

Review Meeting of the ROC's Initial Report under the CRC

兒童權利公約

中華民國首次國家報告國際審查會議

日期：2017年11月20日至22日

地點：公務人力發展中心福華國際文教會館

Venue：Howard Civil Service International House, Taipei, Taiwan

Date：20–22 November 2017

作為簽約國報告組成部分的核心文件

簽約國根據《兒童權利公約》第44條提交之首次國家報告

中華民國(臺灣)政府回應兒童權利公約審查委員會提出之問題清單

**Consideration of reports submitted by States parties under article 44 of the Convention
Republic of China (Taiwan)**

**Replies from the Government of Taiwan to the list of issues
to be taken up in connection with the consideration of its initial report**

中華民國首次國家報告兒童權利公約審查委員會提交之問題清單及政府機關回應

目次

- 壹、 兒童權利公約審查委員會提出之問題清單(List of Issues submitted by Review Committee for initial CRC Report).....1
- 貳、 我國回應問題清單之內容(Replies from the Government of Taiwan to the List of Issues)1

*填表說明：

1. 權責機關應**同時提出中文版及英文版回復**。每題回復之篇幅，**以中文 800 字為限**，中文字體為標楷體，英文字體為 Times New Roman，字體大小均為 12 號字，單行間距。
2. 本問題清單之中譯僅供參考，各機關應依據英文原文，本於權責回復，如對中譯內容有修正建議，請一併回復秘書處。
3. 各權責機關請於**106 年 8 月 25 日（星期五）下班前**以電子郵件將中文及英文之回應內容傳送秘書組(sfaa0156@sfaa.gov.tw)。

壹、兒童權利公約審查委員會提出之問題清單(List of Issues submitted by Review Committee for initial CRC Report)

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
1.1	Please provide clarification of the legal status of the CRC and the first two optional protocols. In particular, please explain whether it takes precedence over conflicting domestic law.	請說明兒童權利公約(CRC)和兩任擇議定書的法律效力。請特別說明，其是否優先於與之抵觸的國內法律。	衛福部社家署(兒少組)	
1.2	Please provide information on progress or challenges with regard to establishing an independent, child-friendly monitoring mechanism, such as an ombudsperson for children.	請就建立一個有獨立性、對兒童友善的監測機制，例如兒童監察員，之進度或面臨之挑戰做說明。	監察院	
1.3	Please give further detail as to how effective cooperation across ministerial departments is ensured.	請就如何確保各部門能有效合作提供進一步細節。	衛福部社家署(兒少組)	
1.4	Please specify the procedures available for receiving complaints from children in relation to education, social care, juvenile justice and health and explain how these are independent, confidential, accessible and child-friendly.	請具體說明兒童就教育、社福、少年司法及健康等問題申訴及受理之程序，並說明這些程序如何保持獨立、隱密、便利以及對兒童友善。	教育部、司法院、法務部、衛福部社家署(兒少組)、衛福部疾管署、衛福部國健署、衛福部醫事司	
1.5	Please provide information on the percentage of the budget allocation for children in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.	請提供兒童預算佔國家總預算和國民生產總值之比率。並請提供這些資源在地理區域分配上的資訊。	行政院主計總處	
1.6	Please provide information on the measures taken to ensure that children are informed of their rights under	請提供如何確保兒童了解其CRC權益之相關措施。	衛福部社家署(兒少組)、教育部	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
	the CRC.			
2.1	Please clarify the practical meaning of the definition of a "child" (under age of 12) as against "youth" (par. 24). Except for juvenile delinquency purposes the age 12 does not seem to be a factor in any of the various minimum ages described in the chapter.	請說明兒童（未滿 12 歲）及少年的實際意義（第 24 點）。除少年犯罪之外，12 歲年齡之界定似乎無關本章節所述之各種最低年齡界定。	衛福部社家署(兒少組)	
2.2	Please specify the reasons for setting 20 as the age of attainment of majority. Please provide information on discussions, if any, to set age 18 as the age of majority for all purposes, according to the spirit of section 1 of the CRC and in order to eliminate the unfavorable circumstances of persons between ages 18-20?	請說明將 20 歲訂為成年年齡之原因。請提供資料說明，依據 CRC 第 1 條的精神，將 18 歲訂為全面成年年齡，以排除 18 至 20 歲年齡層不利的情況。	法務部	
2.3	Please indicate what has been done to follow up on the recommendations of the international review committees of 2013 and of 2017 (par. 76) on the implementation of the International Human Rights Covenants regarding the need to raise the minimum age of marriage for girls to 18 (par. 28).	請就 2013 年 ¹ 和 2017 年 ² 兩公約國際審查委員會所提結論性意見與建議（第 76 點），針對提高女性最低結婚年齡至 18 歲（第 28 點）之執行進度進行說明。	法務部	

¹ 76. 專家指出，根據法律規定男性最低結婚年齡是 18 歲，女性則是 16 歲。專家認為這項年齡的差異是歧視性的，違反了《公民與政治權利國際公約》，《消除對婦女一切形式歧視公約》和《兒童權利公約》的各項規定，因此建議修法將女性最低結婚年齡提高到 18 歲。

² 76. 2013 年結論性意見與建議中，審查委員會認為男性（18 歲）與女性（16 歲）的結婚年齡差異具歧視性，並曾建議相關的法規修改。委員會樂見對此行政院和司法院所提的政策方案，並敦促立法院應迅速通過將女性結婚最低年齡提高至 18 歲的法律。

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
2.4	Please clarify what are the limited legal capacities granted to children between the ages 7-20 (par. 29).	請說明 7 歲至 20 歲之限制行為能力 (第 29 點)。	法務部	
3.1	Please provide a breakdown of the information in the appendix for chapter 3 disaggregated by age, gender, ethnic origin, socioeconomic background and geographical areas.	請提供第三章附錄的細項，依年齡、性別、種族、社會經濟背景和地理區域分列。	教育部、衛福部統計處、衛福部國健署	
3.2	Please provide further details on measures adopted to prohibit de facto discrimination against indigenous children, children who are lesbian, gay, bisexual or transgendered, children with disabilities and children who are stateless.	請進一步提供禁止歧視原住民、同性戀、雙性戀或跨性別、身心障礙和無國籍兒童之詳細措施。	原民會、教育部、衛福部社家署(障福組、兒少組)	
3.3	Please specify the measures taken to ensure that public bodies consult with children in the formation of local and national laws and policies.	請具體說明制定國家法律和政策時，確保公部門與兒童之宣導協商的措施。	衛福部社家署(兒少組)	
3.4	Please provide information as to whether there are plans to establish municipal children's councils and/or a children's parliament.	請說明是否計畫成立 <u>地方兒童議會</u> 和(或) <u>兒童國會</u> 。	內政部、立法院	
3.5	Please clarify whether and how training on the CRC for adults addresses Article 12 of the CRC and the requirement to give children's views due weight.	請說明成人接受 CRC 訓練課程能否以及如何彰顯 CRC 第 12 條對兒童表達意見之重視。	衛福部社家署(兒少組)	
4.1	Please indicate the reasons for which a stateless child, or a child whose nationality cannot be definitively established, would be denied RoC (Taiwan) nationality.	請說明無國籍或國籍不確定之兒童可能被拒絕入籍的理由。	內政部	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
4.2	With reference to § 95 of the Initial Report, please specify the rights to which the child would not be entitled if he or she is not “deemed to be legitimate”.	參閱首次報告第 95 點，請說明未取得婚生子女地位之兒童，其無法享有之權利。	法務部	
4.3	Please specify if the competent authorities of RoC (Taiwan) have been faced with claims regarding the arbitrary deprivation or denial of a child’s identity, or of elements of identity, and if such has been the case, what were the outcome(s) of those claim(s).	請說明中華民國(台灣)主管單位是否曾經面臨任意剝奪或拒絕兒童身分或其要件之指控，如是，其結果如何。	內政部	
4.4	Please provide further detail as to how children’s rights to freedom of speech and privacy in school is supported and enforced.	請進一步說明如何確保兒童在學校的言論自由及隱私。	教育部	
4.5	Please explain why those under the age of 20 are not permitted to organise an assembly or parade or establish a civic organisation.	請說明為何 20 歲以下的人不准籌組集會、遊行或建立公民組織。	內政部	
4.6	In relation to, notably, § 132 and 136, please specify whether or not permitted disciplinary and behaviour management measures in institutions include solitary confinement and restrictions on contacts with family members and, if so, under what conditions these are permitted.	參閱第 132 點及第 136 點，請具體說明被允許的處罰和行為管理方式是否包含單獨監禁及禁止與家人接觸，如是，於何種情形下是允許的。	法務部、衛福部社家署(兒少組)	
4.7	Please indicate whether there are regulations governing the use of force and restraints as behaviour management measures and, if so, what conditions are set for recourse to such measures.	請說明對以暴力及剝奪人身自由作為行為管教手段是否有所規範，若有，對違反規範行為之追究條件為何。	法務部、衛福部社家署(兒少組)	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
5.1	Please indicate if there is, or is planned to be, a national strategy for deinstitutionalising the alternative care system in RoC (Taiwan).	請說明中華民國(台灣)有無計畫或規劃, 將替代性照顧系統去機構化。	衛福部保護司、衛福部社家署(兒少組)	
5.2	Please specify the number, capacity (beds available) and occupancy (children actually in care) of residential child care facilities (“institutions”) that are run directly by the State or local governments, and the number, capacity and occupancy of those that are run by non-State care providers.	請分別提供國家或地方政府直接營運及其它非政府單位營運的兒童安置中心(機構)之數量、容量(床位)、使用量(實際照顧兒童數)。	衛福部社家署(兒少組)	
5.3	Please provide information on the procedure for authorising and monitoring non-State residential care providers, including the basic requirements demanded and the precise criteria employed both for granting initial authorisation and for inspection and monitoring to ensure compliance with a view to continued or renewed authorisation.	請提供對非政府單位營運的安置機構之核准程序及監管措施, 包含基本要求、初次核准及日後經營續約之稽查監管之確切標準。	衛福部社家署(兒少組)	
5.4	Please provide information on the sources of funding for non-State residential care provision, including any State subsidies and the basis on which these are calculated, as well as any funding from abroad.	請提供非政府單位營運之安置機構的資金來源, 包含政府補助及其計算之依據, 以及其它國外資金。	衛福部社家署(兒少組)	
5.5	Please indicate if there is any legislative or policy provision whereby mothers of young children (or expecting mothers) convicted of an offence potentially punishable by a period of deprivation of liberty may or should receive a non-custodial sentence wherever possible, enabling them to continue to care for their child(ren).	請說明是否有任何法律或條款規定, 育有幼兒的母親(或孕婦)在被判刑及可能被剝奪自由刑期間能獲得非監禁刑罰, 使其得以持續照顧幼兒。	法務部	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
5.6	Please provide more detailed information on the adoption procedure, notably as regards the criteria for licensing an adoption agency, any required efforts to enable the original parents to retain responsibility for their child(ren) and any safeguards in place to ensure that parents who opt for the adoption of their child(ren) truly give their free and informed consent to that measure.	請提供收出養程序更詳盡的資料，特別是收出養媒合服務機構的審核標準、協助原生父母保有其撫養責任之措施，以及保障原生父母在知情下選擇出養之自由意志。	衛福部社家署(家支組)	
5.7	In light of the fact that the competent court “may order” (§ 164) supplementary reports, including on the basic aptitude and suitability of the prospective adopters, please explain why such aptitude and suitability would not have already been systematically established – by the licensed adoption agency and/or authorised professionals – prior to the court hearing at which the adoptive relationship is in principle to be approved.	鑑於法院得命主管機關（第 164 點）提出補充報告，包含收養人的基本條件及其適當性，請說明該基本條件及適當性，為何未於法院開庭審理收養案件之前，由立案收出養媒合服務機構和/或授權的專業人員確認。	衛福部社家署(家支組)	
5.8	Please clarify the extent to which the formal adoption of children in RoC(Taiwan) is, or is not, a function of the religious persuasion of those involved (adopters and adoptees). Please provide as much information as possible on the number/proportion of adoptees by ethnic group, including in particular children of indigenous communities, with respect to domestic adoptions on the one hand, and intercountry adoptions on the other.	請說明在中華民國（台灣），是否因宗教信仰（收養人和被收養人）而正式收養兒童者的程度和情形。請依族群分類，提供國內及跨國境收養被收養人數/比率的資訊，尤其是原住民兒童。	衛福部社家署(家支組)	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
5.9	Please indicate the steps that have to be taken to ensure application of the “subsidiarity principle” in relation to the adoption of RoC(Taiwan) children abroad (i.e. efforts made to secure an appropriate placement in RoC(Taiwan) before intercountry adoption is envisaged).	請說明為確保跨國境出養中華民國(台灣)兒童符合輔助性原則所訂定之必要措施(例如在考慮跨國境出養前,確保兒童於國內獲得適當安置之措施)。	衛福部社家署(家支組)	
5.10	Please provide data on <i>in-coming</i> intercountry adoptions to RoC(Taiwan) for 2013-2016 (numbers, gender, age, countries of origin). Please explain how the adoption of children from abroad is arranged and organised, including any roles played by licensed RoC adoption agencies, by any other non-State actors and by competent State authorities.	請提供 2013 至 2016 年中華民國(台灣) 跨國收養境外兒童之數據(人數、性別、年齡、原籍國)。請說明跨國境收養如何安排,含中華民國立案收出養媒合服務機構、非政府行為者及主管機關扮演之角色。	衛福部社家署(家支組)	
5.11	Please provide information on the activities and results of the task force on preventing serious cases of child or youth abuse (report para. 182)	請提供重大兒童及少年虐待事件防治小組工作資訊及成果(第 182 點)	衛福部保護司	
6.1	In relation to the extensive measures adopted to address the health and welfare needs of children, is it possible to provide an indication of the resources allocated to these measures by the Government as a proportion of its annual budget over the past 5-10 years?	有關兒童健康與福利之推行,可否提供政府在過去 5 至 10 年間分配於此項目的資源相較於年度總預算之比率?	行政院主計總處、衛福部會計處、 <u>衛福部社家署(兒少組)</u>	
6.2	In relation to preventive health services and health education (para 189) please explain why these are only free for children aged 7 and under.	請說明為何僅 7 歲以下兒童享有免費預防保健服務及衛教指導(第 189 點)。	衛福部國健署	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
6.3	In relation to data concerning the health of children (attachment 6-1: 6-19) please indicate whether there is any further disaggregation according to attributes such as gender; geographical location (urban/rural) and indigenous/non-indigenous.	有關兒童健康的數據（附件 6-1：6-19），請說明能否進一步依性別、地理區域位置（城/鄉）及原住民/非原住民分列。	衛福部社家署(障福組、 <u>兒少組</u>)、衛福部國健署、衛福部健保署、教育部、勞動部、 <u>衛福部社保司</u> 、 <u>衛福部社工司</u> 、 <u>衛福部統計處</u> 、 <u>衛福部疾管署</u> 、 <u>原民會</u>	
6.4	In relation to measures to address the health of children please indicate the extent to which these measures are developed in consultation with children, for example, in relation to issues such as youth suicide (para 191) and the sexual health of children (para 227). Please also indicate the extent to which they are developed in consultation with medical professionals and research bodies and whether such measures are subject to monitoring and evaluation to assess their effectiveness.	有關兒童健康的推行，請說明在制定這些措施時與兒童協商之程度，例如與青少年自殺（第 191 點）和性健康有關的議題（第 227 點）。並請說明在制定這些措施時與醫護人員及研究機構協商之程度，以及這些措施是否受到監控和考核以評估其效益。	衛福部國健署、衛福部心口司、教育部	
6.5	In relation to the appointment of professionals to provide health care services to children, for example, school counsellors (para 191) and paediatricians (para 217) please indicate whether they receive any training on children's rights.	請說明提供兒童保健服務之專業人員，例如學校輔導人員（第 191 點）和兒科醫師（第 217 點），是否接受有關兒童權利的訓練課程。	教育部、衛福部心口司、 <u>衛福部醫事司</u> 、 <u>衛福部照護司</u> 、 <u>衛福部國健署</u>	
6.6	In relation to the provision of assistance to children with a disability (paras 195-203), please clarify the basis on which their needs are classified and indicate whether there is a procedure which enables review of	有關身心障礙兒少之協助（第 195 點-第 203 點），請說明對身心障礙兒少需求評估與分類的依據，以及是否	衛福部社家署(障福組)、 <u>衛福部照護司</u>	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
	a child's classification and entitlements.	有對兒少鑑定分類及其權益之審查機制。		
6.7	In relation to the provision of health services (paras 204-230) please clarify the meaning of universal health insurance and whether it means free access to all health care services for all children and if not, what are the limitations on access to free services and how are these limitations determined.	有關兒少保健措施(第 204 點-第 230 點), 請說明全民健康保險的含義及是否表示所有兒童可以免費獲得所有保健服務, 如否, 免費服務有何限制及該限制如何決定。	衛福部健保署、衛福部國健署	
6.8	In relation to the obligation under the National Health Insurance Act to protect a child's right to medical care (para 204) please clarify what measures have been taken to provide such protection and whether children have a right to defend their right before the courts.	有關全民健康保險法保障兒童接受醫療照護之權利(第 204 點), 請說明已有哪些措施可提供這種保護, 以及兒童是否有權依法捍衛其權益。	衛福部健保署	
6.9	In relation to the provision of services under the Genetic Health Act (para 205) please indicate what measures are available to require the authorities to comply with their obligations if they fail to do so.	有關優生保健法之服務(第 205 點), 請說明若主管機關未履行其義務, 有何應對措施得要求主管機關履行其義務。	衛福部國健署	
6.10	In relation to the regulation of contraceptive devices and drugs and induced abortion (para 205) please clarify the status of abortion within RoC (Taiwan) and the extent to which contraceptive devices and drugs and induced abortion are available both in law and practice to adolescent children.	有關避孕器材與藥品之使用及施行人工流產之規範(第 205 點), 請說明中華民國(台灣)人工流產狀況, 以及依法或現實中青少年取得避孕器材與藥品及接受人工流產之情況。	衛福部國健署	
6.11	In relation to the provision of health services within schools under the School Health Act (para 215)	有關依據學校衛生法提供之保健服務(第 215 點), 請說明已有何措施	教育部、法務部	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
	please explain what measures have been taken to resource schools effectively to allow them to deliver the relevant services and what measures have been taken to assess the extent to which schools are providing such services.	能有效提供學校資源以利其提供相關服務，及有何措施來評估學校提供服務之程度。		
6.12	In relation to the provision and subsidization of medical services to children in marginalised or vulnerable households – low income, indigenous, remote and rural (para 216) – please indicate what measures have been taken to assess the extent to which services available, accessible, acceptable and of appropriate quality for such children.	有關依法令補助邊緣化或弱勢家庭之兒童 - 低收入戶、原住民、離島和偏鄉(第 216 點)之醫療服務 - 請說明有何措施用以評估兒童是否可得到、便捷的、可以接受的服務及適當的服務品質。	衛福部疾管署、 <u>衛福部醫事司</u> 、 <u>衛福部健保署</u>	
6.13	In relation to the law regulating foods not suitable for consumption by children (para 221), the law regarding breast feeding in public (para 222) and the Tobacco Hazards Prevention Act please indicate what measures are available to enforce the standards in these laws.	有關不適合兒童食用之食品法規(第 221 點)、公共場所母乳哺育條例(第 222 點)及菸害防制法，請說明有何措施來執行這些法令規範。	衛福部國健署、衛福部食藥署	
6.14	In relation to sexual health education (para 227) please indicate whether there are national guidelines on the form, content and delivery of such education and if so please provide these guidelines. Please also indicate whether such education is focussed on heterosexual relationships or extends to and recognises the legitimacy of diversity in sexual orientation.	有關性健康教育(第 227 點)，請說明對此教育之形式、內容及教學推展是否有全國性的準則，若有，請提供此準則。並請說明此教育是否聚焦於異性戀關係，抑或延伸至認同性取向多元化的合法性。	衛福部國健署、教育部	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
6.15	In relation to children's dietary habits and nutrition, please indicate whether there are any programs or initiatives to ensure children receive their recommended daily dose of vitamins and minerals and address issues associated with obesity.	有關兒童的飲食習慣及營養，請說明是否有任何專案或提案以確保兒童獲得其每日建議劑量的維生素和礦物質，以及關注肥胖相關的問題。	衛福部國健署、 <u>教育部</u>	
6.16	In relation to transgender children who wish to access gender reassignment treatment please indicate the availability of such treatment and the process for receiving such treatment.	有關跨性別兒童欲接受變性手術，請說明此手術的可獲得性以及接受此療程之過程。	衛福部醫事司、衛福部心口司	
6.17	In relation to the health of indigenous children, please clarify the status of the draft Indigenous Peoples' Health Law 2011 and indicate what other targeted measures are being adopted to address the health needs of indigenous children.	有關原住民兒童的健康，請說明2011年原住民族健康法草案的現狀，並說明採取了哪些其他的措施來解決原住民兒童的健康需求。	<u>衛福部照護司</u>	
6.18	In relation to children's use of social media and the internet, please indicate whether any measures are being taken to assess and address the health effects of such usage.	有關兒童使用社群媒體及網路，請說明是否有任何措施評估和關注其對健康的影響。	衛福部心口司、衛福部國健署、通傳會、文化部、經濟部、 <u>教育部</u> 、 <u>衛福部保護司</u>	
6.19	In relation to youth suicide (para 191 and attachment 6.1) please clarify whether there is any data available on the causes of suicide and whether there is any disaggregated data on the identify of victims (for example gender; urban/rural; indigenous; sexual orientation)	有關青少年自殺(第191點和附件6.1)，請說明是否有自殺原因的數據，以及是否有受害者的分類數據(例如性別、城/鄉、原住民、性取向)。	衛福部心口司	
6.20	In relation to assistance provided to low income families (para 231 – 234 & 238 – 239), if possible, please provide details of the benefits received relative	有關低收入戶的扶助(第231-234點和第238-239點)，若可能，請提供	衛福部社工司、 <u>衛福部社保司</u> 、 <u>衛福部社家署(兒少</u>	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
	to other indicators within RoC (Taiwan) such as the average wage or poverty line.	此福利相較於中華民國(台灣)內其它指標(例如平均工資或貧窮線)的細節。	<u>組、家支組)、衛福部健保署、勞動部、教育部、內政部</u>	
7.1	Please indicate policies, plan of actions and measures of implementation regarding inequitable distribution of educational resources for children living in rural and remote areas and in indigenous tribal areas, with the view of closing the gap in quality and quantity of educational resources in primary and secondary education and in after school programs.	請說明對偏鄉部落及原住民兒童教育資源分配不均,為縮減中小學教育及課後活動資源質量和數量上差距之政策、計畫和措施。	教育部、原民會	
7.2	Please provide updated information on measures taken to close the gap between public and private high school tuition.	請提供有關縮減公、私立高中學費差距之措施。	教育部	
7.3	Please provide statistical data disaggregated by age, gender, ethnic origin, socio-economic background and geographical areas of (a) Subsidies granted to students of public and private senior high schools; (b) children working for their high school tuition not benefitting from government subsidies; (c) Children living in dormitories away from home as a result of government plans of relocation and policies of merger and shutting down small schools; (d) Children in public non- profit preschools	請提供依年齡、性別、種族、社會經濟背景和地理區域分列的統計數據 (a)公、私立高中學生之補助; (b)以工作自付學費而未獲取政府補助之兒童數; (c)因政府遷校計畫及併校和關閉小型學校政策而離家住校之兒童數; (d)就讀於公立非營利性質及私立幼兒園之兒童數。	教育部	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
	and in private preschools.			
7.4	Please provide information on the progress of plans to increase the number of public non-profit preschools in order to enhance equal opportunity of enrollment of children into public preschools and ease the economic problem of parent of children of preschool age.	請提供資料說明增加公立非營利性質幼兒園數量的進展，以增加兒童就讀公立幼兒園的平等機會，減輕幼兒園兒童父母的經濟困難。	教育部	
7.5	Please provide information on measures taken to introduce effective democratic education in schools, including: (a) Introducing the CRC as part of the curricula in all school levels; (b) Advancing civil and citizenship learning through student's experiences (freedom of speech, privacy, right to demonstrate, associate etc.) (c) Making teacher's training programs on the CRC compulsory	請提供資料說明在校推行有效民主教育之措施，包含： (a) 導入 CRC 為所有年級課程的一部分； (b) 透過學生的經驗提升公民的學習（言論自由、隱私權、遊行示威權、集會結社等）； (c) 將 CRC 列為教師培訓之必修課程。	教育部	
7.6	Please specify the ways of collaboration between the Ministry of Education and the Council of Indigenous Peoples and the Hakka Affairs Council. Please indicate if the competent authorities consider establishing within the Ministry of Education a special department of indigenous education in order to develop comprehensive policies and plans of	請具體說明教育部和原住民族委員會及客家事務委員會之間的合作方式。請說明主管機關是否考慮於教育部內設立一個原住民教育特別部門，訂定完善的政策和計畫以於主流教育中及對城鄉部落原住民兒童推廣少數民族文化素養。	教育部、 <u>原民會</u>	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
	action for minority culture literacy both in mainstream education and for indigenous children in urban and tribal area.			
7.7	Please clarify why the curriculum for teaching indigenous languages was changed in 2014 from compulsory to elective.	請說明為何原住民族語言課程於2014年從必修改為選修。	教育部	
7.8	Please indicate the results of the examination taken by the Ministry of Education on the conformity of disciplinary measures to the accepted human rights standards in all educational institutions.	請說明教育部對所有教育機構人權標準統一要求的評鑑檢測結果。	教育部	
7.9	Please indicate measures taken to counteract corporal punishment and inappropriate disciplinary measures in schools and correctional and reform institutions, including systematic monitoring, an independent and safe mechanism of complaints and appeals as well as effective law enforcement measures in cases of misconduct of teachers and staff.	請說明有何措施以防制學校和矯正機關採取體罰和不適當處分，包含有制度的監測，獨立及安全的申訴機制，以及對教職員工不當行為的有效的法律約束。	教育部、法務部	
7.10	Please provide statistical data on legal and disciplinary measures taken in the last three years against teachers and staff applying corporal punishment or inappropriate disciplinary measures on students.	請提供過去三年來因對學生體罰或不適當處分而遭法律或紀律處分之教職員的統計數據。	教育部、法務部	
7.11	Please provide information on measures taken to counteract bullying, including cyber bullying, in schools and in other educational institutions and the evaluation of effectiveness of such measures.	請提供防制霸凌的措施，包含網路霸凌、在校和在其它教育機構，以及此措施有效性之評估。	教育部、 <u>通傳會</u>	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
7.12	Please provide statistical data on children, affected by bullying, seeking help through the various hotlines provided for this purpose, disaggregated by age, gender, ethnic group, geographical area, type of hotline, type of school and help afforded.	請提供有關受霸凌、透過為此目的而設立之各種熱線尋求幫助之兒童的統計數據，依年齡、性別、種族、地理區域、熱線類別、學校類型和所提供之援助予以分類。	教育部、 <u>通傳會</u> 、 <u>衛福部</u> 心 <u>口司</u>	
7.13	Please provide update information on measures taken to follow up on the recommendations of the International Review Committee of January 2017 (sec. 50) regarding school sex education curricula.	請提供為落實 2017 年 1 月（兩公約第 2 次結論性意見第 50 點 ³ ）國際審查委員會對學校性教育課程建議所採取之措施的更新資料。	教育部	
7.14	Please indicate measures taken to enhance gender equality education, to provide accessible and adequate information and counselling to LGBT children and youth and to prevent discrimination against them in schools and other educational institutions.	請說明加強性平教育，為 LGBT 兒童和青少年提供便利和充分的訊息及諮詢，並防止他們在學校和其它教育機構中遭受歧視之各種措施。	教育部	

- ³ 50.目前各級學校教育提供的性教育內容不夠全面，並引發不同群眾間對其內容適當性的爭議。審查委員會建議中華民國（臺灣）政府：
- a)在各級學校教育，為男生及女生提供有關性與生育健康權利的課程，其應有全面、科學上正確且最新的內容，並且讓各利害關係人參與研商；
 - b)針對雙性人處境進行研究，並擬定包括禁止以醫學上不必要的手術切除各方面都健康的生殖器官在內的政策方針；
 - c)在落實中華民國（臺灣）尊重、保護及實現性與生育健康權利的義務上，應將聯合國經濟社會文化權利委員會關於性與生育健康權利之第22號一般性意見（2016年）納入考量。

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
7.15	Please provide more detailed information, including statistical data, about the two kinds of transition schools: number, capacity, geographic location, the composition and availability of staff. Please explain the reasons for the relatively low number of students in these institutions. (par. 340 and att. 8-20-8-23).	請提供有關兩種中途學校包含統計數據之更多詳細資訊，數量、容量、地理位置、人員組成和可用人力。請解釋這些機構中學生人數相對較少的原因。(第 340 點及附件 8-20 至 8-23)。	教育部、衛福部保護司、 <u>衛福部社家署(兒少組)</u>	
8.1	In relation to children and armed conflict (para 291) please clarify the age of voluntary recruitment into the armed forces, provide information on the specific requirements to allow this form of recruitment and please clarify the status of children in military schools.	有關兒童與武裝衝突(第 291 點)，請說明自願從軍入伍的年齡，請提供資料說明允許這種募兵形式的確切要求，並說明軍校生的身分及情況。	國防部	
8.2	In relation to the minimum age of criminal responsibility (MACR) the report informed us that the Juvenile delinquency act is applicable to all children 7 years of age and below age 18. A distinction is made between the group age 7 and younger than 12 and the group 12 and younger than 18 (footnote 15, p. 74). The question in this regard: is the “doli incapax” concept applicable to the group 7 < 12 years of age? And if so how is that concept applied in practice? What is the role of the prosecutor, respectively the judge in this kind of cases? In this regard: in Attachment 8-2 a separate category “Child Criminal Offenders” is mentioned. Are these offenders belonging to the group 7<12	有關最低刑事責任年齡(MACR)，報告指出，少事法適用於所有 7 歲至未滿 18 歲之兒少。又在 7 歲至未滿 12 歲以及 12 歲至未滿 18 歲這兩個年齡層做出區隔(註腳 15，第 74 頁)。請問：“doli incapax”無犯罪能力概念是否適用於 7 歲至未滿 12 歲年齡層?若是，此概念如何於實務中應用?此情況下，檢察官與法官又分別扮演何種角色?對此，在附件 8-2 中各別列出“兒童觸犯刑罰法令事件”項目。此處所列罪犯是否屬於 7	司法院	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
	years of age? Finally is the government considering to increase the MACR to at least the age of 12 in accordance with the recommendation of the CRC Committee?	歲至未滿 12 歲年齡層?最後,政府是否考慮依據 CRC 委員會之建議將最低刑事責任年齡提升到至少 12 歲?		
8.3	In relation to Status Offences please provide information about the activities of children and juveniles which are considered to be Status Offences? In Attachment 8-2 figures are given on Status Offenders (e.g. for 2015 a total of 4,076 of which 751 were not forwarded to the court). Please provide information on how many of these offenders were below age 12 and on the sentences/protective measures taken regarding these children. Is the government considering to remove Status Offences from the criminal code?	有關虞犯,請提供被認為是兒童和青少年虞犯之行為資料? 附件 8-2 中列出了虞犯數據(例如 2015 年共計 4,076 件,其中 751 件不付審理)。請提供這些虞犯中有多少人年紀低於 12 歲的資訊,以及對這些兒童所採取的刑責/保護措施。政府是否考慮將虞犯從刑法中刪除?	司法院	
8.4	In relation to the role of the police please provide more information on how the police is dealing with children and juveniles who allegedly have committed an offence, e.g. on how interrogations are conducted and whether a parent can be present during the interrogation. In addition: is the child provided with legal aid or other assistance before and during the interrogation?	有關警察的角色,請提供更多資料說明警方如何處理遭指控犯罪之兒童和青少年。例如,如何詢問,以及詢問時家長可否出席。此外,是否在兒童被詢問之前和詢問期間提供法律協助或其他協助?	內政部	
8.5	In relation to pre-trial detention please provide more information on the use of this form of detention. For instance: are the grounds for pre-trial detention of children different from those applicable to adults? If	有關審前拘留,請提供更多關於這種拘留形式的資料。例如:兒童審前拘留的理由是否與成年人不同?如何	內政部、法務部、司法院	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
	so in what way? Can pre-trial detention be used for children between age 7 and 12? For how long can the child be kept in detention by the police before the judge is involved in a possible continuation of the pre-trial detention? Can pre-trial detention be extended and for how long? Please provide disaggregated (e.g. by age) statistics on the use of pre-trial detention and the average duration of this form of detention.	不同？審前拘留是否適用於 7 歲至 12 歲的兒童？在法官介入可能延續審前拘留之前，警察可以將兒童拘留多長時間？審前拘留可以延長多久？請提供審前拘留的分類數據(例如依年齡)以及平均拘留期限。		
8.6	In relation to diversion please provide information on whether diversion is an integral part of the juvenile justice system and if so how it is organized. In that regard: attachment 8-2 has a category cases not forwarded to the court indicating that cases are diverted. There are two categories of cases distinguished: cases which should not be forwarded to the court and minor offences. Re the first category: who decides not to forward the case to the court and for what reasons? Re the second category: what is meant by “Sent to be Disciplined”.	關於移送移轉，請提供資料說明移送是否是少年司法體系的一部分，如何編組。於此：附件 8-2 中之不付審理類別指出案件被移轉。有兩種類型的案件：應不付審理和情節輕微不付審理。有關第一類：由誰決定應不付審理，理由為何？有關第二類：“交付管教”是何意。	司法院	
8.7	Regarding deprivation of liberty: apparently the Judge can place a child in a welfare or educational institution or in a reformatory (correctional) school. Please provide further disaggregated data (age and sex) on the use of these placements and the average duration of these placements. After completion of the placement it is possible (art. 55-2 Juvenile	有關剝奪自由：顯然法官可以將兒童安置於福利或教育機構或感化（矯正）學校。請提供此類安置進一步的分類數據（年齡和性別）以及此類安置的平均期限。安置期滿後，少年法庭得延長安置兩年（最高）（少事法	司法院、監察院、 <u>法務部</u>	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
	Delinquency Act) for the juvenile court to extend the placement for 2 years (maximum). Please provide information on the use of this possibility (frequency; age; sex) and the reasons for this extension and whether this extension is at a request (by whom) and or an ex officio decion of the juvenile court. Furthermore: in 2015 the Control Yuan issued a report on disciplinary misconduct in two correctional schools in the period 2012 – 2014. Please provide information on the measures taken as a follow-up to this report.	第 55-2 條)。請提供有關此類延長的使用情況(頻率、年齡、性別)和延長安置的理由,以及延長是否因受請求(由誰提出)和/或依少年法庭之判決。此外,監察院於 2015 年公布了自 2012 年至 2014 年期間兩所矯正學校違紀之報告。請提供此報告後續採取措施的資訊。		
8.8	Re legal aid: in para. 298 under f. that a child may apply for legal aid if certain conditions are met. Please provide information on the number of children who applied for legal aid and how many applications were granted. Furthermore, if a child does not meet the conditions mentioned can he or she obtain legal aid and how?	有關法律扶助:(第 298 點, f), 兒童得依規定申請法律扶助。請提供申請法律扶助兒童人數以及核准案件數量之相關資料。此外,若兒童不符規定,他或她可否以及如何能獲得法律扶助?	司法院、 <u>法務部</u>	
8.9	Please clarify what is the minimum age at which children can be employed (compare information in para 36 and 318).	請說明兒童最低受雇年齡為何(比對第 36 點和第 318 點的資訊)。	勞動部	
8.10	Regarding child labour please provide information on the employment of children under the age of 15 which should be approved by local authorities. How many approvals have been given for work by children under 15 and regarding what type of work?	有關童工問題,請提供經地方主管機關許可 15 歲以下受雇兒童的資料。有多少 15 歲以下兒童的工作案件經審核許可,是何種類型的工作?	勞動部	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
8.11	Regarding drug abuse please provide information on the measures taken to prevent drug abuse by children (others than law enforcement actions) and the role of the Narcotics Hazards Control Centers (para 326) in that regard, more specifically: how many of these Centers exist, who are the partners in the preventive networks that these Centers develop, is education on drug abuse hazards and the rule of law (mandatory) part of the school curricula (primary and secondary)? Is the campaign "say-no-to drugs" ongoing and what is the impact of this campaign?	有關藥物濫用，請提供說明防制兒童藥物濫用之措施（除執法行動外），以及毒品危害防制中心（第 326 點）所扮演之角色，具體而言：防制中心的數量，毒品危害防護網合作的機關單位，學校課程（小學和中學）是否含括藥物濫用之危害和法令規範(必修)？反毒健康小學堂宣導活動是否持續推行以及其影響為何？	內政部、法務部、教育部、 <u>衛福部心口司</u>	
8.12	Regarding sexual exploitation please provide more information on measures taken to prevent sexual exploitation of children. In addition please provide more information on the emergency placement of child victims and the possibility to put the child victim under protective placement for a maximum of 2 years. For instance when or why is a child in need of emergency placement and what are the reasons for keeping the child in protective placement? What is the difference between Continuous Placement and Extended Placement (Attachment 8 – 19); in which kind of facilities are these children placed and for how long (average) ? Can the child or her/his parent file a request to the court for termination of this placement?	有關性剝削，請提供更多資料說明防制對兒童性剝削之措施。另外，請提供更多關於兒童緊急安置以及被害人至多為期 2 年之保護安置的資訊。例如兒童何時或為何需要緊急安置以及保護安置的緣由？繼續安置和延長安置有何區別（附件 8-19）；這些兒童安置於何處、安置時間多長（平均）？兒童或其父母可否向法院提出停止安置的要求？	衛福部保護司	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
8.13	The Child and Youth Sexual Exploitation Prevention Act took effect on January 1 2017. Please provide information on the measures taken to make the content of this Act known to children, parents and relevant professionals; furthermore on the measures taken to provide relevant professionals with training to understand the new Act and on how it should be implemented.	兒童及少年性剝削防制條例於 2017 年 1 月 1 日施行。請說明對兒童、家長和相關專業人員宣導防制條例之措施；以及相關專業人員了解防制條例及如何執行與落實之訓練課程。	衛福部保護司	
8.14	Re the protection of a child victim in legal (criminal) proceedings (see para 341): are interviews with child victims audio- and video taped and can these tapes be used in court as admissible evidence? If child victims are a witness during a court procedure how is her/his privacy protected and what is done to avoid that the child has to face the (alleged) perpetrator.	有關在法律(刑事)偵訊中保護兒童被害人(第 341 點): 兒童被害人受訊問時是否錄音錄影, 影音帶是否能成為呈堂證供? 如果兒童被害人是訴訟中之證人, 她/他如何受到保護, 以及如何避免兒童面對(遭指控之)加害人。	內政部、法務部、司法院、 衛福部保護司	
8.15	Finally could you explain why in 2015 out of the out of the 1,146 persons (alleged) perpetrators of sexual exploitation) involved in concluded investigations only 318 were convicted (see attachment 8-18).	最後, 請解釋於 2015 年偵查終結之 1,146 人中(遭指控之性剝削加害人), 執行裁判確定有罪人數只有 318 人之原因(附件 8-18)。	法務部	
8.16	Regarding sale and trafficking please provide information about measures taken, specifically oriented on children and their parents, on the prevention of sale or trafficking of a child.	有關人口販運, 請提供資料說明預防販運兒童相關措施, 特別是針對兒童及其父母。	內政部、外交部、勞動部、 衛福部保護司	
8.17	In relation to education for indigenous children (para 356) if possible, please elaborate on the extent to	有關原住民兒童教育(第 356 點), 請闡述各種已推動計畫及其效益之	教育部、原民會	

點次	問題內容(原文)	中文參考翻譯	權責機關	備註
	which the various plans have been implemented and subject to evaluation regarding their effectiveness.	評估。		
8.18	In relation to education for indigenous children (para 356) please indicate whether it is possible to provide any more details of the ‘opportunities’ for these children to ‘learn their respective ethnic languages, histories and cultures and enjoy curriculum related to ethnic education. Please provide details of a child’s right to challenge the authorities/a school where they believe they have not received such opportunities or such an education.	有關原住民兒童教育（第 356 點），可否提供更多關於提供原住民學生學習其族語、歷史與文化的機會及享有民族教育課程之資訊。請說明兒童在自認未獲得這樣的機會或教育課程時對主管機關或學校提出質疑的權利。	教育部、原民會	
8.19	In relation to the right of indigenous children to learn in their own language, please indicate what measures are being taken to ensure there are appropriately trained teachers to provide such education across the education system (including pre-school, primary and secondary school).	有關原住民兒童以母語學習的權利，請說明有何措施確保有受過適當培訓之師資能於教育體系中（包含幼兒園、小學和中學）提供此類教學。	教育部	

貳、我國回應問題清單之內容(Replies from the Government of Taiwan to the List of Issues)

點次○(權責機關)

中文回應(標楷體，12 號字，單行間距)

英文回應(Times New Roman，12 號字，單行間距)