

## 中華民國（臺灣）兒童權利公約首次國家報告結論性意見各點次權責機關分工（定稿版）

107.04.26

| 點次 | 結論性意見內容(草案)  |  | 權責機關 | 可參考國際文書/其他資料 |
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|    | 中文   | 英文   |      |              |
| 壹  | <b>前言</b>  |  |      |              |
| 1  | 中華民國（臺灣）立法院於 2014 年 6 月通過《兒童權利公約施行法》(下稱《CRC 施行法》)，並於同年 11 月 20 日開始施行，作為《CRC》在臺灣實施之國內法化架構；2016 年 4 月 22 日立法院通過加入《CRC》條約案，總統於 2016 年 5 月簽署加入書。   | <b>I. Introduction</b><br>In June 2014, the Legislative Yuan of the Republic of China (Taiwan) passed the Implementation Act of the Convention on the Rights of the Child ('Implementation Act'). The Act came into force on 20 November 2014 and provides the framework for domestic harmonization of the CRC. On 22 April 2016 Taiwan's Legislative Yuan passed a Bill to support the adoption of the CRC paving the way for the President to sign the Instrument of Accession to the CRC in May 2016.   | 無    |              |
| 2  | 行政院依據《CRC 施行法》，於 2016 年 11 月發表首次國家報告，並於 2017 年 3 月完成英文版。中華民國（臺灣）政府邀請 5 位獨立國際兒權專家組成國際審查委員會(下稱委員會)審查首次國家報告。5 位專家分別為 Jaap Doek(主席)(荷蘭)，Judith Karp(以色列)，Nigel Cantwell(英國/瑞士)；Laura Lundy(北愛爾蘭)以及 John Tobin(澳洲)。 | The Executive Yuan, according to the Implementation Act, published the initial State report in November 2016 and its English version was made available in March 2017. In order to review its initial State report, the Government of Taiwan invited five independent international children's rights experts to form an International Review Committee ('Review Committee'). They were Jaap Doek (Chairperson) (The Netherlands), Judith Karp (Israel), Nigel Cantwell (United Kingdom/Switzerland); Laura Lundy (Northern Ireland) and John Tobin (Australia). | 無    |              |
| 3  | 委員會審查了臺灣於 2017 年 3 月提交之首次國家報告，並收到來自包含兒童團體組織等公民組織團體的替代報告及兒少報告。委員會於 2017 年 6 月提出問題清單，於同年 9 月收到書面詳細回復。委員  | The Review Committee examined the initial report of Taiwan which was submitted to the Review Committee in March 2017. The Review Committee received reports from civil society organizations including children's organizations and groups of children. The Review Committee submitted a List of Issues to Taiwan in June 2017   | 無    |              |

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|          | 會也收到公民組織對於問題清單之意見以及政府回應。   | and received detailed written replies in September 2017. The Review Committee also received a number of additional reports from civil society in response to the List of Issues and the State's replies to the List of Issues.   |      |              |
| 4        | 委員會於 2017 年 11 月 20 日與公民組織成員兒少舉行列入審查會議之不公開會議。另於 2017 年 11 月 21 日及 22 日與政府代表舉行公開會議，於 2017 年 11 月 24 日通過並發表本結論性意見。 | As part of the review on 20 November 2017, the Review Committee held private meetings with children and members from civil society. On 21 and 22 November 2017, the Review Committee engaged in a public dialogue with the Government delegation. The Review Committee adopted the present Concluding Observations and presented them on 24 November 2017.   | 無    |              |
| 5        | 委員會了解臺灣政府認真且努力的實踐《CRC》，並相當感謝相關部會及政府機構派員出席會議，與委員會進行建設性對話。公民組織之積極參與，尤其是兒少參與，亦對審查過程至關重要。                            | The Review Committee acknowledges the serious and sincere efforts of the Government of Taiwan to implement the CRC. The Review Committee greatly appreciates the constructive dialogue with the Government during the review, which was attended by representatives from all relevant Ministries and government bodies. The active participation of civil society and in particular children was also essential to the review process. | 無    |              |
| 6        | 委員會感謝衛生福利部（特別是《CRC》幕僚單位）提供實質協助與後勤支援。   | The Review Committee expresses its appreciation to the Ministry of Health and Welfare, and particularly its CRC team, for providing the Review Committee with substantive and logistical support.  | 無    |              |
| <b>貳</b> | <b>承認之國際人權公約</b>   | <b>II. Recognition of International Human Rights Treaties</b>  |      |              |
| 7        | 委員會欣見臺灣除《CRC》外，亦接受下列國際人權公約：<br>（1）《經濟社會文化權利國際公約》；<br>（2）《公民與政治權利國際公約》；   | The Review Committee welcomes the decision of Taiwan to adopt not only the CRC but also the following international human rights treaties:<br>(a) International Covenant on Economic, Social and Cultural Rights;  | 無    |              |

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|    | 中文   | 英文  |                                     |   |
|    | (3) 《消除對婦女一切形式歧視公約》;<br>(4) 《身心障礙者權利公約》。   | (b) International Covenant on Civil and Political Rights;<br>(c) Convention on the Elimination of All Forms of Discrimination against Women; and<br>(d) Convention on the Rights of Persons with Disabilities.  |                                     |   |
| 參  | <b>關切重點與建議</b>   | <b>III. Main areas of concern and recommendations</b>   |                                     |   |
|    | <b>一、一般執行措施 (第 4、42、44 (6) 條)</b>  | <b>A. General measures of implementation (arts. 4, 42 and 44 (6))</b>   |                                     |   |
|    | <b>立法</b>  | <b>Legislation</b>  |                                     |   |
| 8  | 委員會讚賞中華民國(臺灣)毫無保留地接受《CRC》，且制定特別法施行《CRC》。委員會建議政府於檢視國內法律是否與《CRC》規定一致時，應進行兒少權利影響評估。 | The Review Committee notes with appreciation that the CRC was accepted without reservations and that a special Act was adopted for the implementation of the CRC. The Review Committee recommends that the Government undertake a process of child rights impact assessment as it continues to review its domestic laws with a view to harmonizing them with the provisions of the CRC. | 衛福部(社家署)                            | 兒少權利影響評估(Children's Rights in Impact Assessments) |
| 9  | 委員會建議應修正《CRC 施行法》，明定國內法律與《CRC》牴觸時，優先適用《CRC》。                                     | The Review Committee recommends that the Implementation Act should be amended to provide a clear statement that the provisions of the CRC prevail in the case of a conflict with domestic legal provisions.   | 衛福部(社家署)                            | 第 5 號一般性意見  |
| 10 | 委員會鼓勵政府接受《關於兒童捲入武裝衝突問題之兒童權利公約任擇議定書》及《關於買賣兒童、兒童賣淫和兒童色情問題之兒童權利公約任擇議定書》。            | The Review Committee encourages the Government to adopt the Optional Protocols to the CRC on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography.   | 1. 國防部<br>2. 衛福部(保護司)(彙整)<br>3. 內政部 | 兩任擇議定書  |

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|    | 中文  | 英文   |            |               |
|    | <b>全面性國家行動計畫</b>  | <b>Comprehensive national plan of action</b>   |            |               |
| 11 | 委員會建議政府制定並實施全面性國家行動計畫以實踐《CRC》，且納入地方政府、公民組織、相關專家、兒少及家長之參與。                                       | The Review Committee recommends that the Government develop and implement a national and comprehensive plan of action for the implementation of the CRC, with the involvement of regional and local authorities, civil society organisations, relevant professionals, children and parents.  | 衛福部（社家署）   | 第 5 號一般性意見    |
|    | <b>協調</b>   | <b>Coordination</b>  |            |               |
| 12 | 委員會欣見設立協調與推動兒少福利及權益保障政策的團隊，也欣見行政院設立兒童及少年福利與權益促進小組。委員會建議政府確保上開團隊以及小組具有充分的權力，並配有足夠的人力和財力資源，以執行職務。 | The Review Committee welcomes the establishment of the Promotional Team for Children and Youth Welfare and Rights tasked with coordination and promotion of policies regarding the rights and welfare of children and youth, and of the Executive Yuan's promotional group for Child and Youth Welfare and Rights. The Review Committee recommends that the Government ensure that these groups have sufficient power to execute their tasks and are provided with adequate human and financial resources. | 衛福部（社家署）   |               |
| 13 | 委員會建議立法院應成立兒童委員會。並於制定影響兒少及其人權之法案時，由委員會諮詢兒少、專業團體和公民團體的意見。  | The Review Committee recommends that a children's committee be established in the Legislative Yuan. This committee should consult with children, relevant professional bodies and civil society in the development of proposals for legislation that affects children and their human rights.  | 立法院        |               |
|    | <b>獨立監督</b>   | <b>Independent monitoring</b>  |            |               |
| 14 | 委員會注意到且關心中華民國（臺灣）尚未成立獨立國家人權機構。  | The Review Committee notes with concern that Taiwan has not yet established an independent National Human Rights Institution ('NHRI').   | 1. 法務部(彙整) | 1. 第 2 號一般性意見 |

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|    | 中文   | 英文   |                                   |                        |
| 15 | 委員會建議應儘速依照聯合國兒童權利委員會第2號一般性意見(2002)，成立國家人權機構並內設監督兒童權利的專責單位；或是成立兒童監察使辦公室；或是設置兒童權利委員。該組織應依循巴黎原則設立，特別是以一種使申訴兒童感受到隱私不受侵害並能受到保護的方式下，受理、調查、處理針對所有公私部門的兒童權利申訴事件。 | The Review Committee recommends the establishment without delay of either an NHRI with a dedicated division for the monitoring of the rights of the child or a children's ombudsman's office or children's rights commissioner, in accordance with the recommendations made by the CRC Committee in its General Comment No 2 (2002). This body should comply with the Paris Principles and, in particular, be able to receive, investigate and address complaints notified by or on behalf of children, relating to the public and private sector, in a child-sensitive manner, ensuring the privacy and protection of complainants.                               | 2. 監察院                            | 2. 巴黎原則<br>3. 第5號一般性意見 |
|    | <b>申訴程序</b>  | <b>Complaints procedures</b>   |                                   |                        |
| 16 | 委員會讚賞並注意到在教育、社會福利、醫療以及少年司法領域事項，皆有提供兒少申訴機會的資訊。  | The Review Committee notes with appreciation the information provided on the opportunities for children to make complaints in the settings of education, social welfare, health and juvenile justice.  | 1. 教育部<br>2. 衛福部(醫事司、國健署、疾管署、社家署) |                        |
| 17 | 委員會建議讓所有兒少都能得知申訴管道以及申訴程序的資訊。政府應確保該程序對兒少友善，提供兒少適足的支持(在適當情形下包括家長或 NGO 的支持)，並保護兒少隱私。委員會進一步建議，政府應採取必要措施，保護提出申訴之兒少或代表兒少申訴者，免於報復、恐嚇或其他負面影響。申訴程序應為獨立審查。         | The Review Committee recommends that all children receive information about the opportunities and procedures for making complaints. The Government should ensure that the procedures are child-friendly, that the child is provided with adequate support (including where appropriate by parents or competent NGOs) and that the privacy of the child is protected. Furthermore, it recommends that the Government take the necessary measures to protect children who make complaints, and those who do so on behalf of a child, from retaliation, intimidation or other negative repercussions. The complaints procedure must be subject to independent review. | 3. 司法院<br>4. 法務部                  |                        |

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|    | 中文  | 英文  |                                |              |
|    | <b>資源分配</b>   | <b>Resource allocation</b>  |                                |              |
| 18 | 委員會建議政府提出第一份兒少預算，並建議兒少預算應依據聯合國兒童權利會關於公共預算的第 19 號一般性意見 (2016)，以一種與包含兒少在內公開對話，確保透明及參與的方式編製，並建立監督與評估各級政府資源分配及使用適切性、有效性和公平性的機制。         | The Review Committee commends the Government for introducing its first Child Budget. It recommends that, in line with the Committee on the Rights of the Child's General Comment No. 19 on Public Budgeting (2016), the Government ensure transparent and participatory budgeting through public dialogue, including with children, and establishes mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution and use of resources, including at the level of local authorities.                         | 衛福部 (社家署)<br><br>(協辦：主計總處)     | 第 19 號一般性意見  |
|    | <b>數據蒐集</b>   | <b>Data collection</b>  |                                |              |
| 19 | 委員會讚揚政府提供家庭環境與替代性照顧、健康與福利、教育及特別保護措施等方面落實兒童權利的統計資料。  | The Review Committee appreciates the provision of statistical information regarding the implementation of the rights of the child in areas such as family environment and alternative care, health and welfare, education and special protective measures.  | 衛福部 (社家署、統計處)<br><br>(協辦：主計總處) | 第 5 號一般性意見   |
| 20 | 依據聯合國兒童權利委員會關於一般執行措施的第 5 號一般性意見，委員會建議政府進一步改善數據蒐集系統，並考慮增設中央數據蒐集單位。所蒐集的資料應涵蓋公約所有層面，依性別、年齡、城鄉、原住民及種族背景分類數據，在相關及適當的情形下，並依身心障礙、國籍和性取向分類。 | In the light of the Committee on the Rights of the Child's General Comment No. 5 on General Measures of Implementation, the Review Committee recommends that the Government further improves its system of data collection and considers establishing a central data collection unit. The information collected should cover all areas of the Convention and be disaggregated by gender, age, urban/rural, and indigenous and ethnic backgrounds, as well as, where relevant and appropriate, disability, nationality and sexual orientation. |                                |              |
|    | <b>認知提升與教育訓練</b>  | <b>Awareness-raising and training</b>   |                                |              |
| 21 | 委員會注意到中央政府各部會和地方政府均有辦理兒童權利教育訓練。然而，委   | The Review Committee notes the training on children's rights provided at the central level by various ministries and  | 1. 衛福部(社家署)                    |              |

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|    | 中文   | 英文  |  |                               |
|    | 員會關切缺乏訓練品質及成效的資訊，且訓練似乎主要集中於公務人員。   | at the local level. However, the Review Committee is concerned at the lack of information on the quality and effectiveness of training and that the focus appears to be mainly on civil servants.   | 2. 教育部<br><br>(協辦：司法院、內政部、法務部、人事總處、衛福部(社工司、醫事司、照護司、保護司)) |                               |
| 22 | 委員會建議政府確保所有從事兒少工作的專業人員，如教師、社會工作人員、醫療專業人員、住宿型單位與寄養照顧專業人員，以及兒少特別保護措施領域的警察、法官、檢察官及其他少年司法工作人員等，均接受兒童權利教育訓練，所有訓練中，應特別著重《CRC》的一般性原則，包括禁止歧視、優先考量兒少最佳利益、生命、生存及發展權、兒少表意權，以及符合各發展階段能力原則。所有訓練均應持續監測及評估。父母亦應透過學校、地方政府、福利機構、醫療院所及媒體，了解兒童權利。 | The Review Committee recommends that the Government ensure training in children's rights for all professionals working with or for children such as teachers, social workers, medical professionals, professionals working in residential and foster care and in the field of special protective measures for children, police, judges and prosecutors and others working in the field of juvenile justice. In all training, special attention should be given to the general principles of the CRC, the right to non-discrimination, the best interests of the child as a primary consideration, the right to life, survival and development, and the right to be heard, as well as the principle of evolving capacities. All training should be monitored and evaluated on an ongoing basis. Parents should also receive information about children's rights through schools, local government, welfare and health services, and through the media. |  |                               |
|    | <b>與公民社會及商業部門合作</b>  | <b>Cooperation with civil society and the business sector</b>   |  |                               |
| 23 | 委員會讚揚政府與公民團體組織的正向關係和開放式對話，並鼓勵此種合作，以進一步落實臺灣兒少權利。  | The Review Committee commends the positive relationships and open dialogue between the government and civil society organisations. It encourages this cooperation as a means of furthering the realisation of children's rights in Taiwan.  | 1. 勞動部<br>2. 通傳會<br>3. 行政院環保署                            | 1. 第 16 號一般性意見<br>2. 兒少權利影響評估 |
| 24 | 參考聯合國兒童權利委員會第 16 號一般性意見(2013)所提示商業部門對兒童權利之影響及國家義務，委員會建議政府制   | With reference to the CRC Committee's General Comment No. 16 (2013) on State Obligations Regarding the Impact of Business on Children's Rights, the Review Committee  | 4. 經濟部(彙整)   |                               |

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|    | 定和實施相關規定,確保商業部門遵守兒童權利,特別是在兒少就業和工作條件、媒體(包括社群媒體與網路)以及環境保護方面。   | recommends that the Government establish and implement regulations to ensure that the business sector complies with the rights of the child, particularly in the area of children's employment and working conditions, media (including social media and the internet) and protection of the environment.   | (協辦:教育部、文化部、衛福部(保護司)、內政部)       |  |
|    | <b>二、兒少之定義</b>   | <b>B. The definition of the child</b>   |                                 |  |
| 25 | 委員會注意到臺灣的成年年齡是 20 歲,而委員會審查對象僅限於未滿 18 歲之兒少。惟仍需提醒,《CRC》於臺灣施行,可能產生是否適用於 18 歲或 19 歲青年的一些不一致和混淆的問題。                   | The Review Committee notes that the age of majority in Taiwan is 20. The Review Committee's mandate is restricted to persons under the age of 18. However, it wishes to highlight the fact that the implementation of the CRC in Taiwan may generate some inconsistencies and confusion on the applicability of rights to youth 18 or 19 years old.   | 法務部                             | 第 4 號一般性意見                                       |
| 26 | 委員會表達讚賞並注意到,政府承諾啟動修法,使目前的最低結婚年齡一致,並依據國際條約機構的建議,男女均以 18 歲為準。  | The Review Committee notes with appreciation that the Government has committed to enacting legislation which will harmonize the current minimum ages for marriage, setting them for both boys and girls at 18 in accordance with the recommendations of international treaty bodies.  |                                 |  |
|    | <b>三、一般性原則</b>   | <b>C. General Principles</b>  |                                 |  |
|    | <b>禁止歧視(第 2 條)</b>   | <b>Non-discrimination (art. 2)</b>  |                                 |  |
| 27 | 委員會注意到並讚賞政府針對弱勢兒少,如原住民兒少、LGBTI 兒少、身心障礙兒少和無國籍兒少,已訂有預防及保護其不受歧視的相關法規。然而,委員會關注,上述法規落實缺乏實際成效資訊及針對《性別平等教育法》執行阻力缺乏因應方案。 | The Review Committee notes with appreciation the information provided on various legal provisions for the prevention and protection against discrimination of especially vulnerable children such as indigenous children, LGBTI children, children with disabilities and stateless children. However, the Review Committee is concerned at the lack of information on the effectiveness of the policies and programmes to ensure the implementation of these provisions and to address resistance to the implementation | 1. 教育部<br>2. 原民會<br>3. 衛福部(社家署) | 1. 第 6 號一般性意見<br>2. 第 9 號一般性意見<br>3. 第 11 號一般性意見 |



| 點次 | 結論性意見內容(草案)  |  | 權責機關  | 可參考國際文書/其他資料   |
|----|--|--|---|--|
|    | 中文   | 英文   |   |  |
|    |  | of the Gender Equity Education Act.  |   |  |
| 28 | 委員會建議政府持續諮詢兒少、從事兒少工作之專業人員及公民團體，提倡並支持禁止歧視弱勢兒少之意識提升活動，並採取必要措施落實各項禁止歧視兒少的法規。  | The Review Committee recommends that the State continue, in on-going consultation with children, professionals working with or for children and civil society, to promote and support awareness-raising campaigns on the right to non-discrimination of especially vulnerable children, and to take the necessary measures to ensure the full implementation of the various legal provisions prohibiting discrimination of children.   |   | 4. 第 20 號一般性意見<br>5. 第 22 號一般性意見<br>6. 第 23 號一般性意見<br>7. 兒少報告 (台少盟)<br>- 跨性別學生與教育<br>- 我們在校園中受到的權利侵犯 |
|    | <b>兒少最佳利益為優先考量 (第 3 條第 1 項)</b>  | <b>The best interests of the child as a primary consideration (art. 3, para.1)</b>   |   |  |
| 29 | 委員會注意到，有關保護兒少之立法和民法，皆要求法院或其他單位的決定應以兒少最佳利益為基礎。委員會建議此權利如下：<br>(1) 符合聯合國兒童權利委員會第 14 號一般性意見有關兒少最佳利益的解釋；<br>(2) 在所有立法、行政和司法訴訟程序與決定，以及和兒童相關並對其產生影響的所有政策、方案和計畫，包括 | The Review Committee notes that legislation related to the protection of children and the Civil Code requires that decisions by courts or other authorities should be based on the best interests of the child. The Review Committee recommends that the Government ensure that this right is:<br>(a) interpreted consistently with the Committee's General Comment No 14 on the best interests of the child; and<br>(b) integrated and applied consistently in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are | 衛福部 (社家署)<br><br>(協辦：司法院、法務部、內政部、衛福部 (保護司)) | 第 14 號一般性意見  |

| 點次 | 結論性意見內容(草案)   |   | 權責機關  | 可參考國際文書/其他資料                                      |
|----|---|---|---|---|
|    | 中文  | 英文  |   |   |
|    | 移民和少年司法的法律、法規中，整全性並一貫地落實。   | relevant to and have an impact on children, including immigration and juvenile justice laws and regulations.  |   |   |
|    | <b>生命、生存及發展權 (第 6 條)</b>  | <b>The right to life, survival and development (art.6)</b>  |   |   |
| 30 | 委員會注意到國家承認兒少的高自殺率及自殺企圖，並建議政府評估及處理導致兒少自殺的因素，且加強現行降低兒少高自殺率的努力。  | The Review Committee notes that the State acknowledges the high rate of suicides and attempted suicides among children and recommends that it assess and address the causes of suicide among children and youth and extend its current efforts to reduce the very high levels of child suicide.   | 1. 衛福部(心口司)(彙整)<br>2. 教育部   | 1. 第 4 號一般性意見<br>2. 第 15 號一般性意見<br>3. 第 20 號一般性意見 |
|    | <b>兒少表意權 (第 12 條)</b>   | <b>The right of the child to be heard (art. 12)</b>   |   |   |
| 31 | 委員會欣見學校及地方政府委員會納入兒少代表，尤其讚賞課綱審議會納入兒少參與。然而，委員會關注持續限制兒少在家庭、學校及社區自由、安全地發聲的社會文化氛圍。   | The Review Committee welcomes the steps that have been taken to include children as members of school and local government committees and commends in particular the inclusion of children in the review of the National Curriculum guidelines. However, the Review Committee expresses its concern that sociocultural attitudes continue to restrict children from freely and safely expressing their views in the home, in schools and in the wider community.                | 1. 衛福部(社家署)<br>2. 教育部<br>3. 司法院<br><br>(協辦：人事總處、法務部、內政部、衛福部(社工司、心口司、醫事司、照護司、保護司)) | 第 12 號一般性意見                                       |
| 32 | 委員會摯盼政府關注聯合國兒童權利委員會第 12 號一般性意見所列兒少陳述意見的權利，並建議政府依據第 12 條公約採取措施，以加強落實該權利。委員會建議政府：<br>(1) 進行研究，確認對於兒少最重要之議題，以及在各種場合如何使兒少意見被聽取； | The Review Committee draws the Government's attention to the CRC Committee's General Comment No. 12 on the right of the child to be heard and recommends that it take measures to strengthen the implementation of this right in accordance with article 12 of the Convention. It recommends that the Government:<br>(a) undertake research to identify the issues that are most important to children and how their views might be best heard on those issues in all settings; |   |   |

| 點次 | 結論性意見內容(草案)  |   | 權責機關  | 可參考國際文書/其他資料   |
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|    | 中文   | 英文  |   |  |
|    | <p>(2) 針對父母、教師、社工、法官及其他從事兒少工作者，辦理教育訓練及認知提升活動，以有效促進兒少在家庭、學校及社區的參與；</p> <p>(3) 於立法決策階段建立兒少表意機制，藉此強化國家層級的兒少參與；</p> <p>(4) 採取有效的法規措施，包含告知兒少有陳述意見的權利、保障兒少有意義地行使該權利等，以確保兒少於行政及立法程序陳述意見之權利。</p> | <p>(b) undertake training programmes and awareness-raising activities with parents, teachers, social workers, judges and others working with or for children, to promote the meaningful and empowered participation of all children within the family, schools and community;</p> <p>(c) strengthen the participation of children at the national level by establishing a mechanism that will allow for the views of children to be heard in the legislative and policy making process; and</p> <p>(d) take measures to ensure the effective implementation of legislation, recognizing the right of the child to be heard in relevant administrative and legal proceedings, including by ensuring that children are informed of their right to be heard and are supported to exercise it meaningfully.</p> |   |  |
|    | <b>四、公民權與自由</b>  | <b>D. Civil rights and freedoms</b>   |   |  |
|    | <b>取得國籍權 (第 7 條第 1 項)</b>  | <b>The right to acquire a nationality (art. 7, para.1)</b>  |   |  |
| 33 | <p>委員會欣見政府作出努力，讓更多未被收養的無國籍兒童取得中華民國(臺灣)國籍。委員會關注到在某些報告中，提及生父不詳且外籍生母已返回原屬國之兒少的權利及身分問題，並建議政府採取適當措施，確保這些兒少不會淪為無國籍人，也不會無法享有與臺灣兒童相同的社福利益。</p>   | <p>The Review Committee welcomes the efforts of the government to enable more stateless children who are not adopted to acquire the nationality of the Republic of China/Taiwan. The Review Committee has noted in particular reports of problems associated with the entitlements and status of children born to migrant mothers and unknown fathers when the mother returns to her home country without the child. The Review Committee recommends that the Government take all appropriate measures to ensure that these children are not left stateless or deprived of any services and benefits to which other children in Taiwan are entitled.</p>  | <p>1. 內政部<br/>2. 教育部<br/>3. 勞動部<br/>4. 衛福部(國<br/>健署、健保<br/>署、疾管<br/>署、社家<br/>署)</p> | <p>1. 第 6 號一般性意見<br/>2. 第 22 號一般性意見<br/>3. 第 23 號一般性意見</p> |

| 點次 | 結論性意見內容(草案)  |  | 權責機關                | 可參考國際文書/其他資料                                       |
|----|--|--|---------------------|--|
|    | 中文   | 英文   |                     |  |
|    | <b>表現自由 (第 13 條)</b>   | <b>The right to freedom of expression (art. 13)</b>  |                     |  |
| 34 | 委員會關注部分報告提及表現自由在實踐上可能受到限制，尤其在校園中，因為成人對此抱持消極態度且兒少害怕受到懲罰。委員會建議政府確保兒少在所有情形下都能享有表現自由，並促進支持之，例如促進支持在校內外發行散布報紙、刊物或其他出版品。 | The Review Committee is concerned at reports that exercise of the right to freedom of expression may be restricted in practice, particularly in schools, due to negative attitudes on the part of adults and the children's fear of punishment. It recommends that the Government ensure that children can enjoy their right to freedom of expression in all settings, and promote and support e.g. the production and distribution of student newspapers or bulletins or other publications in and outside schools. | 教育部                 | 1. 第 12 號一般性意見<br>2. 第 20 號一般性意見                   |
|    | <b>集會結社及和平集會自由 (第 15 條)</b>  | <b>The right to freedom of association and to freedom of peaceful assembly (art.15)</b>  |                     |  |
| 35 | 委員會關切未滿 20 歲的兒少及青年無法自行成立團體，只能在父母或監護人同意下加入現存團體。此與兒少結社自由權不符，也缺少對兒少發展能力的尊重。   | The Review Committee notes with concern that children and young people below the age of 20 cannot establish their own association and can only become a member of an existing association if they have the permission of their parents or guardians. This position is not consistent with the child's right to freedom of association and fails to respect the evolving capacities of the child.   | 內政部<br><br>(協辦：教育部) | 1. 第 12 號一般性意見<br>2. 第 17 號一般性意見<br>3. 第 20 號一般性意見 |
| 36 | 委員會建議政府採取立法及其他必要的措施，確保兒少依據其年齡、成熟度及發展能力，享有不受任何歧視的結社自由、和平集會的自由並包括和平抗議的自由。  | The Review Committee recommends that the Government take the necessary legislative and other measures to ensure that children, in accordance with their age, maturity and evolving capacities, can fully enjoy, without any discrimination, their right to freedom of association and to freedom of peaceful assembly, including the right to peaceful protest   |                     |  |
|    | <b>隱私權 (第 16 條)</b>  | <b>The right to privacy (art. 16)</b>  |                     |  |
| 37 | 委員會關切有報告提到，老師以不是法律所規定的理由，搜查學生個人物品，甚而   | The Review Committee notes with concern reports that teachers have carried out searches of students' personal  | 教育部                 | 兒少報告 (台少盟) 兒少觀點-我                                  |

| 點次 | 結論性意見內容(草案)   |   | 權責機關                            | 可參考國際文書/其他資料            |
|----|---|---|---------------------------------|-------------------------|
|    | 中文  | 英文  |                                 |                         |
|    | 洩漏學生的秘密。委員會建議政府採取一切必要措施，避免學生隱私受到非法、恣意的侵犯。老師們應該被告知這類保障隱私的法令，而且當老師們違反法令時，必須受到懲處。  | belongings for reasons other than those stipulated by law, and have released children's confidential information. The Review Committee recommends that the Government take all necessary measures to protect children from such unlawful and arbitrary interference with their right to privacy. Teachers should be informed of the relevant regulations and be subject to disciplinary proceedings when they violate these regulations.  |                                 | 們在校園中受到的權利侵犯            |
|    | <b>不受酷刑或其他形式殘忍、不人道或有辱人格待遇或處罰之權利（第 37 條第 1 項（a）款）</b>  | <b>The right not to be subjected to torture or other cruel, inhuman and degrading treatment (art. 37 (a))</b>   |                                 |                         |
| 38 | 委員會亦關切在矯正機構及其他住宿型單位中，使用單獨監禁和身體約束措施，並建議政府確保規定單獨監禁的實施及要件的法令，符合公約第 37 條及《聯合國保護被剝奪自由少年規則》（《哈瓦那規則》）（第 67 段），並採取一切遵守規範的必要措施。此外，委員會建議政府檢視身體約束措施的相關法令，以確保符合《哈瓦那規則》（第 63 段和第 64 段）的標準。 | The Review Committee also expresses concern about the use of solitary confinement and restraints in correctional and other residential facilities. It recommends that the Government ensure that the regulations governing the use of solitary confinement and the conditions under which it is carried out are in full conformity with article 37 of the Convention and the UN Rules on the Protection of Juveniles Deprived of Liberty ('Havana Rules') (para 67) and to take all necessary measures to guarantee respect for those regulations. Furthermore, it recommends that the Government review the regulations governing use of restraints to ensure that they correspond to standards set out in the Havana Rules (paras 63 & 64). | 1. 法務部<br>2. 教育部<br>3. 衛福部(社家署) | 聯合國保護被剝奪自由少年規則（《哈瓦那規則》） |
|    | <b>五、家庭環境與替代性照顧(第 5 條、第 9 至第 11 條、第 18 條第 1 及 2 項、第 20 條、第 21 條、第 25 條及第 27 條第 4 項)</b>   | <b>E. Family environment and alternative care (arts. 5, 9 – 11, 18, para 1 and 2. 20, 21, 25 and 27 b, para 6)</b>  |                                 |                         |

| 點次 | 結論性意見內容(草案)  |   | 權責機關                                       | 可參考國際文書/其他資料   |
|----|--|---|--|--|
|    | 中文   | 英文  |  |  |
|    | <b>家庭支持</b>  | <b>Family support</b>   |  |  |
| 39 | 委員會欣見有各種支持父母履行扶養責任的措施，包括經濟及其他面向的支持，但也注意到報告指出，單親家庭（包括離婚後）和一些低收入、高風險家庭可能無法獲得足夠支持。委員會敦促政府採取一切可行措施，擴大這些家庭取得適當和必要支持服務的管道。 | While welcoming the various measures in place to support parents in their childrearing responsibilities, financially and otherwise, the Review Committee notes reports that single-parent households (including following a divorce) and some low-income, high-risk households may not be able to access adequate support. The Review Committee urges the Government to take all feasible measures to widen access to appropriate and necessary support to include all such households. | 1. 衛福部(社家署)<br>2. 衛福部(社工司)<br><br>(協辦：教育部) | 1. 台灣兒童權利公約聯盟報告<br>2. 財團法人台灣兒童暨家庭扶助基金會報告<br>3. 兒童權利公約民間監督聯報告 |
|    | <b>非法移轉兒少或使其無法返國返家 (第 11 條)</b>  | <b>Illicit transfer and non-return (art. 11)</b>  |  |  |
| 40 | 委員會指出關於非法移轉兒少的通報並非強制性，且通報可能只反映非法移轉受害兒少的部分數量。此外，現行相關法條似乎不足以防止這種移轉。  | The Review Committee notes the information that reporting of illicit transfer of a child is not mandatory and that the number of reports may reflect only part of the number of children who are victims of illicit transfer. Furthermore, the legislative provisions seem insufficient for preventing such transfers.  | 衛福部(社家署)<br><br>(協辦：司法院、內政部、法務部、外交部)       | 1. 台灣兒童權利公約聯盟報告<br>2. 國際兒童拐帶公約                               |
| 41 | 委員會建議臺灣政府接受 1980 年《國際兒童拐帶公約》，作為處理兒少遭非法移轉和(無法)返國返家案件的約束性文件。   | The Review Committee recommends that Taiwan adopt The Hague Convention on Civil Aspects of International Child Abduction (1980) as a binding document for dealing with cases of illicit transfer and (non-) return of children.   |  |  |

| 點次 | 結論性意見內容(草案)   |   | 權責機關   | 可參考國際文書/其他資料  |
|----|---|---|--|---|
|    | 中文  | 英文  |  |   |
|    | 無法在家庭環境中成長的兒少及替代性照顧 (第 9 條第 1 項及第 20 條)   | <b>Children deprived of family environment and alternative care (art. 9, para.1 and 20)</b>   |  |   |
| 42 | <p>委員會對於安置機構的使用及其組織方式表達關切，並注意到政府已採取措施，降低因為已經或者必須與父母/家人分開，而被安置在機構裡之人數。委員會同時注意到，在接受機構安置的兒少人數並沒有顯著下降情形下，被安置在非公立機構的人數卻持續增長。委員會擔心，根據目前的設立許可、查核及評鑑制度，可能無法有效保障服務品質。委員會了解目前提供給私立機構的資源，可能無法使其招聘和保留足夠數量的合格工作人員。委員會擔心，過剩的機構數可能誘發兒少被安置在機構中，而不是接受家庭照顧。委員會建議政府檢視其原因，並確保資源有效分配，並依據《聯合國兒童替代性照顧準則》，給予需要替代性照顧之兒少最適當的安置。</p> | <p>The Review Committee is concerned about the use of residential care and the way it is organised. It notes that measures have been taken by the Government to reduce the placement in residential care facilities of children who are or have to be separated from their parents/family. It also notes that the number of children in residential care is not falling significantly while the number of non-State residential care providers continues to grow. The Review Committee is concerned that quality assurance may not be effectively carried out under the present system of authorisation, inspection and audits. The Review Committee understands that resources currently made available to private facilities may not enable the latter to recruit and retain qualified staff in adequate numbers. The Review Committee is concerned that overcapacity may create an incentive to place children in residential care facilities instead of family based care. The Review Committee recommends that the Government examine the reasons for this overcapacity and allocate resources in ways that ensure the most appropriate placement of children in need of alternative care, consistent with the UN Guidelines for the Alternative Care of Children.</p> | <ol style="list-style-type: none"> <li>1. 衛福部(社家署)</li> <li>2. 衛福部(保護司)</li> </ol> | <ol style="list-style-type: none"> <li>1. 聯合國兒童替代性照顧準則</li> <li>2. 兒童權利公約民間監督聯盟報告</li> <li>3. 台灣兒童權利公約聯盟報告</li> </ol> |
| 43 | <p>委員會欣見政府設定目標，提高兒少接受正式親屬照顧之比率。委員會建議政府評估能否透過放寬親屬照顧者的申請資格及補助門檻，促進親屬照顧持續增加。</p>   | <p>The Review Committee welcomes the Government's target of increasing the proportion of children in formal kinship care. The Review Committee suggests that the Government examine the extent to which an ongoing increase in kinship care can be facilitated by alleviating certain onerous requirements regarding eligibility and access to subsidies for</p>  |  |   |

| 點次 | 結論性意見內容(草案)   |  | 權責機關                                 | 可參考國際文書/其他資料                             |
|----|---|--|--------------------------------------|--|
|    | 中文  | 英文   |                                      |  |
|    |   | potential kinship carers.  |                                      |  |
| 44 | 委員會欣見政府促進寄養政策，包括對有特殊需求兒少的照顧，以及對寄養家庭的培訓和支持，並建議政府持續及加強這項政策。   | The Review Committee also welcomes the Government's policy to promote foster care, including in relation to caring for children with special needs and the increased training and support for foster carers that this implies. The Review Committee recommends that the Government continue and strengthen this policy.  | 1. 衛福部(社家署)<br>2. 衛福部(保護司)           | 聯合國兒童替代性照顧準則                             |
| 45 | 委員會建議政府依據《聯合國兒童替代性照顧準則》，制定全面且划算的策略，將替代性照顧體系去機構化。其策略諸如支持及強化家庭功能降低安置需求、推動提倡以家庭環境為主的替代性照顧，特別是親屬照顧。               | The Review Committee recommends that, in line with the UN Guidelines for the Alternative Care of Children, the Government draw up a comprehensive and costed strategy to deinstitutionalise the alternative care system by, among other things, supporting and strengthening families in order to prevent the need for placements, and promoting and facilitating the use of family-based alternative care, in particular kinship care, for these children.  | 1. 衛福部(社家署)<br>2. 衛福部(保護司)           | 聯合國兒童替代性照顧準則                             |
| 46 | 委員會並建議政府立法確保所有替代性照顧的兒少安置均由家事法庭裁定之、安置期限由法律規定、延長安置由法院依照法定標準裁定之。委員會特別關注在沒有法院介入評估安置是否必要及是否符合兒少最佳利益下，卻允許父母可自行安置子女。 | Furthermore, the Review Committee recommends that the Government take the necessary legislative measures to ensure that all placements of children in alternative care are based on a decision of the family court, that the term of such placement is set by law and that extending the duration of the placement should be a decision of the court and meet criteria set by law. A particular concern of the Review Committee is that parents can arrange the placement of their children without any involvement of the court in assessing whether the placement is necessary and in the best interests of the child. | 1. 衛福部(社家署)<br>2. 司法院<br>3. 衛福部(保護司) | 1. 聯合國兒童替代性照顧準則<br>2. 財團法人台灣兒童暨家庭扶助基金會報告 |
| 47 | 委員會指出，受到不當對待、立即面臨嚴重風險的兒少可以進行長達 72 小時的保護安置，且經法院裁定後，可以重複延長 3 個月。委員會也關切主管機關只有在兒                                  | The Review Committee notes that children who are maltreated and face imminent and serious risk can be put in protective placement for up to 72 hours, and that this placement can be extended repeatedly for 3 months by a   | 衛福部(保護司)                             | 1. 聯合國兒童替代性照顧準則<br>2. 兒童權利公              |



| 點次 | 結論性意見內容(草案)  |  | 權責機關                       | 可參考國際文書/其他資料                             |
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|    | 中文   | 英文   |                            |  |
|    | 少於緊急安置機構停留 2 年仍無法返家時，才會制訂長期處遇計畫。   | decision of the court. The Review Committee is concerned that only after a stay of 2 years in an emergency residential facility are the authorities required to make a long-term treatment plan if the child cannot return to her/his family.  |                            | 約民間監督聯盟報告                                |
| 48 | 委員會建議政府依據《CRC》第 25 條及《聯合國兒童替代性照顧準則》，建立有效體系，定期審查所有替代性照顧之兒少安置。應該特別注意緊急安置和機構安置，至少每年一次，以兒少最佳利益為考量，評估兒少是否仍有必要安置，及/或能否將兒少安置於以家庭環境為主的替代性照顧。政府也應採取必要措施，防止兒少頻繁轉換安置處所。 | The Review Committee recommends the Government establish an effective system of regular review of all placements of children in alternative care in accordance with article 25 of the CRC and the UN Guidelines for the Alternative Care for Children. Special attention should be given to the review of placements in emergency centres and residential facilities by assessing, at least every year, whether the placement is still necessary in the best interests of the child and/or whether the child can be placed in a family-based form of alternative care. The Government should also take the necessary measures to prevent the frequent moving of children from one alternative care setting to another. | 1. 衛福部(社家署)<br>2. 衛福部(保護司) | 1. 聯合國兒童替代性照顧準則<br>2. 兒童權利公約民間監督聯盟報告     |
| 49 | 最後，依據《聯合國兒童替代性照顧準則》，委員會強調為準備離開替代性照顧體系的兒少設定有效且適當的計畫及方案至關重要，這些計畫與方案協助兒少（適當時，包含家屬）做好離開替代性照顧體系的準備，且在適當時期內提供所有必要的支持性服務。   | Finally, in line with the UN Guidelines for the Alternative Care of Children, the Review Committee emphasises the importance of having in place an effective and suitable policy and programme for children leaving the alternative care system, preparing them (and, where applicable, their families) for the leaving care process and providing all necessary after-care support for an appropriate period.   | 1. 衛福部(社家署)<br>2. 衛福部(保護司) | 1. 聯合國兒童替代性照顧準則<br>2. 財團法人台灣兒童暨家庭扶助基金會報告 |
|    | <b>國內及跨國境收養（第 21 條）</b>  | <b>Domestic and intercountry adoption (art. 21)</b>  |                            |  |
| 50 | 委員會注意到，國內兒少收養之年度人數低於外國收養臺灣兒少之人數，也注意到近親及繼親收養終止比率偏高。委員會建   | The Review Committee notes that the annual number of domestic adoptions is lower than that of adoptions of Taiwanese children abroad, but notes with concern the high rate of terminations of intra-familial and step-parent   | 衛福部（社家署）                   | 1. 跨國收養方面保護兒童及合作公約                       |

| 點次 | 結論性意見內容(草案)  |  | 權責機關 | 可參考國際文書/其他資料             |
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|    | 中文   | 英文   |      |                          |
|    | <p>議政府分析上述終止收養的原因，採取降低比率的補救措施，致力確保所有兒少獲得適當照顧。委員會瞭解國內收養人通常不願意承擔照顧有特殊需要兒少(包括身心障礙兒少和年齡較大的兒少)的責任，因而唯有尋求跨國收養，但仍敦促政府提高問題意識，倡導內國收養。</p> | <p>adoptions. The Review Committee recommends that the causes of these terminations be analysed, that remedial action be taken so as to reduce their rate, and that all necessary efforts be made to ensure appropriate care for any child involved. While the Review Committee recognises that domestic adopters may often be unwilling to take responsibility for children with special needs (including those with disabilities and older children) and that intercountry adoption may therefore be seen as the only solution for the latter, it urges the Government to raise awareness and promote the adoption of these children domestically.</p> |      | <p>2. 兒童權利公約民間監督聯盟報告</p> |
| 51 | <p>委員會關切政府監看跨國收養程序層級及成效的不足，包括對私立收養機構的權限和監督。委員會建議臺灣採用海牙會議《跨國收養合作及兒童保護公約》(1993年)作為具法律效力之文件，以處理臺灣跨國收養案件。</p>                        | <p>The Review Committee is concerned about the level and effectiveness of the Government's oversight of the intercountry adoption procedure, including the authorisation and monitoring of private adoption agencies. It recommends that Taiwan adopt The Hague Convention on Protection of Children and Cooperation in Intercountry Adoption (1993) as a binding document for dealing with cases of intercountry adoption from and into Taiwan.</p>   |      |                          |

| 點次 | 結論性意見內容(草案)   |  | 權責機關   | 可參考國際文書/其他資料 |
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|    | 中文  | 英文   |  |              |
|    | 六、暴力侵害兒童(第 19 條,第 24 條第 3 項,第 28 條第 2 項,第 34 條,第 37 條(a)項和第 39 條)   | <b>F. Violence against children (art. 19, 24, para. 3, 28 para. 2, 34, 37 (a) and 39)</b>  |  |              |
| 52 | 委員會欣見政府為防範對兒少施暴所採取的各種措施,特別是體罰及霸凌,也欣見政府為高風險兒少及 6 歲以下弱勢兒童提供之服務方案。   | The Review Committee welcomes the various actions taken by the Government to address violence against children, in particular related to corporal punishment and bullying, and the programmes providing service to high-risk children and youth and to disadvantaged children aged 6 or under.   | 1. 衛福部(保護司)<br>2. 教育部<br>3. 衛福部(社家署)<br>4. 勞動部<br>5. 法務部<br>6. 內政部 | 第 13 號一般性意見  |
| 53 | 委員會建議政府：<br>(1) 參考聯合國兒童權利委員會第 13 號一般性意見(2011 年)提出的指引及建議,繼續加強現行及其他措施,並制定及施行一個預防及保護兒少在所有環境(包含家庭)免受一切形式暴力的長期性國家綜合行動計畫；<br>(2) 為有助於達成聯合國永續發展目標(目標 16.2)所列 2030 年前結束對兒少一切形式暴力的國家、地方及 NGO 行動計畫提供必要的人力和財力資源。 | The Review Committee recommends that the Government:<br>(a) continue and strengthen these and other activities and develop and implement, taking into account the guidance and recommendations of the CRC Committee in its General Comment No 13 (2011), a multi-year comprehensive national plan of action for the prevention of and the protection of children against all forms of violence in all settings, including the family; and<br>(b) provide the necessary human and financial resources for the implementation of this plan of action which include national and local and NGO activities that contribute to ending all forms of violence against children by 2030, a goal of the Sustainable Development Goals (target 16.2.). |  |              |
| 54 | 委員會欣見政府施行《校園霸凌防制準則》,但關切欠缺實施情形、受害者等人無效力通報及後續處理機制的具體資訊。委員會因此建議政府：<br>(1) 經由徵詢兒少意見,重新檢視監督  | The Review Committee welcomes the Guidelines for Prevention of Bullying on Campus, however it is concerned at the lack of concrete information about their implementation and the ineffective reporting by victims or others and follow-up mechanisms. The Review Committee  | 教育部  |              |

| 點次 | 結論性意見內容(草案)  |  | 權責機關   | 可參考國際文書/其他資料      |
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|    | 中文   | 英文   |  |                   |
|    | <p>機制和通報程序，以確保其成效；</p> <p>(2) 提高師生對「霸凌在受害兒少及學校社群所生負面影響」的認知和意識；</p> <p>(3) 加強教師建構安全教室的能力，鼓勵被害人和目擊者通報霸凌案件；</p> <p>(4) 為霸凌案件的被害人、加害人及其他受霸凌影響的兒少，提供有效的輔導及修復。</p> | <p>recommends that the Government:</p> <p>(a) review its monitoring and reporting processes in consultation with children to ensure they are effective;</p> <p>(b) enhance the understanding and awareness of both teachers and students of the negative impact of bullying on the child victim and the school community;</p> <p>(c) reinforce teachers' ability to create safe classrooms and encourage victims and witnesses to report incidents of bullying; and</p> <p>(d) provide effective counselling and restorative practices for children who are victims, perpetrators, and other children who may be affected by bullying.</p> |  |                   |
| 55 | <p>在網路霸凌方面，委員會建議政府應督促平台供應商發展及強化合宜的預防及申訴服務及機制。</p>  | <p>In relation to cyberbullying the Review Committee recommends that the Government urge platform operators to develop and strengthen appropriate services and mechanisms for handling prevention and cyberbullying complaints.</p>  | <p>通傳會</p> <p>(協辦：衛福部(保護司)、內政部、教育部、法務部)</p>    |                   |
| 56 | <p>委員會欣見已經立法禁絕在學校和機構內有體罰兒少之情事。然而家內體罰並未被禁止，且學校內仍持續發生體罰的情事。</p>  | <p>The Review Committee welcomes the information that corporal punishment has been prohibited by law in schools and institutions. However corporal punishment in the family setting has not been prohibited and the use of corporal punishment in schools continues.</p>   | <p>1. 法務部</p> <p>2. 教育部</p> <p>3. 衛福部(社家署)</p> | <p>第 8 號一般性意見</p> |
| 57 | <p>委員會建議政府：</p> <p>(1) 依據《CRC》第 8 號一般性意見，明文禁止家內體罰；</p> <p>(2) 倡導體罰與任何羞辱人格處遇所生負面影響的認知及教育活動並提供足以替代體罰之正面積極作為</p>  | <p>The Review Committee recommends that the Government:</p> <p>(a) adopt an explicit prohibition on corporal punishment in the home, consistent with the CRC Committee's General Comment No 8;</p> <p>(b) conduct awareness-raising and educational campaigns on the negative impact of corporal punishment and other forms of degrading and humiliating treatment and</p>   | <p>4. 衛福部(保護司)</p>                             |                   |

| 點次 | 結論性意見內容(草案)   |  | 權責機關   | 可參考國際文書/其他資料  |
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|    | 中文  | 英文   |  |   |
|    | <p>的資訊；</p> <p>(3) 採取一切適當措施，確保公私立學校及機構所有的工作人員不使用體罰；</p> <p>(4) 教育所有從事兒少服務的專業人員，使其了解向主管機關通報疑似對兒少施暴案件的重要性。</p>  | <p>provide information on alternative methods for promoting positive behaviour;</p> <p>(c) take all appropriate measures to ensure that all people working in public and private schools and institutions refrain from the use of corporal punishment; and</p> <p>(d) educate all professionals working with or for children on the importance of reporting all suspected incidents of violence against children to the appropriate authorities.</p>   |  |   |
|    | <p><b>七、身心障礙、基本健康與福利</b><br/><b>(第 6 條、第 18 條第 3 項、第 23 條、第 24 條、第 26 條、第 27 條第 1 至第 3 項和第 33 條)</b></p>  | <p><b>G. Disability, basic health and welfare (arts. 6, 18, para.3, 23, 24, 26, 27, paras. 1-3 and 33)</b></p>   |  |   |
|    | <p><b>身心障礙兒少權利 (第 23 條)</b></p>   | <p><b>The rights of children with a disability (art.23)</b></p>  |  |   |
| 58 | <p>委員會敦促政府執行《身心障礙者權利公約》審查委員會的建議。並進一步建議政府確保身心障礙兒少準確分解數據的蒐集，以採取適當措施使身心障礙兒少：</p> <p>(1) 可在鄉村獲得適當的教育；</p> <p>(2) 完成學業後從事具有意義的工作；</p> <p>(3) 有機會享受具有意義的遊戲、休閒和娛樂，如建造共融遊樂場；</p> <p>(4) 自己及家人受到適當的支持服務。</p> | <p>The Review Committee urges the Government to implement the recommendations of the Review Committee for the Convention on the Rights of Persons with a Disability. It further recommends that the Government ensure the collection of accurate disaggregated data on children with a disability and take appropriate measures to ensure that such children:</p> <p>(a) can access appropriate schooling in rural areas;</p> <p>(b) transition into meaningful employment after the completion of their schooling;</p> <p>(c) enjoy access to meaningful play, leisure and recreation opportunities by, for example, the development of all-abilities playgrounds; and</p> <p>(d) receive appropriate support services for themselves and their families.</p> | <p>衛福部 (社家署)</p> <p>(協辦：教育部、勞動部、內政部、文化部、經濟部、衛福部 (食藥署、醫事司)、交通部、農委會、退輔會)</p> | <p>1. 第 7 號一般性意見</p> <p>2. 第 9 號一般性意見</p> <p>3. 第 17 號一般性意見</p> |

| 點次 | 結論性意見內容(草案)  |   | 權責機關                              | 可參考國際文書/其他資料                                     |
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|    | 中文   | 英文  |                                   |  |
| 59 | 委員會關切住在機構內身心障礙兒少的數量居高不下。委員會欣見政府採取 5 年策略（計畫），增加身心障礙兒少在社區生活的人數，並提供身心障礙兒少進入主流學校接受融合教育的機會。                       | The Review Committee is concerned at the high number of children with disabilities living in residential facilities. It welcomes the fact that the Government has adopted a 5 year strategy to increase the number of children with disabilities living in community based settings and having access to mainstream inclusive schools.  | 1. 衛福部(社家署)<br>2. 教育部             | 1. 第 7 號一般性意見<br>2. 第 9 號一般性意見<br>3. 第 15 號一般性意見 |
|    | <b>健康權（第 24 條）</b>   | <b>The right to health (art 24)</b>   |                                   |  |
| 60 | 委員會關切兒少不論能力如何，均須徵得父母同意才能接受醫療的情況，此與聯合國兒童權利委員會的觀點不一致。兒童權利委員會認為，凡是具備充分理解能力之兒少，縱使父母不同意，仍可以自主接受醫療。                | The Review Committee is concerned that all children must obtain the consent of their parents in order to receive medical treatment, irrespective of their capacity. This position is inconsistent with the view of the Committee on the Rights of the Child which has explained that a child of sufficient understanding is capable of providing consent to medical treatment including in circumstances where her/his parents are unwilling to provide consent.                    | 衛福部（醫事司）<br><br>（協辦：衛福部（心口司、國健署）） | 1. 第 12 號一般性意見<br>2. 第 15 號一般性意見                 |
| 61 | 委員會建議政府修改相關法律，使兒少接受醫療所需同意之規定符合《CRC》，特別是第 5 條和第 12 條。亦建議政府實施聯合國兒童權利委員會第 12 號一般性意見（第 102 段）之制度，規定兒少取得同意權的特定年齡。 | The Review Committee recommends that the Government amend the relevant laws to ensure that the consent required for medical treatment of a child is consistent with the CRC, especially articles 5 and 12. It also recommends that the Government consider the implementation of the recommendation of the CRC Committee in its General Comment No 12 (para 102) that states adopt legislation which provides for a fixed age at which the right to consent transfers to the child. |                                   |  |
| 62 | 委員會欣見政府努力為兒少提供專家們的心理健康服務，包括社區心理健康門診、心理健康專科和熱線服務。不過，委員會關切因為兒少心理健康所產生的意  | The Review Committee welcomes efforts by the Government to provide specialist mental health services for children, including the provision of community mental health clinics, specialist mental health professionals and   | 1. 衛福部(心口司)(彙整)<br>2. 教育部         | 1. 第 4 號一般性意見<br>2. 第 15 號一般                     |

| 點次 | 結論性意見內容(草案)  |   | 權責機關                                 | 可參考國際文書/其他資料                               |
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|    | 中文   | 英文  |                                      |  |
|    | 外事故，特別是高自殺率以及所提供服務的實效性。  | hotlines for children. However, the Committee is concerned about the incidence of children experiencing problems with their mental health, especially the high suicide rate and the effectiveness of the services provided.   | (協辦：衛福部(保護司、國健署、疾管署))                | 性意見  |
| 63 | <p>委員會建議政府：</p> <p>(1) 持續蒐集有關兒少心理健康情況和少年自殺的數據，在可行且適切的前提下，根據性質、年齡、性別、城鄉分布、原住民身分和性傾向等項目分類；</p> <p>(2) 監測和評估所提供給兒少服務的實效性，包括透過專線尋求協助兒少轉介率及成效；</p> <p>(3) 確保心理健康服務(包含對兒少友善的預防性服務)可以被使用、可以被親近並且可以被接受，且服務品質符合聯合國兒童權利委員會有關健康權利的第 15 號一般性意見；</p> <p>(4) 根據《CRC》第 12 條，積極徵詢兒少意見，以協助發展、實施及監測兒少心理健康服務。</p> | <p>The Review Committee recommends that the Government:</p> <p>(a) continue to collect data on children with mental health conditions and youth suicide which, where possible and appropriate, is disaggregated according to the nature of the condition, age, gender, rural/urban location, indigenous status, and sexual orientation;</p> <p>(b) monitor and evaluate the effectiveness of the services provided to children, including data on the referral rate and outcomes of children who access helplines;</p> <p>(c) ensure mental health services, including child-friendly preventative services, are available, accessible, acceptable and of appropriate quality consistent with General Comment No 15 on the Right to Health of the CRC Committee; and</p> <p>(d) actively seek the views of children, consistent with article 12 of the CRC, to assist with the development, implementation and monitoring of mental health services for children.</p> |                                      |  |
| 64 | <p>委員會欣見政府為解決兒童肥胖問題所採取的一系列措施，但建議：</p> <p>(1) 政府評估及監測這些措施的成效；</p> <p>(2) 在學校量測兒童體重時應審慎進行，確保過程保護兒童隱私且不會</p>  | <p>The Review Committee welcomes the range of initiatives adopted by the Government to address the issue of childhood obesity. However, it recommends that:</p> <p>(a) the Government evaluate and monitor the effectiveness of such initiatives; and</p>   | <p>1. 衛福部(國健署)(彙整)</p> <p>2. 教育部</p> | <p>1. 第 4 號一般性意見</p> <p>2. 第 15 號一般性意見</p> |

| 點次 | 結論性意見內容(草案)  |  | 權責機關   | 可參考國際文書/其他資料  |
|----|--|--|--|---|
|    | 中文   | 英文   |  |   |
|    | 使兒童受到羞辱。   | (b) exercise caution when weighing children in schools, to ensure that this process is undertaken in a way that protects a child's right to privacy and does not subject a child to humiliation.   |  |   |
| 65 | 委員會指出，政府自 2011 年起採行逐步全面性推動兒少性教育及生育保健教材。委員會亦指出，多個 NGO 對該教材成效及合宜性表達強烈關切，性傳染病發生率仍高、部分疾病發生率正在增加，且仍有相當比例的青少年懷孕。   | The Review Committee notes that, since 2011, the Government has adopted a progressive programme to deliver education on sexual and reproductive health to children. It also notes that significant concerns are held by various groups with respect to the effectiveness and appropriateness of this programme; that the incidence of sexually transmitted diseases remains high and is increasing for some diseases and that there are still a significant number of teenage pregnancies.                                 | 1. 教育部(彙整)<br>2. 衛福部(國健署)<br><br>(協辦：法務部、內政部、衛福部(疾管署、社家署)) | 1. 全國媽媽護家護兒聯盟、臺灣性別人權維護促進協會、中華兒少愛滋關懷防治協會報告<br>2. 第 4 號一般性意見<br>3. 第 12 號一般性意見<br>4. 第 15 號一般性意見<br>5. 第 20 號一般性意見<br>6. 經社文公約第 22 號一般性意見 |
| 66 | 委員會建議政府檢討現行教材內容，評估是否需修訂以改善其成效及確保其合宜性。檢討過程應諮詢所有利害關係人，包括兒少、家長團體、衛生專業人員和教育工作者。  | The Review Committee recommends that the Government review the current programme to evaluate whether any amendments are required to improve its effectiveness and ensure its appropriateness. This review should consult all interested parties including children and adolescents, parent groups, health professionals and educators.   |  |   |
| 67 | 委員會進一步建議審查評估現行的性健康和生育保健課程是否：<br>(1) 與經濟社會和文化權利委員會第 22 號一般性意見(關於少年性健康與生育保健)、聯合國兒童權利委員會第 4 號一般性意見(關於少年健康與發展)及第 20 號一般性意見(關於兒少權利)的內容一致；<br>(2) 適齡且具實證基礎；<br>(3) 旨在保護所有兒少的性健康和生育 | The Review Committee further recommends that the review assess whether the current sexual and reproductive health programme:<br>(a) is consistent with the recommendations of the Committee on Economic Social and Cultural Rights regarding adolescents in its General Comment 22 on Sexual and Reproductive Health and the recommendations of the CRC Committee in its General Comments on Adolescent Health and Development (GC 4) and the Rights of Adolescents (GC 20);<br>(b) is age appropriate and evidence based; |  |   |



| 點次 | 結論性意見內容(草案)   |  | 權責機關                                    | 可參考國際文書/其他資料       |
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|    | 中文  | 英文   |   |                    |
|    | <p>保健權，包括 LGBTI 兒少及身心障礙兒少；</p> <p>(4) 符合《CRC》第 12 條規定，於方案設計、實施及評估時納入兒少意見；</p> <p>(5) 在兒少發生性行為之前，提供兒少親密關係應互相尊重等相關資訊，並培養兒少對於性行為的正確觀念；</p> <p>(6) 為懷孕少女提供適當的資訊及支持服務；</p> <p>(7) 教導父母瞭解兒少的性健康及生育保健相關權利。</p> | <p>(c) is designed to protect the right to sexual and reproductive health of all children, including children who identify as LGBTI and children with a disability;</p> <p>(d) accommodates the views of children in the design, delivery and evaluation of the programme, consistent with article 12 of the CRC;</p> <p>(e) includes information on respectful relationships and measures to empower children before they engage in sexual activity;</p> <p>(f) provides appropriate information and support services to a girl who becomes pregnant; and</p> <p>(g) educates parents to understand a child's right to sexual and reproductive health.</p>  |   |                    |
| 68 | <p>委員會聽到兒少代表對環境品質以及可能損害其健康的擔憂。委員會建議政府採取措施監測環境對兒少健康的影響，也建議政府建立相關制度或流程，使兒少得以向政府表達對環境或其他兒少健康議題之關切，並參考聯合國兒童權利委員會繼 2016 年關於兒少權利與環境之一般性討論所提出的建議，將兒少所表示的意見納入適當的立法或行動中。</p>                                     | <p>The Review Committee heard concerns from children with respect to the quality of the environment and the potential for this to harm their health, and recommends that the Government take measures to monitor the impact of the environment on children's health. The Review Committee also recommends that the Government develop systems or processes that enable children to express their concerns to the Government regarding the environment or other matters relevant to children's health, and address these concerns with adequate legislative and other actions, taking into account the recommendations of the UN CRC Committee following its 2016 Day of General Discussion on Children's Rights and the Environment.</p> | <p>1. 行政院環保署(彙整)</p> <p>2. 衛福部(國健署)</p> | <p>第 15 號一般性意見</p> |

| 點次 | 結論性意見內容(草案)   |   | 權責機關 | 可參考國際文書/其他資料 |
|----|---|---|------|--------------|
|    | 中文  | 英文  |      |              |
|    | 八、教育休閒與文化活動 (第 28 條至第 31 條)   | H. Education, leisure and cultural activities (art. 28 – 31)  |      |              |
|    | 教育權 (第 28 條、第 29 條)   | The right to education (art 28-29)  |      |              |
|    | 改善就學負擔差距  | Closing the gap   |      |              |
| 69 | 委員會欣見 6 至 15 歲的義務教育免收學費。然而，委員會關切越來越多私立高中職學生須申請貸款才能負擔學費、其他學習費用及生活開支。                 | The Review Committee welcomes the fact that compulsory education between the ages of 6 and 15 is free of tuition fees. Nevertheless, the Review Committee is concerned with the growing need of students at private vocational and senior high schools to apply for loans to pay tuition and other learning costs and living expenses.  | 教育部  |              |
| 70 | 委員會建議教育部全面檢視私立高中職收費情形，並建立審查機制，以保護經濟弱勢學生免受私立學校過度收費。委員會進一步建議政府推行適當計畫，協助無力償還貸款的學生。     | The Review Committee recommends that the Ministry of Education ('MOE') undertake an overall review of the tuition rates of private vocational and senior high schools, and establish a review system in this regard to protect economically disadvantaged students from being charged excessively by private schools. The Review Committee further recommends that the Government introduce appropriate programmes to assist students who experience difficulties in the repayment of their debt. |      |              |
|    | 學前教育  | Preschools  |      |              |
| 71 | 委員會對於公立和非營利幼兒園不足、就讀私立幼兒園帶給家長的沉重經濟負擔表達關切。委員會亦關切地方主管機關需要額外的人力和經費，才能落實《幼兒教育及照顧法》第 7 條。 | The Review Committee is concerned at the shortage of public and non-profit preschools and the high financial burden for parents enrolling their children in private preschools. The Committee is also concerned by the need of local authorities for additional human and financial resources to enable them to comply with Article 7 of the Early Childhood Education and Care Act.  | 教育部  |              |
| 72 | 委員會欣見《擴大幼兒教保公共化計畫 (2017 年至 2020 年)》的實施，協助地  | The Review Committee welcomes the Maximizing the Public Education and Care Services Project (2017-2020) to  |      |              |

| 點次 | 結論性意見內容(草案)  |  | 權責機關            | 可參考國際文書/其他資料 |
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|    | 中文   | 英文   |                 |              |
|    | 方政府增設更多公立幼兒園，為更多家長提供平價優質的教保服務。   | assist local governments to establish more public preschools enabling more parents to access high-quality education and care for their children at a fair cost.  |                 |              |
| 73 | 委員會鼓勵政府根據以下項目評估實施前述計畫的成效：公立幼兒園數量增加、受過專業訓練的幼教老師等比增加，並修訂工資以改善高流動率。委員會建議政府以公立幼兒園免學費、私立幼兒園收費可負擔為目標。                        | The Review Committee encourages the Government to evaluate the effectiveness of the implementation of this project with regard to the increase in the number of public preschools and the proportional increase in the number of trained preschool teachers, and to revise their wages to address the high staff turnover rate. The Review Committee recommends that the Government aim to achieve free tuition for public preschools and affordable tuition for private preschools.   |                 |              |
|    | <b>偏鄉地區教育經費分配</b>  | <b>Budget allocation for education in remote and rural areas</b>   |                 |              |
| 74 | 委員會肯定政府為偏鄉兒少分配更多教育資源的決心。然而，委員會仍然關切目前分配資源尚不足以確保偏鄉兒少的教育品質。委員會建議政府持續為偏鄉教育提供額外資源，並採取措施以監測偏鄉兒少享有《CRC》第 28 條和第 29 條所訂教育權的程度。 | The Review Committee acknowledges that the Government is committed to allocating additional resources to the education of children in remote and rural areas. However, the Review Committee remains concerned that the allocation of these resources may not always be sufficient to ensure a quality education for children in these areas. The Review Committee recommends that the Government continue to provide additional resources for rural and remote education and adopt measures to monitor the extent to which children enjoy their right to education, consistent with articles 28 and 29 of the CRC. | 教育部             | 第 1 號一般性意見   |
|    | <b>兒童權利與公民教育</b>   | <b>Children's rights and civic education</b>   |                 |              |
| 75 | 委員會建議無論何種形式或層級的教育課程(包含國民教育)，均須納入人權(尤其是兒童權利)教育。委員會進一步建議，應為各年齡層和不同能力的兒少製作適   | The Review Committee recommends that human rights and, in particular, the rights of the child be made a mandatory part of the curriculum in all forms and at all levels of education, including the National Curriculum. The Review Committee  | 教育部<br>(協辦：法務部) | 第 1 號一般性意見   |

| 點次 | 結論性意見內容(草案)   |  | 權責機關 | 可參考國際文書/其他資料 |
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|    | 中文  | 英文   |      |              |
|    | 宜教材,教師亦須接受兒童權利的知識和培訓。委員會另建議,教育部應支持公民教育中培力兒少的相關活動。   | further recommends that accessible materials be produced for all ages and abilities of children, and that knowledge and training in children's rights be a prerequisite for teachers. The Review Committee further recommends that the MOE support activities concerning children's empowerment in civic and citizenship education.  |      |              |
|    | <b>學生參與校務</b>   | <b>Student representation in school affairs</b>  |      |              |
| 76 | 委員會肯定《高級中等教育法》催生學生自治組織,但關切該法未被有效落實。委員會建議教育部監督所有學校(包括私立學校)的學生自治組織,確保沒有學校人員介入該組織的選舉或功能行使。委員會進一步建議,學生自治組織應有效參與學校所有處理校務及攸關學生受教利益的委員會。 | The Review Committee acknowledges that the High School Education Act provides for the creation of self-governing students organizations, but it is concerned that the Act is not effectively implemented. The Review Committee recommends that the MOE monitor the establishment of self-governing student organizations in all schools, including private schools, without the intervention of school personnel in their elections or functions. The Review Committee further recommends that self-governing organizations be effectively represented in all school committees dealing with school affairs and students' educational interests. | 教育部  |              |
|    | <b>課綱改革</b>   | <b>Reform of the curricula guidelines</b>  |      |              |
| 77 | 委員會關注考試導向、過分強調學業表現造成學生壓力,加上課程缺乏彈性,學生難以追求個人的學習興趣。委員會欣見教育部正在進行課綱審查,期使課綱更具彈性,更符合學生興趣並減輕學生壓力。委員會鼓勵教育部在學生的有效參與下繼續審查課綱。                 | The Review Committee is concerned about the stress caused to students as a result of the pressure for high academic attainment, where a strong emphasis is placed on examinations and the curriculum lacks flexibility, leaving students with limited scope to pursue their own educational interests. The Review Committee welcomes the ongoing review by the MOE of the curricula with a view to making it more flexible, more compatible with students' interests and less stressful for students. The Review Committee encourages the MOE to continue this review process with   | 教育部  |              |

| 點次 | 結論性意見內容(草案)   |  | 權責機關                     | 可參考國際文書/其他資料                    |
|----|---|--|--------------------------|---------------------------------|
|    | 中文  | 英文   |                          |                                 |
|    |   | the effective participation of students.   |                          |                                 |
|    | <b>中輟生</b>  | <b>Dropout students</b>  |                          |                                 |
| 78 | 委員會擔心協助中輟生的相關服務未經整合，建議政府整合所有服務，確保中輟生得以分配到足夠資源。                          | The Review Committee is concerned that not all services for students who drop out of school are integrated. The Review Committee recommends that the Government integrate these services and ensure the sufficient allocation of resources to support such students.   | 教育部<br><br>(協辦：衛福部(保護司)) |                                 |
|    | <b>懲處措施</b>   | <b>Disciplinary measures</b>   |                          |                                 |
| 79 | 委員會擔心各校自行制定學生懲處規定，可能使兒少遭受連坐罰等不當和違法的懲罰。委員會建議政府公開並提供學校相關指引，明列合乎兒童權利的懲處措施。 | The Review Committee notes that schools can draw up their own guidelines for the discipline of students and is concerned that this could expose children to arbitrary and unlawful disciplinary measures such as collective punishment. The Review Committee recommends that the Government provide and publicise a directive to schools which outlines those disciplinary measures which are compatible with children's rights. | 教育部                      | 1. 第 8 號一般性意見<br>2. 第 13 號一般性意見 |
| 80 | 委員會關切並建議軍訓教官應盡快全面退出校園。  | The Review Committee is concerned at the employment of military training officers in schools and recommends that this practice be phased out as expeditiously as possible.   | 教育部<br><br>(協辦：國防部)      |                                 |
|    | <b>體罰</b>   | <b>Corporal punishment</b>   |                          |                                 |
| 81 | 委員會關切校園禁止體罰之規定未獲徹底執行，亦未經妥適監督。委員會建議教育部採取一切必要措施，確保有效執行禁令，並適當懲戒使用體罰的教師。    | The Review Committee is concerned that the ban on corporal punishment in schools is not adequately monitored and enforced. It recommends that all necessary measures be taken by the MOE to ensure the effective implementation of the ban, and that teachers who use this measure be appropriately sanctioned.  | 教育部                      | 第 8 號一般性意見                      |
|    | <b>申訴機制</b>   | <b>Mechanism of appeals</b>  |                          |                                 |

| 點次 | 結論性意見內容(草案)   |  | 權責機關  | 可參考國際文書/其他資料 |
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|    | 中文  | 英文   |   |              |
| 82 | 委員會關注現行申訴程序處理學生申訴的成效，並建議政府建立一套獨立、保密且安全的申訴通報機制，個別處理針對各類學校不當行政決策或措施的申訴案件，包括私立學校、輔育院、矯正學校及中途學校。學生應有權在此種申訴評議委員會中陳述意見，並選任包括非政府組織在內的獨立代表。 | The Review Committee is concerned with the effectiveness of the existing appeal procedures for students' complaints. It recommends that the Government set up an independent mechanism providing a confidential and safe reporting process to address individual appeals on wrongful administrative decisions or measures taken by all schools, including private, reform, correctional, and transition schools. Students should be entitled to be heard in such hearings and receive independent representation, including from NGOs. | 1. 教育部(彙整)<br>2. 法務部<br><br>(協辦：勞動部、衛福部(保護司)) | 問題清單 7.9     |
|    | <b>兒少休息、遊戲、休閒權(第 31 條)</b>  | <b>The child's right to rest, play, leisure (art. 31)</b>  |   |              |
| 83 | 委員會深切關心兒少留在學校裡或在其他校外教育機構時間極長，也注意到政府已對國家考試制度進行改革，希望可以減輕兒少的學業壓力。  | The Review Committee is deeply concerned about the very long hours that children spend at school or in other formal educational settings outside school. It notes that the Government has reformed the state examination system in the hope that this may reduce the pressure on children in relation to academic attainment.  | 教育部   | 第 17 號一般性意見  |
| 84 | 委員會建議政府檢視學生上學的結構並且明白加以規定，確保學校提供兒少適當且規律的自由活動時間。此外，建議政府教育家長和老師，睡眠、遊戲及休閒時間不足，對兒少的學習、發展及身心健康均有不良影響。                                     | The Review Committee recommends that the Government review and regulate the structure of the school day in order to ensure that schools provide children with adequate and regular periods of free time. Furthermore, it recommends that the Government undertake measures to educate parents and teachers about the harmful effects of a lack of adequate sleep and of access to play and leisure on children's learning and development and physical and mental health.  |   |              |
| 85 | 委員會讚賞政府努力提供兒少安全的遊樂場所，增加都市兒少的遊樂場域，並強調政府應確保包括身心障礙兒少在內的所有兒少都能參與遊戲，且均有享受自然環境的權利。參考第 17 號一般性意見   | The Review Committee commends the Government's efforts to increase children's access to play space in urban environments through the provision of safe playgrounds. It stresses that the Government should ensure that all children, including children with disabilities, have access to play and   | 1. 文化部<br>2. 內政部<br>3. 衛福部(社家署)               | 第 17 號一般性意見  |

| 點次 | 結論性意見內容(草案)  |   | 權責機關                                     | 可參考國際文書/其他資料 |
|----|--|---|--|--------------|
|    | 中文   | 英文  |  |              |
|    | (2013, 兒少享有休息和休閒、從事遊戲和娛樂活動、參加文化生活和藝術活動的權利), 委員會建議政府(含地方政府)採取措施以確保兒少享有休息、休閒與參與適齡遊戲及娛樂活動之權利, 包括持續投入充足資源, 推行遊戲與休閒相關政策。委員會建議政府在規劃、設計及監督社區、地方、國家層級的遊戲與休閒相關政策和活動執行時, 應讓兒少充分參與。 | that children should be able to enjoy that right in the natural environment. With reference to General Comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Review Committee recommends that the Government, as well as local authorities, implement measures to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources. The Review Committee recommends that Government fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at the community, local and national levels. | (協辦: 教育部、經濟部、衛福部(食藥署、醫事司)、交通部、農委會、退輔會)   |              |
| 86 | 委員會注意到政府在確保所有兒少都能學習多元文化(包括原住民文化和語言)上所做的努力, 並鼓勵政府諮詢兒少、家長和少數群體, 以檢討成效並擴大推廣相關活動。  | The Review Committee notes the existing efforts to ensure that all children can learn about diverse cultures, including indigenous cultures and languages. It encourages the Government to review and extend these activities in consultation with children, their families and minority communities.   | 1. 教育部(彙整)<br>2. 文化部<br>3. 原民會<br>4. 客委會 |              |
|    | <b>九、特別保護措施(第 22 條、第 30 條、第 32 條、第 33 條、第 35 條、第 36 條、第 37 條 (b)至(d)項、第 38 條和第 38 至第 40 條)</b>   | <b>I. Special protection measures (arts. 22, 30, 32, 33, 34, 35, 36, 37 (b), (d) and 38 – 40)</b>   |  |              |
|    | <b>原住民兒少(第 30 條)</b>   | <b>Indigenous children (art. 30)</b>  |  |              |
| 87 | 委員會欣見政府為保護原住民兒少權利採取的許多措施, 以及原住民族委員會扮   | The Review Committee welcomes the numerous measures taken by the Government to protect the rights of indigenous   | 原民會                                      | 第 11 號一般性意見  |

| 點次 | 結論性意見內容(草案)   |   | 權責機關              | 可參考國際文書/其他資料     |
|----|---|---|-------------------|------------------|
|    | 中文  | 英文  |                   |                  |
|    | 演的重要角色。   | children and the important role played by the National Council of Indigenous Peoples.   | (協辦：衛福部(國健署)、教育部) |                  |
| 88 | <p>委員會建議政府持續與原住民族(包括兒少)合作，共同執行、監督和評估原住民兒少權利特別保護措施的成效。委員會並建議政府應：</p> <p>(1) 推動降低原住民嬰兒死亡率的措施；</p> <p>(2) 提供合格師資教授原住民兒少原住民族語言；</p> <p>(3) 提供原住民兒少從偏鄉至都市求學所需的協助；</p> <p>(4) 與部落合作創辦幼兒園，包括適切分配資源以及讓原住民參與幼兒園的建設、人力配置與營運；</p> <p>(5) 在原住民社區安排符合文化民情的替代性照顧；</p> <p>(6) 提供符合原住民文化的親職教育和支持服務。</p> | <p>The Review Committee recommends that the Government continue to implement, monitor and evaluate the effectiveness of special measures to protect the rights of indigenous children in collaboration with indigenous communities including children from such communities. The Review Committee further recommends that the Government pay special attention to:</p> <p>(a) measures to reduce the infant mortality rate among indigenous children;</p> <p>(b) the ability of indigenous children to receive instruction in their indigenous language by appropriately qualified teachers;</p> <p>(c) the assistance provided to indigenous children when they move from rural to urban areas to undertake education;</p> <p>(d) measures to support the development of preschools by tribal co-operatives, including the allocation of adequate resources and the involvement of indigenous community members in the development, staffing and operation of such preschools;</p> <p>(e) supporting customary alternative care arrangements in indigenous communities; and</p> <p>(f) the provision of culturally appropriate parenting education and support services.</p> |                   |                  |
|    | <b>童工 (第 32 條)</b>  | <b>Child labour (art. 32)</b>   |                   |                  |
| 89 | 委員會注意到部分報告指出，兒少(包含幼童)經常長時間工作，且/或處於可能對其健康與發展有害的工作環境。委員會建   | The Review Committee notes with concern reports that children, including younger children, are working in conditions that often involve long hours and/or may be  | 勞動部               | 1. 最低年齡公約 (第 138 |



| 點次 | 結論性意見內容(草案)  |   | 權責機關  | 可參考國際文書/其他資料                             |
|----|--|---|---|--|
|    | 中文   | 英文  |   |  |
|    | 議政府：<br>(1) 調查從事勞動的兒少人數，並依據工作性質、年齡、性別、是否具原住民身分及城鄉背景分類統計；<br>(2) 採取適當措施以保護這些兒少的權利。                      | harmful to their health and development. The Review Committee recommends that the Government:<br>(a) collect data on the number of children working, disaggregated according to the nature of the work, age, gender and whether the child comes from an indigenous, rural or urban background; and<br>(b) take appropriate measures to protect the rights of such children.                                 |   | 號)<br>2. 最惡劣形式的童工勞動公約(第182號)             |
|    | <b>藥物濫用 (第 33 條)</b>   | <b>Drug abuse (art. 33)</b>   |   |  |
| 90 | 委員會欣見政府已採取各種防止藥物濫用的措施，例如地方政府設立毒品危害防制中心、辦理「向毒品說不」(反毒健康小學堂題庫教學)計畫，並指定醫療機構治療吸毒兒少。然而，委員會關切目前缺乏數據證明這些措施的成效。 | The Review Committee welcomes the various measures taken to prevent drug abuse, such as the establishment of local Abuse Prevention Centres and the project “say-no-to-drugs”, and the designation of medical treatment institutions for the treatment of children addicted to drugs. However, the Review Committee is concerned at the lack of information on the effectiveness of these measures.         | 1. 法務部(彙整)<br>2. 教育部<br>3. 衛福部(心口司)<br>4. 衛福部(保護司)<br>5. 內政部<br>6. 司法院) |  |
| 91 | 委員會建議政府定期評估這些措施是否有效落實，並讓吸毒兒少參與，以便在必要時調整或加強措施力度。此外，委員會建議政府視使用毒品為健康問題而非犯罪。                               | The Review Committee recommends that the Government regularly conduct evaluations of the implementation of these measures and their effectiveness with the involvement of child and adolescent drug users, in order to adjust or strengthen these measures where necessary. In addition, the Review Committee recommends that the Government treat the use of drugs as a health problem and not as a crime. |   |  |
|    | <b>性剝削及性虐待 (第 34 條)</b>  | <b>Sexual exploitation and sexual abuse (art. 34)</b>   |   |  |
| 92 | 委員會欣見 2015 年通過《兒童及少年性剝削防制條例》(2017 年 1 月 1 日生效)，以及防制兒少性交易與強化性犯罪調查的相關計畫。不過，委員會擔心，針對性剝削或性虐待受害兒少的緊急安置可以    | The Review Committee welcomes the adoption in 2015 of the Child and Youth Sexual Exploitation Prevention Act, which entered into force on 1 January 2017, and the related plans for the prevention of sex trade involving children and for the reinforcement of sex crimes investigations. However, the Review Committee is concerned that an emergency   | 衛福部(保護司)<br><br>(協辦：司法  | 聯合國經濟及社會理事會關於兒童被害人兼證人之司法問題的第 2005/20 號決議 |

| 點次 | 結論性意見內容(草案)   |  | 權責機關                                      | 可參考國際文書/其他資料              |
|----|---|--|---|---------------------------|
|    | 中文  | 英文   |   |                           |
|    | 延長很長一段時間,但不清楚延長的理由是什麼。此外,委員會關切在性虐待受害兒少作證指控犯罪嫌疑人的司法(刑事)程序中,相關保護措施並不總是完全符合國際人權標準及建議。  | placement of a child victim of sexual exploitation or sexual abuse can be extended for a long period of time while it is not clear what the grounds for the extension are. Furthermore, the Review Committee is concerned that the protection of a child victim of sexual abuse as a witness in a judicial (criminal) proceedings against the alleged perpetrator is not always in full compliance with international human rights standards and recommendations.  | 院、內政部、法務部)                                |                           |
| 93 | 委員會建議政府以法律明定延長性剝削或性虐待受害兒少緊急安置的理由,並於必要時審查及修正保護受害兒少於司法程序作證的現行規定,以符合《關於買賣兒童、兒童賣淫和兒童色情問題任擇議定書》第8條及聯合國經濟及社會理事會關於兒童被害人兼證人之司法問題的第2005/20號決議。             | The Review Committee recommends that the Government specify by law the grounds for the extension of an emergency placement of a child victim of sexual exploitation or sexual abuse, and that it review and amend, where necessary, the existing provisions on the protection of child victims as witnesses in judicial proceedings in order to comply with the rules set in article 8 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the recommendations in Resolution 2005/20 of the UN Economic and Social Council on Justice in Matters involving Child Victims and Witnesses of Crime. |   |                           |
|    | <b>拘留條件 (第 37 條)</b>  | <b>Conditions of detention (art. 37)</b>   |   |                           |
| 94 | 委員會對被剝奪自由的兒少遭受不當對待的報告感到關切,並建議政府採取有效措施,以確保:<br>(1) 完全遵守公約第 37 條和《聯合國保護被剝奪自由少年規則》(《哈瓦那規則》);<br>(2) 教育所有與被剝奪自由兒少工作者是類兒少應有的權利;<br>(3) 充分調查所有被剝奪自由兒少遭受 | The Review Committee is concerned by reports of the mistreatment of children while deprived of their liberty and recommends that the Government take effective measures to ensure:<br>(a) full compliance with article 37 of the Convention and the UN Rules on the Protection of Juveniles Deprived of their Liberty;<br>(b) that all staff working with children deprived of their liberty are informed about the rights of such children; and   | 1. 法務部(彙整)<br>2. 內政部<br><br>(協辦:衛福部(保護司)) | 《聯合國保護被剝奪自由少年規則》(《哈瓦那規則》) |

| 點次 | 結論性意見內容(草案)  |   | 權責機關   | 可參考國際文書/其他資料                             |
|----|--|---|--|--|
|    | 中文   | 英文  |  |  |
|    | 不當對待之指控。   | (c) that all allegations of mistreatment of children deprived of their liberty are fully investigated.  |  |  |
|    | <b>少年司法 (第 40 條)</b>   | <b>Juvenile justice (art. 40)</b>   |  |  |
| 95 | <p>委員會表達讚賞並注意到政府為防止少年犯罪所採取的措施，並根據《少年事件處理法》建立結構良好的少年司法體系。然而委員會關切的是：</p> <p>(1) 《少年事件處理法》使用不同的年齡限制和類別，導致少年（犯罪）司法統計數據出現 7-12 歲的兒童，且因最低刑事責任年齡（MACR）為 14 歲，使 12 歲和 13 歲的少年統計數據不明確；</p> <p>(2) 將兒少偏差行為視為犯罪，使其在刑法中成為虞犯；</p> <p>(3) 對觸犯刑罰法令的兒少在整個少年司法程序中缺乏事實上所需要法律或其他協助，此乃導因於法律上的協助，在大多數情況下，都是需要付費的。</p> | <p>The Review Committee notes with appreciation the measures taken by the Government to prevent juvenile delinquency and the establishment, based on the Juvenile Delinquency Act, of a well-structured juvenile justice system. However, the Review Committee is concerned with:</p> <p>(a) the use of different age limits and categories in the Juvenile Delinquency Act which lead to the appearance of children aged 7 to 12 in the juvenile (criminal) justice statistics, and the lack of clarity regarding children aged 12 and 13 due to the fact that the minimum age of criminal responsibility (MACR) is set at 14;</p> <p>(b) criminalizing problematic behaviour of children by including such behaviour in the criminal law as status offences; and</p> <p>(c) the de facto lack of legal or other assistance to children and juveniles in conflict with the criminal law throughout the juvenile justice proceedings, due to the fact that legal assistance has to be paid for in most instances.</p> | 司法院  |  |
| 96 | <p>根據聯合國兒童權利委員會第 10 號一般性意見，有關司法兒少之權利，委員會建議政府將少年司法系統與《CRC》及其他相關標準充分一致。委員會特別建議政府：</p> <p>(1) 依《兒童及少年福利與權益保障</p>  | <p>In light of the CRC Committee's General Comment No 10 on Children's Rights in Juvenile Justice, the Review Committee recommends that the Government bring the juvenile justice system fully into line with the CRC and other relevant standards. In particular, the Review Committee recommends that the Government:</p> <p>(a) deal with children below the age of 14 who have been alleged as, accused of or recognized as having infringed</p>  | <p>1. 司法院<br/>2. 衛福部(保護司、心口司、社家署)<br/>3. 教育部</p> | <p>1. 第 10 號一般性意見<br/>2. 第 20 號一般性意見</p> |

| 點次 | 結論性意見內容(草案)  |  | 權責機關                        | 可參考國際文書/其他資料 |
|----|--|--|-----------------------------|--------------|
|    | 中文   | 英文   |                             |              |
|    | <p>法》、而非《少年事件處理法》處理14歲以下觸犯刑罰法令的兒少，並通過必要的立法程序讓其生效；</p> <p>(2) 廢除虞犯，並透過《兒童及少年福利與權益保障法》提供有偏差行為之兒童必要的支持與保護；</p> <p>(3) 確保觸犯刑罰法律之兒少，從司法程序一開始以及在整個程序中，皆受到合格且獨立的法律協助條文之保障；</p> <p>(4) 由法律規定法院/法官必須定期檢視審前拘留，以兩週審查一次為佳，以確保審前拘留不會超過絕對必要的期間；</p> <p>(5) 確保剝奪自由之刑罰為最後手段。</p> | <p>the criminal law, under the Protection of Children and Youth Welfare and Rights Act and not under the Juvenile Delinquency Act, and undertake the necessary legislative and other measures to that effect;</p> <p>(b) abolish status offences and provide children with problematic behaviour with the necessary support and protection in the context of the Protection of Children and Youth Welfare and Rights Act;</p> <p>(c) ensure the provision of qualified and independent legal aid to children in conflict with the criminal law from the beginning, and throughout the legal proceedings;</p> <p>(d) require by law that pre-trial detention is reviewed regularly by a court/judge, preferably every two weeks, in order to ensure that pre-trial detention does not last any longer than is strictly necessary; and</p> <p>(e) ensure that sentences involving deprivation of liberty are a measure of last resort.</p> | <p>4. 內政部</p> <p>5. 法務部</p> |              |
| 97 | <p>委員會注意到少年司法體系缺乏修復式司法機制，且轉向措施有限。委員會建議政府研討引進修復式司法措施以及審前轉向措施的可能性。</p>   | <p>The Review Committee notes that no restorative justice mechanism is in place within the juvenile justice system and there are limited diversionary measures. The Review Committee recommends that the Government explore the possibility of introducing restorative justice measures and promote genuine diversionary measures which occur before court proceedings.</p>  | 司法院                         |              |
|    | <b>十、宣傳</b>  | <b>J. Dissemination</b>  |                             |              |
| 98 | <p>委員會建議以國內各種語言廣為宣傳首次國家報告、問題清單書面回應及本結論性意見。</p>   | <p>The Review Committee recommends that the initial report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.</p>  | 衛福部（社家署）                    |              |

