agency representatives, on January 29, 2026, the Executive Yuan approved the amendment bill to Article 140 of the Criminal Code of the Republic of China as

proposed by the Ministry of Justice:" A person who insults a public official during the discharge of his legal duties , to the extent that is sufficient to affect the performance of official duties shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than one hundred thousand New Taiwan Dollars."

公政點次	問題內容	
76	原文	Para. 241 of the Fourth ICCPR Report also notes that articles pertaining to "public insults" and defamation were deemed constitutional. How does the Court judgement explain its holding in light of international standards widely finding criminal defamation and insult – and especially imprisonment for such offenses – to be inconsistent with the ICCPR? (See, e.g., para. 47 of the Human Rights Committee's General Comment No. 34.) How does the law ensure that such an offense is retained only for the most serious of cases? What position did the Government take in the Court's evaluation of these offenses?
	中文參考翻譯	《公政公約第四次國家報告》第 241 點亦指出，關於「公然侮辱」及誹謗之相關條文被認定為合憲。此憲法法庭判決如何就國際標準中普遍認為「刑事」誹謗與侮辱(尤其以監禁作為刑罰)與《公政公約》不相容之見解加以說明(參見如人權事務委員會第 34 號《一般性意見》第 47 段)？現行法律如何確保該等犯罪之適用僅限於最為嚴重之情形？政府於該等罪名於法庭評估過程中，所採取之立場為何？

中文回應

憲法法庭 113 年憲判字第 3 號[公然侮辱罪案（一）]判決宣告：「中華民國 108 年 12 月 25 日修正公布之刑法第 309 條第 1 項規定：『公然侮辱人者，處拘役或 9 千元以下罰金。』……所處罰之公然侮辱行為，係指依個案之表意脈絡，表意人故意發表公然貶損他人名譽之言論，已逾越一般人可合理忍受之範圍；經權衡該言論對他人名譽權之影響，及該言論依其表意脈絡是否有益於公共事務之思辯，或屬文學、藝術之表現形式，或具學術、專業領域等正面價值，於個案足認他人之名譽權應優先於表意人之言論自由而受保障者。於此範圍內，上開規定與憲法第 11 條保障言論自由之意旨尚屬無違。二、上開規定所稱『侮辱』，與法律明確性原則尚無違背。」憲法法庭 112 年憲判字第 8 號[誹謗罪案（二）]判決宣告：「一、刑法第 310 條第 3 項規定：『對於所誹謗之事，能證明其為真實者，不罰。但涉於私德而與公共利益無關者，不在此限。』所誹謗之事涉及公共利益，亦即非屬上開但書所定之情形，表意人雖無法證明其言論為真實，惟如其於言論發表前確經合理查證程序，依所取得之證據資料，客觀上可合理相信其言論內容為真實者，即屬合於上開規定所定不罰之要件。即使表意人於合理查證程序所取得之證據資料實非真正，如表意人就該不實證據資料之引用，並未有明知或重大輕率之惡意情事者，仍應屬不罰之情形。至表意人是否符合合理查證之要求，應充分考量憲法保障名譽權與言論自由之意旨，並依個案情節為適當之利益衡量。於此前提下，刑法第 310 條及第 311 條所構成之誹謗罪處罰規定，整體而言，即未違反憲法比例原則之要求，與憲法第 11 條保障言論自由之意旨尚屬無違。於此範圍內，司法院釋字第 509 號解釋應予補充。」為維護審判獨立，司法院就憲法法

庭作成之判決，不宜表示意見。
法務部認為，刑法第 310 條所定誹謗罪未侵害憲法第 11 條保障之言論自由，因刑法第 310 條規定所保護之法益為憲法保障之名譽權及隱私權，該等權利與言論自由衝突時，立法者應有優先權限採取適當規範與手段，刑法第 310 條及第 311 條規定即為基本權之最適調和。又刑法第 310 條規定無違反比例原則，因以刑事處罰限制言論自由非我國特有，為立法者之立法政策選擇；刑法第 310 條規定有助於人民名譽與隱私權保護，具適當性；刑罰具預防作用，較民事損害賠償佳，具必要性，刑法第 310 條規定亦符合狹義比例原則；當前因網路科技與傳播生態之發展，誹謗言論對被害人名譽及隱私侵害更大，是刑法第 310 條規定之合憲性更無法挑戰。又刑法第 309 條保護之法益為名譽權，乃為憲法保障之基本權。名譽權與言論自由之基本權衝突時，應依立法優為原則及利益權衡權責解決。該規定亦不違反法律明確性原則及比例原則。

英文回應

TCC Judgment No.3 of 2024 [Case on the Criminalization of Public Insult I]declares, “Article 309, Paragraph 1 of the Criminal Code stipulates: ‘A person who publicly insults another shall be sentenced to short-term imprisonment or a fine of not more than nine thousand dollars.’ The act of public insult punishable under said provision entails, in the context of individual cases, insulting speeches that are given publicly and purposefully to hurt another's reputation to the extent that exceeds what a general person could reasonably tolerate. It also entails that another's right to reputation is more worthy of protection than the offender's freedom of speech after balancing the speech's impact on another reputation, its contribution to the public discourse, its positive value in academic or professional fields, and whether it amounts to literary or artistic expressions. Within this scope, the disputed provision does not violate the protection of freedom of speech under Article 11 of the Constitution. The term ‘insult’ in the disputed provision does not violate the principle of legal clarity.” TCC Judgment No.8 of 2023 [Case on the Criminalization of Defamation II] declares, “Article 310, Paragraph 3 of the Criminal Code stipulated that defamation concerning public matters shall not be punished if the content of the defamatory statement can be proved true. When the matter of defamation concerns public interest, which does not involve private life that is of no public concern, even though the person cannot prove the truth of their statements, if he or she has undergone a reasonable fact-checking process before making the statement and, based on the evidence obtained, objectively believed that the statement is true, then it meets the requirements of the aforementioned provision and shall not be punished. Even if the supporting evidence gathered by the person with reasonable fact-check suggested false-information, the person shall not be punished so long as he or she did not knowingly or recklessly rely on such evidence. As to whether the person has met the requirements for reasonable fact-checking, it should be evaluated on a case-by-case basis under full consideration of the Constitution’s intention to protect the right to reputation and the freedom of speech. Under this premise, the punishment of defamation under Articles 310 and 311 of the Criminal Code is proportionate under the Constitution in general, and it does not violate the protection of freedom of speech. The decision of J.Y. Interpretation No.509 should be supplemented within this scope.” In order to uphold judicial independence, the Judicial Yuan shall not express opinions on judgments rendered by the Constitutional Court.
The Ministry of Justice maintains that the crime of defamation stipulated in Article 310

of the Criminal Code does not infringe upon the freedom of speech guaranteed by Article 11 of the Constitution. This is because the legal interests protected by Article 310 are the constitutionally protected right to reputation and right to privacy. When these rights conflict with the freedom of speech, the legislator possesses the priority of authority to adopt appropriate regulations and measures; as such, the provisions of Articles 310 and 311 represent an "optimal reconciliation" of these fundamental rights. Furthermore, Article 310 does not violate the principle of proportionality. Restricting freedom of speech through criminal sanctions is not unique to our country but is a matter of legislative policy choice. Article 310 possesses "suitability" (appropriateness) as it contributes to the protection of individual reputation and privacy; it possesses "necessity" because criminal penalties serve a preventive function superior to that of civil damages; and it satisfies the "principle of proportionality in the narrow sense" (proportionality stricto sensu). Given the current evolution of internet technology and the communication ecosystem—where defamatory statements inflict significantly greater harm on a victim's reputation and privacy—the constitutionality of Article 310 is even more unassailable.

Similarly, the legal interest protected by Article 309 (Public Insult) is the right to reputation, which is a fundamental right guaranteed by the Constitution. When the right to reputation conflicts with the freedom of speech, the conflict should be resolved based on the principle of legislative primacy and the balancing of interests. This provision also complies with the principle of legal certainty (legal clarity) and the principle of proportionality.

公政點次	問題內容	
77	原文	Table 22 of the Fourth ICCPR Report lists a significant number of offenses that raise concerns under the law governing freedom of expression (including those noted above). What guidelines, if any, are provided to prosecutors and the public in order to clarify the limits on these offenses? How does the Government ensure that prosecutions are consistent with the grounds of legitimacy and that penalties are consistent with the standards of necessity and proportionality found in Article 19(3)? How many cases have been brought under the provisions identified in Table 22 during the reporting period?
	中文參考翻譯	《公政公約第四次國家報告》表 22 列示多項可能引發表現自由(freedom of expression)疑慮之犯罪規定(包括前述相關罪名)。已向檢察官及社會大眾提供哪些指引(若有)，以釐清該等罪名之適用界線？政府如何確保檢察實務符合正當性事由，且刑罰符合《公民與政治權利國際公約》第 19(3)條要求之必要性與比例原則標準？報告期間內，依據表 22 所列條文起訴之案件共有多少？

中文回應

以下就《公政公約第四次國家報告》表 22 編號 13、14 所列公職人員選舉罷免法第 104 條、總統副總統選舉罷免法第 90 條進行說明

一、《公政公約第四次國家報告》表 22 列示多項可能引發表現自由(freedom of

expression)疑慮之犯罪規定(包括前述相關罪名)。已向檢察官及社會大眾提供哪些指引(若有)，以釐清該等罪名之適用界線？政府如何確保檢察實務符合正當性事由，且刑罰符合公政公約第 19(3)條要求之必要性與比例原則標準？

最高檢察署定期發布「公職人員選舉罷免法偵查要領彙編」，將「不實訊息」之法律研究及實務偵查列為內容重點，向檢察官及社會大眾提供公職人員選舉罷免法第 104 條、總統副總統選舉罷免法第 90 條之散布謠言傳播不實罪之適用要件並提供相關指引。行為人須將自己或他人捏造、扭曲、竄改或虛構全部或部分可證明為不實的訊息(包括資訊、消息、資料、數據、廣告、報導、民調、事件等各種媒介形式或內容)，故意甚至是惡意地藉由媒體、網路或以其他使公眾得知之方法，以口語、文字或影音的形式傳播或散布於眾，引人陷於錯誤，甚至因而造成危害公眾或個人，始具有刑事處罰的必要性。此標準得以確保檢察實務符合正當性事由，且刑罰符合公政公約第 19(3)條要求之必要性與比例原則標準。

二、報告期間，依據表 22 所列條文起訴之案件共有多少？

2020 年至 2024 年期間，各地方檢察署以公職人員選舉罷免法第 104 條、總統副總統選舉罷免法第 90 條之散布謠言傳播不實罪起訴之案件共有 120 件、136 人。

確保表現自由（言論自由）不因刑事處罰而受過度縮限，我國透過憲法法庭判決建立了明確的法律適用界線，這些判決即為檢察官辦案與社會大眾判斷法律界限的主要指引。如 113 年憲判字第 5 號判決指明：刑法第 140 條之侮辱公務員罪，應限於行為人具有「妨害公務之主觀目的」，且行為「足以影響公務執行」時始成立，對檢察官偵查上之指引，使其必須具體舉證行為人的言語是否干擾公務員執行職務，而非僅僅因為言語不禮貌即予起訴。又如 112 年憲判字第 8 號判決釐清刑法第 310 條誹謗罪之「合理查證義務」。行為人若能證明已盡合理查證義務，且有正當理由確信其言論為真，即不具備誹謗故意，此判決將刑事誹謗的適用限於「惡意或輕率」之言論，避免對公共議題之評論產生「寒蟬效應」。報告期間內，依據表 22 所列條文起訴之案件情形，請參見下表。

地方檢察署辦理特定刑事案件偵查終結起訴件數

單位：件

項目別	2021 年	2022 年	2023 年	2024 年	2025 年
刑法					
第 140 條	565	539	498	245	68
第 153 條	1	2	1	3	6
第 155 條	-	-	-	-	-
第 157 條	-	-	-	-	-
第 160 條第 1 項	1	-	-	-	-
第 160 條第 2 項	-	-	-	-	-
第 234 條	155	114	121	136	192
第 235 條	89	75	74	31	26

第 246 條第 1 項	–	–	–	–	1
第 309 條	2,034	2,127	2,084	1,581	630
第 310 條	766	835	756	674	532
第 312 條	–	–	2	1	–
第 313 條	10	13	10	21	15
公職人員選舉罷免法					
第 104 條	2	12	31	14	4
總統副總統選舉罷免法					
第 90 條	–	–	–	5	–

資料提供：法務部統計處

說明：起訴包含通常程序提起公訴及聲請簡易判決處刑。

英文回應

Regarding Article 104 of the Public Officials Election and Recall Act and Article 90 of Presidential and Vice Presidential Election and Recall Act, as Listed under Items 13 and 14 of Table 22 in the Fourth National Report under the ICCPR

1.Table 22 of the Fourth National Report under the International Covenant on Civil and Political Rights (ICCPR) lists several criminal provisions that may give rise to concerns regarding freedom of expression, including the above-mentioned offenses. What guidance (if any) has been provided to prosecutors and the general public to clarify the scope of application of these offenses? How does the government ensure that prosecutorial practice complies with legitimate aims and that penalties meet the requirements of necessity and proportionality under Article 19(3) of the ICCPR?

The Supreme Prosecutors Office regularly publishes the Compilation of Investigation Guidelines under the Public Officials Election and Recall Act, which identifies issues concerning “disinformation” as a key focus of legal research and investigative practice. Through this compilation, guidance is provided to prosecutors and the general public regarding the constituent elements and applicable scope of the offense of spreading rumors or disseminating false information under Article 104 of the Public Officials Election and Recall Act and Article 90 of the Presidential and Vice Presidential Election and Recall Act.

According to the guidance, criminal liability arises only where the perpetrator fabricates, distorts, alters, or falsely creates, in whole or in part, information that can be objectively verified as false—including, but not limited to, information, messages, data, statistics, advertisements, reports, opinion polls, or events— and intentionally, or even maliciously, disseminates or spreads such false information through media, the internet, or other means by which it may reach the public, in the form of oral statements, written text, or audiovisual materials, thereby misleading others and potentially causing harm to the public interest or to specific individuals.

Only where these stringent requirements are met is criminal punishment considered necessary. This threshold ensures that prosecutorial practice pursues legitimate aims

and that the imposition of criminal penalties complies with the principles of necessity and proportionality as required under Article 19(3) of the ICCPR.

2.During the reporting period, how many cases were prosecuted pursuant to the provisions listed in Table 22?

Between 2020 and 2024, local prosecutors' offices initiated prosecutions in a total of 120 cases, involving 136 defendants, for offenses of spreading rumors or disseminating false information under Article 104 of the Public Officials Election and Recall Act and Article 90 of the Presidential and Vice Presidential Election and Recall Act.

"To ensure that freedom of expression is not excessively restricted by criminal penalties, our country has established clear boundaries for the application of the law through Constitutional Court judgments. These judgments serve as the primary guidelines for prosecutors in handling cases and for the general public in discerning legal limits.

For example, Constitutional Court Judgment No.5 of 2024 stipulated that the crime of 'Insulting a Public Official' under Article 140 of the Criminal Code must be restricted to cases where the actor possesses the 'subjective purpose of obstructing public duties' and the act is 'sufficient to affect the execution of public duties.' This provides guidance for prosecutorial investigations, requiring specific evidence as to whether the actor's language interfered with the performance of duties, rather than initiating prosecution based solely on impolite remarks.

Similarly, Constitutional Court Judgment No.8 of 2023 clarified the 'duty of reasonable verification' regarding the crime of defamation under Article 310 of the Criminal Code. If an actor can demonstrate that they fulfilled the duty of reasonable verification and had justifiable grounds to believe their statements were true, the intent for defamation is absent. This judgment limits the application of criminal defamation to 'malicious or reckless' speech, thereby preventing a 'chilling effect' on commentary regarding public issues.

For information on cases prosecuted under the provisions listed in Table 22 during the reporting period, please refer to the attachment."

Number of Cases Indicted upon Completion of Investigation for Specific Criminal Cases by District Prosecutors Offices

Unit: Cases

Item	2021	2022	2023	2024	2025
Criminal Code of the Republic of China					
Article 140	565	539	498	245	68
Article 153	1	2	1	3	6
Article 155	-	-	-	-	-
Article 157	-	-	-	-	-
Article 160, Paragraph 1	1	-	-	-	-
Article 160, Paragraph 2	-	-	-	-	-

Article 234	155	114	121	136	192
Article 235	89	75	74	31	26
Article 246, Paragraph 1	-	-	-	-	1
Article 309	2,034	2,127	2,084	1,581	630
Article 310	766	835	756	674	532
Article 312	-	-	2	1	-
Article 313	10	13	10	21	15
Public officials Election And Recall Act					
Article 104	2	12	31	14	4
Presidential and Vice Presidential Election and Recall Act					
Article 90	-	-	-	5	-

Source: Department of Statistics, Ministry of Justice

Note: Indictments include cases prosecuted under ordinary procedures and applications for summary judgment.

公政點次	問題內容	
78	原文	Related to the previous question, paras. 152 and 153 of the Response Report indicates that the Government has taken action to reduce the number of cases under Article 63 of the Social Order Maintenance Act (spreading rumours affecting public tranquillity), which the Third Review found concerning. It also indicated that the Executive Yuan has instructed the Ministry of the Interior to "reexamine" a draft revision of the Act. It appears to have been pending for several years. Could the Government explain where the revision process stands and the extent to which the draft amendments would ensure that Article 63 of the Act is consistent with the freedom of expression under the ICCPR?
	中文參考翻譯	承接上題，《回應報告》第 152 點與第 153 點指出，政府已採取措施以減少依《社會秩序維護法》第 63 條(散布影響公共安寧之謠言)處理之案件數量，而第三次審查曾對該條文表示關切。以上點次亦指出，行政院已指示內政部對該法修正草案進行「重新研議」(reexamine)。惟該修法似已延宕數年，政府能否解釋目前的修正進度為何？以及該修正草案在何種程度上能確保《社會秩序維護法》第 63 條符合《公民與政治權利國際公約》保障表現自由之意旨？

中文回應

一、 行政院已指示內政部就社會秩序維護法第 63 條第 1 項第 5 款重新研議。內政部歷年來已多次邀集司法院、法務部及警察實務機關，透過專家研修及跨機關會議進行整體檢討，並於研議過程中，評估現行條文對言論自由之影響及其實務適用情形。相關研議已朝向調整規範方式、降低對表現自由之干預密度，並檢討以其他行政管理或配套機制取代單一事後裁罰之方向進行。惟因該條文涉及公共安寧維護與言論自由保障之高度敏感平衡，仍須就可行性及立法正當性進行審慎評估，爰修正作業持續進行中。

二、此外，現行第 63 條第 1 項第 5 款屬事後處罰性規定，法院實務已採取嚴格限縮解釋，認其僅適用於行為人明知內容不實或惡意捏造，並以謠言形式散布，且其內容足以使一般閱聽大眾產生恐慌或畏懼，實質影響公共安寧之情形。透過此一解釋方式，實務上已排除單純意見表達、錯誤資訊或合理爭議性言論之適用，以避免抽象條文對言論自由造成過度干預，並降低違反法律明確性與比例原則之疑慮。

三、有鑑於社會秩序維護法以事後行政裁罰為主之設計，對於網路環境中快速擴散之不實訊息或謠言，實際介入效果有限。基此，近年已逐步採取降低適用頻率、強化適用門檻之作法，並同步透過其他法制工具、行政指導、跨部會協作及與平臺之合作機制，分散處理相關風險。相關修正方向，係以減少對言論自由之直接干預為前提，並確保任何限制措施均符合合法性、必要性及比例性原則，與公政公約第 19 條之要求相符。

英文回應

1. The Executive Yuan has instructed the Ministry of the Interior (MOI) to conduct a re-evaluation of Article 63, Paragraph 1, Subparagraph 5 of the Social Order Maintenance Act. Over the years, the MOI has convened multiple meetings with the Judicial Yuan, the Ministry of Justice, and police authorities to conduct a comprehensive review through expert workshops and inter-agency consultations. During this process, the MOI has assessed the impact of the current provisions on freedom of speech and their practical application. The direction of the review is moving towards adjusting the regulatory approach, reducing the intensity of interference with freedom of expression, and exploring the replacement of singular post-hoc penalties with other administrative management or complementary mechanisms. However, as this article involves a highly sensitive balance between the maintenance of public tranquility and the guarantee of freedom of speech, a prudent assessment of feasibility and legislative legitimacy is required. Therefore, the revision work is ongoing.
2. Furthermore, the current Article 63, Paragraph 1, Subparagraph 5 is a provision for post-hoc punishment. In judicial practice, courts have adopted a strict restrictive interpretation (strict construction). The courts hold that it applies only when the perpetrator knowingly spreads false content or maliciously fabricates it in the form of rumors, and the content is sufficient to cause panic or fear among the general public, thereby substantially affecting public tranquility. Through this interpretation, practice has excluded the application of the law to the expression of simple opinions, erroneous information, or reasonably controversial speech. This is to avoid excessive interference with freedom of speech by abstract legal provisions and to reduce concerns regarding violations of the principle of legal clarity and the principle of proportionality.
3. Given that the Social Order Maintenance Act is designed primarily around post-hoc administrative penalties, its effectiveness in intervening against disinformation or rumors that spread rapidly in the online environment is limited. Consequently, in recent years, the government has gradually adopted an approach of reducing the frequency of application and raising the threshold for application. Simultaneously, risks are being managed through other legal tools, administrative guidance, inter-ministerial collaboration, and cooperation mechanisms with platforms. The direction of relevant amendments is premised on reducing direct interference with

freedom of speech and ensuring that any restrictive measures comply with the principles of legality, necessity, and proportionality, in alignment with the requirements of Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

公政點次	問題內容	
79	原文	Also related to the offenses noted in Table 22 and the Social Order Maintenance Act, among other provisions, para. 40 of the NHRC ICCPR Opinion notes the persistence of "abstract clauses such as 'endangering national security' or 'likely to undermine social stability'." What guidelines does the Government have in place to ensure that such broad language, facially inconsistent with standards of legality under Article 19(3), is appropriately constrained? Has the Government engaged in any process to review whether such language could be modified to meet Article 19(3) standards?
	中文參考翻譯	另就表 22 及《社會秩序維護法》所列犯罪規定，人權會於其《公政公約獨立評估意見》第 40 點指出，法律中仍存在「危害國家安全」或「影響社會安定之虞」等抽象條文。鑑於此類用語在表面上與《公民與政治權利國際公約》第 19(3)條所要求之合法性標準不符，政府目前是否訂有任何指引以確保該等廣泛用語受到適當限縮？另請說明，政府是否已啟動任何審查程序，以評估並修正用語，使其符合第 19(3)條？

中文回應

一、我國政府尚未訂有具普遍拘束力之專門指引，明確針對《社會秩序維護法》中「危害國家安全」或「影響社會安定之虞」等廣泛用語之適用範圍加以限縮。實務上，該等用語之具體內涵，主要仍透過個案判斷機制，由執法機關依具體事實認定，並接受法院事後司法審查。法院於適用相關條文時，已逐步結合比例原則、法律明確性原則及言論自由保障要求，對前揭概念採取嚴格限縮解釋，通常要求存在具體、可證明之危險或實質影響，而非僅憑抽象推測或概括性判斷。此一司法審查實務，於現行制度下已在一定程度上發揮實質限縮行政裁量、保障基本權利之功能，並成為執法機關適用相關條文時的重要參考依據。

二、政府已透過通盤檢視《社會秩序維護法》之修法作業，啟動對相關抽象構成要件之政策性反思與評估程序。檢討方向包括是否有必要刪除或限縮現行過於概括之用語，或改以更具體、可預見之構成要件加以取代，以降低對言論自由造成過度干預之風險。相關研議係以確保法律規範符合公政公約第 19 條第 3 項所要求之合法性、必要性及比例性原則為核心，並同步兼顧法律明確性與實務可行性，作為後續法制調整之重要方向。

英文回應

1. The government has not yet established specific guidelines with universal binding force to explicitly limit the scope of application for broad terms such as "endangering national security" or "potential to affect social stability" within the Social Order Maintenance Act. In practice, the concrete meaning of these terms is primarily determined through a case-by-case judgment mechanism, where law enforcement

agencies make determinations based on specific facts, subject to ex-post judicial review by the courts. When applying relevant articles, courts have gradually integrated the principle of proportionality, the principle of legal clarity, and guarantees for freedom of speech. Consequently, they adopt a strict restrictive interpretation of the aforementioned concepts, typically requiring the existence of a concrete, demonstrable danger or substantive impact, rather than relying on abstract speculation or generalized judgments. Under the current system, this practice of judicial review has, to a certain extent, functioned to substantively limit administrative discretion and protect fundamental rights, serving as a critical reference for law enforcement agencies when applying relevant articles.

2. Through the comprehensive review of amendments to the Social Order Maintenance Act, the government has initiated a procedure for policy reflection and assessment regarding relevant abstract constituent elements (of offenses). The review focuses on whether it is necessary to delete or restrict currently overly generalized terms, or to replace them with more specific and foreseeable constituent elements, thereby reducing the risk of excessive interference with freedom of speech. These deliberations are centered on ensuring that legal regulations comply with the principles of legality, necessity, and proportionality as required by Article 19, Paragraph 3 of the International Covenant on Civil and Political Rights (ICCPR). Furthermore, the review aims to balance legal clarity with practical feasibility, serving as a key direction for subsequent legal adjustments.

公政點次	問題內容	
80	原文	Para. 42 of the NHRC ICCPR Opinion notes concerns dealing with speech involving “hostile external forces” and, in para. 43, recommends a “tiered response mechanism” to address such speech. To what extent has the Government, or is the Government, considering such approaches to ensure that the law is consistent with Article 19?
	中文參考翻譯	《人權會公政公約獨立評估意見》第 42 點對涉及「境外敵對勢力」之言論管制表示關切，並於第 43 點建議建立「層次分明的處理機制」(tiered response mechanism)以處理此類言論。政府在何種程度上已經或正在考慮採取此類方法，以確保相關法律符合《公民與政治權利國際公約》第 19 條？

中文回應

一、針對涉及「境外敵對勢力」之言論，政府係依其所引發之風險層級與影響性質，分別從公共秩序與國家安全層次進行回應與制度設計。在公共秩序層次，內政部已提出社會秩序維護法修正草案第 64 條之 1，針對網際網路中涉及境外敵對勢力、足以激化社會對立或影響公共秩序之言論，設計具程序保障之行政處置機制，並以跨部會會商作為前置要件，避免行政干預過度擴張。

二、在國家安全層次，鼓吹「境外敵對勢力對我國武力統一」之言論，可能涉及刑法第 151 條恐嚇公眾、第 153 條煽惑他人犯罪等罪；與「境外敵對勢力」合作，在我國散布非法言論者，可能違反臺灣地區與大陸地區人民關係條例第 33 條之 1 第 1 項之規定，該條規定非經同意與中國黨政軍有合作行為，或與民間機構有政治性內容之合作行為，得依同條例第 90 條之 2 科處 10

至 50 萬元罰鍰。為確保國家安全，如相關個案涉有刑事不法，檢察官依法嚴正處理。政府亦透過國家安全法修正草案第 4 條及第 4 條之 1 之研議，回應近年來境外敵對勢力利用網路言論進行滲透、認知作戰或鼓吹對我國採取非和平手段等現象。該修法構想，係以處理具高度敵意性、組織性或可能對國家安全造成重大危害之言論行為為重點，並與以公共秩序維護為核心之社會秩序維護法形成分工，而非以單一法律概括處理所有相關言論。

三、 至於「層次分明的處理機制」部分，政府目前之整體政策方向，係依言論之內容性質、散布方式、影響範圍及急迫性，採取差異化處理方式。對於風險較低、未具即時或重大危害之境外宣傳或爭議性言論，原則上優先透過平臺自律、行政指導、資訊澄清等低干預密度之方式因應；僅於涉及具體、重大之公共秩序或國家安全風險時，始分別依社會秩序維護法或國家安全法所構想之制度，採取較高強度之行政或法律措施。

四、 綜上，政府對涉及境外敵對勢力之言論，並非採取單一禁止或全面管制模式，而係透過社會秩序維護法及國家安全法之政策分工與法制研議，逐步建構以風險評估為基礎、具程序保障之分層處理架構。此一作法，係在回應當前網路環境與國家安全挑戰之同時，確保任何對言論自由之限制，均符合公政公約第 19 條所要求之合法性、必要性及比例性原則。

英文回應

1. Regarding speech involving "foreign hostile forces," the government designs its response and institutional framework based on the level of risk and the nature of the impact, distinguishing between the levels of public order and national security. At the public order level, the Ministry of the Interior (MOI) has proposed Article 64-1 of the draft amendment to the Social Order Maintenance Act. This article is designed to target online speech involving foreign hostile forces that is sufficient to incite social polarization or affect public order. It establishes an administrative disposition mechanism with procedural safeguards, requiring inter-ministerial consultation as a prerequisite to prevent the excessive expansion of administrative intervention.
2. At the national security level, speech advocating for the "unification of our country by force by an external hostile power" may constitute offenses under Article 151 (Intimidation of the Public) or Article 153 (Incitement to Commit a Crime) of the Criminal Code. Furthermore, those who collaborate with foreign hostile forces to disseminate illegal speech within the country may violate Article 33-1, Paragraph 1 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area. This Act stipulates that engaging in cooperative activities with Mainland Chinese party, government, or military entities—or engaging in political cooperation with private institutions—without prior authorization may result in a fine ranging from NT$100,000 to NT$500,000, pursuant to Article 90-2 of the same Act.To ensure national security, prosecutors shall handle cases involving criminal illegality strictly in accordance with the law. The government is addressing phenomena such as infiltration, cognitive warfare, and the advocacy of non-peaceful means by foreign hostile forces through the deliberation of Articles 4 and 4-1 of the draft amendment to the National Security Act. The conceptual framework of this amendment focuses on speech acts that exhibit high hostility, are organized, or pose significant threats to national security. This establishes a clear demarcation of responsibilities alongside the Social Order Maintenance Act, rather than

addressing all relevant speech under a single, generalized statute.

3. Regarding the "tiered response mechanism," the government's current overall policy direction adopts a differentiated approach based on the nature of the content, the method of dissemination, the scope of impact, and urgency. Low Risk: For foreign propaganda or controversial speech that carries lower risk and presents no immediate or major harm, the principle is to prioritize low-intensity response methods, such as platform self-regulation, administrative guidance, and information clarification. High Risk: Only when specific, major risks to public order or national security are involved will higher-intensity administrative or legal measures be taken in accordance with the systems envisioned under the Social Order Maintenance Act or the National Security Act, respectively.
4. In summary, the government does not adopt a single prohibition or total control model for speech involving foreign hostile forces. Instead, through the policy division and legal development of the Social Order Maintenance Act and the National Security Act, it is gradually constructing a tiered processing framework based on risk assessment and procedural safeguards. This approach aims to respond to current online environment and security challenges while ensuring that any restrictions on freedom of speech comply with the principles of legality, necessity, and proportionality required by Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

公政點次	問題內容	
81	原文	Paras. 243 and 244 of the Fourth ICCPR Report indicate basic data concerning broadcasting outlets. During the reporting period, has the Government taken any action to condition or limit licensing on grounds related to the content of programming by such outlets? Would it consider taking such action in the future, and under what provisions of the various broadcasting acts?
	中文參考翻譯	《公政公約第四次國家報告》第 243 點與第 244 點提供了有關廣播與電視媒體之基本統計資料。於報告期間內，政府是否曾基於節目內容相關之理由，對此類媒體之執照核發增設附加條件或限制？未來是否考慮此類作法？如是，將依據哪些廣電相關法律之條文？

中文回應

一、 通傳會審理無線電視及衛廣電視執照申設及換發之申請案，依行政程序法第 93 條規定，通傳會作成行政處分有裁量權時，得為附款。

二、 查公政公約第四次國家報告期間，通傳會尚無基於節目內容相關之理由，對於前述申請案作成處分時附加附款之案例。

英文回應

According to Article 93 of the Administrative Procedure Act, when the the National Communications Commission exercises its discretionary powers in rendering administrative decisions pertaining to applications for the establishment or renewal of terrestrial and satellite broadcasting licenses, it may attach ancillary provisions to such decisions. However, during the period covered by the Fourth ICCPR Report, the NCC has not imposed any conditions because of program content when rendering decisions

on the aforementioned applications.

公政點次	問題內容	
82	原文	Para. 245 of the Fourth ICCPR Report indicates Regulations Governing Distribution, Display and Exhibition of Mainland Chinese Films and Programs in Taiwan. What rules guide the authorities' evaluation of such programming? The Report indicates that several films and hundreds of radio/tv programs were approved; how many were disapproved, and on what grounds?
	中文參考翻譯	《公政公約第四次國家報告》第 245 點提及《大陸地區出版品電影片錄影節目廣播電視節目進入臺灣地區或在臺灣地區發行銷售製作播映展覽觀摩許可辦法》。主管機關審查此類節目內容時所依循之規範為何？報告指出，已有多部電影及數百件廣播/電視節目獲准；未獲核准之件數為何，以及駁回之具體理由？

中文回應

針對大陸地區錄影節目、廣播電視節目進入臺灣地區主要依循《大陸地區出版品電影片錄影節目廣播電視節目進入臺灣地區或在臺灣地區發行銷售製作播映展覽觀摩許可辦法》進行審查，前揭辦法係依《臺灣地區與大陸地區人民關係條例》規定訂定之。

一、依公政公約第四次國家報告第 245 點所述之許可辦法，文化部依據《大陸地區影視節目得在臺灣地區發行映演播送之數量類別時數》規定，大陸地區電影進入臺灣地區之類別以愛情文藝、倫理親情、溫馨趣味、宮廷歷史、武俠傳奇、懸疑驚悚、冒險動作之 7 種類別主題為限。另依《大陸地區出版品電影片錄影節目廣播電視節目進入臺灣地區或在臺灣地區發行銷售製作播映展覽觀摩許可辦法》第四條規定，凡具有下列情形之一者，不得許可進入臺灣地區：(1)宣揚共產主義或從事統戰者、(2)妨害公共秩序或善良風俗者、(3)違反法律強制或禁止規定者、(4)凸顯中共標誌者。

二、未獲核准之大陸地區電影計 2 件，為《中國醫生》及《長津湖》。

(一)《中國醫生》駁回理由：非屬上開類別時數規定第 1 點第 1 款所列之 7 種類別主題之一。

(二)《長津湖》駁回理由：有上開許可辦法第 4 條第 1 款「宣揚共產主義或從事統戰者」之情形，且非屬類別時數規定第 1 點第 1 款所列 7 種類別主題之一。

三、廣播、電視節目未核准件數為 35 件，駁回之具體理由為違反第 4 條第 1 款「宣揚共產主義或從事統戰者」。

英文回應

The entry of video programs and radio/tv programs from Mainland China into Taiwan follows the "Regulations Governing Distribution, Display and Exhibition of Mainland Chinese Films and Programs in Taiwan." These regulations were established in accordance with the "Act Governing Relations between the People of the Taiwan Area and the Mainland Area"

1. Pursuant to paragraph 245 of the Fourth ICCPR Report and the relevant licensing regulations, the Ministry of Culture, under the "Regulations on the Quantity,

Categories, and Hours of Mainland China Audiovisual Programs for Distribution, Exhibition, and Broadcasting in Taiwan," the permitted categories of mainland Chinese films entering Taiwan are limited to the following seven themes: romance and literary arts; ethics and family; heartwarming and comedy; palace history; martial arts legends; suspense and thriller; and adventure and action. In addition, Article 4 of the "Regulations Governing the Permission for Mainland Chinese Publications, Films, Video Programs, Radio and Television Programs to Enter, Be Distributed, Sold, Produced, Screened, Exhibited, or Shown in Taiwan" provides that works meeting any of the following conditions shall not be permitted to enter Taiwan: (1) promote communism or engage in united front activities; (2) undermine public order or public morals; (3) violate mandatory or prohibitory legal provisions; or (4) prominently display symbols of the Chinese Communist Party.

2. Two mainland Chinese films were not approved: "Chinese Doctors" and "The Battle at Lake Changjin."
   (1) Reason for rejecting Chinese Doctors: It does not fall within any of the seven thematic categories specified in the category and quantity regulations.
   (2) Reason for rejecting The Battle at Lake Changjin: It is considered to promote communism or engage in united front activities under Article 4(1) of the licensing regulations, and it does not fall within any of the seven thematic categories specified in the category and quantity regulations.
3. Thirty-five mainland Chinese radio/tv programs were not approved due to violations of Article 4(1) of the licensing regulations: promote communism or engage in united front activities.

公政點次	問題內容	
83	原文	The International Review Committee in its Review of the Implementation of Children's Rights (2022) concluded as follows: "The Committee recommends that when implementing its plans with respect to digital human rights, the Government: (a) takes into account the CRC Committee's General Comment no. 25 on Children's Rights in the Digital Environment; and (b) consistent with article 12 of the CRC." These recommendations also pertain to the guarantees under Article 19 of the ICCPR. To what extent has the Government implemented or considered implementing these recommendations?
	中文參考翻譯	國際審查委員會就兒童權利執行之審查(2022 年)作出以下結論：「委員會建議政府在實施有關數位人權的計畫時：(a)將聯合國兒童權利委員會第 25 號《一般性意見》關於數位環境中的兒少權利納入考量；及(b)符合《兒童權利公約》第 12 條。」上述建議亦涉及《公民與政治權利國際公約》第 19 條之保障。政府在多大程度上已落實或正考量落實前述建議？

中文回應

一、行政院設置兒童及少年福利與權益推動小組，定期討論推動兒童權利公約相關工作，2025 年為檢視數位環境下之兒少權益保障，按「風險監測」、「意識

提升」、「研究規劃」、「公私協力」、「弭平數位落差」5 項議題面向，分別邀請專家學者與兒少共同討論。

二、另依據行政院國家資通安全會報所訂網際網路內容管理基本規範及分工原則，按網際網路內容回歸實體社會之分工，推動個人資料保護法、刑法、兒少性剝削防制條例等法律研修，偏鄉基礎設施布建，以及網路內容防護、分級、產業自律及網路不法行為之查緝。

三、落實事項如下：

(一) 召開專案會議，彙整各部會風險監測分工：個人資料保護委員會籌備處研議個人資料保護法部分條文修正草案，並於修法過程中邀請兒少代表參與並表達意見；iWIN 網路內容防護機構持續辦理兒少網路使用行為調查，作為政策研擬之重要參考；內政部及法務部針對第一線人員辦理教育訓練，以強化其專業知能；另衛生福利部建置性影像處理中心，提供被害人申訴及求助之單一窗口服務等。

(二) 意識提升及彌平數位落差：

(1) 教育部重視兒少數位平權，參酌國際趨勢，於 2022 年至 2025 年「推動中小學數位學習精進方案」，規劃「數位內容充實」、「行動載具與網路提升」及「教育大數據分析」3 項計畫，期望達成「教材更生動」、「書包更輕便」、「教學更多元」、「學習更有效」、「城鄉更均衡」目標。召開數位環境下的兒少權利保障相關會議，亦邀請兒童及少年代表共同與會，協助檢視中小學數位學習精進方案推動情形及建議各項精進作為。

(2) 十二年國民基本教育課程綱要已將「科技資訊與媒體素養」列為核心素養，並實施媒體素養教育。在部定課程方面，已融入科技、社會等領域的課程及教科用書中實施，以培養學生理性分析、思辨及批判性思考的能力；在校訂課程方面，透過補助計畫，引導及鼓勵學校將媒體素養教育列入校訂課程，每學年至少實施 4 小時課程。教育部國教署亦委託專業團隊，舉辦教師研習、教案競賽及開發教材，給予教師多元且充足的教學資源，以利實施媒體素養教學，增進學生的媒體使用權利。

(3) 教育部國教署積極推動 AI 及新興科技教育計畫，建立智慧教室與數位學習環境，鼓勵學生善用數位科技工具及數位學習平臺，藉由互動教學、適性診斷及個人化教學設計等特性，並搭配自主學習四學(自學、共學、互學、導學)教學策略，透過數位學習工具讓學生在學科學習中實踐表意能力，使學生均能獲得平等的教育學習機會。

(三) 公私協力：工作重點將以深化跨部會協作與強化安全網絡為核心，並結合家庭與社區力量推動視力及用藥安全宣導，同時持續精進遊戲與影視分級機制，致力打造安心的數位環境。

英文回應

1. The Executive Yuan (EY) Child and Juvenile Welfare and Rights Promotion Group regularly deliberates on and advance the implementation of the Convention on the Rights of the Child (CRC). In 2025, in order to review the protection of the rights and interests of children and youth in the digital environment, the group addressed five thematic areas—risk monitoring, awareness raising, research planning, public–private collaboration, and bridging the digital divide—and invited experts, scholars, and children and youth representatives to participate in discussions.
2. In accordance with the Fundamental Principles and Division of Responsibilities for Internet Content Management adopted by the EY Taskforce for National Cyber Security, the Government has promoted a regulatory framework under which the

governance of online content is aligned with corresponding responsibilities in the offline world. Relevant efforts include amendments to and implementation of the Personal Data Protection Act, Criminal Code, and Child and Youth Sexual Exploitation Prevention Act; the development of digital infrastructure in rural and remote areas; as well as measures concerning online content protection mechanisms, content classification systems, industry self-regulation, and the investigation and enforcement against illegal online activities.

3. The implemented measures are as follows:
   (1) Convening a dedicated meeting, and allocating the responsibility of"risk monitoring": The Preparatory Office of the Personal Data Protection Commission's review of proposed amendments to certain provisions of the Personal Data Protection Act, with the participation of children and youth representatives in the legislative process; the Institute of Watch Internet Network (iWIN)'s ongoing surveys on the online behaviors of children and youths as an important reference for policy development; education and training programs for frontline personnel conducted by the Ministry of the Interior and the Ministry of Justice to strengthen professional capacity; and the establishment of a Sexual Image Processing Center by the Ministry of Health and Welfare to provide a single point of access for victim complaints and assistance.
   (2) Awareness-raising and bridging the digital divide
      a. The Ministry of Education (MOE) places great importance on digital equity for children and adolescents. In line with international trends, it implemented the Digital Learning Enhancement Program for Primary and Secondary Schools from 2022 to 2025. The program comprises three key initiatives: enrichment of digital content, improvement of mobile devices and network infrastructure, and educational big data analysis. Through these efforts, the MOE aims to achieve more engaging learning materials, lighter schoolbags, more diverse teaching approaches, more effective learning outcomes, and a more balanced development between urban and rural areas. In addition, meetings on the protection of children's and adolescents' rights in the digital environment have been convened, with child and youth representatives invited to participate. Their involvement helps review the implementation of the Digital Learning Enhancement Program and provide recommendations for further improvement.
      b. The 12-Year Basic Education Curriculum Guidelines have incorporated Technology Information and Media Literacy as a core competency and implemented media literacy education. Regarding the MOE-mandated curriculum, these elements have been integrated into subjects such as Technology and Social Studies, as well as in textbooks, to cultivate students' abilities in rational analysis, discernment, and critical thinking. Regarding the School-developed Curriculum, the government provides subsidies to guide and encourage schools to include media literacy in their curriculum, with a requirement of at least four hours of instruction per academic year. The K-12 Education Administration, MOE has also commissioned professional teams to organize teacher workshops and lesson plan competitions, and to develop teaching materials. These initiatives provide teachers with diverse and ample

resources to facilitate media literacy instruction and enhance students' media rights.

c. The K-12 Education Administration, MOE is actively promoting AI and emerging technology education initiatives. By establishing digital learning environments, we encourage students to effectively utilize digital technology tools and platforms. These efforts leverage features such as interactive instruction, adaptive diagnosis, and personalized instructional design, while incorporating the "Four Learning Modes" teaching strategy—comprising Student Self-learning, Co-learning within Groups, Mutual Learning between Groups, and Teacher-guided Learning—to enable students to practice their power of expression in academic subjects and ensure equal educational opportunities for all.

(3) Public–private collaboration

The series of work focuses on deepening cross-departmental collaboration and strengthening safety networks as core directions, the promotion of vision and medication safety through family and community engagement, and the continuous refinement of game and film rating mechanisms to create a secure digital environment.

公政點次	問題內容	
84	原文	The International Review Committee (2022) in its review of the Convention on the Rights of Persons with Disabilities, para. 89 and para. 90, indicated concerns with respect to access to information of persons with disabilities. These recommendations also pertain to the guarantees under Article 19 of the ICCPR. To what extent has the Government implemented or considered implementing these recommendations?
	中文參考翻譯	國際審查委員會(2022 年)《身心障礙者權利公約》之審查中，於《結論性意見》第 89 點及第 90 點指出，對身心障礙者近用資訊(access to information)仍存相關疑慮。上述建議亦涉及《公民與政治權利國際公約》第 19 條之保障。政府在多大程度上已落實或正考量落實前述建議？

中文回應

一、衛生福利部就提供公眾多元溝通管道及提供可及性資訊部分說明如下：

(一) 督促地方政府透過電視、廣播、平面、網路等多元媒體通路，及結合巷弄長照站、社區照顧關懷據點、文化健康站、失智服務據點、樂齡學習中心及長青學苑等場域，向民眾宣導長照相關服務。

(二) 專線或其他支持服務：

(1) 113 保護專線：為暢通身心障礙被害人之求助管道，113 保護專線除提供 24 小時全年無休之免付費電話服務，亦於社會安全網關懷 e 起來網站設置線上諮詢及簡訊諮詢功能，該網站已通過無障礙標章認證。

(2) 1957 福利諮詢專線：除由專業社工提供電話服務外，亦提供 LINE 文字客服、官方網站線上諮詢、傳真諮詢等多元諮詢管道，官網影片亦加註字幕，讓聽覺或語言障礙者便於表達意見及取得所需資訊。

(3) 1922 防疫專線：設有 Email 電子信箱(cdc1922@cdc.gov.tw)及聽覺或語言

障礙者服務免付費傳真 0800-655955，並可視民眾需求，以簡訊提供最新防疫相關資訊。

(4) 持續補助並擴大辦理「『謝謝你跟我說』-全台生命線青少年心理健康網路支持平台計畫」，提供青少年線上文字協談服務。

(5) 衛生福利部為利學齡前 0 歲至 3 歲聽覺障礙兒童獲得相關手語學習資源，於 2022 年編製手語教材電子書及比法教學影片，透過 E 化方式推廣手語運用觀念及方法，協助聽覺損傷兒童家長、早療專業人員、托育人員及民眾學習運用手語辭彙、句型與教學技巧，促進聽覺損傷兒童及其家庭正向溝通互動。

二、金融監督管理委員會：

(一) 針對所轄銀行營業單位皆已提供手語翻譯服務、銀行存款開戶流程易讀版及其他金融服務易讀版，另銀行新進從業人員均應接受身心障礙者金融友善教育訓練，包含認識各類別身心障礙者及如何與身心障礙者溝通等。另各產、壽險公司亦應要求其新進從業人員每年接受身心障礙者金融友善教育訓練，並應依身心障礙者個別需求提供適當友善服務措施。產、壽險公會並已於 2024 年共同完成編製「保險業投保說明手冊易讀版」，另查目前國內多家產、壽險公司均已提供手語視訊翻譯服務。

(二) 本國銀行及中華郵政計 37 家，所建置之無障礙網站及網路銀行皆已取得網站無障礙規範 A 以上標章。同時督導產、壽險公會及保險業者之相關網站或資訊系統取得無障礙標章，保險公會官方網站及有自然人客戶保險業者之金融友善服務專區皆已取得無障礙 A 等級(含)以上認證標章。

(三) 為推動無障礙金融環境、提供身心障礙投資人更友善之服務，及消除歧視性之行為，證券期貨三大公會已訂定金融友善服務準則，包括環境、溝通、服務、商品、資訊等無障礙措施，及業者應至少每年就上開準則所列情事進行檢核及改善，以提升社會對維護身心障礙者權益之意識。

三、教育部：

(一) 研發多項親職教育及婚姻教育學習資源，供家庭教育中心及相關專業服務團體向身心障礙者家庭推廣利用，各地方政府家庭教育中心並得視需要提供身心障礙者家庭教育諮詢、面談、演講、座談等服務或提供家庭教育資訊。

(二) 為提供聽損、無口語或低口語幼兒友善、溝通無礙的學習場域，及發展遲緩幼兒早期療育之需求，教育部迄今已出版《學齡前 2 至 6 歲教保服務人員手語手冊》、《幼兒園常用詞彙手語手冊》及《早期療育常用詞彙手語手冊》，並拍攝幼兒園常用手語詞彙影片，置於全國教保資訊網民眾網頁學前特教專區供外界參用。

四、數位發展部：

(一) 辦理政府網站無障礙之檢測作業及標章核發等相關業務，已建立身心障礙者參與之抽測機制，並擴大抽測範圍至中央四級機關，及建置「無障礙申訴專區」，提供各界反映政府機關(構)網站之無障礙設計及使用問題。

(二) 為擴大政府 APP 納入無障礙推動範圍，數位發展部推動「普及與深化政府網站與行動化應用軟體無障礙設計行動方案(2024-2026 年)」，以持續營造友善之政府網路無障礙空間。

英文回應

1. The Ministry of Health and Welfare (MOHW) has provided the following notes on channels of communication and accessible format information:

   (1) The MOHW oversees local government efforts in promoting long-term care

services to the general public through media outlets such as TV/radio broadcast, print media, and online platforms, as well as through Tier C long-term care centers, community care stations, Indigenous culture and health centers, dementia support centers, active aging learning resource centers, and senior citizen academies.

(2) Hotlines and other support services

(a) 113 Protection Hotline: To ensure access to support for victims with disabilities, the 113 protection hotline offers toll-free consultation services on a 24/7 basis. An online chat and text consultation function has also been added to the Social Safety Net–E-care website, which has received the Ministry of Digital Affairs' web accessibility accreditation badge.

(b) 1957 Welfare Consultation Hotline: In addition to over-the-phone support by a team of professional social workers, the hotline now offers a wide range of communication channels, including support for LINE chat, online chat, and fax. Its official website also includes captions on every video to allow persons with hearing or speech disabilities to better express concerns and access information.

(c) 1922 Communicable Disease Reporting and Consultation Hotline: Persons with hearing or speech disabilities can write to the dedicated email (cdc1922@cdc.gov.tw) or fax the toll-free number (0800-655955), or they can opt in to SMS updates about the CDC's latest disease prevention information.

(d) The MOHW continues to subsidize and expand the scale of the "Thank You For Saying Something"–Taiwan Lifeline International Online Mental Health Support for Teenagers Plan, an initiative that offers mental health consultation services via online chat.

(e) To ensure access to Sign Language learning resources for children under the age of three with hearing disabilities, the MOHW produced e-books and instructional videos in 2022 for learning Sign Language. Through digital means, the MOHW educates the public on the concept of Sign Language and how to use it. Its publications teach parents, early intervention professionals, childcare professionals, and the general public how to communicate with children with hearing disabilities; help caregivers learn Sign Language vocabulary, sentence structures, and teaching techniques; and facilitate positive communication and interaction between children with hearing disabilities and their family members.

2. The Financial Supervisory Commission (FSC)：

(1) The FSC has required all subordinate banking institutions to offer Sign Language interpretation and easy-to-read formats at their business premises for account opening procedures and other financial services. All new bank employees are required to undergo financial service inclusion and accessibility training, which entails learning about disability types and how to communicate with persons with disabilities. New life insurance and non-life insurance agents are required to undergo annual disability awareness training and must provide appropriate, disability-friendly service based on

the individual needs of each person with disability. The Non-Life Insurance Association and the Life Insurance Association jointly released the easy-to-read version of the Insurance Manual in 2024, and multiple life and non-life insurance companies are offering Sign Language interpretation through video relay service.

(2) All 37 domestic banks, including banking services provided by Chunghwa Post, have received an "A" or higher web accessibility accreditation for their accessible websites and online banking. Meanwhile, the FSC continues to oversee life insurance and non-life insurance companies in obtaining web accessibility accreditation for their websites and information systems. Currently, the Non-Life Insurance Association, the Life Insurance Association, and all insurance companies serving natural persons have obtained an "A" or higher web accessibility accreditation for the "financial inclusion" sections of their websites.

(3) To ensure financial inclusion and accessibility, and to eradicate discriminatory practices against investors with disabilities, the Securities Association, the Securities Investment Trust and Consulting Association, and the Futures Association have each formulated a set of guidelines for financial inclusion, with specific provisions on accessible venues, communication channels, services, products, and financial information, requiring member companies to review their compliance with the guidelines and make any necessary improvements on a yearly basis. The ultimate goal of these measures is to promote the general public's awareness of the rights of persons with disabilities.

3. The Ministry of Education (MOE)

(1) The MOE has developed a variety of parental and marital education resources for family education centers and professional service groups that support the families of persons with disabilities. Local governments also offer persons with disabilities necessary family support, consultation, workshops, seminars, and other family education-related information through government-run family education centers.

(2) To provide accessible learning environments free of communication hurdles for children with hearing disabilities, non-speaking children, minimally-speaking children, and children with developmental delays requiring early intervention, the MOE has published the Sign Language Handbook for Preschool Educators of Children Aged 2 to 6; the Sign Language Handbook for Common Vocabulary in Kindergartens; and the Sign Language Handbook for Common Vocabulary in Early Intervention. It has also produced a series of Sign Language vocabulary videos for kindergarteners, which are available to the general public under the "Special Education Resources for Preschoolers" section on the Early Childhood Educare website.

4. The Ministry of Digital Affairs (MODA)

(1) The MODA has established a spot-inspection mechanism involving testers with disabilities as part of its web accessibility testing and accreditation efforts. The accreditation now applies to all four levels of central governments. The MODA has also set up an accessibility complaint form on

its website, allowing the general public to report any accessibility issues and design flaws found on government websites.

(2) To further promote accessibility for government mobile applications and foster a more inclusive digital environment, the MODA is implementing the Action Plan for the Promotion and Deepening of Accessible Designs in Government Websites and Mobile Applications (2024–2026).

十四、 公政條文第 20 條

公政點次	問題內容	
85	原文	The Third Review (Note 88) recommended implementation of the obligations to prohibit by law propaganda for war and advocacy of national, racial or religious hatred that constitutes incitement to hostility, discrimination or violence. As of now, it seems that these obligations have not been implemented in law. The Response Report (para. 154) indicates that "conspiracy to start a war can be punished according to Article 153 of the Criminal Code," but this is not clear from the text of the Code nor is it clear that such an offense is an implementation of the obligation to prohibit propaganda for war. Similarly, Taiwan's Genocide Act seems limited to genocide, not "war" in the context of Article 20. Is the Government's review thus considering express implementation of the Article 20(1) obligation to prohibit propaganda for war?
	中文參考翻譯	第三次審查(《結論性意見》第 88 點)建議政府依法禁止戰爭宣傳，及禁止鼓吹民族、種族或宗教仇恨，且構成煽動敵意、歧視或暴力之行為，以落實義務。迄今觀之，該等義務似尚未於國內法中落實。《回應報告》第 154 點指出「通謀開戰，可依《刑法》第 153 條之處罰」，惟《刑法》條文本身並不明確；且該罪名是否算作落實禁止戰爭宣傳之義務，亦不清楚。此外，臺灣之《殘害人羣治罪條例》似僅限於處理殘害人群(genocide)，未涵蓋《公民與政治權利國際公約》第 20 條所指涉之「戰爭」。政府目前之法規審查，是否因此已將明文落實《公民與政治權利國際公約》第 20(1)條所規定之禁止戰爭宣傳義務，納入考量之中？

中文回應

行政院於 2025 年 12 月 26 日通過由內政部擬具《社會秩序維護法》部分條文修正草案，修正草案第 64 條及第 64 條之 1 規定在公共場所、網路「倡議、宣 傳、散布或播送仇恨性言論、恐怖主義或境外敵對勢力激化社會對立或消滅我國主權之主張，足以影響公共秩序。」得處以行政罰。立法理由中參照 ICCPR 第 20 條精神定義仇恨性言論，並建構「恐怖主義」及「境外敵對勢力激化社會對立或消滅我國主權之主張」內涵，落實公約意旨。

英文回應

On December 26, 2025, the Executive Yuan approved a draft amendment to the Social Order Maintenance Act, proposed by the Ministry of the Interior.Articles 64 and 64-1: The proposed amendments stipulate that any individual who advocates, promotes,

distributes, or broadcasts hate speech, terrorism, or narratives from hostile foreign forces intended to radicalize social opposition or abolish national sovereignty—whether in public spaces or online—shall be subject to administrative penalties, provided such actions are sufficient to affect public order. Alignment with International Standards (ICCPR): The legislative rationale draws upon the spirit of Article 20 of the International Covenant on Civil and Political Rights (ICCPR) to define "hate speech." Furthermore, it establishes legal frameworks for "terrorism" and "hostile foreign force claims," aiming to implement the intent of international covenants while safeguarding domestic stability.

公政點次	問題內容	
86	原文	In connection with the previous paragraph, the Response Report also indicates that the Government was studying whether provisions were required to implement the obligations to address incitement to discrimination, hatred and violence under Article 20(2). Paras. 44-45 of the NHRC ICCPR Opinion details several gaps in the way the Ministry of Justice is considering new “hate speech” legislation and the “inconsistent enforcement” of incitement through several pieces of legislation. Does the Government anticipate preparing a plan of action or drafting legislation to implement expressly its Article 20(2) obligations (especially to define prohibitions on incitement), in keeping with the comments shared by the NHRC?
	中文參考翻譯	承上點，《回應報告》亦指出，政府過去研議是否有必要制定相關規定，以履行《公民與政治權利國際公約》第 20(2)條關於防制煽動歧視、仇恨與暴力之義務。《人權會公政公約獨立評估意見》第 44 點至第 45 點，指出法務部在研擬新的「仇恨言論」立法時存在若干缺口，以及目前透過多部法律規範煽動行為導致「執法標準不一」。政府是否預計參酌人權會所分享之意見，制定行動計畫或著手起草立法，以明確履行《公民與政治權利國際公約》第 20(2)條義務(尤其是就禁止煽動加以定義)？

中文回應

一、法務部 2024 年 4 月 2 日邀集專家學者召開刑法研究修正小組會議，與會委員咸認在確保言論自由下,就歧視仇恨言論之防制規範應包括對歧視仇恨言論之行為態樣定義、受保護特徵之範圍及相應層級性罰責，如對不當仇恨言論之下架等行政管制措施、行政罰、民事損害賠償責任及刑罰或先行政罰再刑罰等規定，始較為完整周延。

二、行政院於 2025 年 12 月 26 日通過由內政部擬具《社會秩序維護法》部分條文修正草案，修正草案第 64 條及第 64 條之 1 規定，處罰要件為「足以影響公共秩序者」。立法理由中參照 ICCPR 第 20 條精神，建構「仇恨性言論」之定義：「針對群體以威脅、辱罵、嘲弄、藐視等方式鼓吹憎惡、貶抑或仇視思想，進而挑起或煽動仇恨該群體，甚或採取暴力行為之言論。」，持續

推動立法「仇恨性言論」納入行政罰規範。

英文回應

1. On April 2, 2024, the Ministry of Justice convened a meeting of the Criminal Law Research and Amendment Task Force, inviting experts and scholars. Participating members reached a consensus that, while ensuring the protection of freedom of speech, the regulatory framework against discriminatory hate speech should be comprehensive. This includes defining the modalities of hate speech, the scope of protected characteristics, and a tiered system of penalties—ranging from administrative measures (such as the removal of inappropriate hate speech content) and administrative fines to civil liability and criminal penalties (or a "first administrative, then criminal" enforcement model) to ensure the legal framework is thorough and well-rounded.
2. On December 26, 2025, the Executive Yuan approved the draft amendment to certain articles of the "Social Order Maintenance Act" prepared by the Ministry of the Interior. Articles 64 and 64-1 of the draft stipulate that the criteria for punishment shall be conduct "sufficient to affect public order." In accordance with the spirit of Article 20 of the ICCPR, the legislative intent defines "hate speech" as: "Speech that advocates hatred, disparagement, or hostility toward a group through threats, insults, mockery, or contempt, thereby provoking or inciting hatred against said group, or even inciting violent acts." The government continues to promote legislation to incorporate "hate speech" into the scope of administrative sanctions.

公政點次	問題內容	
87	原文	Does the Government document or otherwise maintain statistics on cases of incitement as defined in Article 20(2)?
	中文參考翻譯	政府是否就符合《公民與政治權利國際公約》第 20(2)條所定義之煽動案件，進行紀錄或另行保有相關統計資料？

中文回應

一、行政院於 2025 年 12 月 26 日通過由內政部擬具《社會秩序維護法》部分條文修正草案，修正草案第 64 條及第 64 條之 1 規定，處罰要件為「足以影響公共秩序者」。立法理由中參照 ICCPR 第 20 條精神，建構「仇恨性言論」之定義：「針對群體以威脅、辱罵、嘲弄、藐視等方式鼓吹憎惡、貶抑或仇視思想，進而挑起或煽動仇恨該群體，甚或採取暴力行為之言論。」，持續推動立法「仇恨性言論」納入行政罰規範。

二、待立法院通過法案完成法制化後，內政部依據法令規定研議統計方式。

英文回應

1. On December 26, 2025, the Executive Yuan approved the draft amendment to certain articles of the "Social Order Maintenance Act" prepared by the Ministry of the Interior. Articles 64 and 64-1 of the draft stipulate that the criteria for punishment shall be conduct "sufficient to affect public order." In accordance with the spirit of Article 20 of the ICCPR, the legislative intent defines "hate speech" as: "Speech that advocates hatred, disparagement, or hostility toward a group through threats, insults, mockery, or contempt, thereby provoking or inciting hatred against said group, or even inciting violent acts." The government continues to promote legislation to

incorporate "hate speech" into the scope of administrative sanctions.

2. Upon the passage of the bill by the Legislative Yuan and the completion of the legislative process, the Ministry of Justice will deliberate on statistical methodologies in accordance with the relevant laws and regulations.

十五、 公政條文第 21 條

公政點次	問題內容	
88	原文	Para. 250 of the Fourth ICCPR Report notes that twenty-one assemblies were denied between 2020 and 2024. Could the Government provide information concerning the grounds for denial in each of those cases? In other cases that were permitted, did the Government impose conditions or restrictions in the context of the permits, or were some of them originally denied (and if so, on what grounds)? Could the Government provide information concerning such conditions or restrictions?
	中文參考翻譯	《公政公約第四次國家報告》第 250 點指出，2020 年至 2024 年間共有 21 件集會不予許可。政府能否提供各案件之不予許可理由？另就其餘許可案件，政府是否於許可中附加任何條件或限制？或是否曾有案件原先不予許可(如有，不予許可理由為何)？政府能否一併提供上述條件或限制之資訊？

中文回應

一、 我國集會遊行法為準則許可制，若符合法律規定要件之申請案件，主管機關均會核予許可。檢視 2020 年至 2024 年間不予許可案件之否准理由，包括「申請辦理集會未檢附場地許可」、「同一時間、處所、路線已有他人申請許可」、「因 COVID-19 疫情，中央流行疫情中心停止 10 人以上聚會」等，均符合公政公約第 21 條規範意旨。

二、 主管機關許可案件通常會於核定書重申相關規定及注意事項，例如核定路線範圍，活動需依交通號誌行進；不得攜帶足以危害他人生命、身體、自由或財產安全之物品；搭設棚架須另行向目的事業主管機關申請；1,000 人以上大型集會另訂安全維護計畫等，並無對集會遊行之許可另行附加條件。

英文回應

1. The Assembly and Parade Act of our country operates on a criteria-based permission system. Competent authorities will grant permission for any application that meets the statutory requirements. A review of the reasons for denial in cases rejected between 2020 and 2024 includes: failure to attach permission for the use of the venue, another applicant has already obtained permission for the same time, location, or route, and The Central Epidemic Command Center suspended gatherings of more than 10 people due to the COVID-19 pandemic. These reasons are all in conformity with the intent of Article 21 of the International Covenant on Civil and Political Rights (ICCPR).
2. When granting permission, the competent authorities generally only reiterates relevant regulations and notices in the Approval Decision (Notice of Approval). Examples include: Adhering to the approved route scope ;Proceeding in accordance with traffic signals; Prohibition on carrying items pose a threat to life, physical safety, freedom, or property of others ;Requiring separate applications to the

relevant competent authorities for erecting tents or scaffolding; Requiring a separate security maintenance plan for large-scale assemblies of over 1,000 people. Therefore, no additional conditions are attached to the permission for the assembly or parade itself.

公政點次	問題內容	
89	原文	Para. 49 of the NHRC ICCPR Opinion notes that the Government's language of "prohibited zone" and "security distance" tends to restrict assemblies and parades "around courts, government buildings, and other important public places," inconsistent with "the spirit of Article 21 of the ICCPR and General Comment No. 37." On what grounds does the Government impose broad prohibitions on such assemblies?
	中文參考翻譯	《人權會公政公約獨立評估意見》第 49 點指出，政府關於「禁制區」(prohibited zone)及「安全距離」(security distance)之用語，往往導致「法院、政府建築及其它重要公共場所周邊」集會遊行受到限制，此舉與「《公民與政治權利國際公約》第 21 條精神及第 37 號《一般性意見》」不符。政府基於何種理由，對此類場所之集會施加廣泛禁令？

中文回應

一、我國重要官署及政府機關之建築物少有圍牆之設計，多直接緊鄰道路，並無可供防護之縱深，為維護重要官署安全，集會遊行法爰規範集會遊行須與特定處所保持安全距離。

二、機關安全距離之劃設係由主管機關會同相關機關，按機關周遭地形、地物及街廓位置劃設，並非一律按法令規範之距離上限進行劃設。公政公約第 21 條對於於民主社會維護國家安全或公共安全、公共秩序之必要，可依法律規定對部分集會權利有所限制 1 節，亦有規範，故我國集會遊行法對重要之機關、軍事設施及公共場所周邊依地形劃設合理之區隔範圍，應屬合宜。

三、劃設禁制區及安全距離之行政機關，人民亦可循陳情、請願之方式向該機關表達意見，實務上各機關均訂有人民陳情案件受（處）理相關規定，循陳情方式亦可直接對機關所派代表適切陳述意見，故目前縱使法律定有安全距離規定，相關意見仍有充分表達管道之情形下，此種作法亦符合關於和平集會權第 37 號一般性意見意旨。

英文回應

1. In our country, the architectural design of important government offices and agencies rarely includes perimeter walls; most are situated directly adjacent to roads, lacking the defensive depth (buffer zones) necessary for protection. Consequently, to ensure the security of these vital government facilities, the Assembly and Parade Act mandates that assemblies and parades must maintain a security distance from specific locations.
2. The delineation of these security distances is determined by the specific agency in consultation with other relevant authorities, based on the surrounding topography, physical landmarks, and street layout. These distances are not uniformly set at the maximum statutory limit. Article 21 of the ICCPR stipulates that the right of peaceful assembly may be subject to restrictions imposed in conformity with the

law and which are necessary in a democratic society in the interests of national security, public safety, or public order. Therefore, the designation of reasonable separation zones around important government agencies, military facilities, and public places based on local terrain is considered appropriate and lawful.

3. Regarding administrative agencies where prohibited zones and security distances are established, the public may still express their opinions to said agencies through petitions and appeals. In practice, all agencies have established regulations for receiving and processing public petitions. Through the petitioning process, individuals can directly and appropriately state their views to representatives designated by the agency. Therefore, even with statutory security distance regulations, given that adequate channels for the expression of opinions remain available, this approach is consistent with the intent of General Comment No. 37 regarding the right of peaceful assembly.

公政點次	問題內容	
90	原文	Para. 51 of the NHRC ICCPR Opinion notes a concern that on-site enforcement of rules pertaining to public assemblies varies according to "the personal judgment of commanding officers and lacks clear and consistent standards of discretion." What standards apply, and what guidelines are disseminated to law enforcement, to ensure consistency of enforcement and consistency with international standards, including those in General Comment No. 37 and other standards, such as those identified in the OSCE/Venice Commission Guidelines on Freedom of Peaceful Assembly (3rd Ed. 2020) and the 2016 Joint Report of Special Rapporteurs on the proper management of peaceful assemblies (UN Doc. A/HRC/31/66)?
	中文參考翻譯	《人權會公政公約獨立評估意見》第 51 點指出，公共集會相關規定之現場執法有所差異，因仰賴「指揮官個人判斷，缺乏明確一致的裁量標準」。目前適用之裁量標準為何？已向執法人員發布哪些指引，以確保執法一致且符合國際標準，包括第 37 號《一般性意見》以及其它相關國際準則，例如《歐安組織/威尼斯委員會和平集會自由指引》(OSCE/Venice Commission Guidelines on Freedom of Peaceful Assembly)(第 3 版，2020 年)與 2016 年特別報告員聯合報告關於和平集會妥適管理之部分(Joint Report of Special Rapporteurs on the proper management of peaceful assemblies)(聯合國文件 A/HRC/31/66)？

中文回應

一、目前集會遊行活動，主管機關均本於尊重民眾表現自由及兼顧社會秩序維護之立場執行，無論執行集會遊行申請審查或現場秩序維護，均秉持「保障合法、取締違法、防制暴力」原則，依職權對人民集會、遊行權利與其他法益之維護進行公平合理考量。

二、內政部警政署於 2011 年及 2013 年即律定警察機關辦理集會、遊行案件應行注意事項，針對執法認定訂定參考依據。

三、現行警察機關處理集會遊行活動，均參照集會遊行法第 26 條「比例原則」

及公政公約第 21 條「和平集會之權利，應予確認」之精神及規定，保障民眾言論自由，同時兼顧公共秩序及其他人民權利。

四、執行集會遊行安全維護工作均依活動狀況，依據前揭規定，審慎規劃並進行現場安全維護及管制，因集會遊行活動形態多變，各場活動均依人數、地點及內容規劃適切之安全維護作為；主管機關執法，指揮官須依現場實際狀況，審酌判斷採行適法及符合比例原則之作為，維持公共秩序。

英文回應

1. Currently, regarding assembly and parade activities nationwide, competent authorities operate on the stance of respecting the public's freedom of expression while simultaneously maintaining social order. Whether reviewing applications or maintaining order on-site, authorities uphold the principle of "protecting legal activities, prohibiting illegal acts, and preventing violence. They exercise their authority to make fair and reasonable considerations regarding the right to assembly and parade vis-à-vis the protection of other legal interests.
2. The National Police Agency (NPA) of the Ministry of the Interior (MOI) established the Precautions for Police Agencies Handling Assembly and Parade Cases in 2011 and 2013, setting reference standards for law enforcement determinations.
3. In handling assembly and parade activities, police agencies currently adhere to the "Principle of Proportionality" set forth in Article 26 of the Assembly and Parade Act, as well as the spirit and provisions of Article 21 of the International Covenant on Civil and Political Rights (ICCPR), which states that "The right of peaceful assembly shall be recognized." This ensures the protection of freedom of speech while balancing public order and the rights of others.
4. Security maintenance for assemblies nationwide is prudently planned and executed based on the specific circumstances of the event and the aforementioned regulations. Due to the varied and dynamic nature of assemblies and parades, appropriate security measures are tailored to the number of participants, location, and content of each event. During law enforcement operations, the on-site commander must assess the actual situation to take actions that are lawful and compliant with the principle of proportionality to maintain public order.

公政點次	問題內容	
91	原文	Paras. 53-56 of the NHRC ICCPR Opinion indicates concerns about the Government's collection of data related to (1) enforcement of rules related to the Assembly and Parade Act and (2) incidents involving improper law enforcement action in the context of assemblies. How does the Government maintain such statistics, if it does at all? Could the Government share its extant statistics pertaining to both kinds of data for the period under review? Could the Government also share materials related to how it trains law enforcement officers in the context of managing peaceful assemblies?
	中文參考翻譯	《人權會公政公約獨立評估意見》第 53 點至第 56 點指出，對於政府蒐集下列資料作法存有疑慮：(1)《集會遊行法》相關規範之執法情形；以及(2)集會場合中涉及不當執法行為之事件。

		政府如何維持此類統計數據(若有)？政府能否分享在本次審查期間內，上述兩類資料之統計數據？此外，政府能否分享關於如何訓練執法人員管理和平集會之相關資料？

中文回應

一、依警察職權行使法第 9 條規定，有事實足認集會遊行或其他公共活動參與者之行為，對公共安全或秩序有危害之虞時，警察機關於活動期間，得蒐集參與者現場活動資料；資料蒐集無法避免涉及第三人者，並得及於第三人。相關集會遊行現場所蒐集之資料，集會遊行或其他公共活動結束後，若無其他調查犯罪或其他違法行為有保存必要者，法律規定應即銷毀。故政府於集會遊行法執法過程之存證係本於法律規定，因各案均由各地主管機關獨立執行，目前並無各場次之蒐證統計數據。

二、監察院對各級行政機關之施政作為，認有違法、失當，得依職權或依人民陳情立案調查，並可依法提出糾正，要求機關檢討改進。有關集會場合中涉及主管機關是否涉有不當執法行為，均依監察院調查結果處理。本次審查期間尚無相關案例。

三、為保障和平集會遊行，深化員警人權概念，內政部警政署持續深化集會遊行執法人員之教育訓練，訓練課程除基本法令外，另涵括「人權」及「行政中立」範疇，並要求遴聘相關專家學者或司法實務人員授課，強化員警人權保障意識及行政中立觀念。

英文回應

1. Pursuant to Article 9 of the Police Power Exercise Act, when the police have enough facts to believe that the actions of people who participate in assemblies, parades or other public events may endanger public safety or order, they may collect at the scene information about the participants in the event. When it is impossible not to involve a third party during the said data collection process, the third party may be recorded as well. According to the law, data collected at the scene of an assembly or parade must be immediately destroyed after the event concludes, unless preservation is necessary for the investigation of crimes or other illegal acts. Therefore, the government's evidence collection during the enforcement of the Assembly and Parade Act is based on legal regulations. As each case is executed independently by local competent authorities, there are currently no aggregate statistical data regarding evidence collection for every specific event.
2. The Control Yuan may, ex officio or in response to public petitions, initiate investigations into the administrative actions of government agencies at all levels if they are deemed illegal or improper. The Control Yuan may lawfully propose corrective measures and require the agency to review and improve its conduct. Any allegations of improper law enforcement by competent authorities during assemblies are handled in accordance with the investigation results of the Control Yuan. During this review period, there have been no such cases.
3. To guarantee peaceful assemblies and parades and to deepen the concept of human rights among police officers, the National Police Agency (NPA) of the Ministry of the Interior (MOI) continues to intensify education and training for law enforcement personnel handling assemblies and parades. In addition to basic laws and regulations, the training curriculum encompasses the scopes of "Human Rights" and "Administrative Neutrality." Furthermore, the NPA requires the engagement of relevant experts, scholars, or judicial practitioners to conduct these classes, thereby

strengthening police officers' awareness of human rights protection and the concept of administrative neutrality.

十六、 公政條文第 22 條

公政點次	問題內容	
92	原文	Para. 258 of the Fourth ICCPR Report indicates the existence of draft legislation providing for a move from the present system of Government approval of associations to a registration system. Can you provide further details regarding how the new system is intended to operate, what essential thresholds and registration requirements are envisaged and the timeline for the adoption and implementation of the proposed legislation?
	中文參考翻譯	《公政公約第四次國家報告》第 258 點指出，已有修法草案擬將結社制度從現行由政府許可制改為登記制。能否提供更多細節，說明新制預計如何運作？預計設定哪些必要的門檻與登記要件？以及該擬議法案預計通過並實施的時程為何？

中文回應

一、內政部業擬具社會團體法草案（下稱本草案），其立法重點如下：

(一) 成立社會團體由「許可制」改採「登記制」：採行登記制後，社會團體於舉行成立大會、訂定章程並選任理事及監事後 3 個月內，檢具成立大會會議紀錄等應備文件，向主管機關辦理登記，其會員數應有 20 人以上，且分布 2 個以上直轄市、縣（市），得向中央主管機關登記為全國性社會團體。

(二) 治理鬆綁，尊重團體自治：對於社會團體的管理面朝向鬆綁與低度規範管理。

(三) 財務資訊公開，強化公共監督。

(四) 促進社會團體發展，提供培力措施。

二、本草案經行政院於 2017 年 5 月 26 日函送立法院審議，惟第 9 屆會期未及完成二、三讀程序，並因屆期不續審，內政部已重行陳報行政院，俟行政院院會通過後將核轉立法院審議，未來將持續推動本草案完成立法程序。

英文回應

1.The Ministry of the Interior has drafted a "Social Associations Act" (hereinafter referred to as the "Draft Act"), with the following legislative priorities:

(1) The establishment of social associations will be moved from the system of “Government approval of associations” to “a registration system”: After the implementation of the registration system, social associations shall, within three months after the establishment conference is held, formulating their constitution, and electing directors and supervisors, submit the required documents to the competent authority for registration. If a social association has at least 20 members and is located in at least two municipalities or counties (cities), it may register with the central competent authority as a national social association.

(2) Deregulation and respect for associations’ autonomy: The management of social associations will move towards deregulation and less strict regulation.

(3) Public disclosure of financial information to strengthen public oversight.

(4) Promoting the development of social associations and providing empowerment measures.

2.The Draft Act was submitted to the Legislative Yuan for review by the Executive Yuan

on May 26, 2017. However, it did not complete the second and third readings during the 9th Legislative Yuan session, and due to the expiration of the session, it was not renewed. The Ministry of the Interior has resubmitted the Draft Act to the Executive Yuan, and will forward it to the Legislative Yuan for review after the Executive Yuan's approval. The MOI will continue to push for the completion of the legislative process for this Draft Act.

十七、 公政條文第 23 條

公政點次	問題內容	
93	原文	Para. 278 of the Fourth ICCPR Report outlines the broad jurisdiction of the family courts and details the number of judges currently handling “domestic affairs” cases. Given concerns raised regarding the average length of time it takes to dispose of family law cases – which is significantly higher than civil law cases excluding family affairs - could you highlight whether expedited procedures exist to fast-track time-sensitive family law cases and whether the number of family court judges at first instance corresponds to the workload of those courts?
	中文參考翻譯	《公政公約第四次國家報告》第 278 點說明家事法院之廣泛管轄權，並列示目前負責處理「家事事件」(domestic affairs)之法官人數。鑑於外界關切家事案件平均審結時間(處理時間顯高於排除家事事件之一般民事案件)，能否說明是否設有加速程序，以優先處理具時間急迫性之家事案件？以及第一審家事法院法官人數是否與工作負荷相當？

中文回應

一、家事事件是否設有加速程序，以優先處理具時間急迫性之家事案件？

(一) 依家事事件法第 1 條規定，為妥適、迅速、統合處理家事事件，維護人格尊嚴、保障性別地位平等、謀求未成年子女最佳利益，並健全社會共同生活，特制定本法。

(二) 按法院就已受理之家事非訟事件，除法律別有規定外，於本案裁定確定前，認有必要時，得依聲請或依職權命為適當之暫時處分。但關係人得處分之事項，非依其聲請，不得為之。關係人為前項聲請時，應表明本案請求、應受暫時處分之事項及其事由，並就得處分之事項釋明暫時處分之事由，家事事件法第 85 條第 1 項、第 2 項定有明文。

(三) 暫時處分之規定，即係為因應本案裁定確定前之緊急狀況，避免本案請求不能或延滯實現所生之危害，至於依同法第 85 條第 5 項規定，關於得命暫時處分之類型及其方法，依家事非訟事件暫時處分類型及方法辦法辦理。又暫時處分，非有立即核發，不足以確保本案聲請之急迫情形者，不得核發，家事非訟事件暫時處分類型及方法辦法第 4 條亦有明文。

二、第一審家事法院法官人數是否與工作負荷相當？

(一) 地方法院家事事件受理件數於 2014 年合計 150,212 件、2024 年 209,235 件，可知 10 年內家事事件收案件數已增加 59,023 件，惟法院法官人數受限於法定員額上限，無法因應案件量隨之擴充，且家事訴訟事件及親子非訟事件、婚姻非訟事件，多涉及情感糾葛，其事實及法律關係之複雜度與其他民事事件不同，法官除需閱卷、開庭及製作裁判書類工作外，尚需與行政團隊、家

事調查官溝通、討論，或與該案社工、程序監理人交換意見、瞭解並促進社會資源連結成效，始能妥適、統合處理家事事件，進而維護人格尊嚴、保障性別地位平等、謀求未成年子女最佳利益、維護家暴被害人、身心障礙者等弱勢社群相關權益，以健全社會共同生活。

(二) 綜上所述，近 10 年來地方法院家事事件收件量大幅增長近 4 成，顯示社會對司法介入家庭紛爭的需求日益增加。然而，在法官人力受限於法定編制的現況下，面對家事事件特有的情感高度複雜性及跨專業協作需求，司法體系確實正承受巨大的審理壓力。

英文回應

1. Whether expedited procedures exist to fast-track time-sensitive family law cases?
   (1) Article 1 of the Family Act stipulates that this Act is enacted for the purposes of ensuring proper, expeditious and integrated handling of family matters, so as to maintain human dignity, protect gender equality, seek the best interest of the minor child, and protect healthy family life in contemporary societies.
   (2) Article 85, Paragraph 1 and 2 of the Family Act stipulate that with regard to a family non-litigation matter that has already been admitted, except as otherwise provided in the statutory law and prior to the time at which the substantive ruling becomes final and binding, the court, when necessary, may, either upon motion by the parties or on its own initiative, order an appropriate injunction. Notwithstanding the forgoing, with regard to a matter that is subject to the disposition of an interested party, such an injunction may not be ordered unless a motion to that effect is filed by the said interested party; in filing a motion in accordance with the preceding paragraph, an interested party shall indicate the following: the substantive claims, the subject-matters to be covered by the injunction, and the grounds for ordering the injunction, as well as clarifying the grounds for indicating the injunction to the extent that the matters concerned are subject to the disposition of the said party.
   (3) The purpose of provisions on injunctions is to address urgent circumstances arising prior to the time at which the substantive ruling becomes final and binding, thereby preventing harmful consequences resulting from the failure or delay of substantive claims. As for detailed regulations governing the categories of circumstances that may be covered by an injunction, as well as the methods of ordering an injunction pursuant to Article 85, Paragraph 5 of the Family Act, such matters shall be handled in accordance with Regulations on Injunctions in Family Related Non-Litigation Matters. Additionally, Article 4 of the Regulations on Injunctions in Family Related Non-Litigation Matters stipulates that an injunction shall not be granted if the urgent circumstance of the substantive claim cannot be sufficiently demonstrated without immediate issuance.
2. Whether the number of family court judges at first instance corresponds to the workload of those courts?
   (1) The number of family cases accepted by District Courts totaled 150,212 in 2014 and 209,235 in 2024, indicating an increase of 59,023 cases over the decade. However, the number of judges is constrained by statutory staffing limits, preventing expansion to accommodate the increasing caseload. Moreover, family litigation matters, non-litigation matters concerning parent-child relations, and non-litigation matters concerning marriage often involve emotional entanglements.

The complexity of their factual and legal relationships differs from that of other civil cases. In addition to reviewing case files and documents, holding court sessions, and writing decisions, judges also have to communicate and deliberate with administrative teams and family matters investigation officers, or to exchange views with social workers and guardians ad litem in order to better understand and enhance the effectiveness of social resource connections. Only then can family matters be properly integrated and handled, thereby maintaining human dignity, safeguarding gender equality, seeking the best interest of the minor child, protecting the rights of vulnerable groups such as victims of domestic violence and persons with disabilities, and protecting healthy family life in contemporary societies.

(2) In summary, over the past decade, the number of family matters filed in District Courts has significantly increased by nearly 40%, indicating a growing societal demand for judicial intervention in domestic disputes.

(3) However, with judicial staffing constrained by statutory limits, the judicial system is indeed facing immense pressure in handling cases, particularly due to the highly complex emotional nature of family matters and the need for cross-disciplinary collaboration.

公政點次	問題內容	
94	原文	As per paras. 155-159 of the Response Report, it is highly commendable that several developments have taken place, facilitating the registration of same-sex marriages in Taiwan. However, the extent to which registration is possible for spouses from countries that do not recognize same-sex marriage remains unclear (see para. 273 of the Fourth ICCPR Report and paras. 158-159 of the Response Report in particular). Could you confirm that, following the Executive Yuan proposal, Taiwanese law now provides protection for the rights within marriage of married same-sex couples who choose to live together, regardless of whether their marriage is recognized by their country of origin?
	中文參考翻譯	依《回應報告》第 155 點至第 159 點，臺灣在促進同性婚姻登記方面已有多項值得讚賞之重要進展。然而，對於其配偶所屬國家尚未承認同性婚姻之情形，相關婚姻登記得以成立之範圍仍不明確(參見《公政公約第四次國家報告》第 273 點，及《回應報告》第 158 點至第 159 點)。能否確認已依 2023 年行政院所提方案，確保不論其原屬國是否承認同性結婚，凡選擇共同生活之已婚同性配偶，其婚姻關係中之權利均能獲得臺灣法律保障？

中文回應

一、依據內政部 2023 年 1 月 19 日之函釋，國人與其外籍同性伴侶欲在我國辦理結婚登記，不再受其原屬國法律是否承認同性婚姻之限制。因此，我國已確保所有在臺完成登記之跨國同婚配偶，其婚姻關係中的權利均受臺灣法律保障。(有關國人與中國大陸同性伴侶：依 2024 年 9 月 19 日內政部函釋，兩岸同性伴侶在承認同性婚姻之第三地結婚生效者，檢附經駐外機構驗證

之結婚證明文件及相關應備文件，由相關機關進行面談並通過後，得向各該戶政機關辦理結婚登記。)

二、為保障國人結婚權益及家庭團聚權，外交部依行政院函示積極協助辦理同婚配偶之來臺簽證及婚姻狀況文件之驗證，以利來臺辦理結婚登記。

三、現行戶政事務所可受理 2 位我國國人、2 位均承認同性婚姻國家之外籍人士、我國國人與外籍人士(含外交部公告之特定國家人士、香港、澳門居民)，以及國人與大陸地區同性伴侶第三地結婚生效者，在臺辦理同性結婚登記。

英文回應

1. According to the administrative interpretation issued by the MoI on January 19, 2023, Taiwanese citizens and their foreign same-sex partners are no longer restricted by whether their country of origin recognizes same-sex marriage when registering a marriage in Taiwan. Consequently, Taiwan has ensured that for all transnational same-sex couples who have completed their registration in Taiwan, their marital rights are fully protected under Taiwanese law. (Regarding Taiwanese citizens with same-sex partners from China: according to the September 19, 2024 ruling, couples who married in a third country that recognizes same-sex marriage may now register their marriage in Taiwan. After providing marriage certificate and required documents authenticated by an overseas Taiwan mission and passing a mandatory interview by the relevant authorities, they can officially register their marriage at any household registration office.)
2. To protect the marriage and family unification rights of nationals, the Ministry of Foreign Affairs, on the instructions of the Executive Yuan, actively assists same-sex couples with visa applications and authentication of marital status documents so they can register their marriages in Taiwan.
3. Currently, household registration offices can process same-sex marriage registrations in Taiwan for two Taiwanese citizens, two foreign nationals from countries that recognize same-sex marriage, Taiwanese citizens and foreign nationals (including nationals from specific countries as announced by the Ministry of Foreign Affairs, residents of Hong Kong and Macau), and Taiwanese citizens and their mainland China same-sex partners whose marriages have been valid in a third country.

公政點次	問題內容	
95	原文	As regards cross-strait same-sex marriages, could you explain the consequences of the Ministry of the Interior's administrative directive from September 2024, which permits registration of such marriages provided a marriage certificate is provided in a third country? In particular, could you explain on what basis any differential treatment of such couples could be justified and considered proportionate given the facilities available in Taiwan to ensure the bona fides of such marriages and given the treatment of other heterosexual and same-sex couples?
	中文參考翻譯	就兩岸同性婚姻而言，內政部於 2024 年 9 月發布函釋，允許在第三地取得結婚證書之情形下可辦理婚姻登記，能否說明此函釋產生之影響(consequences)？請特別說明，鑑於臺灣具備

		足以審查婚姻真實性(bona fides)之機制，且相較於其它異性配偶與同性配偶處理方式，基於何種理由認為對此類配偶採取差別待遇具備正當性，且符合比例原則？

中文回應

一、按戶籍登記係就符合法律規定或事實之事項予以登記。以同性結婚登記而言，該結婚之實體要件，係於司法院釋字第七四八號解釋施行法予以規範，其中兩岸同性婚姻亦須符合《臺灣地區與大陸地區人民關係條例》，有關兩岸人民結婚面談、國人大陸配偶進入臺灣地區團聚、居留或定居申請之規定。

二、按大陸委員會 2023 年 8 月 17 日函，現行兩岸婚姻制度，中國大陸人民為臺灣人民「配偶」，得依法令申請進入臺灣「團聚」；中國大陸人民申請進入臺灣「團聚」，應接受面談。而所謂「配偶」係指當事人間成立合法婚姻關係者，是以，中國大陸人民須先與臺灣人民成立合法婚姻關係，成為臺灣人民之「配偶」，始得依前開規定申請來臺團聚，俟面談通過入境後，檢附相關文件始得向戶政機關辦理結婚登記。

三、依行政院 2024 年 8 月 28 日召開之「同性婚姻涉及大陸地區人民相關議題第 3 次研商會議」決議，兩岸同性伴侶在承認同性婚姻之第三地結婚生效者，得比照現行兩岸異性於第三地結婚之相關規定，檢附經駐外機構驗證之結婚證明等文件，由相關機關進行面談並通過後，得向任一戶政事務所辦理結婚登記。國人與大陸地區人民非在第三地辦理結婚者，仍應依《臺灣地區與大陸地區人民關係條例》及現行實務相關規定辦理。

四、兩岸人民同性結婚登記係屬符合法律規定後之附隨行政行為，戶政機關僅能依上揭臺灣地區與大陸地區人民關係條例、大陸委員會函意旨及行政院會議決議辦理登記作業。

五、內政部移民署實施面談作業，係依據臺灣地區與大陸地區人民關係條例第 10 條之 1 規定辦理，旨在防杜虛偽結婚者假借配偶身分入境，以維護國家安全，並兼顧合法婚姻當事人之團聚權益。

六、面談機制本質上係查證事實之法定程序，其審查核心在於釐清「婚姻真偽」，而非針對「性別組合」有所區別；是故，相關作為均一體適用，不因同性或異性婚姻而有二致，亦無差別待遇之情事。

七、旅居國外的大陸地區同性伴侶，在承認同性婚姻的國家結婚後，可以向我國駐外機構申請進入臺灣地區團聚。沒有旅居國外的大陸地區同性伴侶，在承認同性婚姻的國家結婚後，可以由臺灣地區配偶之在臺灣親友代向內政部移民署所屬服務站申請進入臺灣地區團聚。申請流程與異性伴侶相同。

英文回應

1. Household registration refers to the registration of matters that comply with legal provisions or facts. As for same-sex marriage registration, the substantive requirements for such marriage are regulated by the Act for Implementation of J.Y. Interpretation No. 748. Among them, cross-strait same-sex marriages must also comply with the Act Governing Relations between the People of Taiwan Area and the Mainland Area, which stipulates the requirements for cross-strait marriage interviews, applications for reunification, residence or settlement of mainland spouses of Taiwanese citizens in Taiwan.
2. According to the Mainland Affairs Council's letter dated August 17, 2023 (Lu Fa Zi No. 1129905434), under the current cross-strait marriage system, mainland Chinese citizens who are the "spouses" of Taiwanese citizens can apply to enter Taiwan for "family reunion" according to law. Mainland Chinese citizens applying for "family

reunion" in Taiwan must undergo an interview. The term "spouse" refers to those who have established a legal marital relationship. Therefore, mainland Chinese citizens must first establish a legal marital relationship with a Taiwanese citizen and become the "spouse" of a Taiwanese citizen before they can apply to come to Taiwan for family reunion according to the aforementioned regulations. After passing the interview and entering Taiwan, they can submit the relevant documents to register their marriage with the household registration office.

3. According to the resolution of the 3rd Consultation Meeting on Issues Related to People in Mainland China Involving Same-Sex Marriage held by the Executive Yuan on August 28, 2024, same-sex couples from both sides of the Taiwan Strait who marry in a third place where same-sex marriage is recognized can, in accordance with the current regulations for heterosexual couples from both sides of the Taiwan Strait to marry in a third place, submit documents such as marriage certificates verified by overseas agencies, and after being interviewed and approved by the relevant authorities, they can register their marriage at any household registration office.
4. The registration of same-sex marriages between people from both sides of the Taiwan Strait is an administrative act following the provisions of the law. The household registration authorities can only process it in accordance with the aforementioned Cross-Strait Relations Act, the Mainland Affairs Council's letter of intent, and the Executive Yuan's resolution.
5. The interview procedures implemented by the National Immigration Agency are conducted in accordance with Article 10-1 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area. The purpose of such procedures is to prevent individuals involved in sham marriages from falsely invoking spousal status as a means of entry, thereby safeguarding national security, while simultaneously taking into account the right to family reunification of parties to lawful marriages.
6. By their nature, the interview mechanisms constitute statutory procedures for the verification of facts. The core of the review lies in ascertaining the genuineness of the marriage, rather than making distinctions based on gender. Accordingly, the relevant investigative measures are applied uniformly, without differentiation between same-sex and opposite-sex marriages, and differences in treatment.
7. Same-sex partners from the Mainland Area residing abroad may apply for family reunification at R.O.C (Taiwan) overseas missions after getting married in a country that recognizes same-sex marriage. For same-sex partners of the Mainland Area who do not reside abroad, after marriage in a country that recognizes same-sex marriage, their Taiwanese spouse's relatives or friends in Taiwan can apply for family reunification at the service center of the National Immigration Agency. The application process is the same as that applicable to opposite-sex partners.

公政點次	問題內容	
96	原文	In 2022 the Committee expressed concern that married same-sex couples are prevented from adopting children. It is highly commendable that, as per para. 160 of the Response Report, further

		accommodation of this right has been made. Could you provide information on the number of applications by same-sex couples for adoption since the changes introduced in 2023-and the number of adoptions to same-sex couples which have been granted?
	中文參考翻譯	國際審查委員會於 2022 年表達關切，指出已婚同性配偶無法收養兒童。依《回應報告》第 160 點所示，政府已就此權利作出進一步調整，此舉值得高度讚賞。能否提供自 2023 年至 2024 年修正措施實施以來，同性配偶提出之收養申請件數，以及實際獲准之案件數？

中文回應

有關 2023 年至 2024 年相關收養申請件數，以及實際獲准之案件數統計涉及司法院權責，惟司法院尚無相關統計數據。另同性配偶收養子女，應以書面為之，並向法院聲請認可，於法院認可後辦理收養登記，依內政部統計，2023 年及 2024 年同性婚姻收養登記件數分別為 66 人、83 人。

英文回應

The statistics on the number of adoption applications and the number of cases actually approved from 2023 to 2024 fall under the jurisdiction of the Judicial Yuan, but the Judicial Yuan does not yet have relevant statistics. For same-sex couples adopting children, the application must be submitted in writing and a request for court approval must be made. Adoption registration will be processed after court approval. According to statistics from the Ministry of the Interior, the number of same-sex marriage adoption registrations were 66 and 83 respectively.

公政點次	問題內容	
97	原文	Could you indicate whether same-sex couples can have access to assisted reproductive technology in Taiwan on a similar basis to heterosexual couples?
	中文參考翻譯	能否說明，臺灣同性配偶目前是否能以與異性配偶相似的條件，使用人工生殖技術？

中文回應

現行人工生殖法之適用對象僅限於不孕夫妻，且妻有子宮。行政院已於 2025 年 12 月 11 日函請立法院審議人工生殖法修正草案，納入女同性伴侶及單身女性為適用對象。

英文回應

Under the current Assisted Reproduction Act, assisted reproductive treatment is restricted to infertile heterosexual married couples where the wife has a functional uterus. On December 11, 2025, the Executive Yuan forwarded a draft amendment of the Assisted Reproduction Act to the Legislative Yuan, proposing to grant female same-sex couples and single women access to assisted reproductive technology.

公政點次	問題內容	
98	原文	As regards same-sex couples who have children conceived through assisted reproductive technology abroad could you explain how

		Taiwanese nationality and registration is achieved? In particular, is the only route for the non-gestational spouse to establish parental status via adoption and, after adoption, can the child in question be recognized as having Taiwanese nationality?
	中文參考翻譯	就於國外透過人工生殖技術所生育子女之同性配偶而言，能否說明其子女如何取得臺灣國籍及辦理戶籍登記？請特別說明，非妊娠之一方配偶(non-gestational spouse)是否僅能透過收養以建立親權身分？此外，完成收養後，該名子女是否得被認定具有臺灣國籍?

中文回應

一、按戶籍法第 15 條規定，國人在國外出生之子女，如欲在臺設籍，應先向內政部移民署申請定居，俟取得該署核發之定居證，再向戶政事務所辦理初設戶籍登記，並由戶政事務所依據定居證所記載之當事人姓名、出生日期、父（母）姓名等資料登載於戶籍資料。

二、有關女性國人與其同性配偶在國外透過人工生殖技術所生子女，倘經內政部移民署審認渠等間法律上親子關係，並核發記載 2 位母親之定居證，即可持憑向戶政事務所辦理初設戶籍登記，並由戶政事務所依定居證上記載 2 位母親之資料登載於戶籍資料。

英文回應

1. According to Article 15 of the Household Registration Act, children born abroad to Taiwanese citizens who wish to register their household in Taiwan should first apply to the Immigration Agency for residency. After obtaining a residency permit issued by the agency, they should then apply to the Household Registration Office for initial household registration. The Household Registration Office will then record the information in the household registration information based on the individual's name, date of birth, and father's (mother's) name recorded on the residency permit.
2. If a Taiwanese woman and her same-sex partner have children abroad through assisted reproductive technology, and the Immigration Agency verifies the legal parent-child relationship between the two women and issues a residence permit recording both mothers, they can apply for initial household registration at the household registration office. The household registration office will then record the information of the two mothers in the household registration information based on the residence permit.

十八、 公政條文第 24 條

公政點次	問題內容	
99	原文	Para. 288 of the Fourth ICCPR Report allows authorities to name children if parents fail to register births. How often does this occur, and what safeguards protect the child's right to a chosen name?
	中文參考翻譯	《公政公約第四次國家報告》第 288 點指出，若父母未辦理出生登記，主管機關得代為兒童命名。此種情形發生頻率為何？有哪些保障措施保護兒童對其姓名之選擇權？

中文回應

一、出生登記應自新生兒出生日起 60 日內為之，出生登記未於法定期間申請，經催告仍不申請者，戶政事務所應逕為登記。戶政事務所依規定逕為出生登

記時，出生登記當事人姓氏，婚生子女，以抽籤決定依父姓或母姓登記；非婚生子女，依母姓登記；無依兒童，依監護人之姓登記，並由戶政事務所主任代立名字。

二、經戶政事務所主任代立姓名逕為辦理出生登記者，嗣後父母（養父母）約定變更子女姓氏，不計入姓氏變更次數之計算；以名字之字義粗俗不雅、音譯過長或有特殊原因申請改名者，不列入改名次數之計算。

英文回應

1. Birth registration should be completed within 60 days of the newborn's birth. If a birth registration application is not submitted within the statutory period and the applicant still fails to apply after being urged to do so, the household registration office should proceed with the registration. When the household registration office proceeds with the birth registration according to regulations, the surname of the parties involved in the birth registration will be determined by drawing lots to determine whether the child is born in wedlock to the father's or mother's surname; for children born out of wedlock, the mother's surname will be used; for unmarried children, the guardian's surname will be used, and the head of the household registration office will make the name on their behalf.
2. If a child's name is registered through the head of the household registration office, and the parents (adoptive parents) subsequently agree to change the child's surname, this will not be counted in the number of surname changes. Applications to change a name due to vulgar or indecent meanings, excessively long transliterations, or special reasons will not be included in the number of name changes.

公政點次	問題內容	
100	原文	Related to the Child and Youth Sexual Exploitation Prevention Act, please provide data on investigations, prosecutions, convictions, psychosocial support, reparations, and evaluations of amendments.
	中文參考翻譯	關於《兒童及少年性剝削防制條例》，請提供下列資料：調查、起訴、定罪、心理社會支持、賠償，以及修法後之成效評估。

中文回應

一、2023 年至 2025 年法務部所屬檢察機關偵辦兒童及少年性剝削防制條例案件統計：

年別	2023	2024	2025
新收(件數)	1,108 件	1,594 件	1,158 件
偵查終結(件數/人數)*	1,104 件/1,312 人	1,764 件/2,017 人	1,387 件/1,633 人
起訴(件數/人數)	595 件/669 人	768 件/870 人	804 件/912 人
緩起訴處分(件數/人數)	80 件/88 人	304 件/312 人	88 件/98 人
不起訴處分)件數/人數)	300 件/404 人	546 件/647 人	335 件/423 人

*因調查案件需要時間，同一年度之偵查終結件數不宜與同一年度之新收件數相互比較。

二、2023 年至 2025 年法務部所屬檢察機關執行兒童及少年性剝削防制條例案件

確定案件統計：

年別	2023	2024	2025
執行裁判確定件數	465 件	470 件	571 件
執行裁判確定有罪人數	464 人	474 人	570 人

三、兒童及少年性剝削防制條例（下稱本條例）部分條文修正案於 2024 年 8 月 7 日奉總統令公布，爰內政部警政署責請刑事警察局針對本次修法由警政機關建置本案資料庫，期能減少員警未來如搜扣大量是類案件數位物證，逐檔檢視是否有兒少性影像與確認各被害人身分之時間，以及利於犯罪偵查階段達到被害人減述之效果，妥適研析並進行相關通盤規劃，已於 2025 年 8 月 29 日訂定發布兒童及少年被害人性影像數位鑑識資料庫管理使用辦法，並刊登行政院公報及通知各級政府。

年別	合計	破獲數	到案人數
2021	1,684	757	927
2022	1,947	881	1,066
2023	2,756	1,136	1,620
2024	3,058	1,330	1,728

四、2025 年計提供兒少性剝削被害人諮詢協談、法律服務、心理輔導及諮商及治療等心理社會支持約 27,000 人次。

英文回應

1. Statistics of cases investigated by the prosecutorial organs of the Ministry of Justice in violation of the Child and Youth Sexual Exploitation Prevention Act (2023–2025)

Year	2023	2024	2025
New Cases Received(cases)	1,108	1,594	1,158
Investigation Concluded(Cases/Persons)*	1,104/1,312	1,764/2,017	1,387/1,633
Indictment (Cases/Persons)	595/669	768/870	804/912
Deferred Prosecution (Cases/Persons)	80/88	304/312	88/98
Non-prosecution (Cases/Persons)	300/404	546/647	335/423

* As case investigations require time, the number of cases concluded in a given year should not be directly compared with the number of new cases received in that same year.

2. Statistics of finalized cases executed by prosecutorial offices under the Ministry of Justice regarding the Child and Youth Sexual Exploitation Prevention Act (2023–2025)

Year	2023	2024	2025
No. of Cases with Final Judgments for Execution	465	470	571
No. of Persons Convicted in Final Judgments for Execution	464	474	570

3. The amendments to the Child and Youth Sexual Exploitation Prevention Act (hereinafter referred to as "the Act") were promulgated by Presidential Order on August 7, 2024.In response to this amendment, the National Police Agency (NPA) of the Ministry of the Interior tasked the Criminal Investigation Bureau (CIB) to establish a database under this amendment by the police authorities. The primary objectives are: To reduce the time police officers spend individually screen massive volumes of seized digital evidence. To achieve the effect of reducing the need for repeated victim statements during the criminal investigation stage. Accordingly, comprehensive analysis and planning were undertaken to formulate the "Regulations Governing the Management and Use of the Digital Forensics Database for Child and Juvenile Victim Sexual Images" (hereinafter referred to as "the Regulations"). Ultimately, on August 29, the MOI formally promulgated the Regulations Governing the Management and Use of the Digital Forensics Database for Child and Juvenile Victim Sexual Images by ministerial order. The regulations were published in the Executive Yuan Gazette and disseminated to government agencies at all levels.

Year	Total	Cases Solved	Suspects Arrested
2021	1,684	757	927
2022	1,947	881	1,066
2023	2,756	1,136	1,620
2024	3,058	1,330	1,728

4. In 2025, approximately 27,000 person-times of psychosocial support services were provided to victims of child and youth sexual exploitation, including consultation, legal services, psychological guidance, counseling, and treatment.

公政點次	問題內容	
101	原文	In response to online sexual exploitation, how many takedown requests were issued, contested, or not complied with? What privacy safeguards exist for children?
	中文參考翻譯	針對網路性剝削，提出下架請求(takedown requests)件數為何？遭抗辯或未獲遵循之件數？對於兒童設有哪些隱私保障措施？

中文回應

一、衛生福利部性影像處理中心 2025 年共受理兒少及成人性影像網址 6,688 件，移除率(含限制接取)逾 90%。

二、依兒童及少年性剝削防制條例第 14 條規定不得揭露被害人身分資訊。

英文回應

1.In 2025, the Sexual Image Abuse Reporting Center received a total of 6,688 URLs involving sexual images of minors and adults. The removal rate, including cases in which the authorities imposed restrictions on access to the information (materials or content) in question, exceeded 90%.

2.Pursuant to Article 14 of the Child and Youth Sexual Exploitation Prevention Act, it is prohibited to reveal to the public or disclose the name of or any other personally identifiable information of a victim.

公政點次	問題內容	
102	原文	In relation to increased penalties for crimes against children, has the Government assessed proportionality, preventive effect, and consistency with rehabilitation principles?
	中文參考翻譯	關於加重對兒少犯罪之刑罰，請說明政府是否已就比例原則、預防效果，以及與更生/復歸(rehabilitation)原則之一致性進行評估？

中文回應

一、少年事件處理法：本法之立法目的係為保障少年健全之自我成長，調整其成長環境，並矯治其性格。故少年事件係以保護主義為主、整合司法、教育、福利行政等事項為輔，共同制訂對少年最有利之保護措施，避免其再犯，並協助少年儘速復歸社會。有關本點次所提「評估加重對兒少犯罪之刑罰」一節，參照少年事件處理法「保障少年健全自我成長」之精神， 倘行為人為少年，觸犯對兒少犯罪之刑罰時，依據少年事件處理法第 19 條第 1 項規定，少年法院接受移送、報告或請求之事件後，應先由少年調查官調查該少年與事件有關之行為、其人之品格、經歷、身心狀況、家庭情形、社會環境、教育程度以及其他必要之事項，於指定之期限內提出報告，並附具建議。故少年法院應就調查結果衡酌身心、家庭、環境等需保護性事項予以適切處分，而非一律逕以加重處罰論斷。

二、刑法：立法院於 2025 年 7 月 8 日三讀通過增訂刑法第 272 條之 1，對於殺害未滿 7 歲之兒童或以凌虐方式殺害者，處以嚴重處罰，並同步修正刑法第 286 條凌虐兒少罪之處罰，目的在確保兒少生存權及身心健全發展，防免兒少因受虐導致生命權受徹底毀滅或造成難以回復之身心創傷，進而阻斷暴力循環對社會整體安全之威脅，其追求之目的顯屬重大公共利益。採行加重刑罰之手段，衡諸刑罰具備之一般預防與特別預防功能，客觀上自有助於上述保護目的之達成，國家採取刑事制裁作為最後手段，並適度提高法定刑度以填補評價真空，實屬達成保護兒少目標所不可或缺之必要手段，查無其他同等有效且侵害較小之替代方案，符合比例原則。又此次修法並非單純為嚇阻潛在之犯罪者，而亦是向全體社會大眾宣示兒童之生命權與人性尊嚴是法秩序中不容退讓之核心價值，以達規範確認功能，且係對潛在被害兒少所採取之積極保護手段，確保該社會群體免於遭受難以彌補之結構性侵害。

三、兒童及少年福利與權益保障法：第 112 條第 1 項規定：成年人教唆、幫助或利用兒童及少年犯罪或與之共同實施犯罪或故意對其犯罪者，加重其刑至二分之一。但各該罪就被害人係兒童及少年已定有特別處罰規定者，從其規定。

四、更生及復歸：為使各矯正機關深化受刑人個別處遇之實施，2022 年函頒「深化受刑人個別處遇實施計畫」，請各機關透過入監調查及需求評估擬定受刑人之處遇計畫，按分階段、個別化之處遇，深化矯正處遇，以提升成效，藉由完善出監評估、盤點並連結當地復歸社會資源，協助受刑人順利復歸家庭、社會。

英文回應

1. The purpose of the Juvenile Justice Act is hereby enacted to safeguard the sound self-development of the juveniles, to adjust their growth environment, and to rectify their character. Therefore, juvenile affairs primarily adopt a “protective approach,” supplemented by integrating judicial, educational, and welfare administrative measures to jointly formulate protective measures most beneficial to juveniles. This

aims to prevent recidivism and assist juveniles in reintegrating into society as soon as possible. Regarding the section mentioned in this point concerning “increased penalties for crimes against children,” in accordance with the spirit of the Juvenile Justice Act to “safeguard the sound self-development of the juveniles,” if the perpetrator is a juvenile who commits a crime against children and juveniles, pursuant to Article 19, Paragraph 1 of the Juvenile Justice Act, after a juvenile court undertakes a transfer, report, or request in accordance with the provisions of this Act, the juvenile investigation officer shall conduct a preliminary investigation into the delinquency-related behavior, character, experience, mental and physical conditions, family background, social environment, education background, and other necessary circumstances of the juvenile concerned, followed by filing a report within a designated time period, which must include concrete suggestions for handling the said matter. Therefore, the Juvenile Court shall impose appropriate measures/decision based on the investigation results, taking into account protective factors such as physical and mental condition, family, and environment, rather than uniformly imposing enhanced penalties.

2. The Criminal Code：On July 8, 2025, the Legislative Yuan passed the third reading of the addition of Article 272-1 of the Criminal Code, which imposes severe penalties on those who murder children under the age of seven or commit murder through maltreatment. Simultaneously, the penalties for child maltreatment under Article 286 of the Criminal Code were amended. These measures aim to safeguard the right to life and the healthy physical and mental development of children and juveniles, preventing the total destruction of the right to life or the infliction of irreparable physical and mental trauma due to abuse, thereby breaking the cycle of violence that threatens overall societal security. The objective pursued clearly constitutes a significant public interest. Considering the functions of general and special prevention inherent in criminal punishment, the adoption of aggravated penalties objectively contributes to achieving the aforementioned protective goals. The state’s use of criminal sanctions as a last resort, combined with an appropriate increase in statutory penalties to fill the evaluative vacuum, is an indispensable and necessary means to protect children and juveniles. Given the absence of other equally effective yet less intrusive alternatives, these measures comply with the principle of proportionality. Furthermore, this legislative amendment does not merely seek to deter potential offenders; it also serves to declare to the general public that the right to life and human dignity of children are non-negotiable core values within the legal order. This achieves the function of normative confirmation and acts as a proactive protective measure for potential child victims, ensuring that this social group remains free from irreparable structural harm.
3. The Child and Juvenile Welfare and Rights Protection Act：Under Article 112, Paragraph 1, if an adult instigates, assists, or exploits a child or juvenile to commit a crime, jointly commits a crime with a child or juvenile, or intentionally commits a crime against a child or juvenile, the penalty shall be increased by up to one-half. However, where specific provisions prescribe heavier penalties when the victim is a child or juvenile, those provisions shall prevail.
4. Rehabilitation：To enable correctional institutions to deepen the implementation of individualized treatment of prisoners, the government issued the "Deepening the

Implementation Plan for Individualized Treatment of Prisoners" in 2022. The plan requests that each institution formulate a treatment plan for prisoners through admission investigation and needs assessment, and deepen correctional treatment in a phased and individualized manner to improve effectiveness. By improving release assessment, inventory and connecting with local reintegration resources, the plan aims to help prisoners successfully reintegrate into their families and society.

公政點次	問題內容	
103	原文	Para. 290 of the Fourth ICCPR Report notes that 30% of fatalities involved children previously known to authorities. What systemic shortcomings have been identified and addressed?
	中文參考翻譯	《公政公約第四次國家報告》第 290 點指出，兒少死亡個案中有 30%是先前已為主管機關所知的個案。已辨識並加以處理的制度性缺失為何？

中文回應

一、衛生福利部函頒「重大兒童及少年虐待事件防治小組實施計畫」，定期針對地方政府所送之重大兒童及少年虐待事件檢討報告，歸納全國性、共通性、系統性之兒少保護網絡政策議題，召開檢討會議，強化兒少保護網絡。針對過往曾有服務紀錄之案件，持續透過系統介接方式掌握家庭風險因子，強化兒少保護家庭訪視頻率。另有鑑於重大兒虐事件 6 歲以下佔 9 成，除推動 6 歲以下主動關懷方案外，另自 2022 年推動 6 歲以下兒童保護個案親職賦能計畫，提供兒少保護個案家庭密集性到宅訪視服務，提供親職功能示範，協助照顧者與兒童正向互動經驗，避免兒少再遭不當對待。

二、家庭是一個動態系統，倘突遭重大變故，皆有可能影響家庭照顧功能發揮，爰為針對兒少家庭主動介入關懷協助，衛生福利部已透過布建社福中心提供脆弱家庭服務與辦理六歲以下弱勢兒童主動方案，建立「以家庭為中心」的跨體系合作，並輔以相關資訊系統比對，敏於觀察兒少受照顧狀況並及早提供協助。另已輔導地方政府布建 156 處社會福利服務中心提供脆弱家庭支持服務，並持續辦理教育訓練，增加社工專業知能，提升兒童服務之風險敏感度。

英文回應

1. The Ministry of Health and Welfare (MOHW) has promulgated the "Implementation Plan for the Major Child and Youth Abuse Case Prevention Task Force." This plan is designed to regular review reports on major abuse cases submitted by local governments, identify national and systemic issues within the child and youth protection network, and convene review meetings to strengthen the overall protection system. For cases with prior service records, the MOHW continuously monitors family risk factors through system integration to increase the frequency of home visits. Furthermore, as 90% of major child abuse cases involve children under six, the MOHW has not only implemented the 'Proactive Care Program for Children Under Six' but also launched the 'Parenting Empowerment Project for Child Protection Cases Under Six' in 2022. This project provides intensive home visitation services to model parenting skills, foster positive interactions between caregivers and children, and prevent further maltreatment.
2. A family is a dynamic system; any sudden or significant life changes may impair its

caregiving functions. To proactively intervene and support these families, The MOHW has established Social Welfare Service Centers to provide services for vulnerable families and implemented the outreach program for disadvantaged children under the age of 6. By establishing 'family-centered' cross-system collaboration, supplemented by data-matching across information systems, we aim to remain vigilant in monitoring the caregiving status of children and youth to provide timely assistance. The MOHW has provided guidance to local governments in establishing 156 Social Welfare Service Centers to deliver support services for vulnerable families. In addition, ongoing education and training programs have been implemented to enhance the professional competencies of social workers and to strengthen risk sensitivity in the provision of child welfare services.

公政點次	問題內容	
104	原文	Please provide disaggregated data on beneficiaries of Social Safety Net 2.0, as well as types of assistance, outcomes, and programme evaluations.
	中文參考翻譯	請提供關於「社會安全網 2.0」受益對象之分項資料(disaggregated data)，以及協助類型、執行成果與計畫評估。

中文回應

有關衛生福利部強化社會安全網計畫第一期、第二期之主要辦理情形，請參閱下表：

序號	指標項目	2025 年度數據
1	社會福利服務中心數	156 處
2	脆弱家庭服務案件數	38 萬件
3	脆弱服務 3 個月後被通報保護案件率	1.29%
4	兒少保護區域醫療整合中心數	12 處
5	服務受虐兒少人次	5,452 人次
6	保護案件再通報率	4.95%
7	兒童虐待致死率	0.01%
8	社區心理衛生中心數	71 處
9	心衛社工服務涵蓋率	98.32%
10	心衛社工服務再開案率	3.91%
11	弱勢者就業推介率	78.32%
12	中輟總復學率	89.80%
備註：數據來源為內政部、勞動部、教育部、衛生福利部(含社會及家庭署)，部分項目為人工統計。		

英文回應

Please refer to the table below for the achievements of the first and second phases of the Ministry of Health and Welfare's Strengthening Social Safety Net Program.

No.	Item / Indicator	Data of Year 2025
1	Social-welfare Service Centers	156
2	Cases of Vulnerable Children and Families	380,000
3	Rate of protection reports within 3 months of service	1.29%
4	Child Protection Centers	12
5	Abused children/youth served (Total visits)	5,452
6	Re-reporting rate of protection cases	4.95%
7	Child abuse fatality rate	0.01%
8	Community Mental Health Centers	71
9	Mental health social work service coverage rate	98.32%
10	Mental health case reopening rate	3.91%
11	Job placement rate for disadvantaged individuals	78.32%
12	Return-to-school rate of dropouts	89.80%

Note: The data above is sourced from the Ministry of the Interior, Ministry of Labor, Ministry of Education, Ministry of Health and Welfare, and the Social and Family Affairs Administration (MOHW). Some items are based on manual statistics

公政點次	問題內容	
105	原文	In the context of the Juvenile Justice Act reforms, please clarify use of compulsory measures, access to legal representation, complaint mechanisms, and enforcement of non-restraint principles.
	中文參考翻譯	針對《少年事件處理法》之改革，請釐清強制處分之適用情形、法律代理之取得、申訴機制，以及非約束原則之執行情形。

中文回應

一、強制處分之適用情形：

為落實憲法第 8 條對人身自由之保障，及釋字第 664 號解釋所揭示少年事件處理法係為維護少年健全自我成長所設置之特殊保護制度，暨兒童權利公約第 40 條關於少年司法之正當法律程序要求，有關少年事件處理法第 3 條第 1 項第 1 款之事件移送少年法院前，對少年之同行、搜索及扣押等強制處分程序，及執行時得否對少年使用約束工具等，即有依少年保護優先原則，因應少年事件之性質，為有別於成人刑事司法程序設計之必要，而於 2023 年 6 月增訂少年事件處理法第 18 條之 1 至第 18 條之 9。

二、法律代理之取得：

(一)依據少年事件處理法第 31 條規定，少年或少年之法定代理人或現在保護少年之人，得隨時選任少年之輔佐人。(第 1 項) 犯最輕本刑為三年以上有期徒刑之罪，未經選任輔佐人者，少年法院應指定適當之人輔佐少年。其他案件認有必要者亦同。(第 2 項) 前項案件，選任輔佐人無正當理由不到庭者，

少年法院亦得指定之。（第 3 項）前兩項指定輔佐人之案件，而該地區未設置公設輔佐人時，得由少年法院指定適當之人輔佐少年。（第 4 項）公設輔佐人準用公設辯護人條例有關規定。（第 5 項）少年保護事件中之輔佐人，於與少年保護事件性質不相違反者，準用刑事訴訟法辯護人之相關規定。（第 6 項）

(二)另依少年事件處理法第 3 條之 2 第 2 項規定，少年表示已選任輔佐人時，於被選任之人到場前，應即停止詢問或訊問。但少年及其法定代理人或現在保護少年之人請求或同意續行詢問或訊問者，不在此限。

三、申訴機制：

依據少年事件處理法第 3 章第 3 節對於少年保護事件設有抗告及重新審理之規定，次依少年事件處理法第 70 條規定，少年刑事案件之偵查及審判，準用第三章第一節及第三節有關之規定。

四、非約束原則之執行情形：

(一)依據少年事件處理法第 18 條之 8 第 1 項及第 2 項規定，對少年執行同行、逕行同行、協尋、護送或逮捕時，應注意其身體及名譽；除依少年之身心狀況、使用暴力情形、所處環境、年齡或其他事實，認有防止其自傷、傷人、脫逃或嚴重毀損他人財物之必要，且無其他約制方法外，不應對少年使用約束工具。（第 1 項）前項除外情形，不得逾必要之程度，避免公然暴露少年之約束工具及確保少年不致於因而受到侵害；認已無繼續使用之必要時，應即解除。（第 2 項）

(二)另依司法院 2023 年 12 月 29 日院台廳少家一字第 1120401634 號函轉知各級法院，自 2024 年 1 月 1 日起，法警對少年執行同行、逕行同行、協尋、護送或逮捕等拘束人身自由措施時，應依少年事件處理法第 18 條之 8 第 1 項、第 2 項及執行拘提逮捕解送使用戒具實施辦法第 3 條第 3 項、第 4 項等規定辦理。

英文回應

1. Application of Compulsive Measures

(1) To implement to the protection of personal freedom under Article 8 of the Constitution, the special protection system for safeguarding the sound development of juveniles as established in J.Y. Interpretation No. 664, and the due process requirements for juvenile justice under Article 40 of the CRC, Articles 18-1 to 18-9 were added to the Juvenile Justice Act (hereinafter “the Act”) in June 2023.

(2) These amendments govern procedures prior to transferring cases under Article 3, Paragraph 1, Subparagraph 1 to juvenile courts—specifically regarding companion, search, and seizure, as well as the application of physical restraint during execution. These provisions were designed based on the principle of priority for juvenile protection, acknowledging the distinct nature of juvenile cases and the necessity of differentiating them from adult criminal justice procedures.

2. Acquisition of Legal Representation

(1) Article 31 of the Act stipulates that (a) a juvenile, his/her statutory agent, or a person who currently protects the juvenile may select an assistant for the juvenile at any time; (b) where a juvenile commits an offense for a sentence more than 3 years of imprisonment and has not selected an assistant, the juvenile court shall appoint an appropriate person to assist the said juvenile; the same rule shall apply to other circumstances where the court deems it necessary; (c) where an appointed

assistant fails to appear before the court without justifiable cause in the hearing of a case specified in the preceding paragraph, the juvenile court may appointed another assistant to take his/her place; (d) where the juvenile court appoints an assistant in accordance with the two preceding paragraphs in a region where a public assistant is not available, the court may instead appoint an appropriate person to assist the juvenile; (e) relevant rules in the Public Defender Act shall apply mutatis mutandis to matters related to a public assistant; (f) relevant rules in the Code of Criminal Procedure shall apply mutatis mutandis to matters related to an assistant in a matter as long as it does not contradict the nature of juvenile protection.

(2) Additionally, under Article 3-2, Paragraph 2, where the juvenile concerned indicates that he/she has appointed an assistant, the interview or interrogation shall be immediately suspended pending the presence of the assistant. The preceding shall not apply to situations where the juvenile concerned, his/her statutory agent, or a person who currently protects the juvenile apply for or agree with the continuation of the interview or interrogation.

3. Appeal Mechanisms

Section 3 of Chapter 3 of the Act stipulates interlocutory appeal and trial de novo in juvenile protection cases. Furthermore, according to Article 70 of the Act, relevant regulations in Sections I and III of Chapter III shall apply mutatis mutandis to the investigation and trial of a juvenile criminal matter.

4. Implementation of the Principle of Non-Restraint

(1) Article 18-8, Paragraphs 1 and 2 of the Act provide that where companion, companion without a companion letter, coordinated search, escort or arrest is conducted against a juvenile, the physical integrity and reputation of the said juvenile shall be taken into consideration; physical restraint may not be applied to the juvenile concerned unless, judging from the said juvenile's mental and physical conditions, his/her actual or potential of the use of violence, the environmental circumstances, age, or other facts, it is deemed necessary to prevent his/her self-harming, doing harm to others, possibility of escape, or doing severe damage to the property of others, and there are no other alternatives of imposing restraint; the physical restraint applied to a juvenile in accordance with the qualifying provisions of Paragraph 1 shall not exceed an extent that is necessary, and such an application shall avoid publicly exposing the instrument of restraint being applied to the juvenile and shall ensure that the interests of the juvenile concerned is not harmed as a result; and where it is determined that the continued application of physical restraint is no longer necessary, the restraints shall be promptly removed.

(2) Furthermore, according to the Judicial Yuan Letter Yuan-Tai-Ting-Shao-Jia-Yi-1120401634 of December 29, 2023, all courts were notified that starting from January 1, 2024, when judicial police execute measures restricting personal freedom—such as accompaniment, immediate accompaniment, search for missing persons, escort, or arrest—they must comply with Article 18-8, Paragraphs 1 and 2 of the Act and Article 3, Paragraphs 3 and 4 of the Regulations Governing the Use of Restraints in Execution of Arrest and Escort.

公政點次	問題內容	
106	原文	Please provide criteria for juvenile placement, duration, access to services, ability to challenge decisions, and post-discharge outcomes.
	中文參考翻譯	請提供關於少年安置之判定標準、安置期限、各項服務之取得、對決定提出異議之能力，以及離開安置體系後之後續結果。

中文回應

一、安置判定標準：

(一) 司法少年觸法的原因，包含心理因素、生理因素及家庭因素，家庭功能不彰造成少年身心不健康，無法獲得充分醫療資源，導致觸法。在此情況，如訓誡、假日生活輔導、保護管束均不足以輔導少年，此時應優先考慮安置輔導，以落實兒童權利公約第 40 條第 3 項(b)款，避免訴諸司法程序的干預措施之意旨。

(二) 一般少年通常具備足夠的保護因子以克服逆境，但若受到不法之侵害仍須加以保護，但部分非行少年其復原力較為不足，在受限於環境剝奪及家庭功能不彰之情況下，若缺乏適切的介入，將難以突破發展困境，故有透過社政協助隔離侵害環境之必要，並以安置之方式增進相關保護因子，引導少年之健全自我成長。

(三) 準此，針對此類非行少年，法院為著重於環境的重塑，透過提供結構化的輔導與教育環境，以降低其觸法風險並促進健全自我成長，方以司法安置輔導之形式介入。

二、安置期限：

(一) 安置輔導期限為二月以上二年以下。若安置輔導期滿，少年保護官、負責安置輔導之福利、教養機構、醫療機構、執行過渡性教育措施或其他適當措施之處所、少年、少年之法定代理人或現在保護少年之人認有繼續安置輔導之必要者，得聲請少年法院裁定延長，延長執行之次數以一次為限，其期間不得逾二年。

(二) 若安置輔導執行已逾二月，著有成效，認無繼續執行之必要者，或有事實上原因以不繼續執行為宜者，少年保護官、負責安置輔導之福利、教養機構、醫療機構、執行過渡性教育措施或其他適當措施之處所、少年、少年之法定代理人或現在保護少年之人得檢具事證，聲請少年法院免除其執行。

三、安置服務取得與對決定提出異議之能力：現行法院若有安置少年之需求，皆由少年調查官依少年之狀況找尋適合之安置機構，除與安置機構聯繫討論少年之狀況外，亦會視情況提供必要之資訊供機構參酌，及協助機構安排少年與機構人員會面，以利機構進行評估。

四、後續結果：若機構評估不適合則會向少年調查官反應，由少年調查官另尋其他機構；若機構評估可行，則依少年法院與相關機關處理少年事件聯繫辦法(下稱聯繫辦法)第 46 條規定，少年保護官應自少年交付安置之日起 30 日內，依少年最佳利益及輔導之需求，使少年有重返家庭、學校及參加社會活動之機會，共同擬訂安置輔導計畫，並隨時為必要之調整，並得參考依少年事件處理法第 42 條第 5 項規定徵詢意見或召開會議所協調、諮詢或整合少年所需相關資源與服務措施之結果，若少年有身心障礙及特殊教育需求者並應敘明之。

五、衛生福利部為協助結束安置兒少返家及賦歸社會，訂定兒童及少年結束家外

安置後續追蹤輔導與自立生活服務作業規定，責請地方政府於兒少安置期間執行家庭處遇計畫，每 3 個月定期評估檢視執行情形；並運用會面、通訊等多元方式協助維繫兒少與家庭之關係，於結束安置前 3 個月啟動轉銜服務並於結束安置前完成以家庭為中心之後續追蹤服務計畫，提供兒少及其家庭支持資源，協助返家適應等服務。

英文回應

1. Placement Determination Criteria
   (1) The causes of juvenile delinquency include psychological factors, physiological factors, and family factors. The juvenile's mental and physical health deteriorates due to dysfunctional family dynamics, and lack of adequate medical resources led to their involvement in criminal activities. Under such circumstances, measures such as reprimand, consultation during off-days, and probation are insufficient to effectively guide juveniles. At this point, priority should be given to placement counseling in order to implement the intent of Article 40(3)(b) of the Convention on the Rights of the Child, which calls for measures for dealing with such children without resorting to judicial proceedings.
   (2) Juveniles generally possess sufficient protective factors to overcome adversity, but they still require protection when subjected to unlawful aggression. However, some juvenile delinquents demonstrate weaker resilience. Constrained by environmental deprivation and dysfunctional family environments, they struggle to overcome developmental challenges without appropriate intervention. Therefore, it is necessary to isolate harmful environments through social welfare assistance, and to enhance protective factors through placement arrangements, thereby guiding juveniles toward healthy self-development.
   (3) Through this approach, courts intervene in the form of judicial placement counseling for such juvenile delinquent, focusing on reshaping their environment. By providing structured counseling and educational environments, the aim is to reduce their risk of engaging in illegal activities and promote healthy self-development.
2. Duration of Placement Counseling
   (1) The placement counseling shall be ordered for a duration between 2 months and 2 years. Upon the completion of the execution of placement counseling, a juvenile protection officer, the welfare or cultivation institution, health care institution, institution that implements transitional education or other appropriate measures in charge of the placement counseling, the juvenile, his/her statutory agent, or a person currently protecting the juvenile, upon finding the continuation of placement counseling necessary, may apply to the juvenile court for extending the placement counseling by ruling; such an extension may only be made once and its duration may not exceed 2 years.
   (2) Where the execution of the placement counseling in accordance with the preceding paragraph have been executed for more than 2 months and with good effects, rendering its continuation unnecessary, or upon finding further execution not appropriate based on factual reasons, a juvenile protection officer, the welfare or cultivation institution, health care institution,

institution that implements transitional education or other appropriate measures in charge of the placement counseling, the juvenile, his/her statutory agent, or a person currently protecting the juvenile may file relevant evidence in their application to the juvenile court for waiving the execution of the placement counseling.

3. Access to Placement and Capacity to Object to Decisions
   When the current court requires placement for a juvenile, the Juvenile Investigation Officer will identify suitable placement facilities based on the juvenile's circumstances. In addition to liaising with the facilities to discuss the juvenile's situation, the officer will provide necessary information for the facilities' consideration as appropriate and assist in arranging meetings between the juvenile and facility staff to facilitate the assessment process.
4. Follow-up Results
   If the institution deems the placement unsuitable, it will notify the Juvenile Investigation Officer, who will then seek alternative placement options. If the institution deems it feasible, pursuant to Article 46 of the Rules on the Liaison Between the Juvenile Court and Relevant Administrative Agencies in Dealing with Juvenile Protection, the Juvenile Investigation Officer shall, within 30 days from the date of placement, develop a placement and guidance plan in the best interests of the juvenile and based on their needs for counseling. This plan shall provide opportunities for the juvenile to return to their family, attend school, and participate in social activities. The plan may be adjusted as necessary at any time. It may also incorporate the results of consultations, coordination meetings, or resource integration efforts conducted pursuant to Article 42, Paragraph 5 of the Juvenile Justice Act to identify relevant resources and service measures required by the juvenile. If the juvenile has physical or mental disabilities and special educational needs, this shall be explicitly stated.
5. To facilitate family reunification and social reintegration for children and youth exiting placement, the Ministry of Health and Welfare has promulgated the Operating Procedures for Follow-up Counseling and Independent Living Services for Children and Youth After Out-of-Home Placement. Under these regulations, local governments are mandated to implement family intervention plans during the placement period, with formal evaluations and reviews conducted every three months. Furthermore, diverse engagement methods, including visitation and correspondence, are utilized to maintain familial bonds. Transition services shall be initiated three months prior to the conclusion of placement, and a family-centered follow-up service plan must be finalized before discharge to provide support resources and assist children, youth, and their families in adapting to their return home.

公政點次	問題內容	
107	原文	Clarify quality standards for residential and foster care, inspection frequency, complaint mechanisms, family reunification practices, and child participation in decisions.
	中文	請說明安置機構與寄養家庭之品質標準、督導頻率

	參考翻譯	(inspection)、申訴機制、家庭重聚實務做法，以及兒童參與決策之情形。

中文回應

一、品質標準及督導頻率：

(一) 寄養家庭：按衛生福利部社會及家庭署訂定之兒童及少年寄養家庭服務工作指引，針對寄養家庭之類型及資格條件訂有規範，包括寄養家庭及其同住家人之品行及素行調查，寄養家庭是否具有照顧專業背景等，至於督導頻率，針對新進寄養家庭及每次收到新個案之寄養家庭，服務督導單位須於前 2 個月，每月至少訪視寄養家庭 2 次，第 3 個月起則每月至少訪視 1 次，另外，地方政府則應每半年隨機抽訪安置個案。

(二) 兒童及少年安置及教養機構：衛生福利部社會及家庭署訂有兒童及少年安置及教養機構輔導查核表，查核事項包括機構之組織管理、建築物及設施設備、專業服務、個案權益保障及工作人員勞動條件等，機構之主管機關每年需聯合相關單位進行 3-4 次無預警業務查核；另，按衛生福利部兒童及少年福利機構評鑑及獎勵辦法，衛生福利部應成立評鑑小組，每 4 年辦理一次機構評鑑。

二、申訴機制：針對安置期間發生損及安置兒童及少年(下稱安置兒少)權益之事，衛生福利部定有三層級申訴機制，第一層級係由安置兒少循安置單位內部申訴管道提出申訴，如對安置單位處理結果不滿意，則可進入第二層級外部申訴，向安置單位主管機關提出申訴，如對主管機關處理結果仍不滿意，則再進入第三層級外部申訴，向衛生福利部提出再申訴。

三、家庭重聚實務做法：

(一) 依據衛生福利部各直轄市、縣(市)政府受理申請安置兒童及少年作業規定第 11 條第 3 項規定，經主管機關評估兒少可能返家時，訂定漸進式返家計畫。是以，有關家庭重聚做法，主責社工應依上開規定於兒少返家時，訂立是類計畫，俾以銜接後續生活規劃。

(二) 按衛生福利部社政機關兒童及少年保護案件通報處理、調查及處遇服務作業程序規定，於兒少安置後地方政府至遲應於 60 日內邀集兒少父母、親友、重要他人、網絡單位等討論安置及家庭重整計畫；安置期間主動促進兒少與父母、監護人、親友或重要他人等會面交往；返家前邀集父母、監護人、網絡單位及外部專家學者共同依據家庭重整個案返家評估重點項目表，並邀集外部專家學者等共召開會議等共同討論及徵詢被安置兒少意見後做成兒少返家決策。

(三) 為協助兒少保護家庭提升家庭功能，促進兒少及早返家，衛生福利部研訂兒少保護家外安置及家庭重整服務工作指引，引導直接服務社工落實安置期間家庭重整服務工作；另補助各地方政府辦理「兒少保護家庭充權計畫」，提供房屋租金、兒少就學費用補助、補充物資、心理諮商輔導、協助促進父母與親子關係等個別化資源與支持，增進家庭照顧能力，避免兒少再度受虐。

(四) 兒童參與決策：兒童及少年安置及教養機構均會定時辦理與院長有約、兒少圓桌會議、各小家之家庭會議等，讓安置兒少針對機構公共事務、生活事項、活動或方案之辦理等，均有表達意見之機會；另針對兒少之安置處所、期間之安排，地方政府主責社工亦會在訪視兒少時，確認兒少之想法及意願。

英文回應

1. Quality Standards and Supervision Frequency

(1) Foster Families

a. In accordance with the Service Guidelines for Child and Youth Foster Families established by Social and Family Affairs Administration, Ministry of Health and Welfare (MOHW), specific regulations are set regarding the types and qualifications of foster families. These include background checks into the character and conduct of foster families and their cohabitating family members, as well as assessments of whether the foster family possesses a professional background in caregiving.

b. Regarding supervision frequency

(a) For new foster families and those receiving a new case: The service supervision unit must conduct home visits at least twice a month for the first two months.

(b) From the third month onwards: Visits must occur at least once a month.

(c) Local Governments: Required to conduct random follow-up visits of placed cases every six months.

(2) Children residential care facilities

a. Social and Family Affairs Administration, MOHW has established the Guidance and Inspection Checklist for Child and Youth Placement and Residential Institutions. Inspection items include management of these residential care facilities, building facilities and equipment, professional services, protection of case rights, and labor conditions for staff.

b. The competent authorities of these residential care facilities are required to

(a) Conduct 3 to 4 unannounced inspections annually in coordination with relevant departments.

(b) Pursuant to the Regulations for Assessment on Children and Youth Welfare Institutes and Rewards by the MOHW an evaluation team shall be formed to conduct evaluations of these residential care facilities every four years.

2. Grievance Mechanisms

To address any infringements on the rights and interests of children and youth during their placement, the MOHW has established a three-tier grievance mechanism:

(1) First Tier (Internal): Children and youth in placement may file a grievance through the internal channels of their respective placement unit.

(2) Second Tier (External): If the client is unsatisfied with the results of the placement unit's internal process, they may escalate the matter by filing an external grievance with the competent authority in charge of that placement unit.

(3) Third Tier (External): If the client remains unsatisfied with the competent authority's decision, they may proceed to the third tier by filing a re-appeal (final grievance) with the Ministry of Health and Welfare.

3. Family reunification practices

(1) Regarding the Operational Regulations for Local Governments in Handling Applications for Placement of Children and Youths: In accordance with Paragraph 3, Article 11 of the aforementioned regulations, when the competent authority assesses that a child or youth may return home, a progressive reunification plan shall be established. Therefore, regarding family reunification practices, the primary social worker shall formulate such a plan

upon the minor's return to the home environment to ensure a seamless transition for their subsequent life planning.

(2) Operational Procedures and Decision-Making

MOHW has established the Operational Procedures for Notification, Investigation, and Treatment Services of Child and Youth Protection Cases by Social Affairs Agencies. The key implementations are as follows:

a. Initial Planning: Within 60 days of a child or youth being placed in care, local governments must convene a meeting including parents, relatives, significant others, and network agencies to discuss placement and family reconstruction plans.

b. Maintaining Connections: During the placement period, the government actively promotes visitation and contact between the child and their parents, guardians, relatives, or significant others.

c. Reunification Evaluation: Prior to a child returning home, a meeting is held involving parents, guardians, network agencies, and external experts. This evaluation is based on the Key Evaluation Items for Family Reconstruction and Returning Home.

d. Children’s Participation: The decision to return home is finalized only after consulting with the child and considering their opinions during these expert-led meetings.

(3) Support Systems and Empowerment

To enhance family functions and facilitate early reunification while preventing re-abuse, the MOHW has implemented the following measures:

a. Professional Guidelines: The MOHW developed the Work Guidelines for Child and Youth Protection Out-of-Home Placement and Family Reconstruction Services to provide direct-service social workers with a structured framework for family reintegration.

b. Family Empowerment Project: The MOHW subsidizes local governments to implement the "Child Protection Family Empowerment Project." This project provides individualized resources and support, including:

(a) Housing rental assistance.
(b) Subsidies for education expenses.
(c) Supplementary daily necessities.
(d) Psychological counseling and guidance.
(e) Support for promoting parent-child relationships.

(4) Child Participation in Decision-Making

a. Children residential care facilities regularly organize sessions such as "Meetings with the Director," "Youth Roundtables," and "Family Meetings" within client living units. These platforms provide children and youth in placement with opportunities to express their views on public affairs within the facilities, daily living matters, and the organization of activities or programs.

b. Furthermore, regarding the arrangements for a minor's placement location and duration, the social worker in charge from the local government will also confirm the thoughts and preferences of the child

or youth during routine visits.

公政點次	問題內容	
108	原文	In relation to infants living with incarcerated mothers, how many requests were approved or refused, on what grounds, and under what best-interests criteria?
	中文參考翻譯	針對隨同受刑母親入監生活之嬰幼兒，共有多少件申請案獲得批准或遭到拒絕？其理由為何？又是依據哪些最佳利益標準(best-interests criteria)進行評估？

中文回應

一、 衛生福利部為利地方社政主管機關具一致性評估原則，參照聯合國「兒童權利公約」第 9 條規定略以，訂有「直轄市、縣(市)政府辦理隨母入出監(所)兒童訪視評估報告表」，就收容人之身心狀況、能力、兒童健康及發展情形、情感依附對象、家屬照顧意願與能力、經濟狀況、居住環境及過往照顧史等，進行綜合評估隨母入監有否符合有關「兒童有不與父母分離之權利」及「兒童最佳利益原則」之精神提出建議。

二、 各矯正機關依監獄行刑法(刑期逾 2 月以上者)、羈押法之規定，檢具收容人及其子女相關資料通知子女戶籍所在地社會福利主管機關評估兒童隨母入監(所)適切性，而後依其評估建議為決定。2024 年度收容人攜子入監(所)91 件申請案件中，有 63 件准許攜子入監(所)；7 名由家屬帶回照顧；18 名於審核期間已出監；3 名委由地方政府安置。

英文回應

1. To facilitate consistent assessment principles among local social welfare authorities, the Ministry of Health and Welfare, with reference to the provisions of Article 9 of the United Nations Convention on the Rights of the Child, has formulated the “Child Visit and Assessment Report Form for Children Accompanying Their Mothers in and out of Correctional Facilities (Institutions) for Special Municipality and County (City) Governments.” The assessment comprehensively reviews factors including the physical and mental condition and caregiving capacity of the incarcerated person, the child’s health and developmental status, emotional attachment figures, the willingness and capacity of family members to provide care, economic circumstances, living environment, and prior caregiving history. Based on such assessment, recommendations are made as to whether the arrangement of the child accompanying the mother into custody complies with the principles of the child’s right not to be separated from parents and the best interests of the child.
2. Correctional Institution in accordance with Prison Act and Detention Act, submit relevant information to the social welfare authority of the municipal or county (city) government at the location of the children’s household registration,to do the evaluation of the best interest of the children. Then Correctional Institution make a decision on the basis of the evaluation. In 2024, there were 91 applications,63 cases were allowed; 7 cases children were cared by their relatives; 18 cases of applications left the Correctional Institution during the period of evaluation; 3 cases were provided placement by county (city) governments.

公政	問題內容

點次		
109	原文	Please provide updated data on stateless children, including: (a)numbers and disaggregation; (b)whether Taiwan plans to grant citizenship to children who would otherwise be stateless; (c)reforms to prevent new cases of statelessness; (d)access to education, healthcare, and services.
	中文參考翻譯	請提供關於無國籍兒童的最新資料，包括： (a) 人數及其分項資料(disaggregation)； (b) 對於原本將成為無國籍之兒童，臺灣是否規劃給予國籍； (c) 為防止產生新的無國籍案例所進行的改革； (d) 教育、醫療與各項服務之近取(access)。

中文回應

(a)

內政部為處理出生於我國領域內，生父不詳，生母為外國人且行方不明，或已出境或遭遣返回國後行方不明之非本國籍無依兒童與少年身分認定事宜，於 2017 年 1 月 9 日訂定「在臺出生非本國籍兒童、少年申請認定為無國籍人流程」。自 2017 年起經內政部認定為無國籍兒少共計 24 名，其中已歸化我國國籍者計 19 名；已取得生母國籍並隨生母共同返國者計 3 名；隨外國籍生父依親居留於我國者計 1 名；待向法院提起聲請選定監護人，俟法院裁定後續申請歸化我國國籍者計 1 名，綜上，現行經內政部認定為無國籍人而尚未向我國申請歸化國籍者為 1 名。

(b)

依「在臺出生非本國籍兒童、少年申請認定為無國籍人流程」，經外交部或內政部移民署協尋生母行蹤未果，且洽生母原屬國政府確認渠等無該國國籍或逾 3 個月無回應，內政部即依國籍法施行細則第 3 條規定認定為無國籍人；受社會福利主管機關或社會福利機構監護之非本國籍兒少，可由該監護機構依國籍法第 4 條第 2 項第 2 款規定申請歸化我國國籍。

(c)

內政部業與外交部、衛生福利部建立跨機關辦理流程，在臺出生之無依兒少於醫療院所有留存之生母身分證明文件，通常為居留我國時所持載有原屬國籍之外僑居留證，可判斷生母為非本國籍人士。續由地方政府社政機關依「在臺出生非本國籍兒童、少年申請認定為無國籍人流程」函請內政部協尋兒少生母，另函請外交部向生母原屬國確認渠等國籍事宜，實務上部分生母原屬國（如印尼）在臺駐外機構獲悉後即有提供公民保護，協助該兒少取得該國旅行證件順利返回其原屬國，部分國家於協查期間遲未回應時，該名兒少仍可透過內政部核發居留證，並透過社政機關協助後續就學及就醫等事宜，爰自民國 2022 年起經內政部認定為無國籍人之兒童及少年之案例已無新增。

另有關在臺出生之非本國籍新生兒未獲國人生父認領者，應辦妥旅行文件或護照隨生母在臺居留或離境，為防止在臺出生之非本國籍新生兒因生母行方不明，衍生無國籍兒童案例，相關強化作為如下：

一、 建立 24 小時窗口，協助醫療院所確認外國籍產婦身分：
醫療院所如遇有身分不明之外國籍產婦，應通知內政部移民署到場確認身分，以利進行生母與新生兒身分勾稽，以避免新生兒成為無國籍人身分。

二、 定期接收非本國籍新生兒出生資料（含國籍），並建立新生兒隨母出國機制：
內政部移民署定時接收非本國籍新生兒出生通報資料，並核對及提醒生母儘

速申辦新生兒外僑居留證，於新生兒出國前，須至內政部移民署辦理出國手續，並於生母出國時，確認新生兒應隨生母出國，以避免非本國籍新生兒成為無國籍人身分。

(d)

為協助無國籍兒少順利就讀我國國中小學，教育部業於國民教育法增列其入學法源，並訂定無國籍學生就讀國民小學及國民中學辦法，明列無國籍學生就學相關事項。另依據全民健康保險法第 9 條規定，在臺出生之外籍新生兒（含無國籍兒童）經取得居留證明文件，應自出生日參加全民健康保險，其餘應自取得居留證明文件並在臺居留滿 6 個月之日起參加。地方政府專案協助列管之非本國籍兒少，於取得居留證明文件後即可立即參加，不受 6 個月等待期限制。衛生福利部國民健康署現針對未滿 7 歲並具有健保身分的兒童，提供 7 次兒童預防保健服務。此外，對於 13 歲以下無國籍兒童提供與我國幼童相同之常規疫苗預防接種，得由社政、警政、勞工、移民監管單位或收容機構轉介衛生單位協助安排完成疫苗接種。依據兒童及少年福利與權益保障法第 22 條及第 23 條規定，生父母行方不明之無依兒少，且無適當照顧者時，地方政府得將其安置於寄養家庭、機構。若兒少有適當照顧者，地方政府得依衛生福利部訂定「父或母為失聯外籍移工之兒童及少年相關醫療及福利補助指引」，評估個案需求，提供弱勢兒少生活扶助及醫療費用補助。

英文回應

(a)

To address the situation of unsupported non-citizen children born in Taiwan—specifically those whose fathers are unknown and whose foreign mothers cannot be located, have left the country, or were repatriated—the Ministry of Interior (MOI) established the Procedure for Determining Stateless Status for Non-Citizen Children and Juveniles Born in Taiwan on January 9, 2017. Since 2017, a total of 24 children and juveniles have been officially recognized as stateless under this procedure. Their current status is as follows:19 have already naturalized and become citizens of our country.3 acquired their birth mother’s nationality and have returned to that country with her.1 is residing in our country on a dependent visa with their foreign father.1 is currently in the process of having a guardian appointed by the court; once appointed, the guardian will apply for naturalization on the child's behalf. In summary, there is currently only 1 child recognized as stateless by the MOI who has not yet completed the application for naturalization.

(b)

We follow the Procedure for Determining Stateless Status for Non-Citizen Children and Juveniles Born in Taiwan. First, the Ministry of Foreign Affairs (MOFA) or the National Immigration Agency (NIA) attempts to locate the birth mother. If she cannot be found, and upon checking with her home government, it is confirmed that the child does not possess that country's nationality (or if there is no response for over three months), the MOI will officially recognize the child as stateless under Article 3 of the Enforcement Rules of the Nationality Act. Once recognized, children under the care of social welfare authorities or institutions can be naturalized. Their guardians can apply for their citizenship in accordance with Article 4, Paragraph 2, Subparagraph 2 of the Nationality Act.

(c)

We have established a robust inter-agency workflow involving the MOFA and the

Ministry of Health and Welfare (MOHW). When an unaccompanied child is born, we utilize identity documents retained by the medical institution to determine the mother's status. These documents are usually the Alien Resident Certificate (ARC) held by the mother while residing in Taiwan, which clearly indicates her original nationality. Based on this, local social welfare agencies request Ministry of Health and Welfare to locate the mother, while simultaneously asking MOFA to verify the child's nationality with the mother's home country. In practice, this cooperation has been effective. For example, representative offices of certain countries (such as Indonesia) have provided consular protection upon notification, helping these children obtain travel documents to return to their mother's home country. In cases where a foreign government delays its response, we ensure the child is not left in limbo; we issue an ARC to facilitate the child's schooling and medical care via social welfare agencies. As a result of these measures, there have been no new cases of children or juveniles being recognized as stateless by MOHW since 2022.

For foreign national newborns born in Taiwan who have not been legally acknowledged by a Taiwanese biological father, travel documents or a passport must be duly obtained for the newborn either to reside in Taiwan with the biological mother or to depart from the country. In order to prevent situations in which a child may become stateless due to the inability to locate the biological mother, the following measures have been proposed:

1. Establishment of a 24-hour liaison mechanism with medical institutions:
   If a medical institution encounters a foreign parturient woman whose identity is unknown, they must notify the NIA to verify her identity on-site. This facilitates the cross-referencing of identities between the mother and the newborn, thereby preventing the newborn from becoming stateless.
2. Regular receipt of birth data of non-citizen newborns (including nationality) and facilitation of departure with the biological mother:
   The NIA shall regularly receive notifications of births of non-national newborns, conduct verification, and remind biological mothers to promptly apply for an Alien Resident Certificate (ARC) for the newborn. Prior to the newborn's departure from Taiwan, exit procedures must be completed with the NIA. Upon the biological mother's departure, confirmation shall be made that the newborn departs together with the mother, in order to prevent non-national newborns from becoming stateless.

(d)

To facilitate and support the enrollment of stateless children and youth in Taiwan's elementary and junior high schools. The Ministry of Education has incorporated a legal basis for their admission into the Primary and Junior High School Act and has promulgated the Regulations Governing Stateless Students Undertaking Studies at Elementary and Junior High Schools, which clearly set out matters related to the schooling of stateless students. According to Article 9 of the National Health Insurance Act, a foreign newborn born in Taiwan (including stateless children) who holds valid residence documentation shall be enrolled in the National Health Insurance (NHI) program from the date of birth. All other individuals shall be enrolled in the NHI program from the date on which they have obtained valid residence documentation and have continuously resided in Taiwan for six months. Non-citizen children and youth who are under specific project assistance and case management by local governments shall be enrolled in the NHI program immediately upon obtaining residence

documentation and are exempt from the six-month waiting period. The Health Promotion Administration provides seven preventive health care services for children under the age of seven who are covered by NHI. Moreover, Stateless children under the age of 13 are provided with the same routine preventive vaccinations as those offered for Taiwanese children. Social welfare, police, labor, and immigration supervision authorities, as well as detention facilities, may refer these children to health authorities for assistance in arranging and completing the vaccinations. According to Articles 22 and 23 of the Protection of Children and Youth Welfare and Rights Act, unaccompanied minors with unknown parents and no appropriate caregiver may be placed in foster care or institutions by local governments. For those with appropriate caregivers, local governments may follow the Guidelines for Medical and Welfare Subsidies for Children and Youth whose Father or Mother is a Missing Migrant Worker (MOHW), assess individual needs to provide living and medical expense subsidies for underprivileged children and youth accordingly.

公政點次	問題內容	
110	原文	Concerning child trafficking, please provide data on investigations, prosecutions, convictions, penalties, victim support, detention of child victims, and implementation of the non-punishment principle.
	中文參考翻譯	關於兒童人口販運，請提供下列資料：調查、起訴、定罪、刑罰、被害人支持、兒童被害人收容情形，以及不處罰原則執行情形。

中文回應

一、2021 年至 2024 年兒童人口販運調查執行情形（警察機關查獲人口販運案件被害人為遭受性剝削兒少人數）：

年別	合計	本國人	外國人
2021	106	105	1
2022	94	93	1
2023	92	92	0
2024	80	77	3

二、2023 年至 2025 年法務部所屬地方檢察署辦理刑法第 241 條、第 242 條案件統計如下表*：

年	2023		2024		2025	
	第 241 條	第 242 條	第 241 條	第 242 條	第 241 條	第 242 條
起訴(件數/人數)	5 件/5 人	無	8 件/8 人	無	19 件/20 人	無
緩起訴處分(件數/人數)	2 件/2 人	無	2 件/2 人	無	無	無

*依聯合國「打擊跨國有組織犯罪公約關於預防、禁止、懲治販運人口，特別是婦女和兒童行為之補充議定書」第 3 條規定，「兒童人口販運」係指「為剝削目的而招募、運送、轉移、窩藏或接收兒童，即使不涉及本條(a)項所述任何手段，亦應視為人口販運」。又關於兒童及少年性剝削防制條例案件統計情形，請見第 100 點次。

三、2023 年至 2025 年法務部所屬地方檢察署執行刑法第 241 條、第 242 條裁判確定有罪人數統計如下表：

年	2023		2024		2025	
	第 241 條	第 242 條	第 241 條	第 242 條	第 241 條	第 242 條
裁判確定有罪人數	11 人	無	7 人	無	6 人	無

四、依人口販運防制法規定，疑似人口販運被害人之兒童或少年如疑似為有對價之性交或猥褻行為，優先適用兒童及少年性剝削防制條例予以安置保護；又依兒童及少年性剝削防制條例規定，未成年被害人經評估有安置必要者，由直轄市、縣(市)主管機關安置於兒童及少年福利機構、寄養家庭、中途學校或其他適當之醫療、教育機構，提供就學及生活照顧服務。於安置期間，安置機構提供心理諮商、醫療、就學重建、法律協助及資源轉介等服務措施，上揭服務措施皆依被害人需求評估，不分性別、年齡、國籍等皆提供相同品質和水準之服務與協助。另依兒童及少年性剝削防制條例進行安置時，未成年被害人由地方政府社工人員徵詢意見，優先安置於家庭式的照顧環境，如親屬家庭、寄養家庭及團體家庭，並落實兒童權利公約之兒少表意權。

英文回應

1. Investigation Status of Child Trafficking (Number of Child and Juvenile Victims of Sexual Exploitation in Human Trafficking Cases Identified by Police Agencies)(2021-2024)

Year	Total	Nationals	Foreign Nationals
2021	106	105	1
2022	94	93	1
2023	92	92	0
2024	80	77	3

2. Statistics of the Ministry of Justice regarding cases of Articles 241 and 242 of the Criminal Code processed by subordinate District Prosecutors' Offices(2023–2025)*

Year	2023		2024		2025	
	Article 241 of the Criminal Code	Article 242 of the Criminal Code	Article 241 of the Criminal Code	Article 242 of the Criminal Code	Article 241 of the Criminal Code	Article 242 of the Criminal Code

Indictment(Cases/Persons)	5/5	None	8/8	None	19/20	None
Deferred Prosecution (Cases/Persons)	2/2	None	2/2	None	None	None

* According to Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 'trafficking in children' is defined as follows: 'The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this Article.' Furthermore, regarding the statistics of cases involving the Child and Youth Sexual Exploitation Prevention Act, please refer to Point 100.

3. Ministry of Justice Statistics: Number of Persons with Final Convictions under Articles 241 and 242 of the Criminal Code (2023–2025)

Year	2023		2024		2025	
	Article 241 of the Criminal Code	Article 242 of the Criminal Code	Article 241 of the Criminal Code	Article 241 of the Criminal Code	Article 242 of the Criminal Code	Article 241 of the Criminal Code
No. of Persons Convicted in Final Judgments for Execution	11	None	7	None	6	None

4. In accordance with the Human Trafficking Prevention Act, children or adolescents identified as suspected victims of human trafficking involving suspected commercial sexual acts or indecent conduct in exchange for consideration are accorded priority protection and placement under the Child and Youth Sexual Exploitation Prevention Act. Pursuant to the same Act, where an assessment indicates that placement is necessary for a minor victim, the competent authority of the special municipality or county (city) shall arrange placement in child and youth welfare institutions, foster families, halfway schools, or other appropriate medical or educational institutions, and shall ensure access to education and daily living care services. During the placement period, placement institutions provide services including psychological counseling, medical care, educational reintegration, legal assistance, and resource referral. All services are delivered based on individual needs assessments and are provided at equivalent levels of quality and standards, without distinction based on gender, age, nationality, or

other status. When placement is implemented under the Child and Youth Sexual Exploitation Prevention Act, local government social workers consult the views of the minor victim and give priority to family-based care settings—such as kinship care, foster families, group homes and uphold the child's right to express views, in line with the principles of the Convention on the Rights of the Child.

公政點次	問題內容	
111	原文	How often are emergency shelter extensions requested and granted? Are children heard and represented? What safeguards prevent unnecessary institutionalization?
	中文參考翻譯	緊急安置延期申請之頻率為何？獲准率為何？兒童的意見是否獲聽取並獲得代理？哪些保障措施可避免不必要之機構安置？

中文回應

一、兒童及少年有下列各款情形之一者，直轄市、縣(市)主管機關應予保護、安置或為其他處置；必要時得進行緊急安置：(1)兒童及少年未受適當之養育或照顧、(2)兒童及少年有立即接受醫療之必要，而未就醫、(3)兒童及少年遭受遺棄、身心虐待、買賣、質押，被強迫或引誘從事不正當之行為或工作、(4)兒童及少年遭受其他迫害，非立即安置難以有效保護。直轄市、縣(市)主管機關疑有前項各款情事之一者，應基於兒童及少年最佳利益，經多元評估後，加強保護、安置、緊急安置或為其他必要之處置。第 1 項兒童及少年之安置，直轄市、縣(市)主管機關得辦理家庭寄養，或交付適當之親屬、第三人、兒童及少年福利機構或其他安置機構教養之。兒童及少年福利與權益保障法第 56 條第 1 項、第 2 項、第 5 項定有明文。又緊急安置不得超過 72 小時，非 72 小時以上之安置不足以保護兒童及少年者，得聲請法院裁定繼續安置。繼續安置以 3 個月為限；必要時，得聲請法院裁定延長之，每次得聲請延長 3 個月。同法第 57 條第 2 項亦有明文。

二、2023 年至 2025 年向法院聲請延長安置之件數分別為 2023 年 4,981 件、2024 年 5,284 件、2025 年 5,487 件，法院裁定准許延長安置件數分別為 2023 年 4,949 件、2024 年 5,242 件、2025 年 5,465 件，由此觀之，延長安置的聲請案件，法院裁定准許率約為九成。

三、依兒童及少年福利與權益保障法第 5 條第 1 項規定，政府及公私立機構、團體處理兒童及少年相關事務時，應以兒童及少年之最佳利益為優先考量，並依其心智成熟程度權衡其意見；有關其保護及救助，並應優先處理。是以，法院於審理程序，應依照兒少的年齡及識別能力等身心狀況，於法庭內、外以適當方式，告知兒少關於裁判結果對他的影響，讓兒少有表達意願或陳述意見的機會；有必要時，也可以請兒童及少年心理或其他專業人士在場協助，另依兒童權利公約第 12 條亦針對兒少表意權有相關規定，至於如何詢問兒童意見及有無代理必要(選任程序監理人等)，係屬法官就個案審判權行使之範疇，由法官視具體個案之需求而為決定。

四、另依兒童及少年福利與權益保障法施行細則第 10 條規定，直轄市、縣(市)主管機關依本法第 23 條第 1 項第 9 款、第 56 條第 1 項或第 62 條第 1 項規定安置兒童及少年時，應依下列順序為之：(1)適當之親屬、(2)與兒童及少年有長期正向穩定依附關係之第三人、(3)登記合格之寄養家庭、(4)核准立案之兒童及少年安置及教養機構、(5)其他安置機構。亦即，兒少安置原則，依兒

少法施行細則第 10 條規定，應以交付於適當之親屬為優先，其次為與兒童及少年有長期正向穩定依附關係之第三人，再者為登記合格之寄養家庭，安置機構為最後選項。

五、兒童權利公約精神強調，當受虐兒少無法安全留於原生家庭中，應盡可能提供家庭式生活環境，確保其獲得合適的替代性照顧。衛生福利部依此精神及依我國替代性照顧政策策略與行動計畫，亦提出應透過訂定親屬安置服務工作指引、發展符合親屬家庭需求之支持性服務等，支持親屬家庭或重要第三人提供兒少穩定及安全之照顧。

英文回應

1. Article 56, Paragraphs 1, 2, and 5 of the Child and Juvenile Welfare and Rights Protection Act stipulate that if children and juveniles have any of the following circumstances, the special municipality or county (city) competent authority shall provide protection, placement, or other dispositions; if necessary, emergency placement may be conducted: (1) children and juveniles not receiving appropriate upbringing or care; (2) children and juveniles in immediate need of medical treatment but not seeking medical attention; (3) children and juveniles suffering abandonment, physical or mental abuse, buying, selling, or pawning, or being forced or induced to engage in improper acts or work; and (4) children and juveniles suffering other persecutions, where immediate placement is necessary for effective protection; if the special municipality or county (city) competent authority suspects any of the circumstances in the preceding paragraph, it shall, based on the best interests of the child and juvenile and after diverse assessments, strengthen protection, placement, emergency placement, or other necessary dispositions; for the placement of children and juveniles mentioned in Paragraph 1, the special municipality or county (city) competent authority may arrange foster family care or entrust them to appropriate relatives, third parties, child and juvenile welfare institutions, or other placement institutions for care. Article 57, Paragraphs 2 of the Child and Juvenile Welfare and Rights Protection Act also stipulate that emergency placement shall not exceed seventy-two hours. If placement for more than seventy-two hours is necessary to protect the child or juvenile, a court order for continued placement may be requested. Continued placement is limited to three months; if necessary, an extension may be requested from the court, each extension being limited to three months.
2. The number of court applications for placement extension from 2023 to 2025 were 4,981 cases in 2023, 5,284 cases in 2024, and 5,487 cases in 2025. The number of court rulings granting extension of placement was 4,949 in 2023, 5,242 in 2024, and 5,465 in 2025. This indicates that the court approval rate for extension applications was approximately 90%.
3. Article 5, Paragraphs 1 of the Child and Juvenile Welfare and Rights Protection Act stipulates that when handling matters related to children and juveniles, government agencies and public and private institutions and organizations shall prioritize the best interests of children and juveniles and weigh their opinions according to their mental maturity; matters concerning their protection and assistance shall be handled with priority. Therefore, during court proceedings, the court should, based on the child or juvenile's age, cognitive abilities, and other physical and mental conditions, appropriately inform them inside or outside the courtroom about the impact of the

adjudication outcome on them. The child or juvenile should also be given the opportunity to express their wishes or state their opinions. When necessary, child and adolescent psychologists or other professionals may be present to assist. Additionally, Article 12 of the Convention on the Rights of the Child (CRC) also contains relevant provisions regarding the right of the child to be heard. As for how to solicit a child's opinion and whether representation is necessary (such as appointing a guardian ad litem), these matters fall within the scope of a judge's discretion in exercising judicial authority on a case-by-case basis. The judge shall determine such matters according to the specific needs of each individual case.

4. Furthermore, Article 10 of the Enforcement Rules of the Child and Juvenile Welfare and Rights Protection Act stipulates that when assigning placement for a child or juvenile in accordance with Article 23, Paragraph 1, Subparagraph 9; Article 56, Paragraph 1; or Article 62, Paragraph 1 of the Act, the special municipality or county (city) competent authority shall prioritize the following options in the indicated order: (1) an appropriate relative; (2) a third party with whom the child or juvenile has a positive, stable, and long-term dependent relationship; (3) a registered and qualified foster family; (4) a government-approved child and juvenile placement and care institution; and (5) other placement institutions. That is to say, according to Article 10 of the Enforcement Rules of the Child and Juvenile Welfare and Rights Protection Act, the placement principle for children and juveniles should prioritize placement with appropriate relatives first; followed by a third party with whom the child or juvenile has a positive, stable, and long-term dependent relationship; next, placement with a registered and qualified foster family; and finally, placement institutions as a last resort.
5. In alignment with the spirit of CRC, which emphasizes that when abused children cannot safely remain in their original families, they should be provided with a family-style living environment to ensure suitable alternative care. Based on this spirit and the National Alternative Care Policy Strategy and Action Plan, the Ministry of Health and Welfare has proposed the following:

   Formulating work guidelines for kinship placement services.

   Developing supportive services tailored to the needs of kinship families.

   Supporting kinship families or significant third parties in providing stable and safe care for children and youths.

公政點次	問題內容	
112	原文	In relation to child labour enforcement, please provide data on prosecutions, deterrent effect of penalties, mechanisms to ensure schooling, repeat offenders, and monitoring of informal labour.
	中文參考翻譯	就童工執法而言，請提供下列資料：起訴、處罰之嚇阻效果、確保兒童持續就學之機制、重複違規者，以及對非正式勞動之監測。

中文回應

一、依勞動基準法規定，15 歲以上未滿 16 歲之受僱從事工作者為童工，雇主不得使其從事危險或有害工作。童工之每日及每週工作時間均受限制，並禁止於例假日及夜間工作。雇主或受領勞務者如欲使未滿 15 歲之人提供勞務，

應依規定檢具申請書、雇主證明文件、工作者投保文件、學校同意書、法定代理人同意書等資料，向地方勞動行政主管機關申請許可後始得使其提供勞務，且其勞動條件應準用勞動基準法有關童工保護之規定。倘雇主違反童工章及準用童工保護規定，可處 6 個月以下有期徒刑、拘役或科或併科新臺幣 30 萬元以下罰金。

二、 各地方政府或勞動檢查機構依勞動基準法規定，對違法事業單位除依法裁處行政罰鍰外，就違反童工規定且涉及刑責者，均移送地方檢察署參辦。經查 2022 年至 2025 年間，違反童工相關規定並涉刑責而移送地方檢察署者計 18 件。

三、 2023 年至 2025 年法務部所屬檢察機關偵辦違反勞動基準法第 77 條案件統計如下表：

	2023 年	2024 年	2025 年
起訴（件數/人數）	1 件/1 人	3 件/3 人	2 件/2 人
緩起訴處分（件數/人數）	9 件/9 人	17 件/18 人	8 件/9 人

四、 2023 年至 2025 年法務部所屬檢察機關執行勞動基準法第 77 條裁判確定有罪人數統計如下表：

	2023 年	2024 年	2025 年
執行裁判確定有罪人數	1 人	2 人	3 人

五、 中途輟學學生（以下簡稱中輟生）係依「國民小學與國民中學未入學或中途輟學學生通報及復學輔導辦法」第 2 條第 2 款規定略以，指國民小學及國民中學學生有下列情形之一者：

(一) 未經請假、請假未獲准或不明原因未到校上課連續達 3 日以上。

(二) 轉學生因不明原因，自轉出之日起 3 日內未向轉入學校完成報到手續。

六、 依據「國民小學與國民中學未入學或中途輟學學生通報及復學輔導辦法」第 9 條規定：直轄市、縣（市）政府對中輟生復學後不適應一般學校教育課程者，應規劃多元教育輔導措施，提供適性教育課程，避免學生再度輟學。前項多元教育輔導措施如下：

(一) 慈輝班：直轄市、縣（市）政府對家庭遭遇變故或因親職功能不彰之學生，採跨學區、跨行政區所設置。

(二) 資源式中途班：直轄市、縣（市）政府以鄰近學區教學資源共享方式，遴選轄內國民中小學分區設置。

(三) 合作式中途班：直轄市、縣（市）政府提供師資及適性課程，民間團體提供適宜場地及專業輔導資源共同設置。

(四) 其他具相同功能之教育輔導措施。

七、 教育部為辦理中途離校學生之預防、追蹤及復學輔導事項，已訂定「高級中等學校中途離校學生預防追蹤及復學輔導實施要點」。

八、 對於中途離校學生與長期缺課學生，亦持續補助各地方政府及高級中等學校「穩定就學措施補助計畫」，由學校評估學生問題類型，引進不同網絡資源，辦理多元彈性或自我探索課程，以提升學生學習興趣與效能，並協助學生就學、就業等轉介媒合，找到職涯發展定向。

英文回應

1. Pursuant to the Labor Standards Act, workers aged 15 and over but under 16 are defined as child worker. An employer shall not assign child workers to perform dangerous or harmful work. Such workers are subject to restrictions on daily and weekly working hours, and are prohibited from working on regular leave and at night.

In the event an employer or a recipient of labor intends to engage a person under the age of 15 to provide labor, an application must be submitted—along with an application form, the employer's identification documents, insurance documentation for the worker, and letters of consent from both the school and the legal guardian—to the local competent labor authority for permission. The labor conditions for such individuals shall apply mutatis mutandis to the provisions regarding the protection of child workers under the Act. Any employer who violates the provisions of the Chapter on Child Workers or the provisions applied mutatis mutandis thereof shall be sentenced to a maximum of 6 months imprisonment, detained, or fined a concurrent maximum amount of NT$300,000.

2. Local governments or labor inspection authorities, in accordance with the Labor Standards Act, impose administrative fines on employers found in violation of the law and refer cases involving violations of child labor provisions that entail criminal liability to local prosecutors' offices. Between 2022 and 2025, a total of 18 cases involving violations of child labor regulations that entailed criminal liability were referred to local prosecutors' offices.
3. Ministry of Justice Statistics: Investigations of Labor Standards Act Article 77 Violations by Prosecutorial Authorities (2023–2025)：

	2023	2024	2025
Indictment(Cases/Persons)	1/1	3/3	2/2
Deferred Prosecution (Cases/Persons)	9/9	17/18	8/9

4. MOJ Statistics: Number of Persons with Final Convictions under Article 77 of the Labor Standards Act (2023–2025)：

	2023	2024	2025
No. of Persons Convicted in Final Judgments for Execution	1	2	3

5. "Students who drop out of school" (hereinafter referred to as "dropout students") are defined, pursuant to Subparagraph 2 of Paragraph 2 of Article 2 of the Regulations Governing Reporting and Re-enrollment Counseling for Students Not Enrolled or Dropping Out of Elementary and Junior High Schools, as elementary school and junior high school students who meet any of the following conditions:

(1) Having failed to attend school for three consecutive days or more without requesting leave, with leave not approved, or for unknown reasons.
(2) Transfer students who, for unknown reasons, fail to complete enrollment procedures at the receiving school within three days from the date of transfer out.

6. Pursuant to Article 9 of the Regulations Governing Reporting and Re-enrollment Counseling for Students Not Enrolled or Dropping Out of Elementary and Junior High Schools, special municipality and county (city) governments shall plan diversified educational and counseling measures for dropout students who, after re-enrollment, are unable to adapt to the regular school curriculum. Appropriate adaptive educational programs shall be provided to prevent students from dropping out again.

   The aforementioned diversified educational and counseling measures include the following:

(1) Cihui Classes: Established by special municipality and county (city) governments across school districts and administrative regions for students experiencing family crises or whose parents or guardians have insufficient parenting capacity.
(2) Resource-Based Alternative Classes: Established by special municipality and county (city) governments through the sharing of instructional resources among neighboring school districts, with designated elementary and junior high schools selected and set up on a zonal basis.
(3) Cooperative Alternative Classes: Jointly established by special municipality and county (city) governments and private organizations, whereby the governments provide teaching staff and adaptive curricula, and private organizations provide appropriate venues and professional counseling resources.
(4) Other Educational and Counseling Measures with Equivalent Functions.

7. The Ministry of Education has promulgated the Implementation Guidelines for the Prevention, Tracking, and Re-enrollment Counseling of Students Discontinuing Schooling in Senior Secondary Schools.
8. With respect to students who discontinue schooling and students with long-term absenteeism, the Ministry of Education continues to provide subsidies to local governments and senior secondary schools under the Subsidy Program for Measures to Stabilize School Attendance. Under this program, schools assess the types of challenges faced by students and introduce appropriate network resources accordingly. They implement diversified, flexible, or self-exploration courses to enhance students' learning motivation and effectiveness, and provide referral and matching services for schooling, employment, and related pathways, thereby assisting students in identifying appropriate directions for their career development.

公政點次	問題內容	
113	原文	For youth workers (15-18), please clarify contract requirements, protections against exploitation, monitoring of compliance, and any reported cases of harm.
	中文參考翻譯	就 15 歲至 18 歲青少年勞工，請釐清契約要件、防制剝削之保護措施、法遵之監測，以及任何已通報之受害個案。

中文回應

一、依《民法》第 12 條規定，18 歲以下為未成年人，有關未成年人之勞動契約成立要件，應先取得法定代理人書面同意，先予敘明。
二、依《勞動基準法》規定，15 歲以上未滿 16 歲之受僱從事工作者為童工。雇主不得使童工每日工作時間超過 8 小時，每週之工作時間不得超過 40 小時，且例假日及夜間禁止工作。雇主不得使未滿 18 歲之人從事危險性或有害性之工作，且應置備其法定代理人同意書及其年齡證明文件。
三、勞動部針對經常僱用工讀生及部分工時勞工之事業單位，規劃並持續辦理「工讀生與部分工時勞工勞動條件專案檢查」。2025 年已完成專案檢查共計 1,800 場次，查有違法情事者，均已依法處分並責令限期改善。

英文回應

1. According to Article 12 of the Civil Code, a person under the age of 18 is considered a minor. With regard to the requirements for the formation of a labor contract

involving a minor, prior written consent from the legal representative must first be obtained. This is hereby explained in advance.

2. According to the Labor Standards Act, workers aged 15 and over but under 16 are defined as child worker. An employer shall not require child workers to work for more than eight hours per day and forty hours per week. Child workers are prohibited from working on regular leave and at night. Furthermore, an employer shall not assign workers under the age of 18 to perform dangerous or harmful work, and also shall keep the letter of consent from their legal guardians and identification documents for their age.
3. The Ministry of Labor has planned and continuously implemented the "Special Inspection Program on Labor Conditions for Student and Part-Time Workers" targeting enterprises that frequently employ student workers and part-time workers. In 2025, a total of 1,800 inspections were completed. Employers found to be in violation of relevant regulations were sanctioned in accordance with the law and ordered to take corrective actions within a specified period.

公政點次	問題內容	
114	原文	What mechanisms ensure that children can express their views and participate meaningfully in proceedings affecting them, as required by Article 24 and CRC Article 12?
	中文參考翻譯	根據《公民與政治權利國際公約》第 24 條及《兒童權利公約》第 12 條要求，有哪些機制確保兒童在涉及其自身之程序中，能表達意見並進行具實質意義的參與？

中文回應

一、依據兒童權利公約第 12 條精神，衛生福利部作為中華民國落實 CRC 的秘書單位，訂定制度化參與機制、完善支持措施及多元意見徵詢方式，確保兒童在涉及其自身之程序中，得以表達意見並進行具實質意義之參與。

二、行政院依兒童權利公約施行法第 6 條設置兒童及少年福利與權益推動小組，地方政府依兒童及少年福利與權益保障法第 10 條規定，邀集兒少代表、機關代表、專家學者、民間團體等參與政策討論，確保兒少意見納入政策規劃。

三、為促進實質參與，衛生福利部鼓勵地方政府及民間團體提供兒少培力課程與支持措施，協助兒少理解公共議題與政府運作，並提升其表達意見與政策參與能力。

四、衛生福利部制定中央機關推動兒少參與國家法制與決策過程建議做法，協助各機關採用多元意見徵詢方式，確保不同族群兒少意見能被充分聆聽並納入政策討論。

英文回應

1. In line with the spirit of Article 12 of the Convention on the Rights of the Child (CRC), the Ministry of Health and Welfare (MOHW), serving as the coordinating staff for CRC implementation in the Republic of China (Taiwan), has developed structured participation mechanisms, enhanced support measures, and diversified consultation methods to ensure children's meaningful participation in proceedings affecting them.
2. Pursuant to Article 6 of the Convention on the Rights of the Child Implementation Act, the Executive Yuan has established the Child and Juvenile Welfare and Rights Promotion Group. In accordance with Article 10 of the Child and Juvenile Welfare

and Rights Protection Act, local governments convene child and adolescent representatives, government agencies, experts and scholars, and non-governmental organizations to participate in policy discussions, ensuring that the views of children and adolescents are incorporated into policy planning.

3. To promote meaningful participation, the MOHW encourages local governments and non-governmental organizations to provide capacity-building programs and support measures for children and adolescents, assisting them in understanding public issues and government operations, and enhancing their ability to express their views and participate in policy-making.
4. The MOHW has formulated the Suggested Practices for Central Government Agencies to Promote Children and Adolescents' Participation in National Legal System and Decision-Making Process to support government agencies in adopting diverse consultation approaches, ensuring that the views of children and adolescents from different backgrounds are fully heard and incorporated into policy discussions.

十九、 公政條文第 25 條

公政點次	問題內容	
115	原文	In the 2022 observations and recommendations, the Review Committee expressed concern about the absence of provision for absentee voting, postal ballots or polling booths in prisons and correctional facilities. In the absence of such measures, persons in detention are denied the exercise of their voting rights de facto, albeit not de jure. As detailed in para. 310 of the Fourth ICCPR Report, in 2024 57,699 persons accommodated in correctional facilities were unable to vote. What continued legal obstacles, if any, exist in Taiwan to the adoption of legislation providing for polling in correctional facilities or to the amendment of legislation requiring in- person voting?
	中文參考翻譯	國際審查委員會於 2022 年《結論性意見與建議》中，對於臺灣未設置不在籍投票、通訊投票，或於監所及矯正機關內設置投票所之制度表示關切。在缺乏上述措施情況下，儘管法律上(de jure)並未剝奪收容人權利，其事實上(de facto)無法行使投票權。如《公政公約第四次國家報告》第 310 點所述，2024 年共有 57,699 名矯正機關收容人無法投票。目前在通過法規以於矯正機關內投票，或修正親自到場投票之現行法規要求方面，臺灣仍存在哪些法律障礙(若有)？

中文回應

一、依總統副總統選舉罷免法第 13 條及公職人員選舉罷免法第 17 條規定，選舉人，除另有規定外，應於戶籍地投票所投票。其中「另有規定」，係指返國行使總統、副總統選舉權之選舉人，得於最後遷出國外時之原戶籍地投票所投票，以及投票所工作人員得在工作地投票所投票。依前開規定，矯正機關收容人如符合選舉人資格規定，即具有總統副總統選舉、公職人員選舉選舉權，將由戶政機關於投票日前 20 日編入選舉人名冊，並應於戶籍地投票所投票。

二、依據收容人外出實施辦法第 4 條規定，矯正機關得報請監督機關核准收容人於一定期間內外出就學、職業訓練、參與公益服務及參與社區矯治處遇，其中並未包含投票，故現階段收容人不得外出投票。另基於戒護安全考量，得外出之收容人，須符合前揭法規第 3 條規定，未來若修正法規將投票納入，亦無法使收容人全數外出至投開票所投票。

三、查總統副總統選舉罷免法第 53 條第 1 項、第 4 項及公職人員選舉罷免法第 57 條第 1 項、第 5 項規定，總統、副總統及公職人員選舉，應視選舉人分布情形，就機關（構）、學校、公共場所或其他適當處所，分設投票所。投票所於投票完畢後，即改為開票所，當眾唱名開票。總統副總統選舉罷免法施行細則第 27 條第 2 項及公職人員選舉罷免法施行細則第 33 條第 2 項規定，開票應公開為之，逐張唱名開票，並設置參觀席，備民眾入場參觀開票。依上開規定，如投票所地點經設置於矯正機關，即除設籍於該矯正機關之收容人外，該投票所所轄之矯正機關外一般選舉人亦須於該投票所投票，且該投票所於投票完畢後，即須改為開票所，當眾唱名開票，並設置參觀席，備民眾入場參觀開票。惟監所之人員進出均受到嚴格管制，一般選舉人進入監所時須經高規格安全檢查，民眾無法自由進入投票或參觀開票，不免影響社會各界對有關投開票作業過程應符合公正、公開原則之信任。

英文回應

1. According to Article 13 of the Presidential and Vice Presidential Election and Recall Act and Article 17 of the Civil Servants Election and Recall Act, qualified voters shall cast their ballots at the polling station of their registered domicile, unless otherwise provided by law. The phrase "unless otherwise provided" refers to qualified voters who return from a foreign country to exercise their right to vote shall cast their vote at the polling station for the location where the voter registered their final domicile prior to moving to a foreign country, and to poll workers who shall vote at the polling station where they are working. Under these regulations, inmates in correctional facilities who meet the qualifications for voters possess the right to vote in Presidential, Vice Presidential, and Civil Servant elections. They will be included in the electoral register compiled by the household registration authority 20 days before the election day and are required to vote at the polling station of their registered domicile.
2. In accordance with Article 4 of the "Regulations Governing Inmate Leave," correctional institutions may apply for approval from the supervisory authority to allow inmates to leave the facility for specific purposes within a set period, such as schooling, vocational training, public service, or community-based correctional treatment. Voting is not included among these permitted purposes; therefore, at this stage, inmates are not permitted to leave the facility to vote. Furthermore, based on security and custodial considerations, any inmate eligible for leave must meet the criteria specified in Article 3 of the aforementioned regulations. Even if the regulations were to be amended in the future to include voting as a valid reason for leave, it would still be impossible to permit all inmates to leave the facility to cast their ballots at polling stations.
3. Article 53, Paragraphs 1 and 4 of the Presidential and Vice Presidential Election and Recall Act and Article 57, Paragraphs 1 and 5 of the Civil Servants Election and Recall Act stipulate that polling stations for elections shall be set up in government agencies, schools, public places, or other appropriate places on the basis of the distribution of voters. After the polls close, polling stations shall immediately transform into ballot

counting stations and shall publicly count the ballots. Additionally, Article 27, Paragraph 2 of the Enforcement Rules of the Presidential and Vice Presidential Election and Recall Act and Article 33, Paragraph 2 of the Enforcement Rules of the Civil Servants Election and Recall Act require that the counting of votes be conducted publicly, with each ballot read out loud, and that spectator areas be provided for the public to observe the counting process. Under these regulations, if a polling station were established within a correctional facility, it would serve not only the inmates registered at that facility but also general electors from the facility's jurisdiction. Furthermore, upon the conclusion of voting, the station would need to be converted into a counting station with public access. However, given that access to correctional facilities is strictly controlled and general electors would be subject to high-level security checks, the public would not be able to freely enter to vote or observe the counting. This would inevitably compromise public trust in the fairness and openness of the election process.

公政點次	問題內容	
116	原文	What practical obstacles exist to the provision of correctional polling booths being installed? As regards any difficulties which prisoners may have obtaining relevant information during elections (para. 162 of the Response Report), could you provide information regarding the normal information channels open to prisoners when detained?
	中文參考翻譯	在矯正機關內設置投票所，實務上存在哪些障礙？就收容人於選舉期間取得相關資訊可能面臨之困難(參見《回應報告》第162點)，能否提供資訊說明收容人在監期間，通常可使用哪些正常資訊管道？

中文回應

一、有關於矯正機關內設置投票所之實務障礙，分述如下：

(一) 收容人投票秘密問題：各監獄受刑人人數不一，倘均設置投票所，當人數過少時，可能暴露收容人投票秘密，又如投票結果偏向特定政黨，亦可能衍生爭議。因兩項選舉罷免法採投開票合一制度，上開情況難以克服。

(二) 投開票所工作人員安排：對於監所之收容人，因其行為可能具有高度之不可測性，如嚴格監督，則有限制其投票自由、影響投票權行使之虞，若未採取適當管理，則可能影響選務人員安全，因此，選務人員是否能在監所內安全執行職務，以及戒護人員是否能進入投票所，均需進一步釐清。此外，由於監所環境特殊，投開票所工作人員的招募亦將面臨困難，如何遴派合適人員並兼顧安全、各政黨如何派監察員進入監所內設置之投票所監督選務工作等問題應予考量。

(三) 選舉公平、公開性之影響：設置於監所之投開票所，一般民眾進出須依監所管理管制，除投票不便外，亦難以自由參觀開票，或將影響社會各界對有關開票作業過程應符合公正、公開原則之信任。

(四) 監所內設置投票所之空間、經費及人力成本：現行相關法規並無針對矯正機關內得否設置投票所之規範，惟基於選舉應秉持公正、公開及透明之原則辦理，並應考量監所安全維護作業之需要，考量各監所之硬體設備、收容性質、動線、人力等皆不相同，爰有關監獄受刑人提帶及秩序維持之實際規劃，應

由各監所依實際狀況擬訂。以臺北監獄平均收容人數約 3 千 8 百人為例，若將投票所設置於戒護區內，基於安全考量，民眾無法任意進出投票所，自不符合公平、公正、公開原則；反之，若為供民眾參觀投票，將投票所設置於戒護區外，致須施用戒具後方能提帶收容人至投票所，將無法於時間內完成投票，更遑論現場開票。又矯正機關分布於全臺（含離島）共 52 監所，於每一監設置投票所，實不符合經濟及行政效益。

(五) 投開票所維安作業安排：依公職人員選舉罷免法第 58 條第 3 項之規定，投開票所維安作業應由直轄市、縣（市）選舉委員會洽請當地警察機關調派，惟警察人員不熟悉矯正機關相關安全措施（如出、入動線及門禁管制等）及受刑人個別狀況，且受刑人投票時仍屬服刑期間，矯正機關具備維持受刑人投票秩序及安全之法令、權責、經驗及能力，則設置於監所之投開票所維安作業應由警政機關或矯正機關負責，仍待協調。

二、有關收容人平時取得資訊之管道，普遍為管教人員將相關資訊張貼於公布欄；於集會場合向收容人宣導；適時增載於收容人生活手冊，或依有關法規，經機關同意後，得持有個人之收音機、電視機或視聽器材接收資訊，但網際網路、社群媒體等競選工具無法使用，政黨及任何人亦不得於監所內從事競選或助選活動，有關收容人之資訊公平對稱如何確保，應予考量；又公職人員選舉罷免法規定，選舉權人須在選舉區內居住一定期間以上，始為選舉人，具有投票權，其目的在使有選舉權人對當地有一定的瞭解，形成住民意識，方足反映當地人民的心聲。監獄受刑人係因案收容，欠缺對於當地之瞭解，復因行動失去自由，資訊取得可能受到部分限制，恐與公職人員選舉罷免法第 15 條居住期間規定之立法意旨未符。

英文回應

1. The practical obstacles regarding the establishment of polling stations within correctional facilities are detailed as follows:

(1) Issues of Ballot Secrecy: The number of inmates varies across prisons. In facilities with very few eligible voters, setting up a polling station could compromise the secrecy of the ballot for those inmates. Furthermore, if the voting results in a specific prison skew heavily toward a particular political party, it may give rise to controversy. Given that the two Election and Recall Acts adopt a "combined polling and counting" system (where votes are counted at the same place they are cast), these situations are difficult to overcome.

(2) Staffing of Polling Stations: Due to the potential unpredictability of inmate behavior, strict supervision might be perceived as limiting voting freedom or interfering with the exercise of voting rights. Conversely, inadequate management could jeopardize the safety of poll workers. It requires further clarification whether poll workers can safely perform their duties inside prisons and whether correctional officers can enter polling stations. Additionally, due to the unique environment of prisons, recruiting poll workers would be difficult. Issues such as selecting suitable personnel while ensuring safety and how political parties would dispatch observers to supervise election work inside prisons must be considered.

(3) Impact on Fairness and Openness: For polling stations located within prisons, access for the general public would be subject to prison management controls. In addition to the inconvenience for voters, it would be difficult for the public to freely observe the vote counting, which could undermine societal trust in the principles of fairness and openness of the election process.

(4) Space, Cost, and Manpower: There are currently no regulations governing the establishment of polling stations within correctional facilities. Election planning must adhere to principles of fairness, openness, and transparency while considering prison security needs. Since each prison differs in hardware, nature of custody, flow of movement, and manpower, actual plans for inmate escort and order maintenance would need to be tailored to each facility. For instance, Taipei Prison houses an average of approximately 3,800 inmates. If a polling station is located inside the restricted security area, the public cannot enter or exit freely due to security protocols. This would inherently violate the principles of fairness, impartiality, and transparency. Conversely, if a station is placed outside the security zone to allow public observation, inmates would have to be placed under physical restraint and escorted to the site. This process would make it impossible to complete voting within the designated timeframe, let alone conduct on-site ballot counting. Furthermore, there are 52 correctional facilities distributed across Taiwan (including outlying islands). Establishing a polling station at every single facility would be inconsistent with economic and administrative efficiency.

(5) Security Arrangements: According to Article 58, Paragraph 3 of the Civil Servants Election and Recall Act, the special municipality or county (city) election commission shall request security personnel for the polling and ballot counting stations from the local police agencies. However, police officers are unfamiliar with prison security measures (e.g., movement flows, access control) and the specific conditions of inmates. Since inmates voting are still serving sentences, correctional authorities possess the legal mandate, authority, experience, and capability to maintain order and safety. Whether security at prison-based polling stations should be the responsibility of the police or correctional authorities remains a matter for coordination.

2. Regarding the channels through which inmates obtain daily information, the standard practice involves correctional officers posting relevant information on bulletin boards, conducting briefings during general assemblies, and updating the Inmate Handbook as needed. Furthermore, in accordance with relevant regulations and upon approval by the institution, inmates may be permitted to possess personal radios, televisions, or audiovisual equipment to receive information. However, internet and social media campaign tools are unavailable, and political parties or individuals are prohibited from campaigning within prisons. How to ensure information symmetry for inmates remains a concern. Furthermore, the Civil Servants Election and Recall Act requires electors to have resided in the electoral district for a certain period to be eligible to vote; the purpose is to ensure electors have a certain understanding of the locality and form a "resident consciousness" (community awareness) to reflect the will of the local people. Inmates are housed due to criminal cases and lack understanding of the locality; coupled with their loss of freedom of movement and restricted access to information, this may not align with the legislative intent of the residency requirement in Article 15 of the Act.

公政點次	問題內容

117	原文	The Fourth ICCPR Report references the absence of a "specific consensus" following the prison visits in 2023 of the Central Election Commission but does not address the fact that Taiwanese citizens who are entitled, by national law, to vote, are denied from doing so as a result of a lack of State provision.
	中文參考翻譯	《公政公約第四次國家報告》提及中央選舉委員會於 2023 年訪視監所後，未獲「具體共識」，惟並未回應一項事實：依法享有投票權之臺灣國民，因國家未提供措施，實際上無法行使投票權。

中文回應

一、有關矯正機關收容人並未因在監服刑而喪失投票權，惟目前無法行使該權利一節，實係受限於現行法律規範。倘於矯正機關內設置投票所，涉及總統副總統選舉罷免法、公職人員選舉罷免法及監獄行刑法等相關法規之修正。基於依法行政原則，在未經立法機關修法賦予明確法律授權前，行政機關尚無從逕行配置相關預算或設施，此係恪守法治國原則之結果。

二、有關《公政公約第四次國家報告》報告所稱「缺乏具體共識」，實反映於監所內設置投票所等方案，經考量戒護安全、選舉公正性及投票可行性，確有其窒礙難行之處（詳見第 116 點關於公開開票與秘密投票之衝突）。縱觀國際經驗，各國作法亦因法律體系與社會共識而異，並無一體適用之標準。

三、有關矯正機關收容人投票權之保障，我國如擬調整相關制度，應透過充分討論，平衡選舉權保障與選務可行性，並凝聚社會共識，進而修正兩項選舉罷免法及監獄行刑法等相關法規，確保選舉公正與社會信任後，據以推動實施。

英文回應

1. Regarding the point that inmates in correctional facilities have not lost their right to vote due to imprisonment yet are currently unable to exercise this right, this is substantively constrained by current legal regulations. Establishing polling stations within correctional facilities would involve amendments to the Presidential and Vice Presidential Election and Recall Act, the Civil Servants Election and Recall Act, and the Prison Act. Based on the principle of administration according to law, without explicit legal authorization granted by the legislature through legal amendments, executive agencies cannot unilaterally allocate relevant budgets or facilities.
2. This is a result of strict adherence to the rule of law principle. The "lack of specific consensus" mentioned in the Fourth ICCPR Report reflects that schemes such as establishing polling stations within prisons entail significant practical obstacles when considering custodial security, electoral fairness, and voting feasibility (please refer to Point 116 regarding the conflict between public counting and the secret ballot). Observing international experience, practices vary depending on the legal system and social consensus of each country, and there is no uniform standard applicable to all.
3. Regarding the protection of the voting rights of inmates in correctional facilities, if our country intends to adjust the relevant systems, it should be done through full discussion, balancing the guarantee of voting rights with election administration feasibility, and building social consensus. Subsequently, the two Election and Recall Acts and the Prison Act should be amended to ensure electoral fairness and social trust before implementation.

公政點次	問題內容	
118	原文	In 2022 the Committee recommended consideration of absentee voting for Indigenous peoples to ensure their effective political participation. Could you provide more detailed information regarding the draft law submitted by the Central Election Commission which might provide for the possibility of absentee voting for Indigenous peoples? What is the timeline for consideration of this draft legislation and, although absentee voting is a subject under review generally, what are the chances of this law being adopted relatively soon to respond to the concrete difficulties which affect the political participation of Indigenous peoples?
	中文參考翻譯	國際審查委員會於 2022 年建議政府考量為原住民族設置不在籍投票機制，以確保其有效參與政治。能否提供中央選舉委員會所提出、可能納入原住民族不在籍投票制度之修法草案的更詳細資訊？該草案審議時程為何？此外，儘管不在籍投票仍屬研議中之議題，該項法律是否具備在短期內通過的可能性，以回應影響原住民族政治參與的具體困難？

中文回應

一、推動不在籍投票制度之關鍵在於社會信任度問題，宜在確保投票結果不受外力干預及國人對投票結果信賴之前提下，以循序漸進方式逐步推動。以「對事投票」的全國性公民投票作為推動不在籍投票之開端，可作為未來公職人員選舉（包含原住民族選舉）採行不在籍投票之參考。

二、中央選舉委員會研擬之全國性公民投票不在籍投票法草案，鑑於移轉投票已有現行投開票所工作人員於工作地投票實施經驗，規劃以移轉投票方式實施不在籍投票，該機制係由投票權人本人、親自、在投票日當日、前往投票所投票，可有效維護投票秘密及投票結果公平性。基於公平原則，包含原住民族在內之有投票權人一律納入適用，符合投票權人資格者得備具申請書或以線上申請方式向直轄市、縣（市）選舉委員會提出申請，如經完成立法，原住民自得依法申請公民投票不在籍投票。

三、上開草案業於 2024 年 2 月 5 日以原送請立法院審議版本重報行政院審查，並經行政院於 2024 年 2 月 22 日核轉立法院審議。中央選舉委員會將依據未來立法院審議該草案結果，規劃辦理全國性公民投票不在籍投票後續相關選務作業。

英文回應

1. The promotion of an absentee voting system hinges on the level of social trust. Such a system should therefore be advanced in a gradual and incremental manner, on the premise that voting results are protected from external interference and that public confidence in those results is ensured. Using nationwide issue-based referenda as the starting point for the implementation of absentee voting may serve as a reference for the future adoption of absentee voting in elections of public officials, including elections for Indigenous peoples.
2. The draft Absentee Voting Act for National Referendums, formulated by the Central Election Commission (CEC), plans to implement absentee voting via the "transfer voting" mechanism. This decision draws upon existing experience where polling

station staff are permitted to vote at their place of duty. This mechanism requires the voter to cast their ballot personally, in person, and on the polling day at a designated polling station, thereby effectively maintaining voting secrecy and the fairness of the results. Based on the principle of fairness, all eligible voters, including Indigenous peoples, are included in the scope of application. Those who meet the qualifications may apply to the municipal or county/city election commission by submitting an application form or applying online. Once the legislation is enacted, Indigenous peoples will naturally be entitled to apply for absentee voting in national referendums in accordance with the law.

3. The aforementioned draft bill was resubmitted to the Executive Yuan for review on February 5, 2024, retaining the version previously sent to the Legislative Yuan, and was subsequently approved by the Executive Yuan and forwarded to the Legislative Yuan for deliberation on February 22, 2024. The CEC will plan the subsequent electoral operations for absentee voting in national referendums subject to the outcome of the Legislative Yuan's deliberation on the draft.

公政點次	問題內容	
119	原文	It is reported that, in December 2024, the Act of the Council of Indigenous Peoples was amended, providing that the Chair of the Council will alternate between highland and lowland indigenous peoples. In addition, it appears that changes have been made to how candidates are appointed (with recommendations made by indigenous peoples but appointment being decided by the Chair) and to the terms of the role of indigenous representatives (unpaid). Given the crucial role played by the Council, as emphasized in para. 166 of the Response Report, can you explain how these changes respect the self-determination of the Indigenous Peoples and facilitate the dialogue and legal changes necessary to ensure their effective political participation?
	中文參考翻譯	據悉 2024 年 12 月《原住民族委員會組織法》已完成修正，規定主委一職將於山地原住民族與平地原住民族之間輪流擔任。此外，似已就候選人之任命方式作出調整(由原住民族提出推薦名單，但由主委決定任命)，以及原住民族代表之職務條件(改為無給職)。鑑於原民會在《回應報告》第 166 點中被強調其關鍵角色，能否解釋上述修正如何尊重原住民族之自決權，並如何促進必要之對話與法律制度調整，以確保原住民族能有效參與政治？

中文回應

原住民族委員會並不贊成將原住民族聘用委員改為無給職，惟原住民族委員會組織法經立法院三讀通過公布施行後，原住民族委員會將原聘用委員改聘為各原住民族代表聘兼委員，並報行政院核定，任期至 2027 年 1 月 4 日。至於法律修正雖未能服膺原住民族自決權之精神，原住民族委員會各項施政則運用現有法制工具及資訊公開平臺，確保原住民族有效參與政治。

英文回應

Council of Indigenous Peoples(CIP) does not support changing the appointment of

Indigenous peoples to unpaid positions. However, after the Organization Act of Council of Indigenous peoples was passed and promulgated by the Legislative Yuan, CIP will reappoint the original appointed members as part-time representatives of each Indigenous group, and submit this to the Executive Yuan for approval. Their term of office will last until January 4, 2027. As for the legal amendment, although it fails to uphold the spirit of the Indigenous peoples' right to self-determination, CIP will utilize existing legal tools and information disclosure platforms in its various policies to ensure the effective political participation of Indigenous peoples.