

CEDAW

Convention on the Elimination of All Forms of Discrimination Against Women

Initial Report of Republic of China (Taiwan)

聯合國「消除對婦女一切形式歧視公約」

中華民國(台灣)初次國家報告





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總論

中華民國(台灣)概況

1. 國土和人民

台灣為位於亞洲東部、太平洋西北邊的一座島嶼，係由歐亞大陸板塊、菲律賓海洋板塊擠壓而隆起的島嶼，面積約36,188平方公里。台灣至2008年11月底總人口約有23,027,672人，河洛人佔多數，其他尚有客家人、外省族群，以及官方承認的台灣原住民14族。文字官方訂為正體中文，語言主要有閩南語（台語）、現代標準漢語（台灣稱國語）、客家語及各族群原住民語言。

2. 政治狀況

1987年7月14日當時的總統蔣經國宣佈「解嚴」。繼任的李登輝總統於1991年5月1日宣佈結束「動員戡亂」，結束「萬年國會」的運作，之後並決定在1996年舉行首次總統直選。1996年3月23日，李登輝與連戰贏得了中華民國第九任正副總統職位，也是中華民國史上首次由人民直接投票選出的正副總統。2000年3月18日，由民主進步黨提名的陳水扁、呂秀蓮當選第十任正副總統，寫下中華民國首次政黨輪替的紀錄。2004年，第三次總統直選陳水扁及呂秀蓮當選連任。2008年3月22日，由國民黨提名的馬英九、蕭萬長當選第十二任正副總統，完成台灣民主政治上的第二次政黨輪替。

3. 經濟狀況

根據中華民國行政院主計處的統計顯示，臺灣地區人均國民生產毛額，在1961年是153美元，2008年已成長至18,000美元，臺灣的外匯存底是世界第四。台灣人類發展指數在世界國家中排名為25名，列為已開發國家。

4. 性別平等的發展

近十年來我國相關之性別統計數據，有以下數項進步

(a) 成人女性識字率提升：

1997年我國十五歲以上女性人口之識字率為91.1%，至2007年則增為95.9%，計增加4.8%。

(b) 預期壽命延長：

1997年我國女性0歲平均餘命為78.6歲，2007年則為81.7歲，延長3.1歲，增幅約為4%，同期間我國男性則增加2.5歲。

(c) 粗在學率提高：

1997年我國女性6至21歲的粗在學率為87.4%，至2007年已達102.4%，增加約15%；同期間男性粗在學率則由83.4增至101.4，上升約18%。

(d) 按購買力平價計算之平均每人GDP增加：

我國女性平均之GDP，由2000年之15,112美元增至2005年之21,098美元，增加5,986美元，增幅將近40%；同期間男性由28,883美元增至35,865美元，增加6,982元，增幅為24%。

以上述四項之數字計算之性別發展指數，對照目前聯合國2005年公布之各國最新分數及中華民國主計處依公式自行計算的數據，中華民國為0.931分，為全球排名第二十位。

台灣的特色：政府與非政府組織攜手推動性別平等

國家所扮演的角色，是中華民國性別平等發展的重要指標。世界性第二波婦運的主要運動策略大致以二個方式相輔並行：喚醒女性自覺 (consciousness raising) 和促使體制改造。與世界各國相比，台灣的婦運很早就走制度化的路線，領先大部分國家。

1995年北京世界婦女大會正式宣示「性別主流化」的概念，從此世界各國的婦

女團體均依此概念，要求政府能夠在設計、實施、監督和評判政治、經濟和社會領域所有政策方案時，納入性別觀點。此一觀念強調政府在推動性別平等上所扮演的角色，同時也促使婦運團體參與政府機制的體制內運動路線。

中華民國政府很早就開始開放機制，納入婦女團體的參與。1997年中華民國行政院特別成立跨部會的「行政院婦女權益促進委員會」，正式將婦女團體代表、學者專家的倡議納入國家最高的決策機制中。此委員會置委員27至31人，由行政院院長擔任委員兼召集人，其餘委員由政務委員1人、相關部會首長（內政部、外交部、教育部、法務部、經濟部、人事局、新聞局、衛生署、勞委會、原民會）、社會專業人士7至9人，及婦女團體代表7至9人組成。

此委員會最大特色即是納入婦女團體代表，加上由行政院院長擔任召集人，所以各部會對於該委員會所決議辦理各項推動性別平等的工作均非常重視，會議結論對各部會具有拘束力。在政府帶頭推動性別平等相關工作的努力下，我們可以看到中華民國在「性別權力測度(GEM)」數值上，有不錯的進步：

(a)國會議員女性比例上升11%：

中華民國立法委員之女性比例，由1998年之19.1%，增加至2008年之30.1%，雖然國會總席次數降低，但女性席次比例則逆向上升。

(b)企業主管與經理人員比率上升：

中華民國1997年位居管理層級之女性比率約為該層級整體人數之14.5%，至2007年則上升至17.5%。

(c)專技人員兩性比例差異日益縮減：

1997年中華民國專技人員（含專業人員、技術員及助理專業人員）中，女性比率為42.3%，至2007年則上升為46.4%，兩性比率的差異則由15.4%縮減至7.2%。

(d)女性平均每人GDP占男性比率亦逐年增加：

2000年中華民國女性人均GDP為15,112元，男性為28,883元，女性佔男性之比率為52.3%，2005年女性之GDP則增加至21,098元，佔男性GDP比率則提高至58.8%。

第一條---歧視的定義

在本公約中，“對婦女的歧視”一詞指基於性別而作的任何區別、排斥或限制，其影響或其目的均足以妨礙或否認婦女不論已婚未婚在男女平等的基礎上認識、享有或行使在政治、經濟、社會、文化、公民或任何其他方面的人權和基本自由。

不歧視保障

- 1.1 中華民國(台灣)憲法第七條規定：中華民國人民，無分男女、宗教、種族、階級、黨派，在法律上一律平等。
- 1.2 就業服務法第五條規定「雇主對求職人或所僱用員工不得以種族、階級、語言、思想、宗教、黨派、籍貫、性別、容貌、五官、殘障或以往工會之會員身分為由，予以歧視。」

落實《公約》的努力

- 1.3 中華民國政府已經開展了眾多活動來對公務人員宣導和宣傳《公約》，如行政院婦女權益促進委員會為政府部門進行撰寫《公約》國家報告三次培訓工作坊。
- 1.4 政府已經開始將《公約》國內法化的工作。
- 1.5 中央政府已召開五次跨部會的CEDAW專案會議。
- 1.6 由行政院婦女權益促進委員會與內政部捐資成立的財團法人婦女權益促進發展基金會已經開展《公約》的宣傳工作，並與台灣北部、中部、南部的婦女團體共同舉辦工作坊。
- 1.7 在宣導和宣傳《公約》的過程中，婦女團體與政府部門和社區（包括與外島地區的婦女）共同工作，發揮了非常重要的作用。民間推動CEDAW聯盟持續監督與協助政府在落實《公約》的各項工作。

第二條---消除歧視

締約各國譴責對婦女一切形式的歧視，立即用一切適當辦法，推行政策，消除對婦女的歧視。為此目的，承擔：

- (a)男女平等的原則如尚未列入本國《憲法》或其他有關法律者，應將其列入，並以法律或其他適當方法，保證實現這項原則；
- (b)採取適當立法和其他措施，包括適當時採取制裁，禁止對婦女的一切歧視；
- (c)為婦女確立與男子的平等權利的法律保護，通過各國的主管法庭和其他公共機構，保證切實保護婦女不受任何歧視；
- (d)不採取任何歧視婦女的行為或做法，並保證政府當局和公共機構的行動都不違背這項義務；
- (e)應採取一切適當措施，消除任何人、組織或企業對婦女的歧視；
- (f)應採取一切措施，包括制定法律，以修改或廢除構成對婦女歧視的現行法律、規章、習俗和慣例；
- (g)廢止本國刑法內構成對婦女歧視的一切規定。

為消除歧視採取的法律措施

2.1 中華民國的《憲法》和其他法律都規定禁止基於性別的歧視。以下是我們提出的幾個例子：

- (a)修改民法親屬編。民法是1929年制定的法，以其中所規定的夫妻財產制來說，原本法律規定女性婚後的財產，所有權和管理權都屬於丈夫。此法分別於1985、1996、1998、2000、2002年修訂，一共修了五次。現在妻子對財產才同時擁有管理權和所有權。（參見第16條）
- (b)1992年通過就業服務法，其中規範男女同工必須同酬。（參見第11條）
- (c)2002年通過兩性工作平等法，後於2008年更名為性別工作平等法。（參見第11條）
- (d)關於子女姓氏的問題，最初民法規定子女從父姓。修改之後為，2008年5月

28日修正公布之戶籍法第49條規定，出生登記當事人之姓氏，依相關法律規定未能確定時，婚生子女，由申請人於戶政事務所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。（第1項）戶政事務所依前條第4項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（第2項）。（參見第16條）

(e)關於夫妻之姓氏，民法第1000條原規定：「妻以其本姓冠以夫姓。贅夫以其本姓冠以妻姓。但當事人另有訂定者，不在此限。」考量有違男女平等原則，爰於1998年6月將上開規定修正為：「夫妻各保有其本姓。但得書面約定以其本姓冠以配偶之姓，並向戶政機關登記。」（參見第16條）

(f)關於夫妻之住所，民法第1002條原規定：「妻以夫之住所為住所，…。但約定夫以妻之住所為住所，…。從其約定。」上開規定因未本於男女平等原則，於1998年6月修正民法第1002條規定，明定夫妻之住所由雙方共同協議定之，若無法協議時，得由法院介入決定。（參見第16條）

(g)原本民法對於子女監護的規定較偏向丈夫，考量到如此規定違反性別平等原則，親權行使條文在1996年9月27日有了大幅更改，如今規定法院在做裁定時，應以子女之利益為考量，法官會依民法第1055條之1所列五款，依據兒童的年齡、性別、健康狀況及兒童自己的意願，父母的年齡、經濟狀況、職業、品德及意願等條件，並參酌社工人員所作的訪視報告，考量子女之最佳利益來決定子女的監護權的歸屬。

為消除歧視而努力的國家機器

- 2.2 為使各領域政策之規劃、協調、執行、考核及編列預算時，納入性別平等觀點，我國於1997年在行政院層級以任務編組型態成立「行政院婦女權益促進委員會」。（參見總論）
- 2.3 總統府於2005年7月成立了性別主流化諮詢顧問小組。

- 2.4 自2004年開始，行政院各部會開始成立部會內「性別平等專案小組」，目前38部會均已建立此機制。
- 2.5 行政院婦女權益促進委員會於2005年12月9日第23次委員會議通過「行政院各部會推動性別主流化實施計畫」要求行政院各部會所屬委員會全體委員組成之任一性別比例不得低於三分之一。
- 2.6 行政院婦女權益促進委員會於2007年成立「性別平等支援小組」，負責研議性別主流化操作工具與跨部會協調工作。
- 2.7 台灣各地方縣市政府均成立由縣市政府局處首長，與外聘婦女團體代表、學者專家所組成的「婦女權益促進委員會」。
- 2.8 為防治性侵害犯罪、家庭暴力事件，以及保障被害人基本權益，於1997年1月22日制定「性侵害犯罪防治法」，1998年6月24日制定「家庭暴力防治法」，內政部隨即分別於1997年5月9日及1999年4月23日依法成立性侵害防治委員會及家庭暴力防治委員會，至2002年7月24日合併二委員會為家庭暴力及性侵害防治委員會。本委員會主要工作在協調司法、警政、衛生、社政、教育、新聞等相關機關共同建立本國性侵害犯罪防治及家庭暴力防治制度，並輔導各直轄市、縣（市）政府成立家庭暴力暨性侵害防治中心。
- 2.9 行政院勞工委員會依據就業服務法第五條規定，成立就業歧視評議委員會，此委員會功能係為保障國民就業機會平等，認定雇主是否違反規定「雇主對求職人或所僱用員工不得以種族、階級、語言、思想、宗教、黨派、籍貫、性別、容貌、五官、殘障或以往工會之會員身分為由，予以歧視。」。另依據就業服務法施行細則第五條規定，直轄市及縣市政府掌理就業歧視之認定。為認定就業歧視，得邀請相關政府單位、勞工團體、雇主團體代表及學者專家組成就業歧視評議委員會。
- 2.10 依2004年所通過的性別平等教育法第七條第二項規定，設置教育部性別平等教育委員會。此委員會置委員十七人至二十三人，以教育部部長為主任委員，其餘委員由部長遴聘之，其中女性委員應占委員總數二分之一以上；性

別平等教育相關領域之專家學者、民間團體代表及實務工作者之委員，應占委員總數三分之二以上。

2.11 考試院於2005年成立「國家考試性別平等諮詢委員會」。

2.12 2008年3月8日成立台灣國家婦女館，此館成立目的為促進國內外婦女團體聯繫交流，展示台灣婦女權益推動成果及建構參與國際婦女權益發展平台。

國家婦女政策

- 2.13 行政院婦女權益促進委員會於西元2004年1月9日，第十八次委員會議通過《婦女政策綱領》，表明將秉持兩性平等參與及共治共決的精神，推動：
- (a) 打造「互相尊重、互為主客」的倫理架構
 - (b) 建構珍惜資源、共決互利、民主參與的政治實踐機制
 - (c) 實施二元分立、相輔相成之混合經濟體制
- 2.14 2008年當選的馬英九總統在競選時也提出婦女政策白皮書，表示一旦當選，政府制定政策將納入性別觀點，以建立安全無虞、平等尊重、資源共享的社會。

今後的任務

- 2.15 政府將繼續專門處理性別議題和發展的國家機器。行政院婦女權益促進委員會將繼續政府與婦女團體合作的模式，跨部會的推動「性別主流化」，尤其是對於性別主流化操作面的培訓，包括「性別統計」、「性別預算分析」、「性別影響評估」、「公務人員性別意識訓練」等，以強化公務人員性別意識，改變施政所有面向和最根本的社會價值觀。
- 2.16 目前正在確保各項立法與《公約》規定相一致，正逐步進行。同時認真檢視各項既有政策之成效和缺失，據以切實改進，以符合《公約》之精神。

第三條---基本權利和基本自由

締約國應承擔在所有領域、特別是在政治、社會、經濟、文化領域，採取一切適當措施，包括制定法律，保證婦女得到充分發展和進步，其目的是為確保她們在與男子平等的基礎上，行使和享有人權和基本自由。

為提高婦女地位所採取的措施

- 3.1 提高婦女地位是政府執行《公約》的一個貫穿各領域的問題。《國家婦女政策》的制定，以及政府與非政府組織之間的合作，都為婦女地位的提高奠定了基礎。
- 3.2 行政院婦女權益促進委員會下分設數個工作小組：就業、經濟及福利組、健康及醫療組、教育、媒體及文化組、人身安全組、國際參與組，每個工作小組皆由相關政府部門與婦團專家代表組成，以在各領域中，提高婦女地位。
- 3.3 自1995年聯合國世界婦女大會宣示性別主流化之後，中華民國政府已加速制定相關法律，以保證婦女的基本人權，從而促進婦女的發展與進步。通過法律整理如下：
 - (a) 1995年通過對兒童和青少年性交易防治條例，處理人口販賣和雛妓的問題。(參見第6條)
 - (b) 1997年通過性侵害犯罪防治法。
 - (c) 1998年通過家庭暴力防治法。(參見第15條)
 - (d) 2000年通過特殊境遇婦女家庭扶助條例，對於遭遇緊急危難，生活陷於困難的女性及家庭提供緊急扶助。
 - (e) 2003年通過家庭教育法。
 - (f) 2004年通過性別平等教育法。(參見第10條)
 - (g) 2005年通過性騷擾防治法。
 - (h) 2007年通過人工生殖法，以保障不孕夫妻、人工生殖子女與捐贈人之權益。
 - (i) 2009年1月通過人口販運防制法。(參見第6條)

第四條—採取特別措施

1. 締約各國為加速實現男女事實上的平等而採取的臨時特別措施，不得視為本公約所指的歧視，亦不得因此導致維持不平等或分別的標準；這些措施應在男女機會和待遇平等的目的達到以後，停止採用。
2. 締約各國為保護母性而採取的特別措施，包括本公約所列各項措施，不得視為歧視。

- 4.1 政府已經採取積極步驟，如規定在某些領域的任職中體現性別多元化的法律，要求一些政府委員會的任職或獎學金的頒發體現性別多元化的各項政策。
- 4.2 關於保護母性的問題在第11條中做了說明。

今後的任務

- 4.3 政府將繼續密切關注中華民國婦女的實際生活現狀，並且在採取任何臨時特別措施的必要性時，徵詢婦女的意見。

第五條---有關性別角色的陳規定型觀念 和偏見

締約各國應採取一切適當措施：

- (a) 改變男女的社會和文化行為模式，以消除基於性別而分尊卑觀念或基於男女任務定型所產生的偏見、習俗和一切其他做法；
- (b) 保證家庭教育應包括正確了解母性的社會功能和確認教養子女是父母的共同責任，當然在任何情況下都應首先考慮子女的利益。

消除文化性別偏見

重視女性文化技藝、重塑女性歷史定位

5.1 背景與現況：

- (a) 傳統信仰價值：民間風俗信仰、傳說存有性別禁忌。
- (b) 女性角色固著：傳統藝術與民俗揉合傳統社會價值與生活方式，對於女性角色的塑造，以從屬男性的刻板角色居多，較少以女性為主體的類型。
- (c) 技藝傳承歧視：主要操作技藝由男性成員掌握，傳統戲劇女性執藝者的成就早期較未受到肯定與彰顯。

5.2 對應政策與措施：

- (a) 保護傳統藝術並關注女性藝術主題與藝者：執行「民間藝術保存傳習計畫」，並將成果整理出版，目前已出版有400多種出版品中，與女性藝人或女性主題相關之出版品共計33種。
- (b) 以現代藝術與女性觀點，重塑女性傳統形象：以書籍平面藝術、立體工

藝、戲劇、電視節目等形式，改變社會對特定族群（如客家族群）尊男卑女的觀感，並呈現該族群女性的自主意識。

- (c) 推動歷史研究，重新定位女性貢獻：客家委員會針對客家女性相關議題，與國史館合作專題研究，以實地訪查方式，從歷史、文化、社會等各層面來對台灣客家婦女進行研究或調查，真實呈現客家婦女面貌。

5.3 實踐改革的困境與原因：

- (a) 由於傳統文化有一定的社會價值基礎，如果強力改變禁忌，將與信仰體系發生衝突。
- (b) 由於技藝傳承以男性為主，文獻資料的紀錄上，有關女性藝術從業人員的記載較為不足。

5.4 持續努力的方向：

以藝文保存者/保存團體之性別分佈為指標，檢視藝術傳承是否有性別偏差。並對於不同風俗所產生性別角色之工作習慣、稱謂，宣導避免性別歧視。更積極收集女性藝術工作者的文獻和資料。運用政府資源補助，鼓勵女性藝術工作者與女性主題之傳統藝術與民俗的演出及創作。

促進媒體自我規範、減少性別歧視訊息

5.5 背景與現況：

傳統、刻板之性別印象，侷限社會大眾對於性別的思考，傳播媒體所傳遞的思想、概念及訊息等，影響閱聽大眾對於訊息的解讀。

5.6 對應政策與措施：

- (a) 以補助獎勵方式鼓勵媒體將性別平等意識融入節目製播。
- (b) 於辦理有線電視數位知能人才等培訓課程時，將兩性平權與消除性別歧視等議題納入課程規劃。
- (c) 編纂「各國傳播媒體自律規範」，發送傳播媒體參考，促請注意性別尊重。

- (d)辦理「兒少新聞媒體識讀教育工作坊」，由民間團體對媒體從業者，就性別角色與媒體再現、性別議題的媒體操作等議題，進行對話討論。
- (e)設立申訴專線，提供民眾參與監督媒體的管道。並由新聞局將民眾意見傳達被申訴之媒體及各媒體自律組織，促請媒體及各自律組織協助改進。
- (f)依兒童及少年福利法與電腦網路內容分級處理辦法等規定，辦理網路分級制度之建立與推廣工作。
- (g)以指導角色促請衛星廣播電視事業商業同業公會業將「性別與弱勢族群相關新聞處理」列入新聞自律執行綱要第11項。

5.7 執行困境與原因：

- (a)獎助原則與創作自由的衝突：為避免限縮業者創作自主權力，引發「政府介入節目內容創作、操縱社會意識形態」的誤解，目前維持不將「兩性平權」列入各種補助要點原則中。
- (b)媒體監審與言論自由的緊張：媒體充斥性別刻板印象，新聞局需在言論自由與性別平等保護間求取平衡，有一定程度之困難。

5.8 持續努力的方向：

- (a)推廣公民共同管制：通傳會推動「公民團體參與通訊傳播監理機制」方案，將「傳播內容涉及兒童、少年保護及婦女權益之監督管理」列為開放公民參與業務項目，未來將併入「廣播電視節目廣告諮詢會議」運作實施。
- (b)推動民眾媒體識讀：使民眾由被動接受轉為主動解讀媒體內容，了解媒體內容呈現可能隱藏之價值取向，其中亦包括性別刻板意象之呈現。
- (c)促成社會自主監督：新聞局考慮與各大專院校合作，請性別平等與新聞學等課程學生參與監看媒體呈現之性別形象，並將結果發表於網站，提供各媒體及媒體自律組織參考。
- (d)鼓勵女性形象創作：建請電影輔助案相關審查委員會優先考量錄取正面反映女性時代角色的影片企畫；協助辦理女性議題影展，鼓勵國內女性影像創作者，促進大眾對女性角色平衡而完整的認知。

改變職場性別歧視

營造平等就業環境、改善就業法規制度

5.9 背景與現況：

- (a)女性因生產、育嬰而在工作職場遭雇主以不當方式減薪、調職甚至解僱。
- (b)女性於職場上的不公平待遇，以薪資差異及陞遷機會最多。勞工委員會調查報告指出，事業單位對受僱者薪資給付有性別考量者，占18.36%。
- (c)女性需同時擔負家庭照顧與職場工作：目前雙薪家庭雖為主流，但傳統家庭角色並沒有突破性的改變，家務勞動與照顧責任仍多為女性負擔。

5.10 對應政策與措施：

5.10.1 制定「性別平等工作法」及「就業服務法」等法律明確規範：

- (a)工作機會平等：雇主對求職者或受僱者在招募、甄試、進用、分發、配置、考績或陞遷，或提供教育、員工福利措施訓練等，不得因性別或性傾向而有差別待遇。
- (b)明定同值同酬：受僱者之薪資，不得因性別或性傾向而有差別待遇；其工作或價值相同者，應給付同等薪資。
- (c)促進婦女就業：對負擔家計婦女且有工作能力之自願就業者，政府應訂定計畫，致力促進其就業。
- (d)保護孕產權益：規範企業應有提供受僱者生理假、陪產假、育嬰留職停薪、哺乳時間、工作時間之調整及家庭照顧假的規定。並鼓勵事業單位設置托兒設施或提供適當托兒措施。

5.10.2 各項具體行政措施：

- (a)建立就業歧視判定標準制度，宣導防制並查察媒體徵才版面、輔導企業，禁止招募廣告就業性別歧視。



- (b)檢視職業隔離程度嚴重的行、職業，提出改善方案；以「就業弱勢者促進方案」，提供婦女個別化、專業化就業服務。
- (c)舉辦防制就業歧視法制教育及業務研討會；評鑑地方政府防制歧視績效。
- (d)建立申訴管道機制，協助司法上之救濟，訂定「性別工作平等申訴審議處理辦法」及「性別工作平等訴訟法律扶助辦法」協助勞動權益受損的勞工尋求救濟支援。

5.11 執行困境與原因：

- (a)懷孕歧視問題仍在：仍有雇主假藉其他理由，對懷孕員工為不利益行為，甚至解僱，以達其規避法定之雇主責任。
- (b)同工同酬及同值同酬舉證不易：事業單位可能基於資歷、年資…等因素而給予勞工不同的勞動條件，實務上不易舉證因「性別」因素的差別待遇。
- (c)傳統觀念不易破除：育兒及家務仍多為女性負擔，因此育嬰留職停薪雖為兩性皆有的權利，實務上申請者仍多為女性。

5.12 持續努力的方向：

- (a)宣導平等觀念：運用電子媒體、政令手冊宣導保障女性孕產權益、表揚鼓勵事業單位對落實性別工作平等法。
- (b)落實規範檢查：除了事業單位自我檢視，並針對不同行業別、申訴個案進行檢查，並要求地方政府將平等法令納入勞動檢查之範圍，並進行「同值同酬」實務上認定標準研究。
- (c)充實支援管道：規劃設置性別工作平等專屬網站，提供相關法令資料、協助受害者社會資源、諮詢網路服務。

改造特定職業領域、消滅性別分工現象

5.13 背景與現況：

部分政府部門單位因工作性質（如國防、海岸巡防、警察、消防），而有職

業領域性別不平均的情形，各部會為消除因性別角色而有的任務定型，以及因應現有的性別比例情況，規劃各種措施加以改善。

5.14 對應政策與措施：

- (a)考選制度改革：海巡特考及警察特考，不因性別而有名額、任務定型或差別待遇。而部分原有性別名額限制的機關，則陸續展開改革，如訂定「女警政策」逐年增加基層警察女性比例、研擬以體能檢定補充消防人員考試項目；國防軍事部分則以「國軍女性人力進用實施計畫」逐年提升女性進用比例。
- (b)晉升機會均等：除了變革考選人員的性別限制，國防、警政、海岸巡防等機關也注意選拔中、高階管理人員時的女性比例。
- (c)建立友善環境：由於這些工作以往絕大部分由男性從事，因此在逐漸開放女性進入時，政府部門亦同時改變硬體設備一如宿舍空間分配、執勤配備的規格；以及組織文化—建立兩性平等觀點以防止單一性別強勢而有職場性騷擾及性侵害情形，以建立讓兩性有平等機會從事這些工作的環境。

5.15 執行困境與原因：

雖然政府逐步解除這些工作與性別刻板印象和傳統角色的關連，然而仍有部分女性進入工作領域後有無法適應的情況，如何維護不同性別公平擔任這些職務的機會，並兼顧考慮個體的差異情況，是相關政府單位面對的問題。

5.16 持續改進的方向：

因為這些工作現在或未來都將取消性別限制，為使工作者有確實足夠的能力，相關單位在徵才時會著重說明工作內容，並規劃考試方式，以能力而非性別做為擔任這些工作的標準。

建立平等家庭制度

增進兩性法律平等、去除繼承性別歧視

5.17 背景和現況：

- (a)傳統家庭價值男尊女卑：在傳統文化上的男尊女卑及父權思想，過去於身分法等制度中特別明顯。
- (b)宗廟祭祀偏重男系繼承：自古宗廟之祭祀權均由繼承宗祧之男系子孫所享有，故因應祭祀需求而設立之財產自始即為宗族內男系子孫所管有。臺灣的祭祀公業亦如此。除特殊情形外，女性不得取得派下權。

5.18 對應政策與措施：

5.18.1 為消除身分法中婚姻及家庭上對兩性之不平等，台灣民法親屬編已多次修正及變革，其中包括：

- (a)儀式婚改為登記婚：強調婚姻之公示性，以保障婚姻當事人之權益。
- (b)婚姻雙方地位平等：規定婚姻雙方各保有其本姓、平等約定婚後住所，確立以「分別財產」為基本架構之法定財產制，同時增訂「自由處分金」，明定夫妻於家庭生活費用外，得協議一定數額之金錢，供夫或妻自由處分，肯定家務勞動價值。

5.18.2 2007年制定「祭祀公業條例」，納入男女平權觀念：

明定「祭祀公業及祭祀公業法人之派下員發生繼承事實時，其繼承人應以共同承擔祭祀者列為派下員。」不再排除女性繼承，落實憲法與民法男女平權之精神。

5.19 執行效果、困難與改進方向：

- (a)持續宣導婚姻登記的法律觀念：為使民眾瞭解結婚登記新制，政府部門經由各種管道向大眾宣傳婚姻登記與法律保障的制度，惟因新制度甫施行，為尊重婚姻儀式與擇吉日成婚的民俗，執行登記之公務機關乃修正相同戶籍登記作業規定，以便利民眾辦理結婚登記。

- (b)必須兼顧法律改革與尊重既有傳統：祭祀公業條例立法目的在於發揚孝道延續宗族傳統，健全祭祀公業土地管理，所以相關規範需衡量傳統習俗，避免干擾破壞既有之權利狀態，並納入憲法與民法男女平權之精神。

重視平等親職責任、依循子女利益原則

5.20 有關子女姓氏之決定請參見第16條。

消弭家庭暴力行為、支援親職照顧角色

5.21 家庭暴力行為

5.21.1 家庭暴力行為的現況與背景：

家暴事件不只是家務事：2002至2007年家庭暴力事件受理通報件數由36,120件增加為72,606件，呈現近2倍的成長，顯示家庭暴力是家務事的傳統觀念已逐漸破除。

5.21.2 對應政策與措施：

- (a)制定各項法規處理家暴及案件：訂定家庭暴力防治法及施行細則、家庭暴力電子資料庫建立管理及使用辦法、行政機關執行保護令及處理家庭暴力案件辦法、家庭暴力被害人創業貸款補助辦法等。
- (b)建立家暴案件資料庫：建立家庭暴力防治資料庫，整合家庭暴力、性侵害、兒童少年保護資訊管理系統。
- (c)設置通報諮詢專線：包括「113婦幼保護專線」、「0800-013999男性關懷專線」，提供關懷支持與一般諮詢，並針對特定問題需求進行轉介服務。
- (d)補充人力物力資源，強化輔導據點：地方政府提供家庭暴力被害人保護扶助措施，成立18處地方法院家庭暴力事件服務處，增加190名社工人



力，並全面推動設置「社區家庭暴力防治官」制度。

- (e) 延伸個案處遇範圍：除開發目睹家庭暴力兒童相關服務方案，並試辦家庭暴力危險分級方案計畫，強化危險性個案篩檢，提供高危險個案適當之處遇，輔以基層員警加強訪查約制加害人，提升防治網絡服務效能。並加強外籍及大陸配偶家庭暴力防治工作。

5.21.3 現存困難及障礙

- (a) 人力資源仍有不足：社工人力普遍不足、人員流動率大、人身安全問題待加強，服務深度難以提升，應整體通盤解決。
- (b) 性別意識需要提升：防治網絡牽涉各領域，包括法官、檢察官、警察、醫療及教育人員均需提高性別意識。

5.21.4 持續推動的方向

- (a) 增加資源，充實合理社工人力，並增進社工人員安全保護措施。
- (b) 提供多元求助管道，落實被害人直接服務，提升保護扶助效能。
- (c) 推動加害人預防性方案，提高加害人處遇計畫之裁定及執行成效。
- (d) 針對社會大眾加強預防宣導，並針對特定對象發展防治教育宣導方案。

5.22 支援親職照顧

5.22.1 背景與現況：

兒童是社會共同的資產及未來的人力資源，政府在推行與兒童權益有關的政策時，即是從基本保護（人身安全）、督促親職、支援親職著手。

5.22.2 對應政策與措施：

- (a) 制定法律及政策：包括「兒童及少年福利法」規範保護案件之責任通報、個案之緊急保護安置等，並規定父母或監護人對兒童及少年應負保護、教養之責任。並通過「社區自治幼兒園補助實施計畫」，輔導地方政府辦理。
- (b) 行政措施與方案：包括高風險家庭輔導處遇計畫，以手冊、網站及民間團體等管道宣導親職觀念，並嘗試結合地方社團、社區資源，辦理社區

自治幼兒園計畫。

5.22.3 執行困難與障礙：

- (a) 人力資源缺乏：地方政府兒保社工人力不足，難以負荷日增之案量。
- (b) 業者利益衝突：政府欲支援地方推動普及式的幼兒照顧機制，但與原有幼托業者之營利發生衝突而有反彈。

5.22.4 持續改善方向：

以中央政府專案方式增加地方政府社工人力，並持續鼓勵社區或民間團體積極參與「社區自治幼兒園實施計畫」，以非營利方式建構平等且普及化的托育制度。

建立具有性別平等教育內涵之家庭教育及社會教育

5.23 家庭與婚姻教育

5.23.1 法制之保障

- (a) 依據家庭教育法，家庭教育的範圍係指親職教育、婚姻教育、子職教育、倫理教育及家庭資源與管理教育等，其中婚姻教育活動包含婚前及失婚等不同婚姻階段，以提供適婚者做好跨入婚姻之相關調適與準備。
- (b) 另依該法第12條規定：高級中等以下學校每學年應在正式課程外實施4小時以上家庭教育課程及活動，並應會同家長會辦理親職教育。
- (c) 依據性別平等教育法第4、第5條，有關全國性及地方性之性別平等之家庭教育及社會教育之推動，分屬中央及地方所設之性別平等教育委員會之任務，以破除刻板化的性別角色概念。

5.23.2 具體執行成果

- (a) 政府已依法持續督導地方政府完成設置家庭教育中心，每年並補助經費辦理家庭教育活動，每年受益人次於16萬至50萬人之間。
- (b) 編印家庭教育參考教材，包含親職教育、婚前教育與婚姻教育內涵，內



容包含性別平等、家務分工、夫妻溝通與子女教養等相關議題，並另外針對外籍配偶、原住民、單親爸爸、中老年女性等不同優先實施對象編印工作手冊與自學手冊，以提供社會大眾與家庭教育工作者參考使用。

(c)補助地方政府及民間團體辦理社區婦女教育及人才培訓活動中，約有7成的申請計畫包含多元家庭女性之支持及家庭中的性別議題等。

5.23.3 未來努力方向

- (a)請各家庭教育中心辦理志工培訓與個案研討時，注重相關議題之研討，以提升志工對性別議題之敏感度。
- (b)請各家庭教育中心將性別平等議題融入所辦理之家庭教育推廣活動中規劃，宣導「恩恩愛愛做夫妻，和和樂樂共親職」之育兒態度。
- (c)有鑑於男性參與家庭教育活動比率偏低，辦理婚前/婚姻教育活動時，以情侶或夫妻為對象，誘導男性參與學習，另亦有部分縣市開辦父職(男性)成長教育活動，並結合軍警、工廠、企業辦理家庭教育活動，以男性為主要教育對象。
- (d)將國內性別平等繪本圖書與影片等素材清單，提供各家庭教育中心，辦理性別平等親子共讀活動，使孩子從小與父母一起探討相關議題。
- (e)加強落實高中以下學校家庭教育課程活動之實施，以期男學生從小就能開啟思考此類議題之動機與興趣，並習得相關之基本知能。

第六條---與販賣婦女和賣淫有關的 違法犯罪

締約各國應採取一切適當措施，包括制定法律，以禁止一切形式販賣婦女及意圖營利使婦女賣淫的行為。

6.1 為保障人口販運被害人之人權，有效防制人口販運犯罪，行政院於2007年1月通過「行政院防制人口販運協調會報設置要點」，每二個月定期召開司法院與行政院跨部會聯繫會議，並訂定「行政院防制人口販運行動計畫」，為台灣政府執行人口販運防制行動依據。

人口販運防制相關法律

- 6.2 為防制跨國(境)人口販運及被害人保護，2007年12月政府修訂「入出國及移民法」，設有專章明文規定查緝起訴、保護及預防三面向之具體作為。另依該法第46條訂定「跨國境人口販運防制及被害人保護辦法」，並配合修正「大陸地區人民進入臺灣地區許可辦法」，保障人口販運被害人之人權，且對於被害人因被害事實所直接造成的違規行為，予以免除行政罰。
- 6.3 在聘僱外勞與管理方面，政府在2007至2008年陸續修訂「就業服務法」、「雇主聘僱外國人許可及管理辦法」、「外國人受聘僱從事就業服務法」等規範外國籍勞工在台工作期間、工作程序、轉換雇主、生活照顧及法律權益，避免外勞人身安全受到不法侵害，提供人口販運被害外勞權益保障。
- 6.4 為積極遏阻人口販運犯罪之發生，建立被害人安全作證機制與建構被害人保護網絡，政府已於2009年1月經立法院三讀通過「人口販運防制法」，是台灣防制人口販運犯行的重要里程碑。



6.5 為防制消弭以兒童及少年為性交易對象事件，我國已於1995年頒布實施「兒童及少年性交易防制條例」，對於防制兒童及少年從事性交易案件已有相當成效，在世界各國亦為少數有立專法保護兒童及少年的國家之一。

6.6 「發展觀光條例」規範觀光旅館業、旅館業、旅行業、觀光遊樂業或民宿經營者，若涉及人口販運或為性交易場所時，依涉及程度處以罰鍰、停業或廢止其營業執照或登記證。受僱人員有上述行為者，並處以罰鍰。另1999年4月立法院修正刑法231條，增加經營妓女戶之罪責。

6.7 2007年7月「洗錢防制法」修正公布，第16條增列對於外國政府、機構或國際組織請求我國協助調查者得基於互惠原則，提供所受理申報、通報資料或調查結果，以加強國際合作與人口販運案件中洗錢防制。

被害人保護

6.8 主動積極鑑別：為使執法人員於案件查獲時，可立即辨識人口販運被害人，2006至2007年政府（法務部）陸續訂修「防制人口販運案件具體執行方案」及「人口販運被害人鑑別原則」，積極主動鑑別。經鑑別為被害人者，即依人口販運案件作業程序，予以庇護安置，並提供其他相關必要之協助。

6.9 提供適當安置：政府依不同身別份的人口販運被害人，由各機關分別提供安置服務。然因現有庇護安置處所與相關保護機制仍未臻完善，仍需加強規劃其庇護安置，未來已積極規劃籌設3處人口販運被害人庇護安置處所，並以公開委託非政府組織方式，辦理安置服務業務，期藉引進專業團隊提供服務，俾符合被害人之實際需求，亦可提升其配合偵審意願，協助案件偵審。

[表6-1] 2007至2008年人口販運被害人安置概況

| 身份別 | 安置情形 | 安置人數 |
|--------------------|--|---|
| 1. 非持工作簽證 遭性剝削 | 全國25個地方政府均已結合現有家庭暴力及性侵害被害人之安置床位，提供庇護安置 | 2007-2008年，共安置41名 |
| 2. 非持工作簽證 遭勞力剝削 | 內政部委託非政府組織協助庇護安置 | 2007-2008年，共安置48名 |
| 3. 持工作簽證 | 勞委會之外籍勞工收容安置單位14處 | 2007-2008年11月，共安置43名。其中5名為遭性剝削被害人，38名遭勞力剝削之被害人。 |
| 4. 兒童少年 性交易 | 內政部設立17處全國緊急及短期收容中心 | 2007-2008年6月，共安置798名。 |

6.10 提供保護服務：在保護性服務方面，政府主要提供：

- (a) 支持性服務：結合民間非政府組織辦理被害人支持及治療性團體、知性成長課程及其他服務活動，提供心理輔導相關活動；偵辦期間協助被害人與家屬聯絡，並主動通知被害人原屬國家駐台辦事處，協助家屬了解台灣政府所提供的保護與安全措施。
- (b) 經濟補助：政府依據相關法令提供必要之經濟補助，包括緊急生活扶助、子女教育補助、安置補助、法律訴訟補助、醫療補助、心理治療補助等費用。
- (c) 法律扶助：各地方政府設有委任律師，可視個案狀況提供法律諮詢及協助提出告訴等。在外籍勞工方面，各縣市政府設立外勞諮詢服務中心，提供

勞資爭議處理及法律諮詢服務及相關訴訟費用補助，包括法律顧問諮詢費、律師出庭費、律師撰狀費、民事訴訟費等相關法律諮詢費用，2007至2008年投入新台幣14,167萬元。

(d)工作許可：2008年依「跨國境人口販運防制及被害人保護辦法」，訂定發布外國人工作許可，賦予外國籍人口販運被害人短期工作權。

6.11 落實偵審保護：為加強提供被害人於偵審時的保護，政府建立(a)陪同偵訊實施機制，對於人口販運被害人或外籍勞工之偵訊可由社政人員或非營利組織陪同機制；(b)安全作證機制，由警察機關執行被害人護送，以確保被害人作證流程之安全；(c)通譯人員資源網絡，提供被害人語言通譯服務，以利調查程序進行。

6.12 規劃安全送返機制：2008年政府通過「辦理人口販運被害人安全送返原籍國(地)作業原則」，協助被害人安全返回原籍國(地)。

6.13 儘管政府積極建置被害人保護網絡，提供各項保護服務工作，但在家事勞動權益方面，因家事服務工作者之工作型態個案化及多元化，工作時間、待命時間與休息時間區隔不易等特性，配套法令與保護工作仍有不足，因此未來將優先研議家事工作者之勞動權益保障，持續檢討家事工作者納入勞動基準法適用之可行性及相關配套措施。

預防策略

6.14 為預防人口販運案件的發生，政府透過學校教育體系、電視、報章雜誌、網絡等各式媒體，製作宣導單張、廣告影片，針對分眾族群積極進行國人有關人權、性別平等與法治教育。

6.15 對於外籍人士印製中、英、越、菲、泰及柬埔寨等6國語言救援卡，及相關報章平面刊物、電視媒體等，針對外籍勞工及外籍配偶等人口販運潛在被害人加強性剝削防制宣導。設置0800088885外籍配偶免費諮詢專線，以6國語

言提供其在台各項法令、權益說明及照顧服務，2007年計提供10,139人次諮詢服務；外籍勞工方面，則同樣設置免付費電話、外勞諮詢服務中心與國際機場外勞諮詢服務站等提供外勞申訴諮詢管道，2007至2008年電話案件總計23,820件、服務中心提供諮詢服務計254,365人次、機場服務站則受理521件。

6.16 為加強政府人員對人口販運議題的認知與專業能力，各部會分別就其工作職掌積極辦理教育訓練課程：(a)內政部辦理中央與地方之社政人員、基層工作人員等防制訓練與實務研討會，2007至2008年共計訓練3,570人次；(b)針對雇主、仲介及外勞之法令宣導則有101場次；(c)外勞諮詢人員對人口販運案件辨識訓練，2007至2008年共有800人次參訓；(d)醫療人員則就性侵害探證、驗傷、通報等進行專業訓練，2007年計有478位醫事人員參與；(e)另針對旅遊觀光行業工作人員（導遊、領隊、旅館經理人等）進行防制性交易及人口販運議題認識，計有6,750人次；(f)訓練250位通譯人員。

6.17 為擴大服務效益，整合民間資源共同投入人口販運防制工作，政府各部會分別結合各相關議題之非政府組織提供被害人服務，並協助政府專業訓練、法令研修，以及參與國際非政府組織或其他國際交流工作。

6.18 隨著人口販運及外籍勞工人權議題逐漸獲得各界的關注，政府開始著手就外勞政策進行檢討修正，包括(a)為避免非法媒介行為造成外勞行蹤不明情形加劇，2007年修正法令加重非法媒介及超收費用停業處分罰責；(b)因外國仲介收取仲介費用標準不一，外籍勞工常被附加額外費用，造成沉重負擔或無故被迫於「外國人入國工作費用及工資切結書」簽署借款，致外籍勞工無端承受債務。未來以朝向擴大辦理直接聘僱，除維持現行以重新招募同一外籍看護工為對象外，2009年規劃擴大適用製造業、營造業等其他工作類別重新招募案件，達成簡化申請流程及外勞免負擔國外仲介費用目標，並協調改善外國仲介管理，於2008年7月29日商請外籍勞工來源國明訂與外籍勞工來臺有關之仲介費規費項目金額標準及落實驗證程序，防止假造或不實工資切結書，並規劃修正工資切結書內容，不得登載國外仲介費用及禁止國外仲介收取私人借款。

- 6.19 同時為保護外籍勞工個人隱私與人身安全，加強性別平等，並配合「性侵害防治法」及「性騷擾防治法」之修訂，於外籍勞工生活照顧服務書之裁量基準中，納入外籍勞工居住空間設計，應考量性別意識並尊重外籍勞工個人隱私。另將人口販運被害外籍勞工納為可臨時安置對象，安置期限2個月，每次得延長2個月，同時規範臨時安置處所並應注重人身安全及隱私，內部空間之規劃與設計應具有性別意識觀點，依性別之差異適度調整。
- 6.20 儘管政府已設置免費申訴專線及各地外籍勞工諮詢專線，但因未於例假日及平日非上班時間提供服務，且各地申訴專線號碼不一，不易記憶，致外籍勞工無法於第一時間撥打專線申訴，可能錯過援助時間；未來2009年規劃設立24小時申訴保護專線，整合現行0800 外籍勞工免費申訴專線及縣市政府外籍勞工諮詢服務中心服務專線，提供24小時(含假日)電話申訴諮詢管道，電子派案至權責縣市政府及追蹤管理申訴案件後續協處情形。

犯罪查緝

- 6.21 加強查緝人口販運疑似案件，2007至2008年11月，司法警察機關共計查獲疑似人口販運案件285件，其中195件屬性剝削、90件屬勞力剝削；另查獲行蹤不明外勞17,545人；另自2007年至2008年11月，共查獲大陸偷渡犯人數為409人。
- 6.22 關於司法審判與處分情形方面，2007至2008年有953人因與人口販運有關之犯罪而被起訴，其中340人已判決有罪。另2007年剝削外籍勞工之雇主與仲介行政查處情形：雇主部分，計有1,389件處以罰鍰、137件被處廢止許可之行政懲處；仲介部分，則計有127件處以罰鍰、28家被處以停業之行政懲處。在實務面，由於人口販運被害人若無被害意識，縱使遭受到剝削而不自知，影響後續處置作為，或被害人慮及家人親友安危而不願接受安置，並拒絕協助偵查，對於偵辦人口販運集團犯罪行為難以定罪，而此也是未來應持續加強宣導教育之重要課題。

- 6.23 為建立犯罪查緝標準化處理流程與人口販運案件之認定標準，2007年制訂「人口販運案件處理流程」、「人口販運被害人鑑別原則」、「人口販運案件檢查表」及「人口販運案件類型及適用法條表」，並納入常年教育訓練課程。
- 6.24 由於現行對於人口販運定義未臻明確，造成被害人認定上之困難，且人口販運態樣繁複，被害人同時可能亦為涉案人，因此人口販運被害人通常非第一時間可立即鑑別，雖有上述規範，但因相關概念不清，又無明確定義，故未來應檢討修正相關辦法與規範，使「人口販運案件」與「人口販運被害人」之認定標準趨於一致，並將加強執法人員對於人口販運被害人動態性鑑別之認識，隨時視案件之進展持續進行被害人之鑑別。
- 6.25 各地方法院檢察署自2007年起指定專責檢察官有效統合、指揮移民、警察、海巡機關，並適時結合民間團體、外國使館或代表處，以有效查緝人口販運案件。另台灣高等法院檢察署亦於2007年成立督導小組，督導各檢察署有關人口販運案件之辦理，提昇辦案效能，並加強各相關機關間之聯繫，且為加深檢察官對人口販運案件之認識，完成人口販運案例彙編，於2007年12月發送予各檢察機關參考。
- 6.26 為杜絕犯罪集團假非法名義招收被害人，預防人口販運案件發生，針對大陸籍配偶以及東南亞國家持短期簽證者予以嚴格審查，2007年共有1,798名進行面談，其中200人在第一線進行面談時發現可疑，進行二次面談，因此未來對於出入國境之監控查察機制，將持續加強面談工作、嚴格證照查驗及積極查緝走私偷渡等勤務業務作為機制，減少非法入境，防杜人口販運案件發生。
- 6.27 對於查緝人員、檢察官等進行專業職能訓練，包括：(a)2007至2008年警政、海巡人員總計訓練2,130人次；(b)2007年舉辦檢查官人口販運案件司法實務研習會，並於全國檢察長會議中，就如何加強人口販運案件偵察及對被害人保護議題進行討論；(c)2007年9月與美國在台協會共同主辦「人口販運案例討論會」，邀請美國司法部公民權利處人口販運問題資深特別顧問Mr. T. March



Bell 主持並引導案例模擬練習、11月辦理「人蛇查緝及證照辨識研討會」與「加強人口販運被害人鑑別座談會」，與會人員包括：警政、司法、檢調、各國航空業者、駐華人員、海關人員等。

- 6.28 人口販運與人口走私、販賣、偷渡及販毒走私等組織犯罪交相瓜葛，致人口販運問題錯綜複雜，一般民眾對人口販運議題仍不熟稔，甚至遭人口販運集團隱瞞或欺騙。為鼓勵民眾主動檢舉人口販運案件，內政部於2007年12月設置「02-23883095」通報專線且與「110」報案專線併同印製文宣品，並透過公共場合、媒體等各宣導管道，加強對潛在被害人之宣導，避免淪為人口販運之被害人，而未來也將加強建立有效宣導管道，強化民眾對人口販運本質及態樣之認識與瞭解，共同防止人口販運犯罪事件之發生。

國際合作

- 6.29 藉由各種協議與雙方會議機會，與美國、日本、印尼、泰國等國合作，並在APEC架構下進行交流，2007年12月我國駐日本代表處參與日本第4屆人身買賣聯席會議，同時與日方相關單位洽談有關未來共同合作防制人身買賣案件發生；2008年台印勞工合作備忘錄，增列人口販運合作機制，將俟印尼回復意見洽商簽署事宜；另研議洽商泰國將人口販運合作機制納入台泰直接聘僱協定簽署合作。
- 6.30 辦理國際會議、促進國際交流合作，2007年7月辦理「防制人口販運國際學術研討會」邀請美國司法部助理副部長Ms.Grace Chung Becker來台專題演講；2007年8月、10月分別舉行防制人口販運國際工作坊及國際研訪會。會中與美國實際參與人口販運之官員和越南及柬埔寨等非政府組織就防制人口販運實務作法充分溝通與交流。
- 6.31 由於目前我國人口販運案件之被害人多來自越南，外交部與法務部自2006年11月起即就台越司法互助之規劃進行多次商議，2008年兩國就簽署「台越刑

事司法互助協定」草案積極協商，對加強國際司法互助具高度共識。

- 6.32 防制人口販運亟需輸入國與輸出國共同努力打擊不法，目前各來源國對於防止不法販運作為雖有共識，但因各國積極意願不同及國際客觀環境影響下，政府仍將廣續加強與各來源國協商，發展多元合作模式，爭取國際合作空間，也讓國際社會瞭解我國對此議題之重視。
- 6.33 因應台灣與大陸地區開放之政策，兩岸交流頻繁及開放陸客觀光的安全問題產生，未來將以「持續建立兩岸制度化共同打擊犯罪合作機制」、「落實指紋按捺建檔、比對」、「規劃實施生物辨識系統」等政策來達到大陸人民來台安全管理機制。
- 6.34 由於台灣外交面臨被孤立的困境，受限政治與無實質邦交的原因，無法與世界各國展開對等的交流，未來應強化民間團體交流，以協助政府達成實質的國際交流合作，而政府也應加強相關經費補助以強化實質外交拓展。

第七條---婦女在所有選舉中擁有選舉權 以及參與政府的政策制訂 和參加非政府組織

締約各國應採取一切適當措施，消除在本國政治和公共生活中對婦女的歧視，特別應保證婦女在與男子平等的條件下：

- (a) 在一切選舉和公民投票中有選舉權，並在一切民選機構有被選舉權；
- (b) 參加政府政策的制訂及其執行，並擔任各級政府公職，執行一切公務；
- (c) 參加有關本國公共和政治生活的非政府組織和協會。

參政權利性別平等

7.1 背景與現況

本國現行各項選舉法規，對於婦女選舉權、被選舉權及公民投票權等，均未有限制之規定。而憲法是一切法律的基本依據，本國憲法自1947年頒行以來，就對兩性的公民參政權明列各種保障：

- (a) 基本人權：憲法第17條：「人民有選舉、罷免、創制及複決之權。」
- (b) 權利平等：憲法第129條：「本憲法所規定之各種選舉，除本憲法別有規定外，以普通、平等、直接及無記名投票之方法行之。」
- (c) 保障自由：憲法第132條：「選舉應嚴禁威脅利誘。」表明選舉亦需保障公民參政自由。
- (d) 支持參政：憲法第134條：「各種選舉，應規定婦女當選名額。」

7.2 為了確保憲法明定的女性參政權，使女性在各民選機構有一定比例以上的代表，本國法規另有進一步規範：

(a) 國會議員部分：2005年本國憲法增修條文第4條規定，由政黨得票比例所選出的國會議員，女性比例不得少於二分之一，因此各主要政黨提名之政黨比例代表，女性均需佔二分之一以上。

(b) 地方議會部分：地方政府之議員代表名額達4人者，應有婦女當選名額1人；超過4人者，每增加4人增1人。另原住民族所選之議員亦有相同規定。

7.3 實行的情況

(a) 國會議員女性比例提升：2008年立法委員選舉結果，女性議員所佔比例達30.09%（總額113名，女性34人），較前屆立委選舉女性議員佔21%（總額225名，女性47人），比例大幅增加。

(b) 女性選民投票情形踴躍：2008年總統選舉，女性投票率為77.65%，略高於男性投票率，顯見婦女參政十分踴躍。

7.4 未來的方向：

憲法保障人民參政自由的規定，只要符合最低基本年齡及精神狀態，一律享有選舉權與被選舉權，並非依性別而有差別待遇。為了提供更完整的保障，現在政府也依循聯合國決議通過之「世界人權宣言」，訂定「人權法」草案，具體表述公民在「直接或經由自由選舉之代表參與公共事務」、「就公共政策、法律、憲法修正案及領土變更案，行使公民投票」、「各項公職人員選舉中投票及參選」、「於平等原則下得服公職」等權利及機會，不受不合理之限制。另亦明訂「人民有集會之自由，除依法律之規定，且為民主社會維護國家安全、公共安寧、公共衛生或善良風俗，或保障他人自由、權利所必要者外，不得限制之」以及「人民有結社之自由，包括組織及參加工會之權利，除依法律之規定，且為民主社會維護國家安全、公共安寧、公共秩序、維護公共衛生或善良風俗，或保障他人自由、權利所必要者外，不得限制之。」等規範，具體保障公共參與的權利。



平等參與政府政策制訂及擔任公職

7.5 背景與現況

- (a) 行政部門實踐性別主流化：依據行政院婦女權益促進委員會會議決議，積極推動各項促進性別平權及提升性別意識的人力資源管理措施。
- (b) 改革國家考試性別限額：目前本國各項文官考試資格無性別限制，少部分公職（國家安全情報人員特考、司法人員特考、基層警察人員特考等）有性別名額規範，則諮詢於2005年成立之「國家考試性別平等諮詢委員會」。

7.6 對應政策與法規

- (a) 促進女性參與決策：鼓勵各機關進用女性公務人員擔任中高階主管及關鍵性職務，行政院於92年核定「行政院與所屬機關及地方行政機關促進女性參與決策績效優良獎勵計畫」，評選並獎勵積極進用女性人員之機關。
- (b) 改善各委員會之性別比例：本國中央最高行政機關之政務首長（含政務委員），截至97年12月26日止有26.09%的比例為女性。另外政府亦推動各部會所屬委員會任一性別比例達三分之一政策，行政院人事行政局除將各機關所屬委員會委員性別比例改善情形列為年度主管機關人事機構業務績效考核項目，另為利定期追蹤管考，於人事服務網建置調查表系統，並於97年3月28日函請各部會確實檢討改善情形，並按季於每年1、4、7及10月之15日前上網填報最新統計數據資料。
- (c) 提升公務人力性別意識：97年12月22日舉辦「從性別觀點看公務人力資源管理的現在與未來」學術研討會，並強化各部會性別平等專案小組之經驗交流。
- (d) 考選制度以性別平等為原則：基於性別工作平等法，政府發布「國家考試性別平等白皮書」說明國家考試保障性別平等措施及成效。

7.7 實行的情形與困難

- (a) 改善各委員會性別比例仍需努力：至2009年1月，納入列管的481個委員會

中，任一性別比例未達三分之一者計有79個，約為16.42%，行政部門將持續要求訂定改善計畫。

(b) 持續推行所有國家考試性別平等：2007年本國國家考試錄取人性別比率為

| 考試種類 | 女性比例 | 男性比例 |
|----------|------|------|
| 高等考試一、二級 | 33% | 67% |
| 高等考試三級 | 51% | 49% |
| 普通考試 | 42% | 58% |
| 初等考試 | 68% | 32% |

上述顯示之各項考試並無對任一性別有名額限制，但目前仍有國家安全情報人員特考、基層警察人員特考、司法人員特考之監獄官、監所管理員類科等3項考試分定男女錄取名額。

(c) 文官考銓福利制度一律平等：1998年至2007年女性公務人員比例由32.57%逐年增加至37.26%。

7.8 未來努力的方向

- (a) 持續改善性別比例、增進性別意識：持續獎勵以促進各機關積極晉用女性參與決策，並協助各部會所屬委員會委員任一性別比例達三分之一。同時為強化各部會性平小組之經驗交流，每年定期舉辦研習活動，強化各部會性平小組委員性別意識，全面推廣性別主流化政策。
- (b) 逐步取消所有國家考試之性別限制：強化「考選部國家考試性別平等諮詢委員會」職掌功能；協調特考用人機關，逐步取消性別限制，研議併採多元考試方式來選取適任人才；並建議各機關改善工作環境，落實考評訓練成效，建立退場機制，兼顧機關任務的特殊需求與性別平權。



第八條 ---國際上的代表權

締約各國應採取一切適當措施，保證婦女在與男子平等不受任何歧視的條件下，有機會在國際上代表本國政府和參加各國際組織的工作。

相關法制及具體執行情形：

8.1 中華民國婦女基於兩性平等原則，政府機關於辦理進用人員時，均無性別限制，以當事人學經歷、職務歷練及能力等為考核標準。惟女性駐外人員在升遷或派駐國外時常因家庭、婚姻等因素而受到若干限制。為保障兩性工作平等權及家庭婚姻之考量，外交部自2005年起實施「夫妻同館」制度，目前已有21對（部內5對，外館16對）外交領事人員夫妻志願在同一館處服務，成效良好，夫妻同館已正式納入外交部調派駐外人員作業規範。

[表8-1] 外交部內女性主管比例表

| 年度 類別 | 2005年 | | 2006年 | | 2007年 | | 2008年 | |
|---------------|---------------|--------|-------|--------|-------|--------|--------|--------|
| | 簡任主管 (司處長) | 2 | 4.00% | 2 | 4.55% | 5 | 11.36% | 8 |
| 荐任主管 (科組長) | 15 | 16.18% | 19 | 21.35% | 28 | 29.47% | 29 | 30.53% |
| 小計(%) 人數 | 17 | 11.64% | 21 | 15.44% | 34 | 23.94% | 37 | 24.67% |

資料來源：外交部人事處

[表8-2] 外交部駐外館處女性主管比例表

| 年度 類別 | 2005年 | | 2006年 | | 2007年 | | 2008年 | |
|-------------|-------|--------|-------|--------|-------|--------|-------|--------|
| | 館長 | 6 | 5.31% | 4 | 3.7% | 4 | 3.81% | 8 |
| 副館長 | 3 | 9.68% | 3 | 8.57% | 3 | 7.69% | 4 | 10.26% |
| 組長(副組長) | 10 | 11.36% | 9 | 10.00% | 11 | 11.22% | 11 | 11.83% |
| 小計(%) 人數 | 19 | 8.19% | 16 | 6.87% | 18 | 7.44% | 23 | 9.78% |

資料來源：外交部人事處

8.2 有關經濟部駐外商務人員進用情形：經濟部辦理駐外人員外派及輪調，均以工作表現、語文專長及個人意願辦理相關外派及輪調作業，使不同性別人員均能擔任各駐外單位工作並代國家參與各項國際事務。目前政府駐外商務人員計有227人，女性46人，佔全體人數20.26%。

8.3 女性代表政府參與國際會議情形：我國政府派員出席相關國際組織會議一向以專業需要為考量，對於女性同仁之參與並無任何限制，以女性同仁參與亞太經濟合作(APEC)會議為例：APEC架構下已成立「性別聯絡人網絡特別小組(GFPN)」，推動各會員體對性別主流化之重視及推動女性平等參與APEC各會議與研討會，每年APEC亦舉辦「婦女領導人網絡會議(WLN)」。我政府一向支持「性別聯絡人網絡會議(GFPN)」及「婦女領導人網絡會議(WLN)」，2006年及2007年我出席APEC領袖會議、部長會議、資深官員會議、各工作小組會議均派相當比例之女性同仁與會。政府歷年均積極協助國內婦女團體參與國際會議及活動，促進台灣NGO及國際接軌，並爭取在重要國際非政府組織(INGO)擔任要職。在原住民部分，政府亦積極促成女性參與國際事務，如赴紐約參加第7屆聯合國原住民議題常設論壇，及前往加拿大Metis組織實習等。



8.4 外交部自1996年起取消外交領事人員特考女性限制名額以來，每年女性錄取比例已達40%-50%，2006年總錄取人數為40人，女性達23人，佔錄取人數57.5%，2007年錄取39人，女性為19人，佔錄取人數48.72%，2008年錄取30人，女性為19人，佔錄取人數63.33%，女性錄取率已超出男性，未來將有更多女性同仁擔任重要職務。

[表8-3] 外交領事人員三等特考女性錄取比例表

| 年度 \ 人數 | 總人數 | 女性 | 男性 | 女性比例 |
|---------|-----|----|----|---------|
| 2006年 | 40 | 23 | 17 | 57.50 % |
| 2007年 | 39 | 19 | 20 | 48.72 % |
| 2008年) | 30 | 19 | 11 | 63.33 % |

資料來源：外交部人事處

第九條---國籍權

1. 締約各國應給予婦女與男子有取得、改變或保留國籍的同等權利。締約各國應特別保證，與外國人結婚或於婚姻存續期間丈夫改變國籍均不當然改變妻子的國籍，使她成為無國籍人，或把丈夫的國籍強加於她。
2. 締約各國在關於子女的國籍方面，應給予婦女與男子平等的權利。

相關法制及具體執行情形：

- 9.1 基於兩性平等原則，我國國籍法對於婦女及男子在取得、改變或保留國籍上之規定並無不同。依照國籍法相關規定，外國人或無國籍人申請歸化我國國籍，以及我國國民在申請喪失國籍、回復國籍或撤銷國籍之喪失時，只要其具備相關要件，即得由其本人檢附相關證明文件親自至國內住所地戶政事務所提出申請，經由各直轄市、縣(市)層轉內政部許可。另我國國民申請喪失國籍或撤銷國籍之喪失部分，如其居住國外，亦得向駐外使領館處提出申請，由駐外館處送外交部轉內政部許可。是以，我國婦女之國籍不會因其與外國人結婚或於婚姻存續期間丈夫改變國籍而有所改變，且如其欲變更國籍，亦無須經由他人(包括其配偶)同意。
- 9.2 另國籍法於89年2月9日修正發布，明定父母任一方具有我國國籍，該子女即具有我國國籍，將父系血統主義改變為父母雙系之血統主義，故與外國人結婚之我國婦女，其所生子女亦具有我國國籍。此外，未成年子女欲隨父母變更國籍，須檢附法定代理人之同意證明，而法定代理人包含父與母，故我國婦女對於子女之國籍與我國男子具有平等權利。



第十條---教育和培訓權利，包括參加體育和獲取計畫生育知識的權利

締約各國應採取一切適當措施以消除對婦女的歧視，以保證婦女在教育方面享有與男子平等的權利，特別是在男女平等的基礎上保證：

- (a)在各類教育機構，不論其在城市或農村，在專業和職業輔導、取得學習機會和文憑等方面都有相同的條件。在學前教育、普通教育、技術、專業和高等技術教育以及各種職業培訓方面，都應保證這種平等；
- (b)課程、考試、師資的標準、校舍和設備的質量一律相同；
- (c)為消除在各級和各種方式的教育中對男女任務的任何定型觀念，應鼓勵實行男女同校和其他有助於實現這個目的的教育形式，並特別應修訂教科書和課程以及相應地修改教學方法；
- (d)領受獎學金和其他研究補助金的機會相同；
- (e)接受成人教育、包括成人識字和實用讀寫能力的教育的機會相同，特別是為了盡早縮短男女之間存在的教育水平上的一切差距；
- (f)減少女生退學率，並為離校過早的少女和婦女安排各種方案；
- (g)積極參加運動和體育的機會相同；
- (h)有接受特殊知識輔導的機會，以有助於保障家庭健康和幸福，包括關於計劃生育的知識和輔導在內。

10.1 國民教育法第二條規定：「凡六歲至十五歲之國民，應受國民教育；已逾齡未受國民教育之國民，應受國民補習教育。六歲至十五歲國民之強迫入學，另以法律定之（即強迫入學條例）。」九年國民義務教育實施目的：為提高國民教育水準，適應國家建設需要。方式：前六年為國民小學；後三年為國民中學。九年國民義務教育階段就學人數，依據97學年度統計資料，國小男生875,044人，國小女生802,288人，男生國中494,877人，國中女生457,099人，男女學生人數比例為男生佔52.10%，女生47.89%。

建構平等之教育資源環境

10.2 台灣在國民中小學、高中職、大學等各級學校教育階段，男女取得就學權之比例均極為相近（參見表10-1），但在研究所教育（見表10-2）與特定學科領域中（如軍警學校，見表10-3），則男女學生人數有顯著差異，甚至有性別比例懸殊之現象。此外，其他各類教育機構，提供女性獲得學習、取得文憑及接受輔導、培訓之平等條件，政府亦因應不同族群需求辦理各項職業訓練計畫，提供女性接受各類培訓及參與專業訓練之機會。

[表10-1] 96學年度各級學校學生在學率、升學率按性別分

| | 國小學生 淨在學率(%) | 國中學生 淨在學率(%) | 國中畢業 升學率(%) | 高中畢業 升學率(%) | 高職畢業 升學率(%) |
|---|-----------------|-----------------|----------------|----------------|----------------|
| 男 | 99.4 | 96.7 | 95.5 | 87.6 | 82.6 |
| 女 | 99.2 | 96.4 | 97.1 | 87.8 | 84.7 |

[表10-2] 96學年度研究生性別比

| | 碩士班 | 博士班 |
|--------|------|------|
| 男 (%) | 59.6 | 72.7 |
| 女 (%) | 40.4 | 27.3 |
| 合計 (%) | 100 | 100 |

[表 10-3] 96學年度國軍基礎教育、研究所、深造教育入學人數及
台灣警察專科學校招生人數性別比

| | 國軍基礎教育 | 國軍研究所 | 國軍深造教育 | 台灣警專招生 |
|--------|-------------|-----------|------------|-------------|
| 男 (%) | 92.8 (2162) | 70.2 (99) | 79.2 (396) | 84.3 (2139) |
| 女 (%) | 7.2 (168) | 29.8 (42) | 20.8 (104) | 15.7 (399) |
| 合計 (%) | 100 (2330) | 100 (141) | 100 (500) | 100 (2538) |

10.3 《中華民國憲法》第21條賦予兩性同等之國民教育就學權；《性別平等教育法》第13、14條規定，學校在招生及就學、教學、活動、評量、獎懲、福利與服務上不得有性別或性傾向之差別待遇，對於因性別或性傾向而處於不利地位之學生，學校並應積極提供協助，以改善其處境。

10.4 在學校教育部分，當前招收單一性別之高級中等學校仍不在少數，雖均居於歷史傳統、特定教育目標或其他非性別因素之正當理由，惟仍有討論與改變空間。在職業培訓方面，則有二度就業婦女因脫離勞動市場過久，致不具備就業市場所需之技能，以及外籍和大陸地區配偶受限於經濟，無力參加職業訓練等因素，造成相關職業培訓措施徒具美意，無法發揮最大效用。

10.5 政府已考量婦女需求，擴大辦理適合婦女參與之職類訓練，增加婦女就近參訓之機會，並將自2008年起，對於尚未取得本國國民身分但持有有效居留證之外籍配偶，以及獲准依親居留期間有工作許可證、長期居留或定居之失業大陸地區配偶，全額補助其訓練費用。

破除男女性別刻板印象

10.6 為破除性別刻板印象，台灣已將性別平等教育議題納入各階段教育課程中，並於教材內容編選上，平衡反映不同性別之歷史貢獻及生活經驗，呈現多元性別觀點。在課程設置及活動設計上，鼓勵學生發揮潛能，修習非傳統性別

之學科領域，消除教育中對男女任務之定型觀念。

10.7 《性別平等教育法施行細則》第14、15條規定，學校教材之編寫、審查及選用，應由有性別平等意識之教師參與，內容則應破除性別偏見及尊卑觀念，呈現性別平等與多元價值；教師輔導學生修習課程、選擇科系或探索生涯發展時，應鼓勵學生適性多元發展，避免將特定學科性別化。

10.8 97年2月，成立「性別平等教育課程與教學輔導諮詢小組」，協助國民教育階段性別平等課程與教學之實施。95學年度起並於「高中課程綱要」明確規範，課程設計應將性別平等教育議題納入編選；97年6月至12月，由教育部辦理性別平等教育議題融入各學科教案設計甄選。

10.9 台灣性別平等意識逐漸抬頭，教材之種類、數量亦漸趨增加，惟在多樣化選擇下，仍欠缺把關角色審核教材之品質，他國佳作品欠缺足夠媒介翻譯角色推廣於大眾，具本土化特色，且又易融於生活之教材亦尚待發展。在課程教法上，當前學校性別平等教育教案、範例已逐步發展，惟仍欠缺推廣與交流。在師資培訓方面，性別平等教育相關研習活動之講師，亦有尋覓之疑難。97年1月，教育部「校園性教育實施計畫」核心主軸為加強學生處理周遭性教育議題能力，衛生署協同由學校衛生政策之制訂、提供健康服務、進行健康教學與活動、營造健康社會環境、準備物質環境及運用社區關係等範疇推展學校性教育。

10.10 家庭與婚姻教育（參見5.23）。

10.11 由中央、地方政府及民間團體共同合作，以委託或補助的方式，請專家學者薦選、翻譯與發展教材。課程教法可採辦理區域性及全國性教學觀摩示範活動，或經由建立區域性及全國性資訊平台以充分交換經驗。性別講師之培訓，則試圖透過地方政府與師資培育大學合作來達成。在性教育部分，加強青少年兩性交往的所需相關生活技巧的教育內容，並持續推動性教育宣導對象應包括青少年男女，尤其加強宣導「少女未婚懷孕、男性不能免責」之觀念。



領受獎學金和研究補助金現況

10.12 教育部國際文教處目前有辦理公費留學獎學金及留學獎學金，97學年度錄取人數性別比例如下表：

[表 10-4] 97學年度教育部公費留學獎學金、留學獎學金錄取人數性別比

| | 教育部公費留學獎學金錄取 | 教育部留學獎學金錄取 |
|--------|--------------|------------|
| 男 (%) | 49.5(51) | 48.9(136) |
| 女 (%) | 50.5(52) | 51.1(142) |
| 合計 (%) | 100 | 100 |

10.13 另外，國科會為鼓勵女性從事專題研究工作及參與研討會，於遴選學門召集人、審查委員及補助案時，係以學術專業及研究能力為主要考量因素，惟男性與女性表現相當時，則以女性優先(實際申請與核定件數參見表10-5)；另外，為去除女性不利因素，將曾懷孕及生產之女性教師之研究成果評比年限最多得延長至7年。

[表 10-5] 97年度國科會專題研究及出席國際學術會議補助件數性別比

| | 專題研究計畫 | | 專家學者出席國際會議 | |
|--------|--------|------|------------|-------|
| | 申請 | 核定 | 申請 | 核定 |
| 男 (%) | 78.3 | 79.4 | 64.56 | 60.02 |
| 女 (%) | 21.7 | 20.6 | 35.44 | 39.98 |
| 合計 (%) | 100 | 100 | 100 | 100 |

10.14 國科會於95年4月「學術會報」決議，補助辦理國內研討會時，得以需要核列提供托兒服務之費用，並自96年度起每年編列「性別與科技研究」經費推動性別主流化計畫。

10.15 國科會於97年度編列經費辦理科學家至北區、中區及南區高中演講計畫，以提升高中女學生對理工科或生命科學學習之興趣。

成人教育現況

10.16 為縮短早期社會因性別偏差觀念所存在於男女之間的教育水平差距，以及消除新移民的識字問題，政府訂定「教育部補助辦理成人基本教育實施原則」補助開辦成人基本教育班，培養失學國民(以老年女性居多)、外籍配偶與大陸配偶(以女性居多)具有聽、說、讀、寫、算能力，以充實基本生活知能，增進渠等之語文溝通能力，拓展人際關係，融入現代社會環境，提升生活品質。

10.17 97年補助成人基本教育班2,326班，含外籍配偶班1,245班，約有兩萬五千人參加。

10.18 積極推動並補助各縣市辦理外籍配偶家庭教育、語言識字教育、國民補習教育及多元文化學習活動，97年計4萬7,844人(含其家人)參與學習，約佔外籍配偶(不含大陸港澳配偶)人數的34%。究其參與率偏低的原因係包括外籍配偶擔負照顧子女、公婆之責，交通不便及家人常不支持其參與終身學習活動等。

10.19 各縣市政府將如何加強外籍配偶教育服務措施，列為97年度工作重點，具體工作內容包括由中央補助設置27個新移民學習中心、推動教育服務到家措施，運用數位機會中心及國民電腦，結合社區規劃自主學習活動，讓無法親自參加現場學習之外籍配偶能輕鬆方便獲得各類學習資源，以及表揚外籍配偶與其家庭終身學習楷模。

10.20 為提供民眾知識解放，型塑公民社會之機會，故社區大學係以現代公民養成教育為主，著重通識能力培育與公共議題探討。97年度參與社區大學學員男女比率為27:73，開設305門婦女/性別相關課程，課程時數計7,678小時。

保障懷孕學生受教權益

- 10.21 懷孕是以往導致女性輟學的重要因素之一，台灣教育當局已針對此現象著手提供懷孕學生適性教育及必要之協助，於學生懷孕期間依學籍、成績考查或評量等相關規定採取彈性措施，並改善學校硬體設施、經費申請、通報及整合衛生醫療、社政、警政與民間社會福利、心理衛生機構等網絡資源，以維護懷孕學生或育有子女學生之權益。此外，並加強中小學輟學學生之復學輔導，以降低輟學率。
- 10.22 性別平等教育法第14條第3項明定學校應積極維護懷孕學生受教權，並提供必要之協助，台灣教育部已於2005年訂定「學生懷孕事件輔導與處理要點」，從教育、輔導及提供協助等三方面協助學校面對學生之懷孕事件：
- (a)明定適用對象包括各級主管教育行政機關、公私立各級學校及學生（包括一般學生及懷孕、曾懷孕【墮胎、流產或出養】與育有子女之學生）。
 - (b)明定學校處理機制（專案小組、單一窗口、輔導與行政之專業分工）。
 - (c)明定學校應實施性別平等教育及性教育，培養學生健康安全之性態度與性行為，教導校園師（於在職教育增進相關知能）生及家長接納及關懷懷孕學生。
 - (d)明定學生懷孕期間應依學籍、成績考查或評量等相關規定採取彈性措施並應整合資源提供多元適性教育。
 - (e)明定學校對懷孕學生不得歧視，遭受歧視或不當處分之學生得依規定提出申訴。
 - (f)明定「學校輔導及處理學生懷孕事件注意事項」，落實學生懷孕事件之預防、輔導及處理機制與流程，並透過案例研討，加強學校之處理小組（輔導與行政任務分組）之分工，提供懷孕學生多元適性教育及必要之協助，改善學校硬體設施、經費申請、通報及整合衛生醫療、社政、警政與民間社會福利、心理衛生機構等網絡資源，以維護懷孕學生或育有子女學生之權益。
- 10.23 於2007年舉辦大專校院教務主管聯席會議，加強宣導學生懷孕不計入休學年限之規定；並於2007年12月31日發函指導學校修訂學則及學生請假規定，納入懷孕學生請假及彈性處理成績考核等相關規定，提供修訂之方向內涵包括得保留入學資格、得延長修業年限、彈性處理缺課及成績考核、因懷孕申請休學不計入休學年限等，後續並以逐校審核大專校院之修訂學則及訪視，監督與指導大專校院建立維護懷孕學生受教權益之具體措施。目前164所大專校院約有70%之學校完成學則修訂。
- 10.24 台灣教育部於2008年6月通過修正「高級中學學生成績考查辦法」，增列學生因懷孕請假（比照成年女性核給產前假、娩假、流產假、育嬰假及生理假等假別），給予補考及彈性成績考核之規定；職業學校成績考查辦法亦併同修正。
- 10.25 依據《中華民國憲法》第21條、《國民教育法》第2條保障人民受國民教育之權利；《兒童及少年性交易防制條例》第11條、「國民中小學中途輟學學生通報及復學輔導辦法」規定，國民中小學發現學生有不明原因未到校上課達三日以上者，應立即通知主管機關，執行強迫入學事宜，並規定地方政府及學校應積極輔導中輟學生復學。教育部並建置中輟生通報系統，確實掌握學生中輟狀況，落實追蹤管考，並定期召開會議，檢視各地方政府學生輟學狀況，確保中央與地方政府合作。
- 10.26 辦理情形
- 10.26.1 執行策略：
- (a)強化組織運作：中央、地方政府建立跨部會、處室的合作模式。
 - (b)通報與及時介入機制：建置「中途輟學學生通報系統」，並將行蹤不明學生資料傳輸警政署協尋。
 - (c)協尋機制：學校進行家庭訪問，強迫入學委員會執行強迫入學，各地警察局協尋行蹤不明中輟生，民間單位專業輔導人力、教育服務替代役男協助追蹤。



- (d)復學就讀措施：輟學生復學後，可回原班正常上課、安排至慈輝班、中途班（資源式、合作式），或輔導「彈性暫讀補校」。98年度計補助地方政府設置慈輝班10所計33班，可容納學生696人；資源式中途班79班，可提供1,310人就讀；合作式中途班23班，可招收學生365人。
- (e)輔導措施：推動認輔制度、高關懷學生輔導、潛能開發教育、職業探索、技藝教育、補救教學、高關懷彈性課程等多元的彈性教育方案。

10.26.2 成果：

在各級政府、學校團隊及民間團體的共同努力下，根據教育部統計，全國尚輟人數從93學年結束4,156人（尚輟率0.145%）逐年下降至96學年1,498人（尚輟率0.056%），至98年1月底尚輟人數為1,446人（尚輟率0.055%），與去年同期（97年1月）的1,752人（尚輟率0.066%）相比較，亦已再降低。

建構女性友善的運動環境

10.27 教育部鼓勵各級學校於體育課程及社團項目中增列多元適性運動種類，增加女性學生體育教育參與機會（實際參與情形參見表10-6），進而改善女性學生運動空間之需求。

[表 10-6] 各級學校學生運動參與情形按性別分

| | 運動社團 (%) | 班級運動代表隊 (%) | 學校運動代表隊 (%) | 班際運動競賽 (%) | 全國性運動競賽 (%) |
|---|----------|-------------|-------------|------------|-------------|
| 男 | 33.2 | 28.1 | 13.7 | 26.1 | 2.4 |
| 女 | 22.3 | 23.7 | 8.9 | 26.0 | 1.4 |

10.28 運動選手之選拔、培訓、參賽、條件規範及獎勵制度等均依「國家代表隊教練與選手選拔培訓及參賽處理辦法」、「國光體育獎章及獎助學金頒發辦法」及「有功教練獎勵辦法」規定辦理。

- 10.29 推展全民運動，增強參與運動意識，強化競技運動，爭取運動佳績，是體委會執行體育政策之雙主軸，一方面積極推展全民運動，提倡運動權，保障人人均有參與運動之權利與機會，並鼓勵女性多參與運動；另一方面強化優秀運動選手培訓，依運動種類、比賽項目，遴選培訓，提升競技實力。
- 10.30 運動城市排行榜調查結果顯示，女性不運動人口96年占24.7%，97年降為22.2%，男性不運動人口96年占20.2%，97年降為17.2%，女性與男性不運動的主要原因前3名為沒有時間、懶得運動、工作太累。
- 10.31 有關男女運動選手參賽活動、條件規範、訓練培育及獎勵制度，均依相關規定公平、公正甄選並符合性別平等。
- 10.32 國家運動選手，進駐國家運動選手訓練中心培訓人次如下表10-7：

[表 10-7] 國家運動選手進駐國家運動選手訓練中心培訓人次

| | 2007年 | | 2008年 | |
|-----|-------|-------|-------|-------|
| | 人次 | 比率% | 人次 | 比率% |
| 男選手 | 721 | 60.6 | 637 | 52.3 |
| 女選手 | 469 | 39.4 | 349 | 28.7 |
| 總計 | 1,190 | 100.0 | 1217 | 100.0 |

- 10.33 推展全民運動，增強參與運動意識，強化競技運動，爭取運動佳績，是體委會執行體育政策之雙主軸，一方面積極推展全民運動，提倡運動權，保障人人均有參與運動之權利與機會，並鼓勵女性多參與運動；另一方面強化優秀運動選手培訓，依運動種類、比賽項目，遴選培訓，提升競技實力。
- 10.34 有關男女運動選手參賽活動、條件規範、訓練培育及獎勵制度，均依相關規定公平、公正甄選並符合性別平等。
- 10.35 其他有關女性運動權益之保障，請參考13.8。

第十一條---享有工作、社會保障和輔助性 社會服務包括保育設施的權利

1. 締約各國應採取一切適當措施，消除在就業方面對婦女的歧視，以保證她們在男女平等的基礎上享有相同權利，特別是：
 - (a)人人有不可剝奪的工作權利；
 - (b)享有相同就業機會的權利，包括在就業方面相同的甄選標準；
 - (c)享有自由選擇專業和職業，提升和工作保障，一切服務的福利和條件，接受職業培訓和進修，包括實習培訓、高等職業培訓和經常性培訓的權利；
 - (d)同等價值的工作享有同等報酬包括福利和享有平等待遇的權利，在評定工作的表現方面，也享有平等待遇的權利；
 - (e)享有社會保障的權利，特別是在退休、失業、疾病、殘廢和老年或在其他喪失工作能力的情況下，以及享有帶薪度假的權利；
 - (f)在工作條件方面享有健康和安全保障，包括保障生育機能的權利。
2. 締約各國為使婦女不致因結婚或生育而受歧視，又為保障其有效的工作權利起見，應採取適當措施：
 - (a)禁止以懷孕或產假為理由予以解僱，以及以婚姻情況為理由予以解僱的歧視，違反規定者予以制裁；
 - (b)實施帶薪產假或具有同等社會福利的產假，而不喪失原有工作、年資或社會津貼；
 - (c)鼓勵提供必要的輔助性社會服務，特別是通過促進建立和發展托兒設施系統，使父母得以兼顧家庭義務和工作責任並參與公共事務；
 - (d)對於懷孕期間從事確實有害於健康的工種的婦女，給予特別保護。
3. 應根據科技知識，定期審查與本條所包涵的內容有關的保護性法律，必要時應加以修訂、廢止或推廣。
 - 11.1 中華民國依據憲法訂定保障婦女平等就業權之相關法規，主要包括：「勞動基準法」(1984年)、「性別工作平等法」(2002年制定兩性工作平等法，2008年修正為性別工作平等法)、「就業服務法」(1992年)、「勞工保險條例」、

「就業保險法」、「職業災害勞工保護法」、「勞工安全衛生法」等法律及相關規定。

- 11.2 本條文闡述之婦女工作權益是以符合「勞工保險條例」中所保障之女性勞動人口為主，並包含女性軍警人員就業權益。有關女性公職人員之權益，因其適用「公務人員保險法」，請參見第七條。

勞動參與情形

- 11.3 91年女性就業人數平均為390.7萬人，97年女性就業人數為471萬8千人，就業者人數逐年增加，10年間增加22.5%，高於同期間男性增加幅度(5.5%)。婦女勞動參與率由91年之46.1%上升至97年之49.83%，6年間提高3.73個百分點，並超越日本，次於韓國。且初次就業者男、女經常性月薪差距已從兩性工作平等法施行前之5%，縮小為2.5%。
- 11.4 女性從事服務業部門者占69.2%，高於男性之49.4%。女性從事工業部門者占27.0%，低於男性之44.2%。女性從事民代、企業主管及經理人員者占1.8%，低於男性之6.5%，女性從事服務工作及售貨員者占25.2%、事務工作人員占19.8%，均高於男性之14.5%及4.4%。

消除對婦女就業的歧視

- 11.5 工作條件之基本保障
 - 11.5.1 性別工作平等法第11條規定：「雇主對受僱者之退休、資遣、離職及解僱，不得因性別或性傾向而有差別待遇。工作規則、勞動契約或團體協約，不得規定或事先約定受僱者有結婚、懷孕、分娩或育兒之情事時，應行離職或留職停薪；亦不得以其為解僱之理由。違反前二項規定者，其規定或約定無效；勞動契約之終止不生效力。」



- 11.5.2 為有效宣傳性別工作平等法之相關規定，勞委會已設計「事業單位符合性別工作平等法規定自行檢視表」，請各部會自行檢視外，並函請所屬機關或所轄目的事業配合辦理自行檢視。
- 11.5.3 為放寬工時限制，排除企業人力資源運用困擾及促進婦女就業，於91年12月25日修正勞動基準法第32條延長工時之規定，使兩性勞工延長工作時間之標準一致化，每日正常工時連同延長工時合計不得超過12小時，延長之工作時間1個月不得超過46小時。另勞動基準法第49條夜間工作之規定，亦同時刪除對女性勞工之限制。
- 11.5.4 勞委會依就業服務法訂定多項禁止求職性別歧視及促進就業的相關積極措施，包括：
- (a)不定期查察報章媒體徵才版面並輔導企業，禁止招募廣告涉及性別歧視。
 - (b)加強防制就業歧視實施專案勞動檢查。
 - (c)建立就業歧視判定標準制度。
 - (d)檢視職業隔離程度嚴重的行、職業，提出改善方案，提高工業部門女性就業機會，降低性別職業隔離程度。
 - (e)運用大眾傳播媒體宣導防制就業歧視，建立就業機會平等觀念。
 - (f)辦理「就業弱勢者促進方案」，提供婦女個別化、專業化就業服務。97年底止，已提供就業服務47,628人，推介9,663位婦女就業。
 - (g)「職場學習及再適應計畫」補助特殊境遇婦女每人每月新臺幣17,280元津貼，最長3個月，提供直接職場學習的工作經驗及技能之機會，達成重返職場目標。
- 11.5.5 鑑於近年來女警人數增加，且分發第一線外勤基層警察人員工作之女警人數增多，警政署採行多項具體措施以使勤務執行機構在規劃與執行勤務及達成警察任務上，能兼顧落實性別平等。例如：增購女警應勤裝備，考量男、女員警身材、人體工學有所差異等因素，為符合女警身材及體型需求，警政署增購適合女警使用之小型90手槍，及採購重量較輕巧的警用機車。另亦調查現有女警服勤或未來規劃有女警服勤之勤務駐地，確實針對

獨立之備勤室、廁所與衛浴設備、哺乳室等3項設施，自訂改善需求，要求「質」與「量」的改善，且維持堪用與清潔狀態，以營造適宜女警工作需求之友善工作環境。

- 11.5.6 勞工安全衛生法現行規定禁止女性從事部分危險、有害性工作之種類與範圍，當初立法係基於保護女性及生殖能力功能思維下之產物。惟目前女性員工投入產業界已有明顯增加之趨勢，且佔相當大的比例在服務業、電子、食品、紡織、醫藥等不同工作，考量其身體、精神及社會整體之工作條件和工作環境，如生殖系統、身體結構及人因等因素，現行安衛法令對於女性保護條款產生「限制」女性勞動之批評，爰擬參考國際勞工組織及歐美等國之相關規定，整體檢視勞工安全衛生法及其他法令對於女性勞動者之工作限制及保護措施，以期建立兩性平等之工作環境及落實女性工作環境之保護。
- 11.5.7 就過去二十年女性自勞工退休準備金領取退休金之性別比率觀之，民國76年為12.55%，至民國95年提升為36.17%，其中最高之年度為民國94年的39.46%，惟仍低於男性。過去婦女婚育後為了照顧家庭而退出勞動市場，或是從事部分工時、計時工等不穩定工作型態，難以成就退休要件，往往無法領取到雇主提供之退休金，成為弱勢勞動者。自勞工退休金新制改採確定提撥制後，勞工領取退休金之工作年資採計不再以同一事業單位為限，勞工每一工作年資，雇主均須為其提繳退休金，每一位受僱勞工(尤其是婦女)都將因新制而受益，確保退休生活。
- 11.6 任用與陞遷
- (a)性別工作平等法第7條規定：「雇主對求職者或受僱者之招募、甄試、進用、分發、配置、考績或陞遷等，不得因性別或性傾向而有差別待遇。」
 - (b)軍校招生男女性需求員額悉依各軍種戰備需要與任務特性而定，並未違反性別平權之精神。基於充分運用女性人力資源，國防部已參考其他先進民主國家運用女性人力狀況，訂頒「國軍女性人力進用實施計畫」規劃以5年(96-100)期程，區分兩階段提升女性進用比例。
 - (c)97年度軍校正期班女性招生員額已提升至占新生總體之15%。96年度國

軍各職類女性人員佔全國軍現員數比例為4.21%，至97年12月已提升為5.8%，國軍逐年提昇女性成員進用比例，期能更有效發揮人力運用效益。

(d)軍方自民國80年以後逐年擴大開放進用女性幹部，目前女性晉任至中高階軍官(校級以上)已佔國軍女性現有數14.15%，較男性晉任中高階軍官(校級以上)佔國軍男性現有數10.68%為高；且國軍現有二位女性將官及數十員上校階女性軍官，擔任重要職務，均顯示國軍對女性幹部的肯定與重視。

(e)警察部分，97年12月女警人數已達4.7%。警政署配合女警政策期程，以循序漸進方式，逐年提高女性警察人員錄取名額，以達成各期程預定目標。

(f)海巡署部分：海巡署岸總局目前現員仍以軍職人員佔大多數，為加強該總局女性同仁向上發展之機會，並拔擢表現優異之女性同仁，業已將符合資格之女性同仁納入97年度候選名冊。目前該署及所屬機關女性主管共計19人，其中4人分別擔任該署秘書室主任、洋總局勤指中心主任、情報處副處長及人事處副處長，屬高階主管職務，其餘15人為中階主管職務。

(g)警政署於93年3月規劃完成「女警政策」，該政策基於性別平權之理念，從招生、養成教育、在職訓練、工作分派、生活福利及建立職場友善空間等問題全面檢討，研訂具體可行的近程、中程、長程目標。其中律定近程(93至96年)女警比例達4%，中程(96至98年)女警比例達4.5%，長程(99年以後)女警比例採逐步調整，不予設限。

11.7 積極協助婦女就業

(a)積極協助婦女就業，如二度就業婦女、中高齡婦女、單親與低收入等弱勢婦女就業，規劃婦女人力資源的運用。針對有就業困難之婦女提供專業就業諮詢服務，提振其就業信心。為積極協助輔導婦女創業，分別於假日、非假日或夜間開班，以符合個別時間需求，並透過大眾媒體或縣市政府鄉鎮公所及民間團體等各種資源加強廣宣。勞委會並與銀行就申請人信用瑕疵之輕重情形，邀請中小企業信用保證基金、各承貸銀行及申請人召開協調會議，予以個別協處，以利有意創業之婦女取得創業所需資金。另鼓勵婦女團體提案申請多元計畫，積極協助弱勢婦女就業。

(b)有關婦女就業之說明，請見第13條。

保護母性之具體措施

11.8 就保護女性的觀點，並考量妊娠女工從事危險性或有害性工作會對妊娠、生產、哺乳造成不良影響，現行勞工安全衛生法及勞動基準法對於女性員工、妊娠中或產後未滿一年之女工不得從事危險性或有害性工作，已有規定。另亦規範事業單位對於廁所及盥洗設備之設置，應考量女性員工需求，提供適當之設備與設施。

11.9 勞工安全衛生法第21條規定雇主不得使女工從事下列危險性或有害性工作。(a)坑內工作；(b)從事鉛、汞、鎘、砷、黃磷、氯氣、氰化氫、苯胺等有害物散布場所之工作；(c)鑿岩機及其他有顯著振動之工作；(d)一定重量以上之重物處理工作；(e)散布有害輻射線場所之工作。

11.10 勞工安全衛生法第22條規定雇主不得使妊娠中或產後未滿一年之女工從事下列危險性或有害性工作：(a)已熔礦物或礦渣之處理；(b)起重機、人字臂起重桿之運轉工作；(c)動力捲揚機、動力運搬機及索道之運轉工作；(d)橡膠化合物及合成樹脂之滾軋工作；各款之工作，於產後滿六個月之女工，經檢附醫師證明無礙健康之文件，向雇主提出申請自願從事工作者，不適用之。

11.11 促進婦女健康就業的職場具體措施如下：

(a)建置職業傷病網路通報系統：設立職業傷病服務管理中心網站做為職業傷病通報之平台，並以通報之資料加強女性特殊職業傷病之分析。

(b)建構職場無菸、無毒害之工作環境。

(c)提升健康檢查品質與諮詢服務。

(d)持續進行婦女群聚行業、工作等安全衛生課題進行調查研究並改善與推廣運用：考量女性勞工之生理、機能與母體之特殊性，強化我國女性安全與健康危害之相關研究，及對於從事高風險行業之危害，並針對危害因子提出預防及改善對策之研究。



- 11.12 勞動基準法第50條第1項及性別工作平等法第15條規定，女工分娩前後，應停止工作，給予產假8星期。另依勞動基準法第50條第2項規定，女工受僱工作在6個月以上者，其產假停止工作期間工資照給；未滿6個月者減半發給。
- 11.13 勞動基準法第49條明文規定妊娠或哺乳期間之女工禁止夜間工作。為促進職場上性別之平等，有關勞動基準法第49條女工夜間工作之限制已於91年12月25日放寬，雇主如符合所定要件，即可使女工於夜間工作，毋須再經由主管機關核准。惟為落實憲法母性保護之精神，勞動基準法第49條仍明文規定妊娠或哺乳期間之女工禁止夜間工作。
- 11.14 為增進懷孕女性勞工之生活保障，且95年臺灣經濟永續發展會議亦有「產假薪資納入勞保生育給付」之共識，爰研擬勞工保險條例修正草案，將生育給付由1個月提高為3個月，且雇主依法應給與之工資得扣除2個月生育補助費，將有助於減少懷孕歧視之問題。

建構友善職場

- 11.15 為使性別工作平等法落實執行，設置性別工作平等會審議、諮詢性別工作平等事項、辦理性別工作平等專案檢查及友善職場認證等具體措施，且進一步修法擴大育嬰留職停薪適用範圍。96年度實施之性別工作平等法專案檢查結果，顯示事業單位對於性騷擾防治及工作平等措施之採取已有顯著進步。
- 11.16 根據勞委會統計處97年7月22日之婦女勞動統計報告，96年有73%的女性勞工認為性別工作平等法對排除女性就業障礙有幫助。
- 11.17 我國婦女總生育率於1981年是1.72人，到了2006年下跌到1.12人，比大部分工業先進國家均低。

- 11.18 補助依性別工作平等法申請育嬰留職停薪人員應由雇主負擔之社會保險費，落實育嬰留職停薪制度，強化受僱者之保障。自91年3月起，截至97年10月底止申請育嬰留職停薪受惠者人數：男性共計1,138人，女性共計25,318人，合計26,456人，共計補助新台幣52,130萬元。中華民國政府各主管機關（含所屬）93至97年申請育嬰留職停薪之性別統計如下：（單位：人）

| 年度 | 性別 | |
|----|----|-------|
| | 男 | 女 |
| 93 | 55 | 1,100 |
| 94 | 68 | 1,320 |
| 95 | 75 | 1,295 |
| 96 | 80 | 1,443 |
| 97 | 86 | 1,453 |

- 11.19 性別工作平等法第16條規定受僱於僱用30人以上雇主之受僱者，任職滿1年後於每1子女滿3歲前，得申請育嬰留職停薪。有關育嬰留職停薪津貼之發放，另以法律定之，惟迄今尚未訂定相關法律，影響兩性就業平等權利及生育率提升。
- 11.20 輔助性社會服務及托兒設施之設置
- (a) 為使婦女不致因結婚或生育而受歧視，內政部兒童局已研訂「建構友善托育環境－保母托育管理與托育費用補助實施計畫」，建置平價、優質、普及的托嬰中心與社區保母系統；另自97年4月起開辦保母托育補助，鼓勵並協助家有2歲以下幼兒之雙薪（或單親一方）家庭獲得相關補助，減輕家庭育兒負擔。
- (b) 為促進婦女勞工就業，並協助雇主辦理托兒設施或提供適當托兒措施，有效協助員工解決子女的托育問題，以穩定勞動生產，強化企業競爭



力，勞委會依據性別工作平等法第23條第3項，訂定「托兒設施措施設置標準及經費補助辦法」，並且訂頒「補助托兒設施措施作業須知」，提供制度性之補助以鼓勵、輔導雇主辦理設置或提供托兒措施。

(c)依據勞委會96年底至97年初辦理之「女性僱用管理調查」結果顯示，員工規模250人以上之事業單位有設立托兒所占5.6%，「與托兒所簽約，提供托兒優惠」者占36.0%，合計有41.6%事業單位設置「托兒設施」或提供「托兒措施」。與91年調查結果相比較，事業單位有設置「托兒設施」或提供「托兒措施」者提高5.3個百分點。

(d)海巡署及洋總局依性別工作平等法規定均已與週邊鄰近合格立案之幼稚園簽訂優惠托兒服務合約，該署及所屬機關亦設有育嬰哺乳室，提供有需要之同仁使用。

(e)另為使軍中女性服務人員不致因結婚或生育而受歧視，又為保障其有效的工作權利，國防部已依「性別工作平等法」訂頒女性育嬰留職停薪申請相關作業規定，以保障其育嬰留職停薪期間各項權益。並針對「消除婦女職場就業障礙，營造友善、性別平等之就業環境」政策，令頒「國軍女性軍官、士官、兵宿舍生活設施規劃應注意事項」，檢討女性同仁生活與工作環境設施之改善需求，當可有效改善服務軍中女性同仁生活設備與環境。

(f)幼稚園方面，95學年度公立幼稚園計有1,507所，至96學年度則增至1,528所，相較於95學年度全國幼稚園幼兒總數為20萬1,815人，而96學年度卻減至19萬1,773人，教育部已在少子女化趨勢下仍輔導增設公立幼稚園，以提供更多學前幼兒之教育服務工作。該部正與內政部共同推動幼托整合政策，以期提供優質學前教保服務。該部並訂定「教育部補助公立幼稚園辦理課後留園服務作業要點」，自95年6月起辦理公立幼稚園課後留園服務，鼓勵各縣市政府協助推動，並提供參與課後留園之經濟弱勢幼兒全額補助。

11.21 依據性別工作平等法第6條之1規定，主管機關應就本法所訂之性別、性傾向歧視之禁止、性騷擾之防治及促進工作平等措施納入勞動檢查項目。勞委會已函請各縣市政府將性別工作平等法之規定納入實施勞動檢查之範圍。並針對不同行業別實施性別工作平等專案檢查，並對於申訴之個案亦辦理性別工作平等檢查。

11.22 勞委會已規劃修正就業保險法，推動育嬰留職停薪津貼發放之法律依據，未來夫妻雙方均可申請，為期半年，夫妻合計一年，有助落實兩性平權。

11.23 衛生署推動提供可近性及具性別敏感度之職業傷病服務，包括：(a)發展區域化職業衛生保健服務網，提昇職場婦女職業傷病診療之便利性。(b)培訓廠醫、廠護具備預防婦女職業傷病及具性別敏感度之知能。(c)提升事業單位設置醫療衛生單位之護理人員職業衛生服務品質與水準。

11.24 職場性騷擾防治
(a) 性別工作平等法第6-1條規定：「主管機關應就本法所訂之性別、性傾向歧視之禁止、性騷擾之防治及促進工作平等措施納入勞動檢查項目。」
(b)國防部業於96年8月修頒「國軍人員性騷擾處理實施規定」，以防止和杜絕「性騷擾」事件發生。
(c)警政署繼95年將「性騷擾防制措施」納入編印「警察實務」教材後，96、97年度再將「性別主流化與警察工作」納入彙編。



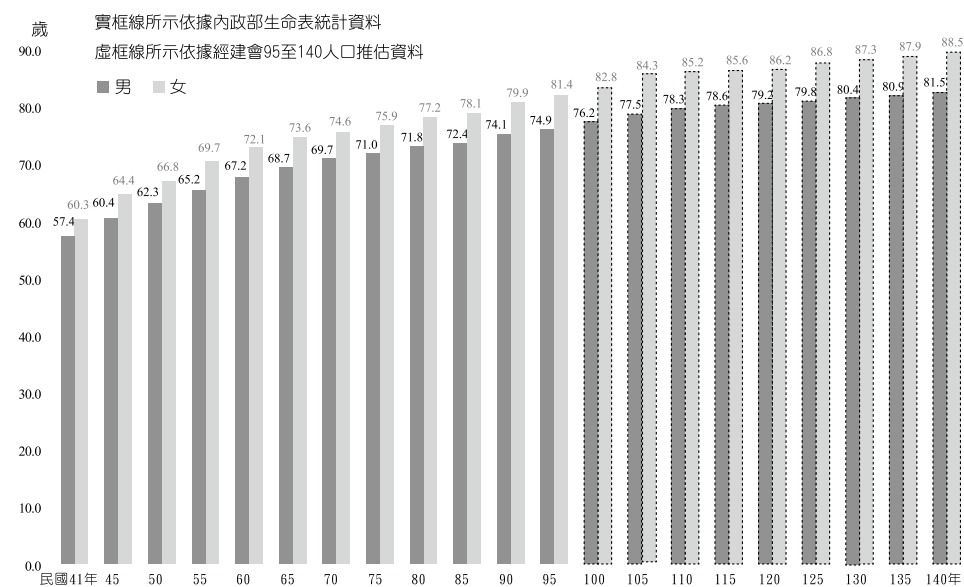
第十二條---保健的權利

1. 締約各國應採取一切適當措施以消除在保健方面對婦女的歧視，保證她們在男女平等的基礎上取得各種包括有關計劃生育的保健服務。
2. 儘管有本條第1款的規定，締約各國應保證為婦女提供有關懷孕、分娩和產後期間的適當服務，必要時予以免費，並保證在懷孕和哺乳期間得到充分營養。

12.1 由於國民所得水準提高、生活環境及國民營養改善、醫藥衛生進步及保健水準提昇，我國國民平均餘命逐年延長，近10年來，零歲之平均餘命由75.0歲提高為77.5歲；女性由78.1歲提高為80.8歲，男性由72.4歲提高為74.6歲，顯示女性平均餘命增幅高於男性（如圖12-1）。預估至140年，男女零歲平均壽命分別達81.5歲與88.5歲。

【圖12-1】台灣兩性0歲平均餘命趨勢變化圖

（註：民國100年以後資料源自經建會民國95至140年人口推計）



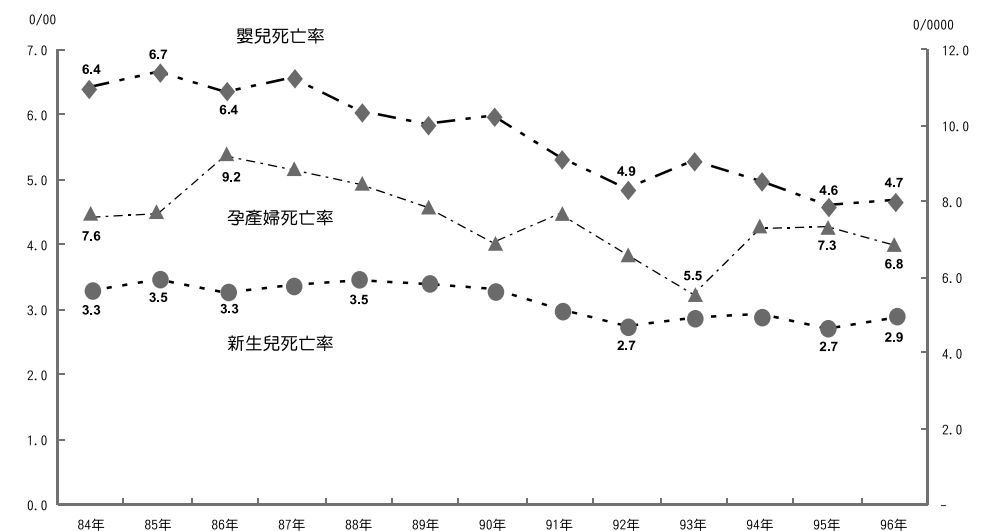
預防保健

- 12.2 我國針對女性生理之特別需求，提供免費預防保健服務包含：孕婦產前檢查；30歲以上之婦女子宮頸抹片檢查；50歲以上至未滿70歲之婦女乳房攝影檢查服務。

女性生育健康

- 12.3 我國現況：
隨著公共衛生之進步，我國嬰兒（未滿1歲者）及新生兒（出生未滿4周者）死亡率呈下降趨勢，民國96年新生兒死亡率已降至千分之2.9；嬰兒死亡率降至千分之4.7（如圖12-2）；另外一個生育保健的重要指標—孕產婦死亡率在民國96年已降至十萬分之6.8（如圖12-2）。

【圖12-2】台灣嬰兒死亡率及孕產婦死亡率變動趨勢圖





12.4 法規

- (a)全民健康保險法：「全民健康保險法」提供全體國民完善的醫療保健服務，且提供女性從懷孕、分娩乃至產後期間之醫療照護，凡女性保險對象均可獲得健保所提供之完善服務，減低婦女懷孕生產之醫療支出。另我國尚訂有「全民健康保險醫療辦法」，規範保險對象發生疾病、傷害或生育事故時，由保險醫事服務機構依本辦法，給予門診或住院診療服務，規定診所、醫院門診及急性住院等，提供產前、產後檢查、分娩及新生兒照護等醫療服務，給予孕產婦更積極之健康照護。
- (b)優生保健法（Genetic Health Law）：優生保健法自民國74年公佈實施以來，我國即透過衛生局所、醫療機構及民間團體共同合作推動孕產婦及嬰幼兒保健業務，積極規劃多項遺傳性疾疾病檢查和服務措施，包括：婚前健康檢查、產前遺傳診斷、新生兒篩檢、遺傳諮詢及特殊群體生育調節等，提供醫療服務與補助，並輔以評鑑與研究，充實及強化確保服務品質，以減少先天異常兒發生。為因應醫學科技發展、社會及家庭結構急遽變遷，目前正積極推動修法，鑑於該法案名稱「優生」一詞，隱射歧視之意味，經立法委員及女性團體建議，擬將名稱修正為「生育保健法」，彰顯修法精神，另針對人工流產及結紮部分，業已與時俱進地進行一些修訂。

12.5 目前困境

- (a)近年來我國的剖腹產率在國際上名列前茅，自民國85年的30.6%，至民國96年時仍高達35.1%（WHO建議能接受的剖腹產率為10-15%）。另我國的母乳哺育率（54.17%）仍遠低於挪威、瑞典、丹麥的98%，日本的70-75%，或是英、美、義大利等的59-63%，提倡母乳哺餵亦是現今重要的工作項目。
- (b)綜觀上述現象，顯見我國孕產婦的照護仍有過度醫療化（medicalization）之現象，亟須藉由孕產婦社區照護網絡的建構，由懷孕開始到產後照護，針對不同目標群體提供適切的充權（empowerment），提升婦女生育健康與自我保健的知能與自主性，營造兩性參與的親善生產及母乳哺育環境，以維護國內婦女的生育健康權益。

- (c)此外，外籍及大陸配偶與國人結婚比例逐年增加，96年與非本國籍配偶結婚對數佔全國結婚對數18.3%；而其所生的子女數已超過總出生數的10%。由於語言障礙、文化差異、家庭經濟弱勢及支持網絡薄弱等因素，在生育健康及教養子女等方面，更需要依文化的特殊性提供新移民家庭適切的服務與協助，展現尊重多元的精神。

12.6 未來改善措施

12.6.1 充權女性生育相關健康議題與自我保健。

- (a)結合民間資源，健全生育保健諮詢服務網絡，提供女性生育相關問題的諮詢。
- (b)提供具文化適切性之生育保健知能。
- (c)增長女性對生育決策之自主能力。

12.6.2 建構兩性參與之生育支持環境。

- (a)強化男性參與懷孕與生產之角色。
- (b)提供以產婦為中心的友善及多元化生產服務。
- (c)建構以社區力量為基礎之孕產婦健康照護及母乳哺育之支持模式。
- (d)教育醫事人員具性別觀點的服務與諮詢能力。
- (e)提昇生育家庭成員對於生產之知能。
- (f)加強生育健康及母乳哺育的研究調查及評估。

人工生殖

- 12.7 臺灣第一位試管嬰兒在民國74年出生，由於人工生殖技術的日新月異，為生育有障礙之夫婦帶來新希望。然而，生殖技術對生命尊重之衝擊，已超越傳統醫療倫理之範圍，行政院衛生署自民國75年起，即陸續以職權命令或行政規則方式規範人工生殖技術之施行。惟其法效薄弱，不能充分規範人工生殖技術之施行，致受術夫妻及人工生殖子女之權益亦無從獲得充分保障；此外，由於臺灣的社會重視傳宗接代導致新生兒性別不平等現象，

不孕的壓力對女性而言遠大於男性，鑑於此，具性別平等觀點的人工生殖法制化，對於女性來說有迫切的需要。

- 12.8 96年3月21日積極推動完成具有性別平等觀點之「人工生殖法」立法，並陸續發布「人工生殖機構許可辦法」、「人工生殖子女親屬關係查詢辦法」、「精卵捐贈親屬關係查證辦法」及「人工生殖資料通報及管理辦法」，以健全人工生殖之發展，保障不孕夫妻、人工生殖子女及捐贈人之權益，提昇醫療機構施行人工生殖技術之醫療品質，維護國民之倫理及健康。

性傳染病/愛滋病

12.9 我國現況

- 12.9.1 性傳染疾病主要透過性行為傳染，目前僅愛滋病、梅毒及淋病為指定通報之性傳染病。至97年12月底止，感染愛滋病毒及罹患淋病之男女性別比例均為10：1，而罹患梅毒之男女比例則為2：1，男性罹患性病的機率皆明顯比女性高出許多，其可能原因包括：(a)女性較男性羞於就診；(b)男性感染性傳染病較女性容易診斷；(c)女性身體構造不易察覺感染而延誤就醫；(d)男同志之性行為方式較易造成性伴侶感染等原因而致。

- 12.9.2 罹患梅毒之男女比例已由民國92年的1.9升至民國97年的2.44。雖然女性罹患性病之比例有些微降低，但女性感染性病的議題仍需持續關注，其原因為：(a)男性將性病傳染給女性的機率比女性傳給男性高出一倍；(b)因網路發達而使女性透過網路交友，發生一夜情的機會增高。

12.10 目前困境

(a)愛滋病目前仍沒有根治的方法，加上一般大眾對於愛滋病感染者的標籤化，使得高危險行為者在要進行血液採檢時即面臨強大的社會壓力，確認診斷後更有可能不願意提供性接觸者及共同生活者相關資訊。累積至民國97年12月底之存活通報個案14,506例中，扣除同性間性行為者，男性仍佔總數之58.4%，對於女性健康具有相當威脅，而性別關係尤其是家庭內之不平等關係，更導致女性無法自主採取保護措施。

(b)目前雞尾酒療法藥物治療雖改善了愛滋病患者存活情況，然而其所面臨的壓力，如：醫療、就業、就學、居住、經濟的困境，以及人際關係的受挫、人權問題等，仍然普遍存在，而女性愛滋病患者，更可能會負擔家庭照顧角色的壓力。

12.11 未來改善措施

12.11.1 加強對女性性傳染病/愛滋病的預防

- (a)制定性別友善的性傳染病/愛滋病傳染防治政策。
(b)去除社會環境對女性性傳染病/愛滋感染者之歧視。
(c)透過各種媒體形式，建置多元化之衛生教育宣導管道，提供女性認識性傳染病/愛滋病防治相關資訊。
(d)提升女性對性傳染病/愛滋病的知能。
(e)加強與民間組織合作推動性傳染病/愛滋病的防治。
(f)提供對女性友善的有關性傳染病/愛滋病篩檢健康服務。

12.11.2 建構對女性友善的性傳染病/愛滋病的醫療照護體制

- (a)結合社區及民間團體資源來參與對女性性傳染病/愛滋感染者的協助及支持行動。
(b)加強女性性傳染病/愛滋感染者的自我照護能力。
(c)建置對女性友善之愛滋感染者醫療照顧及諮詢服務網。

第十三條---領取家屬津貼的權利、獲得信貸的權利和參與娛樂活動和文化生活的權利

締約各國應採取一切適當措施以消除在經濟和社會生活的其他方面對婦女的歧視，保證她們在男女平等的基礎上有相同權利，特別是：

- (a) 領取家屬津貼的權利；
- (b) 銀行貸款、抵押和其他形式的金融信貸的權利；
- (c) 參與娛樂生活、運動和文化生活各個方面的權利。

消除婦女貧窮

13.1 問題分析

女性就業易受婚育及家庭照顧影響，2007年我國女性勞動參與率49.44%，較男性勞動參與率67.24%為低。且因為職場區隔現象，2006年女性受僱員工平均薪資女性38,560元，為男性48,661元之79.2%。依行政院主計處2007年家庭收支調查報告，女性年所得收入平均每人502,636元，為男性年所得收入平均每人704,080元之71.39%，顯示女性經濟所得較低。此外，2006年我國女性平均餘命為81.41歲，較男性74.86歲多6.55歲，老年婦女的經濟安全議題亦值得重視。

13.2 現行政策、措施及方案等之執行現況與成果

(a) 低收入戶扶助

2007年低收入戶戶數為9萬682戶，人數為22萬990人（男性11萬639人，女性11萬351人），以女性為戶長之低收入戶比率逐年遞減，惟女性人數逐年增加，因而仍需持續關注女性貧窮問題。

[表 13-1] 2003-2007年的低收入戶戶長及人數

| 年底 | 戶長 | | 人數 | |
|------|--------|-----------------|---------|------------------|
| | 男 | 女 | 男 | 女 |
| 2003 | 40,247 | 36,159 (47.32%) | 92,793 | 95,082 (50.60%) |
| 2004 | 44,606 | 38,177 (46.12%) | 101,366 | 102,850 (50.36%) |
| 2005 | 45,634 | 39,189 (46.20%) | 104,745 | 106,547 (50.42%) |
| 2006 | 49,755 | 40,145 (44.66%) | 108,097 | 110,069 (50.45%) |
| 2007 | 50,593 | 40,089 (44.21%) | 110,639 | 110,351 (49.93%) |

(b) 實施國民年金制度

2008年10月1日起施行。係以個人為保險對象，可以讓未就業的婦女（如家庭主婦）免於依附於配偶加保。在規劃之初即考量未就業婦女基本經濟生活保障之權益。國民年金保險對象為25歲以上、未滿65歲，未參加軍保、公教保、勞保、農保之國民，且未曾領取相關社會保險老年給付者，約有470萬人，且以婦女為多數，在國民年金開辦後，對婦女老年的基本經濟安全將更有保障。另外，國民年金法明定配偶間應互負繳納保險費之義務，保障經濟相對弱勢之婦女。

(c) 特殊境遇婦女家庭扶助

2000年通過特殊境遇婦女家庭扶助條例，提供特殊境遇婦女及其子女扶助，包含緊急生活扶助、子女生活津貼、子女教育補助、傷病醫療補助、兒童托育津貼元)及創業貸款補助。2007年共認定特殊境遇婦女1萬283人，補助2億8547萬3390元，人數較2006年增加4.6%，補助經費增加14.9%。

支持女性創業家

13.3 問題分析

依2008年11月的調查統計，台灣的女性在勞動市場中參與比率不到一半（49.83%），而男性則有將近七成（67.06%），女性勞參率的高峰在25-29



歲，之後就一路下降。從青年創業貸款獲貸案件中分析，歷年來女性創業業者獲得貸款的比例僅有2成，所辦理創業貸款說明會，參與者女性比例亦較男性明顯偏低。

13.4 現行政策、措施及方案等之執行現況與成果

政府為支持女性創業，除保障婦女取得貸款之基本權利，更考量女性的經濟及社會條件，積極推動「飛雁專業」、「創業鳳凰－婦女小額創業貸款計畫」等各項專案措施。

(a) 保障婦女取得貸款基本權利

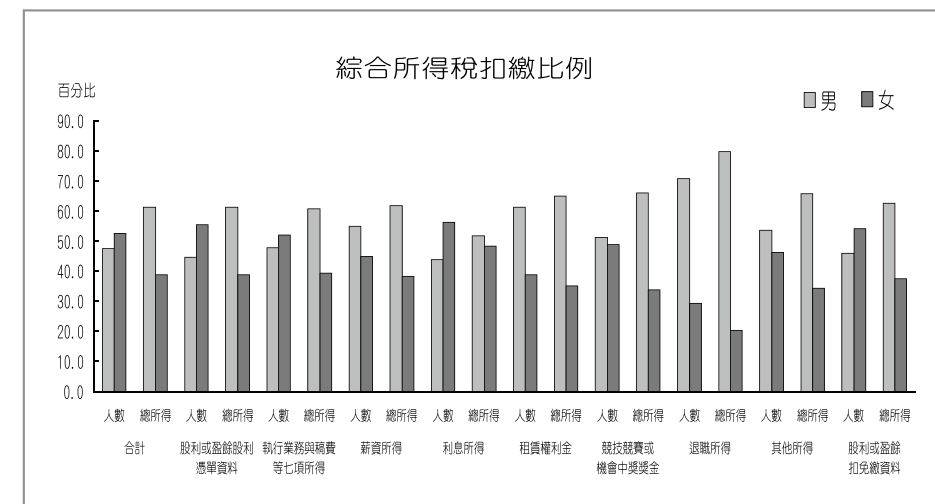
台灣婦女貸款取得與否與其薪資所得及所處經濟及社會條件有相關。依財政部2006年綜合所得稅資料，所得稅繳納人數，男性占47.4%，女性占52.6%，女性繳稅係男性1.1倍；所得繳納金額，男性占61.2%，女性占38.8%，女性扣繳所得係男性0.6倍（如表13-2及圖13-1）。

[表 13-2] 2006年男性及女性綜合所得稅繳納人費及金額比率

| | 所有薪資 | | 股利或盈餘股利憑單資料 | | 執行業務與稿費等七項所得 | | 薪資所得 | | 利息所得 | |
|---------|------|------|-------------|------|--------------|------|------|------|------|------|
| | 人數 | 所得 | 人數 | 所得 | 人數 | 所得 | 人數 | 所得 | 人數 | 所得 |
| 男 | 47.4 | 61.2 | 44.7 | 61.3 | 47.9 | 60.8 | 55 | 61.8 | 43.7 | 51.7 |
| 女 | 52.6 | 38.8 | 55.3 | 38.7 | 52.1 | 39.2 | 45 | 38.2 | 56.3 | 48.3 |
| 倍數(女/男) | 1.1 | 0.6 | 1.2 | 0.6 | 1.1 | 0.6 | 0.8 | 0.6 | 1.3 | 0.9 |

| | 租賃權利金 | | 競技競賽或機會中獎獎金 | | 退職所得 | | 其他所得 | | 股利或盈餘扣免繳資料 | |
|---------|-------|------|-------------|------|------|------|------|------|------------|------|
| | 人數 | 所得 | 人數 | 所得 | 人數 | 所得 | 人數 | 所得 | 人數 | 所得 |
| 男 | 61.1 | 64.8 | 51.2 | 66.1 | 70.7 | 79.8 | 53.7 | 65.8 | 45.8 | 62.5 |
| 女 | 38.9 | 35.2 | 48.8 | 33.9 | 29.3 | 20.2 | 46.3 | 34.2 | 54.2 | 37.5 |
| 倍數(女/男) | 0.6 | 0.5 | 1.0 | 0.5 | 0.4 | 0.3 | 0.9 | 0.5 | 1.2 | 0.6 |

[圖 13-1] 2006年男性及女性綜合所得稅繳納人費及金額比率



(b) 飛雁專案

自2000年青輔會開始推動「飛雁專案」以來，在參與課程及活動的1萬多名學員中，已有2成的女性實際創業；而青年創業貸款女性獲貸比率也已由原平均不到3成提高到3.3成。飛雁專案的內容包括：針對不同階段創業女性規畫之創業課程，自2000年起至2008年止，參加飛雁專案女性創業系列課程與活動人數已超過18,800人次。另外針對特定對象女性（單親、低收入及受家暴婦女），提供免費的受訓機會。創業後提供充分的後續輔導計畫，設立免付費0800諮詢專線。辦理女性創業博覽會。推薦並補助創業女性出席「全球婦女高峰會議」、「APEC婦女領導人網絡(WLN)會議」、OECD相關會議等重要國際會議，自2002年起至2008止共計推薦補助22位飛雁學員出席會議。建置女性創業資訊網，提供有意創業及已創業女性朋友各種創業相關資訊及知識，並定期發行女性創業電子報。此外並協助歷屆飛雁學員在各地成立協會，結合有志創業婦女之力量，整合社會資源。



(c) 創業鳳凰－婦女小額創業貸款計畫

勞委會與信保基金於2007年推動「創業鳳凰－婦女小額貸款計畫」，提供9成5信用保證，以協助女性創業者獲得貸款，打造婦女專屬之融資環境，協助其創業。本貸款五項特色包括：負擔利率低、免保人、要參訓、重輔導及有配套。貸款額度最高為100萬元，並享有前2年免息優惠，利率負擔2.83%加計信保手續費率0.5%合計3.33%，對針特殊境遇婦女、職災戶及犯罪被害人並有前3年免息優惠，自開辦以來累計協助1,525名婦女創業，其中348名婦女獲得貸款，新增就業機會1,267人。為增進婦女創業知能，提升創業成功率，配搭辦理創業諮詢輔導服務計畫，於台北、桃園、台中、台南、花蓮及高雄等設置6個服務據點，設置0800諮詢專線及創業鳳凰計畫專屬網站，提供個別或團體諮詢服務，並辦理創業研習課程。

(d) 協助婦女企業參與經貿活動

為協助具外銷能力之婦女企業開拓國際市場，於2007年設置英文版婦女企業網 (Taiwan Women's Business Network, <http://womenbusiness.taiwantrade.com.tw/>) 入口專區，提供女性企業主上網登錄產品資訊，目前已成功招募1,247家女性企業廠商加入，本網站亦可連結至加拿大等國之婦女企業網站。

縮減婦女數位落差

13.5 問題分析

(a) 在台灣，男性電腦使用率為72.8%，女性為69.2%；男性網路使用率為67.7%，女性為63.5%，顯示女性資訊使用率不如男性，落後3-5%(約為46萬人)，兩性資訊使用落差在中高齡婦女特別明顯，其中又有值得討論的差別。根據我們的研究指出，中高齡女性不會使用數位資訊的比例較中高齡男性為高，但在同時，中高齡女性願意尋求學習使用數位資訊的比例較

中高齡男性為高。

- (b) 網路使用上性別間有明顯落差的縣市：新竹市(9.6%)、嘉義市(8.3%)、台南市(7.5%)、高雄縣市(12.9%)、金門縣(10.6%)與連江縣(17.2%)。
- (c) 男性每日使用網路時間為175分鐘，女性為149分鐘，女性居家經常性使用資訊設備比率不如男性，平均網路使用時間女性每日較男性少26分鐘。
- (d) 男性使用網路以線上休閒、提供知識與經驗解答為主，女性則以網路購物及瀏覽部落格為主，其中網路發言仍以男性意見為主。
- (e) 女性就業者業務上應用電腦比率為61.1%，較男性47.7%為高，惟應用方式以文書處理為主，用於設計開發、蒐集資訊及客戶聯繫等用途較男性為低。

13.6 現行政策、措施及方案等之執行現況與成果

(a) 2007年首度推動「縮減婦女數位落差試辦計畫」

2007年推動「縮減婦女數位落差試辦計畫」，以非都會區婦女為優先對象，提供24小時基本電腦使用相關訓練，2007年度提供1萬名婦女免費訓練，2008年度已提供近1.6萬名婦女免費訓練。

促進文化性別平等

13.7 現行政策、措施及方案等之執行現況與成果

(a) 規劃建置「台灣女人網站」計畫

為蒐集建立女性史料，展現女性於台灣發展過程中的不同面貌與扮演角色的演變，規劃建置「台灣女人網站」。設計各種議題，透過文字、館藏文物及圖像等，建置資料庫，建立台灣女性交流平台，並以建置數位博物館為目標，俾利國際瞭解我國女性權益的轉變。

(b) 東南亞多元文化教育推廣計畫

鑒於我國社會人口結構轉變，新移民人數的增加，自2006年起規劃「東南亞多元文化教育推廣計畫」，以東南亞婦女為主要講授對象，培育婦



女種子講師，每年度預估培訓人數約25人，漸次推展社會之多元文化教育以示對多元文化尊重。

(c) 婦女工藝技能研習計畫

自2006年起每年規劃婦女工藝技能研習等課程，以扶植婦女習得工藝專業技能、拓展社會關係，並增強獨力就業能力與創造自我成長機會，同時加強辦理在地化且適合婦女參訓之各類工藝訓練課程，以提供弱勢婦女就近研習之機會，以提升其自我能力與價值。參加對象包括二度就業婦女、原住民女性及新移民女性等。

(d) 相關文化活動之性別統計

[表 13-3] 2007年度相關文化與休閒性別統計如下表：

| | | 文史哲活動 | 社區總體營造 | 文化資產保存及維護研習課程 |
|----|-----|--------|--------|---------------|
| 推動 | 總人數 | 1,196 | 1927 | --- |
| | 女性 | 697 | 789 | --- |
| | 百分比 | 58% | 40% | --- |
| 參加 | 總人數 | 22,418 | 7398 | 3846 |
| | 女性 | 13,443 | 3101 | 3066 |
| | 百分比 | 60% | 41% | 80% |

女性運動權益之保障

13.8 現行政策、措施及方案等之執行現況與成果

13.8.1 相關法制規定

(a) 國民體育法第20條規定：「為增進國民體格及體能，政府應鼓勵國民加強體能活動……。」

(b) 全國性民間體育活動團體經費補助辦法第27條第2項第1款，補助之全國性體育活動如幼兒、青少年、婦女、親子、中老年人、職工等休閒性體育運動。

13.8.2 運動人口倍增計畫

(a) 體委會自92年起推動為期7年之「運動人口倍增計畫」，輔導各縣市政府及民間體育團體辦理幼兒、青少年、婦女、親子、中老年人、職工等各項休閒性體育運動，特別加強辦理婦女族群之休閒運動，鼓勵女性多參與運動，促進身心健康。

(b) 在7年「運動人口倍增計畫」及「愛動計畫」推展下，已提升女性運動習慣，依據體委會委託之「運動城市排行榜」調查，女性規律運動人口呈現穩定成長趨勢（如表13-4）。此外，2007年有75.3%女性、79.8%男性，表示平常有運動習慣，顯示平常有運動之性別差距逐漸縮小。

[表 13-4] 「運動城市排行榜」調查規律運動人口比率

| | 2003年 | 2004年 | 2005年 | 2006年 | 2007年 | 2008年 |
|----------|--------|--------|--------|--------|--------|--------|
| 全國規律運動人口 | 12.80% | 13.14% | 15.50% | 18.80% | 20.20% | 24.20% |
| 男性規律運動人口 | 15.30% | 16.80% | 19.20% | 22.40% | 24.00% | 29.10% |
| 女性規律運動人口 | 10.20% | 9.60% | 11.70% | 15.20% | 16.40% | 19.20% |

13.8.3 建構女性運動的友善環境

為建構女性運動的友善環境，整合社區、學校、公私立機關等休閒資源，提供婦女多元、便利與平價的休閒活動機會，提高女性對休閒運動設施的可及性和使用率。另對於公共休閒、運動等設施，並考量女性需求，改善生活環境的安全條件。體委會自2008年起，以補助地方政府興(整)建婦女休閒運動設施及夜間照明設施等為優先考量。

第十四條---農村婦女的權利

1. 締約各國應考慮到農村婦女面臨的特殊問題和她們對家庭生計，包括她們在經濟體系中非商品化部門的工作方面所發揮的重要作用，並應採取一切適當措施，保證對農村婦女適用本公約的各項規定。
2. 締約各國應採取一切適當措施以消除對農村婦女的歧視，保證她們在男女平等的基礎上參與農村發展並受其益惠，尤其是保證她們有權：
 - (a) 參與各級發展規劃的擬訂和執行工作；
 - (b) 利用充分的保健設施，包括計劃生育方面的知識、輔導和服務；
 - (c) 從社會保障方案直接受益；
 - (d) 接受各種正式和非正式的培訓和教育，包括有關實用讀寫能力的培訓和教育在內，以及除了別的以外，享受一切社區服務和推廣服務的益惠，以提高她們的技術熟練程度；
 - (e) 組織自助團體和合作社，以通過受僱和自營職業的途徑，取得平等的經濟機會；
 - (f) 參加一切社區活動；
 - (g) 有機會取得農業信貸，利用銷售設施，獲得適當技術，並在土地改革和土地墾殖計劃方面享有平等待遇；
 - (h) 享受適當的生活條件，特別是在住房、民生、水電供應、交通和通訊等方面。

增進農村婦女健康福祉

- 14.1 辦理農民健康保險
 - (a) 中華民國已於民國84年起實施全民健康保險，全民健康保險為增進全體國民健康，於保險對象在保險有效期間，發生疾病、傷害、生育事故時，依本法規定給與保險給付。
 - (b) 為維護農民健康，於民國78年制定公布「農民健康保險條例」，截至97

年10月止，參加農民保險人數達1,580,738人，其中女性占48.6%。

- 14.2 辦理外籍配偶醫療輔導：

鑑於農村地區外籍配偶人數增加，積極辦理外籍配偶醫療輔導。

 - (a) 落實育齡外籍與大陸配偶建卡管理：92年訂定「外籍與大陸配偶生育健康管理計畫」，提供完善醫療照護服務。
 - (b) 辦理產前照護醫療補助：外籍配偶設籍前未納健保之產檢補助；弱勢外籍配偶生育調節補助。
 - (c) 辦理「培訓志工協助推動外籍配偶生育保健服務計畫」，培育外籍通譯員解決語言障礙問題。

輔導農村婦女能力建構

為增進農村婦女終身學習，輔導相關農業技術教育、職業教育與生活教育。

- 14.3 農業專業能力訓練：
 - (a) 辦理「農民農業專業訓練計畫」：依據各區域農民需求設計，提昇農業競爭力，97年度辦理作物栽培管理技術、經營管理、行銷規劃等課程計57班，結訓人數1,744人，其中女性占24.5%。
 - (b) 辦理「園丁計畫訓練」：推動農民觀念革新，培育有意從農之民眾入門課程，97年度辦理共51梯次，總結訓人數計1,790，其中女性佔33%。並提供後續進階訓練及相關服務。
 - (c) 依據行政院主計處「人力資源統計月報」，97年12月農業從業人口共計538千人，其中女性166千人，占30.9%，與上述2項訓練結訓女性比例相近。
- 14.4 縮減數位落差
 - (a) 有關縮減婦女數位落差試辦計畫，請參見第13條
 - (b) 辦理「農民網路技能訓練計畫」：提供農民基本電腦使用及網路技能訓練，96年培訓5,222人，其中農村婦女占69.6%。

- 14.5 家政訓練：為提升農村婦女農業外技能，訓練內容包括照顧服務員、家庭照顧者、家事管理員及田媽媽訓練等，97年培訓農村婦女3,140人。
- 14.6 生活知能訓練：以營養保健、國產農特產品健康膳食推廣、在地老化、性別主流化等中心議題，縮短知識落差，97年輔導農村婦女59,500人。

辦理農村婦女福利服務

- 14.7 保障老年農民經濟安全
- (a) 制定「老年農民福利津貼暫行條例」：於民國84年制定公布並於同年起核發老年農民津貼每月3,000元，至今歷經3次修正增額為現今每月6,000元，97年核付津貼計709,556人，其中女性占55.2%。
- (b) 「農民健康保險條例」，其保險事故分為生育、傷害、疾病、殘廢及死亡五種；並分別給與生育給付、醫療給付、殘廢給付及喪葬津貼。

輔助農業經營就/創業與轉型

- 14.8 擴大就業參與
- 14.8.1 辦理「農漁民第二專長訓練」：輔導農漁民儲備其轉業或兼業之能力。訓練課程包括、中餐廚師、西點烘培、米食加工、飲料調製、中式點心、照顧服務等，97年培訓農漁民及其配偶2,582人，其中農村婦女占92.6%；輔導1,129名學員考取證照，其中女性學員占91.9%。
- 14.8.2 辦理「農村地區促進就業計畫」：提供農村婦女農業及農業外之技能訓練，組織農村婦女，利用當地農產資源集體經營副業或創業。
- (a) 制定「農村婦女開創副業獎助輔導要點」：民國90年訂定，輔導農家婦女發揮經營產業潛能，開創新收入來源。
- (b) 制定「田媽媽班擴大輔導經營獎勵原則」：藉由鄉鎮農會輔導家政班自發性組織成立「田媽媽班」結合在地農產品，開發具地方特色之田園料

理、地方創意農特產伴手禮及手工藝品，以在地自產自銷為原則，整合當地農村婦女團隊經營，並結合當地休閒旅遊服務事業，帶動在地消費，創造就業機會。97年輔導田媽媽152班，共1,400人，其中女性學員占97.1%，經營之營業額達4.07億元。

- 14.8.3 辦理原住民促進就業相關措施，提供原住民短期工作機會，97年進用3,000人，其中女性1,960人，占65.33%。

- 14.9 提供農業信貸

辦理農業專案貸款：提供農(漁)民所需資金；擔保能力不足者，提供農業信用保證基金保證，協助取得所需資金。97年受益農(漁)民約20萬名。

促進農村婦女社區公共參與

- 14.10 女性參與農業政策、農業發展規劃和執行
- 農委會4,405人中，女性占39.1%；農業政策制定及農業發展規劃工作中，女性占30.5%；於95年設立行政院農業委員會性別平等專案小組，設立委員11人，其中女性7人。

- 14.11 輔導成立組織團體

- 14.11.1 開辦培訓課程，增進其處理問題的能力及自主參與家庭重要決策。97年輔導農村婦女59,500人。

- 14.11.2 組織合作社：

(a) 法源依據：我國憲法第145條規定，合作事業應受國家之獎勵與扶助；合作社法第1條明訂合作社係依平等原則，在互助組織基礎上，以共同經營方法，謀社員經濟利益與生活改善之團體。

(b) 農村婦女參與情形：

- i. 農業合作社及合作農場計有973社，社員16萬6,314人，其中農村婦女約佔20%，計3萬人。
- ii. 鄉村型儲蓄互助社計有213社，社員12萬6,037人，其中農村婦女約佔25%，計3萬1,000人。



14.12 促進婦女社區參與：

14.12.1 推動「農村再生培根計畫」：協助農村社區居民認識家園，透過專業訓練規劃社區願景、打造出農村特色、解決在地問題。培訓課程分為「關懷」、「進階」、「核心」三階段。自93年至96年辦理510班，參與人數13,466人，其中女性約占33.3%。其中取得農村再生專員資格之女性約120人。

14.12.2 辦理「清淨家園全民運動」：鼓勵農村婦女擔任環保義工、志工。

14.12.3 辦理「社區大學輔導計畫」：

(a)成立在地社區大學：於2001年輔導成立台灣第一所位處農村的社區大學「高雄縣旗山社區大學」，開設具有農村特色的課程，回應當地需求。

(b)與公益組織資源媒合：例如和「南洋台灣姊妹會」合作開設「外籍配偶中文識字與生活適應班」，透過觀摩教學與各地農村組織交流。

14.12.4 促進原住民族地區發展：

(a)補助「原住民家庭暨婦女服務中心」：自91年起至97年止，已設置50處家婦中心，提供原住民族家庭與婦女福利服務之可近性，進用161名原住民社工員及社工助理人員，其中女性148名，男性13名，女性比例佔91.9%，培力原住民女性參與公共事務。

(b)辦理「原住民婦女溝通平台實施計畫」：97年補助3個民間團體及50處原住民家庭暨婦女服務中心，並將會議建議交由原民會列入施政參考。

14.13 人才培育

(a)辦理「原住民女性意見領袖人才培訓計畫」：自93年至97年培訓323名部落女性，帶領女性以女性主義觀點與性別主流化策略，面對族群、文化、地理區位產生的多樣性，建構公平正義生活空間。

(b)辦理「社區發展研習訓練」及「培植專才計畫」：納入「性別主流化」課程，宣導性別平權觀念。96年「社區發展工作幹部研習班」計有360人參加；97年「社區發展業務行政人員研習班」及「社區發展工作人員研習班」計有600人參加。

(c)辦理各類社區發展研習、走動式績優社區觀摩會等大型活動：邀請績優社區婦女幹部分享經驗，以鼓勵更多的婦女擔任社區發展協會的幹部。

縮短城鄉生活品質差距

14.14 台灣為已開發國家，郵政、電力、自來水、大眾運輸等民生必須之設備與設施均已全國普及。

14.15 健全獨居老人社區照顧系統：結合各縣市政府、鄉鎮市區公所或社福機構，以列冊之獨居老人為對象，實施關懷獨居老人服務。

14.16 拉近城鄉數位落差：95年將村有寬頻列為重要施政計畫之一，於46個偏遠村落完成寬頻上網；另搭配「弱勢族群通信優惠補助計畫」，拓展弱勢地區數位資訊及通訊資源。

14.17 觀光業務：輔導原住民發展其具文化特色之手工藝及提昇餐飲品質，此外，國家風景區部份亦委由當地部落住民施工，保障就業機會及傳統工藝。

第十五條---在法律面前和公民事務中 以及行動自由方面 婦女享有平等的權利

1. 締約各國應給予男女在法律面前平等的地位。
2. 締約各國應在公民事務上，給予婦女與男子同等的法律行為能力，以及行使這種行為能力的相同機會。特別應給予婦女簽訂合同和管理財產的平等權利，並在法院和法庭訴訟的各個階段給予平等待遇。
3. 締約各國同意，旨在限制婦女法律行為能力的所有合同和其他任何具有法律效力的私人文件，應一切視為無效。
4. 締約各國在有關人身移動和自由擇居的法律方面，應給予男女相同的權利。

保障兩性在法律上享有平等保護

- 15.1 相關法規背景
- 15.1.1 基本權之保障：依憲法第7條規定，中華民國人民，無分男女，在法律上一律平等，已揭櫫我國男女在法律上一律平等，為憲法所明文保障。又憲法增修條文第10條亦指出，國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。
- 15.1.2 行為能力及權利能力之保障：依民法第6條規定：「人之權利能力，始於出生，終於死亡。」第12條規定：「滿二十歲為成年。」而成年即有行為能力。由上述規定觀之，我國現行民法規定，無分男女，均賦予其在法律行為上相同之權利能力及行為能力。
- 15.1.3 訴訟權之保障：
- (a)民事訴訟法第40條第1項規定：「有權利能力者，有當事人能力。」第45條規定：「能獨立以法律行為負義務者，有訴訟能力。」
- (b)為落實憲法所保障之訴訟權及平等權，我國對於利用訴訟程序之當事人

或利害關係人權益之保障，訴訟法上並無男女之別；另有關提供必要之法律扶助，只要符合其申請之要件，即能獲得專業律師協助，不因性別不同而有差異。是以，婦女在我國訴訟程序救濟上並無兩性不同之差別待遇。

保障婦女人身移動和自由擇居的權利

- 15.2 針對遭受家庭暴力之婦女，取得法院核發之保護令後辦理遷徙登記，因須檢附原遷出地戶口名簿等文件，常遭遇戶長拒絕提供戶口名簿或加害者不願配合情形，造成當事人困擾。戶政機關為解決遭受家暴之婦女戶籍遷徙之困難，配合實施政策如下：
- (a)於戶籍法增列規範：為避免戶內人口辦理戶籍登記時，因戶長拒絕提供戶口名簿而無法辦理之問題，業納入戶籍法97年5月28日修正公布之戶籍法第56條第2項規範，規定戶內人口辦理戶籍登記時，戶長應提供戶口名簿，不得扣留。又戶長如有扣留戶口名簿情事經查明屬實者，依戶籍法第80條規定課處新臺幣1,000元以上3,000元以下罰鍰。
- (b)持保護令者申請遷徙登記得先行辦理：為避免遭家庭暴力經法院核發保護令者因戶長拒絕提供戶口名簿而無法辦理遷徙登記之情事，內政部業於97年2月12日及同年4月11日通知各直轄市、縣(市)政府，針對該等個案得先行辦理遷徙登記，嗣後戶長提憑戶口名簿辦理戶籍相關事項時伺機補註。同時，請各戶政事務所於處理類似家庭暴力案件之戶籍登記時，應依行政機關執行保護令及處理家庭暴力案件辦法第6條規定，避免揭露當事人之戶籍資訊，以確保被害人安全。

對婦幼人身安全之保障

- 15.3 相關法規背景
- 15.3.1 家庭暴力防治法部分：家庭暴力防治法第14條規定，法院於審理終結後，



認有家庭暴力之事實且有必要者，應依聲請或依職權核發包括下列一款或數款之通常保護令：

- (a) 禁止相對人對於被害人或其特定家庭成員實施家庭暴力。
- (b) 禁止相對人對於被害人為騷擾、接觸、跟蹤、通話、通信或其他非必要之聯絡行為。
- (c) 命相對人遷出被害人住居所；必要時，並得禁止相對人就該不動產為使用、收益或處分行為。
- (d) 命相對人遠離下列場所特定距離：被害人住居所、學校、工作場所或其他被害人或其特定家庭成員經常出入之特定場所。
- (e) 命汽車、機車及其他個人生活上、職業上或教育上必需品之使用權；必要時，並得命交付之。
- (f) 命暫時對未成年子女權利義務之行使或負擔，由當事人之一方或雙方共同任之、行使或負擔之內容及方法；必要時，並得命交付子女。
- (g) 命相對人對未成年子女會面交往之時間、地點及方式；必要時，並得禁止會面交往。
- (h) 命相對人給付被害人住居所之租金或被害人及其未成年子女之扶養費。
- (i) 命相對人交付被害人或特定家庭成員之醫療、輔導、庇護所或財物損害等費用。
- (j) 命相對人完成加害人處遇計畫。
- (k) 命相對人負擔相當之律師費用。
- (l) 禁止相對人查閱被害人及受其暫時監護之未成年子女戶籍、學籍、所得來源相關資訊。
- (m) 命其他保護被害人或其特定家庭成員之必要命令。

法院為前項第十款之裁定前，得命相對人接受有無必要施以處遇計畫之鑑定。

15.3.2 兒童及少年性交易防制條例部分：為防制以兒童及少年為性交易對象，我國已於84年制定兒童及少年性交易防制條例，以有效防止兒童及少年從事性交易及保障其人身安全與身心健康發展。依上開條例第25條：「意圖使未滿十八歲之人為性交易，而買賣、質押或以他法，為他人人身之交付

或收受者，處七年以上有期徒刑…」明定對於危害少年人身安全者予以處罰，以遏止此類情事發生。

15.3.3 保護兒童及少年之其他相關規定：為使不在親權保護下之兒童與少年，獲得妥善照顧及保護，我國民法於97年5月23日修正未成年人監護規定：

- (a) 增訂民法第1094條之1：「法院選定或改定監護人時，應依受監護人之最佳利益，審酌一切情狀，尤應注意下列事項：A、受監護人之年齡、性別、意願、健康情形及人格發展需要。B、監護人之年齡、職業、品行、意願、態度、健康情形、經濟能力、生活狀況及有無犯罪前科紀錄。C、監護人與受監護人間或受監護人與其他共同生活之人間之情感及利害關係。D、法人為監護人時，其事業之種類與內容，法人及其代表人與受監護人之利害關係。」除列舉提示性規定，明確揭示法院選定（或改定）監護人時，應以兒童或少年之最佳利益為審酌之最高指導原則外，並特別將「有無犯罪前科紀錄」，列為法院選定（或改定）監護人時，應審酌事項之一，避免有家庭暴力、吸毒等前科紀錄者擔任監護人，以排除不適任者，預防家庭暴力發生。
- (b) 為使兒童與少年能獲得符合其最佳利益之監護人，增訂民法第1106條之1規定：有事實足認監護人不符受監護人之最佳利益，或有顯不適任之情事者，法院得依聲請，改定適當之監護人。

15.4 具體執行成果

- (a) 家庭暴力防治法乃為維護家庭受暴被害人人身安全之民事保護令制度，不論女性或男性被害人，均受到相同的保護。自88年6月至97年4月民事保護命令總計核發86,687件。
- (b) 兒童及少年性交易防制條例施行後，84年至96年檢警救援數為6,364人，社工陪偵人數為6,275人，緊急安置為5,550人。

第十六條---家庭法、婚姻和對子女的監護 權根據《民法》締結婚姻

1. 締約各國應採取一切適當措施，消除在有關婚姻和家庭關係的一切事務上對婦女的歧視，並特別應保證婦女在男女平等的基礎上：
 - (a)有相同的締結婚約的權利；
 - (b)有相同的自由選擇配偶和非經本人自由表示、完全同意不締結婚約的權利；
 - (c)在婚姻存續期間以及解除婚姻關係時，有相同的權利和義務；
 - (d)不論婚姻狀況如何，在有關子女的事務上，作為父母親有相同的權利和義務。但在任何情形下，均應以子女的利益為重；
 - (e)有相同的權利自由負責地決定子女人數和生育間隔，並有機會使婦女獲得行使這種權利的知識、教育和方法；
 - (f)在監護、看管、受托和收養子女或類似的制度方面，如果國家法規有這些觀念的話，有相同的權利和義務。但在任何情形下，均應以子女的利益為重；
 - (g)夫妻有相同的個人權利，包括選擇姓氏、專業和職業的權利；
 - (h)配偶雙方在財產的所有、取得、經營、管理、享有、處置方面，不論是無償的或是收取價值酬報的，都具有相同的權利。
2. 童年訂婚和結婚應不具法律效力，並應採取一切必要行動，包括制訂法律，規定結婚最低年齡，並規定婚姻必須向正式機構登記。

保障婦女之婚姻自由權及在家庭中享有平等地位

- 16.1 婦女婚姻自由權
 - 16.1.1 法制之保障
 - (a)最低結婚年齡：我國民法第980條規定：「男未滿十八歲，女未滿十六歲者，不得結婚。」違反婚姻適齡者，依民法第989條規定，當事人或其法定代理人得向法院請求撤銷之，上開撤銷權之行使，並無期間之限制，惟如當事人已達法定婚姻年齡或已懷胎者，則不得請求撤銷。

(b)結婚之法定要件（方式）：關於結婚之要件（方式），我國民法自民國20年施行以來，即採儀式婚主義，惟因儀式婚存在有若干之缺失，乃參酌先進國家之立法例並審慎評估後，將民法第982條所定之結婚形式要件，由儀式婚改為登記婚。自97年5月23日起，依民法第982條規定：「結婚應以書面為之，有二人以上證人之簽名，並應由雙方當事人向戶政機關為結婚之登記。」

(c)婦女擇偶之權利

- i. 結婚權利之保障：我國民法第972條規定：「婚約，應由男女當事人自行訂定。」又當事人之結婚，必須非在無意識或精神錯亂中，亦非被詐欺或脅迫，民法第995條及第996條分別定有明文，此係為保障當事人婚姻意思之自主權，惟結婚當事人如屬未成年人時，民法第981條特別規定須得法定代理人之同意。
- ii. 離婚權利之保障：我國民法採行「兩願離婚」及「裁判離婚」二制。「裁判離婚」係以有民法第1052條第1項各款或第2項所定情形時，夫妻之一方對於他方向法院提起離婚之訴。「兩願離婚」為保障當事人自主離婚之權利，民法第1049條規定：「夫妻兩願離婚者，得自行離婚」。當事人之離婚自主權不分男女，惟當事人為未成年人時，應得法定代理人之同意。

16.1.2 具體執行成果：為因應自97年5月23日施行民法第982條修正改採登記婚制度，法務部自新法公布日（96年5月23日）起，即積極辦理各項加強宣導措施，使民眾明瞭新法內容，以保障其自身權益。

16.1.3 未來努力方向：雖已改採登記婚制度，部分新人仍然認為應依我國傳統禮俗，先舉行結婚儀式，而未同時辦妥結婚登記，易造成已完成結婚儀式，卻尚未發生婚姻效力，影響當事人權益。或有新人仍依傳統習俗，要求選擇特定吉日辦理結婚登記，戶政機關為配合假日受理登記，增加人力負荷。法務部將持續辦理法律宣導，強化民眾對法的認知與正確觀念。

16.2 保障婚姻期間及離婚後之相關平等權

16.2.1 法制之保障

(a) 身分上之保障

- i. 夫妻冠姓：關於夫妻之姓氏，民法第1000條原規定：「妻以其本姓冠以夫姓。贅夫以其本姓冠以妻姓。但當事人另有訂定者，不在此限。」考量有違男女平等原則，爰於87年6月將上開規定修正為：「夫妻各保有其本姓。但得書面約定以其本姓冠以配偶之姓，並向戶政機關登記。」
- ii. 夫妻住所：關於夫妻之住所，民法第1002條原規定：「妻以夫之住所為住所，…。但約定夫以妻之住所為住所，…。從其約定。」上開規定因未本於男女平等原則，於87年6月修正民法第1002條規定，明定夫妻之住所由雙方共同協議定之，若無法協議時，得由法院介入決定。

(b) 財產上之保障

- i. 夫妻財產制：91年民法親屬編修正前，民法親屬編有關夫妻財產制之規定有諸多違反男女平等原則之處。於91年修正後，增訂若干規定以肯定家事勞動價值、落實剩餘財產之分配、促進婚姻生活和諧，並兼顧交易安全。
- ii. 保障內容：
 - a. 夫妻財產制有三種：法定財產制、共同財產制及分別財產制。
 - b. 夫妻得於婚前或婚後，以契約約定選用共同財產制或分別財產制，並向法院登記，如未約定，則一律適用法定財產制。
 - c. 法定財產制之財產種類區分為婚前財產與婚後財產，適用法定財產制之夫妻，應確認婚前財產與婚後財產之範圍。
 - d. 婚前財產與婚後財產之區別實益：婚後財產於法定財產制關係消滅時，應為剩餘財產之分配，由夫妻各得二分之一，但如果平分結果對配偶之一方不利時，得請求法院調整或免除。
 - e. 法定財產制之管理權原由夫妻之一方擔任者，自新法公布施行後，不論婚前或婚後財產，所有權由夫妻分別所有，各自管理、使用、收益（例如出租）及處分（例如變賣）。如有負債，亦各自負責清償責任。
 - f. 家庭生活費用由夫妻依其能力負擔，包括家事勞動之負擔方式亦屬之。
 - g. 夫妻可以在家庭生活費用外，相互約定一定數額之金錢，供夫或妻

自由處分。

- h. 如夫妻之一方在婚姻關係存續當中，有脫產之行為，將害及未來剩餘財產分配時，不論有償或無償行為，在一定要件下，他方可以向法院聲請撤銷上開有償或無償行為，以保全剩餘財產分配。
- i. 夫妻離婚或法定財產制消滅時，婚後財產扣除與婚姻貢獻無關者（包括繼承、贈與及慰撫金）為剩餘財產，應予平分。
- j. 剩餘財產的計算，以法定財產制消滅時為準，但應追加計算前5年處分之婚後財產納入分配。

(c) 子女事務上之平等權利

- i. 對未成年子女權利義務之行使負擔：有關父母對於未成年子女權利之行使意見不一致時，修正前之民法規定由父行使之，因有違男女平等原則，修正民法第1089條，明定對於未成年子女權利義務之行使及負擔，除法律另有規定外，由父母共同行使或負擔之。
- ii. 子女姓氏
 - a. 民法第1059條第1項規定，父母於子女出生登記前，應以書面約定子女從父姓或母姓。
 - b. 戶籍法增列對子女姓氏之相關規範：
 - (1) 出生登記延長登記期限：為使父母充分考量子女從姓，依97年5月28日修正公布之戶籍法第48條第1項規定，戶籍登記之申請，應於事件發生或確定後30日內為之。但出生登記至遲應於60日內為之。
 - (2) 為避免新生兒因父母約定不成無法辦理出生登記所衍生爭議，依97年5月28日修正公布之戶籍法第49條規定，出生登記當事人之姓氏，依相關法律規定未能確定時，婚生子女，由申請人於戶政事務所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。（第1項）戶政事務所依前條第4項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（第2項）。

iii. 收養

- a. 收養制度，依其目的及社會型態之變遷，已從「為親」之繼承傳宗接代目的，逐漸轉變為「為子女」之最佳利益原則。
- b. 97年5月23日修正公布之民法親屬編，在未成年收養部分，即以養子女利益為最高指導原則。
- c. 收養案件係以子女最佳利益為考量，且已保障婦女平等地位。

iv. 概括繼承修正為未成年人繼承負限定責任

- a. 基於固有「父債子還」之觀念，依修正前民法繼承編規定，繼承人除於法定期間內辦理限定或拋棄繼承外，自繼承開始時概括承受被繼承人財產上之一切權利、義務。
- b. 為保護無行為能力人或限制行為能力人（多數為兒童及少年），免於直接因被繼承人死亡而負擔其債務之危險，而影響其人格及發展，故於97年1月2日修正公布民法第1153條第2項：「繼承人為無行為能力人或限制行為能力人對於被繼承人之債務，以所得遺產為限負清償責任。」同時修正民法繼承編施行法第1條之1第2項：「繼承在民法繼承編中華民國九十六年十二月十四日修正施行前開始，繼承人於繼承開始時為無行為能力人或限制行為能力人，未能於修正施行前之法定期間為限定或拋棄繼承，由其繼續履行繼承債務顯失公平者，於修正施行後，得以所得遺產為限，負清償責任。」故對施行前之繼承事件亦有保護之規定。

16.2.2 具體執行成果

- (a) 經統計近幾年夫妻向法院辦理分別財產制事件：91年1151件、92年1062件、93年987件、94年1178件、95年1183件、96年1105件。由上開數據可知，91年修正民法夫妻財產制之規定，於法定財產制部分，係採分別財產制之精神，明定婚姻關係存續中，夫妻對其所有之財產，各自保有使用、管理、收益及處分之權利。從而，辦理分別財產制之事件未因法律修正而有明顯增減。
- (b) 自96年5月25日起至97年11月底止，總計申請出生登記非約定從姓案件1萬712件中，抽籤從父姓案件計95件，占0.89%；抽籤從母姓案件計310件，占2.89%；從監護人之姓案件計222件，占2.07%；非婚生子女

從母姓案件計9,512件，占88.80%；經戶政事務所逕為出生登記父姓者計183件，占1.71%；逕為登記母姓者計390件，占3.64%。

16.2.3 未來努力方向

- (a) 法務部研擬修正民法第1059條第1項為：「父母於子女出生登記前，應以書面約定子女從父姓或母姓。未約定或約定不成者，於戶政事務所抽籤決定之。」已陳報行政院與司法院於97年11月12日會銜送請立法院審議。
- (b) 如父母之一方對子女有性侵害或家暴、或顯有未盡保護教養義務等情形，對子女之身心發展及人格養成有不利影響，如無法變更約定姓氏，而依現行規定並不得請求法院宣告變更姓氏，顯不足以保護子女之利益。法務部已於前開民法第1059條修正案中，該條第5項第4款有關請求法院告變更子女姓氏之事由亦修正為：「父母之一方顯有未盡保護或教養義務之情事者。」俾對未成年子女之保護更加周全。

婦女有相同的權利自由負責地決定子女人數和生育間隔

16.3 衛生醫療部分

16.3.1 法制之保障

- (a) 依據我國「優生保健法」第7條第1款規定，政府應提供生育調節之服務及指導，使女性能自由負責地決定子女人數和生育間隔，以保障女性的生育自主權。
- (b) 優生保健法（Genetic Health Law）自74年公布施行以來，透過衛生局所、醫療機構及民間團體共同合作推動孕產婦及嬰幼兒保健業務，積極規劃多項遺傳性疾病檢查和服務措施，以減少先天異常兒發生。該法案名稱「優生」一詞，隱射歧視之意味，經過立法委員及女性團體之建議，目前正積極推動修法，擬將名稱修正為「生育保健法」，以消弭歧視。

16.3.2 現況：據衛生署國民健康局第九次生育力調查結果，我國20-49歲有偶婦



女之避孕率為79.2%。我國婦女總生育率(Total Fertility Rate,TFR)到2003年僅為1.23人，使得我國成為世界上所謂「超低生育率」的國家之一，2006年總生育率更進一步下跌到1.12人的新低點。

- 16.3.3 未來努力方向：我國的少子女化因應對策並非「非」指國家介入以提高生育率，相對地，希望建構完善的家庭政策，讓國民能夠在家務與工作之間取得平衡，以降低家庭養兒育女的各項負擔，至於生育率上升，乃是家庭功能完善下的結果。最終期望能夠平衡家庭與工作關係，讓女性不至於單獨承受家庭的約束，有助於提升婦女在就業市場的參與意願。而若要具體實現，則需女性在政策過程中的積極參與及國家與市民社會共同合作，形成對於緩解人口少子女化趨勢採行策略的共識。

16.4 教育宣導部分

16.4.1 法制之保障

- (a)教育部訂定「校園性教育實施計畫」，於97年1月實施，以加強學生處理周遭性教育議題能力核心主軸推動學校性教育、提升學生性教育知能、強化教師性教育專業知能。
- (b)教育部訂定「教育部獎勵各級學校辦理性教育績效優良要點」，獎勵教師或學校在推動性教育工作上具有具體成效者，得作為典範並加以推廣。

16.4.2 具體執行成果

- (a)教育部成立全國性的性教育資源中心，建置教學資源網站、與行政院衛生署合作共同推動性教育工作、獎勵補助學校教師發展創新優良的課程教材、教學媒體及推動性教育工作之相關創新績效、性教育研究發展與評價，並已委託專業團隊執行性教育之專案計畫。
- (b)教育部依研訂之中小學課程綱要，檢討國民小學師資培育職前教育課程，以提昇教師健康教學專業能力。
- (c)97年補助國內大學辦理「中學生性教育實務研討會」、「性別平等議題與性騷擾防治研習會」、「教師及教育行政人員性別平等教育研習暨教學觀摩活動」及辦理高級中等學校教師在職進修學分班「性別教育」及

「青少年發展與行為」（包括青少年性行為與性別教育）課程3班，核定招收150人。

- (d)97年度補助各地方政府辦理性別平等教育專長增能學分班總計22班，補助經費總計新台幣206萬7,923元。

- 16.4.3 未來努力方向：國中健體領域教師有4千多位，其中很多教師沒有受過性教育課程訓練，所以仍應加強辦理性教育種子師資培訓。

防制家庭或婚姻內的性別歧視及暴力

16.5 法制之保障

- (a) 家庭暴力防治法。
- (b) 家庭暴力防治法施行細則。
- (c) 家庭暴力電子資料庫建立管理及使用辦法。
- (d) 行政機關執行保護令及處理家庭暴力案件辦法。
- (e) 家庭暴力被害人創業貸款補助辦法。

16.6 具體執行情形

16.6.1 家庭暴力防治工作

- (a)90年1月13日建置「113婦幼保護專線」（簡稱113），96年9月1日起並成立113集中接線中心，開線至97年2月計接獲71萬7,376通有效電話。
- (b)92年至97年提供被害人保護扶助人次為102萬9142人，扶助金額為新台幣5億9,071萬4,212元。
- (c)至97年底已成立18處法院家庭暴力事件服務處，服務量達27萬7,600人次。
- (d)自96年6月起，以中央補助四成經費，地方自籌六成方式，協助地方政府增加190名直接服務社工人力。
- (e)93年6月設立「0800-013999男性關懷專線」，至97年12月底止共計接



線6萬487通電話，除提供關懷支持與一般諮詢，針對特定問題需求，並提供轉介服務。

16.6.2 加強外籍及大陸配偶家庭暴力防治工作：

- (a)編印中、英、印尼、泰國、越南及柬埔寨6種不同語言「家庭暴力防治手冊」及「法律問答有聲書」，積極發送至來臺外籍與大陸配偶。
- (b)擴充113婦幼保護專線通譯功能，增設英語、印尼、越南、泰國、柬埔寨等五種語言通譯人力，提供24小時即時通譯服務。
- (c)輔導地方政府結合民間團體提供受暴外籍與大陸配偶庇護安置服務，給予延長安置、通譯服務及返國機票等項目之補助。
- (d)積極協商研修「內政部處理大陸地區及外籍配偶遭受家庭暴力案件應行注意事項」，督促基層警員加強安全防範措施及流動人口申報事宜，並協調移民署協助遭家庭暴力之大陸及外籍配偶處理後續相關入出境、居留停留延期等問題。
- (e)辦理外籍配偶人身安全宣導方案，加強外籍配偶有關法令及求助資源管道等宣導。

16.7 未來努力方向

16.7.1 現況與困難

- (a)各地方防治中心除臺北市、高雄市、臺北縣、桃園縣、臺中縣5地方政府於社會局（處）下成立獨立機關外，其餘為任務編組，咸有層級不足、網絡合作推動困難問題。
- (b)社工人力普遍不足、正式納編困難、人員流動率大、待遇福利欠佳、人身安全問題待加強，服務深度難以提升，應整體通盤解決。
- (c)防治網絡各領域法官、檢察官、警察、醫療及教育人員性別意識有待提升，仍需協調相關主管機關持續辦理。

16.7.2 檢討及改善措施

- (a)持續增加資源投入防治工作，充實合理社工人力員額，並增進社工人員安全保護措施。

(b)提供被害人多元化求助管道，落實被害人直接服務工作，提升保護扶助效能。

(c)積極推動家庭暴力加害人預防性服務方案，提高加害人處遇計畫及執行成效。

(d)持續針對社會大眾加強預防宣導，並針對特定對象發展防治教育宣導方案，建構性別平等尊重文化。

CEDAW

Convention on the Elimination of All Forms of Discrimination Against Women



**Initial Report of
Republic of China
(Taiwan)**

General Introduction

Overview of the R.O.C. (Taiwan)

1. Territory and People

Taiwan is an island in East Asia and the northwest side of Pacific Ocean. Taiwan lies on a complex tectonic area between the Eurasian Plate and the Philippine Plate and occupies an area of about 36,188 square kilometers. Until the end of November 2008, Taiwan's population has been estimated to be 23,027,672 persons, including the Hoklo ethnic group, the most, and Hakka ethnic group, mainlanders, and 14 aboriginal tribes recognized officially in Taiwan. Traditional Chinese is defined as the official written language. Other languages include Minnan (Taiwanese), Standard Mandarin (officially recognized in Taiwan), Hakka and the various aboriginal tribes' native languages.

2. Politics

On July 14, 1987, the then President, Chiang Ching-kuo, announced the suspension of "martial law". His successor, President Lee Teng-hui, announced the end of "Temporary Provisions Effective During the Period of Communist Rebellion" on May 1, 1991 and ended operation of the "ten-thousand year legislature". After that, he even decided to hold the first presidential election by popular vote in 1996. On March 23, 1996, Lee Teng-hui and Lien Chan won the presidential election and became the 9th-term President and Vice President of the R.O.C. They were also the first President and Vice President elected by the people directly in the history of the R.O.C. On March 18, 2000, Chen Shui-bian and Annette Lu, as nominated by Democratic Progressive Party (DPP), were elected as the 10th-term President and Vice President of the R.O.C., and made the record for the first party alternation in the R.O.C.. In 2004, both were reelected the President and Vice President successfully in the third presidential election by popular vote. On March 22, 2008, Ma Ying-jeou and Vincent Siew, nominated by Kuomintang (KMT), were elected as

the 12th-term President and Vice President, and fulfilled the second party alternation in the democratic politics of Taiwan.

3. Economic condition

According to the statistics of Directorate General of Budget, Accounting and Statistics, Executive Yuan, R.O.C., the GDP in the territory of Taiwan was US\$153 in 1961 and increased to US\$18,000 in 2008. Taiwan's foreign reserves are the world's fourth largest. Taiwan's human development index ("HDI") is in 25th place in the world and it is identified as a "developed country" in the world.

4. Development of gender equality

The following gender-related development index based on the data generated in Taiwan for the latest decade show some improvements:

(a) Increase in adult literacy rate – female:

In 1997, the adult literacy rate of females over 15 years old was 91.1%, which was increased by 4.8% and became 95.9% in 2007.

(b) Extension of life expectancy at birth:

The life expectancy at birth of females was 78.6 years old in 1997, and 81.7 years old in 2007, an increase of 3.1 years old and also 4%. The life expectancy at birth of males was increased by 2.5 years old in the same period.

(c) Increase in gross enrolment ratio-female:

The gross enrolment ratio of female from 6-21 years old was 87.4% in 1997, and 102.4% in 2007, an increase of about 15%. The gross enrolment ratio of males was increased from 83.4% to 101.4%, an increase of 18%, in the same period.

(d) Increase in GDP per capita (ppp):

The GDP per capita (ppp) of females in Taiwan increased from US\$15,112 in 2000 to US\$21,098 in 2005, an increase of US\$5,986 and also 40% approximately. The GDP per capita (ppp) of males increased from US\$28,883 to US\$35,865, an increase of US\$6,982 and also 24%, in the same period.

By comparing the gender-related development index based on the values referred to

in the preceding four paragraphs with the latest scores of states announced by the UN in 2005 and the data calculated by Directorate General of Budget, Accounting and Statistics, Executive Yuan, R.O.C. based on specific formula, the R.O.C. receives a score of 0.931, ranking 20th in the world.

Characteristics of Taiwan:

Government and NGOs work with each other to promote gender equality

The role played by the country is an important indicator of gender equality development in the R.O.C. The major strategies of the world second women's movement were implemented in two manners simultaneously, namely consciousness raising and promotion of system reform. Compared with other countries, the women's movements in Taiwan have already been oriented towards institutionalization, leading the most countries.

In 1995, the Fourth World Conference on Women, Beijing officially declared the concept about "gender mainstreaming". Since then, all of the women groups in the various countries have followed the concept and asked their governments to take "gender" into consideration whenever they design, implement, supervise and judge the policies in the fields of politics, economy and society. Such concept highlights the role to be played by the government in the promotion of gender equality and also boosts women groups to participate in the movements inside the government's system.

The R.O.C. Government has already opened the system and enrolled the women groups. In 1997, the Executive Yuan established the Committee of Women's Rights Promotion and officially include the initiatives of the representatives from women's groups, scholars and experts into the national supreme policy-making mechanism. The Committee consists of 27-31 commissioners. The Premier of the Executive Yuan assumes the commissioner and convener, and the other commissioners include one minister without portfolio, the relevant ministerial directors (Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Education, Ministry of Justice, Ministry of Economic Affairs, Central Personnel

Administration, Government Information Office, Department of Health, Council of Labor Affairs and Council of Indigenous Peoples), 7-9 social experts and 7-9 representatives from women's group.

The Committee distinguishes itself by enrolling representatives from women's groups. Meanwhile, because the Premier assumes the convener, the various ministries and departments are used to valuing the resolutions about promotion of gender equality made by the Committee. Any resolutions made by the Committees' meetings have a binding effect on the various ministries/departments. With the Government's efforts in the promotion of gender equality, we can see that the R.O.C. has made some progress in "Gender Empowerment Measure (GEM)" values:

(a) Increase in seats in parliament held by women by 11%:

The seats of legislators held by women in the R.O.C. increased from 19.1% in 1998 to 30.1% in 2008. Though the total seats of legislators in the Parliament declined, the seats held by women were increased instead.

(b) Increase in the percentage of female senior officials and managers:

The percentage of female senior officials and managers in the R.O.C. was 14.5% of the total management in 1997, an increase of 17.5% in 2007.

(c) Year-by-year reduction in the percentages of female and male professional and technical workers:

In 1997, the female professional and technical workers accounted for 42.3% of the total professional and technical workers (including specialists, technicians and assistant specialists) in the R.O.C. The percentage increased to 46.4% in 2007. In other words, the difference in the percentages of female and male workers was reduced from 15.4% to 7.2%.

(d) Year-by-year increase in the percentage of GDP per capita (PPP) for females in GDP per capita (PPP) for males:

In 2000, the GDP per capita (PPP) for females in the R.O.C. was \$15,112 and the GDP per capita (PPP) for males was \$28,883. The GDP per capita (PPP) for females accounted for 52.3% of the GDP per capita (PPP) for males. In 2005, the GDP per capita (PPP) for females increased to \$21,098, the percentage of which in the GDP per capita (PPP) for males increased to 58.8%.



Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Non-discrimination

- 1.1 According to Article 7 of the Constitution of the R.O.C., all citizens of the R.O.C, irrespective of gender, religion, race, class, or political party, shall be equal before the law.
- 1.2 According to Article 5 of Employment Services Act, "for the purpose of ensuring national's equal opportunity in employment, Employer is prohibited from discriminating against any Job Applicant or Employee on the basis of race, class, language, thought, religion, political party, place of origin, gender, appearance, facial features, disability, or past membership in any labor union."

Efforts in fulfilling the "Convention"

- 1.3 The R.O.C. Government has developed numerous activities to propagate and promote "conventions" to the public officials. For example, the Committee of Women's Rights Promotion, Executive Yuan has host three workshops to preparing the drafting of the country report.
- 1.4 The Government has been engaged in the domestic legislation of the "Convention".
- 1.5 The Central Government has already called five multi-ministerial CEDAW project meetings.
- 1.6 The Foundation for Women's Rights Promotion and Development ("FWRPD"), sponsored by the Committee of Women's Rights Promotion and Ministry of Interior, has been engaged in the promotional activities for the "Convention", and also organized workshops with the women's groups in North, Central and South Taiwan.
- 1.7 In the process of propagating the "Convention", the women's groups worked with the governmental authorities and communities (including the women on off-shore islands) and played a very important role. The Private Sector CEDAW Promotion League continues supervising and assisting the Government to fulfill various tasks concerning the "Convention".



Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Legal actions taken to remove discrimination

2.1 The Constitution of the R.O.C. and other laws all prohibit the gender-based discrimination. For example:

- (a) Amend Civil Code Book Family: The Civil Code was enacted in 1929. As far as matrimonial property regimes required under the Code is concerned, the Code provided that the ownership and right to manage of the wife's property shall be vested in the husband after the marriage. The Code has been amended five times, in 1985, 1996, 1998, 2000 and 2002 respectively, and the amended Code provides that the ownership and right to manage the property shall be vested in the husband and wife jointly (see Article 16 herein).
- (b) Employment Services Act passed in 1992, which provides that "equal pay for equal work" for men and women (see Article 11 herein).
- (c) Gender Equality in Employment Law passed in 2002 and renamed as "Gender Equality in Employment Act" after 2008 (see Article 11 herein).
- (d) Civil Code initially provided that children should assume the father's surname. Article 49 of Household Registration Law amended and promulgated on May 28, 2008 provides that in case the family name of the party of the birth registration is uncertain according to related laws, if the child is legitimate, the applicant can decide the child to be registered with the father's or mother's family name upon taking a draw at the household administration office; if the child is illegitimate, the child is registered with the mother's family name; if the child is abandoned or helpless, the child is registered with the guardian's family name (Paragraph 1). In case of the household office registers a child according to the fourth paragraph of the previous Article, if the child is legitimate, the applicant can decide the child to be registered with the father's or mother's family name upon taking a draw; if the child is illegitimate, the child is registered with the mother's family name; if the child is abandoned or helpless, the child is registered with the guardian's family name and the Head of the office should give the child a first name (Paragraph 2) (see Article 16 herein).
- (e) Article 1000 of Civil Code initially provided that unless otherwise agreed upon by the parties, a wife shall prefix to her surname that of the husband, and a "chui-fu"



shall prefix to his surname that of the wife. Considering that such provision was against the gender equality principle, the provision was amended in June 1998 as providing that “the husband and the wife should keep his or her own surname, unless one party agrees in writing to prefix to his or her surname that of the spouse and registers the agreement at the household administration authority” (see Article 16 herein).

(f) Article 1002 of Civil Code initially provided that “a wife takes the domicile of the husband as her domicile..... unless it has been agreed that the husband takes the domicile of the wife as his domicile.....” Considering that such provision was against the gender equality principle, it was amended in June 1998 as providing that “the domicile of the husband and the wife shall be agreed by mutual agreement; if it has not been agreed or cannot be agreed, it may depend on the court by application”.

(g) The Civil Code initially was more in favor of the husband with respect to the guardianship of children. Considering that such provisions were against the gender equality principle, the provisions about exercise of parental rights were amended drastically on September 27, 1996. Now the court shall take the children’s interest into consideration when rendering any rulings. Usually, the judge will decide the children’s guardianship pursuant to the five circumstances referred to in Article 1055-1 of Civil Code, namely the age, gender, healthy condition and will of the children, and the age, economic condition, occupation, character and will of the parents, and by taking into consideration the social worker’s visit report and the children’s best interest.

Taiwan’s efforts to remove discrimination

2.2 In order to take the concept of gender equality into consideration when planning, coordinating, executing, appraising, preparing budget for, the various policies, Taiwan established the “Committee of Women’s Rights Promotion” of Executive Yuan in 1997 (see General Introduction).

2.3 In July 2005, Office of the President established the Advisory Panel on Gender Mainstreaming.

2.4 Since 2004, the various ministries and departments of Executive Yuan have started to establish their “task force dedicated to gender equality”. So far, 38 ministries/ departments have established such mechanism.

2.5 The Committee of Women’s Rights Promotion passed the “implementation plan for promotion of gender mainstreaming by ministries/departments of Executive Yuan” at its 23rd committee meeting on December 9, 2005, requiring that the percentage of commissioners of either gender in any committee subordinated to the various ministries/departments of Executive Yuan shall be no less than one-third of the whole commissioners.

2.6 The Committee of Women’s Rights Promotion established the “Gender Equality Support Team” in 2007, which is responsible for researching gender mainstreaming tools and multi-ministerial coordination.

2.7 The local governments throughout Taiwan established their committees of women’s rights promotion consisting of the director-generals of bureaus and agencies of the county or city governments, and retained representatives from women’s groups, scholars and experts.

2.8 In order to prevent sexual assault and domestic violence and to protect victims’ basic rights, “ Sexual Assault Prevention Act ” was enacted on January 22, 1997 and “ Domestic Violence Prevention Act ” enacted on June 24, 1998. The Ministry of the Interior established Sexual Assault Prevention Committee and Domestic Violence Prevention Committee pursuant to laws on May 9, 1997 and April 23, 1999 respectively, and the two committees were consolidated into the Domestic Violence and Sexual Assault Prevention Committee on July 24, 2002. The Committee is primarily dedicated to coordinating the judicial, police, health, social political,



education and information authorities to found the national sexual assault and domestic violence prevention system and to guide the governments of municipalities directly under jurisdiction of the Central Government, counties and cities to found domestic violence and sexual assault prevention centers.

- 2.9 The Council of Labor Affairs established the Employment Discrimination Evaluation Committee according to Article 5 of Employment Services Act. The Committee's function is to protect nationals' equal opportunity in employment and judge whether the employer is against the provision that "An employer is prohibited from discriminating against any Job Applicant or Employee on the basis of race, class, language, thought, religion, political party, place of origin, gender, appearance, facial features, disability, or past membership in any labor union". Further, according to Article 5 of the Enforcement Rules of Employment Services Act, the governments of municipalities directly under jurisdiction of the Central Government and counties/cities shall be responsible for identifying the discrimination, and in order to identify the discrimination in employment, may invite the relevant governmental authorities, representatives from labor organizations and employer organizations, and scholars and experts to form the employment discrimination evaluation committees.
- 2.10 The gender equity education committee was established pursuant to Paragraph 2 of Article 7 of Gender Equity Education Act passed in 2004. The committee shall consist of seventeen to twenty-three commissioners. The Minister of Education shall be the chairman of the committee, and the other commissioners shall be appointed by the Minister. At least half of the commissioners shall be women. Experts, scholars, NGO/NPO representatives and practitioners from fields related to gender equity education shall make up at least two-thirds of the whole commissioners.
- 2.11 The Examination Yuan established the "Advisory Committee on Gender Equality in National Examination" in 2005.
- 2.12 Taiwan Women's Center was founded on March 8, 2008 for the purpose of promoting

the connection and communication between women organizations in Taiwan and international women organizations, to present the achievement of women's rights promotion in Taiwan and to establish a platform for women organizations in Taiwan to participate in the worldwide women's rights development.

National Women's Policy

- 2.13 The Committee of Women's Rights Promotion, Executive Yuan passed the "Women's Policy Guideline" at its 18th committee meeting on January 9, 2004, declaring that it would adhere to the concept about equal participation and decision-making and promoting the following:
- (a) Create a "Mutual Respect and Objective/Subjective Shifting" Structure.
 - (b) Create a political mechanism that encourages wiser use of resources, equal decision-making and interest sharing, and democratic participation.
 - (c) Implement a dual and complementary economic mechanism.
- 2.14 President Ma Ying-jeou, elected in 2008, has proposed a white paper for women's policy in his presidential campaign, showing that as soon as he was elected, the Government will include the concept about gender into the policy-making to create a society of safety, equal respect and resource sharing.

Mission

- 2.15 The Government will continue the national mechanism dedicated to dealing with the issue and development on gender. The Committee of Women's Rights Promotion, Executive Yuan will also continue working with the Government and women's organizations to promote the "gender mainstreaming" in a multi-ministerial manner, particularly the training about operation of the gender mainstreaming, including



“gender statistics”, “gender analysis of budget”, “gender impact assessment” and “gender consciousness training for public officials”, to enhance the public officials’ gender consciousness and to change all aspects and the most fundamental social values of the policy enforcement.

- 2.16 For the time being, we are working hard to ensure that all legislation is consistent with the provisions in the “Convention” and also reviewing the effects and defects of the existing policies with due diligence, so as to take the required corrective actions to comply with the “Convention”.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Actions taken to enhance the status of women

- 3.1 Enhancement of status of women is identified as an issue penetrating all fields when the Government executes the “Convention”. “Enactment of National Women’s Policy” and the cooperation between Government and NGOs are done in order to enhance the status of women.
- 3.2 The Committee of Women’s Rights Promotion, Executive Yuan establishes several task forces, including employment, economic and welfare task force, health and medical treatment task force, education, media and culture task force, personal safety task force, and international involvement task force, each of which is formed by the representatives from the relevant governmental departments and women’s organizations dedicated to enhancing the status of women in the various fields.
- 3.3 Since the World Conference on Women, UN advocated the gender mainstreaming in 1995, the R.O.C. Government has accelerated the relevant legislations to secure women’s basic human rights and to promote the women’s development and improvement. The legislations enacted include the following:



- (a) Child and Youth Sexual Transaction Prevention Act passed in 1995, which deals with the issues on human trafficking and child-girl sex workers (see Article 6 herein).
- (b) Sexual Assault Prevention Act passed in 1997.
- (c) Domestic Violence Prevention Act passed in 1998 (see Article 15 herein).
- (d) Special Assistance for Women under Special Circumstances Act passed in 2000 to provide the women and families which have difficulty in living with urgent assistance.
- (e) Family Education Law passed in 2003.
- (f) Gender Equity Education Act passed in 2004 (see Article 10 herein).
- (g) Sexual Harassment Prevention Act passed in 2005.
- (h) Artificial Reproduction Act passed in 2007 to protect the interests and rights of infertile couples, children conceived through artificial reproduction, and donors.
- (i) Human Trafficking Prevention and Control Law passed in January 2009 (see Article 6 herein).

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.
 - 4.1 The Government has taken certain active actions, e.g. enactment of laws highlighting the diversity of gender in employment in some fields and policies requiring the diversity of gender in employment or granting of scholarship in committees subordinated to governments.
 - 4.2 The issues on the protection of motherhood are illustrated in Article 11 herein.

Mission

- 4.3 The Government will continue paying attention to the status of the R.O.C. women and will seek female input before taking any temporary or special actions.



Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Eliminate culture and gender prejudice

Value women's cultural arts and re-create women's historical status

5.1 Background and current status:

- (a) Value of traditional faith: Some folk custom and faith or legend highlights taboos about gender.
- (b) Inherence of women's role: Traditional arts and folk custom integrate the value and life style of traditional society and are used to creating a women's role as a monotonous one secondary to men and seldom feature women as the leading role.
- (c) Art legacy discrimination: Most arts were controlled by male members. The achievements of female art workers in traditional drama were not recognized and signified in the past.

5.2 Response policies and actions:

- (a) Protection of traditional arts and care for female artistic topics and artists: To execute the "Plan for the Preservation and Transmission of Folk Arts" and publish

the results thereof; so far, there are a total of 33 publications about female artists or female topics out of more than 400 publications.

- (b) Re-create women's traditional image from the viewpoint of modern arts and women: To change the concept of specific groups (e.g. Hakka Group) about male-dominant and reflect the autonomous consciousness of women from such groups via books, 3-D crafts, dramas and TV programs.
- (c) Promote historical research and re-orientate women's contribution: the Council for Hakka Affairs, Executive Yuan worked with the Academia Historica on the special study on Hakka women-related issues and studied or investigated Hakka women in terms of history, culture and society in the form of on-site survey to reflect the actual presence of Hakka women.

5.3 Difficulty and cause for fulfillment of reform:

- (a) Given that the traditional culture is based on the specific social values, if the so-called taboo is intended to be reformed by force, some conflict will arise between the reform and faith.
- (b) Given that the art legacy was inherited primarily by men, the literature shows that there were few records about female artistic workers.

- 5.4 Continuous orientation: To review whether gender prejudice still exists in art legacy based on the gender layout in the preserved/preserved groups; to propagate avoidance of gender discrimination against the practices and titles of gender roles created by the different customs; to collect the literature and data about female artists actively; to utilize the subsidy from the governmental resources to encourage the performance and creativity of female artists and traditional arts and folk customs highlighting female topics.

Promote the media's self-regulation and reduction of information about gender discrimination

- 5.5 Background and current status: The traditional and monotonous gender impression



confines the public's thought about gender. The thoughts, concepts and information transmitted by the broadcasting media affect the public's personal reading about the information.

5.6 Response policies and actions:

- (a) To encourage the media to include gender equality consciousness into the broadcast programs with subsidy;
- (b) To hold cable TV talent training programs including the issues on gender equality and elimination of gender discrimination;
- (c) To prepare the "Regulations Governing Self-Regulation of Media from the Various Countries" and send the Regulations to the media for reference to call on them to respect the gender;
- (d) To hold the "Child and Youth News Media Literacy Workshop" enabling the civil groups to have a dialogue with the media providers on gender roles and issues on media and gender;
- (e) To install a hot line for complaints to provide the public with the channel for participation in supervision of the media; the Government Information Office will convey the public opinion to the accused media and media self-regulation organizations to urge the media and organizations to help the correction;
- (f) To establish and promote the Internet rating system pursuant to Children and Youth Welfare Act and Regulations for the Rating of Internet Content;
- (g) To urge Satellite Television Broadcasting Association R.O.C. to include the "treatment of news related to gender and disadvantaged group" into Paragraph 11 of Press Self-Regulation Working Guideline, as an instructor.

5.7 Difficulty and cause for execution:

- (a) Conflict between award/honor and freedom of creation: To avoid narrowing the providers' freedom of creation and causing the misunderstanding that "the Government intervenes in the creation of program contents and manipulates social ideology", the "gender equality" is still not included into the various award/

honor guidelines and principles for the time being.

- (b) Tension between supervision of media and freedom of speech: The stereotypes about gender still prevail in the media. It is somewhat difficult for the Government Information Office to seek a balance between freedom of speech and protection of gender equality.

5.8 Continuous orientation:

- (a) Promotion of citizens' equal participation in control: National Communications Commission ("NCC") promotes the "Civil Groups' Participation in Communications and Broadcasting Supervision Mechanism" to identify the "supervision and management of communication contents involving protection of child and youth and women's interests and rights" as the business in which the citizens may participate, which will work with this Committee's "broadcasting and TV programs and advertisements advisory meeting"
- (b) Promotion of the public media literacy: To have the public's involuntary acceptance transformed to voluntary reading, enabling the public to verify the potential value orientation concealed in the media, including the monotonous impression gender.
- (c) Promotion of social voluntary supervision: The Government Information Office considers working with the various colleges to ask the students taking gender equality and journalism courses to participate in the supervision of image about gender reflected by the media and post the result on website, providing it to the various media and medial self-regulation organizations for reference.
- (d) Encouragement of the creation of the female image: To recommend the relevant review committees dedicated to domestic film guidance fund to consider admitting film proposals that reflect the female role positively as the first priority; to help hold the female-oriented movie festivals and awards; to encourage the domestic female workers in image creation; to promote the public balanced and completed awareness about the female role.

Change gender discrimination in workplace

Create the environment for equality in employment and improve employment laws and systems

5.9 Background and current status:

- (a) Women often suffer salary reduction, transfer or even layoff by employers for childbirth and children raising.
- (b) The discrimination suffered by women in the workplace is primarily that against difference in salary and promotion. According to the investigative report of Council of Labor Affairs, 18.36% of the enterprises have discrimination on the pay to employees.
- (c) Women have to bear family care and workplace job at the same time: For the time being, though the dual earner family prevails at present, the roles in the traditional family remain unchanged, as the housework and family caring is still assumed by women mostly.

5.10 Response policies and actions:

5.10.1 Enactment of “Gender Equality in Employment Act” and “Employment Services Act”

- (a) Equal job opportunity: Employers are prohibited from discriminating job applicants or employees in enrollment, selection, employment, assignment, dispatch, performance appraisal or promotion, or education and employees’ benefit training courses, due to gender or sex-orientation.
- (b) Equal pay for equal work: No discrimination shall be in employees’ salary due to gender or sex-orientation. Equal pay shall be granted to the equal work or work of equal value.
- (c) Promotion of women’s employment: The Government shall define specific plans dedicated to urging the voluntary women who have to bear the living expenses and have the ability to work to get jobs.

- (d) Protection of interests and rights of motherhood: Enterprises shall be required to provide employees with menstruation leave, paternity leave, parental leave without pay, breast-feeding hours, adjustment of working hours and family leave, and also be encouraged to install day-care facilities or provide proper day-care measures.

5.10.2 Concrete administrative measures:

- (a) To establish the employment discrimination identification criteria and system; to promote, control and inspect the media recruitment pages and guide enterprises to prohibit the gender discrimination in recruitment advertisements;
- (b) To inspect the trades and occupations full of serious discrimination and to propose the corrective actions; to provide women with individualized and professional employment services by executing the “employment of disadvantaged groups’ promotion project”;
- (c) To hold symposiums for the prevention of employment discrimination, legal system education and business; to assess the local governments’ performance in prevention of discrimination;
- (d) To establish a complaint channel and mechanism, provide assistance in judicial remedies, and define the “Regulations for Handling Complaints Concerning Gender Equality in Employment” and “Regulations for Providing Legal Aid in Lawsuits Concerning Gender Equality in Employment” to help laborers whose interests and rights are injured seek relief.

5.11 Difficulty and cause for execution:

- (a) Surviving pregnancy discrimination: Some employers still discriminate against, and even dismiss pregnant employees with excuses to evade the statutory employer’s liability.
- (b) Difficulty in the burden of proof about equal pay for equal work and equal pay for work of equal value: Enterprises are likely to provide laborers with different labor conditions due to working experience and seniority, et al. In practice, it is not easy to prove the “gender-based” discrimination.



(c) Difficulty in breaking through traditional concepts: It is not easy to break through the traditional concept. Women still have to raise children and do housework most of the time. Therefore, though men and women are both entitled to the parental leave without pay, most of the applicants are still actually women.

5.12 Continuous orientation:

- (a) Promotion of equality concept: To utilize the electronic media and policy manuals to promote the protection of interest and right of motherhood and encourage enterprises to fulfill the Gender Equality in Employment Act.
- (b) Fulfillment of regulated inspection: In addition to enterprises' self-assessment, it is necessary to conduct the assessment on the different trades and complaints, and to ask the local government to include the equality laws into the scope of labor inspection and engage in the study on identification criteria of "equal pay for equal work".
- (c) Enrichment of supporting channels: To plan and install the exclusive websites for gender equality in employment to provide the relevant laws and regulations, social resources for assistance to victims and advisory network services.

Reform specific occupational areas and reduce gender division of job

5.13 Background and current status:

Due to the nature of job responsibilities, some governmental departments (e.g. national defense, coastal guard, police and firemen) have gender discrimination in the occupational areas. The various ministries/departments engage in planning the various corrective actions in order to remove the fixed impression about gender roles and to address the issue on gender percentages.

5.14 Response policies and actions:

- (a) Reform of the examination system: No gender discrimination in quota, mission and pay will be in the special examination for coastal guard, harbor police and

policemen. Some authorities that initially provided the restrictions on gender-based quota are also engaged in the reformation. For example, they defined the "Policewomen Policy" to increase the percentage of policewomen year by year, and researched the physical strength test to be included into the firemen examination. For national defense, the "Military Woman Human Resource Recruitment Implementation Plan" was drafted to increase the percentage of recruited women year by year.

- (b) Equal opportunity for promotion: In addition to reforming the gender restrictions on examinees, the national defense, police and coastal guard authorities also pay attention to the percentage of women in the middle- and high-ranking management.
- (c) Creation of friendly environment: Owing to the fact that these jobs were primarily assumed by men in the past, governmental departments also increasingly changed the hardware and equipment simultaneously when recruiting women, e.g. allocation of dormitory spaces and uniforms, and organizational culture – to found the concept about gender equality to prevent the single gender from becoming so advantaged that sex harassment and assault might arise in workplace and to establish an environment in which men and women have the equal opportunity to engage in the jobs.

5.15 Difficulty and cause for execution:

Though the Government has severed the connection between these jobs and monotonous gender impression and traditional roles step by step, it is still impossible for some women to adapt themselves into the environment after taking the jobs. Therefore, the relevant government authorities have to face such issues as how to maintain the gender equality in these job responsibilities and take care of the difference in individuals.

5.16 Continuous orientation:

Because the gender restrictions on these jobs have been or will be canceled, in order to ensure that workers have the competency as required, the relevant



entities will highlight the contents of work in the recruitment advertisement and also plan the mode of examination to establish the equal family system based on ability instead of gender.

Establishment of equal family system

Enhance gender equality in law and remove gender discrimination in inheritance

5.17 Background and current status:

- (a) Traditional family values are male-dominant: The concepts about male-dominant and patriarchy in traditional culture are significant in the systems provided under some status acts.
- (b) Ancestral worshipping in favor of male heirs: The ancestral worshipping right has remained vested in male descendants succeeding to the legacy. Therefore, the property installed to meet the need for worshipping, if any, will remain vested in the male descendants in the clan. The same happens in the ancestral worshipping property in Taiwan. Except in some special circumstances, women are not entitled to the right of succession.

5.18 Response policies and actions:

- 5.18.1 In order to remove the gender inequality in marriage and family provided under status acts, The Civil Code Part IV Family has been amended many times. The amendments include:
 - (a) Change of ceremonial nuptials to registered nuptials: To highlight the legal publication of marriage in order to ensure the rights of both parties in marriages.
 - (b) Equal status in marriage: Both parties in marriage may retain their respective surnames and agree on the residence after marriage equally. The legal

matrimonial property regimes are founded under the basic structure of “separate property”. Meanwhile, the provision about “free funds” is added, expressly defining that couples may agree on specific money, in addition to the family living expenses, spendable subject to the husband’s or wife’s sole discretion as the reward for recognition of the family work performance.

- 5.18.2 In 2007, enactment of the “The Statute For Ancestral Estates In Joint Ownership” to include the concept about gender equality: Expressly define that “in the case of inheritance of successors in ancestral worshipping property and ancestral worshipping property corporations, the heirs shall be identified as the successors sharing the worship, to remove the exclusion of female inheritance and to fulfill the gender equality spirit referred to in the Constitution and Civil Code.

5.19 Effect, difficulty and improvement:

- (a) Continuous promotion of the legal concept about registration of marriage: In order to help its people to understand the new regulation of marriage, the government has propagated to the public the registration of marriage and system under protection of laws through the various channels. Because the new regulation begins just recently, to respect the traditional customs valuing the marriage ceremonies and wedding on an “auspicious day”, the public authorities which executing the registration thus amend the same household registration regulation to make marriage registration easy for people.
- (b) Take care of legal reform and while respecting existing tradition: “The Statute For Ancestral Estates In Joint Ownership” was enacted in order to fulfill filial piety and fraternal duty and continue the clan’s tradition, and well-found the ancestral worshipping property land administration. Therefore, the relevant provisions therein shall evaluate the traditional customs to avoid interfering with the status of existing rights and to include the gender equality spirit referred to in the Constitution and Civil Code.



Value equal parental liability and follow child interest-based principles

5.20 With reference to the judgment about children’s surnames, please see Article 16 herein.

Terminate domestic violence and support parental roles

5.21 Domestic violence

5.21.1 Current status and background of domestic violence: Domestic violence is not just a family affair: From 2002 to 2007, 36120 reported domestic violence cases have increased to 72606, nearly double of 36120. Apparently, the traditional concept highlighting domestic violence as the family affair has been increasingly eliminated.

5.21.2 Response policies and actions:

- (a) Enact the various laws and regulations to deal with domestic violence cases: Domestic Violence Prevention Act and the Enforcement Rules thereof, Regulations on Establishment, Management and Use of Domestic Violence Electronic Database, Regulations for the Administrative Authorities to Enforce Protection Orders and to Deal With Domestic Violence Cases and Rules for Granting of Loans to Domestic Violence Victims to Start Business were enacted.
- (b) Establish a domestic violence database: To establish a domestic violence prevention database and integrate the information management systems of domestic violence, sexual assault and protection of children and youth.
- (c) Install advisory and report hotline: Including a 24-hour “113 women-and-children's protection hotline” and “0800-0139999 male hotline ” installed to provide the care, support and the general advice, and the referral service with respect to specific issues and needs.
- (d) Supplement human resources and materials, and enhance the guidance

bases: The local governments provide the protection and aid to victims of domestic violence, 18 domestic violence service centers of district courts are established, and additional 190 social workers are recruited to fully promote the installation of “community domestic violence prevention officer” system.

(e) Extend the scope of case intervention: To develop the service projects for children witnessing domestic violence, and also enforce the domestic violence danger rating policy on a trial basis to strengthen the screening of dangerous cases and the intervention to be provided to highly dangerous cases, and have policemen enhance investigation to prevent the offender and upgrade the prevention network service performance; to enhance the domestic violence prevention of foreign and Mainland spouses.

5.21.3 Existing difficulty and barrier

- (a) Human resource remaining insufficient: Social workers are insufficient, the labor turnover rate is high and the personal safety needs to be enhanced, thus it is difficult to raise the depth of services. All of these issues shall be resolved in whole.
- (b) Gender consciousness required to be raised: As the prevention networks involve the various fields, the persons including judges, prosecutors, policemen, medical treatment and education personnel need to raise their gender consciousness.

5.21.4 Continuous orientation

- (a) To increase resources, enrich reasonable social worker human resource and enhance social workers’ safety protection measures;
- (b) To provide diversified relief channels, fulfill direct service to victims and upgrade the performance of protection and aid;
- (c) To promote the preventive actions against offenders to strengthen the conviction and performance of intervention plans for offenders;
- (d) To enhance the prevention propagation to the public and develop the prevention education and promotion projects against the specific counterparts.



5.22 Support parental care

5.22.1 Background and current status: Children are a common asset and the future human resource of the society. The Government sets about the basic protection (personal safety), promotion of parental liability and support of parental liability when promoting the policies related to children's interests and rights.

5.22.2 Response policies and actions:

(a) Enactment of laws and policies: "Children and Youth Welfare Act" was enacted to provide the mandatory reporting of protection cases and urgent protection and shelter in individual cases, requiring that parents or custodians shall be responsible for protecting and educating children and the youth. Meanwhile, the "Community Autonomous Kindergarten Funding Implementation Plan" was passed to guide the local governments.

(b) Administrative measures and actions: Including high-risk family guidance intervention plans and propagation of parental liability via manual, website and civil groups, and working with the local societies and community resources to enforce the community autonomous kindergarten plans.

5.22.3 Difficulty and barrier in execution:

(a) Shortage of human resources: The local government's human resources for children protection social workers are insufficient and difficult to bear the increasing number of cases.

(b) Conflict of interest among providers: The Government intends to support the local governments to promote universal day-care facilities, which are objected by the private day-care providers due to conflict of interest.

5.22.4 Continuous orientation: To increase the local government's social worker human resource under the project granted by the Central Government and to continue encouraging communities or civil groups to participate in the "Community Autonomous Kindergarten Funding Implementation Plan" actively to establish the

equal and universal day-care system under a non-profit-making organization.

Establish family education and social education including gender equality in education

5.23 Family and marriage education

5.23.1 Protection of legal system and current status

(a) According to Family Education Law, "family education" shall mean parent education, marriage education, filial education, ethical education and education on family resources and management. Marriage education activities include those at pre-marital and marriage cancelling stages to help women of marital age prepare for married life.

(b) According to Article 12: The senior high schools and below, addition to the regular curriculums, must arrange 4 hours learning and activities on family education, and are encouraged to emphasize on parent education with the support of parents committee.

(c) Regarding Article 4 and 5 of Gender Equality Education Law, the task to promote gender equality in family education and society education on both national and local administrative levels has been delegated respectively to the committee of Gender Equality Education being set in central and local government. The ultimate goal is to unroot the preconceived notion about gender status in the society.

5.23.2 Result

(a) Under the government's supervision, together with the subsidiary provided to the family education activities, the local governments have fulfilled their establishing family centers. The engaged 16,000 ~ 50,000 people are benefited from this program.

(b) To facilitate people's interests and social workers' needs, government has



published various family education materials including parent education and pre-marital and marriage education in order to enhance the knowledge of gender equality, household work sharing, communication skills between couples and filial education. For the specific issues like foreign spouse, aboriginal, single father and old age women are taken into consideration, and are prioritized for their future publication.

- (c) Among the subsidized events held by local governments and non-government groups of community-based women's education and skill trainings, about 70% applications were associated with women's multi-role play issues and gender-related issues.

5.23.3 Perspectives

- (a) It is necessary for family centers to be highly aware of gender issues when conducting the volunteer training and case studies. Meanwhile, family centers are required to top-prioritize the gender issues when programming.
- (b) Make gender equality a must-to-do task in all kinds of family education promotions. The aim is to upgrade parents' knowledge of the filial education.
- (c) In consideration of the low men's participation rate in family education activities, men are induced to participate in the pre-marital/marriage education activities exclusive for lovers or couples. Meanwhile, some city/county governments also held the paternal (male) growth education activities and also worked with the police and military, factories and enterprises to hold family education activities that primarily targeted men.
- (d) Provide the various family education centers with the checklist for picture books and films about the local gender equality; hold the gender equality parent and children shared reading activities to enable children to discuss the relevant issue about parents since their childhood.
- (e) Enhance the fulfillment of family education programs and activities for senior high schools below, in hopes of enabling male students to establish their motive and interest in thinking about such issue and to learn the relevant knowledge since they are young.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

- 6.1 In order to protect the human right of victims of human trafficking and prevent the crime of human trafficking effectively, the Executive Yuan passed the "Main Points to Establishment of Coordination Meeting for Combating Human Trafficking by Executive Yuan" in January 2007, dedicated to calling a multi-ministerial liaison meeting between the Judicial and Executive Yuan periodically every two months and drafting the "Action Against Human Trafficking by Executive Yuan" as the basis for Taiwan Government to execute the action against human trafficking.

Relevant laws against human trafficking

- 6.2 In order to combat multi-national (border) human trafficking and protect the trafficking victims, the Government amended the "Immigration Act" in December 2007 to expressly define concrete actions against prosecution, protection and prevention of the trafficking. Meanwhile, the Government enacted "Rules for Combating Multi-national Human Trafficking and Protecting Trafficking Victims" based on Article 46 of the Act and also amended "Rules Governing Permits for People in Mainland China Entering Taiwan" accordingly to protect the human rights of the trafficking victims and relieve the victims from the administrative penalty against the victims' misconduct caused by the trafficking.

- 6.3 With respect to employment and management of foreign workers, the Government has amended the “Employment Services Act”, “Regulations Regarding the Permission and Administration of the Employment of Foreign Workers” and “Employment Services Act Governing Employment of Foreigners” to define the work period, work procedure, change of employers, life and legal interest of foreign workers in Taiwan to prevent foreign workers from any infringement on their personal safety and to protect the interest and right of victim workers in human trafficking from 2007 to 2008.
- 6.4 In order to curb the crime of human trafficking aggressively and to establish the safe testimony mechanism and protection network for the victims, the Government has passed “Human Trafficking Prevention and Control Law” at the Legislative Yuan upon the final reading in January 2008, which builds an important milestone for human trafficking control in Taiwan.
- 6.5 In order to prevent children and juveniles from being the counterparts in the sex trade, this country has already promulgated and enforced “Child and Youth Sexual Transaction Prevention Act” in 1995, which produced remarkable effect on the control of children's and juveniles' engagement in the sex trade. Meanwhile, this country is also one of the few countries which have enacted laws to protect children and juveniles exclusively in the world.
- 6.6 “Statue for the Development of Tourism” provides that if the tourist hotel industry, hotel industry, travel agency, amusement park industry or home stay provider is involved in human trafficking or serves as the place of sex trade, it shall be sentenced to penalty, shutdown or revocation of its business license or registration subject to the circumstances. Its employees engaging in said activities, if any, shall also be punished with fine. Meanwhile, the Legislative Yuan amended Article 231 of the Criminal Code in April 1999 to increase the criminal responsibility of any persons engaging in red-light houses.

- 6.7 “Money Laundering Control Act” was amended and promulgated in July 2007. Article 16 therein added the provision providing that with regard to the request for assistance by foreign governments, institutions or international organizations, information of declarations or reporting and investigation result may be provided based on the principle of reciprocity, in order to enhance the international cooperation and money laundering control in human trafficking.

Victim protection

- 6.8. Voluntary and active identification: In order to enable law-enforcement staff to identify the trafficking victims immediately upon uncovering any cases, the Government (Ministry of Justice) has amended the “Concrete Action Against Human Trafficking Cases” and “Principles for Identification of Human Trafficking Victims” from 2006 to 2007. The victims who are identified through the active and voluntary mechanism will be sheltered and provided with any other necessary assistance in accordance with the operating procedure of human trafficking.
- 6.9 Proper shelter: The Government will order the various authorities to provide the trafficking victims with proper shelter subject to their identity. Nevertheless, the existing sites providing shelter and the relevant protection mechanism are not so well-founded that it is necessary to enhance the planning of the shelter to be provided to such victims. The Government is planning three sites providing shelter to human trafficking victims and will contract NGOs to engage in the shelter service in public, in hopes of introducing professional teams to provide such service to meet the victim's actual needs and strengthen their willingness to cooperate in the investigation of cases.



Table 6-1 Overview of shelter provided to human trafficking victims from 2007 to 2008

| Identity | Shelter | Number of victims |
|---|--|---|
| 1.Suffer sex exploitation without work visa | 25 local governments throughout the country have integrated the beds in the existing shelter houses for victims of domestic violence and rape. | 41 victims have been sheltered from 2007 to 2008. |
| 2.Labor exploitation without work visa | Ministry of Interior commissioned NGOs to help with the shelter. | 48 victims have been sheltered from 2007 to 2008. |
| 3.With work visa | 14 shelter entities for foreign workers of Council of Labor Affairs | 43 victims have been sheltered from 2007 to November of 2008, including 5 victims suffering from sex exploitation and 38 victims suffering from labor exploitation. |
| 4.Sex trade of children and juveniles | Ministry of Interior installed 17 urgent and short-term shelter houses throughout the country. | 798 victims have been sheltered from 2007 to June of 2008. |

6.10 Provide protection services: The Government primarily provides the following protection services:

- (a) Supportive service: Work with NGOs to engage in victim support and treatment groups and intellectual growth courses and other service activities dedicated to providing the mental guidance activities, and helping victims contact their family members in the duration of investigation and informing the governmental agencies in Taiwan of the victims' home countries voluntarily to help their family members understand the protection and safety actions provided by Taiwan Government.
- (b) Economic reimbursement: The Government will provide the necessary economic reimbursement pursuant to the relevant laws, including urgent living support, children's education reimbursement, shelter reimbursement, legal action reimbursement, medical treatment reimbursement and mental healing reimbursement, et al.

(c) Legal assistance: The various local governments have retained attorneys-at-law dedicated to providing the legal advice and helping filing of complaints subject to the individual cases. For foreign workers, the county/city governments set up the foreign worker inquiry service centers to help resolution of dispute between labor and employer and provide the relevant legal advice and legal action reimbursement, including legal advice fees, attorney fees for attendance in hearings, attorney fees for drafting written statement, and civil procedural fees. In this regard, a total of NT\$141,670,000 has been invested from 2007 to 2008.

(d) Work visa: Define and release work visas to foreigners to vest the human trafficking victims of foreign nationality with short-term working right in accordance with "Rules for Combating Multi-national Human Trafficking and Protecting Trafficking Victims" in 2008.

6.11 Fulfill the protection in the duration of investigation and trial: In order to enhance protection to victims in the duration of investigation and trial, the Government established (a) the investigation under an escort mechanism to permit that human trafficking victims or foreign workers may be escorted by social workers or NGO staff in the duration of investigation, (b) safe testimony mechanism to allow the police authorities to escort victims to ensure the victims' safety in the duration of testimony and (c) translator and interpreter resource network to provide the victims with translation and simultaneous interpretation service to help the investigation.

6.12 Plan the safe repatriation mechanism: The Government passed "Operating Procedure for Safe Repatriation of Human Trafficking Victims Back to Home Countries/Hometowns" in 2008.

6.13 Despite the fact that the Government has set up the victim protection network and provides the various protection services actively, there are still shortcomings in alternative laws and protection work on the interest and right of domestic labors, because the domestic labors' work types are on a case-by-case basis and diversified, and it is not easy to distinguish the work hours, stand-by hours and

break time. Therefore, the protection on interest and right of domestic labors will be the first priority in the future research dedicated to continuing the discussion about the feasibility of inclusion of domestic labors into the Labor Standard Law and the relevant alternative policies.

Preventive strategies

- 6.14 In order to prevent human trafficking, the Government produced the promotional leaflets and advertisement films via the academic systems, TV, news and magazines and network to propagate the education about human right, gender equality and laws to the nationals.
- 6.15 To produce rescue cards available to foreign nationals in their native languages, including Chinese, English, Vietnamese language, Philippine language, Thai and Cambodian, in addition to the relevant newspaper and printed publications and TV media, et al., to enhance the knowledge of sex exploitation of potential human trafficking victims in foreign labors and spouses; to install a 0800088885 foreign spouse toll-free advisory hotline to provide the relevant information about applicable laws and regulations in Taiwan, statement of their interest and right and care service in six languages, which has served a total of 10,139 persons in 2007; to install the toll-free phone line, foreign labor advisory service centers and foreign labor advisory service stations at the international airport to provide foreign labors with the complaining and advisory channels; from 2007 to 2008, a total of 23,820 cases reported by phone were accepted, and the service centers have served a total of 254,365 persons, and a total of 521 cases were accepted by the service stations at the airport.
- 6.16 In order to enhance the governmental staff's knowledge and expertise about the issue on human trafficking, the various ministries/departments are engaged in holding the training programs on the staff's functions: (a) Ministry of Interior held the

prevention training and practicing workshop for the social and political workers and basic workers of the Central Government and local governments, receiving a total of 3570 trainees from 2007 to 2008; (b) a total of 101 rounds for propagation of laws applicable to employers, brokers and foreign labors; (c) the identification training program on human trafficking provided to foreign labor advisory staff, receiving a total of 800 trainees from 2007 to 2008; (d) the professional training program on evidence collection, wound examination and reporting of sexual assault offense provided to medical treatment personnel, receiving a total of 478 medical treatment personnel as trainees in 2007; (e) the symposium about issues on sexual transaction and human trafficking provided to workers in tourism (tour guides, leaders and the management of hotels), receiving a total of 6,750 trainees; (f) 250 simultaneous interpreters trained.

- 6.17 In order to expand the effect of service and to integrate private resources in the prevention of human trafficking, the various ministries/departments worked with other NGOs dedicated to the relevant issues to provide victims with the services and to help the Government conduct the professional training and research of laws and regulations, and participate in the international NGOs or international exchange.
- 6.18 Considering that the issue on human trafficking and foreign labors' human rights has been concerned by the various sectors increasingly, the Government started reviewing and amending foreign labor policies, including (a) in order to prevent foreign labors' whereabouts from being uncertain because of illegal intermediary agency, the Government amended the relevant laws to increase the punishment imposed on illegal intermediary agents and to provide that overcharge shall be subject to the order of business suspension in 2007; (b) given that foreign intermediary agents' charges vary all the times, foreign laborers' were often charged additional expenses, which caused heavy burden to them, or were forced to apply for loan by signing the "Foreign Worker's Affidavit Regarding Expenses Incurred for Entry into The Republic of China to Work and The Wage/Salary", which caused them to bear obligation without justified cause. In the future, the direct employment will be



the priority. In addition to maintaining that the same foreign nursing worker shall be the first priority of recruitment, the Government will also extend the same policy to the recruitment of workers in the manufacturing and construction industries in 2009 to achieve the objective to simplify the application procedure and prevent foreign labors from bearing foreign intermediary fees and to help improve the management of foreign intermediaries. On July 29, 2008, the Government negotiated with the home countries of foreign laborers to define the official intermediary rate for foreign labor working in Taiwan and fulfill the authentication procedure to prevent forged or false written undertaking for pay, and also planned to amend the contents of the written undertaking for pay to eliminate the publication of foreign intermediary fees and to prohibit the foreign intermediaries from charging the private loans.

6.19 Meanwhile, in order to protect foreign labors' privacy and personal safety, enhance gender equality and address the amendments to "Sexual Assault Prevention Act" and Sexual Harassment Prevention Act", the discretionary criteria of foreign labors' life care service guidebook also require that the residence design for foreign labor shall take the gender consciousness into consideration and respect the labors' privacy. Further, foreign laborers who are victims of human trafficking victims are entitled to temporary shelter service for two months, which may be extended for another two months upon request. Temporary shelter houses are also required to pay attention to personal safety and privacy and to take the gender consciousness into consideration when planning and designing the internal space to make it adjustable depending on the difference in gender.

6.20 Despite that the Government has installed toll-free hotlines and foreign labor advisory hotlines, it is still impossible for foreign laborers to call the hotlines immediately upon occurrence of any incident, thereby missing the rescue time, because no service is provided on weekends and holidays and beyond the working hours on weekdays and the hotline numbers are different and unmemorable. Accordingly, in 2009, the Government plans to install 24-hour hotlines integrating the existing 0800 foreign labor toll-free hotlines and city/county governments' foreign labor advisory service

centers' hotlines to provide 24-hour (including holidays) complaining and advisory hotlines, assign cases to the competent county/city governments in electronic form and follow up the development of complaints.

Crime investigation

6.21 From November 2007 to November 2008, the judicial and police authorities seized a total of 285 suspected human trafficking cases, including 195 cases concerning sex exploitation and 90 cases of labor exploitation. Meanwhile, a total of 17,545 foreign laborers whose whereabouts were uncertain were uncovered. From November 2007 to November 2008, a total of 409 illegal immigrants from Mainland China were uncovered.

6.22 Concerning the judicial trial and punishment, from 2007 to 2008 a total of 953 persons have been prosecuted because of committing the crimes related to human trafficking. 340 persons out of them have been convicted guilty. Concerning the investigation against employers and intermediaries engaged in exploiting foreign labor in 2007: a total of 1,389 cases in which employers were fined, and a total of 137 cases in which employers were imposed the administrative punishment for revocation of work permit; for intermediaries, a total of 127 cases of intermediaries were fined, and a total of 28 cases in which intermediaries were imposed an administrative punishment for business suspension. In practice, human trafficking victims are likely to be unaware of the injury and have no idea about it even if they are exploited and, therefore, the following treatment will be affected; or, the victims, concerning about their family members' safety, refuse to accept the shelter service and cooperate in the investigation and, therefore, it is difficult to convict the human trafficking syndicates of the crime. This will be an important issue requiring continuous propagation and education.

6.23 In order to establish the crime investigation standard operating procedure and



human trafficking identification criteria, the “Human Trafficking Treatment Procedure”, “Principles for Identification of Human Trafficking Victims”, “Human Trafficking Case Checklist” and “Human Trafficking Case Type and Applicable Provisions Schedule” were enacted and prepared in 2007 and included into the annual education training programs.

- 6.24 Considering that the human trafficking has not yet been defined expressly, it is difficult to identify “victims” in law. Besides, the types of trafficking are diversified, and the victims might also be the suspects. Therefore, it is usually hard to identify the human trafficking victims immediately. Notwithstanding said requirements, for lack of specific concepts and definitions, it is necessary to review and amend the relevant rules and regulations to make the identification criteria of “human trafficking cases” and “human trafficking victims” consistent, and also to enhance law-enforcers’ knowledge about dynamic identification of human trafficking victims and continue the identification of victims subject to the development of the case.
- 6.25 The prosecutor offices of the various district courts have designated dedicated prosecutors to consolidate and command the immigration, police and coastal guard authorities effectively as of 2007, and integrated civil groups and foreign embassies or representative offices in good time to investigate human trafficking cases effectively. Meanwhile, Taiwan High Prosecutors Office has established the supervision task force in 2007 dedicated to supervising the human trafficking cases handled by the various prosecutors offices, so as to upgrade the performance of investigation and enhance the liaison among the relevant authorities, and also prepared the compilation of human trafficking guiding cases in order to enhance prosecutors’ knowledge about human trafficking cases and distributed it to the prosecuting authorities for reference in December 2007.
- 6.26 In order to stop criminal syndicates from recruiting victims illegally under disguise and prevent human trafficking from arising, the short-term visa held by Mainland spouses and Southeast Asian nationals were examined strictly. In 2007, a total of 1,798 holders were interviewed, 200 persons were found suspected and underwent

a second interview. Therefore, the supervision and control mechanism about entry and exit permit will continuously be dedicated to enhancement of interview, strict inspection of visa and aggressive investigation against smugglers and illegal immigrants, in order to reduce illegal immigrants and stop human trafficking.

- 6.27 Hold professional competency training programs for official crime investigators and prosecutors, including (a) a total of 2,130 police and coastal guard staff trained from 2007 to 2008; (b) hold Prosecutors’ Judicial Practices Workshop for Human Trafficking in 2007, and discuss about how to enhance the investigation against human trafficking and protection of victims in the national chief prosecutors’ meeting; (c) co-sponsor the “Discussion Meeting for Human Trafficking Guiding Cases” with AIT in September 2007, and invite Mr. T. March Bell, Senior Special Counsel for Trafficking issues in the Civil Rights Division at the U.S. Department of Justice to host the Meeting and guide the simulation exercise for guiding cases, and also hold the “Symposium for Raid Action Against Human Traffickers and Identification of Certificates” and “Forum for Enhancement of Identification of Human Trafficking Victims” in November, attended by the personnel from the police, judicial and prosecuting and investigating authorities and airlines, and government representatives in Taiwan and custom officers.
- 6.28 Human trafficking involves crime syndicates engaged in human smuggling and trading, illegal immigration and drug trafficking and smuggling. Therefore, it is a complicated issue. The general public has no idea about the issue of human trafficking and will even be cheated by the human trafficking syndicates. In order to encourage the public to report human trafficking voluntarily, the Ministry of Interior installed “02-23883095” hotline and “110” hotline in December 2007, and also enhance the propagation to potential victims in the various public places and media to prevent them from becoming the human trafficking victims physically. In the future, it will also establish effective promotional channels to enhance the public’s knowledge and information about the nature and types of human trafficking to prevent human trafficking crimes altogether.



International cooperation

- 6.29 Work and exchange with the territories including the U.S.A., Japan, Indonesia, Thailand and APEC through the various agreements and meetings: In December 2007, the R.O.C. representative office in Japan attended 4th-term Human Trafficking Meeting in Japan and negotiated with the competent authorities in Japan for the cooperation in prevention of human trafficking. In 2008, the cooperation mechanism combating human trafficking is proposed to be included into the Labor Cooperation Memorandum entered into between Taiwan and Indonesia, and will be signed after Indonesia gives its response. Further, the inclusion of cooperation mechanism combating human trafficking into the Direct Employment Treaty between Taiwan and Thailand is under research and negotiation.
- 6.30 Hold an international conference and promote international exchange and cooperation: In July 2007, "International Academic Conference on Human Trafficking Prevention" was held, and Ms. Grace Chung Becker, Deputy Assistant Attorney General of the U.S. Department of Justice was invited to give a speech on special topic. The international workshop and forum for human trafficking prevention were held respectively in August and October 2007, in which the Government has worked hard in communicating and exchanging with the U.S. government officials physically dedicated to the issue on human trafficking and NGOs from Vietnam and Cambodian on the practices of human trafficking prevention.
- 6.31 Considering that most of the human trafficking victims in Taiwan come from Vietnam, the Ministry of Foreign Affairs and Ministry of Justice have negotiated for an agreement on mutual legal assistance since November 2006. In 2008, the two countries negotiated with each other in order to conclude the "Agreement on Mutual Legal Assistance in Criminal Matters Between Taiwan and Vietnam" and had the common consensus on enhancement of the international mutual legal assistance.

- 6.32 To prevent human trafficking, it is necessary for the countries that import and export to work with each other to attack the criminal activities. For the time being, though the countries of origin have a consensus on prevention of the trafficking, the Government will still continue enhancing the negotiations with the countries of origin to develop diversified cooperative models, struggle for the international cooperation and enable the international society to understand our value on the issue, in consideration of the various countries' will and the effect of the objective environment in the international scene.
- 6.33 To address the access policy between Taiwan and Mainland China, frequent cross-strait exchange and the issue on safety of Mainland tourists, the Government will achieve the Management Mechanism for Mainland People's Safety in Taiwan by "continuing establishing the cross-strait institutionalized cooperative mechanism combating crimes", "fulfilling fingerprint database and match" and "planning the enforcement of biological authentication system".
- 6.34 Considering that Taiwan is isolated diplomatically, it is impossible for Taiwan to exchange with the other countries in the world equally due to political reasons and for lack of substantial diplomatic relations. The Government shall strengthen the exchange of civil groups to help achieve the substantial international exchange and cooperation, and shall enhance the development of diplomatic relations by increasing the relevant budgets.



Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Gender equality in politic participation

7.1. Background and current status

None of the election laws and regulations applicable in Taiwan restricts women's right to elect, be elected and vote. The Constitution is the base of all laws. Since it was promulgated in 1947, it has provided various protection measures with respect to the gender right in political participation:

- (a) Basic human right: Article 17 of the Constitution provides that “the people shall have the right of election, recall, initiative and referendum”.
- (b) Equality in right: Article 129 of the Constitution provides that “the various kinds of elections prescribed in this Constitution, except as otherwise provided by this Constitution, shall be by universal, equal, and direct suffrage and by secret ballot”.
- (c) Protection of freedom: Article 132 of the Constitution provides that “intimidation or

inducement shall be strictly forbidden in elections, showing that the election shall also protect the civilians' freedom for political participation”.

- (d) Support in politic participation: Article 134 of the Constitution provides that “in the various elections, the number of women to be elected shall be fixed”.

7.2 Response policies and laws

In order to ensure that the Constitution can expressly define the women's right in political participation to secure the specific percentage of women representatives in elected organizations, the laws and regulations of Taiwan further provide the following:

- (a) Seats in parliament: Article 4 of the Constitution was amended and added in 2005, providing that seats in parliament held by women elected in proportion to the votes won by a political party shall be no less than a half of the total seats. Therefore, the women representatives of the various political parties nominated in proportion to the parties shall be more than a half.
- (b) Local council: If the quota of councilors of any local government attains 4 persons, there shall be one women councilor elected. If the quota is more than 4 persons, one additional women councilor shall be elected per increase of 4 persons. The same requirement shall apply to the councilors elected by aboriginals.

7.3 Enforcement

- (a) Upgrading in seats in parliament held by women as percentage of total: In 2008, women legislators accounted for 30.09% of the total legislators elected (a total of 113 legislators, including 34 women legislators), drastically increasing by 21% more than that in the previous election (a total of 225 legislators, including 47 women legislators).
- (b) Enthusiastic women voter turnout rate: The female voter turnout rate was 77.65% in the presidential election in 2008, slightly higher than the male voter turnout rate. Apparently, women political participation was enthusiastic.

7.4 Prospective

The Constitution provides the protection of people's freedom in political participation. Namely, the people who meet the minimum requirements of age and mental condition may be entitled to be elected and re-elected, free from gender inequality. In order to provide more comprehensive protection, the Government also defines the draft of "Human Rights Act" pursuant to the "Universal Declaration of Human Rights" resolved by the United Nations, expressly providing that the civilians shall be free from any unreasonable restrictions in "participation in public affairs, in a direct manner or via free election", "exercise of voting right in the amendments to public policies, laws and Constitution and motion for change of national territory", "voting and election in the various public officials' elections" and "assumption of public office under equality". It also expressly provides that "People shall be entitled to freedom of assembly, and the freedom shall be free from any restrictions, unless provided by laws and required by preservation of national security, public peace, public health or good morals or by protection of others' freedom and right in a democratic society." And "People shall be entitled to freedom of association, including the right to organize and participate in labor unions, and the freedom shall be free from any restrictions, unless provided by laws and required by preservation of national security, public peace, public order, public health or good morals or by protection of others' freedom and right in a democratic society.", in order to protect the right to public participation.

Equal participation in policy-making and assuming official positions

7.5 Background and current status

(a) The administrative departments fulfill gender mainstreaming: Promote the various human resource management actions dedicated to gender equality and raise gender consciousness pursuant to resolution made by the Committee of Women's Rights Promotion meeting.

(b) Reform the gender quota of national examination: For the time being, Taiwan does not impose any qualification restrictions on civil service examinations, provides that only few public offices (special examination for national security special agents, special examination for judicial personnel and special examination for policemen, et al.) are subject to the restriction on gender quota. In this regard, please consult with Advisory Committee on Gender Equality in National Examination".

7.6 Response policies and laws

(a) Promote women's participation in decision making: The various authorities are encouraged to employ female public officials to assume middle- and high-rank supervisors and to assume critical functions. In 2003, the Executive Yuan authorized the "Encouragement Plan for the Excellent Performance of the Promotion of Women's Participation in Decision Making by Executive Yuan and its Subordinated Authorities and Local Authorities" to select and encourage the authorities which works hard to employ women staff.

(b) Improve the gender proportion in committees: 26.09% of the ministers/directors-general of the supreme administrative authorities of the Central Government are women by December 26, 2008. Further, the Government is also dedicated to the policy achieving one-third of either gender in committees subordinated to the various ministries/departments. The Central Personnel Administration identifies the corrective action against the gender proportion of committee members of the various authorities as one of the items in the annual performance appraisal of personnel agencies of competent authorities and follow and appraise it periodically.

(c) Raise gender consciousness of public human resources: Hold the academic forum for the "Observation of the Present and Future of Public Human Resource Management from the Point of View of Gender" on December 22, 2008. Strengthen the exchange in experience of the task forces dedicated to gender equality of the various ministries/departments.

(d) Gender equality in the examination system: In consideration of the Gender



Equality in Employment Act, the Government released the “White Paper for Gender Equality in National Examination” to specify the actions and result of protection of gender equality in national examinations.

7.7 Enforcement and difficulty

- (a) Gender proportion in committees remaining improved: Until January 2009, 79 of the 481 committees under the control failed to achieve one-thirds of either gender proportion. The rate is about 16.42%. The administrative departments will continue requiring corrective actions to be taken.
- (b) Continue promoting gender equality in all national examinations: In 2007, the gender enrollment rate in national examinations:

| Type of examination | Women | Men |
|--------------------------------------|-------|-----|
| Level 1 & Level 2 Senior Examination | 33% | 67% |
| Level 3 Senior Examination | 51% | 49% |
| Common Examination | 42% | 58% |
| Elementary Examination | 68% | 32% |

Said examinations are all free from any restrictions on gender quota. However, a few examinations, such as the special examination for national security special agents, special examination for policemen, and special examination for judicial personnel for prison officers and controllers, are still subject to the gender enrollment quota.

- (c) Equality in public service personnel recruitment and pay system: From 1998 to 2007, the women public official proportion has increased from 32.57% to 37.26% year by year.

7.8 Prospective

- (a) Continue improving gender proportion and raise gender consciousness: The various authorities are continuously encouraged to employ women to participate

in decision making and to help the achievement of one-thirds of either gender in the committees subordinated to the various ministries/departments. Meanwhile, the relevant symposiums and forums are held periodically each year to enhance the exchange of experience of the task forces dedicated to gender equality of the various ministries/departments and the gender consciousness of the task force members, and to promote the gender mainstreaming policy comprehensively.

- (b) Cancel the gender restrictions in all national examinations step by step: To enhance the functions of “Advisory Committee on Gender Equality in National Examination” of Examination Yuan; to negotiate with the hiring authorities of special examinations to cancel the gender restrictions step by step and to research the adoption of diversified examination to recruit competent personnel; to suggest the various authorities to improve working environment, fulfill the result of performance appraisal training, establish the “exit mechanism” and take care of the special requirements in the authorities’ mission and gender equality.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

The relevant legal systems and execution thereof

8.1 In consideration of gender equality, the R.O.C. governmental authorities are used to employing personnel free from any gender restrictions and completely based on the concerned parties' academic degree, working experience and competence. Nevertheless, the female governmental officials expatriated in foreign countries will still be subject to some restrictions in promotion or expatriation overseas due to family or marriage reasons. In order to protect gender equality in employment and in consideration of family and marriage, the Ministry of Foreign Affairs has enforced the "couples working in the same consulate" system as of 2005. So far, there have been 21 couples (including 5 couples in the Ministry and 16 couples in foreign consulates) working in the same consulate voluntarily and such system received remarkable performance. Accordingly, the system has been officially included into the Ministry's Regulations for Assignment of Staff Expatriated Overseas.

Table 8-1 Proportion of women supervisors in Ministry of Foreign Affairs

| Year Type | 2005 | | 2006 | | 2007 | | 2008 | |
|--|--|--------|-------|--------|-------|--------|--------|--------|
| | Delegated-rank supervisors (directors-general of chambers and divisions) | 2 | 4.00% | 2 | 4.55% | 5 | 11.36% | 8 |
| Recommended-rank supervisors (heads of sections/teams) | 15 | 16.18% | 19 | 21.35% | 28 | 29.47% | 29 | 30.53% |
| Subtotal (%) | 17 | 11.64% | 21 | 15.44% | 34 | 23.94% | 37 | 24.67% |

Source from: Department of Personnel, Ministry of Foreign Affairs

Table 8-2 Proportion of women supervisors in embassies or missions of the Ministry of Foreign Affairs

| Year Type | 2005 | | 2006 | | 2007 | | 2008 | |
|----------------------------|-------|--------|-------|--------|------|--------|-------|--------|
| | Chief | 6 | 5.31% | 4 | 3.7% | 4 | 3.81% | 8 |
| Vice chief | 3 | 9.68% | 3 | 8.57% | 3 | 7.69% | 4 | 10.26% |
| Team head (vice team head) | 10 | 11.36% | 9 | 10.00% | 11 | 11.22% | 11 | 11.83% |
| Subtotal (%) | 19 | 8.19% | 16 | 6.87% | 18 | 7.44% | 23 | 9.78% |

Source from: Department of Personnel, Ministry of Foreign Affairs

- 8.2 Employment of commercial representatives of the Ministry of Economic Affairs in foreign countries: the Ministry of Economic Affairs is used to assigning and transferring staff expatriated overseas in terms of work performance, specialization in languages and personal will, in order to enable men and women staff to assume the job responsibilities in the embassies or missions and participate in the various international affairs on behalf of the country. So far, the commercial representatives overseas sent by the Government have totaled 227 persons, including 46 women, accounting for 20.26% of the total representatives.
- 8.3 Representatives for meetings of international organizations are chosen based on professional needs. There is no limitation to female participation. Here we would like to cite the participation of female representatives in APEC meetings as an example. There is a GFPN established under the structure of the APEC. The responsibility of this special institution is to raise the attention of gender mainstreaming among member economies, and to promote equal participation of female representatives in all meetings and conferences of the APEC. The APEC also hold the WLN annually. Women's participation in international conferences and forums on behalf of the Government: The Government has continually supported GFPN and WLN. In 2006 and 2007, the Government has sent women workers in specific proportion to attend



APEC Leaders Meeting, APEC Ministerial Meeting, APEC Senior Officials' Meeting and task force meetings. The Government has been working hard to help domestic women groups attend international meetings and events to promote Taiwan NGOs to connect with the international and to struggle for important functions in some NGOs. For aboriginals, the Government is also working hard to facilitate women's participation in international affairs, e.g. the 7th UN Permanent Forum on Indigenous Issues held in New York and practice working in Metis in Canada.

8.4 Since the Ministry of Foreign Affairs canceled the quota on women diplomatic and consular personnel in 1996, the women enrollment rate has been 40%-50% per year. In 2006, the total enrolled personnel were 40 persons, including 23 women, accounting for 57.5% of the total enrolled personnel. In 2007, the total enrolled personnel were 39 persons, including 19 women, accounting for 48.72% of the total enrolled personnel. In 2008, the total enrolled personnel were 30 persons, including 19 women, accounting for 63.33% of the total enrolled personnel, showing that the women enrollment rate has exceeded the men enrollment rate. In the future, more and more woman workers will be enrolled to assume important functions.

Table 8-3 Women enrollment rate of Level 3 Civil Service Special Examination for Diplomatic and Consular Personnel

| Year Type | Total | Women | Men | Proportion of women |
|-----------|-------|-------|-----|---------------------|
| 2005 | 30 | 12 | 18 | 40.00 % |
| 2006 | 40 | 23 | 17 | 57.50 % |
| 2007 | 39 | 19 | 20 | 48.72 % |

Source from: Department of Personnel, Ministry of Foreign Affairs

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

The relevant legal systems and execution thereof

9.1 In consideration of gender equality, Taiwan's Nationality Act provides the same requirements about acquisition, change or reservation of nationality for women and men. According to the Nationality Act, a foreign national or stateless person who meets the specific requirements can apply for nationalization, and the native nationals who meet the specific requirements can apply for loss, restoration, and withdrawal of loss of nationality, if they file the application with the local household administration office in the jurisdiction where they are domiciled with the relevant certified documents and subject to the approval of approval from the Ministry of Interior after the application is transferred to the Ministry via the municipality under direct jurisdiction of the Central Government or county (city) level; where the native nationals who apply for loss or withdrawal of loss of nationality reside overseas, they may file the application with the embassy or mission to seek the approval from Ministry of Interior after the application is transferred by the embassy or mission to the Ministry of Interior via the Ministry of Foreign Affairs. Therefore, the women's



R.O.C. nationality will not be altered upon marriage with foreign nationals or after their husbands change nationality in the duration of marriage, and if they wish to change nationality, it is not necessary for them to seek the consent from any others (including their spouses).

- 9.2 Further, according to Nationality Act amended and promulgated on February 9, 2000, if either of the parents has R.O.C. nationality, the children, if any, shall have R.O.C. nationality, which changed patrilineal jus sanguinis to parental jus sanguinis. Therefore, children of R.O.C. women who marry foreign nationals shall have R.O.C. nationality. Meanwhile, minor children who wish to change nationality with their parents shall submit the statutory agents' written agreement. The statutory agents include parents. Therefore, women are entitled to the equality in the right of nationality with R.O.C. males.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.



10.1 Article 2 of National Education Act provides that “nationals of 6-15 years old shall accept national education; nationals beyond 6-15 years old who have not accepted national education shall accept the national supplementary education; compulsory school entrance of nationals of 6-15 years old shall be provided under laws separately (namely, Compulsory School Entrance Regulations).” Nine-year compulsory education was enforced for the purpose of upgrading the national education level and meeting the need for national development. The mode of such education: elementary school for the first six years, and junior high school for the remaining three years. With respect to the school enrollment number of nine-year compulsory education, the statistics in the academic year of 2008 showed that elementary school boy students were 875,044 persons, elementary school girl students 802,288 persons, junior high school boy students 494,877 persons and junior high school girl students 457,099 persons, and the proportion of boy students were 52.10% and that of girl students 47.89%.

Establish the environment for equality in education resources

10.2 School enrollment rates for men and women are very close at the stage of elementary and junior high school, senior high school and senior vocational high school and college/university education (Table 10-1). Nevertheless, the school enrollment rates for men and women at the stage of graduate school (Table 10-2) and special academic subjects (e.g. military and police school, see Table 10-3) appear to be distinguished from each other, and present a wide gap in gender proportions. Additionally, other education institutes also provide women with equal conditions for learning and acquisition of diplomas, and guidance and training courses. The Government also holds that various competency training programs must meet the needs from the different groups and provide women with the opportunity to accept the various training courses and attend professional training programs.

Table 10-1 School enrollment rate by gender in the academic year of 2007

| | Elementary school students Net enrollment rate (%) | Junior school students Net enrollment rate (%) | Percentage of seeking higher education after graduation from junior high school Net enrollment rate (%) | Percentage of seeking higher education after graduation from senior high school Net enrollment rate (%) | Percentage of seeking higher education after graduation from senior vocational high school Net enrollment rate (%) |
|-------|--|--|---|---|--|
| Men | 99.4 | 96.7 | 95.5 | 87.6 | 82.6 |
| Women | 99.2 | 96.4 | 97.1 | 87.8 | 84.7 |

Table 10-2 Percentage of graduated school students by gender in the academic year of 2007

| | Master program | Doctor program |
|-----------|----------------|----------------|
| Male (%) | 59.6 | 72.7 |
| Women (%) | 40.4 | 27.3 |
| Total (%) | 100 | 100 |

Table 10-3 Number of the enrolled in basic national military education, graduated school and advanced education and number of the recruited in Taiwan Police College by gender in the academic year of 2007

| | Basic national military education | National military graduated school | National military advanced education | Recruited in Taiwan Police College |
|-----------|-----------------------------------|------------------------------------|--------------------------------------|------------------------------------|
| Men (%) | 92.8 (2,162) | 70.2 (99) | 79.2 (396) | 84.3 (2,139) |
| Women (%) | 7.2 (168) | 29.8 (42) | 20.8 (104) | 15.7 (399) |
| Total (%) | 100 (2330) | 100 (141) | 100 (500) | 100 (2538) |



10.3 Article 21 of “the Constitution of the R.O.C.” provides for gender equality in national education. According to Article 13 and Article 14 of the “Gender Equity Education Act”, the school shall not discriminate against students in enrollment and admission, teaching, activities, assessment, reward and punishment, welfare and services based on gender or sexual orientation, but shall affirmatively provide assistance to students who are disadvantaged due to gender or sex orientation in order to improve their situation.

10.4 As far as school education is concerned, there are still a great number of senior high schools dedicated to recruiting students of a single gender. Though such recruitment is conducted with justified reasons including historical tradition, special education objectives or any factors other than gender, it is still disputable and may be changed. As far as the competency training is concerned, some women seeking re-employment have been away from the labor market too long to possess the competency required by the employment market, and it is impossible for some foreign nationals and Mainland spouses to attend the training programs due to economic problems and, therefore, some competency training actions are taken in vain and fail to receive the expected effect.

10.5 The Government has taken women's need into consideration and expanded the competency training programs applicable to women to increase women's possibility to attend the training. Meanwhile, the Government reimburses the training expenses in full to the foreign national spouses who have not yet acquired R.O.C. nationality but possessed valid residence visa and jobless Mainland spouses who were approved to accompany relatives with a work permit in the duration of legal stay, or to reside or domicile permanently, since 2008.

Eradicate stereotypes about gender

10.6 To eradicate stereotypes about gender, Taiwan has included the issue on gender

equality in education into the curriculum of education at the various school levels, and prepared the teaching material reflecting the historical contribution and life experience of men and women and also the diversified concept about gender. The courses and activities are planned and designed to encourage students to exert their potential to study the non-traditional academic subjects about gender and to eradicate the predetermined concept about gender missions in education.

10.7 According to Article 14 and Article 15 of “Enforcement Rules for Gender Equity Education Act”, the participation of teachers with gender equality consciousness is required in the compilation, evaluation and selection of teaching materials. The materials shall be free from gender prejudice and the male-dominant concept in order to reflect the value of gender equality and diversity; teachers shall encourage a diversified and individualized development in their guidance and assistance to students' course taking, major selection or exploration in career development and avoid making specific academic subjects gendered.

10.8 The “Gender Equity Education Courses and Teaching Guidance and Advisory Task Force” was established in February 2008 to help the enforcement of gender equality courses and teaching at the national education level. As of the academic year of 2006, the “Senior High School Curriculum” expressly defined that courses shall be designed to include the issue on gender equality in education. The Ministry of Education was engaged in holding the selection of teaching plans for the various academic subjects including the issue on gender equality in education from June to December 2008.

10.9 Gender equality consciousness is rising and teaching materials are increasing in type and quantity in Taiwan. However, there is barely anyone able to play the role of checking on the quality of teaching materials given the diversified options and, therefore, there are no sufficient medias to translate and promote the excellent works of other countries to the public. Meanwhile, the teaching materials with localization and life remain developed. As far as the teaching is concerned, the teaching plans



and samples for gender equality in education at school are under development but are not promoted and exchanged sufficiently. With respect to teacher training, it also appears to be difficult to seek trainers specialized in symposiums and workshops about gender equality in education. In January 2008, the Ministry of Education held the “Academic Sex Education Enforcement Plan” to enhance students’ ability to deal with the issue of sex education. The Department of Health is dedicated to promoting school sex education by virtue of enactment of school health policies, provision of health service, conducting health education and activities, creating a healthy social environment, preparing the material environment and utilizing community relations.

10.10 Family and marriage education
 Please refer to 5.23

10.11 The Central Government works with local governments and civic groups to solicit experts and scholars to recommend and translate teaching materials on a commission or reimbursement basis. The teaching methods may apply regional and national teaching presentation activities, or regional and national information platforms may be created to exchange experience adequately. Training of gender trainers may be achieved via the cooperation of local governments and trainer training universities. For sex education, it is necessary to enhance the education about living techniques required by the juveniles’ gender relations and to continue promoting that the counterparts of sex education shall include juveniles and to enhance propagating the concept about “men shall not be relieved from young girls’ unexpected pregnancy caused by them”.

Current status about receiving scholarship and research grants

10.12 The scholarship offered to overseas study is conducted by the Bureau of International Cultural and Educational Relations R.O.C.

Table 10-4 Number of scholarships for qualifiers to study abroad approved by the Ministry of Education by gender in the academic year 2008

| | Qualifier on Full-scholarship | Qualifier on scholarship |
|------------|-------------------------------|--------------------------|
| Male (%) | 49.5 (51) | 48.9 (136) |
| female (%) | 50.5 (52) | 51.1 (142) |
| Total (%) | 100 | 100 |

10.13 In order to encourage women to engage in special research projects and attend workshops/forums, the National Science Council takes expertise and competency as the first priority when selecting the convener, examination commissioners and funded projects, provided that when men and women have equal performance, the “lady first” principle shall apply (see Table 10-5 for the actual applications and approved cases). Further, in order to eliminate the disadvantaged factors to women, the time limit for appraisal on research result of women teachers who were pregnant and experienced childbirth is extended to be 7 years at most.

Table 10-5 Number of special research projects and cases for attendance to international academic forums granted by National Science Council by gender in the academic year of 2008

| | Special research project | | Experts'/scholars' attendance to international forums | |
|-----------|--------------------------|----------|---|----------|
| | Application | Approved | Application | Approved |
| Men (%) | 78.3 | 79.4 | 64.56 | 60.02 |
| Women (%) | 21.7 | 20.6 | 35.44 | 39.98 |
| Total (%) | 100 | 100 | 100 | 100 |



- 10.14 National Science Council resolved in the “Science Meeting” in April 2006 that the day-care service expenses may be listed and granted subject to the need when it grants fund to any domestic forums, and prepared the annual budget for “gender and science research” as from 2007 to promote the gender mainstreaming plan.
- 10.15 The National Science Council prepared the budget in 2008 to sponsor the plan of speech given by scientists in North, Central and South Taiwan in an attempt to upgrade senior high school students’ interest in science and engineering courses or life sciences.

Current status about adult education

- 10.16 To bridge the gap in between the educated male and uneducated female, which stems from the unequal gender status in early society, and to eliminate the newly-immigrants’ illiteracy, the “Enforcement Rules for Adult Basic Education Sponsored by Ministry of Education” was enacted. It sponsors the establishment of adult basic education classes to train school dropouts (mostly older women), foreign spouses and Mainland spouses (mostly women) to have listening, speaking, reading, writing and calculating ability and to enrich their basic knowledge about life, enhance their language and communication ability, develop their interpersonal relationship, adapt themselves into the modern social environment, and upgrade their life quality.
- 10.17 In 2008, the Government sponsored a total of 2,326 adult basic education classes, including 1,245 foreign spouse classes attended by 25,000 trainees.
- 10.18 Meanwhile, the government worked hard to promote and guide the various cities/ counties to hold foreign spouse family education, literacy education, national supplementary education and diversified cultural discovery activities. In 2008, 47,844 people participated this program, equivalent to 34% of total foreign

spouses (excluding those from mainland China, Hong Kong and Macao). The low participation rate is attributed to their lacking of time because of the burden of their daily duty such as children care, elderly parents-in-law care, long travel and disapproval received from their families.

- 10.19 The various county/city governments have identified how to enhance foreign spouse education service measures as the priority of the tasks in 2008. The contents of the tasks include establishment of 27 education centers subsidized by government for the newly-immigrants, promotion of education service to home, utilization of digital opportunity centers and national computers and integration with communities to plan voluntary learning activities enabling foreign spouses who cannot attend the activities personally to have access to the various resources and to commend the personal models of foreign spouses attending the lifetime learning activities.
- 10.20 Providing the public with the chance to unlock knowledge and form a civil society. Therefore, the community universities are primarily engaged in the modern citizenship education and highlight the cultivation of general education competency and discussion of public issues. The trainees attending community universities were 27:73 for men and women in 2008, and a total of 305 courses on women/gender were established, taking a total of 7,678 hours in the same year.

Protect pregnant students’ interests and rights in education

- 10.21 Pregnancy is one of the key factors for women’s dropping out of school. The Taiwan education authority has started to provide pregnant students with adequate sex education and necessary assistance, taking flexible actions subject to the relevant requirements about student status, performance appraisal or assessment and also improving school hardware and facilities, application for



budget, and network resources of integrated health and medical, social and political, police and civil social welfare, and mental hygiene organizations, so as to protect the interests and rights of pregnant students or students who raise children. Additionally, it will also enhance the guidance to the resumption of interrupted studies of students dropping out of junior high schools and elementary schools to reduce the dropout rate.

- 10.22 Stated in the paragraph 3 of Article 14 of Gender Equality Education Law: schools are obligated to guard the pregnant students' rights in education and provide assistance if it's required. "Rules of Counseling and Handling Students' Pregnancy" was enacted by Ministry of Education in 2005. It provides the guidance of education, consultation and assistance for schools' implementation.
- (a) Target users include education administrations, public and private schools and students (general students, pregnant students, students undergoing abortion, miscarriage and adoption, students who raise children).
 - (b) Establishing the processing mechanism (as hoc committee, delegated contact person, cross-functional cooperation on counseling and administration).
 - (c) Incorporating gender equality and sex education into school programs to instruct students in having correct perspective about sex, and to educate teachers and parents to be attentive to the pregnant students.
 - (d) Taking flexible actions subject to the relevant requirements about student status, performance appraisal or assessment. School should consider providing alternative education with integrated resources.
 - (e) School is prohibited from discriminating pregnant students at any rate. Students subjected to the discrimination entitle to appeal against it.
 - (f) "The Rules of Counseling and Handling Students' Pregnancy" was executed to prevent students' pregnancy and to enhance efficiency of counseling and handling process. By practicing, the delegated team can learn how to conduct the assistance to the pregnant students including improving school hardware and facilities, application for budget, and network resources of integrated

health and medical, social and political, police and civil social welfare, and mental hygiene organizations, so as to protect the interests and rights of pregnant students or students who raise children.

- 10.23 In 2007, the "University Director of Academic Affairs Association" was held. The notion to extend the expiry of dropout period of pregnant students was emphasized in the meeting. According to the official document issued on 31, December, 2007, schools were indicated to amend the regulations of school leave in consideration of the special conditions of pregnant students including their leave application and performance assessment. The regulations are recommended to include reserving the qualification of resumption, lengthening the study period, adjusting the standards of students' s attendance and performance assessment, extending the expiry of dropout period. The checking list and schedule also were made for the accomplishment over the schools. There are, so far, 164 (70%) universities and colleges have fulfilled the Amendment.
- 10.24 The Ministry of Education passed the amendment of "Rules of Senior High Students Performance Assessment" in 2008, June. The pregnant students (to follow the precedent of rules subject to adult women including prenatal leave, delivery leave, miscarriage leave, maternity leave and menstrual leave) is considered to be given the make-up exam and adjusted standard of performance assessment. The amendment is also adapted into vocational schools.
- 10.25 According to Article 21 of the "Constitution of the R.O.C", Article 2 of the "National Education Law", all citizens of R.O.C. have equal right to education; Article 11 of "Prevention of Children and Youth Sex Trading", the "Rules of Elementary and Junior High School Dropouts Report and Resumption", schools should promptly report the missing students to the relevant administrations and proceed the forceful schooling programs. Local government and schools are obligated to provide the counseling service for the dropouts' resumption. The monitoring



system has been set in the Ministry of Education for tracking the dropouts' status. The regular meetings are also conducted to update the latest status.

10.26 Status overview

10.26.1 Strategies of implementation:

- (a) Enhancement of organizational corporation: Set up a cross-functional model involving central and local governments with their relevant departments.
- (b) Efficient updating and management mechanism: Establish the "Dropouts Updating System," tightly working with National Police Agency, Ministry of the Interior, by helping update the data of missing students.
- (c) Involving searching: Actively to conduct family enquiries, pressurize the school committee to execute forceful schooling, leverage the network of police force for searching the missing dropouts, recruit the professional counselors.
- (d) Resumption policy for interrupted studies: the alternatives include continuing the study level, taking intensive care class, joining the learning-aid class (resource-type and corporate-type), or choosing the part-time schooling. The government has funded the local government to increase the capacity of intensive care class, which has delivered 33 classes in 10 school covering 696 students; 79 learning-aid (resource-type) class covering 1,310 students; 23 learning-aid (corporate-type) class covering 365 students.
- (e) Counseling service: Promote counseling service to the need, intensive counseling, intelligence development education, future career development, artistry and workmanship education, remedial teaching programs, flexible class proposals.

10.26.2 Achievement:

According to the statistics published by the Ministry of Education, with the endeavors contributed by government at vary levels, schools and non-official groups, the number of dropouts decreased from 4,165 (0.145%) in academic

year 2004 to 1,498 (0.056%) in academic year 2007. It remains declining according to the comparison of January in academic year 2008/1,752 (0.066%) dropouts and 2009/1,498 (0.055%).

Creation of sport-friendly environment to women

10.27 The Ministry of Education encourages various level schools to add diversified sports in PE courses and clubs to increase women students' opportunity to participate in PE (see Table 10-6 for the actual participation) and to improve the need for women students' sports.

Table 10-6 School students' participation in sports by gender

| | Sport club (%) | Class sport Representative team (%) | School sport Representative team (%) | Class sport competition (%) | National sport competition (%) |
|-------|----------------|-------------------------------------|--------------------------------------|-----------------------------|--------------------------------|
| Men | 33.2 | 28.1 | 13.7 | 26.1 | 2.4 |
| Women | 22.3 | 23.7 | 8.9 | 26.0 | 1.4 |

10.28 The selection, training, competition, conditions, norms and reward system of athletes are according to the Regulations for the Awarding of Professional Medals by The National Council on Physical Fitness and Sports (NCPFS).

10.29 There are two main policies of Sports Affairs Council (SAC). The first one is sports for all and promoting and enhancing awareness of participation in sport. The second one is strengthening the competitive sports, and to win better prizes in each competition. On the one hand, the SAC focuses on the following



works, namely, actively promoting sports for all; enhancing the right to exercise; protecting of all people to have the right and opportunities to participate in sports, and encouraging women to participate more in sports. On the other hand, the SAC also strengthens the training of outstanding athletes, and according to the types of exercise and sports for the selection of training which aims to increase the competitive strength.

- 10.30 According to the "Top Sports Cities Survey," in the 2007, 24.7% of women and 20.2% of men did not exercise. In 2008, the statistics decreased, and there were 22.2% of women and 17.2% of men who did not exercise. The three main reasons that cause the not-to-exercise population are lack of time, not bother to exercise, and too tired from their works.
- 10.31 The conditions of norms, training foster and reward system, are all impartiality followed relatively regulations, and are all in accordance to the gender equality.
- 10.32 The numbers of national sports players who were trained in the National Sports Training Center are listed in table 10-7.

Table 10-7 Statistics of national sports players trained in National Sports Training Center

| | 2007 | | 2008 | |
|----------------|--------|--------------|--------|--------------|
| | Number | Percentage % | Number | Percentage % |
| Male Athlete | 721 | 60.6 | 637 | 52.3 |
| Female Athlete | 469 | 39.4 | 349 | 28.7 |
| Total | 1,190 | 100.0 | 1217 | 100.0 |

- 10.33 The organization strategy of Sports Affair Council, Executive Yuan is to promote the participation of citizen in sports, to enhance athletic spirit, to improve athletic standards and to raise competitiveness in sports and athletics. The two major areas the SAC has been working on are: 1) promotion of civil participation in sports, sports law and regulation, equality of sports participation and right and women's interests of taking up sports; 2) upgrading the training of potential athletes depending on various sports and its competitions to improve athletes' competitiveness.
- 10.34 Emphasizing the equality of male and female athletes in the right of participation, athletic standards, training and awarding policies.
- 10.35 More about the protection of women's right in participating sports please refers to 13.8.



Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds

of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

11.1 The R.O.C. defines the relevant laws and regulations about the protection of women's equal right in employment in accordance with the Constitution of the R.O.C., including the "Labor Standards Act" (1984), "Gender Equality in Employment Act" (Gender Equality in Employment Law enacted in 2002, amended as Gender Equality in Employment Act in 2008), "Employment Services Act" (1992), "Labor Insurance Act", "Employment Insurance Act", "Occupational Accident Labor Protection Law" and "Labor Safety and Health Act".

11.2 The women's interest and right in work specified in this Article are primarily applicable to women labor protected under "Labor Insurance Act", including the women military and police officers' interest and right in work. The interest and



right of women shall apply to the “Public Functionaries Insurance Act”. Please refer to Article 7 herein for details.

Labor participation

11.3 The number of employed women was around 3,907,000 in 2002. The number was 4,718,000 persons in 2008. The number of employed persons increased year by year, and by 22.5% in one decade, higher than the increase rate of men in the same period (5.5%). Women’s labor participation rate, from 46.1% in 2002 increasing to 49.83% in 2008, increased by 3.73% in six years, ahead of Japan and following Korea. Meanwhile, the gap in regular monthly salary between men and women employed for the first time was shortened from 5% prior to enforcement of Gender Equality in Employment Act to 2.5% afterwards.

11.4 Women working in departments of the service business accounted for 69.2% of the total workers, higher than men workers for 49.4%. Women working in industrial departments accounted for 27.0% of the total workers, lower than men workers for 44.2%. Women engaged in elected representative, enterprise management and managers accounted for 1.8% of the total workers, lower than men workers for 6.5%. Women engaged in service work and sale representatives accounted for 25.2% of the total workers, and women engaged in general affairs was 19.8%, higher than men workers for 14.5% and 4.4%.

Eliminate discrimination against women in employment

11.5 Basic protection of work terms and conditions:

11.5.1 Article 11 of Gender Equality in Employment Act provides that “employers shall not treat discriminate against employees because of their gender or sexual

orientation in the case of retirement, severance, job leaving and termination; work rules, labor contracts and collective bargaining agreements shall not stipulate or arrange in advance that when employees marry, become pregnant, engage in child-birth or child-raising activities, they have to leave their jobs or apply for leave without payment; employers also shall not use the above-mentioned factors as reasons for termination; any prescription or arrangement that contravenes the stipulations of the two preceding Paragraphs shall be deemed as null and void; the termination of the labor contract shall also be deemed as null and void.”

11.5.2 In order to propagate the relevant requirements under Gender Equality in Employment Act effectively, Council of Labor Affairs has designed the “Self-assessment Template for Compliance of Enterprises/Entities With Gender Equality in Employment Act”, asking the ministries/departments to conduct the self-assessment and requesting the authorities subordinated to them or enterprises regulated by them in writing to comply with the self-assessment.

11.5.3 In order to ease the limit on the working hours, eliminate the trouble in enterprises’ human resource utilization and promote women’s employment, Article 32 of Labor Standards Act was amended on December 25, 2002 so that the standards on extension of working hours for men and women labors were consistent; the normal working hours in addition to extended working hours per day shall be no more than 12 hours and extended working hours shall be no more than 46 hours within one month. Further, Article 49 of the same Act also provides the requirements about night working hours and the restrictions on women labor were eliminated at the same time.

11.5.4 The Council of Labor Affairs defines multiple positive actions against gender discrimination in employment seekers and dedicated to promoting employment according to the Employment Services Act, including:

(a) Inspect the recruitment pages in newspapers and magazines irregularly and guide enterprises to prohibit the recruitment advertisements from involving



gender discrimination.

- (b) Enhance the prevention of employment discrimination and perform special labor inspections.
- (c) Establish employment discrimination identification criteria and system.
- (d) Inspect the trades and occupations found with serious discrimination, propose corrective actions, increase women's employment opportunity for industrial departments, and reduce the gap between gender occupations.
- (e) Utilize the mass media to propagate the prevention of employment discrimination and establish the concept about equality in employment.
- (f) Provide women with individualized and professional employment services by executing the "Employment Disadvantaged Groups' Promotion Project"; until the end of 2008, employment services have been provided to 47,628 persons, and 9,663 women were referred to in employment.
- (g) "Career Learning and Re-accommodation Plan" reimburses women under special circumstances NT\$17,280 per month, for three months at most, to provide them with the opportunity to learn experience and competence in workplace directly and achieve the goal of work rehabilitation.

11.5.5 The number of policewomen has been increasing in the recent years and the number of policewomen who were assigned to frontline field duty as well. The National Police Agency adopted multiple concrete measures to enable the law-enforcement authorities to take care of gender equality when planning and executing the duty and achieving the police mission. For example, the purchase of policewomen's outfit shall take into consideration the difference in figure and ergonomics between policemen and policewomen. In order to meet the policewomen's need in shape and build, the National Police Agency purchased small-sized 9mm guns for policewomen and lighter police motorcycles. Meanwhile, it conducted surveys on the workplaces where policewomen are performing, or will perform, the duty, and defined the corrective actions against the independent offices, toilets and bathrooms and breasting rooms in "quality" and "quantity", to make them remain usable and clean, so as to create the

friendly working environment to meet the policewomen's needs.

11.5.6 The Labor Safety and Health Act defines the type and scope of certain dangerous and hazardous work which women are prohibited from engaging in. The initial legislation is referred to be the result based on protection of women and thought about reproduction. However, the number of woman workers engaged in the industries has been increasing significantly and a lot of woman workers are engaged in the service, electronics, foods, fabric and medicine business. In consideration of the physique, mentality and work conditions and environment in the entire society, e.g. reproduction system, body structure and artificial factors, the existing safety and health laws and regulations to deal with the criticism on the "restrictions" on women labor resulting from the clauses about protection of women, are intended to take the relevant requirements of international labor organizations and European countries and the U.S.A. into consideration and to inspect the work restrictions and protection measures on women labors under Labor Safety and Health Act and other laws, in hopes of creating the gender equality environment and fulfill women's protection in the work environment.

11.5.7 In terms of the proportion of women receiving pensions from the labor pension reserve fund by gender in the past two decades, the rate was 12.55% in 1987, increasing to 36.17% in 2006. The highest rate was 39.46% in 2005, still lower than that for men. In the past, women often withdrew from the labor market in order to take care of the family life after marriage, or were engaged in part-time jobs or the jobs of irregular working hours and, therefore, it was difficult for women to meet the requirements for retirement and it was impossible for them to receive the pension provided by employers, and women became disadvantaged labors accordingly. After the new system for labor pension applied the defined benefit plan, the labor seniority applicable to a pension was no longer limited to that in the same enterprise/entity. Employers shall contribute to the pension fund for each year of the labors' seniority. Each employee (particularly women) will benefit from the new system and secure their life after retirement.



11.6 Employment and promotion

- (a) Article 7 of the Gender Equality in Employment Act provides that “employers shall not discriminate against applicants or employees because of their gender or sexual orientation in the course of recruitment, examination, appointment, assignment, designation, evaluation and promotion.”
- (b) The quota of men and women recruited by military schools is defined subject to the various combat needs and nature of mission, free from violation of the gender equality doctrine. In order to utilize the women human resource fully, the Ministry of Defense, by referring to the utilization of women human resource in other advanced democratic countries, promulgated the “National Military Woman Human Resource Recruitment Implementation Plan” scheduled to increase the women recruitment proportion at two stages within 5 years (from 2007-2011).
- (c) The quota of women recruitment for the full-term class of military schools in 2008 was increased to be 15% of the total new students. In 2007, the woman workers at the various levels in national military officers accounted for 4.21% of the total national military officers, which was increased to be 5.8% in December 2008. The national military increases the proportion of recruited women year by year, in hopes of utilizing the human resource more effectively.
- (d) The military has expanded the recruitment of women members year by year after 1991. At present, recruited women promoted to middle-rank and high-rank officers (major above) account for 14.15% of the total military women, higher than middle- and high-rank male officers (major above) for 10.68% in the total military men. Meanwhile, there are two general officers and tens of women officers ranking the major above assuming important functions. Apparently, the national military recognizes and values women members very much.
- (e) With respect to the police, the number of policewomen has attained 4.7% in December 2008. In order to address the duration of the Policewomen Policy, National Police Agency is engaged in increasing the quota of enrolled policewomen year by year in a step-by-step manner, in hopes of achieving the

various scheduled objectives.

- (f) Regarding the Coast Guard Administration: For the time being, the staff of Coastal Patrol Directorate General are primarily assumed by military officers. In order to enhance the opportunity of woman workers in the Directorate General to develop and to promote woman workers with excellent performance, the competent woman workers have been included into the roster of candidates for 2008. At present, there are a total of 19 women supervisors in the Administration and authorities subordinated to it, including four supervisors assuming the Director-General of Secretariat of the Administration, Director-General of Deputy Command Center of Coastal Patrol Directorate General, Deputy Director-General of Department of Intelligence and Deputy Director-General of Personnel Office of Coastal Patrol Directorate General respectively, the high-rank functions, and the rest 15 supervisors assuming middle-rank functions.
- (g) The National Police Agency planned and completed the “Women Policy” in March 2004. The Policy, based on the idea about gender equality, is dedicated to discussing the issues on recruitment, training and education, in-service training, assignment of work, life and welfare and creation of friendly space in workplace and to defining feasible short-term, mid-term and long-term objectives. The proportion of policewomen defined in the short-term objective (from 2004 to 2007) is 4%, and 4.5% in the mid-term objective (from 2007 to 2009). The proportion of policewomen in the long-term objective (after 2010) will be adjusted step by step free from any limits.

11.7 Work hard to help women employed

- (a) Work hard to help women employed, e.g. such disadvantaged women such as re-employed women, middle-aged and elderly women, single parent and low-income women, and plan the utilization of women human resource; provide women having trouble in employment with professional advisory service to strengthen their confidence about employment; open working hours on holidays or weekdays or at night to meet the individual needs for working



hours in order to help women start business, and enhance the propagation via the mass media or resources of county/city governments' township offices and civil groups; the Council on Labor Affairs and banks also invited SME credit guarantee funds, banks and applicants to call the coordination meeting to negotiate for the defects in applicants' credit, to help women with the intent to start business acquire the funds required to start their business; encourage women organizations to propose an application for diversified plan to help disadvantaged women employed.

(b) For women's employment, please refer to Article 13 herein.

Concrete actions about protection of motherhood

11.8 In consideration of the protection of women and adverse effect produced to pregnant workers by certain dangerous or hazardous work in their pregnancy, childbirth and rearing, the existing Labor Safety and Health Act and Labor Standards Act provides that women employees, pregnant woman workers, or woman workers who experienced childbirth for under one year shall not engage in dangerous or hazardous work, and also requires enterprises/entities to provide adequate installation of toilets and bathrooms to meet women employees' needs.

11.9 Article 21 of Labor Safety and Health Act provides that employers shall not employ woman workers to perform any of the following potentially dangerous or hazardous work: (a) Working in a tunnel; (b) Working in an environment contaminated by lead, mercury, chromium, arsenic, yellow phosphorous, chlorine gas, hydrogen cyanide, aniline or other potentially hazardous substances; (c) Operating a rock drill or other machinery involving excessive vibration; (d) Work involving the handling of objects above a specific weight; (e) Working in an environment with harmful levels of radiation.

11.10 Article 22 of Labor Safety and Health Act provides that employers shall not employ

pregnant woman workers or those who have given birth within the previous twelve months from performing any of the following potentially dangerous or hazardous work: (a) Work involving the handling of smelted material or slag; (b) Operating a crane, or crank arm; (c) Operating a dynamic cable hoist, power lift or cableway; (d) Operating rolling mills for rubber compounds, or synthetic resins; restrictions specified in the first paragraph may be waived for a woman worker, six months after delivery, with documentation from a physician testifying no harm to the health of the worker, and a voluntary request to be engaged in the work with the employer.

11.11 Concrete actions taken to promote women's healthy employment:

(a) Installation of occupational injury and disease on-line reporting system: Establish the occupational injury and disease service management center website as the platform for occupational injury and disease reporting, and enhance analysis on special occupational injury and disease of women based on the reported information.

(b) Create a workplace free from smoking or contamination.

(c) Upgrade quality and advisory service of health examination.

(d) Continue the research and study on the issue about safety and health of women swarm business and work, and improve, and promote the utilization of, the research and study: In consideration of woman workers' special physiology and function and mother's body, the relevant studies on hazard to safety and health of women in Taiwan shall be enhanced, and the studies on preventive and corrective actions shall be proposed based on the hazardous factors of high-risk business.

11.12 Paragraph 1 of Article 50 of Labor Standards Act and Article 15 of Gender Equality in Employment Act provide that a woman worker shall be granted maternity leave before and after childbirth for a combined period of eight weeks. Paragraph 2 of Article 50 of Labor Standards Act provides that where the woman worker referred to in the preceding paragraph has been in service for more than six months, she shall be paid wages for maternity leave: if her service has been



less than six months, she shall be paid wages at half her regular rate.

11.13 Article 49 of Labor Standards Act expressly provides that woman workers are prohibited from working at night in the duration of pregnancy or breast breeding. In order to promote the gender equality in workplace, the restriction on woman workers' working at night as defined in Article 49 of Labor Standards Act has been eased on December 25, 2002. If employers meet the specific requirements, woman workers may work at night without approval from the competent authority. Nevertheless, in order to fulfill the spirit for protection of motherhood required under the Constitution, Article 49 of Labor Standards Act still expressly provides that woman workers are prohibited from working at night in the duration of pregnancy or breast breeding.

11.14 In order to enhance the protection of pregnant woman workers' life, and in consideration of the common consensus on "Salary for Maternity Leave Included into Maternity Benefits under Labor Insurance Program" concluded in the Conference on Sustainable Development of Taiwan's Economy in 2006, the draft of amendments to Labor Insurance Act is under research so as to raise the terms of maternity benefits from one month to three months and require that the maternity reimbursement of two months shall be excluded from the wage payable by employers pursuant to laws, which is expected to be helpful to reduce the problems in pregnancy discrimination.

Create friendly workplace

11.15 Gender Equality in Employment Committee was established to review and advise issues on gender equality in employment, conduct gender equality in employment project inspection and certify friendly workplaces in order to enforce Gender Equality in Employment Act, and further amend laws to expand the scope of applicability of parental leave without pay. The project inspection under

Gender Equality in Employment Act enforced in 2007 showed that enterprises/entities have made significant progress in the actions against sexual harassment and about equality in employment.

11.16 According to the woman worker statistic report of Department of Statistics, Council of Labor Affairs dated July 22, 2008, 73% of woman workers believed that Gender Equality in Employment Act should be helpful for the elimination of the blocks to women's employment in 2007.

11.17 The total childbirth rate of women in Taiwan was 1.72 persons in 1981, dropping to 1.12 persons in 2006, lower than that of most industrial advanced countries.

11.18 The social insurance premium to be borne by employers for employees who apply for parental leave without pay pursuant to Gender Equality in Employment Act will be reimbursed. From March 2002 to the end of October 2008, the number of applicants for parental leave without pay receiving the benefit was 1,138 persons for men and 25,318 for women, a total of 26,456 persons, and the reimbursement totaled NT\$521,300,000. The statistics of applications for parental leave without pay in the competent authorities (including their subordinated authorities) of the R.O.C. by gender from 2004 to 2008 are specified as following:

Table 11-1 Applications for Parental Leave Without Pay from 2004 to 2008

(Unit: person)

| Year | Sex | |
|------|-----|-------|
| | Men | Women |
| 2004 | 55 | 1,100 |
| 2005 | 68 | 1,320 |
| 2006 | 75 | 1,295 |
| 2007 | 80 | 1,443 |
| 2008 | 86 | 1,453 |



11.19 Article 16 of Gender Equality in Employment Act provides that employees who are hired by employers owning more than 30 persons may, after being in service for more than one year, apply for parental leave without pay before any of their children reach the age of three years old; payment of the allowance for parental leave without pay shall be provided by laws separately. Nevertheless, no such laws have been provided so far and, therefore, the gender equality in employment and the raise in childbirth rate are affected.

11.20 Installation of supplementary social service and children's day care centers

- (a) In order to prevent women from being discriminated against for marriage or childbirth, Child Welfare Bureau of Ministry of Interior has defined the "Implementation Scheme of Creating Friendly Day Care Environment – Babysitting Management and Day Care Reimbursement" to establish the fair-price, fine-quality and universal children's day care center and community babysitting system. As of April 2008, it opened the babysitting reimbursement, encouraging and helping dual earner families (or single parent families) who raised any child less than two years old to seek the relevant reimbursement to mitigate the family burden for raising children.
- (b) In order to promote woman workers' employment and to help employers establish day care centers or provide adequate day-care measures and resolve children's day-care problem for employees to stabilize the production and enhance the enterprise's competitiveness, Council of Labor Affairs defined "the Rules For The Standards of Establishing Child-Care Facilities and Providing Subsidies" pursuant to Paragraph 3 of Article 23 of Gender Equality in Employment Act, and also promulgated the "Instructions to Reimburse Day-Care Facilities and Measures" to provide the institutionalized reimbursement to encourage and guide employers to install or provide the children's daycare facilities or measures.
- (c) According to the "Women Employment Management Investigation" conducted by Council of Labor Affairs from the end of 2007 to the beginning of 2008, 5.6%

of the enterprises/entities with more than 250 employees have established the day care center, and 36.0% have concluded contract with "day care centers to provide the day-care premium". Therefore, a total of 41.6% of enterprises/entities have established "children's day care facilities" or provided "day care measures", an increase of 5.3% more than that identified in the investigation conducted in 2002.

- (d) The Coast Guard Administration and Coastal Patrol Directorate General have entered into preferential children's day care service contract with qualified kindergartens in the neighborhood pursuant to Gender Equality in Employment Act. The Administration and authorities subordinated to it are also equipped with breast breeding rooms available to all colleagues.
- (e) In order to prevent woman workers in the military from being discriminated after marriage or childbirth and to protect their right to work effectively, the Ministry of Defense has promulgated the relevant requirements about women's application for parental leave without pay pursuant to "Gender Equality in Employment Act" to protect the various interests and rights in the duration of parental leave without pay. Meanwhile, it also promulgated the "Instructions to Planning of Facilities of National Woman Military Officer, Non-Commissioned Officer and Solider Dormitory" in order to cope with the Policy about "Elimination of Blocks in Women's Employment and Creation of Friendly and Gender Equality in Employment Environment", discussing the need for improvement of the facilities in woman workers' life and working environment to improve the facilities effectively.
- (f) In the academic year 2006, there were a total of 1,507 public kindergartens, increasing to 1,528 in the academic year of 2007, while the total kindergarten children in the nation in the academic year of 2006, 201,815 persons, were decreased to 191,773 persons in the academic year of 2007. The Ministry of Education still guided the installation of public kindergartens to provide more preschool services under the few childrenization. The Ministry of Education and Ministry of Interior are working with each other to promote



the policy for the integration of kindergartens and children's daycare centers, in hopes of providing quality preschool services. The Ministry of Education also defined the "Guideline for After-School Service of Public Kindergartens Sponsored by the Ministry of Education" and enforced the after-school service of public kindergartens as of June 2006, encouraging the various county/city governments to help promote the service and reimburse economically disadvantaged children's attendance to the after-school courses in full amount.

- 11.21 According to Article 6-1 of the Gender Equality in Employment Act, the scope of labor inspection being executed by the competent authorities shall include the content of prohibition of sex or sexual orientation discrimination, prevention and correction of sexual harassment, measures for promoting equality in employment of the Act. The Council of Labor Affairs has asked the various county/city governments in writing to include the requirements provided under Gender Equality in Employment Act into the scope of labor inspection, and also executed the project inspection about gender equality in employment in the different trades and performed gender equality in employment inspection against the complained cases.
- 11.22 The Council of Labor Affairs has planned to amend Employment Insurance Act to promote the merit for granting of allowance for parental leave without pay. In the future, either party of any couple may apply for the allowance for six months, or a combined period of one year for both of the couple, so as to help the fulfillment of gender equality.
- 11.23 The Department of Health is dedicated to promoting the accessible and gender-sensitive occupation injury and disease services, including (a) development of regional occupational health care service network to enhance the convenience of working women's occupational injury and disease treatment; (b) training of

medical treatment and nursing staff in factory of the knowledge about prevention of women's occupational injury and disease and gender sensitivity; (c) upgrading of the quality and level of occupational health service provided by nursing staff of the medical treatment and health units installed by enterprises/entities.

- 11.24 Prevention of sexual harassment in workplace
 - (a) According to Article 6-1 of the Gender Equality in Employment Act, "the scope of labor inspection being executed by the competent authorities shall include the content of prohibition of sex or sexual orientation discrimination, prevention and correction of sexual harassment, measures for promoting equality in employment of the Act."
 - (b) The Ministry of Defense amended and promulgated the "Enforcement Rules for Treatment of National Military Officers' Sexual Harassment" in August 2007 to prevent and eradicate "sexual harassment".
 - (c) After including the "Sexual Harassment Prevention Actions" into the "Police Practices" in 2006, the National Police Agency also included the "Gender Mainstreaming and Police Work" into practice in 2007 and 2008.



Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

12.1 Due to increase in the GDP, improvement in life environment and national nutrition, improvement in medical health and upgrading in healthcare levels, Taiwan life expectancy at birth has been extended year by year. In the past decade, the average life expectancy at birth increased from 75.0 years old to 77.5 years old. The life expectancy at birth of females was increased from 78.1 years to 80.8 years old, and from 72.4 years old to 74.6 years old for male. Apparently, the average life expectancy at birth for females is higher than that for males (see Fig. 12-1). The average life expectancy at birth for male and female in 2051 will be 81.5 years old and 88.5 years old respectively.

Preventive health care

12.2 Taiwan provides free preventive health care services to meet the special needs for female physiology, including prenatal examination, Cervical Pap smears screen for women of more than 30 years old, and Mammography service for women of more than 50 years old but less than 70 years old.

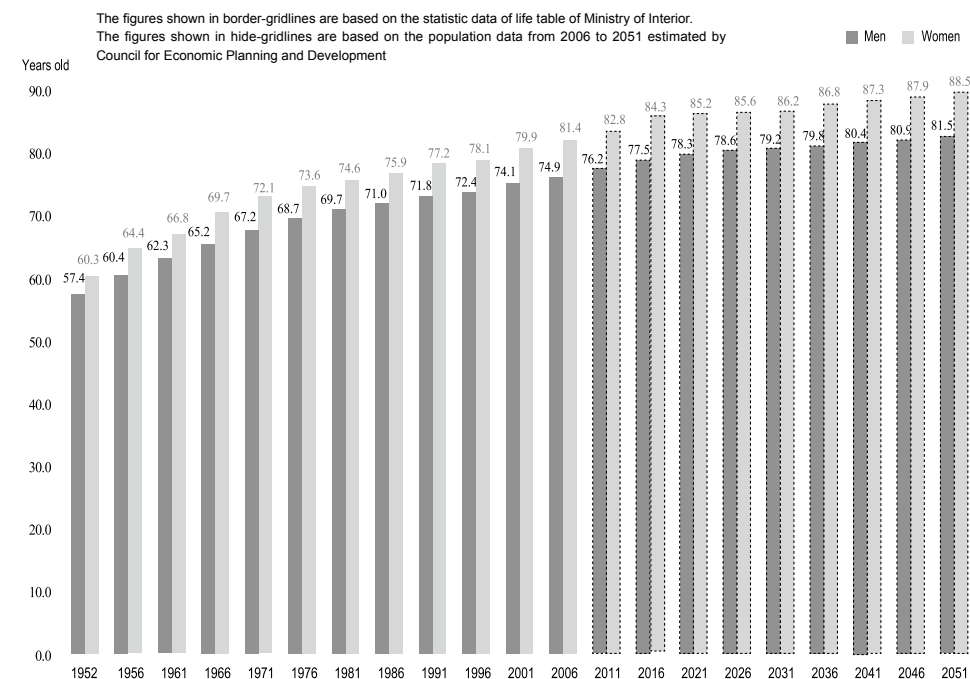


Figure. 12-1 Changes in tendency of average life expectancy at birth for men and women of 0 year old in Taiwan

(Note: The figures after 2011 are based on the population data from 2006 to 2051 estimated by Council for Economic Planning and Development)

Reproductive health

12.3 Current status

Following the improvement in the public health, the death rate of infants (less than one year old) and newborns (less than four weeks after birth) is declining. In 2007, the death rate of newborns declined to 2.9/1,000, and the death rate of infants to 4.7/1,000 (Fig. 12-2). Another important indicator of childbirth health care – death rate of pregnant and maternity women has declined to 6.8/100,000 in 2007 (see Fig. 12-2).

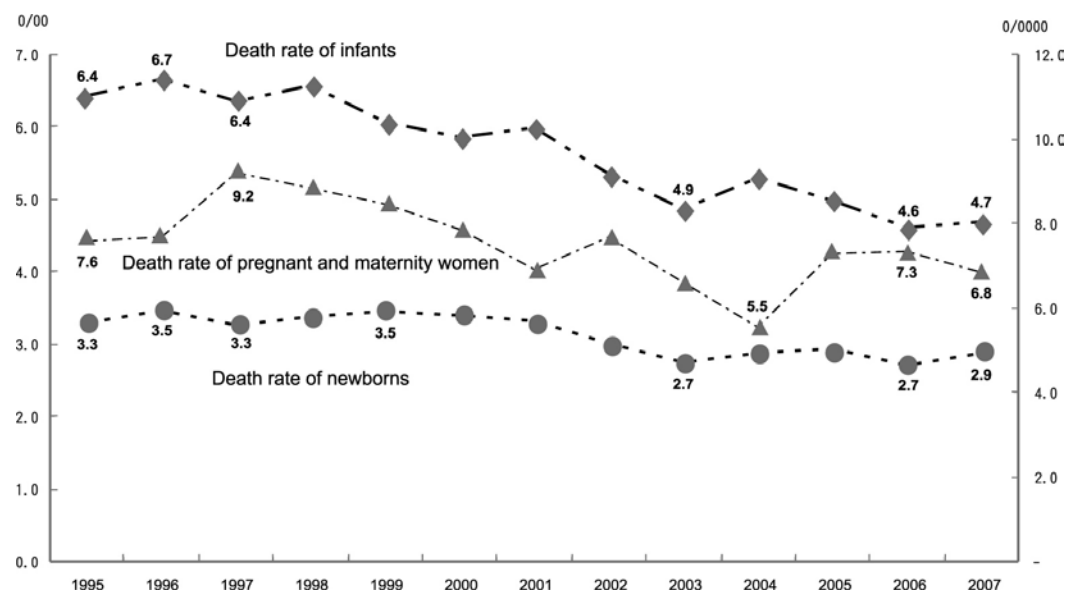


Figure. 12-2 Changes in the death rate of infants and death rate of pregnant and maternity women in Taiwan

12.4 Laws and regulations

(a) National Health Insurance Act

The National Health Insurance Act provides nationals with complete medical treatment and health care services and also provides women with the medical treatment and care from pregnancy and delivery to childbirth. Any woman enrolled in the insurance program may be entitled to the services provided under the health insurance program to reduce medical treatment expenses to be incurred by the pregnancy and delivery. Taiwan also defined the “Regulations for NHI Medical Care” to provide that, in the event of sickness, injury or childbirth incidents suffered by the subjects enrolled in the insurance program, the medical care service organizations under the insurance program shall provide out-patient or in-patient service pursuant to the Regulations, and

the prenatal and postnatal examination and medical care service for delivery and newborn caring of clinics, out-patient service and urgent in-patient service, in order to provide pregnant and maternity women with more positive health care.

(b) Genetic Health Law

After the Genetic Health Law was promulgated and enforced in 1985, Taiwan has worked with health offices, medical treatment organizations and civil groups to promote pregnant and baby children health care business and plan multiple hereditary disease examination and service, including pre-marital health examination, pre-maternity hereditary diagnosis, neonatal screening, hereditary advice and special group childbirth adjustment, and also provide medical care service and reimbursement, and conduct assessment and research to enrich and strengthen the service quality to reduce the number of congenitally abnormal children. In order to address the drastic transformation in the development of medical technology and structure of society and family, the Government is working hard to promote amendments to the Law. Considering that the term “genetic” referred to in the Law implies discrimination, the title of the Law is intended to amended as “Childbirth Health Care Law” upon suggestion of legislators and women organizations to reflect the doctrine of the amendments. Meanwhile, amendments to requirements about induced abortion and ligature are also made simultaneously.

12.5 Present difficulty

(a) The caesarian section rate of Taiwan has come out on top in the world in the recent years, increasing from 30.6% in 1996 to 35.1% in 2007 (the acceptable Caesarian Section Rate suggested by WHO is 10-15%). Meanwhile, the breastfeeding rate of Taiwan (54.17%) is still lower than that of Norway, Sweden and Denmark (98%) and Japan (70-75%), or UK, the USA and Italy (59-63%). The promotion of breastfeeding is also one of the important tasks at present.



- (b) Apparently, the pregnant and maternity women's care is still over-medicalized in Taiwan. Therefore, it is necessary to provide the different groups with adequate empowerment, enhance the knowledge and independence about women's childbirth health and self-health care and create a friendly maternity and breastfeeding environment to maintain domestic women's interest and right in childbirth health by virtue of the establishment of pregnant and maternity women community care network providing care from pregnancy to delivery.
- (c) The marriage rate of foreign and Mainland spouses and nationals is increasing year by year. In 2007, couples of nationals and non-native spouses accounted for 18.3% of the total couples in the nation, and the number of children born by them was more than 10% of the total children born in wedlock in the nation. Due to the differences in language, culture, disadvantaged family economic and weakness of supportive networks, it is necessary to provide new immigrant families with adequate service and assistance subject to the cultural characteristics with respect to the childbirth health and children's education, to respect the doctrine of diversity.

12.6 Corrective actions

12.6.1 Empowerment of issues on women's childbirth health and self-health care

- (a) Integrate the civil resources to establish childbirth health care advisory service network and provide women with advice about childbirth.
- (b) Provide knowledge about childbirth health care applicable subject to different cultures.
- (c) Enhance women's independence in decision making towards childbirth.

12.6.2 Building of environment supporting gender participation in childbirth

- (a) Enhance the role played by men in pregnancy and delivery.
- (b) Provide pregnant women-oriented friendly and diversified maternity service.
- (c) Build the supportive model of pregnant and maternity women's health care

- and breastfeeding based on the community force.
- (d) Train medical treatment personnel the ability to provide service and advice about gender.
- (e) Enhance childbirth family members' knowledge about maternity.
- (f) Enhance research investigation and evaluation on childbirth health and breastfeeding.

Artificial reproduction

12.7 The first test-tube baby in Taiwan was born in 1985. The rapid transformation of artificial reproduction technology brings new hope to couples who have trouble with childbirth. Nevertheless, the impact brought by reproduction technology with respect to life is beyond the scope of traditional medical ethics. The Department of Health, Executive Yuan has regulated the enforcement of artificial reproduction technologies by orders or administrative rules as of 1986. However, the effect of such orders or administrative rules was so weak that it was impossible for them to regulate the enforcement of artificial reproduction technologies sufficiently and to protect the interest and right of commissioning couples and children born by artificial reproduction perfectly. Further, the concept about "having a son to carry on the family name" valued in society in Taiwan contributed to the gender inequality in newborns, and women suffer from more pressure for sterility than men. Therefore, it is badly necessary to institutionalize the artificial reproduction involving concepts about gender equality to meet women's needs.

12.8 On March 21, 2007, the Government promoted and completed the legislation of "Artificial Reproduction Act" involving concepts about gender equality, and successively promulgated the "Regulations for Artificial Reproduction Institution Permit", "Regulations for Query on Kinship of Artificial Reproduction Child", "Regulations for Verification on Kinship of Sperm/Oocyte Donors and Receptors"



and “Regulations for Artificial Reproduction Information Notification and Administration”, in order to establish the development of artificial reproduction, protect the interest and right of sterile couples, artificial reproduced children and donors, enhance the medical treatment quality of artificial reproduction technology enforced by medical institutions and maintain the national morality and health.

Sexually transmitted diseases and HIV/AIDS

12.9 Current status

12.9.1 Sexually transmitted diseases are communicated primarily via sexual behavior. At present, only AIDS, syphilis and gonorrhea are designated as the venereal diseases to be reported. Up to December 2008, the proportion of infection between AIDS and gonorrhea was 10:1 for men against women, and the proportion for infection of syphilis 2:1 for men against women. Apparently, the possibility for men’s infection of venereal diseases was higher than that of women, probably because (a) women were more hesitant to seek treatment than men; (b) it was easier to diagnose men’s infection of venereal diseases than women’s; (c) it was not easy for women to feel the infection due to the structure of body and the treatment was delayed; (d) gay sexual behavior was more likely to cause infection.

12.9.2 The male-female proportion for infection of syphilis has increased from 1.9 in the year 2003 to 2.44 in the year 2008. Despite the decline in the proportion of women infecting venereal diseases, it is still necessary to keep concern about the issue on women’s infection of venereal diseases, because (a) the possibility for men’s communication of venereal diseases to women is double that for women’s

communication to men; (b) women may access internet to make friends easily and have more chances to suffer a “one night stand”.

12.10 Difficulty

- (a) For the time being, it is impossible to cure AIDS completely. Public discrimination against AIDS patients means the high-risk group has to face strong pressure from society when taking a blood test, and is even unwilling to provide the information about their sexual contact persons and mates upon confirmation of the infection. In the 14,506 surviving cases reported until the end of December 2008, excluding gays and lesbians, men accounted for 58.4% of the total. Therefore, women’s health still faces considerable threat, and the gender relationship, particularly the equality in family, causes it impossible for women to take any protective actions voluntarily.
- (b) At present, though Cocktail Medication improves the survival of AIDS patients, the patients still faces the pressure from the difficulty in, e.g., medical treatment, employment, education, residence and economy, and frustration in interpersonal relationship and issue on human rights. Meanwhile, women AIDS patients might also have to bear the liability for family caring.

12.11 Corrective actions

12.11.1 Enhance the prevention of women’s infection of venereal diseases/AIDS

- (a) Enact a gender friendly venereal disease/AIDS communication prevention policy.
- (b) Eliminate a discrimination against women venereal disease/AIDS patients in society.
- (c) Establish diversified health education and propagation channels via the various media to provide women with the relevant information about prevention of venereal diseases/AIDS.
- (d) Enhance women’s knowledge about venereal diseases/AIDS.



- (e) Enhance the cooperation and promotion with civil organizations to prevent venereal diseases/AIDS.
- (f) Provide the venereal disease/AIDS screening and health service friendly to women

12.11.2 Build venereal disease/AIDS medical treatment and care system friendly to women

- (a) Integrate resources of the communities and civil organizations to participate in the assistance and support of women venereal disease/AIDS patients
- (b) Enhance women venereal disease/AIDS patients' self-care ability
- (c) Establish AIDS patients' medical care and advisory service network friendly to women

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Eradication of women's poverty

13.1 Analysis on problems

Women's employment is liable to be affected by marriage, childbirth and family caring. In 2007, women's labor participation rate was 49.44% in Taiwan, 67.24% lower than for men. Besides, due to the career segment, the average salary for woman employees was NT\$38,560, i.e. 79.2% of that for male employees, NT\$48,661. According to the investigation on family revenue and expenditure conducted by Directorate General of Budget, Accounting and Statistics, Executive Yuan, R.O.C. in 2007, the average yearly revenue for women was NT\$502,636 per person, i.e. 71.39% of that for men per person, NT\$704,080. Apparently, women's economic income was less. Meanwhile, the life expectancy at birth for females in Taiwan was 81.41 years old in 2006, 6.55 years more than 74.86 years old for men. Therefore, it is also necessary to value the issue on economic safety of elderly women.



13.2 Development and result of existing policies, actions and projects

(a) Low-income family assistance

In 2007, there were 90,682 low-income families, consisting of 220,990 persons (including 110,639 men and 110,351 women). The rate of low-income families in which women are registered as the head of family has been decreasing year by year; however, the number of women is increasing year by year and, therefore, it is still necessary to keep concerning about the issue on women's poverty.

Table 13-1 Head of family and number of family members of low-income families from 2003 to 2007:

| End | Head of family | | Number of members | |
|------|----------------|-----------------|-------------------|------------------|
| | Men | Women | Men | Women |
| 2003 | 40,247 | 36,159 (47.32%) | 92,793 | 95,082 (50.60%) |
| 2004 | 44,606 | 38,177 (46.12%) | 101,366 | 102,850 (50.36%) |
| 2005 | 45,634 | 39,189 (46.20%) | 104,745 | 106,547 (50.42%) |
| 2006 | 49,755 | 40,145 (44.66%) | 108,097 | 110,069 (50.45%) |
| 2007 | 50,593 | 40,089 (44.21%) | 110,639 | 110,351 (49.93%) |

(b) Enforcement of national pension system

The System was enforced as of October 1, 2008, which enrolls individuals as the subjects and enables unemployed women (e.g. housewives) to be enrolled in the program without being dependent on their spouses. At the beginning of planning, the program has taken into consideration the basic economic life protection of unemployed women. The subjects enrolled in the national pension program are limited to nationals of more than 25 years old but less than 65 years old never covered by military insurance, public employee insurance, labor

insurance and farmer insurance programs or receiving the elderly benefits under the relevant social insurance programs, including about 4.7 million persons, and most of them are women. Upon enforcement of national pension, elderly women's basic economic safety may be protected better. Further, the National Pension Act also expressly provides that spouses shall bear the premium mutually to protect economically disadvantaged women.

(c) Assistance for families of women in hardship

Act of Assistance for women in hardship passed in 2000 to provide the women under special circumstances and their children with assistance, including urgent living assistance, children's living allowance, children's education reimbursement, injury and sickness medical treatment reimbursement, children's day care allowance and loan for start of business. In 2007, a total of 10,283 women under special circumstances were identified, and the reimbursement totaled NT\$285,473,390, an increase of 4.6% in the number of women under special circumstances more than that in 2006 and 14.9% in the budget more than that in 2006.

Support to woman entrepreneurship

13.3 Analysis on problems

According to the statistics in November 2008, women's labor participation rate was less than 50% (only 49.83%) in Taiwan, while men's labor participation rate was nearly 70% (67.06%). The peak women labor participation rate resides in women 25-29 years old, and the labor participation rate of women of over 29 years old is declining increasingly. According to the analysis on granted business start-up loans for young entrepreneurs, woman entrepreneurs who were granted the loans in the past accounted for 20% only. The proportion of women attending any start-up loans presentations was apparently less than that of men.



13.4 Development and result of existing policies, actions and projects

To support women's start-up of business, the Government protects women's basic right to acquire loans and also takes women's economic and social conditions into consideration, and works hard to promote the various projects including "Free and Young Program" and "Business Startup Phoenix".

(a) Protect women's basic right to acquire loans

Wages and economic and social conditions are critical to women's acquisition of the loans. According to the consolidated income tax return information 2006 of Ministry of Finance, men accounted for 47.4% and women 52.6% in the number of income taxpayers. Apparently, the number of female taxpayers was 1.1 times that of male. Men accounted for 61.2% and women 38.8% in the tax payment. The withholding tax payment of women was 0.6 that of men (Table 13-2 and Fig. 13-1).

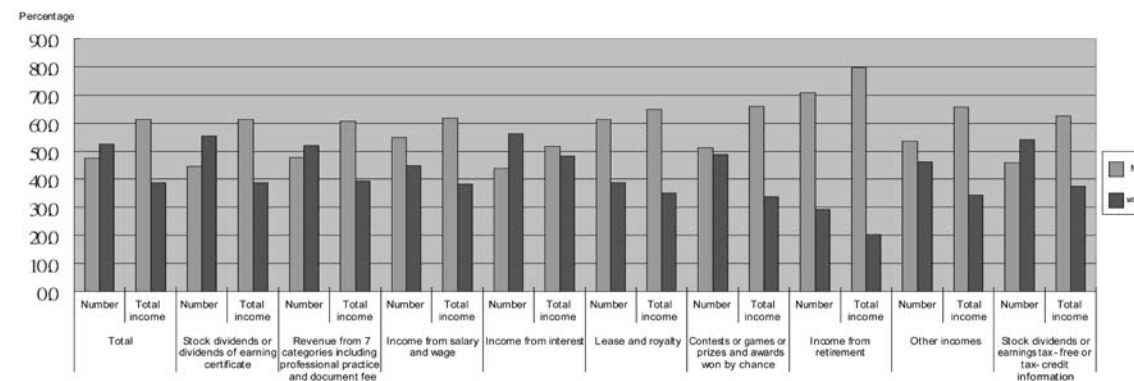
| | Lease and royalty | | Contests or games or prizes and awards won by chance | | Income from retirement | | Other incomes | | Stock dividends or earnings tax-free or tax-credit information | |
|-----------------------|-------------------|--------|--|--------|------------------------|--------|---------------|--------|--|--------|
| | Number | Income | Number | Income | Number | Income | Number | Income | Number | Income |
| Men | 61.1 | 64.8 | 51.2 | 66.1 | 70.7 | 79.8 | 53.7 | 65.8 | 45.8 | 62.5 |
| Women | 38.9 | 35.2 | 48.8 | 33.9 | 29.3 | 20.2 | 46.3 | 34.2 | 54.2 | 37.5 |
| Multiple (Women /men) | 0.6 | 0.5 | 1.0 | 0.5 | 0.4 | 0.3 | 0.9 | 0.5 | 1.2 | 0.6 |

Fig. 13-1 Number of consolidated income taxpayers and proportion of tax payment for men and women in 2006

Table 13-2 Number of taxpayers and proportion of tax payment for men and women in 2006

| | Wages | | Stock dividends or dividends of earning certificate | | Revenue from 7 categories including professional practice and document fee | | Income from salary and wage | | Income from interest | |
|-----------------------|--------|--------|---|--------|--|--------|-----------------------------|--------|----------------------|--------|
| | Number | Income | Number | Income | Number | Income | Number | Income | Number | Income |
| Men | 47.4 | 61.2 | 44.7 | 61.3 | 47.9 | 60.8 | 55 | 61.8 | 43.7 | 51.7 |
| Women | 52.6 | 38.8 | 55.3 | 38.7 | 52.1 | 39.2 | 45 | 38.2 | 56.3 | 48.3 |
| Multiple (Women /men) | 1.1 | 0.6 | 1.2 | 0.6 | 1.1 | 0.6 | 0.8 | 0.6 | 1.3 | 0.9 |

Consolidated income tax withholding proportion





(b) Free and Young Program

Since the National Youth Commission promoted the “Free and Young Program” in 2002, 20% of the women in more than 10,000 trainees attending the programs and activities have started their business, and the rate of women receiving business start-up loans for youth entrepreneurs, which was less than 30% in the past, has increased to 33%. The Program includes the business start-up courses planned for woman at the different stages. From 2000 to 2008, there were more than 18,800 women attending the women business start-up courses and activities under the Program. Further, it also provided free training opportunities to some women specifically (single parents, low-income and domestic violence victims) and sufficient guidance plans after the business start-up, and installed the toll-free 0800 hotline and conducted the women career exhibitions. It recommended and reimbursed woman entrepreneurs to attend “Global Summit of Women”, “APEC WLN” and “OECD” meetings, et al. From 2002 to 2008, a total of 22 trainees in the Program have been recommended and reimbursed to attend the meetings. It established the Women Entrepreneurship Guidance Network to provide women who intend to start business and have started business with the relevant information and knowledge, and also to release women entrepreneurship e-news periodically. Additionally, the Program also helped its trainees of various terms to incorporate associations in all parts of the country, to integrate the power of women intending to start business as well as the social resources.

(c) Business Start-up Phoenix Program- Micro loans for Women’s business start-up

The Council of Labor Affairs and Small and Medium Business Credit Guarantee Fund was engaged in promoting “Business Start-up Phoenix Program” in 2007 to provide women with 95% credit guarantee to help woman entrepreneurs acquire loans, and build the financing environment exclusively for women to help them start businesses. The Project has five characteristics, including low interest rate, guarantor-free, attendance to training courses, guidance-orientation and alternative measures. The credit limit is one million New Taiwan Dollars and

the preferential treatment for interest-free for the first two years is granted. The interest rate is 2.83% plus the Fund’s service charge rate, 0.5%, totaling 3.33%. It also provides women under special circumstances, occupational disaster families and victims in crimes with the preferential treatment for interest-free for the first three years. Since it was established, a total of 1,525 women have been helped to start business cumulatively, including 348 women receiving the business start-up loans, creating the employment opportunity for 1,267 persons. In order to enhance women’s knowledge about business start-up and increase the successful rate of business start-up, the Project, tied with the entrepreneurship guidance and service plan, established six service bases in Taipei, Taoyuan, Taichung, Tainan, Hualien and Kaohsiung and installed the 0800 advisory hotline and website specialized for the Project to provide individuals or groups with advisory services and to held entrepreneurship courses.

(d) Assistance for woman entrepreneurs’ participation in economic and trading activities

In order to help woman entrepreneurs capable of exporting develop international markets, Taiwan Women’s Business Network (<http://womenbusiness.taiwantrade.com.tw/>) was installed in 2007 to enable woman entrepreneurs to enter the information about products on line. So far, it has successfully recruited 1,247 woman entrepreneurs. The website may link women’s business websites in Canada, et al.

Bridging digital divide for women

13.5 Analysis on problems

- (a) In Taiwan, the computer utilization rate is 72.8% for men and 69.2% for women. The internet utilization rate is 67.7% for men and 63.5% for women. Apparently, the digital utilization rate for women is less than that of men by 3-5% (about

460,000 persons). The gender digital divide appears to be particularly significant in mid-aged and elderly women, which is disputable. According to our study, the proportion of mid-aged and elderly women who are unable to utilize digital information is higher than that of mid-aged and elderly men who are unable to utilize digital information, while the proportion of mid-aged and elderly women who are willing to seek the chance to learn utilization of digital information is higher than that of mid-aged and elderly men who are willing to seek the chance to learn utilization of digital information.

- (b) The counties/cities of significant gender divide in utilization of network: Hsinchu City (9.6%), Chiayi City (8.3%), Tainan City (7.5%), Kaohsiung City/County (12.9%), Kinmen County (10.6%) and Lienchiang County (17.2%)
- (c) Men utilize the internet for 175 minutes per day, and women utilize it for 149 minutes per day. The regular utilization rate of information equipment at home for women is less than that for men. The average time spent by women in utilization of the internet per day is less than that spent by men for 26 minutes.
- (d) Men utilize the internet primarily to spend leisure time and provide knowledge and empirical answers, while women utilize the internet primarily for e-shopping and visit to blogs. The on-line statements are mostly made by men.
- (e) The computer utilization of working women in business is 61.1%, higher than 47.7% for men; however, the utilization rate is primarily related to paper work, less than that for men in design and development, collection of information and contact with clients.

13.6 Development and result of existing policies, actions and projects

(a) Promote "Bridging Digital Divide for Women Project" in 2007

"Bridging Digital Divide for Women Project" was promoted in 2007, which enrolled non-metropolitan women as the priority to provide them with 24-hour basic training for utilization of computer. In 2007, it provided 10,000 women with free training. In 2008, it provided about 16,000 women with free training.

Promote gender equality in culture

13.7 Development and result of existing policies, actions and projects

(a) "Taiwan Women Website" planning and installation plan

"Taiwan Women Website" is planned and installed in order to collect women's literature and show the difference presence and roles played by women in the process of Taiwan's development. The various issues are designed through words, historical relics and pictures to establish database and exchange platform for women in Taiwan, and aim at establishing the digital museum to enable the world to know about the transformation of women's interests and rights in Taiwan.

(b) South East Asia Multicultural Education Promotion Program

In consideration of transformation in the population structure of the society and the increase of new immigrants in Taiwan, "South East Asia Multicultural Education Promotion Program" has been planned as of 2006 to give lectures to women from South East Asia and train woman seed trainers. It expects to train about 25 persons per year and promote the social multicultural education gradually to show the respect to different cultures.

(c) Arts and Crafts Skills Learning Program for Women

Arts and Crafts Skills Courses have been planned annually since 2006 to help women learn the professional skills about arts and crafts, develop social relationships, and to enhance women's independent employment ability and create the opportunity for self-growth. Meanwhile, various arts and crafts training programs that are localized and applicable to women are held to provide disadvantaged women with the chance to learn skills nearby to enhance their ability and value. The participants include re-employed women, aboriginal women and new female immigrants, et al.

(d) Statistics for relevant cultural activities by gender



Table 13-3 The statistics for cultural and recreational activities by gender in 2007:

| | | Literary, historical and philosophic activities | General community construction | Cultural assets preservation and maintenance seminar courses |
|------------|------------|---|--------------------------------|--|
| Promotion | Population | 1,196 | 1927 | --- |
| | Women | 697 | 789 | --- |
| | Percentage | 58% | 40% | --- |
| Enrollment | Population | 22,418 | 7398 | 3846 |
| | Women | 13,443 | 3101 | 3066 |
| | Percentage | 60% | 41% | 80% |

Protection of women's interests and rights in sports

- 13.8 Development and result of existing policies, actions and projects
 - 13.8.1 Relevant laws and regulations
 - (a) Article 20 of provides that "in order to enhance the nationals' physical fitness and strength, the Government shall encourage nationals to strengthen physical strength activities....."
 - (b) Paragraph 2-1 of Article 27 of the Regulations Governing Subsidies for Private National Athletic Groups provides the subsidies for national athletic activities, such as recreational sports for infant children, youth, women, parents and children, mid-aged and elderly people and workers.
 - 13.8.2 Plans to increase participation in sports
 - (a) The National Council on Physical Fitness and Sports has been engaged in promoting the "plans to increase participation in sports" of six-year term as of 2003, guiding the various city/county governments and private national athletic groups to hold the recreational sports for infant children, youth, women, parents and children, mid-aged and elderly people and workers,

and particularly enhancing the recreational sports for women to encourage women to participate in more sports for physical and mental health.

(b) The promotion of the 7-year term "Sport Population Increasing Plan" and "Love Sport Plan" has enhanced women's habit of doing exercise. According to the investigation on "Sport City Chart" commissioned by the Council, the woman population of doing exercise regularly tended to grow stably (see Table 13-4). Meanwhile, in 2007, 75.3% women and 79.8% men showed that they had habit of doing exercise. Apparently, the gender divide in sports is increasingly shortened.

Table 13-4 Rate for Population of doing exercise regularly in "Sport City Chart"

| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|---|--------|--------|--------|--------|--------|--------|
| National population of doing exercise regularly | 12.80% | 13.14% | 15.50% | 18.80% | 20.20% | 24.20% |
| Men population of doing exercise regularly | 15.30% | 16.80% | 19.20% | 22.40% | 24.00% | 29.10% |
| Women population of doing exercise regularly | 10.20% | 9.60% | 11.70% | 15.20% | 16.40% | 19.20% |

- 13.8.3 Build environment friendly to women's sports

In order to build the environment friendly to women's sports, the Council integrated the recreational resources of communities, schools and public/private organizations to provide women with diversified, convenient and fair-price recreational activities and to enhance the availability and utilization of recreational sport facilities for women. Meanwhile, the Council takes women's needs into consideration and engages in improving the safety conditions of the life environment when establishing public recreational and sport facilities. As of 2008, the Council has reimbursed local governments to build (renovate) women recreational sport and lighting facilities as the first priority.



Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;
 - (b) To have access to adequate health care facilities, including information, counseling and services in family planning;
 - (c) To benefit directly from social security programmes;
 - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
 - (f) To participate in all community activities;
 - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Enhance rural women's health and welfare

- 14.1 Enrollment of farmers' health insurance
 - (a) The R.O.C. Government has enforced the national health insurance program as of 1995. In order to enhance the national health, the national health insurance program will grant the insurance benefits to the insured who suffer any disease, injury and childbirth incident in the duration of the insurance pursuant to the National Health Insurance Act.
 - (b) In order to maintain farmers' health, the Government enacted and promulgated "Farmer Health Insurance Act" in 1989. Until October 2008, 1,580,738 farmers enrolled in the insurance program, in which women accounted for 48.6%.
- 14.2 Provide medical treatment guidance for foreign spouses:

In consideration of the increase of foreign spouses in rural area, the Government works hard to provide foreign spouses with medical treatment guidance.

 - (a) Fulfill the national health insurance card management of childbearing age foreign spouses and Mainland spouses: "Foreign and Mainland Spouse Childbirth Health Management Program" was defined in 2003 to provide well-founded medical treatment and care service.
 - (b) Provide prenatal medical care subsidy: the subsidy for prenatal examination before the foreign spouses pay the health insurance premium and register the household, and the subsidy for disadvantaged foreign spouses' reproduction regulation.
 - (c) Enforce the "Training of Volunteer Workers Dedicated to Promoting Foreign Spouse Childbirth Health Care Service Program" to train foreign simultaneous interpreter to resolve the problem in languages.

Guide rural women's capacity building

This is to enhance women's life learning and guide the relevant agricultural technology education, occupational education and life education in rural area.

14.3 Agricultural professional capacity training:

- (a) Enforce "farmers' agricultural professional training Program: It is designed subject to the farmers' needs in the various districts to upgrade the agricultural competitiveness. In 2008, a total of 57 classes for crop cultivation management technology, management and administration, and marketing planning have been provided. The trainees completing the courses totaled 1,744 persons, in which women accounted for 24.5%.
- (b) Hold "Gardener Program Training": These are held to promote the reformation of farmers' concept and teach an introductory study to the public engaged in the agricultural industry. A total of 51 study sessions have been provided in 2008, and the trainees completing the courses totaled 1,790 persons, in which women accounted for 33%. Meanwhile, it provides the following advanced training and relevant services.
- (c) According to Monthly Bulletin of Manpower Statistics of Directorate General of Budget, Accounting and Statistics, Executive Yuan, R.O.C., the agricultural workers totaled 538,000 persons in December 2008, including 166,000 women, accounting for 30.9%, similar to the proportion of women completing the courses in said-mentioned training programs.

14.4 Shorten the digital divide

- (a) Please see Article 13 for the Bridging Women Digital Divide Project.
- (b) Enforce "Farmer's Computer Network Skill Training Program": It is designed to provide farmers with the basic computer usage and internet skill training courses, enrolling 5,222 trainees in 2007, in which women in rural area accounted for 69.6%.

14.5 Housekeeping training: To enhance rural women's skills other than agricultural skills, the training courses include those about caregivers, home-based service givers, housekeepers and Tian Mama training. In 2008, a total of 3,140 rural women have been trained.

14.6 Life knowledge and skill training: It is intended to shorten the knowledge divide with the issues on nutrition and health care, promotion of domestic-made agricultural product and health meal, aging in place and gender mainstreaming. A total of 59,500 women in rural area have been trained in 2008.

Provide rural women's welfare service

14.7 Protect elderly farmers' economic safety

- (a) Enactment of the Provisional Statute For Senior Farmer's Welfare And Subsidy: "Provisional Statute for Senior Farmer's Welfare And Subsidy" was enacted and promulgated in 1995. Meanwhile, the senior farmer's subsidy, NT\$3,000 per month, was granted as of the same year. So far, the Statute has been amended for three times, and the subsidy is NT\$6,000 per month now. A total of 709,556 senior farmers were granted the subsidy in 2008, in which women accounted for 55.2%.
- (b) The insurance incidents covered under "Farmer Health Insurance Act" include childbirth, injury, sickness, handicapped and death. The Act also provides the childbirth benefit, medical care benefit, handicapped benefit and funeral subsidy.

Guide transformation of agricultural employment / entrepreneurship

14.8 Expand participation in employment



- 14.8.1 Hold the “farmers’/fishermen’s second skills training”: Guide farmers and fishermen to learn the skills helpful for them to change their career or take part-time jobs; the courses include Chinese food cooking, baking, processing of rice foods, preparation of drinks and beverages, Chinese snacks and caregiving. Farmers/fishermen and their spouses who received the training courses totaled 2,582 persons in 2008, in which rural women accounted for 92.6%. A total of 1,129 trainees have acquired the license, in which woman trainees accounted for 91.9%.
- 14.8.2 Enforce “Rural Employment Promotion Program”: To provide rural women with agricultural skills and any skills other than agricultural skills, organize rural women and utilize the local agricultural resources to operate sidelines or start up new business collectively.
- (a) Enactment of “Guideline for Award and Prize to Rural Women Developing Side Line”: The Guideline was enacted in 2001 to guide rural women to exert the potential for managing business and develop the new income source.
- (b) Enactment of “Principle for Incentive to Tian Mama Expansion of Guidance and Management”: “Tian Mama classes” were incorporated by housekeeping classes guided by township farmers’ associations voluntarily to integrate the local agricultural products to develop localized rural meals, local creative agricultural gifts and handicrafts, based on the principle of self-production and self-marketing. It integrates the local rural women groups and the local tourism to boost the local economy and create the opportunity for employment. In 2008, Tian Mama had helped establish some 152 unique businesses, consisting of 1,400 persons, in which woman trainees accounted for 97.1%, and its turnover amounted to NT\$407 million.
- (c) Take the relevant actions to promote aboriginals’ employment and provide the aboriginals with short-term employment. In 2007, 986 aboriginals were enrolled, in which women accounted for 87%.

- 14.9 Agricultural credit loans
 Granting of agricultural loans: To provide farmers (fishermen) with required funds; to provide those with insufficient guarantee agricultural credit guarantee fund to help them acquire the required funds; more than 200 thousand farmers (fishermen) has benefited from the loans in 2008.

Promote rural women’s public community participation

- 14.10 Women’s participation in agricultural policies, agricultural development planning and execution thereof
 Women accounted for 39.1% of the total 4,450 staff of Council of Agriculture. Women accounted for 30.5% of the staff dedicated to enacting agricultural policies and planning agricultural development. The Task Force for Gender Equality of Council of Agriculture was established in 2006, consisting of 11 members including 7 women.
- 14.11 Guide the incorporation of organizations and groups
- 14.11.1 Hold training courses to enhance rural women’s ability to deal with problems and participate in important family decision making voluntarily; a total of 59,500 rural women have been guided in 2008.
- 14.11.2 Organize cooperative associations:
 (a) Merit: Article 145 of the Constitution of the R.O.C. provides that cooperative enterprises shall receive encouragement and assistance from the Country. Article 1 of Cooperatives Act provides that “cooperatives” are organized based on the principle of equality and mutual aid, with a view to improve the economic benefit and living standards of the members by means of joint operating.



(b) Rural women's participation:

- i. There are a total of 973 agricultural cooperatives and cooperative farms, consisting of 166,314 members, in which rural women accounted for 20%, totaling 30,000 persons.
- ii. There are a total of 213 rural savings cooperatives, consisting of 126,037 members, in which rural women accounted for 25%, totaling 31,000 persons.

14.12 Promote women's participation in communities

14.12.1 Promote the "Rural Rebirth and Rooting Program": To help rural community inhabitants know about their homeland, and plan the community view, build rural characteristics and resolve the local problems through professional training; the training courses divided into "care", "advanced" and "core" stages; 510 sessions have been provided from 2004 to 2007, enrolling a total of 13,466 persons, in which women accounted for 33.3%; about 120 women acquiring the rural rebirth specialist's qualification.

14.12.2 Hold the "Campaign of cleaning up our homeland with everyone's participation": To encourage rural women to assume environmental protection volunteer workers.

14.12.3 Enforce "Community University Guidance Program":

- (a) Establish the local community university: In 2001, the first community university, "Community College of Cishan District in Kaohsiung", in rural of Taiwan was established under guidance in 2001, which provides courses with agricultural characteristics to respond to the local requests.
- (b) Work with public welfare organizations and resources: For example, work with "TransAsia Sisters Association, Taiwan" to establish "Foreign Spouses' Chinese Literacy and Life Adaption Class" to interchange with the various

rural organizations through teaching demonstration.

14.12.4 Promote the development in aboriginal districts:

- (a) Reimburse "Aboriginal family and woman service center": From 2002 to 2008, a total of 50 woman service centers have been established to provide the accessibility of aboriginal families and women welfare services. 50 aboriginal social workers (including 84% women) and 100 social worker assistants (including 98% women) were employed to train aboriginal women's participation in public affairs.
- (b) Enforce "Aboriginal Women Communication Platform Implementation Program": In 2008, 3 civil groups and 50 aboriginal family and female service centers were reimbursed, and the proposals submitted in meetings were delivered to Council of Indigenous Peoples for policy-enforcing reference.

14.13 Talent training

- (a) Enforce "Aboriginal Woman Leadership Training Program": A total of 323 aboriginal women have been trained from 2004 to 2008 to lead the women to deal with the diversity in groups, cultures and geographic regions and establish the fair and justified life space in terms of feminism and gender mainstreaming strategy.
- (b) Enforce "Community Development Seminar Training" and "Specialist Cultivation Program": To include "gender mainstreaming" courses to promote the concept about gender equality; the "Community Development Task Member Seminar" enrolled a total of 360 trainees in 2007; the "Community Development Business Administrative Staff Seminar" and "Community Development Worker Seminar" enrolled a total of 600 trainees in 2008.
- (c) Hold community development seminars and mobile inspection tours for excellent communities: To invite woman members of excellent communities to share their experience to encourage more women to assume the community development association members.



Shorten the life quality divide between urban and rural areas

- 14.14 Taiwan is a developed country in which the postal service, power, running water and mass transportation are available nationwide.
- 14.15 Establish the solitary elderly community care system: To integrate the city/county governments, township offices or social welfare organizations to perform the care service for solitary old people, to those identified in the roster as first priority.
- 14.16 Shorten the digital divide between city and rural: "Village with ADSL" was one of the important policies in 2006. ADSL has been installed in 46 rural areas. Meanwhile, the "Disadvantaged Group Communication Preferential Reimbursement Program" was enforced to develop the digital information and communication resource in disadvantaged districts.
- 14.17 Tourism: To guide aboriginals to develop cultural handicrafts and upgrade the quality of restaurants; meanwhile, the construction work in some national scenic areas were also commissioned to the local aboriginals to protect their employment and traditional handicraft.

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Protect gender equality in protection under laws

- 15.1 Related laws and regulations
- 15.1.1 Protection of basic rights: Article 7 of the Constitution of the R.O.C. provides that all citizens of the Republic of China, irrespective of gender, shall be equal before the law. Article 10 of the Constitution was added to expressly provide that the nation shall maintain women's personality and dignity and protect women's personal safety, eliminate gender discrimination and promote the substantial gender equality.
- 15.1.2 Protection of disposing capacity and legal capacity: Article 6 of the Civil Code provides that "the legal capacity of a person begins from the moment of birth and



terminates at the moment of death.” Article 12 of the same Code provides that majority begins with the completion of the twentieth year of age. Majority has the disposing capacity. Therefore, the existing Civil Code provides that men and women shall have the equal legal capacity and disposing capacity.

15.1.3 Protection of right of action

(a) Paragraph 1 of Article 40 of the Code of Civil Procedure provides that “whoever has legal capacity has the capacity to be a party to an action.” Article 45 of the same Code provides that “a person capable of undertaking liabilities by his own juristic acts has procedural capacity.”

(b) In order to fulfill the right of action and equality protected under the Constitution, the procedural laws in Taiwan provide the gender equality requirements to protect the interest and right of parties or interest parties who utilize the procedure. Meanwhile, as long as the relevant requirements are met, the parties may receive the necessary legal aid from attorneys-at-law, irrespective of gender. Therefore, women are entitled to the treatment free from gender discrimination in the procedural remedy in Taiwan.

Protection of women’s right to move and freedom of residence

15.2 Women suffering domestic violence often have trouble in completing the household registration after acquiring the protective order issued by courts, because it is necessary to submit the household register of the old residence and the head of family refuses to provide the household register or the offender is unwilling to cooperate in the case. In order to resolve domestic violence women victims’ difficulty in changing of residence, the household administration authorities enforced the following policies:

(a) The following requirement was added to Household Registration Law: Paragraph 2 of Article 56 of the Household Registration Law was added into the Law amended and promulgated on May 28, 2008 to resolve any

household member’s trouble in completing the household registration as the head of family refuses to provide the household register, providing that when a household member is proceeding with household registration, the head shall provide the household register and may not refuse. Further, if the head of family is proven to detain the household register, he/she shall be fined more than NT\$1,000 but less than NT\$3,000 pursuant to Article 80 of Household Registration Law.

(b) Applications for change of residence with protective order may be accepted as the first priority: To prevent the situation that the domestic violence victim who acquires a court’s protective order cannot complete the registration of change of residence upon the refusal of the head of family to provide the household register, the Ministry of Interior has informed the municipality directly under jurisdiction of the Central Government and county(city) governments on Feb. 12 and April 11, 2008 to accept such applications as the first priority, if any, and take the opportunity to record the change in the register when the head of family proceeds with the relevant household registration with the household register. Meanwhile, the household administration offices shall avoid disclosing the concerned parties’ household information in accordance with Article 6 of Regulations for the Administrative Authorities to Enforce Protective Orders and to Deal with Domestic Violence Cases when dealing with the applications for household registration in similar domestic violence cases, in order to ensure the victim’s safety.

Protection of women’s and children’s personal safety

15.3 Related laws and regulations

15.3.1 Domestic Violence Prevention Act : Article 14 of Domestic Violence Prevention Act provides that upon concluding the trial and domestic violence is established, the Court shall, based on the facts and as required, issue one or more than one



of the following ordinary protective orders either as petitioned or by its functional authorities:

- (a) To restrict the respondent from exercising domestic violence against the victim or any particular members in the family.
- (b) To restrict the respondent from exercising any direct or indirect harassment, contact, follow, communication, correspondence or any other unnecessary means of contact.
- (c) To order the respondent to vacate the victim's residence; and, if required, to restrict the respondent from disposing of said property, i.e. the victim's residence or any other temporary disposition.
- (d) To order the respondent to stay a specified distance away from the following places: the victim's residence, school, work place or any other places regularly accessible by the victim or any of specific family members of the victim.
- (e) To specify the right to use an automobile, motorcycle, and any other necessities in daily life, occupation or education requirement; furthermore, if required, to deliver any and all of said necessities by an order.
- (f) To specify either party separately or both parties of the concerned jointly what and how to temporarily exercise or bear the rights and duties of his/her or their minor(s) and such provisional exercise or rights may be delivered to said minor(s) if required.
- (g) To specify the exercise of visitation time, locations and means by the respondent and whenever needed, such visitation shall be restricted.
- (h) To order the respondent to pay for the rental of the residence of the victim, or to pay for the support to the victim and his/her minor.
- (i) To order the respondent to pay for the medical care, consultation, sanctuary or any property damage costs incurred from the victim or any particular family members of the victim.
- (j) To order the respondent to complete the relocation program for the victim.
- (k) The respondent shall be responsible for the corresponding attorney fees.
- (l) The respondent is not allowed to check for the information of census registration, school registration and source of income of the victim and the

minors under victim's guardianship.

(m) To prescribe any other order(s) that is/are required for the protection of the victim and of any particular family members of the victim.

Before the determination of the preceding clause 10, the Court shall have the respondent take the examination of whether to receive the offender treatment program.

15.3.2 Child and Youth Sexual Transaction Prevention Act: In order to prevent children and youth from being the counterparts in sexual transactions, Taiwan enacted the Child and Youth Sexual Transaction Prevention Act in 1995, which effectively prevents children and youth from engaging in sexual transactions and protects the personal safety and physical/mental health development. Article 25 of the Act provides that "One who intends to have a person under the age of 18 engage in sexual transaction, and to deliver or accept him/her to or from other person by means of dealing, impawning or other ways, shall be punished by a sentence of more than seven years in prison....", expressly providing that any person endangering the youth personal life shall be punished to prevent such cases.

15.3.3 Other related requirements about protection of children and youth: In order to secure the care and protection of children and youth not protected under parenthood, the requirements about guardianship of juveniles in the Civil Code were amended on May 23, 2008:

- (a) Article 1094-1 of the Civil Code is added, providing that "When electing or changing guardians, for the best interest of the ward, the court shall take everything into consideration and the following things shall be paid attention to: A. the ward's age, gender, willingness, health, and the need of developing the ward's personality; B. the guardian's age, employment, personality, willingness, attitude, health, finance, status of life and criminal records; C. relations between the guardian and the ward or relations between the ward and others living in the same household; D. when a juristic person is the guardian, the category and content of its business, and relations between



the juristic person and its representative and the ward.”. In addition to the requirements implied therein, it also expressly provides that the best interest of children or youth shall be the first priority when the court selects (or re-appoints) the guardian, and particularly includes “criminal record” into the circumstances which the court shall take into consideration when selecting (or reappointing) the guardian, in order to prevent the person who has a criminal record of domestic violence and drug abuse from assuming the guardian and eliminate any unqualified person to prevent domestic violence.

- (b) In order to enable children and youth to secure the guardian who may act for their best interest, Article 1106-1 of the Civil Code was added, providing that “If there is sufficient facts to indicate that the guardian does not act in the best interest of the ward, or other reasons indicate that the guardian should not be the guardian, the court may order guardianship to other proper person based on application.”

15.4 Results

- (a) The Domestic Violence Prevention Act is referred to as the civil protective order system to maintain the domestic violence victims’ personal safety, providing the equal protection to victims, irrespective of men and women. As of June 1999 to April 2008, a total of 86,687 civil protective orders have been issued.
- (b) Upon enforcement of Child and Youth Sexual Transaction Prevention Act, the victims rescued by the prosecutors and police have been 6,364 persons from 1995 to 2007, and 6,275 persons were escorted by social workers in the duration of investigation and 5,550 persons were sheltered.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Protection of women's freedom of marriage and equality in family

16.1 Women's freedom of marriage

16.1.1 Protection under laws

(a) Minimum age for marriage: Article 980 of the Civil Code provides that "a man who has not completed his eighteenth year of age and a woman her sixteenth may not conclude a marriage." Article 989 of the same Code provides that where a marriage is concluded contrary to the provision of Article 980, the party concerned or his statutory agent may apply to the court for its annulment. Said right to invalidate the marriage may be exercised at any time, provided that where the party concerned has attained the age specified in Article 980 or where the woman has become pregnant, such application may not be made.

(b) Legal requirements for marriage (manner): The requirements about marriage (manner) have provided the ceremonial nuptials since the Civil Code was enforced in 1931. However, due to certain defects in the ceremonial nuptials, the Government referred to the legislations applicable in advanced countries and amended the formality about marriage defined in Article 982 of the Civil Code after thorough evaluation to change the ceremonial nuptials to registered nuptials. As of May 23, 2008, Article 982 of the Civil Code provides that "A marriage shall be affected in writing, which requires the signatures of at least two witnesses, and by the registration at the Household Administration Authority."

(c) Women's right of choosing spouse

i. Protection of right of marriage: Article 972 of the Civil Code provides that "an agreement to marry shall be made by the male and the female parties of their own accord." Article 995 and Article 996 of the same Code provide that the concerned parties in a marriage shall be free from the condition of absence of discernment or mental disorder when getting married, or not

induced by fraud or by duress to conclude a marriage, in order to protect the independence of the concerned parties' intent of marriage, provided that if the concerned parties are juveniles, Article 981 of the Code specially provides that the statutory agent's prior consent shall be obtained.

ii. Protection of right of divorce: The Civil Code of Taiwan adopts "divorce by mutual agreement" and "divorce by ruling". The "divorce by ruling" applies when the circumstances referred to in Paragraph 1 or Paragraph 2 of Article 1052 of the Civil Code are met, in which case either spouse may apply to the court for a divorce. "Divorce by mutual agreement" is intended to protect concerned parties' right of voluntary divorce. Article 1049 of the Code provides that husband and wife may affect a divorce themselves where they mutually consent to it. Concerned parties are entitled to gender equality in the right of voluntary divorce, provided that in the case of a minor, the consent of his or her statutory agent must be obtained.

16.1.2 Results : In order to address the registered nuptials adopted upon enforcement of the amendments to Article 982 of the Civil Code as of May 23, 2008, Ministry of Justice has worked hard to take the various promotional actions to enable the public to know about the contents of the new law to protect their interest and right as of the date of promulgation (May 23, 2007).

16.1.3 Perspective: Though the registered nuptial has been applied, some newly weds still consider that the traditional ceremony should be applied and hold the wedding without registering the marriage at the same time. Therefore, it is likely that no effect of marriage is produced even upon completion of the wedding and the concerned parties' interest and right are affected accordingly. Or, some newly weds still apply the traditional customs and ask for registration of marriage on a lucky day chosen by them and, therefore, the household administration authority has to work with them to accept the registration on holidays and the manpower load is increased accordingly. The Ministry of Justice will continue promoting the relevant laws and enhancing the public knowledge about the laws.



16.2 Protection of equality in the duration of marriage and after divorce

16.2.1 Protection under laws

(a) Protection of identity

- i. Wife/husband prefix of husband's/wife's surname: Article 1000 of Civil Code initially provided that "Unless otherwise agreed upon by the parties, a wife shall prefix to her surname that of the husband and a "chui-fu" shall prefix to his surname that of the wife." Considering that such provision was against the gender equality principle, the provision was amended in June 1998 as providing that "the husband and the wife should keep his or her own surname, unless one party agrees in writing to prefix to his or her surname that of the spouse and registers the agreement at the household administration authority."
- ii. Couples' residence: Article 1002 of Civil Code initially provided that "A wife takes the domicile of the husband as her domicile, unless it has been agreed that the husband takes the domicile of the wife as his domicile....". Considering that such provision was against the gender equality principle, it was amended in June 1998 as providing that "The domicile of the husband and the wife shall be agreed by mutual agreement; if it has not been agreed or cannot be agreed, it may depend on the court by application."

(b) Protection of property

- i. Marital property regimes: Before the amendments to the Civil Code, Book Family in 2002, many provisions referred to therein were against the gender equality principle. After the amendments made in 2002, some provisions were added to recognize the family labor value, fulfill the allocation of residual property, promote the harmony of marriage life and take care of the transaction safety.
- ii. Contents of protection:
 - a. Marital property regimes include the statutory marital property regime, common property regime and separate property regime.
 - b. Couples may choose to apply the common property regime or separate

property regime by contract prior to or after marriage and register it at the court, or the statutory property regime shall apply.

- c. The property applicable to the statutory property regime is categorized as the property before and after marriage. Couples applying the statutory property regime shall identify the scope of property before and after the marriage.
- d. Substantial benefit in identifying property before and after marriage: The property after the marriage shall be subject to allocation of residual property when the legal property regime extinguishes and is shared by the couple equally, provided that where the equal allocation result is disadvantageous to either of the couple, he/she may apply with the court for adjustment or exemption.
- e. The right to manage under the statutory property regime was vested in either of the couple. As of promulgation and enforcement of the new law, the ownership of property before or after marriage shall be vested in the husband and wife respectively, who may manage, use, utilize (e.g. lease) and dispose of (e.g. realize) the property respectively, and bear the obligation, if any, respectively.
- f. Family living expenses shall be borne by the husband and wife depending on his/her ability. The same shall apply to the housework.
- g. Couples may agree on specific money, in addition to the family living expenses, spendable subject to the husband's or wife's sole discretion.
- h. If either party of the couple transfers his/her property in the duration of the marriage, the future allocation of property will be endangered. Irrespective of the transfer with or without consideration, if the specific requirements are met, the other party may petition with the court to revoke the transfer with or without consideration to secure the allocation of residual property.
- i. When the couple divorces or the statutory property regime extinguishes, the residual property shall be the property after marriage less that irrelevant to contribution of the marriage (including legacy, gift and



benefit), and be shared equally.

- j. The residual property shall be calculated from the time when the statutory property regime extinguishes, provided that the property after marriage disposed of in the first five years shall be included into the allocation.

(c) Equality in children's affairs

i. Exercise of rights and assumption of duties in regard to minor children:

The relevant provisions under the Civil Code before the amendments with respect to parents' disagreement on the exercise of right in regard to minor children were against the gender equality principle. Therefore, Article 1089 of the Civil Code was amended as providing that the father and mother shall jointly exercise their rights and assume their duties in regard to a minor child unless it is otherwise provided for by law.

ii. Children's surname:

a. Paragraph 1 of Article 1059 of the Civil Code provides that parents shall agree in writing before filing the child's birth registration about whether the child shall assume the father's or mother's surname.

b. Related requirements about children's surname added into Household Registration Law

(1) Extension of the time limit for birth registration: To allow parents to have sufficient to consider their children's surname, Paragraph 1 of Article 48 of Household Registration Law amended and promulgated on May 28, 2008 provides that the applications of household registrations should be made within thirty (30) days after the cases concerned occur or are ascertained, provided that the birth registration must be made within 60 days.

(2) In order to prevent a dispute over birth registration of newborns arising from parents' failure to reach agreement with each other, Article 49 of Household Registration Law amended and promulgated on May 28, 2008 provides that in case the family name of the party of the birth registration is uncertain according to related laws, if the child is legitimate, the applicant can decide the child to be registered

with the father's or mother's family name upon taking a draw at the household administration office; if the child is illegitimate, the child is registered with the mother's family name; if the child is abandoned or helpless, the child is registered with the guardian's family name (Paragraph 1). In case of the household office registers a child according to the fourth paragraph of the previous Article, if the child is legitimate, the applicant can decide the child to be registered with the father's or mother's family name upon taking a draw; if the child is illegitimate, the child is registered with the mother's family name; if the child is abandoned or helpless, the child is registered with the guardian's family name and the Head of the office should give the child a first name (Paragraph 2).

iii. Adoption

a. The purpose of the adoption system has been transformed from "having a son to carry on the family name" for the "parents" to having "the best interests" of the "children", upon transformation of the type of society.

b. The Civil Code, Book Family amended and promulgated on May 23, 2008 provides that the interest of adopted minor children shall be the first priority.

c. The adoption shall take children's best interest into consideration and has protected women's equality in status.

iv. General succession is amended to minor children's limited succession:

a. Given the fixed concept about a "son must pay the father's debt", the Civil Code, Book Succession before the amendment provides that unless the heir applies for limited succession or presents the waiver of inheritance within the specific time limit, he/she shall succeed to the right and obligation about the deceased's property generally as of the inheritance.

b. In order to protect the personality and development of heirs lacking legal capacity or with limited legal capacity (mostly children and youth) from being affected because the heirs succeed to the obligation directly upon the deceased's death, Paragraph 2 of Article 1153 of the Civil Code was



amended and promulgated on January 2, 2008, providing that “An heir lacking legal capacity or with limited legal capacity shall be liable for the obligation of the decedent only to the extent of the property acquired from the estate.” Meanwhile, Paragraph 2 of article 1-1 of Enforcement Law for Part V, Succession Law of the Civil Code was amended, providing that “If the succession commences before December 14, 2007, the effective date of the amended the Civil Code, Book Succession, heirs, who lack legal capacity or have limited legal capacity at the commencement of the succession, do not limit or waive their succession, after the commencement becomes effective, if continuous performance of the inherited obligations is obviously unfair to the heirs, the heirs are liable for the obligations of the estate only to the extent of the property acquired from the estate.” Therefore, the succession cases prior to the enforcement are also under protection.

16.2.2 Results:

- (a) The statistics show the cases in which couples have applied with the court for separate property regime in the recent years: 1,151 cases in 2002, 1,062 cases in 2003, 987 cases in 2004, 1,178 cases in 2005, 1,183 cases in 2006 and 1,105 cases in 2007. Said data show that the amendments to marital property regimes provided in the Civil Code made in 2002 tended to adopt the separate property regime for the statutory property regime, expressly providing that husband and wife shall retain their right to use, manage, utilize and dispose of their own property respectively in the duration of the marriage. Therefore, the applications for separate property regime have never been increased or decreased significantly due to the amendments to the law.
- (b) From May 25, 2007 to the end of November 2008, in the applications for birth registration and assumption of surname not by agreement (totaling 10,712 cases), a total of 95 cases in which the child was registered with the father’s family name upon taking a draw, i.e. 0.89%; a total of 310 cases in

which the child was registered with the mother’s family name upon taking a draw, i.e. 2.89%; a total of 222 cases in which the child was registered with the guardian’s family name, i.e. 2.07%; a total of 9,512 cases in which the illegitimate child was registered with the mother’s family name, i.e. 88.80%; a total of 183 cases in which the child was registered with the father’s family name directly at the Household Administration Office, i.e. 1.71%; a total of 390 cases in which the child was registered with the mother’s family name directly at the Household Administration Office, i.e. 3.64%.

16.2.3 Perspective

- (a) The Ministry of Justice is researching and drafting amendments to Paragraph 1 of Article 1059 of the Civil Code, providing that “Parents shall agree in writing before filing the child’s birth registration about whether the child shall assume the father’s or mother’s surname; where parents fail to agree or it is impossible for parents to reach agreement, it shall be decided upon taking a draw at the Household Administration Office.”. The draft of amendments have been reported to the Executive and Judicial Yuan and submitted to the Legislative Yuan for examination on November 12, 2008.
- (b) If either party of the parents inflicts sexual assault or domestic violence on children or fails to fulfill his/her obligation to protect and educate the children, thereby causing adverse effect to the children’s physical and mental development and personality development, and it is impossible to change the agreed surname, the existing provisions provide that no application may be filed with the court to change the surname. Apparently, children’s interest cannot be protected perfectly. In this regard, the Ministry of Justice has proposed in the amendments to Article 1059 of Civil Code that Paragraph 5-4 of the Article about the cause for application with the court to change children’s surname shall be amended as “where either party of the parent fails to fulfill his/her obligation to protect or educate the children”, in order to protect minor children more perfectly.



Women's equality in deciding the number of children and interval between births freely and responsibly

16.3 Health and medical treatment

16.3.1 Protection of legal system

(a) According to Item 1 of Article 7 of Genetic Health Law, the Government shall provide the service and guidance for reproduction regulation to enable women to decide the number of children and interval between births freely and responsibly, to protect women's independence in childbirth.

(b) As of enforcement of Genetic Health Law in 1985, the various health bureaus and offices, medical institutions and civil groups have worked with each other to promote the pregnant/lying-in women and baby children health care business and plan multiple hereditary disease examinations and services to reduce congenital abnormal children. However, considering that the term "genetic" referred to in the Law implies discrimination, the title of the Law is intended to be amended as "Childbirth Health Care Law" upon suggestion of legislators and women organizations to eliminate the discrimination.

16.3.2 Current status : According to KAP 9 Knowledge, Attitude, and Practice of Contraception) of the Bureau of Health Promotion, Department of Health, the rate of contraception of currently married women of 20-49 years old was 79.2%. The total fertility rate (TFR) of women in Taiwan was 1.23 persons only in 2003, making Taiwan become one of the countries with "super minimum fertility rate". The TFR dropped to 1.12 persons, a new record, in 2006.

16.3.3 Perspective: The response action to the few-childrenization in Taiwan is not intended to increase the fertility rate by the Government's intervention, but to establish well-founded family policies to enable nationals to seek balance between housework and career to reduce the burden for raising children. The increase in the fertility rate is a result of well-founded family function. Ultimately,

it is expected to balance the relationship between housework and career to relieve women from bearing the family repression alone and help upgrade women's willingness to participate in the employment market. In order to fulfill the action concretely, women are required to participate in the policy making and the Government shall work with the citizens to reach the common consensus on the actions to mitigate the few-childrenization tendency.

16.4 Education and propagation

16.4.1 Protection of legal system

(a) The Ministry of Education defined the "School Sex Education Implementation Program", which was enforced as of January 2008 to be dedicated to enhancing students' ability to deal with the issue of sex education to promote the school sex education, enhance students' knowledge about sex education and strengthen teachers' professional knowledge about sex education.

(b) The Ministry of Education defined the "Guideline for Encouragement to Schools with Excellent Performance in Sex Education by Ministry of Education" to encourage teachers or schools with excellent performance in promotion of sex education as the models for promotion.

16.4.2 Results

(a) The Ministry of Education established the National Sex Education Resource Center, installed websites providing teaching resources, worked with Department of Health, Executive Yuan to promote sex education, encourage and reimburse school teachers to develop creative and excellent curriculum, teaching materials and media, and promote the relevant creative performance, sex education R&D and evaluation related to sex education, and also commissioned professional teams to execute sex education projects and programs.

(b) The Ministry of Education discussed the orientation program for elementary school teachers in accordance with the junior high school and elementary



school curriculum to upgrade teachers' healthy education ability.

- (c) Subsidizing universities to hold "Junior High Student Sex Education Seminar", "Gender Equality and Prevention of Sexual Harassment Seminar", "Gender Equality Education Seminar/Inspection for Teachers and Educational Administrators", and high schools by conducting three classes of "Gender Education", "Youth Development and Behavior"(including teenager's sexual life and gender education) for high school teacher's learning the gender subject. There are 150 people in the recruitment plan.
- (d) Provide funding, NT\$ 2,067,923 in total in 2008, to local governments on adding gender equality education curriculum into regular classes. Total 22 classes were achieved.

16.4.3 Perspective: There are more than 4,000 teachers in the area of junior high school PE, and most of them never underwent any sex education programs and training. Therefore, it is still necessary to enhance the sex education seed teachers' training.

Prevent gender discrimination and violence in family or marriage

16.5 Protection of legal system

- (a) Domestic Violence Prevention Act
- (b) Enforcement Rules of Domestic Violence Prevention Act
- (c) Regulations on Establishment, Management and Use of Domestic Violence Electronic Database
- (d) Regulations for the Administrative Authorities to Enforce Protection Orders and to Deal With Domestic Violence Cases
- (e) Rules for Granting of Loans to Domestic Violence Victims to Start Business

16.6 Execution

16.6.1 Domestic violence prevention

- (a) The "113" women-and-children's protection hotline ("113" for short) was installed on January 13, 2001. The "113" centralized operator center was founded as of September 1, 2007. Since then, a total of 717,376 effective calls have been received until February 2008.
- (b) From 2003 to 2008, a total of 1,029,142 victims have been provided the protection subsidy. The subsidy totaled 590,714,212.
- (c) the end of 2008, 18 domestic violence service centers of district courts have been established, and provided service to 277,600 persons.
- (d) From June 2007, the Central Government reimbursed 40% of the budget and the local governments raised funds for 60% of the budget, in order to help the local governments increase 190 social workers dedicated to providing direct service.
- (e) The 0800-013999 male-care hotline was installed in June 2004. A total of 60,487 calls have been received by the hotline since the end of December 2008. The hotline provided the care, support and general advice, and the referral service with respect to specific issues and needs

16.6.2 Enhance domestic violence prevention for foreign and Mainland spouses:

- (a) Publish the "Domestic Violence Prevention Manual" and "Law Q&A Book" in six languages including Chinese, English, Indonesian, Thai, Vietnamese and Cambodian, which have been distributed to foreign and Mainland spouses in Taiwan.
- (b) Expand the simultaneous interpretation function of the "113" women-and-children's protection hotline, and enroll the simultaneous interpreters specialized in English, Indonesia language, Vietnamese language, Thai and Cambodian to provide 24-hour simultaneous interpretation service.
- (c) Guide the local governments to work with civil groups to provide foreign and Mainland spouses suffering from domestic violence with the shelter service,



and provide the subsidy for extension of shelter, simultaneous interpretation and flight tickets for repatriation.

- (d) Work hard to research the amendments to “Instructions for Ministry of Interior to Deal With Domestic Violence Cases of Mainland and Foreign Spouses” to urge the policemen to enhance the safety and prevention actions and reporting of transient population, and work with National Immigration Agency to help Mainland and foreign spouses suffering from domestic violence deal with the following entry/exit procedures and extension of residence visa.
- (e) Hold foreign spouse personal safety propagation programs and enhance the propagation about laws and resource channels applicable to foreign spouses.

16.7 Perspective

16.7.1 Current status and difficulty

- (a) Except Taipei City Government, Kaohsiung City Government, Taipei County Government, Taoyuan County Government and Taichung County Government, which established the independent authority subordinated to the bureau (division) of social affairs, the other city/county governments only organized the task forces. Therefore, there is still the difficulty in insufficient authority and promotion of network cooperation.
- (b) Social workers are insufficient, it is difficult to organize the workers officially, the labor turnover rate is high, the pay and welfare is poor, and the personal safety needs to be enhanced, thus it is difficult to raise the depth of services. All of these issues shall be resolved in whole.
- (c) The gender equality consciousness of judges, prosecutors, policemen, medical treatment and education personnel involved in the prevention network still needs to be raised. It is still necessary to work with the relevant competent authorities to continue enhancing the consciousness.

16.7.2 Discussion and corrective action

- (a) Continue increasing resources dedicated to the prevention, enrolling

reasonable human resource for social workers and enhancing social workers' safety protective actions.

- (b) Provide victims with diversified rescue channels, fulfill the direct service to victims and enhance the performance of protection and assistance.
- (c) Work hard to promote domestic violence offender preventive service programs and upgrade the effect of offender treatment programs and execution thereof.
- (d) Continue enhancing the propagation to the public in the society, and develop the prevention education propagation programs with respect to specific counterparts and establish the gender equality culture.

消除對婦女一切形式歧視公約
---中華民國(台灣)初次國家報告

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