

Review of Taiwan's Second Report on the Implementation of CEDAW

Conclusions and Recommendations of the Review Committee 26 June 2014

A. INTRODUCTION

1. The government of Taiwan voluntarily signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2007, and in 2009 produced its first CEDAW report. The report was reviewed in March 2009 by three international experts. On 8 June 2011, the Enforcement Act of CEDAW was promulgated and became effective on 1 January 2012. In 2013, the second report on CEDAW was drafted and finalized, which involved 32 government institutions under the Executive Yuan, Legislative Yuan, Judicial Yuan, Examination Yuan and Control Yuan.

2. With the intention of holding the second CEDAW Review, the government of Taiwan invited five international experts to function as members of the Review Committee. They were: Ms. Violet Awori (Kenya), Ms. Rea Abada Chiongson (Philippines), Ms. Mary Shanthi Dairiam (Malaysia), Ms. Denise Scotto (USA), and Ms. Heisoo Shin, Chairperson (Republic of Korea), who participated in their personal capacity. The five experts examined the second CEDAW report of Taiwan and provided a list of issues and questions on 23 May 2014, to which the government of Taiwan provided replies on 10 June 2014. The experts also received 30 NGO reports on various issues.

3. The government of Taiwan hosted the "CEDAW Review and Presentation of the ROC (Taiwan) CEDAW Second National Report," which was held on 23-26 June 2014 at the Howard Civil Service International House in Taipei. The constructive dialogue with the government delegation was held on 24 June 2014. The Review Committee was extremely pleased with the extensive participation of more than 200 government officials from all five Yuans and other agencies.

4. The Review Committee was also impressed with the active participation of approximately 100 NGO representatives, who were involved in all processes of the Review.

5. While appreciating the efforts shown by the government during this process, the Review Committee would like to emphasize that the government of Taiwan must show its further commitment to CEDAW through the full implementation of these conclusions and recommendations. In addition, constructive engagement and cooperation with civil society and NGOs are critical to the successful implementation of CEDAW.

B. CONCLUSIONS AND RECOMMENDATIONS

Comprehensive Law on Gender Equality

6. The Review Committee is concerned that despite the guarantee of equality for all people in article 7 of the Constitution of Taiwan, there is no legal definition of discrimination against women. It is also concerned that there is no law addressing multiple and intersecting forms of discrimination against women, including indigenous women, rural women, migrant women, women with disabilities, and lesbians, bisexuals, transsexuals and intersex persons(LBTI).

The Review Committee reiterates the recommendation of the International

Group of Independent Experts on ICCPR and ICESCR issued in Taipei on 1 March 2013, that the government enact comprehensive legislation covering all fields of gender equality, with a view to:

- (i) including the definition of discrimination in accordance with article 1 of CEDAW;**
- (ii) addressing multiple and intersecting forms of discrimination;**
- (iii) mandating the implementation of gender mainstreaming and gender budgeting;**
- (iv) systematically adopting temporary special measures to accelerate de facto equality of women;**
- (v) allocating sufficient human and financial resources for the effective implementation of the law;**
- (vi) systematically collecting and analyzing data disaggregated by sex and other relevant criteria; and**
- (vii) conducting gender impact assessments and monitoring trends over time, progress made, and results achieved.**

The Review Committee recommends that a time frame be set for its drafting and adoption, and that members of civil society are included in the drafting team.

Repeal of Discriminatory Laws and Provisions

7. While the Review Committee appreciates that 33,157 laws, regulations and measures have been reviewed and discriminatory provisions repealed between 2012-2014 using a check list of indicators, it is concerned that given such a large number of laws, this exercise needs to be periodically revisited in light of women's realities and CEDAW Committee's evolving jurisprudence.

The Review Committee recommends that situational analysis on women's human rights be done at regular intervals, the checklist of indicators be

revised accordingly, and further in-depth reviews of laws, regulations and measures be undertaken.

National Human Rights Institution

8. The Review Committee reiterates the recommendations from the first CEDAW review in 2009 and the International Group of Independent Experts on ICCPR and ICESCR to establish an independent national human rights institution in accordance with the Paris Principles. The Review Committee recommends that a specific time frame be set for the establishment of this institution and for the development of a national action plan for the promotion and protection of human rights.

National Machinery on Women and Gender Mainstreaming:

9. While the Review Committee recognizes the government's establishment of the Gender Equality Committee under the Office of the Prime Minister, and the Department of Gender Equality of the Executive Yuan as the national machinery on women, as well as many CEDAW training programs conducted for government officials, there is no assessment of gender mainstreaming efforts into the work of ministries and local governments. The Review Committee is concerned that the budget of the Department of Gender Equality is mainly for the salaries of the staff while the budget for the implementation of the Gender Equality Act is insufficient.

The Review Committee recommends that the government assess the extent and effectiveness of its efforts to mainstream gender equality into all ministries and local governments. The Review Committee also recommends that the Department of Gender Equality be provided with sufficient human and financial resources to carry out the necessary work in realizing legal and

substantive gender equality.

CEDAW Training and Impact Assessment

10. While acknowledging the numerous trainings conducted for the Judicial and Executive Yuan on CEDAW, the Review Committee is concerned that there is no impact assessment of such trainings, including whether those trained are applying CEDAW in their work, in particular as a framework for the drafting of laws, policies and court decisions.

The Review Committee recommends that the government conduct an impact assessment of training courses, and future trainings on CEDAW for the Judicial and the Executive Yuan be modified accordingly.

11. The Review Committee is concerned that there is no systematic registration of court cases disaggregated by sex or other categories, hindering any assessment of judges' application of CEDAW in their decisions.

The Review Committee recommends that:

- (i) court cases be systematically registered, disaggregated by sex and other categories;**
- (ii) court decisions be analyzed for their compliance with CEDAW and other international human rights standards; and**
- (iii) court decisions be used to assess the impact of CEDAW and human rights training.**

Access to Justice

12. The Review Committee is concerned that women have difficulty accessing the courts and receiving justice. It received alternative information that this is due in part to the shortage of judges, resulting in the delay in hearing court cases and

obtaining court orders. Other challenges include cost, distance and language barriers:

The Review Committee recommends that the government conduct a study of all the impediments for women to access the courts and remedies. This includes setting a reasonable time frame for increasing the number of judges, improving legal aid and legal rights information for marginalized women, and providing effective and independent court interpreters for women in need.

Gender Roles and Stereotyping

13. The Review Committee is concerned about the deeply entrenched traditional gender stereotypes within the family and society that continue to portray women and girls as inferior to men and as objects of male sexual desire.

The Review Committee recommends that the government devise a comprehensive awareness raising program and education using a multi-media approach to addressing gender stereotypes within the family and society. It also recommends highlighting women's achievements, men's equal sharing of family responsibilities, and increasing efforts to engage men and boys in redefining masculinity.

Role of the Media

14. The Review Committee is concerned about media disclosure of the identity of victims of gender-based violence. The Review Committee is also concerned that journalists and news outlets are not governed by any law that protects the privacy of women victims of gender-based violence.

The Review Committee recommends that the government monitor

compliance with the Guidelines for Broadcasters of Gender-Specific Contents as amended in 2012 and other relevant laws, collect data on sanctions imposed, and provide the information in the next report. It also recommends that the government create a Media Ethics Committee to monitor compliance with privacy laws.

Trafficking and Exploitation of Women

15. While commending the government's efforts to combat trafficking in women, the Review Committee is concerned that the proposed draft amendments to the Prevention of Human Trafficking Law is not in compliance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention on Transnational Organized Crime.

The Review Committee recommends that the government draft amendments be revised in accordance with the Protocol. It also suggests that views of civil society and experts on trafficking in women be reflected.

16. The Review Committee expresses its concern on the failure to prevent, investigate and prosecute cybercrimes related to trafficking and exploitation of prostitution.

The Review Committee urges the government to establish a permanent, dedicated unit within the National Police Department to prevent and investigate these cybercrimes. It also recommends that this information be shared across other investigatory and command units as well as with the Department of Gender Equality, with safeguards to protect the human rights of those involved.

Violence against Women and Girls

17. Although there have been many training programs on CEDAW or gender equality for judges, the Review Committee is gravely concerned that in a case involving a six-year old, the judges wrongfully deliberated the issue of consent when this did not arise in a statutory rape case.

The Review Committee strongly recommends that the government undertake a study on the prevalence of this kind of wrongful application of the law by prosecutors and judges. It also urges the government to impose disciplinary sanctions on erring prosecutors and judges.

18. The Review Committee expresses its concern on the persistence and high prevalence of domestic violence, in particular against marriage immigrants, and the insufficient protection provided to victims of violence. It is also concerned that protection orders to protect victims of such violence from perpetrators are not issued promptly.

The Review Committee recommends that the government:

- (i) fully implement the Domestic Violence Protection Act;**
- (ii) allocate specific resources for combatting domestic violence;**
- (iii) conduct an assessment on the current status of domestic violence, effectiveness of policy measures, challenges and ways to overcome them, and proposed future action, and**
- (iv) ensure that protection orders are timely issued as provided by the law.**

Political and Public Life

19. While commending the 'one-third principle' on women's representation and

recognizing the increased representation of women at the Central Level, the Review Committee is concerned that the proportion of the women in the Judicial Yuan, in particular in the Constitutional Court and serving as Grand Justice, is comparatively low.

The Review Committee recommends that the government intensify its efforts to increase the number of women in the Judicial Yuan, especially in the Constitutional Court and serving as Grand Justice, including the creation of a database of qualified female candidates.

Nationality of Marriage Immigrants

20. The Review Committee is concerned that the conditions for marriage immigrants to acquire citizenship in Taiwan do not adequately protect their right to nationality. A marriage immigrant woman, unless from China, Hong Kong or Macao, is required to give up her original nationality when she applies for naturalization. If she is divorced before naturalization, or if she does not pass the naturalization test, her residence certificate will be cancelled and she will be required to leave Taiwan within a short period of time. This will result in her being stateless. Her children, if not recognized by her husband, will also become stateless. The Review Committee is also concerned that even after naturalization, her citizenship can be revoked if she incurs a criminal record within five years of marriage. The Review Committee is further concerned that although the financial conditions for naturalization are somewhat relaxed, the rules are not evenly applied by the local governments.

The Review Committee urges the government to amend the Nationality Act so that marriage immigrants are not required to give up their original nationality until the acquisition of Taiwanese nationality. The Review

Committee also recommends that wives be allowed to stay in Taiwan, with work permits and necessary social security measures, in cases of a husband's death or disappearance or divorce due to a husband's fault such as domestic violence. When a criminal record is incurred by the marriage immigrant, the Review Committee further recommends that her Taiwanese citizenship not be revoked after naturalization, unless the record is based on fraudulent marriage. The Review Committee additionally requests uniform application of the relaxed financial conditions throughout Taiwan.

Education and Training

21. While noting the range of measures, the Review Committee expresses concern on the persistence of gender segregation in the field of higher education, which is reflective of stereotypical educational choices and impacts on employment opportunities for women.

The Review Committee recommends that the government strengthen measures to eliminate gender stereotypes and structural barriers that deter girls and boys from enrollment in non-traditional educational disciplines, including increasing awareness against gender stereotypes in one's choice of study; providing improved education and career advice service providers; and adopting temporary special measures to accelerate participation of women in science and engineering fields, setting clear targets and a time frame for the improvement of this situation without delay.

22. The Review Committee is concerned about the lack of progress in the development of teaching materials at all levels on sexual orientation and gender identities, as recommended by the International Group of Independent Experts on ICCPR and ICESCR. The Review Committee is also concerned that there is no

periodic monitoring and review system in place to ensure that existing gender equality indicators and textbook review principles are in compliance with CEDAW and the Gender Equity Education Act.

The Review Committee recommends that the government:

- (i) develop more awareness campaigns and teaching materials on gender diversity for all levels in consultation with gender equality experts in government, academia and civil society groups as well as with the LGBTI community;**
- (ii) ensure that regular and adequate training for all teachers, professors, coaches, school administrators and gender equity education committee members be given periodically on these teaching materials;**
- (iii) ensure implementation of the Gender Equity Education Act by requiring schools to undertake targeted measures for the protection and promotion of the rights of students who are marginalized or discriminated on account of sexual orientation or gender identities; and**
- (iv) establish a periodic and inclusive review and monitoring mechanism to verify the effective implementation and impact of the gender equality education indicators and textbook review principles.**

23. The Review Committee is concerned about the reports of sexual bullying and sexual harassment at all education levels and in training settings, especially those committed by teachers, professors and school administrators. It is equally concerned about the lack of preventive measures and detailed information on sexual bullying and sexual harassment.

The Review Committee recommends that the government:

- (i) initiate rigorous data collection on prevalence and incidence of sexual bullying and sexual harassment at all education levels and training settings, and whether these impact disproportionately on particular groups of women and girls; and**
- (ii) set up pro-active preventive and support services for victims of sexual bullying and sexual harassment at all educational levels and in training settings.**

24. Although measures are in place to encourage girls to return to school during or after pregnancy, there are limited services to address challenges, financial, social, and psychological, faced by them in their dual roles as mothers and students and the stigma they encounter.

The Review Committee urges the government to provide necessary support services for girls returning to school during or after pregnancy, including accessible and affordable childcare services, psychological counseling, confidence-building and parenting classes, financial assistance, opportunities for home-based schooling or flexible schedules, and peer and support groups. The availability of these support services should be publicized.

Employment and Economic Opportunities

25. Considering the high level of education of women, the Review Committee expresses concern that there is a big gap in women and men's labor force participation, reaching as high as 33% in certain age groups. It is also concerned that the percentage of women in the total number of persons not economically active amounts to more than 60% in 2012. The Review Committee notes that

women's primary responsibility in the family is one of the main reasons for their low participation.

The Review Committee urges the government to increase women's labor force participation through the provision of accessible and affordable childcare services and temporary special measures with specific targets and time frame. It also recommends that the government undertake a comprehensive study to develop policies to increase women's labor force participation.

26. Although the wage gap has decreased from 18.1% in 2009 to 16.6% in 2012, the Review Committee expresses its concern over its persistence.

The Review Committee urges the government to collect comparative information on wages by gender, skill level, sector, occupation, age and ethnicity, and develop concrete measures with specific targets and enforcement mechanisms to address the wage gap and other barriers to ensure that women enjoy equal pay for work of equal value.

27. While noting the efforts to improve conditions of female migrant workers, including the setting up of a foreign workers hotline in 2009, and the submission of the draft Domestic Workers Protection Act to the Executive Yuan, the Review Committee expresses its concern over the lack of legal protection for the rights of domestic workers, who are mostly female and among the most vulnerable of migrant workers.

The Review Committee recommends that the government provide legal protection to domestic and migrant workers, including through the adoption of a comprehensive law on domestic workers in compliance with CEDAW, its Committee's General Recommendation No. 26 on women migrant workers,

the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the ILO Convention concerning Decent Work for Domestic Workers. The Review Committee also urges the implementation of the recommendation of the International Group of Independent Experts on ICCPR and ICESCR on migrant workers and their labor conditions.

Right to Health

28. While the Review Committee commends the government for the adoption of a Women's Health Policy in 2008, it is concerned that there is no action plan and budgetary allocations for the implementation of this policy. It is also concerned that although the health insurance coverage is extensive, there is inadequate access to health services by rural women and other vulnerable groups, which may be due in part to the poor quality of services in the rural areas.

The Review Committee recommends that:

- (i) an action plan for the Women's Health Policy be drawn up and budgetary allocations be made;**
- (ii) the action plan view health not simply as the absence of disease but as being in a state of good health and include short and long term actions for access to health services for rural women and other vulnerable and marginalized groups, including migrant women and women with disabilities;**
- (iii) mental health programs be given due importance in addressing gendered concerns such as social determinants of women's mental health as well as biological determinants such as postpartum depression; and**
- (iv) the Women's Health Policy include a strong component on adolescent health, such as prevention of early pregnancy,**

reduction in abortions, plus availability of reproductive and sexual health information and services for teenagers and young unmarried adults.

Women with HIV/AIDS

29. The Review Committee is concerned that the government has a restrictive policy relating to HIV-positive aliens, most of whom are women, including mandatory HIV testing and the requirement that all HIV-positive aliens, including spouses of nationals of Taiwan, leave the country. The Review Committee confirms that these restrictive policies are in clear contravention of the approaches endorsed by WHO and UNAIDS and constitute violations of various human rights, in particular the rights to health, privacy, freedom of movement, equality and non-discrimination.

The Review Committee recommends that the government abolish the mandatory HIV testing requirement and lift the respective restrictions on the entry, stay and residence of women living with HIV/AIDS.

Rural Women

30. The Review Committee is deeply concerned that rural women are not invited to participate in the elaboration and implementation of the national or local rural development plans. It is also concerned that the percentage of women in the decision-making positions of the Farmers' Association, Fishermen's Association and Irrigation Association are very low, and there are no women's committees to represent rural women's interests. It is also concerned that the capacity building programs of the Farmers' Associations and the Fishermen's Associations are home economic classes, with almost all of the participants being women, which reinforces the gender stereotypes.

The Review Committee recommends that the government include women in the elaboration and implementation of rural development plans, both national and local. It also recommends that the 'one-third principle' be applied to the decision-making positions of the Farmers', Fishermen's and Irrigation Associations. It additionally urges the government to undertake capacity building and educational programs for rural women providing them information and skills on modern ways of production, sales, marketing, and financial management. The Review Committee further recommends that the government allocate funds for projects identified by rural women, including forming their own cooperatives.

Indigenous Women

31. While commending the appointment of women officials to the Council on Indigenous Peoples during the recent months, the Review Committee is concerned about the low level of representation of indigenous women serving in decision-making positions. It is further concerned about indigenous women's limited participation in the design, formulation, implementation and evaluation of economic and employment programs for indigenous communities.

The Review Committee recommends that the government apply temporary special measures including the 'one third principle' to increase indigenous women's representation. It also recommends that the government collect data relating to the participation of indigenous women in local public elections and local public affairs. It further recommends that the government assess the effectiveness of its existing measures for indigenous women and periodically consult with indigenous women on economic and employment programs for indigenous communities.

Women with Disabilities

32. The Review Committee confirms the multiple forms of discrimination experienced by women with disabilities, especially those with intellectual disabilities, who suffer multiple forms of discrimination. It is concerned that there is no comprehensive data on women with disabilities disaggregated by age, types of disability, ethnicity, rural or urban and other relevant criteria to fully assess their situation.

The Review Committee recommends that the government collect data on women with disabilities disaggregated by all relevant criteria and develop a comprehensive policy and action plan based on the information collected.

Marriage and Family Relations

33. The Review Committee is concerned at the lack of legal recognition of the diversity of families in the country and that only heterosexual marriages are recognized but not same sex unions or cohabiting partnerships. The Review Committee is also concerned about the lack of statistical data on unregistered unions.

The Review Committee recommends that the government amend the Civil Code to recognize the diversity of families in the country. It also recommends that steps be taken to collect and collate data on unregistered unions and provide the information in the next report.

34. The Review Committee is concerned about the provisions of the 2008 Executive Order regulating the process of gender change and requiring inter alia, the surgical removal of reproductive organs before qualifying for registration. It is further concerned at the lack of statistical data on transgender persons and at

the pace of legislative reform.

The Review Committee recommends that the Government adopt the views of the Ministry of Health and Welfare meeting on 9 December 2013 where it was recognized that "gender identity is a basic human right and that it is not necessary to force or require extirpation of reproductive organs as individual inclination should be respected". It further recommends that steps be taken to abolish the discriminatory provision of the above executive order.

35. The Review Committee is concerned that although the Executive Yuan reviewed and approved draft amendments that set the minimum engagement age at 17 and marriage age at 18 for both men and women, the Legislative Yuan decided not to deliberate on them.

The Review Committee urges that the government sets the minimum age for marriage at 18 for both men and women.

消除對婦女一切形式歧視公約 (CEDAW)

中華民國 (臺灣) 第 2 次國家報告

審查委員會總結意見與建議

壹、緒論

1. 臺灣政府於 2007 年自發簽署消除對婦女一切形式歧視公約 (The Convention on the Elimination of all Forms of Discrimination Against Women, 以下簡稱 CEDAW), 並於 2009 年產出初次國家報告, 同年 3 月由三位國際專家進行審查。2011 年 6 月 8 日制定「消除對婦女一切形式歧視公約施行法」, 並自 2012 年 1 月 1 日起施行。2013 年由行政院、立法院、司法院、考試院及監察院等五院暨所屬部會等 32 個機關撰寫完成第 2 次國家報告。
2. 為辦理第 2 次國家報告審查, 臺灣政府邀請 5 位國際專家組成審查委員會, 包括: Violet Awori 女士 (肯亞籍)、Rea Abada Chiongson 女士 (菲律賓籍)、Mary Shanthi Dairiam 女士 (馬來西亞籍)、Denise Scotto 女士 (美國籍)、以及召集人 Heisoo Shin 女士 (南韓籍)。她們是以個人身分參加。5 位專家審查國家報告並於 2014 年 5 月 23 日提出問題清單, 臺灣政府於 2014 年 6 月 10 日就問題清單提出回復, 國外專家另外亦收到 30 個非政府組織就各項議題所提出的民間報告。
3. 臺灣政府於 2014 年 6 月 23 日至 26 日假公務人力發展中心福華國際文教會館召開「中華民國 (臺灣) CEDAW 第 2 次國家報告國外專家審查暨發表會議」。委員與政府機關代表的建設性對話於 6 月 24 日進行, 審查委員非常高興五院及其他機關有超過 200 位政府官員大規模參與。
4. 審查委員也對近 100 位非政府組織代表的全程積極參與印象深刻。
5. 審查委員感謝臺灣政府在國家報告撰寫及審查過程中的努力, 委員會強調, 臺灣政府必須透過全面落實總結意見和建議以展示其對

CEDAW 更深化的承諾。此外，與民間社會和非政府組織的建設性共事及合作是成功實施公約的關鍵所在。

貳、總結意見與建議

性別平等綜合性法制

6. 審查委員會關切的是，儘管中華民國憲法第7條保障所有人民的平等權，卻沒有對婦女歧視作法律定義。另外，現行法律均未提及對於女性的多重與交叉歧視，包括原住民族婦女、農村婦女、移民婦女、身心障礙婦女和女同性戀者、雙性戀者、變性者和陰陽人（LBTI）。

審查委員會重申國際獨立專家團於2013年3月1日對《公民與政治權利國際公約》《經濟社會文化權利國際公約》的建議，即政府制定涵蓋性別平等各個領域的全面立法，內容包括：

- (i) 根據CEDAW第1條納入有關歧視的定義；
- (ii) 解決多重和交叉形式的歧視；
- (iii) 要求執行性別主流化和性別預算；
- (iv) 有系統地採取暫行特別措施，以加速實現婦女的實質平等；
- (v) 分配足夠的人力和財務資源，以有效地執行法律；
- (vi) 按性別和其他相關標準分類，系統性地蒐集和分析數據；和
- (vii) 進行性別影響評估，監測長期趨勢、其間得到的進展和取得的成果。

審查委員會建議為法案的起草和通過制定時程表，並將公民社會成員納入法案起草團隊中。

廢止歧視性法律條文

7. 審查委員會讚賞在2012至2014年間使用指標檢視清單完成33,157件法律、命令和行政措施之檢視，並廢止相關歧視性條款。委員會仍關切鑒於如此大量法律案件，此項工作必須依據女性的實際狀況和CEDAW委員會之最新解釋定期回顧檢視。

審查委員會建議未來對婦女人權進行定期情境分析，並據此相對應修

改指標性檢查清單，由是進一步深入檢視法律、條例和措施。

國家人權機構

8. 審查委員會重申 2009 年第一次的 CEDAW 審查和在《公民與政治權利國際公約》及《經濟社會文化權利國際公約》的獨立專家團之建議，根據巴黎原則成立獨立的國家人權機構。審查委員會建議就成立此機構以及發展促進和保護人權的國家行動計畫設定具體時程表。

婦女和性別主流化的國家機制

9. 審查委員會認可政府成立由行政院院長召集之性別平等會，及行政院性別平等處作為婦女權益的國家機制，以及為政府官員進行許多 CEDAW 訓練課程，但性別主流化在中央部會和地方政府的推動成果尚未評估。審查委員關切性別平等處的預算大部分是配置給員工的薪資，而就性別平等法的實施預算的是不夠的。

審查委員會建議政府評估所有中央部會和地方政府對推動性別平等主流化的努力程度和效果。審查委員會也建議提供性別平等處足夠的人力和財務資源去執行必要的工作，以實現法律上及實質上的性別平等。

消除對婦女歧視的培訓和影響評估

10. 審查委員會承認司法院和行政院在 CEDAW 公約方面進行了許多訓練，然仍關切未能就該等訓練進行影響評估，包括這些受訓者是否應用 CEDAW 在其工作上，特別是作為起草法律、政策和法院判決的參考架構。

審查委員會建議政府進行訓練課程的影響評估，並相對應修正司法院和行政院未來的 CEDAW 訓練。

11. 審查委員會還關切沒有系統性按性別或其他類別將法院案件分門別類登錄，阻礙了對法官如何應用 CEDAW 在其判決之中的評估。

審查委員會建議：

- (i) 法院案件進行系統登錄，按性別和其他類別分門別類；
- (ii) 分析法院判決是否符合 CEDAW 和其他國際人權標準；和
- (iii) 以法院判決來評估 CEDAW 和人權訓練之影響。

近用司法資源

12. 審查委員會關切女性難以近用法院資源和得到公平正義。委員會得到不同資訊，部分原因是由於法官不足導致法院審理案件和取得法庭命令的延遲。其他挑戰包括費用、距離和語言隔閡。

審查委員會建議政府研究所有婦女近用法庭資源的障礙以及救濟措施。此一研究宜包括就增加法官人數、提升對被邊緣化婦女的司法協助和法律權利資訊，以及為有需要婦女提供高效能和獨立的法庭口譯三項改進措施，設定合理時程表。

性別角色和刻板印象

13. 審查委員會關切家庭及社會中根深蒂固的傳統性別刻板化印象，這樣的性別刻板化印象持續將婦女及女孩描繪為劣於男性，並且是男性性欲的客體。

審查委員會建議政府運用多媒體方式設計全面性的性別意識提升方案和教育活動，解決在家庭和社會中的性別刻板印象。委員會還建議突顯女性成就、男性平等分擔家庭責任，以及更加努力推動男性和男孩參與重新定義男子氣概。

媒體角色

14. 審查委員會關切媒體揭露性別暴力受害者的身份。審查委員會亦關切記者和新聞媒體不受任何保護受害者隱私之法律規範。

審查委員會建議政府監督 2012 年修訂之「廣電媒體製播涉及性別相關內容指導原則」規定及其他相關法律之遵守，並蒐集實施制裁之資料，於下一次報告提供資訊。另建議政府設立媒體倫理委員會，藉以監督隱私法的遵循情形。

人口販運和剝削婦女

15. 審查委員會讚賞政府對於打擊販運婦女的努力，並仍關切人口販運防制法修訂草案並不符合《聯合國打擊跨國有組織犯罪公約關於預防、禁止和懲治販運人口特別是婦女和兒童行為的補充議定書》。

審查委員會建議政府根據《聯合國打擊跨國有組織犯罪公約關於預防、禁止和懲治販運人口特別是婦女和兒童行為的補充議定書》進行草案修訂，亦建議此草案要反映出及婦女販運議題相關之公民社會及專家的觀點。

16. 審查委員會表達其對未能預防、調查及起訴與人口販運及性交易剝削等相關網路犯罪情況之關切。

審查委員會敦促政府於內政部警察署設置永久的專門單位，藉以預防與調查這些網路犯罪。審查委員會亦建議這些資訊須橫跨調查、指揮單位及行政院性別平等處來共享，並透過保障措施保護所涉人員的人權。

對婦女與女孩的暴力

17. 雖然已有許多為法官舉辦的 CEDAW 或是性別平等的訓練案，審查委員會嚴重關切在6歲女童遭性侵的案例中，法官錯誤審量了「意願」問題，這是在法定強姦罪案例中不會出現的問題。

審查委員會強烈建議，政府應進行檢察官與法官這類錯誤引用法律普及性之研究。同時也敦促政府懲戒犯錯的檢察官與法官。

18. 審查委員會對婚姻移民持續受到家庭暴力的高普及率，以及未能對暴力受害者提供足夠的保護表示關切。委員會也關切，保護令未能儘速核發，以保護受害者免於來自加害者的暴力行為。

審查委員會建議政府：

- (i) 徹底實施《家庭暴力防治法》；
- (ii) 配置特定資源以打擊家庭暴力；

- (iii) 評估家庭暴力現況、政策措施有效性、挑戰及克服挑戰之方法等，並提出未來行動；和
- (iv) 確保保護令依法及時核發。

政治與公共生活

19. 審查委員會讚賞女性代表「1/3 比例原則」，並肯定中央層級女性代表的提升，然仍關切女性在司法院的比例，尤其在憲法法庭與大法官部分是相對較低的。

審查委員會建議，政府加強努力增加司法院內的女性人數，特別是憲法法庭與大法官，以及包括設置符合資格之女性候選人資料庫。

婚姻移民的國籍

20. 審查委員會關切在臺灣婚姻移民取得公民權的條件並未能適當保護其國籍權利。女性婚姻移民（不包括來自中國、香港與澳門），於申請歸化時均必須放棄其原國籍。如果她在歸化前離婚，或是她未通過歸化測驗，她的居留證將被取消，並被要求必須在短期內離開臺灣。這將使她成為無國籍狀態。她的孩子如果未被丈夫認可，將同樣會變成無國籍狀態。審查委員會亦關切即使在她歸化以後，如果這五年婚姻期間有刑事紀錄，她的公民資格將被撤銷。審查委員會進一步關切，即使歸化的財力證明已有某種程度上的放寬，但這些規定仍未普遍的被地方政府運用。

審查委員會敦促政府修正國籍法，在婚姻移民取得臺灣國籍之前，不可要求外籍配偶放棄其原屬國籍。審查委員會也建議，對於丈夫死亡、失蹤或是被丈夫施暴的妻子，應被允許留在臺灣、可有工作許可以及必要的社會保險措施。外籍配偶歸化後，除非是假結婚，不會因為犯罪而被撤銷臺灣國籍。審查委員會另外要求有適用於全臺灣的放寬財力證明的統一申請表格。

教育與訓練

21. 審查委員會注意到措施之範圍，然仍關切高等教育中持續存在的

性別隔離，這反映了教育選擇上的刻板化，並會影響女性的工作機會。

審查委員會建議政府強化措施來消除性別刻板化印象和使女孩和男孩無法進入非傳統教育學科的結構性阻礙，包括選讀科系時加強消除性別刻板化印象之意識、提供更好的教育和職業諮詢服務提供者、並採取暫行特別措施，加速婦女在科學和工程領域的參與，設定明確的目標和時程表，毫不延遲地去改善此一狀況。

22. 如《公民與政治權利國際公約》及《經濟社會文化權利國際公約》審查國際獨立專家團所建議的，審查委員會關切所有層級之性傾向及性別認同教材的發展缺乏進展。審查委員會也關切到，沒有定期的監督及檢視系統，來確保現存的性別平等指標及教材審查準則是符合CEDAW及性別平等教育法的規定。

審查委員會建議政府：

- (i) 諮詢政府、學術、公民社會團體及LBTI社群的性別平等專家意見，在所有層級上，制定更多具有性別多元意識的運動及教材；
- (ii) 確保教師、教授、教練、學校行政人員及性別平等教育委員會成員接受上述教材之定期及適當的訓練；
- (iii) 確保學校落實性別平等教育法，要求學校針對基於性傾向及性別認同而被邊緣化或被歧視的學生採取具目標的措施以保護並促進其權利；和
- (iv) 建立定期全面檢視與監督機制，以驗證性別平等教育指標及教材審查準則性之有效執行以及具影響性。

23. 審查委員會關切在所有教育層級及訓練單位中的性霸凌及性騷擾，特別是教師、教授及學校行政人員所犯行者。委員會同樣地關切缺乏預防措施及有關性霸凌及性騷擾的細部資訊。

審查委員會建議政府：

- (i) 開始嚴謹地收集所有的教育層級及訓練單位中有關性霸凌及性騷擾的普及性及發生率資料，以及是否有對特定婦女及女孩群體特別大的影響。

(ii) 在所有的教育層級及訓練單位中，建立更積極的預防及支持性霸凌及性騷擾的受害者之服務。

24. 雖然已有鼓勵女孩於懷孕期間或懷孕後回到學校的相關措施，但對於她們因母親及學生的雙重角色而面臨的經濟、社會及心理問題及其所遭遇到的污名化，目前所提供的服務有限。

審查委員會敦促政府提供女孩於懷孕期間或懷孕後，返回校園之必要支持服務，包括具便利及可負擔的托育服務、心理諮商、建立自信、親職課程、經濟協助、在家學習機會或彈性的課表，以及同儕和支持團體，應該公開宣導這些可用的支持服務之機會及渠道。

就業與經濟機會

25. 考慮到婦女教育程度高，審查委員會關切男女勞參率有相當大落差，某些年齡層高達 33%，並關切 2012 年未積極從事經濟活動總數中，女性所占比率超過 60%。審查委員會注意到女性負擔家庭主要照顧責任是低參與率的主要原因之一。

審查委員會敦促政府提供具便利及可負擔的托育服務，並採取設定特定目標及時程表之暫行特別措施，以提高女性勞參率，並建議政府進行全面性的研究來發展提升女性勞參率之政策。

26. 雖然男女薪資差距由 2009 年 18.1%縮小至 2012 年 16.6%，審查委員會表達對薪資差距持續存在的關切。

審查委員會敦促政府收集不同性別、技術程度、部門、職業、年齡及族群的薪資比較資料，制定具特定目標的具體措施和實施機制來解決薪資差距和其他無法實現同值同酬的障礙。

27. 審查委員會注意到政府為保障女性移工作了一些努力，包含 2009 年設立外勞服務專線，並起草家事服務法草案送行政院審議，委員會仍表達對家事勞工缺乏法律保障之關切，他們大部分是女性且為移工中最弱勢族群之一。

審查委員會建議政府提供家事及外籍移工法律保障，並需符合 CEDAW、CEDAW 委員會第 26 號建議有關女性移工的保護、保護移工及其家屬權利國際公約、國際勞工組織有關家事勞工公約。同時，審查委員會敦促執行《公民與政治權利國際公約》與《經濟社會文化權利國際公約》國際獨立專家團就移工和其勞動狀況所提之建議。

健康權

28. 審查委員會讚賞 2008 年政府制定婦女健康政策，並關切此政策尚無行動計畫及預算配置。委員會也關切雖然全民健康保險相當普及，但農村婦女或其他弱勢族群未能充分獲得健康照顧，其原因可能來自於農村地區健康照顧品質不佳。

審查委員會建議：

- (i) 制定婦女健康政策的行動計畫，並配置相關預算。
- (ii) 健康政策的行動計畫不能僅止於防治疾病，而要以讓女性維持良好健康為目標，並規劃農村及新移民、身心障礙等弱勢及被邊緣化婦女可方便使用的醫療照顧服務之短期及長期目標。
- (iii) 心理健康方案需納入性別觀點，例如注意到影響婦女心理健康之社會及生理因素，例如產後憂鬱症；和
- (iv) 婦女健康政策的重點要包含青少年健康政策，例如預防少女懷孕、減少人工流產、以及少女與年輕未婚女性獲得生育和性健康資訊與服務的管道。

感染 HIV 或愛滋病的婦女

29. 審查委員會關切政府有一關於有 HIV 陽性外國人的限制政策，而這些外國人大多為女性，包括強制檢驗 HIV 和要求所有 HIV 陽性外國人，包含國人之配偶，必須離開臺灣。審查委員會認為這些限制政策明確違反 WHO 和 UNAIDS 背書之取徑，並且違反多項人權，特別是健康、隱私及遷徙自由、平等、不歧視的人權。

審查委員會建議政府廢除強制檢驗 HIV 的要求，及移除限制感染

HIV 或愛滋病的婦女入境、停留與居留權的各項規定。

農村婦女

30. 審查委員會非常關切農村婦女未被邀請參與國家或地方層級農村發展計畫的擬訂及執行。並關切女性在農會、漁會及農田水利會的決策階層中比例非常低，且沒有女性委員會代表農村女性權益。另外也關切到農會及漁會的能力提升方案是家政課程，幾乎全部參與者為女性，因而強化了性別刻板印象。

審查委員會建議政府在擬訂及執行國家或地方層級的農村發展計畫時，應納入女性。並建議農會、漁會及農田水利會決策階層須達 1/3 女性參與的原則。此外也敦促政府進行農村婦女能力及教育方案，以提供她們關於現代化生產、販售、行銷及財務管理的知識和技能。委員會進一步建議政府要分配基金給農村婦女提出的方案，包含女性自組合作社的方案。

原住民婦女

31. 審查委員會讚賞近幾個月指派女性參與原住民族委員會，然仍關切原住民婦女在決策階層的低代表性。並進一步關切有關原住民社區經濟與就業方案的設計、規劃、執行及評估中，原住民婦女參與有限。

審查委員會建議政府運用暫行特別措施，包含 1/3 性別比例原則，以增加原住民女性的代表性。並建議政府蒐集有關原住民婦女參與地方公開選舉及公共事務的資料。審查委員會進一步建議政府評估既存的原住民婦女相關措施的有效性，並定期諮詢原住民婦女有關原住民社區就業與經濟方案的意見。

身心障礙婦女

32. 審查委員會確認身心障礙婦女經歷多重歧視之痛苦，尤其是智能障礙之婦女。委員會關切缺乏全面性身心障礙婦女資料，包含區分年齡、身心障礙類別、族裔、農村或都市及其他相關類別資料，來完整評估身心障礙婦女的處境。

審查委員會建議政府收集身心障礙婦女現況資料，區分一切相關類別，據以制定全面性的政策及行動計畫。

家庭與婚姻生活

33. 審查委員會關切政府缺乏對多元家庭的法律承認，僅承認異性婚姻，但不承認同性結合或同居關係。審查委員會也關切缺乏未經登記的結合之統計數據。

審查委員會建議政府修訂民法，賦予法律承認多元家庭，同時建議採取措施以收集和整理未經登記的結合之統計數據，並在下一次的國家報告中提供資訊。

34. 審查委員會關切 2008 年行政命令規範之變性程序和要求，尤其是其中符合變更性別登記資格前需由外科手術切除生殖器官。進一步並關切到缺乏對跨性別者的統計數據，以及推動立法改革的速度。

審查委員會建議政府採取衛生福利部在 2013 年 12 月 9 日會議的意見，會中承認「性別認同是基本人權，且無必要強迫或要求摘除生殖器官，個人傾向應該得到尊重」。審查委員會進一步建議採取措施以廢止前述歧視性的行政命令規定。

35. 審查委員會關切到雖然行政院審查和通過男女訂婚最低年齡為 17 歲和結婚最低年齡為 18 歲規定的修訂草案，立法院決定不予審議。

審查委員會敦促政府訂定男女最低結婚年齡同為 18 歲。