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消除一切形式種族歧視國際公約 首次國家報告國際審查會議

Review Meeting of the R.O.C's Initial Report
under the International Convention
on the Elimination of All Forms of Racial Discrimination

審查委員會問題清單及政府機關回應

The List of Issues from Review Committee and
Replies to the List of Issues from Government





消除一切形式種族歧視國際公約首次國家報告
問題清單及政府機關回應

**The ROC's Initial Report under the ICERD –
List of Issues (LOIs) and Reply to LOIs**

2024年1月

目 錄

第一章 第1、2條 《消除一切形式種族歧視國際公約》於國內法及其體制 與政策架構的實施情形.....	1
第1點.....	1
第2點.....	3
第3點.....	6
第4點.....	7
第5點.....	8
第6點.....	10
第7點.....	11
第二章 第2、4和6條 種族主義仇恨言論、煽動種族仇恨及仇恨罪	12
第8點.....	12
第9點.....	14
第10點.....	17
第三章 原住民族.....	23
3-1 總論	23
第11點.....	23
第12點.....	25

3-2 議題部分	28
第13點	28
第14點	30
第15點	31
第16點	32
第17點	33
第18點	34
第19點	37
第20點	40
第21點	41
第22點	42
第23點	43
第24.1點	47
第24.2點	47
第24.3點	49
第24.4點	51
第24.5點	54
第24.6點	56
第24.7點	57

第25點	58
第26點	59
第27點	61
第28.1點	65
第28.2點	68
第28.3點	71
第29點	73
第30點	75
第31點	80
第32點	82
第33點	84
第34點	87
第35點	89
第36點	91
第37點	94
第38點	96
第39點	98
第40點	99
第41點	103

第42點.....	105
第四章 移工.....	107
4-1 總論.....	107
第43點.....	107
第44點.....	108
第45點.....	110
4-2 工作權.....	111
第46點.....	111
第47點.....	114
4-3 女性移工.....	115
第48點.....	115
第49點.....	115
4-4 司法權.....	118
第50.1點.....	118
第50.2點.....	120
第50.3點.....	122
第50.4點.....	124
第51點.....	129

第五章 新住民及外籍人士.....	135
第52點.....	135
第53點.....	136
第54點.....	138
第55點.....	139
第56點.....	140
第六章 難民及尋求庇護者.....	141
第57點.....	141
第58點.....	142
第59點.....	143
第60點.....	145
第七章 非本國籍兒童-無證兒童.....	146
第61點.....	146
第62點.....	146
第八章 國家人權委員會.....	149
第63點.....	149
第64點.....	149
第65點.....	149

TABLE OF CONTENTS

CHAPTER 1 ARTICLE 1, 2 THE CONVENTION IN DOMESTIC LAW AND THE INSTITUTIONAL AND POLICY FRAMEWORK FOR ITS IMPLEMENTATION..... 1

1..... 1

2..... 3

3..... 6

4..... 7

5..... 8

6..... 10

7..... 11

CHAPTER 2 ARTICLE 2, 4 AND 6 RACIST HATE SPEECH, INCITEMENT TO RACIAL HATRED AND HATE CRIMES..... 12

8..... 12

9..... 14

10..... 17

CHAPTER 3 INDIGENOUS PEOPLES 23

3-1 General Observations..... 23

11..... 23

12..... 25

3-2 Issue Areas..... 28

13..... 28

14..... 30

15.....	31
16.....	32
17.....	33
18.....	34
19.....	37
20.....	40
21.....	41
22.....	42
23.....	43
24.1.....	47
24.2.....	47
24.3.....	49
24.4.....	51
24.5.....	54
24.6.....	56
24.7.....	57
25.....	58
26.....	59
27.....	61
28.1.....	65
28.2.....	68
28.3.....	71
29.....	73

30.....	75
31.....	80
32.....	82
33.....	84
34.....	87
35.....	89
36.....	91
37.....	94
38.....	96
39.....	98
40.....	99
41.....	103
42.....	105
CHAPTER 4 MIGRANT WORKERS.....	107
4-1 General Observations.....	107
43.....	107
44.....	108
45.....	110
4-2 Right to Work.....	111
46.....	111
47.....	114
4-3 Women Migrant Workers.....	115

48.....	115
49.....	115
4-4 Right to Justice.....	118
50.1.....	118
50.2.....	120
50.3.....	122
50.4.....	124
51.....	129
CHAPTER 5 NEW IMMIGRANTS AND FOREIGNERS.....	135
52.....	135
53.....	136
54.....	138
55.....	139
56.....	140
CHAPTER 6 REFUGEES AND ASYLUM SEEKERS.....	141
57.....	141
58.....	142
59.....	143
60.....	145
CHAPTER 7 NON-NATIONAL CHILDREN – UNDOCUMENTED CHILDREN.....	146
61.....	146

62.....	146
CHAPTER 8 NATIONAL HUMAN RIGHTS COMMISSION (NHRC)....	149
63.....	149
64.....	149
65.....	149

第一章 第1、2條 《消除一切形式種族歧視國際公約》於國內法及其體制與政策架構的實施情形 Article 1, 2 The Convention in Domestic Law and the Institutional and Policy Framework for its Implementation

Abbreviations:

ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR&ICESCR	Two Covenants
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
MOE	Ministry of Education
NHRC	National Human Rights Commission
NPA	National Police Agency, Ministry of the Interior
NIA	National Immigration Agency, Ministry of the Interior
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CIP	Council of Indigenous Peoples, Executive Yuan
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

點次	問題內容	
1.	原文	Both previous international review committees and the NHRC commented that instead of a comprehensive anti-discrimination law, anti-discrimination provisions are found in different sections of Taiwanese law. Are there more recent developments in the enactment of the Equality Law (Implementation Report, para. 38)? What is the timeframe for the enactment? Are representatives of Indigenous peoples and different ethnic groups involved in the drafting and deliberation process?
	中文參考翻譯	先前的國際審查委員會和國家人權委員會均表示台灣沒有綜合性的反歧視法，而是在不同法律中訂立反歧視條款。《平等法》的制定進度為何（條約專要文件第38點）？制定時程為何？原住民族和不同族群之代表是否參與草案的研擬和審議過程？

中文回應：

行政院人權及轉型正義處

1. 行政院人權及轉型正義處為起草綜合性平等法（反歧視法），已進行國內禁止歧視法規之盤點、外國立法例蒐集、國際人權規範研究等工作，並於2022年12月舉辦學術研討會，就我國平等法（反歧視法）的立法展望，邀請學者專家、民間團體、國家人權委員會委員進行綜合座談，以匯集各方觀點進行意見交流。2023年4月18日及4月21日辦理2場次公聽會，並以網路徵集意見之方式，就研擬該草案之重要原則方向，包含禁止歧視之特徵、領域、歧視之定義、應明定之例外情形、救濟方式以及政府應採取之促進平等措施等六大議題，聽取、蒐集各界意見，以作為研擬草案之立法參考，公聽會參與之對象亦包含國家人權委員會、相關民間團體（包含原住民族與不同族群之代表）、兒少代表及關注此議題之民眾。
2. 預定於2024年上半年提出草案，並就草案內容徵詢各界意見及辦理公聽會，依據國家人權行動計畫所定期程，2024年將平等法草案函送立法院審議。

Response:

1. The Department of Human Rights and Transitional Justice, Executive Yuan (Department) has been working on the drafting of a comprehensive anti-discrimination law in Taiwan. The Department has reviewed the existing separate domestic anti-discrimination provisions and researched foreign legislation and international human rights norms. Moreover, in order to gather more opinions, the Department held an academic conference on the outlook of Taiwan's

anti-discrimination law in December 2022. Scholars, experts, NGOs, and the members of the National Human Rights Commission (NHRC) were invited to engage in a deep discussion. On April 18 and 21, 2023, the Department held two public hearings to solicit opinions on six key issues of the anti-discrimination law: protected characteristics, material scope, definition of discrimination, exceptions, remedy, and obligations of the government to promote equality. The participants of the two public hearings included the NHRC, NGOs (including representatives of the indigenous peoples and various ethnic groups), representatives of children and youth, and the people who are concerned about the enactment. On top of the two public hearings, the Department also collected online opinions on the six key issues from the general public.

- The Department, in the first half of 2024, will propose a draft bill of the anti-discrimination law for further public consultation and public hearings. The bill is to be submitted to the Legislative Yuan for deliberation by the end of 2024 in accordance with the National Human Rights Action Plan.

點次	問題內容	
2.	原文	ICERD entered into force in Taiwan on 9 January 1971, earlier than any of the other UN core human rights treaties ratified from 2007 onwards (Common Core Document, table 31 on pp. 58-60). Why was the ICERD Action Plan only adopted in 2020 and the international review process established thereafter (many years after similar procedures took effect for ICCPR and ICESCR, CEDAW, CRC and CRPD) (see Implementation Report, para. 2)?
	中文參考翻譯	《消除一切形式種族歧視國際公約》於1971年1月9日在臺灣生效，遠早於自2007年以來批准之任何其他聯合國核心人權公約（共同核心文件第58-60頁表31）。為何《消除一切形式種族歧視國際公約》行動計畫遲至2020年才通過，且自其後始訂立國際審查流程（於《公民權利和政治權利國際公約》和《經濟、社會、文化權利國際公約》、《消除對婦女一切形式歧視公約》、《兒童權利公約》和《身心障礙者權利公約》之類似程序生效後多年才訂立）（條約專要文件第2點）？

中文回應：

內政部（移民署）

- 中華民國（臺灣）於1966年3月31日簽署《消除一切形式種族歧視國際公約》（下稱ICERD），1970年11月14日批准，1970年12月10日存放，並自1971年1月9日起對我國生效，為我國唯一完成聯合國存放程序之國際人權公約，惟自1971年起退出聯合國之後，即暫時無法以官方身分參與聯合國事務。
- 自2000年起，我國積極推動國際人權法典之內國法化，其中《公民與政治權利國際公約》及《經濟社會文化權利國際公約》（下稱兩公約）為最重要之國際人權法典之一，我國於2009年4月公布兩公約施行法，並於2010年12月10日成立總統府人權諮詢委員會，該委員會重要的任務之一即是依照兩公約施行法的規定，建立我國的人權報告制度，架構國際人權對話平臺。2013年我國主動邀請國際專家來臺進行兩公約國家報告審議，國際專家在所有相關面向依循聯合國的國際監督程序，並對相關權利適用普遍接受之國際法解釋。隨後陸續國內法化之國際人權公約，亦比照上開人權報告制度，依循聯合國模式及法務部2018年訂定之我國各核心人權公約撰提國家人權報告及辦理國際審查共通性作業規範（簡稱共通性作業規範），提出各該國家報告並實踐報告審查程序。
- 綜上，因ICERD屬較早制定之國際人權公約，許多規範（如：公民與非公民之權益、原住民族自決權及少數種族及語言少數群體等）皆涵蓋於兩公約中，且更為完整，故我國實際推動係由兩公約開始。至2018年9月總統府人權諮詢委員會第33次委員會議決議，請內政部規劃落實推動ICERD相關配套工作，行政院於2020年5月核定ICERD推動計畫，各機關業依該推動計畫及共通性作業規範，落實推動法規檢視、國家報告、教

育宣導等各項工作。

Response:

1. The Republic of China (Taiwan) signed the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as ICERD) on March 31, 1966. Subsequently, it was ratified on November 14, 1970, deposited on December 10, 1970, and officially enacted in the Republic of China (Taiwan) on January 9, 1971. However, following the loss of its representation at the United Nations in 1971, Taiwan has been temporarily unable to engage in the United Nations affairs in its official capacity.
2. Since 2000, Taiwan has been actively promoting the nationalization of international human rights conventions, and consistently amending domestic laws and measures. Among these efforts, the "International Covenant on Civil and Political Rights" and the "International Covenant on Economic, Social and Cultural Rights" (hereinafter referred to as Two Covenants) stand out as the two most important international human rights codes.
In April 2009, Taiwan enacted an Implementation Act for the Two Covenants. Subsequently, on December 10, 2010, the Human Rights Consultative Committee, operating under the Presidential Office, was established. The committee's principal mandate was to institute a human rights reporting system and an international human rights dialogue platform in alignment with the Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In 2013, the Republic of China (Taiwan) took a proactive step by inviting international human rights experts to assess the national reports. In the review process, the international experts followed the United Nations supervisory procedures in all relevant aspects, and interpret relevant rights in accordance with generally accepted international laws. This reporting system, which was guided by the United Nations supervisory mechanism and the General Operating Regulations for the Drafting of the National Human Rights Report and Organization of International Review Meetings for Core Human Rights Conventions set forth by the Ministry of Justice in 2018, was later applied to the submission and review process for the national reports of other nationalized international human rights conventions.
3. Given that the ICERD was established earlier than other international human rights convention, its provisions, encompassing the rights of both citizens and non-citizens, the self-determination of indigenous peoples, and the rights of ethnic and linguistic minority groups, are more comprehensively addressed in the Two Covenants. Consequently, the promotion initiatives for international human rights conventions commenced with the Two Covenants. In September 2018, the resolution of the 33rd meeting of The Presidential Office Human Rights Consultative Committee requested the Ministry of Interior to plan for the implementation of the relevant

measures to promote the ICERD. In May 2020, the Executive Yuan approved the ICERD Action Plan, and accordingly each agency has undertaken various tasks, including reviewing laws and regulations, preparing national reports, and conducting educational campaigns.

點次	問題內容	
3.	原文	Please provide further details on the implementation of ICERD in the domestic legal order. Please articulate the meaning of “remains binding on Taiwan” as differentiated from the other five international human rights conventions, incorporated into domestic law through the enactment of implementation acts (Common Core Document, para. 86).
	中文參考翻譯	請進一步詳述《消除一切形式種族歧視國際公約》於我國國內法的法律地位。請闡明「對臺灣仍具有約束力（對我國生效）」這段話的含義，以說明有別於其他5個國際人權公約，皆係透過制定施行法將其國內法化（共同核心文件第86點）。

中文回應：

內政部（移民署）

- 關於《消除一切形式種族歧視國際公約》（下稱 ICERD）我國已於聯合國完成簽署、批准與存放，依據司法院釋字第 329 號，本公約已具國內法效力，具有法律位階，其效力與我國其他法律相同。
- 各國國際人權公約完成國內法化之方式，不論是制定施行法或依《條約締結法》，其效力及實踐均相同，政府機關相關施政均應參考公約意旨及一般性建議。而 ICERD 為我國唯一完成聯合國簽署、批准與存放程序之國際人權公約，從國家角度來看，無論我國是否為聯合國會員，此一公約已屬條約，本就具國內法效力，自無須再透過制定施行法將公約內國法化。

Response:

- The ICERD has been signed, ratified, and deposited by the Republic of China (Taiwan) with the United Nations. In accordance with Judicial Yuan Interpretation No. 329, this convention holds domestic legal force, and possesses the same legal standing as other laws in the Republic of China (Taiwan).
- Whether through implementing laws or the "Conclusion of Treaties Act," the effectiveness and implementation of domestic legalization of each convention are equal. Government agencies should consider the purpose and general recommendations of the conventions when formulating policies. The ICERD is the only international human rights convention that the Republic of China (Taiwan) has completed the process of signing, ratification, and depositing within the United Nations. From a national standpoint, regardless of the Republic of China's (Taiwan) United Nations membership, this convention is seen as a treaty and already has legal status domestically. Hence, enacting implementing laws is unnecessary to further domesticate the convention's provisions.

點次	問題內容	
4.	原文	Please provide examples of the application of ICERD by the courts (not just as a citation but of invocation where the provisions of ICERD were directly applied to determine the rights or duties of the relevant parties) (Common Core Document, para. 116).
	中文參考翻譯	請提供法院採行《消除一切形式種族歧視國際公約》之案例（不單僅是引述條款文字，而是直接適用《消除一切形式種族歧視國際公約》之條款以判定當事方權利或義務之內文）（共同核心文件第116點）。

中文回應：

司法院

- 憲法法庭審理聲請解釋案件、民、刑事及少年案件，迄今並未引用或直接適用 ICERD 條款，判定各方權利或義務。
- 行政訴訟部分，目前尚未有直接適用《消除一切形式種族歧視國際公約》條款以判定當事人權利或義務之判決，然臺灣臺北地方法院109年度簡字第4號行政訴訟判決援引公約第5條作為原住民言論自由之重要論據，就結論而言，該判決認《臺北市場地管理辦法》第4條第2項、臺北市公園場地使用須知第4點第8款、第9款規定違憲，拒絕適用，並認原告（原住民）未違反《臺北市公園管理自治條例》第13條第6款，判決原告勝訴，具有參考價值。

Response:

- The Constitutional Court, civil, criminal and juvenile courts has never cited or applied directly the provisions of ICERD to determine the rights or duties of the relevant parties when adjudicating the petitions of interpretation of the Constitution.
- There are currently no directly applicable provisions of the International Convention on the Elimination of All Forms of Racial Discrimination to determine rights or obligations. The 109 Nian Jian Zi No. 4 Administrative Litigation Judgment of Taiwan Taipei District Court cited Article 5 of the Convention as a critical argument for the freedom of speech of the Indigenous peoples. The judgment concluded that Article 4, Paragraph 2, of The Taipei Venue Management Regulations as well as Point 4, Subparagraph 8 and 9 of the Instructions for The Usage of Taipei City Parks were unconstitutional and not applicable, and rendered a judgment in favor of the Plaintiff, holding that the Plaintiff (the indigenous people) did not violate Article 13, Subparagraph 6 of the Ordinance for the Management of Taipei City Parks, which has certain reference value.

點次	問題內容	
5.	原文	Are there any more recent activities of the working group formed to review ICERD-related legal provisions, and whether more regulations were reviewed and/or amended (Implementation Report, para. 40)? Is there a procedure and timeline for this process? The NHRC in its Independent Opinion mentions that the review was only conducted at central government level (NHRC Independent Opinion, para. 22). Are there any plans to extend the review also to local government provisions?
	中文參考翻譯	為檢視國內法規是否違反 ICERD 而成立的工作小組最近是否有進一步活動，以及是否檢視或修訂更多法規（條約專要文件第 40 點）？法規檢視之程序和時間表？目前僅就中央政府層級的法規進行檢視，是否有將審查範圍擴及到地方政府之計畫？（國家人權委員會獨立評估意見第22點）

中文回應：

內政部（移民署）

1. ICERD 法規檢視工作小組自2020年成立迄今，計召開10場法規檢視工作小組會議，其中2023年上半年召開2場，再次聚焦討論中央法規優先檢視清單之28項有疑義之法規後決議，無違反 ICERD，不予列管者計4項，另新增1項有疑義法規；爰確認有違反 ICERD 之虞者計25項，經提「行政院防制人口販運及消除種族歧視協調會報」報告，並依會議決議持續滾動檢討，目前3項已完成修正、22項協調會報列管中。至地方政府法規因多係依中央法規行事，將依中央法規檢視結果，函請地方政府檢視相關執行法規，如有同樣涉違反 ICERD 情形，應一併檢討修正。
2. 法規檢視流程：
 - (1) 成立 ICERD 法規檢視工作小組。
 - (2) 研擬並彙整優先法規檢視清單。
 - (3) 召開 ICERD 法規檢視工作小組會議，聽取專家學者及民間團體代表之建議與各部會之回應意見，調整修正法規檢視清單內容。
 - (4) 法規檢視清單提報消除種族歧視推動小組會議討論，再提報行政院防制人口販運及消除種族歧視協調會報審認、追蹤管考。
 - (5) 續行召開法規檢視工作小組會議，滾動檢討法規檢視清單內容，並檢視各部會主管法規，涉 ICERD 條文部分。
 - (6) 針對協調會報列管不符 ICERD 條文部分，須訂定、修正或廢止（停止適用）之法規，由各部會定期回報辦理情形。
 - (7) 彙整 ICERD 法規檢視成果，置於 ICERD 網站專區。

Response:

1. The ICERD Regulatory Review Working Group has held ten meetings since its inception in 2020, including two in the first half of 2023. During the period, they pinpointed 29 regulations potentially breaching the ICERD-comprising 28 pre-existing ambiguous regulations and one newly added this year. Following careful deliberation, four regulations were deemed not to contravene the ICERD and were consequently exempt from further management. For the remaining 25 national laws and regulations with potential ICERD breaches (three of which have been amended, and the remaining 22 are under monitoring), they are discussed in the Executive Yuan Coordination Committee on the Prevention of Human Trafficking and Elimination of Racial Discrimination (hereinafter referred to as Coordination Committee), and reviewed on a rolling basis in accordance with the Committee resolutions.
Acknowledging that local government regulations often align with national laws and regulations, the results of the national regulatory review will prompt requests for local governments to scrutinize relevant implementation regulations. In instances where potential ICERD breaches are identified, a comprehensive review and amendment process will be set in motion.
2. Regulatory Review Process:
 - (1) Establishment of the ICERD Regulatory Review Working Group.
 - (2) Planning and compiling a prioritized list for regulatory review.
 - (3) Holding ICERD Regulatory Review Working Group meetings to gather suggestions from experts, scholars and representatives of non-governmental organizations, as well as responses from various ministries. Adjustments and revisions to the regulatory review list are made accordingly.
 - (4) Presenting the regulatory review list for discussion at the ICERD Task Force Meeting, followed by submission to the Coordination Committee for review, endorsement, subsequent tracking and evaluation.
 - (5) Continuing to convene meetings of the Regulatory Review Working Group to periodically review the content of the regulatory review list. Examining regulations and directions under the jurisdiction of various ministries, particularly those related to ICERD provisions.
 - (6) As the discrepancies with ICERD provisions are monitored by the Coordination Committee, each ministry is requested to periodically submit reports regarding the formulation, amendment, and cessation of relevant regulations for the resolution of discrepancies.
 - (7) Compiling the results of the ICERD regulatory review and placing them on the ICERD section of the National Immigration Agency's (hereinafter referred to as NIA) website.

點次	問題內容	
6.	原文	Could you provide us with a list of all members of the Executive Yuan Coordination Committee on Prevention of Human Trafficking and Elimination of Racial Discrimination, as well as the steering group for the elimination of racial discrimination established under this Committee (Implementation Report, para. 69)?
	中文 參考 翻譯	請提供行政院防制人口販運及消除種族歧視協調會報之全體成員名單，以及於該會報下設之消除種族歧視小組之成員（條約專要文件第69點）？

中文回應：

內政部（移民署）

行政院於2020年5月8日核定《行政院防制人口販運及消除種族歧視協調會報設置要點》，並於協調會報下設置「消除種族歧視推動小組」。協調會報置委員23人至27人，由行政院政務委員兼任召集人、內政部次長兼任副召集人，另由行政院就司法院代表、相關部會副首長，以及專家、學者代表8人至12人等派（聘）兼任委員。以第9屆委員為例，共計27名委員，其中專家、學者代表12人（6人為防制人口販運小組代表、6人為消除種族歧視小組代表），派（聘）兼期間自2023年3月13日起至2025年3月12日止。消除種族歧視小組專家、學者代表中，1人為新住民代表，其餘5人皆為大學教授，研究或關注領域主要為人權、原住民及ICERD等。

Response:

On May 8, 2020, the Executive Yuan approved the Regulations on the Establishment of the Coordination Committee on the Prevention of Human Trafficking and Elimination of Racial Discrimination and subsequently formed The ICERD Task Force under the Coordination Committee. The committee comprises 23 to 27 members, with the convener being the Executive Yuan's minister without portfolio and the deputy convener being the deputy minister at the Ministry of the Interior. Additionally, the Executive Yuan appoints representatives from the Judicial Yuan, deputy heads of relevant ministries, and 8 to 12 experts and scholars as committee members. Taking the 9th term as an example, it consists of 27 members, including 12 experts and scholars (6 representing the Human Trafficking Prevention Group and 6 representing the Racial Discrimination Elimination Group). The tenure for committee members is from March 13, 2023, to March 12, 2025. Among the experts and scholars representing the Racial Discrimination Elimination Group, one is a representative of new immigrants, and the remaining five are university professors specializing in areas such as human rights, indigenous peoples, and ICERD.

點次	問題內容	
7.	原文	Please provide details on the specialized divisions (units) for Indigenous peoples in the Judiciary. Please provide examples of rights of Indigenous peoples that are only granted to Indigenous peoples (Implementation Report, para. 99).
	中文 參考 翻譯	請提供原住民族司法專業法庭及有關僅授予原住民族之原住民權益案例之進一步相關資訊（條約專要文件第99點）

中文回應：

司法院

涉及原住民族專業法庭（股）部分，同條約專要文件第99點，無進一步相關資訊提供。有關僅授予原住民族之原住民權益案例的相關資訊1節，經查案例如下：

1. 臺北高等行政法院109年度訴字第1509號判決（電業法事件）。
2. 最高行政法院108年度上字第894號判決（礦業法事件）。

Response:

1. Regarding the specialized court (unit) for indigenous peoples, the same as the Implementation Report, paragraph 99, there is no further information to be provided.
2. The investigated cases are as follows:
 - (1) Taipei High Administrative Court Judgment No. 1509 of 2020 (The Electricity Act Case).
 - (2) Supreme Administrative Court Judgment No. 894 of 2019 (Mining Act Case).

第二章 第2、4和6條 種族主義仇恨言論、煽動種族仇恨及仇恨罪 Article 2, 4 and 6 Racist Hate Speech, Incitement to Racial Hatred and Hate Crimes

點次	問題內容	
8.	原文	Please provide further information on a national policy on racial profiling (NHRC Independent Opinion, para. 18).
	中文參考翻譯	請提供防制種族定性國家政策之詳細資訊（國家人權委員會獨立評估報告第18點）

中文回應：

內政部（警政署1~2點、移民署3~4點）

- 針對第一線執法人員，內政部警政署（下稱警政署）利用常年訓練學科課程編排施教，包含：加強員警執勤態度、技巧及表達話語之教育訓練、辦理法治教育課程，針對盤查過程及實施強制力等執法作為，要求員警執法手段與執法目的之間必須合乎比例原則，尊重且平等對待不同種族、族群，及處理涉外治安案件運用通譯之要領，確保執法及人權兩者間得以兼顧，並提升執法品質。
- 為使第一線執法人員了解 ICERD 之內涵精神，警政署於2023年2月14日發函全國各警察機關，於適當集（機）會場合加強宣導，樹立員警反種族歧視、尊重多元、欣賞差異之觀念，並提升對本公約之認識。
- 內政部移民署（下稱移民署）於2022年及2023年技術教官訓練班課程皆安排「盤查法令及實務情境應用」課程，藉由模擬不同攔查情境及法令，精進同仁執勤技巧，增加對他者之認識，提高執法人員平權意識，並減少種族刻板印象等歧視性行為，恪遵依法行政原則，以強化人權保障之精神，同時兼顧政府執法之工作。
- 此外，移民署每年定期與勞動部共同舉辦「查處非法外國人工作講習會」，對於執法人員於查處外來人口違法(規)案件時，應注意平等精神、人權保障、違法要件認定及案件之非單一性等，並積極於是類案件中，發現潛在受害之對象(如違法案件之共犯可能同時為人口販運案件被害人)，提升同仁對於外來人口及弱勢族群(受害者或新進者)之認識，增強我國執法者對於社會安全及平等權之保障。

Response:

- The National Police Agency, Ministry of the Interior (NPA) has provided training to frontline law enforcement officers. Our regular academic courses now include instruction on matters such as police officer attitude in the performance of their duties, training on communication skills and language, and courses on the rule of law. Emphasis is placed on the proportional use

of force and respecting the principles of equality and nondiscrimination towards individuals of different races and ethnicities during identity checks and other law enforcement actions. The police are required to follow the rules applicable to the use of interpreters when dealing with cases involving foreign nationals to ensure a balance between law enforcement and human rights, thereby elevating the quality of law enforcement.

- The NPA issued a letter on February 14, 2023, to all police departments nationwide to promote the spirit of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) among frontline law enforcement officers. The letter instructed officers to strengthen the promotion of anti-racial discrimination concepts, respect cultural diversity, and appreciate individual differences at meeting venues while improving their knowledge of the ICERD.
- In 2022 and 2023, the National Immigration Agency, Ministry of the Interior (NIA) has arranged the course 'Theory, Law and Practice of Interrogation' in its internal training for selected instructors. In the course, through simulating daily situations, the NIA field officers learned to eliminate racial stereotyping by speculating and understanding 'the others,' and therefore to improve their skills of law enforcement. Equality and human rights were emphasised. The NIA has also issued guidelines on fieldwork training programs, dated Oct. 6 2022, to include principles of anti-discrimination at work. Field work was instructed by selected field officers who shared their experience in avoiding discriminations against skin color, race, language, sex or nationality in their daily law enforcement interaction with foreign nationals.
- Moreover, the NIA has collaborated with the Ministry of Labor to host annual seminars of "law enforcement and illegal employment." The seminars advocate the importance of equality and human rights, and promotes the skills of identifying victims (e.g. an accomplice of crimes or illegal cases can also be a victim of human trafficking at the same time). The seminars cover knowledge on conditions needed to file a case. In conclusion, the internal training programs, the written guidelines, and yearly seminars are the policies that have been made for field officers to broaden the understanding of foreign groups (or the disadvantaged minorities) for better social security and equality.

點次	問題內容	
9.	原文	Please provide detailed, updated information on complaints filed by the victims of racial hate speech (Implementation Report, paras. 85-95).
	中文 參考 翻譯	請提供種族仇恨言論受害者所提申訴之詳細最新資訊（條約專要文件第85-95點）

中文回應：

條約專要文件86：（法務部）

- 有關種族仇恨言論受害者可提出之申訴，可依實施種族仇恨行為人之行為態樣（類型）之不同，區分如下：
 - 若行為人對於種族的仇恨是以帶有歧視性內容的言論為手段呈現時，可以我國《刑法》第309條、第310條規定處罰之。
 - 若行為人對於種族的仇恨是以暴力行為表現時，則有刑法第277條（普通傷害及傷害致死）、278條（重傷害或重傷致死）乃至第271條（殺人既遂、殺人未遂）規定的適用。
 - 若行為人係向大眾鼓吹進行帶有種族仇恨內容的侮辱或誹謗行為，或者鼓吹進行以種族仇恨為背景的暴力行為（傷害或殺人等）時，可以《刑法》第153條的煽惑他人犯罪處罰。
- 是以，我國《刑法》第153條煽惑他人犯罪、第309條公然侮辱罪、第310條誹謗罪、刑法第277條傷害罪、第278條重傷害罪、第271條殺人罪等均可視為有關種族仇恨之相關處罰規定。

條約專要文件第89點次（國家通訊傳播委員）

- 國家通訊傳播委員會查無種族仇恨言論受害者之最新申訴資訊。

條約專要文件第90-91點次（內政部警政署）

- 本於對表意自由之尊重，我國對集會遊行所表達之訴求，無事前審查制度。
- 若集會中發生種族仇恨等言論，於申准舉辦之集會遊行活動，可先由負責人或糾察員制止處理；若經制止仍不停止或為偶發性、未申請等無法認定負責人、糾察員之集會活動，則被害人可視權益受損情節，分別依刑事、民事途徑提告，維護自身權益。

條約專要文件第93點次（內政部合團司）

- 2018年至2023年並未接獲有關人民團體進行種族歧視、種族仇恨、種族優越之行為或散布相關訊息等之陳情或申訴案件。

條約專要文件第94-95點次（經濟部）

- 我國商標相關法規針對「涉及種族歧視之商標」，定有審查機制：《商標法》第30條第1項第7款明定，商標有妨害公共秩序或善良風俗者，不得註冊。另依《商標妨害公

共秩序或善良風俗審查基準》第4.2之規定，商標之文字或圖形有冒犯國家民族，使人產生詆毀本國國家民族尊嚴的負面感受或印象，嚴重影響國家社會秩序者；有種族歧視的文字或圖形，或使人產生詆毀少數民族的負面感受或印象；對於其他國家、種族表示侮辱、戲謔、歧視、不尊重者，係屬妨害公序良俗的類型，應不得註冊，經查近5年（2019-2023年）並未有因「涉及種族歧視」或「涉及仇恨言論」，以商標有妨害公序良俗為理由，而遭核駁或申訴之案件。

Response:

Implementation Report, para. 86

- Depending on the pattern or type of the expression of ethnic hatred by the perpetrator, the following distinctions can be made regarding the complaints that may be filed by victims of ethnic hate speech:
 - If the perpetrator expresses their ethnic hatred by means of discriminatory remarks, they may be punished under Articles 309 and 310 of the Criminal Code of the Republic of China (the “Criminal Code”).
 - If the perpetrator expresses their ethnic hatred through violent acts, the provisions of Articles 277 (ordinary assault and assault causing death) and 278 (aggravated assault or aggravated assault causing death) of the Criminal Code, or even the provision of Article 271 (consummated murder and attempted murder) of the Criminal Code, may apply.
 - If the perpetrator incites the public to engage in insulting or defamatory acts containing ethnic hatred, or induces others to commit acts of violence (such as those causing assault or murder) on the basis of ethnic hatred, they may be punished for incitement under Article 153 of the Criminal Code.
- Therefore, all of the Articles 153 (incitement), 309 (public insult), 310 (slander), 277 (assault), 278 (aggravated assault), and 271 (murder) of the Criminal Code may be considered relevant disciplinary provisions conducive to the prevention of ethnic hatred.

Implementation Report, para. 89

- The National Communications Commission (NCC) has no information on complaints filed by the victims of racial hate speech.

Implementation Report, paras. 90-91

- Our country has no prior censorship system for demands expressed in assemblies and parades out of respect for freedom of expression.
- If racial bigotry and other hate speeches occur during a previously approved assembly or parade, the responsible person or picket staff may step in to restrain the behavior. If the action continues despite the restraining efforts or is sporadic, the assembly event was not approved, or the responsible person or picket staff cannot be identified, the victims may file a lawsuit

through criminal or civil procedures to safeguard their rights and interests.

Implementation Report, paras. 93

6. Prohibition of organizations that promote racial hatred No.93 : From 2018 to 2023, no petitions or complaints were received in relation to any acts of racial discrimination, racial hatred, or racial superiority conducted by any civil association or the dissemination of relevant information by any such association.

Implementation Report, paras. 94-95

7. Under related laws in Taiwan, trademarks involving racial discrimination are subject to an examination mechanism. Subparagraph 7 of Paragraph 1 of Article 30 of the Trademark Act stipulates that a trademark contrary to public policy or to accepted principles of morality should not be registered. Furthermore, according to section 4.2 of the Examination Guidelines on Trademark Contrary to Public Policy or to Accepted Principles of Morality, trademarks with text or graphics that offend the dignity of the nation or its people, leading to a negative perception or impression that defames the dignity of the nation or its people and seriously disrupt the social order of the country, are not eligible for registration. Trademarks with text or graphics that involve racial discrimination or create a negative perception or impression that defames ethnic minorities are also prohibited. Additionally, trademarks that insult, ridicule, discriminate against, or show disrespect towards other countries or races fall under the contrary to public policy or to accepted principles of morality and should not be registered. Over the last 5 years (2019-2023), there are no applications for trademark registration been refused or appealed on the ground of being contrary to public policy or to accepted principles of morality due to the involvement of racial discrimination or racial hate speech.

點次	問題內容	
10.	原文	The Common Core Document reports that “The concept of equal rights for racial and ethnic groups is promoted to the public through infographics, digital learning courses, teaching materials, and handouts.” (para. 123). On the other hand, the NHRC reports that “there have been many inappropriate comments in society recently which have reignited historical conflicts between ethnic groups and created controversy over the stigmatization of indigenous peoples” (para. 138). How does the government’s current strategy to promote understanding among different racial and ethnic groups in the public sphere, including in the media, address this persistent problem?
	中文參考翻譯	共同核心文件報告第123點提及提供民眾消除種族歧視之宣導圖卡、數位學習課程及教學資料等，惟國家人權委員會獨立評估報告稱，「最近社會上出現許多不當言論，重新點燃了民族間的歷史衝突，並引發了對原住民污名化的爭議」（獨立評估報告第138點）。政府目前於公領域（包括媒體）對於促進多元種族及族群間的相互理解之策略為何？如何解決這個長期存在的問題？

中文回應：

原住民族委員會（第1點）、教育部（第2點）、勞動部（第3點）、內政部移民署（第4點）、國家通訊傳播委員會（第5點）、文化部（第6點）

1. 原住民族委員會（下稱原民會）期透過推動全民原教以促進族群主流化，刻正積極辦理下列各項重點工作：
 - (1) 針對原住民族遭受歧視事件，原民會會前於2023年6月27日與教育部共同召開「第2屆第3次原住民族教育政策會」。為加強落實全民原教，未來將透過教育部「原住民族教育議題融入課程教學之精進與實踐計畫（下稱實踐計畫）」，納入原民會出版之原住民族專書及原住民族運動紀錄片等出版品，透過「研發補充教材及作為教科書編寫參考」、「師資培育及增能」、「納入高級中等以下學習階段相關課程」及「社教機構加強推廣」等4大實施策略，推廣到各級學校，使原住民族教育議題融入領域學習課程，引導師生瞭解原住民族，並提升教師相關原住民族多元文化知能，營造族群友善多元共榮之環境。另原民會後續將與國史館、臺灣文獻館合作辦理原住民族史專題計畫、臺灣原住民族重大歷史事件調查研究計畫，並出版相關書籍及專書，以持續充實推動全民原教所需文本及素材。有關未來實踐計畫之推動情形，亦會納入定期召開之原住民族教育政策會及中央與地方原住民族教育事務協調會議檢視及討論，讓全民原教之理念儘早實現，有效減少原住民族歧視事件發生。
 - (2) 研訂「提升原住民族文化敏感重視度指導原則」，避免以多數或優勢主流族群之單一價

值觀為建制標準，造成對其他族群之壓抑或不公。另將進一步宣傳及推廣指導原則內容，擬規劃提供文化敏感度圖卡予原住民族電視臺及相關各部會參考運用，期加強族群間之文化交流，使國人了解原住民族歷史文化，進而尊重臺灣多元文化價值。

(3) 跨部會合作：

A. 與教育部共同函頒原住民族教育發展計畫（2021年至2025年），擴大原住民族文化及多元文化教育課程計畫實施對象，並逐漸推廣至全體國民。

B. 與文化部合作推動《原住民族重大歷史文化事件空間紀念補助作業要點》。

C. 與國史館及國史館臺灣文獻館合作辦理「臺灣原住民族史專題計畫」及「原住民族歷史事件調查研究出版計畫」。

(4) 建構原住民族史觀：近年為推動轉型正義與歷史正義，陸續出版許多原住民族專書，包含原住民族重大歷史事件系列叢書、原住民族重大歷史事件導讀本、原運史料導讀；委託專業團隊拍攝原住民族重大歷史事件紀錄片、原住民族權利手冊等，建構原住民族多元史觀、介紹聯合國世界原住民族權利宣言等。亦同步回應說明一所指持續充實推動全民原教所需文本及素材。

2. 教育部方面：

(1) 已蒐整相關案例，研訂「原住民族及多元文化教育相關案例-以校園歧視事件為例」，並於「2023年度全國教育局處長會議」等重要會議進行宣導，請學校及教育主管機關以適當方式進行機會教育，以持續進步，一起為營造族群友善環境努力。後續亦已規劃以1年為期研發可供教師引導學生學習之案例教學實例，邀請案例教學之相關學者專家及現場教師共同參與。

(2) 大專校院持續開設與原住民族傳統知識或文化相關課程供學生修習，並設置原住民族學生資源中心，提供原住民學生生活、課業及就業輔導、生涯發展、民族教育課程活動等各項協助，以及舉辦原住民族傳統文化課程或工作坊、原住民族相關議題講座及活動等，鼓勵全體教職員生參與，共同提升對原住民族文化的認識。另透過區域原住民族學生資源中心，建立區域內學校聯繫、資源分享平臺，提供諮詢服務及經驗交流，以及辦理大專校院教職員增能研習等。

(3) 於「補助各地方原住民族教育資源中心(以下簡稱原教中心)計畫」中，將「於非原民地區之原民重點學校實施原住民族教育課程並成為全民原教策略推動中心，以利全民原教之推動」列為2023學年度原教中心指定辦理主題，透過原教中心積極辦理全民原教相關之增能講習、政策宣導與教材編輯，鼓勵教育人員將多元文化概念融入學習領域教學活動，在潛移默化中期達包容異己、尊重多元文化，防範族群歧視之成效。

3. 針對防止移工遭受歧視，加強宣導防治就業歧視（包含職場上以種族為由的歧視），勞動部每年與各縣市政府辦理職場平權研習會，促使雇主遵守法令規定及建立就業歧視禁止之職場環境，期營造友善工作職場。

4. 內政部為加強公務人員及民眾對 ICERD 的瞭解，於2021年辦理種子人員培訓及首次國家報告撰寫訓練，且將種子人員培訓製成數位教材，置於E等公務園及移民署官網

ICERD 專區供公務人員及民眾閱覽。另於2022、2023年製作 ICERD 形象動畫、認識 ICERD 宣導動畫影片及街頭隨機訪問等，透過日常生活案例，以淺顯易懂及與民眾互動之方式，介紹 ICERD 由來，瞭解民眾對種族歧視的看法，幫助釐清對種族歧視可能存在的疑問，尤其是於教育、就業、居住等領域常面臨的微歧視，以促進尊重多元、欣賞差異及種族平等的觀念。

5. 國家通訊傳播委員會（下稱通傳會）依《廣播電視法》及《衛星廣播電視法》等規定，監理廣播及電視媒體。為提升廣電媒體從業人員之種族平權意識，通傳會於每年定期辦理「廣電媒體專業素養培訓及公民培力計畫」，並於課程中探討多元文化、種族平權議題，同時宣導相關法規，藉此逐步達成消弭族群歧視、促進族群平等之目標。

6. 文化部每年持續彙整更新媒體相關法規，不定期函請各直轄市、縣市政府協助並督促所轄平面媒體公會轉知所屬會員業者，加強新聞自律，且應尊重多元族群文化之內涵，報導應秉持族群平等精神並避免族群仇恨、歧視、污名之言論。

Response:

1. The Council of Indigenous Peoples (CIP) hopes to make indigenous communities mainstream through national indigenous education and is currently focusing on the following tasks:

(1) In response to discrimination against indigenous peoples, on June 27, 2023, the CIP convened the 3rd Meeting of the 2nd Indigenous Education Policy Committee with the Ministry of Education to strengthen and roll out national indigenous education. In the future, the CIP will seek the inclusion of publications such as indigenous monographs and indigenous sports documentaries through the Advancement and Implementation Project for the Inclusion of Indigenous Issues in Education (hereinafter referred to as the Implementation Project). In addition, the CIP will promote these publications to schools of all levels through four strategies: Research & Develop Supplementary Materials for Textbooks, Teacher Training & Empowerment, Inclusion of Related Courses into Sub-Senior High School Levels, and Strengthen Awareness through Social Education Institutions. This is to ensure that indigenous education topics are included in domain-based courses, guiding teachers and students to learn more about indigenous peoples, strengthening teacher understanding of the diverse cultural knowledge of indigenous peoples, and fostering a friendly, diverse, and beneficial environment for all communities. The CIP will also work with Academia Historica and Taiwan Historica to launch indigenous history projects and research projects into major historical events of Taiwan's indigenous peoples and publish related books and monographs to consistently add to texts and materials required to roll out national indigenous education. Progress on related implementation projects in the future will also be reviewed and discussed at regular Indigenous Education Policy Committee meetings and coordination meetings for local indigenous education affairs to ensure national indigenous education is fulfilled as soon as possible and to effectively minimize cases of dis-

crimination against indigenous peoples.

(2) The CIP has also formulated the Guiding Principles to Elevate Cultural Sensitivity towards Indigenous Peoples to prevent oppression and injustice to minorities as a result of standards developed with singular values from the majority or advantaged mainstream populations. The Guiding Principles will be further promoted by providing culturally sensitive instruction cards to the Taiwan Indigenous Television and related government agencies for their reference and use. The CIP hopes that this can strengthen cultural exchanges among different communities and empower the public to respect Taiwan's diverse cultural values by learning more about the history and culture of indigenous peoples.

(3) Cross-agency Cooperation

A. Released the Indigenous Education Development Project (2021-2025) with the Ministry of Education to expand indigenous culture and diverse culture education programs to all people of Taiwan.

B. Established the Operation Directions for Subsidizing the Memorialization of Major Historical & Cultural Events and Spaces for Indigenous Peoples with the Ministry of Culture.

C. Collaborated with the Academia Historica and Taiwan Historica on the Taiwan Indigenous History Seminar Project and Publication Project for Investigation & Research into Indigenous Historical Events.

(4) Construct the Indigenous People's History: In recent years, to promote transitional justice and historical justice, the CIP has published several monographs on indigenous peoples, including a series of books on major indigenous historical events, guided reading books on major indigenous historical events, and guided reading on historical materials on the indigenous movement. The CIP also commissioned professional teams to produce documentaries on major indigenous historical events, compile indigenous rights handbooks, construct the indigenous people's history, and introduce the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which also supplements texts and materials required for national indigenous education.

2. The Ministry of Education (MOE):

(1) The MOE has collected relevant cases and formulated "The Cases Relating to Indigenous Peoples and Multicultural Education—Taking Campus Discrimination Incidents as an Example." The cases are discussed at important meetings such as the 2023 National Meeting of Directors of Education Bureaus. The goal of such discussion is to inform school authorities of utilizing incidents as learning opportunities, conducted in an appropriate manner, in order to continue to make progress toward a diversity-friendly environment. We have also planned a one-year program to develop case study examples to aid teachers in guiding student learning. We have invited scholars and experts who specialize in teaching case study, as well as on-site

teachers working in related fields, to contribute to this project.

(2) In addition, universities and colleges continue to offer courses to allow students the opportunity to learn about the traditions and culture of indigenous peoples. There are also indigenous student resource centers on college and university campuses that provide assistance to indigenous students in various aspects, including general counseling, academic assistance, career counseling, heritage education, and cultural activities. These resource centers also organize courses, workshops, lectures, and activities on indigenous traditions and culture, inviting everyone on campus to participate. Additionally, there are Regional Indigenous Student Resource Centers that serve as hubs for networking and exchanging resources in various regions in Taiwan. These centers organize professional development workshops for university and college faculty members and staff, as well as offering consultation services and idea forums.

(3) Through the Local Indigenous Education Resource Center Subsidy Project, an important initiative of the K-12 Education Administration in 2023 was the introduction of indigenous education courses at key indigenous schools located in non-indigenous areas, transforming them into National Indigenous Education Strategic Promotion Centers. The project also subsidizes local Indigenous Education Resource Centers to provide empowerment training, policy promotion, and textbook review; and to encourage educators to incorporate multicultural materials in their teaching.

3. To enhance the promotion of measures to prevent employment discrimination (including discrimination on the basis of race in the workplace), the Ministry of Labor holds seminars on equality in the workplace with counties, cities and municipalities every year to encourage employers to comply with legal provisions and establish a workplace environment where employment discrimination is prohibited, with a view to creating a friendly workplace.

4. To enhance the understanding of the ICERD among public servants and the general public, the Ministry of the Interior conducted a workshop for seed instructors and training on the preparation of initial national report in 2021. The workshop for seed instructors has been made into digital educational materials, which are available on the Public Service e-Learning⁺ Platform and the ICERD section on the NIA website for public servants and the public to peruse. Additionally, in 2022 and 2023, the NIA created animated videos and promotional videos, and conducted random street interviews to raise awareness about ICERD. Through everyday life examples and interactive approaches with the public, the NIA aims to introduce the origins of ICERD in a simple and understandable manner, understand the public's views on racial discrimination, help clarify any doubts about the existence of racial discrimination, especially in areas such as education, employment, and housing, where subtle discrimination is often encountered, and promote the concept of respecting diversity, appreciating differences, and achieving racial equality.

5. The NCC regulates broadcasting and television media in accordance with the Radio and Television Act and the Satellite Broadcasting Act. With an objective of enhancing awareness of racial equality among broadcasting and television media practitioners, NCC conducts the “Training Program for Broadcasting and Television Media and Citizen Empowerment” annually. These courses touch on a wide range of topics including multiculturalism and racial equality; relevant regulations are also advocated with the aim of steadily eliminating discrimination and promoting equal rights among different ethnic groups.
6. The Ministry of Culture continues to compile and update media-related laws every year. From time to time, it invites the governments of directly connected cities, counties, and cities to assist and supervise the Association of Print Media Associations to inform the members of their associations, strengthen self-discipline in journalism, and respect the connotation of multiculturalism and retribution. Uphold the spirit of ethnic equality and avoid racial hatred, hatred, and stigmatization.

第三章 原住民族 Indigenous Peoples

3-1 總論 General Observations

點次	問題內容	
11.	原文	There are significant overlap of issues high-lighted by reviews of other conventions. While progress is being made, the actual implementation of laws pertaining to Indigenous peoples is lagging behind stated governmental goals and timelines and remains out of alignment with international human rights standards. Rights violations occur in political domains as well as in persistent socio-economic disparities.
	中文參考翻譯	與其他公約之審查所凸顯之問題有大量重疊之處。儘管目前已取得進展，但原住民族相關法規實施情形仍落後於政府之既定目標及時程，且不符合國際人權標準。此外，政府官方相關侵權行為及社會經濟不平等之情形仍持續存在。

中文回應：

原住民族委員會

1. 我國設有「總統府原住民族歷史正義與轉型正義委員會（原轉會）」，作為政府與原住民各族族人共同追求正義、對等協商政策方向的對話平台。另依據《原住民族基本法》第3條規定：「行政院為審議、協調本法相關事務，應設置推動委員會，由行政院院長召集之。」並由相關機關首長、原住民族代表及專家學者共39人擔任委員，召開委員會議定期檢視原住民族基本法相關配套法令辦理情形，以審議並監督各相關機關。設置迄今已完成推動多項法案，如：《原住民族教育法》、《原住民族傳統智慧創作保護條例》、《原住民保留地禁伐補償條例》、《原住民族語言發展法》、《原住民族健康法》等重要法規，經審議、協調及推動之相關法規制定，訂定及修正之達成率已達94%。
2. 原住民族委員會將持續推動族人自治、公平經濟發展、傳承教育文化、健康保障，以及都市族人權益的維護等事項。

Response:

1. Taiwan established the Presidential Office Indigenous Historical Justice and Transitional Justice Committee as a platform for the government and indigenous peoples to work together for justice and engage in dialogue and negotiations on policies. In addition, according to Article 3 of the Indigenous Peoples Basic Law, “[f]or the purpose of reviewing and coordinating matters related to this Law, the Executive Yuan shall establish a promotion committee which shall be called by the Premier.” The Committee shall comprise 39 members, including heads of related

agencies, indigenous representatives, experts, and scholars. They shall convene meetings to regularly assess the rollout of complementary measures to the Indigenous Peoples Basic Law in order to monitor related agencies. Since its establishment, the Committee has launched several legislations, e.g., the Education Act for Indigenous Peoples, Protection Act for the Traditional Intellectual Creations of Indigenous Peoples, Logging Ban Compensation for Lands Reserved for Indigenous Peoples Act, Indigenous Languages Development Act, and Indigenous Peoples Health Act. The rate of promulgation and amendment has reached 94% after deliberations, negotiations, and rollout of related regulations.

- The CIP will continue to advocate for the autonomy, fair economic development, educational and cultural legacies, and health of indigenous peoples as well as safeguard the rights and interests of indigenous peoples in urban areas.

點次	問題內容	
12.	原文	The NHRC recommends the establishment of an oversight mechanism to address inequalities and discrimination caused by inadequacies within the legal system or lack of enforcement as well as implicit discrimination.
	中文 參考 翻譯	國家人權委員會建議建立 ICERD 的監督機制，以解決因法律制度不足或執行層面缺失而造成不平等、歧視及隱性歧視之情況。

中文回應：

內政部（移民署）第1點、行政院人權及轉型正義處第2~4點

- 行政院於2020年5月8日核定《消除一切形式種族歧視國際公約推動計畫》（以下稱推動計畫）及《行政院防制人口販運及消除種族歧視協調會報設置要點》（以下稱協調會報）修正案，並於協調會報下設置「消除種族歧視推動小組」，以作為 ICERD 相關執行措施之督導及協助，以及 ICERD 之研究、審議及諮詢等事項，並由該小組定期彙整提案議題，提報協調會報討論。
- 監察院國家人權委員會為我國依據《巴黎原則》所設置之獨立人權機構，依監察院國家人權委員會組織法第2條規定，其所定職權包括「依職權或陳情，對涉及酷刑、侵害人權或構成各種形式歧視之事件進行調查，並依法處理及救濟」、「研究及檢討國家人權政策，並提出建議」、「對重要人權議題提出專案報告，或提出年度國家人權狀況報告，以瞭解及評估國內人權保護之情況」、「依據國際人權標準，針對國內憲法及法令作有系統之研究，以提出必要及可行修憲、立法及修法之建議」、「監督政府機關推廣人權教育、普及人權理念與人權業務各項作為之成效」等。
- 參考歐盟理事會在2000年6月29日通過「反種族歧視指令」（2000/43/EC）對於有關促進平等待遇機關部分，第13條規定成員國應指定一個或多個機關來促進所有人的平等待遇，不得因種族或族裔出身而受到歧視。成員國應確保這些機構的權限包括：為歧視受害者提出關於歧視的投訴提供獨立援助、進行有關歧視的獨立調查，以及就與此類歧視有關的任何問題發表獨立報告並提出建議。2022年12月歐盟執行委員會提出2項指令草案，針對歐盟各國平等機關（Equality bodies）之標準，提及平等機關在歐盟的不歧視架構中扮演重要角色，特別強調須不受外部影響，使其能夠獨立行使所有任務，以及具有執行任務所需的必要資源，亦強調平等機關獨立性之重要。參酌歐盟國家之實踐，由該國之國家人權機構或監察使作為平等機關者不在少數。
- 綜上，參考監察院國家人權委員會組織法及歐盟反種族歧視指令相關規範，我國國家人權委員會為行政權之外，符合巴黎原則之獨立人權機構，對於法律制度不足或執行層面缺失而造成不平等、歧視及隱性歧視之情況，亦可透過上述職權進行監督、調查，並對

政府機關提出相關立法及修法建議。

Response:

1. On May 8, 2010, the Executive Yuan approved the ICERD Action Plan, which provides the foundation for implementing the ICERD and developing relevant measures. The Executive Yuan also approved the revised Regulations Governing the Setting of Coordination Committee on the Prevention of Human Trafficking and Elimination of Racial Discrimination on the same day to establish the ICERD Task Force under the Committee's direction for the oversight of implementation measures, research and consultation. The task force compiles proposed issues and submits them for discussion at the Coordination Committee periodically.
2. The Control Yuan National Human Rights Commission (NHRC) is an independent human rights institution established in accordance with the Principles Relating to the Status of National Human Rights Institutions (Paris Principles). According to Article 2 of the Organic Act of the NHRC, its functions and powers include: to investigate incidents involving torture, human rights violations, or various forms of discrimination in accordance with its authority or in response to petition from the general public, and to handle them and provide remedy according to the law; to study and review national human rights policies and make recommendations; to publish thematic reports on major human rights issues or annual reports on the state of human rights in the nation to understand and assess the domestic human rights situation; to conduct systematic studies of the Constitution and statutes based on international human rights standards in order to propose necessary and feasible recommendations to amend the Constitution, legislation and laws; to monitor the effectiveness of government agencies in promoting human rights education, enhancing human rights awareness, and handling matters involving human rights.
3. The independence of equality bodies is one of the primary concerns of the EU regime. The European Union Council adopted the Racial Equality Directive (2000/43/EC, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin) on June 29, 2000. Article 13 of the Racial Equality Directive requires that Member States shall designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin. Member States shall ensure that the competences of these bodies include: without prejudice to the right of victims and of associations, organizations or other legal entities referred to in Article 7(2), providing independent assistance to victims of discrimination in pursuing their complaints about discrimination; conducting independent surveys concerning discrimination; publishing independent reports and making recommendations on any issue relating to such discrimination. In December 2022, the European Commission further proposed two directives on the standards for equality bodies in

the EU. The two proposed directives first emphasize that equality bodies play an important role in the EU's anti-discrimination framework. In order to fulfil their functions in the anti-discrimination framework and carry out their tasks, equality bodies must be independent from all external influences and quipped with sufficient resources. In practice, many EU countries have their independent national human rights institutions or ombudsmen as their equality bodies.

4. To conclude, based on the Organic Act of the NHRC and the EU Racial Equality Directive, it is within the mandate of the NHRC, Taiwan's independent human rights institution established in compliance with the Paris Principles, to supervise, investigate, and make legislative recommendations to government agencies regarding inequalities and discrimination caused by inadequacies within the legal system or lack of enforcement as well as implicit discrimination.

3-2 議題部分 Issue Areas

3-2-1. 自決權 Self-determination

點次	問題內容	
13.	原文	Are there recent developments on the 2022 Constitutional Court ruling that ordered the government to amend or formulate laws pertaining to self-identification? .
	中文參考翻譯	2022年憲法法庭判決命令政府修改或訂立自我認同之相關法律，請問最新進展為何？

中文回應：

原住民族委員會

1. 憲法法庭於2022年4月1日作成憲判字第4號判決，宣示《原住民身分法》第4條第2項規定違憲，並命應於該判決宣示之日起2年內（即2024年3月31日），依判決意旨修正之。原住民族委員會業依判決意旨提出修正草案，以具體保障個人取得身分之認同權與平等權。草案經行政院核轉立法院審議，並於2023年12月18日經立法院三讀通過。原住民身分法修正通過後，可以保障原住民身分認同權，並透過姓名之取用，深化個人與所屬族群之文化連結。
2. 有關同屬臺灣南島語系民族之其他臺灣原住民族的身分認定議題，原住民族委員會刻正依憲法法庭2022年度憲判字第17號判決意旨妥善處理，除已受理西拉雅族認定申請案並鼓勵其他待認定民族提出申請外，已邀集專家學者成立工作小組啟動立(修)法作業，逐步辦理意見徵詢，彙集各界意見，通盤檢視法令，妥善規劃最適之法制途徑，並將於前開判決期限屆至前，積極溝通爭取立法院之支持，完成立法或修法，以保障渠等原住民族身分認同權。

Response:

1. The Constitutional Court produced the Xian Pan No. 4 ruling on April 1, 2022, declaring that Article 4(2) of the Status Act for Indigenous Peoples was in violation of the Constitution and demanded amendments in compliance with the ruling within two years (March 31, 2024) of the ruling being announced. The CIP has presented a draft of the amendment in compliance with the ruling to give specific and substantial protection to the indigenous peoples' rights to identification and equality. The draft has been passed by the Executive Yuan and presented to the Legislative Yuan for deliberation. It was later passed by the Legislative Yuan on December 18, 2023. The passing of the amendment ensure the indigenous peoples' right to self-identification

and strengthens their cultural bonds with their people by allowing them to choose their own names.

2. In compliance with the Constitutional Court' s 2022 ruling of Xian Pan No. 17, the CIP is currently working to ensure the identification rights of indigenous peoples of Taiwan who are recognized as Austronesians of Taiwan. The CIP has already accepted an application for the identification of the Siraya People and are encouraging other peoples to also submit their applications. In addition, the CIP has convened a working group consisting of scholars and experts to initiate the legislative and amendment process by gathering opinions from various parties, conducting comprehensive reviews of legislations, and planning the best regulatory pathways. The CIP will actively seek for the Legislative Yuan's support to ensure the legislation or amendment is passed before the Court's deadline, to thereby safeguard the identification rights of indigenous peoples.

點次	問題內容	
14.	原文	Concerns are raised that inconsistent and sometimes arbitrary criteria are applied for the identification of Indigenous peoples, leading to unrecognized Indigenous groups. What moves are being made to recognize unrecognized tribes?
	中文 參考 翻譯	對原住民的身分認定所採用的標準不一致，有時甚至過於武斷，導致有些原住民族團體無法得到承認表示關切。目前針對未被承認之原住民族有何正名之具體措施？

中文回應：

原住民族委員會

同點次13，針對尚未承認之其他臺灣原住民族之正名具體措施，原住民族委員會將遵照上開憲法判決意旨妥善處理。

Response:

Similar to the response to para. 13, the CIP will take the necessary steps in compliance with the Constitutional Court's ruling to deliver measures for the recognition of unrecognized tribes in Taiwan.

點次	問題內容	
15.	原文	Concerns regarding the fairness of the selection process and representativeness of the Council of Indigenous peoples have been raised. Please provide information on any efforts to secure the fairness of the selection process.
	中文 參考 翻譯	對原住民族委員會委員選任過程之公平性和代表性亦表示關切。請詳細說明確保選任過程公平性所採取之措施。

中文回應：

原住民族委員會

為求委員之遴聘公開、公平、公正，原住民族委員會依據組織法第4條規定訂定「原住民族委員會委員遴聘要點」，並依「行政院所屬各主管機關應報行政院核派(定)職務之任免遷調標準作業程序」相關規定，由原住民族委員會先將擬提人選以首長名義簽行政院核定後遴聘之。

Response:

To ensure the openness, equality, and fairness of the selection process of representatives, the Council formulated the Guidelines for the Selection of CIP Representatives in compliance with Article 4 of the Organization Act of the Council of Indigenous Peoples. According to the Executive Yuan Standard Operating Procedure for Competent Authorities Reporting to the Executive Yuan for the Appointment, Removal, and Transfer of Personnel Approved by the Executive Yuan, the CIP will first produce and submit a list of candidates, on behalf of the Minister, to the Executive Yuan for approval before appointing the representatives.

點次	問題內容	
16.	原文	Concerns are raised about Indigenous peoples' participation in all stages of development projects. How can this be secured?
	中文 參考 翻譯	對原住民族是否確實參與各階段之開發計畫表示關切。請問有無確保其參與所有過程之機制？

中文回應：

原住民族委員會

在我國現行法制下，政府之施政皆由民意監督，各級民意機關皆有原住民族人投票選任之代表，在鄉級行政區域之各類開發案件皆有族人參與審查、確認甚至主導，針對有侵害原住民族土地及自然資源風險之開發個案，另訂定「諮商取得原住民族部落同意參與辦法」，規範政府或私人執行開發計畫之申請、諮商程序及相關義務，且載明申請事項相關書件應公開閱覽、原住民族召開部落會議行使同意權之程序、表決方式及其效力，確保開發計畫過程各階段原住民族皆可確實參與，並保障部落成員知的權利。

Response:

Under Taiwan's existing legal system, the public oversees the government's policies and there are representatives elected by indigenous peoples in all levels of legislature as well as indigenous peoples engaging in reviews, confirmation, and even leading various development projects in township-level administrative zones. For development projects infringing on indigenous lands or with high natural resource risks, Taiwan has established the Measures for Acquiring Indigenous Consent & Participation to regulate applications, negotiation processes, and related obligations for public or private development projects and outline the list of application documents that should be available for public access, the procedures for Tribal Councils to give consent and produce a resolution, and the validity of the resolutions. This ensures that indigenous peoples are engaged at all stages of development projects and safeguards the rights of members in indigenous communities.

點次	問題內容	
17.	原文	How would Tribal Councils fit into the existing legal framework?
	中文 參考 翻譯	如何將部落會議落實到現行之法律實體架構？

中文回應：

原住民族委員會

部落會議係部落內行之有年凝聚內部共識之重要議事平台，原住民族委員會為使部落成員參與部落公共事務有所依循，並加強原住民族傳統文化之部落治理，2006年發布《原住民族部落會議實施要點》以落實部落議事與自主協商機制，並期強化部落自理營運；2010年修正為《行政院原住民族委員會推動原住民族部落會議實施要點》並修正部分規定，使部落會議之推行更臻完善；2015年再次修正為《原住民族委員會推動原住民族部落會議實施要點》，並納入原住民族同意權機制，落實《原住民族基本法》第21條之保障，透過前開各項法規致力落實並保障部落會議之運行。

Response:

Tribal Councils are important platforms for indigenous communities to discuss and reach a consensus internally. In 2006, the CIP promulgated the Implementation Guidelines for Indigenous Tribal Councils to initiate a mechanisms for internal discussions and negotiations. In 2007, Taiwan promulgated the Guidelines for the Joint Management of Resources in Indigenous Resources, Taiwan's inaugural regulation on the legal effects of resolutions produced by Tribal Councils. Later on, the Measures for Acquiring Indigenous Consent & Participation, in continuation of the Guidelines for the Joint Management of Resources in Indigenous Resources, also recognized the functions of Tribal Councils, requiring developers to acquire consent from indigenous peoples through Tribal Councils for any development projects relating to indigenous land or natural resources. The Tribal Council mechanism was also later adopted by the Wetland Conservation Act, Spatial Planning Act, Human Subjects Research Act, and the Mining Act. In the future, administrative and legislative agencies will amend and formulate related regulations to ensure a more comprehensive rollout of Tribal Councils in the legal framework.

點次	問題內容	
18.	原文	Concerning the right of free, prior and informed consent, questions have been raised about existing consultation and consent regulations for Indigenous peoples, and how those processes integrate Indigenous decision-making processes and procedures. This issue was also highlighted by the ICCPR and ICESCR in 2017. What is the progress toward developing, with Indigenous peoples, effective mechanisms to respect Indigenous peoples' right to free, prior and informed consent and effective remedies?
	中文參考翻譯	對原住民族現有的協商、同意規定及整合原住民族之決策過程及程序，是否符合自由、事前且知情下的同意權表示關切。2017年《公民權利和政治權利國際公約》和《經濟、社會、文化權利國際公約》亦強調該議題。與原住民族共同制定有效機制以尊重原住民族自由、事前且知情下的同意及有效救濟之權利等方面之進展為何？

中文回應：

原住民族委員會

1. 查我國原住民族基本法第21條之制定係參照聯合國原住民族權利宣言，揭示「事先徵得原住民族自由知情的同意」。爰21條規定之行為，如土地開發、資源利用、生態保育、學術研究及限制原住民族利用，均應取得原住民族之同意。《諮商取得原住民族部落同意參與辦法》（下稱《參與辦法》）之訂定係經廣徵原住民族地區各級地方政府及原住民族部落意見，考量部落規模小至十戶大至千戶之差異懸殊問題以及「籍在人不在」之現況，依照原住民族社會之需求及建議選擇具有凝聚部落共識功能之「部落會議」作為原住民族集體同意權行使機制，於2016年1月4日發布，符合前開聯合國權利宣言意旨及原住民族社會多數意見。
2. 《參與辦法》自2015年施行迄今，已累積逾188件個案，其中137件同意、13件不同意及38件流會，可見本制度執行穩健，符合原住民族社會多數族人需求。惟仍有少數個案在執行上產生疑義，也有部分團體或個人對本機制提出修正建議，因此，原住民族委員會已於2022年成立諮商取得原住民族部落同意參與辦法修法小組，委託學者專家研究及蒐集各國作法，釐清法令適用疑義，後續將廣泛徵詢部落社群組織、傳統領袖與耆老及各界意見，並透過原住民族地區各鄉(鎮、市、區)公所蒐整轄內部落各方觀點，提出諮商取得原住民族部落同意參與辦法修正草案或將辦法提升至法律位階。
3. 另我國訂有《人體研究法》及《人體研究計畫諮詢及取得原住民族同意辦法》規定，對於族群權利及其相關原住民族學術研究之議題，不定期召開諮詢會議，諮詢會依研究實施區域作區分：橫跨兩縣市為中央諮詢會、單一縣市為鄉(鎮、市、區)諮詢會，及僅就

某一部落則屬部落諮詢會，透過諮詢會邀集專家學者及當地代表議決是否同意該原住民族研究，以維護原住民族權利。

Response:

1. Formulated according to the UNDRIP, Article 21 of the Indigenous Peoples Basic Law declares that “[w]hen governments or private parties engage in land development, resource utilization, ecology conservation and academic research in indigenous land, tribe and their adjoining land which owned by governments, they shall consult and obtain free, prior, and informed consent from indigenous peoples or tribes.” The Measures for Acquiring Indigenous Consent & Participation was formulated by gathering opinions from various levels of local governments in indigenous regions and other indigenous communities. As indigenous communities vary drastically in size, ranging from only a handful of households in some to thousands of households in others, and many members have already migrated out of the area while retaining their household registration, the CIP chose the Tribal Council mechanism for indigenous peoples to give collective consent as Tribal Councils can galvanize the communities and reach a consensus. The decision was announced on January 4, 2016, and is in accordance with the UN’s declaration and the majority opinion of indigenous peoples.
2. Since its promulgation in 2015, the Measures have been used to acquire consent for 188 projects, which include 137 consented projects, 13 rejected projects, and 38 undecided projects. This indicates that the Tribal Council system is being reliably utilized and can fulfill the demands of the majority of indigenous peoples. Yet misunderstandings have surfaced in a small number of projects, and some groups or individuals have recommended changes to the Tribal Council system. As such, in 2022, the CIP assembled a working group to amend the Measures, commissioning experts and scholars to research and collect practices in other countries and clarify any misunderstandings in the Measures’ scope of application. Following these steps, the group will gather opinions from indigenous community organizations, traditional leaders, tribal elders, and other parties and request local (township, city, and district) offices in indigenous regions to gather opinions from their jurisdiction. The final step would be to deliver a draft for amending the Measures or raising its status to a law.
3. The Human Subjects Research Act and Measures for Consulting & Acquiring Consent from Indigenous Peoples for Human Subject Research Projects requires need-based consultation for any academic research projects concerning indigenous rights. Consultation meetings will be classified based on the geographical area in which the research will be conducted, i.e., central consultation meetings for research spanning two or more counties/cities, local (township, city, and district) for research in a single county/city, and tribal consultation meetings for research on a single indigenous community. Experts, scholars, and local representatives should be invit-

ed to consultation meetings to uphold indigenous rights and vote on whether to give consent to the academic research project.

3-2-2. 法規架構 Legal Framework

點次	問題內容	
19.	原文	Under the Indigenous Peoples Basic Law (2005), the government was supposed to have amended or abolished relevant laws, but it has been reported that some subsidiary laws and regulations (e.g. Indigenous Peoples Land and Sea Law, Indigenous Peoples Autonomy Law) remain unamended. What are the government's plans to amend these? Could you provide a list of laws and regulations that are not in alignment with the Indigenous Peoples Basic Law?
	中文參考翻譯	根據《原住民族基本法》（2005），政府應修改或廢除相關法律，但根據報告所述，有些子法（如《原住民族土地及海域法》、《原住民族自治法》）仍未修法。政府是否有修正上述法規之計畫？能否提供不符合《原住民族基本法》法規列表？

中文回應：

原住民族委員會第1~3點、內政部（國家公園署）第4點

- 自2005年原住民族基本法公布施行迄今已完成制定、修正及廢止計85個配套法案，諸如：《原住民族語言發展法》、《原住民保留地禁伐補償條例》及《原住民族傳統智慧創作保護條例》等重要法令皆已完成制定，同時也促進原住民族語言傳承、自然保育及文化發展，目前騰餘《國家公園法》、《原住民族自治法》、《原住民族傳統生物多樣性知識保護條例》、《原住民族土地及海域法》及《原住民族土地受限制所生損失補償辦法》等法令，因涉及權限複雜而尚未完成立法程序，其相關機關已研議修法並透過試辦計畫或將其立法精神落實其他法令等方式，共同維護原住民族權利。
- 針對原住民族自治法案推動，原住民族委員會自2000年起草擬自治法案已長達20餘年，並分別提出《原住民族自治區法》、《原住民族自治法》及《原住民族自治暫行條例》等自治法，計五進五出立法院皆未能完成立法程序，其原因可歸咎於原住民族傳統文化制度差異，及各族群對於自治需求、範圍及權限不盡相同，故無法透過一部專法加以規定，爰此，原住民族委員會有別過往思考模式，現已完成魯凱族、雅美族、太魯閣族及卑南族之自治徵詢會議，透過專案計畫方式協助該族群獲取自治共識，並據此意見作為制定各族自治法之參考；另依《地方制度法》第57條規定，山地鄉鄉長及直轄市山地原住民區區長均限制以「山地原住民為限，其立法機關鄉(區)民代表會之成員，亦是以當地原住民為多數代表，即我國已實質上開始實施「鄉級民族區域自治」。
- 《原住民族土地及海域法》草案經行政院2018年10月4日第3620次院會決議，以積極分流立法策略推動原住民族土地相關法規。目前已完成《原住民族土地或部落範圍土地劃設辦法》、《諮商取得原住民族部落同意參與辦法》、《國土計畫法》第23條等規定之

公布、修正、訂定等作業。後續將持續推動《原住民族保留地管理利用條例》立法作業，目前已於2022年3月31日送至立法院內政委員會審查，迄今召開3次黨團協商，並於2023年12月7日召開院長協商，後續將配合立法院相關審查程序推動立法。

4. 《國家公園法》修正草案業納入原住民族狩獵文化權益等議題，增訂諮商同意、基於傳統祭儀或自用得於限定區域從事獵捕野生動物及採集等相關機制。惟因草案預告期間針對開放原住民族狩獵乙項反映意見紛歧多元，內政部於2021年4月29日再次召開部會協商會議、行政院於2021年12月27日召開相關議題協作會議，會商保育人士與原住民族團體凝聚共識。另為配合《原住民族基本法》，位處原住民族地區之國家公園均依「國家公園區域內原住民族地區資源共同管理會設置基準」設置共管會，由原住民族部落代表共同召集討論各項議題。另為提升部落夥伴參與經營管理層級，內政部續於2022年4月21日修正前開基準第3點規定，明定各國家公園管理處與部落族群可簽訂行政契約，共同管理資源。未來將持續與周邊部落發展夥伴關係，提供多元就業措施，增加族人進用機會及經濟收入，並協助部落辦理文化傳承等工作，以落實實質共管。

Response:

1. Since the Indigenous Peoples Basic Law was promulgated in 2005, Taiwan has formulated, amended, and abolished 85 relevant laws. For example, the Indigenous Languages Development Act, Logging Ban Compensation for Lands Reserved for Indigenous Peoples, and Protection Act for the Traditional Intellectual Creations of Indigenous Peoples have all been promulgated, facilitating the legacy of indigenous languages, nature conservation, and cultural development. As a result of complex authorization and incomplete legislative procedures, the National Park Law, Indigenous Peoples Autonomy Law, Indigenous Peoples Traditional Biodiversity Knowledge Protection Act, Traditional Indigenous Lands & Waters Act, and Regulations Governing Compensations for Damages from Restrictions to Indigenous Lands. Related agencies are currently working on amendments and, in the meantime, using pilot projects or formulating new laws to jointly protect indigenous rights.
2. The CIP has been working over the past two decades, since 2000, to draft and pass autonomy laws for indigenous peoples. Previously, autonomy laws such as the Indigenous Peoples Autonomous Zone Act, Indigenous Peoples Autonomy Law, and Provisional Regulation Indigenous Peoples Autonomy have been submitted to the Legislative Yuan. Unfortunately, these laws have been submitted and rejected five times in total since 2000 and have been unable to complete the full legislative process. This can be attributed to drastic differences in the traditional cultural systems of indigenous peoples and demands, scope, and authorization for autonomy across different communities. It is, therefore, difficult to regulate the autonomy of indigenous peoples through a single legislation. As such, the CIP has now adopted a new approach and completed consultation meetings with the Rukai, Yami, Truku, and Puyuma people, assist-

ing them in reaching a consensus on autonomy through a project-based approach and then using this consensus as a reference when formulating autonomy laws for their tribe. In addition, according to Article 57 of the Local Government Act, “[m]ayors of indigenous townships shall be mountain indigenous people” and the representatives of such indigenous townships shall also be largely comprised of local indigenous peoples, indicating that Taiwan is currently practicing autonomy for township-level indigenous communities.

3. The draft of the Indigenous Peoples Land and Sea Law was passed by the Executive Yuan on October 4, 2018 in the 3620th Executive Yuan Meeting Resolution, with a decision made to promote indigenous land regulations through several legislations. Currently, the announcement, amendment, or formulation of the Indigenous Land or Tribal Land Zoning Regulations, Measures for Acquiring Indigenous Consent & Participation, and Article 23 of the Spatial Planning Act has been completed. In the future, the CIP will continue to push for the enactment of the Management & Use of Lands Reserved for Indigenous Peoples Act. The aforementioned legislations have been submitted to the International Administration Committee of the Legislation Yuan on March 31, 2022 for review. To date, the committee has convened three consultations across political parties. A consultative discussion with the Legislative Yuan president was held on December 7, 2023. In the future, the CIP will continue to work with the Legislative Yuan on related review procedures to push the legislation forward.
4. The draft for the National Park Law amendment includes issues such as the hunting and cultural rights of indigenous peoples, adding mechanisms for consultations, consent, and the hunting of wildlife in restricted areas for traditional ceremonies or individual use. Yet diverse opinions on indigenous hunting rights emerged when the draft was unveiled, leading the Ministry of Interior to reconvene a ministerial consultative meeting on April 29, 2021 and the Executive Yuan to convene a coordination meeting on related matters on December 27, 2021 to meet with conservationists and indigenous communities and reach a consensus. In addition, to comply with the Indigenous Peoples Basic Law, national parks located in indigenous lands have established joint management committees in accordance with the Baselines for Establishing Joint Management Committees for National Park Resources inside Indigenous Lands. The joint management committees comprise indigenous representatives to meet and discuss related issues. To elevate the status of indigenous partners in park management, the Ministry of Interior amended Item 3 of the aforementioned Baselines on April 21, 2022, declaring that national park administrations and indigenous communities may sign administrative contracts for joint resource management. In the future, national parks will continue to work with surrounding indigenous communities to realize joint management by developing partnerships, providing diverse job opportunities, increasing jobs and income for indigenous peoples, and assisting with passing down their cultural legacies.

點次	問題內容	
20.	原文	What are the measures being taken to bring the implementation of the Indigenous Peoples Basic Law up to human rights standards?
	中文參考翻譯	請問將實施《原住民族基本法》提升至符合國際人權標準之措施為何？

中文回應：

原住民族委員會

1. 依據《原住民族基本法》第3條規定設置「行政院原住民族基本法推動會」（以下簡稱原推會），其任務為協調、審議原住民族基本法之相關事務，包含民族自治、民族教育、語言文化、衛生福利、就業、經濟建設、自然資源、傳統領域土地等原住民族權利之相關事項，近8年計召開13次委員會議，期間共進行42次報告案。
2. 原推會為《原住民族基本法》協調及推動平台，其會議機制由行政院長、行政院政務委員、相關部會首長、原住民族代表及專家學者所組成，共同檢視各機關對於原住民族基本法落實情形，就其提出委員所提建議事項，提出相對應改善及因應策略。

Response:

1. The Executive Yuan Indigenous Peoples Basic Law Promotion Committee (IPBL Committee) was established in compliance with Article 3 of the Indigenous Peoples Basic Law and seeks to coordinate and review matters relating to the Indigenous Peoples Basic Law and indigenous rights, including autonomy, education, language, culture, health, welfare, employment, economic infrastructure, natural resources, and traditional territories. In the past eight years, the IPBL Committee has convened 13 meetings and conducted 42 reports.
2. A platform for coordinating and promoting the Indigenous Peoples Basic Law, the IPBL Committee consists of the Executive Yuan president, ministers without portfolios of the Executive Yuan, ministers or heads of related government agencies, indigenous representatives, experts, and scholars. Together, they assess the implementation of the Indigenous Peoples Basic Law across different government agencies and provide suggestions on how to improve or respond to challenges.

點次	問題內容	
21.	原文	What is the government's position on the UNDRIP? Which steps are taken to align the Indigenous Peoples Basic Law with the UNDRIP and possibly enshrine UNDRIP in the Constitution?
	中文參考翻譯	政府對聯合國原住民族權利宣言（UNDRIP）之立場為何？檢視《原住民族基本法》是否符合《聯合國原住民族權利宣言》之步驟？有無將《聯合國原住民族權利宣言》納入憲法之可能？

中文回應：

原住民族委員會

1. 查我國憲法增修條文第10條第11項規定：「國家肯定多元文化，並積極維護發展原住民族語言及文化。」第12項前段規定：「國家應依民族意願，保障原住民族之地位及政治參與，並對其教育文化、交通水利、衛生醫療、經濟土地及社會福利事業予以保障扶助並促其發展，其辦法另以法律定之。」是以，憲法增修條文之明文承認原住民族之權益，而立法者受憲法委託具體化相關法規，參照聯合國原住民族權利宣言（下稱原權宣言）制定原住民族基本法（下稱原基法），將原權宣言精神納入原基法。
2. 原住民族委員會曾於2018年委託專家學者進行原權宣言與原基法之比較，確認我國原基法高達九成條文內容符合原權宣言所揭示之指導原則。

Response:

1. According to Article 10(11) of the Additional Articles of the Constitution of the Republic of China, “[t]he State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures.” Article 10(12) states that, “[t]he State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the aborigines. The State shall also guarantee and provide assistance and encouragement for aboriginal education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare, measures for which shall be established by law.” As such, the Additional Articles recognize the rights of indigenous peoples and legislators have, in accordance with the Constitution, produced related legislation. For example, promulgating the Indigenous Peoples Basic Law in reference to UNDRIP to incorporate its spirit.
2. The CIP commissioned experts and scholars in 2018 to compare the Indigenous Peoples Basic Law with UNDRIP and confirmed that nearly 90% of articles in the IPBL align with the guiding principles set forth in UNDRIP.

點次	問題內容	
22.	原文	How often are laws reviewed to ensure consistency with the Indigenous Peoples Basic Law, the UNDRIP and other international human rights conventions?
	中文 參考 翻譯	針對與原住民族相關之國內法，是否符合原住民族基本法、聯合國原住民族權利宣言及其他人權公約之法規檢視頻率為何？

中文回應：

原住民族委員會

依據《原住民族基本法》第3條規定，為落實所定各項原住民族權利，我國於最高行政機關行政院，設置「行政院原住民族基本法推動會」，由行政院長擔任召集人，並由相關機關首長、原住民族代表及專家學者共39人擔任委員，每4個月召開委員會議檢視原基法相關配套法令辦理情形，以審議並監督各相關機關。且查我國現行法制下，中央立法委員總席次113席中，有6席為原住民，原住民族立法委員在立法院就其職權，亦時刻檢視現行原住民族相關法規。另截至目前我國已將聯合國9大人權公約中之5部，以制定施行法方式國內法化，並針對各人權公約提出國家報告，邀請國際人權專家來臺審查，更於2022年5月5日提出我國首部「國家人權行動計畫」（2022-2024年），促使各機關有效運用資源於人權保障事務。原住民族委員會將持續配合委員及各界意見檢視修正並精進辦理情形。

Response:

According to Article 3 of the Indigenous Peoples Basic Law, “[f]or the purpose of reviewing and coordinating matters related to this Law, the Executive Yuan shall establish a promotion committee which shall be called by the Premier.” The Committee shall comprise 39 members, including heads of related agencies, indigenous representatives, experts, and scholars. They shall convene meetings every four months to review progress with the Law’s complementary measures and oversee related agencies. Under Taiwan’s existing legal framework, the Legislative Yuan consists of 113 seats, six of which are mandated for indigenous peoples. Indigenous legislators, when in office, shall review regulations relating to the indigenous peoples. To date, Taiwan has incorporated five of the nine major UN human rights conventions into the domestic legal framework, published national reports on these human rights conventions, and invited international human rights experts to Taiwan to review these reports. On May 5, 2022, the inaugural National Human Rights Action Plan (2022-2024) of Taiwan was published, urging government agencies to leverage their resources for more effective human rights protection. The CIP will continue to work with committee members and all sectors to continue reviewing and improving.

3-2-3. 日常生活中的歧視 Discrimination in Daily Life

點次	問題內容	
23.	原文	Concerns are raised regarding the government’s attitude towards microaggressions which negatively impact day-to-day lives of Indigenous peoples. Is there any governmental plan for the microaggressions?
	中文 參考 翻譯	對政府在微歧視之態度表示關切，微歧視會對原住民族之日常生活產生負面影響。政府是否有針對防制微歧視之措施？

中文回應：

文化部第2點、教育部第3點

1. 針對日常生活發生之微歧視事件，多屬文化差異產生之誤解，政府主要從文化及教育面著手，讓民眾、學生能瞭解多元文化之真諦，相互尊重，在多元文化的基礎上建立共存共融的社會。
2. 於文化面：
 - (1) 文化部推動國家整體文化發展，係以尊重多元文化為基礎，規劃各項政策以促進臺灣多元文化之發展。針對原住民族文化發展的推動，以「文化保存」為出發點，透過原住民族有形及無形文化資產的登錄、保存與推廣工作，並鼓勵部落族人的參與，讓更多人了解文化資產的概念，並持續關注部落具有文資潛力之資產。
 - (2) 長期推動「大館帶小館」工作，由文化部附屬之博物館(如國立臺灣博物館、國立歷史博物館、國立臺灣史前文化博物館、國立臺灣歷史博物館等)協助輔導全臺29個原住民族文化館，包括訪視、日常諮詢、合作策展等事項，讓其發揮其功能與角色，扮演推動原住民族文化的重要角色。文化部附屬之博物館亦籌劃各種原住民族主題展示，透過展覽讓民眾能認識臺灣原住民族文化，並呈現及詮釋原住民族重要文化意涵與價值，開啟與社會的對話與溝通平臺。
 - (3) 每年辦理臺北國際藝術博覽會，皆設有「臺灣原住民族藝術特區」，展出優秀原住民族藝術家作品，讓這些作品有機會於大型展會上公開亮相，展現原住民族文化的無限能量。
 - (4) 透過各項政策以照顧國內多元族群的文化發展，讓民眾有機會看見國內各種文化的多樣性，進而了解及相互尊重彼此的文化特色；另也期待透過各項文化工作的推行，讓原住民族文化持續發展，成為臺灣文化的重要特色。
3. 於教育面：
 - (1) 教育部業訂定原住民族教育議題融入課程教學的精進與實踐計畫，聚焦以「原住民族權利手冊」等重要出版品為主要實施內容，並自2023學年度開始執行，透過長期穩健推

動，共同營造族群友善環境。推動策略重點說明如下：

- A. 研發補充教材及作為教科書編寫參考：包含發展原住民族重要歷史事件教學輔助資源，提升教師對原住民族史觀的理解，進一步引導學生從多元視角來認識原住民族歷史的變遷。此外，辦理教科書出版社座談會，提升教科書編輯團隊對原住民族文化的了解及知能。
 - B. 師資培育及增能：除了將原住民族權利手冊等重要出版品融入師資職前教育課程外，並規劃納入原住民族師資培育專班、原住民族相關在職教師學分班課程參考運用，以及辦理研發教案及主題式探究課程教師的培力，以促進第一線教育人員對於原住民族歷史文化的認識與尊重。
 - C. 納入相關課程：包含融入現有教學主題，並由學科中心及中央輔導團發展相對應的教學活動，以及進行主題式探究課程，以跨領域方式協助學生較完整的認識原住民族，關注原住民族當前重要議題，另辦理教案徵選。
 - D. 透過社教機構加強推廣：例如辦理主題書展活動、原住民族歷史導讀或紀錄片分享講座及結合說故事活動等，以加強全民原教的推廣。
- (2) 修正「教育部推動友善校園計畫」，增列「普及推動原住民族及多元文化教育」之推動策略。並將「全民原教、族群教育及多元文化教育」納入學務相關主管會議及與友善校園週加強宣導。
 - (3) 2023年9月8日召開「如何避免族群歧視共創友善校園」會議，對於最近發生之校園內原住民族歧視事件進行討論，並將與會學者建議綜整為指導原則供學校參考。國教署亦補助地方政府原教中心，鼓勵教師參與原住民族文化與轉型正義增能研習，以實例融入教學，提升國民文化敏感度與多元價值觀，減少微歧視事件的發生。

Response:

1. In response to incidents of subtle discrimination that occur in daily life, often stemming from cultural misunderstandings, the government primarily addresses these issues through cultural and educational initiatives. These efforts aim to enhance public and student awareness of the essence of multiculturalism, fostering mutual respect. By doing so, the goal is to establish a society rooted in multiculturalism, characterized by coexistence and integration.
2. The Ministry of Culture respect for multiculturalism, and plans various policies to promote the development of Taiwan's multiculturalism. In order to promote the cultural development of indigenous peoples, taking "cultural preservation" as the starting point, through the registration, preservation and promotion of tangible and intangible cultural assets of indigenous peoples, and encouraging the participation of tribal people, make our people to understand the cultural heritage preservation concept. The Ministry of Culture also has a long-term work of "National museums carry on small museums", which are organized by National museums (for example, the National Taiwan Museum, National Museum of History, the National Museum of Prehisto-

ry, and National Museum of Taiwan History).

They assist the 29 Aboriginal cultural centers across Taiwan, including visits, daily consultations, co-curation and other matters, so that they can fulfil their functions and roles and play an important role in promoting Aboriginal culture. In addition, National museums also plans various aboriginal-themed exhibitions. Through the exhibitions, the public can understand the culture of Taiwan's aboriginal peoples, present and interpret the important cultural meanings and values of aboriginal peoples, for dialogue and communication with society.

The Ministry of Culture organizes the Taipei International Art Fair every year and set "Taiwan Aboriginal Art Special Zone" to display the works of outstanding Aboriginal artists, giving these works the opportunity to be publicly displayed at large-scale exhibitions to showcase the culture of Aboriginal peoples. Infinite energy.

The Ministry of Culture takes care of the cultural development of the country's diverse ethnic groups through various policies, allowing the public to have the opportunity to see the diversity of various cultures in the country. More important thing is to understand and respect each other's cultural characteristics; through lots of various cultural works, we can make aboriginal culture become one of important features of Taiwan's culture.

3. In academic year 2023, MOE launched a plan for the improvement and practice of integrating indigenous peoples issues into the curriculum. This plan uses key publications such as the Handbook on the Rights of Indigenous Peoples as the source materials and aims to foster an indigenous-friendly environment through consistent efforts. The promotion strategies are summarized as follows:
 - (1) Develop Supplementary Teaching Materials: Through developing supplementary materials on important historical events of indigenous peoples, MOE aims to deepen teachers' understanding of historical events from the perspectives of indigenous peoples. With such knowledge, teachers can then guide students in understanding the history of indigenous peoples from a diverse perspective. MOE also organizes seminars for textbook publishers, aiming to enhance their understanding of indigenous cultures for improved textbook content.
 - (2) Enrich Teacher Training Content: To strengthen teacher's understanding of and respect for the history and culture of indigenous peoples, MOE has directed the inclusion of content about indigenous peoples in pre-service teacher training programs. The content includes important publications such as the Handbook on the Rights of Indigenous Peoples, as well as courses from Indigenous Peoples' Teacher Training Programs and relevant in-service training programs. For current teachers, MOE offers on-the-job training in lesson plan and inquiry-based curriculum on indigenous history and culture.
 - (3) Incorporate Indigenous Issues in Existing Curriculum: MOE has facilitated the incorporation of indigenous themes into current teaching modules and activities through the recommenda-

tions of each discipline’s education resource center and advisory group. Inquiry-based activities have also been added to current curriculum, providing students with a comprehensive, interdisciplinary understanding of historic and current indigenous issues. MOE also organizes competitions for the best lesson plans.

- (4) Raise Awareness in Communities: MOE has been promoting education on indigenous culture and issues to the general public by organizing book fairs, guided readings on indigenous history, documentary seminars, and storytelling activities, aiming at raising awareness about indigenous peoples among all citizens.
- (5) The MOE has revised the Plan to Promote Diversity-Friendly Schools by adding strategies to promote indigenous culture and multiculturalism. MOE continues to emphasize multiculturalism and inclusivity in Student Affairs Executive Meetings and highlight these concepts during diversity awareness weeks on campuses.
- (6) On September 8, 2023, the K-12 Education Administration held a meeting on "How to Avoid Discrimination and Create a Diversity-Friendly Campus." The meeting focused on addressing recent discrimination incidents against indigenous peoples on campuses and summarized scholars' recommendations into actionable items for schools. Additionally, the K-12 Education Administration is providing financial support to local Indigenous Education Resource Centers. This subsidy aims to motivate teachers to participate in training of indigenous culture and transformative justice and incorporate these insights into their teaching. Through this process, the K-12 Education Administration seeks to raise awareness in multiculturalism and diverse values among citizens, and ultimately, reduce instances of microaggressions.

3-2-4. 土地議題 Land Issues

點次	問題內容	
24.1	原文	Concerns have been raised regarding Indigenous peoples’ land rights, in particular: •The demarcation of Indigenous traditional territories have excluded private land; •Collective rights;
24.2	中文參考翻譯	對原住民族的土地權利表示關切，尤其是以下方面： •原住民族傳統領域之劃設排除私人土地； •集體權：集體權利是適用於人群的權利，例如健康環境權或土地權，或屬於原住民群體本身的權利。他們不僅在個人層面上而且在集體層面上尋求保護少數群體或原住民群體的文化認同。

中文回應：

原住民族委員會

1. 現行《原住民族土地或部落範圍土地劃設辦法》（下稱《劃設辦法》）係依據《原住民族基本法》（下稱《原基法》）第21條第4項授權訂定，而《原基法》第21條第1項明訂：「政府或私人於原住民族土地或部落及其周邊一定範圍內之公有土地從事土地開發、資源利用、生態保育及學術研究，應諮商並取得原住民族或部落同意或參與，原住民得分享相關利益。」爰適用範圍限於公有土地，故《劃設辦法》不得逾越母法授權，其適用範圍亦係為公有土地。
2. 《憲法》第15條規定人民財產權應予保障，若傳統領域涵蓋私有土地，將對私人財產權產生限制。《劃設辦法》係依《原基法》授權訂定之法規命令，位階低於憲法及法律，故原住民族主權及土地權屬變動之訴求，涉及國家主權與原住民族關係定位等憲政或法律層次重大問題，無法在低位階之法規命令加以處理，應以法律甚至憲法等更高層次位階處理，為保障族人土地權益將持續推動相關法制作業。

Response:

1. The current Indigenous Land or Tribal Land Zoning Regulations (Regulations) are formulated in accordance with Article 21(4) of the Indigenous Peoples Basic Law (IPBL). Article 21(1) of the IPBL states “[w]hen governments or private parties engage in land development, resource utilization, ecology conservation and academic research in indigenous land, tribe and their ad-join-land which owned by governments, they shall consult and obtain consent by indigenous peoples or tribes, even their participation, and share benefits with indigenous people.” Yet the article is limited to public land and zoning regulations cannot exceed authorization given by the

overarching law, which is only applicable to public land as well.

- Article 15 of the Constitution also guarantees the people's right to property. Zoning private lands as traditional territories poses limitations on personal property rights. The Regulations are regulations authorized and formulated under the IPBL, with a lower status than the Constitution and other laws. The sovereignty of indigenous peoples and changes to land rights have implications on major constitutional and legal matters such as Taiwan's national sovereignty and the status of indigenous peoples. This is not a matter that can be handled at a regulation level but should be handled at a legal or constitutional level. To ensure the land rights of indigenous peoples, we will continue to promote related regulations.

點次	問題內容	
24.3	原文	The implementation of the Indigenous Reservation Land program between 2007 and 2014 saw only about 9% of applications successful due to multiple obstacles and barriers;
	中文參考翻譯	2007至2014年期間由於多重障礙及阻礙，原住民保留地計畫在施行上僅約9%申請成功；

中文回應：

原住民族委員會

- 增劃編原住民保留地業務因涉個案事實審認及土地權利移轉等行政程序，須由地方政府、公所、公產管理機關及地政機關共同合作始能順利完成，惟受限於基層行政執行人員異動頻繁、地政業務繁雜細瑣、分割複丈規費金額龐鉅、人力不足及權屬關係複雜待釐清審認困難等因素，均係造成補辦增劃編原住民保留地業務進度延宕原因。
- 原住民族委員會已逐年挹注作業所需資源及經費，自2007年起逐年增加人員及經費，迄今每年約編列新台幣2,000萬元，每年並派駐於全國各重點執行機關之例行性人力約30人，定期舉辦教育訓練，提升人員專業知識，督導鄉(鎮、市、區)公所有效分配人力資源，俾利加速辦理初審，甚每半年邀集各直轄市(縣、市)政府、鄉(鎮、市、區)公所、公產機關、地政機關召開檢討會議，協調縣鄉基層及各級地政機關研擬測量案件延宕解決方案，以達增劃編原住民保留地業務推行進度提升成果。

Response:

- Progress in adding and allocating Indigenous Reservation Lands has been hindered due to factors such as the need to verify facts on a case-by-case basis and administrative procedures for transferring land rights. This process requires collaborative efforts from local governments, local township offices, public property management agencies, and land administration authorities. However, challenges arising from the frequent turnover of entry-level administrative personnel, complex land administration procedures, substantial costs associated with parceling and surveying, insufficient manpower, and complex land ownership have delayed the implementation of the Indigenous Reservation Lands program.
- To address these challenges, the CIP has allocated resources and funds annually, progressively increasing personnel and funding since 2007. Currently, the CIP allocates NT\$20 million each year and has around 30 personnel regularly stationed at key administrative agencies around the country. Regular training is conducted to enhance the professional knowledge of personnel,

oversee the effective allocation of manpower resources in local (township, city, district) offices, and facilitate the acceleration of preliminary reviews. Every six months, meetings are convened with municipal (county, city) governments, local (township, city, district) offices, public property agencies, and land administration authorities to review and coordinate efforts. These meetings aim to address delays in surveying cases and formulate solutions at the county and township levels and various levels of land administration authorities. The ultimate goal is to accelerate the implementation of the Indigenous Reservation Lands program.

點次	問題內容	
24.4	原文	Nearly 20 years after the Indigenous Peoples Basic Law, neither the mandated Indigenous Land Survey and Management Committee nor the Indigenous Peoples Land and Sea Areas Act have been effectively legislated;
	中文 參考 翻譯	《原住民族基本法》發布近20年後，仍未立法成立授權原住民族土地調查處理委員會，另《原住民族土地及海域法》亦尚未通過立法；

中文回應：

原住民族委員會

1. 《原住民族土地及海域法》草案自原基法公布迄今，曾4次(2007、2008、2015及2016年)送請立法院審議，均因「立法院會期屆期不續審」及「政黨輪替」等原因未獲實質討論。行政院2018年10月4日第3620次院會決議「原住民保留地及傳統領域之回復、取得、處分、管理及利用等事項，各以專責法律分流立法處理」，全面檢討分析現行涉原住民族土地相關法規。目前已完成訂定《原住民族土地或部落範圍土地劃設辦法》、《諮商取得原住民族部落同意參與辦法》、公布《國土計畫法》第23條、《非都市土地使用管制規則》第46條、第46條之1規定、完成修正《山坡地保育利用條例》第37條、《原住民保留地禁伐補償條例》。修法迄今回復取得土地所有權面積1萬8,254公頃、擴大補償適用範圍至6萬9,615公頃土地。後續將持續推動《原住民族保留地管理利用條例》立法作業，目前已於2022年3月17日送請立法院審議，截至2023年12月已召開4黨團協商，原住民族委員會後續將配合立法院相關審查程序，加速推動立法。
2. 原住民族委員會於2007年8月2日函陳《原住民族土地調查及處理委員會組織法》草案，請行政院審議，惟因涉及組織精簡政策，行政院於2007年10月25日決議暫以調整內部組織編制，遂於2014年間配合新增「傳統領域科」，先行推動原住民族傳統領域土地及海域之劃設、使用、權益回覆及糾紛處理等相關業務。嗣總統於2016年8月1日宣布設置原住民族歷史正義與轉型正義委員會下設「土地小組」。另行政院2018年5月10日通過《原住民族歷史正義及權利回復條例》草案，該草案第2條規定：「為辦理原住民族基本法第20條第2項及本條例所定事項，行政院設原住民族歷史正義及土地調查委員會(以下稱原調會)，不受中央行政機關組織基準法第4條及第5條第3項規定之限制」，按該條立法說明：「考量本條例所定應調查事項與原住民族土地調查作業息息相關，為符合原住民族基本法第二十條第二項及本條例所定任務，爰設置獨立機關原調會執行本條例相關事務」，後續將配合立法院相關審查程序推動辦理。

Response:

1. Drafts for the Indigenous Peoples Land and Sea Areas Act have been submitted to the Legislative Yuan for review four times (2007, 2008, 2015, and 2016) since the promulgation of the Indigenous Peoples Basic Law. The Legislative Yuan has never engaged in substantial discussions over the drafts due to the expiration of legislative sessions or party alternations. In the 3620th Executive Yuan Meeting Resolution produced on October 4, 2018, the Executive Yuan decided to “create legislations separately for the recovery, acquisition, handling, management, and use of Indigenous Reservation Lands and traditional territories” and to conduct a comprehensive analysis and review of existing indigenous land regulations. Currently, the Indigenous Land or Tribal Land Zoning Regulations and Measures for Acquiring Indigenous Consent & Participation and have been formulated; Article 23 of the Spatial Planning Act and Article 46 and Article 46(1) of the Use & Management Regulations of Non-Urban Land have been published; and Article 37 of the Slopeland Conservation and Utilization Act and the Logging Ban Compensation for Lands Reserved for Indigenous Peoples Act have been amended. Since the amendments, land ownership over 18,254 hectares have been recovered or acquired and compensation has been expanded to cover 69,615 hectares of land. In the future, the CIP will continue to promote the legislation of the Management & Use of Lands Reserved for Indigenous Peoples Act, which has already been submitted to the Legislative Yuan on March 17, 2022 for review. As of December 2023, four consultations across political parties have been convened, and the CIP will continue to support any review processes required by the Legislative Yuan to accelerate its legislation.
2. On August 2, 2007, the CIP submitted the draft for the Organization Act of the Indigenous Land Survey and Management Committee to the Executive Yuan for review. Unfortunately, due to policies for downsizing government agencies, the Executive Yuan resolved on October 25, 2009 to first restructure government agencies, adding a new Traditional Territory Division in 2014 to handle the allocation, use, and rights of indigenous land and sea as well as any relevant inquiries and disputes. On August 1, 2016, the Taiwan president announced that a Land Working Group will be established under the Presidential Office Historical Justice and Transitional Justice Committee. On May 10, 2018, the Executive Yuan passed the draft for the Indigenous Historical Justice and Rights Recovery Act. Article 2 of the draft states that “[t]he Executive Yuan has established the Indigenous Historical Justice and Land Survey Committee (Indigenous Survey Committee) to handle matters set forth herein and in Article 20(2) of the Indigenous Peoples Basic Law. The Committee is not subject to Article 4 and Article 5(3) of the Basic Code Governing Central Administrative Agencies Organizations.” The legislative explanation of this article states: "Considering that the matters investigated under this Act are closely related to indigenous land surveys, to fulfill the tasks stipulated in Article 20(2) of the

Indigenous Peoples Basic Law and this Act, an independent agency is hereby established to execute the relevant affairs under this Act." Subsequent efforts will be made to cooperate with the Legislative Yuan to advance the implementation of this Act.

點次	問題內容	
24.5	原文	Consultation under the Mining Act takes place in ways that do not align with traditional decision-making systems and there are no penalties for those who do not fulfill their statutory obligations;
	中文參考翻譯	《礦業法》規定之協商方式與傳統決策系統不符，對不履行法定義務者亦無訂有罰則；

中文回應：

經濟部第1點、原住民族委員會第1、2點

1. 《礦業法》業於2023年6月21日修正公布施行之；第48條規定「新申請核定礦業用地位於原住民族土地或部落及其周邊一定範圍內之公有土地，應於礦業用地核定前依《原住民族基本法》（以下簡稱原基法）第21條規定辦理，其同意事項之表決結果未獲通過者，不予核定礦業用地。」；第50條規定「既有已核定之礦業用地位於原住民族土地或部落及其周邊一定範圍內之公有土地，於礦業法修正施行之日起算1年內未依原基法第21條規定辦理者或有延宕辦理者，將令其停止探採礦工程，並限期提出辦理，屆期未提出辦理者，將廢止該礦業用地。」，故不論原核定礦業用地或新申請礦業用地，皆應辦理原住民族或部落諮商同意或參與並與原住民族分享相關利益，倘未依規定辦理皆有相關之行政處分。
2. 原住民族委員會訂定《諮商取得原住民族部落同意參與辦法》，基於部落為原住民族傳統文化、慣俗自覺凝聚之組織體，存在自身慣有之運作模式，該辦法係為加強原住民族傳統文化之部落治理，在自由知情之前提下表達同意權利，以符合聯合國原住民族權利宣言第32條第2項徵得原住民族自由知情同意之權利核心及行使權利之方式。

Response:

1. The Mining Act was amended and promulgated on June 21, 2023, and came into effect. According to Article 48, for new applications seeking approval for mining land located within the territory of indigenous peoples or their tribes and the surrounding public land within a certain range, the procedures outlined in Article 21 of the Indigenous Peoples Basic Law must be adhered to before the approval of mining land. If the voting results on the matters requiring consent are not ratified, the mining land will not receive approval. Furthermore, Article 50 stipulates that for existing mining land that has already been approved and is situated within the territory of indigenous peoples or their tribes and the surrounding public land within a certain range, if the procedures outlined in Article 21 of the Indigenous Basic Law are not executed

within one year from the date of the implementation of the Mining Act amendment, or if there is a delay in the process, exploration and mining operations will be suspended. A deadline will be set for the submission of the required procedures, and if they are not submitted by the deadline, the mining land will be invalidated.

Therefore, whether the mining land is originally approved or newly applied, consultations must be conducted to seek consent from indigenous peoples or tribes, and their participation should be encouraged. Additionally, benefits should be shared with indigenous people. Failure to comply with these provisions may result in relevant administrative sanctions.

2. The CIP promulgated the Measures for Acquiring Indigenous Consent & Participation, recognizing indigenous communities as organizational bodies shaped by indigenous peoples' traditional culture and self-awareness. The purpose of this Measure is to strengthen governance from indigenous communities that is rooted in indigenous traditional culture, allowing the expression of the right to consent under the premise of free and informed consent, in line with Article 32(2) of the UNDRIP, which emphasizes the core right to free, prior, and informed consent.

點次	問題內容	
24.6	原文	The Indigenous Reserved Land Rights Review Committee is not appointed through an open and transparent process;
	中文參考翻譯	原住民保留地土地權利審查委員會之成員並非以公開透明之程序選任；

中文回應：

原住民族委員會

原住民族委員會（下稱原民會）為解決部落族人長期反映原住民保留地土地權利審查委員會其委員遴選方式不公平客觀，造成許多民怨及行政救濟情事，原民會業循法制程序於2018年12月22日修正發布鄉鎮市區原住民保留地土地權利審查委員會設置要點，修正委員聘任方式，改由公所通知轄內各原住民村(里)或部落依慣俗於2個月內推舉公正人士或熟諳法令之熱心公益人士2人，由公所就村(里)或部落推舉之人士中擇定並聘兼之。透過該次法令修正，可充分尊重部落推舉委員之意見，使委員更具部落代表性、審查公正性及客觀性，並強化委員法令相關知識，更符合部落期望，以保障族人土地權益。

Response:

In order to address the long-standing concerns of indigenous community members regarding the perceived unfair and subjective selection process of the Indigenous Reserved Land Rights Review Committee members, which has led to public dissatisfaction and administrative grievances, the CIP took steps within the legal framework, amending and promulgating the Guidelines for the Establishment of Indigenous Reserved Land Rights Review Committees in Townships, Districts, and Cities on December 22, 2018 to revise the appointment process for committee members. Under the revised guidelines, the township, district, or city office will notify indigenous villages or communities within its jurisdiction. Within two months, the villages or communities, following customary practices, shall nominate two impartial individuals or dedicated legal professionals familiar with regulations. The township, district, or city office then selects and appoints committee members from the individuals nominated by the villages or communities. The CIP hopes that the revision can ensure that indigenous communities are respected in the committee member selection process, committee members are more representative of indigenous communities, and the review process is fair and objective. The amendment also strengthens the importance for committee members to have professional knowledge of relevant laws and regulations to ensure they can meet expectations from indigenous communities and effectively safeguard indigenous land rights.

點次	問題內容	
24.7	原文	The allocation of land reserves occurs at a very slow pace due to understaffing.
	中文參考翻譯	囿於人力問題，原住民保留地分配進度遲緩；

中文回應：

原住民族委員會

原住民族委員會業透過核定年度原住民保留地權利回復計畫，補助直轄市、縣政府、鄉（鎮、市、區）公所僱用協辦原住民保留地地政業務管理臨時人員約56人，經費約新臺幣2,700萬元，協助辦理有關原住民保留地申請、代書證件及建檔異動等業務，以解決地方政府人力不足之問題，並早日完成原住民權利回復之工作。

Response:

The CIP allocates around NT\$27 million in funds through the approval of the annual Indigenous Reservation Land Rights Recovery Plan to subsidize municipalities, county governments, and local (township, city, district) offices for the employment of approximately 56 temporary personnel to handle indigenous land reserve applications, documents and certificates, database updates. The plan aims to address the understaffing faced by local governments and accelerate the recovery of indigenous rights.

點次	問題內容	
25.	原文	What progress is being made in restructuring the land reserve system and establishing how to fund it sufficiently? What progress is being made on a comprehensive review of consultation practices?
	中文參考翻譯	土地保留制度之改革與資金保障機制之建構有何進展？

中文回應：

原住民族委員會

原住民保留地係政府為保障原住民生計及推行原住民行政所劃設具有特定目的、用途之土地，為確保原住民之權益，依相關規定得輔導原住民無償取得土地所有權。山坡地保育利用條例第37條已於2019年1月9日修正公布，刪除原住民需設定耕作權、地上權繼續經營滿五年，始無償取得原住民保留地所有權之規定，可加速原住民取得土地所有權。另問題內容較不明確，建請內政部洽委員提供具體內容，俾利補充回應。

Response:

Land reserved for indigenous peoples is land allocated for specific purposes: to safeguard the livelihood of indigenous peoples and support the administrative policies of indigenous peoples. To protect the rights and interests of indigenous peoples, the government is responsible, in compliance with related regulations, for assisting indigenous peoples with acquiring land ownership for free. The amendment to Article 37 of the Slopeland Conservation And Utilization Act was promulgated on January 9, 2019. The amended Article 37 removes the condition requiring indigenous peoples to have cultivation rights and surface rights for at least five years before they can acquire ownership of indigenous land reserves free of charge. The removal can effectively accelerate the acquisition of land ownership for indigenous peoples. The CIP would like to ask the Ministry of Interior to contact reviewers for further clarification regarding the question, which will enable the CIP to provide a better response.

點次	問題內容	
26.	原文	What progress is being made on a comprehensive review of consultation practices?
	中文參考翻譯	全面檢視諮商執行之進度？

中文回應：

原住民族委員會

- 查我國《原住民族基本法》第21條之制訂係參照聯合國原住民族權利宣言草案，將「事先徵得原住民族自由知情的同意」納入法律，明定土地開發、資源利用、生態保育、學術研究及限制原住民族利用，均應事先取得原住民族之同意。《諮詢取得原住民族部落同意參與辦法》（下稱《參與辦法》）之訂定亦經廣徵原住民族地區各級地方政府及原住民族部落意見，考量部落規模小至十戶大至千戶之差異以及「籍在人不在」之現況，依照原住民族社會之需求及建議選擇具有凝聚部落共識功能之「部落會議」作為原住民族集體同意權行使機制，於2022年1月4日發布，符合前開聯合國權利宣言所稱意旨及原住民族社會多數意見。
- 《參與辦法》自2015年施行迄今，已累積逾188件個案，其中137件同意、13件不同意及38件流會，可見本制度之執行，符合原住民族社會多數族人需求。惟仍有少數個案在執行上產生疑義，也有部分團體或個人對本機制提出修正建議，因此為優化諮商同意制度，使實務諮商同意作業推行更臻順遂，原住民族委員會（下稱原民會）業已啟動諮商同意修法作業，於2022年成立諮商同意機制修法工作小組，邀集原民會各業務單位及學者專家就提升法律位階一案進行研商，共同研擬《參與辦法》修正草案，業已召開修法會議4場次。另針對《參與辦法》法律研析，原民會業已委託研究，全盤檢視實務運作概況，彙整歷年諮商同意個案窒礙難行、程序成本過高或與原住民族現狀顯著不符之案例，參照各國諮商同意法令，並廣泛徵詢原住民族社會及各界建議，尋求適宜之法制途徑，作為修法評估之參據，以保障原住民族土地與自然資源使用之權利，落實《原住民族基本法》意旨。

Response:

- Formulated according to the UNDRIP, Article 21 of the Indigenous Peoples Basic Law incorporates “the free, prior, and informed consent from indigenous peoples” into Taiwan’s legal framework, declaring that “[w]hen governments or private parties engage in land development, resource utilization, ecology conservation and academic research in indigenous land, tribe and

their adjoin-land which owned by governments, they shall consult and obtain free, prior, and informed consent from indigenous peoples or tribes.” The Measures for Acquiring Indigenous Consent & Participation was formulated by gathering opinions from various levels of local governments in indigenous regions and other indigenous communities. As indigenous communities vary drastically in size, ranging from only a handful of households in some to thousands of households in others, and many members have already migrated out of the area while retaining their household registration, the CIP chose the Tribal Council mechanism for indigenous peoples to give collective consent as Tribal Councils can galvanize the communities and reach a consensus. The decision was announced on January 4, 2016, and is in accordance with the UNDRIP and the majority opinion of indigenous peoples.

2. Since its promulgation in 2015, the Measures have been used to acquire consent for 188 projects, which include 137 consented projects, 13 rejected projects, and 38 undecided projects. This indicates that the Tribal Council system can meet the demands of the majority of indigenous peoples. Yet misunderstandings have surfaced in a small number of projects, and some groups or individuals have recommended changes to the Tribal Council system. As such, in 2022, the CIP assembled a working group to amend the Measures, commissioning administrative units, experts, and scholars to explore upgrading the Measures and work to draft amendments for the Measures. The working group has convened four amendment meetings to date. In addition, a legal analysis of the Measures has been commissioned for a comprehensive review of operational practices. This involves summarizing cases where parties faced challenges when consulting or acquiring consent from indigenous peoples, procedures incurred high costs, or situations significantly deviated from the current status of indigenous peoples. The review also takes into account consultation and consent laws in various countries, soliciting input from indigenous communities and the public, aiming to find appropriate legal avenues as a basis for the amendment. The ultimate goal is to safeguard the rights of indigenous peoples in the use of land and natural resources and comply with the Indigenous Peoples Basic Law.

點次	問題內容	
27.	原文	In para. 37 of its concluding observations on the implementation of the two International Covenants of 13 May 2022, the International Review Committee called upon the Government to provide remedies for Indigenous peoples affected by the storage or disposal of nuclear waste and other hazardous materials on their lands or territories. In its parallel Report on ICERD, Covenants Watch also expresses concern regarding the lack of progress in removing nuclear waste from Indigenous lands. What has the Government and the Taiwan Power Co (Taipower) done in the recent past to remove nuclear waste from Indigenous lands and territories and in providing other effective remedies to Indigenous peoples?
	中文參考翻譯	國際審查委員會於2022年5月13日針對兩公約施行情況之結論性意見第37點中，呼籲政府應針對在其土地或領域上儲存或處理核廢料和其他危險物質而受到影響之原住民族提供救濟措施。人權公約施行監督聯盟在其關於《消除一切形式種族歧視國際公約》的平行報告中，對從原住民族土地上清除核廢料方面欠缺進展表示關切。政府和臺灣電力公司近來是否有清除原住民族土地和領域上核廢料之作業進展，並為原住民族提供其他有效之救濟措施？

中文回應：

經濟部（第1~3點）、核能安全委員會（第4~7點）

1. 政府和臺灣電力公司近來是否有清除原住民族土地和領域上核廢料之作業進展：
 - (1) 針對蘭嶼地區核廢料遷出，臺電公司已向核安會提出送低放廢棄物最終處置場、運回原產地、送中期暫存設施三種方案，並遵照核安會指示，提請行政院國家永續發展委員會非核家園推動專案小組（以下簡稱非核專案小組）討論。
 - (2) 由於地方政府持續反對「運回原產地」，目前暫停規劃執行。而低放廢棄物最終處置場，經濟部於2012年7月3日公告金門縣烏坵鄉、臺東縣達仁鄉2處為建議候選場址，惟皆遭兩地方政府婉拒協助辦理公投而無法繼續進行。目前非核專案小組共識為推動「放射性廢棄物中期暫時貯存設施」，臺電並遵照非核專案小組指示推動社會溝通，爭取社會對推動中期暫存設施之共識。
 - (3) 另為提升蘭嶼貯存場營運安全並加速核廢料遷出，臺電已將蘭嶼全數核廢桶裝入防護力更高、貯存更安全之3x4重裝容器，未來外運時亦可縮短裝卸時間。臺電並已完成運輸船設計，待啟動蘭嶼遷場時，可加速運輸整體時程。
2. 是否有為原住民族提供其他有效之救濟措施？
 - (1) 政府依據「核廢料蘭嶼貯存場設置真相調查報告書」建議辦理有關蘭嶼低放貯存場之補償事宜，於2019年10月18日制定「核廢料蘭嶼貯存場使用原住民族地保留地損失補償要

- 點」(以下簡稱蘭嶼補償要點)，以利儘速對雅美(達悟)族進行實質補償。
- (2) 依據蘭嶼補償要點，2021年7月12日經濟部核能發電後端營運基金管理會已提供補償金25.5億元成立以蘭嶼雅美(達悟)族人為多數董監事之損失補償基金會(2021年7月27日正式運作)，專款專用於蘭嶼雅美(達悟)族人，充分展現原民自治之精神，可在促進蘭嶼雅美(達悟)族人福祉精神下自主運用；並且在每三年續租時，提供蘭嶼鄉公所2.2億元的土地續租配套回饋金，可確實保障族人權益。另依照經濟部「貯存及除役完成前回饋要點」，每年蘭嶼可獲得約2,000萬元之貯存回饋金，用於地方建設及公共事務。
 3. 另關於高放射性廢棄物最終處置場址選址立法作業，經濟部能源署刻持續辦理法令草案研議作業，未來於立法過程中，將持續與各界溝通，以凝聚共識並消除可能歧視。
 4. 此外，核能安全委員會(下稱核安會)作為核能安全管制機關，為落實政府對蘭嶼地區原住民族的承諾，核安會每半年邀集經濟部及原住民族委員會，召開跨部會討論會議共同督促台電公司辦理遷場事宜，並要求台電公司做好蘭嶼遷場之社會溝通，俾利儘早遷出蘭嶼核廢料。
 5. 為精進蘭嶼貯存場之貯存安全，做好遷場前的包裝準備作業，核安會要求蘭嶼貯存場現有廢棄物桶，全數以厚實之熱浸鍍鋅重裝容器進行重裝。核安會監督台電公司於2022年完成蘭嶼貯存場全部廢料桶的重裝作業，並持續要求台電公司規劃專用碼頭運送作業之適用性及運送船舶之設計工作，以積極推動蘭嶼遷場作業。
 6. 在核廢料遷出蘭嶼之前，核安會將持續嚴格監督蘭嶼貯存場運轉安全，同時嚴密監督蘭嶼貯存場內外之環境輻射監測，確保符合法規標準，以降低民眾健康風險。
 7. 行政院已於2019年10月核定「核廢料蘭嶼貯存場使用原住民保留地損失補償要點」，並回溯補償金捐助成立損失補償基金會負責管理，專款專用於促進蘭嶼雅美(達悟)族人福祉事項。2021年「核廢料蘭嶼貯存場使用雅美(達悟)族原住民保留地損失補償基金會」完成設立，該基金會已依財團法人法及捐助章程獨立運作，以落實政府照顧蘭嶼地區之承諾。

Response:

1. What has the Government and Taiwan Power Company done in the recent past to remove nuclear waste from Indigenous lands?
Regarding the removal of nuclear waste stored at the Lanyu storage site, Taiwan Power Company (TPC) has proposed three strategies to Nuclear Safety Council (NSC):
 - (1) Sending the waste to the low level waste final disposal facility.
 - (2) Sending the waste back to the three nuclear plants and National Atomic Research Institute (NARI)
 - (3) Sending the waste to an interim storage facility.

On the instruction of the NSC, the three strategies have been submitted to the Task Force for the Promotion of a Nuclear-Free Homeland (TFPNH), founded by National Council for Sustainable Development (NCSD) of the Executive Yuan, as the most pressing agenda.

Strategy b has currently been suspended due to the objection raised by the local governments where the three nuclear plants and NARI located.

As for the low level waste final disposal facility, on July 3, 2012, the Ministry of Economic Affairs (MOEA) announced that the two sites, Wuqiu Township, Kinmen County, and Daren Township, Taitung County, have been selected as recommended candidate sites. However, both local governments have been refusing to help holding local referendums ever since, thus strategy a has also been postponed.

The current consensus of the TFPNH is to implement strategy c. With that in mind, TPC is currently promoting social communication to seek a social consensus on the establishment of the interim storage facility on the instructions of TFPNH.

In addition, in order to enhance the operational safety of the storage site and to accelerate the removal of nuclear waste, TPC has put all the nuclear waste barrels stored at the Lanyu storage site into the 3x4 reinforced containers with the purpose of higher protection and safer storage. This will also shorten the cargo handling time for future transportation. In addition, TPC has accomplished the design of the transport vessel. Once the removal is initiated, the transportation schedule could be shortened.

2. What has the Government and Taiwan Power Company done in the recent past in providing other effective remedies to Indigenous peoples?

In an effort to compensate the Tao tribe living on Lanyu island, "Compensation Act for Lanyu Nuclear Waste Storage Site on Aboriginal Reserves" was promulgated by Executive Yuan on October 18, 2019, based on the investigation report on the establishment of the Lanyu storage site.

In accordance with the act, MOEA offered NT\$2.55 billion in compensation from the Nuclear Back-end Fund on July 12, 2021. With a view to ensuring the use of the funds serves the needs of Tao people and to honoring the right to self-determination, MOEA has helped the founding of a foundation (operated since July 27, 2021) where the majority of board members are Tao people. An additional NT\$220 million is also offered every three years after the land lease renewal. Besides, a subsidy of around NT\$20 million is given to Lanyu Island residents every year in accordance with "Compensation Act for Nuclear Waste Storage" promulgated by MOEA, for the purpose of social benefit, health care, education, and environment.

3. The Energy Administration of the Ministry of Economic Affairs will continue to conduct research and discussion on the draft law (Act on Sites for Establishment of High Level Radioactive Waste Final Disposal Facility). In the future legislative process, it will continue to

communicate with all walks of life to build consensus and eliminate possible discrimination.

4. Nuclear Safety Commission (NSC) is the safety authority overseeing atomic energy related affairs. In delivering the government's commitment to the indigenous people of Orchid Island, NSC convenes an inter-ministerial meeting semiannually with the Ministry of Economic Affairs and the Council of Indigenous Peoples. It is a collaborative effort urging Taiwan Power Company to handle matters concerning the relocation and to properly communicate with the society about relocation of Orchid Island LLW Storage Site, which could contribute to potentially earlier removal of nuclear waste from Orchid Island.
5. To ensure storage safety and thorough execution of pre-relocation packaging, NSC requests that all existing waste containers at Orchid Island LLW Storage Site be repackaged in heavy-duty hot-dip galvanized containers. Under the supervision of NSC, Taiwan Power Company completed the repackaging of all waste at Orchid Island LLW Storage Site in 2022. NSC also proactively urges relocation through a continuous effort in demanding Taiwan Power Company to devise a designated harbor and vessel appropriate for waste transportation.
6. Before the nuclear waste is removed from Orchid Island, NSC will continue to rigorously oversee the operational safety of Orchid Island LLW Storage Site. Meanwhile, the environmental radiation monitoring inside and outside of Orchid Island LLW Storage Site will also be implemented precisely in compliance with legal requirements to reduce public health risks.
7. In October 2019, the Executive Yuan approved "Directions for the Compensation of Losses in the Use of Indigenous Land of Orchid Island LLW Storage Site" and offered compensation to set up a foundation to manage funds dedicated to improving the welfare of the Yami (Tao) People on Orchid Island. In 2021, the "Compensation Foundation for the Loss of Lands Reserved for Indigenous People due to the Construction of Nuclear Waste Storage Site on Orchid Island" was launched and started operating independently in accordance with the Foundations Act and its endowment charter to fulfill the government's commitment to Orchid Island.

3-2-5. 原住民族語言 Indigenous Languages

點次	問題內容	
28.1	原文	Issues are raised, in particular: •There are concerns about the protection of the right of Indigenous peoples to register their names in their own languages;
	中文參考翻譯	特別指出如下議題： •對保障原住民族以自身語言登記其姓名之權利表示關切；

中文回應：

內政部（戶政司）第1、3（後段）點、原住民族委員會第2~4點

1. 按《姓名條例》第1條、第2條及第4條規定略以，國民應以戶籍登記之姓名為本名，辦理戶籍登記時，應取用中文姓名，並應使用辭源、辭海、康熙字典或教育部編訂之國語辭典中所列有之文字，又臺灣原住民得以中文傳統姓名並列登記傳統姓名之羅馬拼音（即原住民族語言）。爰現況原住民族姓名係以中文或申請登記並列羅馬拼音，惟不可單列羅馬拼音。
2. 為保障原住民族語言之使用及傳承，原住民族委員會自2017年6月14日公布施行「原住民族語言發展法」，其中第1條明定：「原住民族語言為國家語言，為實現歷史正義，促進原住民族語言之保存與發展，保障原住民族語言之使用及傳承，...。」另第2條第1項第2款明定：「原住民族文字指用以記錄原住民族語言之書寫系統。」國家不僅於法律中肯認原住民族語言為國家語言，同時也確認原住民族文字形式，奠定原住民族傳統名字可單獨使用原住民族文字登記之法制基礎。按姓名條例第1條、第2條及第4條規定略以，國民應以戶籍登記之姓名為本名，辦理戶籍登記時，應取用中文姓名，並應使用辭源、辭海、康熙字典或教育部編訂之國語辭典中所列有之文字，又臺灣原住民得以中文傳統姓名並列登記傳統姓名之羅馬拼音（即原住民族語言）。爰現行實務原住民族姓名僅能以中文或申請登記並列羅馬拼音，惟不可單列羅馬拼音。
3. 為徵詢專家學者意見，原住民族委員會前於2021年5月6日邀集專家學者召開「使用原住民族文字登記傳統名字座談會」，與會專家學者對該議題皆持正面看法，認為此舉有助於原住民族多元文化及語言平權的推動，且與多數原住民族社會及原住民立法委員看法一致，相關座談會資料業函送內政部參辦。次按行政院2022年2月11日召開「使用原住民族文字單獨登記傳統名字」研商會議結論略以，對於原住民族文字單獨登記傳統名字，不再並列中文音譯，原則應予尊重，請原住民族委員會先瞭解原住民族群之想法，並研擬政策宣導及溝通方案；另為瞭解政策推動之可行性及後續配套措施，請原住民族委員會及內政部辦理規劃及盤點蒐集相關部會所需之行政程序及經費等問題。內政部將

配合政策決定，研議修正姓名條例相關規定，辦理戶籍登記作業。

4. 為促進社會對於原住民族傳統名字了解，原住民族委員會自2022年起於全國11處原住民族文物館辦理「O ngangan no niyah 自己的名字-臺灣原住民族傳統命名文化特展」，擴大參與對象至各級學校總計21個單位共同辦理，透過巡迴展方式進行原住民族傳統名字的宣導及溝通，期喚醒大眾對原住民族命名文化保存的意識與重視，並透過平面媒體或網路方式提高回復傳統名字政策之曝光度，及增進族人回復傳統名字意願，迄今參與策展人數達13萬2,770人。

Response:

1. According to Articles 1, 2 and 4 of the Name Act, The legal name of a citizen of the Republic of China (ROC) shall be that entered in the household registration system. When applying for household registration, the applicant must supply a name using Chinese characters found in the Chinese etymological dictionary Ci Yuan, Chinese encyclopedic dictionary Ci Hai, Kangxi Dictionary, or Guoyu Cidian compiled by MOE. The ethnic name of a Taiwan indigenous person may be listed in Romanized form together with the name in Chinese characters. Currently, the name of a Taiwan indigenous person is listed in Chinese or in Romanized form together with their name in Chinese characters, but they cannot be listed in Roman pinyin alone.
2. The Executive Yuan held a meeting on "Indigenous peoples using the Roman pinyin of their traditional names alone" on February 11, 2022. The principle of registering traditional names in indigenous scripts separately and no longer paralleling Chinese transliterations should be respected. The Council of Indigenous Peoples first understands the ideas of the indigenous peoples and develops policy promotion and communication plans. In addition, in order to understand the feasibility of policy promotion and follow-up supporting measures, the Council of Indigenous Peoples and the Ministry of the Interior were requested to collect the administrative procedures and funds required by relevant ministries. The Ministry of the Interior will cooperate with policy decisions, amend the Name Act and handle household registration.
3. To ensure the use and heritage of indigenous languages, the CIP promulgated the Indigenous Languages Development Act on June 14, 2017. Article 1 of the Act states that "Indigenous languages are national languages. To carry out historical justice, promote the preservation and development of indigenous languages, and secure indigenous language usage and heritage...". Article 2(1)(2) also defines indigenous languages as "languages traditionally used by indigenous ethnic groups as well as scripts and symbols used to record such languages." Taiwan not only recognizes indigenous languages as national languages but also provides a clear definition of indigenous languages, laying the legal foundation for traditional indigenous names to be registered exclusively with indigenous scripts and symbols. According to Articles 1 and 2 of the Name Act, "[t]he legal name of a citizen of the Republic of China (ROC) shall be that entered

in the household registration system" and "[w]hen applying for household registration, naturalization or a passport, the applicant must supply a name using Chinese characters found in the Chinese etymological dictionary Ci Yuan, Chinese encyclopedic dictionary Ci Hai, Kangxi Dictionary, or Guoyu Cidian compiled by the Ministry of Education." Article 4 of the Name Act states that "[t]he ethnic name or Han Chinese name of a Taiwan indigenous person or other ethnic minority may be listed in Romanized form together with the name in Chinese characters and is not subject to the restriction in paragraph 1 of Article 1." As such, the current practice allows indigenous peoples to register their indigenous names in Romanized form together with the name in Chinese characters but may not list the Romanized form alone.

4. To seek the opinions of experts and scholars, the CIP convened a Seminar on Registering Traditional Names Using Indigenous Scripts on May 6, 2021. The participating experts and scholars expressed positive views on the topic, recognizing that such an initiative contributes to the promotion of equal rights for the diverse cultures and languages of indigenous peoples. Their perspectives aligned with the majority of indigenous communities, indigenous legislators, and the broader indigenous society. Relevant information from the seminar has been forwarded to the Ministry of the Interior for further consideration. Additionally, in accordance with the conclusion of the Discussion Meeting on Sole Registration of Traditional Names Using Indigenous Scripts, held by the Executive Yuan on February 11, 2022, it was determined that the sole registration of traditional names using indigenous scripts, without simultaneous inclusion of Chinese transliteration, shall be respected in principle.
5. To raise social awareness for traditional indigenous names, the CIP has held the "O ngangan no niyah: A Name for Ourselves – The Traditional Naming Culture of Indigenous Peoples of Taiwan" exhibit at the 11 indigenous cultural museums across Taiwan since 2022. The exhibition has been expanded to involve a total of 21 educational institutions at all levels. Through a touring exhibition format, the CIP aims to advocate and communicate the cultural significance of traditional indigenous names. The initiative seeks to raise awareness and appreciation among the public regarding the preservation of indigenous naming culture. Furthermore, the CIP leverages print media and online platforms to enhance the visibility of the policy promoting the restoration of traditional names. The goal is to increase exposure and foster a greater willingness among indigenous people to reclaim their traditional names. To date, 132,770 participants have visited the exhibit.

點次	問題內容	
28.2	原文	There are concerns about the quality and accuracy of interpretation in Indigenous languages during legal proceedings;
	中文參考翻譯	對法律訴訟期間原住民族語言之通譯品質和準確度表示關切；

中文回應：

司法院(第1點)、法務部(第2~3點)、原住民族委員會(第4點)

- 為維護外國人或語言不通人士、聽覺或語言障礙人士之訴訟權益，法院自2006年起採行「特約通譯制度」，於各法院審理案件有傳譯需求時，逐案約聘特約通譯到庭協助法庭傳譯。截至2023年12月，法院建置有21種語言類別，共263名特約通譯備選人，其中就有關「原住民族語言類別」部分說明如下：
 - 有關「原住民族語言類別」之法院特約通譯，目前共有11種原住民族語，共30名原住民族語特約通譯備選人。法院並參考原住民族委員會提供之「通曉原住民族語名冊」延攬語言人才。如特約通譯備選人因故均不能提供服務或人數不敷應用時，得因應需要，函請相關機關或單位指派熟諳該原住民族語言之人員擔任臨時通譯，或由當事人合意選任經法院認為適當者為通譯。
 - 為提升傳譯品質及正確性，法官學院每年均有開設課程，提供現職通譯及特約通譯備選人充實職務所需之智識及傳譯技能。特約通譯於遴選及續聘時，均須完成法院舉辦之教育訓練並經審查合格後，始發給有效期間2年之合格證書。司法院訂有相關法規，延攬語言人才及給予特約通譯合理報酬、建立通譯倫理規範，並加強特約通譯之監督。
- 法務部目前通譯制度係依照「檢察機關辦理刑事案件使用通譯應行注意事項」、「檢察機關通譯倫理規範」、「高等檢察署及其檢察分署建置特約通譯名冊及日費旅費報酬支給要點」（下稱支給要點）辦理，臺灣高等檢察署及各檢察分署均依支給要點建置特約通譯名冊，並依其訴訟轄區，各自招聘特約通譯人員，並辦理後續之訓練、評核，目前聘任之特約通譯人員包含外語、手語、原住民族語等通譯人才。
- 有關原住民族語言通譯人才語種，包含阿美族語、太魯閣族語、秀姑巒族語、卑南族語、排灣族語、魯凱族語及賽夏族語等多種原住民族語言通譯，並持續擴充以滿足原住民使用通譯之需求。針對教育訓練部分，強化基礎課程及專業課程，並增加實務演練，各檢察機關得視需要，增加課程及時數，以確保傳譯之品質。
- 原住民族委員會多年與司法院合作建置相關人才資料庫，提供全國司法單位聘任通譯人才及辦理通譯訓練使用。另設有原住民族語言專責研究機構，該機構每年辦理翻譯人才訓練，提升翻譯人員進行口譯、筆譯之品質及準確度。

Response:

- To protect the litigation right for foreigners, people with no or limited proficiency in Mandarin, and people who are hearing- or speech-impaired, the courts have implemented the “Contracted Interpreter System” since 2006, under which the courts can hire the contracted interpreters to assist with the court interpretation on a case-by-case basis when necessary. As of December 2023, the Courts have 263 reserve contracted interpreters, providing interpretations in a total of 21 languages. The “Category of Indigenous Language” is explained as follows:
 - Currently there are 30 reserve contracted interpreters providing interpretations in a total of 11 indigenous languages. The courts also recruit language professionals with reference to the “List of People who Speak Indigenous Language” provided by the Council of Indigenous Peoples. If the contracted interpreters cannot provide the service or they are short in number, the court may, depending on the demand, request relevant authorities or units to assign personnel who understands the designated indigenous language to serve as provisional interpreters through written notification. The case parties may also look for a suitable person for interpretation, whom the court also deems appropriate.
 - To improve the quality and accuracy of interpretation, the Judges Academy offers courses every year to provide in-service interpreters and reserve contracted interpreters with the knowledge and interpreting skills required for their duties. By selection and reappointment of the contracted interpreters, they must complete the educational and training courses provided by the courts and be approved as adequate to receive a certificate, which is valid for two years. The Judicial Yuan has established regulations to recruit language professionals, provide reasonable compensation for the contracted interpreters, ratify the Code of Conduct for Court Interpreters and enhance the supervision of the contracted interpreters.
- Currently, the interpreter system of the Ministry of Justice has been in place in compliance with the Directions for Handling Criminal Cases Using Interpreters in Prosecutors Offices, the Code of Ethics for Interpreters Engaged by Prosecutors Office, and the Guidelines for Establishing Rosters of Contract Interpreters and Paying Their Daily Compensation and Travel Expenses by High Prosecutors Offices and Their Branch Offices (the “Payment Guidelines”). Taiwan High Prosecutors Offices and their branch offices nationwide have each established rosters of contract interpreters according to the Payment Guidelines. They recruit contract interpreter personnel based on their respective jurisdictions and conduct subsequent training for and assessments on their interpreters. Currently, the contract interpreters hired include talents in foreign language, sign language, and aboriginal language interpreting.
- The various aboriginal languages that those talents may interpret include Amis, Truku, Xiuguluan, Puyuma, Paiwan, Rukai, and Saisiyat languages. The Ministry of Justice continues to make efforts to recruit more talents in interpreting aboriginal languages to meet indigenous

people's needs for interpreters. For interpreting education and training, the Ministry of Justice aims to enhance fundamental and specialized interpreting courses and include more hands-on interpreting practices. Each Prosecutors Office may add courses and hours as needed to ensure quality interpreting.

- The CIP has collaborated with the Judicial Yuan for many years to establish relevant talent databases, providing nationwide judicial units with qualified interpreters and organizing interpreter training programs. In addition, a dedicated research institution for indigenous languages has been established. This institution conducts annual training programs for translation personnel, aiming to enhance the quality and accuracy of translators for both interpreting and written translations.

點次	問題內容	
28.3	原文	The teaching of Indigenous languages in schools is in many instances considered ineffective.
	中文參考翻譯	在許多情況下，學校的原住民族語言教學被認為是無效。

中文回應：

原住民族委員會第1點、教育部第2~4點

- 原住民族委員會除發展原住民族語言教材，並與教育部制定「原住民族語言師資培育計畫」，針對族語教學及學習內容透過部會合作提升學校原住民族語言教育效能。
- 為落實《國家語言發展法》、《原住民族語言發展法》及《原住民族教育法》相關規定，教育部擬定高級中等以下學校及幼兒園原住民族語文教育政策，爰於2021年3月15日修正發布「十二年國民基本教育課程綱要總綱」，自2022學年度起開始實施。高級中等以下學校族語為部定課程，由學校調查學生實際需求與意願，開設本土語文課程供學生選修，深化原住民族語文教育之推動。除此之外，教育部在寒暑假期間辦理原住民族科學人才培訓營、原住民研習，並補助學校成立原住民族學生社團、民間團體辦理原住民族教育活動，以增進課外原住民之休閒生活、文化傳承、自治及服務能力。
- 至於大專院校原住民族語課程部分，依據《專科學校法》第34條及《大學法施行細則》第24條規定，課程規劃與教學安排係屬大學自主事項，教育部亦配合原住民族委員會政策，鼓勵大專校院開設。

Response:

- In addition to developing indigenous language teaching materials, the CIP also collaborates with the Ministry of Education for the Indigenous Language Teacher Training Program, focusing on improving the efficacy of indigenous language education in schools through inter-agency cooperation and a focus on language teaching and learning materials.
- The MOE has incorporated indigenous language education in the revised Curriculum Guidelines of 12-Year Basic Education, applicable to preschools and schools up to senior high school level. This incorporation ensures adherence to the directives specified in the Development of National Languages Act, the Indigenous Language Development Act, and the Education Act for Indigenous Peoples. The revised Curriculum Guidelines became effective in 2022. Ethnic languages are now integrated into the curriculum of schools below senior secondary level. Schools assess the specific needs and preferences of students in order to offer local language

courses as elective options, thereby advancing the learning of indigenous languages.

Furthermore, MOE organizes science talent camps for indigenous students and studies programs of indigenous culture during winter and summer breaks. It also provides funding for schools to establish indigenous student associations and supports non-governmental organizations in organizing indigenous educational activities. These initiatives aim to enrich off-campus experiences for indigenous students, fostering cultural preservation, autonomy, and community contribution.

- In accordance with Article 34 of the Junior College Act and Article 24 of the Enforcement Rules of the University Law, curriculum planning and instructional arrangements fall within the scope of university autonomy. Regarding indigenous language education in higher education institutions, the Ministry of Education is in line with the policies of the Council of Indigenous Peoples and encourages the opening of such courses in higher education institutions.

點次	問題內容	
29.	原文	Is there any progress on regular national surveys and reviews of implementation of language policies and increased Indigenous peoples' participation in decision-making?
	中文參考翻譯	對原住民族語言政策施行情況進行定期全國調查及考核，以及在增加原住民族參與決策等方面是否有取得任何進展？

中文回應：

原住民族委員會

- 自1998年起，原住民族委員會每年實施「原住民族教育調查統計」，瞭解全國國高中一年級原住民學生族語使用情形、老師族語使用狀況(族語使用能力、族語教授經驗、教學及教材)、國中小族語教學情形等。
- 依據《原住民族語言發展法》第10條規定，原住民族委員會定期辦理原住民族語言能力及使用狀況之調查，並公布調查結果，教育部應配合協助調查各級學校學生原住民族語言能力及使用狀況。最近一次調查係2023年開展，預計2024年6月將有初步調查結果。
- 至增加原住民族參與決策部分，按《原住民族語言發展法》第6條規定，設有各族語言推動組織，為各族最高語言事務自治單位。有關原住民族書寫文字確認、學習詞表、新詞創制、學習營隊、共識會議、族群特色推廣活動皆由該組織辦理。

Response:

- The CIP has conducted an Indigenous Education Survey annually since 1998 to understand the usage of indigenous languages among indigenous freshmen students in national high schools, as well as the language usage by teachers (language proficiency, teaching experience, instructional methods, and materials), and the state of indigenous language teaching in junior and elementary schools nationwide.
- According to Article 10 of the Indigenous Languages Development Act, the CIP shall conduct surveys on proficiency and usage of indigenous languages and publish the findings. The Minister of Education shall support the CIP in the survey of students' indigenous language proficiency and usage at all grade levels in schools. The most recent survey was conducted in 2023. Preliminary results from the survey will be available in June 2024.
- In regards to including indigenous communities in the decision-making process, the CIP has established organizations in charge of promoting different indigenous languages in compliance with Article 6 of the Indigenous Languages Development Act. These organizations serve as the

highest autonomous units for language affairs for their respective indigenous languages and are responsible for confirming indigenous scripts, creating vocabulary lists, innovating new words, organizing learning camps, holding consensus meetings, and promoting activities specific to each indigenous language.

3-2-6. 就業 Employment

點次	問題內容	
30.	原文	Are there any investigations into the employment ratio of Indigenous peoples in government agencies and organizations?
	中文 參考 翻譯	是否有對原住民族於政府機構和組織就業比例之調查？

中文回應：

原住民族委員會第1點、考試院（銓敘部）第2點

1. 依據《原住民族工作權保障法》規定，我國定期調查各級政府機關、公立學校、公營事業機構及依政府採購法得標廠商之進用原住民族情形。
2. 提供原住民族任公務人員統計表（按各類人員、性別、族別分）。（如附表）

附表

近5年全國原住民族任公務人員概況按族別分

單位：人

年別	總計	阿美族	卑南族	賽夏族	泰雅族	排灣族	魯凱族	布農族	鄒族	邵族
2018	6,661	1,466	169	55	1,207	1,584	225	856	92	17
2019	6,608	1,466	169	55	1,193	1,586	227	854	89	16
2020	6,806	1,507	175	58	1,224	1,649	234	887	91	16
2021	6,797	1,505	176	61	1,216	1,652	235	878	92	16
2022	6,705	1,491	172	58	1,191	1,631	226	872	95	15
男性										
2018	4,255	954	108	39	861	927	131	523	48	9
2019	4,175	941	106	39	839	920	130	519	47	8
2020	4,265	963	105	41	851	942	134	538	48	8
2021	4,222	950	104	42	844	935	135	527	49	8
2022	4,114	927	101	41	813	913	129	518	50	8
女性										
2018	2,406	512	61	16	346	657	94	333	44	8
2019	2,433	525	63	16	354	666	97	335	42	8

2020	2,541	544	70	17	373	707	100	349	43	8
2021	2,575	555	72	19	372	717	100	351	43	8
2022	2,591	564	71	17	378	718	97	354	45	7

年別	雅美族	噶瑪蘭族	太魯閣族	撒奇萊雅族	賽德克族	拉阿魯哇族	卡那卡那富族	其他(未登記)
2018	42	11	535	14	196	14	9	169
2019	43	11	534	16	196	14	11	128
2020	44	13	552	17	203	15	12	109
2021	45	13	560	17	205	15	12	99
2022	45	13	552	17	207	15	12	93
男性								
2018	19	9	365	10	131	8	6	107
2019	19	9	366	10	128	7	7	80
2020	20	11	381	11	130	7	8	67
2021	20	11	381	11	129	7	8	61
2022	19	11	370	11	132	7	8	56
女性								
2018	23	2	170	4	65	6	3	62
2019	24	2	168	6	68	7	4	48
2020	24	2	171	6	73	8	4	42
2021	25	2	179	6	76	8	4	38
2022	26	2	182	6	75	8	4	37

近5年全國原住民族任公務人員概況按各類人員分

單位：人

年別	總計	行政人員	法官、檢察官	警察人員	生產事業分類職位人員	交通事業資位人員	金融人員	醫事人員
2018	6,661	3,533	2	2,633	41	170	17	265
2019	6,608	3,500	2	2,589	52	177	17	271
2020	6,806	3,592	2	2,678	60	178	18	278
2021	6,797	3,623	2	2,631	61	171	19	290
2022	6,705	3,598	4	2,552	76	167	20	288
男性								
2018	4,255	1,515	2	2,523	26	147	9	33

2019	4,175	1,487	2	2,460	30	156	7	33
2020	4,265	1,516	2	2,511	37	157	8	34
2021	4,222	1,533	2	2,458	36	148	9	36
2022	4,114	1,498	4	2,374	47	144	10	37
女性								
2018	2,406	2,018	-	110	15	23	8	232
2019	2,433	2,013	-	129	22	21	10	238
2020	2,541	2,076	-	167	23	21	10	244
2021	2,575	2,090	-	173	25	23	10	254
2022	2,591	2,100	-	178	29	23	10	251

Response:

1. According to the Indigenous Peoples Employment Rights Protection Act, the government shall regularly survey the employment ratio of indigenous peoples at each level of the government, public schools, state-run businesses and winning bidders according to the Government Procurement Act.
2. Provide statistics on Indigenous people serving as public servants (classified by personnel, gender, and indigene) . (details as in Appendix)

Appendix

General Conditions of Indigenous Peoples, By Indigene

Unit:Person

Years	Grand Total	Amis	Pinuyumayan	Saisiyat	Atayal	Paiwan	Rukai	Bunun	Tsou	Thau	Yami
2018	6,661	1,466	169	55	1,207	1,584	225	856	92	17	42
2019	6,608	1,466	169	55	1,193	1,586	227	854	89	16	43
2020	6,806	1,507	175	58	1,224	1,649	234	887	91	16	44
2021	6,797	1,505	176	61	1,216	1,652	235	878	92	16	45
2022	6,705	1,491	172	58	1,191	1,631	226	872	95	15	45
male											
2018	4,255	954	108	39	861	927	131	523	48	9	19
2019	4,175	941	106	39	839	920	130	519	47	8	19
2020	4,265	963	105	41	851	942	134	538	48	8	20
2021	4,222	950	104	42	844	935	135	527	49	8	20
2022	4,114	927	101	41	813	913	129	518	50	8	19
female											
2018	2,406	512	61	16	346	657	94	333	44	8	23

2019	2,433	525	63	16	354	666	97	335	42	8	24
2020	2,541	544	70	17	373	707	100	349	43	8	24
2021	2,575	555	72	19	372	717	100	351	43	8	25
2022	2,591	564	71	17	378	718	97	354	45	7	26

Years	Kebalan	Truku	Sakizaya	Seediq	Hla'alua	Kanaka- navu	Others
2018	11	535	14	196	14	9	169
2019	11	534	16	196	14	11	128
2020	13	552	17	203	15	12	109
2021	13	560	17	205	15	12	99
2022	13	552	17	207	15	12	93
male							
2018	9	365	10	131	8	6	107
2019	9	366	10	128	7	7	80
2020	11	381	11	130	7	8	67
2021	11	381	11	129	7	8	61
2022	11	370	11	132	7	8	56
female							
2018	2	170	4	65	6	3	62
2019	2	168	6	68	7	4	48
2020	2	171	6	73	8	4	42
2021	2	179	6	76	8	4	38
2022	2	182	6	75	8	4	37

General Conditions of Indigenous Peoples, by Personnel

Unit : Person

Years	Grand Total	Administration Staff	Judge, Prosecutor	Police	Categorized Position Personnel	Rank Personnel	Financial Personnel	Medical Personnel
2018	6,661	3,533	2	2,633	41	170	17	265
2019	6,608	3,500	2	2,589	52	177	17	271
2020	6,806	3,592	2	2,678	60	178	18	278
2021	6,797	3,623	2	2,631	61	171	19	290
2022	6,705	3,598	4	2,552	76	167	20	288
male								
2018	4,255	1,515	2	2,523	26	147	9	33
2019	4,175	1,487	2	2,460	30	156	7	33
2020	4,265	1,516	2	2,511	37	157	8	34

2021	4,222	1,533	2	2,458	36	148	9	36
2022	4,114	1,498	4	2,374	47	144	10	37
female								
2018	2,406	2,018	-	110	15	23	8	232
2019	2,433	2,013	-	129	22	21	10	238
2020	2,541	2,076	-	167	23	21	10	244
2021	2,575	2,090	-	173	25	23	10	254
2022	2,591	2,100	-	178	29	23	10	251

Source : All Civil Servants Database.

點次	問題內容	
31.	原文	Is there any need for a mechanism for enhancing employment of Indigenous peoples in government agencies and organizations?
	中文參考翻譯	是否需建立促進原住民族於政府機構和組織就業之機制？

中文回應：

原住民族委員會第1點、考試院（考選部）第2、3點

1. 我國《就業服務法》及《原住民族工作權保障法》明文規定應致力促進原住民族就業，並設有公立就業服務機構原住民族就業服務據點及原住民族就業服務辦公室，聘僱原住民族就業服務人員提供專業服務，協助原住民族就業。
2. 為選拔原住民行政及技術人員，從事原住民地區地方自治及經濟建設工作，考選部於1956年首次舉辦特種考試臺灣省山地人民應山地行政人員考試，限具山地人民身分者報考，此為原住民族特考之肇始，其後考試名稱歷經多次修正。嗣為符應《憲法》增修條文第10條第12項維護原住民族權益之規範，2011年12月26日修正公布之《公務人員考試法》第3條，特將原住民族參加公務人員考試取得任用資格予以立法保障，並自2012年起，每年固定舉辦原住民族特考，以拔擢優秀原住民族人才進入公部門服務。
3. 另查《公務人員考試法》第18條第3項規定略以，原住民族應考人報考公務人員考試，其報名費得酌予減免。期能降低報考公務人員考試之經濟負擔，提高原住民族青年報考意願。

Response:

1. Taiwan's Employment Service Act and Indigenous Peoples Employment Rights Protection Act clearly states that the government should commit to assisting the employment of indigenous peoples. Indigenous employment service locations in public employment services agencies and indigenous employment service offices are also available in Taiwan. Indigenous peoples are employed in these offices to provide professional services and assist indigenous peoples with employment.
2. In 1956, the Ministry of Examination held the first special administrative personnel exam for mountain peoples. This civil service exam was the first of its kind to engage indigenous candidates with administrative and technical skills in local self-governance and economic development in indigenous communities. Since then, the exam title has gone through multiple revisions. In compliance with Article 10, Paragraph 12 of the Additional Articles of the ROC Constitution,

the revision to Article 3 of the Civil Service Examinations Act, promulgated on December 26, 2011 provides the legal basis for indigenous people's right to take civil service exams. The special exam for indigenous peoples has been held each year since 2012 to select qualified indigenous individuals for public service.

3. According to Article 18, Paragraph 3 of the Civil Service Examinations Act, examination fees have been reduced or eliminated for indigenous candidates applying for civil service examinations. This measure aims to reduce the financial burden on indigenous people and increase their willingness to apply for national exams.

3-2-7. 教育 Education

點次	問題內容	
32.	原文	How can teacher education for Indigenous peoples be strengthened in order to help address teacher shortage?
	中文參考翻譯	請問加強原住民族教師培訓以協助解決教師短缺問題之方法為何？

中文回應：

原住民族委員會（1~2點）、教育部（第3~5點）

- 《原住民族教育法》第34條規定明定原住民重點學校「聘任具原住民身分之教師比率」部分，為一般教育範疇，屬教育部權責，原住民族委員會（下稱原民會）將積極配合教育部持續精進原住民族師資培育及聘用事宜。
- 原民會配合參與教育部國民及學前教育署（下稱該署）定期召開之「直轄市、縣（市）政府轄屬原住民重點學校聘任原住民族籍教師情形研商會議」，請各地方政府持續掌握各校原住民族籍師資聘任情形，並鼓勵其持續提報原住民族籍公費師資生名額、修正相關法令以優先介聘原住民教師至原住民重點學校、討論透過《偏遠地區學校教育發展條例》留任原住民教師等因應策略及聘任原住民教師所面臨之實務現況及問題。原民會亦將持續積極配合參與該署及教育部所召開之相關會議，並與教育部評估研議辦理座談會或聽證會之可行性，從各面向措施逐步達成原教法明定原住民教師之法定比率。
- 為提升原住民族語教學品質及穩定族語師資，教育部自2018學年起推動專職原住民族語老師制度，依據地方政府提報的需求核給名額，補助族語教師參與相關研習、培訓與輔導。另為精進族語教師教學能力，教育部亦補助獎學金、交通費、族語認證報名費、地方政府教育方案，並鼓勵教師取得語言專長能力，投身語言教學工作。
- 教育部以下列策略加強原住民族之職前教師培育，以解決原住民族教師短缺問題：
 - 由原住民族重點師資培育之大學，採多元培育管道，包含職前培育、教師在職進修學分班、學士後教育學分班及結合公費制度，培育原住民族語言及民族教育師資。
 - 提供學分費減免及獎助學金鼓勵學生修習原住民族文化及語言相關課程。
 - 與原民會合作，協助培育原住民族師資(公費)生取得族語高級認證及合格教師證，以培育原住民族語言師資。

Response:

- According to Article 34 of the Education Act for Indigenous Peoples, the “specific proportion of the teacher vacancies” to be filled by indigenous teachers shall be decided by the Ministry

of Education. The CIP will work with the Ministry of Education to strengthen indigenous teacher training and hiring.

- The CIP will support and participate in Discussions Meetings on the Appointment of Indigenous Teachers in Indigenous Key Schools under Municipal, County, or City Governments. The Meetings are regularly convened by the K-12 Education Administration (K12EA), Ministry of Education, to connect with local governments on the state of indigenous teacher employment in their jurisdictions; encourage local governments to increase quotas for government-funded indigenous students in teaching universities; urge local governments to amend related regulations to prioritize the hiring of indigenous teachers to indigenous key schools; explore strategies for retaining indigenous teachers through the Act for Education Development of Schools in Remote Areas; and discuss the current state and challenges of hiring indigenous teachers. The CIP will continue to work with the K12EA and Ministry of Education by participating in these meetings and evaluating the feasibility of hosting forums or hearings to gradually progress towards the mandated proportion of indigenous teachers set forth in the Education Act for Indigenous Peoples.
- To improve the quality of indigenous language education, MOE initiated the full-time indigenous language teacher program in 2018. This program allocates full-time indigenous language teachers to local schools based on needs reported by local authorities. The program also offers subsidies for indigenous language teachers to engage in research, training, and coaching. In addition, to improve the teaching quality of indigenous language teachers, MOE subsidizes scholarships, transportation expenses, indigenous language certification registration fees, local government education programs, encouraging teachers to acquire language expertise and commit to language teaching.
- The MOE has implemented the following strategies to address the shortage of indigenous teachers, including:
 - Providing government subsidies and teacher training for indigenous peoples at key universities through various programs, including pre-service teacher training, in-service teacher training, and postbaccalaureate teacher training, to cultivate indigenous language and heritage education teachers.
 - Offering credit fee waivers and scholarships to encourage students to take courses related to the culture and language of indigenous peoples.
 - Partnering with the Council of Indigenous Peoples to help indigenous pre-service teachers, as well as government-funded students, in obtaining advanced certification in indigenous languages and language teacher certificates.

點次	問題內容	
33.	原文	What is the progress toward a comprehensive background data investigation and review of the Education Act for Indigenous Peoples to improve policies and their outcomes?
	中文參考翻譯	依據《原住民族教育法》，針對原住民族教育進行全面背景資料調查及考核之進展，俾作為政策改善及提升學習效能。

中文回應：

原住民族委員會第1~3點、教育部第4點

1. 原住民族教育問題係各界關切焦點，也是政府教育建設之重點方向。政府稟持著《憲法》第163條對教育機會均等之精神：「國家應注重各地區教育之均衡發展」；《憲法》增修條文第10條中對原住民族的文化、地位的保障：「國家肯定多元文化，並積極維護發展原住民語言及文化」、「國家應依民族意願，保障原住民族之地位及政治參與，並對其教育文化、交通水利、衛生醫療、經濟土地及社會福利事業予以保障扶助並促其發展...」，明確指出原住民族文化為國家重要資產，政府致力於提升原住民族在各級教育的學習競爭力，同時也努力復甦原住民族文化傳承，並在1996年成立行政院原住民族委員會，2014年更名為原住民族委員會(下稱原民會)，統籌規劃原住民族教育、文化保存與維護等事務，以有效運用各項教育資源，加速提升原住民教育品質。在1998年頒布《原住民族教育法》後，更象徵著原住民族教育工作的推展，邁向另一個新的里程碑；此後2005年制訂《原住民族基本法》，2010年研擬原住民族教育政策白皮書等，透過立法過程來強化、發展、保存與維護原住民族教育與民族文化與權益。
2. 為使制定各項原住民族教育政策及推動各項活動時將教育資源發揮最佳效能，須隨時掌握原住民族教育現況資料，以了解原住民族教育問題、逐年趨勢與變化。因此原民會自1998年起開始進行「原住民族教育統計調查工作計畫」，就該學年度各類各級學校原住民學生就學狀況、升學表現，以及各級學校原住民族籍教師比率分布、原住民地區學校現況與需求等狀況進行調查，以作為制定有關原住民族教育政策或辦法時之參據，有效改進原住民族教育品質。
3. 原民會之原住民族教育現況調查統計內容已延續1998至2021學年度之調查項目，臚列如下：一、各級學校原住民學生就學狀況；二、各級學校原住民畢業生情形；三、各級學校學生異動情形；四、高級中等學校以下學校學生低收入戶、隔代教養、依親教養、單親家庭情形；五、原住民學生幼兒園就讀比率；六、原住民學生公自費留學情形；七、原住民學生獎學金核發情形；八、各級學校與原住民教育有關措施；九、原住民學生族語使用情形；十、原住民老師任教縣市；十一、原住民族籍及族語老師族語認證與教學

情形；十二、原住民重點學校數、教育硬體設備及師資現況；十三、原住民重點學校課程開設情形。期透過上述調查內容之資料蒐集與分析，俾利瞭解歷年原住民族各級教育推展和變化情形，作為我國推展原住民族教育之成效指標，以及提升原住民族教育品質策略之參考依據。

4. 教育部業依據《原住民族教育法》第9條之規定，會同原民會訂定「原住民族教育發展計畫(2021年至2025年)」，以「建構完整教育體系、完備行政支持系統、深化民族教育、強化師資培育、培育族群人才、推動原住民族終身教育、擴大原住民族教育對象」等7項目標，規劃原住民族教育發展重要方向，並逐年共同辦理12項推動策略及64項具體措施，每年之執行概況報告均公布於「教育部原住民族及少數族群教育資訊網」（網址：<https://indigenous.moe.gov.tw>）。

Response:

1. Indigenous education is a subject of concern across various sectors and a focal point for the government in education infrastructure. Article 163 of the Constitution states that “[t]he State shall pay due attention to the balanced development of education in different regions.” Article 10 of the Additional Articles of the Constitution of the Republic of China ensures the culture and status of indigenous peoples, stating that “[t]he State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures” and “[t]he State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the aborigines. The State shall also guarantee and provide assistance and encouragement for aboriginal education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare...” Both clearly recognize indigenous culture as an important national asset, and the government is dedicated to increasing the competitiveness of indigenous peoples at all levels of education while attempting to revive the cultural heritage of indigenous peoples. In 1996, the government established the Executive Yuan Council of Indigenous Peoples, which was renamed the Council of Indigenous Peoples (CIP) in 2014. The CIP was established to coordinate and plan indigenous education, cultural preservation, and related affairs as well as leverage educational resources effectively to enhance the quality of indigenous education. The promulgation of the Education Act for Indigenous Peoples in 1998 is a major milestone in promoting indigenous education. The subsequent promulgation of the Indigenous Peoples Basic Law in 2005 and publication of the White Paper on Indigenous Education Policies in 2010 further strengthens, develops, preserves, and maintains indigenous education, culture, and rights through legislative processes.
2. To ensure educational resources are being optimized with the formulation of Indigenous education policies and various initiatives, it is crucial to stay abreast of the current state of indigenous education by understanding issues, annual trends, and changes as they unfold. The CIP initiated

the Indigenous Education Survey in 1998 to survey all schools at all levels, collecting data from the academic year on indigenous students' enrollment and academic performance, the proportion of indigenous teachers, and the current state and needs of schools in Indigenous regions. The results of the survey can serve as a reference when formulating indigenous education policies or regulations to effectively improve the quality of indigenous education.

3. Items from the Indigenous Education Survey conducted by CIP with data from the 1998 to 2022 academic year are as follows: 1. indigenous student enrollment at all school levels; 2. indigenous student graduate rates at all school levels; 3. changes in indigenous student statuses at all school levels; 4. Students at sub-senior high school levels from low-income households or single-parent families or students who are raised by grandparents or relatives; 5. indigenous student enrollment in kindergartens; 6. indigenous students studying abroad, either self-financed or government-funded; 7. issuance of indigenous student scholarships, 8. indigenous education measures at all school levels; 9. indigenous language usage by indigenous students; 10. geographic distribution of indigenous teachers; 11. language proficiency certification and teaching of indigenous teachers or indigenous language teachers; 12. number of indigenous key schools, educational hardware, and faculty demographics; and 13. curriculum offerings in indigenous key schools. Data collection and analysis of the items above aim to provide valuable insights into the historical progress and changes in indigenous education, serving as an indicator of indigenous education efforts in Taiwan and offering a reference for strategies to enhance its overall quality.
4. In accordance with Article 9 of the Education Act for Indigenous Peoples, MOE and CIA have formulated Program on Developing Indigenous Education (2021-2025). This program aims to set a clear direction for the advancement of education for indigenous peoples. It is based on the seven objectives of “constructing a comprehensive education system, perfecting the administrative support system, deepening indigenous heritage education, strengthening teacher training, cultivating talents in indigenous groups, promoting lifelong education among indigenous peoples, and broadening the outreach of indigenous education.” Under this program, MOE has implemented twelve overall strategies and 64 detailed measures over the years. MOE also publishes an annual implementation report, accessible on the “Information on Education of Indigenous Peoples and Ethnic Minority Groups” (<https://indigenous.moe.gov.tw>).

點次	問題內容	
34.	原文	How can preschool Indigenous language instruction be better resourced?
	中文參考翻譯	學齡前族語教育如何得到更好的資源？

中文回應：

原住民族委員會第1點、教育部第2點

1. 嬰幼兒是學習族語之黃金時期，為提供學齡前原住民族幼兒良好學習資源，原住民族委員會透過「族語保母獎勵計畫」，提供0到6歲嬰幼兒學習族語機會；「沉浸式族語教學幼兒園計畫」提供就讀幼兒園原住民族幼兒有機會學習族語文化；「部落互助教保中心」計畫旨在幼兒園不普及之偏鄉區域、部落，自主運用語言文化教育活動來照顧原住民族幼兒。
2. 教育部透過以下措施，提供幼兒學習原住民族語言資源，扎根族語學習：
 - (1) 透過跨部會合作計畫，賡續協助原住民族委員會分攤沉浸式原住民族語幼兒園計畫經費。
 - (2) 鼓勵設置部落教保服務中心，提供幼兒學習族語、歷史及文化的機會。
 - (3) 訂定「教育部國民及學前教育署補助推動本土語言及在地文化融入幼兒園教保活動課程原則」，補助並鼓勵幼兒園重視原住民族語教學推動，促進本土語言文化之傳承與發展。
 - (4) 納入本土語言融入教學相關增能課程為教保專業知能研習之辦理主題，提升幼兒園在職教保服務人員專業知能。
 - (5) 辦理本土語言教材徵選活動，積極充實族語教學資源。

Response:

1. Infants and toddlers are the best ages for learning indigenous languages. To provide better learning resources for preschool children of indigenous identities, the CIP launched several programs: the Indigenous Language Childcare Incentive Program to offer children between the ages of 0 and 6 an opportunity to learn indigenous languages; the Immersive Indigenous Language Kindergarten Program to offer kindergarteners of indigenous identities an opportunity to learn indigenous languages and cultures; and the Indigenous Community Childcare Centers to empower indigenous communities to care for indigenous children in remote areas or indigenous regions, where kindergartens are scarce, with indigenous language, culture, and education.

2. The MOE provides children with resources for learning indigenous languages from an early age through the following measures:
- (1) Working with the Council of Indigenous Peoples in implementing and co-financing the pre-school ethnic language immersion program.
 - (2) Encouraging the establishment of tribal cooperative education and care (educare) centers by local organizations. These centers offer children the opportunities to learn indigenous languages, history, and culture.
 - (3) Establishing a set of directives to subsidize educare institutions in incorporating local languages and culture into activities. This directive incentivizes educare providers to prioritize and implement indigenous language teaching.
 - (4) Offering specialized courses about incorporating local languages in educare activities to pre-school and kindergarten educare personnel as part of their professional development.
 - (5) Accepting indigenous language teaching materials from the public, thereby enriching indigenous language teaching resources from collective knowledge.

3-2-8. 住房 Housing

點次	問題內容	
35.	原文	Are there any efforts to improve and create remedial measures for housing policies for Indigenous peoples that are formulated in a culturally responsive way?
	中文參考翻譯	是否有致力改善及塑造原住民族文化之住房政策之措施？

中文回應：

原住民族委員會

1. 原住民族建築住居文化是沿襲在地傳統文化脈絡所發展出的建築形式，講求就地取材、協力營造、師法自然及象徵性的文化元素構築而成，原住民族委員會長年積極推動興建具民族文化特色之家屋與公共設施，惟多受限於現行土地及建築法令規定，為此，原住民族委員會依據都會區及原鄉地區特性推動相關措施。
2. 早期原住民離鄉至都市求職謀生，為延續族群文化與集居慣俗，形塑與原鄉相似的都會群聚聚落，卻被認定為違建聚落，為落實都市原住民族居住權，原住民族委員會推動「都市原住民族部落營造計畫」，主動協調主管機關突破水保、土地及建管相關法令限制，成功協助新北市三鶯、溪洲、桃園市崁津、撒烏瓦知、新竹市那魯灣、臺中市花東、自強新村、高雄市長份及拉瓦克聚落改善公共設施、生活環境及文化環境營造，逐步解決30年都市違建聚落居住問題，重建永續新家園，使原住民族文化在城市深根與再現。
3. 在原鄉地區因政府法令未能充分考量原住民族住居文化、建築習慣及地理環境等因素，致使原住民地區合法建物比例偏低，影響族人居住權益。原住民族委員會於「原住民族住宅四年二期計畫（2021年至2024年）」協助新竹縣政府辦理「新竹縣原鄉地區老舊房屋合法化試辦計畫」，該縣已完成《新竹縣原住民族地區簡化建築管理辦法》並公告實施，後續將依此規定協助部落族人取得建築執照，並以部落文化延續之觀點，配合「原住民族特定區域計畫-泰雅族鎮西堡及斯馬庫斯部落」，輔導部落舊房屋及土地取得合法證明，以促進原住民族住居文化發展。

Response:

1. Indigenous architecture and housing is derived from their local traditional cultures. They emphasize the use of local materials, working together, drawing inspiration from nature, and incorporating symbolic cultural elements. The CIP has consistently promoted the construction of homes and public facilities with distinctive ethnic cultural features. However, these efforts are

often constrained by existing regulations on land and construction. In response, the CIP has implemented specific measures for urban and indigenous areas.

2. In the past, when indigenous peoples moved to urban areas for work, they established urban settlements resembling their hometowns to preserve their cultural heritage and communal customs. However, these settlements were often deemed illegal constructions. To protect the urban housing rights of indigenous peoples, the CIP initiated the Urban Indigenous Community Development Project to proactively coordinate with relevant authorities to overcome legal restrictions related to water conservation, land use, and construction. The project has successfully assisted in improving public facilities, living environments, and cultural landscapes in settlements such as Sanying (New Taipei City), Xizhou, Sawuazhi (Taoyuan City), Saowac, Naruwan (Hsinchu City), Huadong (Taichung City), Ziqiang Residential Quarters, Changfen (Kaohsiung City), and Ljavek Community. This has gradually addressed the longstanding issue of illegal urban settlements over the past thirty years, reconstructing new sustainable communities and deeply embedding indigenous culture in Taiwan's cities.
3. Government policies fail to consider the residential culture, architectural norms, and geographical environments of indigenous regions, which has led to a low percentage of legal buildings in indigenous regions, affecting the housing rights of indigenous peoples. Through the Four-year Indigenous Housing Plan Phase II (2021-2024), the CIP helped the Hsinchu County Government with its Pilot Program to Legalize Old Buildings in Hsinchu's Indigenous Regions. The County first promulgated the Hsinchu County Management Guidelines for Simplifying Building Guidelines in Indigenous Regions and then assisted indigenous peoples in obtaining their building permits. To support the indigenous community cultures, the CIP also assisted old building and land owners in obtaining legal permits with the Special Indigenous Region Plan – Cinsbu & Smangus, promoting the residential culture of indigenous peoples.

3-2-9. 健康 Health

點次	問題內容	
36.	原文	It has been reported that significant disparities remain in health indicators between Indigenous and non-Indigenous citizens of Taiwan. How can Indigenous peoples' health care services be targeted based on their needs rather than on how services can be delivered?
	中文參考翻譯	依各報告內容，臺灣原住民族與非原住民族之健康指標仍有顯著差異。請問如何根據原住民需求(非直接提供服務)訂定其醫療保健服務項目？

中文回應：

原住民族委員會第1點、衛生福利部第2~5點

1. 影響原住民族健康因素，除醫療及健康政策外，亦受到社經狀況及環境等因素影響。原住民族委員會（下稱原民會）除與衛生福利部（下稱衛福部）共同推動衛生保健相關措施外，亦積極辦理經濟改善與福利服務、加強輔導原住民族就業等政策，相關政策已逐步改善原住民族健康狀態，原住民族平均餘命逐年上升，且與非原住民之差距有逐漸減少之趨勢(2009年平均餘命差距為8.93歲，2022年平均餘命差距為6.19歲)。原住民族委員會與衛福部將持續透過跨部門合作平台共同消弭原住民族健康不平等。另隨著文健站數的增加與服務品質的提升，族人的平均餘命也自2016年至2021年從71.92歲增加至73.92歲，5年就增加了2歲，在這之前，需要花8年才能提升2歲，顯示原住民族整體照顧環境逐步改善，並邁向原住民族健康法所強調的具有文化安全的健康與照顧。
2. 衛福部於2018年啟動「原住民族健康不平等改善策略計畫」，透過「從數據找目標」、「從在地找人才」、「從文化找方法」3項策略，逐步改善原鄉健康不平等情形，原住民族與全國平均餘命差距由2017年8.17歲，至2022年縮短為6.19歲。
3. 《原住民族健康法》於2023年6月21日公布制定，衛福部已成立「原住民族健康政策會」，藉由原住民族代表及專家學者等委員討論及審議原住民族健康議題，另補助國家衛生研究院成立「原住民族健康研究中心」，將以原住民族健康調查研究之統計資料為基礎，持續規劃及推動符合原住民族需求之健康照護政策。
4. 為落實原住民族地區長照服務，實現部落長者在地老化之目標，爰鼓勵地方政府輔導部落設立微型日照中心，提供日間照顧、夜間臨時住宿、交通接送、喘息服務等多層級長照服務，並可外展居家服務，培育在地照服員，完備原鄉長照服務。
5. 另透過對原住民文化之瞭解，責請地方衛生主管機關結合當地醫療及行政資源，提供符合轄區住民需求之口腔保健宣導及醫療服務(如提供可近性口腔黏膜檢查)，至法定傳染病監測及防治措施為全國一體適用未因身分別而有不同。又依據《全民健康保險法》第

1條規定，全民健康保險為強制性之社會保險，於保險對象在保險有效期間，發生疾病、傷害、生育事故時給與保險給付，其規定及給付一體適用，未因特定種族(原住民族)而有差別待遇。

Response:

1. Factors affecting the health of indigenous peoples include medical and health policies as well as socio-economic conditions and environmental factors. In addition to jointly promoting health care measures with the Ministry of Health and Welfare, the CIP actively implements economic improvement, welfare services, and policies to enhance indigenous employment. These policies have gradually improved the health of indigenous peoples, with the average life expectancy of indigenous peoples increasing each year. The gap between indigenous and non-indigenous life expectancy has shown a decreasing trend (8.93 years difference in 1998, reduced to 6.19 years in 2012). The CIP and the Ministry of Health and Welfare will continue to collaborate through cross-departmental platforms to eliminate health inequalities experienced by indigenous peoples. With the increase in the number of Cultural Health Stations and the improvement in service quality, the average life expectancy of indigenous peoples has increased from 71.92 years in 2016 to 73.92 years in 2021. This 2-year increase occurred over a span of 5 years, signaling a gradual improvement in the overall care environment for indigenous peoples and progress towards the culturally secure healthcare emphasized by the Indigenous Peoples Health Act.
2. To promote health equality among indigenous peoples, the Ministry of Health and Welfare initiated the "Indigenous Health Inequality Improvement Strategy Action Plan" since 2018, which is guided by a data-driven approach to identify objectives, local talent recruitment, and cultural methodologies. The life expectancy gap between indigenous peoples and the national average decreased from 8.17 years in 2017 to 6.19 years in 2022.
3. The "Indigenous Peoples Health Act" was enacted on June 21, 2023. The Ministry has established the "Health Policy Conference of Indigenous Peoples," where representatives of indigenous peoples, experts, and scholars serve as members to discuss and review health issues concerning indigenous peoples. In addition, the National Health Research Institutes is subsidized to establish the "Indigenous Peoples Health Research Center." The center will use statistical data from indigenous health surveys and research as a foundation to continuously plan and promote health care policies that meet the needs of indigenous peoples.
4. In an effort to deliver long-term care services to indigenous area and achieve the goal of localized aging for tribal elders. It encourages local governments to assist local indigenous tribe in setting up day care centers as a step towards providing multi-level long-term care services, including day care service, temporary overnight lodging, transportation services, respite services, and outreach home care. This initiative also aims to cultivate local care workers and establish

comprehensive long-term care services in indigenous area.

5. Through the understanding of Indigenous culture, the local health authorities are instructed to combine local medical and administrative resources to provide oral health promotion and medical services (such as providing accessible oral mucosal examination) that meet the needs of residents. Taiwan Centers for Disease Control (TCDC) monitors infectious diseases nationwide, and its control measures for confirmed cases remain consistent regardless of individual identity. According to Article 1 of the National Health Insurance Act, this insurance program is compulsory social insurance. In case of illness, accident, or childbirth, insureds can use their NHI cards to receive healthcare at contracted medical institutions, including hospitals, clinics, pharmacies, and medical testing laboratories. The allocation of healthcare resources under universal health insurance is balanced, and regulations and medical benefits apply to all ethnic groups without the provision of special medical services based on specific ethnicities (Taiwan indigenous).

點次	問題內容	
37.	原文	Is there any enhanced training for health care professionals in Indigenous areas?
	中文 參考 翻譯	是否有針對地處原住民族地區之醫療保健專業人員加強培訓？

中文回應：

衛生福利部

1. 衛生福利部（以下稱衛福部）自1969年起培育及養成原住民族公費醫事人員，於接受醫療專業訓練後返回原住民族地區服務。前揭原住民族公費醫事人員應完成法律規範之繼續教育學分課程外，於《原住民族健康法》中亦鼓勵健康照護人員修習原住民族文化安全相關課程，以提升健康照護之服務品質。
2. 另「中醫醫療機構負責醫師訓練計畫」自2018年起納入基層中醫診所做為訓練場域，並持續推動偏鄉及原住民地區中醫醫療院所申請擔任主要訓練場域，並藉由協同訓練方式，以補足資源不足地區新進中醫師之訓練需求。另衛福部亦授權地方衛生主管機關經評估轄區需求後，規劃辦理專科醫師口腔黏膜檢查教育訓練，以持續評估及提升所轄口腔黏膜檢查醫師之鑑別診斷能力。
3. 衛福部每年補助地方政府依轄區特性辦理包含教育訓練等傳染病防治計畫、補助民間團體辦理「原住民心理健康促進計畫」，於工作項目納入「強化心理衛生專業人員之原住民文化敏感度訓練」，俾提升專業人員原住民文化知能。
4. 為提升照顧品質，《長期照顧服務人員訓練認證繼續教育及登錄辦法》將多元族群文化敏感度及能力訓練納入，繼續教育課程包含原住民族與多元族群文化敏感度及能力，並且可採線上數位學習方式訓練，使長期照顧服務人員能具有文化敏感度，俾依需求者的不同提供長照相關服務。

Response:

1. Since 1969, the Ministry of Health and Welfare has been nurturing and cultivating indigenous medical personnel through publicly funded programs. After receiving specialized medical training, these indigenous medical personnel return to serve in indigenous areas. In addition to completing mandatory continuing education credits as per legal requirements, the "Indigenous Peoples Health Act" also encourages healthcare personnel to take courses related to indigenous cultural safety. This initiative aims to enhance the quality of healthcare services provided.
2. The training program for doctors responsible for Traditional Chinese Medicine (TCM) medical

institutions has included grassroots TCM clinics as training sites since 2017, and continues to promote TCM medical institutions in rural and aboriginal areas to apply to serve as main training sites, and through collaborative training methods, to make up for the training needs of new Chinese medicine practitioners in areas with insufficient resources. Also, The Ministry has authorized the local health authorities to plan and conduct the oral mucosal examination training for specialists after assessing the needs in their jurisdictions, and to continuously evaluate and improve the differential diagnosis ability of these oral mucosal examiners.

3. Taiwan Centers for Disease Control (TCDC) annually subsidizes local governments to implement infectious diseases prevention and control projects, including education and training programs tailored to the specific characteristics of the county or city under the local government's. Ministry of Health and Welfare subsidizes non-governmental organizations to implement the "Indigenous Mental Health Promotion Project", including promoting "strengthening Indigenous cultural sensitivity training for mental health professionals" to enhance professionals' Indigenous culture knowledge.
4. In order to improve the quality of care, Regulations for the Training, Certification, Continuous Education Program and Registration Conditions for Long-term Care Personnel has been included multi-ethnic and cultural sensitivity training. Continuing education courses include aboriginal and multi-ethnic cultural sensitivity, and can be learned online. The purpose is to enable long-term care workers to be culturally sensitive and provide relevant services according to different needs.

3-2-10. 政治參與 Political Participation

點次	問題內容	
38.	原文	How can obstacles to Indigenous peoples' full and effective participation in political life be removed?
	中文參考翻譯	請問如何消除使原住民族充分有效政治參與之障礙？

中文回應：

內政部（民政司）第1點、原住民族委員會第2~3點

- 查《憲法》增修條文第4條規定，立法院立法委員自第7屆起113人，自由地區平地原住民及山地原住民各3人。次查地方制度法第33條、第57條及第58條規定，直轄市有平地、山地原住民人口2,000人以上者，應有平地、山地原住民選出之議員名額；改制前有山地鄉者，應有山地原住民選出之議員名額；縣（市）、鄉（鎮、市）有平地原住民人口在1,500人以上者，於總額內應有平地原住民選出之議員、代表名額；縣有山地鄉者，應有山地原住民選出之議員名額；地方行政首長選舉，山地鄉鄉長及直轄市山地原住民區區長以山地原住民為限。依上開規定，我國公職人員選舉制度已具體落實保障原住民地位及政治參與。
- 在現行法制下，我國中央民代總席次113席中，有6席為原住民保障席次，族人約佔5%；我國現有358個鄉鎮市區，其中包含24山地鄉及6直轄市山地原住民區，意即在358位地方首長中，有30位首長僅限由原住民擔任，確保族人至少佔8%以上，而在前開行政區域的民意代表應選名額230席中，依2020年度選舉結果，更高達200席為原住民擔任，約佔86%，由此可見我國原住民族已能有效參與政治。
- 除上開《憲法》及法律明定之原住民族參政權保障外，我國更透過於總統府設置「原住民族歷史正義與轉型正義委員會」，於行政院設置「原住民族基本法推動會」等原住民族專屬的府院級任務組織，建構國家與原住民族間對等對話、溝通的平臺，另在考試院考試委員、監察院監察委員等歷屆委員中，均有原住民籍委員擔之，顯見我國政府持續積極實踐《憲法》第10條第12項規定保障原住民族政治參與的保障意旨。

Response:

- As beginning with the Seventh Legislative Yuan, the Legislative Yuan shall have 113 members, and three members each shall be elected from among the lowland and highland aborigines in the free area is set forth in Article 4 of Additional Articles of the Constitution of the Republic of China. In addition, as in special municipalities where the plain-land indigenous population and the mountain indigenous population exceeds two thousand (2,000) respectively, there shall be

councillors elected by the plain-land indigenous population and the mountain indigenous population; if there were mountain indigenous townships prior the change into a special municipality, there shall be councillors elected by the mountain indigenous population; In counties/cities, townships/towns/cities where the total plain-land indigenous population exceeds one thousand five hundred (1,500), there should be councillors and representatives elected by the plain-land indigenous population among the total number of elected population; if there were mountain indigenous townships in a county, there shall be councillors elected by the mountain indigenous population. For the election of local chief executives, mayors of indigenous townships, and the chief of mountain indigenous district within the municipality shall be mountain indigenous people are set forth in Articles 33, 57 and 58 of Local Government Act. In accordance with the above provisions, this country's public official election system has been specifically implemented to protect the status and political participation of indigenous peoples.

- Under the existing legal system, indigenous peoples are guaranteed six seats in the 113-seat Legislative Yuan, accounting for roughly 5% of the central legislative body. Taiwan currently has 358 townships and cities, including 24 indigenous townships and six municipal highland indigenous areas. Meaning that 30 of the 358 mayoral offices are limited to indigenous candidates alone, guaranteeing indigenous peoples 8% of mayoral offices in Taiwan. Of the 230 local councilor seats available for the aforementioned administrative areas, 200 seats were assumed by indigenous peoples in the 2020 election, accounting for 86% and indicating the full and effective participation of Taiwan's indigenous peoples in political life.
- In addition to the Constitutions and other laws mentioned above, the participation of indigenous peoples in political life are also guaranteed through other measures. The Presidential Office established the Presidential Office Historical Justice and Transitional Justice Committee, and the Executive Yuan established the Indigenous Peoples Basic Law Promotion Committee. These high-level organizations dedicated to indigenous affairs serve as a platform for equal dialogue and communication between the country and indigenous peoples. Indigenous peoples have also continued to serve as examiners at the Examination Yuan and members of the Control Yuan, indicating that the Taiwanese government is committed to upholding Article 10(12) of the Constitution and safeguarding the participation of indigenous peoples in political life.

點次	問題內容	
39.	原文	How can the election system for Indigenous legislators be redefined and reformed?
	中文參考翻譯	請問重新定義及改革原住民族立委選舉制度之方法為何？

中文回應：

內政部（民政司）第1點、原住民族委員會第2點

- 有關原住民立法委員之選舉方式，係定明於《憲法》增修條文第4條，爰如欲變更其選舉方式，則須循修憲方式為之。復依《憲法》增修條文第12條規定，《憲法》修正案之提出，係屬立法院權責。
- 原住民族委員會將配合內政部制度通盤檢討相關期程，積極協助處理原住民族社會意見徵詢之相關作業。

Response:

- Regarding the election method of indigenous legislators, it is explicitly stipulated in Article 4 of Additional Articles of the Constitution of the Republic of China, and any changes to this election method would require a constitutional amendment process. Furthermore, according to Article 12 of Additional Articles of the Constitution of the Republic of China, the motion of constitutional amendments falls within the jurisdiction and responsibility of the Legislative Yuan
- The CIP will cooperate with the Ministry of Interior to conduct a comprehensive overview of the system and assist with gathering input from the indigenous society.

3-2-11. 狩獵權/捕漁權 Hunting/Fishing

點次	問題內容	
40.	原文	It has been reported that many Indigenous individuals have been prosecuted for practicing their traditional hunting and fishing practices. Please provide more information about this problem.
	中文參考翻譯	根據報告所述，許多原住民族人士因從事傳統狩獵和漁撈活動而遭起訴。請提供關於此類問題之詳細資訊。

中文回應：

原住民族委員會第1點、農業部第2點、內政部（警政署）第3點、

- 依據《憲法》增修條文第10條第11項、《原住民族基本法》第19條及《野生動物保育法》第21條之1規定，皆保障原住民得在原住民族地區及經中央原住民族主管機關公告之海域依法從事下列非營利行為（含獵捕野生動物），依傳統文化、祭儀或自用為限。
- 有關許多原住民族人士因從事傳統狩獵活動而遭起訴乙節：
 - 狩獵係原住民族利用自然資源之方式之一，乃原住民族長期以來之重要傳統，且係傳統祭儀，部落族群教育之重要活動，為個別原住民認同其族群文化之重要基礎。藉由群體狩獵活動，原住民個人不僅得學習並累積對動物、山林與生態環境之經驗、生活技能與傳統知識，從而形塑其自身對所屬部落族群之認同，並得與其他原住民共同參與，傳承其部落族群之集體文化，為原住民族文化形成與傳承之重要環節。
 - 依《野生動物保育法》及《原住民族基於傳統文化及祭儀需要獵捕宰殺利用野生動物管理辦法》第四條規定：「資格應經申請獵捕所在地鄉（鎮、市、區）轄內部落會議通過...」，惟實務上各族部落會議召開機制不定，或無部落會議機制，爰原住民申請不易，又原住民族仍有獵捕野生動物之需求，故有不申請獵捕資格即進行狩獵活動、或誤殺保育類野生動物之行為，而不論是否誤殺，或設置陷阱造成無差別捕捉保育類野生動物，在司法審判中只要捕捉物種屬「保育類野生動物」，多認定原住民族狩獵行為違反野生動物保育法。
 - 司法院釋字第803號解釋認前開辦法第4條第3項有關非定期性獵捕活動所定之申請期限與程序規定部分，其中就突發性未可事先預期者，欠缺合理彈性，對原住民從事狩獵活動之文化權利所為限制已屬過度，另同辦法第4條第4項第4款有關申請書應載明「獵捕動物之種類、數量」，亦有違憲法比例原則，應自該解釋公布之日起不再適用。
 - 我國為保障原住民族獵捕、宰殺及利用野生動物之權利，且配合《原住民族基本法》，於2017年6月8日由改制前行政院農業委員會與原住民族委員會，依《原住民族基本法》第34條第2項會銜發布核釋令，原住民在原住民族地區，除傳統文化、祭儀外，亦包含

自用，即可供本人、親屬或依傳統文化供分享使用，另農業部林業及自然保育署於確保野生動物資源永續前提，貼近原住民族傳統慣習，刻就上揭部分進行《原住民族基於傳統文化及祭儀需要獵捕宰殺利用野生動物管理辦法》之修正，以符合原住民族傳統文化精神且有效的管理模式，落實司法院解釋精神。

(5) 我國尊重原住民族從事傳統漁撈活動之權利，前於2017年6月23日由改制前行政院農業委員會與原住民族委員會，依《原住民族基本法》第34條第2項會銜發布核釋令，原住民在原住民族地區，基於傳統文化、祭儀或自用，從事非營利漁撈行為，不受《漁業法》第44條第1項公告限制或禁止規定之限制。

3. 有關原住民族自製獵槍部分：

(1) 原住民從事狩獵活動之文化權利，屬於我國《憲法》所保障之重要價值。政府基於保障原住民權利及維護社會治安之考量，於2001年修正《槍砲彈藥刀械管制條例》，將原住民未經許可持有自製獵槍之行為除罪化（改以行政罰處罰），原住民因生活所需使用自製獵槍，只要登記即可合法；2020年再次修正該條例，將主要組成零件及彈藥納入，擴大除罪範圍，保障了原住民文化及生活權益。

(2) 目前警政署刻正研擬訂定《原住民漁民自製獵槍魚槍許可及管理辦法》，進一步提升原住民自製獵槍安全性，保障原住民狩獵安全。

Response:

1. According to Article 10(11) of the Additional Articles of the Constitution of the Republic of China, “[t]he State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures.” As such, indigenous peoples are protected by the constitution to live in accordance with their traditional cultures (including hunting rights). Article 19 of the Indigenous Peoples Basic Law and Article 21(1) of the Wildlife Conservation Act both protect not-profit-seeking activities of indigenous peoples (including hunting and fishing) in indigenous areas or seas announced by the central competent authority responsible for indigenous affairs, but such activities shall be limited for traditional cultural practices, rituals, or self-use.

2. Many Aboriginal people have been prosecuted for engaging in traditional hunting activities:

(1) Hunting is one of the ways indigenous peoples utilize natural resources, and it is also a long-standing essential tradition of indigenous peoples. Moreover, hunting is one of the traditional rituals and key activities of tribal ethnic education, which is a critical foundation for individual indigenous people to identify with their own ethnic culture. Through group hunting activities, indigenous individuals can learn and accumulate experiences, life skills, and traditional knowledge about animals, mountains, forests, and ecological environments, thereby shaping their identity with the tribal group. Furthermore, by participating along with other indigenous

peoples, and passing on the collective culture of their tribal groups, it forms a critical key role in the formation and inheritance of indigenous cultures.

(2) It has been stated by Article 4 of the Measures for the Management of Hunting, Slaughtering, and Utilization of Wild Animals by Indigenous Peoples Based on Traditional Cultural and Ceremonial Needs (enacted according to Article 21-1, Paragraph 1 of the Wildlife Conservation Act), "qualifications shall be approved by the tribal meeting within the jurisdiction of the township (town, city, district) where the hunt is applied for...". However, the hunting application for indigenous peoples is not easy because the mechanism for convening tribal meetings is uncertain or absent among different ethnic groups in practice. Moreover, the continuous needs of hunting wild animals for indigenous peoples would lead to the results of performing hunting activities without permissions or killing protected wildlife. However, whether it is accidental killing or indiscriminate hunting caused by setting traps for protected wild animals, such hunting activities by indigenous people are often regarded as violating the Wildlife Protection Act in judicial trials.

(3) In compliance with Constitutional Interpretation No. 803, the application deadlines and procedures for nonscheduled hunting activities stipulated in paragraph 3 of Article 4 of the Measures for the Management of Hunting, Slaughtering, and Utilization of Wild Animals by Indigenous Peoples Based on Traditional Cultural and Ceremonial Needs, lacks reasonable flexibility regarding unexpected events that cannot be anticipated in advance. Furthermore, these restrictions on indigenous cultural rights are exorbitant. In addition, Article 4, Paragraph 4, Subparagraph 4 of the same Measures stipulates that the application should state the "types and quantities of animals to be hunted" also violates the principle of proportionality in the Constitution. Therefore, it shall not apply after Constitutional Interpretation No. 803 has been promulgated.

(4) To protect the rights of indigenous peoples to hunt, slaughter, and utilize wild animals, and in conjunction with the Indigenous Peoples Basic Law, the Council of Agriculture (reformed into Ministry of Agriculture since August 1, 2023) and the Council of Indigenous Peoples have jointly published an Interpretive Rule by Article 34, Paragraph 2 of the Indigenous Peoples Basic Law on June 8, 2017. The Interpretive Rule explained that indigenous people in indigenous peoples' regions have the right to hunt, slaughter, and utilize wildlife for not only traditional culture and ritual purposes but also personal use. In other words, the gain from hunting can be shared by indigenous individuals themselves, among their relatives, or used based on traditional culture. In addition, to be in line with the spirit of indigenous peoples' traditional culture, establishing efficient management models, and fulfill the core elements of Constitutional Interpretation from the Supreme Court, the Forestry and Nature Conservation Agency, Ministry of Agriculture is currently working on the revision of the Measures for the Manage-

ment of Hunting, Slaughtering, and Utilization of Wild Animals by Indigenous Peoples Based on Traditional Cultural and Ceremonial Needs, which is based on the premise of ensuring the sustainable management of wildlife resources and being closer to the traditional habits of indigenous peoples .

(5) Our country respects the rights of indigenous peoples to engage in traditional fishing activities. On June 23rd, 2017, the Ministry of Agriculture and the Council of Indigenous Peoples issued an implementation order in accordance with Article 34, Paragraph 2 of the Indigenous Peoples Basic Law. According to the order, within the Indigenous peoples' regions, indigenous peoples engaging in nonprofit fishing activities for traditional cultural, ceremonial, or personal use, are not subject to the restrictions or prohibitions stipulated in Article 44, Paragraph 1 of the Fisheries Act.

3. Self-made Hunting Guns and Fishing Guns by Indigenous Fishermen:

- (1) The indigenous peoples' cultural rights to engage in hunting activities are essential values protected by our country's constitution. To protect indigenous people's rights and maintain social security, the government amended the "Controlling Guns, Ammunition, and Knives Act" in 2001 to decriminalize the possession of self-made hunting guns by indigenous people without permission (replacing them with administrative penalties). The indigenous people can legally possess self-made hunting guns for daily needs as long as they are properly registered. The Act was amended again in 2020 to include main gun components and ammunitions, thus broadening the scope of decriminalization to protect the indigenous peoples' culture and living rights.
- (2) Currently, the NPA is formulating the "Regulations on the Permission and Management of Self-made Hunting Guns and Fishing Guns by Indigenous Fishermen" to improve the safety of self-made hunting guns and hunting activities for indigenous people.

點次	問題內容	
41.	原文	Is there any progress toward dialogue with Indigenous peoples so that policies and regulations can be aligned with ICERD and UNDRIP regarding free, prior and informed consent?
	中文參考翻譯	請問與原住民族的對話是否取得任何進展，以確保相關政策和法規符合《消除一切形式種族歧視國際公約》和《聯合國原住民權利宣言》有關自由、事前且知情下的同意諮商規範？

中文回應：

原住民族委員會

1. 依據司法院釋字第803號解釋，農業部與原住民族委員會（下稱原民會）修正《原住民族基於傳統文化及祭儀需要獵捕宰殺利用野生動物管理辦法》（草案），為廣納社會不同團體之意見，邀集地方政府、專家學者、動保及原民團體等召開4場次工作會議及3場次座談會，俾取得社會共識及保障原住民族參與及知情等權益，尚符合 ICERD 及《聯合國原住民權利宣言》（下稱《權利宣言》）行使權利之精神。
2. 另我國《原住民族基本法》第21條制訂當時，即納入《權利宣言》第32條第2項所揭示之「事先徵得原住民族自由知情的同意」，明文指出在原住民族土地或部落及其周邊一定範圍內之公有土地從事土地開發、資源利用、生態保育及學術研究之行為，須取得原住民族部落之同意。而有關諮商及取得原住民族或部落之同意或參與方式，原民會擬具《諮商取得原住民族部落同意參與辦法》，藉由制度之建立保障族人在自由知情之前提下表達意願，前開辦法於2015年起施行迄今已累計逾180件案例，足見本制度在原住民族社會執行穩健。

Response:

1. The Forestry and Nature Conservation Agency of the Ministry of Agriculture and the CIP amended the Regulations Governing Wildlife Hunting by Indigenous Peoples for Traditional Culture or Rituals (draft) according to Shi-Zi No. 803, published by the Grand Justices. To gather opinions from various sectors, local governments, experts, scholars, wildlife conservation organizations, and indigenous organizations were invited to four working meetings and three forums to reach a consensus and protect the rights of indigenous peoples to participate and be informed. This aligns with the ICERD and UNDRIP regarding free, prior, and informed consent.
2. Formulated according to Article 32(2) of the UNDRIP, Article 21 of the Indigenous Peoples Basic Law declares that "[w]hen governments or private parties engage in land development,

resource utilization, ecology conservation and academic research in indigenous land, tribe and their adjoin-land which owned by governments, they shall consult and obtain free, prior, and informed consent from indigenous peoples or tribes.” Regarding consultation and obtaining the consent or participation of indigenous peoples or tribes, the CIP established the Measures for Acquiring Indigenous Consent & Participation to ensure that indigenous peoples are able to provide their free, prior, and informed consent. Since the promulgation of the Measures in 2015, over 180 projects have adopted the Measures to consult with indigenous peoples and acquire their consent, indicating that the system is being reliably implemented in the indigenous society.

3-2-12. 轉型正義 Transitional Justice

點次	問題內容	
42.	原文	Which progress has been made in the field of transitional justice for Indigenous peoples? Could you provide further information on the activities of the Presidential Office Historical Justice and Transitional Justice Committee (Implementation Report, para. 57)? Could you provide further information on the work of the Executive Yuan’s Department of Human Rights and Transitional Justice (Implementation Report, para. 68)?
	中文參考翻譯	原住民族轉型正義之進度？請提供總統府原住民族歷史正義與轉型正義委員會活動資訊（條約專要文件第57點）？請提供行政院人權及轉型正義處之工作情形相關進一步資訊。（條約專要文件第68點）？

中文回應：

行政院人權及轉型正義處第1點、原住民族委員會第2~3點

1. 行政院人權及轉型正義處於2022年6月27日成立，於轉型正義業務方面，在促進轉型正義委員會（2018-2022）解散後，持續督導統合六部會辦理下列事項：政治檔案開放、威權象徵處置、不義遺址保存、受害者權利回復、政治暴力創傷療癒、轉型正義教育及管理促進轉型正義基金以支持各項事務推動等重要工作；並負責逐步研訂或修訂相關法制，以強化轉型正義政策之法制基礎，前開各議題及目標，涵蓋臺灣所有族群。我國促進轉型正義委員會亦於總結報告建議各項轉型正義工作之推動，應優先考量原住民族歷史正義及轉型正義之需求。
2. 原住民族歷史正義與轉型正義委員會（下稱原轉會）自2016年成立以來，截至2023年12月已召開20次委員會議，並透過主題小組的運作，完成原住民族語言、文化、土地流失的真相調查，目前各主題小組正彙整報告，將出版讓社會大眾瞭解歷史真相，以促進族群間的和解。除此之外，因為總統代表政府向原住民族道歉，從總統的高度揭示歷史正義與轉型正義的重要性，也讓各部會更加重視業管政策、法規中原住民族的權益。例如，2017年發布《原住民族語言發展法》讓原住民族語成為國家語言，開始有更多的資源推動原住民族語傳承；原住民族委員會、教育部及文化部共同合作建立原住民族史觀，藉由出版重大歷史事件叢書、納入12年國教課綱、文化資產登錄以及相關主題展覽，讓原住民族的歷史觀點能夠豐富臺灣的歷史文化。
3. 原轉會的運作，也促成許多陳年舊案獲得解決，例如辦理「蘭嶼核廢料貯存場真相調查案」、推動成立「損失補償基金會」，釐清歷史真相，促成損失補償；推動亞泥公司、政府及部落三方會談，辦理「亞泥新城山礦場真相調查案」，最終亞泥公司踐行諮商同意與部落族人達成共識。

英文回應：

1. The Department of Human Rights and Transitional Justice, Executive Yuan was established on June 27, 2022. In terms of transitional justice, the Department is responsible for supervising and coordinating the six ministries, after the dissolution of the “Transitional Justice Commission(TJC, 2018-2022)”, to handle the following matters continuously: (a) providing for public access to political archival records, (b) removal of authoritarian symbols, (c) preservation of “historical sites of injustice”, (d) recovering of victims' damaged rights, (e) caring and treating political victims and their family members, (f) transitional justice education (g) managing “Promoting Transitional Justice Fund” to support the relevant affairs, and other important tasks. The Department is also responsible for continually developing or revising relevant laws and regulations to strengthen the legal framework of transitional justice policy. The matters mentioned above, cover all ethnic groups in Taiwan. The TJC also recommended in their Final Report that when implementing all the transitional justice matters, particular attention shall be paid to the needs of indigenous peoples for historical justice and transitional justice.
2. The Presidential Office Historical Justice and Transitional Justice Committee (Committee) has convened 20 committee meetings since its establishment in 2016 to December 2023. Through topic-based working groups, the Committee has completed investigations into the loss of indigenous languages, cultures, and land. These groups are currently compiling reports that will be published to give the public insight into historical truths and facilitate reconciliation among different ethnic groups. In addition, the President of Taiwan has apologized to the indigenous peoples on behalf of the government to showcase the importance of historical justice and transitional justice from the presidential level and urge government agencies to place more value on incorporating indigenous rights into their policies and regulations. For example, the Indigenous Languages Development Act promulgated in 2017 recognized indigenous languages as Taiwan’s national language, prompting the injection of resources to promote indigenous languages. The CIP, MOE, and Ministry of Culture are working together to construct the indigenous peoples’ history by publishing a series of history books, including indigenous history in the national 12-year curriculum, registering cultural assets, and organizing related exhibits so that Taiwan’s history and culture and be enriched with the history of indigenous peoples.
3. The Committee’s efforts have also helped resolve many longstanding cases. For example, the Committee conducted an Investigation into Nuclear Waste Storage on Orchid Island and established a Compensation Foundation to uncover historical truths and compensate victims. The Committee also brought together the Asia Cement Corporation, the government, and indigenous communities for the Investigation into the Asia Cement Corporation’s Xinchengshan Mines and was able to urge the Asia Cement Corporation to consult and reach a consensus with indigenous peoples.

第四章 移工 Migrant Workers

4-1 總論 General Observations

點次	問題內容	
43.	原文	Most of the pressing issues have been raised repetitively by previous reviews of the ICCPR, ICESCR, CEDAW and CRC. There is also significant consensus among NGOs and the National Human Rights Commission (NHRC) on the main persisting issues for migrant workers.
	中文參考翻譯	大多數迫切議題在先前於《公民權利和政治權利國際公約》、《經濟、社會、文化權利國際公約》、《消除對婦女一切形式歧視公約》和《兒童權利公約》之審查均一再提及。非政府組織和國家人權委員會（NHRC）對持續存在於移工之主要議題亦達成重要共識。

中文回應：

本題無具體提問，暫無回應。

Response:

There is no commentary or response offered as there is a lack of specific queries pertaining to the subject matter.

點次	問題內容	
44.	原文	Reported developments are mostly incremental e.g. promised inter-Ministerial Working Groups etc.; previously promised legislation appears to have made little or no progress. The relationship between freedom from racial discrimination and religious freedom / religious discrimination is questioned by some NGOs with an emphasis on the relevance and importance of the right to be free of religious discrimination.
	中文參考翻譯	報告所提的進展大多為漸進式，例如：承諾成立跨部會工作小組等，但先前承諾的立法看似幾乎毫無進展。 有些非政府組織質疑免受種族歧視的自由與宗教自由／宗教歧視之間的關係，並強調免受宗教歧視權利之關連性和重要性。

中文回應：

內政部（宗教及禮制司）第1點、勞動部第2、3點

1. 我國《憲法》第13條規定：「人民有信仰宗教之自由」。所謂宗教信仰之自由，係指人民有信仰與不信仰任何宗教之自由，以及參與或不參與宗教活動之自由；國家不得對特定之宗教加以獎勵或禁制，或對人民特定信仰界予優待或不利益，其保障範圍包含內在信仰之自由、宗教行為之自由與宗教結社之自由。為保障信仰宗教自由，維護宗教團體健全發展，內政部將積極促進宗教組織自主與宗教事務自治。
2. 《就業服務法》第5條第1項就業歧視禁止規定，雇主對求職人或所僱用員工，不得以宗教為由予以歧視。如發生爭議依現行規定，各地方勞工行政主管機關就業歧視評議委員會已可針對個案認定是否涉及就業歧視。
3. 移工在國內宗教信仰與本國人同樣受保障。又勞動部持續透過雇主聘前講習、外國人勞動權益網站、中外語廣播電臺、LINE@移點通及印製雇主聘僱移工法令宣導手冊等多元宣導管道宣導，提醒雇主尊重及包容移工不同宗教文化，促進勞雇和諧。

Response:

1. Article 13 of the Constitution reads: "The people shall have freedom of religious belief." Such freedom ensures that people shall have the freedom to believe in any religion and to participate in any religious activities. The State shall neither forbid nor endorse any particular religion, and shall never extend any privileges or disadvantages to people on the basis of their particular religious beliefs. The guarantee of freedom of religious belief shall include freedom of personal religious belief, freedom of religious practices, and freedom of religious association. In order to protect the freedom of religious beliefs and to ensure the sound development of religious groups, the MOI will actively promote the right of religious communities to autonomy in struc-

turing their religious affairs.

2. Paragraph 1, Article 5 of the Employment Service Act prohibits employment discrimination and stipulates that employers shall not discriminate against job applicants or employees on the basis of religion. In the event of any disputes, according to existing regulations, the employment discrimination review committee of the local competent labor authority will determine whether employment discrimination is involved on a case-by-case basis.
3. The religious beliefs of foreign migrant workers in Taiwan are protected in the same way as those of Taiwanese citizens. In addition, the Ministry of Labor continues to use multiple channels, including pre-employment briefings for employers, websites on foreign labor rights, Chinese and foreign language radio programs, LINE@E-Line workers official accounts, and the production of promotion brochures on laws relating to the employment of migrant workers, to remind employers to respect and tolerate the diverse religious beliefs and cultures of migrant workers and promote labor-management harmony.

點次	問題內容	
45.	原文	Are there any more recent developments regarding accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), as mentioned in the Common Core Document in para. 86?
	中文參考翻譯	如共同核心文件第86點所述，於加入《保護所有移工及其家庭成員權利國際公約》(ICMW) 方面是否有任何新進度？

中文回應：

勞動部

行政院前於2023年5月5日召開研商勞動部函報《保護所有移工及其家庭成員權利國際公約》第2次會議，勞動部已依會議結論，洽請相關機關確認公約部分條文之保留理由及解釋性聲明文字。勞動部彙整相關機關意見後，已於2023年10月2日將修正後部分條文之保留理由及解釋性聲明提供行政院人權處，後續依行政院指示辦理，依國家人權行動計畫，於2024年前完成國內法化。

Response:

On May 5, 2023, the Executive Yuan held the second meeting to discuss the Ministry of Labor's (MOL) report on "The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (ICMW). Based on the conclusions of the meeting, the ministry contacted relevant agencies to confirm the reasons for retaining certain provisions in the ICMW and explanatory notes. After summarizing the comments of relevant agencies, the MOL submitted the reasons for retaining certain amended provisions and explanatory notes to the Department of Human Rights under the Executive Yuan on October 2, 2023. Subsequent processing will be carried out in accordance with the instructions of the Executive Yuan and the National Human Rights Action Plan, with domestic legalization completed by 2024.

4-2 工作權 Right to Work

點次	問題內容	
46.	原文	The Employment Service Act continues to restrict migrant workers' right to change employers; and there are a number of related discriminatory provisions including accommodation, access to health services, right to organise and join trade unions especially in relation to migrant domestic workers, farm workers and fishers; survivors' benefits (as identified in the state report); migrant workers are significantly disproportionately represented in occupational health and safety fatalities and injuries.
	中文參考翻譯	《就業服務法》仍限制移工轉換雇主之權利，且存在一些相關歧視性規定，包括住宿、獲得醫療服務、組織及加入工會之權，對家庭移工、農業移工及漁業移工而言尤其如此；外籍遺族之福利；移工於職業安全衛生傷亡事故中所占比例明顯偏高。

中文回應：

勞動部

- 依《就業服務法》第59條第1項規定，移工因不可歸責之事由，經勞動部核准，得轉換雇主或工作，另移工亦可與雇主協議三方或雙方合意由新雇主承接，又移工聘僱許可期滿得辦理期滿轉換，由新雇主接續聘僱，不受原工作類別限制。
- 在移工住宿方面：依據《公民及政治權利國際公約》第12條第1項規定略以，在一國領土內合法居留之人，在該國領土有遷徙往來之自由及擇居之自由。為保障移工住宿權益，現行雇主聘僱外國人許可及管理辦法已明令要求雇主善盡生活照顧責任，如移工選擇自行在外居住，雇主亦須辦理通報，並於當地主管機關於接獲雇主通報後，應訪視外國人探求其真意。
- 移工組織及加入工會部分：查工會法第4條規定勞工均有組織及加入工會之權利，因此移工(不論家庭移工、農業移工及漁業移工)均可依其意願依法組織工會及加入工會，保障勞工團結權。
- 為協助遭受人身侵害、職業災害、普通傷病而失能無法工作等特殊事故的移工，勞動部訂有辦理外國人管理及協助措施補助作業要點，符合前開要點補助對象，提供其經濟協助，以支應醫療或相關費用，每案每人最高核給1萬元，倘屬特殊情況經勞動部認定者，補助金額得視個案核定，每案每人最高核給10萬元，以協助移工渡過經濟難關。
- 另鑑於製造業移工多從事危險、辛苦、骯髒之3K工作，分析職業災害保險給付統計資料，歷年移工之職災失能給付人次，均有超過8成為製造業移工，爰勞動部公告之勞動檢查方針，已明列移工為特定保護對象，除加強實施勞動檢查外，並輔導工業區及中小

事業改善工作環境，對僱有移工之中小事業實施訪視輔導及辦理相關安全衛生宣導會，強化移工對於職場環境危害認知，並以移工母語授課之方式，實施安全衛生教育訓練。同時，針對局限空間、高氣溫戶外作業、處置使用化學品等風險較高之作業，製作多國語言宣導摺頁，置於勞動部職業安全衛生署官網提供相關單位運用，搭配勞動部勞動力發展署建置 LINE@移點通平台加強推播。

Response:

1. Paragraph 1, Article 59 of the Employment Service Act states that migrant workers can transfer employer or work under circumstances not attributable to said worker and with the authorization of the Central Competent Authority. In addition, a migrant worker and employer can also reach a three-party or two-party agreement on working for a new employer, contract completion transfer when the employment permit expires, or a new employer undertaking continued employment, without being restricted by the original job category.
2. Migrant worker accommodation: Paragraph 1, Article 12 of the International Covenant of Civil and Political Rights states that, "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence." In order to protect the accommodation rights of migrant workers, the existing Regulations on the Permission and Administration of the Employment of Foreign Workers clearly indicate employers have a duty of care to their migrant workers. If any worker freely chooses to live outside accommodation provided by the employer, the latter shall submit notification and the local authority upon receiving such notification shall visit and interview such migrant worker to determine their true intent.
3. Migrant workers organizing and joining labor unions: Article 4 of the Labor Union Act stipulates that all workers have the right to organize and join trade unions. Therefore, migrant workers (whether family-based caregivers, agricultural or fishery migrant workers) can organize and/or join labor unions according to their wishes and in accordance with laws to protect freedom of association.
4. In order to assist migrant workers who have suffered specially designated accidents such as personal injuries, occupational accidents, ordinary injuries and illnesses that leave them disabled and unable to work, the Ministry of Labor drafted the Guidelines on Subsidy Management and Assistance Measures for Foreigner Workers which state that individuals who meet the requirements stated therein can receive financial support to cover medical or related expenses, with a maximum subsidy of NT\$10,000 per person per application approved. In the event of special circumstances identified by the ministry, the subsidy amount may be determined on a case-by-case basis, with a maximum of NT\$100,000 per person per application approved to assist individual migrant workers overcome economic hardship.

5. In addition, in view of the fact that migrant workers in the manufacturing sector are mostly engaged in jobs that are dangerous, difficult, and dirty, the analysis in the statistical data of payment of occupational accident insurance claims shows that over the years, more than 80% of the claims from disability caused by occupational accidents for migrant workers are distributed to migrant workers in the manufacturing sector. Hence the labor inspection policy promulgated by the Ministry of Labor (MOL) clearly lists migrant workers as subjects of protection. Besides strengthening the implementation of labor inspections, we also provide guidance to industrial parks and SMEs to improve their working environment, and conduct on-site visits and counseling for SMEs that employ migrant workers and organize seminars on promoting related safety and health issues to raise migrant workers' awareness of the hazards of the workplace, and the safety and health education and training programs are taught in the native languages of migrant workers. Moreover, for high-risk work taking place in confined spaces, high-temperature outdoor environments, and disposal of chemicals, the multilingual promotional leaflets are prepared and published on the official site of the Occupational Safety and Health Administration, MOL, which are available for relevant agencies and units, and for the purposes of promotion in conjunction with the official LINE account of the Workforce Development Agency, MOL.

點次	問題內容	
47.	原文	Are there commitments with timelines to reduce remaining discriminatory provisions impacting migrant workers? If not, why not?
	中文參考翻譯	是否承諾訂立減少影響移工其他歧視性規範之時程表？若否，則理由為何？

中文回應：

勞動部

1. 我國對待移工採國民待遇原則平等對待，在臺移工之性別平權、職業災害保護等均與本國勞工同受保障。《就業服務法》及相關法規會亦持續檢討、滾動修正。
2. 《就業服務法》第5條第1項就業歧視禁止規定，雇主對求職人或所僱用員工，不得以種族為由予以歧視。如發生爭議依現行規定，各地方勞工行政主管機關就業歧視評議委員會已可針對個案認定是否涉及就業歧視。

Response:

1. In Taiwan, migrant workers are treated the same as Taiwan nationals. Gender equality and occupational accident protections for migrant workers are the same as those for domestic workers. In addition, the provisions of the Employment Service Act and related regulations are also continuously reviewed and amended on a rolling basis.
2. Paragraph 1, Article 5 of Employment Service Act prohibits employment discrimination and stipulates that employers shall not discriminate against job applicants or employees on the basis of race. In the event of any disputes, according to existing regulations, the employment discrimination review committee of the local competent labor authority determines whether employment discrimination was involved on a case-by-case basis.

4-3 女性移工 Women Migrant Workers

點次	問題內容	
48.	原文	Issues relate to the treatment of pregnant migrant workers; notably the disproportionate number of women migrant workers who “go missing”, especially those from Indonesia and the Philippines (Implementation Report, table 18 on p.50).
	中文參考翻譯	對懷孕移工處遇之相關問題；值得注意的地方在於「失聯」女性移工之人數偏多，尤其是來自印尼及菲律賓的女性移工？（條約專要文件表18）
49.	原文	What reasons have been identified for the number of women migrant workers who “go missing”? What provisions are in place to support those who are pregnant?
	中文參考翻譯	造成女性移工「失聯」之原因為何？有何支援懷孕移工之措施或規定？

中文回應：

勞動部

（點次48及49合併回答）

1. 女性移工人數較多之數據分析說明如下；
 - (1) 截至2023年10月底止，我國移工在臺總人數約計75.1萬人，其中印尼籍及菲律賓籍引進之男女性別情況以女性居多，分別約為69%及59%。
 - (2) 另目前我國社福類(即看護工、家庭幫傭)移工約計23.2萬人，其中印尼籍約17.7萬人(佔該國移工約66%)；菲律賓約2.7萬人(佔該國移工約18%)；依內政部移民署提供之資料顯示，印尼及菲律賓女性失聯比例，佔該國失聯人數70%以上，故該兩國失聯移工以女性為大宗。
2. 女性移工失聯可能原因：依勞動部委託研究調查結果，移工失聯因素多元，主要包括經濟因素、雇主因素、工作量及環境等因素。又合法在臺工作女性移工因語言隔閡、不熟悉法律、權益、擔心遭到遣返不願求助等情形。又雇主如於工作管理上對懷孕移工歧視性待遇等，均可能造成女性移工行蹤不明。
3. 懷孕移工近期保障新措施：勞動部除已設置1955母語申訴專線、建置 Line@移點通提供懷孕移工申訴管道外，已於2021年12月25日補助桃園市政府設置外國籍婦幼諮詢服務中心，提供生育及工作權益之諮詢教育、支持性陪伴、緊急安置、工作持續及工作轉換等跨區服務，後續更擴充補助彰化縣政府及高雄市政府設置外國籍婦幼諮詢服務中心，預定2024年1月對外提供服務。

4. 移工失聯預防及家事移工近期新措施：
- (1) 為改善社福類移工失聯情況，近2年從政策面及預防面已特別推動強化移工權益多項措施，包括雇主應為家事移工投保勞工職業災害保險、自2022年8月10日起調整家事移工薪資、2023年1月1日開辦家事移工入國一站式服務、推動家庭看護移工喘息服務與短期替代照顧服務(最高可達52日/年)。
 - (2) 另針對移工失聯後易流向營造及農業非法工作，已開放一般營造業總名額、調高農業移工總名額、鬆綁機構看護、家庭看護申請資格。並運用 LINE@移點通，發送工作權益法令資訊，暢通移工申訴求助管道、設置直接聘僱聯合服務中心擴大辦理專案選工。又為加強源頭管理，已於2023年9月4日修正規定建立外國仲介引進移工逾規定失聯人數比率停權機制。
5. 補助辦理非本國籍兒少事務：勞動部補助衛生福利部辦理倘移工發生行方不明或已出國，致在臺所生子女成為非本國無依兒少安置及醫療費用等項。另補助內政部移民署查獲非法移工攜有子女或懷孕5個月以上之移工之安置費、遣返費、醫療費、人事費、業務費、設備費及行政管理費等項。

Response:

(The responses to para. 48 and 49 are consolidated.)

1. A data analysis of the large number of female migrant workers reveals the following:
 - (1) As of the end of October 2023, the total number of migrant workers in Taiwan was approximately 751,000. Among them, the majority of migrant workers from Indonesia and the Philippines are female, accounting for about 69% and 59% of total workers, respectively.
 - (2) In addition, there are currently about 232,000 migrant workers employed in the social welfare sector (i.e., care workers and home help) in Taiwan, including about 177,000 Indonesian workers (accounting for about 66% of migrant workers from Indonesia); and about 27,000 workers from the Philippines (accounting for about 18% of migrant workers from the Philippines). According to data provided by the NIA, female migrant workers from Indonesia and the Philippines account for more than 70% of the total number of missing migrant workers from these countries. In other words, a majority of missing migrant workers from these two countries are female.
2. Possible reasons for female migrant workers falling out of contact: According to the results of a study commissioned by the Ministry of Labor, there are multiple factors for migrant workers becoming uncontactable, the main ones being financial, employers, workload and environment. Furthermore, female migrant workers who are legally working in Taiwan are often unwilling to seek help due to the language barrier, unfamiliarity with the law and their rights, and the fear of being repatriated. In addition, employers treating pregnant migrant workers in a discriminatory manner at work can also result in female foreign workers disappearing from their place of work.

3. Recent new measures to protect pregnant migrant workers: In addition to establishing the 1955 native language complaint hotline and an official Line account to provide a channel for pregnant migrant workers to file complaints, on December 25, 2021, the Ministry of Labor funded Taoyuan City Government's establishment of a maternal and child consultation service center for foreign workers, providing cross-regional services such as consultation and education programs on childbirth and working rights, supportive companionship, emergency settlement, work continuation and transfers. The ministry will subsequently expand subsidies to Changhua County Government and Kaohsiung City Government to set up such service centers, which are scheduled to be publicly available by January 2024.
4. Recent measures to prevent migrant workers and family-based caregivers falling out of contact:
 - (1) In order to reduce the number of social welfare sector migrant workers falling out of contact, over the past two years several measures have been introduced to strengthen and improve the rights of such workers from policy and prevention perspectives. These include requiring employers of family-based foreign workers to provide occupational accident insurance, raising the salary of such care workers from August 10, 2022, launching a one-stop service for care workers on arriving in Taiwan from January 1, 2023, and promoting respite care and short-term alternative care services for care workers (covering up to 52 days/year).
 - (2) In addition, in view of the tendency of migrant workers to work illegally in the construction and agricultural sectors after falling out of contact, a total quota control system has been introduced for migrant workers in the construction sector, with the total quota for agricultural migrant workers raised and qualification requirements relaxed for those applying for positions as institutional or family-based care workers. By using the official LINE account, the ministry can send information on working rights and related laws, provide channels for migrant workers to submit complaints and seek help, with a direct employment joint service center opened to expand the processing and selection of workers for individual projects. Furthermore, in order to enhance source management, regulations were amended on September 4, 2023 to establish a mechanism whereby the operations of human resources agencies can be suspended based on the ratio of migrant workers who fall out of contact after arriving in Taiwan.
5. Subsidies for handling the children and teenagers of non-citizens: The Ministry of Labor subsidizes the Ministry of Health and Welfare to handle the resettlement and medical expenses relating to the children of migrant workers born in Taiwan who become non-citizens in the event their parent loses contact or leaves the country. The ministry also subsidizes the cost of resettlement, repatriation, medicine, human resources, business handling, equipment and administrative management of illegal migrant workers who are found by the National Immigration Agency, MOI, to have children or who are at least 5 months pregnant.

4-4 司法權 Right to Justice

點次	問題內容	
50.1	原文	Issues raised most frequently: •ability to seek redress for revocation of work permits and interpretation of what constitutes “serious violations” as provided in the Employment Service Act;
	中文 參考 翻譯	最受關注之議題： •就撤銷工作許可有尋求補救或救濟的權利以及對《就業服務法》規定的「重大違規行為」的解釋；

中文回應：

勞動部

1. 外國人在臺如有受行政處分限制，與本國勞工同樣，均得依《訴願法》第1條規定及《行政訴訟法》第4條規定，受處分相對人，如任其權力或法律上的利益遭受侵害，得依上開訴願法及訴訟法提起救濟。
2. 另有關《就業服務法》重大違規行為概以行為人有違反刑事法規情節重大判斷之，例如殺人、傷害致死、強制猥褻、加重竊盜(詐欺)等，違法情節之輕重及刑度(罰責)之高低、危害社會法益、妨礙社會秩序(社會安定)、對他人人身安全危害之程度等情狀綜合衡酌，判斷個案之違法情節是否符合情節重大之情形。
3. 為顧及保障合法在台外國人工作權，避免遭受不法在台外國人違法侵害，就雇主所聘僱外國人違反規定之情節重大，基於維護社會安定之管理目的，且依外國人違法行為所影響之社會秩序、勞動關係、人身安全之危害程度，並同時衡量法益(國家法益、社會法益、個人法益)之保護目的，綜合判斷個案違規行為是否重大。

Response:

1. Any foreign worker subject to administrative sanctions in Taiwan, as with domestic workers, can in accordance with the provisions of Article 1 of the Administrative Appeal Act and Article 4 of the Administrative Litigation Act, apply for relief if the person subject to the sanctions considers his or her rights or legal interests to have been infringed.
2. In addition, major violations of the Employment Service Act will be determined based on the severity of the perpetrator’s violation of criminal law and regulations, such as homicide, injury causing death, forced indecency, aggravated burglary (fraud) etc., the severity of the violation, degree of punishment, harm to social law and benefits, obstruction to social order (social stability), risks to the personal safety of others and any other related factors.
3. In order to protect the rights of foreigners legally working in Taiwan and prevent them from

being infringed upon by foreigners in Taiwan illegally, the ministry will review violations by foreign workers employed in Taiwan and determine their severity based on the objective of maintaining social stability and the degree to which social order, labor-management relations, and personal safety are impacted, while also evaluating the purpose of protecting legal interests (for national, social, and personal aspects).

ember 5, 2023, and then promulgated by the president on December 15, 2023.

點次	問題內容	
50.2	原文	•unfairness of State Reciprocity law;
	中文 參考 翻譯	國家互惠法律的不公平情況

中文回應：

司法院

關於冤獄補償，《刑事補償法》原基於平等互惠原則，以我國人民依國際條約或外籍人士之本國法律得享同一權利者為限，始予該外籍人士請求補償之權利。然考量基本人權已為國際各國普遍尊重及保障，為確保在我國主權所及領域範圍內之任何人（包含外籍人士及無國籍人）均應受合理及平等之對待，司法院已於2021年8月17日決議通過修正草案刪除有關平等互惠原則之限制。故倘於我國境內任何人（包含外籍人士及無國籍人）身體之「自由」確受我國公權力之合法限制，而受有超越人民一般情況下所應容忍程度，構成其個人之特別犧牲時，基於人權立國理念、實踐人道主義，並落實《兩公約》及《ICERD》，實應賦予其依法請求合理補償之權利。前開修正草案已於2023年12月5日經立法院三讀通過，並於2023年12月15日經總統公布。

Response:

In terms of compensation for wrongful convictions, the Criminal Compensation Act based on the principles of equality and reciprocity, states that any foreign national is entitled to claim compensation only if the Taiwanese nationals are entitled to the same right under an international treaty or the law of the country of the foreign national. Nevertheless, taking into account the fact that basic human rights are generally respected and protected worldwide, and to ensure reasonable and equal treatment of all persons within territories under the sovereignty of Taiwan (including foreign nationals and stateless persons), the Judicial Yuan decided to adopt a draft amendment on August 17, 2021, to remove the restriction based on the principles of equality and reciprocity. Therefore, where the physical “freedom” of any person within the territory of Taiwan (including any foreign national or stateless person) is subject to legal restrictions by any government authority to an extent beyond a level tolerable for citizens under general circumstances, resulting in a Special sacrifice of the person, it is imperative that he/she shall be legally entitled to claim reasonable compensation to realize the idea of a human rights-oriented country practice humanitarianism and implement the two Covenants and the ICERD. The draft was passed by the Legislative Yuan on the third reading on De-

點次	問題內容	
50.3	原文	•access to legal aid for undocumented migrant workers;
	中文參考翻譯	法律扶助也能適用於失聯（無證）移工

中文回應：

司法院（1點）、勞動部（2~4點）

1. 依《法律扶助法》第14條第1項規定：「非中華民國國民符合下列情形之一者，本法之扶助規定亦適用之：一、合法居住於中華民國境內之人民。二、因不可歸責於己之事由而喪失居留權。三、人口販運案件之被害人或疑似被害人。四、非居住於中華民國境內之人民，曾因同一事實受基金會扶助。五、非居住於中華民國境內之人民，對於他人曾因同一事實受基金會扶助後死亡，依中華民國法律得行使權利。六、非居住於中華民國境內之人民，對於他人因職業災害死亡，依中華民國法律得行使權利。七、其他經基金會決議。」；另依同法第13條第3項第1款規定，依《就業服務法》第46條第1項第8款至第10款引進之外國人，經切結後推定為無資力，無須審查其資力。是以，失聯（無證）移工如符合前開規定，均可向財團法人法律扶助基金會申請法律扶助。
2. 勞動部運用就業安定基金補助地方政府每年編列法律顧問諮詢費、律師出庭費及民事訴訟費等相關法律扶助費用，各地方政府可依實際狀況敦聘法律顧問、協助提供移工勞資爭議、性侵害案件等法律諮詢事項。
3. 地方政府得視在臺工作合法移工個案，如有相關法律諮詢資源，可協助移工聯繫全國律師公會及法律扶助基金會請求協助，至於失聯移工部分，如有申訴案件，可撥打1955專線或亦可逕洽各地方政府移工諮詢服務中心尋求協助。
4. 勞動部訂有《勞資爭議法律及生活費用扶助辦法》，當非屬有資力之勞工發生終止勞動契約、積欠資遣費、退休金、職災補(賠)償等爭議，且經調解不成立，均可向勞動部委辦單位-財團法人法律扶助基金會提出律師代理及必要費用扶助之申請，並未排除失聯（無證）移工之適用。

Response:

1. According to the Legal Aid Act, article 14 paragraph 1: “The provisions of this Act concerning legal aid are applicable to non-citizens of the Republic of China who meet any one of the following conditions: 1. people who reside legally within the border of the Republic of China; 2. people who lost their residency due to incidents not imputed to themselves; 3. victims or possi-

ble victims in a human trafficking case; 4. people who do not reside within the border of the Republic of China, but have received the Foundation's aid in the past for the same cause; 5. people who do not reside within the border of the Republic of China may exercise their rights under the laws of the Republic of China when the other party, who received the Foundation's aid in the past for the same cause, passes away; 6. people who do not reside within the border of the Republic of China may exercise their rights under the laws of the Republic of China when the other party passes away due to an occupational accident; 7. other conditions as decided by the Foundation.”

In addition, according to the same Act, article 13 paragraph 3 subparagraph 1: foreign nationals who came to Taiwan in accordance with the provisions of article 46 paragraph 1 subparagraphs 8 to 10 of the Employment Service Act, who are presumed indigent with the support of an affidavit, are exempt from financial verification. Therefore, as long as the undocumented migrant workers meet the requirements, they are entitled to legal aid at the Legal Aid Foundation.

2. The Ministry of Labor uses the Employment Security Fund to annually subsidize local government provision of legal consultancy services including legal consultant fees, lawyer's fees for court appearances, and civil litigation fees. Local governments may hire legal consultants based on actual conditions to assist with labor-management disputes and sexual assault cases involving migrant workers.
3. The local government may consider on a case-by-case basis the cases of legal migrant workers in Taiwan. If relevant legal consultation resources are available, it can assist the migrant worker contact the Taiwan Bar Association and the Legal Aid Foundation to request assistance. As for missing migrant workers, if a complaint is filed, the parties concerned can call the 1955 hotline or contact the local government migrant worker consultation service center directly for assistance.
4. The Ministry of Labor has formulated the “Regulations on Financial Assistance for Legal Service and Living Expenses During Labor Disputes.” In the event a worker with little financial support is engaged in a dispute over the termination of a labor contract, severance payment arrears, pension, and/or occupational accident compensation/indemnification etc., and such issues are not resolved through mediation, the worker can apply for legal representation and necessary financial assistance to the Legal Aid Foundation, an agency officially appointed by the Ministry of Labor. Such support is also available for missing (or unregistered) migrant workers.

點次	問題內容	
50.4	原文	•poor, uneven quality of interpretation services – across the public sector as a whole.
	中文參考翻譯	公部門整體通譯服務品質不佳且參差不齊。

中文回應：

司法院

- 為維護外國人或語言不通人士、聽覺或語言障礙人士之訴訟權益，法院自2006年起採行「特約通譯制度」，於各法院審理案件有傳譯需求時，逐案約聘特約通譯到庭協助法庭傳譯。截至2023年12月，法院建置有21種語言類別，共263名特約通譯備選人。
- 為提升法庭傳譯品質，目前採行健全通譯制度之作法如下：
 - 在法規方面，訂有「法院特約通譯約聘辦法」延攬語言人才及給予特約通譯合理報酬、「法院使用通譯作業規定」規範法院使用通譯參與訴訟程序相關事項、「法院通譯倫理規範」建立通譯行為基準。
 - 在教育訓練方面，特約通譯備選人於遴選及續聘時，均須完成法院舉辦之教育訓練並經審查合格後，始發給有效期間2年之合格證書。法官學院每年均有開設課程，提供現職通譯及特約通譯備選人充實職務所需之智識及傳譯技能。
 - 在行政措施方面，充實特約通譯備選人名冊，請法院檢視轄區內實際傳譯需求，適度增加特約通譯備選人；編撰「法院通譯手冊」提供法院及通譯人員法庭傳譯之參考；完成通譯常用規定、法律詞彙多語譯本，使傳譯更精確。
 - 在特約通譯之監督方面，提供「特約通譯傳譯服務情形意見反應表」予當事人或使用傳譯服務之人填寫，作為法院選任及延攬特約通譯之參考。特約通譯有違反「法院通譯倫理規範」或其他不適任情事時，建置法院得依法監督，並得視情節輕重予以警告或撤銷其合格證書。

移民署

- 為確保通譯人員之品質，強化通譯人力培力，內政部依行政院新住民事務協調會報第13次會議指示就現行通譯之資格、課程、費用等問題進行盤整，研擬「通譯制度精進試辦計畫」，該計畫行政院已於2023年12月21日核定，將現行機關運用之通譯區分為司法通譯、公共事務通譯及外語諮詢人員等3類，計畫重點包括：
 - 適用對象：以東南亞語為試行，包括越南、印尼、泰國、柬埔寨、緬甸及菲律賓（包含他加祿語，Tagalog）等6國語。
 - 通譯培訓資格要件：分為一般資格、東南亞語、華語文及學經歷等等四項資格要件，並

以多元採認方式，每項要件中合乎所列條件之一即可。

- 通譯培訓課程：分為基礎課程及專業課程，基礎課程(6小時)包括通譯技巧、跨文化敏感度議題及通譯倫理3門；專業課程(8小時)，各機關依通譯所需之專業技能規劃課程及分組，如司法通譯組、警政衛生組、醫療衛生組、就業服務組及移民輔導組。
- 通譯費用：依司法通譯、公共事務通譯及外語諮詢人員之不同通譯類別，支給不同標準。
- 建置雙語詞彙資料，各機關依需求逐年自行開發建置重要及常用之多語詞彙資料，解決東南亞語通譯翻譯專有名詞之無統一用語之問題，提升通譯服務品質。
- 計畫自2024年4月1日起實施，為期2年屬於試辦性質，期透過規範通譯人員培訓資格、培訓課程及通譯費用之分級，使人才分流，未來將滾動檢討精進，以逐步健全通譯制度之發展。

警政署

- 鑑於我國尚無辦理外語口譯檢定測驗，且各大專院校就新住民及移工使用之東南亞語言，亦無設立口譯系所或學程，為滿足員警處理涉外案件運用通譯之需求，並確保通譯人才品質，警政署已自行建構警察機關通譯人才之招募、培訓及測驗機制，說明如下：
 - 警政署參據澳洲全國翻譯認證機構「法律口譯員檢定測驗」，每年訂定「通譯講習實施計畫」，由各直轄市、縣(市)政府警察局據以訂定課程簡章，對外招募人才。
 - 前述課程內容包含傳譯技巧、通譯倫理、法律及警政業務等課程，時數合計至少8小時，並辦理筆試及口試測驗，其中口試測驗至少包含越南語、印尼語及泰語之文件視譯及逐步口譯測驗。
 - 全程參加課程並通過測驗者，始取得效期2年之列冊資格。逾期未再參訓者，則予以廢止列冊。
- 我國公私部門就社區通譯制度已討論多年，為確保通譯人才之品質，行政院已於2022年8月11日「新住民事務協調會報」決定，請內政部（移民署）擬具計畫報該院核定，以逐步建構跨機關統合性分級分類通譯制度。警政署將持續配合前述計畫及我國語言、文化及社區通譯之政策，精進警察機關通譯制度。

勞動部

- 勞動部為促進和諧聘僱關係及保障外國人權益，已建置外國人在臺工作期間之通譯服務措施，包括各地方政府移工諮詢服務中心、移工機場服務站、移工一站式服務中心、1955勞工諮詢申訴專線、及非營利組織陪同接受詢問人員，配置熟悉英語(含 Tagalog 語)、泰語、越南語及印尼語之雙語服務人員，提供相關通譯服務。

Response:

Judicial Yuan

- To protect the litigation right for foreigners, people with no or limited proficiency in Mandarin, and people who are hearing- or speech-impaired, the courts have implemented the “Contracted

Interpreter System” since 2006, under which the courts can hire the contracted interpreters to assist with the court interpretation on a case-by-case basis when necessary. As of December 2023, the Courts have 263 reserve contracted interpreters, providing interpretations in a total of 21 languages. To improve the quality of court interpretation, the measurements taken are as follows:

- (1) In terms of the regulations, there are “Provisions for Hiring Contracted Court Interpreters” to recruit language professionals and provide the contracted interpreters with reasonable compensation, “Operational Regulations Governing the Use of Interpreters in Courts” to regulate the courts on the participation of interpreters in legal proceedings, and the “Code of Conduct for Court Interpreters” to establish behavioral standards for interpreters.
- (2) Regarding the educational and training courses, by selection and reappointment of the reserve contracted interpreters, they must complete the educational and training courses provided by the courts and be approved as adequate to receive a certificate, which is valid for two years. The Judges Academy offers courses every year to provide in-service interpreters and reserve contracted interpreters with the knowledge and interpreting skills required for their duties.
- (3) In respect of the administrative measurements, the courts should extend the reserve contracted interpreters. The courts are asked to review the actual needs of the interpreters and increase the number of reserve contracted interpreters as necessary. A Guide “Court Interpreters” was also written and published as a court interpretation reference for the court and interpreters. The common operational regulations for interpreters and multilingual translations of legal terminology are completed to increase the precision of interpretation.
- (4) As for the supervision of the contracted interpreters, the “Questionnaire for the Court Interpreter Service” is provided to the case parties or users of the interpretation service to be filled out and serves as a reference for the courts in selecting and recruiting contracted interpreters. If the contracted interpreter violates the Code of Conduct for Court Interpreters or is otherwise unsuitable for this position, the responsible court may supervise the interpreter according to the law, and issue a warning or revoke the certificate, depending on the severity of the case.

National Immigration Agency

2. In order to enhance the proficiency of interpretation personnel and improve their training, the Ministry of the Interior has initiated a reassessment of current interpreter qualifications, coursework, and fees, in accordance with directives from the 13th meeting of the Executive Yuan’s Coordination Meeting on Immigration Affair. To achieve this objective, the 'Interpretation System Improvement Pilot Program' has been developed. This initiative was endorsed by the Executive Yuan on December 21, 2023, and classifies interpreters utilized by existing institutions into three categories: judicial interpreters, public affair interpreters, and foreign language consultation personnel. The main objectives of the program include:

- (1) Target Audience: The trial will focus on Southeast Asian languages, covering six countries: Vietnam, Indonesia, Thailand, Cambodia, Myanmar, and the Philippines (including Tagalog language).
- (2) Interpreter Training Qualification Requirements: Divided into four categories: general qualifications, Southeast Asian literacy, Mandarin Chinese proficiency, and academic qualifications. Qualification is granted by acknowledging diverse means, granting eligibility upon satisfying at least one criterion in each category.
- (3) Interpreter Training Coursework: The training is divided into basic and specialized courses. The basic course (6 hours) covers interpreter skills, cross-cultural sensitivity issues, and professional ethics. The specialized course (8 hours) is tailored to specific professional skills, with institutions forming industry-specific groups, such as judicial interpreters, police health services, medical health services, employment services, and immigration support.
- (4) Interpreter Fees: Fees vary based on the type of interpreter role -- judicial, public affairs, or foreign language consultancy.
- (5) Establishment of Bilingual Vocabulary: Institutions will develop and maintain essential and frequently used multilingual vocabulary databases annually to standardize the translation of specialized terminologies in Southeast Asian languages and enhance the quality of interpretation services.
- (6) The aforementioned plan is scheduled to commence on April 1, 2024, for 2 years as a pilot program. Its aim is to standardize the qualifications for interpreter training, the structure of training courses, and the graded tier of interpreter fees with the objective of optimizing talent resources. The program will undergo iterative reviews and refinements to progressively strengthen and streamline the interpreter system.

National Police Agency

3. Given the fact that there is a lack of certification tests for foreign language interpreters in Taiwan, and the colleges and universities do not have interpreting departments or offer interpreting courses dedicated to Southeast Asian languages spoken by new immigrants and migrant workers, in order to meet the police officers’ needs for the use of quality interpreters when dealing with cases involving foreign nationals, the NPA has thus established its own mechanism for the recruitment, training, and testing of aspiring interpreters for the police, as described below:
 - (1) With reference to the Certified Specialist Legal Interpreter Test provided by the Australian National Accreditation Authority for Translators and Interpreters (NAATI), the NPA has developed an “Interpreter Training Implementation Program”. This Program is reviewed on an annual basis and serve as a guidance for police institutions on the interpreter recruitment, training, and testing protocols. In accordance with the Program, the police departments of special municipalities and county (city) governments are required to organize courses as well as create

and distribute registration documents for the courses so as to recruit aspiring interpreters.

- (2) The preceding course is 8 hours in length, focusing on interpreting skills and the code of ethics as well as knowledge of law and police affairs, followed by written and oral tests. During the oral tests, skills for sight interpreting of documents and consecutive interpreting for at least Vietnamese, Indonesian, and Thai languages are assessed.
- (3) Those who have completed the course and passed the test will be eligible for joining the police registry of interpreters, and their eligibility is valid for only two years. Therefore, registered interpreters who do not attend further training during the given period to maintain their eligibility will be removed from the registry.
4. In order to ensure the quality of interpreters, during the “New Immigrant Affairs Coordination Meeting” held on August 11, 2022, the Executive Yuan mandated the Ministry of the Interior (National Immigration Agency) to formulate a plan aimed at gradually establishing an integrated cross-agency regulatory system for interpreters, in which interpreters are classified based on their domains and levels of expertise, and submit it to the Executive Yuan for approval. In line with the preceding plan as well as the language, culture, and community interpreting policies of Taiwan, the NPA will continue enhancing the interpreting system of police institutions.

Ministry of Labor

5. In order to promote harmonious employment relations and protect the rights and interests of foreign workers, the Ministry of Labor has established interpretation services for foreigners working in Taiwan, including local government migrant worker consultation service centers, migrant worker service stations at airports, migrant worker one-stop service centers, the 1955 labor consultation and complaint hotline, and non-profit organizations accompanying workers being questioned, in which bilingual service staff fluent in English (including Tagalog), Thai, Vietnamese and Indonesian provide related interpretation services.

點次	問題內容	
51.	原文	Regarding remedies for racial discrimination, please provide more detailed information on the cases received by the courts, the Control Yan, as well as the administrative agencies mentioned in the Implementation Report (paras. 226-255). How many cases were decided favourably for the complainants, how many were dismissed or withdrawn, and on which basis?
	中文參考翻譯	關於種族歧視之救濟，請提供法院、監察院、條約專要文件所提及之行政機關（第226-255點）所受理案件等詳細之資料。有多少案件的決定是有利於申訴人（原告）？有多少案件被駁回？有多少案件經撤回？依據為何？

中文回應：

條約專要文件第226-237點（司法院、法務部）

1. 憲法法庭111年憲判字第4號判決宣示，原住民身分法第4條第2項及第8條（民國2008年及2021年修正條文）準用第4條第2項規定部分，違反憲法第22條保障原住民身分認同權及第7條保障種族平等之意旨，均違憲。相關機關應於本判決宣告之日起2年內，依本判決意旨修正之。逾期未完成修法者，上開原住民身分法第4條第2項及2021年1月27日修正公布同法第8條準用第4條第2項規定部分失效，原住民與非原住民結婚所生子女，取得原住民身分，並得辦理原住民身分及民族別登記。
2. 憲法法庭111年憲判字第17號判決宣示，原住民身分法第2條規定所稱原住民之定義性規定，僅指山地原住民及平地原住民，並未及於包括既存於臺灣之所有臺灣南島語系民族，致其原住民（族）身分未受國家法律之保障，於此範圍內，與憲法第22條保障原住民（族）身分認同權、憲法增修條文第10條第11項及第12項前段規定保障原住民族文化等意旨有違。相關機關應於本判決宣示之日起3年內，依本判決意旨，修正原住民身分法或另定特別法，就同屬南島語系民族之其他臺灣原住民族之認定要件、所屬成員之身分要件及登記程序等事項，予以明文規範。逾期未完成修法或立法，舉凡日治時期戶口調查簿其本人或其直系血親尊親屬經註記為「熟」或「平」，釋明其所屬民族語言、習俗、傳統等文化特徵至今依然存續，且其所屬民族成員仍維持族群認同者，於修法或立法完成前，均得向中央原住民族主管機關申請依本判決意旨認定其民族別。
3. 行政訴訟、法官、檢察官、一般公務員之懲戒、智慧財產案件，資料如下：
 - (1) 有利於原告裁判之案件：2件。
 - (2) 被駁回之案件：19件。
 - (3) 經撤回之案件：無。
4. 裁判上多有引用「原住民基本法」意旨，考量原住民選擇之生活方式、習俗、服飾、社會經濟組織型態、資源利用方式、土地擁有利用與管理模式權利，判決被告無罪之案

例。

條約專要文件第238-239點（監察院）

5. 監察院受理3件涉及種族歧視之陳情案件，經依據監察法、監察法施行細則、監察院收受人民書狀及處理辦法等相關規定，委託權責機關調查或函請有關機關處理後，查證公務員涉有違失者有2案（1案為擔任講座之主管人員於幹部講習時說出帶有種族歧視言語，有損公務人員形象；1案為戒護主管不當限制受刑人與家人會面以母語交談），另1案則查無違失。無遭駁回或撤回之案件。

條約專要文件第242點（內政部移民署）

6. 內政部居住臺灣地區之人民受歧視申訴審議小組自2008年8月1日施行至2023年12月31日止共受理35案，不成立28件、不受理6件、撤回1件，分析如下：
- (1) 不成立：申訴標的非屬法定態樣者4件、無法舉證說明實質權利受不法侵害者11件及非屬歧視範疇者13件。
- (2) 不受理：未能於文到之次日起20日內補正相關資料者，計4件，申訴書不合法定程式不能補正，計1件，未自知悉受歧視致權利受不法侵害之次日起2個月內以書面提起申訴者，計1件。
- (3) 撤回：計1件，申訴人因搬家不再追究而撤回申訴。

條約專要文件第243點（衛生福利部）

7. 民眾倘於就醫或於各醫事機構時遭遇種族歧視，可循各醫療機構內部申訴管道、地方衛生局局長信箱、中央主管機關部長信箱、行政院院長信箱或總統信箱等提出申訴。另為保障精神病人權益，精神照護機構及強制住院審查決定通知書皆設有申訴管道，惟目前未有涉及「種族歧視」之相關申訴案件。
8. 查《長期照顧服務法》（以下稱長服法）之立法目的，於第1條第2項已明定，長期照顧服務之提供不得因服務對象之性別、性傾向、性別認同、婚姻、年齡、身心障礙、疾病、階級、種族、宗教信仰、國籍與居住地域有差別待遇之歧視行為。且依長服法第44條及第47條第1項第4款，如長照機構對長照服務使用者有遺棄、身心虐待、歧視、傷害、違法限制其人身自由或其他侵害其權益之情事，經查證屬實，處新臺幣（以下同）6萬元以上30萬元以下罰鍰，並公布其名稱及負責人姓名；另長照人員有上開情事，依同法第56條第3款規定，處6千元以上3萬元以下罰鍰，得併處1個月以上1年以下停業處分；情節重大者，並得廢止其證明。

條約專要文件第247點（勞動部）

9. 現行《就業服務法》第5條第1項已明定雇主不得以性別、種族、出生地等為由，對受僱者或求職者予以歧視。違者，依同法第65條規定，處新臺幣30萬至150萬元罰鍰。受僱者或求職者如有遭受就業歧視情事，可逕向地方勞工行政主管機關提出，以利查處。
10. 對申訴人有利之決定有1件，不成立之原因包括非屬就業歧視申訴案、申訴人撤案、查無違法事證、移轉管轄機關或其他等。依據就業服務法第5條第1項就業歧視禁止規定，雇主對求職人或所僱用員工，不得以種族為由予以歧視。如發生爭議依現行規定，各地

方勞工行政主管機關就業歧視評議委員會已可針對個案認定是否涉及就業歧視。

條約專要文件第249點（農業部）

11. 有關境外僱用非我國籍船員部分，農業部並無接獲因種族歧視而申訴之案件。

條約專要文件第250點（內政部（地政司））

12. 中華民國不動產仲介經紀商業同業公會全國聯合會目前尚無受理相關救濟案件。

條約專要文件第252點（教育部）

13. 2019年至2022年10月校園霸凌事件中，涉及歧視議題者計有2020年1件，2021年1件及2022年(1-10月)2件，共計4件。相關事件依校園霸凌防制準則調查後，處理結果對申訴人有利者，共計4件(100%)，並進行後續相關輔導措施，無遭駁回或撤回之案件。

Response:

Implementation Report, paras.226-237

1. The Constitutional Court, in its Judgment 111-Hsien-Pan-4 (2022), declared Article 4, Paragraph 2 of the Status Act for Indigenous Peoples (hereinafter "SAIP") and Article 8 of SAIP (the part where it applies Article 4, Paragraph 2 in both 2008 and 2021 versions) in violation of both the right to recognition of indigenous identity and the right to racial equality guaranteed by Articles 22 and 7 of the Constitution, therefore both unconstitutional. The competent authority shall amend the said provisions as appropriate within a grace period of two years from the date of this Judgment's announcement. If the amendment was past due, Article 4, Paragraph 2 and Article 8 (the part where it applies Article 4, Paragraph 2 in 2021 version) of SAIP shall cease to be effective, the children of intermarriages shall acquire indigenous people status automatically, and they may register their indigenous people status and tribe/ethnic groups with the household registration authority.
2. The Constitutional Court, in its Judgment 111-Hsien-Pan-17 (2022) declared the definition of the Article 2 of the Status Act for Indigenous Peoples of "indigenous peoples" only includes "Mountain indigenous peoples" and "Plain-land indigenous peoples", and does not cover other Austronesian Taiwanese Peoples in Taiwan, creating an exclusion of state protection for their indigenous identity. Within this parameter, the said Article of SAIP contradicts the protection of the right to recognition of indigenous identity bestowed by Article 22 of the Constitution and the protection of indigenous culture inscribed in Article 10, Paragraphs 11 and 12 (First Sentence) of Additional Articles of the Constitution.

The competent authority shall, within a grace period of three years from the announcement of this Judgment, amend SAIP or legislate a special law in accordance with this Judgment, in which the elements to meet indigenous status, and their registration procedure are stipulated expressly. If said amendment or legislation is past due, before it is done, those who (1) herself/himself or her/his elder lineal relatives by blood were registered as shu ([熟], literally

- “tamed/civilized”) or ping ([平], literally “plain”) in the household records during Japanese rule; (2) provides preliminary showing that their ethnic group has preserved its cultural characteristics such as ethnolinguistic, custom and traditions; (3) belongs to an indigenous group that its members still maintain its ethnic identity, may, in accordance with the purpose of this Judgment, apply to the central indigenous authority for the recognition as indigenous peoples.
3. After checking the administrative litigation, disciplinary cases against judges, prosecutors, and general civil servants, and intellectual property cases managed by this department, the information is as follows:
- (1) Cases decided in favor of the plaintiff: 2
 - (2) Cases dismissed: 19.
 - (3) Cases withdrawn: None.
4. Various court rulings have often cited the concept and spirit of the Indigenous Peoples Basic Law by considering indigenous peoples' chosen ways of life, customs, costumes, socioeconomic organization models, resource utilization methods, rights of land ownership, utilization and management model; therefore, many courts have handed down verdicts of not guilty.

Implementation Report, paras.238~239

5. From 2010 to October 2022, the Control Yuan has received three complaints of racial discrimination. In accordance with the Control Act and its Enforcement Rules, the Control Yuan requested the competent agencies to investigate the cases. The investigation results showed that there were two cases, in which some certain civil servants were found to have committed offences. And no civil servant was found to make mistakes in the other case. All three cases were properly managed. There were no dismissal or withdrawal. The cases are described in detail as follows:
- (1) Case 1: The complainant alleged that a director and lecturer had made racially offensive remarks in a class during training courses.
 - (2) Case 2: An inmate serving his sentence at Prison made a complaint to the Control Yuan stating that his correctional supervisor did not allow him to speak in Hakka during his family visit.

Implementation Report, paras.242

6. According to statistics, the Taiwan Area Residents Discrimination Petition Review Committee of the Ministry of the Interior has received a total of 35 cases from August 1, 2008, to December 31, 2023, among which 28 were determined to be unsubstantiated, six were rejected, and one was withdrawn.
- (1) Unsubstantiated:
 - A. 4 cases were not within the statutory scope of complaints.
 - B. 11 cases lacked evidence demonstrating substantial rights being illegally infringed upon.
 - C. 13 cases were not within the scope of discrimination.

- (2) Rejected:
 - A. 4 cases were unable to correct relevant information within 20 days from the date of notification.
 - B. 1 case, the complaint form did not conform to the required forms and processes and could not be corrected.
 - C. 1 case, the written complainant was not submitted within 2 months upon becoming aware of discrimination.
- (3) Withdrawn:
 - 1 case was withdrawn as the complainant ceased pursuing the complaint due to relocation.

Implementation Report, paras.243

7. In Taiwan, hospitals and clinics must provide emergency patients with immediate treatment and care or undertake necessary measures within their capacity. These requirements are applicable regardless of nationality, race, gender, religion, and class. People who encounter racial discrimination during medical treatment may file a petition through the petition mechanisms of the medical institution or to the mailbox of the commissioner of the local department of health, the head of the central competent authority, the premier of the Executive Yuan, or the president. In order to protect mental illness patients' rights, both mental health care institutions and mandatory hospitalization reviews decision notice have established channels for complaints. However, as of now, there have been no complaints related to "racial discrimination".
8. The legislative purpose of the Long-term Care Services Act is clearly stated in Article 1, Paragraph 2, that the provision of long-term care services shall not be based on the gender, sexual orientation, gender identity, marriage, age, or physical or mental disability of the service recipients, discriminatory behavior that results in differential treatment based on disease, class, race, religious belief, nationality and region of residence. And in accordance with Article 44 and Subparagraph 4 of Paragraph 1 of the Article 47 of Long-term Care Service Act, long-term care institutions have abandoned, physically and mentally abused, discriminated, harmed, illegally restricted the personal freedom of long-term care service users, or otherwise infringed on their rights and interests. If the matter is verified to be true, a fine of not less than NT\$60,000 but not more than NT\$300,000 will be imposed, and the names of such institutions and their representatives shall be disclosed to the public; if any long-term care personnel violates Article 34, shall be fined in accordance with Article 56, Subparagraph 3 of the Long-term Care Services Act. According to the provisions of this paragraph, shall be subject to a fine of not less than NT\$6,000 and not more than NT\$30,000. Business suspension of not less than one month and not more than one year may also be ordered. In serious cases, the certificate may be cancelled.

Implementation Report, paras.247

9. Currently, Paragraph 1, Article 5 of Employment Service Act clearly states that employers are

prohibited from discriminating against any job applicant or employee on the basis of gender, race or place of birth. Anyone who violates such provisions will be fined NT\$300,000 to NT\$1,500,000 in accordance with Article 65 of the Act. Any employee or job applicant suffering employment discrimination may directly report the situation to the local competent labor authority to investigate and process.

10. There is one resolution in favor of the complainant. Reasons for failure of an appeal included that it does not fall within the scope of employment discrimination, the case being withdrawn by the complainant, no evidence of illegal conduct is found, and/or transfer of jurisdiction etc. Paragraph 1, Article 5 of the Employment Service Act prohibits employment discrimination and stipulates that employers shall not discriminate against job applicants or employees on the basis of race. In the event of a dispute, according to existing regulations, the employment discrimination review committee of the local competent labor authority will determine whether employment discrimination is involved on a case-by-case basis.

Implementation Report, paras.249

11. Ministry of Agriculture didn't received any grievance from migrant crew members about racial discrimination.

Implementation Report, paras.250

12. To date, the Chinese Association of Real Estate Brokers have not accepted and heard a case of which real estate brokers involving in racial discrimination.

Implementation Report, paras.252

13. As mentioned in para. 252 of the Implementation Report, from 2019 to October 2022, there was one incident in 2020, one in 2021, and two in 2022 (January-October) involving discrimination. After investigation in accordance with the School Bullying Prevention Guidelines, a total of four cases (100%) were ruled in favor of the complainants, with follow-up counseling measures implemented. No cases were dismissed or withdrawn.

第五章 新住民及外籍人士 New Immigrants and Foreigners

點次	問題內容	
52.	原文	Please specify notable outcomes of the 2023 Survey of New Immigrants' Living Needs, in particular where they diverge from the reported results of the 2018 survey (Implementation Report, paras. 9, 170).
	中文參考翻譯	請具體說明2023年度新住民生活需求調查之重要結果，尤其是與2018年度調查報告結果具差異之處（條約專要文件第9、170點）

中文回應：

內政部（移民署）

2023年新住民生活需求調查將辦理分區新住民座談會及專家學者焦點座談會，預計於2024年5月舉行期末審查，8月召開成果發表記者會。

Response:

For the 2023 Survey of New Immigrants' Living Needs, the new immigrant forums in different districts and expert and scholar focus discussion will be held. It is planned to conduct a final review in May and hold a press conference on the results of the Survey in August 2024.

點次	問題內容	
53.	原文	Could you give further information on the mandate and activities of the Foreign Women and Children Consultation Center, as well as numbers on individuals supported (Implementation Report, para. 13)?
	中文 參考 翻譯	可否提供更多關於外國籍婦幼諮詢服務中心承擔之任務及活動之資訊，以及相關受益人數（條約專要文件第13點）？

中文回應：

勞動部

1. 為保障合法懷孕移工在臺工作權益，勞動部運用就業安定基金自2021年起補助桃園市政府設置外國籍婦幼諮詢服務中心，提供合法移工懷孕待產之緊急安置措施、及提供懷孕移工生育、工作權益、轉換雇主及懷孕醫療資源等相關諮詢；並辦理懷孕照護及育兒諮詢等講座宣導，並自2021年12月25日起正式營運。
2. 2023年1月至10月止，桃園市外國籍婦幼諮詢服務中心受理諮詢服務296人、安置懷孕移工及其子女總計53人，及辦理預防宣導活動10場次，總計243人參加。
3. 另為擴增服務據點，2023年於中部及南部補助彰化縣政府及高雄市政府設置外國籍婦幼諮詢服務中心，已於2023年10月起提供法令諮詢及資源連結(如：產檢、暫停轉換雇主或協助返國等)與短期安置服務，預計2024年起開始安置懷孕移工及其子女。

Response:

1. In order to protect the rights and interests of pregnant legal migrant workers in Taiwan, the Ministry of Labor used the Employment Security Fund to cover Taoyuan City Government's establishment of a maternal and child consultation service center for foreign workers in 2021. This provides consultations on emergency resettlement for pregnant legal migrant workers, childbirth support resources, working rights, transferring employers, pregnancy-related medical services and other areas; It also organizes lectures and promotions on pregnancy care and parenting, which have been available since December 25, 2021.
2. From January to October 2023, Taoyuan City's maternal and child consultation service center for foreigners provided consultation services to 296 people, resettled a total of 53 pregnant migrant workers and their children, and organized 10 lectures with a total of 243 participants.
3. In order to expand service sites, Changhua County Government and Kaohsiung City Government received subsidies to set up maternal and child consultation service centers for foreign workers in central and southern Taiwan in 2023. These centers started to provide legal consultation and resource linkage services (such as prenatal check-ups, suspension of employer trans-

fers or assistance returning to country of origin etc.) and short-term resettlement services in October 2023. They are expected to start providing resettlement services for pregnant migrant workers and their children in 2024.

點次	問題內容	
54.	原文	Are there any more recent developments on the draft amendments to Articles 23 and 31 of the Immigration Act on the residency requirements of new immigrants through marriage (Implementation Report, para. 35)?
	中文參考翻譯	入出國及移民法第23、31條關於婚姻移民居留需求之修正案最新進度為何（條約專要文件第35點）？

中文回應：

內政部（移民署）

《入出國及移民法》第23條及第31條修正條文，於2023年6月28日修正公布，自2024年1月1日施行。

Response:

The amended Articles 23 and 31 of the Immigration Act were promulgated on June 28, 2023, and became effective on January 1, 2024.

點次	問題內容	
55.	原文	Are there any more recent developments on the consideration of deleting the loss or absence of nationality as a disqualification criteria for the receipt of survivor benefits for dependents of civil servants, funeral benefits, and interest on public deposits for dependents of second category political appointees (Implementation Report, para. 32)?
	中文參考翻譯	關於刪除喪失或未具我國籍作為公務人員遺族請領遺屬金或撫卹金、第二類政務人員遺族請領公提儲金本息之消極資格之修法進度為何（條約專要文件第32點）？

中文回應：

考試院（銓敘部）

《公務人員退休資遣撫卹法》及《政務人員退職撫卹條例》部分條文修正草案已函送考試院審議。

Response:

The partial draft amendments to the Civil Service Retirement, Severance and Survivor Relief Act and the Political Appointee Retirement and Survivor Relief Act have been submitted to the Examination Yuan for review.

點次	問題內容	
56.	原文	What is the current status of the amendment to the State Compensation Law as proposed by the Executive Yuan, removing the principle of reciprocity (NHRC Independent Opinion, para. 41)?
	中文參考翻譯	行政院提出之《國家賠償法》修正案，取消互惠原則等修法進度為何（國家人權委員會獨立評估意見第41點）？

中文回應：

法務部

行政院2021年9月3日函送立法院審議之《國家賠償法修正》草案，已刪除平等互惠原則限制之規定。目前修正草案尚在立法院審議中。

Response:

The draft amendment to the State Compensation Law submitted via letter by the Executive Yuan to the Legislative Yuan for deliberation on September 3, 2021 has deleted the restrictive provision based on the reciprocity principle. Currently, the draft amendment is still pending deliberation by the Legislative Yuan.

第六章 難民及尋求庇護者 Refugees and Asylum Seekers

點次	問題內容	
57.	原文	What is the status of the refugee bill that is currently being drafted by the government (Common Core Document para. 171)? Are there any more recent developments on the draft refugee act (Implementation Report, para. 121)?
	中文參考翻譯	政府目前起草中的難民法案之情況為何（共同核心文件第171點）？難民法草案（條約專要文件第121點）之最新進度為何？

中文回應：

內政部（移民署）

我國《難民法》草案歷經立法院第6屆至第9屆會期審議均未獲通過，顯示相關議題仍有待凝聚全民共識，政府將持續蒐集各國立法例，並衡諸我國國情檢討該草案內容，規劃於2022年至2024年間，送立法院審議。

Response:

The draft bill of "Refugee Act" has been under the review of the Legislative Yuan from the 6th to the 9th Legislatures. Till today, the bill has not been passed to law, indicating that a social consensus in this regard is yet to be built. The Executive branches of Taiwan government will continue to collect legislative models from various countries to redraft the bill and re-propose the Legislative Yuan when appropriate during 2022 to 2024.

點次	問題內容	
58.	原文	How many asylum requests have been received by the government of Taiwan in recent years? How many have been accepted or rejected, respectively? (Implementation Report, para. 122)
	中文 參考 翻譯	我國政府近年來收受之庇護申請件數為何？受理及駁回之件數各自為何？ (條約專要文件第122點)

中文回應：

內政部（移民署）

內政部迄今受理1名尋求庇護個案，渠現已與我國人結婚，並取得我國外僑居留證。

Response:

The Ministry of Interior has formally accepted 1 asylum-seeking case. The subject of the case has married to an R.O.C.(Taiwan) national and has obtained an Alien Residence Certificate accordingly.

點次	問題內容	
59.	原文	In the current absence of a Refugee Act, the Review Committee is concerned about the visa requirements for stateless Tibetan students requiring them to leave and re-enter Taiwan every six months, “imposing enormous stress and a heavy financial burden” according to the NHRC (para. 94), and an alternative to this procedure should be identified.
	中文 參考 翻譯	於目前欠缺《難民法》的情況下，審查委員會關切對無國籍藏人學生的簽證要求，使這些學生每六個月必須先行出境再重新入境的作法；據國家人權委員會稱，如此「造成巨大壓力和沉重的經濟負擔」（國家人權委員會獨立評估報告第94點），應建立其他的替代方案。

中文回應：

外交部（第1點）、內政部（移民署（第2點）

- 依據教育部《外國學生來臺就學辦法》規定，外籍生申請來臺就讀經教育部核准招收外籍生學校學程者，應具備外國國籍，無國籍人士不得申請。至自行申請來臺研習中文超過180天擬改辦居留者，經參酌內政部移民署（下稱移民署）之《入出國及移民法》部分條文修正總說明有關第23條之意見：「為防範外籍人士任意以研習中文事由申請在臺居留，目前實務上，當事人須先持停留簽證入境，於研習中文滿四個月，且符合相關要件後，始得改辦居留」，爰外交部駐外館處不論申請人之國籍仍將通案維持核發停留簽證之作法。至無國籍藏人來臺研習中文者得否於停留簽證期滿前在臺申請轉換居留，以繼續其研習課程係屬移民署所轄。
- 依2024年1月1日修正施行之《入出國及移民法》第23條第4項規定，外國人持就學事由之停留簽證，經許可在我國就學，或在華語教學機構就讀滿4個月，並繼續註冊3個月以上者，得向移民署申請居留；同法第93條規定，本法關於外國人之規定，無國籍人民準用之。無國籍人民依上開規定申請居留者，移民署將依《外國人停留居留及永久居留辦法》第6條規定，會商相關機關審查。

Response:

- In accordance with the Regulations Regarding International Students Undertaking Studies in Taiwan established by MOE, applicants seeking to enrol in approved international student programs must possess a foreign nationality, so stateless persons are not eligible to apply. For students pursuing Mandarin studies in Taiwan for more than 180 days who wish to apply for residency, in consideration of amendments to Article 23 of the Immigration Act, applicants are currently required to have entered the country on a visitor visa, studied Mandarin for at

least four months, and fulfil other relevant requirements before being eligible. This measure is intended to prevent foreign nationals from using the pretext of studying Mandarin to make applications for residency.

R.O.C. (Taiwan) overseas missions will continue the practice of issuing visitor visas to applicants irrespective of their nationality. The issue of whether stateless Tibetan students studying Mandarin in Taiwan may apply for residency before the expiration of their visitor visa to continue their studies falls within the remit of the National Immigration Agency, Ministry of the Interior.

2. According to the provisions of Article 23, Paragraph 4, as amended and enforced on January 1, 2024, of the Immigration Act, aliens possessing visitor visas for studying purposes who have been approved to study in Taiwan, or has studied for four months and has continued to be enrolled for three months more at Mandarin Educational institutes, may apply to NIA for residence. According to Article 93 of the Act, the provisions of this Act concerning aliens shall apply, mutatis mutandis, to stateless persons.

Stateless persons applying for residence under the aforementioned regulations will be subject to scrutiny by relevant authorities, in accordance with Article 6 of the Regulations Governing the Visitation, Residency, and Permanent Residency of Aliens, as enforced by the National Immigration Agency.

點次	問題內容	
60.	原文	Covenants Watch states that the “deferred forced deportation” status does not protect refugees from countries, such as Myanmar, Ukraine and Afghanistan, against deportation in violation of the principle of non-refoulement. Which actions is Taiwan taking to regularize the residence status of refugees who are not allowed to be deported?
	中文參考翻譯	人權公約施行監督聯盟指出，「延遲強迫驅逐出境」之做法無法保障來自緬甸、烏克蘭和阿富汗等國家的難民免於違反不遣返原則之驅逐出境。臺灣將採取何種行動，以規範受到不遣返原則保護之難民其居留狀態？

中文回應：

內政部（移民署）

在難民法通過前，現行如遇有尋求庇護者，政府將以個案方式給予當事人適度協助，並以協助當事人中轉至第三國為處理方向。處理過程均秉持不遣返原則之精神，迄今不曾將當事人送返至可能遭到酷刑或不人道待遇的國家或地區。在當事人等待中轉期間，內政部移民署得依法核發臨時外僑登記證予當事人，並後續由相關機關，視個案需求，依法提供專案許可其工作（或免申請許可）、加入健保及就學等措施。

Response:

While the bill of Refugee Act is still under review by the Legislative Yuan, the Government provides assistance appropriately to asylum seekers or claimants on a case-by-case basis, including assisting them to resettle in a third country. The Government adheres to the principle of non-refoulement during case assistance. By far, no claimants have been returned to any country or region where the claimants may be subjected to torture or inhumane treatment. In accordance with the laws, the NIA may issue a Temporary Alien Registration Certificate to those claimants who are waiting for resettlement. Subsequently, the claimants will be allowed to apply for permission to work (sometimes the application is waived,) to enroll in the National Health Insurance, and to go to schools based on the needs of the claimants, provided case-by-case by relevant agencies in accordance with the laws.

第七章 非本國籍兒童-無證兒童 Non-national Children – Undocumented Children

點次	問題內容	
61.	原文	Despite some good intentions, current policies and practices continue to create a group of stateless children with all consequential lack of access to enjoyment of fundamental rights.
	中文參考翻譯	儘管已設有一些立意良善之政策，仍無法避免持續產生無法享有基本權利之無國籍兒童。
62.	原文	In para. 168 of its Parallel Report, Covenants Watch alleges that the State registered a mere fraction of the total population of stateless children in Taiwan and suggests in para. 169(3) that Taiwan should accelerate the process of granting stateless children temporary residence status. What is the total number of stateless children currently in Taiwan and which action does the Government plan to grant children born on the territory of the ROC with both parents unascertainable or stateless the nationality of the ROC? Why are stateless children not granted at least a temporary resident status and immediately covered by the National Health Insurance Act, as required under international human rights law?
	中文參考翻譯	人權公約施行監督聯盟於其平行報告第168點中聲稱，政府官方統計之無國籍兒童僅占國內實際數量之一小部分，並於第169(3)點主張臺灣應加快給予無國籍兒童臨時居留身分之推展進程。請問目前在臺灣的無國籍兒童人數？政府規劃採取之行動為何，以使於中華民國境內出生且無法確定其父母雙方或無國籍之兒童取得中華民國國籍？為何無國籍兒童未按照國際人權法規之要求至少獲得臨時居民身分，並立即享有《全民健康保險法》之保障？（人權公約施行監督聯盟的平行報告第168點、169(3)點）

中文回應：

內政部（戶政司第1點、移民署第1、2點）、衛生福利部第3點

（點次61及62合併回應）

- 依據《國籍法》相關規定，在臺灣地區出生之非本國籍無依兒童，如生父母均無可考或經國人生父認領者，即具中華民國國籍；內政部2017年函頒「在臺出生非本國籍兒童少年申請認定為無國籍人一覽表及流程」，倘生父不詳，生母為外國人且行方不明，經協尋生母行蹤(生母已出境協尋3個月，境內協尋6個月)及洽生母原屬國政府確認該兒少未具該國籍或逾3個月無回應，即可認定為無國籍人，由社會福利機關(構)代其申請歸

化，或由國人收養後申請歸化。該無依兒少於協尋期間亦得依生母國籍申請外僑居留證，享有基本權益保障。

- 截至2023年11月30日止，內政部移民署業核發非本國籍無依兒少居留證共計103人，另經內政部戶政司認定為無國籍人計24人。
- 依《全民健康保險法》第9條規定，在臺灣地區領有居留證明文件者，除有一定雇主之受僱者自受僱之日起，及在臺灣地區出生之新生嬰兒自出生之日起，應參加全民健康保險外，其餘則應自在臺居留滿6個月之日起參加全民健康保險。故在臺灣地區出生且領有居留證明文件之非本國籍（含無國籍）新生兒應自出生日起參加全民健康保險，不受居留滿6個月之等待期限限制。
- 非本國籍有依及無依兒少在臺之基本權益保障，涉及內政部、勞動部、衛生福利部、教育部、外交部及法務部等跨機關協調事宜，各機關分別就安置方式、居留身分核發、國籍認定、就學、認領及健保權益作業等皆賡續辦理及研商相關配套措施，俾充分保障非本國籍無依兒少在臺之基本權益。

Response:

The responses to Para. 61 and 62 are consolidated.

- According to the relevant provisions of the Nationality Act, the non-citizen helpless children and youth who were born in the territory of the Republic of China (R.O.C.) shall obtain the nationality of the R.O.C. if their parents can't be ascertained or those have been acknowledged by their natural fathers who are R.O.C. citizens. The Ministry of the Interior issued a program "List and Process for the Application for Identification as a Stateless Person for Non-national Children and Youth Born in Taiwan" in 2017. Under above "List and Process" if the child's natural father is unknown and the birth mother is an undocumented foreign national, and after 3 months of resultless search for the birth mother (3 months for those who have departed, 6 months for those who remain in the country), as well as confirming that the country of origin of the birth mother does not deem the child or youth to be its national or has failed to respond, then the child can be recognized as stateless. Therefore, the social welfare agency (institution) may apply for naturalization on behalf of the child, or the child may apply for naturalization after being adopted by R.O.C. citizens. During the aforementioned search period, these stateless minors may also apply for foreign resident certificates based on their birth mothers' nationality and enjoy fundamental rights protection.
- As of November 30, 2023, a total of 103 resident certificates have been issued by the NIA to non-citizen helpless children, while 24 people were deemed stateless by the Department of Household Registration.
- According to Article 9 of the National Health Insurance Act, individuals in the Taiwan area holding a residence certificate must meet one of the following criteria to be eligible for this in-

urance:

- (1) Those who have established a registered domicile in Taiwan for at least six months.
- (2) Those employed by a regular employer.
- (3) Newborns born in the Taiwan area.

Therefore, a foreign newborn born in Taiwan with an Alien Resident Certificate (ARC) should enroll in the National Health Insurance program from the date of birth, exempt from the 6-month waiting period for enrollment.

4. Various government agencies, including the Ministry of the Interior, Ministry of Labor, Ministry of Health and Welfare, MOE, Ministry of Foreign Affairs, and Ministry of Justice, collaborate to address matters concerning the safeguarding of fundamental rights for non-citizen helpless children and youth in Taiwan. Each agency actively engages in ongoing efforts to coordinate solutions related to placement methods, issuance of residency status, nationality determination, education, adoption procedures, and health insurance entitlements. These measures are implemented to ensure the comprehensive protection of the fundamental rights of non-citizen helpless children and youth residing in Taiwan.

第八章 國家人權委員會 National Human Rights Commission (NHRC)

點次	問題內容	
63.	原文	The state report identifies the establishment of the NHRC as a significant addition to the national promotion and protection of human rights framework and specifically the promotion of social cohesion. The Covenants Watch parallel report lists a number of issues that it asserts require attention for the NHRC to be more fully effective. Some recommendations are directed to the NHRC itself, some to the Control Yuan under whose auspices it was established, others require action by the Executive or Legislative Yuan.
	中文參考翻譯	首次國家報告中提及國家人權委員會的成立，更為強化我國保障人權的架構，特別是促進社會凝聚力的重要措施之一。人權公約施行監督聯盟的平行報告列出許多議題，並聲稱需要特別關注這些議題，以使國家人權委員會可更加充分發揮作用。有些建議是針對國家人權委員會；部分針對監察院；部分則是建議行政院或立法院需要有進一步的行動。
64.	原文	It would be useful to know why the Legislative Yuan has not yet reviewed the draft Enabling Law for the NHRC.
	中文參考翻譯	瞭解為何立法院尚未審議國家人權委員會的授權法草案將有所助益。
65.	原文	In dialogue with the NHRC we can explore their commitment to systemic monitoring of the implementation of human rights standards, national inquiries into priority human rights issues, and outreach to and engagement with the most marginalised of Taiwan's communities.
	中文參考翻譯	透過與國家人權委員會的對話，探究其對系統性監測人權指標實施情形之承諾及對人權優先議題進行全國性調查，並將觸角延伸至臺灣最邊緣社群。

中文回應：

點次63-65，因無具體提問，暫無回應。

Response:

In response to paras. 63-65, due to the lack of specific inquiries, no responses or opinions were provided.



行政院
Executive Yuan

 中華民國內政部
MINISTRY OF THE INTERIOR, R.O.C. (TAIWAN)

 內政部移民署
National Immigration Agency