

Convention on the Elimination of All Forms of Discrimination against Women

List of Issues and Questions with the Consideration of the Second National
Report of Republic of China(Taiwan)

Replies of Republic of China(Taiwan) to the list of Issues and Questions

消除對婦女一切形式歧視公約（CEDAW）中華民國（臺灣）第2次國家報告
審查委員會問題清單及政府機關回應內容

June 2014

條文	編號	問題內容 (原文)	中文參考翻譯
第 1 條	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.	貴國於 CEDAW 國家報告中指出，現有法律並未明文定義「對婦女的歧視」；請明確說明 CEDAW 第 1 條所指之歧視，是否已涵括及詳盡的闡述於所辦理的 CEDAW 訓練及推動方案中（國家報告第 2 頁）。

中文回應

- 一、為強化各級政府機關人員對 CEDAW 之認識，行政院性別平等處積極辦理各項教育宣導工作，於 2012 年聘請 CEDAW 專家學者編纂講義及參考教材，內容包括 CEDAW 保障之權利逐條釋義，並整理法規檢視案例，同時建立由性別人權相關學者、專家組成之師資名單，供各級政府機關辦理訓練時參考及遴聘。
- 二、前開教育宣導講義及參考教材，內容含括 CEDAW 三項核心概念-禁止歧視、實質平等及國家義務之介紹，歧視定義係依照 CEDAW 第 1 條：「...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或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。」有關「禁止歧視」之說明則詳述不歧視原則適用範圍，包括有意的歧視與無意的歧視、法律上與實際上之歧視、政府行為和私人行為等；同時運用案例及相關統計數據引導參訓者對於「直接歧視」、「間接歧視」及「多重歧視」定義與內涵之瞭解，尤其在對於表面上看似中性之法規或方案，於實際施行上產生歧視婦女效果「間接歧視」之認識。
- 三、此外，課程中有關第 1 條條文釋義內容，並整合 CEDAW 一般性建議對於第一條內容之補充說明，包括：「基於性別」所指之性別係指因為性 (Sex) 及性別 (Gender) 所為的歧視 (第 28 號一般性建議第 5 段)；「任何」係指任何有意或無意區別、排斥或限制 (一般性建議第 28 號一般性建議第 5 段) 與政府行為及私人行為 (第 19 號一般性建議第 9 段)；及「人權和基本自由」包括生命權、

免於遭受酷刑、人身安全等(第 19 號一般性建議第 7 段)，使參訓之人員能此充分瞭解 CEDAW 第 1 條所指歧視之定義。

英文回應

1. To promote a better understanding of CEDAW among government agencies, the Department of Gender Equality, Executive Yuan, has actively engaged in numerous promotional activities, including the hiring of CEDAW experts in 2012 for the compilation of course curricula and referential materials covering an article-by-article interpretation of all rights protected by CEDAW, along with case studies of regulatory revisions. Meanwhile, the Department of Gender Equality also assembled a team of instructors comprising gender and human rights experts, which government agencies may choose from for their training sessions.
2. The abovementioned curricula and materials address the three core concepts of CEDAW - prohibition of discrimination, substantive equality, and national obligations. The concept of discrimination draws from its definition stated in Article 1 of CEDAW, where: "... 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." The curricula and materials gave detailed descriptions to the range of discriminations that are prohibited, which includes all forms of discrimination whether intentional or unintentional, legal or practical, and by the government or individuals. These curriculum and materials use case studies and statistics to explain the definitions and implications of the terms "direct discrimination," "indirect discrimination," and "intersectional discrimination." They focused particularly on "indirect discrimination" where laws and policies that may appear neutral at first glance but have the potential to constitute "indirect discrimination" against women when implemented.
3. Furthermore, the courses also provided additional explanations on Article 1 of CEDAW, for example: "on the basis of sex" refers to discriminations made on the basis of both sex and gender (General recommendation #28, paragraph 5); the term "any" shall refer to any intentional or unintentional distinction, exclusion or restriction (General recommendation #28, paragraph 5) made by the government or an individual (General recommendation #19, paragraph 9); and the term "human rights and fundamental freedoms" includes the right of life, the right of freedom from torture and threats to personal safety etc (General recommendation #19, paragraph 7). The above explanations have been made so that training participants may develop a better understanding to the term "discrimination" stated in Article 1 of CEDAW.

條文	編號	問題內容 (原文)	中文參考翻譯
第 2 條	2	<p>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:</p> <ul style="list-style-type: none"> - 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. 	<p>於 CEDAW 國家報告第 2 頁提到貴國已依 CEDAW 條文內容及一般性建議辦理訓練及推動，請提出相關資料：訓練的內容、參訓比例及範圍。例如：參訓對象、訓練人數及參訓時數，還有是否評估這些訓練的影響。此外，明確的說明是否所有的公務人員、司法人員、政府機關中涉及到執法及立法的人員都有持續的接受訓練以落實 CEDAW。</p>

中文回應

性別平等處

- 一、為落實 CEDAW，行政院於 2012 年 6 月函頒「性別平等大步走－落實消除對婦女一切形式歧視公約計畫」，以辦理 CEDAW 法規檢視相關教育訓練及宣導，及法規措施檢視之執行配套準備工作，教育宣導對象首重政府各級公務人員，並擴及司法、教育、軍隊、警察等人員。
- 二、2012 年辦理各級政府機關相關人員法規檢視種子人員培訓，課程內容包括：CEDAW 保障權益、法律平等與實質平等、直接與間接歧視、如何檢視及改進法規措施，課程時數 7 小時，總計辦理 16 場次，共計 2,473 人參訓，做為各機關推動 CEDAW 之種子人員，其中更全面調訓各部會及所屬機關、各縣市政府法制人員 768 人。

- 三、2012年督促各級政府機關積極辦理各項性別平等講習及宣導活動，3小時訓練內容包括：CEDAW及CEDAW施行法法規內容說明及介紹、如何進行CEDAW法規檢視、CEDAW中直接歧視與間接歧視之概念、實質平等意涵等內容；參訓對象含括中央及地方各級政府機關公務人員（法制、主管法規之業務科長與承辦人員、綜合規劃、研考、性別聯絡人及代理人、性別平等業務承辦人員等），2012年各級政府機關共辦理271場次研習訓練，總計16,455人參訓，經評估參訓人員透過訓練對CEDAW內涵有初步瞭解，並有助於其進行法規檢視工作。另辦理3,033場次宣導活動，共計宣導72萬4,704人次。
- 四、此外，2012年11月製作完成2門CEDAW數位學習課程(各2~3小時)，上載於網站上供公務人員及民眾於線上學習，共101人上線學習，完成訓練學員並調查對課程之滿意度及建議，滿意度八成。2013及2014年並持續製作新的CEDAW數位課程及短片供公務人員及民眾於線上學習。
- 五、前述各項訓練及宣導活動對象均包括執法之警政、移民事務人員與司法人員，2012年警政人員共計辦理406場次性別議題教育訓練，共計約44,000人參訓，約佔警政人員總數69%；辦理13場次移民事務執法人員性別議題訓練，共計388人參訓，約佔移民事務執法人員總數46%；辦理22場次訓練司法人員訓練，總計1,344人參訓，約佔總人數9%。前開性別議題之訓練每年均持續辦理。

立法院

- 一、立法院為厚植該院職員之性別意識培力，於規劃或檢視各項業務及法令時，納入性別觀點，追求性別平等，每年均擇期辦理性別意識培力專題演講。此外，並配合其他機關開設之性別主流化研習、訓練課程遴派各層級人員參加，以培養職員具有性別敏感度。本院102年性別意識培力專題演講參加人數統計如下：簡任：21人、薦任：50人、委任：8人、約聘僱：29人、技工工友：75人、其他：5人，合計188人。
- 二、為提升立法委員及其助理性別意識，以協助立法委員行使職權，避免修法或立法的結果抵觸CEDAW之內容，立法院自本(103)年度起並開放立法委員及其助理自由參加該院辦理之性別意識培力專題演講。

司法院

- 一、辦理CEDAW(消除對婦女一切形式歧視公約)專題班次
法官學院於102年及103年均規劃辦理CEDAW(消除對婦女一切形式歧視公約)專題班次6班，自102至103年計辦理12班次、約600人次（不含參加線上學習人數），辦理情形說明如後：

(一) 「CEDAW 法規檢視研習會」1 期：由司法院暨所屬機關承辦法規檢視業務之主管及同仁參加。

(二) 「消除對婦女一切形式歧視公約研習會」4 期：分別於北、中、南及東區辦理。北區場除同步辦理遠距教學外，並錄影製作線上教學，以利司法同仁上網線上學習。

(三) 「性別平權業務研習會」1 期：由各級法院庭長、法官參加。

二、辦理 CEDAW (消除對婦女一切形式歧視公約)課程

除上述專題班次外，法官學院另視研習性質之需求，於研習課程中規劃辦理 CEDAW 相關課程，每次課程授課時間約 2 至 3 小時，2013 至 2014 年度共計辦理 80 班次，研習人員包含司法院暨所屬機關之法官及司法同仁，約計 4,000 人次。

英文回應

Department of Gender Equality, Executive Yuan

1. To enforce CEDAW principles within the government, the Executive Yuan launched the "A Great Leap Forward—Action Plan for the Convention on the Elimination of All Forms of Discrimination Against Women" program in June 2012, where a series of regulatory revisions, trainings, promotions and supporting measures were introduced for government officials, and later extended to the judicial, education, military, and law enforcement sectors.
2. In 2012, a series of courses were organized to train regulatory revision personnel at various government institutions. These courses covered: the rights protected by CEDAW, differences between legal and substantive equality, direct and indirect discrimination, and ways of revising and improving current regulations. The 7-hour course ran for a total of 16 sessions and trained 2,473 people, who became the pioneers of the government's CEDAW initiative. Among the trainees were 768 legislative personnel from various government bodies, county and city governments etc.
3. In 2012, the Executive Yuan urged all government bodies to conduct seminars and awareness campaigns on gender equality. Among the measures was a 3-hour training program that covered an introduction to CEDAW and its implementation rules, ways to proceed with regulatory revision, differences between direct and indirect discrimination, and implications of real equality. This training was aimed at relevant officials within the local and central government (e.g. legislative and legal personnel; gender equality planners, examiners, contacts and deputies; handlers of gender equality cases etc). A total of 271 training sessions were organized in 2012, in which 16,455 people were trained. Assessments have shown that trainees were able to gain a preliminary understanding of CEDAW principles because of the training, and that the curriculum helped them in their regulatory revision tasks. Additionally, 3,033 awareness campaign events were organized, and

reached a total audience of 724,704.

4. In November 2012, two CEDAW digital learning modules (each taking 2–3 hours to complete) were produced and made available online for government officials and the public to access and learn from on their own. A total of 101 people have completed the online learning course, and feedback showed an 80% satisfaction rate regarding the materials presented to them. New digital learning courses are being produced in 2013 and 2014 for government officials as well as the public.
5. The training and awareness campaigns mentioned above all covered law enforcement, immigration, and judicial officials. In 2012, 406 sessions of gender-related training were organized for law enforcement personnel, which were attended by 44,000 officers, or 69% of the police force; 13 sessions of gender-related training were organized for immigration personnel, which were attended by 388 officers, or 46% of the total officers; 22 sessions of gender-related training were organized for judicial officials, which were attended by 1,344 people, or 9% of the total officers. All gender-related trainings mentioned above continue to be held on an annual basis.

Legislative Yuan

1. To enhance gender awareness and empowerment, to incorporate gender perspectives and to pursue gender equity on planning and reviewing regulations, the Legislative Yuan holds keynote speeches annually on gender awareness and empowerment. In addition, staff of different levels are also selected to attend gender mainstreaming training courses of other agencies. The total number of participants to keynote speeches in 2013 is 188 and they break down as follows: 21 senior ranking personnel, 50 junior ranking personnel, 8 elementary ranking personnel, 29 contract-based personnel, 75 maintenance personnel and 5 miscellaneous personnel.
2. Gender awareness is promoted among legislators and their assistants to help legislators in revising laws in violation of or in conflict with the contents of CEDAW. Opportunities have been opened for legislators and their assistants since 2014 to join keynote speeches of gender awareness and empowerment for free.

Judicial Yuan

1. Conducting Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) symposiums

Judges Academy has conducted 6 CEDAW symposiums each year in 2013 and 2014, with total 12 symposiums and approximately 600 participants (online participants are excluded), and the implementation of classes is as follows:

- (1) 1 phase of “CEDAW Regulations Review Symposium”: Participants were supervisors and personnel handling regulation inspections from the Judicial Yuan and its subordinate agencies.
- (2) 4 phases of “CEDAW Symposium”: These symposiums were held respectively in the North, Middle, South, and East Area. In the North Area, the distance education was conducted simultaneously, the symposium was also video recorded for online learning for

judicial personnel.

(3) 1 phase of “Gender Equality Symposium”: Participants were division-chief judges and judges from all levels of courts.

2. Conducting CEDAW classes

Besides the preceding symposiums, Judges Academy also planned and conducted CEDAW education classes in accordance with the needs of trainees, and the length of the classes is 2 to 3 hours. There were 80 classes combined in 2013 and 2014 and approximately 4000 participants, including judges and judicial personnel from the Judicial Yuan and its subordinate agencies.

條文	編號	問題內容 (原文)	中文參考翻譯
第 2 條	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.	核心文件第 2 頁提及，2012 年 1 月 1 日施行的 CEDAW 施行法要求各級的政府部門，在 3 年內修正或廢止相關法規並接續宣傳該法及改進行政措施。但在國家報告中說明，未來我們將會持續修改直接或間接歧視婦女的規定。請提供不符合 CEDAW 之法規的修改或廢止現況及不符合 CEDAW 之法規類型。

中文回應

一、修改或廢止不符合 CEDAW 之法規的現況

截至 2014 年 5 月底止，檢視法規及行政措施共 33,157 件，並召開 18 次 CEDAW 法規檢視專案審查小組會議，經審查確定有 226 件法規及行政措施不符合 CEDAW，經檢視不符合 CEDAW 之法律及自治條例有 23 件、命令及自治規則 40 件及行政措施 163 件。已完成法規及措施修正計有 73 件，已在立法機關審議中有 6 件，廢止及停止適用 4 件，其餘 143 件研擬修正條文中，未完成修正案均按月列管，預定於 2014 年底前完成修正。

二、不符合 CEDAW 之法規的類型：

- (1) 強化性別刻板印象：例如，規定由女性擔任秘書小姐；以性別作為技能教育分班依據，男女學員區分學習不同課程；民防團以性別編組組成婦女隊執行護理宣慰等工作；限定女性員工制服為短裙或窄裙；女性參訓種類以照顧服務員、保姆人員訓練班為主；媽媽教室之參與對象與課程內容偏重女性從事家事、養育及才藝等。
- (2) 婦女工作權限制：例如，禁止或限制女性從事特定工作或夜間工作與值勤；男女員工每月加班時數上限不同；員工進用限制女性人數比例；僅規定某些職務性質適合女性工作。
- (3) 婦女財產權限制：例如，2008 年 7 月祭祀公業條例施行前已存在之祭祀公業，如無規約或規約未明定者，規定以男系子孫繼承派下員為原則。
- (4) 對女性差別待遇：例如，僅要求未成年懷孕女性接受家庭教育課程；保送女警進修以身高 165 公分以上、體重 50 公斤以上等作為條件；規定男女不同的最低訂婚及結婚年齡；限定各類球隊出國人員男女補助員額不同。
- (5) 違反婦女身體或生育自主權：例如，視墮胎為犯罪之法律；婦女實施人工流產需配偶同意。
- (6) 強化父系家庭體制：例如，津貼、補助之全家人口計算範圍以計算夫家直系血親為原則，排除出嫁女兒；撫卹及安置就業對象排除出嫁女兒；老人重病看護費補助對象排除女婿；寡媳有受領撫卹金、撫慰金或殮葬補助費之資格，排除鰥婿。
- (7) 其他：夫妻非薪資所得合併計算稅額較單身申報增加稅負；生育補助對象排除非婚生子女或再婚所生子女補助金額較低。

三、在間接歧視方面，法規檢視過程要求提出法規執行結果的性別統計，以了解法規是否表面上對男性和女性無任何歧視，但在實際施行上產生歧視婦女的效果，若性別落差過大，希望相關政府機關提出未來改進方式，包含制定暫行特別措施，加強宣導及訂定獎勵措施等，以加速性別實質平等，例如，提高女性進入理工或科技領域、增加更多女性擔任民間團體的理(監)事、企業董(監)事，及降低女性的拋棄繼承比例等。

英文回應

1. Amendment or abolishment of non-CEDAW compliant laws

A total of 33,157 laws and administrative orders were revised as of the end of May 2014, for which the CEDAW Regulatory Review Task Force held 18 discussion meetings. The reviews found 226 laws and administrative orders to be non-compliant with CEDAW principles. This comprised 23 laws and self-governing ordinances, 40 instructions and self-governing rules, and 163 administrative measures. As of today, 74 cases have been fully amended, 6 are currently under deliberation by legislators, 4 were abolished, leaving 142 cases in midst of amendments. The unfinished amendments are being tracked on a monthly basis, and are scheduled to be completed before the end of 2014.

2. Laws that did not comply with CEDAW principles were of the following types:

- (1) Emphasis on gender stereotypes: For example, specifying the role of a secretary to be undertaken by women; allocating skill training classes by gender and providing male and female trainees with different skill sets; allocating civil defense teams by gender and assembling a women's team that specializes in nursing and comforting; specifying that women must wear short skirts or straight skirts as part of their uniform; assigning females primarily for training as caretakers or as childcare personnel; and teaching mainly domestic care, child care, and craft skills for women during parental courses.
- (2) Restrictions on women's right of work: For example, prohibiting or limiting women's ability to engage in certain types of jobs or night shifts; imposing different monthly overtime limits between male and female workers; imposing percentage restrictions on the recruitment of women; and limiting women only to certain roles.
- (3) Restriction on women's property rights: For example, ancestor worship business that existed before the Act for Ancestor Worship Guild came into effect in July 2008 could only be inherited by the male side of the family unless otherwise specified.
- (4) Differentiated treatment for women: For example, requiring only underage pregnant females to undergo special family education; requiring female police officers to be above 165cm and 50kg for guaranteed admission to advanced studies; setting different minimum age of marriage for males and females; and granting different amounts of subsidies for males and females in overseas sports competitions.

- (5) Violations of women's right to autonomy and reproductive self-determination: For example, treating the termination of pregnancy as a crime; and requiring a spouse's consent before going through an abortion procedure.
- (6) Emphasis of a patriarchal family: For example, including the husband's direct-blood relatives and excluding married daughters from household subsidies; excluding married daughters from certain compensations and employment aids; excluding sons-in-law as beneficiaries of nursing subsidies for the critically ill; and entitling a widow to receive compensations, allowances or funeral subsidies but not a widower.
- (7) Others: The amount of tax that a husband and wife need to pay on non-salary income, when filing income tax returns as a joint entity, is more than what they would have paid if tax returns were filed separately; the child birth subsidy excludes births outside marriage, and is reduced for births in remarriages.
3. With regards to indirect discrimination, the preparation of gender statistics was required as part of the regulatory revision to help determine if laws appear to be free of discrimination on the surface when in fact they result in discrimination against women when enforced. Government agencies have been advised to devise improvement measures for laws where significant statistical discrepancies arise. Solutions such as temporary measures, awareness enhancement programs and rewards can all be introduced to achieve real gender equality. Some of the achievable targets include: increasing women's employment in science, engineering or technology fields; increasing the number of female directors (or supervisors) in private organizations and companies; reducing women's waiver of inheritance rights etc.

條文	編號	問題內容 (原文)	中文參考翻譯
第 2 條	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.	《共同核心文件》第 47 段提到，在大法官解釋中，有 90% 是有關人權的案件。請提供由女性提起聲請的案件數量為何，包括數量、議題、結果（解釋文）以及大法官在這些案件中是否有援引 CEDAW 條文？

中文回應

一、大法官解釋由女性提起聲請的案件數量：

本院關於聲請解釋案件，並未就聲請人性別作統計，目前僅能由各號解釋之聲請人姓名或聲請案件內容，為是否由女性提起之粗略判別。依此方式，就已公布之 720 號解釋檢視判別為女性聲請者，約有 62 號。

二、相關議題、結果（解釋文）：

(一) 上揭 62 號解釋之結果，合憲（含合憲檢討）38 件，違憲 22 件，部分合憲、部分違憲 2 件。

(二) 其中關涉女權議題而宣告相關法令適用情形為違憲或法令本身違憲者有：

1. 釋字第 242 號解釋宣告：於國家遭重大變故，夫妻隔離下之重婚關係，後婚姻得依民法第 992 條規定予以撤銷違憲。
2. 釋字第 365 號解釋宣告：民法第 1089 條子女親權的行使，以父權為優先之規定違憲。
3. 釋字第 410 號解釋宣告：民法親屬編施行法未配合聯合財產所有權歸屬之修正設特別規定，致夫方繼續享有修正前之權利違憲。
4. 釋字第 452 號解釋宣告：民法第 1002 條妻以夫之住所為住所之規定違憲。
5. 釋字第 457 號解釋宣告：榮民農場繼承權以子為優先，女兒以未結婚方可繼承之房舍土地處理要點違憲。
6. 另釋字第 620 號解釋宣告最高行政法院決議縮減法律所定得為遺產總額之扣除額違憲、釋字第 666 號解釋宣告社會秩序維護法處罰意圖得利與人姦宿者之規定違憲，二解釋均寓有對常處於婚姻中、社會上弱勢地位之婦女之關懷。

三、大法官在這些案件中是否有援用 CEDAW 條文

前述初判由女性聲請而作成之解釋，其解釋文及理由書並無明文引述 CEDAW。然本院大法官於審理案件討論過程中，與案件議題相關之國際人權公約，包含 CEDAW 在內，均係重要參考文件，而被充分考量。因此雖尚無解釋明文引載 CEDAW，仍有大法官依討論情形於所提意見書中引述：

(一) 釋字第 666 號解釋(社會秩序維護法處罰意圖得利與人姦宿者違憲案)：

1. 葉百修大法官協同意見書，引述 CEDAW 第 6 條、第 11 條。
2. 許宗力大法官協同意見書，引述 CEDAW 第 2 條、第 5 條、第 6 條、第 11 條。

- (二) 釋字第 694 號解釋(扶養親屬或家屬減除免稅額限齡違憲案)：
羅昌發大法官部分協同、部分不同意見書，引述 CEDAW。
- (三) 釋字第 709 號解釋(都市更新事業概要與計畫審核案)：
李震山大法官協同意見書，引述 CEDAW 第 14 條第 2 項。

英文回應

1. The number of cases brought by women which have been decided by the grand justices
The Judicial Yuan does not keep statistics of petitioners by gender. Nonetheless, cases brought by women may be roughly ascertained according to the name of the petitioners or the content of the cases. Following this method, around 62 cases brought by women can be identified among the 720 interpretations proclaimed.
2. Relevant issues and conclusions (interpretations)
 - (1) Of the above-mentioned 62 interpretations, 38 cases are constitutional cases (including some which are under review); 22 are unconstitutional; 2 are partly constitutional and partly unconstitutional.
 - (2) Interpretations related to issues of women's rights in which the application of laws or regulations is declared unconstitutional or the laws and regulations themselves are found to be unconstitutional are as follows:
 - I. Interpretation No. 242: Since the bigamy referred to arose from the circumstances of significant changes in the nation which caused separation from a previous spouse, that the later marriage could be invalidated according to article 992 of the Civil Code is unconstitutional.
 - II. Interpretation No. 365: Article 1089 of the Civil Code, providing that in case of parental disagreement in exercising parental rights over a minor the father's decision prevails, is unconstitutional.
 - III. Interpretation No. 410: The Enforcement Act of the Family Section of the Civil Code, which fails to set forth particular regulations for the modification of the ownership of community property which subsequently still belongs to the husband, is unconstitutional.
 - IV. Interpretation No. 452: Article 1002 of the Civil Code, stipulating that the residence of the wife shall be that of her husband, is unconstitutional.
 - V. Interpretation No. 457: Regulations for the Handling of Housing and Lands, whereby a veteran's son has priority in the right of inheritance of a veteran's farmland and only daughters who are unmarried are entitled to the inheritance, are unconstitutional.

VI. In addition, Interpretation No. 620 pronouncing that a Resolution of the Supreme Administrative Court which reduces the amount of deduction from the property of a deceased person as stipulated by law is in violation of the constitution. Also, Interpretation No. 666 pronouncing that the provisions of the Social Order Maintenance Act which punish those who provide sex for financial gain is unconstitutional. Both Interpretations imply concern for women who are in a position of weakness either within marriage or in society at large.

3. Whether the grand justices cited CEDAW in these cases

For the aforesaid cases brought by women, the holding and reasoning of interpretations published did not clearly cited CEDAW. However, the related international covenants on human right, including CEDAW, had been regarded as important documents and fully taken into account throughout the discussion of grand justices. Therefore, CEDAW was widely cited in the opinions submitted by grand justices, as in the following cases.

(1) Interpretation No. 666 (The Social Order Maintenance Act, which stipulates administrative penalties on those who provide sex for financial gain, unconstitutional).

① Articles 6, 11 of CEDAW were cited in the concurring opinion submitted by grand justice Pai-Hsiu Yeh.

② Articles 2, 5, 6, 11 of CEDAW were cited in the concurring opinion submitted by grand justice Tzong-Li Hsu.

(2) Interpretation No. 694 (The provisions of the Income Tax Act that allow only taxpayers who afford relatives or family members under twenty years of age or over sixty years of age to claim an exemption when calculating tax, unconstitutional)

CEDAW was cited in the partly concurring and partly dissenting opinions submitted by grand justice Chang-Fa Lo.

(3) Interpretation No. 709 (Review and Approval of Urban Renewal Business Summaries and Plans) Article 14, Paragraph 2, of CEDAW was cited in the concurring opinion submitted by grand justice Chen-Shan Li.

條文	編號	問題內容（原文）	中文參考翻譯
第3條	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.	於 CEDAW 國家報告第 2 頁提到性別平等政策綱領有目標清單，請提供有關政策綱領有效執行的評估資訊及影響。

中文回應

- 一、性別平等政策綱領從權力決策與影響力、就業經濟與福利、人口婚姻與家庭、教育文化與媒體、人身安全與司法、健康醫療與照顧和環境能源與科技等7個主軸，闡示婦女權益與性別平等理念，並提出255項具體行動措施，督導各部會每年2月填報前一年度全年之辦理成果，6月填報當年度各篇具體行動措施之辦理情形，10月填報次年度推動各篇具體行動措施之規劃重點及預期目標。經行政院性別平等處逐一審查255項具體行動措施辦理情形後，並透過行政院性別平等會分工小組會議、行政院性別平等會委員會議會前協商會議及性別平等會委員會議三層級會議檢視動、評估執行成效是否達到預期目標。
- 二、透過綱領推動性別比例原則，提高女性職位升遷和決策參與；強化職業訓練培力女性就業、增加融資、創業輔導資源管道與服務窗口，鼓勵企業建立性別友善職場；建構優質、平價、可近的生育及養育環境，完善不同生命階段所需要的照顧服務體系；正視多元文化與家庭型態，打造尊重和諧之友善環境；致力於改善各級教育與科系的性別隔離現象，鼓勵學生適才適性發展，消除傳統禮俗中具性別貶抑之文化意涵，鼓勵媒體製播性別平等意識節目，以消弭性別歧視及性別刻板印象；建構對性別暴力零容忍的社會意識，提高司法及檢調單位處理婦幼案件的性別意識，在司法與警察體系普設被害人保護服務機制與方案，落實加害人處遇計畫；規劃長期照護服務法和各項配套措施，讓照顧者與被照顧者都能有尊嚴、健康與安全的生活，並建立友善醫療環境，擴大女性參與決策及尊重女性就醫權益，以滿足不同性別的健康需求；降低環境能源科技等領域內性別隔離現象，加強女性在環境、能源、科技、工程、交通、防救災與重建等領域能力建構與決策參與，並確保在政府所主導的科學研究、能源政策、減碳與氣候調適與交通規劃設計中，均納入性別觀點。使性別平等政策綱領作為我國推動性別平等政策基本藍圖，持續打開社會各界的性別視野，逐步落實性別平等，攜手邁向共治、共享、共贏的永續社會。

英文回應

1. The Gender Equality Policy Guidelines advocate women's rights and gender equality in 7 main categories: power, decision-making, and influence; employment, economy, and welfare; population, marriage, and family; education, culture, and media; personal safety and justice; health, medical treatment, and care; and environment, energy, and science and technology. In addition, 255 action measures were introduced to support the guidelines, and all government bodies are required to report the previous year's progress no later than February, year-to-date progress by June, and devise plans and targets for the upcoming year by October. The Department of Gender Equality will review the progress of all 255 action measures one-by-one, and then submit them for discussion through the Gender Equality Council's team meetings, preliminary meetings, and committee meetings to determine whether the plans have achieved their expected goals.
2. The guidelines aim to achieve several results, such as: increasing women's chances of promotion and participation in decision making with the introduction of the principle of proportionality in gender; developing gender-friendly workplaces through enhanced training, financing, and counseling services; building quality, affordable and approachable childbirth and childcare environments that offer the required care at different life stages; accepting diverse cultures and family types, and creating friendly environments of respect and harmony; changing the ways different genders are segregated in the education system, and encouraging students to study what they are interested in; eliminating traditions that treat any particular gender as less than equal and encouraging the broadcast of gender-equality programs that help overcome sexual discrimination and gender stereotypes; building society's zero tolerance towards gender violence, raising gender awareness among judicial personnel and investigators especially when handling women's and children's cases, and implementing victim protection mechanisms and infringer treatment programs within the judicial and law enforcement system; introducing the Long-term Care Service Act along with full supporting measures so that both the caregiver and the cared for may live a dignified, healthy and safe life; building a gender-friendly healthcare environment where women are more involved in decision making and better respected when seeking medical attention; eliminating gender segregation that is prevalent in the environmental, energy, and technology industries by enhancing women's decision involvements in environmental, energy, technology, engineering, transportation, rescue and reconstruction issues, while in the meantime making sure that all government-initiated studies, from science, energy, carbon reduction, climate adaptation to traffic planning, are carried out with a

gender-equal view. The Gender Equality Policy Guidelines are the foundation for all of the nation's future gender-equal policies. It is the key to resolving the society's gender bias and the cornerstone to building a sustainable, gender-equal society.

條文	編號	問題內容 (原文)	中文參考翻譯
第 3 條	6	Page 34 of the CEDAW report mentions Gender <u>Equality</u> in Employment Act and the Gender <u>Equity</u> Education Act. Please explain the difference in the use of the terms equality and equity.	CEDAW 國家報告第 34 頁提及「性別工作平等法」及「性別平等教育法」，請說明使用 equality 及 equity 之差異。

中文回應

性別平等教育法使用 Equity 一詞，係強調「實質平等」而非僅「機會均等」。以羅爾斯 (John Rawls, 1921-2002) 的《正義論》(A Theory of Justice, 1971) 為例，針對正義原則設計了兩大原則：1. 平等原則、2. 差異原則，其中平等原則是指自由權的平等享受，差異原則是承認不平等的存在並給予協助，在這兩個原則的前提下，為達致實質平等，在教育機會均等之外提供存在差異的協助，亦即 CEDAW 第 4 條所稱「暫時特別措施」，所達成之「實質平等」即是「公平」(equity)。

英文回應

The use of the term 'equity' in the Gender Equity Education Act stresses not only fair equality of opportunity but also de facto equality. In 'A Theory of Justice' (1971, by John Rawls, 1921-2002), principles of justice contains both the liberty principle and the difference principle. The former establishes equal basic liberties for all; and the latter ensures that inequalities in society work to the benefit of the least advantaged. Guided by these two principles, and in addition to equal educational opportunities, the Act provides what CEDAW calls 'temporary special measures' acknowledging students' existing differences to achieve de facto equality, i.e. equity.

條文	編號	問題內容（原文）	中文參考翻譯
第 5 條	7 (1)	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?	在以下與媒體製播規範及原則面向，政府與媒體是否有任何努力或合作？ 描述女男平等、女性是稱職及有能力的工作者或良好的決策者。

中文回應

- 一、為宣導性別工作平等，勞動部每年均辦理職場平權暨性騷擾防治宣導會全台共 25 場次。
- 二、查「我國 CEDAW 第二次國家報告專要文件」5.17.3、5.17.6 及 5.17.7（中文版第 44 至 45 頁）業刊載通傳會所提供之報告內容，已足夠回復本問題。相關報告內容如下：
 - (一) 5.17.3 為提升廣電媒體性別平權觀念，2009 年訂定、2012 年修正之「廣電媒體製播涉及性別相關內容指導原則」規定，廣電媒體於一般節目或廣告中，對於性別相關議題內容之呈現如有違反該原則者，將納入相關評鑑及換照之參考。
 - (二) 5.17.6 為提升傳播媒體業者及視聽眾之性別平等意識，2012 年辦理「民眾、學者、傳播業者與政府」四方對話活動，使媒體業者得以瞭解大眾對於媒體製播性別相關內容的意見與期待，同時敦促業者於報導相關議題時應更具有性別意識。
 - (三) 5.17.7 為深化媒體製播性別相關議題之專業素養，2012 年辦理「節目製播規範暨品質管理研討會」，除向媒體從業人員說明有害兒少身心健康或違反性別平等之節目案例外，邀請廣播電視節目廣告諮詢會議委員與現場人員進行互動溝通，提升媒體從業人員性別平等意識。

英文回應

1. In order to promote the knowledge related to gender equality in employment, the Ministry of Labor (MOL) holds propagandas in 25 cities and counties each year.
2. National Communications Commission, NCC, has provided the related information in 5.17.3, 5.17.6 and 5.17.7 of “Convention-specific Document of Second National Report of Republic of China” from P. 62 to P. 63, which may answer the above question. Those contents are as follows:
 - (1) 5.17.3 To promote the idea of gender equality among radio and TV media, the Guidelines for Broadcast of Gender-specific Contents, which were established in 2009 and amended in 2012, stipulate that general programs or advertisements must adhere to the following rules. Violations of these rules will be used as reference when the related radio or TV media organization undergoes evaluations or is about to renew its license.
 - (2) 5.17.6 To increase awareness of gender equality among the media and audiences, a dialogue was held in 2012 between the general public, scholars, broadcasters and the government, so as to help the media understand the general public's views on and expectations of gender-related content. As part of the dialogue, businesses were urged to become more aware about gender issues when covering related stories.
 - (3) 5.17.7 The Program Production and Broadcasting and Quality Management Seminar was held in 2012 to enhance media professionalism with regard to content that deals with gender issues. Media representatives were shown examples of programs that were found to be harmful to the physical and mental health of children and teenagers or to have violated gender equality principles. Members of the Radio, TV Programs and Commercials Advisory Meeting were invited to participate in the discussions.

條文	編號	問題內容 (原文)	中文參考翻譯
第 5 條	7(2)	Has there been any effort or collaboration between government and media on creating and distributing regulations or guidelines for media regarding: - portraying men as competent in being involved with family life or as care givers to their children, older parents or ill siblings?	在以下與媒體製播規範及原則面向，政府與媒體是否有任何努力或合作？ 將男性刻劃為男性勝任參與家庭生活或作為孩子，父母或生病的兄弟姐妹之照顧者。

中文回應

- 一、為提升父母雙方之親職照顧及性別平等知能，在育兒的部份，加強鼓勵父母共同參加育兒親職教育課程，以避免複製性別刻板化的教養態度，形塑性別平等的家庭觀及生長環境。藉由父母未就業家庭育兒津貼之發放，於全國各地辦理親職教育，2012 年計 1,186 場次，參與人次 4 萬 3,536 人次(其中男性 26.81%、女性 73.16%)，2013 年計 1,381 場次，參與人次 3 萬 7,994 人次(其中男性 28.23%、女性 71.77%)。
- 二、家庭是性別平等意識傳遞與培育的重要環境，為打破男性僵化傳統性別角色，衛生福利部社會及家庭署除了結合母親節慶祝活動，透過短片播放及來賓現身說法，讓民眾認識並接納多元樣貌的父職角色，鼓勵男性參與家事及擔任育兒照顧，引領「家是共享」的節慶新意義與時代觀點，打造性別平權的社會。此外，在老人照顧的部份，為增進各縣市政府業務承辦同仁辦理長期照顧服務專業知能，並掌握國家長期照顧政策發展方向，提升長期照顧計畫推動效能，衛生福利部社會及家庭署每年針對各縣市政府辦理長照計畫服務人員舉辦長期照顧服務研習班。課程內容包含性別議題，並鼓勵地方政府積極宣導，以增加男性從事照顧服務的意願及能力。
- 三、教育部 2012 年公布之「高級中等以下學校家庭教育課程參考大綱」中已包括參與家務工作、瞭解並實踐家務技巧、分析及反思家庭生活中的性別角色與分工等對應指標，提供學校教師課程教學及活動之參考。2013 年出版「性別隨身讀」乙書，作為民眾性別教育成長教材，內容包括將打破傳統性別分工、鼓勵男性參與家庭、父職角色規劃專文加以探討。2010-2013 年各直轄市、縣(市)家庭教育中心辦理性別平等教育、男性成長等家庭教育活動情形如附表 5-7(2)-1。

附表 5-7(2)-1、2010-2013 年各直轄市、縣(市)家庭教育中心辦理性別平等教育、男性成長等家庭教育活動

年度別	場次	參與人次		
		合計	男	女
2010	262	14,104	4,470	9,635
2011	240	10,181	3,674	6,507
2012	241	15,431	6,462	8,969
2013	216	13,094	4,541	8,553

英文回應

1. In order to enhance the knowledge and skills of both parents in parental care and gender equality, on the aspect of childcare, parents are encouraged to jointly participate in education classes on childcare and parental care, so as to prevent gender stereotyping in upbringing attitudes, to mold a family perspective and growth environment with gender equality. Through the disbursement of childcare subsidies for families with unemployed parents, and holding parental care education in all parts of the country, a total of 1,186 sessions were held in 2012 and participated by 43,536 attendees (among which males make up 26.81% and females make up 73.16%), and a total of 1,381 sessions were held in 2013 and participated by 37,994 attendees (among which males make up 28.23% and females make up 71.77%).
2. The family is an important environment where awareness of gender equality is conveyed, and to breakthrough the stereotyping of traditional gender roles of men, the Social and Family Affairs Administration, Ministry of Health and Welfare has, besides integrating Mother's Day celebration activities, also broadcast short clips and real-life sharing of experiences by attendees. This enables the public to know and be in touch with the diversified roles being played by a father, encouraging men to participate in family matters and assume childcare responsibilities, setting the trend of "Family is about Sharing", a new festive and modern viewpoint, to create a society of gender equality. In addition, in the aspect of caring for the elderly, in order to advance the professional knowledge and skills of all colleagues from local

governments of different cities engaged in the handling of long term care services, and to grasp the direction of long term policy development of the country, this will elevate the momentum of driving long term care plans. The Social and Family Affairs Administration, Ministry of Health and Welfare holds annual workshops targeted for all service personnel from the local governments of different counties/cities engaging in the handling of long term care services. The contents of these workshops include gender issues, and encourages local governments to actively guide and promote, so as to increase the desire and capabilities of men to engage in care services.

3. MOE announced "The Curriculum Reference Framework of Family Education Issue for Elementary School, Junior High School & Senior secondary schools " in the 2012. There are indicators in the reference framework about participation in housework, learning and practice the housework skill, analysis and reflection of gender roles in family life. MOE published” Portable reading with Gender Equality Topic” as the materials for social education in 2013, in which with the contents of encouraging female to participate in family life and to play fatherhood with no more traditional gender roles. There are programs with gender equality education and male conscious by the local family education centers. To deal with the events in 2010-2013 as the table5-7(2)-1.

Table5-7(2)-1. the events by the local family education centers in 2010-2013

year	events	The number of participants		
		Total	Male	Female
2010	262	14,104	4,470	9,635
2011	240	10,181	3,674	6,507
2012	241	15,431	6,462	8,969
2013	216	13,094	4,541	8,553

條文	編號	問題內容（原文）	中文參考翻譯
第 5 條	7(3)	Has there been any effort or collaboration between government and media on creating and distributing regulations or guidelines for media regarding: - 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面向，政府與媒體是否有任何努力或合作？ 凸顯原住民婦女（包含客家及其他族群）的成就，或外籍勞工（包含看護及家庭幫傭）的重要貢獻？

中文回應

一、原住民族委員會自 2010 年度起推動「臺灣原住民族創業育成中心計畫」，受輔導之亮點業者中，表現出原住民族部落婦女善用自然元素創造豐富多元之工藝技藝以及對環境友善的有機無毒農法，說明如下：

(一) 畢夫有機農藝工坊

畢夫有機農藝工坊是負責人饒美玉與先生畢夫一同經營事業，畢夫身為賽德克族後裔，秉持族人互助及長輩「有餘」之祖訓，致力推廣台灣本土特有作物，其中最具特色的便是台灣原生種山胡椒-馬告，成立工坊後便開發多種馬告相關農產品，除透過原民會積極申請特色作物之有機認證及產品開發設計外，饒美玉更結合原住民有機農產品及編織藝品包裝，並期望在推廣產品時，搭配歷史故事之行銷手法，打響清流部落名號。

(二) 嘎娃文化藝術工作室

徐香蘭 8 年前從台北回花蓮進行織品及彩繪裝置藝術創作，因緣際會認識同是阿美族藝術家張梅娘，同時開啟從事購怒皮創作的「新世界」，在徐香蘭巧手下，構樹皮這項傳統素材可以製成各式各樣實用的生活產品，但是礙於樹皮材質作品無法細緻化，於是她結合棉布、織帶等素材使產品更有時尚感。未來，新媒材與樹皮相容何的加成效果是徐香蘭期盼嘗試的新技法，藉由原住民獨有的圖紋彩繪為基，不斷創新及調整產品定位，使產品透出厚實的文化底蘊。

二、原住民族委員會於 2013 年度出版《2012-2013 年度臺灣原住民族創業育成中心計畫成果專刊》，收錄 10 位女性原住民族的創業故

事及成就，呈現臺灣原住民族文化創意及有機農業產業亮點。

三、客家委員會推動「客庄區域產經整合計畫-臺3線」及「客家特色產業輔導計畫」，受輔導之亮點業者中，表現出客庄在地婦女堅毅不拔的硬頸精神，說明如下：

(一)怡明茶園

怡明茶園負責人林玉萍在本次輔導計畫中，為推廣茶席展演與東方美人茶之美，將原先販售區旁約40坪的倉庫，重新打造為茶席展演館，布置主題式茶席，落地式大窗映襯著花卉流水，吸引全臺各地絡繹不絕的遊客，甚至遠從大陸來臺取經的茶相關業者，希望邀請林玉萍至對岸傳授茶藝技術，在客委會的輔導與店家自身努力下，將苗栗頭份地區的茶產業推向國際。

(二)益新茶行

益新茶行原是翁蕙君與先生一同經營的事業，先生因故過世，翁蕙君秉持客家媳婦的硬頸精神，讓益新茶行堅持下去。透過客委會的輔導，協助茶行經營轉型，開發設計「九蒸九曬九品嚐」茶藝課程，一方面期望保留婆婆酸柑茶的手藝，另一方面也持續推廣通過農藥檢測的好茶，並經由改造賦予茶行新意象，延續益新茶行的故事。在翁蕙君及其家人的努力下，將客家特有的酸柑茶發展出更貼近民眾的品嚐方式，蘊含著家人齊心打拼的心意，賦予茶行新生命。

(三)阿金姐工作坊

康阿金是一位從閩南家庭嫁到客家庄的媳婦，傳承客家婆婆的醃製好手藝，以街坊鄰居口耳相傳的好滋味創立阿金姐品牌。酸桔為客家料理中的常見食材，但阿金姐將一般不會直接食用的酸桔釀造成香桔汁，利用創意將客家傳統味道以不同形式傳承下來，醞釀、等待、進而昇華為精粹的美味。多年來，阿金姐認真堅持的態度，再加上求新求變，不僅產品的種類越來越多，在新竹當地建立出好名聲，也讓客家傳統產業有了新氣象。除了產品的開發堅持好品質之外，阿金姐更於農忙採收期，提供當地二度就業婦女工作機會，並無酬協助在地弱勢機構加工製作食品，其深耕在地、回饋社會的理念，令人讚賞。

四、客家委員會出版客家文化資源深入主題調查成果，記錄客家文化資產樣貌：於2013年出版《豐田客家細妹事 客家女性的移動與勞動》，以花蓮豐田當地14位女性為對象，記錄她們的人生故事及成就，並呈現花蓮豐田當地產業的變化。

五、為提升勞工就業所需知識、技能及態度，以協助及穩定其就業，勞動部勞動力發展署辦理多元化且符合產業需求之訓練課程供勞工選擇參訓，且無對參訓者性別或族群歧視之規定。

六、為協助特定對象弱勢婦女（包括原住民、新住民）適性就業，推動就業融合計畫，提供專業化、個別化就業服務，透過就業諮詢、

就業媒合及就業促進研習等方式，運用臨時工作津貼、僱用獎助措施及職場學習體驗機會，促進其就業。

- 七、為協助入境之外勞瞭解自身權益保障及諮詢申訴求助管道，我國於桃園及高雄國際機場設立外勞服務站，以母語指引外勞入境通關，進行機場職前講習，並發送「外籍勞工在臺工作須知」手冊，提供相關法令權益宣導資料、諮詢專線等資訊。另外，由政府委託廣播電臺，製播 4 國語廣播節目，內容含括防制外籍勞工遭受人口販運與人身安全侵害、申訴管道、聘僱法令等議題，以加強雇主、仲介及外國人之法治觀念。
- 八、於平面文宣方面，已自 2010 年起印製「雇主委任仲介公司小叮嚀」宣導 DM、自 2011 年起印製「1955 外籍勞工 24 小時諮詢保護專線」宣導 DM 及自 2012 年起印製「外國專業人士在臺工作須知」宣導 DM；另特別針對外籍家庭看護工之雇主，自 2012 年起印製「雇主申請外籍家庭看護工法令須知」，提供申請步驟及相關法令須知，讓雇主能知悉相關聘僱法令，促進勞雇和諧。

英文回應

1. Since 2010, the CIP (Council of Indigenous Peoples) has been implementing the program entitled the “CIP actions to support enterprise and business of Taiwanese Indigenous Peoples”; among the highlighted areas and receivers of supports and actions under this program, tribal women, in particular, have demonstrated their talent for using natural elements to create and further develop a rich, diversifying farming business based on a number of environmentally-friendly, non-toxic organic farming methods, detailed as follows:
 - (1) The Pifu Organic Agronomy Workshop : The Pifu Organic Agronomy Workshop is run by the couple, Rao Meiyu and her husband Biff, a Seediq descendent, who has an abiding faith in the Seediq traditional values, and has always lived up to such values as mutual help and the elders’ motto: Have More and to Spare. Accordingly, the Pifu Organic Agronomy Workshop is committed to the promotion of their land and their crops, especially May Chang (Litsea cubeba; Aromatic litsea)--called "mountain pepper" in Mandarin and “makaury” by the Seediq. The Pifu Organic Agronomy Workshop is devoted to developing a variety “maqaw-related” agricultural products, through active applications for organic certification and advanced product development design. Furthermore, Rao Meiyu also combines their organic agricultural produces with the Aboriginal woven and packaging arts, in addition to a strategic marketing that introduces histories and legends to flag their tribal name.
 - (2) The Kawa Culture and Art Studio : Eight years ago, the Ami artist, Xu Xianglan returned to Hualien from Taipei, in order to carry on her

creative works and artistic creation on fabric and colored drawing—as a result and further development of her chancy encounter with another Ami artist Zhang Meiniang. Simultaneously, a whole new world of crafts using tree bark is thus opened up. Tree bark is a versatile material that can be used for a variety of different arts and crafts, and with Xu Xianglan, a brilliant artisan, bark has become source material for all kinds of practical daily-use articles ranging from handbags to shoes and umbrellas. However, one setback is the refinement of such bark works; which is why she unifies cotton fabric, to weaving and other source material to give a feeling of fashion to bark crafts. In the future, the marriage of bark with other accommodating source material is where Xu Xianglan's efforts lie, and she hopes that new techniques and trials based on traditional indigenous colored drawing and constant innovations will bring about a new product orientation that shines through its profound culture foundation.

2. In 2013, the Council of Indigenous Peoples, published an annual entitled the “2012-13 Accomplishments: CIP actions to support enterprise and business of Taiwanese Indigenous Peoples”—a collection of 10 indigenous women's entrepreneurial stories and achievements, highlighting Taiwanese indigenous cultural creativity and organic agricultural industry.
3. The Hakka Affairs Council promotes the "Hakka Village Production and Economy Plan – Region No. 3" and the "Hakka Characteristic Industry Counseling Plan." Those manufacturers who be counseled by the Hakka Affairs Council represented of the spirit of stiff-necked Hakka Women. The following are examples:
 - (1) Yi Ming Tea Plantation : Lin Yu-Ping, the owner of Yi Ming Tea Plantation, rebuilt their 40 square-meter warehouse into a tea demonstration hall in order to promote the tea ceremony performance and the local Oriental Beauty tea. The demonstration hall has floor-large windows with flowers silhouetted against the water. It attracts a large amount of visitors all over Taiwan, even some tea-related business men far from mainland China would like to invite Lin Yu-Ping to teach them the skill about the art of tea. By the effort of the counseling of Hakka Affairs Council and the hard work of Lin Yu-Ping, the tea industry in Toufen, Miaoli country had been promoted worldwide.
 - (2) Yi Xin Tea House : Yi Xin Tea House was operated by Wong Huei-Jyun and her husband. After the husband passed away, Wong Huei-Jyun kept running the business by her Hakka wife's stiff-necked spirit. Under the counseling of the Hakka Affairs Council, Yi Xin Tea House developed an art course of tea which named “Nine-steam, Nine-expose, Nine-taste.” This course not only keeps the skill of

making citrus tea from Wong Huei-Jyun's mother-in-law, but also promotes their good quality tea which passed SGS test. By the effort of Wong Huei-Jyun, the Hakka citrus tea became closer to people's daily life. By the effort of Wong Huei-Jyun's family, Yi Xin Tea House had a brand new life too.

- (3) A-Jin's Workshop : Kang A-Jin is from Minnan but married to a Hakka family. She created her own brand after inherited the excellent Hakka curing skills from her mother-in-law. The delicious taste of her preserves is well known among the neighborhood. Sour oranges are a common ingredient in Hakka cuisine. A-Jin brewed those uneatable oranges into an aromatic juice. She applies her creativity to pass down the traditional Hakka flavor in different forms. Over years, the brewing and preserving became different types of products with unique and delicious flavors. With the serious attitude and innovative ideas, A-Jin not only establishes a good reputation in Hsinchu, but also brings a new look of Hakka traditional industries in local area. In addition to developing products adhere to good quality, A-Jin also provides re-employment opportunities for women at the busy harvest period and assists in the underprivileged food manufacture with no reward. The idea of footing locally and back coupling society is praiseworthy.
4. In-depth themes of Hakka culture resources survey with essays published : Hakka affairs council published 《Fengtian Hakka women ; Hakka women's migration and labor work》 in 2013. This book recorded the accomplishments of indigenous Hakka women, fourteen women's life stories and Hualien Fengtian's industry change were included.
5. To encourage workers to enhance the practical knowledge, skills and attitude, and aid them in stable employment, WDA has developed diverse training programs to meet the requirements of labor market. All the vocational training courses do not have the regulations or guidelines which discriminate against genders or tribes; so that each worker can participates in vocational training courses depend on his need and choice.
6. In order to help women with disadvantages (including the indigenous people and the foreign spouses) fit in their working position, WDA implements Multi- Integration Promotion Employment Plan, providing specialized and individualized job services, by using job consultation, job searching and job promoting study etc. and applying Temporary Employment Subsidies, Employment Subsidies for Employers and Job Training and Readjustment Program to promote employment.
7. To help foreign workers understand their legal rights protection and the service consultation, the government established Taoyuan and

Kaohsiung International Airport foreign workers service stations to provide foreign workers clearance guidelines with their native language, conduct workshops and giving "The Handbook for Foreign Workers in Taiwan" manual which provides information of the relevant laws on rights/interests, hotlines and other information. In addition, the government provides radio stations that broadcast in 4 different languages regarding the prevention of human trafficking, personal safety, complaint channels and other information about labor laws in order to strengthen the perception of laws on hiring by the employers, brokers and foreign workers.

8. In the aspect of propaganda, "Employer authorized agency Reminders" was published in 2010, "1955 foreign workers 24 hours Protection and Consultation hotline" was officially launched in 2011, and "What Foreign Professionals need to know While Working in Taiwan" was published in 2012. Besides, regarding to the employers of caregivers, "Employers hiring caretakers Act Notice" was published in 2012 to provide application procedures and related laws information which giving employers awareness on the employment laws, and to promote harmony on both employers and employees .

條文	編號	問題內容 (原文)	中文參考翻譯
第 5 條	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.)	政府是否已有針對司法人員舉辦任何關於性別刻板印象的相關訓練課程？司法人員執法時可能會如何不公平地對待女性？或可能會如何歧視女性？（例如於性騷擾或性侵害案件中，認為女性必須承擔衣著方面的責任，或她說「不」其實只是欲擒故縱）

中文回應

- 一、 「消除對婦女一切形式歧視公約施行法」於2012年1月1日實施，惟司法官學院早於2006年間，即已開設性別主流化(含CEDAW)、

「消除對婦女一切形式歧視公約」簡介與實踐課程，2009 年間更加開「法案影響評估」課程。且為增強性別平權觀念，司法官學院除了在司法官培訓課程中開設上述課程外，亦在檢察及刑事實務課程內講授該公約之相關規定。統計近期(2013 年至 2014 年 5 月底止)，司法官培訓中與性別平權相關課程時數有 56 小時(例如：性騷擾防治體系建構、外籍配偶與婦女保障諸問題、性別主流化及其落實、性別與空間、婦幼案件之減述流程、性侵案件之法律適用、婦幼案件及家庭暴力防治之偵查技巧等)

二、辦理性別相關課程內容多元化：

(一)為使各地方法院檢察署檢察官改變對於性別刻板印象，強化承辦婦幼案件敏感度之課程及檢察官辦理性侵害、兒童及少年性交易防制條例案件之經驗分享，並加強性別平等概念，法務部每年均定期辦理檢察官婦幼案件研習(約 12-16 小時)，2014 年已於 4 月 1 日至 3 日(15 小時)辦理完竣，內容包括：「友善司法環境之建立」、「社會矚目性侵害案件之實行公訴—以都會夜店型態案件為例」、「家暴相對人逆轉的動機與轉折」等內容。

(二)法官學院辦理之 CEDAW 課程，授課內容包含從法律、社會、文化、族群、階級、醫療、家庭、文學、藝術、年齡、職場、生理、媒體、電影及空間等面向談性別議題，並包含探討新近的多元家庭等問題，計劃從不同之面向檢討並消除性別歧視問題。另為避免執法過程對於被害人造成二次傷害，規劃有「性侵害案件詢問技巧」、「性侵害案件處理流程中之社工陪同」及「如何避免二次傷害」等課程，透過行為科學的學習課程，建立法庭之友善環境。

三、各地方法院檢察署亦針對檢察官、檢察事務官、書記官或其他網絡同仁不定期辦理相關研習，除使檢察官等司法人員改變對於性別刻板印象，對婦幼案件之偵辦及處理更為嫻熟，並加強對警政、社政人員之宣導及合作。

四、法院(含司法人員)處理各種訴訟案件，對待男、女性均一律平等，不因性別而有差別待遇，並無不公平或歧視女性之情形。司法人員受理案件時，應擺脫傳統性別角色觀念，避免以刻板印象加諸女性，認女性不符傳統角色之期待而為不當之審判或對待，致影響女性權益。為增強被害人對司法的信心，減少被害人面對司法程序之壓力感，及保護被害人於偵查程序中之人身安全，營造性別友善的司法環境，實施具體措施如下：

- (1) 在各地檢署完成單面鏡之設置，以利指認被告。
- (2) 規劃試辦採用雙向電視系統，對性侵害被害人進行隔離訊問。
- (3) 於各地檢署設特殊訊問場所(溫馨談話室)，以舒紓緩被害人之緊張情緒。
- (4) 於各地檢署規劃被害人及證人候訊處所，以有效與被告隔離。

英文回應

1. Long before the Act to Implement Convention on the Elimination of All Forms of Discrimination against Women came into effect on January 1, 2012, the Academy for the Judiciary has run the courses, such as “Gender Mainstreaming” and “Introduction and Implementation of CEDAW” in 2006 and “Gender Impact Assessment” in 2009. In addition, to raise the judiciaries’ awareness of equality of rights for different genders, the Academy also introduced CEDAW-relevant rules in practical programs for criminal cases and investigation. The statistics from 2013 until May, 2014 show that among all the judiciary training courses, courses regarding gender equality, such as “construction of sexual harassment prevention system,” “Protection of Alien Spouses and Women,” “Implementation of Gender Mainstreaming,” “Gender and Space,” “Process on Relieving the Victims of Sexual Assault from Repeated Statements,” “Law Application for Sexual Assaults” and “Investigation Skills for Domestic Violence and Sexual Assault,” amount to 56 hours.
2. Diversification of gender-related classes :
 - (1) In order to facilitate a change in perception of gender stereotypes in prosecutors in district prosecutors offices, strengthen courses on sensitivity training for when taking on cases related to women and children, and the sharing of prosecutors’ experiences in the handling of sexual assault cases, and cases involving sexual trafficking of children and minors, also, to reinforce the concept of gender equality, the Ministry of Justice holds sessions for prosecutors on the topic of handling cases pertaining to women and children, for about 12~16 hours every year. The sessions for the year 2014 have had been conducted from the 1st~3rd of April (15 hours in total), it entailed ‘the establishment of a friendly judicial environment’, ‘The implementation of indictment for sexual assault cases with high social interest - using cases which had happened in urban nightclubs’, ‘The motives and turning points for the reversal of roles in domestic violence situations’, amongst other topics.
 - (2) CEDAW classes conducted by Judges Academy discuss gender issues from the perspectives of law, society, culture, ethnic group, class, medication, family, literature, art, age, career, physiology, media, movie and space. The classes include the discussion on the new problem of diverse family and plan to review and eliminate gender discrimination from different perspectives. To avoid secondary damage to victims in the administration of justice, classes like “Inquiry Technique for Sexual Assault Cases,” “The Company of Social

Workers in the Procedure of Sexual Assault Cases,” and “How to Avoid Secondary Damage” were planned. The friendly environment in the court is established through the education classes of behavior science.

3. Each District Prosecutors Office does also, from time to time, hold related sessions for prosecutors, prosecutor investigators, clerks or other network colleagues, to not only change the perception of prosecutors’ and other legal personnel’s views regarding gender stereotypes and become more tactful when dealing with women and children cases, but also promote awareness and cooperation with the police and social affairs personnel.
4. When courts (including judicial personnel) handling all cases, male and female are treated equally, no particular gender enjoys differentiated treatment. There is no inequality or discrimination against women. When judicial officers handle a case, they should not be influenced by perceptions of traditional gender roles, avoid stereotypes imposed on to women, think that because a woman does not comply with her supposed traditional gender role and give her an improper trial or unfair treatment, thus affect women's rights. In order to strengthen the confidence of the victims in the judicial system, lighten the pressure felt by the victims in the judicial process, and protect the victims’ personal safety during the investigation process, create a gender-friendly legal environment, implemented the following specific measure:
 - (1) Completed the installation of one-way mirrors at each and every District Prosecutors Office, to facilitate the identifying of defendants.
 - (2) The plan to pilot two-way television systems for victims of sexual assault for segregated examination.
 - (3) The setting up of special questioning spaces “cozy conversation room” in each and every District Prosecutors Office to ease the tension felt by the victim.
 - (4) The planning of separate spaces for victims and witnesses awaiting questioning in each and every District Prosecutors Office to effectively isolate the defendant.

條文	編號	問題內容（原文）	中文參考翻譯
第 5 條	9	Please provide, if any, data collected about the objectification of women and girls in advertising campaigns.	請提供任何有關廣告活動中婦女與女孩被物化之資料。

中文回應

- 一、目前我國廣告之管理並無單一之主管機關，係由廣告商品之目的事業主管機關依其專業及權責，就主管法令採一條鞭之方式管理。例如醫藥、食品廣告由衛福部依食品衛生相關法規管理，違反之廣告委刊者及媒體均由衛生主管機關裁罰。
- 二、我國尚未有任何現行法令對「物化女性」訂定相關定義，先予敘明。如「我國 CEDAW 第二次國家報告專要文件」5.17.1.1 所述，通傳會依「廣播電視法」、「衛星廣播電視法」等相關規定監理廣電媒體內容及受理民眾檢舉。其中，有關廣播電視廣告之違法態樣，包括「節目與廣告未區分」、「廣告內容未經主管機關核准即宣播」、「未依指定之時段播送廣告」、「廣告超秒」、「廣告超過三分鐘或以節目型態呈現無標示廣告二字」等，並無明定「物化女性」之相關條文及罰則，故無相關資料可提供。

英文回應

1. At present, there is no single agency tasked with oversight of advertising. Rather, advertisements are subject to the oversight of that agency with expertise on the product/service being advertised. The responsible agency issues directives concerning advertisements under its purview. For example, advertisements for pharmaceuticals and foods are overseen by the Ministry of Health and Welfare and governed by related statutes. It is this Ministry which hands down reprimands/punishments for advertisers and media that violate said statutes.
2. As for now, there is no definition of “the objectification of women” written in any present regulation in Taiwan. As 5.17.1.1 of “Convention-specific Document of Second National Report of Republic of China” shows, Content of radio, television, and broadcasting media are monitored by National Communications Commission, NCC, in accordance with the Radio and Television Act and the Satellite Broadcasting Act, and reports by the general public will be handled accordingly. Among the violations of radio and TV advertising, they

include “no distinctions between programs and ads”, “ads not approved by the competent authority”, “ads and programs broadcasted outside of the specified time slots or against designated ways”, “ads overrunning”, “ads over three minutes or showed in the form of a program without displaying the term ‘advertisement’”, etc. There are no regulations and penalties on “the objectification of women”, so no data could be provided.

條文	編號	問題內容（原文）	中文參考翻譯
第 5 條	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?	請提供下列為婦女所擁有之媒體事業之百分比，包括：出版社、無線廣播電台、無線電視台、有線電視、網際網路服務提供者等。此外，媒體事業是否有與播放性別內容準則相關之定期訓練？

中文回應

- 一、 文化部圖書出版產業調查針對出版業人力雇用情形進行瞭解，2012 年調查 737 家業者(回收率 49.3%)，以女性從業人員居多(約占 69.7%)，未來將納入負責人性別比例調查。
- 二、 自 2010 年起至 2012 年，社團法人中華白絲帶關懷協會每年均獲行政院新聞局補助辦理數位媒體資訊素養相關計畫，2010 年為「媒體天空領航員研習課程（初、進階）」及「公民媒體志工研習課程」、2011 年為「媒體天空領航員研習初、進階課程」、2012 年為「數位創世紀學術實務國際研討會」及「2012 媒體天空領航員-種子老師工作坊」；2013 年度廣續獲文化部補助辦理「媒體天空領航員網路安全種子師資培訓課程」、「媒體天空領航員進階課程」等相關活動。本（2014）年度亦由文化部補助辦理「2014 兒少網路安全宣導計畫」，除續辦理「媒體天空領航員工作坊」資訊素養課程外，另規劃出版「資訊素養手繪本」，其中皆包含性別平等相關媒體素養課程。
- 三、 為加強新聞自律，落實媒體溝通，建立民眾、媒體與兒少團體三方之對話平台，行政院新聞局自 2006 年 8 月起即委託社團法人

台灣少年權益與福利促進聯盟（以下簡稱台少盟）辦理「兒少新聞專屬網站兒少新聞妙捕手」建置案，並於 2007 年至 2012 年均續委請台少盟辦理維運事宜，2013、2014 年文化部亦持續委託台少盟營運，年度瀏覽人次從 95 年 5,655 人次逐漸增加，至本(2014)年 4 月 30 日已有 263,100 人。本委託案除網站維運業務外，亦包含大專生服務學習課程、國高中教師兒少媒體識讀研習講座以及校園廣宣講座，皆包含性別平等相關媒體識讀。

- 四、文化部 2012-2013 年度補助中華民國新聞媒體自律協會辦理 6 場新聞出版自律座談，並持續於補助輔導；委託業者進行產業人才培訓時，要求業者安排性別平權課程，或提醒業界注意性別平等意識的養成，以引導電視節目製作工作者了解並落實性別平等精神。
- 五、171 家無線廣播業者共有 54 家業者負責人為女性，比例為 31.6%；5 家無線電視業者中，無女性負責人，比例為 0%。
- 六、通傳會修訂廣播(電視)事業營運計畫評鑑作業要點以及廣播(電視)事業申請換發執照辦法，並於 2013 年 7 月 9 日公告實施，要求廣電事業提報其對於性別平權等事項之辦理情形，作為審查評分之參考，期藉此督促無線廣播電視業者在製播節目時重視性別平等相關議題。2013 年度共完成 39 家無線廣播電視業者之評鑑作業，其中有 16 家業者參加或辦理一場或一場以上的性別平權訓練課程或宣導；截至 2014 年 5 月 20 日止，2014 年度共完成 37 家無線廣播業者之評鑑換照作業，其中有 7 家業者參加或辦理一場或一場以上性別平權訓練課程或宣導。
- 七、59 家有線電視業者(含播送系統)共有 2 家業者負責人為女性，比率为 3.57%。
- 八、通傳會持續不斷地宣導有線電視事業營運注意性別平權之相關議題，並於有線廣播電視系統經營者營運計畫評鑑中，將有線電視業者對所屬從業人員進行性別平權觀念培訓及教育訓練之執行成果列為主管機關指定辦理事項，做為評鑑及換照之重要審查參考。2013 年度共完成 29 家有線廣播電視系統之評鑑作業，其中有 28 家系統辦理一場或一場以上的性別平權訓練課程或宣導。

英文回應

1. Ministry of Culture (MOC) keeps tabs on the survey of the Book Publishing Industry. The 2012 edition of this survey canvassed 737 businesses (a 49.3 percent return rate), finding that the majority (69.7 percent) of those employed in this industry are female. Future surveys will also inquire as to the sex of business owners.
2. From 2010 through 2012, the Republic of China (Taiwan) Government Information Office (GIO) funded the execution of plans on digital

media and information by nonprofit group Cyber Angel's Pick. In 2010, the project held basic and advanced classes for leaders on media space, as well as on citizen journalism. The following year, basic and advanced classes on media space for leaders were also held. In 2012, an international symposium touching on all aspects of digital creation, as well as a workshop on training teachers about media space, were held. In 2013, Cyber Angel's Pick continued its work, now overseen by the MOC, to host classes on training teachers on Internet security and media space as well as basic and advanced classes for leaders on media space. This year, under a project to ensure a safe Internet for minors, the Ministry oversaw the holding of a workshop on media space for leaders and planned the publishing of a picture book on utilizing the Internet, which in part discussed gender equality and media savvy.

3. To encourage the media to self-regulate, and encourage the media to better communicate, and create a platform for communication among the people, the media, and children's welfare groups, the GIO commissioned the Taiwan Alliance for Advancement of Youth Rights and Welfare in August 2006 to create the Newscatcher website, a news site for children. From 2007 to 2012, the Alliance continued to run this website. In 2013 and 2014, the MOC continued to have the Alliance run the website. The website had 5,655 hits in 2006, and 263,100 as of April 30, 2014. In addition to running the website, the Alliance is also hosting classes for college-age students, symposia for high-school teachers on children's media literacy, and other related lectures at campuses across the country. Gender equity in media savvy is among the topics discussed.
4. In 2012 and 2013, the MOC funded the National Press Council's holding of six lectures on self-regulation among the news and publishing industries. The Council has since continued to receive MOC support to train those in these industries, with a requirement that they hold gender equality classes or otherwise cultivate respect for gender equity, the better to ensure that those creating television programming work to reify this concept.
5. There are 54 media outlets owned by women among 171 radio stations, so the percentage of radio stations owned by women is 31.6%. And no woman owns television stations, the percentage is 0%.
6. National Communications Commission (NCC) revised and enforced the rules for evaluating radio stations and televisions' licenses on July, 2012. In the rules, media should provide accomplishments about gender equality. In 2012, there are 39 radio stations and television stations evaluated by NCC, and there were 16 radio stations participating or holding training courses of gender equality. In 2013, there are 37 radio

stations evaluated by NCC, and there were 7 radio stations participating or holding training courses of gender equality.

7. There are 2 out of a total of 59 cable stations owned by women, which accounts for 3.3% of cable station industry.
8. NCC has been encouraging cable stations to engage gender equality issue into employee trainings. The enforced “Direction of Operation Evaluation on Cable Stations” has included “employee gender equality training” as one of the index to evaluate a cable station’s operation performance. According to the direction, cable stations are required to provide the records of their gender equality trainings as evaluation reference. Among the 29 cable stations which received NCC’s operation evaluation in 2013, 28 cable stations held at least one gender equality training activity.

條文	編號	問題內容（原文）	中文參考翻譯
第 5 條	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?	請提供現有針對婦女和女孩的網路犯罪（包括家庭暴力、性侵犯、跟蹤或人口販運）之相關法律資料。是否有任何法律禁止媒體洩漏性別犯罪之女性受害者的姓名、地址及年齡等相關資訊？是否有保障未滿 18 歲女孩之個資洩漏的相關隱私法律？是否有行為準則規範媒體尊重性別暴力之女性受害者？

中文回應

- 一、為防治性別暴力行為及保護被害人權益，我國訂有「家庭暴力防治法」、「性侵害犯罪防治法」、「性騷擾防治法」、「兒童及少年福利與權益保障法」、「兒童及少年性交易防制條例」及「人口販運防制法」。其中「性侵害犯罪防治法」、「性騷擾防治法」、「兒童及少年福利與權益保障法」及「人口販運防制法」均明定媒體不得報導或記載被害人姓名或其他足資辨別被害人身分之資訊。違

反前項規定者可處以罰鍰，並得沒入上開物品、命其移除內容或下架或採行其他必要之處置。「家庭暴力防治法修正草案」、「兒童及少年性交易防制條例修正草案」亦新增有關被害人資訊保密之規定，以保障被害人隱私。

二、有關禁止媒體洩漏性別犯罪之女性受害者的姓名，地址，年齡等相關資訊的法律，分列如下：

(一) 性騷擾防治法第 12 條：廣告物、出版品、廣播、電視、電子訊號、電腦網路或其他媒體，不得報導或記載被害人之姓名或其他足資識別被害人身分之資訊。但經有行為能力之被害人同意或犯罪偵查機關依法認為有必要者，不在此限。

(二) 性侵害犯罪防治法第 13 條：宣傳品、出版品、廣播、電視、網際網路內容或其他媒體，不得報導或記載被害人之姓名或其他足資辨別被害人身分之資訊。但經有行為能力之被害人同意或犯罪偵查機關依法認為有必要者，不在此限。

三、有關保障未滿 18 歲女孩之個資洩漏的相關隱私法律，見兒童及少年福利與權益保障法第 69 條：宣傳品、出版品、廣播、電視、網際網路或其他媒體對下列兒童及少年不得報導或記載其姓名或其他足以識別身分之資訊：一、遭受第四十九條或第五十六條第一項各款行為；二、施用毒品、非法施用管制藥品或其他有害身心健康之物質；三、為否認子女之訴、收養事件、親權行使、負擔事件或監護權之選定、酌定、改定事件之當事人或關係人；四、為刑事案件、少年保護事件之當事人或被害人。

四、依據人口販運防制法第 22 條規定，廣告物、出版品、廣播、電視、電子訊號、網際網路或其他媒體，不得報導或記載人口販運被害人之姓名或其他足資識別被害人身分之資訊。但有下列情形之一者，不在此限：

(一) 經有行為能力之被害人同意。

(二) 犯罪偵查機關依法認為有必要。

前項但書規定，於人口販運被害人為兒童及少年者，不適用之。

五、同法第 38 條規定，違反第 22 條規定者，由各該目的事業主管機關處新臺幣六萬元以上六十萬元以下罰鍰，並得沒入該條所定物品或採行其他必要之處置；其經命限期改正，屆期不改正者，得按次處罰之。但被害人死亡，經目的事業主管機關權衡社會公益，認有報導必要者，不在此限。

六、上述規定當然包括人口販運案件被害人屬婦女和女童者。

七、至於規範媒體尊重性別暴力之女性受害者的行為準則，查本會於「我國 CEDAW 第二次國家報告專要文件」5.17.3 所述之「廣電媒體製播涉及性別相關內容指導原則」，已重申媒體不得違反上述法規，並參考該指導原則，於自律倫理規範訂定落實之執行細節。

八、我國並出版「媒體報導家庭暴力、性侵害、性騷擾及兒少保護事件新聞守則」以提醒我國新聞從業人員報導家庭暴力、性侵害、性騷擾及兒少保護事件應注意事項，進而提升新聞報導品質，維護公眾權益。

英文回應

1. The ROC has the Domestic Violence Prevention Act, the Sexual Assault Prevention Act, the Sexual Harassment Prevention Act, the Protection of Children and Youths Welfare and Rights Act, Child and Youth Sexual Transaction Prevention Act, and the Human Trafficking Prevention Act to prevent gender violence and to protect victims' interests. Advertisements, publications, broadcasting, television, electronic messages, the Internet or any other kinds of media should neither report nor record the victim's name nor any other information which might be sufficient to reveal his or her identity. Those who violate this regulation should be fined by the relevant authorities; and objects involved should be confiscated or dealt with accordingly. If behavior is not corrected within the period specified by the formal notice, fines will be imposed for each further violation. In addition, Revised Draft of the Domestic Violence Prevention Act and Revised Draft of the Child and Youth Sexual Transaction Prevention Act also increased the provision of the informations of the victims, in order to protect the privacy of the victims.
2. On “laws that prohibit media from releasing name, address and age of a female victim of a gender based crime”, related laws are as follows:
 - (1) Article 12 of “Sexual Assault Crime Prevention Act”: Advertisements, publications, broadcasts, television, electronic messages, computer, Internet or other kinds of media report or record neither the victim's name nor other information which can lead discovery of his or her identity. However, there will be no such limitation if an agreement is given by a competent or if the investigation on sexual harassment incident in accordance with the law thinks revealing the victim's identity is necessary.
 - (2) Paragraph 1 of Article 13 of “Sexual Assault Crime Prevention Act”: Publicity material, publications, broadcasts, television, Internet contents or other kinds of media should not report or publish the name or any other personal identifiable information about the victim. However, there will be no such limitation if an agreement is given by a competent victim, or if, in accordance with the law, the police or prosecutor considers disclosing the information is necessary.
3. On “any privacy law that protects girls under 18 from having their personal information released”, that can be seen in Article 69 of “The

Protection of Children and Youths Welfare and Rights Act”: Promotional material, publications broadcast, TV, Internet or other media will not report or record the names or information of the following children and youth: 1. Those that suffer from behaviors mentioned in Article 49 or each subparagraph of Paragraph 1 of Article 56; 2. Those that use drugs, illegal controlled medicines or other material that is harmful to their physical and mental health; 3. The party or the related party in a case where the legitimacy of a child is questioned, adoption, parental rights, maintenance events or selection, alternation events of custody; 4. The party or victim in criminal cases and youth protective events.

4. According to Article 22 of Human Trafficking Prevention Act, no advertisement material, publication, radio broadcast, television, electronic message, the Internet or other media may report or note information on the name or other identifiable personal data of human trafficking victims. However, this limit is not applicable to any of the following circumstances:
 - (1) Having the permission of the victim with legal capacity;
 - (2) Being deemed necessary by the crime investigation authority pursuant to the law.

The provision in the preceding paragraph is not applicable to any human trafficking victim who is a minor.

5. Also according to Article 38 of Human Trafficking Prevention Act, anyone in violation of Article 22 shall be fined from NT\$60,000 to NT\$600,000, and the articles stated in the article may be confiscated or subjected to other necessary disposal by the related competent authorities; concerning the change ordered to be made within a specified period, each and every lapse may be subject to additional separate penalties. However, when deemed necessary to the public interest by the related competent authority, the reporting on the death of the victim shall not be subjected to the penalties thereof.
6. Of course, The provisions stated above includes the female victims of human trafficking cases.
7. As for Codes of Conduct for media outlets regarding respecting the privacy of female victims of gender based violence, in “The Guidelines for Broadcast of Gender-specific Contents”, which is mentioned in 5.17.3 of “Convention-specific Document of Second National Report of Republic of China”, National Communications Commission, NCC, has reiterated not to violate applicable laws and regulations, and informed the broadcasters to take these Guidelines as reference and set details of implementation in self-regulated code of ethics.
8. The ROC has published the Code of media reports of domestic violence, sexual assault, sexual harassment and child protection events, in order to remind the journalists attention matters to enhance the quality of news reports and protect the public interests.

條文	編號	問題內容（原文）	中文參考翻譯
第 6 條	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？

中文回應

- 一、 人口販運防制法於 2009 年 6 月 1 日公布施行以來，已有 5 年時間，入出國及移民署已進行修法作業，正聽取各方意見，對於「勞動與報酬顯不相當」之定義研擬修正可行性。另依「人口販運被害人鑑別原則」第三條規定，「身分證明或旅行文件被扣留者」可視為疑似人口販運被害人，因此「重要文件」之定義目前在實務上尚無滯礙難行之處。
- 二、 任何人以廣告物、出版品、廣播電視、電子訊號、電腦網路或其他媒體，散布、播送或刊登足以引誘、媒介、暗示或其他促使人為性交易之訊息者，處五年以下有期徒刑，得併科新台幣一百萬元以下罰金。

英文回應

1. The Human Trafficking Prevention Act was set to be effective since Jun. 1 2009. The National Immigration Agency has been collecting some information of amending the definition of “labor to which pay is not commensurate with the work duty”, and tries to submit the draft of the

amendment to the Executive Yuan late this year. According to article 3 of the Principle for Human Trafficking Victim Identification, those whose I.D. or travel document were detained shall be deemed as potential TIP victims. Therefore, the definition of “important document” is quite clear in practice.

2. Anyone spreads, broadcasts or publishes information in any advertisement, publication, broadcasting, television, electronic signals, internet or any other media which may seduce, a person to engage in sexual transaction shall be punished with imprisonment for not more than five years and, in addition thereto, may be subject to a fine of not more than NT\$1,000,000.”

條文	編號	問題內容（原文）	中文參考翻譯
第 6 條	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，被害人獲得的補償金為何？法律是否懲罰商業剝削賣淫的人口販運受害者，無論他們成年或未成年？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。

中文回應

- 一、 人口販運案件起訴之數量詳 CEDAW 國家報告[表 6-7]，至判決結果詳附件（2013 年 1 月至 12 月地方法院檢察署防制人口販運案件裁判確定統計資料）。本部未有人口販運案件行為人在監服刑之比例及平均期間統計資料，惟提供附件之 2013 年 1 月至 12 月

地方法院檢察署防制人口販運案件裁判確定科刑分布狀況之統計資料供參。

- 二、依我國人口販運防制法第 17 條規定，我國政府機關對於被害人應提供法律協助，且犯罪情節較輕微之案件，檢察官於偵查階段有時會以緩起訴方式命被告賠償被害人，或於審理階段，檢察官亦可與被告為認罪協商，以促使被告能更為快速賠償被害人之損害。另依我國刑事訴訟法第 487 條規定，因犯罪而受損害之人，於刑事訴訟程序得附帶提起民事訴訟，對於被告及依民法負賠償責任之人，請求回復其損害。且提起附帶民事訴訟，毋庸繳納裁判費用。
- 三、人口販運被害人因係被迫或遭控制，並非因其故意或過失而觸犯刑事法律或違反行政法上所定義務，爰於人口販運防制法第 29 條明定「人口販運被害人因被販運而觸犯其他刑罰或行政罰規定者，得減輕或免除其責任」。
- 四、依據人口販運防制法第九條規定，警察人員、移民管理人員、勞政人員、社政人員、醫事人員、民政人員、戶政人員、教育人員、觀光業及移民業務機構從業人員或其他執行人口販運防制業務人員，在執行職務時，發現有疑似人口販運案件，應立即通報當地司法警察機關。司法警察機關接獲通報後，應即接辦處理及採取相關保護措施，爰各部會每年針對上開各類人員提供教育訓練以提升其敏感度。
- 五、依據兒童及少年性交易防制條例，中央主管機關每半年召開兒童及少年性交易防制之督導會報，定期公布並檢討教育宣導、救援、加害者處罰、安置保護之成果。法務、教育、衛生、國防、新聞、經濟、交通等相關單位，則應訂定教育宣導等防制辦法。

地方法院檢察署「防制人口販運案件」裁判確定統計

102年 1-12月															單位：人				
總計	科 刑											免刑	無罪	免訴	不受理	其他			
	計	死刑	無期徒刑	有期 徒 刑															
				六月以下	逾六月未滿一年	逾一年未滿二年	逾二年未滿三年	逾三年未滿五年	逾五年未滿七年	逾七年以上未滿十年	逾十年以上未滿十五年						逾十五年未滿二十年	逾二十年	拘役
321	269	-	-	155	21	36	5	41	4	2	-	-	4	1	1	40	1	8	2

資料提供：法務部統計處

英文回應

1. For the number of human trafficking cases please refer to the CEDAW national report [Table 6-7], as for the verdict, please refer to the attachment (Statistics for District Prosecutors Office human trafficking prevention determined cases, January to December 2013). This Ministry does not have available statistical data about the percentage of those perpetrators serving time and the average time served, being only able to provide Statistics for District Prosecutors Office human trafficking prevention determined cases from January to December 2013 for your reference.
2. According to Article 17 of the Human Trafficking Prevention Act, the competent authorities and labor affairs competent authorities at all levels shall, either by themselves or by commissioned non-governmental organizations, provide human trafficking victims or suspected ones under protection and sheltering with legal assistance, and those cases deemed to be minor offenses, the prosecutor may sometimes during the investigation stage, with a deferred prosecution, order the defendant to pay compensation to the victim, or, during the inquisition stage, the prosecutor could also negotiate with the defendant to plead guilty, in order to expedite the compensating of the victim's losses by the defendant, and in practice, victims have been compensated monetarily as a result. Also according to Article 487 of The Code of Criminal Procedure, those who were injured by an offence may bring an ancillary civil action along with the criminal procedure, to request compensation from the defendant and those who may be liable under the Civil Code. The bring of an ancillary civil action along with the criminal procedure would not entail a judicial fee.
3. Victims of human trafficking were forced or controlled, thus did not through their own intention or negligence commit a criminal offence or breach obligations arising from the Administrative Law. According to Article 29 of the Human Trafficking Prevention Act, "Any human trafficking victim who has violated other provisions of the criminal code or administrative regulations as a result of being trafficked may be eligible for a reduction in penalty or absolution from his/her liability."
4. According to article 9 of Human Trafficking Prevention Act, the police personnel, immigration officers, labor affairs personnel, social affairs personnel, medical personnel, civil affairs personnel, household registration personnel, educational personnel, employees of the tourist industry and immigration service industry, or other personnel engaging in human trafficking prevention and control, upon the discovery of a

suspected case of human trafficking during the normal course of their duty, shall immediately notify the local judicial police authority. The judicial police authority, upon being notified, shall promptly take action to implement relevant protection measures. According to the regulation mentioned above, the hospitality industry should report any human trafficking cases anytime and anywhere. In order to promote their sensibility, ministries concerned offer educational training for the above staff.

- In order to deter and eliminate the cases that children or juveniles become objects of sexual transaction, Article 3 of the Child and Youth Sexual Transaction Prevention Act specifies that the central authorized agency should hold network meeting regularly, and all the network members including departments of justice, education, health, national defense, news, economy, and transportation have the responsibility to enact the program for advocacy and be accountable for the outcome of the advocacy.

Statistics for District Prosecutors Office human trafficking prevention determined cases
Jan. - Dec. 2013

Unite: Person

Total	Sentence													Exemption	Not Guilty	Dismissed	Rejected	Other		
	Count	Capital Punishment	Life Sentence	Incarceration															Detainment	Fine
				Less than 6 Months	6 Months to 1 Year	1 Year to 2 Years	2 Years to 3 Years	3 Years to 5 Years	5 Years to 7 Years	7 Years to 10 Years	10 Years to 15 Years	Over 15 Years								
321	269	-	-	155	21	36	5	41	4	2	-	-	4	1	1	40	1	8	2	

條文	編號	問題內容（原文）	中文參考翻譯
第 6 條	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？

中文回應

- 一、依 2012 年 11 月 22 日行政院國家資通安全會報第 23 次委員會議決議通過及 2013 年 10 月 24 日行政院國家資通安全會報網路內容安全分組第 10 次會議第 1 次修正之「網際網路內容管理基本規範及分工原則」，確認我國網際網路內容管理與實體社會的管理方式相同，係由各法令主管機關依權責處理。網際網路平臺、內容及應用服務提供者（或伺服器）位於我國境內管轄範圍，則適用我國現行法令相關規定，例如：對於色情內容可能構成「刑法」第 235 條散布、播送或販賣猥褻物品及製造持有罪；對於散布、播送或刊登足以引誘、媒介、暗示或其他促使人為性交易之訊息，則違反「兒童及少年性交易防制條例」的管制規範等。
- 二、查現行中華民國刑法第 235 條、兒童及青少年性交易防制條例第 28 條，對散佈、播送、販賣猥褻之文字、圖畫、錄影帶、影像或其他物品等情事，均訂有罰責，相關罰責如下：
 - (一)刑法第 235 條：散布、播送或販賣猥褻之文字、圖畫、聲音、影像或其他物品，或公然陳列，或以他法供人觀覽、聽聞者，處二年以下有期徒刑、拘役或科或併科三萬元以下罰金。意圖散布、播送、販賣而製造、持有前項文字、圖畫、聲音、影像及其附著物或其他物品者，亦同。前二項之文字、圖畫、聲音或影像之附著物及物品，不問屬於犯人與否，沒收之。
 - (二)兒童及青少年性交易防制條例第 28 條：散布或販賣未滿十八歲之人為性交或猥褻行為之圖畫、錄影帶、影片、光碟、電子訊號或其他物品，或公然陳列，或以他法供人觀覽、聽聞者，處三年以下有期徒刑，得併科新臺幣五百萬元以下罰金。前項之物品，不問屬於犯人與否，沒收之。
- 三、另有關政府取締關閉色情網站資料一節，現不當網路內容之下架係由通訊傳播委員會統籌之「iWIN 網路內容防護架構」依民眾檢舉內容辦理，前開檢舉案件如屬警政業管者，將由警政署刑事警察局統整列管。

四、為保障兒童及少年閱聽權益，依兒童及少年福利與權益保障法（以下簡稱兒少法）第 46 條規定，於 102 年 8 月 26 日委託民間團體成立「iWIN 網際網路內容防護機構」，辦理下列事項：一、兒童及少年使用網際網路行為觀察。二、申訴機制之建立及執行。三、內容分級制度之推動及檢討。四、過濾軟體之建立及推動。五、兒童及少年上網安全教育宣導。六、推動網際網路平臺提供者建立自律機制。七、其他防護機制之建立及推動。另兒童及少年性交易防制條例第 29 條規定，以廣告物、電腦網路或其他媒體，散布、播送或刊散布、播送或刊登足以引誘、媒介、暗示或其他促使人為性交易之訊息者，處五年以下有期徒刑，得併科新台幣一百萬元以下罰金。

英文回應

1. According to “The Norm and Work-Dividing Principle of Internet Content Management” passed in 2013 by National Information and Communication Security Taskforce of the Executive Yuan, in Taiwan, the way of managing Internet content is confirmed to be the same as managing social entity, thus matching to each competent authority’s own responsibility. Only the Internet service providers (including Internet platform providers, Internet content providers, Internet access service providers or application services providers) or servers fall within the jurisdiction of Taiwanese government, can they be regulated by Taiwan’s laws and regulations. For example, pornographic contents may violate Article 235 of “Criminal Code of the Republic of China”, which is the crime of distributing, broadcasting, selling, making, or possessing the obscene objects. As for distributing, broadcasting, issuing the information which may seduces, makes a match of, suggests or by any other ways has a person to engage in sexual transaction, it violates “Child and Youth Sexual Transaction Prevention Act”.
2. Distributing, broadcasting or selling obscene content, including words, pictures, video, image, or other forms is prohibited by Article 235 of Republic of China’s Criminal Code and Article 28 of the Child and Youth Sexual Transaction Prevention Act. The penalties are as follows :
 - (1) Article 235 of the Criminal Code: Distributing, broadcasting, selling, or publicly displaying obscene content, including words, pictures, audio record, video record, or any other forms, or providing content thereof to people by other means for viewing or listening shall be punishable by imprisonment of up to two years, detention, or a fine of up to thirty thousand NT dollars. The fine thereof may be imposed separately or in combination with other penalties. A person who manufactures or possesses obscene content, including words, pictures, audio record, video record, or other forms, and his intention is to distribute, broadcast, or sell it, shall be subject to same

punishment. The words, pictures, audio or video record shall be confiscated regardless of their ownership.

(2) Article 28 of the Child and Youth Sexual Transaction Prevention Act:

Distributing, displaying or selling pictures, video tapes, films, DVDs, electronic materials or other items containing underage sex or obscenity or providing content thereof to people by other means for viewing or listening shall be punishable by imprisonment of up to three years. The punishment may be imposed in combination with a fine of up to five million NT dollars. The abovementioned items shall be confiscated regardless of their ownership.

3. With regard to the data on whether the government has shut down any Internet pornography sites, currently, illicit web content is managed under an “iWin Web Content Protection Framework, administered by the National Communications Commission, which will process complaints of illicit web content received from the public. If the complaint is police-related, Criminal Investigation Bureau of the National Police Agency is responsible for dealing with such cases.
4. The ROC has order to safeguard the child and the youth reads listens to the rights and interests, The Protection of Children and Youths Welfare and Rights Act 46 , On August 26 entrusts the folk association in 2013 to be tenable “Institute of Watch Internet Network”, the execution few method 46th stipulation should manage the item. that will harm their mental development, like in the following cases: 1. Observation of internet used by children and youth. 2. Establishment and implementation of complaint mechanisms. 3. Promotion and review of contents rating system. 4. Establishment and promotion of screened software. 5. Education propaganda of on-line safety for children and youth. 6. Promote internet platform provider to establish a self- discipline mechanism. 7. Establishment and promotion of other protective mechanisms. Other, Child and Youth Sexual Transaction Prevention Act 29, Whoever spreads and computer network or any other media which may seduces, makes a match of, suggests or by any other ways has a person to engage in sexual transaction shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined not more than NT\$1,000,000.

條文	編號	問題內容（原文）	中文參考翻譯
第 7 條	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?	政府是否為女性競爭政治職位提供相關訓練，或提供候選人競選經費補助？阻礙婦女在政黨內追求更高權力及決策職位的主要因素為何？

中文回應

- 一、有關候選人競選經費補助，依公職人員選舉罷免法第 43 條規定，候選人得票數達規定票數以上者，每票補貼新臺幣 30 元，此項規定，亦適用於女性候選人。另為配合「性別平等政策綱領」，宣導政黨落實保障性別人權及促進性別平等，並請於領取之政黨補助金提撥一定比例，用於培育婦女人才，提升婦女參政機會，政府曾於 2012 年 3 月 12 日、2012 年 7 月 27 日、2013 年 1 月 16 日及 2013 年 11 月 4 日 4 度函請政黨配合辦理，並積極瞭解婦女參與政黨事務情形。
- 二、阻礙婦女在政黨內追求更高權力及決策職位的主要因素，包括參選資源和支持的缺乏，基層政治文化影響，女性須表現明顯超越男性才可能被認同，以及政黨提名的考量等。為持續促請各政黨提供女性參政機會，提高女性候選人比例，政府機關人員於列席政黨相關會議時，將持續宣導性別平等觀念，請政黨推薦公職人員參選人時，適當考量性別比例。

英文回應

1. With regard to funding for candidates to run their electoral campaign, according to Article 43 of Civil Servants Election And Recall Act, if there is any candidate (including female) who gained above minimum statutory vote, the campaign expenses paid by the candidate shall be subsidized by a rate of NT\$30 per vote. In order to carry out Gender Equality Policy Guidelines, urge political parties to protect women's rights and promote gender equality, use steady proportion of financial aid from government to provide training to women and increase

women's political participation, government requested political parties to carry out Gender Equality Policy Guidelines and gain a deeper understanding of women's participation within political parties on March 12, July 27, 2012 and January 16, November 4, 2013.

2. The main obstacles within political parties that inhibit women from advancing to positions of power and decision making includes lack of resources, lack of voter support, the prevailing political culture, the fact that women have to perform significantly better than men to gain recognition, and nomination concerns. To urge political parties to increase women's political participation, raise the percentage of female candidates, the government has advocated gender equality in meetings with political parties, and urged them to strive for gender balance in their lists of nominees.

條文	編號	問題內容 (原文)	中文參考翻譯
第 7 條	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、司法院及監察院之女性代表達比例目標之主要困難為何？如何克服？

中文回應

- 一、依憲法增修條文第 7 條規定，監察院設監察委員 29 人，任期 6 年，由總統提名，經立法院同意任命之；現行監察院組織法第 3 條之 1 並明定監察委員之各項資格要件，但未規定性別代表比例。目前監察院第 4 屆監察委員 29 人中，女性有 7 人，占 24%，但現任監察委員任期即將於 103 年 7 月底屆滿。總統已於 103 年 4 月 8 日公布第 5 屆監察委員被提名人人選，29 位被提名人中，女性有 12 人，占 41%，是歷屆監察委員被提名名單中女性比例最高的一屆。因此，雖然現行監察院組織法未明文規定性別代表比例，但總統於實際提名作業時，亦得就監察委員之性別比例加以考慮，使其符合性別平等原則。**(監察院回應)**
- 二、有關司法院大法官女性占 13%，未符合 1/3 性別比例目標，說明如下：**(司法院回應)**

- (一) 依中華民國憲法增修條文第 5 條規定：「（第 1 項）司法院設大法官十五人，並以其中一人為院長、一人為副院長，由總統提名，經立法院同意任命之，自中華民國九十二年實施，不適用憲法第七十九條之規定。司法院大法官除法官轉任者外，不適用憲法第八十一條及有關法官終身職待遇之規定。（第 2 項）司法院大法官任期八年，不分屆次，個別計算，並不得連任。但並為院長、副院長之大法官，不受任期之保障。...」
- (二) 依前項規定，大法官之產生係由總統提名，經立法院同意而任命，故大法官女性比例提升係屬總統權責，本院如受徵詢推薦人選時，得予以斟酌。

英文回應

1. As stipulated in Article 7 of the Additional Articles to the Constitution, the Control Yuan shall have twenty-nine members serving a term of six years. Control Yuan members are nominated by the President of the Republic of China (Taiwan) with the consent of the Legislative Yuan. Article 3-1 of the existing Organic Law of the Control Yuan specifies the qualifications of Control Yuan membership, but it does not specify gender ratio. There are seven female on the current 4th Control Yuan, taking up 24% of the incumbent twenty-nine members. As the 4th Control Yuan members will conclude their terms at the end of July 2014, President Ma Ying-Jeou announced the list of nominees for the 5th Control Yuan on April 8th, 2014 which includes twelve female nominees, taking up 41% of the twenty-nine nominees. It is the highest female representation since Control Yuan's establishment. Although the Organic Law of the Control Yuan does not specify gender ratio for membership, the issue of female representation is taken seriously, as evident in President Ma's nomination for the 5th Control Yuan.
2. The number of female grand justices, accounting for 13%, fails to fulfill the expected gender proportion of one-third of the total. The response is as follows.
 - (1) According to Article 5 of the Constitutional Amendments, (Para.1) the Judicial Yuan shall have 15 grand justices. The 15 grand justices, including a president and a vice president of the Judicial Yuan to be selected from amongst them, shall be nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic. This shall take effect from the year 2003, exemption from the provisions of Article 79 of the Constitution. The provisions of Article 81 of the Constitution and pertinent regulations on the lifetime holding of office and payment of salary do not apply to grand justices who did not transfer from the post of a judge. (Para. 2) Each grand

justice shall serve a term of eight years, independent of the order of appointment to office, and shall not serve a consecutive term. The grand justices serving as president and vice president of the Judicial Yuan shall not enjoy the guarantee of an eight-year term.

- (2) According to the aforesaid Article, the 15 grand justices are nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic. Therefore, to increase the percentage of women’s Grand Justices is the President ‘s authority and responsibility. When being asked for recommendation of Constitutional Court Justice candidates list, the Judicial Yuan will consider it based on the gender ratio.

條文	編號	問題內容（原文）	中文參考翻譯
第 8 條	17	Is there any training specifically in place for women who see themselves on an “Ambassador Track”?	對於未來女性大使是否有開設特別的訓練課程？

中文回應

為強化外交部高階人員領導統御及專業能力並培育高階主管儲備人員，外交部部開辦有高階主管班及高階主管培育班，並納入性別衡平性、外交部相關業務之專業人才需求及本部人力運用配置需求等各項綜合因素作為遴選受訓人員之考量依據。其中關於女性高階人員培育部分，外交部未來仍將持續將女性同仁所具備之卓越溝通能力、高度同理心、細膩心思及廣大包容力等有利本部整體業務推動之特質納入遴選之重要參考依據。

英文回應

In order to enhance leadership and professional competence of high-ranking officers and to cultivate reserve of talents for senior executives, the Ministry of foreign affairs has held executive training programs for both incumbents and candidates. Selection criteria for the participants in the programs are set with a view to associated factors such as gender equity, specialty demands and requirements for human resource allocation of the Ministry. Concerning the promotion of senior female officers, the qualities of their excellent communication skills, empathetic personalities,

attentive and liberal-minded attitudes are considered facilitating factors and will continue to be taken as key references for promotion.

條文	編號	問題內容（原文）	中文參考翻譯
第 9 條	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？

中文回應

- 一、移民署對於初次入境之外籍與大陸地區配偶至該署服務站領取居留證時，會邀請其與國人家屬一同參與該課程，課程內容以多元文化家庭經營、家人相處、婆媳相處、夫妻關係與兩性關係等相關家庭教育課程為主軸，以強化初入境之婚姻移民生活適應輔導工作，並讓國人家屬了解外籍與大陸配偶國情及文化，讓婚姻雙方對自己、配偶及配偶家庭有深度的了解，進而學習用正確的態度及溝通模式互動，培養經營健全美滿家庭的能力，增進對跨國婚姻之認識及強化婚姻責任。
- 二、教育部針對新移民最多的印尼及越南新編印「成人基本識字教材」中印及中越雙語對照本，內容有關本國食衣住行育樂及行政措施及東南亞國家文化介紹，將有助於本國籍家人及新移民了解彼此母語及國家文化，並將教材置於本部出版品網站，本年度將陸續出版中東版、中泰版及中菲版等對照本。
- 三、各直轄市、縣（市）新移民學習中心為協助外籍配偶融入臺灣家庭與社會，並強化國人對外籍配偶之同理認識，近年來持續提供多元化的學習管道，鼓勵外籍配偶及其家人共同參與學習。辦理多元文化及語言學習等課程活動，2011 年至 2013 年辦理情形如表 R9-18-1。
- 四、內政部及教育部共同辦理「多元文化週」活動，納入教育部「外籍及大陸配偶子女教育輔導計畫」之「舉辦多元文化或國際日活動」工作項目中。長期補助直轄市、縣（市）政府以尊重及接納他國文化特色，建構豐富多元文化社會，辦理各國文化特色活動。2012 年補助 492 萬 8,975 元，計 15 萬 9,322 人次參與活動；2013 年補助 550 萬 7,264 元，計 18 萬 7,032 人次參與活動。

表 R9-18-1、2011-2013 年新移民學習中心課程活動辦理情形

年度	場次	參與人次		
		合計	男	女
2011	2,025	106,181	未區分性別統計	
2012	2,367	88,808		
2013	4,985	90,492	25,667	64,825

英文回應

1. When foreign or Chinese spouses come to service branches of the National Immigration Agency (NIA) for getting their first time resident certificate, the immigration officers will ask them and their family to attend the family education program. This program contains classes which include multicultural awareness, interaction between family members, gender relationship, and so on. These classes not only aim to help the immigrants adapt a new life in Taiwan, but also Taiwanese understand their spouses' motherland languages as well as cultures. Through this program, we hope the immigrants could communicate better with their family and lead a happy life.
2. MOE had published the "Adult Basic Literacy Textbook" with Indonesian and Vietnamese translation, meanwhile uploaded on the Ministry of Education website. The Contents of the textbook include the life and the law act in Taiwan and the mother culture of new immigrants will help the new immigrants, their Taiwanese husbands and the other family members . MOE plan to publish the "Adult Basic Literacy Textbook" with Cambodian, Thai and Filipino translation in 2014.
3. In order to help new immigrants adapt well to the family and society in Taiwan, and assist the people of Taiwan to recognize and understand the new immigrants, there are multi-cultural and language programs for the new immigrants by the local new immigrants learning centers,

while encouraging their spouses to attend. To deal with the events in 2011-2013 as the table R9-18-1.

4. To handle multi-cultural week by MOI and MOE, including in MOE "Foreign and mainland spouses and children education and counseling programs" of "organized the International Day of multiculturalism or" work project. Long-term supplement municipal, county (city) government to respect and accept his country's cultural characteristics, to construct a rich multicultural society, for national cultural characteristics of activities. There was 492 8,975 grant dollars, total 159,322 people participated in the activity in 2012; There was 5,507,264 grant dollars, total 187, 032 people participated in the activity in 2013.

Table R9-18-1. the events by the Local in new immigrants learning centers in 2011-2013

Year	Events	The number of participants		
		Total	Male	Female
2011	2,025	106,181	No gender statistics	
2012	2,367	88,808		
2013	4,985	90,492	25,667	64,825

條文	編號	問題內容 (原文)	中文參考翻譯
第 10 條	19	<p>The report (in Para. 10.3.1) states that horizontal segregation in education is not significantly decreased in higher education.</p> <p>- 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;</p> <p>- 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?;</p> <p>- Please provide sex- disaggregated information on science and math aptitudes of primary and secondary school graduates.</p>	<p>有關報告 10.3.1 呈現高等教育之水平隔離並未明顯降低：</p> <p>-請說明碩、博士階段之女性畢業生比率？有關教育部性別平等教育委員會將研議特別暫行措施以提升碩、博士階段之女性比率，請加以說明？</p> <p>-請說明近期是否有造成高等教育水平隔離(性別)之情形及結果，若有，其主要隔離因素為何？</p> <p>-請提供中小學畢業生數理(科學及數學)能力之性別統計資料？</p>

中文回應

- 一、有關 2012 學年碩、博士女性畢業生比重分別為 42.4%及 29.1%，其人數及領域統計詳如附表 R10-19-1。特別暫行措施將依據本(第 2)次 CEDAW 國家報告審查及影子報告持續分年度進行規劃，有關提升碩、博士階段之女性比率，目前相關措施為：
- (一) 保障女性學生不因女性生理影響成績或出勤考核評量之權益，2014 年請各大專校院修訂學生請假相關規定：女性學生因生理日致就學有困難者，每月得請生理假一日，為尊重個人生理隱私，該假別無需出示證明。
- (二) 將保障懷孕、分娩及撫育三歲以下子女學生之權益事項(如保留入學資格、延長修業年限、缺課及成績考核彈性處理、休學不列入休學年限計算)納入大專校院學則，2014 年內達成 100%。

- 二、由於大專學生學習領域係於中學階段分流下選填志願結果，針對志願之選填並未有性別差異之設定，學校均可自由選填志願。依據大學法第 24 條規定，大學及技專學校招生應本公平、公正、公開原則辦理。且我國自 2002 學年度起，實施「大學多元入學方案」及「四技二專多元入學方案」，讓不同性向之學生選擇適合入學之管道，發揮自我潛能，達成「適性揚才」之目的；又依我國憲法第 11 條之講學自由賦予大學教學、研究與學習之自由，大學及技專課程未有限制特定性別修讀之情形。爰大學及技專無論在招生或是課程之授予，皆無因性別差異而有所不同。
- 三、有關中小學畢業生數理(科學及數學)能力之性別統計資料，列舉如附表 R10-19-2：
- (一) 由 2012 年 TASA 國小六年級正式施測分析結果為例，性別在數學量尺分數表現，沒有顯著差異。
 - (二) 由 2012 年 TASA 國小六年級正式施測分析結果為例，男生和女生量尺分數分別為 256.85、254.67，兩者在自然學習成就表現情形沒有顯著性差異。
 - (三) 由 2010 年 TASA 國中二年級正式施測分析結果為例，男、女生在數學量尺分數表現情形，沒有顯著差異。
 - (四) 由 2010 年 TASA 國中二年級正式施測分析結果為例，男女生在自然量尺分數表現情形，有顯著差異存在，其效果量係數 $D=0.055$ ，表示自然科學學習成就表現在性別上之差異極小。

[表 R10-19-1] 大專校院女性畢業生（博士及碩士）人數及領域統計

學年別	學級別	教育		人文及藝術		社會科學、商業及法律		科學		工程、製造及營造		農學		醫藥衛生及社福		服務		其他	
		女 (%)	總人數	女 (%)	總人數	女 (%)	總人數	女 (%)	總人數	女 (%)	總人數	女 (%)	總人數	女 (%)	總人數	女 (%)	總人數	女 (%)	總人數
2008	博士	105 (46.88)	224	154 (57.25)	269	240 (40.68)	590	144 (24.66)	584	136 (9.32)	1,460	35 (28.93)	121	138 (43.67)	316	5 (20.00)	25	-- (--)	--
	碩士	3,238 (63.85)	5,071	3,408 (67.54)	5,046	7,890 (48.39)	16,306	2,219 (34.34)	6,461	2,699 (14.44)	18,694	686 (50.81)	1,350	1,841 (66.10)	2,785	930 (48.19)	1,930	21 (67.74)	31
2009	博士	101 (45.29)	223	136 (50.18)	271	200 (39.84)	502	188 (29.33)	641	164 (10.71)	1,628	28 (25.93)	108	134 (42.24)	317	5 (33.33)	15	-- (--)	--
	碩士	3,488 (68.24)	5,111	3,544 (67.22)	5,272	8,444 (49.86)	16,935	2,400 (35.22)	6,814	2,975 (15.38)	19,345	691 (50.25)	1,375	1,857 (68.05)	2,729	916 (48.62)	1,884	12 (44.44)	27
2010	博士	133 (50.76)	262	171 (59.17)	289	204 (40.88)	499	165 (25.62)	644	165 (10.14)	1,628	28 (30.11)	93	172 (42.36)	406	5 (22.73)	22	1 (33.33)	3
	碩士	3,275 (64.18)	5,103	3,488 (66.04)	5,282	8,870 (51.87)	17,100	2,406 (35.48)	6,781	3,264 (16.86)	19,354	815 (54.88)	1,485	1,892 (68.11)	2,778	1,038 (49.15)	2,112	25 (86.21)	29
2011	博士	164 (57.54)	285	153 (55.43)	276	214 (39.41)	543	180 (26.87)	670	161 (10.29)	1,564	46 (38.33)	120	166 (43.92)	378	7 (30.43)	23	1 (50.00)	2
	碩士	3,076 (67.95)	4,527	3,648 (69.67)	5,236	8,967 (52.44)	17,098	2,654 (37.40)	7,097	3,374 (17.21)	19,602	816 (54.62)	1,494	1,863 (66.63)	2,796	1,106 (50.99)	2,169	22 (70.97)	31
		資料來源：教育部 註： 1. 本表係依 2007.7.4 實施之「中華民國教育程度及學科標準分類(第4次修正)」重新歸類。 2. 其他包含 990101 人類性學研究所 及 990199 不分系。2008-2009 學年尚無成立學系。																	

英文回應

1. The percentages of female Master's and PhD graduates in SY 2012 are 42.4% and 29.1% respectively. The detailed statistics are attached to the table R10-19-1. The temporary special measures will be continuously planned on a yearly basis to respond to the national CEDAW report

and its shadow report. Current measures to increase the percentage of female Master's and PhD graduates are:

- (1) To ensure fair assessment of attendance and grades concerning girl students' menstrual and maternity needs, all college and universities were ordered in 2014 to revise their rules of leave application: girl students who have difficulties attending schools due to menstrual needs are entitled for one day leave without medical proof in order to protect personal privacy.
 - (2) Terms to protect student rights on account of pregnancy, childbirth, or childcare of toddlers under three years old, such as holding enrollment, prolonging study terms, flexible assessment on attendance and grade, and waiver of leave of study absence, should be written into school regulations. In 2014, 100% of colleges and universities have achieved the goal.
2. Due to the fact that one's choice of field of study in college is influenced by his/her own choice of academic group in high school and there is no gender restriction in terms of student recruitment, students are able to freely choose their priorities. According to Article 24 of the University Act, universities and vocational and technological colleges shall be transacted independently or jointly with other universities following the principles of equity, justice and openness when it comes to student recruitment. Since 2002, Taiwan has implemented "The Multiple Entrance Programs for the Universities" and "The Multiple Entrance Programs for the Four-Year Programs and Two-Year Junior Colleges" in order for students of different orientations to find the most ideal and suitable way to get into college to realize their true potential and further to achieve the goal of adaptive selections. According to Article 11 of the Constitution of the Republic of China, "The people shall have freedom of speech, teaching, writing and publication." Therefore, there is no gender restriction in terms of student recruitment, instructor recruitment and course selection.
3. Primary and secondary school graduates about mathematical (science and math) Gender statistics are attached to the table R10-19-2 follows:
- (1) By the 2012 TASA sixth-grade formal test results of the analysis, gender performance in mathematics scale score, is no significant difference.
 - (2) By the 2012 TASA sixth-grade formal test results of the analysis, boys and girls, respectively 256.85, 254.67 scale scores, there was no significant difference between the academic achievement performance in natural circumstances.
 - (3) By the 2010 TASA eighth-grade formal test results of the analysis, boys and girls in mathematics performance scale scores circumstances, there is no significant difference.

(4) By the 2010 TASA eighth-grade formal test results of the analysis, scale scores of boys and girls in the performance of natural circumstances, there are significant differences, the effect of the amount of the coefficient $D = 0.055$, means that performance in science learning achievement of gender difference is minimal.

[Table R10-19-1] Female College Graduates (Master and PhD) and Fields of Study

School Year	class	Education		Humanities and arts		Social science, commerce, and law		Science		Engineering, manufacturing and construction		Agriculture		Medicine, health and social welfare		Services		Others	
		Female (%)	Total graduates	Female (%)	Total graduates	Female (%)	Total graduates	Female (%)	Total graduates	Female (%)	Total graduates	Female (%)	Total graduates	Female (%)	Total graduates	Female (%)	Total graduates	Female (%)	Total graduates
2008	PhD	105 (46.88)	224	154 (57.25)	269	240 (40.68)	590	144 (24.66)	584	136 (9.32)	1,460	35 (28.93)	121	138 (43.67)	316	5 (20.00)	25	-- (--)	--
	Master	3,238 (63.85)	5,071	3,408 (67.54)	5,046	7,890 (48.39)	16,306	2,219 (34.34)	6,461	2,699 (14.44)	18,694	686 (50.81)	1,350	1,841 (6610)	2,785	930 (48.19)	1,930	21 (67.74)	31
2009	PhD	101 (45.29)	223	136 (50.18)	271	200 (39.84)	502	188 (29.33)	641	164 (10.71)	1,628	28 (25.93)	108	134 (42.24)	317	5 (33.33)	15	-- (--)	--
	Master	3,488 (68.24)	5,111	3,544 (67.22)	5,272	8,444 (49.86)	16,935	2,400 (35.22)	6,814	2,975 (15.38)	19,345	691 (50.25)	1,375	1,857 (68.05)	2,729	916 (48.62)	1,884	12 (44.44)	27
2010	PhD	133 (50.76)	262	171 (59.17)	289	204 (40.88)	499	165 (25.62)	644	165 (10.14)	1,628	28 (30.11)	93	172 (42.36)	406	5 (22.73)	22	1 (33.33)	3
	Master	3,275 (64.18)	5,103	3,488 (66.04)	5,282	8,870 (51.87)	17,100	2,406 (35.48)	6,781	3,264 (16.86)	19,354	815 (54.88)	1,485	1,892 (68.11)	2,778	1,038 (49.15)	2,112	25 (86.21)	29
2011	PhD	164 (57.54)	285	153 (55.43)	276	214 (39.41)	543	180 (26.87)	670	161 (10.29)	1,564	46 (38.33)	120	166 (43.92)	378	7 (30.43)	23	1 (50.00)	2
	Master	3,076 (67.95)	4,527	3,648 (69.67)	5,236	8,967 (52.44)	17,098	2,654 (37.40)	7,097	3,374 (1721)	19,602	816 (54.62)	1,494	1,863 (66.63)	2,796	1,106 (50.99)	2,169	22 (70.97)	31
		Source: Ministry of Education																	
		Note:																	
		1. This table has been prepared according to the ROC Standard Classification for Education (4th Amendment) implemented on July 4, 2007.																	
		2. Others include 990101 (Graduate School of Human Sexuality) and 990199 (not classified). These categories were not available during the 2008 and 2009 academic years.																	

[表 R10-19-2A]國小六年級學生不同性別在數學學習成就表現分析

[Table R10-19-2A]Sixth-grade students of different genders learning achievement in mathematics performance analysis

性別 Sex	人數 Number of people	量尺分數平均數 Average	標準差 Standard deviation	抽樣誤差 Sampling error	95%CI
男生 Male	5713	264.08	56.79	1.128	[261.87, 266.29]
女生 Female	5377	264.03	53.53	1.220	[261.64, 266.42]
遺漏值 Missing Values	3	-	-	-	-

[表 R10-19-2B]國小六年級學生不同性別在自然量尺分數表現情形

[Table R10-19-2B]Sixth-grade students of different gender expression in the case of natural scale scores

性別 Sex	人數 Number of people	量尺分數平均數 Average	標準差 Standard deviation	抽樣誤差 Sampling error	95%CI
男生 Male	5750	256.85	47.67	1.04	[254.82,258.88]
女生 Female	5249	254.67	42.54	0.91	[252.88,256.46]

[表 R10-19-2C]國中二年級學生不同性別在數學量尺分數表現之獨立樣本 t 檢定

[Table R10-19-2C] Eighth-grade students different gender in mathematics scale score for independent samples t test performance

	比較	人數	量尺分數平均數	標準差	平均差異	t 值	顯著性
	Comparison	Number of people	Average	Standard deviation	The mean difference	T value	Significance
量尺分數 Scale scores	男生 Male	4200	253.54	53.68	-1.20	-1.051	.293
	女生 Female	4087	254.74	49.93			

[表 R10-19-2D]國中二年級學生不同性別在自然量尺分數表現情形之獨立樣本 t 檢定

[Table R10-19-2D] Eighth-grade students independent samples of different sex in the case of natural scale scores t test performance

	性別	人數	平均數	標準差	平均差異	t 值	顯著性
	Sex	Number of people	Average	Standard deviation	The mean difference	T value	Significance
量尺分數 Scale scores	男生 Male	4256	258.49	54.80	2.84	2.516	.012
	女生 Female	4018	255.65	47.20			

註：其效果量 (effect size) 係數為 .055。

effect size coefficient is .055

條文	編號	問題內容（原文）	中文參考翻譯
第 10 條	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.	在報告 10.12 中強調性別平等之重要性，並已建立中小學教科書性別偏見的檢視原則，請說明這些原則如何落實檢視現有教科書、學校課程及教學法？

中文回應

一、「教科書性別偏見檢視原則」落實於教科書檢核的具體作法：

- (一) 提供教科書業者於編修教科書時，進行自行檢核。
- (二) 納入教科書審查指標，檢核教科書內容是否符合性別平等。

二、現行國中小教科書皆經國教院審查通過，教師據以進行各學習領域課程，中央課程與教學輔導諮詢團隊-性別平等教育議題小組透過三級輔導體系對教師進行相關之增能活動，以提升教師性別平等教育相關能力。

英文回應

1. ‘Gender bias review principles for junior high and elementary textbooks’ have been already applied in following respects :

- (1) Providing textbook publishers with self-examination criteria for editing and revising the content of textbooks.
- (2) Subsuming textbook reviewing index, in order to investigate whether the content of textbooks matches with gender equality during official reviewing process.

2. Elementary and junior high textbooks reviewed by NAER, teachers conduct various learning areas, according to the course, the Department of Curriculum and Instruction counseling center team - gender equality in education issues through group counseling system for three

energizer activities related to teachers, to promote gender equality in teacher education-related capabilities.

條文	編號	問題內容（原文）	中文參考翻譯
第 10 條	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.	報告指出性別平等教育法已納入並定義「性霸凌」一詞，請說明各級學校中性霸凌事件之現況？尤其是女性是否更常遭受性霸凌？請說明處理性霸凌之相關權責、程序及罰則為何？

中文回應

- 一、性霸凌於 2011 年 6 月起增列，於 2012 年起之案件統計：2012 年通報疑似共 13 件、調查屬實 4 件，尚未進行性別統計。2013 年起資料仍在統計中，因此未能分析女性是否更常遭受性霸凌，將於未來進行性別統計後，持續關切此一情形。
- 二、校園性霸凌之處理說明：
 - (一) 處理權責：依據性別平等教育法第 4 至 6 條規定，學校發生性霸凌事件，由學校性別平等教育委員會調查處理；第 28 條規定，學校之首長為加害人時，應向學校所屬主管機關申請調查。
 - (二) 處理程序：
 1. 申請調查或檢舉階段：學校知悉性霸凌事件→進行校安通報→通知未成年當事人之法定代理人→告知受害人申請調查管道，勿自行私下調解；若受害人無申請意願，可由性別平等教育委員會先做成記錄，俟後再提出申請（申請調查無時間限制）。
 2. 調查處理階段：調查小組以三人或五人為原則；調查小組成員應具性別平等意識，女性人數比例，應占成員總數二分之一以上；調查小組成員中具性侵害或性騷擾事件調查專業素養之專家學者應占成員總數三分之一以上。
 3. 調查歷程：

- (1) 學校調查處理基本原則（保密、給予當事人必要之協助、詢問未成年當事人法定代理人是否陪同參與調查）。
- (2) 申請人撤回申請調查時，為釐清相關法律責任，受理之學校或主管機關得經所設之性平會決議，或經行為人請求，繼續調查處理。主管機關認情節重大者，應命學校繼續調查處理。
- (3) 為保障事件當事人之受教權或工作權，學校或主管機關於必要時得彈性處理當事人之出缺勤紀錄或成績考核，並積極協助其課業或職務，得不受請假、教師及學生成績考核相關規定之限制；其必要之處置，應經性平會決議通過後執行。
- (4) 給予雙方當事人充分陳述意見及答辯之機會。

4. 提出調查報告及處理建議：

- (1) 性平會調查完成後，應將調查報告及處理建議，以書面向學校提出報告，學校應於接獲調查報告2個月內完成議處，並將處理之結果以書面載明事實、理由、及救濟程序，通知當事人及檢舉人。
- (2) 提出處理建議涉及加害人身分變更時，應通知加害人提出書面陳述意見。

(三) 罰則：依據「性別平等教育法」及「教育部處理違反性別平等教育法事件處理程序及裁罰基準」處理。

1. 學校未依校園性侵害性騷擾及性霸凌防治準則訂定防治規定，並公告周知：處一萬元以上十萬元以下罰鍰。
2. 學校調查處理校園性霸凌事件時，未對當事人及檢舉人之姓名或其他足以辨識身分之資料予以保密：處一萬元以上十萬元以下罰鍰。
3. 學校校長、教師、職員或工友知悉服務學校發生疑似校園性侵害、性騷擾或性霸凌事件，未於二十四小時內，依學校防治規定所定權責，向學校及當地直轄市、縣（市）主管機關通報：處三萬元以上十五萬元以下罰鍰，依據延誤時間加重處罰。
4. 學校校長、教師、職員或工友偽造、變造、湮滅或隱匿他人所犯校園性騷擾或性霸凌事件之證據：處三萬元以上十五萬元以下罰鍰，並依據所生之影響及違反之次數加重處罰。

三、教育部於2014年研議規劃推動性霸凌防治相關措施，響應聯合國「517國際反恐同日」(International Day Against Homophobia and Transphobia, IDAHO)，期降低校園性霸凌之發生。

英文回應

1. The term ‘sexual bullying’ was added into the Gender Equity Education Act in June, 2011. Relevant statistics started in 2012. In 2012, four out

of 13 reported suspected incidents were verified after investigation. However, gender statistics was not yet included. The 2013 statistics is still on going. Therefore current statistics is inadequate to show whether girl or women are particularly affected by sexual bullying. Further analysis regarding gender segregation will focus on this issue.

2. Sexual bullying on campus is dealt with the following regulations:

(1) Responsibility: According to Article 4-6 of the Gender Equity Education Act, each school's Gender Equity Education Committee is responsible for handling incidents of sexual bullying. Article 28 states that if the offender is the head of the school, the investigation application shall be made to the competent authority supervising the school.

(2) Procedures:

A. After receiving an application for investigation or an offense report: Once the school is notified, it should file a Campus Security Report, then notify the guardian of the non-adult victims, then inform of the victim rights and relief of the investigation excluding private intermediation. If the victim has no consent of filing an investigation, the Gender Equity Education Committee shall prepare a written record for future purposes given no deadline of investigation application is set.

B. Forming an investigation team: Investigation team shall consist of 3 or 5 members. Members of the aforesaid team should have gender equity consciousness, and more than half of them shall be women. At least one-third of the investigation team at the school level shall be composed of experts or scholars specializing in the investigation of incidents of sexual assault, sexual harassment, or sexual bullying.

C. During investigation:

a. Basic principles of handling investigation include confidentiality, providing sufficient support to the victims, inquiring willingness of the guardian of the non-adult victims for accompanying the investigation.

b. In cases where an applicant withdraws an application for investigation, to clarify the relevant legal liability, the school or agency with jurisdiction handling the investigation, after the decision of its Committee or the request of the alleged offender, may continue the investigation. The competent authority under whose jurisdiction the school falls shall, where it considers the facts of the case to be of sufficient gravity to warrant it, must direct the school with jurisdiction to continue the investigation.

c. In order to protect the right to education and the right to work of the victim of a campus sexual bullying incident, the school or agency

with jurisdiction may handle the attendance record or achievement assessment of the victim with flexibility; assist the victim's studies or work affirmatively, and without limitations stemming from regulations pertaining to requests for leaves of absence, and those pertaining to performance appraisals for teachers and students. Any required measures shall be instituted after a resolution is passed by the Committee.

d. Sufficient opportunities of giving statements and self defenses shall be given to both parties.

D. Submitting an investigation report and suggestion for handling:

a. After the investigation is complete, the Gender Equity Education Committee shall submit a written report to its school regarding the investigation and suggestions for handling. After receiving the aforesaid investigation report, the school shall put forth a decision within two months. The school shall notify in writing the applicant, offense-reporter and offender of its handling conclusion, facts established and grounds, and procedures of relief.

b. When in the handling conclusion any disciplinary measure involves a change to the offender's status, the offender shall be given an opportunity to make a written statement presenting his or her views.

(3) Sanctions: According to the Gender Equity Education Act and the MOE Administrative Directions for Violations and Fines Regarding the Gender Equity Education Act Incidents,

A. A school failing to prescribe and promulgate prevention and handling regulations according to the MOE Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus shall be subjected to a fine not less than 10,000 New Taiwan Dollars and not more than 100,000 New Taiwan Dollars.

B. A school, when handling a sexual bullying on campus, failing to keep confidentiality of the names or any other identifiable information of the parties and the offence-reporter shall be subjected to a fine not less than 10,000 New Taiwan Dollars and not more than 100,000 New Taiwan Dollars.

C. A principal, faculty or staff member of a school who knows of an incident of suspected sexual assault, sexual harassment, or sexual bullying occurring at the school where they are employed and fails to report to the school, or the competent authority of the municipality or county with jurisdiction of the school within 24 hours shall be subject to a fine of not less than 30,000 New Taiwan

Dollars and not exceeding 150,000 New Taiwan Dollars.

D. A principal, faculty or staff member of a school who falsifies, alters, destroys or conceals evidence of an incident of sexual harassment or sexual bullying on campus perpetrated by other persons shall be subject to a fine of not less than 30,000 New Taiwan Dollars and not exceeding 150,000 New Taiwan Dollars.

3. In 2014, the MOE started research on measures to prevent sexual bullying on campus in response to the International Day Against Homophobia and Transphobia (IDAHO) in order to reduce its occurrence.

條文	編號	問題內容（原文）	中文參考翻譯
第 10 條	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?	請說明學校及教育機構性騷擾事件處罰之情形？校園及教育機構之性騷擾事件現況如何？及校方如何重視處理？

中文回應

- 一、依據性別平等教育法第 25 條規定，校園性侵害、性騷擾或性霸凌事件經學校或主管機關調查屬實後，應依相關法律或法規規定自行或將加害人移送其他權責機關，予以申誡、記過、解聘、停聘、不續聘或其他適當之懲處。學校、主管機關或其他權責機關為性騷擾或性霸凌事件之懲處時，應命加害人接受心理輔導之處置，並得命其為下列一款或數款之處置：
 - (一) 經被害人或其法定代理人之同意，向被害人道歉。
 - (二) 接受八小時之性別平等教育相關課程。
 - (三) 其他符合教育目的之措施。
- 二、依據校安通報統計，近 4 年適用性別平等教育法調查處理之性騷擾事件統計：2009 年 352 件、2010 年 1,135 件、2011 年 2,407 件、2012 年 3,112 件，透過法令之宣導，提供諮詢管道協助學校人員澄清通報及處理之疑慮，鼓勵學校人員於知悉疑似事件時應

依法通報，並強化其法律與性平教育之知能，對正確通報之落實及依法處理實具相當之成效。

三、校方重視及處理校園性騷擾事件之措施：

(一) 性別平等教育法第 21 條規定，學校之校長及教職員工知悉學校發生疑似校園性侵害、性騷擾或性霸凌事件，應於 24 小時內進行通報，並不得偽造、變造、湮滅或隱匿事件之相關證據，且應將事件交由學校所設性平會調查處理。同法第 36 條並定有對延遲通報之學校校長、教師、職員或工友處以罰鍰、對偽造、變造、湮滅或隱匿事件之相關證據，並應依法予以免職或解聘之規定。

(二) 教育部透過建置網路資訊系統，列管每一件校園性侵害、性騷擾或性霸凌之通報案件，並由各該主管教育行政機關逐案檢視學校之調查處理情形，並追蹤各事件之處理成效，促使學校重視校園性騷擾事件之調查處理。

英文回應

1. According to Article 25 of the Gender Equity Education Act, once an incident of sexual assault, sexual harassment, or sexual bullying on campus has been investigated and established as having actually occurred by the school or competent authority in accordance with the pertinent laws or regulations, the school or competent authority shall itself impose a formal reprimand, demerit, dismissal, suspension, non-renewal of contract, or some other appropriate penalty on the offender, or transfer him or her to another authorized agency with the jurisdiction to do so. When handling sexual harassment, or sexual bullying incidents, the school, competent authority, or other authorized agency with the jurisdiction to take disciplinary measures and impose penalties shall in addition order that the offender receive psychological counseling, and may also order that he or she is subject must comply with one or more of the following measures:

- (1) Apologize to the victim, if the victim or his or her guardian gives consent.
- (2) Attend eight hours of gender equity education related courses.
- (3) Other measures that serve an educational purpose.

2. According to the Campus Security Report Statistics, the numbers of recent reported sexual harassment incidents in educational settings are: 352 incidents in 2009, 1,135 incidents in 2010, 2,407 incidents in 2011, and 3,112 incidents in 2012. The MOE has constantly provided law advocacy and consulting channel for school faculty or staff members to clarify questions regarding handling of the incidents. School faculty

or staff members are encouraged to report the suspected incidents in a law-abiding manner upon knowing of the incident and to strengthen their own legal and educational literacy of gender equity. These measures have effectively increased the numbers of correct report incidents and law-abiding handling procedures.

3. School authorities stress the handling of sexual harassment:

- (1) According to Article 21 of the Gender Equity Education Act, should the principal, faculty or staff member knows of an incident of suspected sexual assault, sexual harassment, or sexual bullying occurring at the school where they are employed, they shall report the incident no later than twenty-four hours upon knowing of the incident. They shall not falsify, modify, destroy, or conceal evidences of incidents and shall turn over the case to its Gender Equity Education Committee for investigation and handling. According to Article 36, failure of reporting in due time is subject to a fine, and violators who falsifies, modifies, destroys, or conceals evidence of sexual assault on campus committed by others, shall be dismissed or discharged from employment in accordance with the law.
- (2) The MOE has established an internet data base to trace every reported sexual assault, sexual harassment, or sexual bullying incidents. The governing authority of every incident is expected to use the data base to supervise the investigation of the incident, examine its effectiveness, and thereby demand schools to actively handle the investigation of the incidents.

條文	編號	問題內容 (原文)	中文參考翻譯
第 11 條	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?	在性別歧視案件的報告中 (在第 11.10.1) ， 2009 至 2012 年包括就業歧視的主要申訴類型，是違反性別工作平等法何種態樣之性別歧視？雖然雇主已被處以罰款，申訴人是否有權獲得賠償？他們可獲得何種賠償？

中文回應

懷孕歧視為違反性別平等法的主要申訴類型。當受僱者遭受懷孕歧視的不利對待而受有損害時，雇主應負賠償責任。性別工作平等法定有明文。

英文回應

Pregnancy discrimination is predominantly reported as the subject of violations of the Act of Gender Equality in Employment. When employees or applicants are suffered from disadvantaged treatment by the employment practices referred to pregnancy discrimination, the employers shall be liable for any disadvantaged treatment arising there from. Those conditions are stated in Act of Gender Equality in Employment.

條文	編號	問題內容（原文）	中文參考翻譯
第 11 條	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.	文章 11.12 為兩性薪資差距資料，請提供按部門別/職類別分更詳細的兩性薪資差距資料。

中文回應

2014 年 1 月起參照「100 年工商及服務業普查統計結果」及「中華民國行業標準分類第 9 次修訂版」基準校正歷年時間數列資料。修正 11.12 內容及新增按行業別觀察兩性薪資差距情形如下：

- 一、 11.12：促進同值同酬：2012 年女性每月總薪資為 4 萬 486 元，每月總工時 175.6 小時，平均時薪 231 元，女性平均時薪為男性之 83.4，差距由 2009 年之 18.1% 降至 2012 年之 16.6% (表 11-15)。
- 二、 按行業別觀察，2012 年醫療保健服務業兩性薪資差距最大占 48.9%，其次為藝術、娛樂及休閒服務業占 32.3%、礦業及土石採取

業占 31.9%，再其次為營造業占 29.6%；而在支援服務業及不動產業女性平均時薪大於男性。

英文回應

Follow by the 9th revisions of Standard Industrial Classification of Republic of China and the results of Industry, Commerce and Service Census held in 2011, the time series of earning statistic benchmark adjusted since Jan., 2014. Revised 11.12 and the wage gap between men and women across sectors :

1. 11.12 : Promotion of equal pay : In 2012, women had average monthly earnings of NT\$ 40,486, and an average monthly working hours of 175.6 hours, which works out to an average hourly earnings of NT\$231. This represents 83.4% of men’s average hourly earnings. The gap between men’s and women’s hourly earnings has fallen from 18.1% in 2009 to 16.6% in 2012 (Table 11-15).
2. In 2012, the largest wage gap between men’s and women’s hourly earnings was human health services (48.9%), followed by arts, entertainment & recreation (32.3%) and mining & quarrying (31.9%), and then followed by construction (29.6%). On the other hand, women’s average hourly earnings were higher than men’s in support services and real estate.

[表 11-15] 我國兩性薪資差距 The wage gap between men and women

年度 Year	女 Women			男 Men			女/男 (男性=100) (%) Women /Men (Men=100)) (%)	兩性差距 (%) Gender difference (%)
	總薪資 (元) Average Monthly Earnings (Yuan)	總工時 (小時) Average Monthly Working Hours (Hour)	平均時薪 (元/小時) Average Hourly Earnings (Yuan/ Hour)	總薪資 (元) Average Monthly Earnings (Yuan)	總工時 (小時) Average Monthly Working Hours (Hour)	平均時薪 (元/小時) Average Hourly Earnings (Yuan/ Hour)		
2009	37,206	174.8	213	46,376	178.4	260	81.9	18.1
2010	39,195	178.4	220	48,716	183.3	266	82.7	17.3

2011	40,160	175.7	229	50,045	181.2	276	82.8	17.2
2012	40,486	175.6	231	49,935	180.7	276	83.4	16.6
礦業及土石採取業 Mining & quarrying	37,519	179.3	209	56,440	183.6	307	68.1	31.9
製造業 Manufacturing	35,357	181.5	195	49,404	185.6	266	73.2	26.8
電力及燃氣供應業 Electricity & gas supply	73,552	169.6	434	95,885	177.6	540	80.3	19.7
用水供應及污染整治業 Water supply & remediation services	41,297	175.5	235	44,423	179.7	247	95.2	4.8
營造業 Construction	30,697	173.2	177	45,030	178.8	252	70.4	29.6
批發及零售業 Wholesale & real trade	38,906	172.3	226	44,946	174.3	258	87.6	12.4
運輸及倉儲業 Transportation & storage	44,991	172.6	261	52,418	184.9	283	91.9	8.1
住宿及餐飲業 Accommodation & food services	28,401	172.3	165	32,474	169.6	191	86.1	13.9
資訊及通訊傳播業 Information & communication	59,999	168.4	356	73,090	168.8	433	82.3	17.7
金融及保險業 Financial & insurance	71,997	167.1	431	87,651	168.1	521	82.6	17.4
不動產業 Real Estate	39,876	178.5	223	39,311	182.5	215	103.7	-3.7
專業、科學及技術服務業 Professional, scientific & technical services	49,953	172.2	290	61,960	174.9	354	81.9	18.1
支援服務業 Support services	33,803	180.9	187	33,479	203.6	164	113.6	-13.6
教育服務業 Education	21,645	136.6	158	25,556	122.1	209	75.7	24.3
醫療保健服務業 Human health	50,970	175.8	290	96,682	170.4	567	51.1	48.9

services								
藝術、娛樂及休閒服務業 Arts, entertainment & recreation	28,328	182.8	155	41,965	183.3	229	67.7	32.3
其他服務業 Other services	29,318	200.7	146	37,477	191.0	196	74.4	25.6

資料來源：行政院主計總處

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

註：

1. 總薪資＝經常性薪資＋非經常性薪資(含加班費)，總工時＝正常工時＋加班工時。
2. 依性別工作平等法規定，雇主對受僱者薪資之給付，不得因性別或性傾向而有差別待遇(包含直接或間接不利之對待)；其工作或價值相同者，應給付同等薪資。雇主不得以降低其他受僱者薪資之方式規避。
3. 本統計結果自 2014 年 1 月起援例參照「100 年工商及服務業普查統計結果」及「中華民國行業標準分類第 9 次修訂版」基準校正歷年時間數列資料。

Note :

1. Average Monthly Earnings = Average Monthly Regular Earnings + Average Monthly Irregular Earnings(include overpay), Average Monthly Total Working Hours = Average Monthly Regular Working Hours + Overtimes.
2. According to the Act of Gender Equality in Employment, employers may not offer different pay packages to employees (whether directly or indirectly) on the basis of gender or sexual orientation. Employees involved in work of a similar nature or value should be equally remunerated. Furthermore, employers may not reduce salaries of other employees as a means of achieving equality.
3. Follow by the 9th revisions of Standard Industrial Classification of Republic of China and the results of Industry, Commerce and Service Census held in 2011, the time series of earning and productivity statistic benchmark adjusted since Jan., 2014.

條文	編號	問題內容 (原文)	中文參考翻譯
第 11 條	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?	為確保身障婦女能在職場受合理之對待，請提供相關合理工作調適措施，並說明該措施由誰辦理？如何執行？

中文回應

- 一、 依就業服務法第 5 條第 1 項規定，雇主對求職人或所僱用員工，不得以性別、身心障礙等為由，予以歧視。若有違反，依同法第 65 條第 1 項規定，處新臺幣 30 萬元以上 150 萬元以下罰鍰。
- 二、 另依身心障礙者權益保障法第 33 條規定，各級勞工主管機關應依身心障礙者之需求，自行或結合民間資源，提供無障礙個別化職業重建服務。前項所定職業重建服務，包括職業輔導評量、職業訓練、就業服務、職務再設計、創業輔導及其他職業重建服務。

英文回應

1. **Employment Services Act** : Article 5 provides that an employer is prohibited from discriminating against any job applicant or employee on the basis of disabilities. Offenders shall be fined according to Article 65 with a minimum amount of NTD\$300,000 (USD\$10,221) to a maximum amount of NTD\$1,500,000 (USD\$51,107).
2. **People with Disabilities Rights Protection Act** : Article 33 provides that the competent authorities of individual levels in charge of labor shall, according to the actual need of people with disabilities, process by themselves or consolidate resources of private sectors to provide access-free and individualized occupational reconstruction services. The occupational reconstruction referred to in the preceding paragraph means occupational guidance assessment, occupational training, employment services, occupation redesign, entrepreneur guidance, etc.

條文	編號	問題內容 (原文)	中文參考翻譯
第 11 條	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.	對於 29 人或未滿 29 人以下之事業單位，政府有無提供鼓勵申請產假的措施？這些措施是否有效？有鑒於第 11 條(23)第一行指出懷孕歧視為最常出現的歧視態樣，故請指出延展產假的益處，以及不同的意見。

中文回應

- 一、 僱主於女性受僱者分娩前後，應使其停止工作，給予產假八星期。產假期間薪資之計算，依相關法令之規定。
- 二、 依本部統計資料「僱用管理調查」顯示，29 人以下事業單位有提供產假者佔絕大多數(96.2%)，顯見性平措施成效顯著。
- 三、 有關勞工保險生育給付部分：為增進被保險人請領生育給付權益，立法院業已通過勞工保險條例修正草案，將生育給付由現行 30 日提高為 60 日，及雙生以上依生產胎數增給。

英文回應

1. Employers shall stop female employees from working and grant them a maternity leave before and after childbirth for a combined period of eight weeks. The computation of wage during maternity period shall be made pursuant to the related statutes and administrative regulations.
2. The majority of institutions which under 29 labors have been observed provide the maternity leave. (96.2%)And our efforts seems effective to employees .
3. To enhance the insured maternity benefits, the Legislative Yuan passed the draft amendments of the Labor Insurance Act, maternity benefit shall be extended from 30 days up to 60 days, and a plural birth resulting from childbirth or prematurity, maternity benefit shall be increased proportionately.

條文	編號	問題內容 (原文)	中文參考翻譯
第 11 條	27	What types of violations do foreign domestic workers report to the hotline and other law enforcement agencies?	外籍看護工向 1955 專線及其他執法機關申訴之人身侵害類型為何？

中文回應

一、家事勞工保障法草案已於 2013 年 9 月 13 日報請行政院續行審議。

二、有關外籍看護工向 1955 專線申訴之人身侵害類型，包括人身傷害、性騷擾、性侵害及限制人身自由等類。

三、自 2010 年至 2013 年，上述各類申訴案件數如下：

單位：人

	2010 年度	2011 年度	2012 年度	2013 年度	總計
人身傷害	391	963	969	603	2,926
性騷擾	108	229	232	319	888
性侵害	102	77	86	64	329
限制人身自由	27	4	10	55	96
總計	628	1,273	1,297	1,041	4,329

四、有關外籍勞工(包括產業勞工及看護工)向各地方政府或由 1955 專線轉介申訴之人身侵害類型，包括人身傷害、性騷擾及性侵害等類。

五、自 2010 年至 2013 年，上述各類申訴案件數如下：

單位：人

	2010 年度	2011 年度	2012 年度	2013 年度	總計
人身傷害	179	411	455	384	1429
性騷擾	83	174	221	180	658

性侵害	71	45	38	41	195
總計	333	630	714	605	2282

英文回應

1. Draft of the Protection Act of Domestic Workers has been submitted to Executive Yuan for deliberation at Sep. 13, 2013
2. The types of violations which caregivers complaint to 1955 hotline include different physical abuse, sexual harassment, sexual assault and restriction of personal freedom, etc..
3. Since 2010 to 2013 , the number of cases of these types of complaints are as follows:

Unit : Person

	2010	2011	2012	2013	TOTAL
PHYSICAL ABUSE	391	963	969	603	2,926
SEXUAL HARASSMENT	108	229	232	319	888
SEXUAL ASSAULT	102	77	86	64	329
RESTRICTION OF PERSONAL FREEDOM	27	4	10	55	96
TOTAL	628	1,273	1,297	1,041	4,329

4. The types of violations which foreign workers (including industrial workers and caregivers) complaint to local government or being referred by the 1955 hotline include different physical abuse, sexual harassment and sexual assault, etc..

5. Since 2010 to 2013 , the number of cases of the said types of complaints are as follows:

Unit : person

	2010	2011	2012	2013	TOTAL
PHYSICAL ABUSE	179	411	455	384	1429
SEXUAL HARASSMENT	83	174	221	180	658
SEXUAL ASSAULT	71	45	38	41	195
TOTAL	333	630	714	605	2282

條文	編號	問題內容 (原文)	中文參考翻譯
第 11 條	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.	該報告 (在第 11.38.1 和 11.38.2) 強調了性騷擾的罰緩處罰。請提供性騷擾的申訴案無論申訴人是否獲得賠償以及其可獲得何種形式的賠償等相關資料。

中文回應

- 一、性別工作平等法第 27 條：受僱者或求職者因遭受性騷擾之情事，受有損害者，由雇主及行為人連帶負損害賠償責任。但雇主證明其已遵行本法所定之各種防治性騷擾之規定，且對該事情之發生已盡力防止仍不免發生者，雇主不負賠償責任。如被害人依前項但書之規定不能受損害賠償時，法院因其聲請，得斟酌雇主與被害人之經濟狀況，令雇主為全部或一部之損害賠償。雇主賠償損害時，對於為性騷擾之行為人，有求償權。
- 二、行為人除了依據性騷擾防治法科處罰鍰之外，被害人亦可提起訴訟請求損害賠償或回復名譽，或向地方政府主管機關申請調解，以得到金錢賠償。
- 三、「高級中等學校建教合作實施及建教生權益保障法」第 27 條第 2 項規定，建教生於建教合作機構受訓期間遭性別歧視、性傾向歧視或性騷擾時，其申訴之提出、認定及建教合作機構之賠償責任，準用性別工作平等法及其相關法規之規定。

英文回應

1. Article 27 of the Act of Gender Equality: in Employment When employees or applicants are damaged by the employment practices referred to sexual harassment, the employers and the harassers shall be jointly and severally liable to make compensations. However, the employers are not liable for the damages if they can prove that they have complied with the Act and provide all preventive measures required, and they have exercised necessary care in preventing damage from occurring but they still happen. If compensations cannot be obtained by the injured parties pursuant to the stipulations of the preceding paragraph, the court may, on their application, taking into consideration the financial conditions of the employers and the injured parties, order the employers to compensate for a part or the whole of the damage.
2. According to the Sexual Harassment Prevention Act, a person who has sexually harassed another person should take the responsibility of offering compensation for damage related to money, property or restoring reputation. Two parties directly involved in a sexual harassment incident can apply for conciliation to the municipal and county (city) authorities. The victims to get financial compensation.
3. "Senior secondary schools to teach students to build cooperative education implementation and Protection Act," Article 27 paragraph 2 provides that the time period was gender discrimination, sexual orientation discrimination or sexual harassment, the complaint was born in cooperative education institutions erected to teach trainees, determination and cooperative education liability institutions, permitted the Gender Equality in Employment Act and its associated regulations requirements.

條文	編號	問題內容 (原文)	中文參考翻譯
第 11 條	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?	請提供就業者中女性相較於男性占主管職位的比例。請提供各行業女性雇主的比例。有任何資訊顯示性別與升遷的關係，包括女性相較於男性升遷的時間長短，以及升遷的次數？

中文回應

一、請提供就業者中女性相較於男性占主管職位的比例

(一) 就部門別觀察，工業及服務業合計女性民意代表、主管及經理人員占比自 2009 年 19.5% 至 2012 年 23.3%，增加 3.8%。

單位：千人，%

項目別	工業及服務業合計				工業				服務業			
	女性主管		男性主管		女性主管		男性主管		女性主管		男性主管	
	人數	比例	人數	比例	人數	比例	人數	比例	人數	比例	人數	比例
2009	86	19.5	356	80.5	22	11.3	173	88.7	64	26.0	182	74.0
2010	90	20.5	348	79.5	23	11.7	174	88.3	66	27.4	175	72.6
2011	94	21.6	341	78.4	26	13.3	169	86.7	69	28.8	171	71.3
2012	98	23.3	323	76.7	24	13.0	161	87.0	74	31.4	162	68.6

資料來源：行政院主計總處「人力資源調查」

(二) 國營事業單位董監事會女性比例：董事人數 176 人，其中男性 154 人(87.5%)，女性 22 人(12.5%)，監察人數 35 人，其中男性

20 人(57.2%)，女性有 15 人(42.8%)。

單位：人，%

項目別	董事/理事			監察人		
	女性人數	總人數	比例	女性人數	總人數	比例
台糖公司	3	14	21.4	-	-	-
台電公司	1	15	6.7	-	-	-
中油公司	1	13	7.7	1	3	33.3
漢翔公司	1	15	6.7	1	3	33.3
台水公司	3	15	20	3	5	60
中華郵政股份有限公司	4	15	26.67	1	3	33.33
桃園國際機場股份有限公司	2	15	13.33	1	3	33.33
臺灣港務股份有限公司	2	23	8.7	3	5	60
臺灣金融控股股份有限公司	2	15	13.33	-	-	-
臺灣土地銀行股份有限公司	0	14	0	1	5	20
中國輸出入銀行	0	7	0	3	3	100
臺灣菸酒股份有限公司	3	15	20	1	5	20
總計	22	176	12.5	15	35	42.8

(三) 公開發行公司董監事會女性比例：董事人數 16,329 人，其中男性 14,398 人(88.17%)，女性 1,931 人(11.83%)，監察人數 4,768 人，其中男性 3,689 人(77.37%)，女性有 1,079 人(22.63%)。

二、請提供各行業女性雇主的比例：下表為 2013 年女性雇主行業別比例分布，女性雇主人數總計為 91,078 人，占全部企業雇主比例為 19.46%；女性自營作業者人數為 331,759 人，占全部自營作業人數比例為 25.19%。

單位：人；%

行業別	雇主			自營 作業人數	女性雇主					女性 自營作業	
	中小企業 人數	大企業 人數	全部企業 人數		中小企業		大企業 人數	全部企業		人數	女性占自營 作業比例
					人數	比例		人數	比例		
總人數	466,597	1,528	468,125	1,316,903	90,670	19.43	409	91,078	19.46	331,759	25.19
農、林、漁、牧業	9,284	-	9,284	325,680	618	6.66	-	618	6.66	33,585	10.31
礦業及土石採取業	97	-	97	24	-	-	-	-	-	-	-
製造業	117,105	363	117,468	71,504	9,574	8.18	-	9,574	8.15	5,463	7.64
電力及燃氣供應業	-	-	-	-	-	-	-	-	-	-	-
用水供應及污染整治業	2,246	-	2,246	2,793	436	19.39	-	436	19.39	260	9.31
營造業	53,974	-	53,974	57,039	2,357	4.37	-	2,357	4.37	780	1.37
批發及零售業	115,567	181	115,748	399,021	24,113	20.86	-	24,113	20.83	134,134	33.62
運輸及倉儲業	8,274	111	8,385	71,184	1,539	18.60	-	1,539	18.36	1,884	2.65
住宿及餐飲業	52,234	330	52,564	137,888	19,636	37.59	270	19,906	37.87	50,704	36.77
資訊及通訊傳播業	6,265	224	6,488	6,118	1,354	21.62	138	1,493	23.01	1,024	16.74
金融及保險業	2,161	-	2,161	1,660	535	24.74	-	535	24.74	48	2.86
不動產業	3,707	-	3,707	3,842	897	24.19	-	897	24.19	866	22.54
專業、科學及技術服務業	24,726	-	24,726	38,117	6,691	27.06	-	6,691	27.06	13,151	34.50
支援服務業	8,083	24	8,107	9,641	1,648	20.38	-	1,648	20.32	3,496	36.26
教育服務業	14,907	221	15,128	14,836	8,808	59.09	-	8,808	58.22	10,608	71.50
醫療保健及社會工作服務業	14,927	-	14,927	11,175	2,084	13.96	-	2,084	13.96	1,638	14.66
藝術、娛樂及休閒服務業	4,536	75	4,611	12,958	1,439	31.73	-	1,439	31.21	3,665	28.28
其他服務業	28,505	-	28,505	153,422	8,943	31.37	-	8,943	31.37	70,452	45.92

資料來源：行政院主計總處，《人力資源調查統計月報》原始資料，2013年。

三、有關女性相較於男性升遷的時間長短，以及升遷的次數，經查相關工商普查資料，皆無相關統計報告；將請行政院主計總處考量納入工商普查或人力資源調查。

英文回應

1. Please provide data on women in leadership positions (e.g. as CEOs, directors, managers, board members) in employment settings as compared to men.

(1) Regarding to the percentage of male and female leaders by sector, in 2012, men represented 76.7% and women represented 23.3% of “Legislators, Senior Officials & Managers” positions in industry and service sector.

unit: thousands person;%;

Item	Total in industry and service sector				Industry sector				Service sector			
	Female manager		Male manager		Female manager		Male manager		Female manager		Male manager	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
2009	86	19.5	356	80.5	22	11.3	173	88.7	64	26.0	182	74.0
2010	90	20.5	348	79.5	23	11.7	174	88.3	66	27.4	175	72.6
2011	94	21.6	341	78.4	26	13.3	169	86.7	69	28.8	171	71.3
2012	98	23.3	323	76.7	24	13.0	161	87.0	74	31.4	162	68.6

Source: DGBAS, Bulletin of Manpower Statistics.

(2) The boards of directors and supervisors of state-run enterprises and public utilities : there are 176 directors and 35 supervisors in public companies. Among them, the directors are composed of 154 males (87.5%) and 22 females (12.5%) and the supervisors are composed of 20 males (57.2%) and 15 females (42.8%).

unit: person;

Item	Directors of board				Boards of supervisors			
	No. of	Female	Total	%	No. of	Female	Total	%
Taiwan Sugar Corporation	3		14	21.4	-		-	-
Taiwan Power Company	1		15	6.7	-		-	-
CPC Corporation	1		13	7.7	1		3	33.3
Aerospace Industrial Development Corporation	1		15	6.7	1		3	33.3
Taiwan Water Corporation	3		15	20	3		5	60

Item	Directors of board			Boards of supervisors				
	No. of	Female	Total	%	No. of	Female	Total	%
Chunghwa Post Co., Ltd.	4		15	26.67	1		3	33.33
Taoyuan International Airport Co., Ltd.	2		15	13.33	1		3	33.33
Taiwan International Ports Co., Ltd	2		23	8.7	3		5	60
Taiwan Financial Holdings Co., Ltd	2		15	13.33	-		-	-
Land Bank of Taiwan	0		14	0	1		5	20
Export-Import Bank of the Republic of China	0		7	0	3		3	100
Taiwan Tobacco & Liquor Corporation	3		15	20	1		5	20
TOTAL	22		176	12.5	15		35	42.8

(3) The boards of directors and supervisors of public companies : there are 16,329 directors and 4,768 supervisors in public companies. Among them, the directors are composed of 14,398 males (88.17%) and 1,931 females (11.83%) and the supervisors are composed of 3,689 males (77.37%) and 1,079 females (22.63%).

2. Please provide data on the percentage of female leaders by sector.: There were 91,078 female employers in 2013, which accounted for 19.46% of total employers overall, and there were 331,759 female self-employed persons, which accounted for 25.19% of total self-employed persons.

unit: person;%

Industries	item	Employers			Self-Employed	Female Employers					Female Self-Employed	
		SMEs	Large Enterprises	Total		SMEs		Large Enterprises	Total		Person	Share
						Person	Share		Person	Share		
Total		466,597	1,528	468,125	1,316,903	90,670	19.43	409	91,078	19.46	331,759	25.19
Agriculture, Forestry, Fishing and Animal Husbandry		9,284	-	9,284	325,680	618	6.66	-	618	6.66	33,585	10.31
Mining and Quarrying		97	-	97	24	-	-	-	-	-	-	-
Manufacturing		117,105	363	117,468	71,504	9,574	8.18	-	9,574	8.15	5,463	7.64
Electricity and Gas Supply		-	-	-	-	-	-	-	-	-	-	-

Water Supply and Remediation Services	2,246	-	2,246	2,793	436	19.39	-	436	19.39	260	9.31
Construction	53,974	-	53,974	57,039	2,357	4.37	-	2,357	4.37	780	1.37
Wholesale and Retail Trade	115,567	181	115,748	399,021	24,113	20.86	-	24,113	20.83	134,134	33.62
Transportation and Storage	8,274	111	8,385	71,184	1,539	18.60	-	1,539	18.36	1,884	2.65
Accommodation and Food Services	52,234	330	52,564	137,888	19,636	37.59	270	19,906	37.87	50,704	36.77
Information and Communication	6,265	224	6,488	6,118	1,354	21.62	138	1,493	23.01	1,024	16.74
Finance and Insurance	2,161	-	2,161	1,660	535	24.74	-	535	24.74	48	2.86
Real Estate	3,707	-	3,707	3,842	897	24.19	-	897	24.19	866	22.54
Professional, Scientific and Technical Services	24,726	-	24,726	38,117	6,691	27.06	-	6,691	27.06	13,151	34.50
Support Services	8,083	24	8,107	9,641	1,648	20.38	-	1,648	20.32	3,496	36.26
Education	14,907	221	15,128	14,836	8,808	59.09	-	8,808	58.22	10,608	71.50
Human Health and Social Work Services	14,927	-	14,927	11,175	2,084	13.96	-	2,084	13.96	1,638	14.66
Arts, Entertainment and Recreation	4,536	75	4,611	12,958	1,439	31.73	-	1,439	31.21	3,665	28.28
Other Services	28,505	-	28,505	153,422	8,943	31.37	-	8,943	31.37	70,452	45.92

Source: DGBAS, Monthly Bulletin of Manpower Statistics, 2013.

3. After checking the investigation related to industrial and commercial census data, there is no information relating to promotions, including length of time a woman gets promoted relative to men, number of times women gets promoted compared to men. In the future, we would consider that taking promotion of gender statistics into industrial and commercial census data or Bulletin of Manpower Statistics.

條文	編號	問題內容 (原文)	中文參考翻譯
第 11 條	30	Please provide sex-disaggregated data on the percentage of unemployment based on one's level of education (e.g. collage, Master's, doctoral).	請提供不同性別失業者的教育程度百分比。

中文回應

我國兩性失業者的教育程度分析如下：

近三年我國男性失業者的教育程度主要集中在專科及大學和高中(職)，約占 34.6%~37.9%之間，研究所及以上僅占 4.0%~5.6%之間；女性失業者的教育程度主要集中在專科及大學，約占 50.8%~55.5%之間，研究所及以上僅占 4.2%~5.9%之間(表 11-32)。

英文回應

Sex-disaggregated data on the percentage of unemployment based on one's level of education :

In recent years, Unemployed men were mainly graduated from Junior college & University and Senior high & Vocational (34.6%~37.9%). Unemployed men were merely 4.0%~5.6% at Graduate school & above ; Unemployed Women were mainly graduated from Junior college& University, 50.8%~55.5%. Unemployed women were merely 4.2%~5.9% at Graduate school & above (Table 11-32).

[表 11-32] 我國兩性失業者的教育程度 Unemployed persons by educational attainment & sex

年度 Year	男性 Men					女性 Women				
	總計 Total	國中及 以下 Junior high & below	高中(職) Senior high & Vocational	專科及 大學 Junior college& University	研究所 以上 Graduate school & above	總計 Total	國中及 以下 Junior high & below	高中(職) Senior high & Vocational	專科及 大學 Junior college& University	研究所及 以上 Graduate school & above
2011	100.0	23.7	36.7	35.6	4.0	100.0	9.4	35.7	50.8	4.2
2012	100.0	23.5	35.1	35.9	5.6	100.0	8.1	31.7	55.5	4.7
2013	100.0	22.7	34.6	37.9	4.8	100.0	8.6	30.2	55.3	5.9

資料來源：行政院主計總處

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

條文	編號	問題內容（原文）	中文參考翻譯
第 12 條	31	Please provide information on the trends in the incidence of sex-selective abortions and whether there are any regulations to prevent such abortions.	請提供性別選擇性人工流產的發生率趨勢及是否有任何規定，以防止此類墮胎。

中文回應

- 一、人工流產議題涉及婦女隱私權，我國未有法律授權建立懷孕及流產通報制度，故並無有關性別選擇性人工流產的統計。
- 二、為矯正性別失衡現象及禁止非醫療必要的性別篩選與性別選擇性人工流產，自 2010 年起，由衛生福利部國民健康署、醫事司及食品藥物管理署等單位，共同組成出生性別比工作小組，並由食品藥物管理署研議性別篩選醫療器材管理，收集檢測試劑產品的銷售進口量及銷售流向。由醫事司針對一般實驗室或生技公司從事性別篩檢時，研議依醫事檢驗師法管理規範。2011 年 1 月 13 日公告實施「醫師執行非性聯遺傳疾病診斷所施行產前性別篩選之處置，或僅以胎兒性別差異為由進行之人工流產等行為，為醫師法第 28 條之 4 第一款規定，不得從事之醫療行為」，如查獲有性別篩選或依性別進行墮胎之實證者，即可直接處分醫師 10~50 萬元罰鍰，情節重大者，甚至可廢止醫師證書。2012 年 4 月 5 日公布增訂優生保健法施行細則第 13 條之 1 條文，規定不得以胎兒性別差異作為優生保健法第 9 條之 1 項第 6 款所定因懷孕或生產，將影響其心理健康或家庭生活者之理由。另外，醫事司於 2012 年 3 月 23 日函令醫事檢驗師或醫事檢驗生執行非性聯遺傳疾病診斷之產前胎兒性別檢驗行為，為醫事檢驗師法第 36 條第 2 款業務上有違法或不正當行為，以完備相關法令。
- 三、除了明訂及落實醫療相關法規外，國民健康署亦主動建立「出生性別比」為監測機制，並定期監測醫療院所及接生者之出生性別比；透過縣市衛生局加強違規查察。自 2010 年起，以「接生性別比」作為警示指標，監測每月各縣市院所及接生者之性別比異常變化，以及不當宣傳性別篩選醫療廣告資訊之情事，函送當地衛生局予以關懷及瞭解委由與查察。我國出生性別比並自 2010 年 1.090 降至 2011 年 1.079，2012 年降至 1.074，向正常範圍 1.060 趨近，創 25 年來（自 1987 年以來）的最低點。

英文回應

1. As induced abortion relates to women's privacy rights, our country does not set up a pregnancy and miscarriage reporting system. Therefore there is no statistics on sex-selective abortion.
2. To remedy the phenomenon of gender imbalance and forbid non-medically necessary sex selection and sex selective abortions, the Health Promotion Administration (HPA) and two other Ministry of Health and Welfare's subsidiaries—the Department of Medical Affairs and the Food and Drug Administration—jointly formed a working group of sex ratio at birth. For its part, the Food and Drug Administration is responsible for the management of medical equipment designed for sex selection, as well as for the gathering and tracking of imported testing materials and their sales in Taiwan. The Department of Medical Affairs is charged with regulating sex selection undertaken by private laboratories or biotechnological ventures in accordance with the Medical Technologists Act. On January 13, 2011, a new decree went into effect: Any prenatal sex selections as part of diagnosis of non-gender-related genetic diseases or any medically induced abortion performed only for the sake of the unborn baby's sex is considered a banned act of medical care under Paragraph 1, Article 28-4 of the Physicians Act. As such, physicians found to have conducted sex selection or abortions in ways described above are now subject to a fine of NT\$100,000-NT\$500,000. The revised Enforcement Rules of Genetic Health Act was promulgated on April 5, 2012 with the addition of Clause 1 of Article 13 that reads "Mental health or family life is likely to be affected due to pregnancy or childbirth referred to item 6, section 1 of Article 9, shall not be identified based on the reason of fetal gender differences." Serious offenders may even have their physician's license revoked. In addition, the Department of Medical Affairs announced on March 23rd, 2012, that medical technicians carrying out prenatal sex selection in diagnosis of non-gender-related genetic diseases constitutes an illegal and improper behavior as outlined in Paragraph 36, Article 2 of the Medical Technologists Act.
3. On top of setting and enforcing the aforementioned laws and regulations, the HPA monitors the sex ratio at birth recorded by medical institutions and midwives on a regular basis. Inspection of violations is enforced through County or City Health Bureaus. From 2010, the "sex ratio at birth through midwifery" was made a key indicator in its monthly checkup of medical institutions and midwives in all the counties and cities for any irregularities or advertisements that pitch sex selection services. Local health authorities would be alerted to any offenses.

After dedicated efforts to promote and ban non-medically necessary sex screening and sex selective abortions, the sex ratio at birth fell from 1.090 in 2010 to 1.079 in 2011 to 1.074 in 2012. The number is closer to the normal range of 1.060, which is the lowest value in 25 years (Since 1987).

條文	編號	問題內容 (原文)	中文參考翻譯
第 12 條	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?	請提供針對女性外籍勞工及移民婦女獲得衛生保健信息包括性健康和生殖保健、人類免疫缺陷病毒/愛滋病治療相關資訊。女性外籍勞工及移民婦女是否和台灣婦女獲得相同的保健服務。

中文回應

一、有關提供女性外籍勞工及移民婦女獲得衛生保健資訊管道：

(一) 為強化外籍配偶之生育健康，業結合各縣市衛生局提供新住民及其子女生育計畫、產前產後、生育保健及防疫措施等衛教指導，並於 2004 年起培訓外籍配偶擔任通譯員，協助衛生人員於新住民家訪、健兒門診、生育保健指導通譯工作，協助及提供移民婦女獲得生殖保健的服務與資訊。(見 9.24)

(二) 印製及發送越、東、泰、印及英等 5 國語版之「孕婦健康手冊」、「兒童健康手冊」、生育保健系列影片及「育兒保健手冊」等衛教教材，提供新住民及醫護相關人員參考使用。(見 9.36)

(三) 2012 年成立孕產婦關懷中心，提供全國免付費專線電話(0800-870870)諮詢服務及關懷網站，提供孕產知識學習、孕程產檢管理、媽媽健康記錄等雲端孕產管理工具。並逐步提供越、印語之電話諮詢服務。

二、全民健康保險為強制性的社會保險，凡符合投保資格者均應參加全民健康保險，不論性別、年齡或種族，均應參加全民健康保險，保險對象在保險有效期間發生疾病、傷害、生育事故時，給與保險給付。符合參加健保資格之女性外籍勞工及移民婦女，其參加

健保之權益與義務均與台灣婦女相同。

三、有關女性外籍勞工及移民婦女獲得愛滋防治及治療相關資訊，說明如下：

- (一) 針對女性外籍勞工及外籍配偶編印輔導手冊，並翻譯成不同語言，其中包括愛滋防治衛教資訊。
- (二) 提供外籍婦女免費性病篩檢、愛滋匿名篩檢、孕婦及新生兒愛滋篩檢等服務。
- (三) 提供合法居留之外籍感染者免費愛滋藥物治療。

英文回應

1. Regarding access to health care, including sexual and reproductive health care, for migrant women workers and immigrant women:

- (1) The local health departments and centers offered services and guidance on family planning, prenatal and postnatal care, reproductive health care, and inoculations for foreign spouses as well as their children. Since 2004, certain foreign spouses have been trained as interpreters to assist health workers by providing interpretation during home visits for new residents, at pediatric clinics, and during reproductive health guidance services. (see 9.24)
- (2) To promote reproductive healthcare services for foreign spouses, education materials such as the Maternal Health Handbook and the Child Health Guide, a reproductive health film series, the Parenting Health Handbook, etc., were produced in Vietnamese, Cambodian, Thai, Indonesian, and English. (see 9.36)
- (3) In 2012, the government established a pregnant women and expectant mother care center with comprehensive holistic healthcare. This center uses free nationwide telephone (0800-870870) consulting and a website to provide pregnancy and childbirth knowledge, prenatal checkup management, and health record services. The telephone consultation services will be available in Vietnamese and Indonesian gradually.

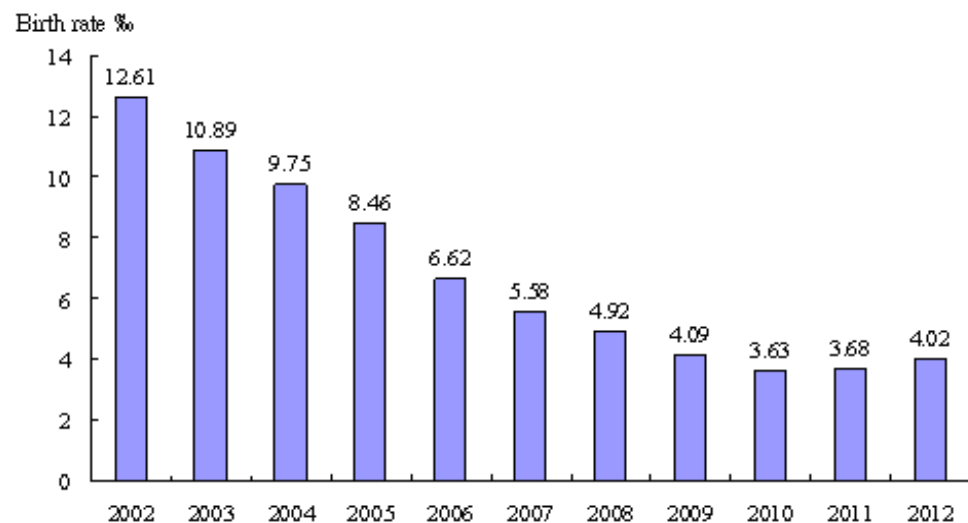
2. Taiwan's National Health Insurance(NHI) is compulsory social insurance. The insured who meet the qualifications shall participate in the NHI, regardless of gender, age or ethnicity. Taiwan's NHI cover medical service for illness, injury and birth etc. When international female workers and female immigrants were qualified for NHI. They are also compulsory to on roll, entitled the same rights and obligations as female Taiwanese team.

3. Regarding access to HIV prevention information and treatment for migrant women workers and immigrant women, please refer to below:
- (1) Guidance booklets translated into different languages, which include information on HIV prevention, are made available and provided to female migrant workers and female immigrants.
 - (2) Free sexually transmitted disease screening, anonymous HIV testing, pregnant women and newborn HIV testing are offered to female migrant workers and female immigrants.
 - (3) Free HIV treatment is offered to HIV infected foreigners who are legal residents.

條文	編號	問題內容 (原文)	中文參考翻譯
第 12 條	33	Please provide data on trends in teenage pregnancies and the programs that have been implemented to enable the pregnant girls to go back to school and their success.	請提供關於青少年懷孕趨勢數據及目前已實施使該等少女重回學校之計畫及其成效。

中文回應

一、依 2012 年內政部人口統計，臺灣 15-19 歲青少年生育率為 4.02‰，與 2002 年 12.61‰ 則已呈現明顯下降。(見下圖)



圖一、2002~2012 年臺灣青少年生育率

二、有關促進懷孕學生復學之說明，請參照 10.27。

三、為促進懷孕學生復學，近年辦理及修正法令情形如下：

(一) 國民教育階段：由學校教務、學務人員彈性處理學生出缺勤紀錄、補考與補救教學等學籍與課程議題。

(二) 高級中等學校：2008 年修正發布「高級中學學生成績考查辦法」及「職業學校學生成績考查辦法」、2009 年訂定發布「高級中等進修學校學生成績考查辦法」，增列產前假、分娩假、流產假、育嬰假、生理假；並增列學生因上述事由致缺課節數達該科目全學期教學總節數三分之一者不以零分計算之規定。

(三) 大專校院：2009 年修正「大學法」第 26 條規定，學生因懷孕、分娩或撫育 3 歲以下子女，得延長修業期限。

英文回應

1. Ministry of the Interior population data from 2012 showed the fertility rate of teenage females aged 15-19 in Taiwan was 3.68 per 1,000, a significant drop compared to the 12.61 per 1,000 rate in 2002 .(Figure1)

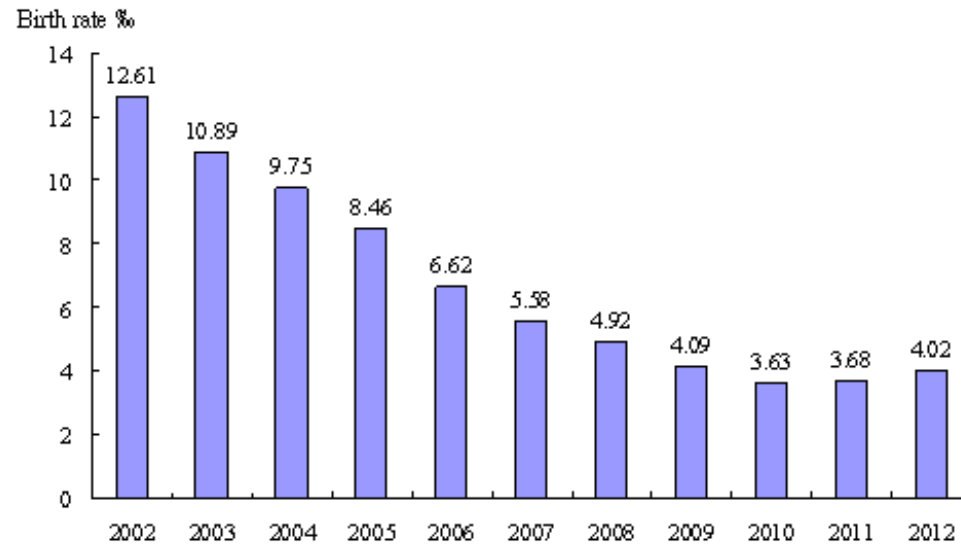


Figure1 : Taiwan's adolescent Fertility Rate in 2002-2012

2. Please refer to Article 10.27 for details on Protection of pregnant students' rights to receive education.
3. To enable pregnant students to resume education, MOE revised some Acts in recently years:
 - (1) Elementary and junior high school education : Academic affairs and students affairs educators shall actively adopt flexible measures based on their attendance and grade inspection and assessment-related rules.
 - (2) Senior high school education : "Regulations Regarding Achievements of Senior High School Students" and "Regulations for Assessing Student Achievement Levels at Vocational Schools" was revised in 2008, and "Regulations for Grade Assessment for Continuing Education Students at Senior High Schools" was revised in 2009, to include Pre-Maternity Leave, Maternity or Miscarriage Leave, Child Care Leave and Menstrual Leave.

(3) Higher education : Article 26 of the University Act was revised in 2009 to allow students pursuing bachelor degrees or above to request for prolonging their studying terms on account of pregnancy, childbirth, or childcare of toddlers under three years old.

條文	編號	問題內容 (原文)	中文參考翻譯
第 12 條	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.	在國家報告第 161 頁中有陳述人類免疫缺陷病毒感及愛滋病滋病感染率訊息，請提供在女性及男性愛滋病感染之趨勢比較，並按種族及移民身分分列。

中文回應

有關女性及男性愛滋感染趨勢，按種族及移民身分別分列說明如下：

- 一、1984 年至 2013 年底，我國共計通報 27,366 位愛滋感染者，其中 26,475 位(97%)為本國籍，890 位(3%)為外國籍。外國籍感染者中，443 位(50%)為女性，447 位(50%)為男性。歷年通報外籍感染者性別分析趨勢圖如圖一。
- 二、以種族別來看，外籍女性感染者中以印尼籍最多(125 人，28%)，其次為越南籍(78 人，18%)、中國大陸籍(77 人，17%)及泰國籍(76 人，17%)，其餘則來自其他國家。而外籍男性感染者中以泰國籍最多(122 人，27%)，其次為印尼籍(50 人，11%)及緬甸籍(45 人，10%)，其餘則來自其他國家。
- 三、以身分別來看，外籍女性感染者中，外籍配偶計 218 位 (49%)，其次為外籍勞工計 183 位 (41%)，外籍學生 1 人(0.2%)，其餘 36 位(8%) 為商業、探親及觀光等其他目的者。而外籍男性感染者中，外籍勞工計 274 位 (61%)，其次為外籍學生 31 位(7%)及外籍配偶 16 位 (4%)，其餘 126 位(28%) 為商業、探親及觀光等其他目的者。

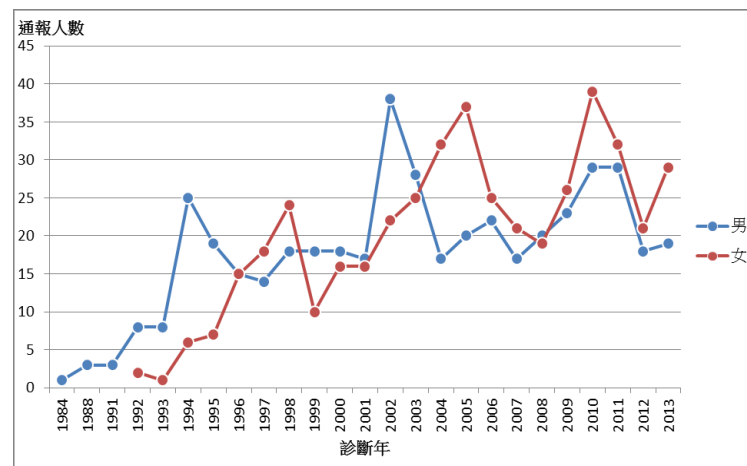
英文回應

Regarding trends of HIV infection among women and men, disaggregated by ethnicity and migrant status, in Taiwan, please refer to below:

1. From 1984 to 2013, a cumulative total of 24,239 cases of HIV infection were reported in Taiwan, of which, 26,475 cases (97%) were citizens, 890 cases (3%) were foreigners. Among foreigners, 443 cases (50%) were women, 447 cases (50%) were men. The trend of reported HIV infected foreigners by year and sex is shown in 〈Figure 1〉.
2. Disaggregated by ethnicity, among female foreigners, 125 cases (28%) were from Indonesia, followed by 78 cases (18%) from Vietnam, 77 cases (17%) from China, 76 cases (17%) from Thailand, and the rest are from various other countries. Among male foreigners, 122 cases (27%) were from Thailand, followed by 50 cases (11%) from Indonesia and 45 cases (10%) from Myanmar, and the rest are from various other countries.
3. Disaggregated by migrant status, among female foreigners, 218 cases (49%) were foreign spouses, 183 cases (41%) were migrant workers, 1 case (0.2%) was a student, and the remaining 36 cases (8%) were here for other purposes such as business trip, visiting relatives or tourism. Among male foreigners, 274 cases (61%) were migrant workers, 31 cases (7%) were students, 16 cases (4%) were foreign spouses, and the remaining 126 cases (28%) were here for other purposes such as business trip, visiting relatives or tourism.

〈圖一〉歷年通報外籍感染者性別分析趨勢圖

Figure 1 : The trend of reported HIV infected foreigners by year and sex



條文	編號	問題內容 (原文)	中文參考翻譯
第 12 條	35	Please provide information on the trends in the allocation of the health budget as a percentage of GDP.	請提供衛生預算分配占國內生產總值百分比趨勢。

中文回應

一、衛生預算(衛生福利部主管)：

單位：新臺幣億元

年度 \ 項目	衛生預算(衛生福利部主管)	國內生產總值	衛生預算占國內生產總值比(%)
2011	690	137,091	0.50%
2012	808	140,771	0.57%
2013(註)	1,504	145,606	1.03%
2014	1,402	150,638(預測)	0.93%

註：行政院衛生署於 2013 年 7 月 23 日正式改制為衛生福利部。

二、醫療保健支出係指為增進或改善國民健康之經費支出，含用於醫療器材、生技製藥研發、臨床研究或預防工作等。2012 年我國醫療保健支出為 9,302 億元，較 2011 年增加 2.6%；自 1995 年全民健保開辦後，醫療保健支出占當年國內生產毛額比例，由 1994 年之 4.9% 增至 1995 年之 5.3%，至 2012 年達 6.6%，其中公部門占比為 3.8%。10 年來，醫療保健支出占當年國內生產毛額比例超過 6.0% 的水準。

英文回應

1. The health budget (Ministry of Health and Welfare & it's subordinate organization) :

Unit : NT\$ billion

Year \ Item	The health budget(Ministry of Health and Welfare & it's subordinate organization)	GDP	The health budget as a percentage of GDP (%)
2011	690	137,091	0.50%
2012	808	140,771	0.57%
2013(note)	1,504	145,606	1.03%
2014	1,402	150,638(expected)	0.93%

Note: The Department of Health was officially reformed as the Ministry of Health and Welfare on July 23, 2013.

2. National Health Expenditure (NHE) means for the promotion or improvement of the people’s health, including for medical equipment, biopharmaceutical research and developments, clinical research or preventions. In 2012, NHE amounted to NT\$930 billion, representing an increase of 2.6% over the previous year. Since the launch of the National Health Insurance(NHI) in 1995, the ratio of the NHE to GDP increased from 4.9% in 1994 to 5.3% in 1995 and up to 6.6% in 2012. The ratio of the expenditure on health of public sector to GDP was 3.8% in 2012. During 2003-2012, the ratio of NHE/GDP was over 6.0% in Taiwan.

條文	編號	問題內容 (原文)	中文參考翻譯
第 13 條	36	Please provide information on whether there are measures in place assist women gain leadership positions in large enterprises. What are the impacts of these measures?	請提供是否有合適的措施，幫助婦女獲得在大型企業擔任領導職務的資訊。什麼是這些措施的影響？

中文回應

- 一、金管會業已督導臺灣證券交易所於 102 年 3 月 11 日修訂「上市上櫃公司治理實務守則」第 20 條第 3 項規定，依前開規定，董事會成員應注重性別平等，並普遍具備執行職務所必須之知識，此規定可增加婦女參與上市上櫃公司決策地位之機會。上開措施係鼓勵性質，惟可透過投資人之監督及市場機制(如公司治理評鑑)，進一步激勵公司重視性別平等。
- 二、經濟部推動性別主流化，協助女性進入領導階層之作法，為運用科專計畫補助案，增訂女性企業主申請補助案之加分措施，及運用獎項，納入決策階層達「1/3 性別比率」為評選項目。102 年度女性企業主補助率 32.8%，103 年度第 1 季女性企業主補助率 69.57%，成長率 81.88%。

英文回應

1. The Financial Supervisory Commission has urged the Taiwan Stock Exchange Corporation to amend Article 20 Paragraph 3 of Corporate Governance Best-Practice Principles for TWSE/GTSM Listed Companies (the provision) on 11 March 2013. According to the provision, the members of the board shall pay due attention to the principles of gender equality, and shall have the necessary knowledge, skill, and experience to perform their duties. The provision would increase the opportunities for women to gain leadership positions in listed companies. The aforementioned practice is encouragement in nature. However, through the investor oversight function and market mechanism (e.g. Corporate governance assessment), we can motivate listed companies to value gender equality.
2. In order to promote Gender Equity and assist women gain leadership positions, Ministry of Economic Affairs has taken the following measures:
 - (1) Female entrepreneurs can gain more credits when applying for subsidy of technological science projects.
 - (2) Decision-making levels in enterprises that reach 1/3 Gender Ratio are included in award assessment items.The ratio of subsidizing female entrepreneurs in 2013 is 32.8% and the ratio in 2013 1st Quarter is 69.57%. The growth rate is 81.88%.

條文	編號	問題內容 (原文)	中文參考翻譯
第 13 條	37	Please provide information on the percentage of female-headed SMEs by sector.	請提供各行業中小企業女性雇主比例。

中文回應

下表為 2013 年女性雇主及自營作業者行業別比例分布，中小企業女性雇主人數為 90,670 人，占中小企業雇主比例為 19.43%，女性自營作業者人數為 331,759 人，占全部自營作業人數比例為 25.19%。

單位：人；%

行業別	雇主			自營 作業人數	女性雇主					女性 自營作業	
	中小企業 人數	大企業 人數	全部企業 人數		中小企業		大企業 人數	全部企業		人數	女性占自營 作業比例
					人數	比例		人數	比例		
總人數	466,597	1,528	468,125	1,316,903	90,670	19.43	409	91,078	19.46	331,759	25.19
農、林、漁、牧業	9,284	-	9,284	325,680	618	6.66	-	618	6.66	33,585	10.31
礦業及土石採取業	97	-	97	24	-	-	-	-	-	-	-
製造業	117,105	363	117,468	71,504	9,574	8.18	-	9,574	8.15	5,463	7.64
電力及燃氣供應業	-	-	-	-	-	-	-	-	-	-	-
用水供應及污染整治業	2,246	-	2,246	2,793	436	19.39	-	436	19.39	260	9.31
營造業	53,974	-	53,974	57,039	2,357	4.37	-	2,357	4.37	780	1.37
批發及零售業	115,567	181	115,748	399,021	24,113	20.86	-	24,113	20.83	134,134	33.62
運輸及倉儲業	8,274	111	8,385	71,184	1,539	18.60	-	1,539	18.36	1,884	2.65
住宿及餐飲業	52,234	330	52,564	137,888	19,636	37.59	270	19,906	37.87	50,704	36.77
資訊及通訊傳播業	6,265	224	6,488	6,118	1,354	21.62	138	1,493	23.01	1,024	16.74

金融及保險業	2,161	-	2,161	1,660	535	24.74	-	535	24.74	48	2.86
不動產業	3,707	-	3,707	3,842	897	24.19	-	897	24.19	866	22.54
專業、科學及技術服務業	24,726	-	24,726	38,117	6,691	27.06	-	6,691	27.06	13,151	34.50
支援服務業	8,083	24	8,107	9,641	1,648	20.38	-	1,648	20.32	3,496	36.26
教育服務業	14,907	221	15,128	14,836	8,808	59.09	-	8,808	58.22	10,608	71.50
醫療保健及社會工作服務業	14,927	-	14,927	11,175	2,084	13.96	-	2,084	13.96	1,638	14.66
藝術、娛樂及休閒服務業	4,536	75	4,611	12,958	1,439	31.73	-	1,439	31.21	3,665	28.28
其他服務業	28,505	-	28,505	153,422	8,943	31.37	-	8,943	31.37	70,452	45.92

資料來源：行政院主計總處，《人力資源調查統計月報》原始資料，2013年。

英文回應

There were 90,670 female SMEs employers, which accounted for 19.43% of SMEs employers in Taiwan in 2013, and there were 331,759 female self-employed persons, which accounted for 25.19% of total self-employed persons.

unit: person;%

Industries	Employers			Self- Employed	Female Employers					Female Self- Employed	
	SMEs	Large Enterprises	Total		SMEs		Large Enterprises	Total		Person	Share
					Person	Share		Person	Share		
Total	466,597	1,528	468,125	1,316,903	90,670	19.43	409	91,078	19.46	331,759	25.19
Agriculture, Forestry, Fishing and Animal Husbandry	9,284	-	9,284	325,680	618	6.66	-	618	6.66	33,585	10.31
Mining and Quarrying	97	-	97	24	-	-	-	-	-	-	-
Manufacturing	117,105	363	117,468	71,504	9,574	8.18	-	9,574	8.15	5,463	7.64
Electricity and Gas Supply	-	-	-	-	-	-	-	-	-	-	-

Water Supply and Remediation Services	2,246	-	2,246	2,793	436	19.39	-	436	19.39	260	9.31
Construction	53,974	-	53,974	57,039	2,357	4.37	-	2,357	4.37	780	1.37
Wholesale and Retail Trade	115,567	181	115,748	399,021	24,113	20.86	-	24,113	20.83	134,134	33.62
Transportation and Storage	8,274	111	8,385	71,184	1,539	18.60	-	1,539	18.36	1,884	2.65
Accommodation and Food Services	52,234	330	52,564	137,888	19,636	37.59	270	19,906	37.87	50,704	36.77
Information and Communication	6,265	224	6,488	6,118	1,354	21.62	138	1,493	23.01	1,024	16.74
Finance and Insurance	2,161	-	2,161	1,660	535	24.74	-	535	24.74	48	2.86
Real Estate	3,707	-	3,707	3,842	897	24.19	-	897	24.19	866	22.54
Professional, Scientific and Technical Services	24,726	-	24,726	38,117	6,691	27.06	-	6,691	27.06	13,151	34.50
Support Services	8,083	24	8,107	9,641	1,648	20.38	-	1,648	20.32	3,496	36.26
Education	14,907	221	15,128	14,836	8,808	59.09	-	8,808	58.22	10,608	71.50
Human Health and Social Work Services	14,927	-	14,927	11,175	2,084	13.96	-	2,084	13.96	1,638	14.66
Arts, Entertainment and Recreation	4,536	75	4,611	12,958	1,439	31.73	-	1,439	31.21	3,665	28.28
Other Services	28,505	-	28,505	153,422	8,943	31.37	-	8,943	31.37	70,452	45.92

Source: DGBAS, Monthly Bulletin of Manpower Statistics, 2013.

條文	編號	問題內容 (原文)	中文參考翻譯
第 14 條	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?	14.9 提及規劃於 2014 年 7 月前擬定農會法第 14 條修正草案，距離 7 月只剩 2 個月，請問進展如何？另請提供漁會女性會員情形，目前夫妻可同時加入漁會嗎？如果僅允許 1 人加入，是否也有同樣的法規修訂計畫？

中文回應

- 一、農會法第 14 條修正草案經 2014 年 2 月 18 日研商會議各單位代表充分討論，表示農會法第 14 條規定並未限制會員性別，目前女性會員比率 30.63%，高於全國農林漁牧從業人口之女性比率 27.52%，且農會服務及福利措施對象已擴及全戶成員，包括會員之父母(農村高齡者生活改善)、配偶(家庭教育)及其子女(四健教育)。政府農業部門將持續檢討相關法規並與農會溝通，加強農漁村地區女性性別意識培力課程，研編農村性別平等之家庭教育教材，期打破傳統性別刻板印象，鼓勵更多女性加入農會，提高農會女性會員比例。
- 二、漁會法並無會員每戶以一人為限之規定，夫妻可同時加入漁會，目前女性會員 19 萬 3,483 人，占會員比率 49%(國家報告 14.2.2)，故不須修訂法規。

英文回應

1. A draft of a proposed amended version of Article 14 of the Farmers Association Act was fully discussed by representatives of all relevant government agencies and Farmers' Associations during a conference held on February 18, 2014. It was agreed that Article 14 of the Farmers Association Act places no restrictions on the gender of members of such associations. In fact, women currently account for 30.63% of membership, which is higher than the 27.52% percent of the rural workforce (farming, forestry, fishing, animal husbandry) accounted for by women. Moreover, the services and welfare benefits provided by farmers associations cover all members of the household, including the member's parents (improvement of the quality of life of the elderly in rural communities), spouse (home economics education), and children (4H education). The government's agricultural agencies will continue to examine relative regulations and communicate with Farmers' Associations, and strengthen gender consciousness development courses among women in rural areas. They are currently working on teaching materials focusing on gender quality in rural areas, which will be used in family and household education classes. The goal of the government is to break down traditional gender stereotypes, encourage more women to join farmers associations, and increase the proportion of women association members.
2. The Fishermen's Association Act does not have any stipulation limiting membership to one individual per household. A husband and wife may join and belong to a fishermen's association at the same time. There are currently 193,483 women members of fishermen's associations, accounting for 49% of total membership (see National Report 14.2.2). Therefore there is no need to amend the law.

條文	編號	問題內容 (原文)	中文參考翻譯
第 14 條	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?	雖然女性於法律上得以繼承，但土地傳統上仍然是由男性繼承。是否有任何方法促使女性能公平的擁有土地？再者，夫妻共有制是否有可能？夫妻共有的比率為何？

中文回應

- 一、法定繼承人，依民法第1138條所定順序決定，於繼承開始時，承受被繼承人一切權利、義務；且同一順序繼承人之應繼分，係按人數平均繼承，故繼承人之資格及應繼分，不因性別有所分別。我國民法並無限制女性繼承或取得不動產，或男女不平等之規定，且土地法及土地登記規則亦無類似歧視之規定，而登記機關（地政事務所）係被動受理民眾依民法規定申辦繼承或取得不動產權利登記，不因性別不同而有區別之登記。為使民眾知悉法律規定，以保障其自身權益，法務部已擬定2014年至2017年辦理繼承宣導之規劃，期以有限人力、財力，發揮最大的宣導成效，其他相關措施請參考國家報告15.13至15.16。
- 二、由於民法及其施行法並未限制夫妻不得共有不動產所有權，夫妻間以共有方式取得不動產權利，或將所有之不動產權利移轉為共有，於法並無不可。因不動產權利人之性別及其夫妻關係非不動產權利應記載事項，故尚無法提供夫妻共有不動產百分比之資料。
- 三、我國民法規定夫妻財產制有法定財產制及約定財產制2種，其中約定財產制又可分為共同財產制或分別財產制。夫妻得以契約約定適用上開2種約定財產制之一，如未約定，則適用法定夫妻財產制。又現行規定之法定財產制，夫妻各自管理、使用、收益及處分其財產，已符合性別平等原則。
- 四、另為提升婦女權益保障，我國民法已將法定財產制相關規定大幅修正，其中增訂民法第1018條之1，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，肯定家務有給價值。另增訂民法第1030條之1夫妻剩餘財產差額請求權，讓在家操持家務、教養子女之夫或妻，於法定財產制關係消滅時(如離婚)，得就夫妻雙方剩餘財產之差額，平均分配，保障婚姻生活共同協力之本質。上開條文之修正，符合國外立法例視夫妻為合夥關係之趨向。
- 五、至於夫妻適用約定共同財產制，須以契約約定並向法院登記，有關夫妻共同財產制之統計資料已由司法院於CEDAW國家報告〔表16-10〕中提供。

英文回應

1. Beginning at the moment of inheritance, legal successors, as determined according to the order of succession set out in Civil Code Section 1138, shall bear all of the rights and obligations of the succeeded; where there are several heirs of the same order, unless otherwise provided by law, their inheritance shall be equally divided amongst the heirs of the same order. Thus, the eligibility of an heir and the share of an heir's

inheritance should not differ based on the heir's gender. In our country, Civil Code does not restrict women to inherit or acquire real estate rights, nor set rules of gender inequality. Land Act and Regulations of The Land Registration don't either. Land Office passively receives the registry applications from people who inherit or acquire the real estate rights. There is no gender difference of the registry. In order to ensure that the people are aware of the legal provisions in order to protect their rights and interests, the Ministry of Justice plans to carry out plans to raise public awareness on the issues of succession from the year 2014 to the year 2017. This will be done by the printing and distribution of public awareness brochures, the production of public awareness animations and broadcasting on public broadcasting channels, and other methods, in the hopes of using limited human and financial resources to have the greatest affect in raising public awareness. Other measures please refer to the Report 15.13 to 15.16.

2. Civil Code and its enforcement acts don't restrict co-ownership by both husband and wife. Thus it's in law that husband and wife could have rights on the same real estate, or one of them could transfer his (her) right to another as co-owner of the real estate. The gender and marriage of the owners are not necessarily registered by Land Office, with the result that there is no information about the percentage of the co-ownership.
3. Provisions set out in the Civil Code specify that there are two types of Matrimonial Property Regimes, Statutory Regimes and Contractual Regimes. Contractual Regimes can further be divided into Community of Property Regime or Separation of Property Regime. Husband and wife could enter into either a prenuptial agreement contract or a postnuptial agreement contract when they are still married to specify which of the two above mentioned Contractual Regimes they agree to. If no contract exists, then legal Matrimonial Property Regimes shall be applicable. Furthermore, the current applicable Statutory Regimes where husband and wife manage, use, benefit from, and dispose of property separately, is already in line with the principle of gender equality.
4. To further the protection of women's rights, Statutory Regimes set out in the Civil Code has been substantially amended, including the addition of Article 1018-1, which clearly states that, with the exception of the living expenses of the household, the husband and the wife may contract a certain amount of money paid by one for the other's free disposition, affirming that housework has its value. Another update is the addition of Article 1030-1 in the Civil Code, Claim for Distribution of Residual Marital Property, allowing the stay-at-home husband or stay-at-home wife who does the housework and raises the children, to claim the difference in residual marital property of husband and wife

when the Statutory Regimes ceases to exist (e.g. in the event of a divorce), thus safeguarding the collaborative nature and effort of married life. The above mentioned amendments comply with the trend of foreign legislations, which are viewing marriage as a partnership.

5. As for Contractual Regimes applicable to husband and wife, is indeed needed to be written down in contract and registered with the court. The statistical data of Matrimonial Property Agreements Registered in District Courts is provided by Judicial Yuan as [Table 16-10] in the Report.

條文	編號	問題內容（原文）	中文參考翻譯
第 14 條	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.	請提供 2013 年進行農家婦女時間運用抽樣調查研究之女性與男性比較結果。政府機關是否制訂政策措施，以改變性別角色刻板印象，使農村家庭男性與女性更平等分擔責任？

中文回應

一、2013 年農家婦女時間運用抽樣調查研究結果如下：

- (一) 我國農牧業婦女勞動人口占農牧業總勞動人口 29%，對農村經濟的重要性不言可喻。本研究乃以 2010 年農林漁牧業普查為原始資料，針對鄉村婦女的時間日誌調查研究，由於並未同時調查男性，故無資料可進行兩性比較。本案發出 150 份問卷，回收 111 戶，資料完整可進行統計分析為 98 份，並進行 15 位鄉村婦女口述史訪談，以呈現鄉村婦女的農業勞動（受薪及無酬）及家務勞動的投入型態與差異。
- (二) 本研究進行 7 天的時間日誌紀錄，統計結果，農村婦女投入農業勞動的時間最長，農務勞動可獲取薪資的時間達 272.11 分鐘，其次是協助農事無酬勞動，時間為 236.21 分鐘，為受薪勞動之 86.81%。再參照 15 位農村婦女訪談結果，顯示無酬勞動為家

庭農業的基礎，婦女視其為家務的一部份。

二、要改變家庭及社會中之性別角色刻板印象，促進合理家務分工，必須從基本教育著手，我國於「性別平等教育法」明文規定中央及地方政府應推動有關性別平等之家庭教育及社會教育，並將性別平等融入中小學課程實施教學，詳見國家報告 2.21.4、5.15.4、5.16.1、5.15.7、10.7。政府每年持續製作宣導短片、廣播帶及平面海報，透過各種媒體管道播放，供民眾學習，逐步消弭各面向之性別刻板印象，並於 2012 年出版「性別隨身讀」一書，期打破國人傳統性別分工的刻板印象，促進家庭中的性別平等，詳見國家報告 2.18.1、5.16.6。

政府農業部門並特別針對農漁村地區加強性別培力課程、培育農(漁)村性別平等之種子師資、研訂農村性別平等教案等措施，共同協助改變性別角色刻板印象，期破除男女任務定型觀念。2014 年並出版「女農筆記 12 位女性農業工作者的生命故事」專書，透過優良範例的深入報導故事，展現農村婦女在經濟、家庭、文化乃至生態永續等方面的貢獻，並傳達農村婦女勇於創新、共同經營農村社區發展的精神。

英文回應

1. Results from the 2013 study of time use by farm women were as follows:

- (1) Female labor in the farm and animal husbandry sectors accounts for 29% of the total labor population in these two sectors of the rural economy, so their importance to the economy in rural communities is obvious. The raw data for the time-use study came from the 2010 general survey of rural sectors of the economy (farming, fisheries, forestry, animal husbandry), during which women were asked to respond to a questionnaire recording the use of their time each day. Unfortunately, men were not given a similar questionnaire at the same time. Therefore the data does not exist to compare time by women as opposed to that by men. For the study, 150 questionnaires were issued, with 111 households responding. Of these, 98 responses had comprehensive enough information to be valid for further statistical analysis. The questionnaire data was complemented by interviews with 15 rural women, during which oral life histories were taken down. The overall data was sufficient to show the investment of time, and comparative differences in said investment of time, by rural women in agricultural labor (both paid labor and unpaid labor) and in labor in the home.
- (2) The study was based on time diaries for seven days. The data showed that rural women invest the most time in agricultural labor. The time allotted to paid agricultural labor was 272.11 minutes on average. Behind that in rank was unpaid labor assisting in farm work, with total time of 236.21 minutes on average. The time spent in unpaid agricultural labor was equal to 86.81% of the time spent in paid agricultural labor. When also taking into account the 15 interviews with rural women, it became clear that unpaid labor is the foundation of family farms, and women see the farm labor as one part of their family responsibilities.

2. If one aims to change gender-role stereotypes that exist in families and society, and to promote a more rational division of home

responsibilities, it will be necessary to start with basic education. Our country's Gender Equality in Education Act states clearly that the central and local governments shall promote home education and social education related to gender equality, and shall incorporate gender equality into curriculums in primary and secondary schools. (See National Report 2.21.4, 5.15.4, 5.15.7, 5.16.1, and 10.7.) The government continues each year to make short educational films, videos, and posters, and to see that these are broadcast through various media so that citizens will learn from them and will gradually eliminate gender stereotypes of all kinds. In 2012 the government also published a book entitled [The Portable Gender Reader] aimed at further breaking down the stereotypes that people have traditionally held about the division of labor between genders and at encouraging gender equality in the home. (See National Report 2.18.1 and 5.16.6.)

In addition the government's agricultural agency is strengthening gender capability training in farming and fishing communities, training "seed teachers" in rural gender equality, and studying and drafting measures related to rural gender-equality education. The goal is to get everyone working together to change gender-role stereotypes and to break down the idea of fixed responsibilities for men and women. In 2014, we also published a book entitled [Notes from Women Farmers: Life Stories of 12 Women Agricultural Workers] that tells the in-depth stories of outstanding female role models and expresses the contributions being made by rural women to the agricultural economy, to families, to culture, and even to ecological sustainability. The book conveys to readers the spirit of rural women in their courage to innovate and to cooperate with others in managing development in rural communities.

條文	編號	問題內容 (原文)	中文參考翻譯
第 15 條	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.	報告 15.13 提到，即使中華民國法律使男性及女性均能平等地繼承財產，統計上仍持續顯示多由男性繼承。報告提及正在進行許多改善措施，包含性別平等教育以及修正所得稅法。請提供目前正在採取之措施及成果之相關資訊（包含統計數據）。

中文回應

- 一、依據我國現行民法繼承編規定，男性及女性繼承人均能平等繼承遺產，並無性別之差異。至於統計上顯示多由男性繼承乙節，法律規定遺產分割由繼承人協議為之，如協議不成得請求法院裁判分割遺產，蓋因涉繼承人之家族情感及隱私，原則上法院不宜介入。惟為使民眾知悉法律規定，以保障其自身權益，法務部已擬定2014年至2017年辦理繼承及夫妻財產制宣導之規劃，期以有限人力、財力，發揮最大的宣導成效。
- 二、有關修正我國綜合所得稅夫妻所得分開計算稅額範圍之所得稅法第15條修正草案，刻由立法院審議中，尚未完成立法程序。現行國民中小學九年一貫課程綱要-社會學習領域已有4條相關之能力指標，教科書皆依此編撰，並經國家教育研究院審查通過後提供各國中小學選用。

英文回應

1. According to Civil Code Part V Succession, male and female heirs can both equally inherit an inheritance, gender does not make a difference. As for the statistical data indicating most inheritance go to male heirs, the law stipulates that the division of the estate be carried out by the heir through an agreement, and if in the case of an agreement not being able to be made, the court shall be asked to sentence the division of the estate of the deceased. However, since this involves the relationship and privacy of the heir or heirs, as a principle, it is not advisable that the court intervene. In order to ensure that the people are aware of the legal provisions in order to protect their rights and interests, the Ministry of Justice plans to carry out plans to raise public awareness on the issues of succession and matrimonial property regimes from the year 2014 to the year of 2017. This will be done by the printing and distribution of public awareness brochures, the production of public awareness animations and broadcasting on public broadcasting channels, and other methods, in the hopes of using limited human and financial resources to have the greatest affect in raising public awareness.
2. The amendment to the Article 15 of the Income Tax Act with regard to the scope of taxes calculated separately for the income of a married couple has been under examination by the Legislative Yuan of R.O.C.. This measure shall eliminate the additional tax liability that results from mandatory tax consolidation arising from non-salary income of a married couple, and realize equality of taxation in the marriage. The current Grade 1-9 Curriculum Guidelines- social studies related to the ability to have four indicators are so textbook compiled and provided by the National Institutes of Education to review the choice of primary and secondary countries after the adoption.

條文	編號	問題內容（原文）	中文參考翻譯
第 15 條	42	Provide information on the steps taken to ensure that all women are able to participate in ancestor worship guilds.	請提供能確保所有女性都能參與祭祀公業之資訊。

中文回應

- 一、祭祀公業係以祭祀祖先為目的而設置，其管理與繼承之制度始終延續宗祧繼承之習慣規制。對於派下員權利之取得，女子原則上並無繼承權。然而依憲法第 7 條及民法 1138 條之規定，祭祀公業之繼承慣例確有違男女平等精神之爭議。「祭祀公業條例」於 2008 年 7 月 1 日施行，該條例第 5 條規定：「本條例施行後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。」確立自該條例施行後，祭祀公業及祭祀公業法人即不得再以宗祧繼承之傳統習慣排除女性之繼承派下權。
- 二、有關祭祀公業條例施行前已存在之祭祀公業，未適用不得排除女性取得派下員資格之規定，刻正朝兼顧以往法律事實狀態之穩定及未來女性平等權益之保障等方向修正祭祀公業條例第 4 條規定，以維護國人平等參與祭祀公業之權利。

英文回應

1. Ancestor worship guilds should organized to worship their ancestor, their successors should abide by related rules of their regulations, in other words, their successors should be the male offspring of the family, women are disable to participate in ancestor worship guilds. According to Constitution of the Republic of China (Taiwan) article 7 and Civil Code article 1138, the related rules of ancestor worship guilds should have controversy to breach gender equality. The Act for Ancestor Worship Guild was promulgated in July 1, 2008, in the Act article 5 “After the Act take effect, the successors of the guild and corporations should take the responsibility of the successor as a joint worshiper when they inherit the business.” which provides that ancestor worship guilds can no longer exclude women from succession if inheritance

takes place following the enforcement of the act.

2. Even though the stipulation that women should not be excluded from obtaining inheritance rights does not apply to ancestor worship guilds already in existence prior to the enforcement of the Act for Ancestor Worship Guild, now we propose to amend The Act for Ancestor Worship Guild article 4 and take into account the need for consistency in the law, as well as protection of equal rights for women, so as to ensure that all citizens have equal rights to participate in ancestor worship guilds.

條文	編號	問題內容 (原文)	中文參考翻譯
第 16 條	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?	現在正採取哪些措施來法制化關於承認或賦予單親家庭、同性者或變性者以及同居伴侶，有收養子女或得到社會資源或其它利益的權利？

中文回應

- 一、法務部為蒐集目前有規範同性伴侶制度之國家所涉及民法親屬及繼承相關資料，2012年委託進行「德國、法國及加拿大同性伴侶制度之研究」研究計畫，探討同性伴侶制度之基本理念，以及增設同性伴侶制度之必要性，並介紹德國、法國及加拿大同性伴侶制度之立法例。並於2013年委託進行「臺灣同性婚姻法制化之調查研究」案，以瞭解國民對於同性伴侶法制化意見及相關制度應如何設計，俾作為研議之參考。
- 二、法務部為廣納各界意見，分別於2013年10月14日、同年11月29日及2014年3月28日舉辦3場「同性伴侶法制化意見交流座談會」，邀集不同意見之學者、民間團體，以及相關政府機關，經由面對面之交流方式，表達對於同性婚姻合法化，以及如何立法保障同性伴侶之法律上權益等問題之意見。
- 三、因同性伴侶合法化涉及民法有關婚姻、收養、繼承，以及其他如醫療、賦稅等相關法規之規定，所涉及的層面很廣泛，因此，持續性的溝通對話再擬定政策是重要的課題；法務部將持續召開座談會，再規劃邀請不同學者、專家及團體參與討論，以聽取更多

意見。

- 四、又考量現階段同性伴侶尚未法制化，為先研議同性伴侶權益之保障，法務部邀集衛生福利部、中央健康保險署、內政部、財政部賦稅署、臺大醫院等機關，於2014年3月12日召開研商「現行架構下如何保障同性伴侶權益」會議，並請與會機關基於業管之專業，再研議是否仍有其他可保障同性伴侶權益之措施或作法，以提供法務部彙整。
- 五、提供津貼補助：包含低收入戶、中低收入戶、特殊境遇家庭扶助、兒童及少年生活扶助、弱勢家庭兒童及少年緊急生活扶助、馬上關懷急難救助等經濟扶助，保母托育補助、弱勢家庭臨時托育費用補助、5歲幼兒免學費教育補助、低收入戶/特殊境遇家庭兒童托育補助等托教服務，健保費補助，弱勢助學計畫，住宅租金補貼等相關補助。
- 六、提供福利服務：
 - (一) 補助辦理單親家庭福利服務活動，包含單親家長支持團體、知性成長講座、法律講座、親職教育、促進單親家庭權益座談會研討會、福利宣導活動等。
 - (二) 補助民間團體於偏遠及資源不足地區辦理單親家庭子女課業輔導服務。
 - (三) 辦理單親培力計畫：補助弱勢單親就讀大專校院及高中職學費、學雜費與學分費(高中職每學期最高補助 8,000 元、大專校院每學期最高補助 1 萬元)以及臨時托育補助費(每名子女每小時最高補助 109 元，每月最高補助 48 小時)，並提供弱勢單親相關資訊及轉介服務。
 - (四) 補助縣市政府設置 38 處單親家庭福利服務中心，整合單親家庭福利服務網絡與資源，提供單親家庭服務窗口。
 - (五) 補助建立單親家庭社區服務網絡計畫，提供單親家庭服務據點及社區性支持活動，並協助社區資源整合。

英文回應

1. For the purpose of gathering current information on countries that have legalized same-sex relationships regarding issues concerning the Civil Code parts on Family and Succession, the Ministry of Justice has in the year 2012 delegated the National Taipei University to conduct a research project on “The Legal Recognition of Same-sex Relationships in Canada, Germany and France”, to investigate the basic concept of same-sex relationships, and the necessity of the creation of a same-sex relationship institution, also introducing the same-sex relationship legislations of Germany, France, and Canada. In the year 2013, the Ministry of Justice also conducted “A Study on Legalization of Same-Sex

Marriage in Taiwan” to better understand the national opinion on the legalization of same-sex relationships and how relevant systems should be designed, to serve as a reference for further discussions.

2. Furthermore, to be able to include all public views, the Ministry of Justice has, in the year 2013, on the 14th of October and the 29th of November, and on the 28th of March, 2014, held 3 rounds of “Opinions on legalizing same-sex relationships symposium”, having invited scholars, NGOs, and relevant government agencies of different views and opinions, through the process of face-to-face deliberation, express their opinions on the legalization of same-sex marriages, and how to legislate to protect the legal rights of same-sex relationships, and other issues.
3. Since the legalization of same-sex relationships involves the Civil Code on matters of marriage, adoption, succession, and other laws, such as those pertaining to medical or taxation requirements. Since it involves so many dimensions, therefore continued dialogue and communication before the formulation of policies is an important issue; the Ministry of Justice shall continue to hold symposiums, and plan to invite different scholars, experts, and groups to join in the discussions, in order to listen to more opinions.
4. Also considering that same-sex relationships have yet to be legalized, to deliberate protections for the rights of same-sex couples beforehand, the Ministry of Justice has on the 12th of March, 2014, invited the Ministry of Health and Welfare, the National Health Insurance Administration, the Ministry of Interior, the Ministry of Finance, Taxation Administration, National Taiwan University Hospital, and other institutions to meet and discuss “How to protect the rights of same-sex couples under the currently existing operating framework”, and asked the agencies that attended, based on their professional knowledge in their field of practice, to discuss whether there are other measures or practices that could safeguard the rights of same-sex couples.
5. Provide subsidies to single parents: livelihood assistance for low-income and low to middle income household, assistance for families in hardship, livelihood assistance for children and youth, disadvantaged families, children and youth in need of urgent livelihood assistance, immediate care and urgent assistance and other financial assistance, babysitter childcare subsidies, temporary childcare subsidies for disadvantaged families, free education subsidies for children under 5 years of age, childcare subsidies for low income households/ families in hardship, NHI subsidies, education assistance plan for vulnerable families, rental subsidies and other relevant subsidies.
6. Welfare services for single parents provided:

- (1) Provide subsidies to hold social welfare activities for single parent families, including single parent support groups, seminars on growth and development, legal seminars, parental care education, seminars on promoting the rights of single parent families and welfare guidance activities.
- (2) Provide subsidies to civic groups in rural areas and places with insufficient resources to provide after school care services for children from single parent families.
- (3) Empowerment Program for Single Parents: provide tuition fees, miscellaneous fees and credit fees per hour(up to NTD8,000 per semester in senior high school and up to NTD10,000 per semester in university) to disadvantaged single parents to take classes in senior high school and university, as well as provide subsidies for temporary childcare (up to NTD109/hr for every child, maximum of 48 hours a month), and provide disadvantaged single parents with relevant information and referral services.
- (4) Assists the local governments in cities and counties to set up 38 single parents' family welfare centers, integrating the services network and resources for single parents' welfare, and provide single parent families with a service contact window.
- (5) Assists to establish the community service network plan for single parent families, providing service points and community support activities for single parent families, and help with the integration of community resources.

條文	編號	問題內容 (原文)	中文參考翻譯
第 16 條	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	報告(在 16.6 段)表示，要去更加保護跨性別者的權利，跨性別者的申請細項(例如性別重製手術的完成)，在未來會有進一步的討論。報告也指出會更加謹慎商討有關性別變更的要件，去更加保護所有人對於性別認同的權利。懇請提供有關任何進展的最新資訊。政府也以登記與改善跨性別者

	<p>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.</p>	<p>與變性人社會地位為目的，委託製作一份有關變性人與跨性別者的登記報告。懇請提供有關任何進展的最新資訊。</p>
--	---	---

中文回應

- 一、內政部辦理「各國跨性別登記制度」委託研究報告，該報告建議，允許跨性別者於一定條件下可申請變更出生時之性別登記。至於原來登記性別，建議仿英國立法例，不變動原本之紀錄。由於性別變更事項涉及權利義務之變更且兼具醫學專業之認定，內政部已建議衛生福利部檢討修正性別變更認定要件，並成立小組或委員會，受理性別變更申請案，如當事人有爭議，可由法院裁定後，再辦理性別變更登記。
- 二、有關性別變更認定要件、程序，經行政院秘書長函示，請衛生福利部先行研擬性別變更登記可行之生理、心理與社會認定要件，提供予內政部；並請內政部就性別變更登記認定及登記之程序制度，研析適合我國之作法。
- 三、衛生福利部於 2013 年 12 月 9 日召開會議，邀集相關團體共同討論，與會者一致認為性別認同為基本人權，應尊重個人意願，不必強迫規定需要摘除性器官。
- 四、關於性別變更認定涉及法律、兵役、文化背景等多層面議題，無法由單一部會訂定認定要件。行政院指示由衛生福利部提供生理、心理性別之學理及分類予內政部參考，並請內政部參考研究報告及蒐集相關國家變更性別登記之機制與做法，研析適合我國之生理、心理及社會性別登記之可能方式並評估對相關行政系統之連動影響
- 五、衛生福利部業依行政院指示，就性別變更登記可行之生理、心理性別之學理及分類，於 2014 年 5 月 8 日函請台灣精神醫學會及兒童青少年精神醫學會提供專業意見。俟彙集專業意見後，再提供內政部參考。

英文回應

1. The Ministry of the Interior proceeds a Commissioned Research Report on the topic of Transgender Registration System In Various Countries. The report recommends public sectors to allow transgender individuals to apply and change the gender identity that they've been registered at birth. As for the registration of the original gender, the report recommends the related units to take United Kingdom as an example and to establish laws and regulations, to remains the original record. Because the change of sex involves the changes of rights and duties, and

- requires the recognition of medical professionals. The Ministry of the Interior has already suggested the Ministry of Health and Welfare to review and amend the recognized requirements of the change of sex, and set up a panel or a committee, to accept and process the application of the change of sex. If the applicant is controversial, the change of sex can be registered after the adjudication of the court.
2. As for the recognized requirements and the procedure, the secretary-general's reply to the document requests the Ministry of Health and Welfare to develop the feasible biological, mental and social recognized requirements for the transgender registration in advance, in order to provide data to the Ministry of the Interior. The secretary-general also requested the Ministry of the Interior to analyze the measures which are suitable for our country on the identification of transgender registration and the system of registration procedure.
 3. The stipulation of recognition requirements for gender change registration is governed by the Ministry of the Interior. As for the medical issues involved, the MOHW convened a meeting on December 9, 2013 and invited relevant groups to join the discussion. The attendees unanimously agreed that gender identity is a basic human right, and that it is not necessary to force or require extirpation of reproductive organs as individual inclination should be respected.
 4. Multiple issues are affecting the items for transgender registration, including laws, military service, and culture backgrounds. Items for transgender registration cannot be formulated by single government department. Executive Yuan instructs that Ministry of Health and Welfare should provide the scientific knowledges base on classification of physical and psychological gender to Ministry of the Interior. For formulating the proper transgender policy in Taiwan, Ministry of the Interior should collect the related researches and international policies on transgender registration.
 5. Ministry of Health and Welfare has followed the instruction of Executive Yuan on providing the scientific knowledge base on classification of physical and psychological gender. We have invited Taiwanese Society of Psychiatry and Taiwanese Society of Child and Adolescent Psychiatry to provide the suggestions of classification of physical and psychological gender on May 8th, 2014. We will give the result to Ministry of the Interiors.

條文	編號	問題內容 (原文)	中文參考翻譯
第 16 條	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?	關於男女最低訂婚年齡為 17 歲，男女最低結婚年齡為 18 歲的修正草案，雖已行政院審查通過，惟經立法院決議不予審議，請問未來有何作為或計畫來確保此重要的修正草案能通過立法院之審查，成為法律？

中文回應

- 一、關於民法第973條及第980條不符合CEDAW法規，法務部業已擬具「民法第973條及第980條條文修正草案」函報行政院，並經行政院、司法院於2011年5月10日函請立法院審議，惟經立法院第7屆第8會期司法及法制委員會第10次全體委員會決議不予審議在案。
- 二、法務部於2014年3月21日再次召開研修會議討論，雖有與會學者建議修正提高第973條及第980條之訂、結婚年齡，然亦有多位學者、專家提出，若僅修正法定結婚年齡，而未將民法親屬編有關結婚效力之規定，一併修正檢討，實無法達到防止女性早婚、落實CEDAW公約及兒童權利公約之保護意旨；況修正提高法定結婚年齡，仍無法遏止少女懷孕之問題。又依權力分立原則，行政機關所提法律案，如經立法院決議退回，行政機關應予尊重；在未與立法院達成共識前，基於對國會之尊重，行政機關不宜再提出相同之修正草案。綜合上開討論，關於民法最低訂、結婚年齡之規定，因涉及相關法規之通盤檢討，影響層面甚多，應再審慎研議，並凝聚共識，不宜僅就訂、結婚年齡之規定提出修正。

英文回應

1. Regarding Civil Code Section 973 and Section 980 does not complying with the regulations set out in CEDAW, the Ministry of Justice has already drafted a “Draft amendment to the Civil Code Section 973 and Section 980” and sent it to the Executive Yuan, and via the Executive Yuan, the Judicial Yuan, on the 10th of May, 2011, sent to the Legislative Yuan for review, but at the 10th Committee of the Whole Council, the 8th session of the 7th appointed meeting date of the Judiciary and Organic Laws and Statutes Committee it was resolved to not be deliberated.
2. The Ministry of Justice has on the 21st of March, 2014 held another meeting to discuss the amending, although there were participating scholars who recommended revising the ages stipulated in Section 973 and Section 980 regarding the minimum engagement age and marriageable age upwards, there were also a lot of scholars and experts who proposed that if only the legal marriageable age were amended but the requirements relating to effectiveness of a marriage in Civil Code Part IV Family were not also amended, in reality, it would not be able to achieve the effect of preventing women from marrying too early, and implementation of the CEDAW convention and intended protection of the Convention on the Rights of the Child; amending upwards the minimum marriageable age would also be of no help to deter the issue of teenage pregnancies. Also, in accordance with the principle of separation of powers, a bill of act proposed by an administrative authority, if it were to be rejected by the Legislative Yuan, the administrative authority should respect that decision; before achieving a consensus with the Legislative Yuan, based on respect for Parliament, the administrative authority should not propose the same draft amendment. Combining the above discussion, regarding the minimum age for engagement and marriage set out in the Civil Code, because it would involve an overall review of relevant laws and regulations, it has wide-reaching affect, and should be prudently deliberated, and reach a consensus. It would not be wise to only make amendments for the minimum age for engagement and marriage.