

TAIWAN CEDAW 2nd REPORT

LIST OF ISSUES AND QUESTIONS by the Review Committee

《消除對婦女一切形式歧視公約》臺灣第 2 次國家報告

審查委員會議題清單

中譯：財團法人婦女權益促進發展基金會

Article 1

1. The CEDAW report admits that the law does not specifically define discrimination in the law as per article 1 of CEDAW. Please indicate whether the precise definition of discrimination as in article 1 of CEDAW is included and elaborated in the training and promotional activities on CEDAW mentioned on page 2.

CEDAW報告承認國家法律無明文定義CEDAW第一條所指「對婦女的歧視」，請說明在「依CEDAW內容積極辦理訓練及推動活動」中是否有明確定義。

Article 2

2. It is stated in the CEDAW report (page 2) that the state party has conducted training and initiated promotional efforts in accordance with the content and guidelines of CEDAW. Please provide information on:

- The content, scale and scope of these trainings, e.g. Who are the target groups, number of persons trained or reached through the training and over what time frame; whether the impact of these trainings is evaluated; and
- Specifically whether all officials, judicial officers, law enforcement personnel and legislators in concerned government agencies received training continuously on the obligation to implement CEDAW.

國家報告述及，締約國依 CEDAW 法規檢視計畫協調相關機關辦理訓練。請提供以下資訊：

- 訓練的內容、規模與範圍，例如：目標群體為何？受訓人數及時程規劃、是否評估訓練成效以及
- 特別是所有相關政府部門的官員、司法人員、執法人員及立法委員是否持續接受落實 CEDAW 義務的培訓

3. It is stated in the Common Core document (page 2) that the "CEDAW Enforcement Act which entered into effect on January 1, 2012 requires government agencies at all levels to amend or repeal relevant laws within 3 years following the promulgation of the Act, and improve administrative measures. But the CEDAW report states that "In the future, we will continue to amend or annul regulations that directly or indirectly discriminate against women." Please provide information on details regarding the progress made in carrying out the relevant amendments to or repeal of discriminatory provisions in the law. And what the time frame is.

核心文件述及，《CEDAW 施行法》於 2012 年 1 月 1 日施行，明定各政府機關應檢討所主管之法規及行政措施，如有不符公約規定者，應於本法施行後 3 年內，完成法規之制（訂）定、修正或廢止及行政措施之改進，但在專要文件中則表示「未來將持續修正或廢止對婦女造成直接或間接歧視之法規」，請提供相關法規修正或廢止的進展詳細資訊，以及時間表為何。

4. Common Core Document (in para. 47) states that among the judicial interpretations made by grand justices, cases related to human rights comprise the largest category, accounting for about 90% of all cases. Please provide information on the number of cases brought by women before the Judicial Yuan, on what issues and the results (interpretation) and whether the judges cited CEDAW in these cases.

核心文件（第 47 段）敘述，大法官作成之解釋以人權案件占最大宗（約 9 成），請提供由女性提起的案件數量、議題及結果（解釋），並說明法官是否在這些案件中援引 CEDAW。

Article 3

5. On page 14 and 15 of the CEDAW report, there is a list of objectives intended under the Gender Equality Policy guidelines. Please provides information on the evaluation of the effective implementation of the policy guidelines and their impact.

國家報告臚列出《性別平等政策綱領》各項目標。請提供對政策綱領落實效益的評估及其影響。

6. Page 34 of the CEDAW report mentions Gender Equality in Employment Act and the Gender Equity Education Act. Please explain the difference in the use of the terms equality and equity.

國家報告提及《性別工作平等法》（ Gender Equality in Employment Act ）與《性別平等教育法》（ Gender Equity Education Act ）· 請說明“equality” 和“equity”兩用語的差異。

Article 5

7. Has there been any effort or collaboration between government and media on creating and distributing regulations or guidelines for media regarding:

- portraying women as equal to men, competent, capable workers or good decision-makers?
- portraying men as competent in being involved with family life or as care givers to their children, older parents or ill siblings?
- highlighting accomplishments of indigenous women, including the Hakka or other tribes, or the important work of migrant workers including care givers and domestic workers?

在以下與媒體製播規範及原則相關面向· 政府與媒體是否有任何努力或合作？

- 將女性刻劃為與男性平等、能力相當、稱職工作者或好的決策者
- 將男性刻劃為積極參與家庭生活· 或稱職扮演孩童、年邁雙親、生病兄弟姊妹的照顧者
- 強調原民、客家及其他族群女性的成就· 或包括照顧者及家務工等移工的貢獻

8. Has there been any training conducted by the government for judicial and legal personnel regarding gender stereotypes and how they might treat women unequally before the law, or how they might discriminate against women in the administration of justice ? (An example would be a sexual assault or rape case, where there has been a belief that a woman is at fault because of her clothes, or she said 'no' but she was playing hard to get.)

政府提供司法及法律人員的培訓· 是否說明性別刻板印象及其如何在法律前不平等對待女性· 或在司法體系中歧視女性（例如在性騷擾或性侵害案例中· 預設了女性的衣著錯誤· 或說「不」是欲擒故縱）。

9. Please provide, if any, data collected about the objectification of women and girls in advertising campaigns.

如果有· 請提供婦女或女童在廣告中被物化的資料。

10. Please provide the percentage of the following media outlets owned by women - publishing houses, radio stations, television stations, cable stations and internet service providers. Also, is there any regular training for media outlets regarding Guidelines for Broadcasting Gender contents?

請提供女性擁有以下媒體的百分比 - 出版社、廣播電台、無線電視台、有線電視台及網路服務公司。以及是否對媒體公司提供「廣電媒體製播涉及性別相關內容指導原則」相關定期訓練？

11. Please provide information whether there is any law on cybercrimes that are geared toward women and girls—domestic violence, sexual assault, stalking or human trafficking. Are there any laws that prohibit media from releasing a woman's name, address, age, etc. where she is the victim of a gender based crime? Is there any privacy law that protects girls under 18 from having their personal information released? Is there a Code of Conduct for media outlets regarding respecting the privacy of female victims of gender based violence?

是否有任何法律可規範對婦女和女童的家庭暴力、性騷擾、跟蹤或人口販運相關的網路犯罪？是否有任何法律禁止媒體公布以性別為由的犯罪受害女性的姓名、地址、年齡等資訊？是否有隱私相關法律，保護 18 歲以下女童的個人資料不被發布？是否尊重性別暴力受害女性隱私相關的媒體守則？

Article 6

12. Is there a time frame for which the government will determine whether or not to amend the current Trafficking in Persons law specifically relating to the *important documents* and the *labor for which pay is not commensurate with work* provisions? In police investigation on prostitution, do the police investigate the use of drugs? Is there any special task force or instigation unit of the police that specifically handle child sexual exploitation including through the internet and social media?

對於研議修改現行《人口販運防制法》有關「扣留重要文件」、「勞動與報酬顯不相當」規定與否，政府是否有時間表？在調查賣淫時，是否同時調查毒品的使用？有無任何特別工作小組或單位，專門處理包括網路及社交媒體的兒童性剝削？

13. What is the number of human trafficking cases that have gone to verdict and what is the result – guilt or acquittal? What is the percentage of those perpetrators serving time and the average time served? Does the law allow for financial compensation to be paid to the victim as part of the guilty verdict? Has any amount of money been awarded to a victim to date? Does the law punish

victims of human trafficking who are prostituted for commercial sexual exploitation - be they minors or adults? Please also provide information whether the government monitors the hospitality and sports industry for potential trafficking in women and girls.

有多少人口販運案件交付判決？判決結果為何？有罪或無罪？有多少比例的加害者須服刑？平均刑期為何？法律是否允許以金錢補償被害人作為有罪判決的一環？至今為止，被害人獲得的賠償金為何？法律是否懲罰商業剝削賣淫的人口販運受害者，無論她們未成年或成年？請同時提供資訊，說明政府是否對觀光及運動產業中潛在的婦女及女童販運進行監督。

14. Are there any laws which outlaw pornography? Is there any data on whether or not the government has shut down any internet pornography sites? What penalties are there, if any?

是否有任何法律限制色情？是否有政府關閉色情網站的相關資料？如果對色情處有罰金的話，罰金為何？

Article 7

15. Does the government provide any training for women to run for political office or provide any funding for candidates to run their electoral campaign? What are the main obstacles within political parties that inhibit women from advancing to positions of power and decision making?

政府是否對從事政治職位的女性候選人提供任何訓練，或對女性參選人提供資金？政黨內部阻止女性晉升至權力及決策位置的主要障礙為何？

16. Please provide information on major challenges in reaching the target set for women's increased representation in the Constitutional Court Justices, the Judicial Yuan and the Control Yuan, as well as measures taken to overcome those challenges.

請說明司法院大法官及監察院監察委員女性未能達成三分之一比例目標的主要挑戰為何，以及克服這些挑戰所採取的措施。

Article 8

17. Is there any training specifically in place for women who see themselves on an "Ambassador Track"?

是否有任何專為視自己處於「大使軌道」的女性而辦理的培訓？

Article 9

18. Regarding policies on multicultural families, are there any policies and programs for the Taiwanese husbands to learn their wife's languages and culture?

有關多元文化家庭政策，是否有任何提供臺籍丈夫學習其外籍配偶語言及文化的政策或計畫？

Art. 10

19. The report (in Para. 10.3.1) states that horizontal segregation in education is not significantly decreased in higher education.

- Please provide information on the percentage of female Master's and PhD graduates and their field of study. The report (in para. 10.3) states that the Gender Equity Education Committee will develop temporary special measures to accelerate de facto equality in the Master's and doctoral levels. Please indicate the status of this effort;

- Please provide information on whether an assessment of the causes and consequences of horizontal segregation in higher education has been recently undertaken. If so, what are the main drivers for segregation?;

- Please provide sex-disaggregated information on science and math aptitudes of primary and secondary school graduates.

國家報告 (10.3.1 段) 述及，高等教育的水平隔離無明顯減少。

- 請提供女性碩士及博士畢業生所占百分比及其學習領域。報告 (10.13段) 【原文誤植】述及，為提升碩、博士階段之女性比率，性別平等教育委員會將研議規劃相關暫行特別措施，加速實現男女事實上的平等，請說明規劃的狀態。

- 請說明近期是否針對高等教育水平隔離現象的原因與結果進行評估。若有，隔離的主因為何？

- 請提供初等及中等教育具數理性向畢業生的性別統計資訊。

20. The report (in para. 10.12) states that to strengthen the importance of gender equality, a basic gender bias review principles for junior high and elementary textbooks are being developed. Please provide information on any progress in the development of these principles, including whether a review of existing textbooks, school programs and teaching methods has already been undertaken.

國家報告 (10.12 段) 述及，為強化性別平等的重要性，研議擬訂中小學教科書性別偏見檢視基本原則。請說明此原則研擬的進展，包括是否已針對現行教科書、學校計畫及教學方法進行檢視。

21. The report indicates that the Gender Equity Education Act was revised to include a definition of "sexual bullying". Please provide information on the prevalence of sexual bullying in schools across levels. Are particular groups of girls and women disproportionately affected by sexual bullying? Please inform on the responsibilities, procedure and sanctions associated with sexual bullying.

國家報告指出，《性別平等教育法》的修正中，增列了「性霸凌」定義。請提供各層級校園性霸凌盛行率的資訊。是否有特定群體的婦女及女童高比例地受到性霸凌？請說明性霸凌相關責任歸屬、程序及其懲處。

22. Please provide information on whether sexual harassment in schools and at education settings is penalized. What is the prevalence of sex harassment in educational and training institutions? What procedures are in place for school authorities to address this?

請說明校園及教育環境中的性騷擾是否受處罰。教育及訓練機構中的性騷擾盛行率為何？學校的處理程序為何？

Art. 11

23. The report stated (in Para. 11.10.1) that sex discrimination cases comprised the largest category of employment discrimination complaints from 2009 to 2012. What kind of sex discrimination is predominantly reported as the subject of violations of the Act of Gender Equality? Although fines are collected, are complainants entitled to compensation? What kind of compensation do they receive?

國家報告 (11.10.1 段) 述及，2009 至 2012 年就業歧視申訴案件以「性別」歧視項目案件量最多，主要是違反性別平等相關法規的哪種性別歧視？罰鍰雖已收取，申訴者是否獲得補償？獲得何種形式的補償？

24. The wage gap between women and men is provided (in Para. 11.12). Please provide more information on the wage gap between men and women across sectors/occupations.

報告 (11.12 段) 提供了女男薪資差距。請進一步提供跨部門 / 職業的薪資差距資料。

25. Please provide information on what measures are in place to ensure that women with disabilities can access and work in an environment with 'reasonable accommodation'. Are these measures enforced, by whom and how?

請說明採取了哪些措施來確保女性身心障礙者可取得並於適當安排的環境中工作。這些措施是否為強制的？由誰及如何執行？

26. What efforts are in place to encourage enterprises with 29 or fewer employees to provide maternity leave for raising children? Are these efforts effective? In relation to Para. 11.23.1, please indicate on whether the plan to extend maternity benefits will be pursued and how differing opinions will be addressed.

政府做了哪些努力來鼓勵 29 人以下事業單位提供育嬰留職停薪？這些努力是有效的嗎？有關 11.23.1 段，請說明延長生育給付之規劃是否繼續，以及對於歧異意見將如何處理。

27. Please provide information on whether female foreign workers are allowed to extend their stay in the country to claim their rights against their employers through administrative or judicial processes. What is the timeframe for the adoption of the Domestic Worker Protection Act? What types of violations do foreign domestic workers report to the hotline and other law enforcement agencies?

請說明女性外籍勞工是否被准許透過行政或司法程序延長其居留以對雇主張權利。《家事勞工保障法》採行時間表為何？外籍家務工向專線或其他執法機構申訴的權利受侵犯類型有哪些？

28. The report (in Para. 11.38.1 and 11.38.2) highlights penalties for the commission of sexual harassment. Please provide information on whether sexual harassment complainants receive compensation and what forms of compensation they are entitled to.

國家報告 (11.38.1 和 11.38.2 段) 強調性騷擾防治委員會的罰鍰。請說明性騷擾申訴者是否得到補償，以及其有權獲得哪些形式的補償。

29. Please provide data on women in leadership positions (e.g. as CEOs, directors, managers, board members) in employment settings as compared to men. Please provide data on the percentage of female leaders by sector. Is there information relating to promotions, including length of time a woman gets promoted relative to men, number of times women gets promoted compared to men, among others?

請提供就業環境中，與男性相較，女性位於領導職位（如執行長、主任、經理、董事會成員）的資料，請按部門提供女性領導人的百分比資料。是否有升遷相關資訊，包括女性相對男性，取得升遷的時間長度及次數等？

30. Please provide sex-disaggregated data on the percentage of unemployment based on one's level of education (e.g. collage, Master's, doctoral).

請按照教育程度（如大專、碩士、博士）提供失業者的性別統計資料。

Article 12

31. Please provide information on the trends in the incidence of sex-selective abortions and whether there are any regulations to prevent such abortions.

請提供包括性別選擇性墮胎發生率趨勢資訊，以及是否對此類型墮胎訂有任何規範。

32. Please provide information on access to health care including sexual and reproductive health care and HIV Aids treatment for migrant women workers and immigrant women. Do migrant women workers and immigrant women enjoy similar access to health care services as Taiwanese women?

請提供女性移工及移民取得健康照顧（包括性與生殖健康及 HIV/AIDS 治療）相關資訊。女性移工及移民是否與臺灣女性享有類似管道取得健康照顧服務？

33. Please provide data on trends in teenage pregnancies and the programmes that have been implemented to enable the pregnant girls to go back to school and their success.

請提供未成年懷孕趨勢的資料，以及確保懷孕少女復學已執行的計畫及成果。

34. While some information on rate of HIV AIDS infection is given on page 161, please provide comparative information on trends in the infection of AIDS among women and men as well, disaggregated by ethnicity and migrant status.

國家報告提供了 HIV/AIDS 感染率部分資訊，請分別按族群及移民身分，提供女性與男性感染趨勢的比較資訊。

35. Please provide information on the trends in the allocation of the health budget as a percentage of GDP.

請提供健康預算配置在 GDP 所占百分比的趨勢資訊。

Art. 13

36. Please provide information on whether there are measures in place to assist women gain leadership positions in large enterprises. What are the impacts of these measures?

請說明在大型企業中是否有協助女性獲得領導職位的措施，這些措施的效果為何？

37. Please provide information on the percentage of female-headed SMEs by sector.

請按部門提供中小企業女性主管所占的百分比。

Article 14

38. Paragraph 14.9 describes that a draft amendment of the Farmer's Association Act will be prepared by July 2014 to allow woman from the same household to be a member. Since it is only two months away until July, what is the development so far? Also, please provide information whether the situation of women's membership is the same in the Fishermen's Association? Can both husband and wife join the Fishermen's Association at present? If just one person is currently allowed to join the Fishermen's Association from each household, is a similar legal revision planned?

國家報告第 14.9 段敘述，《農會法》規劃於 2014 年 7 月前擬定修正草案，以使同家戶女性成員得成為會員。7 月距今僅剩兩個月，目前進展為何？同時，請說明女性成員參與漁會是否面臨相同處境，目前夫妻能否同時加入漁會？如果目前每戶僅有 1 人能加入漁會，是否有類似的修法規劃？

39. Although women can legally inherit, the land is traditionally inherited to men. Are there any measures that promote women's equal title to land? Also, is co-ownership by both husband and wife possible? What is the percentage of the co-ownership?

雖然女性在法律上也擁有繼承權，傳統上土地仍由男性繼承。是否有任何措施促進女性在土地所有權上的平等？同時，夫妻共有土地是可能的嗎？共同擁有的百分比為何？

40. Please provide information on the result of the time use survey conducted in 2013 (paragraph 14.23) of rural women as compared by of rural men on household chores. Please also provide information whether government has formulated any policy measures to change the gender role stereotypes with a view to bring more equal sharing of responsibilities in the rural family between men and women.

請說明 2013 年就農村男女家務分工所進行時間運用調查 (14.23 段) 的結果，也請說明政府是否已規劃政策措施來改變性別刻板印象，以使農村中的家庭責任在男女之間更為平等分擔。

ARTICLE 15

41. The Report (in para. 15.13) stated that despite the fact that ROC law stipulates men and women are entitled to equal rights to inherit property, statistics continue to show that there are more male inheritors. It was outlined that various measures including gender equality education and amendments to the Income Tax Act would be taken. Please provide information, including statistical evidence, on the steps you have taken and progress achieved in each of the planned areas.

國家報告 (15.13 段) 述及，中華民國法律雖然規定男女有平等之財產繼承權，但依性別統計仍以男性繼承較多財產。報告概要說明了採取包括性別平等教育及《所得稅法》修法等不同措施，請就各項措施提供相關資訊，包括統計證據、已採取的步驟及已達成的進展。

42. Provide information on the steps taken to ensure that all women are able to participate in ancestor worship guilds.

請說明針對確保所有女性均能參與祭祀公業所採取的措施。

ARTICLE 16

43. What steps are being taken to provide legislation that recognises and bestows rights including the right to adopt and to receive social and other benefits to: (a) single parents (b) same sex and transgender persons (c) cohabiting couples?

政府採取哪些措施以提供法律承認和賦予後列群體包括收養與獲得社會及其他福利等權利：(a) 單親家長 (b)同性及跨性別者 (c)同居伴侶？

44. The report (in para. 16.6) states that to better protect the rights of transgender individuals, items for transgender registration (completion of gender reassignment surgery, for example) will be further discussed in the future. It is also indicated that gender change requirements will be further deliberated in order to better protect the rights of people of all gender identities. Please provide updated information on any progress made. The government also commissioned a report on the registration of transsexual and transgender individuals with a view to registering them and improving their social status. Please provide updated information on these.

國家報告 (16.6 段) 述及，未來檢討變更性別登記之相關要件 (須完成變性手術) 是否妥適，以保障變性者之權益；也提出持續研議有關性別變更之相關規定，以保障多元性別者之權益。請就上述任何進展提供更新資訊。政府並委託進行「各國跨性別登記制度」研究報告，作為未來登記制度相關政策之參考，請說明最新進展。

45. The draft amendments provide the minimum engagement age set at 17 years of age for both men and women, and the minimum marriageable age at 18. Although these were reviewed and approved by the Executive Yuan, the Legislative Yuan decided not to deliberate them. What activities and plans do you have in place to ensure that these important amendments become law?

《民法》修正草案擬修正男女最低訂婚年齡為 17 歲、最低結婚年齡為 18 歲。此雖經行政院審查通過，但立法院決議不予審議。有什麼行動和計畫確保此重要修正案通過？